

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

The Niceville City Council met in regular session at 6:00 PM, October 11, 2022 in the Council Chambers, 208 N Partin Drive. All Council members were present, except the Mayor who was out of town on business. Mayor Pro Tem Schaetzle stated that he will be presiding over the meeting and explained that he will exercise his right to vote. 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 and Finance Director, Steven Rausch and Director of Technology and Purchasing, Chad Morris. There were approximately 35 visitors in the audience, including other City employees. Mayor Pro Tem Schaetzle called the meeting to order at 6:00 PM. Reverend Johnson offered the prayer and Councilman Donahoo led the pledge of allegiance.

APPROVAL OF MINUTES

Regular Council Meeting, September 13, 2022
Special Council Meeting, September 22, 2022
Planning Commission Meeting, October 3, 2022
Local Planning Agency Meeting, No Meeting Held

Councilman Nodjomian moved approval: Councilman Donahoo seconded. Mayor Pro Tem Schaetzle asked if the audience had any comments? He then asked the City Council members if they had any comments. No one spoke for or against. Council Vote: Nodjomian-yes; Schaetzle-yes; Alley-yes; Donahoo-yes; Williams-yes. Motion passed

PUBLIC HEARINGS

PRESENTATIONS:

Youth Advisory Council – Update

Aleena Ponto, Youth Advisory Council Chairman, briefed the Council on those items discussed at their meeting tonight. We are working on our Sharing and Caring toy and food drive. We have a plan in affect by using social media and announcement via the NHS television system. We are already receiving donations. We also plan to work on several of our goals before the end of this year which includes a Video Competition

submission to the Fl League of Cities; preparing Christmas cards for seniors at the Pavilion, decorating the inside of the Pavilion or their doors for Christmas if allowed. Continued volunteer work for the Autism Center and assisting with their 5K run. Lastly, we want to work on increasing the population of the non-voting members and having announcements put out at Niceville High School. We also plan to contact former members to get feedback on how serving on the council has helped them. We plan to use social media to improve communications. Discussion followed.

Mr. Robert McEachern, 1027 Christy Drive regarding Property issue at 1032 Christy Drive.

Mr. Doucet stated that Mr. Robert McEachern is here tonight regarding the issue at 1032 Christy Drive. Mr. Doucet asked Attorney Powell if he could brief the council on the work he has done to solve this issue. Mr. Powell stated that he was able to hire the services of a private investigator to serve the heirs of this property. This put them on notice for not taking action to clear up the code violations outlined in the Magistrate's findings regarding the poor condition of the property at 1032 Christy Drive. The City Manager now has the authority to act to clean up the property and bill the owners for the cost. In addition, a lien will be placed on the property for the cost involved which includes removal of all debris and all structures. Mr. Corbin stated he has decided to accomplish this project in house vs contracting out the project. Mr. Corbin stated that the estimated cost is slightly over \$8,500.

Mr. McEachern stated that he is satisfied with this plan of action. He asked how long will it take to start working on the clean-up process. Mr. Corbin then asked Mr. Johnathan Laird, the Director of Public Works for a projected start date? Mr. Laird stated he could start the project in approximately two weeks. Discussion followed.

Ordinance 22-10-01 – An Ordinance granting an exclusive franchise to Waste Management, Inc. of Florida for the purpose of Residential Garbage Collection; providing definitions of terms and phrases; providing a description of the franchise area which shall be all of the corporate limits of Niceville, Florida; providing for adoption of a rate and payment schedule; providing a commencement date; providing for a five year term with options to renew; providing for rate adjustment procedure; providing the scope of work required under the franchise; establishing a disposal facility, establishing a processing Facility; providing rules for collection services, providing for performance of work as an independent contractor; providing for equipment requirements providing for insurance and indemnification; providing for service during storms, providing for a liaison between city and franchisee; providing for service to any future areas of annexation; providing for assignability; providing for compliance with laws; providing force majeure rights, establishing exclusive nature of franchise, providing for default; providing for a

performance bond, providing for enforcement, repealing any ordinance inconsistent herewith providing for collection of attorney's fees; providing for severability; and providing and effective date hereof. (Final Reading)

Mr. Doucet read Ordinance 22-10-01 by title. Councilman Donahoo moved approval and Councilwoman Alley seconded. No one spoke for or against.

Council Vote: Nodjomian-yes; Alley-yes; Donahoo-yes; Williams-yes, and Schaeztle-yes. Motion passed.

Ordinance 22-10-02 – An ordinance granting an exclusive franchise to Waste Management Inc. of Florida for the purpose of Commercial Garbage Collection; providing definitions of terms and phrases; providing a description of the franchise area which shall be all of the corporate limits of Niceville, Florida; providing for adoption of a rate and payment schedule; providing a commencement date; providing for a five year term with options to renew; providing for rate adjustment procedure; providing the scope of work required under the franchise; establishing a disposal facility; providing rules for collection services; providing for uncollectable accounts; providing for performance of work as an independent contractor; providing for equipment requirements; providing for insurance and indemnification; providing for service during storms; providing for a liaison between city and franchisee; providing for service to any future areas of annexation; providing for assignability; providing for compliance with laws; providing force majeure rights; establishing exclusive nature of franchise; providing for default; providing for a performance bond; providing for enforcement; repealing any ordinance inconsistent herewith; providing for collection of attorney's fees; providing for severability ; and providing an effective date hereof: (Final Reading)

Mr. Doucet read Ordinance 22-10-02 by title. Councilman Donahoo moved approval and Councilwoman Alley seconded. No one spoke for or against.

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

Ordinance 22-11-01 – An Ordinance annexing property into the city limits of Niceville and be zoned R-2 , one or multi-family with a future land use of MDR. Metes and bounds

description. Property id #08-1S-22-0000-0016-0010. Taylor Brown, Eagle Venture Group LLC, 450 Reeves St. (First Reading)

Mr. Doucet read Ordinance 22-11-01 by title. Mayor Pro Tem Schaetzle requested a motion and a second. Councilman Nodjomian moved approval. Councilman Williams seconded. No one spoke for or against.

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

Resolution 22-10-01 – A Resolution of the City of Niceville recognizing Florida City Government Week, October 17-23, 2022, as “Florida City Government Week”, by joining Cities throughout the State in celebrating Florida City Government week and encouraging all citizens to support the celebration and corresponding activities.

Mr. Doucet read this resolution in its entirety. Major Pro Tem Schaetzle explained the purpose of this resolution in case the audience was not familiar with the process. Discussion followed to include planning for an event next year to showcase what the city departments do to support our citizens in the City since there is limited time to have it this year. Mayor Pro Tem Schaetzle requested a motion to approve and a second. Councilman Donahoo moved approval. Councilman Nodjomian seconded. No one spoke for or against.

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

Resolution 22-10-02 – A Resolution granting a Special Exception to the Land Development Code, Table 7-1, to allow for a used car lot in C-1 zoning. Lots 8 and 9, Block 6, A.A. Howell Subdivision. Property id #'s 12-1S-23-1230-0006-009 and 12-1S-23-1230-0006-0080. Kimberly Thomas, representing Realiza Guilles, Vincere and Hope LLC, 217 and 219 Government Ave.

Mr. Doucet read Resolution 22-10-02 by title. Councilwoman Alley moved approval for discussion purposes and Councilman Williams seconded. Mary Rivas, 306 Iowa Avenue, opposed the special exception stating it would create additional noise to the area from vehicles, repairs, car washing and fumes. The property is partially on concrete and partially on grass which could lead to the potential for oil and gasoline runoff that would affect the property and environment. After hours foot traffic would also increase in the area. For safety and security, she felt additional lighting would be needed and that had not been addressed. She mentioned the individual requesting the zoning change is not the owner of

the property. She stated she is not against Ms. Thomas opening a used car lot, however she feels this is not the best location for this business. She has lived in her house for thirty years and she wants to feel comfortable in her own neighborhood. If the zoning is changed now, it will never go back. Councilman Nodjomian asked if her home backed up to the property and Ms. Rivas stated yes. Ms. Thomas came forward and stated her concept is to be by appointment only. She feels the impact to noise, light, and traffic will be less than the business that was previously at that location. She is in discussion with the person she is leasing the property through for a two-year lease with an option to purchase the property after two years if everything goes as planned. She discussed other business that could have more of an impact that could open now without any exception and those were a gas station, lounge, or even to have cultural festivities to name a few. She also mentioned it is currently zoned C-1 and in table 7-1 of the Land Development Code, used car lots are permitted. She feels she should not even need to be here requesting the exception due to this, and it is a technicality that she is here. Councilman Nodjomian stated this was a denied motion from the Planning Commission. Councilman Schaetzle stated he attended the meeting and had a follow-on meeting with the Planning and Zoning office. He stated after further investigation, the issues Ms. Thomas referenced with table 7-1, was an error with the printing of the Land Development Code when it was last updated and this should never have been permitted in C-1 and corrective action is being taken. Ms. Thomas explained one of the reasons for denial in the Planning Commission was due to tree and water runoff because there is a big tree on the lot. She expressed her confusion on how that would play a role in planning and zoning. Councilman Nodjomian asked Attorney Powell for his legal opinion regarding errors and omissions. Discussion followed.

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

Resolution 22-10-03 – A Resolution granting a Special Exception to the Land Development Code, Table 7-2, R-2 zoning to allow for a 10' rear setback as opposed to the required 20'. A portion of Lots 28 and 29, Block 6, A.A. Howell Subdivision. Property id #12-1S-23-1230-0006-0290. Robert McElroy, 806 Spencer Place.

Mr. Doucet read Resolution 22-10-03 by title. Councilman Williams motioned approval and Councilman Nodjomian seconded. Robert McElroy, 1411 Bayshore Drive, stated he is requesting the exception to save a 100-year-old oak tree. Mr. McElroy stated that he has it marked out at 15' and it will fit. Discussion followed regarding amending this in real time. Councilman Williams amended his approval to reflect a 15' rear setback instead of the original 10' rear setback requested and Councilman Nodjomian seconded.

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

Resolution 22-10-04 – A Resolution accepting liability associated with the closing of a state roadway for purposes of a parade.

Mr. Doucet read Resolution 22-10-04 by title. He stated that the Parade is scheduled for December 10, 2022. Mayor Pro Tem requested a motion and a second. Councilwoman Alley moved approval. Councilman Nodjomian seconded. Mayor Pro Tem Schaetzle asked if anyone in the audience wanted to speak regarding this item. No one spoke for or against.

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

Resolution 22-10-05 – A Resolution of the City Council of the City of Niceville Florida authorizing the Honorary designation of a portion of S.R. 285 between S.R. 20 and College Boulevard in Okaloosa County as “Mayor Randall Wise Memorial Highway” in honor of his 50 years of service as Mayor of Niceville; notifying proper authorities of the Honorary Designation of the roadway; notifying Florida Department of Transportation for signage, and providing for an effective date.

Mr. Doucet read Resolution 22-10-05 by title. Mayor Pro Tem Schaetzle requested a motion and a second. Councilman Nodjomian moved approval. Councilwoman Alley seconded. No one spoke for or against.

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

Library Cooperative Interlocal Agreement - Approval (Mayor Pro Tem)

Mr. Doucet stated this was the annual approval of the Library Cooperative Interlocal Agreement. The budgeted amount the City will receive from the Cooperative is \$160,281 and that is included in the 2022/2023 budget and he requested approval. Councilman Williams moved approval and Councilwoman Alley seconded. Councilman Williams credited Mr. Corbin and Sheila Bishop with starting this 25 years ago. The 25th anniversary event will be held October 13th in the Niceville Library from 3:30 PM until 6:30 PM. It certainly is something that Mr. Corbin had a vision to bring these six libraries together and basically their motto is “better together with one card”. He believes the library and its services are underutilized. The libraries provide many services. Councilman Schaetzle

explained to the audience that people on the dais serve on different committees and they try to have a primary and a secondary councilperson as a committee member. In this case, Councilman Williams was discussing the Okaloosa County Public Library Committee and he is primary and Councilman Donahoo is the alternate. He thanked them both.

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.

We are still working with Eglin Air Force Base on the lease for the Mullet Festival site. It should be wrapped up by November.

James Campbell passed away, he worked for the City for over 30 years and was a real asset. I will miss him.

The Marc Smith sidewalk turned out good. There will be discussion tonight on the property exchange with the School Board.

The Library Foundation is holding a BBQ plate dinner fundraiser Thursday October 13th in the community center from 5 PM – 6:30 PM.

Councilman Schaetzle inquired where we stood on the property exchange? Attorney Powell stated we would need a motion and vote on it tonight. Councilwoman Alley asked if this was costing the City any money and Attorney Powell stated no. Councilman Schaetzle asked if the builder was still paying for the sidewalk? Attorney Powell stated yes and the agreement included a real property exchange between the School Board and the City. Councilman Schaetzle motioned approval of the exchange of property and execution of the agreement. Councilwoman Alley seconded.

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

Police Department – Update

Chief David Popwell briefed the status of department operations.

During the month of September, the Police Department responded to 3,379 calls for police assistance. There was a total of 55 traffic crash reports written involving 105 vehicles and 2 pedestrians. The estimated amount of damage to these vehicles and related property was \$365,202. A total of 133 traffic citations and 163 traffic warnings were issued. There were 2 misdemeanor arrests, 5 felony arrests, and 2 DUI arrests made. One out of state warrant was served. Chief Popwell thanked the Council for approving the budget and stated everybody was very happy. He informed the Council that there will be a Breast Cancer Awareness Walk Saturday, October 15th at 9 AM at the Northwest Florida State College. He asked anybody who was not busy that day to come out and take a lap. Councilman Schaetzle asked if he had anybody deployed to assist with the Hurricane Ian relief? Chief Popwell stated no. Councilman Schaetzle then thanked him for standing by to attend the opioid seminar that has now been moved to January 2023.

Fire Department – Update

Chief Tommy Mayville briefed the status of department operations.

During the month of September, the Fire Department ran a total of 188 calls. We participated in public relations events to include September 11th events, football games and celebrations of life events. We have had firefighters in Pine Island and Sanibel Island helping with disaster relief. This is the first time we have had to put the fire truck on a barge to get to our destination. FEMA has requested a second crew to assist, so we will be sending more firefighters when this team returns. Okaloosa County is well represented and it is nice to have your support to do this. The water ways are slowing down, so we are not out on the boat as much. Johnathan is having the shed at the dock finished so we will have storage close by. Firefighters are continuing with their education as well. Councilman Schaetzle asked how many firemen we currently have in Sanibel and how many we will be sending for replacement? Chief Mayville stated there are two there now with a truck and we will send two more to replace them. Councilwoman Alley asked if they were participating in search and rescue? Chief Mayville explained they were working on many things and there were cadaver dogs assisting. Sunken boats are being searched by dive teams since people wanted to stay and attempt to secure their boats. Councilman Nodjomian mentioned there had been an agreement reached with the Union and Chief Mayville stated they were satisfied with Article 9.

Water/Sewer/Drainage Projects – Update

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

Water and Sewer:

Okaloosa County is about 90 percent completed with the reuse line coming from Fort Walton Beach to the pond on the Eglin Golf Course for the Deer Moss Creek subdivision. The bypass pumping has started on 4 major lift stations. Lift station #30, #13, and #2 are complete. Lift station #4 should be complete this week.

The water main project on Plew Panther Way is complete. The next project will be on Reeves Street.

Calls: 60 water calls and 22 sewer calls; made 2 water taps and 4 sewer taps; 185-line spots. We changed out 29 meters and completed 446 service orders.

Stormwater:

The stormwater project on Nathey Street was completed.

The stormwater project on Fir Avenue was completed.

We also completed the drainage project on North Cedar Avenue. The next stormwater project will be on Nutmeg Avenue and then will begin on the Christy Drive demolition.

Streets:

The repaving of Juniper Avenue, from Marc Smith to Highway 285, is complete.

We are currently installing sidewalks in front of Meigs Park. This work is being done in house. The next sidewalk project will start in the next few weeks on Bailey Avenue.

Moving along with John Sims Parkway. New paving and sidewalks should be completed January 20, 2023.

We met last week with Anderson Columbia and it is tentative to start the Highway 85 paving and sidewalk project will begin this Monday night. The sidewalks will be added on the east side.

The mural on Evans Street and John Sims Parkway, across from Turkey Creek South, has been completed and wrapped. We hope to see you Monday, October 17th for the unveiling at 11 AM.

Technology and Purchasing Departments:

Chad Morris, Director of Technology and Purchasing, briefed the status of current operations and projects.

Upgrades to the system are being performed, to include the ordering of an additional network node. This will help with backup capacity if a node goes down. This will be ordered in the next week or so and should take a couple of months to come in. Upgrades to the firewalls are being performed to add additional security. He stated there had been an uptick in the number of emails that are attempting activities that are not good for the network. They continue to maintain and troubleshoot the network. Councilman Williams asked if the fiber optics issue up here is going to help us any? Mr. Morris stated it is a possibility, we are still in discussions. It will depend on how fast they come in and how fast they can build out. It has some potential to save us and the residents some money. Fiber is normally a much more reliable way to get high speed internet.

Bills Payable:

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

Other Business:

Appointment of a Mayor Pro Tem

Councilman Schaetzle stated every October a new Mayor Pro Tem is appointed and serves for the current fiscal year. As he stated at the beginning of the meeting, he is the current Mayor Pro Tem and he is willing to serve again but has served for the last two years. If any of his colleagues on the council would like to step forward and take this position, he would cede to them. He asked for nominations to serve as Mayor Pro Tem. Councilwoman Alley stepped forward to be Mayor Pro Tem.

Council Vote: Nodjomian-Alley; Schaetzle-Alley; Alley-Alley; Donahoo-Alley; Williams-Alley. Councilwoman Alley unanimously voted Mayor Pro Tem going forward for fiscal year 2023.

Attorney Powell stated that the Council had previously voted to accept the Panhandle Animal Welfare Shelter (PAWS) contract. We need a motion and vote tonight so Mr. Corbin can execute the contract. This was tabled until the November meeting to give the Council an opportunity to look over the contract. Discussion followed.

Molly Wetzle came forward regarding the speed pumps that were approved for Deer Moss Loop. She stated now that they have been approved there are a few more people requesting them to not be put in. Discussion followed regarding the need to rescind or modify the vote. Mr. Corbin stated he thought the people who were against it would be here tonight but they are not. Councilman Nodjomian stated there was not an issue. Discussion continued on the installation location and Councilman Nodjomian recommended they be installed where the science shows they will be most effective. He offered to help Mr. Laird determine the location. Christopher Saul, 1405 Clary Sage Lane, stated he lives next to one of the residents opposed to the speed pumps. He stated the neighbor could not be here tonight due to a work conflict. He expressed the concerns the neighbor had passed on to him regarding noise pollution and concern they would not even slow down drivers. He was hoping the police would monitor more frequently. Councilwoman Alley stated there would be no noise associated with them since they are rubber. She then asked him, since he was present, if he was for or against them? Mr. Saul stated at first, he was all for them, but now he is ambivalent. Councilman Nodjomian stated they are 100% effective when installed in the proper location. He discussed areas around the city where they have already been installed and have been successful.

Councilman Nodjomian thanked the city staff for their work on the budget. He also thanked Councilman Schaetzle for his past two years of service as Mayor Pro Tem, stating he did a wonderful job.

Councilwoman Alley recognize Eliza Mitchiner for her work on the historical markers and the unveiling that was held. She also thanked the city employees for the installation of the markers. Her and Ms. Mitchiner attended the School Board meeting last night and received approval for a fourth marker to be installed. She mentioned that now Ms. Mitchiner's work begins again to obtain approval from the State. Ms. Mitchiner stated it was her honor to work on this project. She thanked Mayor Henkel for the assistance he provided her and also Mr. Laird for his assistance. Councilwoman Alley stated there will be a party Monday, October 17th for the mural wall unveiling and a ribbon cutting for the handicap accessible launch. She explained that city employees built the wall for the mural and did the work for the installation of the launch.

There being no further discussion, the meeting adjourned at 7:34 PM.

MAYOR

ATTEST:

CITY CLERK

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