MINUTES
REGULAR COUNCIL MEETING
CITY OF NICEVILLE, FLORIDA
DECEMBER 10, 2013

The Niceville City Council met in regular session at 7:00 PM, December 10, 2013 in the Council Chambers, 208 N Partin Drive. All Council members and the Mayor were present. Also present were City Manager Lannie Corbin; City Clerk, Dan Doucet; Public Works Director, Bruce Price; Police Department, Chief Popwell; Fire Department, Chief Mayville; Library Director, Sheila Bishop, a member of the press, and 36 visitors in the audience. Councilman Schaetzle offered the prayer and led the pledge of allegiance. Mayor Wise called the meeting to order at 7:00 PM.

APPROVAL OF MINUTES:

Regular Council November 12, 2013
Planning Commission Meeting, December 2, 2013
Local Planning Agency Meeting, No Meeting Held

Councilman Nodjomian moved approval. Councilman Schaetzle seconded. Council Vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Nodjomian-yes; Rominger-yes. Motion passed.

PUBLIC HEARINGS:

Mr Sam Houston, Military Order of the Purple Heart Association

Mr Houston introduced Sgt Timothy Padgett, Chapter 811, Military Order of the Purple Heart. Mr Houston stated on behalf of the Military Order of the Purple Heart it gives me great pleasure to be here this evening, and to show our appreciation to the City of Niceville for your continued support and dedication to our Armed Forces each and every day, especially, our combat wounded.

He stated we are blessed with living in a unique community, whereby we share a bond with our active duty neighbors, our military retiree's, our veterans, and most notably our wounded veterans; all who have made this area their home. Some may ask why, well my answer is simple; it is because of communities like Niceville who honor and recognize our contribution to the defense of freedom that we all enjoy.

It is an honor for the Military Order of the Purple Heart to recognize what this great city gives back each day, and we thank you on behalf of all members of our Armed Forces, past and present.

At this time I would ask the Chapter Commander, Regional Commander, and Mayor Wise to come to the podium to accept this Special Recognition Award to the City of Niceville, Florida on behalf of its residents. Mr Houston also stated as a chapter we would also like to show our appreciation by presenting these "Honor Pins" to all members of the City Council, and as a reminder; January of each year is Purple Heart Month in Okaloosa County, and share in our recognition of Florida's Fallen on January 18, 2014 at the USAF Armament Museum at 11:00AM. Mr Houston and Sgt Padgett presented the Plaque to Mayor Wise that reads as follows: The Military Order of the Purple Heart, U.S.A. is Proud to Bestow to the City of Niceville, Florida this Special Recognition Award In Honor of its Dedication and Support for America's Honored Combat Wounded and is hereby designated a "Purple Heart City" presented this 8th day of October, 2013 by the Sgt Timothy Padgett Chapter 811 Military Order of the Purple Heart Niceville, Florida is hereby authorized to display said designation as a symbol of your service to our combat wounded.

Councilman Nodjomian asked if other Cities in the county have received this designation. Mr Houston advised that the Cities of Valparaiso, Fort Walton, Destin, Cinco Bayou and Crestview have been designated as well. Mr Houston stated that Okaloosa County is the first county in the State of Florida to become a Purple Heart County.

Ordinance 13-12-02 – An ordinance renewing, extending, and amending an exclusive franchise to Waste Management, Inc. of Florida for the purpose of establishing policy for a city-wide enhanced recycling program, providing for a rate adjustment and providing an effective date. (Third Reading)

Mr Doucet read ordinance 13-12-02 by title. Councilman Rominger moved approval on third reading. Councilman Nodjomian seconded. Mr Douglas Bacon, 311 Grove Park Lane, Swift Creek Plantation stated that he lived in Georgia prior to moving back to Niceville and had one a week garbage collection services and the result was a disaster. He stated the garbage smelled and in some cases had maggots. He stated a survey was taken, however, it was performed by Waste Management and not the City. He felt if you are making a policy change the survey should be done by the City. He stated a survey was taken by Okaloosa County approximately a year ago and they disapproved the measure since there was not a large enough discount given for replacing twice a week service with once a week service. He stated that companies such as Waste Management are in the business to make money even though they have to purchase the new carts. He felt the citizens will probably wind up paying for them. He stated that residents must comply with covenants and storing an additional cart could be an issue for them. Some people may be forced to place garbage in freezers or use their garbage disposals more frequently to help eliminate odor which could cause sewer capacity issues. He stated he also read a listing of items that do not qualify as items for recycling and was curious how

Waste Management would deal with this problem. He suggested the council table this issue until such time a City-wide survey can be taken to obtain answers before implementing such a program. Discussion followed. Mr Rick Pearson, 2427 Edgewater Drive stated that he agrees with Waste Management that twice a week pickup is not necessary. He stated he doesn't put his garbage out that often and felt that a lot of people are in the same situation. However, I need it more than once a week. He recommended a compromise such as having Waste Management pickup three times over a two week period. He felt Waste Management will be the winner in this change financially and a reduction greater than a dollar should be written into the new contract. Discussion followed. Councilman Nodjomian stated that the survey ran in the unincorporated part of Shalimar was very successful from a customer survey stand point, however the County Commissioners chose not to implement the program at this time. Ms Lynn Yort stated the county decided to wait until they could consider an exclusive commercial franchise and the residential franchise expired in 2017. Lynn Yort provided feedback on the survey results conducted in Niceville. She stated it was actually a survey conducted by the City and not Waste Management. Councilman Nodjomian stated that his understanding is the cost of the expensive bins was a key factor in determining the amount of the reduction to collection rates offered by Waste Management. Ms Yort responded stating there was a rate reduction offered to implement the program until 2017 which is the end of the current term and an additional reduction offered to extend the contract past 2017 by 5 years until 2022. Councilman Schaetzle stated that during previous discussions there were two sizes of carts that residents could chose from which are the 96 and the 64 gallon containers. He asked if that is still in the works and how will that be administered since several citizens had approached him stating the 96 gallon container may be too large and a 35 gallon container may be too small for them. Ms Yort stated that in speaking with Mr Doucet we are in the process of preparing a flyer with cart size options that will be included in with the next water bill as an insert. The residents will receive a 96 gallon container unless they advise the City Utility Billing Office no later than January 10 stating the size they want such as the 64 gallon container. She stated the 35 gallon container would be available as well. Ms Yort stated this will give us time working with the City to compile the order by mid January. Ms Yort stated the carts should be received by mid February for delivery in time to implement the program on 1 March. Ms Yort stated that Pam LaCourse her Operations Manger will be working to coordinate this process and will amend the current routes to accommodate the new program. Mr Henkel recommended the verbiage in the ordinance should be clarified to offer cart sizes vs restricting it to a 96 gallon container as indicated in the ordinance. A consensus was reached to change the wording to a covered wheeled cart to prevent changing the ordinance at a later date if the manufacturer was no longer able to supply current cart sizes. Discussion followed. Mr Henkel stated that 3 options were given at the beginning of discussions being (1) to have the program run until the end of the current

contract period for a $ .47 reduction; or extend the contract another 5 years for a $ 1.00 reduction, or (3) do nothing at this time and keep the service as is with no change. He asked if the same amortorzation chart is used for the current contract to purchase the carts as opposed to a contract extension to recoup the cost of the carts. She stated the same amortization chart is used, however, applied differently based on the term selected. Discussion followed. She further stated that if the contract is bid out in 2017 and WM was not the successful bidder they would pick up the carts which will still have useful life for use at another location. Mr Henkel asked if there is an opportunity for rate increases if extended out to 2022. Ms Yort stated it would only be as a result of CPI (up or down), otherwise, the projected rates proposed are otherwise locked in for another nine years if the extension is approved. In addition, he asked several questions regarding items that qualify to be recycled. Councilman Rominger stated that customers would get twice-a-week pickup, but that it would be in the form of garbage pickup on one day of the week and recyclables picked up on another. Councilman Schaetzle asked what happens if a customer in accidently places a garbage bag in with recycled materials. Ms Yort stated there are two opportunities to further sort out contamination. When the material is dumped at the Okaloosa County Transfer Station, a bag could be removed at that point. When the materials leave the Transfer Station to go to a 3rd party sorting facility, all the materials are sorted using fans, magnets, wheels and belts and household garbage removed. The council asked several questions regarding items that qualify for recycling. Discussion followed. Mr Doucet stated the initial rate reduction accompanying the new procedure will be $1.00 per month per household, however, there is a strong potential for another reduction regarding tipping fees. He stated that there is no tipping fees paid on recyclable material and we plan to track the expense that is charged by the landfill owner. We will track this for at least six months and we expect to lower the tipping fee charged to the customer based on participation. Council Vote: Henkel-no; Schaetzle-yes; Boudreaux-yes; Nodjomian-yes; Rominger-yes. Motion passed.

Ordinance 14-02-01 – An ordinance for the rezoning of certain properties in the City of Niceville, Florida, from R-2, one or multiple family to R-3, multiple family for the purpose of establishing a professional office; providing zoning for same and an effective date. Shannon Clatchey, 717 Bayshore Drive. (First Reading)

Mr Doucet read ordinance 14-02-01 by title. Councilman Rominger moved approval on first reading. Councilwoman Boudreaux seconded. Dr Pamela Ottesen, 2030 Kildair Circle advised she is a dentist and the potential new owner of this property. Her intentions are to open a dental office on the first floor if the re-zoning is approved. Discussion followed. Councilman Nodjomian stated that he has not had an opportunity to perform a site visit but will do so prior to the next council meeting. Discussion followed. Council Vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Nodjomian-no; Rominger-yes. Motion passed.

Resolution 13-12-01- A resolution of the City of Niceville, Florida establishing rates for the collection of Residential Garbage; providing for a rate adjustment and providing an effective date.

Mr Doucet read resolution 13-12-01 by title. Councilman Nodjomian moved approval. Councilman Schaetzle seconded. Councilmen Schaetzle and Henkel recommended changing the verbiage in the resolution regarding cart size as well. Mr Doucet stated the changes will be made and advised we have until 10 days after the approval date to make changes. Discussion followed. Council Vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Nodjomian-yes; Rominger-yes. Motion passed.

Resolution 13-12-02 – A resolution of the City of Niceville, Florida urging Tobacco retailers to stop the sale and marketing of flavored tobacco products in Niceville; and providing an effective date.

Mr Doucet read resolution 13-12-02 by title: Councilman Nodjomian moved approved. Councilman Henkel seconded. Discussion followed. Councilman Nodjomain stated while he intuitively favored the resolution he wanted to gather more information before making a decision, and was concerned about putting the city council a position of targeting a particular product. He stated because of this he wanted to change his original motion to table this item until the next council meeting and have a professional person come in to give a presentation in order to make a more informed decision on the request. Councilman Henkel seconded. Council Vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Nodjomian-yes; Rominger-yes. Motion passed.

CITY MANAGER REPORTS/REQUESTS/RECOMMENDATIONS:

Water/Sewer/Drainage Projects – Update

Mr Price briefed the status of current projects.

Water & Sewer Projects

New 750,000 Water Storage Tank : Mr Price stated the contractor has completed the foundation work and the above ground work on the column is underway.

Rocky Bayou Surface Pumping Station: City crews have completed the installation of the pumps, controls and transmission line. They have also conducted a start up of the system and this facility should be fully operational very soon.

Rocky Bayou Road Water & Sewer Line Relocation : The directional boring contractor is on site and installing the new water and sewer lines under Turkey Hen Creek on Rocky Bayou

Road. The existing culvert crossings are being replaced with a bridge crossing and these lines are being relocated to provide adequate clearances for the bridge pilings. The bridge installation is being done as a mitigation project by the Mid Bay Bridge Authority.

Hwy 285 Reclaimed Water Line Replacement: This project has been permitted by FDOT and is ready for Bid. We had originally planned to combine this project with the water and sewer extension work on Rocky Bayou Road but utility conflicts have delayed the design of those lines and this project will be bid separately.

South Bayshore Drive Pump Station and Force Main: This project includes the installation of a new Pump Station near the intersection of Palm Blvd and Bayshore Drive along with a new force main that will pump directly to the Cedar Avenue Pump Station. The capacity of this new station and force main will meet all projected growth for that immediate service area and eliminates the Palm Estates Station which is operating at full capacity. The Palm Estates station pumps into the Linden Avenue Station that is also operating at capacity. When we evaluate new developments we not only determine the impact on existing services and potential for growth but we look at linking service areas and creating alternative pumping routes. In the event of a major line break, pump station failure or infiltration from ground water or flooding the ability the redirect flows can prevent sewer overflows, spills and backups. The by-pass pumping, pumping into a tank truck and diverting flow to another pump station are the alternatives in dealing with lift station and FM failures.

By-pass Pumping – This involves setting up a portable pump at a lift station and pumping directly from the wet well into the outgoing force main. This alternative requires manual operation of the pump and on site monitoring. At the larger pump stations the flows can still overwhelm the pump.

Tanker Truck – Using a tank truck the wet well is pumped down and sewer is transported to an active line or the treatment plant and unloaded. This method is labor intensive and time consuming. **(If we experience multiple pump station failures the tanker and by-pass methods are limited.)**

Force main Diversions and Capacity upgrades: Alternative force main allows us to re-route flows into other pump stations. This is the preferred alternative especially when we encounter service interruptions for an extended period of time or over a large service area.
Some examples of alternative FM pumping routes and PS capacity upgrades to consolidate service areas are:

Bayshore Place Service Area: By increasing the size of the pumps and wet well at the Bayshore Place PS we were able to eliminate 3 existing Pump Stations at Dolphin Pointe, Pinewood Estates 1&2. and add the flow from the PS at Dana Pointe.

PS 13 at Publix Site: This station was relocated from a flood zone, modernized and given the capacity to meet the projected growth of the Rocky Bayou area and the 1100 acres. This

relocation allowed us to reroute our flow from the county FM resulting in a considerable O&M savings. This station also provides the county an alternative pumping route which has been used on numerous occasions.

Other alternative FM Routes: PS 30 has 2 FM's on Cedar Avenue, Rhonda Drive has 2 FM routes, Valparaiso Blvd PS FM has 2 alternative connections at St. Rd. 20 and 27th Street.
(Getting Back to the Bayshore Pump Station)

The original design of this Bayshore Station and FM allowed for the projected growth of this immediate service area and replaces the existing Palm Estates PS. You authorized a 50/50 joint cost share based on an estimate of 400-500K. We have asked the project engineer to provide a separate cost estimate to increase the size of the wet well, pumps, control panel, generator and FM which would increase the station capacity and provide an alternative pumping route from the other service area east of Palm Estates that is served by the main PS off Linden Avenue. In the event the Linden Avenue PS or the FM from that station is damaged we would have the ability to redirect a majority of the flow going into Linden Avenue PS into this new station. It appears the cost to make these capacity upgrades will be less than 100K. Although this is significant it is considerably less than what an additional pump station would cost or upgrading this station sometime in the future. (We plan to request that the council approve the capacity upgrades for this station enabling it to serve as a alternate pump route.)

Storm Water

Valparaiso Blvd. Drainage Improvements: The contractor is in the process of finishing the remaining driveway repairs and sod was scheduled to be in place by the end of the week. A final inspection will be conducted to verify completion and a punch list provided to the contractor.

Bayshore Drive Treatment Vault Project: City staff and our engineer recently meet on site to determine what field changes or conflicts need to be addressed before this project is bid. We are also meeting with officials of the church to go over the project and review their future building and expansion plans. Some of the topics we will discuss include the sequence of construction to minimize the interference with traffic flow and church activities, establishment of right of way, and conflicts with other underground facilities, large trees, monuments and access points to the church property. Once all of these issues are resolved we will be prepared to bid this project. (This treatment vault is a great water quality project and demonstrates the city's commitment to water quality improvements in Boggy Bayou.)

Juniper Avenue: This work is close to being ready for construction. The majority of the work associated with this project will be performed in-house but there are some aspects of this plan that will require equipment the city does not have.

Facilities Plan Project Matrix: We have also been working with our engineers to create a matrix of the remaining projects in our Storm Water Facilities Plan. We are evaluating each of these projects to determine what is required to make them shovel ready in the event BP funding

becomes available. Each project will receive a score based on a scoring criteria that includes; design time, permitting requirements, land acquisition, environmental impacts, flood control, time to construct and cost. When we have completed this evaluation and scoring process we will provide that to the City Manager and City Council.

Other Public Works Activities

Christmas Decorations & Parade.
Site work at the New Eagle /Rams Tennis Facility.
New Sign at Rocky Bayou Estates and Tree Planting along Rocky Bayou Road.

Planning

Publix: A target date for site work completion is Jan 15th and opening in February.

Publix Bridge: They are preparing to start construction on the bridge for the connecting service road and plans are being completed by the project engineer for City staff review on the connecting service road.

Magnolia Woods Phase II (39): Site work is continuing and underground utilities are being installed.

VRC 17 Bayshore Drive (17): Preliminary clearing of the right of ways is completed.

Stables Subdivision (45) : 10 Building permits have been issued for this development.

Local Mitigation Strategy Project Listing: We are preparing to submit an updated list of projects for the LMS.

Florida Defense Support Task Force Grant: We are preparing to start the draft language for the LDC and are meeting this week to determine a course for the GIS mapping to Update FLUM, Zoning, MIPA Overlays,

LIBRARY – UPDATE

Sheila Bishop stated she appreciated the council's approval of the Library Cooperative Agreement during last month's council meeting. She briefed the status of current projects and provided the council with statistical data for their information. She stated that membership and circulation has increased since Eglin Air Force Base closed its library earlier this year as a way to cut costs in the wake of federal budget cuts. She stated that much of the increased circulation has been for children books. Ms Bishop stated that about 30 percent of all the books checked out from libraries within the Okaloosa County Public Library Cooperative come from the Niceville library. She provided an update regarding upcoming events.

POLICE DEPT – UPDATE

Chief Popwell stated that during the month of November the Police Department responded to 2025 calls for police assistance. A total of 40 traffic crash reports were written involving 80 vehicles and 2 pedestrians. The estimated amount of damage to these vehicles and related property was $102,150. A total of 175 traffic citations were issued, 29 misdemeanor, 17 felony and 5 DUI arrests was made. Chief Popwell stated that there has been a recent increase in cases of fraud aimed at elderly residents. He said that council members should warm their constituents not to fall for various scams, such as false notifications that they have "won" a new Mercedes, which will be delivered to them as soon as they "pay the taxes" on their new prize by sending money to the fraudsters. In addition, he stated that anyone soliciting door-to-door in Niceville is supposed to have a city permit in their possession.

FIRE DEPT – UPDATE

Chief Mayville stated that during the month of November the fire department responded to a total of 118 calls. There were 117 calls located within the city limits and 1 mutual aid call. Chief Mayville stated that they are updating their contacts and have initiated the Streetwise Program. He advised they continue to monitor the construction of the soon to open by-pass. He stated their new 2014 F350 Super Duty truck has arrived and available for towing the boat. Chief Mayville advised that several scout troops visited the Fire Station and received information to help them obtain their safety patch. He stated that this year was Niceville's turn to carry Santa in the Christmas Parade riding in the Fire Boat. He advised the Annual Fire Department Children's Christmas Party was attended by just a small group this year, however was enjoyed by all that attended.

Other Business:

CITY CLERK

Prompt Payment Act

Mr Doucet advised the Florida Prompt Payment act provides for an annual requirement to report interest payments concerning city debts paid on time. (FS 218.70) Mr Doucet stated a total of $11,016,796.11 was paid last year and no interest was paid on those expenses.

Accounts Receivable

Mr Doucet advised that good accounting practices dictates that we do not overstate our receivables. As a result we annually declare our bad debts and remove that amount from

our receivables. We should do this when we feel a debt may not be paid. He stated we have declared receivables through 2010 as bad debts. He advised we are proposing to declare receivables for the fiscal year ending September 2011 as uncollectible. He stated we billed **$9,564,369.44** in FY-11 and received **$9,522,439.87** which leaves **$41,929.57** uncollectible which represents a **(.004384%)** bad debt rate. Discussion followed. Councilman Henkel moved approval. Councilman Nodjomian seconded. Council Vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Nodjomian-yes; Rominger-yes; Motion passed.

Youth Council – Update

Councilman Nodjomian stated the Youth Council met at 6:00 PM. He stated that Attorney Dixie Powell gave them a short overview of the Sunshine Law and the Public Records Law. Parental waivers are being obtained since members of the Youth Council are subjected to the Sunshine Law. The waivers are obtained so that parents are familiar with the requirements to comply with the Sunshine Law and to hold the City of Niceville harmless of any situation(s) that may arise regarding Sunshine Law violations while serving on the Youth Council.

Employee Bonuses:

Mr Corbin requested the council consider approving Christmas Bonuses for employees based on the criteria used last year. Councilman Henkel moved approval. Councilwoman Boudreaux seconded. Council Vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Nodjomian-yes; Rominger-yes. Motion passed.

BILLS PAYABLE:

Councilman Henkel moved approval. Councilman Nodjomian seconded. Council Vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Nodjomian-yes; Rominger-yes. Motion passed.

The meeting adjourned at 8:30 PM.

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MAYOR

ATTEST:

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CITY CLERK