

**MALABAR TOWN COUNCIL REGULAR MEETING**  
**March 2, 2009                      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, Mayor Eschenberg. The prayer and pledge were led by Nancy Borton.

**ROLL CALL:**

MAYOR/CHAIR

VICE-CHAIR:

COUNCIL MEMBERS:

TOM ESCHENBERG

PATRICIA DEZMAN

NANCY BORTON

BRIAN VAIL

STEVE RIVET, excused

JEFF MCKNIGHT

TOWN ADMINISTRATOR:

BONILYN WILBANKS-FREE

TOWN ATTORNEY:

KARL BOHNE, excused

DEP TOWN CLERK

CYNTHIA KELLEY

**ADDITIONS/DELETIONS/CHANGES:**     Dezman stated that she would like to suggest that items 7 & 8 be tabled since the attorney is not here to ask questions. Mayor stated that Building Official is needed for item 7. Dezman wanted the attorney here; wants to drop items 7 & 8. She also expressed concerns regarding the water utility expenses and the cooperation with the EELs. Mayors suggested rather than drop these items, discuss the items. If at any time someone feels that the subject should be tabled; a motion can be made. McKnight agrees with Mayor. Borton asked why attorney stated it differently. BWF stated the attorney is suggesting we table item 7 to give the Building Official time to provide the suggested information to Council. With this said, BWF read into the record the report provided by the attorney. A copy of the report will be attached and made a part of these minutes. She suggested that the Building Official take a typical building permit and lay out all the fees that are involved with it. McKnight stated it would be nice to hear what the Building Official and BWF had to say; this will make Council more prepared for the next discussion. BWF advised Council that the EELs agreement was sent from our attorney to the County's attorney; he is the one who wrote the agreement. Dezman wanted it clearly stated in the records that she is against discussing items without the attorney present to answer questions Council may have. Mayor stated the agenda will proceed as presented; we will table if a motion is made.

BWF asked if Action item 3 could be moved to the presentation section. This is the resolution that goes with the presentation of the auditor's report. Council agrees to move Action item 3 to presentations. Mayor stated the agenda stands.

**PRESENTATIONS:**

Mayor introduced Commissioner Infantini to Council and audience. She came forward and made a presentation; stating she had been on the County Commission since November 18<sup>th</sup> and had learned a lot of information in a short period of time. Commissioner Infantini has an open door policy and welcomes telephone calls and visits from the residents of Brevard County. You will always know where she stands on the issues. She is not for raising taxes; Andy Anderson and she have gone on record to say no increase to mileage rates. It is her objective to look out for her district as well as the whole of Brevard County. Borton stated it's a two way street; please let us know what we can do to help her as well. Infantini made mention of the widening of Malabar Road. She did present it to the TPO; has been in contact with FDOT to get this going again when the funds are available. She is in favor of widening this road because this is the only road available for evacuation during an emergency.

Mayor Eschenberg asked what is happening with the Valkaria Airport Advisory Board. She

advised Council that she could not have this board re-established if the same board members were recalled. Vail stated this is a recreational airport and the people are for this; it's all the other activity that is causing the problems. He asked if the input from the citizens is taken into consideration. Infantini stated that Florida Tech is not going to run the airport and it will not have a training school. Infantini stated that people should contact the Board of County Commissioners and make their concerns known.

Dezman stated that this Council has worked very hard; we treat each other with respect along the way. We don't have a problem contacting our neighbors to try to work out issues. Infantini stated that with the new commission, Council will find it a little easier to work with them.

McKnight asked about the School Board; he heard that 28 schools are closing within Brevard County. Infantini stated that the Commission does not have any jurisdiction of the School Board or their budget. McKnight asked that she voice the concerns of the constituents; with the influence behind her name, the Board may listen to someone with influence behind their name as opposed to listening to a resident. Please help in any way that you can as this is a real concern. Dezman stated it is the State's responsibility to educate our children, not the County. You have a means to be heard; use it. You will find an enormous amount of support.

Jim Warmus of Averett Warmus Durkee came forward and made the presentation to Council for the 07/08 fiscal year financial report. This is the second year they have done the audit for the Town; things went very quickly this year; he thanked BWF and Franklin for their submission of information.

Page 1 is the independent auditor's opinion; also is on pages 31 and 32 with another auditor's report. These three pages are the auditor's input; the rest of the information is from the Town of Malabar.

Pages 2 to 7 are the management discussions and analysis; BWF gave this information to us. It is a 2 year prospective showing where we are this year as opposed to last year. Page 9 of the report starts the financial statements which we provide a report on. Page 10 shows \$1,700,000 in expenses; 1.6 million over before ad valorem taxes are taken into consideration. This is the way it must be reported.

Pages 11 and 12 show the governmental funds; the main operating fund of the Town. Pages 13 through 15 are the utility fund or Enterprise fund. The revenues should equal or exceed your expenses. Page 14 shows the expenses of the fund are \$54,255 more. You have a negative balance and it has gone on for years. This could be a concern for the auditors. Page 16 shows notes to details.

McKnight asked that fund balances be explained. Warmus stated fund balance is assets minus liabilities equal the fund balance (retained earnings in a regular business). Dezman stated the fund balance is a particular date in which we have funds to spend.

Page 14 shows the income statement from October 1, 2007 to September 30, 2008. Borton stated that in reality, we lost an additional \$10,000. Warmus stated the Enterprise Fund should exceed or equal the expenses plus depreciation.

Dezman asked about page 2 under the second bullet under financial highlights where it shows a

decrease by 5.5%; we have taken steps to remedy this all across the board, correct? She asked if we are improving or deteriorating. Warmus stated that for the 2008 year, you deteriorated. The cash in the General Fund went down by \$140,000. We have a few years to look at; over a five year period, you could look at years 2007 through 2011 to see if the Town is improving or deteriorating. Have you improved in your term on Council or did it get pushed to the next Council coming in? Big emergencies that come up spend more funds; you may have an emergency that comes up this year and have nothing the next year. Dezman wants it on the records that we have deteriorated this year but we have made enormous strides in getting in compliance with the State's chart of accounts.

Borton stated we still have 2009 to look at; we have a deficit going in and we have bills to pay. This is a concern for her. We cannot have the reserve funds pull us out all the time. Warmus stated that Council has some decisions to make as to what can be done; (i.e. raising taxes for more services).

Vail stated that we have tried to stay within the confines of our expected funds this year. In general, are we doing above or below average with the other cities? Everyone is struggling; Warmus agrees with this statement. You have \$700,000 in cash investments in the General Fund as of September 30, 2008. You have done some things to build your reserves. Expenses are 1.6 million; you have a six month supply before you can't make payroll and pay the bills. You need to have a reserve as you will run out of funds before the taxes come in. One city he knows of has 1 year's worth of taxes in reserve. More cities are doing this. We have \$600,000, we are there and doing well.

Pages 16 through 27 gives the detailed notes and breakdown of figures. Page 29 is the schedule that really is the centerpiece of the financials. This is what you discuss each month with expenses. There was an error pointed out by the Mayor today and it has been corrected. Page 29 is the only page that changed in the whole report. The expenses were not input correctly; reported 1.6 million when it should have been 1.8 million. The correction did nothing to change the actual columns or responses from the auditors.

Page 31 shows the report on the internal controls; we do tests on everything from building permits, deposits for payroll taxes, water rates, etc. We do these tests to see if the laws that Council has set into place are being met. On pages 33 through 36, we have listed some items that we noted some improvement is needed. Last year's report was not given until September 2008; there was only two months to get things implemented. A lot of the comments are based on last year's improvement issues.

The last page of the report is to the Auditor General. We found nothing in item 3 that had to be reported.

Dezman asked if there was any way to generate a report to show the difference in what was received by Federal Express and the corrected report provided this evening. Warmus stated there is and it would be e-mailed to Bonnie to get to Council and staff.

Mayor Eschenberg asked for clarification on the fund balance; some of the funds should be restricted for emergency use only. Council could release the funds if needed to spend elsewhere. All monies are not available to spend on just anything. He is more interested in the unrestricted funds reserves. On revised page 29, where did the numbers come from for the original and final budget? Warmus stated this information came from BWF and Franklin and was

tied to the ordinance passed last year for 07/08 fiscal year. What really caught the Mayor's eye the first time, he pays particular attention to the fire department; public safety would be them. The budget should have been \$312,000 and it shows \$266,000. Warmus explained that this is capital outlay throughout the Town; it could be the lease payments or other equipment purchased. The \$74,000 includes the capital outlay for the general fund.

BWF explained to Council, by the advice of the accountant, several small funds were rolled into the General Fund. Dezman stated we are in compliance this year, we were not last year. Mayor makes a request of the auditor to place one page that follows the budget that is presented by the accountant each month, so Council can look and see what really happened at the end of the year with the expenses. He would like to know what general government expenses cover. Dezman stated Warmus is an independent auditor and it is Council's job to make sure what the auditor and what staff is telling coincides with each other. Mayor Eschenberg asked how Council is to know what government expenses are in general. Warmus stated that all reports are sent to the State; all municipalities use the same account numbers. The general government is from the chart of accounts. He understands what is being asked and will provide to Council. The State doesn't know what everyone uses to create their budget. In order to get uniformity, they have certain information that everyone uses and it is rolled up and provided to the State. One more page will be added to the report.

At this time, Action Item #3 is heard. See the outcome of the resolution adoption below.

**PROCLAMATIONS: Irish Heritage March**

Mayor Eschenberg read proclamation into the records and presented it to Bill Maroney. He also advised Council that Mr. Maroney is a charter member of the Eagle Corp going on six years.

**CONSENT AGENDA:**

**1. Approval of Minutes**

Regular Town Council Meeting – 2/03/09

**Exhibit:** Agenda Report No. 1

**Recommendation:** Motion to Approve

**MOTION: Borton/Vail to approve as submitted.**

**Vote: All Ayes.**

**G. PUBLIC COMMENTS: General Items**

Comments may not address subsequent Agenda Items – Do not require Speaker Cards. Do not require response from Council. (Reso No. 01-2009)

Mayor explained that this item is new and the general public will not have to wait until the end of the meeting to address Council.

**STAFF REPORTS:**

ATTORNEY-as stated above in Additions/Deletions, BWF read his report into the record. A copy of this report is hereby made a part of these minutes.

**ADMINISTRATOR:**

BWF asked Council to provide a couple of dates for a budget workshop for the 08/09 fiscal year. She will provide the budget figures up to February. Council can sit down and go over the budget; BWF has concerns with the revenues that we thought would be coming through. We budgeted \$74,000 in the Building Department for permitting fees. Mayor stated that the charter is very clear in this matter; Council is responsible for the budget; \$144,000 came out of the

reserves to balance the 07/08 budget. BWF is right, we need to discuss it now and not wait. Dezman stated she cannot be in attendance on a Tuesday or Thursday until May. Borton, McKnight and Vail are pretty well open. BWF stated she would like to have the accountant present as well, it would be beneficial. Dezman asked if it could be put together as soon as this Wednesday. BWF stated that she would like Franklin to be present as well. The meeting date was decided to be Wednesday, March 11<sup>th</sup> at 7:30 pm. McKnight stated he would like to have the weekend to review the information provided.

Reminder of EELs Site Meeting on 03/04/09 at Paladin Property – BWF gave a reminder that this meeting will be held on site on Wednesday, March 4<sup>th</sup> at 10:00 am. Dezman stated someone should be in attendance of this meeting. McKnight stated that he would be in attendance.

FD Generator – moving the generator out of the dome-a drawing was presented; he feels that this is something that can March 14<sup>th</sup>. Stephenson stated he never provided a drawing to the Town. Vail stated that there is a “cat in the box” that can be purchase. This is a box that Caterpillar sells to place generators in.

August Torres - hear to answer any questions on the Jan/Feb Financial Statements – Mayor has questions; the Worker’s Comp payments needs to be looked at. Dezman asked if our premiums have gone up. BWF stated they had not; it may go up to re-coop funds paid out for a claim. BWF stated that another item that needs to be added to the budget is unemployment. Borton asked if government entities pay unemployment. Torres stated that you pay when a claim comes in. BWF stated we are paying a claim now. BWF stated we will need to look at having an unemployment fund. Torres recommends that Council to a budget projection; Council can amend the budget with a budget adjustment. Mayor stated that staff can change monies within department; if they need to move from department to another, it needs to come before Council. BWF stated that since she has been with the Town, she has brought budget adjustments to Council because Kabana informed her this is how it is done. With the expenditures and the economy the way it is, she wants Council to know to review. Mayor stated, technically speaking, no line item should go over the allotted budget. Torres suggests that Council make the adjustments all the way to September. Auditors could write up for not amending the budget as needed. McKnight stated it is necessary to project out to the end of the year. Mayor recommended that any Council member familiar with Excel, take some time and go through the budget and do projections.

The Fire Department presentation has been moved to the next agenda. Mayor asked Chief Joe when Ladder One will be going into service. Chief Joe stated it will be two months; the truck is still being prepared and equipment for the truck is being ordered. We will have 12 people trained on the truck; 4 at a time.

BCSO rep here to give update – no one is present to give an update to Council.

CLERK - SCLC dinner on 3/09/09 at Cocoa Civic Center - tell Sharon if you want to attend.

**I. PUBLIC HEARINGS: Legally advertised in Florida Today on  
ORDINANCES: (0)**

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

**2. REQUEST FROM MVFD INC. HOLD FUNDRAISER****Exhibit:** Agenda Report No. 2**Recommendation:** Motion to Approve

Request from Inc. to hold a fund raiser-Talena King from MVFD, Inc., came forward and made a request. They would like permission to use a 200 x 200 area in front of the fire station to sell Christmas trees as a fund raiser. The selling of the trees will not interfere with the tree lighting; they would like to donate a tree to the Town for the lighting as well as a tree to the Fire Department, Town Hall and Serene Harbor. With selling the trees, they will give the residents, provided they can prove they are a Malabar resident, a discount on the trees. They will also be selling wreaths. They will be placing signs throughout the Town. Dezman asked that this be placed in the Mailboat to let the residents know this will be available to them. BWF stated she will also place it on the website. They will be getting trees as tall as 11 feet and can get some that are 18 feet. They need to know if the Town would like the 18 foot tree for the lighting so they can place the order.

**MOTION: Dezman/Vail to approve as presented.**

McKnight stated that we should run the request to put in Mailboat by attorney as we have had some private enterprises that could not have information advertised in the Mailboat

**VOTE: All Ayes.****K. ACTIONS ITEMS:****ORDINANCES: First Reading – 0****RESOLUTIONS:**

- 3. ACCEPTANCE OF THE ANNUAL AUDIT - FY 2007/08 (Reso.No. 02-2009)** A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING ACCEPTANCE OF THE ANNUAL AUDIT REPORT PROVIDED FOR FISCAL YEAR 2007/2008 BY THE AUDIT FIRM OF AVERETT WARMUS DURKEE; PROVIDING FOR SUBMITTAL TO STATE AND PROVIDING AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 3**Recommendation:** Request Action**MOTION: Borton /Dezman to approve Reso. No. 02-2009 as presented.**

Discussion. McKnight stated we can't keep doing what we're doing. For the last two years, we have been over budget. We need to make some hard cuts. Borton agrees with McKnight. Mayor asked that comments regarding the budget be held until reports.

**Roll Call Vote: Vail, Aye; Rivet, Excused; McKnight, Aye; Dezman, Aye; Borton, Aye.**

Motion carried 4 to 0.

**MISCELLANEOUS:**

- 4. COOPERATION AGREEMENT WITH EELS JOINT OPERATIONS**

**Exhibit:** Agenda Report No. 4**Recommendation:** Request Action

Discussion: BWF stated the 30 months in the agreement should read as 30 days. This came about with the Coastal Jewel property; the 15 acres next to the park cannot be used as a site for the new Town Hall. This opened the door for discussion to take place. She felt no there would be no problems with joint operations; recommended a memorandum of understanding. This would benefit the south end of Brevard County. Mayor stated that he objects to the second whereas of the agreement. He doesn't see what this agreement will accomplish.

Vail stated he is reluctant to sign anything until we have a better relationship with EELs. McKnight has a concern with the schedule, not the funding. Their schedule is not going to meet our schedule. They have this so they can purchase the land. BWF stated that the Town has to give 30 days' written notice if the agreement does not meet our needs; this is the way to get out of the agreement. The County is mandated to provide the educational center. This agreement will memorialize the conversation. Dezman stated a paper trail is needed to document we have a certain amount, to secure grants and funding. The question was asked if this agreement would assist in our grant writing as well. BWF stated it would; having this agreement means that we can move forward. We have had many discussions with EELs; nothing has been put in writing. A clause has been put in the agreement to be able to get out with a 30 day written notice. Mayor would like the attorney here to explain the agreement.

**MOTION: McKnight/Dezman to table the motion. VOTE: All Ayes.**

Some good can come from this but we need some information before proceeding. The riverside is already disturbed; don't think that this would be something the EELs would be interested in. This would be a good place for a boat ramp. The only thing is the parking. BWF stated this would be a good area for grant funds. McKnight asked if anyone would have an issue if this was discussed at the EELs meeting on Wednesday. Mayor stated that our books say we will provide water access to our residents. Vail stated that we need to keep in mind what is best for the entire community.

## **5. UTILITY EXPENSES AND REVENUES**

**Exhibit:** Agenda Report No. 5

**Recommendation:** Request Action

Discussion: BWF stated this was mentioned at the last meeting. We are looking to do an analysis of the expenses paid out versus the revenues we take in; we don't have the reserves we need to maintain the utility system. This is a company that looks at the revenues, expenses and rates. They would also be a front-runner with where the audit report comes in. There is one company that has an open contract that we can piggy back on. We do not have a ball park figure until they look at our books. We need to have Council direction before continuing on.

Vail stated that Stephenson has provided numbers in the past; he usually stays on the engineering. BWF stated she will make contact with him and find out what he can offer. Do you want to push his numbers with the other company? Mayor stated this cannot be done while discussing the issue with Palm Bay. BWF stated this can be done because we pay Palm Bay and receive services. Borton stated we need to analyze the utility; maybe we should get out of the business. Vail stated that Palm Bay doesn't really want the utility. BWF stated she was not aware of this; she was not at the meeting. Dezman stated we need to have the information and we need someone who does this on a regular basis. Mayor stated this information would not be available for the meeting on the 12<sup>th</sup> of March. If you come to a point where you can't agree, the next step is mediation. BWF stated this information is needed; if you decide to step away from the water business, this would be the information the decision is based on. This is all in the best interest of the Town. McKnight stated he very concerned with any funds that the Town spends because he feels it would have to come out of the reserves. Mayor stated the funds cannot come out of the reserves; it must come from the Enterprise Fund. He doesn't feel any analysis should be done to see what rates should be charged. BWF stated that Council needs to know what funds are being put aside for the maintenance and replacement of equipment.

BWF stated that Stephenson is leaving on the 4<sup>th</sup> of March and will not return until the 14<sup>th</sup>. Borton asked if we can negotiate with Palm Bay to take it over and get something in return. If we're thinking of getting out of the business, we need to look at this option. Vail asked that BWF get with Stephenson to see if he can provide information; if we have someone on staff that is familiar, he should look at it. Also would like BWF to do an RFQ for anyone who wants to bid and works within the scope of work.

Mayor asked when the contract would be available for Council to review. BWF stated when the agenda is put together, Council will receive it. Bohne wants to meet with Stokes. Mayor asked if Council will have the contract well enough in advance to review it before the meeting on the 12<sup>th</sup>. He asked the BWF get with the attorney and see when we can have a copy. Borton stated she may not be able to attend the meeting on the 12<sup>th</sup>; she has another obligation. McKnight stated he could not make the 12<sup>th</sup> when he was called to set up the meeting; he also has another obligation. Mayor asked why we are having the meeting on the 12<sup>th</sup> if the contract is not available. Dezman asked BWF to speak with Bohne. At this time, Dezman advised Council that Stokes attends her church; when speaking to him, it is regarding church business only.

Council is in agreement that BWF can send out RFQ. Vail asks that the amount of funds spent on the attorney be kept in mind. He doesn't want to go into the meeting unless we agree to stay in the water business; he stated we want wholesale costs that equal our rates minus the surcharge. We need to have our options figured out before we go into the meeting. BWF stated an agreement doesn't have to be made at the conflict meeting. Vail stated he is comfortable with going to attorney and having BWF send out RFQ. Mayor stated that he is not comfortable with two people not being in attendance at the meeting and not having the contract to review. BWF needs to get with attorney.

**6. Soccer Club Food Request**

**Exhibit:** Agenda Report No. 6

**Recommendation:** Request Action

**Discussion:** Dezman asked if this is a one week request. BWF stated it's a seasonal request. McKnight asked if the Park Board had reviewed this request. BWF stated they had not. Dezman wanted to know when the next Park Board meeting is. Kelley stated it is the 18<sup>th</sup>. McKnight stated this needs to follow protocol and go to the Park Board for their recommendation.

**MOTION: Dezman/Borton to send to the Park Board for approval.**

Dick Korn came forward and stated the board would need to have more information. Dezman stated that BWF needs to advise the Soccer Club they need to attend the Park Board meeting on the 18<sup>th</sup> and provide the information for the Board to make a decision.

**VOTE: All Ayes.**

**L. DISCUSSION ITEMS:**

**7. BUILDING PERMIT FEES**

**Exhibit:** Mayor's Memo to Council

**Recommendation:** Request discussion and direction

Mayor wants the Council to instruct the Building Department to work something up to show the actual costs to make sure fees are not being over-charged. He gave two examples; one is where we could be under-charging and the other could be where we



are over-charging fees. BWF suggested, per Bohne's report, take a typical house permit and have the Building Official break down the charges. Mayor stated the real estate values fluctuate all the time; why base the permit fees on the value of the home? McKnight asked who puts the number on the permit. Mayor stated it's based on square footage. Borton asked if this was mandated. Mayor stated that he believes the Town can set up any system they want. Building Official stated this is not so; the permit fees are mandated.

**MOTION: Dezman/Borton to table. VOTE: Borton, Aye, Dezman, Aye; Vail, Nay; McKnight, Nay. It's a tie vote, Mayor voted nay to break the tie.** Motion failed 3 to 2.

**MOTION: Vail/Borton to extend meeting for 15 minutes. VOTE: All Ayes.**

BWF stated two homes are being built; Building Official can take one permit and break it down. Vail asked if you are building a \$200,000 or \$1,000,000, are the fees the same for inspections. Building Official stated it is based on different information; a larger project could have more inspections; on a larger home, the inspections are broken down into partials causing more inspections and fees. Mayor stated that we don't charge enough fees at times and at other times, we charge too much. He needs some feedback to make sure that this doesn't happen. McKnight asked the Building Official for his opinion on this. Building Official stated new codes are in effect as of March 1<sup>st</sup>. Code books need to be factored into the cost of the permits also.

**MOTION: Dezman/Vail to have staff look at the fees based on 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008 and then do an analysis based on now. VOTE: All Ayes.**

McKnight stated with the new codes, more work is involved. Dezman stated that 2006 was a booming year, how many building permits were issued then and how many have been issued now? Vail asked if lesser permits are issued, should the fees be more.

#### **8. OPENING OF WARING LANE**

**Exhibit:** None

**Recommendation:** Request discussion and direction

Vail asked if Bohne made a recommendation for this in his report. BWF stated he did not. The question was asked at the last meeting if Council wanted to extend the road.

**MOTION: Dezman/Vail to extend meeting for 10 minutes. VOTE: All Ayes.**

Mayor stated when this came about the first time, one of the options was to re-name a portion of the road and the other option was to extend it to Atz Road.

**MOTION: Dezman for staff to look at option of extension or re-naming and bring to next Council meeting.** Motions failed due to lack of a second.

**MOTION: Dezman/Borton to table. VOTE: All Ayes.**

Mayor asked that staff provide the costs to run the road through. BWF stated that Franklin would be able to provide the requested information.

**MOTION: Vail/Dezman to extend meeting for 5 minutes. VOTE: All Ayes.**

#### **M. MAYOR AND COUNCIL REPORTS:**

(Number indicates order of Reports)

3.) Vail – with regards to the park issue, there should be enough notification on both sides. BWF stated the suggestion from Mr. Korn should be taken and give the Chair of the Board a deadline to set the agenda one week prior to the meeting date. A memo will be sent to the Board members and copied to Council.

4.) Borton – stated the Park Board is very important. She hopes that everyone can attend the fund raiser for Bill Posey on the 13<sup>th</sup>. We will be representing the south end of Brevard County.

1.) Dezman – the stimulus packet was not presented to Bill Posey in time for him to review; it

was posted on line at 11:30 pm. It would take at least 12 hours to review; voted no because Posey did not have time to read the information. The education crisis is mandated by the State in Article IX. They were not prepared for how well the constituents were prepared.

Dezman asked that a running tab be in the minutes for the items that are tabled. Mayor stated the way tabled items have been happening; they appear on the very next agenda. BWF stated that she and Franklin have a whole process to move things to the next agenda. Dezman would like to see the tabled items on the agenda from a previous meeting the date it was tabled.

**MOTION: Dezman/Vail to extend meeting for 10 minutes. VOTE: All Ayes.**

) Rivet – excused

2.) McKnight – stated he was informed of a major blockage in the ditch at Atz Road; the south side of Atz just east of Corey Road. McKnight asked BWF to explain what happened with the Park Board Agenda. BWF stated that after listening to the tape of the last Park Board meeting, the Chair stated that he felt it is the intention of staff to end the Park Board. She stated that nothing could be further from the truth; the Park Board has been very instrumental in providing information to the Town regarding the parks. When an e-mail is received from the Chair of the Board, she has worked with him to get things accomplished; this was done with the board members not knowing what all has taken place; this will not happen anymore, all emails will be copied to the board members. When listening to the tape, the board did not come back to staff for information, they were going to ask other people. One of the items was regarding an easement at the park bathrooms. With the discussions that have been taking place in an effort to work with the EELs on the land for the new Town Hall, the Town Clerk didn't want a discussion item on the agenda that could cause an issue down the road. She sent an e-mail Kemmler to explain and give information to him in hopes of answering any questions that he may have had. There were three items on the agenda that she addressed in the e-mail. In an effort to clear up misinformation at the meeting, BWF sent a memo to the Park Board explaining the agenda procedures that have been set by the Town Clerk. This information was also passed on to Council in the weekly FYI. Dezman asked that BWF give time line of what took place. At this time, BWF asked Kelley to give information to Council. Kelley stated that an e-mail was sent to Kemmler on Wednesday before the meeting to find out the agenda items. After preparing the agenda, Kelley provided it to the Town Clerk for review. In reviewing the agenda, Franklin sent an e-mail to Kemmler to provide information regarding the items he was going to address at the meeting in hopes of giving information that would be of assistance to him. The agenda was placed on hold; giving Kemmler time to review the e-mail and ask questions that he may have had. On Thursday, Kelley asked Franklin about the agenda; Franklin asked if Kelley had heard from Kemmler; Kelley stated she had not. Franklin had not heard from him. The agenda was put out to the Park Board with the three agenda items removed; it was also posted at Town Hall to meet the posting requirements. It was not until the following Tuesday, the day before the meeting that Kemmler called stating he was not happy that his agenda had been changed without his approval and sent to the board members. He asked to speak to Franklin; she was not available as she was in a meeting with the auditors. He then asked to speak to Kelley; Kelley stated that the procedures in putting the agenda together for the board are to provide any and all background information to the board. Dezman stated this was an answer to having BWF put a time line together.

Dick Korn came forward and addressed Council. He is a member of the Park Board. He has been on the board since 2004; Kemmler has been on it longer. Korn moved that the board go with the original agenda as set by the Chair. A deadline should be set of one week prior to the meeting for setting the agenda. Korn gave a brief statement regarding the bathroom easement. He stated that they are an independent board; we are not set by staff but by Council. Let us do what we do whether we do it efficiently or not. We have one member who spends a lot of time on the trails and Cameron Preserves; we get a full report every month. We need to have time to

go over and discuss information on the agenda. McKnight stated he agreed with most of what Korn said. If something is vague or misleading, it should be up to staff to make sure all the information is available.

**MOTION: Borton/Vail to extend meeting for 15 minutes. VOTE: All Ayes.**

5)Mayor – nothing to report at this time.

**M. PUBLIC COMMENTS: General Items – Public Comment / Responses to Agenda Items**

**N. ADJOURNMENT**

There being no further business to discuss, **MOTION: Dezman/Borton to adjourn this meeting. VOTE: All Ayes.** The meeting adjourned at 11:17 PM.

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

ATTEST BY:

*Debby K. Franklin,*

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Debby K. Franklin, Town Clerk/Treasurer

RTCM 03/16/2009 as corrected  
Date Approved