

MINUTES
REGULAR COUNCIL MEETING
CITY OF NICEVILLE, FLORIDA
APRIL 9, 2013, 2013

The Niceville City Council met in regular session at 7:00 PM, April 9, 2013 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; Public Works Director Bruce Price; a member of the press, and 12 visitors in the audience. Councilman Rominger offered the prayer and led the pledge of allegiance. Mayor Wise called the meeting to order at 7:00 PM.

APPROVAL OF MINUTES:

Regular Council Meeting, March 12, 2013
Planning Commission Meeting, No Meeting Held
Local Planning Agency Meeting, No Meeting Held

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

PUBLIC HEARINGS:

Florida Community Trust - Land Acquisition Memo from Bill McCartney PhD

Mr McCartney briefed the status of currently approved land acquisition projects. Basically, there are two definable projects (1) The expansion of Turkey Creek walk Park and (2) the control of Eglin's Aircraft Protection Zone 11 (APZ11). He stated both of these projects involve the purchase of identified lands under three grant programs. The current status is:

FLORIDA COMMUNITIES TRUST, FDEP GRANT

He stated the City of Niceville, based on an application approved in August 2011, has been awarded a grant by the Florida Communities Trust(FCT) of up to \$3,400,000 for the acquisition of two parcels of land. These include a parcel of approximately 8.5 acres owned by Safe Mini Storage on Highway 85 across from the Turkey Creek Pavilion. The second parcel of approximately 68 acres is owned by Ruckel Properties on both sides of Turkey Creek across College Blvd. from Turkey Creek walk Park North.

He advised that FDEP, is administering the Florida Communities Trust, has made an offer for the Safe Mini Storage property and the owner, Louis Breland, has accepted the offer. FDEP is still appraising the Ruckel Property and no acceptable offer has been made at this time. Pursuant to the FCT procedures, both owners have to accept or reject their offer before the City is authorized to develop a Management Plan. Upon approval of the Management Plan, FCT will close on the property and take title in the City of Niceville's name. Mr McCartney stated he expects the Ruckel appraisal to be completed by mid April and we'll have three weeks to develop a Management Plan, the City should take title to the property by early June. Under the terms and conditions of the FCT Grant Program and the City's application, the project (purchases) will be funded on a 75% State and 25% City basis. The FCT allows applicants to provide their 25% match in-kind, in additional properties included in the overall project based on their appraised value. In the City's application, three parcels were included to provide the matching requirement. These are the FDOT donation across from the pavilion, a ten-acre creek side parcel donated by Mr. Breland, and the City's recently purchased Neal home adjacent to the Park. FDEP appraisers have given the FDOT and Breland donation a value of \$0.00 each and \$ 192,000 for the Neal property.

Current Status:

The purchase price of the Safe Mini Storage 8.5 acres has been offered by the State and accepted by Breland at \$1,464,000. This would require a 25% match by the City of Niceville of \$488,000; less the \$192,000 appraised credit for the Neal property, would require the City to provide \$296,000 at closing. However, since stormwater management and stream restoration is a key provision in the City's original FCT Application, the use of stormwater reserves to provide the City's match are considered an appropriate use of those particular funds. He stated although the appraisal of the Ruckel 68 acres has not been completed and no offer has been accepted, it is estimated that the value of the appraisal will likely be established at approximately \$450,000 to \$500,000. In this event, the City should have no matching requirement since the USAF will pay 75% of the appraised restricted use value for an easement over the property at or after closing for inclusion in Eglin's Aircraft Protection Zone 11.

In Summary, the FCT Grant is likely to be approximately \$1,964,000 of which the City of Niceville would be responsible for only \$296,000 of the purchase price. The City would take title to the 8.5 acre Safe Mini Storage parcel and the 68 acres along Turkey Creek adjacent to the Eglin AFB Reservation. Both parcels will be incorporated into Turkey Creek walk Park and managed as a single facility.

EGLIN AFB/U.S. DEPARTMENT OF DEFENSE FUNDING FOR RESTRICTED USE EASEMENTS IN AIRCRAFT PROTECTION ZONE 11

Mr McCartney stated, as you are aware, The City Council has approved two agreements with the USAF for providing restricted use easements on City owned or City acquired properties. The first, "Agreement for Deed of Easement Under 10 U.S.C. Cpt. 2684a" is for up to \$450,000 and relates specifically to the Ruckel 68 acre parcel and a Val P Realty 40 acre parcel. This Agreement was executed by Council on July 13, 2011. The second agreement, "Cooperative Agreement Between The United States of America and City of Niceville", executed April 30, 2012, provides for a 50-50 cooperative effort to provide Restricted Use Easements on ten (10) additional parcels in the Aircraft Protection Zone 11.

Current Status: Mr McCartney stated to evaluate the procedure for providing restricted use easements to the USAF, the City with Eglin, picked a prior approved property from each of the above listed Agreements as a "test case" to begin these cooperative agreements. The City, with the concurrence of the Air Force, picked Parcel "C" (Val P Realty 40 acres) and Parcel "I" (City of Niceville currently owned 42 acres) and began the program. Currently all appraisals, surveys, purchase agreements and other documentation are in place except for Eglin's Environmental Assessment. Once this is completed, the property will be in a position to close with the USAF paying the agreed purchase price and one-half of all pre-closing and closing costs. The end result is that the City will get title to the Val P Realty 40 acre parcel in the Turkey Creek Corridor and Eglin will received a Restricted Use Easement on the total 82 acres of the combined City and Vap P Realty properties. The current status of the Ruckel 68 acres is awaiting the FDEP-FCT final appraisal and acceptance of the offer by Ruckel Properties. Once completed, the State will close on the property in the City of Niceville's name and Eglin will pay the required match, either at closing or as a reimbursement to the City after closing.

After these two major acquisitions, (FCT and USAF), there will be nine (9) other parcels available in the Turkey creek Corridor which are also in APZ11 for which the City may continue its cooperative efforts with Eglin.

FINAL SUMMARY:

He stated the overall contributions of these land acquisition efforts will result in the following:

Acquisitions:

1. 8.5 acre Safe Mini Storage Property titled to the City
2. 68 acre Ruckel Property titled to the City
3. 40 Acre Val P Realty Property titled to the City

Easements

1. 150 acre Restricted Use Easement in APZ11 provided to the Department of Defense from 2 and 3 above and the 42 acre Currently owned City Parcel "1".

CITY COSTS:

1. The costs to the City for the FCT Grant match less the Neal Contribution is estimated at \$296,000 and can be supported with Stormwater Utility Funds.
2. The cost to the City for the USAF Cooperative Projects is Estimated at \$68,000 with the Air Force accepting an in-kind Match of \$50,000 for the Restricted Use Easement on parcel "1". The remaining \$18,000 will be paid by the City to match the Air Force for all closing and pre-closing costs.

GRANTS TO THE CITY

1.	FCT-FDEP Grant	Ruckel Property	\$ 500,000
		Safe Mini Storage	<u>\$1,464,000</u>
		Total	\$1,964,000
2.	DOD-USAF Grant	Val P. Realty	<u>\$ 139,875</u>
		Total Grant Funds	\$2,103,875

Warren Averett/O'Sullivan Creel – Ms Tammy McGaughy Mc, CPA – Audit Results

Ms McGaughy representing Warren Averett provided an overview/summary of the City-Wide audit results for fiscal year ending September, 30, 2012 lauding the City's overall management and sound fiscal status. She was proud to report that the City has received

26 consecutive annual Certificate of Achievement Awards from the Government Finance Officers Association (GFOA) for excellence in financial reporting. She advised there were no deficiencies noted with respect to internal control and no exceptions regarding compliance of laws and regulations. Discussion followed.

Ordinance 13-04-01 – 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; 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. Mr. John Duhaime, 23rd street. (Third Reading)

Mr Doucet read Ordinance 13-04-01 by title. Councilman Rominger moved approval on third reading. Councilman Nodjomian seconded. Mayor Wise asked if the council has exparted this property. Council members stated they made a site visit. No one spoke for or against. Council Vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Nodjomian-yes; Rominger-yes. Motion passed.

Ordinance 13-05-01 – 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-1B; providing for the severability of this ordinance; providing an effective date and providing for filing with the Clerk of Court and Department of State. Lots 1, 2, and 3, Block 15, Pinecrest Subdivision 2, according to plat recorded in Plat Book 1, Page 48 of the Okaloosa County public records. Walter F. Spence, 631 Fir Avenue. (Second Reading)

Mr Doucet read Ordinance 13-05-01 by title. Councilman Rominger moved approval on second reading. Councilman Henkel seconded. Mayor Wise asked if the council has exparted this property. Council members stated they made a site visit. No one spoke for or against. Council Vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Nodjomian-yes; Rominger-yes. Motion passed.

Ordinance 13-05-02 – An ordinance authorizing the City of Niceville, Florida to obtain Lease/Purchase financing from a commercial bank up to the maximum amount of \$1,340,000 to upgrade the City's Water Meter Reading System; 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 13-05-02 by title. Councilwoman Boudreaux moved approval on first reading. Councilman Rominger seconded. Mr Fray, Fray Municipal Securities provided an overview of the RFP Results that were due to the City on April 8, at 10:00AM. Mr Fray explained the True Interest Cost (TIC) by taking into account any bank expenses, and the cost of issuance to come up with a final TIC. He explained that the best bid out of 11 submissions was submitted by Regions Bank.

Bidder Name	Rate	Costs	All-in-TIC
Regions Bank	1.770%	\$2,500	1,805840%
US Bancorp	1.827%	0	1.827111%
Branch Banking and Trust	1.930%	\$5,000	2.002107%
Suntrust	1.900%	\$7,500	2.008118%
BBVA Compass	1.970%	\$4,000	2.027769%
Banc of America	2.050%	0	2.050139%
FNBT.COM Bank	2.150%	0	2.150154%
Coastal Bank and Trust	2.230%	\$3,500	2.230166%
Trustmark National Bank	2.280%	0	2.280173%
First National Bank of Crestview	3.240%	0	3.240355%
Beach Community Bank	5.500%	0	5.501065%

Councilwoman Boudreaux moved approval to award the bid to Regions Bank. Councilman Rominger seconded. Discussion followed. Council Vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Nodjomian-yes; Rominger-yes. Motion passed.

Ordinance 13-06-01 – An ordinance of the City of Niceville establishing a Youth Council and providing an effective date. (First Reading)

Mr Doucet read Ordinance 13-06-01 by title. Councilman Rominger moved approval on first reading. Councilman Henkel seconded. Councilman Nodjomian recommended a slight revision to the By Laws. Discussion followed. Councilman Rominger amended his motion to include the revision. Councilman Henkel seconded. Council Vote: Henkel-yes; Schaetzle-yes; Boudreaux-yes; Nodjomian-yes; Rominger-yes. Motion passed.

Resolution 13-04-01 – A resolution of the City of Niceville, Florida establishing election procedures.

Mr Doucet read Resolution 13-04-01 by title. Councilman Rominger moved approval. Councilman Schaetzle 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 Price briefed the status of ongoing projects.

Water & Sewer

Bayshore Drive Sewer Line Replacement : City crews have replaced approximately 200 feet of sewer main along Bayshore Drive north of Mill Creek. This old section of sewer line which serves several residential and commercial customers in that area had developed serious grade problems that required constant maintenance to prevent a line blockage or a possible overflow.

Redwood Water Line Extension: City crews have completed the installation of approximately 1200 Linear Feet of 6 inch water main and 3 new fire hydrants on Redwood Avenue between 18th Street and Valparaiso Boulevard. Testing of the new line is underway and final connections will be made when DEP clearances are given.

New Pump Station 33: Final preparations are underway to schedule the clearing and placement of the pump station wet well.

New 750,000 Storage Tank: The bid opening for the construction of the new 750,000 water storage tank has been set for May 23rd. Two separate bids will be let for the removal of the existing 100,000 gallon tank and the construction of the new 750,000 gallon tank. The installation of this new tank and the upgrading of the water mains in this service area will substantially increase the storage capacity and provide more fire protection and increase the water system pressure.

Reclaim Water: There were some problems encountered at the Regional Treatment plant this past weekend regarding the reclaim water production and they were unable to produce enough reclaim to meet the demand. We are working diligently to resolve the problem. The current construction underway at the plant has required one of the three treatment trains to be taken off line. During periods of high flow into the plant the treatment process was hampered requiring a longer period of time to clear the solids and meet the turbidity levels necessary to run that water through the reclaim filters. As a result of that only a limited amount of reclaim water was produced. We are exploring several options to reduce the demand for reclaim including drafting surface water to Rocky Bayou Golf Course, and working with Eglin to have their irrigation system pump into the reclaim storage basin which is located on the Eglin Golf Course. We have also been in contact with the DEP to determine if turbidity level requirements can be temporarily lifted to allow more production. Notifications have been sent to the majority of the reclaim users through the homeowners associations and door hangers were also distributed. We will continue to pursue all alternatives in resolving this problems and rationing may be required until all of the trains at the plant are operational.

Misc. Projects:

Palm Estates Entrance: City crews removed the damaged concrete walls at the entrance to Palm Estates of Valparaiso Boulevard and replaced the entry signs. These walls which had been built on private property were structurally unsound so crews removed them and installed privacy fences on the property lines and new subdivision entrance signs.

Kildare Sign: The sign at the entrance to Kildare Circle was recently vandalized and city crews replaced the lettering. Shortly afterwards it was again damaged. We plan to remove all of the remaining lettering and paint the sign.

Fire Department Addition: City crews have started the framing of the interior walls in of the upstairs areas in the fire Department.

Turkey Creek: City crews are also making improvements at one of the platforms on the Turkey Creek Boardwalk to provide better access to the water.

City Sidewalk and Pathway Extensions: The contractor has installed 4,500 linear feet of concrete sidewalk and 4,000 linear feet of asphalt pathway. This sidewalk extension work included sidewalk installations on; Bayshore Drive, 27th Street, Early Street, Evans Street and Kildare. Asphalt Paths were installed on Valparaiso Boulevard, Bayshore Drive and Rocky Bayou Road. A 850 linier feet segment of the asphalt path along Rocky Bayou Road between SR 20 and the intersection of the Publix Boulevard will be completed when the Round A Bout on Rocky Bayou Drive is constructed and a 430 lf segment of the sidewalk along Bayshore Drive between 31st Street and Partin Drive was also omitted because of the planned storm water vault installation. Included with this work was the installation of @ 260 linear feet of curb and gutter along the Spencer Place right of way to alleviate a serious erosion control problem. City crews will be completing segments of sidewalk that conflict with a drainage flume on 27th Street and one located on Bayshore Drive. We will also be replacing the asphalt along the new sidewalk on Bayshore Drive between Mill Creek and Edge Avenue.

Stormwater Projects:

Bayshore Drive @ Mill Creek: City crews installed 300 linear feet of 18” stormwater pipe to the outfall system on Bayshore Drive near Mill Creek. This was an emergency installation to alleviate erosion along the shoreline.

Turkey Creek North Entrance Way: City Crews installed a protective burm and re-graded the entrance road at Turkey Creek North Park to alleviate a run off issue that was affecting homes in the Hawks Landing Subdivision.

Juniper Avenue: Approximately 3 weeks ago the roadway embankment on Juniper Avenue was damaged after a 1.5 inch rain fall event. This damage was the result of beavers building a dam around the outfall structure. As the water in this basin area increased it eventually eroded the

roadway embankment. temporary repairs have been made to the embankment and the beaver dam was breached to allow the water to flow directly into the inlet structure. Since that time the beavers have continued to build up the dam and we are monitoring there activity to make sure they do not raise the water levels too high or attempt to totally block off the inlet. Our highest priorities are regulating the water level of this basin and preventing a total blockage of the inlet and pipe under the roadway.

Some of the residents that live around this drainage basin have expressed an interest in allowing the beavers to remain and raise the level of the wetlands. If the beaver activity is not controlled and the water level will continue to rise and the results could be catastrophic when we experience a large rain fall event.

We are looking at ways to convert this basin area into a stormwater impoundment by installing a control structure that would allow water to back up to an acceptable level. Up to this point these are the actions we have taken to determine if this is possible.

Action Taken

- 1) We have received verbal authorization from the property owner (Ruckel Properties) to determine if this is an allowable project with the understanding that creating this impoundment will not adversely impact the surrounding property.
- 2) We have authorized our storm water engineer to begin the process of design and permitting.
- 3) We have met with DEP and WMD to determine what permitting is required.
- 4) We have authorized a wetlands boundary survey.

Action to be taken

- 1) Acquire survey and wetlands data and start design.
- 2) Provide landowner the proposed design for approval and authorization to permit.(joint application is required)
- 3) Permit project
- 4) Provide any RAI's
- 5) Construct the project using in house labor

Estimated Project Cost: 25 - 30 K

Engineering 12K, Survey & Permitting 2K, Construction: 10-15K

If the council has no objections we will move forward with the permitting and design of this proposed project until it is approved and constructed or until we are told it will not be permitted.

Our plan is to continue to monitor the beaver activity and perform the necessary maintenance to ensure this drainage way remains open. As long as the blockages are manageable we will refrain from trying to have the beavers removed. The construction activity will require a draw-down of

the water level to install the structure and once the structure is operational and the desired water level is reached, we will take whatever steps are necessary to ensure that the beavers will not interfere with the functioning of this system. The same will hold true if the regulatory agencies tell us we cannot install this control structure to create this impoundment. We cannot allow the beavers to block off this system. Mr Michael Sheppard, 1084 Forrest Lake Terrace presented a MINUTES, REGULAR COUNCIL MEETING, APRIL 9, 2013, PAGE TEN

signed petition containing 30 names in support of improvements at the Juniper Avenue Embankment, adjacent to the rain water run-off/spring fed retention pond. The petition stated the following citizens, in the neighborhood of Creekside, that reside in close proximity to the rain water run-off/spring fed retention pond that is adjacent to and drains under Juniper Avenue, petition the Niceville City Council to effect permanent improvements to the embankment area which lies west of Juniper Avenue. He stated that improvements need to be engineered so as to create a body of water west of Juniper Avenue. The benefits of these improvements are as follows (1) A free flowing body of water, vice stagnant standing pools, that reduces the mosquito population and decreases the possibility of a West Nile virus outbreak, (2) increased property values, (3) Aesthetically more pleasing, and (4) Reduce the population of Chinese Tallow Trees (Water Oaks).

Development Update

Publix Project Site: Sewer realignment is completed along with installation, pressure testing and clearance of the water main which is ready to be tied in. Some site work is underway. The roadway and driveway connections along SR 20 are completed at the new Bank Building.

Stables Project: Pipe and materials are stockpiled on site and Initial land clearing activities are underway. NOTE: The overflow conveyance from this project will include some drainage improvements along Bally Way and Mulcahy and we have been working with a resident in that area to insure this outfall capacity increase does not adversely affect that area.

Regional Sewer System – Update

Mr Corbin stated that key people are working very hard to come with a plan to solve the re-use water issue.

Library – Update: Ms Bishop provided a handout and briefed the various events that will be taking place at the library during the month of April that applies to Adult Library Programs, and Children and Teen Programs. She advised that there will be Free Tax assistance at the Library; and a document shredding service free to the public offer by Cintas Shredding Services to be held on April 25th from 8:30 AM to 10:30 AM.

TECHNOLOGY – UPDATE:

Chad Morris, IT Director briefed the status of on-going projects in his department that included issuing City E-mail addresses for council members and plans for implementing

new security measures using card readers to limiting access to various departments at the City Hall Complex. Discussion followed.

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FIRE DEPARTMENT – UPDATE

Chief Mayville stated that during the month of March the fire department responded to a total of 112 calls. There were 111 calls located within the city limits and 1 mutual aid call. Chief Mayville stated that Fire Fighters tested 238 hydrants in March; they are pushing to complete testing before the summer weather is here. Chief Mayville stated his people started the first of three 40 hour FEMA boat operation courses; several other neighboring departments have the opportunity of taking these courses along with us. He

stated that Firefighters have participated in several public relations activities around the city. He was proud to advise that Firefighter Brandon Murphy was honored as Firefighter of the Year for the Rotary Club at a luncheon held at Northwest Florida State College.

POLICE DEPARTMENT – UPDATE

Chief Popwell stated that during the month of March the Police Department responded to 1876 calls for police assistance. A total of 69 vehicles were involved in reported crashes. The estimated amount of damage to these vehicles and related property was \$149,366. A total of 218 Traffic Citations were issued, 21 Misdemeanor, 15 Felony and 2 DUI Arrests were made.

Other Business:

Mr Corbin stated that Ms Elisa Mitchiner has done considerable research regarding Niceville's History. Ms Mitchiner was able to confirm through her research that Niceville was actually founded in 1868 since a Post Office was opened that year. Ms Mitchiner is requesting that the City consider revising its City Seal to include the year it was founded or established. Discussion followed.

Voting Method:

Discussion centered around our method of voting during council meetings. There was a recommendation made to use a button and a light would come on vs. using a voice command. Discussion followed. A recommendation will be presented by the City

Manager for consideration during our next Regular Council Meeting. Discussion followed.

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BILLS PAYABLE:

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

The meeting adjourned at **8:25** PM.

MAYOR

ATTEST:

CITY CLERK