

**MALABAR TOWN COUNCIL REGULAR MEETING**

**November 15, 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 Council Member Steve Rivet.

**B. ROLL CALL:**

MAYOR/CHAIR

TOM ESCHENBERG

VICE-CHAIR:

JEFF MCKNIGHT

COUNCIL MEMBERS:

CARL BEATTY

DAVID WHITE

STEVE RIVET

MARISA ACQUAVIVA

TOWN ADMINISTRATOR:

BONILYN WILBANKS

TOWN ATTORNEY:

KARL BOHNE

TOWN CLERK/TREASURER:

DEBBY FRANKLIN, excused

DEPUTY TOWN CLERK

CYNTHIA KELLEY

**C. NOMINATE COUNCIL CHAIR & VICE-CHAIR FOR ONE YEAR NOV- NOV**

Nomination made by Beatty / McKnight for Mayor Eschenberg as Chair of Council.

**VOTE: All Ayes.**

Nomination made by Beatty / Rivet for Acquaviva as Vice-Chair for Council. Acquaviva accepts the nomination.

**VOTE: All Ayes.**

**D. ADDITIONS/DELETIONS/CHANGES: NONE**

**E. PRESENTATION:**

Nancy Borton was not able to attend tonight's meeting; Mayor Eschenberg asked Stuart Borton if he would like to accept on her behalf. Mr. Borton stated he would wait until such time she is able to be in attendance. Mayor Eschenberg stated the presentation would be made when Mrs. Borton is available to be at a Council meeting.

**F. PROCLAMATIONS:**

**G. CONSENT AGENDA:**

**1. Approval of Minutes**

Regular Town Council Meeting – 11/01/2010

**Exhibit:** Agenda Report No. 1

**Recommendation:** Motion to Approve

**MOTION: Rivet / Acquaviva to approve the Consent Agenda with the following**

**corrections:** McKnight stated that on page 3, paragraph 3 of the 11/1/10 minutes, he stated that Mr. Foley has no retention.

**VOTE: All Ayes.**

**H. PUBLIC COMMENTS: General Items not related to agenda items; Speaker Card Required**

Michael Kahn, 482 N. Harbor City Boulevard, who represents Nancy Borton, came to address Council this evening regarding an email that was sent to her by Bud Ryan. Mr. Ryan is on the Planning & Zoning Board for the Town of Malabar and is a representative of the Town. Mr. Ryan sent an email to Mrs. Borton on the morning of November 3, 2010 at 6:30 am. Mr. Kahn read the email into the record. Mr. Ryan also sent another email to Mrs. Borton on the morning of November 4, 2010 at 11:54 am as an apology for the first email sent.

With regards to the first email, Mr. Kahn stated that Mrs. Borton had some real concerns about this email; she instructed her attorney to address the matter with Council. The Borton's have a thriving business here in Malabar and work hard for the Town. She is fearful of what he, as a representative to the Town, meant with saying about the payment of the street light. This was a threat made by a public representative of this Town. Mr. Kahn stated he is had been instructed to watch and see what will happen in the future. Council knows how hard she worked for this Town and she is fearful. He will be watching and observing as to what happens next.

#### **I. STAFF REPORTS:**

**ATTORNEY:** Bohne reported that there is a mediation meeting on November 22, 2010 at 10 am. Mr. Rivet and Ms. Wilbanks will be attending. He hopes to come back with an agreement that is good for all parties involved. Bohne also stated, for the new Council Members as well as the remaining Council Members, he will be giving a short speech on the Sunshine Laws and public records. He is available by phone; please call if you have a question before you do anything you are unsure of.

#### **ADMINISTRATOR:**

- FD Report on October (attached to minutes)

Acting Chief Welton came forward and gave a brief overview of the report provided to Council. He stated the response time has increased to 7 minutes; he will be researching this information to see if there is a reason. He gave a brief overview of the new members that are volunteers and some that have left. A few of the members have moved on due to receiving paid positions.

We are in a drought and it is possible that fires may pickup. A hazmat call was received; a septic truck dumped sewage in Oakmont Preserve. We had Pence come out and take care of this; they took all the necessary precautions. Training is down but will be picking up shortly. All equipment is up and running with the exception of the Ladder truck; a hydraulic leak. We are working with EVR, a company we use to maintain/repair the trucks. It will cost approximately \$2,000 to repair the problem. He provided information on OSHA requirements; will provide information to TA. Wildland classes have been scheduled with Indian Harbour Beach at no cost to Malabar. Our paid personnel are from Saturday to Sunday and we will have coverage all through the day and maybe a floater at night. Fundraising letter is in the works; he would like to send out to residents while the people from the north are still in town.

CPR classes are open; have had a lot of interest in people taking the class. A memo to TA was sent regarding the ISO ratings; we are at the best we can be right now with a rating of 4-8B. In the 4 area, we cannot get any lower without significant expenditures. The 8B rating can only be decreased by doing a water shuffle operation; takes a year to get set up. The second option for this area is to put in a municipal water source at all these areas. At this time, that is not an option so we are at our best rating.

Acquaviva asked how the CPR classes are advertised. American Heart has a website and this would be a good place to put something about our classes. Welton stated that they are very hard to get into; he will ask his contact to check on this. TA stated that she has a flyer on the website but a new one with different information to change out would maybe help get the word out as well. We will keep the flyer we have and just periodically change it out on the website to see if there is more interest.

Mayor Eschenberg asked Welton about the discussion that took place a while ago about the volunteers coming closer to a 24/7 coverage schedule. Welton stated this is hit and miss; we do have a schedule and all the members are aware of this. Quite a few members commit to certain days. Mayor asked if there are some that stay overnight. Welton stated that every volunteer

house is the same; you have about 10 to 20% who do 100% of the work. He feels progress has been made with the staffing of the part-time paid firefighters; especially with the two new hires. Mayor Eschenberg also wanted to know if we have the equipment to do the water shuffles. Welton stated in theory, yes we do. We would have to sit down with the ISO representative; they pick some random water source and you have to go 5 to 6 times; trucks would be on the road constantly.

TA reported on the cameras in the park. We have to replace the one at the restrooms. In doing so, the transmitter also needs to be replaced. A memo was sent to the Chair of the Park Board to advise him of the situation. We can purchase a digital system for a cost of \$600 and add a DVR to look at the activity. We would also be able to add an additional three cameras to the system; placing them around areas of the park that are of concern. The recording equipment would be kept at the Fire Department as it is now in one of the offices that is kept locked when not in use by fire personnel. Once camera would be placed at the playground to monitor activity there; it would have a wide angle lens. Immoral activities have been happening on the picnic tables so we would be able to get that under control as well. The pavilion would also be able to be covered. The park, then, would have a good range of coverage with the additional cameras. The long term investment would be beneficial to the Town.

Since Public Works has done some welding work in the bathrooms, we have had less theft of the toilet paper. The hand blow dryers are now in place and that takes care of the paper towel issues. The Scout used the Trailhead instead of the Community Park for their food drive.

Acquaviva asked who monitors the cameras. The cameras are in an office that is locked when not in use; we will have access to review the activity if the need arises. We could also get the Sheriff's Office involved if needed as well.

TA reported that the Scout have been using the Trailhead; both times we learned that they are having bonfires. We don't have anything that says they can/can't; we provide a fire pit but no cover. Do we need to go to the Park Board first to get their take on this or should we put something in writing? Mayor stated we need to hear from the Scouts to see how the fires are built and maintained. Welton stated he would get with the Scout Leaders and discuss this with them. If Council and Fire Department are satisfied with Welton's findings, then all should be ok. TA reported that she received the Special Activity Permit back from Soccer Club with no issues.

#### CLERK:

- Annual Tree Lighting will be on Sat December 4, 2010 at 6PM. Flyers have been sent out to all Boards and the Eagle Volunteers. Town will provide cookies and cider and there will be Christmas carols sung with the help of the Malabar Baptist Church choir. The Mayor will light the tree at
- Park Board has been given Special Activity code to review on 11/17/2010
- Ordinances and Resolutions require roll call votes. The clerk rotates the vote from seat 1 to 5. When reading the minutes the number "1" in front of the name indicates who votes first.

Mayor made comments regarding the book of Roberts Rules; each member was provided a copy. Mayor stated we do not abide by it strictly. We are a little more informal than what is required. Mayor commented about a disagreement a few meetings ago. There was discussion. He plans, for the future, if he feels they are drifting off subject; he will ask Council if they object to the discussion. If no objection the discussion will continue; if an objection occurs, Council will vote on whether to continue or not. Sometime conflicts develop over the issues; keep the debate civil and encourages Council to do this.

#### J. PUBLIC HEARINGS:

Are legally advertised for 7:30 PM or as soon thereafter as possible. Ad ran on August 5, 2010.

**ORDINANCES: (0)**

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

**L. ACTIONS ITEMS:**

**ORDINANCE: First Reading – 0**

**RESOLUTIONS: 1**

**4. Budget Adjustment (Reso 69-2010)**

Before Mayor read title of resolution, TA asked if we could pull page 16 of the agenda packet; she was not aware that it was left in after he brought in his information. She will get with the accountant to find out what to do with the funds. Mayor suggested that we put the funds from the discretionary account into the expense account to be charged.

Mayor read by title only

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PERTAINING TO A BUDGET ADJUSTMENT IN THE FISCAL YEAR 2010-2011; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 4

**Recommendation:** Request Action

**MOTION:** Rivet / McKnight to approve Reso 69-2010

Discussion: None

**ROLL CALL Vote: 1) Beatty, Aye; White, Aye; Rivet, Aye; McKnight, Aye;**

**Acquaviva, Aye.**

Motion carried 5 to 0.

**3. Malabar Volunteer Advisory Board Re-appointments (Reso 70-2010)**

Mayor read by title only

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE REAPPOINTMENT OF PAT REILLY AND BUD RYAN TO THE MALABAR PLANNING AND ZONING ADVISORY BOARD; PROVIDING FOR THE REAPPOINTMENT OF BOB SIEGMANN TO THE MALABAR PARK AND RECREATION ADVISORY BOARD; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 3

**Recommendation:** Request Action

**MOTION:** Beatty / Acquaviva to approve Reso 70-2010

Rivet stated he would like to have three separate votes since this involves three re-appointments. Bohne stated since it is written as one vote on the resolution, it cannot be broken up.

In light of what was brought to Council this evening, Rivet doesn't feel we can sweep this information under the rug. He felt that Reilly and Siegmann should be re-appointed only. Bohne stated the motion could be amended to remove one of the names from the resolution.

**AMENDED MOTION: Rivet to remove the name of Bud Ryan from the resolution.**

McKnight agrees that the email was in poor taste; he doesn't think it's a reason to kick Ryan off the Board. McKnight felt it was retaliation from a previous Council Member. Rivet stated it was poor judgment. Acquaviva stated she was shocked by this email; we are in public office and should show better judgment. She also had concern about this email.

**Acquaviva seconded amendment to motion.**

**ROLL CALL Vote: Beatty, Nay; 1)White, Aye; Rivet, Aye; McKnight, Nay; Acquaviva, Aye.**

Amended motion carried 3 to 2.

**MOTION: Beatty / Acquaviva to approve re-appointment of Reilly to the Planning & Zoning Board and Bob Siegmann to the Parks & Recreation Board.**

**ROLL CALL Vote: Beatty; Aye; White, Aye; 1)Rivet, Aye; McKnight, Aye; Acquaviva, Aye.**

Motion carried 5 to 0.

**4. Appoint Member to Park and Recreation Board (Reso 71-2010)**

Mayor read by title only

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR COUNCIL APPOINTMENT OF DAWN DANIELSON TO SERVE ON THE PARK AND RECREATION BOARD; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HERewith PROVIDING AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 4

**Recommendation:** Request Action

**MOTION: Rivet / Acquaviva to approve Reso 69-2010.**

**ROLL CALL Vote: Beatty, Aye; White, Aye; Rivet, Aye ; 1)McKnight, Aye ; Acquaviva, Aye.**

Motion carried 5 to 0.

**MISCELLANEOUS:**

**5. Appoint Malabar Bill Reviewer for Nov-Nov period**

**Exhibit:** Agenda Report No. 5

**Recommendation:** Request Action

TA gave a brief overview of the process. We have taken the bill paying process to twice a month. The person who reviews the bills will be notified when to come in; the Town Clerk or Deputy Town Clerk will sit with them to go over the information. Once the bills have been approved, the check requisitions will be drawn up for signature and the checks will then be prepared.

**MOTION: McKnight / Rivet to appoint Beatty as bill reviewer for one-year period of November 2010 to November 2011.**

Discussion: Acquaviva nominates Rivet as a check signer. It was stated that this would be the next agenda item.

**VOTE: All Ayes.**

**6. Appoint Malabar Council Check Signatory for Nov-Nov period**

**Recommendation:** Request Action

**Exhibit:** Agenda Report No. 6

**MOTION: Beatty / Acquaviva to appoint Rivet as Council signatory for one-year period of November 2010 to November 2011.**

Discussion: Kelley reminds council of Franklin's recommendation to name Mayor as back-up bill reviewer in case primary is not available; she asked this on behalf of Town Clerk. Mayor stated he cannot do this as the Charter states that the Mayor is one of the

people to sign the checks. Brian Vail did it for several years. Nancy Borton did it with no problem. We need to wait till there is a problem.

**VOTE: All Ayes.**

**7. Appoint Delegate and Alternate for SCLC**

**Exhibit:** Agenda Report No. 7

**Recommendation:** Request Action

**Beatty volunteered to be the delegate.**

**MOTION: Rivet / Acquaviva to approve Beatty as delegate and to have Mayor as alternate for the Space Coast League of Cities (SCLC) Board meetings.**

**Discussion:** None

**VOTE: All Ayes.**

**8. Approve Street Light at Blanche and Malabar Road**

**Exhibit:** Agenda Report No. 8

**Recommendation:** Request Action

**MOTION: Beatty / Rivet to approve street light at Blanche and Malabar on the condition it complies with Town of Malabar's lighting code.**

**Discussion:** TA explained that the cost will be approximately \$13 a month. The installation cost will be \$500 as we need to pay for the leg to come into the pole that is already in place. It may not be the \$500; this is estimation. McKnight asked if this is for one person or if there had been several complaints. TA stated that this is for one person. TA stated that Mrs. Crews had come in; a lot of elderly people, including her mother, live on this road. It is hard for them to see at night. TA knows how Council feels about the lights in the Town. Rivet stated it must not shine upward into the sky. TA stated this would be address; the pole is there, we need to pay for the secondary service. We will have to run it from the house to the pole.

**VOTE: All Ayes.**

**M. DISCUSSION ITEMS:**

**9. Recommendation to Brevard Legislative Delegation re: SB550 – Septic Inspections**

**Exhibit:** Agenda Report No. 9

**Recommendation:** Request Discussion and Direction

**Discussion:** Mayor stated he doesn't know the details of this bill; he believes inspections are done every five years. He asked TA if she knows about this; she does not.

McKnight stated he thinks this is ridiculous. Rivet stated the homeowner would have to pay. Mayor stated it's a recommendation to the delegation; does Council want to make a motion to send a letter to the delegation to encourage them to repeal the bill

**MOTION: Beatty / McKnight to send a letter to the Brevard Legislative Delegation to encourage them to repeal the bill. VOTE: All Ayes.**

Motion carried 5 to 0.

**10. Use of Park and Special Activity Fees**

**Exhibit:** Agenda Report No. 10

**Recommendation:** Discussion and Direction

**Discussion:** McKnight stated this is going to the Park Board and he would like to table this discussion until we have information back from them. He had spoken to Mr. Korn about this issue. Mayor stated it doesn't need to be tabled because it's not an action item. McKnight will wait until we have their responses from the Park Board.

No action taken at this time.

**11. Right to Farm Act and Malabar Code**

**Exhibit:** Agenda Report No. 11

**Recommendation:** Discussion and Direction

Discussion: McKnight would like attorney to address this. Bohne stated that he knew there would be issues to the rights to farm. He wrote memo to Council. We can enforce our code. The use of a farm is misleading. If they choose to get the agricultural exemption fine, it not, it's still a farm. It would still have to conform to our regulations. An existing farm operation will be allowed to continue. A reasonable zoning regulation can be enforced. In his opinion you can regulate through the zoning code. Bohne stated this is for farms already in existence; not for new ones coming in. The agricultural exemption is for tax purposes. Beatty stated that you can run an agricultural office out of the barn but if the business doesn't have anything to do with the farming business, it could be made to stop with the way the code reads. McKnight stated he wanted to discuss this for him to have a better understanding of this issue.

**N. MAYOR AND COUNCIL REPORTS:** (number indicates order that they spoke)

5) Beatty – there are a lot of things that are brought up for training or meetings. He would like to volunteer as he is willing to go to any and all classes as he is here for the Town of Malabar; it is his intent. He had a couple of things to bring to the TA's attention. The yard in the back of Town Hall has 3 lights and only 1 is burning. Public Works has 4 lights and only 1 is burning. The sign in front of the Fire Department is half lit. TA stated she would address these issues.

**VERBATIM PORTION OF RTCM (requested by TA):**

3) **White** – Budget questions; who would I speak to? Could I just talk to the Town Clerk?

**Mayor**-um

**White**-I'm just trying to figure out where we've come from and how we go from this to there. I mean, you know, how we've gone from here to here in one year and it jumps or

**Mayor**-oh

**White**-declines. Who would I

**Mayor**-probably the Clerk cause you'd have to look at some past financial reports.

White & Rivet are talking while the Mayor is speaking (White was showing Rivet a piece of paper at this time)

**White**-I'm just trying to figure out how we go from \$50,000 to \$110,000 difference in one year in one section.

**Rivet**-licenses and permits, yeah

**White**-See what I mean? How do you go from, in just one year, how do you go from here to here? You know what I'm saying.

**Mayor**-I forgot where the TIFT funds are. If that reflects TIFT funds,

**White**-I'm just curious, where

Mayor-he's looking at the revenue summary, the miscellaneous. Is that where the TIFT funds are?

**TA**-they're

**White**-I mean, can I talk to her.

**Mayor**-you can talk to the Clerk

**White**-I'm just trying to educate myself.

**Mayor**-or you can talk to Bonnie

**White**-cause those are big jumps; that's \$150,000

**Mayor**-Bonnie can explain it to you

**White**-I'm just trying to figure out how we go from there to there; those are big jumps, I'm just trying to figure out how we got there. I'll talk to them.

**Acquaviva**-I have a comment too. David, I was new, I'm still learning every day and I'm reading. Truly, call and come down here. Ask any person that you can because that's how you're going to learn a lot. Debby is, especially with the numbers, she can explain a lot of things. It will make sense.

**White**-I'm just starting out with obvious things that jump out at me.

**Acquaviva**-exactly.

2) Rivet – Thanks to PW for getting culvert in at Beekeeper so quickly. After a phone call to TA, it took about a week and a half to fix.

4) McKnight – Thanked staff for getting the agenda out so quickly. With regards to reviewing the bills and signing checks, it came to his attention that one of the bills for Bohne wasn't paid. He would like to know when this happens; Council should be made aware of this. Acquaviva stated she didn't know anything about this; she usually signs the checks. This must have been a time when she wasn't available. Mayor Eschenberg stated he didn't sign the check because he felt Council didn't direct Bohne to attend the hearing regarding a hearing for the SCLC to remove a ballot question from the ballot. Rivet stated it's good that both the reviewer and check signer look at the bills. If it needs to be brought back to Council for clarification, then it should be. Bohne stated it was an emergency hearing for the charter review and thought it was important to attend; he split the invoice up by the four cities he represents. McKnight stated he is our attorney and representation; he needs to have some leeway. When he worked on the foreclosure ordinance, we didn't want to do it and he took all those charges off the invoice. Mayor asked if the bill reviewer and check signer are just supposed to sign the checks. McKnight stated it wasn't brought to Council's attention and he felt it was significant. We should be notified. He asked if anyone wanted this brought back as a discussion; he would like it as a discussion item. Bohne stated that he appreciates that Council wants to address this. If there is an issue with a vendor then let Council know. Rivet stated that if there is a vendor with an issue, we need to know; it could be that we no longer want to use their services. TA stated she could let Council know in the FYI sent out if an issue comes up. Council is fine with this solution.

1) Acquaviva – She was shocked that the Mayor, at the Candidate Forum, brought up Rivet's political affiliation. We are a non-partisan Council and didn't understand why this information was pertinent. Mayor stated this was done at a public meeting and it's fair game. We are non-partisan because we are all connected to a party. Mayor stated he was lobbying a particular point of view. Rivet stated he appreciated her concern but it didn't bother him.

6) Mayor – asked TA if we were approached to use the school house for the Christmas party. TA stated we could use the facilities; we would have the same line of food that was here for the appreciation dinner for the Boards. There will be no Santa or gifts for the children. He asked if we were asked to pay \$250. She knew nothing of this but Kelley informed her that one evening after work Franklin, Kelley and Sherear were discussing the plans and Franklin made mention of the \$250. Kelley stated that is all she knew; had not heard anything more about this issue from Franklin.

Mayor stated that Teen Council is tomorrow evening and all are invited to see the kids in action. The camera is on and recording; it can be downloaded to a CD and kept as a public record. The next three meetings will be the final test for this; Mayor will have it put on the agenda for Council to discuss and take action if they want this to continue. For the next SCLC meeting, a wrapped gift from the Town of Malabar for no more than \$15 is requested by the Holiday Committee. Mayor asked Kelley to make note and pass information on to Franklin. He then gave the names of the new officers for the SCLC; Hal Rose, Mayor of West Melbourne, has been promoted to President; Sheila Donahue, Council Member from Palm Shores, is 1<sup>st</sup> VP; Jim Tolley, Mayor of Titusville, 2<sup>nd</sup> VP; Betty Walsh, Council Member from Cape Canaveral, is Treasurer. He gave a brief overview of a resolution that the SCLC adopted regarding the number of nurses to patients ratio. They adopted the resolution and then repealed it after hearing from another group's presentation. It's a good lesson; don't get carried away by one presentation, always hear the other side.

VERBATIM PORTION OF RTCM (requested by TA):

**Mayor**-One final thing. You were looking at the budget; I was looking at the budget today, too. I finally got around to it. I was looking at the; what I do every month, I have my own thing that I do on my



computer in Excel where I have the budget and I, when we get the financial reports once a month from our accountant, and I go in and put the numbers in. And I look at how the expenditures and the income; how do they look compared to the budget. Well what happened today, I finally got to it. I looked at September 30<sup>th</sup>, the end of the year. I wanted to see what does the end of our year look like because our auditors are coming in now and I guess, I think we agreed we're going to talk to them before a meeting early or something. I wanted to really understand how we wound up on September 30<sup>th</sup>. Well the first thing that happened is, I looked at the revenues and the revenues for September were \$40,000 less than the revenues shown in the August financial statement. I said now how can that be? We got this much month in by August; here's the end of September and it's \$40,000 less. Revenues can't go down; they come in, they get spent but they come in. And then I started looking at some others ones and some of the expenses and they changed. They went; some of the expenses went done and I didn't understand any of it. So I don't know what the problem is but and I don't; but let me remind this Council. According to the Charter, it is this Council that has ultimate responsibility for that budget and the spending that this Town does and the whole thing. I encourage you to look at it very closely every month. I was so frustrated this morning trying to make heads or tails out of it, I called the accountant over in Orlando. I said what's going on. Well he made some adjustments to revenues and expenses that go all the way back to 2009. Now I don't converse very well by telephone; if I sat down with him I sure I could understand fully what he was talking about. But there is something wrong and it's not our accountant; I'll guarantee you that. Our accountant is a CPA with many, many, many years experience. And talking to him, he is frustrated; I can tell. He is not getting good, timely data out of this Town Hall. And he's getting constant corrections. He told me he has another town down in south Florida somewhere about the same size as Malabar. He says he spends half the time doing the work for that town as he does for Malabar. He says I could charge Malabar less money if I didn't have to put in so much time. Now maybe this Council wants to have him come here to a meeting one night and see what he has to say and ask him some questions. He's an employee of the Town; you don't know what employees are going to say. I don't know if I should even say what he told me, but he didn't say this is in confidence. I mean, he's very frustrated. So there's something wrong. I don't know what it is; I can guess but I won't say. But I want this Council to know that. I think we have some kind of a serious problem in this Town Hall as far as the accounting and finance system.

**White**-you must have been looking at the same thing I was because that's the only reason I was questioning it. Those things stood out at me too.

**Mayor**-well you were looking at year to year there

**White**-yeah but I also have the month

**Mayor**-oh, you looked at the monthly too?

**White**-I just highlighted the things that jumped out fast

**Mayor**-ok

**White**-but I agree; I couldn't figure how you got from here to there. But that's why I questioned who to go ask. I'll start with them.

**Acquaviva**-isn't a budget a working document where like things are in fluxing in and out. Do you think it might be our software system here or

**Mayor**-I don't know; there's a problem here somewhere. I don't know what it is; that's all I can say because the things that happen they don't follow account real, I mean; you have a business right?

**Acquaviva**-yeah

**Mayor**-what if your revenues for November where \$10,000; now here comes the end of December. Let's say you took in another \$10,000. Now what if you showed your total revenues for the two months as \$15,000 when it should be \$20,000. That's what I'm saying. Okay, now like I said, it was done with adjustments going back to 2009 and I don't know what happened; I don't know. We have auditors; maybe, the auditors should catch something like that. I don't know that either. Like I say, I don't do well on telephones; I have talk to people face to face. That's all I have.

**TA**-do you want a meeting set up, Mayor, with him? For you so you can talk to him in person?

**Mayor**-well than I would understand, okay. I'm not the one that should understand it; there's five other people up here that are really responsible for it; that really need to understand it, not just me. That's all I'm saying. If you have a joint meeting, it's got to be a public meeting. Maybe we can have him just

**Acquaviva**-can we have a workshop with him and

**Mayor**-you could have a workshop; like I say, he could be on the Council agenda. Maybe have a workshop.

**TA**-you want to do a workshop like a half hour before?

**McKnight**-probably should be an hour; I don't think a half hour's going to do much

**Rivet**-yeah, you can't

**Acquaviva**-but can I say, is he charging us to do that?

**Mayor**-he's kind of on a

**Rivet**-retainer

**Acquaviva**-I mean, is he going to cost the Town more money

**Mayor**-no, he's kind of on a flat rate here

**TA**-yeah

**Rivet**-even if it does, we've got to figure it out. We've got to know what's going so.

**Mayor**-okay, when do you want to do that if that's what you want to do?

**TA**-you want me to try for the next two meetings to see if he's available for either one

**Mayor**-either meeting; try it for the next meeting. If he's not available then the one after that at 6:30; somebody said an hour

**McKnight**-what date is the next; what the first one is December 8<sup>th</sup> or something. I don't know; I don't have a calendar.

**Acquaviva**-calendar

**TA**-I don't have a calendar; do you have a calendar there?

**McKnight**-all I'm worried about is getting into the holidays. If we get into the holidays, it's going to be bad for everyone.

**Kelley**-December 6<sup>th</sup>

**McKnight**-December 6<sup>th</sup>?

**Acquaviva**-the 6<sup>th</sup> and the 20<sup>th</sup>

**McKnight**-I'll be gone the 20<sup>th</sup>

**TA**-20<sup>th</sup>?

**Mayor**-okay, it would have to be either the 6<sup>th</sup> or the first meeting in January.

**Rivet**-I won't be here for the meeting on the 6<sup>th</sup>

**Mayor**-oh you won't be here for the 6<sup>th</sup>?

**TA**-okay so the meeting

**Mayor**-first meeting in January

**TA**-okay

**Mayor**-everyone will be back and raring to go after the New Year, I'm sure?

**Acquaviva**-that's January 3<sup>rd</sup>

**TA**-everybody going to be here January 3<sup>rd</sup>?

**Mayor**-okay

**TA**-and I'll confirm by email

**Mayor**-does anyone have a problem making it at 6:30? Nobody's going to come in on two wheels like a former Council.

#### **O. PUBLIC – speaker card required**

Sheila Eschenberg, 2830 Beran Lane, came forward and addressed Council. She and Mrs. Crews have been working with the Noble's regarding the Christmas party. They don't want to step on anyone's toes but they have offered to help with decorating the building. Jim and Linda Noble are having financial difficulties and the Eschenberg's and Crew's will be paying \$100.00 of the \$250. Is there any way that Council would be willing to put the rest of the funds up? Acquaviva stated she would donate \$50; Rivet would also donate the last \$50 needed. McKnight stated he had no funds to give.

#### **P. ADJOURNMENT**

There being no further business to discuss, **MOTION: Rivet / Acquaviva to adjourn this meeting.**  
**VOTE: All Ayes.** The meeting adjourned at 9:25 PM.

After the meeting adjourned, Mrs. Eschenberg and Acquaviva were talking; it came to light that the total needed was \$150 for the rental of the school house so Acquaviva stated she would donate a total of \$100 from her discretionary fund account. This is being added to the minutes to be on record for the change from \$50 to \$100 from District 5's discretionary funds.

BY: Thomas M. Eschenberg  
Mayor Thomas M. Eschenberg, Chair

Minutes By:

Cynthia Kelley  
Cynthia Kelley, Deputy Town Clerk

ATTEST BY:

Debby K. Franklin  
Debby K. Franklin, C.M.C.  
Town Clerk/Treasurer

Date Approved: 12/06/2010 as corrected

(seal)