

**MALABAR TOWN COUNCIL REGULAR MEETING**

**September 7, 2010**

**7:30 PM**

This meeting of the Malabar Town Council was held at Town Hall at 2725 Malabar Road.

**A. CALL TO ORDER:**

The meeting was called to order at 7:30 pm by Chair Thomas Eschenberg. The prayer and pledge were led by District 2 Council Member Brian Vail.

**ROLL CALL:**

MAYOR/CHAIR

TOM ESCHENBERG

VICE-CHAIR:

JEFF MCKNIGHT, excused

COUNCIL MEMBERS:

NANCY BORTON

BRIAN VAIL

STEVE RIVET

MARISA ACQUAVIVA

TOWN ADMINISTRATOR:

BONILYN WILBANKS

TOWN ATTORNEY:

KARL BOHNE

TOWN CLERK/TREASURER:

DEBBY FRANKLIN

For the record Council Member McKnight called the TA earlier and asked to be excused due to prior engagement.

**B. ADDITIONS/DELETIONS/CHANGES:** Franklin asked to add presentation; pull Item #5 because Mr. Ryan called the Mayor and told him he can't make it; TA suggested pulling Item #13 since it was Jeff McKnight's and put on next agenda; Chair asked to add an item after proclamation – it is a less than 1-min video on web streaming demo of his progress to date. No objections.

**C. PRESENTATION:** Mayor presented plaque to Chief Gianantonio and flowers to his wife. Mayor stated the MFD has made great advances during his time and will be sorely missed. Mayor has had many meetings with him and it has been a total pleasure working with him. TA said the acting Chief will be Dan Welton until one can be appointed.

**D. PROCLAMATIONS:** Read by the Mayor and will be posted on the Town's website.

**Susan B. Kabana September 7** – will be mailed to her husband.

**Patriot Day & National Day of Service & Remembrance September 11**

Franklin stated that title on agenda was correct and proclamation will be corrected next year. Under Public Law 111-13, approved April 21, 2009, Congress requested the observance of September 11 as an annually recognized National Day of Service and Remembrance as they honor the lives that were lost.

**Commodore John Barry Day September 13** - presented to Bill Moroney and Patrick Reilly. The proclamations are on display at the library on Fee Avenue during Irish-American month.

**E. CONSENT AGENDA:**

**1. Approval of Minutes**

Regular Town Council Meeting – 8/16/2010

Budget Workshop Meeting – 8/31/2010

**Exhibit:** Agenda Report No. 1

**Recommendation:** Motion to Approve

**MOTION:** Rivet / Borton to approve the Consent Agenda as presented.

**VOTE:** All Ayes.

**H. PUBLIC COMMENTS: General Items not related to agenda items; Speaker Card Required**  
None

**I. STAFF REPORTS:**

**ATTORNEY:** He got the AGO opinion back on questions he sent regarding the exemption of former addresses of former law enforcement and they responded September 2, 2010. It was basically

two questions and he read the questions. AGO said yes the person must make a written request for an exemption. It only applies to current addresses. If that person is employed by current employer as code enforcement, current address is exempt. The former addresses are open to disclosure. Current address is not to be disclosed since the code enforcement capacity. TA said she put in written request for exemption. Former addresses are considered disclosable. Timing is the key. When was the request made? When his response was received. Atty Bohne said there is an informal opinion of Dr Cook. If a request for public record was made prior to request for exemption, the records must be disclosed.

TA said that she worked for eight of the 12 years in law enforcement as undercover and arrested some really bad people. Her daughter now lives in the house that is her former address. Attorney said she can seek a declaratory judgment with injunction relief, and she might get an injunction to prevent us from releasing it. Mayor thought it was only Brevard County addresses that were requested. Atty said when TA Wilbanks was hired, she was not a resident of this County – the body politic knew that and would have to give reasonable time for her to become a resident. TA Wilbanks said within three months she was a resident. Borton said if she stills owns it, it should be exempt. The AGO states that former addresses are not exempt in this situation but he will look at the specific public records request. Rivet said none of the persons they interviewed for Town Administrator were residents. Atty said he can't guess what the intent was of the requestor. TA Wilbanks stated that she is notified by the Feds and the State whenever someone is released from prison or up for parole that was related to a case she worked on.

Attorney's other item to report regarded the Palm Bay Utilities Surcharge Issue. No mediation has been scheduled. He has tried to talk to Palm Bay Attorney but calls have not been returned. Vail feels they are stalling. Acquaviva said she thought they were just selecting dates for the mediation meeting. TA Wilbanks had offered to and will contact City Manager Lee Feldman to get some dates. The Mayor also said he could talk to any of their Council. Ethically, Atty Bohne said he can't talk to another attorney's clients. TA will get three dates for pre-suit mediation. We can meet a PB Rec Center and there should be no problem with mediator that was suggested.

#### ADMINISTRATOR:

- Engineer Report – Morris Smith gave update on the Stimulus projects. He stated that two weeks ago we received request for payment for 73,540.00 They were asking for 400.00 more than their contract called for. There are six project sites. Smith recommended payment of 55K as it is his opinion they have not met the design requirement on three of the projects. FDOT said it is a good thing that we have not made payment. They need to finish the projects. Contract ended June 12, 2010, with 100/day penalty after that for not finishing. As of 9/3/10 that amount is 8300.00 The 55K is what they have done, minus 10% held and he can and has documented that this work has been done. The 8300.00 would be off the final payment. The contractor has asked for no extensions. Town has had to ask for two extension of the LAP agreement. Weber and Malabar is one with issues, one of the covers was pried and another was paved over entirely.

- Atz and Weber is still wrong.

- They were to caulk the inside of the seams and they only did half.

Borton said can't we just withhold payment? Morris Smith said he can validate the 55K and approve that amount for payment. TA said part of the problem is that Bill Stephenson did not put a lot of this on the plans. The contractor's contention was that was what was on the plans.

Morris Smith said on the overlay projects, that the contractor stated that 20 tons of asphalt would be laid and there are numbers in their contract. You can't put 20 tons of asphalt on Pine Street. They could not have done that. At Pine Street again they called out for payment for work they did not do. Those numbers get considerably reduced because they were overlays.

TA said the plans called for the contractor to replace the stop signs and put up new 24" signs and take the old signs. The existing signs are regulation 30" signs and there was not anything wrong with them.

The contract also directed that they order MOTs but never opened and used them. They said nobody required them to use them if they weren't closing a lane of traffic.

Mayor commented that the "stop ahead" signs are back on roads and look good.

Morris Smith asked to comment on the PW staff. They are a pleasure to work with and they have never asked the same question twice. He has taught them how to use some surveying equipment. PW Mgr Tom Miliore has checked gone out and verified elevations and done site inspection for drainage work. He referenced the work done on a catch basin on Rocky Point that saved about 16K on just the box. Tom Miliore's previous experience with concrete allowed them to modify a drainage box that had been sitting in the PW yard with weeds growing in it and ordered a new lid from Miami. They are very teachable and willing to learn. The work they did recently on Glatter Road at Elaine Lane was excellent. Morris Smith said to Council well done on selecting these guys for your PW staff.

CLERK:

- SCLC September Dinner Meeting is hosted by Sat Bch and Palm Shores and will be at Country Club in Sun Tree.

**J. PUBLIC HEARINGS:**

Are legally advertised for 7:30 PM *or as soon thereafter as possible.*

**ORDINANCES: (2)**

Without objection, the Chair read by title only.

**2. Ordinance Regarding Millage (Ord 2010-34)**

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, ADOPTING THE MILLAGE RATE OF 1.6630 FOR THE TOWN OF MALABAR FOR THE PERIOD FROM OCTOBER 1, 2010 THROUGH AND INCLUDING SEPTEMBER 30, 2011; PROVIDING AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 2

**Recommendation:** Request Action

Chair also read from the information sheet stating that by setting the millage at 1.6630 it would result in a 11.69 reduction.

**Public Hearing opened:**

**None**

**Public Hearing closed.**

**MOTION:** Rivet / Vail to approve Ord 2010-34.

Discussion: none.

**VOTE: 1)** Borton, Aye; Vail, Aye; Rivet, Aye; McKnight, Absent; Acquaviva, Aye.

Motion carried 4 to 0.

Borton said Wilbanks and Franklin deserve a big thank you.

Without objection, the Chair read by title only.

**3. Ordinance Regarding Budget 2010/2011 (Ord 2010-35)**

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA ADOPTING THE BUDGET FOR THE TOWN OF MALABAR FOR THE PERIOD FROM OCTOBER 1, 2010 THROUGH AND INCLUDING SEPTEMBER 30, 2011; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 3

**Recommendation:** Request Action

Chair also read the entire Section 1 from the ordinance.

**SECTION 1.** The Town Council, in regular session duly assembled adopt the final Budget of \$2,007,419.00 for the proposed expenditures from October 1, 2010 through and including September 30, 2011, reflecting the general operating millage rate of 1.6630 mills. This total budget includes

\$1,582,761.00 in the General Fund, \$228,601 in the Stormwater Fund and \$196,057.00 in the Utility Fund.

**Public Hearing opened:**

Pat Reilly, Howell Lane, suggested we put "first reading" on the agenda so people would know. He thought there two public hearings and hoped Council approved this ordinance.

**Public Hearing closed.**

**MOTION:** Rivet / Borton to approve Ord 2010-35.

Discussion: none.

**VOTE:** Borton, Aye; 1) Vail, Aye; Rivet, Aye; McKnight, Absent; Acquaviva, Aye.

Motion carried 4 to 0.

**RESOLUTIONS: 1**

Without objection, the Chair read by title only.

**4. Certify Stormwater Assessment (Resolution 62-2010)**

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, ADOPTING AN ANNUAL BUDGET FOR THE TOWN'S STORMWATER UTILITY; PROVIDING CERTIFICATION OF ANNUAL STORMWATER UTILITY ASSESSMENT ROLL; PROVIDING AN EFFECTIVE DATE

**Exhibit:** Agenda Report No. 4

**Recommendation:** Request Action

This item is to certify the assessment of the parcels assessed for stormwater non-advalorum. That deals directly with the collections of the assessment per our approved rates. We use these assessed fees on stormwater related projects. Under separate agreement with the County Dept of Natural Resources, we pay the County ten-percent of these collections in administrative fees.

**Public Hearing opened:**

None

**Public Hearing closed.**

**MOTION:** Borton / Vail to approve Reso 62-2010.

Discussion: Chair said the County has a representative here if there are any questions from Council. Rivet asked what does the County do for 10%. Carolina Alvarez is with the Dept of Natural Resources with Brevard County and the work with property owner on any changes to the assessments. They also review the assessment to make sure it accurately reflects the assessments. The credits Malabar approves remove about 8K from the assessments. The ten percent is an administrative cost.

**VOTE:** Borton, Aye; Vail, Aye; 1) Rivet, Aye; McKnight, Absent; Acquaviva, Aye.

Motion carried 4 to 0.

**K. PUBLIC: ITEMS DIRECTLY RELATED TO RESIDENTS AND RECOMMENDATIONS FROM TOWN BOARDS/COMMITTEES PRESENT AT MEETING**

Pulled under "B" – will be put on next agenda

~~5. Agenda Request Form from Resident Charles "Bud" Ryan – MFD/EMS~~

~~Exhibit:~~ Agenda Report No. 5

~~Recommendation:~~ Request Action

Chair stated the Planning and Zoning Board Vice-Chair Patrick Reilly has completed a speaker card for the following five items. Also in attendance is P&Z Board Chair Bob Wilbur. (P&Z Member Cindy Zindel was also in attendance.)

**6. Recommendation from Planning & Zoning Board – Fences**

**Exhibit:** Agenda Report No. 6

**Recommendation:** Request Action

Pat Reilly, Howell Lane, Vice-Chair of P&Z stated that the Board and Council have worked on this issue for over two years. He stated the Mayor had attended some of the P&Z meetings and presented his information and suggestions. Some of his recommendations were taken by the Board and some were not. As a team of the five member and two alternates they have had much input on this. They worked

very hard on the wording as it is the hardest part. The P&Z Board is asking for Council to accept the wording and then have it put into ordinance form and approved.

Mayor then spoke and said he doesn't like anything vague in the ordinances. Referring to the wording, under gates in the definitions, it says approved materials; Mayor feels it should say materials approved by the Building Official or the adopted building code but when he asked the Building Official Roger Cloutier, Cloutier said the Florida Building Code does not address fences or gates specifically. Franklin said that our Code states that a fence is a structure and all structures require a building permit. The permit for the structure would require the construction to meet Florida Building Code. Mayor said there is no code per the Building Official. Vail said the material has to be substantial in nature. Attorney Bohne asked Council if they want to define "approved materials." Vail said does the entrance gate include the support structures for the gate. Remove the reference to approved materials in its entirety.

Attorney Bohne said he checked Malabar Code and verified a fence is a structure. Attorney also stated Council should not give that much allowance to one person; maybe the Building Official doesn't like brick; then you have an issue.

Mayor said this had to do with gates. The next issue Mayor has is in section C.1. excluding RR-65, making five (5) feet the maximum height. Mayor said when P&Z Member Don Krieger did this there was a line dropped. Borton said it should be allowed to be 6 feet. In current Code it is 4 feet in front and 6 feet in back. Bob Wilbur said this came from the desire of property owners to build structures to make statements and P&Z was asked to incorporate them into the fence ordinance. Wilbur said you have to move those entry ways back into the yard. Put them in the yard area itself and pull a permit for an accessory structure. The height would then be limited by the height restriction of 35 feet. The further you put them back would allow you to get a trailer and truck off the road and emergency vehicles can get in.

Vail did not think going to 6 feet in section c.1 would be a problem. Mayor said the second statement in c.1 is a safety statement he felt it should be in its own section so it applies to all fences. It is a safety issue so it doesn't matter if it is residential or commercial or industrial.

Under c.4. Mayor said instead of the 2 feet above height of fence is open to interpretation. Why not just put 8 feet and be done. Vail said it is the proportion with the fence. Mayor said the gate that started this discussion is on Eva Lane and there was no fence. The fence was added later and is not 4 feet high. Does he now have to cut his gate down?

Under c.5. the minimum set back and width Mayor has a problem with. Mayor can see this on a main road but not on the little dead end roads that we have so many of. He can't see putting those kinds of restrictions on these property owners. Rivet said we don't have problems with trucks getting into their properties. Vail said a lot of people have already pushed their gates back in.

Mayor said there would be 100's of gates that would not be compliant if this wording was approved. The other issue the Mayor has is the 20 feet width requirement for driveways. There are a lot of residences where the DW over the culvert is not near that. Everyone is grandfathered in until they have to replace it. Rivet doesn't want to restrict anything property owners can do unless you absolutely have to. Rivet said if you are going to require people to put in a wider DW it is penalizing the property owner. If someone has to rebuild, then you have to have a standard. Rivet said if the requirement is for public safety, then also require silver for all re-wiring because it is safer and also require mandatory sprinkler systems in residential homes. He asked how wide is a typical DW? Morris Smith said most are 12-foot D/W with a grass area on each side and the 6 foot mitered end. Council asked Morris Smith for his opinion. Morris Smith said the gate should match the geometry of the D/W. Borton asked him to write the section covering this. He agreed to do so.

Morris Smith explained the requirement for mitered end sections in residential areas and related the very recent issue with the new residents of property on Atz and Smith. Morris Smith was pleased they were so willing to comply and the property owners in turn were thankful for the Town's input and assistance.

Vail said RE: DW radius if they are that far set back 1000 then you would have an exception. If you can't drag a fire hose to the house you need to access the property. Morris said most new homes have 16' DW and our code provides for it.

Mayor's last comment was a typo on page 89, para 2 first line, typo – "or" after joints should be removed.

Council asked Morris Smith for input. He recommended Council add a "cumulative height" statement in the code to determine how to measure the height. If tonight you were voting on this, he would recommend they need to add a definition for "existing grade". Council asked him to do so and Morris will provide both a definition and add the cumulative statement for existing elevation. Vail asked Morris to work on it. P&Z has completed their work. Attorney Karl Bohne will put it into an ordinance form from Morris Smith. Planning and Zoning Board Vice Chair Patrick Reilly addressed Council and answered questions. Morris said the Code should be a guide to the residents.

**7. Recommendation from Planning & Zoning Board – Logue Purchase**

**Exhibit:** Agenda Report No. 7

**Recommendation:** Request Action

Vail said it is more responsible to buy it now. Acquaviva said it is irresponsible to discuss this when we have had to cut the budget. It is exciting to discuss this and other potential projects but we should bring this back in two years.

Pat Reilly, Howell Lane, P&Z Vice-Chair said this was brought to P&Z from Council to discuss. It is P&Z opinion that they need to trade the west side parcel for either the parcel to the north or south so they would have enough to develop. They wanted to use grant money not Malabar money to develop. They suggest Council set up a committee to look at this. If you would consider setting up a committee to look at this and also the old school house. At least look into it. To build something like they did in Palm Shores. The parcel was shown on the overhead. Reilly said if you do trade and get either parcel E or A you would have almost a .25 acre. If you could get  $\frac{3}{4}$  of the money in grants and then pull some out of reserves and just pay for it.

Acquaviva said after just going through her first budget process, knowing this is something that can be paid with grants; she is not against having a committee look into the possibilities. Mayor said hold the suggestion of using a committee until Agenda Item 10, because they will discuss it then.

**8. Recommendation from Planning & Zoning Board – Land Use Changes**

**Exhibit:** Agenda Report No. 8

Mayor stated that the P&Z Board was trying to do the whole town of Malabar, but wanted to provide what they have thus far.

Pat Reilly, Howell Lane, Vice-Chair of P&Z went through the Power Point presentation showing the proposed changes along Babcock Street and Malabar Road. Reilly stated that the P&Z Board felt that the US 1 corridor had been looked at in 2004 and did not need review for several more years. Acquaviva liked what they presented before at the joint meeting. She asked if the affected property owners and other people know about this process and when they will be included. Acquaviva said if Council approves what they are proposing, when will the property owners be consulted.

Mayor stated he is opposed to any land use changes to commercial on Malabar Road between Marie and Weber because it is a 55 mph zone. It is very dangerous. Vail said they could pursue slowing down speed limit on Malabar Road. Rivet said we can influence but not enforce. Mayor said the Town in 15-20 years from now can consider changing the land use to commercial.

TA Wilbanks said she attends the TAC meetings and the most recent one she learned that the FDOT and TPO will be watching any road that is at 85% capacity and Malabar Road is in that group. The reason they will be watching Malabar Road is because it is a main evacuation route. The widening is scheduled for 2030-2035 timeframe but in the interim, they could put in drainage like piping the ditches to allow for an additional lane.

Morris Smith said that commercial development on FDOT roads require a deceleration lane. They discussed the decal lanes required for MIMA and Berri Patch as well as the lane the Town added at the Post Office. The Mayor asked about the possibility of a frontage road. Bob Wilbur said if one property owner could provide one driveway (D/W) cut and then other properties could use it for access, but you would have to have enough depth to allow for that and development on the remaining area. Wilbur said he would support a reduction in speed limit. Mayor would have no objection if a frontage road was required. Wilbur said perhaps a commercial PUD is what they envisioned. Both Rivet and Vail liked what P&Z Board had proposed.

**MOTION:** Rivet / Vail to approve the P&Z Board recommendations on land use changes and proceed with US1 corridor.

**VOTE:** All Ayes.

**9. Recommendation from Planning & Zoning Board – Table 1-3.3.A Well & Septic**

**Exhibit:** Agenda Report No. 9

**Recommendation:** Request Action

Mayor stated that this issue comes to Council with a majority vote of Planning and Zoning Board. Mayor gave history of the change of the code in 2004. The county has jurisdiction on lot size for septic and wells. The county has reduced the lot size requirement. Rivet said we may want to require more land and less density. Franklin stated that on that same table, 1-3.3.A, the Town provides for the minimum lot size for each zoning and said that R/LC requires 20,000 sf lot size. Our Code does regulate density by lot size. The column that was deleted provided for an additional requirement for minimum lot size for development without central water. If you wanted to develop a half acre site on US 1 in R/LC zoning and were told you could not because Malabar required one acre for development on a site without central water, when Malabar does not have jurisdiction over either well or septic. Mayor asked if Council wanted to rescind the ordinance and put the requirement back in?

Pat Reilly stated the members on the Board wanted one sheet of paper with all the requirements. Rivet said we can be more restrictive than the county and we should have that ability. Reilly stated the other issue was the reduction in density from 6 units per acre to 4 units per acre in R/LC. That is also on this table. Reilly thought it was Ed Washburn and Ed Booth that were the ringleaders of this change. It was a land use ordinance and it should have come before P&Z but Reilly did not think it went before P&Z.

The Council discussed the lot size required for well and septic. Rivet said we want to reserve the right to be more restrictive than the county. The county has changed their minimum lot size requirements. Morris Smith stated that the Florida Administrative Code guides the lot septic requirements and it is not the County it is the State through the County dictating lot size. He explained that there are other requirements for smaller lots that when a certain number of lots

have been developed with well and septic then no further can be done until there is central water and sewer.

Reilly stated the P&Z Board also found other mistakes on the Table 1-3.3.A and Denine has made a list of them. One of them is the .20 is wrong and the heading is wrong on the table. Franklin stated that Municode is making the correction at no cost to the column heading and also to the supplement revision notation.

The Mayor said if you direct to add the column you will be spending money. Rivet said the changes in Malabar should be made by Malabar and if we have other mechanisms in place to limit density and lot size, then this additional change isn't necessary. Mayor said since this change will incur a cost, does Council feel it is necessary to proceed with the ordinance.

Council consensus that no action was required on this issue.

**10. Recommendation from Planning & Zoning Board – Old School House**

**Exhibit:** Agenda Report No. 10

**Recommendation:** Request Action

Mayor stated Council could do a committee and look at this possibility. In 1999 the Town looked at the possibility of purchasing it and there were issues with the State requirements. It is now back on the market. Vail said if we can do it with grant money he would support going forward. If we can support this with grant money and if we can acquire it for citizens for future use. Acquaviva is excited about this but after looking at the budget, again she asked how it can come up for discussion in this economy? Borton said the constituents have said don't spend any money.

Wilbur said we could appeal to FIT Grad students to go look for grant money. He explained we got the Sand Hill trail head with grant funds from the Office of Greenways and Trails. We could go back to them. The property is next to the trailhead and has 5K sf and an out building. They have had pot luck dinners there. It has potential for historical preservation grants.

Mayor asked if the Council would authorize Mayor to select a committee to go get information and bring back findings on grant resources for the purchase of this site. He has three people interested in such a committee for the purchase of the school house property. His committee will only look at potential grants for this purchase – not the river front property. Their interest is only for this item.

Acquaviva asked TA to put something on website asking about resident interest. And do an article for the next newsletter. Ask for volunteers for the committee for the school house purchase property and also ask questions to citizens/residents to provide input on this. Rivet said only a certain group uses the website. The newsletter can then refer them to the website.

Consensus of Council to allow Mayor to go forward with getting fact finding information with use of committee.

**L. ACTIONS ITEMS:**

**ORDINANCE: First Reading – 0**

**RESOLUTIONS: 1**

Without objection, the Chair read by title only.

**11. Resolution Regarding Local Mitigation (Reso 63-2010)**

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, ADOPTING AND SUPPORTING MALABAR'S DESIGNATED PORTION OF THE SPACE COAST LOCAL MITIGATION STRATEGY; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 11

**Recommendation:** Request Action



**Public Hearing opened:**

**None**

**Public Hearing closed.**

**MOTION:** Borton / Vail to approve Reso 63-2010.

Discussion: none.

**VOTE:** Borton, Aye; Vail, Aye; Rivet, Aye; McKnight, Absent; 1) Acquaviva, Aye.

Motion carried 4 to 0.

**MISCELLANEOUS:**

**12. Council to Qualify Candidates for November 2010 Election**

**Exhibit:** Agenda Report No. 12

**Recommendation:** Request Action

Clerk Franklin stated that all candidates had met the Malabar requirements for qualification as candidates.

**MOTION:** Vail / Rivet to qualify candidates. **VOTE:** All Ayes.

**M. DISCUSSION ITEMS:**

Moved under "B" to the next meeting

~~**13. Enforcing Malabar Code Related to Mowing and Maintenance of Rights-of-Way**~~

~~**Exhibit:** Agenda Report No. 13~~

~~**Recommendation:** Discussion~~

**N. MAYOR AND COUNCIL REPORTS:**

4) Borton – nothing

3) Vail – nothing

2) Rivet – resident complaining about adjacent empty lot. North of Milucky's property. TA sent letter and the owner is making efforts. The first party died and he had already paid him. She will update Rivet. Residents are complaining about Gerena's ditch and not meeting setbacks. They will be moving on this ASAP, Rivet thinks since they have three seats with contested seats, he would like to try and schedule something in October. Schedule it at the old school house. Residents can hear from all the candidates. Debate or Forum. Debate. League of Women's Voters. TA will contact. Have a moderator and ask certain questions and then let the candidates ask each other ahead of time.

) McKnight – excused

1) Acquaviva – nothing

) Mayor – nothing

**O. PUBLIC – speaker card required**

**P. ADJOURNMENT**

There being no further business to discuss, **MOTION:** Borton / Rivet to adjourn this meeting.

**VOTE:** All Ayes. The meeting adjourned at 10:30 PM.

BY: Thomas M. Eschenberg

Mayor Thomas M. Eschenberg, Chair

ATTEST BY:

Debby K. Franklin

Debby K. Franklin, Town Clerk/Treasurer

Date Approved: 9/20/10