

MINUTES
REGULAR COUNCIL MEETING
CITY OF NICEVILLE, FLORIDA
SEPTEMBER 13, 2022

The Niceville City Council met in regular session at 6:00 PM, September 13, 2022 in the Council Chambers, 208 N Partin Drive. The Mayor and all Council members were present, except Councilman Nodjomian. Also present were City Manager, Lannie Corbin; City Clerk, Dan Doucet; City Attorney, Dixie Powell; Police Department, Chief Popwell; Fire Department, Chief Mayville; Public Works Director, Johnathan Laird; Deputy City Clerk, Wendy Farmer; Deputy City Clerk and Finance Director, Steven Rausch and Director of Technology and Purchasing, Chad Morris. There were approximately 30 visitors in the audience, including other City employees. Mayor Henkel called the meeting to order at 6:00 PM. Reverend Stauffer offered the prayer and Mayor Henkel led the pledge of allegiance.

APPROVAL OF MINUTES

Regular Council Meeting, August 9, 2022
Special Council Meeting, August 16, 2022
Special Council Meeting, August 18, 2022
Special Council Meeting, August 23, 2022
Special Council Meeting, August 25, 2022
Special Council Meeting, August 30, 2022
Special Council Meeting, September 8, 2022
Planning Commission Meeting, No Meeting Held
Local Planning Agency Meeting, No Meeting Held

Councilman Williams moved approval: Councilman Donahoo seconded. Council Vote: Schaezle-yes; Alley-yes; Donahoo-yes; Williams-yes. Motion passed

PUBLIC HEARINGS

PRESENTATIONS:

Youth Advisory Council – Update

Aleena Ponto, Youth Advisory Council Chairman, briefed the Council on goals set by the Youth Advisory Council at their meeting. They chose several goals to work on: a food drive for Christmas, Christmas cards for the seniors at the Pavilion, decorating the inside

of the Pavilion or their doors for Christmas if allowed, continued volunteer work for the Autism Center and assisting with their 5k run, and volunteering to work with PAWS or Grace Rides. We would like to send out surveys to past members to get feedback on how serving on the council has helped them. Lastly, we want to work on increasing the population of the non-voting members by doing posters and having announcements put out at Niceville High School. Councilman Schaetzle asked her what grade she was in? She answered that she was a senior.

Water Meter – ServLine Utilities Protective Proposal, presented by Ms. Jenna Hazelet

RECOMMENDATION: It is recommended that the City Council approve the implementation of the ServLine by HomeServe Leak Adjustment Insurance Program for the City of Niceville which will replace the current leak adjustment process.

BACKGROUND: ServLine was established in 2013 in Chattanooga, TN. While new to the state of Florida, ServLine has over 200 partners across the nation with a significant percentage in the Southeast. ServLine provides financial protection to water utilities for losses from customer water leaks by paying for high water bills caused by leaks. The city is currently losing revenue by giving leak adjustments and because the city can only afford to give partial credit, the customers are still left with a significant portion of the high-water bill to pay for. This program will help to educate customers about their water loss responsibilities and give the city an opportunity to provide a proactive solution for families to manage a large, unexpected expense.

Benefits to the city include:

- Recapture lost revenue and bad debt associated with customer water leaks
- Reduce and simplify staff workload
- Increase customer satisfaction
- Zero cost to the utility

Benefits to customers:

- Financial protection from excess water bill
- Affordable rates (less than \$20 per year for residential customers)
- Simple claims process
- Peace of mind that if a leak occurs, they are covered

COVERAGE: The program would cover 2 leak occurrences per customer in a 12-month period. All other parameters and guidelines would-be set-in cooperation with the City of Niceville. The city would choose whether to offer Sewer coverage in addition to the Water coverage and has the option of combining the two if so desired. One limit would be chosen

from the options below that would apply to all customers. Staff recommended selections are highlighted.

| Program Cost Selections | Limit per Occurrence | Cost per Residential Customer per Month | Cost per Commercial Customer per Month | Cost per Multi-Occupancy Commercial Customer per Month |
|-------------------------|-----------------------|---|--|--|
| Water Leak | <u>\$500</u> | <u>\$0.56</u> | <u>\$1.26</u> | <u>\$2.52</u> |
| | <u>\$1000</u> | <u>\$0.64</u> | <u>\$1.69</u> | <u>\$3.38</u> |
| | <u>\$2,500</u> | <u>\$0.71</u> | <u>\$2.22</u> | <u>\$4.44</u> |
| Sewer Leak | <u>\$500</u> | <u>\$0.67</u> | <u>\$1.34</u> | <u>\$2.68</u> |
| | <u>\$1000</u> | <u>\$0.77</u> | <u>\$1.82</u> | <u>\$3.64</u> |
| | <u>\$2,500</u> | <u>\$0.85</u> | <u>\$2.53</u> | <u>\$5.06</u> |
| Water & Sewer Combined | <u>\$500</u> | <u>\$1.05</u> | <u>\$2.21</u> | <u>\$4.42</u> |
| | <u>\$1000</u> | <u>\$1.20</u> | <u>\$2.98</u> | <u>\$5.96</u> |
| | <u>\$2,500</u> | <u>\$1.33</u> | <u>\$4.04</u> | <u>\$8.08</u> |

IMPLEMENTATION: In conjunction with the city utility bills, customers will receive educational brochures 30, 60 or 90 days prior to the programs start date informing them of the program details, cost, and providing ServLine’s customer service number. Customers may choose not to participate prior to being charged by calling ServLine. All customers who do not decline participation will see the per month charge as a line item on their utility bill once the program begins. Customers who do decide to not participate can sign back up in the future with a 30-day waiting period. Traditionally, ServLine experiences around 96% participation from customers.

FINANCIAL IMPACT: There is no cost to the City of Niceville to participate and ServLine will cover any expense related to printing/extra shipping charges for the educational brochures. Our community would save around \$40,000 per year by no longer being responsible for high water bills resulting from eligible leaks and customers would be freed from the burden of paying the remaining 50% of the high water bill they currently are responsible for.

Discussion followed regarding rates, claim resolution time, what is and is not covered, option to opt-out or possibility of an opt-in option. The possibility of a survey was mentioned by Councilman Williams and Ms. Hazelet stated it could be done however they do not typically receive much feedback on them. Councilman Schaezle thanked her for the information and stated they had not had much time to review the proposal and would like more time to do so. He would also like Attorney Powell to review the proposal.

Proclamation Presentation Technology

Mayor Henkel presented a proclamation to Mr. Morris proclaiming October 2022 as Cyber Security Awareness Month.

Proclamation Presentation Breast Cancer Awareness Week

Mayor Henkel presented a proclamation to Toby Williams proclaiming October 9-15, 2022 as Making Strides Against Breast Cancer Week.

Proclamation Presentation Constitution Week

Mayor Henkel presented a proclamation to Mr. Corbin proclaiming September 17-23, 2022 as Constitution Week.

AVCON Pedestrian Access Easement – Approval

Councilman Williams moved approval and Councilwoman Alley seconded. Ammy Hanson stated this was to allow access from old town historic area to the landing. If approved, they will be able to move forward with obtaining the easement.

Council Vote: Schaetzle-yes; Alley-yes; Donahoo-yes; Williams-yes. Motion passed

Ordinance 22-09-01 – An ordinance of the City of Niceville, Florida; providing for authority; providing for findings of fact; providing for amendments to Part II, the Code of Ordinances of Niceville, Florida, Appendix D, Articles 3, and 7, Land Development Code pursuant to Chapter 166, Florida Statutes; providing for conflicting provisions; providing for severability; and providing for an effective date. (Final Reading)

Mr. Doucet read Ordinance 22-09-01 by title. Councilman Schaetzle moved approval and Councilman Donahoo seconded. No one spoke for or against.

Council Vote: Schaetzle-yes; Alley-yes; Donahoo-yes; Williams-yes. Motion passed

Ordinance 22-10-01 – An Ordinance granting an exclusive franchise to Waste Management, Inc. of Florida for the purpose of Residential Garbage Collection; providing definitions of terms and phrases; providing a description of the franchise area which shall be all of the corporate limits of Niceville, Florida; providing for adoption of a rate and payment schedule; providing a commencement date; providing for a five year term with options to renew; providing for rate adjustment procedure; providing the scope of work

required under the franchise; establishing a disposal facility, establishing a processing Facility; providing rules for collection services, providing for performance of work as an independent contractor; providing for equipment requirements providing for insurance and indemnification; providing for service during storms, providing for a liaison between city and franchisee; providing for service to any future areas of annexation; providing for assignability; providing for compliance with laws; providing force majeure rights, establishing exclusive nature of franchise, providing for default; providing for a performance bond, providing for enforcement, repealing any ordinance inconsistent herewith providing for collection of attorney's fees; providing for severability; and providing and effective date hereof. (First Reading)

Mr. Doucet read Ordinance 22-10-01 by title. Councilman Schaetzle moved approval and Councilman Williams seconded. Doug Rainer, Waste Management, stated this was the same information that had been previously discussed. The CPI would be changing from 7% to 4%. They were also taking the opportunity to update the language in regards to the roll offs the City gets free of charge.

Council Vote: Schaetzle-yes; Alley-yes; Donahoo-yes; Williams-yes. Motion passed

Ordinance 22-10-02 – An ordinance granting an exclusive franchise to Waste Management Inc. of Florida for the purpose of Commercial Garbage Collection; providing definitions of terms and phrases; providing a description of the franchise area which shall be all of the corporate limits of Niceville, Florida; providing for adoption of a rate and payment schedule; providing a commencement date; providing for a five year term with options to renew; providing for rate adjustment procedure; providing the scope of work required under the franchise; establishing a disposal facility; providing rules for collection services; providing for uncollectable accounts; providing for performance of work as an independent contractor; providing for equipment requirements; providing for insurance and indemnification; providing for service during storms; providing for a liaison between city and franchisee; providing for service to any future areas of annexation; providing for assignability; providing for compliance with laws; providing force majeure rights; establishing exclusive nature of franchise; providing for default; providing for a performance bond; providing for enforcement; repealing any ordinance inconsistent herewith; providing for collection of attorney's fees; providing for severability ; and providing an effective date hereof: (First Reading)

Mr. Doucet read Ordinance 22-10-02 by title. Councilman Donahoo moved approval and Councilwoman Alley seconded. Mr. Rainer stated there were no changes to this ordinance. Councilman Schaetzle asked if the duration would be for five years with an option to renew for another five years? Mr. Rainer answered yes.

Council Vote: Schaetzle-yes; Alley-yes; Donahoo-yes; Williams-yes. Motion passed

CITY MANAGER REPORTS/REQUESTS/RECOMMENDATIONS:

Mr. Corbin briefed the status of projects throughout the City. He stated the Regional Sewer Board conducted their monthly meeting and the numbers are still looking good. The capacity is 3.2 million gallons and the current flow is 2.5 to 2.7 million. Poly Inc., is looking into options for the City to pump directly to Okaloosa County. They should have information by December. He stated on Bayshore Drive, the City now owns approximately 252 feet on the waterfront. We are looking to add another 50 feet to the right of the park. Dr. McCartney is working with Amanda Grande in hopes of developing the waterfront in the future. This would give us the opportunity to make that a footprint for the City of Niceville. He explained City operations were going well and the budget process was moving along smoothly.

Police Department – Update

Chief David Popwell briefed the status of department operations.

During the month of August, the Police Department responded to 3,207 calls for police assistance. There was a total of 50 traffic crash reports written involving 103 vehicles and no pedestrians. The estimated amount of damage to these vehicles and related property was \$277,901. A total of 106 traffic citations and 153 traffic warnings were issued. There were 11 misdemeanor arrests, 5 felony arrests, and 3 DUI arrests made.

Chief Popwell stated there was a memorial and funeral for K-9 Blue on August 26th, who was killed. He updated the status of the officer, stating he was doing good.

Councilman Donahoo asked what the protocol was for restaurants in regards to comfort/emotional support animals versus service animals? Chief Popwell stated comfort/emotional support animals were not permitted as they are deemed pets. To be a true service animal, they undergo training and provide a service that aides their owner. The animal must be leashed, wearing a vest, and under control. You can ask what service the animal is trained to provide; however, you cannot ask what condition they are providing

the service for. Attorney Powell stated this issue had come up in the library so he will share what his finding was at that time.

Councilman Schaetzle asked if Chief Popwell or someone from the department would be attending Project Opioid on September 30th? Chief Popwell stated he was not aware of it but would look into it. Mayor Henkel added that the Mayor of Crestview was encouraging all cities to attend.

Fire Department – Update

Chief Tommy Mayville briefed the status of department operations.

During the month of August, the Fire Department ran a total of 193 calls. The Fire Department has been training this month with team Eglin, active shooter training with the Sheriff's Department, working on the dock at Lion's Park, doing EMT/Paramedic refresher courses, and performing inspections. Chief Mayville state they participated in two sendoffs for Fire Chiefs who had passed away, one who was a Fire Chief for the City of Niceville. He also commended his firemen who were attending school, stating he was very proud of them.

Water/Sewer/Drainage Projects – Update

Johnathan Laird, Public Works Director, briefed the status of current projects.

Water and Sewer:

Gator boring is complete on Florida Street for the reuse line going to Deer Moss Creek.

The bypass pumping has started for 4 major lift stations. Lift station #30 is complete. Lift station #2, #4, and #13 have been set and are waiting to plumbed.

The water main project on Plew Panther Way is complete.

Calls: 66 water calls and 32 sewer calls; made 29 water taps and 9 sewer taps; 244-line spots. 503 service orders were completed.

Stormwater:

The Stormwater project on Nathey Street was completed. They have started putting sidewalks and curbing in.

The next Stormwater project will be on Fir Avenue installing curbing and new driveways.

The drainage work on 27TH Street & Bullock Boulevard was completed.

Streets:

The repaving of Juniper Avenue, from Marc Smith to Highway 285, should begin Monday September 19, 2022, weather permitting. The road will be milled and repaved. The work should take approximately a week.

Sidewalks and curbing were completed on Nathey Street and Valparaiso Boulevard. Workers will be moving to Bailey Avenue next.

Work has continued along John Sims Parkway. New paving and sidewalks should be completed near the end of January, 2023.

Highway 85 paving and sidewalk project should begin the end of September or the beginning of October 2022, projects at the north end of the County has delayed work.

We have installed a merge lane at Ruckel Middle School on Palm Boulevard for parent drop off to ease the traffic flow.

The new lighting at the Library is complete.

Progress is coming along for the new mural on Evans Street and John Sims Parkway, across from Turkey Creek South.

We want to give a special thank you to the Niceville High School football team for their community service work.

Mr. Laird stated he had received a request for speed bumps in Deer Moss Creek at 1157 Deer Moss Loop. The request meets all qualifications to include the signed petition. He has had two emails from concerned citizens stating they are not in favor of them, one being a developer. He asked for a vote to install the speed bumps.

Councilman Schaetzle moved approval and Councilman Donahoo seconded. Councilwoman Alley asked if this was for one speed bump and one location? Mr. Laird responded that it would be two sets at two locations. Councilman Williams asked if this could be temporary? Mr. Laird answered yes. Christopher Saul, 1405 Clary Sage Lane, spoke in favor of the speed pumps stating they would be very much appreciated.

Council Vote: Schaetzle-yes; Alley-yes; Donahoo-yes; Williams-yes. Motion passed

Councilwoman Alley requested an update on the Marc Smith sidewalks. Mr. Laird stated Matt Zinke relayed to him that the Okaloosa County School Board was in agreement and would like to add a little picnic area as well. Councilman Schaetzle stated he would like an update on the start date and duration of the project. Mr. Laird stated he would update them.

Bills Payable:

Councilwoman Alley moved approval. Councilman Schaetzle seconded. Council Vote: Schaetzle-yes; Alley-yes; Donahoo-yes; Williams-yes. Motion passed

Other Business:

BSA Troop 553 in Bluewater Bay was present working on the Citizenship in the Community Badge. They have to attend a meeting and then discuss and debate the issues.

Robert McEachern, 1027 Christy Drive, stated he attended the May 10th meeting in regards to the issue at 1032 Christy Drive. He was here tonight to receive an update. Attorney Powell stated the City is now in the position to move forward with clean up and then place a lien on the property, which upon proper notice, the lien may be foreclosed and the City receive the property.

Tyler Lutsko, 544 Wildflower Court, stated he and his wife had started a business and were directed to attend the meeting by Turkey Creek Maintenance. He was here to promote the business and see if there was any work they could do for the City. Attorney Powell stated it would depend on the scope of the work and whether or not it needed to be bid out or have proposals done.

Doug Stauffer, 1737 Maple Avenue, thanked Mr. Corbin and staff for the sidewalks that were installed on Valparaiso Boulevard.

Councilman Williams thanked the staff for all their hard work during the budget process.

Councilwoman Alley made a motion from a recommendation coming out of the CRA meeting to rename the Boggy Bayou Landing to Old Town Landing at Boggy Bayou and Councilman Schaetzle seconded. No one spoke for or against.

Council Vote: Schaetzle-yes; Alley-yes; Donahoo-yes; Williams-yes. Motion passed

Eliza Mitchiner, Niceville Historian, stated there would be a dedication and unveiling of the first three historical markers on October 6th at 10 AM at Lion's Park. It is open to the public. This will give Niceville three Florida Historic Sites. The marker at Lion's Park will be the Boggy Mill Company Site marker, the other two will be the Old Maritime City and Niceville Fire 1934, which will be located in the old town area. Councilman Schaetzle asked Ms. Mitchiner to email the City Clerk with the details so he could forward them.

Councilman Schaetzle stated the Fisher House and Exchange Club was hosting the Field of Valor September 10-17 at the Mullet Festival site. Each flag honors a service member from Florida that was killed in action while serving in Afghanistan or Iraq since September 11, 2001. He also mentioned to Mr. Corbin that he had been contacted by a resident regarding the building on 85S coming into Niceville, stating it was an eyesore. He asked if we could look into having it condemned? Chief Popwell stated it was a seized property and was now owned by the Department of Justice. He stated he would contact the case agent and provide an update.

Mayor Henkel stated he had noticed a boat anchored over at the landing and thought this should be brought to the attention of Code Enforcement to determine if they are there legally or illegally. Chief Popwell stated the owners have been cited by Florida Fish and Wildlife, since it is in the water it is not City of Niceville jurisdiction. The ticket is a misdemeanor, which results in a fine. If the owners do not respond it will go before a judge to have it removed. Mayor Henkel then asked Mr. Corbin the status of renaming 285N to College Boulevard to Wise Boulevard? Mr. Corbin stated he will get a sign made and schedule a dedication and unveiling. Mayor Henkel asked if that would be the same for the Fire Department and Police Department buildings and Mr. Corbin said yes. Mayor Henkel reminded the Council and staff that December 5, 2022 would be the Northwest Florida League of Cities annual Christmas even in DeFuniak Springs. He also gave a reminder that the final budget meeting would held Thursday, September 22nd at 6 PM. He also stated that he would still like to get an official photo of the Council, Attorney, City Clerk and City Manager. He stated our City Manager has been serving the community for 51 years and there was a recommendation sent to the Council to honor him and his leadership by renaming the City Complex after him. This will be discussed further at a later date. He thanked Mr. Corbin for all he has done.

There being no further discussion, the meeting adjourned at 7:43 PM.

MAYOR

ATTEST:

CITY CLERK

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