

MINUTES
REGULAR COUNCIL MEETING
CITY OF NICEVILLE, FLORIDA
JULY 8, 2014

The Niceville City Council met in regular session at 7:00 PM, July 8, 2014 in the Council Chambers, 208 N Partin Drive. All Council members, except for Councilwoman Boudreaux, and the Mayor was 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; Sheila Bishop, Library, Community Center and Children's Park; Technology Department, Chad Morris; a member of the press, and 34 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, June 10, 2014
Planning Commission Meeting, July 1, 2014
Local Planning Agency Meeting, No Meeting Held

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

PUBLIC HEARINGS:

Exchange Club – Mr Bill Moomay, Incoming President and Outgoing President

Mayor Wise presented a plaque and a proclamation to both the outgoing and incoming Presidents of the Exchange Club. Mr Doucet read the plaque information and the Proclamation in its entirety. This presentation was a result of a recommendation made by the City Manager during our last council meeting quoted as follows “Mr Corbin lauded the efforts of the Exchange Club members who have worked diligently and completed a special project to recognize all people from the State of Florida who lost their lives after the 911 event. He advised there are 347 flags on display which are located behind the stage area of the mullet site. Each flag has an identification tag indicating their name, where they are from and the date they died. He advised this “Field of Valor” is very impressive and we should invite the members of this club to attend our next council meeting to be appropriately recognized.”

2014 Community Development Block Grant (CDBG) – Update – Mr. Dennis Dingman

Mr Dingman briefed the council regarding the Housing Rehabilitation Grant that the City has taken advantage over the years. He stated the cycle begins in the January-February time-frame. He advised that the money is there and we'll be hearing from the State when to apply. He advised if there is interest from the City Council he is available to administer the program. Discussion followed.

Ordinance 14-07-01 – An ordinance annexing to the City of Niceville, Florida contiguous lands described as set forth herein; providing for proper advertisement pursuant to Florida Statutes 171.044; providing that the property will be zoned C-2, General Commercial; providing for the severability of this ordinance; providing an effective date and providing for filing with the Clerk of Court and Department of State. Lots 9, 10, 11, 12, 35, 36, 37, and 38, Block 59 of the Pinecrest Addition to Valparaiso, Florida Sheet Number 1, Subdivision #2, Okaloosa County, Florida; Lots 13 and 34, less and except the SE 10 feet of lot 34 to State Road Dept, Block 59, Valparaiso Pinecrest 2. Stephanie Clifton, representing Caray Kemp, 1023 Partin Drive N. (Third Reading)

Mr Doucet read ordinance 14-07-01 by title. Councilman Rominger moved approval on third reading. Councilman Schaetzle seconded. Discussion followed. Councilman Rominger moved approval. Councilman Nodjomian seconded. Council Vote: Henkel-yes; Schaetzle-yes; Nodjomian-yes; Rominger-yes. Motion passed.

Ordinance 14-07-02 – An ordinance annexing to the City of Niceville, Florida, contiguous lands described as set forth herein; providing for proper advertisement pursuant to Florida Statutes 171.044; providing that the property will be Zoned R-3, Multiple Family; providing for the severability of this ordinance; providing an effective date and providing for filing with the Clerk of Court and Department of State. Lots 5-8, Block 47, Valparaiso Realty Company's Pinecrest Addition #2, Valparaiso, Okaloosa County, Florida according to plat thereof as recorded in Plat Book 1, at page 48, of the Official Records of Okaloosa County, Florida. Walter Smith, 415 Hickory Avenue. (Third Reading)

Mr Doucet read ordinance 14-07-02 by title. Councilman Rominger moved approval on third reading. Councilman Henkel seconded. Discussion followed. Council Vote: Henkel-yes; Schaetzle-yes; Nodjomian-yes; Rominger-yes. Motion passed

Ordinance 14-09-01 – An ordinance amending Ordinance 09-04-01, Alcohol sales and consumption, Sec. 3-2 and Sec. 3-3 to allow for restaurants serving full meals to be exempt from the distance requirement and the time requirements for sales on Sunday. (First Reading)

Mr Doucet read ordinance 14-09-01 by title. Councilman Nodjomian moved approval on first reading. Councilman Rominger seconded. Mr Steve Ruckel, President of Ruckel properties requested the council exempt restaurants from the current rule barring the sale of alcohol from on premise consumption closer than 500 feet from churches or schools. Mr Ruckel also asked that the sale of alcohol to restaurant diners be allowed earlier on Sunday than the current 1:00 PM starting time. Ruckel Properties Chairman Marion Ruckel Stalicky requested by letter that a Sunday serving time of 9:00 AM be allowed because some restaurants offer alcoholic drinks with Sunday brunch. Mr Ruckel stated 11:00 AM would be fine from his point of view. Discussion followed. He further stated his company, which owns various commercial properties, found it difficult to market premium locations in Niceville because of the ordinance as it is current written. He stated that new restaurants increase employment opportunities and decrease “retail leakage,” when consumers go to other towns to shop. Councilman Schaetzle pointed out that stores already sell alcohol because the distance prohibition does not apply to the sale of carryout alcohol, although the Sunday restrictions do. He gave examples of those businesses that sell alcoholic drinks. Councilman Rominger said he reached out to his constituents and found support for the changes. Councilman Nodjomian stated he thinks the change meets the intent of the original ordinance. He further stated there are others such as the Compass Rose restaurant in Valparaiso and Ruby Tuesday restaurant in Niceville among others who serve alcohol. Discussion followed. Council Vote: Henkel-yes; Schaetzle-yes; Nodjomian-yes; Rominger-yes. Motion passed

Resolution 14-07-01 – A resolution granting a special exception to the Land Development Code; section 7.14-02 (e) (3) to allow for a 3’ side setback as opposed to the required 7 ½’; Lot 5, Block B, Sherry Park, according to the plat thereof as recorded in Plat Book 4, Page 26 of the Public Records of Okaloosa County, Florida; and providing for an effective date. Andres Santana, 210 Hudson Circle.

Mr Doucet read resolution 14-07-01 by title. Councilman Nodjomian moved approval. Councilman Rominger seconded. Discussion followed. Council Vote: Henkel-yes; Schaetzle-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 Project Updates:

South Bayshore Drive Pump Station & Force main: The contractor has completed the initial installation of the new pump station at Palm Boulevard. & Bayshore Drive. The gravity sewer lines will bring flow into the new station from the Palm Estates area, the new 17 lot development, Magnolia Woods Phase 2 and portions of Phase 1 are being installed. The force main installation from the new pump to Cedar Avenue near the plant is 85% completed.

750,000 Storage Tank Marysa Drive: The paint crew for the new tank is scheduled to arrive around the end of this month to complete the painting of the new tank.

Well 5 Facility Upgrades: The well 5 building renovations are complete with the exception of the new doors and plans are underway to begin replacing the ATF switch along with the generator.

SR 285 Reclaim Project & Rocky Bayou Drive Water / Sewer Extension Pre-con: We conducted a pre-construction meeting with the contractor for the 285 Reclaim Project and the W&S extensions on Rocky Bayou Drive.

Palm Estates Sewer line Inspections: So far the video inspections of the sewer mains in the Palm Estates service area have not confirmed anticipated problems, however we have determined that many of the older brick manholes are a major source of infiltration during high ground water periods and excessive rainfall events. Mr Regans is putting together a re-lining plan to address this problem.

Reclaim Water Odor: We began receiving calls last week regarding the odor from our reclaim water system. We immediately started looking at possible causes of the odor by contacting our engineers and talking with others in this field. We also took water samples and took them to a lab in Pensacola to be analyzed. Thus far it appears the odor is the result of an algae bloom caused by the hot temperatures and nutrients in the water stored in the impoundment pond. We believe the extended amount of time the reclaimed water is being stored in the impoundment due to lower demand along with the extremely hot weather are major contributors to this problem. We have forwarded a letter to the residents explaining this problem and we are making every effort to pump off the water in the storage pond and flush the supply lines.

Storm Water Projects:

31st Street Vault Project: Dixie has provided the necessary documents to the Church to complete the land exchange which clears the way to have the vault relocated according to the plans. With the exception of those design changes this project is shovel ready.

Juniper Avenue Impoundment: We are still awaiting responses from Army Corp and Fish & Wildlife.

FDEP Teleconference: We had a teleconference with FDEP today regarding the possibility of funding storm projects through the Gulf Environmental Benefit Fund which is a National Fish

and Wildlife Foundation Program. They have requested additional information to showing how our storm water projects will reduce the level of pollutants such as phosphorus and nitrogen going into Boggy Bayou. The ability to reduce the TMDL's pollutants will be a major factor in determining which projects are funded.

Storm Water Projects, Repairs & Retrofits:

We have made temporary point repairs to several drainage systems that were damaged from the recent heavy rain falls. In most cases these damages were the result of deteriorated metal pipes. We have started permanent repairs at some of these locations and additional materials have been ordered for several other sites.

Magnolia Shores and Bayshore Drive: Thus far we have re-graded approximately 450 LF of drainage ditch and temporary stabilized the right of way. We plan to install additional curbing and flumes to control the run off from the roadway and prevent erosion. We have installed approximately 380 linear feet of 24 & 15 inch pipe in replacing the outfall pipe system from Bayshore Drive to Magnolia Shores. Our Engineer is preparing a plan to install the ground water monitoring wells to determine the impact of the detention pond on ground water levels in this area. We have also been in contact with Okaloosa County Mosquito Control regarding the pond and surrounding area. As you know the county stocked this pond with mosquito minnows and their sampling indicates an abundance of minnows and no mosquito larva. They also have this area identified as a target treatment area on their spray program.

Rhonda Drive & Juniper Avenue Outfall System Replacement: The initial point repair of a pipe section was done along with stabilization of the pond site but additional damage has been identified and the entire outfall pipe is being replaced. Thus far we have cleared the easement and ordered 160 LF of 36 inch pipe to install. This project will be done upon completion of the Magnolia/ Bayshore work.

Pin Oak & Pine Cone Cove: We have made temporary point repairs at this location and 420 LF of pipe has been delivered to install at that site. This work will be scheduled when time allows.

Oak Avenue: We have ordered approximately 220 LF to install at this location to replaced damaged pipe and provide additional capacity.

Palm Estates: There are two metal pipe systems in need of replacement. We are in the process of completing point repairs at 2 other locations and will be ordering pipe for the remaining sites when a repair method is determined. Thus far it appears there is approximately 460 feet of deteriorated pipe at these (2) sites.

Rocky Bayou Drive: The remaining pipe has been ordered to complete the outfall connection to the road crossing. We have discussed having that done by the contractor extending the water and sewer lines along Rocky Bayou Drive. That way the line connection can be made immediately

after the new water and sewer lines go in. After these installations are in place we will complete the permanent stabilization of this area.

Other Sites: Some of the other drainage problem sites include small point repairs, line cleaning, sediment removal from retention basins and minor erosion on the right of ways.

Swift Bayou Townhomes: This townhome complex is located off White Street in the Benton Service Area. This townhome development was built in the early 80's and the parking lot drainage is an underground storage type treatment drainage system. The system was designed to collect and store a certain volume of storm water in a perforated pipe system under the parking lot allowing that water to eventually perk into the ground. When the amount of rain fall exceeded the design capacity of the treatment system the excess storm water would bubble up and/or surface drain off the site. This parking lot is owned by the townhome association and the drainage system is not maintained by the City. There are three residential homes located on the south side of the town home complex. The only access to two of these homes is granted by easement through the town home parking lot. During the last major rain events all three of these residents experienced yard flooding and long periods of standing water. City crews spent a considerable amount of time pumping the ground water out of these residents' yards and determining the cause(s) of the standing water. We did discover an abandoned potable water service line that was leaking however the high ground water levels and the inoperable underdrain were the major causes of the standing water. The underground storage system in the lower end of the parking lot is blocked with roots and appears to have sections of pipe that have collapsed. I have spoken with the townhome representative and they have no funds to repair or replace the drainage system. A section of the parking lot asphalt had to be removed to repair the water leak. We plan to repair the parking lot however this flooding problem will not be resolved until the underground system is repaired. The townhome residents are only affected by standing water in their parking lot but the city residents adjacent to the townhomes are faced with flooding and the unsafe conditions associated with long periods of standing water on their property. This will continue to be a problem for these residents and the City until this drainage system is repaired. I have spoken with the President of the townhome association and asked him if some arrangement could be worked out whereas the City could replace the old inoperable system and be reimbursed by the townhome association which could be assessed on their utility bill. With your approval I plan to approach the Townhome owners and propose the city replace the damaged drainage system if they agree to reimburse the City for the cost associated with that work. If some arrangement can be reached I will report back to you with the terms and get authorization prior to performing the work.

City Wide Projects:

FD Upstairs Area: The contractor has started the installation of the drywall.

July 4th Festivities: Work crews helped with preparations and provided support for the fireworks display.

Building & Development:

Residential:

VRC 17: All of the onsite underground water, sewer and drainage is completed. The roadway base has been installed for the paving.

Magnolia Woods: The north segment of this second phase has been completed and (7) building permits have been issued for that part of Phase 2.

Parkview Estates: The site contractor has completed the paving of the roadways. The final grading, stabilization and landscaping of the storm water treatment basin and other incidentals were underway at the time of my inspection yesterday.

Commercial:

O'Reilly's Auto Parts: Site and building construction is completed and the certificate of Occupancy has been issued for this business.

Walmart Outparcels: Construction is still underway at this site which can house 4 businesses. Thus far commitments are Fire House Subs & Panda Express.

Publix / Revell Drive Service Road: The site contractor has completed the curbing and underground work for the service roadway between Walmart and Publix Centers and the roadway base work is underway.

Traffic Circle Issues: We are still exploring alternatives to improve the traffic roundabouts. We are looking at additional signage, striping and raised pavement markings. I am also planning to set up a meeting with the FDOT representative that gave a presentation on roundabouts at the last TPO TCC meeting. FDOT has adopted a policy of considering traffic circles as alternatives to signals and stop signs at 4-way intersections. (Research shows TC's can reduce the number of conflict points from as many as 32 to 8 at a 4-way intersection. Conflict points are points where two vehicles or a vehicle and pedestrian cross paths.) According to accident studies there is a 90% reduction in fatalities, 76% reduction in serious injury and 35% reduction in all crashes at a roundabout "vs" signalized intersection. Roadways using roundabouts have less delays and stopping. (Less delays & less stopping)

JLUS/ SEIS mapping grant: we are closer to completing the initial mark up of our FLU Map to turn over to the GIS person.

LIBRARY/COMMUNITY CENTER/CHILDEN'S PARK

Regional Sewer System – Update

No Report.

Sheila Bishop briefed the status of department activities and fund raising efforts/results associated with the fourth of July events and activities.

POLICE DEPARTMENT – UPDATE

Chief Popwell stated that during the month of June the Police Department responded to 1573 calls for police assistance. There were a total of 45 traffic crash reports written involving 65 vehicles. The estimated amount of damage to these vehicles and related property was \$101,400. A total of 110 Traffic Citations were issued, 9 Misdemeanor, 10 Felony and no DUI Arrests were made. Discussion followed.

FIRE DEPARTMENT – UPDATE

Chief Mayville stated that during the month of June the Fire Department responded to a total of 136 calls. There were 135 calls located within the City limits and 1 mutual aid call. He advised that the department is losing a firefighter who is moving to another state and another firefighter has torn his bicep and will be out on sick leave for an extended period. He stated that part-time fill in firefighters are covering his shit. Chief Mayville stated that several firefighters are in classes involving pump operations, hydraulics, EMT and continued CEU's for educations. He stated the fire boat was requested for support by the Coast Guard for training. He advised we have had a few groups visit the fire department for a tour and have attended several other public relation events around the City this month. We continue to paint and test hydrants and continually update emergency contacts.

TECHNOLOGY DEPARTMENT – UPDATE

Chad Morris stated the installation of in-car computers for the Police cars is now complete. The department will be providing employee training/and or refresher training on password security. In addition, they have done some training on their new document management program called Laser Fiche. Mr Morris answered questions regarding firewall concerns. Discussion followed.

Other Business:

Mr Corbin stated he was in receipt of a letter from Mr James Poirrier, the 8th District Vice President of the Florida's Professional Firefighter's Union. He advised the purpose of the letter was to notify us that the "rank and file" members of the City of Niceville's Fire Department have signed registration cards with the International Association of Fire

Fighter's under Local # 3505. Mr. Poirrier has met you Chief Mayville referencing this action. Mr Corbin stated that Mr Poirrier is present tonight and can answer any question of the council. Mr Poirrier came before the council to inform them that all City of Niceville firefighters have joined the International Association of Firefighters. He advised he would file a recognition agreement if the city approves of unionization or appeal to a state labor-relations board if it does not. Discussion followed. Councilman Rominger asked Mr. Poirrier what rights of the firefighters were being violated and how the citizens of Niceville would benefit from unionization. Mr Poirrier responded that they would have a dedicated professional fire department. Councilman Rominger said the city already had that and made a motion to not "entertain the union venue." The motion failed for a lack of a second." City Attorney Dixie Powell said it was common for fire and police departments to be unionized. He felt the council's concern was if a contract was not approved by both sides what would the cost be to arbitrate. Mr Poirrier told the council there is no cost to the city for the recognition agreement process but there is a cost for a state recognition certification hearing since both sides may hire legal representation. Mr Poirrier stated we are trying to go the easier process, but the end result will be the same. He stated Florida Statute 447 gives public employees the right to union representation, although they may not strike. Mr Poirrier requested that he would like to have an answer from the City within 30 days or he will send a recognition certification petition to the state. Discussion followed. Mr Corbin stated he will meet with city firefighters regarding their request to unionize. He requested that a member of the council work with himself, the City Attorney, City Clerk and representatives of a labor union to address concerns for the first time. Councilman Henkel made a motion that the council give him that responsibility. Councilman Nodjomian expressed his desire to be part of the committee also. Councilman Schaetzle seconded. Discussion followed. Council Vote: Henkel-yes; Schaetzle-yes; Nodjomian-yes; Rominger-yes. Motion passed

Councilman Nodjomian stated the Youth Council conducted a very successful jeans drive. He advised a total of 309 donated pairs of jeans were distributed to the Waterfront Mission and Children in Crisis. The Youth Council plans to conduct a cleanup program sometime during the September-October timeframe.

BILLS PAYABLE:

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

The meeting adjourned at 8:25 PM.

MAYOR

ATTEST:

CITY CLERK