

MINUTES
REGULAR COUNCIL MEETING
CITY OF NICEVILLE, FLORIDA
MARCH 11, 2014

The Niceville City Council met in regular session at 7:00 PM, March 11, 2014 in the Council Chambers, 208 N Partin Drive. All Council members, except for Councilman Rominger who was ill, and the Mayor were present. Also present were City Manager Lannie Corbin; City Clerk, Dan Doucet; Public Works Director, Bruce Price; Police Department, Lt Whitfield; Fire Department, Chief Mayville; Library Director, Shelia Bishop; Technology Department, Chad Morris; a member of the press, and 19 visitors in the audience. Councilman Henkel 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 Meeting, February 11, 2014
Special Council Meeting, March 6, 2014
Planning Commission Meeting, No Meeting Held
Local Planning Agency Meeting, No Meeting Held

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

PUBLIC HEARINGS:

Ordinance 14-04-01 - An ordinance of the City of Niceville Florida, authorizing the issuance of not exceeding \$5,250,000 Water and Sewer Revenue Refunding Bonds, Series 2014 to pay the cost of refunding outstanding Water and Sewer Bonds and the cost of improvements to the Water and Sewer System, providing for the payment of such bonds from the revenues of the Water and Sewer System; providing for repeal of inconsistent provisions; providing for severability; and providing an effective date. (First Reading)

Mr Doucet read ordinance 14-04-01 by title. Councilwoman Boudreaux moved approval on first reading. Councilman Nodjomian seconded. Mr Bill Fray, City Finance Advisor provided a briefing document to the council and answered several questions from the council regarding the process. He stated the council decided to take the savings up front for use in funding water and sewer capital improvements. He advised the term of the fixed rate loan will not change with a maturity date of 2030. He stated the rate will be locked in when the banks respond to the upcoming Request for Proposal (RFP). The RFP opening date is scheduled for 2:00 PM on April 8, 2014. He advised the rate will be

locked in based on the best bid submission. Discussion followed. Council Vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Nodjomian-yes. Motion passed.

MANAGER REPORTS/REQUESTS/RECOMMENDATIONS:

Water/Sewer/Drainage Projects – Update

Mr Price briefed the status of current projects.

Water & Sewer Projects/Activities

750,000 Gallon Storage Tank: The contractor has started the fabrication of the tank bowl which will be built at the base of the tank and hoisted to the top of the column and attached.

SR 285 Grant & Rocky Bayou Road Water and Sewer Main Extensions: We are awaiting the final agreement to set up the grant for the SR 285 Reclaim Project. We are combining this project and the Rocky Bayou Road Water and Sewer main extensions into one bid package and that should be ready to advertise in two weeks.

South Bayshore Drive New Pump Station & Force Main: Thus far the clearing of the new pump station site is completed and approximately 65% of the 8 inch force main from the pump station site at Bayshore Drive to existing gravity sewer main on Cedar Avenue is completed.

Storage Tank Maintenance & Washouts: The tank maintenance contractor is conducting the scheduled maintenance of our storage tanks. Thus far the 2 tanks on North Cedar have been done.

Well 5 Overhaul: City crews are making preparations to replace the generator & control panel at well 5 along with reconditioning the well house.

Storm Water Projects/ Activities

Ponte Vedra Roadway Channel: City crews completed the installation of a road way channel to alleviate a standing water problem.

Valparaiso Drainage: The DEP conducted the on- site inspection of this project and we are in the process of providing the necessary documents to DEP to obtain the SRF Loan.

Juniper Avenue: Final plan modifications have been submitted to FDEP and we are awaiting approval to order materials and start construction. This project will include constructing a permanent control structure to regulate water level, a lower retaining wall and a second setback uplands wall. The lower wall will stabilize the shoreline of the impoundment and allow us to access the control structure for maintenance purposes and the uplands wall will be built at the 100 year flood elevation.

Bayshore Vault Project: In the original design for this project the treatment vault is located on city owned water front property directly across from the Baptist Church. This city property is under lease to the church and is used for parking. Once this vault is installed this area can still be used for parking. Any access for routine servicing can be done by stationing the vacuum truck over the vault manhole. Those operations can be coordinated with the church. It is however important that we are able to access the vault's outfall structure in the event it is damaged or blocked. When we met with representatives from the church to discuss this project, they requested that we consider relocating the vault to church property at the intersection of Bayshore and 31st Street. They also asked us to consider a land exchange that would switch ownership of the properties. Our engineer has looked at the alternate site and verified that this location will work. I have also discussed the land swap with our attorney. These are my findings; the cost to redesign the system to accommodate relocating the vault is \$5,000.00. A land exchange is not possible but an alternative would be to obtain a drainage easement from the church for the 31st Street location and in exchange the city can extend the lease for the city property.

City Wide Projects

Tennis Center: City crews have completed the grading & rough in of the retention area for the first set of courts at the new tennis complex.

Fire Department Upstairs: City crews have nearly completed the interior framing for the upstairs FD area. The electrical, plumbing and mechanical installations are underway to be followed by the remaining circuitry for phones, intercom and computer network.

Rockywood Traffic Markers: Crews installed additional RPMs at intersection of Hillside Drive and Rocky Bayou Drive in the Rockywood Subdivision.

Development & Planning

Publix Area

Traffic Circle: We have been working with the developer and engineers to modify the retention area foot print adjacent to the roundabout. These modifications will provide a wider shoulder along the roadway and leave an adequate amount of area on the back of the right of way for the sidewalk. In addition, Gulf Power will be making adjustments to the overhead lighting.

Lighting & Noise at Rear of Building: The developer has been communicating with the residents of Rocky Bayou Estates in an effort to resolve the lighting and sound concerns. Additional shielding to the lights at the rear of the Publix have been installed and Valparaiso Reality has been working with Publix and the architect to attenuate sound from the air handling unit on top of the building. According to Mr. Byrne the exhaust vents from the units on top of the Building will be re-directed and he is also looking at installing a sound wall or curtain to lessen the noise.

Swift Creek Bridge & Boulevard Connector: The bridge installation is completed and we are reviewing the plans for the new boulevard that will connect the Wal-Mart and Publix commercial centers.

O'Reilly Auto Parts: Site work is underway for this project.

Magnolia Woods Phase II (39): The site contractor has completed the underground utility work and approximately 70% of the paving is completed.

Parkview Place: Clearing of the right of ways is completed and underground utility work is underway.

VRC South Bayshore Development (17 lots): Site work has resumed for this project and underground utilities are being installed.

Stables Development: There are 15 houses at this development site in various stages of construction.

Comp Plan, LDC & GIS: We had a meeting with our planning consultant and have started drafting the language in our LDC and Comp. Plan to comply with the recommendations of the JLUS and SEIS. We are also reviewing all the available GIS data to determine what can be incorporated into our Planning and Zoning base maps.

Sidewalks in Swift Creek: It was brought to the city's attention that some of the sidewalks in the Swift Creek Development are not compliant with ADA standards. In most cases these non-compliant sidewalks were installed by the residential contractors at the time the homes were built. We had a meeting with some of the residents in Swift Creek that have these noncompliant sidewalks in front of their homes and they do not want any action taken to correct the problem. We have also spoken with the city attorney and there is liability on the city if no action is taken. The city codes that reference sidewalks are listed below.

Niceville Comp Plan: policy 8.A.5.3 – City continues to promote and provide non motorized systems linking Commercial, Residential and Recreation areas.

Niceville LDC: *Sidewalks:* The Florida Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways is used as a reference to determine safety and need of sidewalks in subdivisions and other types of development. Final decision as to whether or not sidewalks are to be installed rests with the City Manager/City Planner based upon site development review or with the Niceville City Council in the event of conflicting opinion.

**City Sidewalk Review, inspection & Installation Procedures (Present & Future)
New Development**

As part of the development review process, all new development site plans are reviewed by members of the city staff. These site plans include drawings and specifications of the water, sewer, drainage and right of way. The sidewalks are illustrated on these plans and construction details are provided in the specifications. A set of the construction plans are provided to Poly-engineering and their inspector performs on site inspections of the site work until it is concluded. When the initial infrastructure work is completed the site contractor leaves the site. The Poly Inspector also leaves the development site and the residential contractor begins building homes which are inspected through the building department. In most cases sidewalk installations are not done until the final stages of home construction. NOTE: The site plan provides specifications for sidewalks that meet city requirements and the Florida Building Code which each building contractor is familiar with also provides detailed sidewalk specifications that include the ADA requirements.

City Sidewalk Installations and General Information:

All sidewalk installations and repairs performed by Public Works adhere to ADA standards. The recent sidewalk extensions contracted out by the city were inspected by Polyengineering and were built to city specifications and ADA requirements. The City's Comprehensive Plan encourages the installation of sidewalks and the City's Land Development Code references the FDOT Green Book Sidewalk Specifications. Initially the city did provide a statement that required builders to install sidewalks that meet ADA.

Going Forward:

- 1) All builders will be required to obtain a permit for sidewalk installation and sidewalks will be inspected after the form work is completed and prior to pouring the concrete. These inspections will be performed by the Building Department.
- 2) All new development plans will include additional details for sidewalk installation that include references to ADA.
- 3) We will review our city code and determine if additional language is needed.
- 4) We have held meetings with some of the residents in Swift Creek that have sidewalks that do not meet the cross slope and grade requirements and they are opposed to having these sidewalks replaced. We have talked to our attorney and the city is liable for these sidewalks. Our plan is to meet again with the Swift Creek residents, explain the city's position and try to come to some agreement in resolving the problem. Councilman Nodjomian asked several questions regarding the issue as it pertains to liability. Mr Corbin stated that sidewalks are added after a home is built, otherwise heavy equipment would damage them. He further stated that once the Certificate of Occupancy (CO) is issued by the Building Inspector in essence it means the City is accepting responsibility. We could bring in the contractor if it's within two years of completion; however, these sidewalks in question were completed 7 or 8 years ago. He stated the sidewalks are not the only issue it's the driveways. Mr Corbin advised the removal of a portion of the driveway would

be required to include appropriate re-landscaping. He stated that the residents of Swift Creek; the preserves and other nearby locations add increased levels of concern since the typography prevents a desired outcome. Discussion followed. Councilwoman Boudreaux asked if the home owners who want to keep their sidewalks as they are could the City deed the property back to them. They would then be accepting the liability for a non-compliant sidewalk. Attorney Powell stated this could be a consideration and it may also be appropriate to consider placing signage near the non-compliant sidewalk to warn pedestrians. Discussion followed. Mr Ellsworth Becker, 265 Sweet Water Run stated that he is the one that brought this issue to the City. He was walking in his neighborhood and an elderly lady stopped him and asked why are the sidewalks so terrible to walk on, they hurt my hips and knees. She did not know how to get something done about it. He stated that some years ago he took it to the Board of Directors at that time it was the Ruckel Board; now it's the homeowners association. The homeowners association is now involved to make sure that in the future when sidewalks are installed they go in according to regulation, otherwise they are illegal or out of code. I have since spoken with the City Manager and to Mr Price and there is a considerable amount of concern. He advised that one resident sent an e-mail stating why take up a perfectly good sidewalk, of course she does not walk on it. He further stated that the portion of a driveway that is between two sections of sidewalk is really sidewalk in this sense and not driveway. He stated he is speaking on behalf of the lady who approached him in an attempt to rectify the problem. Attorney Powell posed several question to Mr Becker in an attempt to determine what could be done about the situation especially if the homeowner involved does not want the sidewalks altered. Councilman Nodjomian asked several questions regarding the legal aspect of the situation. Discussion followed. Mr Corbin thanked Mr Becker for coming forward stating that future sidewalk installations will be inspected correctly prior to issuing a Certificate of Occupancy (CO). Mr Corbin stated the City should have a position/plan on what will be done to resolve this issue prior to the next council meeting. He stated we can remove the sidewalks in question and/or replacement them. Councilman Henkel asked if there was any information regarding the estimated cost to correct the non-compliant sidewalks. Mr Price stated it was \$ 28 a linear foot to remove them and a slightly higher cost to replace them. Discussion followed.

Mr Kevin Innis, 121 Mulry Drive stated that he is one of the residents located directly behind the new Publix who was here last month regarding the lighting situation. He stated he has been in direct contact with the developer and although some improvements have been made regarding lighting he can still walk thru his living room and see his shadow cast on opposite walls. He expressed concern about the noise created by early morning delivery trucks, air brake sounds; back up alarms; other early morning noises that affect his sleep. He stated the developer has promised to contact store management in an effort to rectify these issues. He stated he should not have to alter his lifestyle to accommodate these types of issues created by new development that is located near his

backyard. Discussion followed. Mr Victor Martin, 119 Mulry Drive stated newly installed lighting shades still leaks light. He feels that too much of the buffer was removed based on the height of Publics and the lights are taller than the building. In addition, he stated a generator came on at 6:45AM creating a humming noise from the top of the Publix building. Mr Martin stated he made more than one request to the developer's office for someone to come out in an effort to assess the situation – no one has responded to his request. Discussion followed. Mr David Smith, 125 Mulry Dr stated his residence is affected by noise more than anything else that affects his quality of living.

Ms. Tracy Janssen, 2011 Marian Court stated she and her husband have a number of concerns regarding the construction of the new water tower near Marysa Drive. She stated they have lived at this address since 2002. She explained they used to use a rear access road to their property before construction began on the new water tower. They were able to take out their boat by using this road. In addition, they plan to build a new shed; however, delivery trucks will not be able to make deliveries since the road is blocked. They want to retain access to this back entrance. Mr Corbin stated he will work with them to resolve this issue. Discussion followed.

Youth Advisory council member Caroline Schreck addressed the City Council she was here to represent the Youth Advisory Council. She stated the Youth Council is preparing the organization of a City-Wide Clean up Day that would include sponsors for City Organizations and primarily school clubs. She stated the main focus would be for Public Areas in the City such as Lions Park and Turkey Creek. She requested City Council guidance and support in arranging the community cleanup in an effort to keep the environment clean and pollution down. Councilman Nodjomian, who serves as an advisor to the Youth Advisory Council stated the city council is supportive to the idea of a community cleanup. He suggested the members of the youth council develop a more detailed plan for the cleanup and present it to the city council at a future meeting. Discussion followed.

Youth Advisory Council Chairman William Adams addressed the City Council stating they plan to organize a Jeans Drive in the City. He stated plans include placing donation boxes in various locations such as schools and certain City locations such as the Library and other key collection areas. The jeans would be collected and taken to the Water Front Mission, the bargain box, or other Non-Profit organizations as a community project. He stated the drive would be conducted between March 31st and April 15th.

Regional Sewer System – Update

No Report.

LIBRARY – UPDATE

Ms Sheila Bishop briefed the status of current projects in the Children's Park and the Community Center. She advised the park has always been closed Monday and Tuesday for the last few years. She stated the park will be closed on Wednesday and Thursday, April 9 and 10 for additional repairs and maintenance to prepare for the summer months. Ms Bishop stated the Community Center staff has been very busy with scheduled weddings and other events. She advised of an upcoming fund raiser in support of the Fireworks Fund and is searching for sponsors for an upcoming T-Shirt Art design Contest. She advised the Annual Tech Bowl will take place on Saturday, May 3 in the Niceville Community Center, beginning at 9 a.m. Ms Bishop explained the process of the annual Tech Bowl Contest which is an internet scavenger hunt in that all local schools Participate and compete against each other at all levels (elementary schools, middle schools and high schools). Discussion followed.

TECHNOLOGY - UPDATE

Mr Chad Morris stated that good progress is being made with our network upgrade. He stated our new servers are up and running and his department is working to install new computers in all departments prior to the middle of April since Microsoft will no longer support our current operating system which includes XP at that time. Discussion followed.

POLICE DEPT – UPDATE

Lt Whitfield stated that during the month of February the Police Department responded to 2097 calls for police assistance. A total of 25 traffic crash reports were written involving 49 vehicles and 1 pedestrian. The estimated amount of damage to these vehicles and related property was \$ 52,752. A total of 172 traffic citations were issued, 16 misdemeanors, 10 felonies and 3 DUI arrest were made. Discussion followed. Mr Corbin asked Lt Whitfield if there were any issues regarding the roundabout near Walmart. Lt Whitfield stated that it's a safe roundabout with no issues that he is aware of. Councilman Nodjoman stated the roundabout or access road coming off of highway 85 as it enters the by-pass road/ramp to access the by-pass has no speed limit sign. He felt certain that access roads should have a sign. Lt Whitfield stated he will check in to the situation.

FIRE DEPT – UPDATE

Chief Mayville stated that during the month of February the Fire Department responded to a total of 129 calls. He stated that all calls were located within the city limits. A

breakdown of those calls included: brush fire (1); Outside gas/vapor explosion (1); Medical/Rescue Call (1); Vehicle Crash (6); Gasoline Spill (1); Natural Gas Leak (1); Overheated motor (1); Power Line down (1); Life Flight (1); Service Call (9); Dispatched/cancelled (7); Smoke Scare (1); Alarm Activation (6). He stated the firefighters attended Hazmat Refresher Training at NWFL State College. He advised that firefighters are currently performing annual fire hose testing and will start hydrant testing when finished.

Other Business:

Councilman Nodjomian stated in an effort to reduce the paper stream and associated costs he recommended the Technology Dept and City Clerk work together to come up with a plan for providing Tablets to the City Council in the near future. Discussion followed.

BILLS PAYABLE:

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

The meeting adjourned at 8:55 PM.

MAYOR

ATTEST:

CITY CLERK