

**Town of Shalimar
Town Commission Meeting
January 11, 2011**

CALL TO ORDER – Mayor Combs called the meeting to order at 6:00 p.m.

ROLL CALL FOR THE RECORD

Mayor Gary Combs - Present
Mayor Pro-Tem Jerry McCallister - Present
Commissioner Ursel Behnken - Absent
Commissioner Tim Smith - Present
Commissioner Glenn Wagner – Present

OTHERS IN ATTENDANCE: Town Attorney Mike Chesser, Town Manager Tom Burns, Deputy Clerk Sheila Hansen, Police Chief John Cash and Shalimar Police Officers, Maintenance Supervisor Kent Beck, Johann Behnken, Sharon Smith, Bob Chapman, Steve Peterson, Liz Konefel, Paulette Peterson, Ray Morgan, Vito Tomasello, Sherri D. Hodgson, Jim Wilton, Angele Balent, Frances Brown, Brad Gable, Sarah Crews, Joe T. Crews, Rebecca Daniels, and Sara Tras.

- I. AUDIT OUTBRIEF** - Angela Balent with O’Sullivan Creel reviewed the FY10 AUDIT. No major problems were found and the town is in a good financial position.

A short discussion was held on renewing the contract for audit services with O’Sullivan Creel. **Commissioner McCallister made a motion to renew the auditor services for another year. Commissioner Wagner seconded the motion and the motion passed unanimously.**

COMMITTEE REPORTS:

PLANNING AND ZONING BUSINESS – No Report

ORDINANCE UPDATE – No report

BEAUTIFICATION - Sharon Smith reported that the committee had a meeting prior to the holiday and that they were planning another meeting soon. They had nothing to report.

TOWN RESIDENTS' TIME – No resident comments

TOWN ATTORNEY'S REPORT – No Report

OLD BUSINESS:

- I. APPROVE MINUTES FROM THE DECEMBER 2, 2010 BOND HEARING AND THE DEC 2, 2010 SPECIAL TOWN COMMISSION MEETING – Commissioner McCallister made a motion to approve the minutes from the December 2**

meetings. Commissioner Smith seconded the motion. The motion passed unanimously.

- II. APPROVE MINUTES FROM THE DECEMBER 14, 2010 TOWN COMMISSION MEETING – Commissioner McCallister made a motion to approve the minutes from the December 2 meetings. Commissioner Smith seconded the motion. The motion passed unanimously.**
- III. DISPOSITION OF RICHBOURG LOT – *Funds were expended to procure this property for a stated purpose. More funds (maintenance time) will be expended to maintain. Stated purpose has been disapproved, so recommend sale of this property.* Commission Wagner made a motion to retain the lot. Commissioner McCallister seconded the motion. A discussion was held. Commissioner Smith brought up that the town zoning map needs correcting. Town Manager Burns and the Planning and Zoning Board were directed to research the zoning on the lots on Richbourg Avenue. **A vote was initiated and passed unanimously.****
- IV. CHEROKEE OPEN TRAILER STORAGE LOT – *Commission approved permanent development of a portion of this lot for open trailer storage. Commission did not consider this motion would have zoning designation impacts as these lots are zoned single family residential. The Commission disapproved use of the Richbourg lot and the Snug Harbor lot for the same purpose – Richbourg was procured for this purpose and the Snug Harbor lot has been traditionally used for this purpose. Staff and Mayor were directed to develop draft rules for this development. Rules were drafted but should not be considered until zoning issues resolved (ref Town Attorney written opinion). Commission should consider rescinding approval of Cherokee Lots for a permanent storage until proper procedures are followed. Commission could allow staff authority to allow limited temporary NTE 2 weeks storage of any items for valid reasons. If the need for Town development of a permanent open trailer storage lot is valid, recommend the Commission approve use (no funds expended) of the properly zoned and historically used Snug Harbor lot for this purpose. Draft rules could be reviewed and approved for this development. Recommend Cherokee Road lots continue to be used for their stated procurement purposes – temporary overflow event parking, temporary construction equipment/material staging and other approved temporary Town needs. No rezoning may be necessary for Cherokee lots if intended use is temporary.* Commissioner Smith stated that he feels the Cherokee lot should be rezoned to use for parking, dumpster holding and staging for construction work. **Commissioner McCallister made a motion that the discussion be tabled and more research on the zoning laws be done. Commissioner Wagner seconded the motion.** Mayor Combs explained that the Snug Harbor lot is already zoned for storage of boat trailers and that he thought we should use the Cherokee lot as we like without boat trailer storage. Commissioner Smith challenged the attorney's letter stated he felt that public utility usage in the ordinances is for public utility structures. He thinks the land should be rezoned and the storage lot should stay on Cherokee Road. Town Manager Burns explained that the**

Comprehensive Plan would have to be changed for that usage. The Planning and Zoning Board are working on redoing the Comprehensive Plan and this could be done.

Attorney Chesser explained the special exception rules. Special exceptions cannot go into residential areas unless they are public utilities. **Commissioner McCallister withdrew his motion to table the discussion and Commissioner Wagner seconded the withdrawal.** Commissioner Wagner suggested that the Planning and Zoning Board correct the public land zoning problems before a decision is made about the Cherokee Road lot. **Commissioner Wagner made a motion to table the discussion and present the zoning problem to the Planning and Zoning Board and have them make a recommendation to rezone the public land and to address the changes in the Comprehensive Plan. Commission Smith seconded the motion. The motion was passed unanimously.**

Commissioner Wagner made a motion to rescind the motion to make the Cherokee lot a permanent trailer storage lot based on the attorney's opinion that the zoning ordinances were violated. Commissioner McCallister seconded the motion. The vote passed with Commissioner Smith voting against.

Commissioner Wagner made a motion for boat trailer storage on the Snug Harbor lot and for Town Manager Burns to come up with a time table and fee schedule. Commissioner McCallister seconded the motion. Resident Ray Morgan stated that the neighborhood was agreeable with boat trailer storage at Snug Harbor. **The motion passed unanimously**

- V. REVIEW/APPROVAL OF STORAGE LOT RULES** – *Depending on outcome of above, Staff developed rules attached for review. This item was tabled.*

NEW BUSINESS:

- I. POLICE CAR PURCHASE** – *Recommend disposal/sale of 2 Crown Victorias/unmarked Oldsmobile/55 Chevy along with cash purchase of two new Police cruisers. Maintain Camry, Dodge Truck and most dependable Ford Crown Victoria.* A discussion was made about the cost and that the town had the money from the Bond Issue and the police grant to pay for the cars. **Commissioner Wagner made a motion to approve the purchase of 2 new police cars and to sell the 4 cars listed above. Commissioner Smith seconded the motion.** A discussion about the sale price of the 55 Chevy was held and the Commission was in agreement that the Town Manager could list the Chevy for \$10,000.00. Chief Cash is to bring price quotes for the new cars to the next meeting. **The motion passed unanimously.**
- II. BARON COURT LAND USE** – *Progress report from Homeowners in this subdivision related to procurement of almost land locked green area within their development. During September 2010 STC meeting, Commission approved a motion for no cost to Town transfer of the property contingent upon a land owner's agreement on how the*

property would be partitioned. This item was tabled since there was nobody from Baron Court at the meeting.

III. UPDATE OF TOWN ORDINANCE, CHAPTER 10 – ANIMALS – *Following a September 2010 resident's request to house chickens, the Commission realized that the Animals Chapter of Town Ordinances is outdated. During following meetings, Commissioner Tim Smith agreed to head a committee to recommend updates to several Town Ordinances. Staff and Commissioner Smith reviewed and are presenting a draft update to this ordinance for potential first reading at the February 2011 meeting. Draft ordinance is attached.* Manager Tom Burns suggested that the ordinance update be reviewed by the Commissioners and that the first reading will be at the next Commission meeting and any suggested changes be brought up then. Sherri Hodgson asked if this was a draft were maybe parts of it missing. She thought there were some conflicts with the Florida Statutes. Town Manager Burns asked her to email him her findings. Ms. Hodgson felt that the ordinance was too restrictive on homeowner's rights. The discussion will be brought up in the old business at the February meeting.

IV. SYB OCCUPATIONAL LICENSE FEE - *Owner Steve Peterson to address Commission.* Steve Peterson briefed the Commission on the history of his occupational license charges and costs of other local marina's occupational licenses. He requested the Commission give him a fair and appropriate Occupational License fee and requested a refund from past years.

Mr. Peterson also asked to open a "take-out" center for food and alcohol. He would have seating on his deck and wants to have music on Friday and Saturday nights. His vision is a boating destination in Shalimar. Attorney Chesser informed him that he needed to follow the appropriate channels and apply for a business license from the Town Manager.

Attorney Chesser also informed him that the Commission does not have the authority to return previous taxes such as Occupational License fees. Mr. Peterson said that he was willing to pay the charges on his live-aboard slips but would like lower charges on the regular wet slips. Mayor Combs asked about doing a comparison to other marinas for the same type slips. Mayor Combs also stated that there would not be a problem with waiving the late fines for this year.

Mr. Peterson said he was willing to pay the \$1200.00 for the live-aboard slips and the \$375.00 for the basic fee but that he didn't feel he should have to pay the fee for the 105 submerges lease slips. Mayor Combs suggested that Mr. Peterson pay his Occupational License for this year and then come before the Commission to try and get the ordinance changed.

Attorney Chesser then explained the high charge for the live-aboards because they do not pay ad valorem taxes but they still get the advantage of the town services.

After a discussion, it was decided to put the license fee on the agenda as old business in February.

MAYOR COMBS' REPORT – Mayor Combs reported that Town Manager Burns had made a significant effort in code enforcement. Manager Burns had gone after several code violations and they had been corrected. He also brought up that the police department had been directed to crack down on illegal parking.

Mayor Combs brought up that, with 6 candidates for 3 positions, it would be nice if the town could sponsor a meeting for the residents to get to know the candidates and ask any questions they may have. Attorney Chesser said he would check the laws to see if it was legal for the town to sponsor a candidate forum. Mayor Combs then had the candidates stand up and introduce themselves.

COMMISSIONER MCCALLISTER'S REPORT – Commissioner McCallister said that the town would like to take \$100,000 from the account at Regions Bank and invest in the Florida Insurance Trust Fund. Town Manager Burns explained that only \$250,000 was covered by FDIC. He suggested that the money be invested in the Equity Fund with FMIVT and that it had a record of fairly good returns. **Commissioner McCallister made a motion to invest \$100,000 in the FMIVT if it was legal to do. Commissioner Wagner seconded the motion. The motion passed unanimously.**

COMMISSIONER BEHNKEN'S REPORT – Commissioner Behnken was absent.

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

COMMISSIONER SMITH'S REPORT – Commissioner Smith brought up that he would like to see a form letter used to notify residents of Code Enforcement violations. Town Manager Burns responded that there was a form letter in the Code of Ordinances that he was using. Mayor Combs asked Town Manager Burns to send a copy of any Code Enforcement letters to the Commissioners. Commissioner Smith also brought up the no parking signs the town had put by the school. He said they did not look very good. The Maintenance Department said they would look into the problem.

POLICE REPORT – Sergeant Shadwell reported that the broken mirror had been replaced on his car and that the tires of Captain Spohn's car were being replaced.

TOWN MANAGER UPDATE - The Town Manager had nothing to report.

ANNOUNCEMENTS:

JANUARY 18, 2011 – 6:00 – Cinco Bayou hosted OCLOC Quarterly Dinner, FWB Yacht Club

JANUARY 26, 2011 - 6:00 - PLANNING AND ZONING MEETING

FEBRUARY 8, 2011 - 6:00 - TOWN COMMISSION MEETING

ADJOURNMENT: Commissioner Wagner moved to adjourn the meeting at 9:03 p.m. Commissioner McCallister seconded the motion and it passed unanimously.

Sheila Hansen, Secretary

February 8, 2011

Date approved