

MINUTES
REGULAR COUNCIL MEETING
CITY OF NICEVILLE, FLORIDA
FEBRUARY 9, 2016

The Niceville City Council met in regular session at 7:00 PM, February 9, 2016 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; Chad Morris, Technology Department, a member of the press, and 33 visitors in the audience. Mayor Wise called the meeting to order at 7:00 PM and asked if anyone in the audience would like to offer a prayer to come forward. Mr Bruce Fister, 400 Regatta Drive offer a prayer and Councilman Henkel offered a traditional prayer and led the pledge of allegiance.

APPROVAL OF MINUTES:

Regular Council Meeting, January 12, 2016
Planning Commission Meeting, January 4, 2016 (as amended)
Planning Commission Meeting, February 1, 2016
Local Planning Agency Meeting, No Meeting Held

Councilman Nodjomian 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

PUBLIC HEARINGS

PRESENTATIONS:

Mr. Jason Nodjomian, Chairman, Youth Advisory Council – Update

Jason Nodjomian, Chairman of the Youth Advisor Council stated that he would like to update the Council on two projects that we are working on. Tutoring: We have been planning to implement this project for nearly a year and we're now making good progress since last month and plan to move forward in the next couple of weeks. We plan to tutor High School and Middle School students that need help in certain areas, and some may become tutors as well. We have a room secured in the Library to conduct the actual tutoring. We just received word from the Florida League of City regarding a State-Wide Youth Council Video Contest that we plan to participate in. The theme for the video is "Why I Love My City". We have such a great City and there will be plenty to talk about. We'll be working on this project until the May time-frame. We are excited to participate in this contest. Discussion followed.

Alan Tucker, Gustin, Cothorn and Tucker – Easement Exchange

Mr Alan Tucker stated he appreciated the opportunity to come before the council stating that their client Mr Kenneth Lenior of Bayou LLC, Memphis, Tennessee wanted to develop the land which he owns, possibly with multi-or single-family residences which would have waterfront land on one side if the easement was acquired. The property is located on Rocky Bayou near the east end of the Meigs Bridge. The owner wants the City of Niceville to vacate the easement that allows the public to use the water-front portion of the lot. Mr Tucker stated there is no public access to the easement area except from the water or the State Road 20 right of way to the east, since his client's 1.25 acre tract is immediately south of it, just north of the Hampton Inn. Mr Tucker said he had asked the Florida Department of Transportation to transfer the easement to the existing right of way, to the east so that a road, parking and public dock could be put there for public use. He said the DOT would not approve the request. Mr Tucker presented another option to the City to develop a 1.62 acre piece of City land at the Corner of Palm Boulevard and Bayshore Drive on which a City Transfer Station is located. Mr Tucker stated his client would provide \$ 25,000 to develop the park which is not waterfront. City Council members questioned the \$25,000 offer and the Palm/Bayshore area as an option. Councilwoman Boudreaux stated the city easement at the foot of the Meigs Bridge was waterfront property and should be valuable. Councilman Schaetzle asked what basis was used to determine the \$25,000 value? Mr Tucker said it was a cost estimate for a road to be built to the easement area and a dock added should the City ever do so. Councilman Nodjomian stated he was not a fan of developing a little corner pocket park. He expressed an interest in an already planned project by the City to build a landing on the waterfront of Bayshore Drive. Mr Tucker stated the land was incorporated into the City in 2007. The easement was transferred to the City in January 2015. Discussion followed. Mr Tucker asked for council approval to move forward with a plan to explore options to find land to develop as a park in place of the 50 by 223 foot easement on Rocky Bayou. Mr Tucker stated he plans to report back to the Council during the April 2016 council meeting. Mr Powell stated the easement in its current location creates a possible liability situation for the City and people that are using the easement. The visitors are leaving trash and litter but to gain access, visitors must park on the FDOT Right of Way and cross private property to traverse down the FDOT Right of Way and across Rip-Rap under the bridge to get to the easement. Attorney Powell also stated that the original plan requested by the developer was to do an easement "swap" by moving the easement to the North side of the property in exchange for a public access enhancement with gravel and landscaping leading to a public dock for public use. In addition, Attorney Powell advised that in approving the transfer of the easement from the County to the City, the easement would remain a public easement. That condition was placed on the record prior to motion for approval to transfer the easement. Mr. Powell was concerned and advised that to vacate the easement it would have to be fully understood and approved by the County

so as to meet the spirit of the intent of the transfer. Discussion followed. Councilwoman Boudreaux moved approval to explore other options. Councilman Rominger seconded. Council Vote: Henkel-yes; Schaezle-yes; Boudreaux-yes; Nodjomian-yes; Rominger-yes. Motion passed

Mr Lee Lewis, AFCON – Project – Update

Mr Lee Lewis stated that last fall they began work on two projects that were funded by a National Fish and Wildlife Foundation Grant. He stated they are the Thomas Branch Stormwater Improvement Project and the Boggy Bayou Head Waters Restoration Project.

1 Thomas Branch Stormwater Improvements:

Mr Lewis stated that most of the stormwater runoff from Ruckel Middle School and Niceville High School drains into a pipe system that discharges south of SR 20 into a natural stream formation (steephead). The collected stormwater, along with other development along Thomas Branch, drains down to Boggy Bayou without any treatment. The FDOT maintains a small drainage easement south of SR 20 right-of-way, beneath the pedestrian overpass structure. It encompasses the existing stormwater pipes that discharge into the steephead stream of Thomas Branch. The FDOT is in the process of gathering information on this easement as well as the stormwater inlet/pipe system along SR 20. Use of this FDOT easement may provide a cost-effective opportunity for the City to improve stormwater quality for the runoff from the schools and the road. A request has been made to Principal Palmer at Niceville High School to meet with his staff to discuss some potential improvements on school property. The project is considering low-impact improvements on the school property to slow the rate of the runoff and provide some innovative treatment options without sacrificing parking, etc. Educational opportunities for students will also be considered as a part of this work. The survey field work north of SR 20 (i.e. school property) is complete and the final survey deliverables are expected any time. Some secondary objectives of the project include improving the quality of the drainage areas south of SR 20 and slowing down the rate of the runoff. Some alternatives under consideration may require easements or even acquisition of one or more properties south of SR 20. This would allow for removing nuisance species, restoring portions of the stream, and possibly providing some storage to temporarily store some water to reduce downstream flooding (i.e. Bayshore Drive). Ruckel Properties owns the 7- acre parcel immediately south of SR 20, across from the high school stadium. In recent discussions to review project objectives and to explore potential methods to allow objectives to be met, they indicated their willingness to be a partner in working out a solution. The Nagel family owns the 3.6 acre parcel along Cedar Avenue. A meeting was scheduled for February 16 to discuss their disposition on this largely undeveloped property.

He stated that a preliminary Alternatives Analysis with a recommended 10% concept plan is targeted for the April Council Meeting. The 10% concept plan will be comprehensive and is intended to represent the "right answer." Therefore it may include improvements beyond the current grant funding. The design will be based on prioritized improvements that are most effective with budgeted funds.

Boggy Bayou Headwaters Restoration:

Mr Lewis stated to restore this portion of the bayou, the project is anticipated to primarily involve relocation of significant sediment discharged from Turkey Creek over many decades. The project team has been in the field identifying wetland boundaries and collecting data to enable identification of areas suitable for relocating the sediment. This ongoing process includes evaluating existing sediment quality and nuisance species. It also includes evaluating water quality, tidal currents, and other characteristics that will feed into a hydrodynamic model of the Boggy Bayou Headwaters area. A land/water survey of—including the bottom surface and sediment depth—has been completed and the final survey deliverables was received from the survey team last Friday. Details of the survey are under review to determine whether details needed for compiling the model. The hydrodynamic model will allow the design team to evaluate options which will be summarized in the Alternatives Analysis. A presentation of these alternatives is anticipated at the May Council meeting. The 10% Concept plan prepared as part of this effort will extend beyond the project limits to identify other future projects anticipated in the City's capital improvement program. This will ensure a comprehensive understanding for improving the water quality of Boggy Bayou and improve the City's ability to pursue additional grants for improving the water quality of the bayou. An initial notice to adjacent property owners to inform them of the overall objective of the project will be distributed shortly. Discussion followed.

Ordinance 16-02-01 - An ordinance of the City of Niceville, Florida; providing for authority; providing for finding of fact; providing for amendments to Part II, the Code of Ordinances of Niceville, Florida, Appendix D, Article 7, Land Development Code pursuant to Chapter 166, Florida Statutes; providing for conflicting provisions; providing for severability; and providing for an effective date. (Third Reading)

Mr Doucet read Ordinance 16-02-01 by title. Councilman Nodjomian moved approval on third reading. Councilman Rominger seconded. No one spoke for or against. Discussion followed. Council vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Nodjomian-yes; Rominger-yes. Motion passed

Ordinance 16-04-01 - An ordinance authorizing the City of Niceville, Florida to obtain Lease/Purchase Financing from a Commercial Bank up to the maximum amount of \$155,000 to purchase a 2016 Freightliner Pro Patch Pothole Patcher; authorizing the solicitation of sealed proposals from commercial banks; providing for terms and conditions of said lease/purchase financing; providing that interest will be tax exempt to the holder as a “qualified Tax exempt obligation: within the meaning of §265(b)(3) of the Internal Revenue Code; providing for proper advertisement; and providing for an effective date. (First Reading)

Mr Doucet read Ordinance 16-04-01 by title. Councilman Henkel moved approval on first reading. Councilman Rominger seconded. No one spoke for or against. Discussion followed. Council vote: Henkel-yes; Schaeztle-yes; Boudreaux-yes; Nodjomian-yes; Rominger-yes. Motion passed

Resolution 16-02-01 – A resolution granting a special exception to the Land Development Code Section 9.06.04(e,) to allow for a 58” setback from the house to the water’s edge as opposed to the required 72” and providing for an effective date. Lot 41, Magnolia Woods, according to the plat thereof as recorded in Plat Book 27, Page 25 and 26, Public Records of Okaloosa County, Florida. Huff Homes, 727 Woods Drive.

Mr Doucet read Resolution 16-02-01 by title. Councilman Nodjomian moved approval. Councilman Henkel seconded. Mr Carl Scott, City Building Inspector explained the background regarding this request for special exception. Discussion followed. Council Vote: Henkel-yes; Schaeztle-no; Boudreaux-yes; Nodjomian-yes; Rominger-yes. Motion passed

Resolution 16-02-02 – A resolution granting a special exception to the Land Development Code Section 7.14.02 (e) (4) to allow for a corner lot side setback to allow for 5’5” as opposed to the required 25’. Lot 22, Black 5, Niceville Heights Addition, according to the plat hereof as recorded in Plat Book 1, Page 102, Public Records of Okaloosa County, Florida. Robert McElroy, 299 Niceville Ave.

Mr Doucet read Resolution 16-02-02 by title. Councilman Schaeztle moved approval. Councilman Henkel seconded. Mr. Early 306 Crestview Avenue wanted to know what’s going into the development? Mr Robert McElroy, the property owner explained his request for special exception. Discussion followed. Council Vote: Henkel-yes; Schaeztle-yes; Boudreaux-yes; Nodjomian-yes; Rominger-yes. Motion passed

CITY MANAGER REPORTS/REQUESTS/RECOMMENDATIONS:

Water/Sewer/Drainage Projects – Update

Mr Bruce Price briefed the status of current projects.

Water & Sewer

Reclaim Water System: The final preparations to treat the reclaim supply lines were completed and the treatment of those lines was performed last week. The treatment application went according to the consultants recommendations.

Water System:

Three (3) hot taps were installed by our people. City crews replaced 2 fire hydrants last month. One inoperable hydrant was replaced on 27th Street and a second damaged hydrant in Palm Estates was re-installed. During the recent heavy rainfalls on the 22nd and 28th crews also responded to four water main breaks.

Water System Compliance Reporting: The annual Consumer Confidence Report is completed and ready to mail out and the Tier 2 chemical compliance has been completed and filed.

Sewer System:

A mixer has been installed at Pump Station 15, (Duncan Drive).
New pumps have been installed at Pump Station 24, (Rhonda Drive).

Line Camera Inspections: The camera crew inspected 1600 lf of sewer line and 250 lf of storm sewer line.

Stormwater

Hillside Drive: City crews have completed the replacement of the outfall system at the retention pond on Hillside Drive. This work included removal and replacement of the overflow flume with a drop pipe discharge, additional armoring on the pond embankment and curbing modifications.

Maple Avenue: Crews installed additional protective measures on a gravity sewer main along a drainage flow way off Maple Avenue.

South Palm Blvd.: Crews are preparing to replace 240 lf of stormwater pipe near the 1400 block of South Palm Blvd.

NFWF Bayshore & 31st Street Vault Project: The ecologist's report on the outfall area has been completed and the geotechnical report is being prepared. The relocation of the vault and a determination of the cost to increase the capacity of the trunk line on Bayshore and the vault to include the stormwater from the Grand Oaks Outfall will be determined at a later time/date.

NFWF Boggy Bayou Headwaters and Thomas Branch: Lee Lewis will provide an update on these projects.

Planning & Development

Magnolia Woods PH II: there are still 5 un-permitted lots remaining in this 18 lot phase.

Shirks Cove: There are 11 remaining lots in this 17 lot development.

Mattie Way: (7 Lot Valparaiso and Palm) currently 5 homes are under construction.

Parkview Place: there are still 19 lots available in this 24 lot development.

Proper Car Wash: Site work is underway and the water & sewer clearances have been submitted for approval.

Huff Office Complex: Site work is still underway and the water and sewer lines are completed and clearances have been issued.

Other Misc. Projects

Turkey Creek Boardwalk: Materials are arriving to start the installation of the boardwalk to connect the north and south parks at Turkey Creek.

Rocky Bayou Subdivision Sign: Crews have completed the installation of the new subdivision sign at the intersection of Rocky Shores Drive and Rocky Bayou Road. The solar lighting for the sign is not working and we are working with Gulf Power to provide power for lighting.

City Hall Veterans Memorial: Crews are installing pavers around the military memorial in front of the Council Chambers

Rocky Bayou Road (condition):

The segment of Rocky Bayou Drive from Forest Road to the point of the new realignment was resurfaced in 2000.

The realignment also occurred at that time and was a joint project with the County. In 2004 a 4 foot paved shoulders were added on each side of the road from the point of realignment to Forest road.

In 2014 the City had a pavement evaluation done for the segment of Rocky Bayou Road from SR 20 to the roundabout and from the roundabout to Forest Road. As a result of the study, the engineer's recommendation was to rebuild the entire segment between SR 20 and Forest Road.

Construction cost estimates were provided from two contractors and the segment between SR 20 and the roundabout ranged from 297K to 302K. The estimates for the segment between the roundabout to Forest ranged from 659K to 687K.

Those cost estimates were provided from 2 different paving contractors.

We have contacted the TPO to see if this project can be put on the Priority list and in doing that discovered the County is still listed as the maintaining agency for this road.

That being the case they will have to request that the road be placed on the TPO project list. We plan to talk to the County about this.

Regional Sewer System – Update

No Report.

Fire Department – Update

Chief Mayville and firemen present responded to an emergency call during the meeting and was unavailable to provide a report.

Police Department – Update

Chief Popwell stated that during the month of January the Police Department responded to 2711 calls for police assistance. There were a total of 29 traffic crash reports written involving 56 vehicles. The estimated amount of damage to these vehicles and related property was \$ 183,701. A total of 189 Traffic Citations written involving 56 vehicles.

The estimated amount of damage to these vehicles and related property was \$183,701. A total of 189 Traffic Citations were issued, 18 Misdemeanor, 18 Felony and 2 DUI Arrests were made.

Technology – Update

Chad Morris stated that his people have been working on network issues and general maintenance. He stated a new technician is now on board and will be working mostly as a GIS programmer. He stated that the City has been informally notified that we have been informally approved for a Landscaping Grant in the amount of \$300,000 to take care of median maintenance from Palm Blvd to the Swift Creek area near Publix. Discussion followed.

Senior Center/Public works Building - Update

Mr Morris stated that the 9,200 SF building is now in place across from the Youth Center Park. Workers are still working on final assembly. He stated that City employees are busy working to determine costs to set up water, sewer and electrical service to the building. Discussion followed.

Code Enforcement – Update

Mr Corbin stated the Code Enforcement Officer has been very busy over the past month since the last update. He met with businesses regarding overflowing/over spilling of approximately 10 dumpsters to resolve those problems between Waste Management and the City. He made several trips to sites involving illegal dumping. He contacted a resident who was locating his yard debris on his neighbor's property and resolved that issue. He contacted owners of several illegally parked cars to have them removed/relocated.

Other Business:

Mr Dennis Rosati, 308 Branch Hill Park stated that he has lived at his current address for the past 16 years. He stated that a creek behind his house was dry for years; however, in recent years this is no longer the case. He has a flooding issue that is causing erosion, trees dying out leaving behind silky scum behind his house. He is very concerning with this steep edge behind his house and what can be done about it. He stated Mr Price has been to his property in the past to view these issues. Discussion followed. Mr Corbin stated that we'll be happy to work with him in an effort to resolve his issues.

Mullet Festival Site Lease:

Mr Corbin stated he is meeting with Eglin AFB officials next week to hopefully formalize an agreement with them for the Mullet Festival Site.

BILLS PAYABLE:

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

The meeting adjourned at 8:40 PM.

MAYOR

ATTEST:

CITY CLERK