

MINUTES
REGULAR COUNCIL MEETING
CITY OF NICEVILLE, FLORIDA
SEPTEMBER 12, 2023

The Niceville City Council met in regular session at 6:00 PM, September 12, 2023 in the Council Chambers, 208 N Partin Drive. All Council members and the Mayor were present. Also present were City Manager, David Deitch; 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; and Deputy City Clerk and Finance Director, Steven Rausch. There were approximately 40 visitors in the audience, including other City employees. Mayor Henkel called the meeting to order at 6:00 PM. Reverend Stauffer offered the prayer and Mayor Henkel led the pledge of allegiance.

APPROVAL OF MINUTES

Regular Council Meeting, August 8, 2023
Special Council Meeting, August 15, 2023
Special Council Meeting, August 17, 2023
Special Council Meeting, August 22, 2023
Special Council Meeting, August 24, 2023
Special Council Meeting, September 7, 2023
Planning Commission Meeting, September 5, 2023
Local Planning Agency Meeting, No Meeting Held

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

Councilman Schaetzle gave accolades to Dan Doucet, Wendy Farmer, and Steven Rausch for the work they do preparing the minutes.

PUBLIC HEARINGS

PRESENTATIONS:

Youth Advisory Council – Update

Gianna Johnson, Youth Advisory Council Chairman, stated she has served on the council for the last 3 years and is the new chairman. She then went over the projects they will be working on. She stated they will be doing a community clean up on October 7th from 9 AM to 1 PM, working on a video contest for the Florida League of Cities on “what makes your town great”, making Christmas cards for seniors at the Pavilion, and doing military boxes for troops. Councilman Schaetzle asked her what grade she was in and she responded she was a senior.

Ordinance 23-09-01 – An ordinance annexing to the City of Niceville, Florida, contiguous lands described as set forth herein; providing for the proper advertisement pursuant to §171.044, Florida Statutes; providing that the property will be zoned R-1, residential single family and have a future land use of LDR; property located in Swift Creek VII; providing for severability; providing for an effective date and providing for filing with the Clerk of Court, Okaloosa County and the Department of State. (Final Reading)

Mr. Doucet read ordinance 23-09-01 by title. Councilman Nodjomian moved approval and Councilman Williams seconded. Councilman Nodjomian asked if that was all clean up and Attorney Powell stated yes.

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

Ordinance 23-09-02 - An ordinance annexing to the City of Niceville, Florida, contiguous lands described as set forth herein; providing for the proper advertisement pursuant to §171.044, Florida Statutes; providing that the property will be zoned PCI, Public, Civic, Institutional and have a future land use of PCI; property being a portion of 206 N Palm Blvd; providing for severability; providing for an effective date and providing for filing with the Clerk of Court, Okaloosa County and the Department of State. (Final Reading)

Mr. Doucet read ordinance 23-09-02 by title. Councilman Nodjomian 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 23-10-01 – An ordinance of the City of Niceville, Florida amending Ordinance 22-12-01, dated December 13, 2022; providing for revised amendments to Part II, the code of ordinances of Niceville, Florida, appendix D, Article 7, Land Development Code pursuant to Chapter 166, Florida Statutes; providing for conflicting provisions; providing for severability; and providing for an effective date. (First Reading)

Mr. Doucet read ordinance 23-10-01 by title. Councilman Schaetzle moved approval and Councilwoman Alley seconded. Mrs. Hanson stated this was to add language for special exceptions. Councilman Nodjomian asked if the change was on page 7-14 regarding PUD's and CPUD's? Mrs. Hanson answered yes. Councilman Nodjomian stated he had a concern with it being a blanket statement. The statement about being prohibited is very broad. Judy Byrne Riley, Planning Commission, 1501 Bayshore Drive, state the Planning Commission approved this and felt there is enough leeway in a PUD. Councilman Nodjomian stated that if you are in a PUD or CPUD you no longer have the right to come before the council for a variance. Ms. Riley stated they felt this protects the City and the land. Discussion followed by Councilman Nodjomian and Councilwoman Alley regarding landowners having the right to come for a variance and that bullet point A. on page 7-14 infringed on property rights. Mrs. Hanson stated the wording was meant to be helpful. Doug Tolbert, Planning Commission, 709 Mullet Creek Run, stated PUD's have very small and specific setbacks. Are we changing a PUD for one person? Any exception given to one in a PUD should have to be for all. Councilwoman Alley replied by that thinking, if you agree to one then all in the PUD get the variance and she does not agree with that.

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

Ordinance 23-10-02 – An ordinance of the City of Niceville, Florida; providing for authority; providing for findings of fact; providing for amendments to Part II, the code of ordinances of Niceville, Florida, Appendix D, Articles 3 Land Development Code pursuant to Chapter 166, Florida Statutes; providing for conflicting provisions; providing for severability; and providing for and effective date. (First Reading)

Mr. Doucet read ordinance 23-10-02 by title. Councilman Schaetzle moved approval and Councilman Williams seconded. Mrs. Hanson stated this is to redefine accessory building, accessory structure, appurtenant structure, and breezeway in the Land Development Code.

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

Resolution 23-09-10 – A resolution granting a special exception to the Land Development Code, Section 7.07.09, C to allow for a 0' side yard setback as opposed to the 5' side yard setback at 207 Davis Drive, Niceville, FL; and providing for an effective date.

Mr. Doucet read resolution 23-09-10 by title. Councilman Williams moved approval and Councilwoman Alley seconded for discussion. Ms. Riley stated the City owns property adjacent to 207 Davis Drive and the homeowner had been denied the ability to purchase a

piece of the land in the past. Mr. Deitch stated he spoke with the homeowner and it was the homeowner's intent to withdraw this from the agenda. He has a meeting scheduled with the homeowner and Mr. Laird regarding purchasing a piece of the adjacent property. Discussion followed regarding tabling the resolution. Councilwoman Alley withdrew her second and Councilman Williams withdrew his motion. Councilman Schaetzle moved to table until further discussion can be had between the City Manager, staff, and homeowner. Councilman Nodjomian seconded.

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

CITY MANAGER REPORTS/REQUESTS/RECOMMENDATIONS:

Police Department – Update

Chief David Popwell briefed the status of department operations.

During the month of August, the Police Department responded to 3,481 calls for police assistance. There was a total of 45 traffic crash reports written involving 90 vehicles and 1 pedestrian. The estimated amount of damage to these vehicles and related property was \$323,070. A total of 105 traffic citations and 208 traffic warnings were issued, 17 misdemeanor, 19 felony and 1 DUI arrests were made.

Chief Popwell informed the Council that Dispatcher Sandra March would be retiring after 36 years of service to the City of Niceville. He stated she would be missed and irreplaceable. Councilman Nodjomian asked him how staffing levels were? Chief Popwell stated they have filled the slots they have been authorized. Councilwoman Alley requested an update on College Cove. Chief Popwell stated 3 arrests had been made. Mr. Deitch explained that they had been looking into speed cameras in school zones and after the speed studies they will decide which locations are viable.

Fire Department – Update

Chief Tommy Mayville briefed the status of department operations.

During the month of August, the Fire Department ran 193 calls, with five calls being for overdose/poisoning. Crew members attended the graduation of Ethan Randolph from the NWFSC Paramedic Program. Ryan Winburn and Timmy Sallee have both started the Paramedic Program. Shift crew members welcomed a scout troop working on their firefighting badge, attended the football season opener at Niceville High School, and

several attended a Ropes Rescue Operations Course hosted by Destin Fire Rescue. Two CPR classes were held at the station for employees of Bay Fit.

Councilman Donahoo asked for a status update on the new truck. Chief Mayville stated he would be flying to Ohio next month to check on the progress and hoped it would be here in November or December. Councilman Williams inquired on the delay from you and EMS to arrive on scene? Chief Mayville stated they could wait 45 minutes for an ambulance to arrive. Councilman Williams asked if Narcan was able to be purchased over the counter and Chief Mayville stated yes. Councilman Schaetzle stated that 6 months ago the City of Crestview held an OD Summit on August 31st on OD Awareness. At the Summit, they discussed the need for education. Councilman Schaetzle asked if our schools were providing education and if not why? Chief Mayville stated he was unsure but that the SRO's in the schools were on top of it. Mr. Deitch stated he would ask Superintendent Chambers. Mr. Deitch also shared information on Drug Endangered Children Training at the Crosspoint Church Fellowship Hall on Friday, September 29th from 11 AM to 2 PM. Councilman Nodjomian inquired about the fire department manning? Chief Mayville stated they are getting by but there is always room for more firemen. Mr. Deitch stated the FY24 budget would focus on pay increases but no growth. Councilman Nodjomian then asked how the Bargaining Union meetings were going? Mr. Deitch stated there had been good headway made with the next meeting would be held on Monday and that everybody has been professional. Councilman Nodjomian asked if CPR training was offered through the Senior Center and if it was not, then maybe it should be. Mayor Henkel stated the City Manager had heard his request and was sure he would speak with Ms. Mooney.

Water/Sewer/Drainage Projects – Update

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

Water and Sewer:

The force main on Cedar Avenue will be done September 30, 2023.

Gulf Coast Underground will be in town next week to do our yearly sewer rehabilitation work.

Calls: 59 water calls and 47 sewer calls; made 22 water taps and 9 sewer taps; 324-line spots. We completed 467 service orders.

Stormwater:

Stormwater project on Ponte Vedra Lane. is complete except for the curbing and asphalt.

Stormwater project on Fir Avenue will be starting in the next couple of weeks.

Stormwater project on 1st Street is complete.

The project on Bayshore Drive from Lanman Road to 27th Street is complete. We have also repaved Elm Street next to Taco Town.

Streets:

The Rocky Shores sidewalk is complete.

We are designing a sidewalk for Palm Boulevard and redoing the walk trail on Bayshore Drive, converting it to concrete.

Highway 285 looks to have a January 2024 finish dated.

The pole barn is complete at Meigs Park and we hope to have the fencing and painting finished up soon.

We are happy to have received an 80% on the pavement assessment study and have a goal of 90% for next year.

We now have the permits for the Walkable Niceville signs in hand and ready to proceed.

We have been doing some maintenance on Turkey Creek which is going really well, which include power washing and fixture changes.

The city crews have been repairing city sidewalks and are going to start the asphalt cuts around the city next week.

Mr. Laird introduced Kristin Howell, who works in the front office of the Public Works building. He wanted people to see who they would be talking to when they called Public Works. He informed the Council the City had been approved for another historical marker. Councilwoman Alley asked why there had been such a spike in March on water calls. Mr. Laird stated it was a result of day to day operations of a water system. Mr. Deitch commended Mr. Laird and his team for the work they did on the Friday before the Labor Day weekend. He explained one employee was in a hole, waist deep in mud fixing a leak. He stated Mr. Laird has a good crew down there. Mr. Laird revealed the employee Mr. Deitch was referring to was Joey Collins.

Bills Payable:

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

Other Business:

Status - Biker Bar Update – City Attorney

Attorney Powell gave an extensive update on the timeline regarding the eviction process of Paula Kelly from City property at 114A Edge Avenue. He explained she was one of the hold over tenants when the City Purchased for the CRA. With COVID-19 there was a moratorium on evictions until it was lifted in July 2022. There was discussion on the timeline of paperwork submitted and Ms. Kelly's belief that she did not have to vacate since she claims Mr. Corbin had informed her she was not required to. At this time Attorney Powell is waiting on the judge to enter the order. Once it is signed she will have 3 days to vacate the premises. If she does not, a writ of possession will be signed and she will be forced to moved. Discussion followed regarding Ms. Kelly running a business out of the building, not paying rent, and that the City was paying for the water and electricity to the building. Mr. Deitch stated that after speaking with her, he felt it was unlikely she would leave on her own.

Councilman Nodjomian complimented all who were involved with the Field of Valor. He stated it was sponsored by the Exchange Club and it was to honor Florida's fallen military in Iraq and Afghanistan. He thanked Councilman Schaetzle for opening up the ceremony on behalf of the City of Niceville. Councilman Nodjomian explained that the three speakers went back to the salient event that at that time had the Country unified. Councilman Schaetzle asked Ms. Larson how long the Field of Valor would be up and she stated until Saturday and it would be open from 10 AM to 4 PM daily.

Councilman Schaetzle asked Ms. Bishop to update the Council on a library event. Ms. Bishop stated the Friends of the Niceville Library would be holding their annual book sale Saturday, September 16 from 9 AM to 2 PM. She also stated that there would be a friends only presale on Friday. Councilman Schaetzle complimented the city staff on the job they had done preparing the 2024 budget, stating it was not an easy task.

Several residents spoke regarding oak trees being removed from the median of Alderwood Way. They were upset the trees had been removed and that the residents had not been contacted prior to their removal. The residents who spoke stated the trees were not tearing up the road, were not a danger, and believe they should have had input. The following

residents spoke: Rachel Reese, 1002 Alderwood Way; Audrey Beukenkamp, 204 Cedar Ridge Way; Paul Reese, 1002 Alderwood Way; and James Yacks, 2 Cedar Ridge Way and 367 Evergreen Avenue. Councilman Nodjomian asked why this had happened? Mr. Deitch stated there were six houses in the 40-year-old neighborhood that are near the trees in question. He stated he had been approached by several of the homeowners asking for them to be removed because the trees were making it difficult to back out of their driveways and tearing up the roadway. Mr. Deitch stated he spoke with Mr. Laird after looking at the area and agreed to remove them. Mayor Henkel stated their concerns had been heard and things in the future would be looked at for the impact the decision will make. Mr. Laird stated the trees were going through a storm drain. Doug Tolbert, 709 Mullet Creek Run, stated the City has a Tree Board and tree ordinance.

Felix Beukenkamp, 204 Cedar Ridge Way, stated the Building Association was not notified of the City's building official being fired. Mr. Deitch stated there was no gap in service. Mr. Beukenkamp replied he was aware of that but it took them two hours to figure it out and time is money.

Doug Beacon, 311 Grove Park Drive, asked when the clock at the Senior Center would be fixed as it had not worked for a bit? Ms. Bishop stated a clock repair company had been contacted and the part is on the way. The clock was struck by lightning in July.

Doug Stauffer, 1737 Maple Avenue, confirmed the Randall Wise roadway dedication was being held on October 6th at 8 AM. Mr. Deitch answered in the affirmative.

Troop 553 was recognized in the audience and Anthony Larson came forward to speak on their behalf. He stated they were working on the communication and citizenship in the community awards.

Mr. Deitch stated the Senior Center would be closed September 25th for staff training. He also informed the Council the Katie Moody Scholarships would be able to be provided once again due to the work he and Mr. Rausch had done. Scholarships have not been granted since 2015.

Councilman Nodjomian stated tonight was the first time he was hearing about the trees being removed. He acknowledged the City Manager and Public Works Director have a tough job but moving forward something like this needs further discussion. He stated he understands the decision if roots were going into a storm pipe but further stated in the future we would do better. Mr. Deitch explained the final decision was made by him and him alone.

There being no further discussion, the meeting adjourned at 7:51 PM.

MAYOR

ATTEST:

CITY CLERK

minutesregularcouncil