

MALABAR TOWN COUNCIL REGULAR MEETING

July 06, 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 Thomas Eschenberg. The prayer and pledge were led by Council Member District 3 Steve Rivet.

B. ROLL CALL:

MAYOR/CHAIR

VICE-CHAIR:

COUNCIL MEMBERS:

TOM ESCHENBERG

PATRICIA DEZMAN

NANCY BORTON

BRIAN VAIL

STEVE RIVET

JEFF MCKNIGHT

TOWN ADMINISTRATOR:

BONILYN WILBANKS-FREE

TOWN ATTORNEY:

KARL BOHNE, excused

TOWN CLERK/TREASURER:

DEBBY FRANKLIN

C. ADDITIONS/DELETIONS/CHANGES

D. PRESENTATIONS – (4)

State Representative John Tobia – Mayor asked him to come here. Special Session before reg and cut 2.5 mil from budget. Bright incoming class. Need to tighten our belt. Spent half of stimulus money to plug holes in budget. Highlights. Education is his area of expertise, passed school choice. Increased per student funding. Inc com college spending. Econ Dev inc money to entertainment industry. Fast tracked econ stimulus. Fixed Worker's Comp law so attorneys don't get more than claimant. Switched responsibility to property appraiser when value of property is disputed by homeowner. His office is Melbourne with hours of M-F 8:30 – 5:30. Trying to get around the entire district and meet everyone. He has walked the streets here and will come back. Asked for questions. Mayor said Malabar has adopted resolution that supported passenger service to connect to tri-rail system along East Coast to West Palm. Tobia stated the Sun Rail Project went through House ok but failed in the Senate. Mayor asked him to stay for next presentation.

ELIGRE Strategies – to report on the 2009 Legislative Session – Mitch Needleman and Matt Dupre were in Tallahassee for session. The fight for red light at FD – got nowhere with it. He has idea for funding and will discuss with TA. The DCA issue with the Water and the School issue will be covered by Matt. Matt handed out three copies of legislative outcome. (Attached to minutes) Property tax reform. Ad Valorem, HB 521, Tabor 535, usually you don't want a referendum in an odd year. He went over the items signed by governor. Matt Dupre, knew before session that there was no money. Unfunded mandates – the EARs program. Explained the Comp Plan start. Looked at opting out. They focus on smaller cities. None of the cities have water or school. Comp Plan build out plan – Cape Canaveral spent over 100K. They sat down with DCA to help draft the language for simple opt out. If Melbourne has plan and includes you in their plan then you could opt out. With the build out, it would be another one. As example. DCA will make the policy change. Met with them 5 times. Then he will need input from cities. The idea is not to avoid having to do it but to do it smarter. Advertising was next item. Legally advertise in newspaper with a subscription base. Hometown News needed 35% base of subscription. They have tried alternative methods. They are proposing statutory language changes to allow website posting and email addresses if there are no newspapers available. Tabor – What affects Miami does not affect small cities. 1.35% cap. What gets cut at what point. The largest part is for fire and police. There will not be enough money for cities to operate and cities will have to shut down. Used Colorado and Calif as examples. Asking House members for help through SCLC. FLC day should be changed to FLC Session. It is too much for one day. You may have 6 or 7 cities come through and they will need to get together and deliver the msg in a consistent basis that this will be extremely detrimental. Mayor asked him to explain. Taxpayer Bill of Rights with 1.35 mils. A county

can only collect 1.35mil. To raise it could require an amendment. To minimize challenges wait a year for people to challenge the wording. Cities can't spend money to tell your residents about this was bad. You can't spend money. Until it is a referendum you can spend money to get the word out to residents. Can't charge a fee for ambulance. But you can do fire. But then you have to remove it from your advalorum percentage. There is nothing like the Fire and Police lobbyists. To be able to hold them that language has to be included. They will lobby to keep it fee based. They will talk to SCLC on 13th and then talk to cities again. RE: Red lights, no reason to think it will go away. That is a way to address it. Get an Ord ready to adopt in case Malabar changes their minds. Those are the main issues to cover tonight. They started the small cities lobbyist for home rule support. There is an argument to be made, if you can't handle your. Are your residents at a level of millage they are content with to meet the needs and provide the services? They would like to see the cities that rely on 50% of their rev from ad valorum could be exempt. Mayor said the Tabor bill is loaded with unintended consequences. Matt said he can understand why the legislature brought it up. Sebastian inlet raised their millage and got 5mil because they thought they were going to be sued. The lawsuits didn't come. They spent it on something else. They should have given the money back. That is why there was a problem. Mims and Miami are different. They need to consider legislative "days" so all can be heard. The Representative has to be able to hear from everyone. To have the elected persons come up to speak to the Representative is extremely, incredibly potent. Mayor said that he hopes the SCLC considers the change. It is too much in one day.

~~Troy Rice of Marine Resource Council~~

Troy Rice is with Indian River Lagoon (IRL) and SJWMD and not with the MRC. He is with the National Estuary not the non-profit MC. The IRL is an estuary of national significance. There are 4 others. Over 43,000 specimens rely on lagoon. The estimated annual value is 630mil in income and 15,000 jobs. It is valuable for ecological and economic source. The new DEP program is called the TMDL, Total Maximum Daily Load – amount it can handle and still be viable. If it is impaired, the DEP will establish the TMDL and it has been done for nutrients. Main source is stormwater runoff. This program is intended to address the impairments. Later programs will be added for Turkey and Goat Creeks and combined in. The lagoon has been divided into three (3) sections – Highway 192 to the North; the Banana River; and Highway 192 South to the inlet at Ft Pierce. The southern part is considered impaired. The lagoon is a sea grassed community. He explained how the TMDLs are determined. If we can remove or reduce the pollutants, then the lagoon can thrive. He explained the BMAP or Basin Management Action Plan. How can we reduce these? Malabar has a MS4 permit. The amount of nitrogen that needs to be reduced is shown on slides in handout; so is phosphorous. This will be a very extensive program. Rivet asked what are some of the methods to reduce. Retention ponds, baffle box, redirect the flow, stormwater treatment, exfiltration systems. BMPs to reduce the most water from flowing directly into the lagoon. 1.96 pounds of nitrogen going in the river. Certain areas of river are worse off. This will cost a lot of money – who pays for it? Palm Bay also drains into Turkey Creek. That is why it is so important to work together and attend these meetings. If Malabar can't put in a large retention pond, perhaps they can pay some revenue. Mayor asked if this was unfunded mandate. Yes, there is no money assigned. They will look at grant funding. Dependent on getting the grants and stormwater utilities. Is there a deadline yet? Essentially, they give it a few years to implement flow and then look at it over the next few years. There is not a drop dead date to implement and show improvement.

McKnight said the water in the immediate area is very clean and wasn't last year. It is cyclical and depending on the amount of rainfall. TS Fay caused a lot of impacts. McKnight said it seems to be improving over the last 5 years. He said he has seen sea horses.

Mike Knight of EELs Program

Went through PowerPoint Presentation on status of properties. Regarding the support letter for the purchase of the coastal Jewel property, he listed the four (4) bullets in the letter. The fourth one will be discussed later in the agenda.

The Hossian property is now Babbi property. SMC took no action at last mtg. They are updating appraisals.

The Cooperation Agreement approved by the Board. He has worked with BWF to come up with the wording. The PP presentation is attached to minutes. EELs is pursuing a \$30,000.00 grant for a prescribed fire plan to manage the Malabar Scrub Sanctuary and could also be used in the Cameron Preserve with a shared fire plan.

E. PROCLAMATION –

F. CONSENT AGENDA

1. Approval of Minutes

Regular Town Council Meeting – 6/15/09

Exhibit: Agenda Report No. 1

Recommendation: Motion to Approve

Discussion:

MOTION: Rivet / Dezman to approve minutes of 6/15/09 as presented. VOTE: All Ayes.

G. PUBLIC COMMENTS: Per Reso 1-09 General Items not related to agenda - Speaker Card Required

Speaker card from Ike Heckler: He is a neighbor in Grant-Valkaria – had car displayed at Malabar Spring Fest. Has spoken to Mayor. He had handout and card for each Council Member. He is proposing a racetrack development on close to 200 acres. We need to get the economy back and get money to restore that economy. The planned motorsport park is planned for the region. It will generate 200 mil to local economy, with an additional 113 mil in sponsorships. Stimulate the local economy with hotels, dining, etc. Racing is huge. Put local businesses back to work. He did not know that the EELs were also talking to owner. So the issue may be mute.

He wants to know if he can present at Wednesday's Joint Meeting. Mayor asked how long for the presentation? About 15 minutes. Borton can live with that. McKnight and Rivet agreed. And it might be a mute point. Consensus to give him 15 minutes on Wednesday.

H. STAFF REPORTS:

ATTORNEY: excused

ADMINISTRATOR:

- Growth Management Bill relating to Site Plan time frames – was for DRI
- Regarding Mr. Rice, presentation, BWF stated during her interview she is trained for NPDES, part of what she has done in getting this into place. She has required more percolation in the ditch area. She has recreated ditches that had been filled in rocky Point area. They have been working with getting PW certified as stormwater operators. She has also had Tom Miliore trained in pesticides. We also have some baffle box. We have moved forward. The culverts within the Town have all been inventoried. We are working on keeping this updated. BWF and Franklin will attend meeting in Ag Ctr in Cocoa on Friday.
- Addressed culvert on Huggins and property owner doesn't want to fix culvert. He is out of town until fall. She explained the situation. She had Bill S. inspect and confirm it did not need to be. The dw culvert is caving but the concrete hasn't broken. He did not think it was pressing. He is not an expert. It is flowing water. Resident got engineer out there and he said it did not need to be replaced. At this point, how do you want challenges handled? We have other places that need replacements. She followed the code and it and our engineer both say it needs to be replaced. Our code addresses it as a stormwater issue. Large debris might not make it through. It could make it until Oct Nov. Vail said was it

put in properly? Was it inspected. Yes Franklin said the ord was passed in 2003. Dezman asked how many people are affected? The water is not moving. The culvert beside it has washed out. She can't tell you the eng – the water flows. If the culverts are failed they have 30 days. McKnight said he has sympathy with the guy. They estimated how much it would cost. Mayor said we should change the code to make it the town's responsibility. Or follow the code – 30 days to fix it. Provide Bill S. with the resident's engineer report.

- Attended the TAC mtg today. Major part was the legislative review. She has 3 copies available if anyone wants to review it. There were 5 states that didn't get project lists in on time and money will go to the other states. The Malabar Babcock intersection work is one of the first to be worked on. The sales tax revenue by their analysis has bottomed out will be increasing. Also see more coming in Local Option Gas Tax. Send soft copies to Dezman and Rivet. Mayor asked if we had a schedule on our projects. When can we get started? The projects will be going to the FDOT in mid July for review. Bids in Nov or Dec and we are ready for the design. They did make a change so we don't need to use pre-certified engineers. She has stated the scope of work for the projects.
- McKnight said he is confused about situation at Fire Dept and at Kicinski home. BWF responded that first there was a mutual aid call to Palm Bay. Chief Joe responded to it. And then the second fire call came in and Asst Fire Chief Dan Welton responded to it. Joe was going to mutual call and Dan went to 2nd call to assess. Resident said if you don't have a fire truck or a water truck. Dan said the fire had been contained and extinguished by homeowner. This is when the resident demanded the Chief and a fire truck on scene. Then Joe attended to the resident. Took remedy aid by carrying a second radio, that was a correct point. Both Chief's sent her reports. She is working on a report on this issue.
- McKnight referenced the many emails and asked about the altercation at Town Hall. BWF asked for an updated inventory and she did not get it. Last week, a person who was on the FD Inc came in and said they had a list for BWF but since she had lost the previous ones, they wanted it signed. BWF explained she asked for the list last year. She got a list from McClelland and it was from 1996. Letter from Mr. Setty and he never asked for a signature.

CLERK: none

- I. **PUBLIC HEARINGS:** Are legally advertised for 7:30 PM *or as soon thereafter as possible.*
ORDINANCES: (0)

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

2. **Report from Park Board regarding fencing of Cameron Preserve**

Exhibit: Agenda Report No. 2

Recommendation: Action

Chair said he had speaker cards.

Vickie Merrick, Country Cove HOA President. She has neighbors that want to share their situations. She is handling two families who are out of town. She thanked Council for their work. She chose where they are because they wanted the country. She did not know when the Cameron Preserve was purchased – it was after the construction of subdivision. Mr. Entice spoke about hogs at an earlier meeting. The State came in a put in a fence to help with the hogs. She has tried to communicate with the hog trapper. He told her he was going to give a report to Town. She hasn't heard anything from him. BWF stated trapper called last Wednesday. He trapped four before the controlled burn. Merrick mentioned the neighbors that have had hog issues:

Gerards, 1725 Country Cove Circle, are out of state

The Snyders, 1731 Country Cove Circle and they had damaged. Stacks, 1697 CCC, are out of town.

It is an unusual situation and they are dangerous. Her neighbor went out for paper and found 5 in his yard.

Chris Norton, V-Pres Country Cove HOA, 1611 Country Cove Circle. They appreciate the opportunity to appear. In 2006, much damage was done. He passed a drawing around the Council showing proposed fire breaks in Cameron Preserve. There are 10 lots that abut the Cameron Preserve. This is a passive park. There are people that come in to hike and horseback ride. He has talked with TA to update the management plan. They shared info with the Park Board. They suggested the website be set up to track the hogs. They are back.. CC are good neighbors. They work well with Mike Knight. They are surrounded by MSS on east and Cameron Preserve on north side. The recent Firewise Workshop opened up their eyes. They are working in that direction. Are asking Council to be a good neighbor. If you have a pit bull and it creates danger. You got some persons visiting the Cameron Preserve and have responsibility to protect the community.

They learned the budget constraints. They are not asking for the entire preserve to be fenced, only the 1200 along the boundary, running from the n/s fence of the EELs and run west to the Corey Road. Could be funded by grants. Also something akin to fire breaks and the benefits. When there is a prescribed burn they get notified. We have our own network. The gentleman from the State would put us on the list. If a fire break went up at the boundary it would also help. Thanked Council.

Ennis Brown 1701 CCC, has been bothered by the hogs. He keeps the lights on to deflect the rooting by them. He would certainly appreciate the fencing of the section of his property. Dezman asked how many times he has replaced his lawn. Twice, last year and in 2007. Appreciates them considering assistance.

Robert Sheppard, 1681 CCC. Got hit over the years. One of the first in the subdivision. He is at the corner where the EELs and the Cameron Preserve meet. EELs put up hog fence and he doesn't get them from Malabar Scrub Sanctuary. He does get them from the Cameron Preserve. They are feral livestock. They are growing at a phenomenal rate. They like our lawns. The fence along EELs property seems to work and a fence along Cameron would seem to work.

Discussion: Dezman said she was not on previous Council when Stillwater was approved. In the spring before she came on. There was a big meeting. Some of that info is in your packet. EELs carried through with their promise. She is very disappointed in Park Board. She stated she lives on the inside, she is not affected. When you enter subdivision and turn to left and there are two houses that are not affected, but all the rest are. If this is property that belongs to the Town, the Town should manage it. The bottom line is when they approved Stillwater, when we allowed houses there. Bottom line, we need to take care of our property. We can't play both sides of the fence. We can't beat up EELs for not taking care of their property and then not take care of our property.

Rivet said that the pigs have been through his property. The pigs are coming from adjacent property. Dezman asked if the Town owns the property next to him. Rivet said he agrees we have a problem. Is everyone going to request fencing when they have pig problems? Rivet would like to find a way to get a fence with grants if possible. They do not have an obligation to do this. He would like to work with them and he is sympathetic. However, it is not the obligation of the Town. Can we pursue grants?

Mayor stated a unintended consequence, if they fence them off, where will they go.

McKnight stated he has person that also abuts Town owned property and if we fence for Country Cove then he will want to be fenced. Rivet said the grant fencing for all the properties would be ideal. McKnight said that maintaining does not mean fencing.

Mayor asked if anyone wants to take action. Rivet asked if Mr. Norton had a grant in mind. No he is only suggesting it. Mayor said they have a Malabar Teen Council. He gave kids this problem. The kids came up with solution. They suggested the Town hire a trapper and set a 25.00 per head with a maximum dollar limit.

BWF said she knows the people at the Fire Wise and with Mike Knight and give follow up on types of grants and the cost of the hog fencing he put up in MSS. She will do memo. Rivet said trapping is not a solution. They are smart. Vail would like to put it in perspective. Have there been any quotes on the cost of fencing? Mayor said someone, BWF, should get with HOA and do they want to share cost on fence for next budget year. Vail said it should be 2-3K for straight fencing. That does not include clearing. Has the north side of CC in the Cameron Preserve been cleared yet. No, the DOF has not got there yet. When are they scheduled? Commitment from them to work with Town. Rivet said we need to consider this for next budget as a cost sharing.

K. ACTIONS ITEMS:

ORDINANCE: First Reading – 0

RESOLUTIONS:

3. Referendum Issue for Ballot (Reso 13-2009)

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY FLORIDA; CALLING AND SCHEDULING A REFERENDUM ELECTION TO DETERMINE IF THE TOWN OF MALABAR SHOULD CONTINUE TO SUPPORT THE PURCHASE OF REAL PROPERTY IN THE TOWN BY THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM FOR BREVARD COUNTY (“EELS”); PROVIDING FOR THE MANNER IN WHICH SUCH ELECTION SHALL BE CONDUCTED; ESTABLISHING THE FORM OF THE BALLOT FOR SUCH ELECTION; PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 3

Recommendation: Request Action

Without objection, Mayor read by title only.

MOTION: Vail / Dezman to approve Resolution 13-2009 as presented.

Discussion: Dezman said Council will speak up but audience. Rivet said there is strong opinion on both sides. He has heard equal numbers of opinions. Put the question on ballot so all the voters can give opinion. Get a definitive answer. Important to note. Franklin stated the legal advertising requirement for Charter ref and the non-Charter referendum. Dezman said give good direction to have election. You want to know what the difference in the MSTU and the reso. What if it is a non-binding referendum. Rivet wants it broken up into 2 questions – commercial and residential and also. We could do this in newsletter as survey and on website in addition. Don't get same voter turn-out on odd year elections. Don't want to spend 6K on election but the question should be asked of the residents. Vail said the whole growth thing has changed over the years and it is time to ask residents. BWF said we could also do a direct mail with a return envelop. It could be far cheaper than an election. If we can get 500 responses, that would be a good representation. Dezman felt if response is not signed, it should not be counted. It is cheaper if we don't have an election. McKnight is for stamped envelopes. Rivet said word the ad to read “if an election is held.” Vail said to add the additional land owned by Town and state percentage; and the percentage set aside with conservation easements. Use the wording “13% is managed by EELs” then go in to 2 questions. Keep the ballot simple. Put the explanation in the newsletter.

Change the reso to add the following:

Should the town support additional EELs acquisitions of commercial land – yes /no.

Should the town support additional EELs acquisitions of commercial land – yes /no

Add if there is an election

Add non-binding

Roll call vote: 1) Borton-Aye; Vail- Aye; Rivet- Aye; McKnight- Aye; Dezman- Aye.

Motion carried 5 to 0.

Short break – 10:10

Convened 10:20

4. ~~Budget Revision (Reso 14-2009)~~

Exhibit: ~~Agenda Report No. 4~~

Recommendation: ~~Request Action~~

MISCELLANEOUS:**5. Qualifications and Guidelines for Taxpayer Budget Review Board**

Exhibit: Agenda Report No. 5

Recommendation: Request Action

Discussion: Mayor recapped that Council approved the board and there was general agreement that it should not be previous council. No agreement that spouses can't attend. Borton said the Attorney said they will be under sunshine.

Borton said we can open up and allow speaking at workshops. Email from the Weltons, also had good points. Borton said that is why they elected council to govern.

Mayor said the issue for tonight is how it will work. Dezman wants to hear from staff. BWF said if she was given this project to work on in one night. They are not going to know what is required. Mayor said at the first budget workshop, the board sits in audience and has budget and makes notes. Sometime between the two budget workshops, they meet and formulate some recommendation. Those are sent to Council for their 2nd budget workshop. Any questions would be asked by the budget board to the Council Person that appointed them. They just can't talk amongst themselves.

MOTION: Vail/Rivet to extend for 30 minutes. (10:30 – 11:00)

McKnight said one of the primary goals was to promote civic involvement. It was pointed out that last year, there was one citizen. Normally we don't let them speak, but one person they let them speak. But they don't feel they are doing something substantive. But if appointed as part of Board they would feel more useful. Same as Park Board. Get some brand new eyes on the budget.

Mayor said the perception is out there that we violate sunshine. Dezman said we can list them bullet them out and then who is to say they can or can't participate. Dezman said over time you educate. Rivet said that he has forwarded the budget to all that he has.

Mayor said leave it to each Council member to pick persons. Dezman said she is not going to be able to meet with them when school starts. McKnight said pick members randomly. Mayor said he trusts all of the council to pick members that are looking at it and is interested in it.

Each councilperson gets 2 appointees and Mayor gets one. Total of 11. The appointees don't have to be from their districts.

6. Drawing Depicting New Town Hall Location in Malabar Community Park

Exhibit: Agenda Report No. 6

Recommendation: Request Action

Discussion: Mayor would like this site to be removed. Borton does not want it removed.

Mike Knight, EEL Program. The potential location is shown on map. Vail said it shows EELs maintenance and the new map shows that it is an educational and maintenance. Borton asked about

the swap in G-V. It was a F.I.N.D. site in G-V for dredging. Now it has exploded with scrub jays. Similar to Cochran property, under a mitigation easement. There is an effort to switch out the property to provide industrial closer to Dixie Hwy. It is a complicated 3-way swap. It is a move for a conservation effort and not some other municipal move. Dezman asked if the two buildings could be swapped. Mike pointed it out on map. Vail said that the Hossain property. There is not a building on that property. It is not considered for education. The white boundary line shows the 15 acres. The red lines show the historic disturbed areas. Mayor said what about the trailer and concrete. That is within the read lines. Borton said we will probably never get the 15 acres. We would ask if they would harden the education center so we can use it for the. Mayor said there are other sites that the site selection. Mayor asked about the education center located in the front – what is living there now. They don't have a law that says they can't put it an education center with. Knight is in process of developing their management plan. The County asked them to consider a smaller educational version than they have at the Barrier Island site. They have 500K set aside for educational center here. Rivet asked assuming it is approved, when would it be built? Knight said in 3-4 months it would go to Board, the design would take a year. Vail said it is still important to buy land now, even if we can't develop right away. Vail said the location you chose is far from road. It would be better with both the education center and Town Hall on the road. Dezman asked about maintenance shed. Knight said it will have a 2-bay garage and fenced area for equipment. Dezman said how did they come up with this location? Knight said the red box indicates the same size building square footage that existing town hall is currently. They also discussed reconfiguring the boulevard.

MOTION: Vail/Dezman to extend for 30 minutes. (11:00 – 11:30)

Mayor said he wanted Council to say that Council disagrees or agrees with this location. Dezman said we need to go over the progress we have made. Vail said we can't forget about the land purchase. Borton said fine. Knight said he will look into the grant of the 30K and see if it can be used for fencing.

7. Surplus Property Sale

Exhibit: Agenda Report No. 7

Recommendation: Request Action

Mayor said due to the late hour he would ask that speakers keep it to 3 minutes.

Talena King, PO 1010 Palm Bay, FL, She apologized that she had asked for the signature. She tried meeting with Chief and he refused to meet with them. So they have not been able to find out.

Richard Makowitz, FD Corp. Most of the stuff on the list is legit. Some is dead and gone or been replaced. Things that do not exist, that do exist. The arc welder, does exist. It was in the maintenance shed and had not been replaced or removed. He doesn't know if there was a detail number. Everything else on the list from them. There are white boards in the training room and some have been painted on the walls. There is still an old map board. It is not an updated map board. A 24 hour clock, digital clock used in dispatch. Cork boards, 2 still being used next to squad. Dezman asked if the property is numbered. No. Dezman said short of one of us going and looking, we are not going to get anywhere. Mayor said the intent is to determine surplus material. Mayor suggested the corporation put a list together. The Corp wants to do a letter for the donation of the turbo-draft.

BWF said she asked Dan Welton to go through the list and determine if the material on list was surplus. Dezman asked what was left after the hurricanes. Not much. Anything that was replaced with FEMA money now belongs to the Town. Vail said there is a lot of material that was put in containers and dry storage and a lot of this stuff on this list was saved. They saved a lot of this.

Dezman said that if it was replaced it belongs to the Town. She said the bigger problem is the relationship between the corporation and the fire department. Dezman wanted on record – that Vail wears many hats and has worked many hours in the field repairing fire department equipment and at fire dept. We have to solve the problem It is an us vs them situation. Vail concurred with Dezman.

The Corp and the Fire Department have had separate goals. They need to share their goals. The corporation is in addition to the Fire Department and should be complementary to the Fire Department and that has not been the case. Rivet said one of the dysfunctions is that we can't get a list of surplus material.. Dezman said she heard the the new Corporate Officers commit to a list last year when she was at Town Hall signing checks. It hasn't changed even with changing persons. She indicated Joe Gianantonio and said he is the Fire Chief and the rest of the corporation has to get behind him. There is a new sheriff in town. He is not as organized as she is but he is the Chief. Vail asked past Fire Chief Chuck McClelland to shed light on possessions.

Chuck McClelland, 2050 Linrose Lane, stated the corporation can be an advantage to the Fire Department and the Town. Everyone has to work together. They have funds they have raised for good purposes for the Fire Department.

Dezman said the corporation does not report to Town. We have a contract with them. We cover the liability insurance on everything in the building. They do provide the town minutes of their meetings now. Dezman said for the record some of the people were not part of corporation during the May 2008 fires. There were things donated to the Town and put in storage until we had time to do something with them so they did not disappear. That is why it had to be secured. She does not see much change. Rivet said when we ask for inventory list, and we get a list that is over 15 years old. Rivet said there are some very sordid stories out there.

McClelland said his concern is that there were items on the list when he was on Council and now shows as not existing. Mayor said throw this list away and produce a list. Mayor asked why they can't make a list of their stuff. Chief Joe Gianantonio said he gave stickers to previous corporation president and will give additional stickers to current President.

Dezman volunteered to go through the fire station inventory. Vail wants McClelland to do it. Dezman said McClelland can be in the background.

MOTION: Vail/Dezman to extend for 30 minutes. (11:30 – 12:00)

Borton asked to be excused at 11:30PM.

Dezman asked when to have list back. When it is done. Next meeting or first meeting in August. Chuck McClelland can review it after the list is done.

Bridget Ports to represent Curtis Setty and read statement from him. She read the letter into the record. (Copy of statement is attached to the minutes.) It is a 501C3 corp. and the fund raisers and purchases should belong to the Town or the FD. There is more items on the list from 1996. It took them 2 hours. Ports said they are trying to divide the Fire Department into paid and corporation. Curtis put a list together of what they would like to keep for general membership. They want to keep what is on the list.

Dezman will get the problem solved.

8. Explorer Program Sponsorship

Exhibit: Agenda Report No. 8

Recommendation: Request Action

Discussion: speaker cards:

Bridget Ports, voted in as the Explore advisor, replacing member serving in Kuwiat. In best interest of young explorers have the Town sponsor, so there is stability. Because of the animosity between the corp and the FD.

Talina King, first of all, the statement about Mira, she was voted out in March, 2009, when she was TDY. The Explorers voted her out. It was not because of animosity with Mira for clarification. The Corp does not fund. The Town can take over it.

MOTION: Vail/Rivet to extend 15 minutes. (12:00 – 12:15)

Vail said the Town could not sponsor the boy scouts because of the language but Dan Welton talked to Melbourne and they can sponsor the Explorers.

The oversight would be under Chief Joe Gianantonio. Ages from 14 – 18. They can go to 21, but the FD by-laws limit it to 18. If these two groups were getting along, this would not be before them. It needs to be shored up who they take guidance from. McKnight said this would put a band-aid on it. It is still a problem. It was a problem a year ago. Get rid of the corp. If they can't get along.

MOTION: Dezman / Vail to approve Town sponsorship of Explorer Program.

Responsibility for program would go under Town Administrator who can delegate Chief.

VOTE: 3 Ayes; 1 Nay (McKnight); absent (Borton).

Motion carried 3 to 1.

9. Council Assignment of Duties for Fire Department Outstanding Projects

Exhibit: Agenda Report No. 9

Recommendation: Request Action

Discussion: Mayor discussed with TA and Chief and basically is volunteering to handle these three items. BWF said 2 of the items are safety items. The generator needs to be taken care of and the elec falling off on the other. If he needs to use staff to do this.

Vail said he was trying to resolve this issue. Would it be a sunshine violation to provide a history to Mayor. Yes. Mayor will do the generator and water shed and Dezman will take care of storage place.

MOTION: Dezman / Rivet to approve assignment of duties for Fire Department outstanding projects – Mayor to handle water shed and generator and Dezman to handle excess storage. VOTE: All Ayes.

L. DISCUSSION ITEMS:

M. MAYOR AND COUNCIL REPORTS:

Number indicates the order of report given

5) Mayor- Put on next agenda as discussion "utility fund" He will put together schedule. The point of the drawing showing town hall by the restroom was that if the drawing showed the town hall site there, then it will be shown all around and it floats around then the 15 acres will never happen.

) Borton- excused at 11:30 P.M.

3) Vail- read kudos letter from Nancy Conklin regarding Franklin getting new street signage installed. Regarding FD there needs to be a single focus.

2) 1Rivet- Asked TA if there could be millings added on Candy. BWF has contacted CDM and there are adequate millings. We have limited funds and limited millings and she can't support.

4) McKnight- nothing

1) Dezman- July 21-28 on vacation. New Principal at Pt Malabar. Any items for communities for a Lifetime are due by Aug 11.

N. PUBLIC COMMENT - none

O. ADJOURNMENT

There being no further business to discuss, **MOTION:** Dezman / Rivet to adjourn this meeting. **VOTE:** All Ayes. The meeting adjourned at 12:05 AM.

BY: Thomas Eschenberg
Mayor Thomas M. Eschenberg, Chair

ATTEST BY:

Debby Franklin
Debby Franklin, Town Clerk

7/20/09
Date Approved