

MINUTES
REGULAR COUNCIL MEETING
CITY OF NICEVILLE, FLORIDA
JANUARY 10, 2023

The Niceville City Council met in regular session at 6:00 PM, January 10, 2023 in the Council Chambers, 208 N Partin Drive. All Council members and the Mayor were present. 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 29 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, December 13, 2022
Planning Commission Meeting, January 3, 2023
Local Planning Agency Meeting, No Meeting Held

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

PUBLIC HEARINGS

PRESENTATIONS:

Mayor Henkel introduced Troop 1157. Assistant Scout Master Jeffrey Sobel stated they are one of the girls only troops in Niceville. They are here working on their Citizenship in the Community merit badge. He went on to introduce the scouts present. He stated there at 18 scouts in the troop and 5 are Eagle Scouts.

Mayor Henkel stated that 3 council members qualified for the March election and all ran unopposed. Councilwoman Alley, Councilman Schaetzle, and Councilman Williams will all serve another 4 years.

Youth Advisory Council – Update – Chairman Aleena Ponto

Aleena Ponto, Youth Advisory Council Chairman, stated for February they will be doing Valentine's Day cards for the residents at the Pavilion. On March 11th they will be having their annual community clean up in the afternoon. April 4th or 5th they will be attending the Legislative Day's in Tallahassee. And they will also be assisting the Emerald Coast Autism Center again this year with their 5k run. Councilman Nodjomian told the Council they were all invited to the March 11th clean up and there would be a cook out afterwards. He also asked Aleena to talk about the Sharing and Caring event. Aleena stated they raised money to purchase toys for Christmas and donated them to Sharing and Caring. They went shopping with Ms. Wendy Farmer and picked out not only toys but also some hygiene gift baskets. Then they took the items over to Sharing and Caring. Mayor Henkel commented that they are a very active group and their actions speak loudly. He then thanked Councilman Nodjomian for being their advisor.

Preliminary and Final Review – Matt Zinke, representing Ruckel Properties, Inc. (RPI) requests preliminary and final review of Deer Moss Creek 11, 102 lot phase of Deer Moss Creek. Metes and bounds description.

Matt Zinke, Jenkins Engineering on behalf of RPI, stated that as of now they will not be doing the second entrance as it would be directly across from someone's house. He explained that among the 102 lots there will be a large park where the trees will remain. This is a 40-acre development with 2.5 lots per acre. Eventually there will be a pedestrian bridge installed over phase 2. Councilman Nodjomian asked if there would be a barrier adjacent to Rocky Bayou Drive and Forest Road? Mr. Zinke stated there is 30 feet of right-of-way that will be grassed and a barrier installed. Councilwoman Alley inquired to the location of the airstrip and Mr. Zinke stated it was 2,000-3,000 feet to the west. Mayor Henkel asked if there were plans to widen the roadway? Mr. Zinke stated according to the results of their traffic and intersection report they would be widening the left turn lane going on to Forest Road. Discussion followed regarding traffic flow on Rocky Bayou Drive, especially at the intersections of Forest Drive, Rocky Bayou Drive, and Rocky Shores Drive. Councilman Nodjomian recused himself from this request because the company that employs him (Matrix Design Group) provides general consulting support to RPI. He requested form 8B from Mr. Doucet so he could have it on file.

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

Ordinance 23-01-01 – An Ordinance for the rezoning of certain properties in the City of Niceville Florida; providing zoning for same and an effective date. Malcolm Spears, 916 Linden Ave, requests his property be rezoned from R-1, Single Family Residential to R-1B, Single Family Residential. Lots 14 and 15, Block 83, Pinecrest 6. (Final Reading)

Mr. Doucet read Ordinance 23-01-01 by title. Councilman Donahoo moved approval and Councilman Nodjomian seconded. No one spoke for or against.

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

Ordinance 23-01-02 - An Ordinance for the rezoning of certain properties in the City of Niceville Florida; providing zoning for same and an effective date. Malcolm Spears, 206 Niceville Ave, request his property be rezoned from R-1, Single Family Residential to R-1B, Single Family Residential. Metes and bounds description, (Final Reading)

Mr. Doucet Read Ordinance 23-01-02 by title. Councilman Williams moved approval and Councilwoman Alley seconded. No one spoke for or against.

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

Ordinance 23-01-03 – An Ordinance for the Rezoning of certain properties in the City of Niceville Florida; providing zoning for same and an effective date. Taylor Brown, Eagle Venture Group LLC, 450 Reeves St, requests his property be rezoned from R-2, One or Multi Family to PUD, Planned Unit Development. Metes and bounds description. (Final Reading)

Mr. Doucet read Ordinance 23-01-03 by title. Councilman Schaetzle moved approval and Councilwoman Alley seconded. No one spoke for or against.

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

Resolution 22-12-01 – Brit and Lorenzo Internicola, 324 Fir Ave, request a variance to the Land Development Code, Table 7-2, R-1B zoning, to allow for a 9’6’’ rear setback as opposed to the required 15’. Metes and bounds description.

Mr. Doucet read Resolution 22-12-01 by title. Councilman Nodjomian moved approval and Councilwoman Alley seconded. Lorenzo Internicola, 324 Fir Avenue, stated he is trying to build an addition to his home for his growing family. He went on to say he is not trying to inconvenience his neighbor with the variance. He explained that on the map, the area in red shows the buildable space that will impact the view of neighbor regarding her complaint. However, he does not need a variance for that construction and plans to build there even if the variance is not passed. He will just have to modify the plans. Councilwoman Alley asked if the variance were approved, would the pergola be torn down? Mr. Internicola stated no, since it is on the other side. Bleeka Traczyk, 322 Fir Avenue, stated she objects to the variance being requested. She explained her concern is that the construction would block the only portion of her house that provides the only outside sun into her home. According to Ms. Traczyk, this variance would block the sunshine into her home and darken her house. She also stated she found out about the Planning Commission meeting two days prior and had to change her travel plans to attend. Councilman Schaetzle asked how Carl Scott would handle the inspection of Mr. Internicola’s house if he is the primary builder? Mrs. Hanson stated Mr. Scott hires an independent building inspector for all of the homes he has built within the City. Councilman Schaetzle asked Mr. Internicola if he had thought about the resale value and if he had priced himself out of the market? Mr. Internicola stated that he had not but if the time came that he had to sell, he would take the hit if necessary. He again stated he is not trying to harm his neighbor but his first priority is to his family. He also explained that she had such short notice because she was out of town.

Council Vote: Nodjomian-yes; Schaetzle-no; Alley-no; Donahoo-yes; Williams-no.
Motion failed

Resolution 23-01-01 – A Resolution granting a Special Exception to the Land Development Code, Table 7-2, R1-A zoning, to allow for a 7’6’’ side setback as opposed to the required 10’. Lot 14, Block 3, The Niceville Pines (formerly Paradise Estates), Plat Book 5, page 55. Jason and Sandra Frasure, 311 17th St.

Mr. Doucet read Resolution 23-01-01 by title. Councilman Schaetzle moved approval and Councilman Donahoo seconded. Jason Frasure, 311 17th Street, explained they are trying to build a mother-in-law suite by expanding the garage. Councilman Schaetzle asked if there was a pool or if that would be in future plans? Mr. Frasure stated he hoped to have one in the future. Councilman Nodjomian asked if it passed the Planning Commission unanimously and also if there were any objections from neighbors? Mr. Tolbert stated it was a unanimous decision to approve and Mr. Frasure stated there were no objections.

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

Resolution 23-01-02 – A Resolution of the City of Niceville, Florida establishing rates for the collection of Residential and Commercial Garbage and Recycling; providing for a rate increase and providing for an effective date.

Mr. Doucet read Resolution 23-01-02 by title. Councilman Nodjomian moved approval and Councilman Donahoo seconded. Mr. Doucet stated that when the recent franchise ordinance with Waste Management was passed, the CPI (consumer price index) for residential was changed from an Urban CPI which was tied to the economy to WST (water, sewer, trash) CPI. This CPI is based on the cost of doing business, thus both the CPI for residential and commercial are the same at 4.77%. The cost is a pass thru to the customer. Commercial rates are based on frequency of pick-up and size of dumpster.

Council Vote: Nodjomian-yes; 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.

Mr. Corbin stated the Regional Waste Water Facility had no problems with treatment but they are having an issue with hogs. They are working with Jackson Guard to resolve the issue.

He then explained that back in August of 1971 he was hired as the City Clerk and he is not planning on being here after August 1st, 2023. He wanted to give them plenty of time to find his replacement. August 1st will be 52 years, it's time. Mayor Henkel stated we have been fortunate to have the leadership he has provided. Many thanks for all you have done.

Police Department – Update

Chief David Popwell briefed the status of department operations.

During the month of December, the Police Department responded to 4,553 calls for police assistance. There was a total of 51 traffic crash reports written involving 94 vehicles. The estimated amount of damage to these vehicles and related property was \$466,271. A total of 111 traffic citations and 218 traffic warnings were issued. There were 19 misdemeanor arrests, 12 felony arrests, and 2 DUI arrests made. The parade went well and so did the coffee with a cop. They also attended the funeral for Corporal Hamilton, Okaloosa County Sheriff's Office, who was killed in the line of duty. Chief Popwell stated they had received a \$1000.00 check for Hometown Heroes Award. Councilman Donahoo asked how manning was in the police department? Chief Popwell stated they are about 6 short total but have 3 in the pipeline and 2 rehires. Councilman Williams asked what the 9 PM routine was? Chief Popwell stated it was a reminder to lock your doors, check your house, take your stuff in from your car, and check your home. Judy Boudreaux asked if they were looking for a new K-9 and Chief Popwell stated we were not.

Fire Department – Update

Chief Tommy Mayville briefed the status of department operations.

During the month of December 2022, the Niceville Fire Department ran a total of 154 calls. Also, during the month, they participated in parades, escorting Santa, and tours of the station. All crew members are actively working on certifications and continued education. He also stated they fought the coldest fire he has ever done in all his years of firefighting. Councilman Williams inquired about the new Assistant Fire Chief. Chief Mayville stated there was a promotion ceremony today for Assistance Fire Chief Webster along with a medal ceremony for the firefighters who deployed on the relief missions after hurricane Ian. Councilman Nodjoman asked how overall manning was in the department? Chief Mayville stated they were down 4 and losing one of them to being a stay at home dad.

Water/Sewer/Drainage Projects – Update

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

Water and Sewer:**Sewer Rehab Work:**

Well #11 is back in service.

We are in the process of moving materials to Reeves Street, and will hopefully be starting the water line project next week.

Calls: 92 water calls and 30 sewer calls; made 3 water taps and 3 sewer taps; 168-line spots. We changed out 73 meters and have completed 304 service orders.

Stormwater:

We have completed the retaining wall project at 1600 Bayshore Drive. We also have completed the Stormwater project on Bayshore Drive, across from Finnegan Way, installing another retaining wall.

We are working with Okaloosa County on a stormwater issue 1754 Thomas Street.

Prison Crew Update:

They are working hard cleaning up the Rocky Bayou and Roscommon areas.

Streets:

We are looking at repaving Palm Boulevard from Highway 20 to Bayshore Drive. This project will start the end of February or first of March. The contractor is stuck on another project.

We are currently installing sidewalks on Bailey Street from 27th to 23rd Street.

After Bailey Drive, we will be starting a sidewalk project on 27th Street from Reeves Street to Wise Avenue.

Update on John Sims paving. Completion date February 18, 2023.

The Highway 85 project has a completion date of April 7, 2023.

Public Works crews have been working around the city getting the sidewalks repaired.

Councilman Donahoo asked what the construction was at the corner of Palm Boulevard and Bayshore Drive. Mr. Laird stated it was the last retaining wall needed to stop erosion. Councilman Schaetzle asked if he was confident with the completion date of February 2023 for the John Sims paving? Mr. Laird stated he was not since they have run into an issue with the concrete contractor. Councilman Schaetzle inquired about any issues from

December's freeze. Mr. Laird stated they had received 48 calls from Christmas Eve until they returned to work, but that they City faired pretty good since most of the issues were on the customers side.

Bills Payable:

Councilman Nodjomian moved approval. Councilman Williams seconded.

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

Other Business:

Niceville Baseball Bleacher - Update

Attorney Powell stated that based on legality, the Charter prohibits any expenditure in excess of \$100,000 unless it is in the budget. The other concern is the borderline tourist development issue. Coach Gates made a good presentation and this could bring in tourist, but it is not a sports complex. Attorney Powell stated the School Board should have to contribute equal to or substantial to others, since this is on their property. Any expenditure has to be for a public purpose and this falls in a gray area. Discussion followed regarding requirements for Tourist Development Council (TDC) funds, how long funds can be rolled over, the need for a formal grant process, and the costs involved. Councilman Donahoo asked if the vote for approving the funds needed to be rescinded? Councilman Nodjomian stated it would die since it does not meet the merits of the motion.

Councilman Nodjomian motioned to establish a grant process to review future requirements as they relate to the use of our Tourist Development District (TDD) funds. Councilman Schaetzle seconded.

Councilman Schaetzle asked who would be responsible to be part of the process? Mrs. Hanson stated the County had created a grant process and they are willing to help. Councilman Nodjomian suggested a member of the council, one to two permanent staff members, a member of the Chamber of Commerce and a couple of other members from the community. And with this we can build a review committee. He offered to help shape the process but was not volunteering to be a member of the committee.

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

Committee Assignments - Update

The following changes were made to the assignments:

1. Niceville-Valparaiso Regional Sewer Authority, Councilman Donahoo changed to an alternate and Councilman Schaetzle removed as alternate.
2. Executive Development Council (EDC), remove Councilman Schaetzle as second alternate.

City Clerk - Aid to Organizations

Mr. Doucet stated we budgeted \$22,500 this fiscal year to fund Aid to Organizations. The total amount of their requests is \$28,250. If the Council wants to consider funding their total requests of \$28,250 it would be necessary to transfer \$5,750 from another area in the General Fund Budget. Otherwise, we recommend the following spread in the “Recommended Funding Column.” Or, if the Council wants to offer changes we can certainly accommodate those changes as well. Please note that 3 organizations did not request funding this year.

	FY 2023 REQUESTED	“RECOMMENDED” FUNDING	% OF REQUEST
1. Niceville H. S. Track	2,500	2,500	100
2. Economic Development Council	5,000	5,000	100
3. Chamber of Commerce	6,000	5,000	83.3
4. *Bridgeway Center	2,000	1,600	80
5. *Okaloosa-Walton Early Learning Coalition	2,750	1,800	65.5
6. *Shelter House, Inc		No Funding Requested	
7. Northwest Fla Symphony Orchestra-NWFSC	3,000	1,600	53.3
8. *Children’s Advocacy Center, Inc.	3,000	1,800	60
9. *Okaloosa County Comprehensive Head Start - Child Development, Inc.		No Funding Requested	
10. Sharing and Caring		No Funding Requested	

11. NW FL Guardian Ad Litem	2,000	1,600	80
12. Heritage Museum	<u>2,000</u>	<u>1,600</u>	80
TOTAL:	28,250	22,500	

* Receive Matching Funds

Councilman Schaetzle moved approval as recommended and Councilwoman Alley seconded.

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

Councilman Nodjomian spoke to Mr. Corbin and told him there is not enough time to go into everything he has done for the City. Replacing him will be no short order but his position will be the most coveted position statewide. This will be a great job for someone to get and he looks forward to being a part of it. Councilman Schaetzle thanked Mr. Corbin for giving the Council 6 months to get the right person. He then asked if this could be done in a workshop setting? Councilwoman Alley stated she had been on 2 search committees and they hired a firm. Mayor Henkel asked Attorney Powell if this could be conducted in a workshop setting or if it had to be done in the Sunshine? Attorney Powell stated he would look into it and get back to him. Councilman Williams asked Councilwoman Alley when they used the firm if they hired within? Councilwoman Alley stated no, they hired out of the top 3.

Councilwoman Alley stated they were still waiting on the approval by DOT for the Walkable Niceville signs. She hopes they will be approved before Mr. Corbin leaves. She stated it has been a testament to him that he has been here for 52 years. Thank you, it's been a pleasure.

Councilman Williams stated his heart goes out the Corporal Ray Hamilton. He went to the celebration of life and is proud of the Niceville Police Department and Fire Department for representing and paying respects. He is a hero. We know the importance and sacrifice first responders do daily. He then thanked the staff for the Christmas dinner, stating they had done a great job. And he congratulated the employees of the year. To Mr. Corbin he explained he had been living here all his life and has seen the transformation of the area. It has been amazing to see how you have taken care of it. Niceville was kind of a joke of Okaloosa County until you took it over.

Councilwoman Alley asked if someone could explain where the flags come from for fallen officers? Chief Popwell stated it is a traveling flag from D.C.

Carl Scott, 339 Okaloosa Avenue, Valparaiso, FL, came in to explain that when he builds in Niceville he does not inspect his own stuff. He stated he hired Skip Miller to inspect everything he does in Niceville and is above board.

Craig Hamilton, 319 Glen Avenue, Valparaiso, FL, stated the disc golf course at the Mullet Festival site is a highly rated disc golf course. He came tonight because of an issue they are having with the County using it as a staging area and wanted to see if anybody could facilitate them to move items out of the way of the course? They could easily be moved further north out of the way. He stated he had spoken with them and they have not done anything. Councilman Nodjomian asked which project was being done that items were being staged there? Mr. Laird stated it was for the reclaimed project and they were given permission to use this area as a staging ground. He then stated he would look into it and see if he could get it moved.

Attorney Powell explained 29 years ago he would come with his dad (Judge Powell) and assist him and that is how he came to be the City Attorney. He told Mr. Corbin he has appreciated working with him and everything he has taught him.

There being no further discussion, the meeting adjourned at 7:52 PM.

MAYOR

ATTEST:

CITY CLERK

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