

**Town of Shalimar  
Town Commission Meeting Minutes  
May 11, 2010**

**CALL TO ORDER** – Mayor Gary Combs called the meeting to order at 6:03 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 - absent

**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, Planning and Zoning Members Lynn Dominique and Johann Behnken, Business Owners Steve and Paulette Peterson, Residents Bill and Rachel Hankins, Bernie Reukauf, Jim and Rebecca Monte, Gary Scopes, Mary Hahn, Franklin Burdette, Gary Hall, Grace Prichard, Ruby Monte, John Henderson, Myke and Jen Brown, Thea Kinder, Joe Moore, Cleo Battle, Blanche Ferdon, Jim Roberson, Greg and Rebecca Daniels, Joe and Melanie Wood, Vivian Moser, Sarah and Joe Crews, MK Simpson, Jimmy and Bess Jones, Frank and Gloria Kane, Amy Davis, Henry and Carol Jablonski, Rhonda McKinney, Richard and Helen Hoffert, Karen James, Monique Larson, Tim and Sharon Smith, Wayne and Vickie Warner, Belinda and Ron Richardson, Max McHaney, Roberta Sprague, Bertha Burns, Paul Logan, Veronica Woody, Bob Chapman, Liz Barnes, Lee Steinman and non-residents/not annotated Rick Hunter, Brent and Beth Acree, Joe and Lori Waldo, Hulda Mahlem, Parker and Ana Bradley, Fred Thompson, Fred Thomas, Jim Clawiter, Polly Schambeau, Mark Pattison, Bruce Elis, Rick Hokler, Eric Buckthal, Ron Todd and Pete Pappas.

**PLANNING AND ZONING BUSINESS:** The Planning and Zoning Board Recommended to the Town Commission that the Special Exception for Alcohol Sales be given by them and that all other operational and development issues be discussed at a later date (referencing the new Baby J's barge cafe to be moored at the Shalimar Yacht Basin). Mayor Combs stated that this agenda item will be moved to the end of the agenda because it is the biggest issue.

**TOWN RESIDENTS' TIME** - Barron Court resident, Rebecca Monte stated that someone came to her house and asked her to sign a petition so that the town would give him the park property off of Barron Court. She did not sign the petition and stated for the record that she'd rather see this property turned into a little neighborhood park. A neighbor of Ms. Monte's, Vivian Moser, said that she'd rather the property stay as-is or give it to the homeowner who's requesting it. She doesn't want the responsibility of liability or upkeep. The Commission previously recommended Mr. Moore and Mr. Pitchford to petition the Barron Court and Erwin Fleet residents before this issue would be put on the agenda so the status will remain open.

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

**OLD BUSINESS:**

**I. APPROVE MINUTES FROM THE APRIL 13, 2010 TOWN COMMISSION MEETING - Commissioner Behnken moved to approve the minutes of the April 13, 2010 Town Commission Meeting as written. The motion was seconded by Commissioner McCallister and passed unanimously.**

**II. STORAGE LOT UPDATE:**

- Mayor Combs suggested that the board do something with the current trailers on the lot next to Town Hall. He stated that, since 2 of the Commissioners don't want a storage lot, they should move to have all trailers moved off of the lot that was to be used temporarily while the Richbourg lot was being developed. Sharon Smith objected to any discussion regarding storage and Attorney Chesser suggested that nothing will be gained by discussing any of this without 5 Commissioners present. **Commissioner Behnken moved to table the discussion until all 4 Commissioners and the Mayor are present. Commissioner McCallister seconded the motion and it passed unanimously.**

- Mayor Combs reported that the \$1000 estimate from the last meeting to clean up the Richbourg lot would not be enough. **Commissioner McCallister moved to authorize Manager Burns to spend up to \$2000 to clean up the Richbourg Lot (using his discretion) without removing any valuable trees. Commissioner Behnken seconded the motion and it passed unanimously.**

- Mayor Combs explained that the town made an agreement with Steve Peterson that he could continue to use the lot between Snug Harbor and Shalimar Yacht Basin for trailer storage and the town residents would receive free boat launch. This agreement isn't working out. Steve nodded in agreement and stated that all of the trailers on that lot belong to Shalimar residents, and he's losing boat launch revenue. **Commissioner McCallister moved to put the lot back under town control, which would null the agreement with the Shalimar Yacht Basin, and give Steve 30 days to remove the trailers that are currently on the town's lot. Commissioner Behnken seconded the motion. The motion passed unanimously.**

**NEW BUSINESS:**

**I. OCLOC RESCISSION OF RESOLUTION 2009-03 - Commissioner McCallister moved that the Okaloosa County League of Cities Executive Board should rescind Resolution 2009-03. The motion was seconded by Commissioner Behnken and passed unanimously.**

**II. POLYENGINEERING CONTRACT EXTENSION -** Manager Burns explained that there is a small wording change in the contract extension (compared to the original contract). Attorney Chesser asked to take a look at it and believes there's a statute that governs this sort of contract. **Commissioner Behnken moved to approve the contract extension verbiage contingent upon Attorney Chesser's checking into the statute. The motion was seconded by Commissioner McCallister and passed unanimously.**

**NEW BUSINESS** - There was no new Business.

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

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

**COMMISSIONER MCCALLISTER'S REPORT** - Commissioner McCallister explained that the budget report is attached. Manager Burns stated that if anyone has any questions, they can contact him.

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

**COMMISSIONER WAGNER'S REPORT** - Commissioner Wagner was not present.

**POLICE REPORT** - Chief Cash stated that his report is attached.

**TOWN MANAGER UPDATE:**

- The Road Paving Project will start after Memorial Day. All cars will need to be moved off of the streets or the town will have to tow them. Also, everyone was asked to make sure their sprinklers are in line and not pointing at the street. The project will start in Shalimar Commons.
- Residents will soon see a 2% CPI increase on their Waste Management bills.
- The County oil spill plan went to the state EOC yesterday. They are expecting approval by the end of the week.

**ANNOUNCEMENTS:**

MAY 26, 2010 - 6:00 - PLANNING AND ZONING MEETING

JUNE 8, 2010 - 6:00 - TOWN COMMISSION MEETING

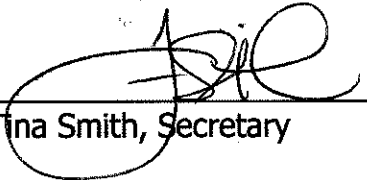
Commissioner Behnken reported that she will be out of town for the next Town Commission Meeting. Manager Burns stated that he will try to put together a special meeting when he has confirmation that all 5 of the Commission members will all be available.

Attorney Mike Chesser went over the guidelines for the rest of the Quasi Judicial Hearing. He stated that only factual information should be used to make the decision.

- Several people spoke on the side of approving the Special Exception believing that it will be a asset to the community.
- Several adjacent homeowners briefed their concerns which included: the affects to their quality of life, late night music and people talking and slamming car doors, additional traffic on the residential roads, property values, underage drinking, parking, etc.
- Planning and Zoning Chairman Brad Gable spoke about the recommendations and suggested that the Commission add restrictions to the Special Exception like they did for the Cash's Liquor Store Special Exception (for example, restrict to beer and wine, time restrictions, parking, capacity, etc.)
- Attorney Mike Chesser introduced emails into the record.
- **Commissioner McCallister moved to disapprove the Special Exception. Commissioner Behnken seconded the motion.** There was some discussion among the board members. Commissioner Behnken stated that she could understand why they would want to be allowed to sell alcohol and asked why they couldn't start with beer and wine as Chairman Gable had suggested.

Mayor Combs stated that he didn't feel a restaurant serving alcohol would be compatible with the residential area that surrounds it. After the discussion, Mayor Combs called for the vote. **The motion passed unanimously.**

**ADJOURNMENT: Commissioner Behnken moved to adjourn the meeting at 8:14 p.m. The motion was seconded by Commissioner McCallister and passed unanimously.**

  
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Tina Smith, Secretary

June 8, 2010  
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Date approved