

MINUTES  
REGULAR COUNCIL MEETING  
CITY OF NICEVILLE, FLORIDA  
JUNE 8, 2021

The Niceville City Council met in regular session at 7:00 PM, June 8, 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; Fire Department, Chief Mayville; Public Works, Johnathan Laird; Deputy City Clerk, Wendy Farmer and Deputy City Clerk and Finance Director, Steven Rausch. There were approximately 36 visitors in the audience, including other City employees. Mayor Henkel called the meeting to order at 7:00 PM. Pastor Doug Stauffer offered the prayer and Mayor Henkel led the pledge of allegiance.

**APPROVAL OF MINUTES**

Regular Council Meeting, May 11, 2021  
Planning Commission Meeting, June 1, 2021  
Local Planning Agency Meeting, No Meeting Held

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

**PUBLIC HEARINGS**

**PRESENTATIONS:**

Mayor Henkel presented Chief Popwell with a plaque and a letter of commendation from Sergeant Carrico in response to Chief Popwell's lifesaving skills used to save the life of a young child. On May 26, 2021 a call was received from 911 regarding an unresponsive infant. Chief Popwell heard the call and due to his proximity to the location he responded and was the first on scene. He immediately began CPR and applied oxygen when the Fire Department arrived with the bottle. The infant was transported to the Fort Walton Beach Medical Center and became stable. Chief Popwell thanked everybody and said he did not do anything that any of his officers would have done, that he just happened to be the first one there.

### **Youth Advisory Council – Update**

Councilman Nodjomian stated that the Youth Advisory Council just wrapped up an extraordinary year. Reagan Howell and James Baird both graduated, leaving spots open on the Executive Council. He stated at their last meeting Katherine Johnson was voted in as the new President and Phoebe Barron was voted in as the new Vice-President. Two new members were added to the Executive Council as well, Michael Panarisi and Brooke Lewis. The Executive Council also voted on creating a new position, Communications Director, which Michael Panarisi will fill the position. Councilman Nodjomian announced the new year will start in August. Mayor Henkel stated there is a great group continuing and they will do a tremendous job. Councilman Nodjomian shared that as Fort Walton Beach is setting up their youth council, they are modeling it after the City of Niceville's.

### **Florida League of Cities**

Mayor Henkel presented Councilman Schaetzle and Councilwoman Alley with certificates of completion for attending the Florida League of Cities IEMO II (Institute for Elected Municipal Officials) in April. Councilman Schaetzle explained this was the second in a series of four they would be attending. He stated this was an intense weekend training which consisted of presentations, workshops and group discussions. This training tells us more about how government within the State of Florida should operate. He stated it is also a great way to network with other officials from around the state. He estimated there was approximately 30 individuals who attended, from South Florida to the Panhandle. Councilwoman added that her and Councilman Schaetzle had just completed the third in the series as well. She agreed it was intense and that you learn a lot about how you are supposed to operate. She stated the last one taught them how to talk to the press.

### **FDOT Highway 20 Project**

Dan Doucet explained to the Council that the agreement Mr. Morris was going to discuss was written up in a different format than what need to be presented to DOT for City purposes. Mr. Doucet read Resolution 21-06-01: A resolution of the City of Niceville transmitting a State of Florida Department of Transportation utility work by a highway contractor agreement in the amount of \$23,210.00 to fund financial project ID: 441589-1-52-02: project location: State Road No. 20/utility agency/owner (UAO): City of Niceville; and providing for an effective date.

Councilwoman Alley moved approval: Councilman Donahoo seconded.

Dixie Powell state he reviewed the document and agreement and it is all in order. Chad Morris stated this was required by the State for them to perform the raising of the manholes. He estimated it would cost the City an extra \$15,000 in maintenance and traffic control if we were to do this ourselves. He stated the amount of the project is below the \$25,000 threshold required for Council approval, however DOT requires Council approval. DOT has planned to start work in March 2022 to repave the road from Edge Avenue to Rocky Bayou Bridge and this agreement would allow them to raise the manholes while they are doing their project. This agreement gives Johnathan Laird, Public Works Director, the authority to execute and deliver the agreement to FDOT. Mr. Morris explained the City does not normally request resolutions for contract work, however, the resolution was a requirement of FDOT. Discussion followed.

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

Ordinance 21-06-01 – 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 320 Cedar Ave N. from R-1, Single Family Residential, to R-2, One or Multi Family. Maxwell Ryals, 320, Cedar Ave N. (Final Reading)

Mr. Doucet read Ordinance 21-06-01 by title. Councilman Williams moved approval on final reading. Councilman Nodjomian seconded. Walt Irvine, 740 Persimmon Way, explained he is the new owner and that if it was rezoned to R-2 he would take down the existing property and build a duplex.

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

Ordinance 21-07-01 – An ordinance for the rezoning of certain properties in the City of Niceville, Florida, providing zoning for the same and an effective date. Stephen Tatum, representing Three Wise Men and & Mom, 121 Cedar Ave N, request their property be rezoned from R-2, One or Multi Family, to C-1, Limited Commercial. Lot 19 and the North one-half of Lot 20, Block 12, Powell Subdivision according to the plat thereof as recorded in Plat Book 1, Page 96 Public Records of Okaloosa County, Florida. (First Reading)

Mr. Doucet read Ordinance 21-07-01 by title. Councilman Nodjomian moved approval on first reading. Councilman Schaetzle seconded. Steven Tatum, 1720 Evans Court, stated he was there representing Three Wise Men and Mom, an affiliate LLC of Randy Wise

Homes. This property is located directly behind their main office on Partin Drive and that Mr. Wise was planning to turn the property into office space for his company. Councilman Schaetzle stated there was a home close to the back end of the lot and asked Mr. Tatum if access to the building would be on Cedar or Mr. Wise's property. Mr. Tatum stated that for now access would be from his property but in the future when it became a functioning office, access would be from Cedar. Councilman Schaetzle then asked if the majestic water oak would be staying or would it be taken down? Mr. Tatum emphatically stated that tree would not be going anywhere. Councilwoman Alley asked if this was the location right next to the art studio? Mr. Tatum stated that was correct. Mark Durkin, 4567 Woodwind Drive, Destin, Florida, the owner of So Stinkin' Cute stated it was actually a retail shop and bridal studio. He said most of his questions have been address but he wanted to get on record that he was not opposed to the rezoning. He wanted to see what the plan was for the property. He also expressed concern regarding the oak and was glad it would remain. More discussion followed.

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 May, the Police Department responded to 3660 calls for police assistance. There was a total of 54 traffic crash reports written involving 104 vehicles, no pedestrians. The estimated amount of damage to these vehicles and related property was \$319,453. A total of 138 traffic citations and 154 traffic warnings were issued, 27 misdemeanor arrests, 18 felony arrests and 2 DUI arrests were made. Chief Popwell stated a good thing that had happened was two officers were able to talk a distraught teenager out of jumping off the bridge over by the High School. He then shared that the Police Department had gotten several calls regarding a business violating licensing codes and when they went to investigate it turned out to be a couple of girls running a lemonade stand. He shared that the officers donated \$100 to them. He then invited everybody to join them Thursday at noon because the girls from the lemonade stand have challenged the Police to a water balloon fight. Councilman Williams thanked Chief Popwell for having him and Councilman Donahoo out to observe the tactical team. He stated it was amazing to see the planning and execution of the team. Chief Popwell said they were welcome anytime.

**Fire Department – Update**

During the month of May, the Fire Department responded to 140 calls for assistance. Firefighters were involved in numerous public relations events throughout the County, attended Okaloosa County Joint Training at FWBFD Station 7 training tower and have been conducting annual hydrant testing. The Fire Chief and two Battalion Chiefs were presented a \$4,125 decontamination grant, which will assist the firefighters in staying safe and healthy. Water training on Boat 21 was conducted for all members of the fire department. CPR classes are being instructed for multiple agencies and Chief Mayville stated classes would resume for City departments as well. They will also be doing joint training with the Okaloosa County Resource Officers and Sheriff Department due to all the changes being made to the schools in regards to safety. This will let the Fire Department know how to gain access to the schools should anything happen. Councilman Donahoo asked if our ISO was 2 and Chief Mayville stated yes and there are not that many departments in the Country with that rating. Councilman Donahoo asked with all the growth in Niceville if there had been any discussion regarding building a new station? Chief Mayville stated yes it has been discussed and that would be a decision for Mr. Corbin and the Council. Councilwoman Alley asked when he anticipated that would be a critical need? Chief Mayville stated at some point it would be needed and that would need to be discussed. Mayor Henkel stated he met with the Valparaiso Mayor Pro-tem and she passed on to him that they were very pleased with the combined fire departments of Niceville and Valparaiso and that it was working very well.

**Technology Department – Update**

Mr. Morris explained to the Council that it was a little warm in the building due to an issue with the A/C unit on the tile side and explained a new unit has been ordered.

Mr. Morris explained the ransomware attacks on the pipeline and meat processors both seem to be due to unsecure credentials. He stated the City's security has been evaluated and he believes it to be as secure as it can be at this time but assured the Council it would continued to be monitored. He also explained that access is restricted by user and users are limited to only what they need to access. He stated he and Jessie stay on top of the reports that come in and are doing all they can to keep the system safe.

Mr. Morris brought up a sink hole issue on Bayshore Drive that he was asking for emergency repair. He explained that two 48" storm drain pipes at that location have separated at the joints creating a hazardous sinkhole. He presented the Council with two proposals from companies the City has used in the past. He was asking approval to use PCC (Pensacola Concrete Construction Co. Inc.) for \$59,074.24 and not Gulf Coast

Underground for \$107,500 due to the price discrepancy. It was unclear why the price difference was so high, because the two proposals are using the same materials. Mr. Morris stated there is contingency money in the stormwater budget to cover the cost. Councilwoman Alley moved approval: Councilman Williams seconded. Councilman Nodjomian asked if it was two parallel pipes that sustained the same failure? Mr. Morris stated yes. Councilman Schaetzle asked if these pipes had been repaired in the past and Mr. Laird stated yes, under the walk trail about 7-8 years ago. Councilman Nodjomian asked for the exact location on Bayshore. Mr. Laird said East just past Dana Pointe. Councilman Schaetzle inquired if a timeframe had been given to start the project. Mr. Morris stated there is not one listed on the quote but they are good with emergency response in regards to issues of this nature. He stated he felt it would be within a week or so that they would get started. Councilman Nodjomian stated that his bigger concern was if we would suffer more joint failures in the future. Mr. Laird stated that this project was going to reline both pipes headwall to headwall.

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

Mr. Morris updated the Council that he would be advertising a bid Thursday, June 10, 2021, for the sidewalk drainage on the stormwater pond across from the High School. After they got into the project they noticed there was infiltration from the side. AVCON has the package ready for the advertisement.

Mr. Morris also updated the Council that he has spoken with the homeowner's association for Swift Creek and a set of plans had been given to them. They have responded with some modifications they would like and Mr. Morris has the engineering looking at those. He also asked the engineer to let him know why things were done the way they were and to let him know his opinion regarding the requests that were made. There may be reasons things may not be able to be done.

Mr. Morris stated the sidewalk around Plew will start Monday, June 14, 2021. When this work is complete, the determination will be made as to where to start next. The North entrance of Swift Creek is one of the areas that we are working on. Mayor Henkel asked for an update on Rocky Shores. Mr. Morris stated he had the plans for that and it would be a good possibility that may come after Plew. He stated he does not make that decision but that it was on the list.

**Water/Sewer/Drainage Projects - Update****Water and Sewer:**

Johnathan Laird stated we are piggy backing on Okaloosa County for pricing to have Gator Boring run a bore under John Sims Parkway to Benton Avenue. We are still waiting on a timeline from them so we can start this project. Meanwhile, we will start the water extension project on 25<sup>th</sup> Street.

There were problems with lift station #30, thank you for the approval for the repairs. Parts have been ordered and Gilbert Pump and Mechanical should start work in four to five weeks.

We have also been working with Poly Engineering on doing directional flushing in the Swift Creek area on our reuse system for maintenance.

**Calls:** 29 water calls and 25 sewer calls; made 1 water tap and 8 sewer taps and 245-line spots.

**Stormwater:**

Mr. Laird announced The Crossings Boulevard is back open to through traffic and that the stormwater project on Cedar Avenue has been completed.

He then explained they were still working with Coastal Wildlife on the beaver situation on Bayshore Drive, so far, we have caught two beaver and we are keeping the pipe cleared, we are expected to catch more beavers.

We have a contract with Gulf Coast Environmental Contractors and they started over the weekend and cut the twenty-two ponds in Sweet Creek, Plantation and Preserve. He has also put a five-man crew of city workers together to cut the other sixty ponds every other week.

**Streets:**

Mr. Laird stated he had spoken with Okaloosa County on the sidewalks on Redwood Avenue and they are about a month and a half out. They will be starting at the 27<sup>th</sup> Street end and work their way to Valparaiso Boulevard.

We have contracted with Gulf Coast Traffic Engineers for stripping around the City; they have started this project.

Cedar Avenue and Bullock Boulevard have been paved and has been completed. The speedbumps were taken out for the paving and new ones have been ordered. Once they come in, they will be installed.

The bricks have arrived for the CCC statue at Turkey Creek. They have started laying the bricks for the base of the statue. Once that is complete the pavers will be done and two benches set.

Mr. Laird stated there had been no word on the prison crew. He spoke with the prison two weeks ago and they have no idea either.

### **Parks:**

Mr. Laird said green fence will be installed at the new City park at 998 Rocky Bayou Drive on June 22, 2021. He also stated he had been in contact with John Williams at Choice High School and when the kids get back to school in August they will get them to build a new bathroom. He stated that would be a good little project for the students thanks to Mr. Corbin.

### **R&M:**

Work will begin at the new canoe launch and retrieval at Turkey Creek in the next couple of weeks.

Mr. Schaetzle asked if lift station #30 had been repair or if they were waiting on parts to repair it? Mr. Laird stated the parts were ordered and once started it would take five days to complete.

Mr. Corbin stated that at the last meeting questions came up regarding parking spaces and new businesses coming into the City and Ammy Hanson was here to update the Council. Ms. Hanson stated she has rewritten Article 8 of the Land Development Code and it has been forwarded to Dixie Powell, Dan Doucet and the technical review committee for comments. This should be ready for advertisement soon and be brought back to the Council at the next meeting. She used the International Traffic Engineering Code to base the recommendation for parking for buildings. Councilman Nodjomian asked if it dropped parking requirements. Ms. Hanson said yes it did. She gave a couple of examples and said the food and drug stores would now be combined as they are similar in size. The requirement would be 5.8 per 1000 square foot of building space as opposed to the 10 per 1000 it is now. She stated the requirement for homes and duplexes has been changed to two but apartment complexes and townhomes would stay 1.5. She stated she standardized for many of the requirements. Discussion followed.

Mr. Corbin announced that we will have Councilman Nodjomian and Councilman Donahoo for another four more years. He congratulated both of them.

Mr. Corbin also announced that tomorrow morning at 7:15 a.m. we would be frying mullet and cooking eggs for the City sponsored Chamber breakfast. And invited everybody to come to the Community Center and enjoy breakfast.

Mr. Corbin pointed out that Councilwoman Alley did such a good job on the Regional Sewer Board that they have elected her for another term as President. He then asked her for a report. Councilwoman Alley stated it was operating very well at this time.

On July 3, 2021, 3<sup>rd</sup> Planet will be doing a barbeque as a fundraiser for the fireworks. Mr. Corbin stated they were hoping to do the Boston Butt sale but with the cost of meat being so high, he was uncertain if they would be able to. He mentioned they already had to cancel the steak dinner because the cost of the steak was more than the ticket.

Mrs. Mitchiner, 6023 Sterling River Way, stated the statue was delivered after the council meeting last month and Johnathan has it secured. She explained to the Council that she decided to make one 28x18 bronze plaque to affix to the front of the platform and it will be here in three to four weeks. Hopefully it will be ready by July 8<sup>th</sup>. Mr. Corbin asked if she was going to have someone from the CCC come down? Mrs. Mitchiner said she has invited Mrs. Sharpe the CCC Legacy President in Edinburg, Virginia and she plans to come if her husband's health improves. She explained that this statue is part of a trail across the nation so people from all over will be in attendance. Councilwoman Alley updated the Council on the approval of the three historical markers. She stated that the State committee met and approved the wording, with a minor change to one, as submitted. Mrs. Mitchiner explained the committee went word by word through all the wording for the markers and suggested moving the placement of one sentence. She then thanked Steven Rausch's contributions to the grant paperwork and translation to Spanish for the back of the markers.

Mr. Corbin brought up the topic of the storage facility being built and showed a map to the Council that shows what properties are remaining in the City to be commercially built on and they zoned C-2, which is not as limited as C-1. He said it was up to the City Council if they wanted to study the map and see what was left and how it was zoned. He reminded the Council that Ruckel Properties had at one time wanted to build a restaurant in the same location but since they wanted to serve alcohol were within 500 feet of Plew Elementary they were turned down. Now the storage facility is what is going in there because that is what can be built in that zoning. He stated he brought this up because he has received over a hundred and fifty letters to the City Manager on this issue, so it is something they may want to look at. Councilwoman Alley asked if it was something that required a special

meeting or how does it need to be addressed. Mr. Corbin stated that was a good question since we have never had this issue, so maybe it is something Ammy can present at the Planning Commission and get some ideas from them. There is not a lot left in Niceville. Discussion followed.

**Bills Payable:**

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

**Other Business:**

Councilman Schaetzle stated he serves on the Florida League of Cities Board of Directors and they held a meeting last weekend. He gave a brief synopsis of what the 2021 legislative session looked like. The Legislature filed 3,096 bills and 275 bills passed both chambers. The Florida League of Cities was actively engaged in or monitored 654 bills. 32 of those bills were preemptions or mandates. The 275 bills will go to the Governor and he is not signing them right away. However, once the bill is sent to him, he has 14 days to sign it or he can veto it. This year, 132 municipal officials will receive the Home Rule Hero award and Legislative Appreciation award recipients will be announced in June.

Councilman Williams stated he attended the Okaloosa County Public Library Cooperative and they are offering tuitions for scholarships for adults to get their high school diploma or GED. It is free of charge and will probably require an 18-month commitment and be 19 years of age or older.

Michael Thompson, 3907 Summerwood Court, wanted to thank the Council and all the public works employees who work so diligently in this nice community that we have. He stated his interest was that for the last several years a number of contractors have come into the neighborhood to cut and trim trees and the power company has come in to replace power lines. The problem is they bring in heavy trucks and they are crushing the sidewalks. When they have completed the work, they leave the sidewalks broken and the seniors who use them have fallen and suffered injuries. He is wondering if the companies are liable for the damage they have caused? He asked if some repairs could be done on those sidewalks. He then turned to Chief Popwell and told him that Officer Chris Dykes used to be his neighbor and when he parked his patrol car in the driveway people adhered to the speed limit. He suggested parking extra cars around the City to slow traffic. Councilman Nodjomian asked Mr. Laird if the master plan for sidewalks had a worst first plan as well? Mr. Laird said yes. Councilman Nodjomian then asked Mr. Morris what is the language or can we get the language in the contracts? He stated he would think that in about any

case you have to leave something in the same condition you found it and if you did not, then you had to repair it. Mr. Morris stated if it is a contractor the City has brought in to do work, definitely. When the power company comes in they have a different set of rules and he would check into that. They do not fall under our rules, they fall under the States rule. If a private homeowner has a company come in to do work and we can prove they damaged it then we should be able to take some sort of action. Councilman Nodjomian stated that is why firms like that are bonded. Dixie Powell stated any third-party contractors, including the power company would be liable for any damage they do to City property. Any private company would also be liable if we knew who they are. Mr. Laird stated he would look into the sidewalks tomorrow.

Douglass Bacon, 311 Grove Park Drive, stated that for the past year while he was confined to his house he had the displeasure of watching the violence, chaos and anarchy that was taking place in some of our major cities. He also watched the brave policemen, firemen and other first responders go into this mayhem to save lives and protect property. He wanted to say that in Niceville he feels safe and he doesn't feel threatened. We have a wonderful police force and a wonderful fire department and first responders. He wanted to express his gratitude for them keeping us safe.

Sharon Herbison, 8 Front Porch Circle, handed pictures to Mr. Corbin which showed the problems she is having with the filtration system she put in her home from the reclaimed water. It shows the tadpoles that are in there even after she cleans it out. She would like to suggest the City continue to reuse reclaimed water but improve it. She also suggested the City look at obtaining Federal and State grants. This is infrastructure in her opinion. She explained the different filter systems she has installed and her sprinklers still do not work. She stated she has to clean this out daily. Mr. Corbin asked where she lived and she responded Parkview Place. She thought an above ground tank may be all is needed instead of putting it a pond. Mr. Corbin asked if her neighbors were experiencing the same type of issues and she stated yes. Mr. Laird stated he is working with Poly Engineering on the directional flush to clean the entire system out and that begins tomorrow. Ms. Herbison asked if that was a permanent flush or if it would be periodically? Mr. Laird stated it would be done periodically.

Doug Stauffer, 1309 Valparaiso Boulevard, passed out a letter to Council and Mr. Corbin regarding the sidewalks on Valparaiso Boulevard. He stated there is a sidewalk from 1309 Valparaiso Boulevard up to Bayshore West but nothing going East back to Bayshore and Redwood Avenue. He was aware they will be putting in sidewalks from Redwood to John Sims, however his concern is for the children in the area with no sidewalks to ride bikes. They can not ride on the side road due to the shell that is there. He has spoken to both Commissioners Carolyn Ketchel and Mel Ponder. Today, Commissioner Ketchel told him

that she had contacted Jason Autrey, Director of Public Works for Okaloosa County, and he said there is money from the half cent sur tax and he would like a blessing from the City of Niceville to do the work. Mr. Stauffer is asking if the City and County could work together to get the sidewalks installed. Discussion followed. Mr. Corbin will contact the County and determine what type of agreement can be made.

There being no further discussion, the meeting adjourned at 8:38 PM.

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MAYOR

ATTEST:

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CITY CLERK

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