

MINUTES  
REGULAR COUNCIL MEETING  
CITY OF NICEVILLE, FLORIDA  
SEPTEMBER 14, 2021

The Niceville City Council met in regular session at 7:00 PM, September 14, 2021 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; Public Works, Johnathan Laird; Deputy City Clerk, Wendy Farmer; Deputy City Clerk and Finance Director, Steven Rausch and Chad Morris, Technology Department. There were approximately 23 visitors in the audience, including other City employees. Mayor Henkel called the meeting to order at 7:00 PM. Mayor Henkel offered the prayer and led the pledge of allegiance.

**APPROVAL OF MINUTES**

Regular Council Meeting, August 10, 2021  
Special Council Meeting, August 19, 2021  
Special Council Meeting, August 24, 2021  
Special Council Meeting, August 26, 2021  
Special Council Meeting, August 31, 2021  
Special Council Meeting, September 7, 2021  
Special Council Meeting, September 9, 2021  
Planning Commission Meeting, September 7, 2021  
Local Planning Agency Meeting, No Meeting Held

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

**PUBLIC HEARINGS**

**PRESENTATIONS:**

**Youth Advisory Council – Update**

Katherine Johnson updated the Council on what the Youth Advisory Council discussed during their meeting. She stated they discussed the video competition they would be entering for the Florida League of Cities, received new shirts and had a photo shoot to add the new members to the website. She also spoke of the Campus Carnival they have planned to raise money for the Autism Center.

**Presentation:**

Daniel Doucet, City Clerk, read and presented a proclamation recognizing September 17-23, 2021 as Constitution Week in the City of Niceville. Mayor Henkel reflected on how important the Constitution is to us all.

**Preliminary and final review of Juniper West, Phase 1 approval**

Valparaiso Realty, request preliminary and final review of Juniper West, Phase 1 consisting of 35 Lots, 8.72 acres. Councilman Williams moved approval: Councilman Donahoo seconded. Councilwoman Alley asked if there was a representative in attendance. She then asked what was happening with the remainder of the acres from the original number of lots, since there were originally 59 lots? Matt Zinke, Jenkins Engineering, stated he had originally come here last year with this same project as a PUD. During the process they were advised to do some as a rental project, so they will be doing the remaining 3.9 acres as single family rentals. Discussion followed.

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

**Preliminary and final review of Deer Moss Creek, Phase 7 approval**

Ruckel Properties, request preliminary and final review of Deer Moss Creek, Phase 7 consisting of 138 lots, 42.70 acres. Councilwoman Alley moved approval: Councilman Donahoo seconded. Councilwoman Alley asked Matt Zinke where the runway was on the plat they were given? Mr. Zinke approached the dais and showed Councilwoman Alley the location. Discussion followed in regards to the overrun. Judy Boudreaux asked how close the nearest house was to the overrun? Mr. Zinke stated it was approximated 400 feet.

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

**Proposed CRA Budget - Approval**

Mr. Doucet stated the CRA Commissioners voted to approve the budget and it is also a requirement to place it in the City budget as well, so Council approval is being sought tonight. Ammy Hanson briefed the Council on the proposed CRA budget. She stated the budget would be \$815,410 with some expenditures and among them would be a \$695,000 Triumph Grant. Councilman Nodjomian moved approval: Councilman Schaetzle seconded. There was no discussion for or against.

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

Ordinance 21-10-01 - An ordinance for the rezoning of certain properties in the City of Niceville, Florida, providing zoning for the same and an effective date. The property owner has requested to rezone his property located at 1600 27<sup>th</sup> St and parcel id 09-1S-22-2140-000A-0020, be rezoned from R-1, single family to R-2, one or multifamily and the Future Land Use be changed to MDR, medium density residential. Metes and bounds description, parcel id numbers 09-1S-22-2140-000A and 09-1S-22-2140-000A-0020. Malcolm Spears, 1600 27<sup>th</sup> St. (First Reading)

Mr. Doucet read Ordinance 21-10-01 by title. Councilman Schaetzle moved approval on first reading. Councilman Donahoo seconded. Councilman Nodjomian stated he had looked over the notes from the Planning Commission and one of the members had voted no to this action and he requested to know the reason. Mrs. Hanson stated the member did not give a reason for the no vote. Councilwoman Alley asked if this was going to be townhomes. Matt Zinke stated this was zoned R-1 and surrounded by either R-2 or R-3 zoned properties and they are requesting to put the zoning in line with the other property and most likely it would be townhomes. Discussion followed.

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

Ordinance 21-10-02 - An ordinance for the rezoning of certain properties in the City of Niceville, Florida, providing zoning for the same and an effective date. The property owner has requested to rezone his property located at 300 Kelly Rd, be rezoned from R-1, single family to C-2 general commercial. Metes and bounds description, parcel id 01-1S-23-0000-0053-0000. Mr. Bradley Hudson, Tsampa Holdings LLC, 300 Kelly Rd. (First Reading)

Mr. Doucet read Ordinance 21-10-02 by title. Councilman Schaetzle moved approval on first reading. Councilman Nodjomian seconded. Bradley Hudson, 106 21<sup>st</sup> Street, stated he has a business in Niceville selling educational supplies and has outgrown his current location. Councilwoman Alley asked what was located to the left and right of the property? Mr. Hudson stated to the left was a rental house and to the right an older home. Councilwoman Alley asked if this would be a warehouse or would customers be driving in and out? Mr. Hudson stated there would not be retail customers driving in and out, only employees. Discussion followed.

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

Resolution 21-09-01 – A resolution granting a special exception to the Land Development Code, Section 11.05.01, (e), to allow for a 56' dock as opposed to a 33' dock. L2, Dolphin Point Estates, according to the map or plat thereof as recorded in Plat Book 9, Page 20, Public Records of Okaloosa County, Florida, parcel id 21-1S-22-0164-0000-0020. John and Kristin Harris, 107 Dolphin Point Rd.

Resolution 21-09-01 was tabled until a future meeting.

Resolution 21-09-02 – A resolution granting a special exception to the Land Development Code, Section 8.05.02, Restaurants, Fast Food with Drive Through Window, to allow for 49 parking spaces as opposed to the required 65. And a special exception to section 12.04.02, (b), to allow for a 4.5' landscape buffer as opposed to the required 5'. Valparaiso Realty on behalf of Chick-fil-A, 1348 E John Sims Pkwy.

Resolution 21-09-02 was tabled until a future meeting.

Resolution 21-09-06 – A resolution of the City of Niceville, authorizing the City Manager to develop a grant application and sign said application on behalf of the City of Niceville in support of Turkey Creek Park through the development of additional facilities and opportunities.

Mr. Doucet read Resolution 21-09-06 by title. Councilman Williams motioned approval and Councilman Schaetzle seconded. Ammy Hanson explained the City of Niceville is seeking a grant from the FDEP Florida Recreation Development Assistance Program (FRDAP) in the amount of \$128,00 for the old Hardees site. FRDAP will provide \$100,000 and the City will provide \$28,00 of in-kind labor to complete this project. The grant will allow the City to improve parking, install water fountains, install a trail head connection to the Turkey Creek Walk boardwalk and add other amenities such as bike racks, covered picnic facilities and tetherball facilities.

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

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

### **Police Department – Update**

During the month of August, the Police Department responded to 3,742 calls for police assistance. There was a total of 49 traffic crash reports written involving 96 vehicles and 8 pedestrians. The estimated amount of damage to the vehicles and related property was \$224,603. A total of 161 traffic citations and 188 traffic warnings were issued, along with 22 misdemeanor, 15 felony and 1 DUI arrests. Chief Popwell stated five of the pedestrians were in a parked car. Councilman Nodjomian asked how they could be considered pedestrians if they were in a parked car? Chief Popwell stated the State of Florida recognized anybody not driving a motor vehicle as a pedestrian.

### **Water/Sewer/Drainage Projects – Update**

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

#### **Water and Sewer:**

**Sewer Rehab Work:** Work has started on the sewer rehabilitation in the Edgewater Drive area.

The 25<sup>th</sup> Street water extension project has been completed with the exception of the tie-ins. Two additional fire hydrants have also been installed.

The rehabilitation of lift station #30 started at the yard and weather permitting it should be done Friday.

**Calls:** 64 water calls and 33 sewer calls; 2 water taps and 4 sewers taps were made and 217 line spots done.

#### **Stormwater:**

There was another beaver issue on Bayshore Drive, Coastal Wildlife was contacted and two more beavers were caught.

We have a contract with Gulf Coast Environmental Contractors to do maintenance on the 22 holding ponds in Sweet Creek and the Plantation.

There was a sink hole on Bayshore Drive around the Dana Pointe area on two 48” outfall pipes. We are still waiting on Pensacola Concrete to give a start date on re-lining the pipe. This should be started within the next week or two. Hurricane Ida and Tropical Storm Nicholas has set them back.

#### **Prison crew update:**

We are still awaiting the return of the prison work squad. The City will have an employee trained to pick up a five man crew to assist us in the near future.

**Streets:**

**Sidewalks:** Construction Services is reviewing the plans and will be starting in Swift Creek. We also are looking at installing a sidewalk on Nathey St. by Edge Elementary within the next couple of weeks.

Mr. Laird stated he had spoken with the Okaloosa County Engineers and the bid opening will be September 29<sup>th</sup> for the sidewalk on Redwood Avenue.

The striping has been completed on Juniper Avenue and Palm Boulevard and Mr. Laird stated he would discuss with Mr. Corbin which area to do next.

Coastal Power, the contractor for Gulf Power, work will be complete tomorrow on Cedar Avenue and concrete has been ordered for Tuesday to pour back the sidewalks.

We are looking at a January start date for the resurfacing of John Sims Pkwy.

The street sweeper is still waiting on a part for repairs, however in the meantime, the City of Valparaiso has allowed us to borrow their until ours is operational.

**Sanitation:**

Mr. Laird asked for patients for the sanitation department while they have a couple of relay trucks being repaired.

**Technology and Purchasing Departments:**

Mr. Morris stated the Information Systems Department has been running smooth. They have been finishing up a few projects and routine maintenance.

The walk path on College Boulevard is waiting for Okaloosa County and Eglin Air Force Base to approve the plans. Okaloosa County has the right-of-way on College Boulevard, but it sits on Eglin property. Okaloosa County will take care of speaking with Eglin in regards to this. Councilman Nodjomian stated we would have to go through the same process for any project we did down College Boulevard. Mr. Morris agreed.

Mr. Morris is requesting permission to contract with Kay-aKcess for a kayak retrieval system for \$34,439 to be installed at the Turkey Creek South Park as part of improvements funded by a FRDAP grant. Mayor Henkel asked if they were ADA compliant? Mr. Morris and Mr. Laird stated it was ADA compliant, as that was one of our requirements.

Councilman Nodjomian moved approval. Councilman Williams seconded. Councilman Schaetzle asked for an explanation of the final vision of this area at Turkey Creek. Mrs. Hanson stated there would be boardwalk connections, upgraded overflow parking, an observation tower and a fishing platform away from the kayak retrieval.

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

Councilman Schaetzle asked if there was a better microphone system that we could get to help the audience hear better? Mr. Morris stated there was but with the way the room is designed there are limits. He demonstrated how the microphone and stand should be set up since they are directional microphones. Discussion followed and Mr. Morris stated he would look around.

Elisa Mitchiner updated the Council on the historical markers. She asked for approval for markers at Lion's Park and the Landing, Councilwoman Alley stated it was already in the budget. Councilwoman Alley also stated she had to go before the Historical Marker Committee at the state level for approval and our application was put together so well that it was approved easily. Discussion followed.

Mr. Corbin stated the Senior Center is doing good. They have added over fifty new members this month. Councilwoman Alley asked when the back area would be complete? Mr. Corbin stated the pickleball courts have been completed and still need some electrical work to be completed. He stated he believed most of the work would be completed by the middle of October. Discussion followed regarding submitting the Senior Center for the City Spirit Award presented by the Florida League of Cities.

### **Other Business:**

Attorney Dixie Powell briefed the Council on the Tourist Development tax. He requested a motion and approval for two interlocal agreements. The first is an interlocal agreement between Okaloosa County and Okaloosa County municipalities for funding allocation of Okaloosa County Tourist Development tax revenues. The second is Interlocal agreement between Okaloosa County Municipalities regarding the allocation of 12.5% of annual tourist development tax revenues earmarked by Okaloosa County to the Municipalities, as set forth herein, for a term of twenty (20) years. He explained the bigger cities gave up a small portion of their funds to insure the smaller cities received funding as well.

Interlocal agreement between Okaloosa County and Okaloosa County municipalities for funding allocation of Okaloosa County Tourist Development tax revenues.

Councilman Schaetzle moved approval. Councilman Nodjomian seconded. Councilwoman Alley explained the vote for this is October 5<sup>th</sup> by mail in ballot and this

has to pass for this work. This is not a new tax, this is a bed tax and it will be paid for by tourists. Mayor Henkel stated the bed tax taxing district is being expanded to include the entire county. He emphasized it is not a tax on the tax payer. Judy Boudreaux asked what is the percentage of our allocation? Dixie Powell stated our percentage of the 12.5% allocated to Okaloosa County is 10%. Councilwoman Alley stated it equated to approximately \$315,000 annually. Mr. Powell said it could be more.

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

Interlocal agreement between Okaloosa County Municipalities regarding the allocation of 12.5% of annual tourist development tax revenues earmarked by Okaloosa County to the Municipalities, as set forth herein, for a term of twenty (20) years.

Councilman Donahoo moved approval. Councilman Nodjomian seconded. Councilman Nodjomian asked how they arrived at the twenty-year term? Jeff Burns, special council for the City of Destin, stated they originally asked for twenty-eight years but the County negotiated it down to twenty. Councilman Nodjomian asked what would happen at the end of the term, would there be a meeting to determine what would happen next? Mr. Burns said that it would end. Discussion followed regarding the sunset date. Councilman Schaetzle asked what decision had been made in regards to the money staying in Okaloosa County to be dispersed instead of going to Tallahassee and then back? In other words, are we going to have local control? Jeff Burns stated yes J.D. Peacock will be taking over as soon as the agreement goes into effect, February or March target date. Discussion followed.

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

Councilman Schaetzle stated he attended the open ceremony for the Field of Valor and thanked everyone who helped organize it, it was beautiful day and a beautiful ceremony. Mayor Henkel stated people were appreciative and he also thanked everybody involved.

Councilwoman Alley stated the Florida Realtors was going after a constitutional amendment to preserve the Sadowski Fund and an agreement was made last week with the State of Florida to setting aside \$50 million next year for front line worker's for housing. The fund will be preserved at 50% for housing and the constitutional amendment has been dropped at this time.



Councilman Williams stated being on the Transportation Committee, one of the focuses is the Sadowski Affordable Housing Trust Fund and he will be keeping the Council updated on that.

Mayor Henkel thanked the employees for all the work being done, it is being done for the benefit of our citizens. He also stated he spoke with Commission Mel Ponder and he stated the signs for Randall Wise were done and approved and they will be contacting Mr. Corbin to get them installed and determine what type of ceremony we would like. He also mentioned the ballots coming out for the TDT and encouraged everybody to vote.

**Bills Payable:**

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

There being no further discussion, the meeting adjourned at 8:14 PM.

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MAYOR

ATTEST:

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CITY CLERK

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