

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

The Niceville City Council met in regular session at 7:00 PM, August 9, 2016 in the Council Chambers, 208 N Partin Drive. All Council members were present except for Councilman Nodjomian who out of town on business, and the Mayor was present. Also present were City Manager, Lannie Corbin; City Clerk, Dan Doucet; Police Department, Chief Popwell; Fire Department, Chief Mayville; Chad Morris, Technology Department; a member of the press, and 24 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. No one in the audience responded. Councilman Henkel offered the prayer and led the pledge of allegiance.

APPROVAL OF MINUTES:

Regular Council Meeting, July 12, 2016
Special Council Meeting, July 28, 2016
Planning Commission Meeting, No Meeting Held
Local Planning Agency Meeting, No Meeting Held

Councilman Henkel moved approval. Councilman Schaetzle seconded. No one spoke for or against. Council Vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Rominger-yes. Motion passed

PUBLIC HEARINGS

PRESENTATIONS:

Second Amendment to the USAF Cooperative Agreement – Dr Bill McCartney

Dr McCartney briefed the Council regarding the need to approve the second amendment to an agreement between the City and the USAF. He stated the Council should consider extending the agreement at least 2 years to give ample time to negotiate purchases of land in connection with a grant the City is applying for. The City has already purchased and extended the APZ II easement (RUE) over 4 parcels A,B,C and 1 under the original agreement. There are 9 parcels remaining on the approved acquisition list, parcels 2,3,4,5,6,7,8 and 9 and we have ordered appraisals on 2,8,3,6 and 7 for initial negotiations with the AF and those are near completion. The City already owns parcel's 2 and 3 and the County owns 8. The City will negotiate with the AF to finalize an amount to be paid for the Restricted Use Easements (RUE) and then have Attorney

Powell close on the transactions. The closing of these parcels is somewhat complicated due to the necessary approvals and document preparation. Only parcel 2 involves approval by FDEP. Upon approval by AF to pay the appraised value, we will order surveys and proceed to closing. Dr McCartney described the agreement, when approved, would split the cost of paying current owners the appraised value of several parcels of open land in Niceville which are under Eglin's runway flight paths. The purchases would be made to keep the land open and undeveloped, for preventing future hazards from noise or the possibility of aircraft crashes. Mr Corbin stated that most of the land in question is undeveloped wetland. Councilwoman Boudreaux moved to sign the agreement. Councilman Henkel seconded. Council Vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Rominger-yes. Motion passed

Fair Housing Public Information Meeting – Dennis Dingman, Summit Professional Services, Inc. Mr Dingman stated that a Fair Housing Workshop is required when a community wants to submit a CDBG grant.

Mr Dingman explained (I) the purpose of the meeting was to educate local officials and the general public concerning fair housing requirements and (II) discuss the laws that protect fair housing as outlined in the Florida Statutes 760.23 (1); the Federal Law (Civil Rights Act of 1968), as amended in 1988, and as outlined in a local ordinance of the City of Niceville.

III. Recognizing Discrimination:

He stated Under the Fair Housing Act, it is Against the Law to:

- Refuse to rent to you or sell you housing
- Tell you housing is unavailable when is available
- Show you apartments or homes in certain neighborhoods only
- Advertise housing to preferred groups of people only
- Refuse to provide you with information regarding mortgage loans, deny you a mortgage loan, or impose different terms or conditions on a mortgage loan
- Deny you property insurance
- Conduct property appraisals in a discriminatory manner

- Refuse to make certain modifications or
- Accommodations for persons with a mental or physical disability, including persons recovering from alcohol and substance abuse, and HIV/AIDS-related illnesses
- Fail to design and construct housing in an accessible Manner
- Harass, coerce, intimidate, or interfere with anyone Exercising or assisting someone else with their fair housing rights

Mr Dingman also provided the last step (IV.) stating there are several ways to complain by providing contact information.

First Public Hearing For FY – 2015 Supplemental CDBG Housing Rehabilitation category and FY 2016 CDBG application cycle – Dennis Dingman, Summit Professional Services, Inc.

Mr Dingman stated the following:

Purpose of the Hearing

He stated that two public hearings are required to ensure the public can voice opinions on the proposed application.

He stated this hearing is held to outline the type of grants that are possible; a second hearing will be held to review the draft application before it is submitted to DEO.

Program Overview

The Florida Small Cities Community Development Block Grant Program is a competitive grant program that awards funds to eligible cities, counties, towns and villages. An eligible city must have a population under 50,000 and an eligible county must have a population under 200,000.

CDBG Program Objectives

Benefit low and moderate income persons (is minimum of 51%) Aid in the prevention or elimination of slum or blight Other urgent community development needs

Regular Categories and Activities - \$700,000

A local government may have only one of these grants open at any given time.

- **Housing Rehabilitation** – Assists low and moderate income residents with physical improvements that address code, safety and other rehabilitation items. In some cases, severely damaged structures may be demolished and replaced.

- **Neighborhood Revitalization** – Assists communities with infrastructure improvements, such as paving, fire protection, drinking water, sewer, flood and drainage, handicap accessibility in public facilities, and other similar activities. It is required that no less than 51% of the residents who benefit from these activities be low to moderate income.

- **Commercial Revitalization** – Provides funds to address improvements to downtown or commercial districts, including water, sewer, sidewalks, parking, building facades, etc.

Economic Development Category – Up to \$ 1,500,000 (Depending on job creation Numbers)

A local government can be awarded one new economic development grant every year and there is no limit to the number of these grants that can be open at any given time, provided all grants are on schedule. A local government may apply for an economic development grant even if it has an open housing, neighborhood, or commercial grant, provided that grant is on schedule. There is no deadline – funds are awarded based upon the number of jobs the project will create or retain at a ratio of \$ 34,999 per job, up to \$1,500,000.

RECOMMENDED MOTIONS:

1. ***“MOTION TO PROCEED WITH AN FFY 2015 SUPPLEMENTAL COMMUNITY DEVELOPMENT BLOCK GRANT IN THE HOUSING REHABILITATION CATEGORY.”*** Councilman Schaeztle moved approval. Councilman Henkel seconded. Council Vote: Henkel-yes; Schaeztle-yes; Boudreaux-yes; Rominger-yes. Motion passed

2. ***"MOTION TO PROCEED WITH AN FFY 2016 COMMUNITY DEVELOPMENT BLOCK GRANT IN THE REGULAR CATEGORY SHOULD THE FFY 2015 APPLICATION NOT BE FUNDED."***

Councilman Henkel moved approval. Councilman Schaeztle seconded.

Council Vote: Council Vote: Henkel-yes; Schaeztle-yes; Boudreaux-yes; Rominger-yes. Motion passed

3. ***"MOTION TO PROCEED WITH AN FFY 2016 COMMUNITY DEVELOPMENT BLOCK GRANT IN THE ECONOMIC CATEGORY"***

Councilman Rominger moved approval. Councilman Henkel seconded.

Council Vote: Henkel-yes; Schaeztle-yes; Boudreaux-yes; Rominger-yes. Motion passed

4. ***"SHOULD AN ELGIBLE PROJECT BE IDENTIFIED."*** Councilman Rominger moved approval. Councilman Henkel seconded. Vote: Henkel-yes; Schaeztle-yes; Boudreaux-yes; Rominger-yes. Motion passed

Distinguished Young Women's Award – Linda Dwyer

Linda Dwyer stated she was selected for this honor while living in Alaska as a high school senior. At that time it was known as the Junior Miss Program. She stated that a few years ago Okaloosa County came together to change the name to the Okaloosa County Distinguished Young Woman which is now known nationally by this name. The individual selected for this award is chosen based on their scholastic ability; talent, interview, and self-expression. Our winner this year is Bailey Propps from Niceville High School. There were several girls competing for this award and Bailey was the winner. She won in several categories and will represent Okaloosa County in the state competition in January 2017. Ms Dwyer introduced Bailey's parents Mr John Propps and Jenny Propps, and her grandparents Mr Rick and Marilyn Phelps. She then introduced members of the selection committee who are all volunteers. They are Carole Byrd, Betsy Byrd, Marion Riley-Taylor, Marsha Babe, Susanne Herzog, Paula Stokes-Kelley, Melody Korbein, and herself. Ms Dwyer thanked the council for recognizing her tonight. Mr Doucet read a proclamation in its entirety that was signed by Mayor Wise honoring Bailey Propps proclaiming August 12, 2016 as Bailey Propps Day in the City of Niceville. Councilman Rominger, the Mayor Pro-tem presented the proclamation to Bailey who was thrilled to be recognized. She stated she loved Niceville and graciously thanked the City Council and the committee that allowed her the opportunity to be part of this wonderful program. She thank her parents and grandparents for their love and support over the years.

Ordinance 16-08-01 - An Ordinance annexing to the City of Niceville, Florida, and 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, with a Future Land Use of Commercial. Lots 7 & 8, Block 58, Plat of Valparaiso Realty Company's Pine Crest Addition, Sheet No. 1. Subdivision No. 2, according to the plat thereof as recorded in Plat Book 1, Page 48 less and except that portion taken for right-of-ways as described in official Records Book 634, Pages 716-720 inclusive, of the Public Records of Okaloosa County, Florida. Jeff and Lynda Waits, Monroe St. (Third Reading)

Mr Doucet read ordinance 16-08-01 by title. Councilman Henkel moved approval on second reading. Councilman Rominger seconded. No one spoke for or against. Council vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Rominger-yes. Motion passed

Ordinance 16-08-02 - 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-1B, Residential Single Family and have a future land use of Medium Density Residential (MDR); providing for the severability of this ordinance; providing an effective date and providing for filing with the clerk of court and department of state. Property located 1603 18TH Street. Michael Parrish (Third Reading)

Mr Doucet read ordinance 16-08-02 by title. Councilman Rominger moved approval on third reading. Councilman Schaetzle seconded. No one spoke for or against. Council vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Rominger-yes. Motion passed

Ordinance 16-08-03 - an ordinance of the City of Niceville, Florida; providing for finding of fact, providing for amendments to Part II, the Code of Ordinances of Niceville, Florida, Appendix D, Articles 1, 4, and 6, 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 16-08-03 by title. Councilman Henkel moved approval on third reading. Councilman Rominger seconded. No one spoke for or against. Council vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Rominger-yes. Motion passed

Ordinance 16-08-04 - an ordinance of the City of Niceville, Florida; providing for authority; providing for findings of fact; providing for amendments to part II, Code of Ordinances of Niceville, Florida, Chapter 10-Housing, Article III-Discrimination, Section 10-32, 10-37(1), (3), (4), (5), (9), (10), (17), and 10-38(1) 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 16-08-04 by title. Councilman Henkel moved approval on third reading. Councilman Schaetzle seconded. No one spoke for or against. Council vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Rominger-yes. Motion passed

Ordinance 16-09-01 - An ordinance for the rezoning of certain properties in the City of Niceville, Florida; providing zoning for same and an effective date. Lots 13,14,15,16 and 17 of the Powell Subdivision be rezoned from R-1, Residential Single Family to R-1B,

Residential Single Family. Metes and bounds description, Margaret Frere, 706 Cyress Dr. (Second Reading)

Mr Doucet read ordinance 16-09-01 by title. Councilman Rominger moved approval on second reading. Councilman Henkel. Discussion followed. Council vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Rominger-yes. Motion passed

Ordinance 16-09-02 - An ordinance of the City of Niceville, Florida; amending ordinance 16-02-01, dated February 9, 2016 providing for authority; providing for findings of fact; providing for amendments to part II, 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. (Second Reading)

Mr Doucet read ordinance 16-09-02 by title. Councilman Rominger moved approval on second reading. Councilman Schaetzle seconded. No one spoke for or against. Council vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Rominger-yes. Motion passed

Resolution 16-08-01 - A resolution of the City of Niceville, Florida adopting and promoting support for and approval of the 2016 Okaloosa County Local Mitigation Strategy Plan; providing and finding that the 2016 Okaloosa County Local Mitigation Strategy Plan is compliant with the Federal Hazard Mitigation Standards of 44 CFR §201.6(b)-(d); providing for approval and adoption thereof; and providing for an effective date.

Mr Doucet read resolution 16-08-01 by title. Councilman Rominger moved approval on second reading. Councilman Schaetzle seconded. No one spoke for or against. Council vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Rominger-yes. Motion passed

Resolution 16-08-02 -A resolution authorizing the City Manager to purchase services for the purchase and installation of tile flooring for the Niceville Senior Center.

Mr Doucet read ordinance 16-08-02 by title. Councilwoman Boudreaux moved approval. Councilman Henkel seconded. No one spoke for or against. Council vote: Henkel-yes; Schaetzle-yes; Boudreaux-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

Bayshore Sewer Line Replacement Project: The installation of the new sewer line is underway and thus far the contractor has installed 520 LF of 15", 45 LF of 8" and 3 service connections.

22nd Street Water Main Upgrade: City Crews are close to completing the water main upgrade extension on 22nd Street.

Stormwater

Storm Preparations: In preparation for the possibility of heavy rainfalls our crews have inspected all of the drainage inlets, outfalls and open conveyances to insure they are open and operating efficiently.

NFWF Project Up dates:

Boggy Bayou Headwaters Restoration: AVCON has met with the Army Corp regarding the permitting for this project and Lee Lewis told me the meeting went very well and they have offer their support.

Thomas Branch: AVCON has a pre-permitting conference meeting with FDEP to discuss some of the permitting requirements for this project. Mr. Lewis plans to provide the council a status report at the next regular meeting.

Bayshore & 31st Street: The permit application is being submitted to the NFWWMD for their review. We are preparing the proposed sequence of construction and reviewing the maintenance of Traffic plan. We hope to have the bid package set up prepared and ready

to advertise as soon as the permit is approved so this project ready for construction as soon as the current sewer project on Bayshore is completed.

Palm & Pine Lake: We went over the latest revisions of the Pine Lake Project and discussed hope to finalize those plans as soon as we verify all potential underground conflicts. The plans are currently at the 60% phase.

Stormwater Matrix revisions: The revisions to the criteria and scoring in the Stormwater Capital Improvements Project Matrix have been completed and the scoring of those projects has been provided along with a copy of the original & new matrix criteria. The project scores did change the finishing order of some projects however it appears that all of the projects that have been submitted for grant funding and those projects that have funding had the higher scores. We also separated the major drainage improvement projects from the retrofit or in-house projects. Some of the larger projects were listed twice because there were proposed alternative designs. **As soon as the Capital Improvements Plan Addendum is formally approved we plan to submit this list of projects to the FDEP for SRF approval and to the NFWFMD for inclusion in their SWIM Plan for the Choctawhatchee Bay.**

Kelly Road Outfall Pipe Replacement Narrative & Request: Currently we have a drainage system and out fall pipe located near the intersection of Kelly Road and John Sims Parkway that was originally installed to collect stormwater from State Road 85, Kelly Road & Howell Road. This drainage system was installed by the State when the original highway was built, it was later turned over to Okaloosa County and subsequently given to the City in the late 1990's. The original FDOT system consisted of a series of inlets and RCP's within the right of ways of these three roadways that collected the runoff and discharged it into an open ditch that ran parallel to SR 85 into Turkey Creek Wetlands. Sometime in the late 60's or early 70's a corrugated metal pipe was connected to the original outfall pipe and extended approximately 320 LF to an open ditch behind what is now the Waffle House. Within this same time period buildings were erected over the corrugated metal pipe line and some of those structures are still in place. We have contacted FDOT and there are no available plans or documents relating to the installation and extension of this line and all of this activity took place while this drainage network was maintained by the State and prior to the FDOT abandonment of this outfall system. In the early 2000's when John Sims Parkway was widened to 6-lanes the Kelly Road outfall system was isolated from the new FDOT drainage system. At this time only the stormwater generated from Kelly Road and Howell Road are collected and discharged through this outfall pipe. Recent camera inspections reveal several structural problems with the metal pipe segment of this outfall system and city crews have performed extensive sediment removal from both the pipe line and outfall ditch network to improve the efficiency of the system. We have identified the replacement of this outfall system in

our Capital Improvements Plan as both a retrofit project and/or a water quality improvements project. Both of these proposed alternatives require elevation modifications to the inlet structures and pipes on Kelly Road along with the relocation of the outfall pipe. The new outfall pipe routing would require the purchase of property or the acquisition of a drainage easement. Purchase negotiations are currently underway between two private parties that could result in the City being able to acquire the necessary easement to relocate this outfall system. An agreement has been drafted and presented to the City by the current owner that would grant the City an easement for the relocation of the outfall pipe if the City agrees to a time line for making these improvements. If we are able to agree upon a time table for this project I am requesting the City Council approval to enter into an agreement that would enable us to relocate a new outfall pipe, abandon segments of the old outfall pipe that are accessible and make the necessary improvements on Kelly Road to redirect flows. This work would also include the abandonment and filling of the old pipe segments under one existing structure which are a major concern. Although many of the problems associated with this outfall pipe were the result of modifications that were made prior to the City assuming any maintenance responsibility for this system this is an opportunity to correct these problems and sometime in the future make additional water quality improvements.

Other Projects:

Turkey Creek: Crews are putting the finishing touches on the guard shack at the North Park, remaining work includes the building of the gate and the installation of the security camera system.

Development Updates:

Magnolia Woods Phase 3 Development: The site contractor is continuing with the underground utility installations which are nearly completed.

Ruckel 1100 Acres Phase 1: The site contractor has completed the right of way clearing and grubbing and materials were on site to begin the underground utility installations.

Hart Street: We have been in preliminary discussions regarding a proposed rezoning and 12 lot development near Hart Street.

Regional Sewer System – Update

No report.

Other Business:

Police Department – Update

Chief Popwell stated that during the month of July the Police Department responded to 2066 calls for police assistance. There were a total of 45 traffic accidents involving 81 vehicles and 2 pedestrian. The estimated amount of damage to these vehicles and related property was \$191,402. A total of 187 Traffic Citations were issued, 29 Misdemeanor, 19 Felony and 5 DUI Arrests were made. Discussion Followed.

Fire Department – Update

Chief Mayville stated that during the month of July 2016 the Fire Department responded to a total of 143 calls, there were 134 calls located within the city limits with 9 mutual aid calls. Chief Mayville stated that he and Asst Chief Lohrman attended a Table Top meeting on the Zika Virus with County and State agencies. He advised that any kind of standing water such as rain water collected as a result of all the rain should be eliminated, etc. He advised that each shift of Firefighters received 8 hours of training on the new Tower Truck from the Sutphen Truck Company. Firefighters have been performing hydrant maintenance; painting, weeding and testing hydrants. He advised that a large group of children from Plew Elementary School Summer Program came to tour the station. They listened to fire safety tips and learned more about what a firefighter's job consists of. Chief Mayville stated that the Fire Department was honored by Coast 93.3 Radio Station as "Workplace of the Week" and were served a wonderful lunch from Travinia Italian Kitchen.

Technology Department – Update

Chad Morris, Technology Department stated that he is working on a lease with Dell for a refresh on our computers a year earlier than currently scheduled. The refresh will replace the Council Tablets with laptops and will allow us to go forward with Windows 10. He stated the electronic voting system is on order and is working on Video Displays to accommodate visitor viewing of council presentations.

Senior Center – Update

Chad Morris provided an update on the progress made regarding the Senior Center. Mr Corbin stated that we have spent all but \$55,000 of the \$200,000 amount budgeted this year for the new Senior Center. He requested that the Council consider approving a transfer totaling \$80,000 that was budgeted in Streets \$20k; Parks \$20k; Sanitation \$20k and Stormwater \$20k to fund a pipe storage building this fiscal year. He stated we can

easily delay the building until next fiscal year. He stated the additional funding would allow more work to be done to the Senior Center before the end of this fiscal year. Discussion followed. Councilman Rominger moved approval to transfer the funds. Councilwoman Boudreaux seconded. Council Vote: Henkel-yes; Schaeztle-yes; Boudreaux-yes; Rominger-yes. Motion passed

Other Business:

Planning Commission Appointment – Mayor Wise

Councilman Schaeztle moved to appoint Mr Carl T. Donahoo, 1150 Pin Oak Circle to serve on the Planning Commission because of the recent passing of our long time Chairman Mr Tony Namlick. Councilwoman Boudreaux seconded. Council Vote: Henkel-yes; Schaeztle-yes; Boudreaux-yes; Rominger-yes. Motion Passed

Mr Mike Behr, 422 Bally asked if we advertised for the solicitation of funding for Aid to Organizations. Mr Doucet stated that we have never made it a practice to advertise since it costs money for legal advertising. Mr Doucet stated that he does contact the non-profit organizations who the City has supported in the past asking if they plan to request funding to submit their letter requests in order to take care of administrative details of the program. Discussion followed.

BILLS PAYABLE

Councilman Henkel moved approval. Councilman Schaeztle seconded. No one spoke for or against. Council Vote: Henkel-yes; Schaeztle-yes; Nodjomian-yes; Rominger-yes. Motion passed

The meeting adjourned at 8:25 PM.

MAYOR

ATTEST:

CITY CLERK