

MINUTES  
REGULAR COUNCIL MEETING  
CITY OF NICEVILLE, FLORIDA  
AUGUST 12, 2014

The Niceville City Council met in regular session at 7:00 PM, August 12, 2014 in the Council Chambers, 208 N Partin Drive. All Council members, 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 84+ 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, July 8, 2014  
Special Council Meeting, July 29, 2014  
Planning Commission Meeting, August 4, 2014  
Local Planning Agency Meeting, No Meeting Held

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

PUBLIC HEARINGS:

Preliminary and Final Review

Ruckel Properties request preliminary and final review of Parkview Place consisting of 24 residential lots and 2 commercial parcels. Metes and bounds description. Property is located off Partin Drive North. Councilwoman Boudreaux moved approval. Councilman Schaetzle seconded. No one spoke for or against. Council Vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Nodjomian-yes; Rominger-yes. Motion passed.

Acknowledgement of Fire Department Unionization – Approval/Disapproval.

Councilman Nodjomian stated that during our meeting we went over the highlights of where this opportunity will take the Fire Department and the City in general. He stated that it was prudent for the Council to recognize the unionization which is only the first step in the process. There will be much more to come as we begin negotiating specific items as we move forward in the process. Councilman Henkel stated based on the number of people in attendance and the items discovered we feel it was an excellent

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meeting and we feel there is no reason why we can't move forward with this unionization and accept them as it. Attorney Dixie stated this request for unionization came up at our last meeting. He stated the procedure is for the Council to either deny or accept the unionization and explained the procedural aspects based on the course of action the council wanted to take. He further stated if approved the unionization will be sent to the Public Employees Relations Commission (PERC). He advised that PERC will take about eight weeks to review it then contract talks can begin. Discussion followed. Councilman Henkel moved to accept and acknowledge the Fire Department request for Unionization. Councilman Nodjomian seconded. Councilwoman Boudreaux asked several questions regarding the process expressing concern for how this will affect our City and its budget. Discussion followed. Council Vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Nodjomian-yes; Rominger-yes. Motion passed.

Ordinance 14-09-01 – An ordinance amending Sections 3-2 of the City of Niceville, Florida Ordinance 09-04-01, dated April 14, 2009 amending Ordinance 459 dated January 13, 1981 and Section 4, hours of operation of Ordinance 459, pertaining to and amending regulations for the sale and distribution of alcoholic beverages for restaurants or establishments serving full meals within the City of Niceville; and repealing all prior ordinances and provisions thereof in conflict herewith and providing an effective date. (Second Reading)

Mr Doucet read ordinance 14-09-01 by title. Mayor Wise announced since there is such a large number of people who want to speak on this issue we request speakers limit their comments to 3 minutes in order to allow everyone the opportunity to speak. Councilwoman Boudreaux moved approval on second reading. Councilman Nodjomian seconded. Mr Dough Fannon, Pastor of the Rosemont Baptist Church located at 1601, 27th Street stated that the church has authorized him to speak on their behalf. We oppose any change to these ordinances specifically allowing the sale of alcohol on Sundays before 1:00 PM and allowing the sale of alcohol within 500 feet of churches and schools. Mr Fannon stated that some of the properties that are being looked at for development is in close proximity to our church. He stated that Niceville is recognized as a family friendly City throughout the United States. The easing of any alcohol restrictions would significantly reduce the high moral standards of the City. This is one of the reasons people choose to come here and live. If it takes the easing of alcohol restrictions to attract new businesses to Niceville then we need to examine what is important to us. We view these proposed changes offensive to churches and once changed the opportunity to change it back are slim to none. Mr Fannon presented a formal resolution to the City Council opposing any changes to City of Niceville's ordinance concerning sales of alcoholic beverages. He quoted the last two paragraphs of the resolution as follows: Rosemont hereby opposes any amendment, change, exception, waiver, or variance to the existing city ordinance specifically as it relates to the sales of alcoholic beverages and the

proximity or distance to established schools and churches. The resolution further opposes any amendment, change, exception, waiver, or variance to the existing city ordinance that expressly prohibits the sale of alcoholic beverages between 4:00 a.m., and 1:00 p.m. on Sundays. Ms Carolyn McAlister, 339 Oak Lake Lane stated that she is the Principle of Plew Elementary School, however, is speaking as a citizen to protect the safety and welfare of our children in our City. Ms McAllister said, "The number one concern of the City Council should be the safety of our children. She said that the school already had one incident with someone who was drunk being on school property this year. She requested that a 10-15 foot natural barrier of plants be put in between the school and any business nearby serving alcohol as it became necessary.

Mr John Scott, minister at Niceville Christian Church stated that restaurants would only be able to serve alcohol three more hours a week and that the markup for soda and alcohol was comparable. He suggested alcohol sales may not be the main reason that restaurants are not coming into Niceville and said that lower lease rates or taxes might be a solution.

Senior Pastor Mike McGough of the First Baptist Church of Niceville told the City Council to think of the public good. "Don't sacrifice the uniqueness of Niceville on the altar of progress." Mr Steve Ruckel stated he had been a pastor and served in churches for over 20 years. He stated that our intent in suggesting the exemption to this ordinance is not to promote drunkenness and encourage use of alcohol." He said that a casual dining restaurant would employ 30-60 people and bring \$390,000 into the community. He stated this is about additional choices and appropriate development in our city. He also stated that a lack of development could mean that taxes would increase and the city might struggle to continue. Councilman Schaetzle asked if a "blanket ordinance" was needed, or if businesses could request an exemption? Discussion followed. Mr Ruckel said that it's rare that you get inquires on particular properties. Council Nodjomian said as he understands it, if the encumbrance stays in place, we won't even get to the conversation. Mr Chris Cartenaro, owner of Joey's Italian Grill and Bar spoke for the proposed changes, saying when he worked in Madison, Miss., restaurants would not come into the city until laws on serving alcohol on Sunday were eased. Marian Ruckel Skalicky, the Chairman of the Board of Ruckel Properties said she wanted to keep retail money here in Niceville, rather than give it to Destin. She said that the assumption that a restaurant that serves alcohol will mean more drunks in the areas is false because alcoholics are unlikely to pay \$6 a drink at a restaurant when they can get a six-pack for the same amount. Discussion followed. After more community input Councilman Nodjomian asked Police Chief David Popwell about crime near restaurants. Chief Popwell stated that he had found no problems in restaurants in Niceville in the last 15 years and that Fort Walton Beach did a study that showed no increase in alcohol-related instances of crime related to alcohol being served on Sunday. Mr Dave Adams, 2427

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Rocky Shores Drive pointed out several requirements outlined in the FL Statutes as it relates to restaurants serving meals asking several questions to determine if the ordinance was sent to the City in writing; does the content meet the requirement of the Florida Statutes to include advertising requirements. Discussion followed. Mr Doug Davis 1700 Evans Court representing the Niceville Christian Church recommended keeping our current ordinance in place. He stated we have enough restaurants and fast food establishments. He stated why not try and attract more technology business for the possibility of relocating to Niceville vs another restaurant. This would allow our children to stay in the local area because of new job opportunities vs going somewhere else to live and work. Several other citizens expressed their opposition to the proposed changes. Discussion followed. Council Vote: Henkel-no; Schaetzle-no; Boudreaux-yes; Nodjomian-yes; Rominger-no. Motion failed.

Ordinance 14-10-01– An ordinance for the rezoning of certain properties in the City of Niceville, Florida; providing zoning for same and an effective date. From R-1 Single Family to R-1B Single Family; Lot 3 Block 7, Niceville Heights addition to Valparaiso, according to the plat thereof as recorded in Plat book 1 page 102, Public Records of Okaloosa County, Florida. Jimmy Parish, 205 Florida Street (First Reading)

Mr Doucet read Ordinance 14-10-01 by title. Councilman Henkel moved approval on first reading. Councilman Schaetzle seconded. No one spoke for or against. Discussion followed. 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.

**South Bayshore Pump Station and Force Main:** The pump station control panel and electrical installations are well underway. The gravity sewer lines from the Magnolia Woods and Shirks Cove are in place and the last remaining segment of the force main along Cedar Avenue is nearly completed. Once this new station and force main are operational present flow going into station 7 will be re-routed into the new station and PS 7 will be abandoned. We plan to install additional bypass connections between this station and the new force main that will provide alternative pumping routes from this service area in the event the need arises. Prior to the installation of this new station and force main this option did not exist.

**750,000 Storage Tank:** The sandblasting and painting of the tank is well underway. The inspector feels weather permitting the painting should be completed the last week of this month. This work will be followed by the electrical installations and water main tie ins.

**Well 5 Upgrade:** The new generator has been put in place and plans are underway to install the new controls and control panel. The old generator from Well 5 has been taken to Well 4 which is a lower production well located at Twin Oaks where it will be installed to provide stand-by power to that facility. When these generators are in place there will only be one well in our system without axillary Power.

**SR 285 Reclaimed Water Line:** The contractor has installed 3,000 lf of the 12 inch reclaimed main along SR 285 from College Boulevard to the entrance of Swift Creek Plantation along with 5 directional bores.

**Rocky Bayou Road W & S Line Extensions:** Materials are being ordered for this project and work is scheduled to begin when those materials arrive. There were some concerns with the limited right of way along the north side of Rocky Bayou Drive and we have coordinated with other utilities to provide sufficient area to install both of these lines. The contractor has contacted our engineer and requested that we consider relocating the water line to the south side of the road. We are evaluating that at this time.

**Big Oak Lane Water extension:** We have replaced 400 lf of water main and new service connections along Big Oak Lane in the Nathey area.

**Generators PM:** We have completed the second round of our preventative Maintenance for generators.

**Consumptive Use Permit & Water Facilities Plan:** We are in the final review process of our consumptive use Permit and the draft review of our water facilities plan.

### **Storm Water Projects**

**Magnolia Shores:** Crews have completed the replacement of the main outfall line from Magnolia to Bayshore. Thus far we have installed 370 lf of pipe and 4 inlets. Remaining work includes removing some of the existing soil and replacing it with clean fill to improve percolation and additional stabilization of the Bayshore right of way.

**Rhonda Drive:** Our next major scheduled drainage repair project will be the replacement of the 160 ft. outfall pipe at the Rhonda Drive Retention Pond near the intersection of

Rhonda and Juniper Avenue. Materials have been delivered and work will begin when the Magnolia Shores Project is completed.

**Upcoming Drainage Projects: We have ordered/received the necessary materials for 3 additional Drainage Projects. They include:**

**Pin Oak & Pine Cone Court:** This project involves the replacement of 420 LF of 12 and 15 inch pipe.

**Oak Avenue:** This project will involve extending and replacing 220 lf of underdrain pipe along Oak Avenue off 20<sup>th</sup> Street.

**Rocky Bayou Drive:** We will be installing 80 LF of 24 inch pipe and an inlet in the Rocky Bayou Drive right of way. This installation is being coordinated with the sewer & water extension projects.

**Swift Creek Town Homes:** I have been in contact with the Swift Bayou Townhomes regarding a joint drainage project to alleviate standing water and localized flooding. The City will retrofit the existing storm water system. We have estimated the cost of materials to replace the existing system which has been compromised by roots and has structural damage. The City has explored the option of providing the labor to replace the system if the Townhome owners agree to pay for the pipe and materials. There is some area in the private parking lot that was removed to repair a water service line leak and the cost to repair that damage will be at no cost to the TH Association. The material cost is estimated to be around \$6,000.00 and the majority of that would be paid by the Townhome Association if the City is authorized to enter into an agreement.

**Juniper Avenue Impoundment:** We are still awaiting final permit approval for this project.

### **Facility Plan Projects**

**31<sup>st</sup> Street Vault:** This project is ready for construction but we are awaiting the results of our NFWF Grant application which if awarded will fund this project along with two other Facilities Plan Projects.

**Palm Blvd. Drainage System Improvements:** We will be meeting this week with our engineer to determine the best alternative for this drainage improvement project.

**NFWF Grant:** This grant if awarded will fund 3 Facilities Plan Projects which include the 31<sup>st</sup> Street Vault, Thomas Branch @McEwen and the Boggy Bayou Restoration. The

City has pledged 500,000.00 in matching funds for this grant. Total grant funding is 4.2 million dollars.

**Other City Projects and Activity:**

**Nathey & Niceville Avenue Sidewalks:** City crews have installed 800 LF of sidewalk along Nathey Avenue and Niceville Avenue which will provide safe access for children attending Edge Elementary School.

**School Zone Street Striping:** We have also completed School Zone roadway markings at Edge and Plew Elementary Schools.

**FD Upstairs Area:** We are painting the walls and awaiting delivery of the doors. Remaining work includes the adjustments to the fire sprinkler system, acoustical ceiling and flooring.

**Eagle Ram Tennis Center:** We have done some additional landscaping and will be replacing some of the parking area that was removed during construction.

**Roundabout Meeting:** We met with FDOT on site to look at improvements to the traffic circles. Some of the options we discussed included raised curbing in the center median to better identify and direct traffic in and around the circle, additional lane markings and signage along with adding a small splitter island at the Walmart circle. We plan to put a design plan together and submit it to FDOT for additional comments. Then we will be meeting with the developer to discuss the proposed modifications.

**Development**

**Parkview Place:** The site contractor has completed the paving and site stabilization.

**Shirks Cove: (VRC 17):** The paving and site work is completed and inspections by City staff are underway.

**Publix Revell Drive Service Road:** The paving of the connecting service road between the Publix Center and Revell Drive is completed.

**GIS Mapping:** We have been working with our consultant and the GIS contractor creating our new FLUM and Zoning Maps. I have provided a draft copy of the FLUM map for your review. Right now we are in the process of detecting and researching any land use and zoning conflicts that need to be resolved. When we complete the Land Use our attention will turn to zoning maps. These maps will allow us to accurately identify all

land within the Military Influence Planning Areas and they will be a great reference tool for future planning and development.

Regional Sewer System – Update

No Report.

### **LIBRARY/COMMUNITY CENTER/CHILDREN’S PARK - UPDATE**

Sheila Bishop briefed the status of current projects in the Library, Community Center and Children’s Park.

### **POLICE DEPARTMENT – UPDATE**

Chief Popwell stated that during the month of July the Police Department responded to 1862 calls for police assistance. There were a total of 30 traffic crash reports written involving 53 vehicles. The estimated amount of damage to these vehicles and related property was \$110,900. A total of 215 Traffic Citations were issued, 16 Misdemeanor, 14 Felony and 1 DUI Arrest was made. Discussion followed.

### **FIRE DEPARTMENT – UPDATE**

Chief Mayville stated that during the month of July the Fire Department responded to a total of 134 calls. All 134 calls were located within the City limit. Chief Mayville stated the Fire Department participated in the 4<sup>th</sup> of July activities with the boat. He advised the department received a \$ 25,000 grant from Port Security for the boat lift. We have had the boat requested for numerous calls, a boat fire and search and rescue for a missing child. He stated the department participated in training with the Coast Guard and will be involved with the Emerald Coast Poker Run this weekend. Firefighters have been dealing with extreme heat and humidity. Fire crews with the two engines gave Little League Baseball a royal sendoff for the playoffs. The department continues Public Relations throughout the City. A group of children came to hear about the daily activities of a firefighter and toured the station. Employees of all shifts have met with Leo Tisa with AFLAC for insurance Pre-Tax updates and also with agents from American General. He stated that we continue to paint and test hydrants and update emergency contacts.

### **TECHNOLOGY DEPARTMENT – UPDATE**

Chad Morris briefed the status of current projects.

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Other Business:

Planning Commission Appointments/Reappointments

Mayor Wise stated that Mr Tony Namlick and Ms Vickie Ritchson terms are up and stated that Councilmen Schaetzle and Henkel have agreed to re-appoint them for another term. Councilman Schaetzle moved approval. Councilman Henkel seconded. No one spoke for or against. 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 10:25 PM.

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MAYOR

ATTEST:

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CITY CLERK