

**Town of Shalimar
Town Commission Meeting Minutes
April 13, 2010**

CALL TO ORDER – Mayor Gary Combs called the meeting to order at 6:01 p.m. in Town Hall chambers. He led the "Pledge of Allegiance" to the Flag.

ROLL CALL FOR THE RECORD

Mayor Gary Combs - present
Mayor Pro-Tem Ricardo Garcia - absent
Commissioner Jerry McCallister - present
Commissioner Ursel Behnken - present
Commissioner Glenn Wagner - present

Others in attendance: Town Manager Tom Burns, Town Attorney Mike Chesser, Police Chief John Cash, Deputy Clerk Tina Smith, Planning and Zoning Chairman Brad Gable, Business Owners Steve and Paulette Peterson and Vince Bruner, Residents Jimmy and Bess Jones, Lyle and Georgia Crews, Tim and Sharon Smith, Ed and Barbara Toretta, Frank and Gloria Kane, Grazyna Rygiel, Harry Wickliffe, Cheri Hammer, Jimmy Campbell, Bob Chapman, Mike and Karen Turk, Ronnie Watts, Kenneth Holt, Rebecca Daniels, Cliff Ennis, Chuck Ennis, Ron and Jean Brooks, Kevin and Ali Trohoske, McKenzie Smith, Charles Johnson, Sara Tras, Cindy Schweizer, Sherry Davis, and Elaine Tucker. Property Owner Suzie Duke and Non-Shalimar Residents Lucy Harstvedt, Roy and Shirley Bernhardt, Hiram and Kiera Atwell, Patti-Jean Denshi, and Mark Gardner (representing Sullivan Trust).

PLANNING AND ZONING BUSINESS: The Planning and Zoning Board did not meet in March.

TOWN RESIDENTS' TIME:

- Resident Harry Wickliffe would like something done about the cars speeding on Richbourg Avenue.
- Shalimar Yacht Basin owner, Steve Peterson, stated that he was under the impression his issue was supposed to be on the agenda. Manager Burns explained that the Special Exception issue is on the agenda for the April 28, 2010 Planning and Zoning Meeting and he planned on briefing it during his report.

TOWN ATTORNEY'S REPORT - Attorney Chesser had nothing to report.

OLD BUSINESS:

- I. APPROVE MINUTES FROM THE MARCH 9, 2010 TOWN COMMISSION MEETING - Commissioner McCallister moved to approve the minutes of the March 9, 2010 Town Commission Meeting as written. The motion was seconded by Commissioner Wagner and passed unanimously.**
- II. BARRON COURT LAND REQUEST** - The Barron Court residents have not done what was requested of them so this item will be tabled for this meeting and carry over to the

next agenda.

- III. STORAGE LOT UPDATE** - Mayor Combs stated that he'd like to go through the rest of the agenda and leave this issue for last.

NEW BUSINESS:

- I. SAFE BOATING PROCLAMATION 2010-01** - Mayor Combs read the title of Proclamation 2010-01. **Commissioner Wagner moved to proclaim May 22-28, 2010 as National Safe Boating Week. The motion was seconded by Commissioner Behnken and passed unanimously.**

MAYOR COMBS' REPORT - Mayor Combs had nothing to report.

COMMISSIONER GARCIA'S REPORT - Commissioner Garcia was not present.

COMMISSIONER MCCALLISTER'S REPORT - Commissioner McCallister reported that the money for the paving was set aside and there is still enough in reserves to keep the auditors happy.

COMMISSIONER BEHNKEN'S REPORT - Commissioner Behnken had nothing to report.

COMMISSIONER WAGNER'S REPORT - Commissioner Wagner had nothing to report.

POLICE REPORT - Chief Cash stated that the monthly report is included in their packets.

TOWN MANAGER UPDATE:

- The '55 Chevy Police Car got one bid on ebay for \$10,000 but did not meet the reserve price of \$15,000. Manager Burns would like to look into selling it through some other means but for now will put more effort into selling it on ebay (include a video, etc.).
- The owner of record for 20 Shalimar Drive was sent a certified letter in reference to their home/property. Mayor Combs asked if he could also send a letter about all of the cars on the neighboring property.
- The old Fritz storage lot doesn't have an updated occupational license and Manager Burns has also received complaints about the pool at the old Fritz residence on Shalimar Drive.
- The April 28 Planning and Zoning meeting will be the first meeting for a Special Exception Request for Shalimar Yacht Basin to serve alcohol on a floating structure.

ANNOUNCEMENTS:

APRIL 28, 2010 - 6:00 - PLANNING AND ZONING MEETING

MAY 10, 2010 - 6:00 - TOWN COMMISSION MEETING

Mayor Combs also reminded the board about the OCLOC Dinner which will be on April 20, 2010 hosted by the City of Niceville.

Storage Lot agenda item moved from earlier in the agenda:

- Attorney Chesser went over the rules of how the remainder of this meeting should go. He stated that there should be a motion before there is any discussion.

Commissioner Wagner moved to disapprove the plan to develop the vacant lot into a storage facility. The motion was seconded by Commissioner Behnken.

- Mayor Combs went over the attached slide show, accepting only questions from the Commission while he spoke.
- Residents in favor of Commissioner Wagner's motion were allowed to give their input: Mike Turk of 910 Sara Drive, Tim Smith of 912 Sara Drive, Mark Gardner (representing the Sullivan Family Trust), Ron Brooks of 903 Sara Drive, Wes Stvil (representing the Fairfield Inn), and Harry Wickliffe of 181 Richbourg Drive all spoke. Some of the issues mentioned were that the storage lot will be ugly, the process has been confusing, the adjacent property owners weren't notified of this proposal, and EPA regulations should be checked into before moving forward.
- Residents against Commissioner Wagner's motion were allowed to give their input: Jimmy Jones of 909 Sunset Bay Court, Frank Kane of 133 Gardner Drive, Brad Gable of 139 Gardner Drive and Chairman of the Planning and Zoning Board, Bob Chapman of 910 Sunset Bay Court, Bess Jones of 909 Sunset Bay Court, and Dr. Ellis Porch of 123 Gardner Drive. One of these residents countered each of the 6 issues brought up at the last meeting and some of the other comments against the motion included that the residents were happy with the services that the town offers. One new resident believes this service (and others) adds to the attractiveness of the town.

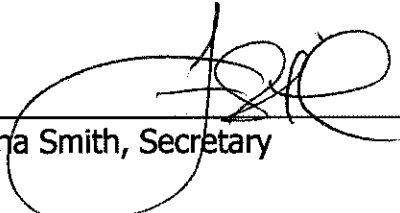
After residents on both sides spoke, public comments were closed and the Commissioners present each discussed the issue. **Mayor Combs called for a vote. The vote failed with Commissioner Wagner and Commissioner Behnken voting Yay and Mayor Combs and Commissioner McCallister voting Nay.**

Commissioner McCallister made a motion that the issue be submitted to a referendum. Commissioner Behnken seconded the motion. There was some discussion on how the voting would be handled. **Commissioner McCallister amended his motion to wait on any decisions until all 5 commissioners are present. The amended motion was seconded by Commissioner Behnken and passed with Commissioner Wagner voting Nay.**

There was some discussion on cleaning up the property to "make it pretty". A buffer will be left but dead trees and trees smaller than 8" in diameter may be removed.

Commissioner Wagner moved to remove things necessary to make the lot safe. Saplings less than 6' tall and all dead trees are to be removed but leave the 10' in the front alone as a possible future buffer zone. Limit this cleanup effort to \$1000. Commissioner Behnken seconded the motion and it passed unanimously.

ADJOURNMENT: Commissioner Wagner moved to adjourn the meeting at 7:57 p.m. The motion was seconded by Commissioner Behnken and passed unanimously.



Tina Smith, Secretary

April 13, 2010
Date approved