

MINUTES
REGULAR COUNCIL MEETING
CITY OF NICEVILLE, FLORIDA
October 12, 2021

The Niceville City Council met in regular session at 7:00 PM October 12, 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; Fire Department, Chief Mayville; Public Works, Johnathan Laird; Information Systems, Chad Morris; Deputy City Clerk, Wendy Farmer and Deputy City Clerk and Finance Director, Steven Rausch. There were approximately 35 visitors in the audience, including other City employees. Mayor Henkel called the meeting to order at 7:00 PM. Reverend Mixon offered the prayer and Mayor Henkel led the pledge of allegiance.

APPROVAL OF MINUTES

Regular Council Meeting, September 14, 2021
Special Council Meeting, September 14, 2021
Special Council Meeting, September 23, 2021
Planning Commission Meeting, October 4, 2021
Local Planning Agency Meeting, No Meeting Held

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

PUBLIC HEARINGS

PRESENTATIONS:

Mayor Henkel read and presented a proclamation recognizing October 11-17, 2021 as Making Strides Against Breast Cancer Week. Present to receive were June Gibson, Melanie Row, April Leake, and Nathaniel Slaton.

Preliminary and Final Review – Approval. Valparaiso Realty, request preliminary and final review of Juniper West, Rental Community, 37 Lots, 3.9 acres.

Councilman Nodjomian moved approval and Councilman Donahoo seconded. Matt Zinke, Jenkins Engineering, 121 Hart Street, Niceville, Florida, spoke on behalf of Valparaiso Realty. He stated last October he came before the Council for a PUD, it was approved 5-0

and it was rezoned C-2 commercial to the PUD layout. As the C-2 they could have done a variety of commercial projects to include apartments but the Huff's thought it would be better use of the property to go residential and that is how it came to be the 63 lots. Last month the 35-lot project was approved and now they are requesting approval for the tiny homes since it would be difficult to sell lots adjacent to the commercial property. Discussion followed regarding traffic generation, the traffic study done, sidewalks, parking, and utilities needing to be upgraded. Councilman Nodjomian requested to ask a member of the Huff family questions. He asked for the price point of the rentals, their vision for their property, and their goal. Brandon Huff, 433 Evans Road, came forward and explained their vision was the same as the homes built off of 27th and Bailey. The typical renters are two people with no children. Rental price will be \$1800 a month and there is a tremendous need for them. Mr. Huff said he would pay for the sidewalk from this development to Palm Boulevard if it needed to be done. Discussion followed. Joe Emsing, 113 Friar Tuck, didn't think the tiny homes were good for this area. He stated the traffic study was old, done during Covid-19, and while school was out. He was opposed to the project. James Kaiserki, 104 Swift Creek Court, stated he owns the house at 1000 Juniper Avenue and feels the linear living center would drop the property value. He stated on 27th Street the homes were an improvement but would not be in this area. Vicky Ritchson, 105 Lincoln Shire Drive, stated she felt transient rentals would not be a good fit for the established neighborhood. She also stated \$1800 a month would not mean much to low income families. Lynne Waltz, 900 Juniper Avenue, expressed concern regarding traffic cutting through Juniper Avenue to Partin Drive. She also asked if the left turn lane at the light on Highway 20 could be lengthened to allow more people to get out of the neighborhood? She was also opposed to the project. Fred Page, 110 Friar Tuck, stated he was concerned with traffic and safety. Discussion followed. Chandler Huff, 18 Bluewater Point Drive, mentioned their typical renters were retired, teachers, and military. Attorney Powell asked what the max density is zoned now? Mr. Zinke stated it was 5 and would be going to 10.

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

Library Cooperative Interlocal Agreement FY22 (approval) Vicky Stever/Sheila Bishop

Councilman Schaetzle moved approval and Councilman Nodjomian seconded. Mr. Corbin stated the only thing that had changed for the upcoming year was the dates.

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 27th St and parcel id 09-1S-22-2140-000A-0020, be rezoned from R-1, single family to R-2, one or multi-family 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 27th St. (Final Reading)

Mr. Doucet read Ordinance 21-10-01 by title. Councilman Donahoo moved approval on final reading. Councilman Nodjomian seconded. No one spoke for or against.

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. (Final Reading)

Mr. Doucet read Ordinance 21-10-02 by title. Councilman Nodjomian moved approval on final reading. Councilman Williams seconded. Councilman Schaetzle asked Mr. Hudson what his intention was with the wooded area of the property? Mr. Hudson stated he planned to leave the wooded area, clean the area up, and put an office on the back part of the property. Councilman Nodjomian asked what type of business it would be? Mr. Hudson replied it was a publishing company.

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

Ordinance 21-11-01 - An ordinance annexing parcel id 16-1S-22-0810-0004-066A and parcel id 16-1S-22-0810-0004-0060, into the City limits and be zoned R-1B, single family residential and the future land use be MDR, medium density residential. Metes and bounds description. Malcolm Spears, 1760 Thomas St & Adj lot. (First Reading)

Mr. Doucet read Ordinance 21-11-01 by title. Councilman Schaetzle moved approval on first reading. Councilman Donahoo seconded. Logan Snow, Seaside Engineering and Surveying, 6575 Highway 189, Baker came forward to talk on the matter. Councilman Schaetzle stated he noticed the lot was already cleared and there was a low area that looked

wet, he asked if it would need to be filled in? Mr. Snow stated the original plan was to do townhomes but the Geotech report they received stated the area was not conducive to a large enough storm pond. The plan shifted from a large footprint to single family residential homes, and the stormwater runoff should not impact that area. The wet spot runs back between the City and County property lines.

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

Ordinance 21-11-02 – An ordinance for the rezoning of certain properties in the City of Niceville, Florida providing zoning for same and an effective date. Parcel ID 01-1S-23-0930-000N-0170, property to be rezoned from R-1, single family to R-1B, single family. Metes and bounds description. Sean Phillips, 207 Walton Ave. (First Reading)

Mr. Doucet read Ordinance 21-11-02 by title. Councilman Schaetzle moved approval on first reading. Councilman Donahoo seconded. No one spoke for or against.

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.

Mr. Doucet read Resolution 21-09-01 by title. Councilman Nodjomian moved approval and Councilwoman Alley seconded. Timothy Chiasson, Perri & Jennings, 4 Eleventh Avenue, Suite 1 Shalimar, Florida, representing the Harris's passed out some supplemental documents to the Council. He explained how the dock is being measured from the property line but that it should be measure from the pier where the dock is proposed to be built on the accreted land. He stated prior to going to the Planning Commission, Mr. Harris had received approval from The Army Corp of Engineers, The Florida Department of Environmental Protection and the informal verbal approval of his neighbors. He stated now some neighbors are having issues with navigability. Mrs. Harris presented a copy of the new survey to the Council. She stated they do not want to dredge due to the cost and the environmental impact of dredging is not what they would prefer. Discussion followed. Dave Swanick, 503 Rana Lane, on behalf of his parents at 101 Dana Point, stated his parents do indeed live on the water and the dock would be a hazard to navigate from their property. He also stated the ordinance is in place and residents should be able to be relied

on. Selena Rogers, 123 Dolphin Point Road, lot 1, stated she was the former owner of lot 1. When she owned the property, they would have to dredge to be able to navigate. She felt the variance should be denied or it would set a bad precedence. Jeff Davis, 1855 Bayshore Drive, stated at no time did he give approval. He also stated he had to dredge to get his boat in and out. He has a permit to dredge and all he has to do is call to activate it when needed. Pamela Beales, 170 Lanman Road, stated she was a former owner of 107 Dolphin Point Road. She also had it surveyed and wanted to put in a dock, however due to how shallow it was they chose not to do it. She mentioned they put their boat in the hangar on Eglin, AFB and that would be an option. The dock and boat would be in view of her Florida room and that's not a view she would like to see. Starla Christakos, 121 Dolphin Point Road, stated John Bayou is not a cove and cove codes should not be used. She mentioned that none of the prior waterfront property owners have required an exception or variance to make use of the water, they have adapted. She expressed concern that granting this would set an undesirable precedence. Attorney Chiasson explained the definition of riparian rights. Discussion followed.

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

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.

Mr. Doucet read Resolution 21-09-02 by title. Councilman Donahoo moved approval and Councilman Williams seconded. Shawn Hickmon, Interplan, LLC, Civil Engineer for Chick-fil-A, 220 East Central Parkway, Altamonte Springs, FL, came forward and stated this was a safety upgrade for the Chick-fil-A. He explained how the second lane for the drive through would work as well as the wrap around to the pick-up window. Councilman Schaetzle asked if the canopies that are in place now would remain or be removed? Mr. Hickmon said they were temporary and would be removed. Councilman Nodjomian asked why they had asked for the 12' vs 11.5' and not asked for the landscape buffer variance and Mr. Hickmon replied it was to give bigger trucks more room to turn. He also explained they had to give workers a walkway in between the lanes and that would reduce the outside lanes slightly. Discussion followed.

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

Resolution 21-10-01 – A resolution of the City of Niceville, Florida adopting and promoting support for and approval of the Okaloosa County Comprehensive Emergency Management Plan (C.E.M.P.) and Okaloosa County Local Mitigation Strategy (LMS) Plan in order for the City of Niceville to fully qualify for credit for Community Rating System (CRS) activity 610 Flood Warning Program; providing and finding that the Okaloosa County Comprehensive Emergency Management Plan (C.E.M.P.) and Okaloosa County Local Mitigation Strategy (LMS) are compliant with and parallels emergency management requirements of Federal and State Emergency Management Plans; providing for approval and adoption hereof; and providing for an effective date.

Mr. Doucet read Resolution 21-10-01 by title. Councilman Nodjomian moved approval and Councilman Donahoo seconded. No one spoke for or against.

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

Resolution 21-10-02 – A resolution granting a special exception to the Land Development Code Section 7.07.09C, to allow for a 4' distance between buildings as opposed to the required 10'. Lot 13, Block C, Creekside Development Phase II. Sharon Church, 1116 37th St.

Mr. Doucet read Resolution 21-10-02 by title. Councilman Schaetzle moved approval and Councilman Nodjomian seconded. Mrs. Church stated she was unaware that a permit was needed for the building she was having built. She went off the word of the builder that one was not needed. She stated after the slab was laid she was notified she was in violation of the building code. Councilman Nodjomian asked if the variance she was requesting was from the side of the house or back. Mrs. Church stated it was from the side. Councilman Nodjomian asked how the Planning Commission voted and Ammy Hanson stated it passed unanimously. Discussion followed on how much work had been done and what type of building it was. Councilman Nodjomian showed Chief Mayville the plans for the building and asked if it was acceptable. Chief Mayville agreed it was acceptable.

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

Resolution 21-10-03 – A resolution accepting liability associated with the closing of a state roadway for purposes of a parade. The Christmas Parade is scheduled for December 4, 2021.

Mr. Doucet read Resolution 21-10-03 by title. Councilman Williams moved approval and Councilman Donahoo seconded. No one spoke for or against.

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

Resolution 21-10-04 – A resolution of the City of Niceville recognizing October 18-24, 2021 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 Resolution 21-10-04 by title. Councilman Schaetzle moved approval and Councilman Williams seconded. No one spoke for or against.

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

CITY MANAGER REPORTS/REQUESTS/RECOMMENDATIONS:

Fire Department – Update

Chief Mayville briefed the Council that the Fire Department ran a total of 161 calls in September. He also stated they are still in the process of updating emergency contacts throughout the city. The Fire Department also held testing for new employees and they had four offered and accept positions. All current Firemen have completed and passed their annual lifescan physicals.

Water/Sewer/Drainage Projects – Update

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

Water and Sewer:

Sewer Rehab Work: We have completed our sewer rehabilitation work.

The 25th Street water extension project has been completed.

We installed a generator at lift station 31 on Beverly Dr.

The lift station at the yard has been completed. We will be lining the wet well in the next couple of weeks.

Calls: 54 water calls and 27 sewer calls; made 8 water taps and 4 sewers taps; 217-line spots.

Stormwater:

We have a contract with Gulf Coast Environmental Contractors to do maintenance on the 22 holding ponds in Sweet Creek and the Plantation. Next week city employees will get the training so they will be able to start picking up the prison crew.

There will be various Stormwater projects starting next week. Hillside Drive, Senior Center, Nutmeg Avenue and Valparaiso Boulevard.

We had 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.

Streets:

Sidewalks:

Construction Services is reviewing the plans and will be starting in Swift Creek on Monday, October 18th. We also are looking at installing a sidewalk on Nathey Street, by Edge Elementary.

There will be an announcement on Tuesday, October 19, on who won the bid for the Redwood sidewalk project.

Sidewalks on Cedar Avenue have been completed.

We are looking at a January started date for the paving of John Sims Parkway from Pine Avenue to Redwood. Due to the paving, some of the trees will be lost.

The Turkey Creek floating dock for the new kayak launch and retrieval has been ordered and should be here in about 4 or 5 weeks.

Mayor Henkel inquired about the sidewalks on Rocky Shores Drive. Mr. Laird stated they had started at Swift Creek and are working that way. Rain has delayed the work. This year we have had over 88 inches of rain and our normal is 55 inches.

Mayor Henkel also commented on the fences at the dog park needing repair. Mr. Laird stated they had gotten the required permit and were waiting on the fence company to come and measure.

Councilman Nodjomian informed Mr. Laird of the Youth Advisory Council yearly clean up being set for November 20 and asked if he would be able to help out again this year? Mr. Laird said yes.

Police Department – Update

Mr. Corbin briefed the Council on behalf of Chief Popwell who was not able to attend. During the month of September, the Police Department responded to 3,241 calls for assistance. There was a total of 46 traffic crash reports written involving 89 vehicles and no pedestrians. The estimated amount of damage to these vehicles and related property was \$272,150. A total of 123 traffic citations and 135 traffic warnings were issued, along with 15 misdemeanor arrests, 5 felony arrests and no DUI's.

Mr. Corbin informed the Council that he had contacted other municipalities regarding the meeting start time. He asked the Council if they had an interest in starting the regular council meetings and the planning commission meeting at 6 PM? All council members agreed. Discussion followed regarding the start time of the Youth Advisory Council, special council meetings and CRA start times. Councilman Nodjomian expressed concern for a 5 PM start time for members who work a full-time job. All agreed to change the 6 PM start time beginning with the November meetings.

Technology and Purchasing Departments:

Mr. Morris cautioned against using personal electronic devices for City business, explaining it creates a records management issue. He stated he is bringing this up due to the Councilwoman from Destin who is under investigation for records violations. He restated that we would be losing some of the trees due to the repaving of Highway 20 on the East end. As a part of that, a bore will be done under John Sims because the water used to water that area comes from Revell Drive. The bore will have to be done all the way to Zaxby's. He stated he would be asking for approval to do that at the November meetings. He also mentioned the City would be piggy backing on Okaloosa County's contract. Councilman Schaetzle asked when the resurfacing project would start? Mr. Morris stated January 2022.

Grants Presentation:

Ammy Hanson briefed the Council regarding grants being sought. She stated the City of Niceville is seeking fifteen grants to improve the City. These grants include the CRA Old Town Development, the Niceville Landing, a new police station, aquatic center, pedestrian walkover at the Turkey Creek Park on SR 20 / 85, Turkey Creek amphitheater, land acquisition, sewer plant demolition, IT Center building, expand the Public Works maintenance yard, solar application for City buildings, Turkey Creek recreational area, expand reuse, parking garage for the Old Town Development, and operational equipment.

Currently the City is seeking legislature appropriations to the Senate and House for the pedestrian walkover, extension of the City reuse, demolition and remediation of the wastewater treatment plant. We have also submitted the FRDAP grant application for the Turkey Creek Hardees site facilities. The City will be seeking a Triumph Gulf Coast grant for the Old Town Development and phase three of the Niceville Landing.

Councilman Schaetzle thanked Mrs. Hanson for the information and asked her to keep the Council informed of items like this so when they are speaking to our Representatives they can remind them that Niceville needs their assistance. Councilman Nodjomian asked Mrs. Hanson what the vision of the aquatic center was in regards to the Air Force. She stated the vision was for it to be accessible by the City, County, schools and Air Force. She also stated that for a good aquatic center you need around ten acres of land. Councilman Nodjomian mentioned looking into using DCEP funds.

Bills Payable:

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

Other Business:

Appoint/Reappoint a Mayor Pro Tem

Councilman Schaetzle reminded the Council that his term as mayor pro tem had come to an end and it was time to select a new one. He also stated he has enjoyed his term and would like to nominate himself for another term, Councilman Nodjomian seconded. Mayor Henkel asked if there were any other nominations, there being none he called for a vote.

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

Council:

Councilman Schaetzle said it was good to see citizens coming out to meetings and wished they were here more often.

Councilwoman Alley said she was not against growth in the City. She also congratulated the bed tax for passing.

Councilman Williams stated it was Domestic Violence Month and it was something he felt strongly about having lost a sister to domestic violence.

There being no further discussion, the meeting adjourned at 9:15 PM.

MAYOR

ATTEST:

CITY CLERK

Minutesregularcouncil10122021