

MINUTES
REGULAR COUNCIL MEETING
CITY OF NICEVILLE, FLORIDA
NOVEMBER 8, 2016

The Niceville City Council met in regular session at 7:00 PM, November 8, 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; Police Department, Chief Popwell; Fire Department, Chief Mayville; Shelia Bishop, Library, Community Center and Children's Park; Chad Morris, Technology Department; a member of the press, and 43 visitors in the audience. Mayor Wise called the meeting to order at 7:00 PM. Councilman Henkel offered the prayer and led the pledge of allegiance.

1APPROVAL OF MINUTES:

Regular Council Meeting, October 11, 2016
Planning Commission Meeting, November 1, 2016
Local Planning Agency Meeting, No Meeting Held

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

PUBLIC HEARINGS

2Preliminary and Final Review -

Buckhead Holdings, LLC request preliminary and final review of the proposed 12 Lot Osprey Ridge. Lots 1-12, Osprey Ridge located off Bayshore Drive. Councilman Henkel moved approval. Councilman Nodjomian seconded. Council Vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Nodjomian-yes; Rominger-yes. Motion passed

PRESENTATIONS:

Mayor Wise - Outstanding Student Award

Mayor Wise stated that we have one student being recognized tonight who is Benjamin Esses representing Rocky Bayou Christian School. Mayor Wise asked that Councilman Henkel, the Mayor Pro Tem to make the presentation. Mr Doucet stated this outstanding senior is being honored tonight as a top student and leader in his own classes. Not only has he worked diligently in the classroom, but excelled on the playing fields, in the clubs and in our fine arts departments. He is our future, and we would like to encourage him

MINUTES, REGULAR COUNCIL MEETING NOVEMBER 8, 2016 PAGE TWO

As such! Councilman Henkel stated he was honored to present the Student Award for Civic Excellence to Benjamin Esses. The award is being presented for outstanding student leadership

in school, local, state and national government. He stated that he was very impressed with Benjamin's Academic Honors and Achievements. Councilman Henkel made the presentation to Benjamin Esses and asked how he felt about receiving such an honor and what where his plans for the future. Benjamin stated he was honored and humbled to be here tonight. He said it's early, however he has applied to attend Duke and plans to major in physics. Councilman Nodjomian congratulated his father for raising such a fine son and praised all the great work the school has done for him. Councilman Henkel stated that is awesome and wished him all the best of luck in the future.

Mr. Lee Lewis, AVCON, Project Updates (1) Niceville Landing Phase 1 (2) Boggy Bayou Headwaters Restorations (3) Thomas Branch Stormwater Improvements

Mr Lewis provided an update to the following projects:

1. Niceville Landing—Phase I

The City has agreed to a lease-to-purchase agreement with three property owners to acquire a 120 ft-wide property on Boggy Bayou for the development of the Niceville Landing. It is anticipated that 80% of the property cost will be funded through the RESTORE Act.

The Landing is anticipated to include an intermodal dock facility allowing boats to access commercial developments in historical downtown Niceville. The Landing is also anticipated to represent the initial element of a larger Community Redevelopment plan for the downtown area, which may include improvements to revitalize the local economy by establishing a pedestrian-friendly neighborhood featuring boutique retail vendors and restaurants.

The Phase I improvements will be funded through a \$500,000 state appropriation that expires on June 30, 2017. Because of the limited timeframe of the funding eligibility, the Phase I improvements will be limited to improvements that will not necessitate time-dependent permitting processes. Therefore, the Phase I improvements are anticipated to include the development of upland improvements that do not extend into the Bayou. These improvements may include the development of a linear boardwalk along the shoreline as well as general multi-use areas, lighting improvements, landscaping, restrooms and other features. The linear boardwalk will be constructed to accommodate the potential future extension along the shoreline on private property. Phase II improvements will be dependent upon additional funding sources in the future and may

MINUTES, REGULAR COUNCIL MEETING NOVEMBER 8, 2016 PAGE THREE

include the development of the waterside improvements including a pier extension to accommodate itinerant boat parking. Due to the limited timeframe for the available funds, the Phase I design is scheduled to conclude in mid-December with permitting and bidding to occur in January and February. Construction is anticipated to extend from late February to June.

2. Boggy Bayou Headwaters Restoration

The Conceptual Design Report identified the project elements with corresponding justification. Upon incorporation of comments received from City staff, the report was submitted to NFWF. The report identified several areas for sediment relocation as well as flow diversion improvements, marsh creation, removal of exotics, and other enhancements. The report was well received by the FDEP and U.S. Army Corps in the pre-application meeting.

With the finalization of the anticipated project limits, additional geotechnical testing is being procured to identify the depths of sand and muck as well as to identify the potential presence of heavy metals prior to excavation activities. The geotechnical results will allow for refinement of the sediment relocation design and to identify the anticipated quantities of sand and muck. The geotechnical results will lead to the development of 30% and 60% design documents. Upon completion of the 60% design documents, the documents will be coordinated with the permitting agencies in the February timeframe to obtain applicable permit conditions. Based on agency conditions, the final documents will be prepared for bidding and construction is anticipated to begin in the late summer or fall of 2017.

Thomas Branch Stormwater Improvements/McEwen SWMF

To date, the project has completed the data collection, including topographic surveys, invasive species surveys, stream and wetland delineations, stream condition index evaluations, and property appraisals. A hydraulic model of the drainage system as has been developed and the proposed project was well received by the FDEP and U.S. Army Corps in a recent pre-application meeting.

The permitting agencies have encouraged the project to include improvements to treat 1” of stormwater runoff from the contributing basin, which includes the runoff from properties occupied by Niceville High School and Ruckel Middle School, the runoff generated by the Church of Christ property, as well as the runoff generated by SR 20 from Partin Drive to Palm Boulevard. Thus, the proposed conceptual design is being modified to include an expansion of the proposed retention pond volumes south of SR 20 to accommodate the added volume.

MINUTES, REGULAR COUNCIL MEETING NOVEMBER 8, 2016 PAGE FOUR

To best address this stormwater treatment objective, the retention pond proposed on the north side of the existing stream may be expanded in the east direction near the outfall of the two 42” pipes discharging from SR 20. An exfiltration system is being proposed within the bank of the proposed pond to facilitate the uninterrupted flow of natural water originating from the steep head stream south of SR 20 into the existing stream. The proposed pond volumes will not only offer high quality water treatment, but will also serve to attenuate the high-volume discharges occurring during rain events. Over time, these discharges have resulted in severe degradation of the quality of the existing stream due to erosion. The proposed improvement will allow stormwater volumes will be released in a more controlled manner downstream, reducing the potential for downstream flooding and allowing the stream to stabilize and improve in quality.

The revised stormwater management improvements proposed south of SR 20 will require certain portions of privately owned property which differ from the previous strategy. A

modification of the prior property appraisal is being conducted to facilitate City negotiations of the proposed property acquisition needed to facilitate the plan.

Revisions to the draft Conceptual Design Report are being incorporated to reflect the increased treatment volumes and the revised property acquisition requirements. The Conceptual Design Report is anticipated in November, which will lead to the development of design documents. Design documents will be developed through the February timeframe, when documents will be coordinated with permitting agencies. Based on permit conditions received, final design documents will be prepared for bidding. Construction is anticipated to commence in summer of 2017. Discussion followed.

Waste Management, Recycling Diversion Rates, Mr Ronnie Bell and Ms Katie Cowen

Mr Bell stated that our percentages are about the same in the third quarter as compared to the second quarter which is 26%. He stated that we are in agreement in that we all want that number up. He further stated that we are in line with Mary Esther and other Cities in that County that have similar recycling programs and their percentages are running about 26 to 28%. Ms Katie Cowan, the District Manager stated that everyone should have a set of maps for the routes we run in this area. She stated that a report was run for the period of October 2015 to October 2016 and the maps are annotated with the total tonnage that was collected for each area on the maps. She said that basically three areas on the maps are highlighted that have the most participation which are Swift Creek, Red Maple Way and Dana Point. She stated that the bulk of participation is coming from these three areas and limited participation in other areas serviced. Councilman Nodjomian asked if a report can be run for these same three areas to determine how much tonnage of solid waste went to the landfill to come up with a comparison. Ms Cowen

MINUTES, REGULAR COUNCIL MEETING NOVEMBER 8, 2016 PAGE FIVE

stated that can be done and she will gather that information and send it to us. Discussion followed.

Ordinance 16-11-01 - 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 PUD, Planned Unit Development and have a future land use of MDR, Medium Density Residential; providing for the severability of this ordinance; providing an effective date and providing for filing with the Clerk of Court and Department of State. Metes and bounds description. 517 23rd Street. (Third Reading)

Mr Doucet read Ordinance 16-11-01 by title. Councilman Henkel moved approval on final reading. Councilman Rominger seconded. No one spoke for or against. Council Vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Nodjomian-yes; Rominger-yes. Motion passed

Ordinance 16-11-02 - 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 PUD, Planned Unit Development and have a

future land use of MDR, Medium Density Residential; providing for the severability of this ordinance; providing and effective date and providing for filing with the Clerk of Court and Department of State. Metes and bounds description. 519 23rd Street. (Third Reading)

Mr Doucet read Ordinance 16-11-02 by title. Councilman Nodjomian moved approval on final reading. Councilman Henkel seconded. No one spoke for or against. Council Vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Nodjomian-yes; Rominger-yes. Motion passed

Ordinance 16-11-03 - 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 PUD, Planned Unit Development and have a future land use of MDR, Medium Density Residential; providing for the severability of this ordinance; providing an effective date and providing for filing with the Clerk of Court and Department of State. Metes and bounds description. 521 23rd Street. (Third Reading)

Mr Doucet read Ordinance 16-11-03 by title. Councilman Henkel moved approval on final reading. Councilman Rominger seconded. No one spoke for or against. Council Vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Nodjomian-yes; Rominger-yes. Motion passed
MINUTES, REGULAR COUNCIL MEETING NOVEMBER 8, 2016 PAGE SIX

Ordinance 16-11-04 - An ordinance for the rezoning of certain properties in the City of Niceville, Florida; providing zoning for same and an effective date. Lots 1-12, Block E, Florida Heights, from R-1, Single Family to R-1B, Residential Single Family. Ronald Mathews. (Third Reading)

Mr Doucet read Ordinance 16-11-04 by title. Councilman Rominger moved approval on final reading. Councilman Nodjomian seconded. No one spoke for or against. Council Vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Nodjomian-yes; Rominger-yes. Motion passed

Ordinance 16-11-05 - An ordinance for the rezoning of certain properties in the City of Niceville, Florida; providing zoning for same and an effective date. Lots 1-10, Block G, Florida Heights, metes and bounds description. Parcels 1, 2, and 3. Fayez Shamieh. (Third Reading)

Mr Doucet read Ordinance 16-11-05 by title. Councilman Schaetzle moved approval on final reading. Councilman Henkel seconded. No one spoke for or against. Council Vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Nodjomian-yes; Rominger-yes. Motion passed

Ordinance 17-01-01 - 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 R-3, multi-family residence and have a future land use of MDR, Medium Density Residential; 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 Address: 1602 26th St (First Reading)

Mr Doucet read Ordinance 17-01-01 by title. Councilman Rominger moved approval on first reading. Councilman Nodjomian seconded. No one spoke for or against. Council Vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Nodjomian-yes; Rominger-yes. Motion passed

Ordinance 17-01-02 - 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, multi-family residence and have a future land use of MDR, Medium Density Residential; 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 Address: 1604 26th St (First Reading)

MINUTES, REGULAR COUNCIL MEETING NOVEMBER 8, 2016 PAGE SEVEN

Mr Doucet read Ordinance 17-01-02 by title. Councilman Rominger moved approval on first reading. Councilman Nodjomian seconded. No one spoke for or against. Council Vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Nodjomian-yes; Rominger-yes. Motion passed

Ordinance 17-01-03 - 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-1, multi-family residence and have a future land use of MDR, Medium Density Residential; 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 Address: 1606 26th St. (First Reading)

Mr Doucet read Ordinance 17-01-03 by title. Councilman Rominger moved approval on first reading. Councilman Schaetzle seconded. No one spoke for or against. Council Vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Nodjomian-yes; Rominger-yes. Motion passed

Ordinance 17-01-04 - An ordinance de-annexing from the City Limits 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 de-annexed and unincorporated from the City Limits of Niceville, Florida; 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 is located at 4487 New Market Rd.. (First Reading)

Mr Doucet read Ordinance 17-01-04 by title. Councilwoman Boudreaux moved approval on first reading. Councilman Henkel seconded. No one spoke for or against. Council Vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Nodjomian-yes; Rominger-yes. Motion passed

Ordinance 17-01-05 - An ordinance for the rezoning of certain properties in the City of Niceville, Florida; providing zoning for same and an effective date. Niceville Realty Trust LLC, 380 Iowa St. (First Reading)

Mr Doucet read Ordinance 17-01-05 by title. Councilman Rominger moved approval on first reading. Councilman Henkel seconded. No one spoke for or against. Council Vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Nodjomian-yes; Rominger-yes. Motion passed

MINUTES, REGULAR COUNCIL MEETING NOVEMBER 8, 2016 PAGE EIGHT

Resolution 16-11-01 - A resolution granting a special exception to the Land Development Code, Article 7, Table 7-2, to allow for a maximum height of 43-10", as opposed to the required 35' to meet engineering requirements for roof ridge height; and providing for an effective date. Leonard and Francia Siers, 135 Dolphin Point Rd.

Mr Doucet read Resolution 16-11-01 by title. Councilwoman Boudreaux moved approval. Councilman Rominger seconded. Mayor Wise asked if anyone in the audience wanted to come forward and speak on this issue. Mr Gregg Christakos, 121 Dolphin Point Rd stated this item was presented at the recent Planning Commission Meeting and the request was denied. He stated that he is here tonight to obtain clarification regarding the maximum height allowed for this home per current policy. He stated that he is here tonight representing a number of residents that live on Dolphin Point Rd. We are concerned that the structure is too high to fit in the neighborhood. The gentleman requesting the exception had plans in hand and was ready to go with the 35' height restriction in the ordinance then found out about the change in the flood plain requirement. Mr Christakos stated they are all concerned about water runoff, however, tonight they will stick with the building height issue. The request tonight is for a 9' increase in building height. He stated that our position is to recommend disapproval of this request for special exception. Mr Carl Scott, the City Building Inspector explained building height requirements as compared to the FEMA flood plain requirements as they have changed over the years. He stated that Mr. Siers would have to make changes to his building plans to comply with code and FEMA requirements, however, it will still be a very large house in comparison to others on Dolphin Rd. Discussion followed. Mr Lenny Siers, on behalf of him and his wife, Francia Siers, 135 Dolphine Point Rd explained that because of new FEMA requirements, he was now required to elevate his house 11' which brings up the roof line to 43' 10". The Cities Code utilitalizes the latest FEMA map changes which dictate the Base Flood Elevations, Coastal Construction Control Line and FIRM Maps. Initially, the proposed structure had a maximum roof ridge height of 13' 6" above grade which would have placed the average grade elevation ridge height at approximately 35' with an AE 8' line controlling the finish floor elevation. The latest survey dated July 21, 2016 moved the VE 10' line further inland which would require the structure to have the lowest horizontal structure member to be at least 1' above the designated flood zone, which will place the finished floor elevation at 12' 4". This new requirement would require the structures rood ridge height to approximately 43' 10". Mr Tommy Brown also a resident of Dolphin Point Rd explained his opposition to the request. Discussion followed. The council asked several questions regarding this request for special exception. Council Vote: Henkel-no; Schaetzle-no; Boudreaux-no; Nodjomian-no Rominger-no. Motion failed

Resolution 16-11-02 - A resolution of the City of Niceville, Florida adopting and promoting support for and approval of the Okaloosa County Comprehensive Emergency
MINUTES, REGULAR COUNCIL MEETING NOVEMBER 8, 2016 PAGE NINE

Management Plan (C.E.M.P) in order for the City of Niceville to fully qualify for credit for CRS activity 610 flood warning program; providing and finding that the Okaloosa County Comprehensive Emergency Management Plan (C.E.M.P) is compliant with and parallels Emergency management Requirements of Federal and State Emergency Management Plans; providing for approval and adoption hereof; and providing for an effective date.

Mr Doucet read Resolution 16-11-02 by title. Councilman Henkel moved approval. Councilman Rominger seconded. No one spoke for or against. Council Vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Nodjomian-yes; Rominger-yes. Motion passed

Resolution 16-11-03 - A resolution authorizing the City Manager to purchase services for the relocation of Lift Station Number Six.

Mr Doucet read Resolution 16-11-03 by title. Councilman Rominger moved approval. Councilman Henkel seconded. 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 Bruce Price briefed the status of current projects.

Water and Sewer

Bayshore North Sewer System Replacement: All work is now completed and this system is fully operational.

12 inch Water Main Extension to Huntington: Plans are completed and permitting is underway. Preparations are underway to clear the easement for this line and order materials.

Tank #4 Control Valve: The valve vault has been installed along with the electrical service and we are awaiting the installation of the SCADA Controls.

New Lift Station #6: Bid opening was held on November 3rd. And the low bidder will be given a notice to proceed when the bid is awarded.

Stormwater

Kelly Road Outfall Diversion: City crews have completed the installation of 350 lf of outfall pipe and the new junction box structure on Kelly Road was put in place today. Remaining work includes the installation of a new line along Kelly Road, restoration of the easement and right of way and the abandonment of the old outfall pipe.

31st Street Vault: We have updated and adjusted the plans enabling us to eliminate conflicts with existing utilities both underground and above ground. He stated that Jerry Regans is making the necessary arrangements to install a water valve on Bayshore Drive that will enable us to isolate the water system within the project limits when work begins in the event we encounter unforeseen problems with that water main while the contractor is installing the new drainage system.

City Landing, Boggy Bayou Headwaters and Thomas Branch Projects: Mr. Lee Lewis from AVCON has provided an update on the current status of these projects.

Invasive Plant Removal: One of the major goals of our drainage and stream maintenance program is the elimination of invasive plant species. We are currently in the process of identifying, treating and removing invasive plants from our right of ways, drainage conveyances and open space areas. We have presently treated more than 400 invasive trees city wide and removal operations are currently underway.

Other City Projects

Senior Center: City crews continue to work on the Senior Center as time permits.

Christmas Decorations: City crews have started the installation of Christmas displays City wide.

Development Updates

Magnolia Woods Phase III: Site work has been inspected and approved. Building permits have been issued.

Ruckel 1100 Acre Phase 1: Site work is continuing.

Osprey Point: Site work is ongoing for this development.

Huff Commercial SR 85: We are reviewing and preparing initial comments for this proposed 1.81 acre commercial development along the SR 85 corridor.

MINUTES, REGULAR COUNCIL MEETING NOVEMBER 8, 2016 PAGE ELEVEN

Regional Sewer System – Update

No Report

Police Department – Update

Chief Popwell stated that during the month of October the Police Department responded to 1970 calls for police assistance. There were a total of 65 traffic accidents involving 122 vehicles and 1 pedestrian. The estimated amount of damage to these vehicles and related property was \$256,713. A total of 191 Traffic Citations were issued, 24 Misdemeanor, 22 Felony and 1 DUI Arrests was issued. Discussion Followed.

Fire Department – Update

Mr Corbin stated the members present had to respond to a call and could not give a report.

Technology Department – Update

Chad Morris stated that staff members were still busy rolling out new computers and busy keeping the City Departments operational. Discussion followed.

Highway 20 Landscaping – Update

Chad Morris stated that he provided a handout with pictures of the preliminary plans for the medians. He asked if there were any questions to contact him after reviewing them. Discussion followed.

Senior Center – Update

Chad Morris stated that the public works departments have poured the concrete for the porch. We are waiting on brackets and other materials for the rest of the front façade and this includes the roof over the porch and the drive through area. Discussion followed.

Other Business:

Mr Corbin provided a Innerlocal Agreement to the Council for review. He requested that a special meeting be scheduled on December 6, 2016 and stated that Mr Mark Wise from Okaloosa County will be present to update the Council. Discussion followed.

MINUTES, REGULAR COUNCIL MEETING NOVEMBER 8, 2016 PAGE TWELVE

BILLS PAYABLE

Mayor Wise asked for a motion to pay the bills. Councilman Henkel moved approval. Councilman Nodjomian seconded. No one spoke for or against. Council Vote: Henkel-yes; Schaeztle-yes; Boudreaux-yes; Nodjomian-yes; Rominger-yes. Motion passed

The meeting adjourned at 8:50 PM.

MAYOR

ATTEST:

CITY CLERK