

**MALABAR TOWN COUNCIL REGULAR MEETING**  
**September 8, 2008                      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 7:32 pm by Chair, Mayor Eschenberg. The prayer and pledge were led by District 2 Brian Vail.

**B.     ROLL CALL:**

MAYOR/CHAIR

VICE-CHAIR:

COUNCIL MEMBERS:

TOWN ADMINISTRATOR:

TOWN ATTORNEY:

TOWN CLERK/TREASURER:

TOM ESCHENBERG

CHUCK McCLELLAND

NANCY BORTON

BRIAN VAIL

JEFF MCKNIGHT

PAT DEZMAN

BONILYN WILBANKS-FREE

KARL BOHNE

DEBBY FRANKLIN

**C.     ADDITIONS/DELETIONS/CHANGES: none**

**D.     PRESENTATIONS:   1-Certificate of Appreciation to Palm Bay Fire Chief for FD donation;  
   2-Certificate of Appreciation to Fire Chief Joe Gianantonio presented  
   by Lt. Daddow, BCSO.  
   3-Presentation by Jim Warmus on Final Audit Report on 06/07 with  
   Resolution 34-2008 to accept audit.**

Jim Warmus introduced himself and stated he had provided draft copies of audit report on 8/25/08 and asked Council to read it and prepare questions. He had delivered each member the final copy before this meeting. He will answer questions. Borton referenced page 40 of the report, the recommendation from the auditor – four of these are same. Warmus explained that the same recommendations were made last year but not done. The Town Council can choose to accept and do the recommendations, or reject and not do them or reject them due to cost benefit. The cost benefit is a valid reason. Borton asked if it jeopardizes our corporation. Auditor says that the Town should implement all the recommendations. These are areas that could come back and by not following up on the recommendations, it says you are not looking at how to improve the internal controls.

The auditors will be here in October to discuss some of this and start on the next audit for 07/08. He offered to meet with Borton then. Vail asked if all the problems have been addressed and responded to. Yes and no; you have a clean opinion on the front, but the back of the report is the deficiencies and some are significant. Dezman asked about the Mayor approving his own travel expenditures. We have in the test papers which one was done and they will forward to BWF so Dezman can see. When we have a management comment we keep all the documents. On pg 34 on purchasing, BWF has answered that they are responding. In the spirit of disclosure we could have taken the first one out because it was a state bid we purchased the vehicle under, but they prefer to show Council everything.

Mayor has a question and a comment. Where do you find the unrestricted cash in financial statement? Warmus said look at pg 21, said the cash equivalent that is the total of the unrestricted and the restricted for the utility and your cash deposits. Go to pg 11, you have restrictions the stormwater in the 346K that comes off the \$885,457.00 in the govt funds. The difference is the cash you could use in subsequent budgets.

Mayor asked about the transfers on page 11 reflected as being done in Sept 06 – he thinks it s/b April 08. His question is the money listed as separate funds. Warmus explained you could have accounted for the money in separate funds, but you didn't it was all treated as in one fund. The Mayor is stating the statement is not correct. The changes may have been made in April 08 but you never stopped treating them as part of the general fund in 06/07. They were never a separate fund. They took the approach that if you were treating them as part of the general account then they were going to also. Mayor said they got them in separate listing so Council would not confuse them and think they could spend them.

Dezman on pg 40, item 5, asked if the person that did not attend 8 hours of training is current staff. No it is previous clerk. The present clerk has attended the FGFOA Conf. in May. We will be compliant this year on that issue.

Without objection, the Mayor read Resolution 34-2008 by title only.

**(Reso. No. 34-2008)** A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING ACCEPTANCE OF THE ANNUAL AUDIT REPORT PROVIDED FOR FISCAL YEAR 2006/2007 BY THE AUDIT FIRM OF AVERETT WARMUS DURKEE; PROVIDING FOR SUBMITTAL TO STATE AND PROVIDING AN EFFECTIVE DATE.

**MOTION:** Vail / Borton to approve Resolution 34-2008 accepting the Annual Audit for 06/07.

Discussion: none

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

Motion carried 5 to 0.

- E. **PROCLAMATIONS:** Patriots Day September 11, 2008  
Constitution Day/Citizenship Day & Week Sept 17-23  
Mayor read proclamations. Both will be posted out front and on the website.

F. **CONSENT AGENDA:**

1. **Approval of Minutes**

Regular Town Council Meeting – 8/04/08

Budget Workshop Meeting – 08/05/08

Special Council Meeting – 08/25/08

Budget Workshop Meeting – 08/25/08

Budget Workshop Meeting – 09/02/08

**Exhibit:** Agenda Report No. 1

**Recommendation:** Motion to Approve

**MOTION:** Borton / Vail to approve as corrected. List corrections: RTCM Sept 2, 2008, McKnight was not present and should show as excused in the rollcall. **Vote:** All Ayes.

G. **STAFF REPORTS:**

ATTORNEY:

- Resign to run info – In the past he had given opinion that members of P&Z had to resign to run for office. Under the dual office holding provision of the law. The requirements are different for dual office holding; appointed, uncompensated board member does not have to give up their seat to run. If they are successful candidate they would have to give up their seat. In sum, for purposes of our board member do not have to resign. He candidly admitted he was wrong and apologized to McKnight. Current member of P&Z. Dezman asked about how. If he won, he would have to resign before being sworn in. Mayor appreciated him admitting the mistake.

ADMINISTRATOR:

Reports on the Corey and Hall repair. She had asked Bill S. to comment and he said you couldn't tell what was wrong; she showed the pictures of the broken pipe. By inspection it should never have been approved. Now they require wrapping and apparently they didn't before. They have required this in South Florida long before. This has gone back many years. She also showed the thickness of asphalt on Corey that covered the pipe. It was barely the ½ inch thickness – s/b at least an inch.

MVFD, Inc. has not reported to BWF on the surplus list. Clerk got copy of contract re: MVDF Inc. Attorney reviewed and said that it is very watered down from previous ones and it is essentially a social group to raise money. McClelland stated that if they don't bring in more than 25K, they don't have to report to IRS.

The surplus list from the FD was pulled because the items couldn't be prepared. Mayor asked if the Town could assume that all the material is owned by the Town. Let the Corp object if there are items they can prove they own.

Dezman asked that this be put in writing for BWF and she will add it to next agenda. McClelland stated that he had called them and Chief Joe did to. Attorney will forward letter.

#### TOWN CLERK:

In the Ordinance 2007-06, Section 4, adopted by Council, it states that a legal ad shall be run explaining the MSTU question to the voters in the fifth week before the election and again in the second week before the election.

If Council is interested in submitting articles on this subject, please provide them ASAP so the next newsletter can be out to residents before the election.

#### H. PUBLIC HEARINGS:

**ORDINANCES: (3) All ordinances have been legally advertised.**

#### 2. **Amending Article XVII Providing for P&Z Review and Recommendation for Site Plan Extension Requests (Ord. No. 2008-09)**

Without objection, the Mayor read by title only:

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE OF THE TOWN; AMENDING SECTION 1-7.5 OF ARTICLE VII; PROVIDING FOR REVIEW AND RECOMMENDATION OF SITE PLAN EXTENSIONS BY THE PLANNING AND ZONING BOARD; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 2

**Recommendation:** Action on Second Reading of Ord. No. 2008-9

Public Hearing Opened: none. PH Closed.

**MOTION:** McClelland / Dezman to approve Ord. No. 2008-09 on its second reading.

Discussion: none.

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

Motion carried 5 to 0.

#### 3. **Adopt Proposed Millage Rate for FY 2008/2009 (Ord. No. 2008-11)**

Without objection, the Mayor read by title only:

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, ADOPTING THE MILLAGE RATE FOR THE TOWN OF MALABAR FOR THE PERIOD FROM OCTOBER 1, 2008 THROUGH AND INCLUDING SEPTEMBER 30, 2009; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

He also read from the info sheet, stating that the proposed millage rate is 1.4676 and a final levy of 1.4676 mills will result in a 10% increase over the rolled back rate of 1.3342. The millage rate

of 1.4676 is to fund the expenses for the fiscal year commencing October 1, 2008 and ending September 30, 2009.

**Exhibit:** Agenda Report No. 3

**Recommendation:** Action on First Public Hearing of Ord. No. 2008-11

Public Hearing Opened: none. PH Closed.

**MOTION:** McClelland / Vail to approve Ord. No. 2008-11 setting the millage rate for FY 08/09 at 1.4676.

Discussion: McKnight made note that he wasn't at the last budget workshop. Everyone he has talked to does not support this. He can't support this.

**Roll Call Vote:** McClelland, Aye; McKnight, Nay; Dezman, Aye; Borton, Aye; Vail, Aye.

Motion carried 4 to 1.

#### **4. Adopt Proposed Budget for FY 2008/2009 (Ord. No. 2008-12)**

Without objection, the Mayor read by title only:

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, ADOPTING THE BUDGET FOR THE TOWN OF MALABAR FOR THE PERIOD FROM OCTOBER 1, 2008 THROUGH AND INCLUDING SEPTEMBER 30, 2009. PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

Mayor also read from the info sheet stating the proposed budget for the Town of Malabar is \$1,927,058.00 and reflects an operating millage of 1.4676 and is to fund the expenses for the fiscal year commencing October 1, 2008 and ending September 30, 2009.

**Exhibit:** Agenda Report No. 4

**Recommendation:** Action on First Public Hearing of Ord. No. 2008-12

Public Hearing opened. None. PH Closed.

**MOTION:** Borton / McClelland to approve Ord. No. 2008-12 adopting the Budget for FY 08/09.

Discussion: Borton stated that the budget for last year was 2.2Mil and this year is 1.9Mil. She thanked Council and the staff for their efforts. BWF asked to speak. She has never had a Council more diligent with the budget numbers. She offered an instructional meeting to explain how to read the budget. Mayor wanted to ask a question on the income side. Page 5, 349.6000. came from the previous account 110. The money was there before. He asked about Section 515, Comp Plan, pg 18, he was under the assumption they were going to pay Calvin Giordano 33K and asked why it was more. The contractual agreement of 104K is for the ERA amendments. That amount has been spread over three years. We must also adopt elements related to a Capital Improvement Plan, Transportation and the School Facilities. It was not added to their contract. This estimate has been in this line item and explained in the definition page from the beginning of the workshops. The 10K was a conservative estimate of the cost to provide these elements with staff doing much of the work. It is not an add on to the contract. It is an estimate of what it will cost to meet the statutory requirements. Mayor asked about going to bids. They are three separate requirements. Franklin pointed out Council paid Solin 30K to do the school siting element that wasn't approved until it was changed by staff. The School element, the transportation element and the CIP (Capital Improvement Plan) must be done. Dezman said Jay Standard and Mike Gaffney of the Brevard County School Board will help. There is no modification on the school concurrency. There are no changes permitted.

**Roll Call Vote:** McKnight, Nay; Dezman, Aye; Borton, Aye; Vail, Aye; McClelland, Aye.

Motion carried 4 to 1.

#### **RESOLUTION:**

#### **5. Adopt Stormwater Utility Budget for FY 2008/2009 and Certifying the Assessment Roll (Reso. No. 33-2008)**

Without objection, the Mayor read by title only:

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, ADOPTING AN ANNUAL BUDGET FOR THE STORMWATER UTILITY; PROVIDING

CERTIFICATION OF ANNUAL STORMWATER UTILITY ASSESSMENT ROLL;  
PROVIDING AN EFFECTIVE DATE.**Exhibit:** Agenda Report No. 5**Recommendation:** Action on Public Hearing of Reso. No. 33-2008

Public Hearing opened.

Speaker Card: Juliana Hirsch – she'll wait.

**MOTION:** Borton / Vail I to approve Reso. No. 33-2008 adopting the Stormwater Budget for FY 08/09 and certifying the assessment roll.

Discussion: County representative Carolina Alvarez addressed Council. She stated we have had an Interlocal Agreement (ILA) since 2001. They manage the NPDES permit. She is there to answer questions. McKnight asked what the county does for this money. McKnight said that we haven't spent the money. BWF stated staff has spent a lot of time working on a grant to do a large project for the storm water. It would fix the pipe at Rocky Pt Road and that goes back to Huggins Drive. And the other is to work on the area that flooded is the other area we are looking. She explained the sheeting problem. We have plans to meet with them to discuss upcoming projects. That is the recommendation. It is working two sides of the map. Carolina Alvarez explained that they collect the administrative fee to direct the Utility. Their fee is based on the collection and is paid 4 times a year. The engineer can look at what has been done and see what can be done. She suggested increasing public outreach and educational information. The money for the funding of projects has to be dual purpose they have to address flooding and improve water quality. BWF explained that the Rocky Point residents that have filled in the swales and have caused a part of the problem. Alvarez said it is hard to get people together because those areas don't normally have a HOA. McKnight said there are many people who would come to a stormwater presentation. She offered to come and speak. The amounts of funds we generate have paid for the Town match for two grants - FEMA 1125 and 1062. Post a date in the Mailboat and on the website. She offered to McKnight that if he wants to send mailing list to her she will send out information on meeting.

Juliana Hirsch, 1035 Malabar Road, the latest flood we have had and it was not all caused by Weber Woods. She has talked to several people, the clerk and the Chief. The pipe under Malabar Road is under the responsibility of the FDOT. All the way back to Duncil was flooded over 6 feet. The culvert is still full. It needs to be cleaned up. The Mayor could bring this up at meetings he attends. There is nowhere for it to go. She flooded and the entire Malabar Road flooded. Put pressure on FDOT. BWF stated that FDOT was called out regarding a culvert that collapsed in two places, Serene Harbor and west of the FD. She also got assistance through the EOC. The area near Hirsch has a balance pipe under Malabar Road. The wetland is full and there is nowhere for the water to be taken out of there. The maintenance of the ditches has not been done. The water isn't flowing. It can only go so far. The water sheets off of EELs property. Between Johnston and the Trailhead it just sheeted.

Public Hearing Closed.

**Roll Call Vote:** Dezman, Aye; Borton, Aye; Vail, Aye; McClelland, Aye; McKnight, Nay.Motion carried 4 to 1.**I. PUBLIC: ITEMS DIRECTLY RELATED TO RECOMMENDATION FROM TOWN HALL SITE  
SELECTION COMMITTEE****6. Recommendation from Town Hall Site Selection Committee****Exhibit:** Agenda Report No. 6**Recommendation:** Action

No funds for any of these recommendations. McKnight, McClelland and Borton all agree. Consensus of Council to send letter to members, thanking them for their service and explaining that due to budget constraints we must put these efforts on hold until we have a more favorable economy. Dezman said it doesn't cost any money to send the letters out. BWF said if you are not negotiating in good faith why tease them. We can't give them the letters they are looking for. Clerk will send letter.

**7. Appoint Liz Ritter to P&Z – Reso 37-2008****Exhibit:** Agenda Report No. 7**Recommendation:** Action

Without objection, the Mayor read by title only.

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR COUNCIL APPOINTMENT OF ELIZABETH RITTER TO SERVE ON THE PLANNING AND ZONING BOARD; PROVIDING AN EFFECTIVE DATE.

**MOTION:** McClelland / Vail to approve Reso 37-2008 appointing Liz Ritter to P&Z.**Roll Call Vote:** Borton, Aye; Vail, Aye; McClelland, Aye; McKnight, Aye; Dezman, Aye.Motion carried 5 to 0.**J. ACTIONS ITEMS:****ORDINANCES: First Reading –****8. Amend Code to Provide for Clarification for Fire Chief Administrative Reporting (Ord. No. 2008-10)**

Without objection, the Mayor read by title only:

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; AMENDING CHAPTER 8 FIRE PREVENTION AND PROTECTION; AMENDING ARTICLE IV FIRE DEPARTMENT; AMENDING SECTION 8-93 RELATING TO THE DUTIES OF THE FIRE CHIEF; PROVIDING FOR REPEAL, SEVERABILITY AND INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 8**Recommendation:** Action on Ord. No. 2008-10**MOTION:** Borton / Dezman to approve Ord. No. 2008-10 on its first reading.

Discussion:

This clarifies the fire chief reporting to TA.

**Roll Call Vote:** Vail, Aye; McClelland, Aye; McKnight, Aye; Dezman, Aye; Borton, Aye.Motion carried 5 to 0.**RESOLUTIONS:****9. Acceptance of MIMA Improvements (Reso. No. 10-2008)**

Without objection, the Mayor read by title only:

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR ACCEPTANCE OF THE PUBLIC WATER AND WASTEWATER INFRASTRUCTURE IMPROVEMENTS AND DEDICATION OF EASEMENTS; THEY LAY WITHIN FROM MELBOURNE INTERNAL MEDICINE ASSOCIATION (MIMA), LOCATED AT 730 MALABAR ROAD, MALABAR; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 9**Recommendation:** Request Action on Resolution 10-2008**MOTION:** McClelland / Dezman to approve Reso. No. 10-2008.

Discussion: Mayor asked what area was being accepted. Vicki Luchetti, MIMA representative, addressed Council. The waterlines, wastewater lines and the lift station built to Town specifications. The lift station was located at the bottom of the road, per Malabar Engineer. It was oversized per the Town requirements so others can hook up and tie in as Town grows. That was decided early on. And it is warranty for two years. It has computerized alerting and the telemetry system. That cost 75K more to do this. They have adhered to everything the Town required. The plans have already been designed to flow into the system. Its capacity far exceeds MIMA needs on a development project of this size. BWF explained the requirement

that developers have to ensure the infrastructure is there for their project so it does not become an issue with the Town.

Juliana Hirsch, 1035 Malabar Road, did not think the Town should take over their water lines. She thought MIMA was asking Town to take them because it is too expensive to maintain. Take this under a little more consideration. How many more houses could be added to this? Vail stated that the system was over-sized per our request. It will be large commercial addition. Franklin explained that the MIMA project was required to put in the water and sewer per our Code. The Code requires the developer to put in the infrastructure. The Engineer requested the upgrade for future developments to hook up to. The Town owns the utility and the developer is required to dedicate the water and waste water lines and the lift station to the Town. The easements are required so the Town can access those improvements. The Engineer has inspected and recommends acceptance. The Attorney has reviewed the documents. The Town Surveyor has verified the easements. Once accepted, the documents will be recorded and then these improvements will be added to the Town's assets. Mayor asked about the statement years ago that the MHP would have to hook up to city water if it was available; would they now have to hook up. Franklin explained the answer from FDEP (Florida Dept of Environmental Protection) is that the MHP is not required to hook up if the self system is working. If the system fails and there is water running in front of the MHP, they could be required to hook up. The last time Enchanted Lakes MHP inquired into the cost of running water and sewer to their site the engineer estimated cost at 700K. McKnight said we won't get immediate use of this. If commercial development does occur we will be ready.

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

Motion carried 5 to 0.

#### **10. Amending the Employee Manual (Reso. No. 32-2008)**

Without objection, the Mayor read by title only:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, AMENDING SECTION 5.5 OF THE TOWN OF MALABAR EMPLOYEE MANUAL; INCREASING VACATION CAP FOR EMPLOYEES; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 10

**Recommendation:** Request Action on Resolution 32-2008

**MOTION:** McClelland / Vail to approve Reso. No. 32-2008.

Discussion: McClelland stated he proposed the number 400 for the amended cap on vacation hours and found out later that they (the two affected employees) will loose considerably more but he can not support any number higher than that.

BWF explained the accrual and stated this is a cost Council needs to consider. She suggested an annual bonus for those employees. Use other methods to reward employees. Franklin explained the two processes: employee manual changed vacation accrual process in 2003 and pre-existing employees, Kabana, Franklin, Beatty and Brown got to choose to keep old method of accrual which gives two weeks for five years and an additional day for every year after six years. The calculation is spread over the year and at the beginning of each month the employee accrues the hours. The new method has a cap. McKnight said his company does annual payouts. There would be a minimum requirement to keep the 40 hours. Some people have to have 40 hours off.

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

Motion carried 5 to 0.

#### **11. Budget Adjustment to FY 2007/2008 (Reso. No. 35-2008)**

Without objection, the Mayor read by title only:

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PERTAINING TO A BUDGET ADJUSTMENT IN THE FISCAL YEAR 2007-2008. PROVIDING FOR ADDITIONAL REVENUE; PROVIDING FOR ADDITIONAL EXPENDITURES; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No.11

**Recommendation:** Request Action on Resolution 35-2008

**MOTION:** Vail / Borton to approve Res 35-2008 to authorize transfer from reserves to balance 2007/2008 budget.

Discussion: Budget must be balanced on 9/30/08. This resolution authorizes the transfer to provide for a balanced budget.

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

Motion carried 5 to 0.

#### **MISCELLANEOUS:**

#### **12. Approve Purchase of Two (2) Shipping Containers for Fire Department Annex Building**

**Exhibit:** Agenda Report No.12

**Recommendation:** Request Action

**MOTION:** McClelland / Borton to approve this purchase

Discussion. Dezman asked why this was needed. BWF explained this is to set up the office area in the container instead of the construction of office at an estimated cost of \$8,900.00.

During this process the Fire Chief and Vail had talked about this. She put Building Official and Chief to task of finding one that could meet code. In the process they discovered these containers are built to meet code and that getting two would allow the bunker gear to be held and secured the so we don't loose any. We have currently lost one set. The other will house their communication equipment. One of the antenna platforms on the tower was put on for the Town to use when it was originally built.

**Vote:** All Ayes.

#### **13. Approve Accounting Software Purchase**

**Exhibit:** Agenda Report No. 13

**Recommendation:** Request Action

**MOTION:** McClelland / Borton to approve Cougar Mtn

Discussion. Borton asked if BWF was comfortable with this. Yes, she used this in her other cities and the Accountant has also used this software. Cougar Mountain has partners that offer the other products when we are ready to expand. The cost dollars are intended for a small town. The annual maintenance is not in the proposal. Franklin looked in their package but did not find it.

The Mayor asked if the software will allow the council to get a monthly report. They will get a monthly report.

**Vote:** All Ayes.

#### **14. Recommendation to EELs on Coastal Jewel Purchase**

**Exhibit:** Agenda Report No. 14

**Recommendation:** Request Action

**MOTION:** McClelland / Vail to table until we have the amount that will be taken off the tax rolls. BWF will notify EELS.

Discussion. Dezman thinks this purchase was opposed previously. It is 180 acres adjacent to the Jordan Scrub and Oakmont Preserve. It is contiguous to Jordan Scrub. This would seem to follow their plan to look at property adjacent to existing preserved areas. What is the tax dollars



coming off the rolls? If the property was developed? Dezman asked about the part that they supported.

Vote: All Ayes.

**15. Council to Qualify Candidates for November 2008 Election**

**Exhibit:** Agenda Report No. 15

**Recommendation:** Request Action

**MOTION:** Borton / Vail to Qualify the candidates.

Discussion. None.

Vote: All Ayes.

**16. Set Joint Workshop Date with P&Z for SJRWMD Florida Water Star Program  
09/22/08 at 7PM**

**Exhibit:** Agenda Report No. 16

**Recommendation:** Request Action

Mayor explained when he was at FLC Conf he stopped at the St. Johns booth to ask for a report on the Florida Water Star program. He would like to have it at a joint meeting with P&Z and start it before a regular Council meeting. Water Star is compared to Energy Star program for electric. This will not be a mandate. This was discussed by P&Z more. Provide incentives. He wants St. Johns to explain the program to Council and P&Z.

**MOTION:** McClelland / Vail to do this before the regular meeting on Oct 20, 2008. (2<sup>nd</sup> mtg in Oct.). Dezman wanted a break.

Vote: All Ayes.

**K. DISCUSSION ITEMS:**

**L. MAYOR AND COUNCIL REPORTS:**

(Number indicates order of Reports)

1) Dezman – Dezman asked if any of our supplies can be sent to Cocoa or Debary? We are not in position to donate – we are entering the busiest part of hurricane season. She referred to the disclosure that the Charter or Code does not require the candidate for mayor to get signatures on petition. She feels this needs to be corrected. Dezman also said that the Mayor needs to have 15 signatures. She will be going off because of the inconsistencies in this area. She will propose a charter change. She took 3 months of Rossman's term and so lost the ability to serve another term.

3) Vail: - nothing

5) Borton – nothing

4) McClelland – nothing

2) McKnight – He apologized for missing the last w/s. He had to get the boats out of the water. BWF asked about the sunk boat at Malabar Road. The river rose up 2 feet and floated free and it is tied to a post. It was a stickered boat but is underwritten. The owner has been active on the boat.

6) Mayor – He said that Malabar Road has been added to the list for consideration for 4-laning and get a feasibility study has been recommended for approval at this morning's TAC (Technical Advisory Committee) to the MPO (Metropolitan Planning Organization). This recommendation will go to the MPO on Thursday. Malabar Road will move off the candidate list. BWF stated there is a meeting with the consultant about the feasibility meeting set for the 11<sup>th</sup>. She will meet with them.

**M. PUBLIC COMMENTS: General Items**

There being no further business to discuss, **MOTION:** Dezman / Borton to adjourn this meeting.  
**VOTE:** All Ayes. The meeting adjourned at 10:10 PM.

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

ATTEST BY:

Debby Franklin  
Debby K. Franklin, Town Clerk/Treasurer

09/22/08  
Date Approved