

MINUTES  
REGULAR COUNCIL MEETING  
CITY OF NICEVILLE, FLORIDA  
JANUARY 11, 2022

The Niceville City Council met in regular session at 6:00 p.m., January 11, 2022 in the Council Chambers, 208 N Partin Drive. Mayor Henkel called the roll and all Council members were present including Councilwoman Alley and Councilmen Schaetzle, Nodjomian, Donahoo, and Williams. 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, Johnathan Laird. Both Deputy Clerks attended including Wendy Farmer and Finance Director, Steven Rausch. There were 18 additional attendees including other City employees.

Mayor Henkel led the prayer. Afterwards, all present said the Pledge of Allegiance. Mayor Henkel called the meeting to order at 6:00 p.m.

**APPROVAL OF MINUTES:**

Regular Council Meeting, December 14, 2021  
Planning Commission Meeting, January 3, 2022  
Local Planning Agency Meeting, No Meeting Held

Councilman Williams moved approval of the minutes. Councilman Donahoo seconded. No discussion followed. Council Vote: Williams-yes; Donahoo-yes; Alley-yes; Schaetzle-yes; Nodjomian-yes. Motion passed.

**PUBLIC HEARINGS**

**PRESENTATIONS**

Youth Advisory Council - Update

Niceville Youth Advisory Council (NYAC) Chairman Katherine Johnson briefed the City Council about progress towards the NYAC's projects and events. She said the holiday cards they had worked on at the December meeting were dropped off at the Twin Cities Pavilion and the residents loved them. Ms. Johnson said they had planned to attend the Florida Legislative Action Days in Tallahassee, but that was cancelled due to COVID-19. She said the Campus Carnival project has turned into an addition to the Emerald Coast Autism Center's 5K run, which is an event they do in April. We will figure out a better plan for that and get in contact with them and add on to their run. Finally, we have our Youth Council service contest in mid-April, said Ms. Johnson. We have the opportunity to use our service project with the Emerald Coast Autism Center (ECAC) for our next big

contest submission. NYAC member Michael Panarisi said he was informed, although it is not official yet, the ECAC 5K is in April. Mayor Henkel thanked NYAC Chairman Johnson for her briefing.

#### Proclamation – City of Niceville School Choice Week

Mayor Henkel said before we go to the next agenda item, I want to do a special presentation. Mayor Henke read the proclamation:

*Whereas, all children in City of Niceville should have access to the highest-quality education possible; and*

*Whereas, City of Niceville recognizes the important role that an effective education plays in preparing all students in the City of Niceville to be successful adults; and*

*Whereas, quality education is critically important to the economic vitality of City of Niceville; and*

*Whereas, City of Niceville is home to a multitude of high quality public and nonpublic schools from which parents can choose for their children, in addition to families who educate their children in the home; and*

*Whereas, educational variety not only helps to diversify our economy, but also enhances the vibrancy of our community; and*

*Whereas, City of Niceville has many high-quality teaching professionals in all types of school settings who are committed to educating our children; and*

*Whereas, School Choice Week is celebrated across the country by millions of students, parents, educators, schools and organizations to raise awareness of the needs for effective educational options.*

*Now, therefore I, Daniel Henkel, do hereby recognized January 23rd – 29th, 2022 as Niceville School Choice Week, and I call this observance to the attention of all of our citizens.*

Ordinance 22-01-01 – An ordinance annexing into the City limits and be zoned R-1, single family residential and have a future land use of Low Density Residential (LDR) Lot 6, Block B, Bahia Vista Subdivision, according to the plat thereof, as recorded in Plat

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Book 5, at Page 12, of the Public Records of Okaloosa County, Florida. David and Debra Wise, 110 Bahia Vista Drive. (Final Reading)

Mr. Doucet read Ordinance 22-01-01 by title. Councilman Schaetzle moved approval. Councilman Nodjomian seconded. No discussion followed. Council Vote: Nodjomian-yes; Schaetzle-yes; Alley-yes; Donahoo-yes; Williams-yes. Motion passed

Ordinance 22-01-02 – An ordinance of the City of Niceville, Florida amending Ordinance 97-8, June 10, 1997, Part II, the Code of Ordinances of Niceville, Florida, Chapter 5.6 – environment, Article II Trees, relating to protection of trees on public property which serve the public interest by providing oxygen, stabilization of the soil, prevention of erosion, shelter for wildlife, conservation of energy by providing shade, filtering air, and adding to the beauty of the City of Niceville; providing for severability and providing for an effective date. (Final Reading)

Mr. Doucet read Ordinance 22-01-02 by title. Councilwoman Alley moved approval. Councilman Williams seconded. No discussion followed. Council Vote: Williams-yes; Donahoo-yes; Alley-yes; Schaetzle-yes; Nodjomian-yes. Motion passed

Resolution 21-12-02 – A resolution granting a special exception to the Land Development Code Section 11.05.01(e), to allow for a 48’ dock as opposed to a 33’ dock. Lot 2 Dolphin Point Estates, according to the map or plat thereof as recorded in Plat Book 9, Page 20, Public Records of Okaloosa County, Florida. John and Kristin Harris, 107 Dolphin Point Rd.

Mr. Doucet read Resolution 21-12-02 by title. Councilman Nodjomian moved approval. Councilwoman Alley seconded. Mayor Henkel opened discussion to the public.

Mr. David Swanick, 503 Rana Lane introduced himself and spoke about the notice he received after the item was tabled last meeting. He said the notice was three pages and did not contain the information the Council had requested last meeting, such as dimensions, and spoke at length about pertinent information he would like to know. Mayor Henkel asked Mr. Doucet if the Planning Commission minutes were available and distributed. Mr. Doucet said they were available on the City’s website. Mr. Swanick said the minutes did not contain the information about the size and location of the structure. He spoke against granting the exception because if granted everyone would want to extend their dock to deeper water, and said this is why an exception like this request has never before been granted. Mr. Swanick asked that if the Council granted the exception, it be limited to 25 percent.

Councilwoman Alley asked if Mr. Swanick knew if any homeowners on the water there did not have docks. Mr. Swanick said everyone except the neighbor next door had a dock. Councilwoman Alley asked what information about measurements Mr. Swanick had not seen that he wanted to see. Mr. Swanick said he never received a copy of Mr. Harris's presentation documents containing the dimensional information. More discussion about the documentation followed.

Mr. Jeff Davis, 1855 Bayshore Drive introduced himself and said he had spoken with City Clerk Dan Doucet and Ms. Revell on Friday, because he had not received anything more than the 3-page letter. Mr. Davis said he asked specifically if the City or the Council received any other information such as building plans, diagrams, location, or dimensions. He said the answer he received was no.

Councilman Nodjomian said he was not pleased with what we were doing as a City on this one. I don't think this was brought back to the Planning Commission. It was not an agenda item on January 3<sup>rd</sup>, said Councilman Nodjomian. This came back to us without going back to Planning. If that's the case, I think that is incorrect. I also did specifically state that there needed to be more information in the public notice, and what the gentleman said, is exactly what I referred to. I am 100 percent in accord. You could take 48 feet anywhere off of the edge of that property, and it's a vast difference of where that goes into the body of water. So, I am going to withdraw my motion on this topic because I don't believe this is ready yet again. This absolutely has to go through the Planning Commission before it comes back to us, said Councilman Nodjomian. Councilwoman Alley said the direction from the Council last meeting was only to table it. Councilman Nodjomian said he did not disagree, but there was also significant additional information which was to be provided to the neighbors, which presumably would need to go before the Planning Commission again.

Mr. John Harris, 107 Dolphin Point Drive came forward and introduced himself. Mr. Harris said there is no new information and said before the last meeting Mr. Swanick had a copy of my slides in his hand. Mr. Harris said the dock will be within the set-backs required by the City of Niceville. Mr. Harris spoke more about the location of the dock and the water level. He said he had 18 neighbors who had signed a letter in support of his dock. Mr. Harris spoke at length in favor of granting the exception to allow a 48' dock as he has planned.

Councilman Williams asked Mr. Harris if dredging would solve his problem? Mr. Harris said dredging is environmentally unfriendly, and said the U.S. Corps of Engineers and the Florida Department of Environmental Protection (FL DEP) told him that dredging is a last resort. Mr. Harris spoke against dredging and about the challenges and expense of dredging.

Councilman Nodjomian said the notices sent out by the City need to be dated. Councilman Nodjomian asked Mr. Powell if the notice provided by the City was legally sufficient and if the expectation was that those concerned would need to attend the Planning Commission meeting to see the presentation? Mr. Powell said the advertising notice was legally sufficient as far as advertising, but there is a more practical aspect to this. We have neighbors on one side against it and the other side for it. Mr. Powell said he didn't think there had been a presentation with proper notice in fairness to everybody, to be able for the Council or the Planning Commission to make a sound decision. The notice is legally sufficient as far as advertising. Does it give sufficient notice of plans and specifications? No; said Mr. Powell. This is an important decision for a special exception to one dock and it could open the door to other requests, so what are we going to do, asked Mr. Powell? As far as sending it back to the Planning Commission, you could do that. We tabled it last time with the understanding that everyone was going to share information and asked for more information, but we keep getting the same limited information.

Mr. Harris said there is no new information and said he presented the information last month and Mr. Swanick had a copy of it. Mr. Swanick spoke more about the dock specifications and his understanding of the City's procedures for approval of an exception to the building code. Mr. Swanick said he did not know what additional information was needed.

Mayor Henkel said both sides had laid out their arguments and took some time to do that, so further discussion would be restricted to three minutes each.

Mr. Jeff Davis, 1855 Bayshore Drive, Niceville, introduced himself and spoke about the inadequacy of the information provided so far. Mr. Davis said he was in favor of allowing Mr. Harris to build a dock, but he was not in favor of a dock that would restrict the use of his own dock, requiring him to back out further from his dock with his boat. Mr. Davis asked if an electronic PowerPoint presentation was presented to the City Council, why was there no record of it? Mr. Davis said he had visited Mr. Doucet and Ms. Revell on Friday and they did not have a copy in the planning office or with Mr. Doucet. I was fully expecting a copy of that and at least an overview of the survey and the design for the dock, and I'd still like to see one, said Mr. Davis.

Ms. Pam Beales, 170 Lanman Road introduced herself and said she was the former owner of 107 Dolphin Point Road. Ms. Beales said she had pulled the original permit to have a dock built there. Ms. Beales spoke about the shallow water depth and the angle and direction of the existing docks in that area. Ms. Beales spoke against allowing the special exception for the dock.

Mayor Henkel asked Councilman Nodjomian if he would like to withdraw his motion to adopt Resolution 21-12-02? Councilman Nodjomian deferred to Mr. Powell and said his concern was that the City had a legally sufficient, in both practice and principle, notification process. If the answer is yes, then I'll let my motion stand. Otherwise, I will withdraw it and suggest that we have the documentation that should have been sent in December, and that it goes back to the Planning Commission for a review, said Councilman Nodjomian.

I think that would be a fair resolution in this case, said Mr. Powell. The advertising is legally sufficient from the standpoint of timeliness. The situation here is an unusual circumstance, whereby it should go back to the Planning Commission to let everybody bring out their position at the Planning Commission and give advance notice to the neighbors that were requesting a survey. Mr. Harris is entitled to a dock, but he needs to present plans and specifications to the neighbors and to the Planning Commission, and provide good reasons to the City Council as to why he should be granted the special exception of 48' versus the 33' that everybody else has for a dock, said Mr. Powell.

This is a discretionary decision for the Council of course, and that decision would be very hard to overturn in court said Mr. Powell. So, if the Council doesn't feel like they have sufficient information, there is no reason why you cannot send it back. There's really no prejudice in doing that, other than Mr. Harris wants to build his dock now. The other neighbors don't want it built right now until they know what's going to be built. This has become an adversarial issue. It shouldn't be that way. It is more of a factual issue, said Mr. Powell. Mr. Harris said he agreed it should be a factual issue and said Mr. Powell told him it was being treated as a community issue and he would be held to a higher standard by Mr. Powell. Mr. Harris said he had provided a survey from AutoCAD, with picture of the dock and he did not know what else to do. Mr. Harris spoke more in favor of being granted the special exception for the dock.

Councilman Nodjomian said he had notes on 3 and a half pages of discussion about this special exception request from the last Council meeting. The intent, I think was to include the entire package that was provided. By putting all of the information in there, the intent was to clear up some of the misconceptions and this wouldn't be adversarial. We would be having fact-based conversations. If that was included and provided and everyone had a chance to review the same thing, then we could come here and put this issue to rest once and for all. I don't feel as if that has been done, so I will withdraw my motion, said Councilman Nodjomian.

Mayor Henkel asked Councilwoman Alley if she would like to withdraw her motion as well? Councilwoman Alley asked Councilman Nodjomian what he would like to see

done? Councilman Nodjomian said he would like to see the package that Mr. Harris prepared, that I thought was very well-done, that came before us in December, that we received, that evidently the neighbors had not had a chance to see, recognizing that our configuration here is not set up where an audience can view the same things that we are viewing. Councilman Nodjomian said he thought that by sharing that information it would dispel some of the commentary that was being made. I didn't see the down side in doing that. But we didn't. We sent out this, which added very little additional clarity to what was sent out the first time, said Councilman Nodjomian.

More discussion about the notice provided to neighbors by the City, and the City's review process followed. I'm not sure sending it back to Code Enforcement is the answer. I guess I would like a little more information from you regarding this, said Councilwoman Alley. Mr. Powell said the advertising is sufficient legally under our rules to provide notice of the issues that are coming before the Council on the agenda. The spirit of the last meeting was the Council did not feel that they had sufficient information and sufficient information was not shared. So, if you want to go to a hyper-technical legal argument, this notice would be sufficient, but what we discussed last time is that everybody would get together and share information. It doesn't seem like that was done, said Mr. Powell. It's discretionary with the Council. If the Council thinks they have enough information, the notice was legally sufficient so they can make a decision.

That decision, either to grant the special exception for the dock, or to deny it, is your decision. If it is denied, I don't know if Mr. Harris can go back to the drawing board again. I guess he can, but he would have to make some changes again. So that would be the prejudice to him if it is delayed. If it is delayed, then the other neighbors have an opportunity to do some additional review. It's a difficult judicial review because it is a discretionary act by the Council based on the information they received. We were trying to accommodate everyone and to give everyone a full opportunity to be heard, with everyone having notice. There's no higher standard being held to anybody, other than it's a difficult decision by the Council and we all wanted to have as much information as we could, said Mr. Powell.

Councilwoman Alley said it was her understanding that the DEP and the Army Corps of Engineers has approved this, but she would go with what Councilman Nodjomian wanted to do. If you want to make a different motion, I'll withdraw my second, and then you can make a different motion of what you would like to see happen, Councilwoman Alley said to Councilman Nodjomian. Mayor Henkel said the second to the motion has been withdrawn and asked if anyone would like to make a motion on this issue?

Councilman Nodjomian made a new motion stating, if we in fact have an electronic version of Mr. Harris's presentation, which Mr. Harris says we do, we will include that in

a renotification to the affected property owners and neighbors of the intent to include all available details of what this project is going to do, what it will entail, where it will depart the land from, where it will terminate, and all of the elements. Again, Mr. Harris, I am not asking you to do more. I think everything is in that package and it just needs to be clarified. Then it goes back through the Planning Commission for their review, with that information in it. Then it comes back to us. Councilman Schaetzle seconded the motion.

Councilman Schaetzle referenced the Land Development Code, Appendix D, paragraph 7.08.05 saying to Mr. Harris, Mr. Davis and Mr. Swanick, our land development code has a section in it that talks about residential docking facilities. I'm sure that Mr. Harris and his contractor builder will build it in accordance with that. It's all laid out and should be available on the web if there is any doubt about what you have to comply with.

Councilwoman Alley asked Mr. Swanick if there was something in the slideshow that he received, that he did not see but would like to see? Mr. Swanick replied that he did not look at it before the last meeting and still does not have a copy of it. I'd like to see a survey from a surveyor, said Mr. Swanick. Except that he does not have to pay a surveyor to go out and survey the whole bayou with dimensions, said Councilwoman Alley. More discussion followed about the documentation and whether or not it was adequate to determine the starting point of the dock. Mr. Swanick said it was not.

Mayor Henkel asked Councilwoman Alley if she had the information she needed. Yes, replied Councilwoman Alley. Mayor Henkel restated the motion for the issue to go back to the Planning Commission, that details be provided before it comes back to the Council. Did I summarize that accurately, asked Mayor Henkel? Yes sir, said Councilman Nodjomian. Council Vote: Williams-yes; Donahoo-yes; Alley-yes; Schaetzle-yes; Nodjomian-yes. Motion passed.

Councilwoman Alley asked Mayor Henkel if it made sense to have the issue come back to the Council in March because she knew Councilwoman Alley and Mayor Henkel would not be able to attend the February Council meeting. Mayor Henkel said he might be able to dial in. Councilwoman Alley said she would not be able to dial in because she would be in a meeting. Mayor Henkel said that might make sense, so he would discuss that further with Mr. Doucet and team.

Resolution 22-01-01 – A resolution granting a special exception to the Land Development Code, Table 8.4 Parking Ratios, Hotel/Motel, to allow for one space per room as opposed to the required 1.3 spaces per room. Metes and bounds description. Property ID numbers 12-1S-23-0000-007-0010 and 12-1S-23-0000-0016-0020. Choctaw Engineering representing PCS Hotels, LLC, 792 John Sims Pkwy. W.



Mr. Doucet read Resolution 22-01-01 by title. Councilman Donahoo moved approval. Councilwoman Alley seconded.

Councilman Nodjomian asked Ms. Ammy Hanson, looking at the January 3<sup>rd</sup>, 2022 Planning Commission meeting minutes, there's one line in here. It says Ammy briefed the Commission in regards to comments from Eglin. Will you elaborate on that please, asked Councilman Nodjomian? My explanation was that the Eglin planner was a member of the Planning Commission said Ammy. He's not a voting member, but he receives all information on any projects that would be impacting Eglin's mission. We adopted in 2013, the Joint Land Use study, by the Military, which created the accident potential zones one and two, and also the military influence planning area and the main corridor. This property falls within that area and so this project is not conducive with Eglin's mission because it is not the least dense development that could go in there. The Planning Commission and the City Council can make a decision that is contrary to what the military says, because it is your job to make that decision. He makes statements to us to help us decide what would be inline. The builders would also be required to use noise reducing building materials, as the Holiday Inn did, said Ms. Hanson.

Councilman Nodjomian asked if the Holiday Inn was APZ-1 or APZ-2? I believe it is APZ-2. Ms. Hanson explained much of Turkey Creek park was also in the APZ zones. Also, I just want to let you know we did not pick 1.3 parking spaces from the Transportation Institute of Engineering's book. It suggests that you have 1.3 parking spaces per room for hotels, so you have adequate space for not just your guests but also your employees.

Right or wrong, I probably know more about land use planning than is going to help us right now, said Councilman Nodjomian. As the former Wing Commander of Eglin Air Force Base, when we asked municipalities to do certain things that are laid out in the Joint Land Use Study, it's done for a reason. To give Eglin Air Force Base an opportunity, as a non-voting member, to evaluate potential non-compatible or compatible development, is for a reason. APZ-1 is called APZ-1 for a reason. If there is going to be an accident of some sort, the likelihood of it being in an accident potential zone is highest in APZ-1, then APZ-2, and so forth and so on. Anyone who is an aviator understands those concepts. So, I take their issue, with that as a high-density development, very seriously, and I for one do not believe that we should be approving development of a hotel on that particular parcel, irrespective of the parking issue. I think the parking issue is a minor issue in comparison to developing in APZ-1, said Councilman Nodjomian.

Councilman Schaeztle said, the issue before the Council, at least as far as what this resolution says, is to decrease the parking requirement of 1.3 per room, to 1.0 per room. So, that is already making the assumption that our City technical review committee, the

Planning Zone committee, or whoever is involved in the review of this hotel and the placement in APZ-1, has already given the green light to go ahead with a hotel in this area, contrary to what Mr. Tolbert said in his letter, saying he does not recommend that this hotel be built in APZ-1. Is that correct Ms. Hanson?

Ms. Hanson explained the TRC did not receive Eglin's comments until after they had reviewed the plans. We had sent it to Mr. Tolbert and we did not receive his comments before we held a TRC meeting. We invited him to the TRC meeting and he did not come in person. Then we received his comments, said Ms. Hanson. Isn't the Holiday Inn Express in the same zone, asked Mr. Corbin? Yes, well they're in, I think, APZ-2. Jeff Fanto was the Eglin planner, at that time. He came to our meeting. He voiced similar concerns and we have his comments on record. We made sure they built for the sound corridor and we limited their height, said Ms. Hanson. Ammy is 100 percent correct. It is the City's discretion to do what it chooses. The installation is an advisor on that, said Councilman Nodjomian. More discussion followed about the hotel being in APZ-1.

Is there anyone here requesting the development, asked Councilman Nodjomian? Mr. Mark Siner said he was the agent for the applicant, with Choctaw Engineering. Councilman Nodjomian asked Mr. Siner if he recognized the location as being in APZ-1? Yes, we have the documentation from Eglin, said Mr. Siner. So, do you have any issues with non-compatible development in that space, asked Councilman Nodjomian? I talked to the City and they said basically the same thing, that it was up to the City to make a determination as to how they would proceed with that. Just to bring this back into context as to why we're here tonight, we're here for the variance for the parking. I'm not disagreeing that there is this issue with Eglin. If we get this variance, then the next step would be to get final approval with the plans. Then, that issue would be an issue to be raised with the project itself. Does that make sense, asked Mr. Siner? It's a little getting the cart and the horse backwards in my opinion. It's on the agenda, so I won't disagree with that, said Councilman Nodjomian. A discussion followed about the recent local adjustments to the parking ratio requirements for Okaloosa County and City of Niceville.

Mayor Henkel asked if anyone else would like to come forward to comment on the issue. No further discussion followed. Council Vote: Nodjomian-yes; Schaetzle-yes; Alley-yes; Donahoo-yes; Williams-yes. Motion passed.

Resolution 22-01-02 – A resolution granting a special exception to the Land Development Code, Table 7-2, R-1 zoning, to allow for a 6' 3" side setback as opposed to the required 7'6" setback. Michael and Angela Harder, 201 22<sup>nd</sup> St.

Mr. Doucet read Resolution 22-01-02 by title. Councilwoman Alley moved approval. Councilman Williams seconded. Councilman Schaetzle asked if the owner was present and if they would like to come forward?

Mr. Michael Harder, 201 22<sup>nd</sup> Street, introduced himself as the homeowner and explained his request. What we are trying to do is have an existing slab enclosed with a screened-in porch. With the screen, we would be under 7'6". Councilman Schaetzle asked, so is your future desire to have it enclosed for heating, ventilation, and air conditioning (HVAC) and things of that nature, asked Councilman Schaetzle? No sir, replied Mr. Harder. Are there any issues with neighbors, asked Councilman Nodjomian? No issues, I spoke to the neighbor two days ago and there were no issues, replied Mr. Harder. It's a vacant property, and right now it's a rental. There's a home on the property, but there is nobody actually in it and you spoke to the property owner, asked Councilman Nodjomian? Yes sir, replied Mr. Harder. No further discussion followed. Council Vote: Williams-yes; Donahoo-yes; Alley-yes; Schaetzle-yes; Nodjomian-yes. Motion passed.

Resolution 22-01-03 – A resolution of the City of Niceville, Florida establishing rates for the collection of residential/recycling and commercial garbage; providing for a rate increase and providing for an effective date.

Mr. Doucet read Resolution 22-01-03 by title. Councilman Schaetzle moved approval. Councilman Donahoo seconded. Any discussion by the Council, asked Mayor Henkel? Just for the audience's clarification, I believe these are all part of a contractual agreement we have with Waste Management, tied to the Consumer Price Index (CPI) Councilman Nodjomian asked? Yes sir, it's in our franchise agreement. It's a pass-through. The residential CPI of 6.88% is tied to the economy, whereas the CPI-WST (Water-Sewer-Trash) is not, and it's 3.73%, said Mr. Doucet.

For the commercial side, it's based on frequency of pick-up and size of dumpster. In your packet it shows all of the new rates for comparison. For residential, section one, garbage cart collection is \$6.14. That's a 41 cent increase. Garbage cart collection, senior rate is \$5.46. That's a 35 cent increase per customer. Recycling cart collection is \$4.72 with a 30 cent increase. The recycling cart collection, senior rate is \$4.03. That's a 26 cent increase. The yard waste collection the City collects is \$4.79. That's a 31 cent increase. There are other stipulations in the pricing. Mr. Bell is here. Would you like to add anything Mr. Bell, asked Mr. Doucet?

Mr. Ronnie Bell, representing Waste Management, 108 Hill Avenue, Fort Walton Beach, said this is a standard contract. It's tied to the CPI-U. To add to what Mr. Doucet said, it's tied to the economy. You can see the inflation of 6.88%. I've been here almost seven years with Waste Management. The first two years it was negative. It goes back to the

economy. If you have any questions, I'll be glad to try to answer those, said Mr. Bell. I do want to say one thing Mayor. I've been here nearly 7 years. I really enjoyed coming to Niceville. My retirement day is March 31<sup>st</sup>. This is probably the last time you'll see me at a City Council meeting, but I really enjoyed working with the City Council of Niceville and the staff, Mr. Corbin and Mr. Doucet. You're a great place. Your name is right, Niceville. Mr. Doucet said it's been a great relationship Mr. Bell. Mayor Henkel said thank you. Council Vote: Nodjomian-yes; Schaetzle-yes; Alley-yes; Donahoo-yes; Williams-yes. Motion passed.

### **CITY MANAGER REPORTS/REQUESTS/RECOMMENDATIONS:**

#### **INFORMATION SERVICES AND PURCHASING:**

Mr. Morris greeted all and said it had been a fairly smooth month. One exception, on New Year's Eve, at midnight, the Microsoft Exchange server, the email server, decided it did not want to recognize 2022. It was not just us; it was all MS exchange servers. We took care of that during the day on January 1<sup>st</sup>, so not a lot of people noticed it, said Mr. Morris.

I wanted to give everyone an update on the sidewalk projects. They're in the process of finishing up the north entrance to Swift Creek, Winding Waters Way, hopefully before the next Council meeting. They've got a lot of concrete poured and there's more to do. They have a couple of driveways to go back and do. They held off until after the holidays, said Mr. Morris.

The plan after they are finished with Swift Creek, is to move to Valparaiso Boulevard. There are a couple of blocks there that are facing City property. We're looking at an issue of children that get off the bus and do not have a good path. That's going to be a fairly quick project, because it is two blocks, there's not much there, and it is flat property, said Mr. Morris.

There's another situation on Bailey Drive. I think it's 23<sup>rd</sup> to 27<sup>th</sup> Streets, that is related to the kids from Plew, and it is sort of related to that area we did around Plew Elementary School. That's a fairly small project, said Mr. Morris.

The next two projects we have on the list are a walk trail along College Boulevard, from Palm Boulevard to Highway 285, and Rocky Shores Drive. We're not sure about the timeline for the College Boulevard project because that's something that has to go to the County and then the County's going to take it to Eglin, because it's Eglin property, with a

County right-of-way there. We don't think there's going to be a long delay, but chances are we're going to be going to Rocky Shores after we are finished with Bailey Drive.

In the June timeframe, right after school gets out, we're going to be working on Nathey Avenue, up around Edge, once the kids are out of school for that. We still have the South entrance of Swift Creek. That project is very early in the planning stages because there are a lot of terrain changes and there will be a lot of issues, so we're trying to find the best solutions for that. I just want to remind everybody if you have any questions about the sidewalks or anything, you can touch base with Mr. Corbin or me. For each of these projects, we have people in favor of them and some people that are not in favor of them. We work the best we can to work things out to make sure that everybody's happy, if we can by the end of the project.

### **WATER AND SEWER**

Mr. Laird greeted Mayor Henkel, the Council, and Mr. Corbin and said we've installed a new strainer at the re-use pond at the golf course and are in the process of tying the two ponds together and finishing up the electrical work. Gator boring has completed the boring on John Sims Parkway for the re-use water. Okaloosa Gas completed running a line underneath the road for the generator at lift station 31 on Beverly Drive. So, we have to finish up there. Construction Services of NW Florida will be upgrading the force main down Rhonda Drive for the new Juniper West Subdivision in late February or March.

There were 29 water calls and 26 sewer calls, 4 water taps, 3 sewer taps, and 181 line spots and 268 service orders, said Mr. Laird.

### **STORMWATER:**

We are starting the drainage project on Nutmeg Avenue. We had a washout at the sea wall near the Landing. The materials should be here at the end of January to fix the sea wall at the Landing. The floating dock has arrived and we have started back at Turkey Creek with the kayak launch and retrieval system. The prison crew is still working hard around the City. We're up to three inmates now. They're doing the best that they can do. We're still waiting for Pensacola Concrete to send us a liner for the sinkhole on Bayshore Drive and hopefully it won't be much longer, said Mr. Laird.

### **SIDEWALKS:**

Work on Redwood sidewalk started yesterday. We poured some curbing today. We have 37<sup>th</sup> Street striped and started on Helms Street, between the two churches, but we were

caught in the rain, so we will have that striped, hopefully by the end of the week, and then move on to the next.

We had a pre-construction meeting this morning with C.W. Roberts and the Florida Department of Transportation (DOT), on the John Sims Parkway paving. They're going to mobilize February 9<sup>th</sup> and it will be a 285-day job, with a completion date of December 14, 2022. So, starting February 9<sup>th</sup>, expect delays on John Sims Parkway, said Mr. Laird.

Mr. Laird said the College bridge renovation is going to start at the end of the month. They're going to replace guard rails on that bridge and do resurfacing of the deck and striping. So, expect delays at College bridge at the end of the month.

Mayor Henkel asked, on the John Sims Parkway project, are they going to do a lot of that work at night? I'm glad you brought that up, said Mr. Laird. They'll work Sunday through Friday, from 9 p.m. to 6 a.m. Mayor Henkel said, that's much better. For those of you who make that drive on John Sims, you'll know that coming in, in the morning, and going out in the evening, it's crazy. Mr. Laird said they will start with the side of the road, fixing all of the sidewalks, and from North Creek Shopping Center to the bridge, where they don't have sidewalks, they're going to be adding sidewalks. Then, they'll work on the roadway, all the signage on the roadway, and the restriping, said Mr. Laird.

Mayor Henkel asked, for the public's knowledge, what you done to make sure we have some striping put in on North Palm? I talked to the County today at 4:30 p.m. and they said it will happen by the end of the week, said Mr. Laird. Mayor Henkel explained in more detail how a communication problem between the vendor and the County had contributed to the delay. Further discussion followed about details of the delay.

### **Fire Department – Update**

Chief Mayville greeted everyone and stated, during the month of December, the Niceville Fire Department responded to 192 calls. The Fire Department is testing hoses on all our trucks, racks, and the pond to make sure they withstand the pressures, and then we'll get started on the others as time rolls along. All of the new hires are in place for both cities. Everything is up and running. The Fire Department participated in numerous parades. We were all over the City, Bluewater Bay, and Valparaiso, and big events such as Toys for Tots. We hosted a Christmas breakfast and a Christmas Party at the Fire Station. We're finishing up with some of our investigations on a lot of the fires that we had. When we have the results, I will bring you up to date on where we stand with that, said Chief Mayville. Myself and three firefighters will be heading out of town on the 26<sup>th</sup>

to check the build on the new fire truck. We'll take a lot of pictures so you can see it, said Chief Mayville. Mayor Henkel said that sounds great and asked the Council if anyone had questions for Chief Mayville? There were no questions.

### **Police Department – Update**

Chief Popwell greeted Mayor Henkel, the Council, and Mr. Corbin and stated that during the month of March 2021, the Niceville Police Department responded to 2,951 calls for police assistance. There was a total of 42 traffic crash reports written involving 84 vehicles, and two pedestrians. The pedestrians were at the Publics parking lot and the second one was at Highway 20 and Government Street. The estimated amount of damage to these vehicles and related property was \$264,401. A total of 74 traffic citations and 99 traffic warnings were issued. We made 26 misdemeanor arrests, 12 felony arrests, and no DUI arrests.

For the year of 2021, the Police Department responded to 41,227 calls for police assistance, which was up from the year before. There was a total of 544 traffic accidents involving 1,064 vehicles and 16 pedestrians. The estimated total of vehicle and related property damage was \$3,502,979. A total of 1,562 traffic citations and 1,929 traffic warnings were issued. There were 214 misdemeanor arrests, 140 felony arrests, and 20 DUI arrests. Of course, we had the Christmas parade, New Years, and everything else went pretty well, said Chief Popwell. Councilman Donahoo asked if there was any update on the High School situation. Chief Popwell said that was the Okaloosa County Sheriff's Office that was working that case. Mayor Henkel and Mr. Corbin thanked Chief Popwell.

### **Other Business:**

Mr. Corbin said Judge Maney, who is Florida Representative Maney, had filed a request for a grant for City of Niceville for over \$6 million to eventually remove the Regional Sewer plant on Highway 85 North, and tie our system into the County. Our regional member from Valparaiso, Commissioner Jay Denney is not running again for City Council, so he will be replaced in March. The activity at the plant, our treatment, is actually lower than the state limit for all of our treatment. So, the plant is in very good shape. Engineering is planning for a Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States (RESTORE) Act grant, not only for the plant, but also for re-use.

They've broken ground on the new Aldi's supermarket. That's moving pretty quickly. The Senior Center is growing every month. We've had donations of over \$25,000 for the

recreation area in the back. The Bluewater Bay gardening club is buying two new benches for the courtyard and that's appreciated, said Mr. Corbin.

With the Deer Moss re-use project, as Chad stated, we're still waiting on the easement from Eglin. That's all I have. It's been pretty well-covered by the rest, said Mr. Corbin.

Mayor Henkel asked if there was any other business. Mr. Doucet said yes, Aid to Organizations was next. We had a special meeting back on August 19<sup>th</sup>, and we listened to all of the requests from non-profits. In January we typically fund that. Our budget includes \$22,500. The total amount of their requests was \$29,750. If the Council were to consider funding their total request of \$29,750, it would be necessary to transfer \$7,250 from another part of the budget. Otherwise, we recommend the funding be spread as shown in the handout you have been given. If the Council wants to offer changes, we can certainly accommodate those changes as well, said Mr. Doucet. Please note that Sharing and Caring withdrew their request for funding.

The recommended funding is: Niceville H.S. Track, \$2,500; Economic Development Council, \$5,000; Chamber of Commerce, \$5,000; Bridgeway Center, \$1,300; Okaloosa-Walton Early Learning Coalition, \$1,500; Shelter House, Inc., \$1,000; Northwest Florida Symphony Orchestra-NWFSC, \$700; Children's Advocacy Center, Inc., \$1,600; Okaloosa County Comprehensive Head Start – Child Development, Inc., \$1,600; NW Florida Guardian Ad Litem, \$1,000; Heritage Museum, \$1,300... for a total of \$22,500.

Mayor Henkel asked for a motion to approve the recommended funding? Councilman Schaetzle motioned to approve. Councilman Donahoo seconded. Councilman Schaetzle said thank you for staying within the budget that we had planned last August. I thought it was very notable of Sharing and Caring to forfeit their request for this fiscal year, and it was divided among the other participants, so thank you, said Councilman Schaetzle. No further discussion followed. Council Vote: Nodjomian-yes; Schaetzle-yes; Alley-yes; Donahoo-yes; Williams-yes. Motion passed.

### **Bills Payable**

Councilwoman Alley motioned approval to pay the bills. Councilman Williams seconded. Council Vote: Williams-yes; Donahoo-yes; Schaetzle-yes; Alley-yes; Nodjomian-yes. Motion passed.

Mayor Henkel asked the audience if anyone else would like to come forward to address the Council.



Mr. Charles Robinson, 216 Yacht Club Drive, came forward and introduced himself as the Dana Pointe Homeowners Association president. Mr. Robinson spoke about the relationship between the neighboring Dolphin Point and Dana Pointe Homeowner's Associations, and said whatever you do with them will ripple out and affect the Dana Pointe Homeowner's Association. Mr. Robinson spoke about the green belt and lack of clear information about the definition and rules pertaining to the green belt. Mr. Robinson said he gave documentation to Councilwoman Alley and Mr. Powell. He said he is asking the Council to take into consideration that documentation and come up with some sort of agreement they can all live with concerning the rules pertaining to the use of the green belt. Councilman Schaetzle asked if the Dana Pointe Homeowner's Association had rules. Mr. Robinson said they have by-laws and rules or CCRs. Wouldn't this be addressed by your Homeowner's Association, asked Councilman Schaetzle? The problem we have is with actions going on by members of the Dolphin Point Homeowners who aren't part of our association, said Mr. Robinson.

Councilwoman Alley asked if the surveys for these properties go all the way back to Dolphin Point Road? I haven't looked at the individual surveys, but the County property records show the property line goes into the easement for the road, which is the same as you would have for a sidewalk, but there is no sidewalk along there. Councilwoman Alley recommended the paperwork showing the County property records be provided and to put it on the next agenda, to see and talk about what is going on with those properties back there, said Councilwoman Alley. We'd be happy to do that. I know the property owners would like to be here as well, said Mr. Robinson. Was the green belt platted in the plat, asked Councilman Schaetzle? No sir; and that's the biggest issue, said Mr. Robinson. More discussion about the green belt followed. Mr. Powell said off the cuff it does not seem to be a City issue. Mr. Corbin offered to get with Mr. Robinson to try and resolve the issue because it does involve the City. Mr. Robinson said he would get back in touch with Mr. Corbin and see if they could work this out.

Councilman Nodjomian said he was still concerned about the issue of whether or not we should approve a 1.3 versus 1.0 parking spaces per hotel room requirement, when the real issue is whether we should be putting an 88-unit hotel in APZ-1, so I want to come back to that at a future meeting. I think we as a body need to discuss if we are partners to the Joint Use Land Study or not. Allowing non-compatible development like that in APZ-1 is a major issue. If you want a history lesson, I'll give you one, of what's happened at some bases that have ultimately lost missions as a result of APZ-1 violations. There's a base in Norfolk, down in Oceana, that was basically on a pre-closure list, back in the 2005 Base Realignment and Closure (BRAC), and the community banded together to buy out everything that was in APZ-1, so they would not get closed as an installation. Here we are going in the opposite direction, at least appearing to allow an 88-unit development in APZ-1. I have a fundamental problem with that and I don't understand how we got here. I

don't understand how we are talking about parking spaces for a hotel that is not supposed to be in that location. I would like to talk to whoever is involved in that process, because I think we are not doing something right, said Councilman Nodjomian.

Councilman Schaetzle said to the Council, we addressed the contract with the Panhandle Animal Welfare Society (PAWS), last October. The City of Crestview terminated their contract with PAWS. This was in the NW Florida Daily News at the end of December, so you can go back and read it. It's just something to keep in mind as we watch what our sister cities do. The Florida Legislative Session started today. Jeanie Garner is the Executive Director of the League of Cities, and she said there are more than 2,800 bills already filed in Tallahassee, and there are more to come because they're still working now. The Florida League of Cities is tracking about 400 of them right now that have municipal impacts. Some of them involve smoking in parks, short-term rentals, and noises is another one. I want to emphasize what your Youth Council said, that Legislative Action Days are coming up in one month, the 7<sup>th</sup>, 8<sup>th</sup>, and 9<sup>th</sup> of February.

Councilwoman Alley said she would not be here next month because she would be in Tallahassee at the Legislative Days. As of right now, they have not cancelled it for the adults. Thank you.

Councilman Donahoo and Councilman Williams had no comments.

Councilwoman Alley moved to adjourn. Councilman Schaetzle seconded. There being no further discussion the meeting adjourned at 7:56 p.m.

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MAYOR

ATTEST:

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CITY CLERK

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