

**MALABAR TOWN COUNCIL REGULAR MEETING
JANUARY 22, 2007 7:30 PM**

This meeting of the Malabar Town Council was held at Town Hall at 2725 Malabar Road. The meeting was called to order at 7:30 pm by Mayor Eschenberg. The prayer and pledge were led by Council Member Bobbi Moccia.

<u>ROLL CALL:</u> MAYOR/CHAIR	TOM ESCHENBERG
COUNCIL MEMBERS:	NANCY BORTON
	BRIAN VAIL
	CHUCK MCCLELLAND
	BOBBI MOCCIA
	PAT DEZMAN
ADMINISTRATOR:	ED BOOTH
ATTORNEY:	KARL BOHNE
TOWN CLERK/TREASURER:	SUSAN KABANA

ADDITIONS:

- Dezman – would like to add Booth's resignation letter under discussion. Moccia – as item number 6? Council agrees.
- Mayor – move action item 3 to number 1. Council agrees.
- Borton – add false alarms under discussion. Council agrees.

CONSENT AGENDA:

(A) COUNCIL WORKSHOP MINUTES 1/11/07

(B) COUNCIL MINUTES 1/11/07

MOTION: Moccia/Borton to approve.

- Moccia – on page 6, under her closing comments, on the 4th paragraph, she said the reason she voted the way she did on the MSTU was because people had voted with the straw vote and she wanted to make sure this was noted. Wants this added.
- Vail – on page 2, second to the last line. He was confused on a statement: '... the numbers were surprising. Margaret Lewis should be contacted.' Vail states that the numbers do not relate to Ms. Lewis, she is with the Explorer program, it needs clarification. Dezman – Margaret Lewis in charge of the choice of schools for Brevard County and that is why she is to be contacted.

VOTE: All aye.

REPORTS:

ATTORNEY

Bohne – nothing at this time.

ADMINISTRATOR

- Booth – asks who is to attend the vision meeting? Booth has directed the Engineer to be here. Vail – wants to see P&Z there. Council agrees. Booth – asks Council to take a map from the table before they leave tonight.
- Booth – using the projector, he projects an ad for the administrator's position, he notes that a deadline needs to be added. McClelland – have we put out an advertisement for a building inspector? Booth – not yet, he notes that the two ads will display in different publications. Bohne – we should list 5 years local government experience. Discussion of salary amount, Council chooses to add 'depending on qualifications'. Dezman – feels the references don't have to come in with the resume, they can come later. Booth – he will move forward on this.
- Booth – one of the new fire trucks has arrived, he shows pictures and notes that this is to replace an old pumper truck.

OAKMONT & STILLWATER PRESERVE FENCE HEIGHTS

- Booth – notes that both Stillwater and Oakmont obtained a permit to do a fence and

neither have asked for an inspection yet, any discussion on this is premature. The plans show a fence that complies with the code. Booth notes that most communities deal with fences for subdivisions differently than for single family residences. He feels that he should not have allowed Mr. Reilly to speak on this issue at the last meeting and now that Reilly has spoken against this Reilly cannot vote on this issue in the future because he has already stated his opinion. Bohne – states that the financial gain detriment is the only reason you can abstain from voting. Explains a case that happened in the City of Melbourne. That Court states that a Council member should abstain from voting under due process grounds if their opinion is known to be biased. Bohne states that Council should refrain from campaigning for or against an issue. Booth – we acted prematurely. This item ended up on the agenda because a P&Z member requested it but then he turned into a citizen.

- Booth – the contract with the Volunteer Fire Department Inc., has not been revised since 1996. States that during a fire department issue a couple of years ago it was determined by the Towns' labor attorney's that the Town employee manual does apply to the volunteers. Booth and the Mayor continue to look at the operation of other fire departments. Booth notes that the Town is having a hard time dealing with the Volunteer Department Inc. and Booth overviews a projection of what we feel should be in the new contract:

- 1) recruiting
- 2) fund raising (notes that the Melbourne Beach fire dept gives \$125,000 a year to their town)
- 3) social functions
- 4) review personnel actions. Booth notes that you can't continue to have a private organization doing the hiring and firing when the Town has all the responsibility. We had an issue a couple of years ago and because of the circumstances our labor attorney's weren't going to deal with the case until it got over \$200,000. Moccia – because the Town had not followed proper procedure. Booth – exactly. The Town remains the responsible party therefore the hiring and firing should all be done by the Fire Chief. However, right now the Volunteer Corporation Inc., acts like the personnel department, they review complaints and make sure all the proper procedures are followed. They also have an opportunity to object, then it goes to the Town Administrator. Dezman – does the Administrator make the final decision based on input from Council? Booth – no, actually the next step would be to come to the Council. Dezman – so if the corporation does not agree with the Town Administrator then the Council is the appeal process? Booth – yes, and, he notes, right now he has a fireman that is trying to get Council to make decisions and Booth is ignoring him because we don't want to leave a trail in that direction in case we get sued. Dezman – but communication still has to be there between the Council and the Administrator that says what the decision of the Administrator is. Booth – but it was not appealed to Council. Dezman – it was through phone calls. Booth – but not from the individual involved. Dezman – she understands that, but the phone calls started. Booth – from someone who was inappropriate. Moccia – if there is question, does it matter who it came from? Booth – absolutely, there is a chain of command. Moccia – so if Council has a question they can't ask Booth? Booth – yes you can, it is just that Council is being pushed. Moccia – she does not let anyone push her. Booth – it is just that the individual does not have anything to do with the situation. Dezman – that may be but she is left with questions because there was no communication. Mayor – wouldn't it be appropriate for any individual Council Member to come and see Booth if they have a question? Booth – absolutely but in this case it is probably more appropriate to talk to the Fire Chief.

- 5) recommend budget items.

Booth – is asking Council for any additions or deletions to this proposed contract, he would like to see the Corporation involved. McClelland – is Vail going to attend the

meetings? Vail – yes but, he notes, that the corporation is supposed to review their bylaws and that has yet to happen due to the personnel issue. Booth – but we really are not in the middle of that issue because it is a dead issue. Borton – so we don't have a contract? McClelland – we have one by resolution. Bohne – and it continues to be the contract. Vail – the last time it was reviewed was 1996 and a lot has changed since then. Borton – have we hired any consultants? Booth – no. Mayor – the only action that has happened so far is that he's had some discussions with Booth and they have agreed on the broad structure of the Corporation. They are going to visit Melbourne Beach and then they will visit with Bohne and after that he would expect that the meetings with the Corporation will commence. Booth – that is correct. Vail – and you should also visit Indian Harbor Beach because they are volunteer. Dezman – when Vail steps in does the Mayor step out of the meetings? Mayor – yes.

- Booth recommends our engineer Bill Stephenson as interim town administrator, he has done this before and he knows Malabar. He would not mind stepping in and he is already on the payroll.

- Booth recommends Rose Futch be placed in the roll of more Code Enforcement, it should not be placed under the new administrator.

- Booth thinks there may need to be one more full-time person in the building department. Kabana – it is not in the budget. Booth – we will look at the budget. Eschenberg – suggests for the next meeting that Booth can look at the budget and this could be an action item for the next meeting.

CLERK

Kabana – nothing at this time.

DISCUSSION:

1. CONTRACT BETWEEN THE TOWN AND THE VOLUNTEER FIRE DEPARTMENT, INC.

- Vail – he does not feel the contract with the Fire Dept should be at the visioning meeting. Eschenberg – feels that he and Booth must work on this first before Council discusses it. Borton – wants a copy of the contract (resolution 5-96).

2. STAFF REQUEST TO MODIFY RESOLUTION 5-97, COUNCIL AGENDA PROCEDURES

Kabana – sometimes when we have paid staff at the Council meetings the meeting may take an hour or more before the item(s) directly related to them are discussed. The paid staff is making money while they sit there and the Town is losing their application fee. Kabana is suggesting a modification to the Council procedures resolution that would allow the Chair to change the agenda order if applicable. Discussion. Council agrees, this should be at the next meeting.

3. POWERPOINT PRESENTATION GUIDELINES FOR PUBLIC USE

Dezman – if someone brings something for the Power Point staff should have enough time or it is not fair to them. Discussion. Moccia – there has to be a cutoff. Dezman – realistically if it is not in staff's hands on Monday at noon then it can't be done. Vail – is there a time limit for the use? Dezman – yes, but how you do that she does not know. Eschenberg – the normal speaker time limit is 3 minutes and if it is not a big crowd then you can let them talk longer. But someone could come in with a 10 minute presentation as a response to an agenda item then it seems to him that the 3 minute limit would apply. If a citizen comes in prior to noon on the preceding Wednesday and requests an agenda item then the limit should not apply. Dezman –

feels there has to be some kind of limit. Mayor – but if someone requests an agenda item then there is no limit normally. Moccia – the limit is usually controlled by the Chair. Mayor – feels Council should think about it. Dezman – will put something together.

4. PROPOSED ADOPTION OF TOWN LOGO BY ORDINANCE

MOTION: Vail/Moccia to direct staff to prepare an ordinance to adopt the logo by ordinance. VOTE: All aye.

5. TOP THREE CONCERNS FOR THE SPACE COAST LEAGUE OF CITIES

Several items were discussed. Mayor – stated he will submit the State selling their land to a developer who then turns it into affordable housing; the percentage of land that can be taken off the tax rolls for environmental uses; and the widening of Malabar Road so it can be used as a hurricane route.

6. RESIGNATION LETTER

Dezman – she is very sad that Booth is leaving, feels he has done an outstanding job for the town. She wants the Council to be on the same page on how we proceed from here. In her discussion with Booth he stated that Bill Stephenson can step in as the administrator temporarily. She knows that the last time we looked for a town administrator the Council divvied up all the jobs and that is a lot to do in addition to working full-time. Another concern she has is having the visioning meeting before we have a new administrator, the Council could end up re-doing it. She feels very strongly that the citizens of the Town need to be involved in the process to select a new administrator. She would like the Council to have a consensus on how to go forward from here. She wants to act proactively.

Booth – our prior vision has occurred, including the ground-breaking at MIMA. Previously Council had stated they didn't want to change the zoning in that part of the Town so we didn't and now the use we wanted is going in that area. Subdivisions came in at the acre and a half. Highway 1 has slowed down a bit but it is moving forward. He feels that now it is time revisit our vision.

Dezman – wants a data-dump from Booth in writing all the open issues. Booth – he will do.

Moccia – she has heard Booth say he will be around to help us with the transition but she wants him to know that it is not expected. States that we do appreciate Booth and that a written list would be great. She feels that Stephenson will work out.

Dezman – wants to know what caveats and guidelines go with the position of interim. She does not want to assume anything, we need a chain of command. She does not want to be in a reactive mode. Mayor – feels Dezman does not want the interim to make major decisions. Booth – notes that Stephenson is very familiar with the Town. Vail – feels that though Stephenson will need limitations, he will go a good job. Asks who should come up with the interim guidelines? Moccia – feels this should be kept simple.

Vail – asks if we will use the same method of hiring that was used when we hired Booth? Dezman – each Council member chose two citizens and all participated in the process. Moccia – felt this worked well and she explained the process in detail.

Dezman – when the advertisement goes out all applications should be sent care of the town clerk.

Eschenberg – wants an action item on the next agenda to establish the administrator selection committee.

Moccia – we need a deadline. Mayor – how is 30 days. Council agrees.

Vail – would like to get the ad rolling on the building official position. Mayor – normally the administrator would pick the building official. Dezman – would like the ad for the building official to run two weeks after the ad for the town administrator. She does not want the Council to fill all the staff positions that will be working with the new

administrator. Vail – does not want to see this dragged out. Dezman – which is why she is saying to wait two weeks.

Dezman – has a contact mid-state who is a city planner who is very well connected for possibilities he can recommend.

McClelland – should your volunteers be from your district? Mayor – ideally yes.

7. FALSE ALARM NOTICE

McClelland – we have a false alarm ordinance already. Gianantonio – we have the verbiage but we don't have the cost breakdown. Mayor – is the Fire Department requesting Council come up with a resolution to establish these fees? Gianantonio – yes. Vail – can it be combined with tonight's resolution? Kabana – those are not the same fees. Mayor – would the Council like staff to prepare a resolution for these fees?

MOTION: McClelland/Borton to write a resolution on the false alarm issue.

Borton – notes that when the sheriff gets false alarm calls you get three chances and then you are fined. It makes you pay attention. Dezman – she would like us to find out if the fees have already been set.

Mayor – asks Council to give staff some guidance. Vail – to keep it comparable to the surrounding areas. McClelland recommends following the fees listed in tonight's information. Vail – he would like to see what the surrounding areas charge. Borton – but if there is a false alarm the trucks and everything go, it can get expensive.

Bohne reads from our code book: our current code states that the first, second, and third false alarms are warnings. The fourth and fifth false alarms cost \$100. For the sixth and seven false alarms \$250. Over seven is \$500 per false alarm.

Vail – thinks this is low compared to today. Feels it needs to be researched. Gianantonio – we've been out to the Berri Patch 10 times last year.

Dezman – thinks using calendar year causes too much paperwork. If you have four false alarms then you are fined. Vail – is that legal? Bohne – does not think there is any legal issues with the time period.

Mayor – suggests withdrawing the motion and having the fire department determine what it costs to run the trucks per call.

McClelland withdraws his motion, Borton concurs.

Mayor – he missed a comment card. Mr. Cameron wanted to speak and the Mayor states we will hear him now.

Richard Cameron – Hall Road. Council already made their decision on what he was going to state regarding the hiring of the town administrator. Since the Council is going to work with the new administrator then Council should take information from their constituents and do all the work. Thanks Booth for his tenure here, Booth has made a lot of improvements.

ACTION ITEMS:

3. DIRECT STAFF TO PROCEED WITH ORDINANCE FOR MSTU

Mayor will take speakers cards first.

Captain Bob Seigmann, LaCourt Lane, he feels a lot of research has to go on before opting into the MSTU. We have to find out if the areas to the south pay the MSTU. Bohne – they do, and Grant-Valkaria is in the process of opting-in. Seigmann – we have to make sure because this is going to raise our taxes.

Steve Rivet, Rivet Lane, first he wants to thank Booth, Rivet feels Malabar is a better place to live than when Booth first arrived and Booth is a big part of the reason why. Asks the Council why is there a rush to taxation? There was a straw ballot item and he thinks the voters said they would rather have the MSTU instead of starting a Malabar police force which is not the same as saying please, please tax us now. He feels Council would not want their names on a billboard stating they voted for the MSTU. If the County was promising us something in writing the he would not be here saying this

but the County is only saying 'maybe we'll get another cop for all of south Brevard' and Malabar is maybe a tenth of that area. So we will be paying a significant new tax for the promise of maybe doing something at some future time and unspecified action. Asks how many of the Council want to vote for higher taxes in which we will probably not get anything in return. Ask Council to please consider this.

MOTION: Dezman/Borton to direct staff to draft an ordinance for the MSTU.

Dezman – she received a letter from the Sheriff and another letter from Commissioner Voltz. She was very unhappy to read the Sheriff's letter about what he thought we said at our last Council meeting when he was not here. It is now in writing from both Commissioner Voltz and the Sheriff that they will take the additional funds we get from Malabar for south precinct deputies. The short and the long of this is that she was fine until she received the letters and now she is unhappy because this was inappropriate in her opinion. Council has an obligation to do what is ethically and morally correct for this town. This is clearly an effort to put the pressure on.

Moccia – feels like the people who voted on the straw ballot were very strait-forward in knowing what they wanted. She did talk to people who voted against the MSTU but they are concerned about developing a small town police force that ends up sitting on the corner and giving out tickets because they are small town and they need the funds. She likes the fact that we do not have police traps, plus she wants the town to be able to afford the police protection. States that her decision is based upon the straw ballot voting results. She has heard Vail and McClelland say they want the citizens to have more information and we've had citizens who say they have started a small town police force but the Town hasn't contacted those people. We are just going on and on with this. Asks how long we are going to drag our feet? We keep saying we know the costs involved but she feels we haven't even scratched the surface of the real cost. She asks what do we do if we have another straw vote and the vote does not come back the way they want, then what will we do? It is her opinion that the voters made their decision.

McClelland – he feels that there wasn't clear, definitive information put out prior to the vote.

Vail – agrees with McClelland. He feels what went out before wasn't factual. And the importance of a straw ballot is the word 'straw', it means non-binding. The ballot basically said that a person was not making a decision on the MSTU by voting on this. He does not feel that something with a July deadline should be voted on in January. He feels we should put this out for the voters. He is not willingly going to decide for his constituents on a deadline that is six months away.

Eschenberg – the Sheriff's letter states that the Council has until April 15th to make a decision. Vail – has not received that letter in the mail. He feels we need to send out a letter regarding a meeting to be held in the future.

Dezman – asks if Vail is proposing what Dezman said at the last meeting? Vail – yes.

Vail – are we legally bound to commit to the MSTU? Bohne – no. Moccia – we never have been bound legally. Bohne – he asked the County attorney what we will be sued for and he never received an answer. The Town never asked for 'MSTU' deputies, the County gave them to us. The County is required by State law to provide certain services to us but that is usually done by 'general fund' deputies. Notes that the Sheriff's letter never says he will stop serving the town, the County is saying that the Town needs to do the right thing.

Booth – is Council wanting to send out a letter and have a big meeting at the Fire Station? Moccia – who is going to write a non-bias letter? Booth – he will. Moccia – that is fine. She states she does not want higher taxes. She just wants to make sure we are clear about what we print. The question on the ballot was not clear. People did vote even though we didn't give them a third choice. If we are going to do this we will have to

give them a clear date and time and then post it accordingly. We need to act fairly to everyone who did go out and vote.

Discussion of what to put into the letter.

Dezman – states that hindsight is always 20/20. We may have made a mistake with the wording on the ballot. Borton – but the people voted and if they had been given a third option they probably would have chose it because no one chooses in favor of more taxes. When she dials 911 she wants to know they are on their way. The people have the right to also know they will not have the best morale with the police department. They are the ones who watch our community but how good do you think they are going to feel about Malabar? She does not want to pay any more taxes but we have to have ethics. We are asking for free services and that is not fair. The people did vote that they didn't want a Malabar police department.

Vail – feels ethics is why we need to go to the people one more time.

Moccia – asks Vail what does he see happening next? What will Vail do if the people at the fire department meeting are in favor of the MSTU? Vail – then he will be in favor. Dezman – what if only ten people show up? Vail – then we do what they say. Borton – but you had all those people vote. Moccia – agrees with Borton, the people voted. Vail – he feels it needs to be discussed in a larger forum. Moccia – then it needs to be well posted. Dezman – she has seen signs that advertise 100 signs for \$199, we need to do that.

Mayor – would like to hear from the speakers again. So would Council.

Steve Rivet, Rivet Lane, there is a very important statement in the letter from the Sheriff in the first paragraph on the second page. *'.... if the Malabar Town Council decides to be served by the Sheriff's office I will request the Board of County Commissioners to allow me to use the funding for more patrol deputies for the south precinct area that will result in an improved level of service to Malabar and surrounding areas.'* Rivet – it says 'I will request' and they can say no. Borton – they have said they would help. Rivet – they have said a lot of things that have not occurred.

Richard Cameron, Hall Road, taxes never go down. The County is already getting taxes from all the services they already provide to the Town. When we incorporated they still serviced this area. But now their budget has gotten so big that they are looking for areas other than the general fund to fund their staff and department. They have realized they can pick up money from this Town if they can get the Council to vote for it. As it has been stated they are required by law to service this County and we are not required to pay for those services. His taxes jumped this year and he considers that his MSTU payment, he hopes they spend it well.

Capt. Bob Seigmann, LaCourt Lane, asks if this is an ad valorem tax? Does that require an referendum? Mayor – not for an MSTU, the Council can enact a MSTU. Seigmann – this is 70% of our ad valorem tax, and that is enough to choke a horse.

McClelland – notes that in 1977 the County put us under a barrel by taking away fire protection and now they are doing it again. Bohne – and they could do that with the fire protection because it is not constitutionally or statutorily required to be provided.

Dezman – if we have this meeting she thinks it is important that every person in this town have a copy of these letters we have tonight as part of the education for the meeting at the Fire Department. She thinks what we have to be careful of is that we take the position of the Town, not our position. The authors of these letters also represent the citizens of this Town and those citizens need to know what we are getting in the mail.

Vail – wants the Mayor to write the letter for the meeting at the fire department. Discussion. Dezman – Booth can write it and Eschenberg can red line it for the next Council meeting.

Borton – can we get sued for this? Bohne – anybody can sue anybody but he does not believe there is a basis for them to sue us. They provide a MSTU deputy at their

choice, they could provide us with a general fund deputy. He does think they have other ways to get back at us.

Dezman – the motion is to direct staff to proceed with an ordinance for a MSTU but even if we vote in favor of it we don't have to pass the ordinance, correct? Mayor – correct.

VOTE: Aye – Borton. Nay – Dezman, Moccia, McClelland, Vail.

MOTION: Dezman/Vail direct staff to set up a meeting for March 15th with all the bells and whistles of education, these letters going out, posted on the marquee and spend \$200 on 100 signs.

Mayor – and the staff is to make every effort to educate the public. Dezman – this needs to be very well advertised.

Dezman/Vail agree to change the date to the 10th.

VOTE: All aye.

1. PROMISSORY NOTE REQUEST FROM FLORIDA EAST COAST RAILWAY FOR BALANCE DUE ON REFURBISHING OF JORDAN BOULEVARD RAILROAD CROSSING

Booth – we have been paying the railroad yearly payments to pay off the \$80K due them for refurbishing Jordan Blvd. Bohne – there is an old very bad agreement that makes us pay this.

MOTION: Dezman/Borton to pay the bill and get it over with.

Discussion regarding the paying of the bill. The amount due is \$36,623.49.

VOTE: All aye.

2. RESOLUTION 02-2007, AMENDING FIRE INSPECTION FEES

Mayor – without objection he will read by title only.

RESOLUTION 02-2007

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, REPEALING RESOLUTION 7-93 RELATING TO FIRE INSPECTION FEES; PROVIDING FOR ADOPTION OF NEW FIRE SAFETY APPLICATION, REVIEW, INSPECTION AND PERMIT FEES; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: McClelland/Moccia to approve.

Booth – we are not looking to make a profit, we only want to pay for the services rendered. We are looking to hire Mr. Foley as Fire Marshal when he is certified. Notes that if you are a business you can hire a certified inspector yourself.

VOTE: Aye – Borton, Vail, McClelland, Moccia, Dezman

REPORTS: MAYOR, COUNCIL

- Dezman – regarding town administrator experience, are we for looking for 5 years as an administrator or 5 years as a leader? Moccia – she feels it should be administrative.
- Dezman – in the spirit of clear communication she feels we should respond to the two letters. Eschenberg – is not sure we want to stir up the Commission. Moccia – agrees.
Dezman – good point, that is fine.

- Dezman – she made mention at the last meeting that she received an unsigned letter and she has since found out the author of that letter. The person must have read the minutes so to her it is not an unsigned letter. Feels this needs to be discussed in terms

of what was in that letter. Basically what the letter says is that the Town is not getting their monies worth from Public Works in terms of hours worked. So she thinks we need to discuss this amongst us. Kabana – the Town does not have copy of this public record and asks that one be sent to her. Dezman – wants this as a discussion item next meeting.

- Dezman – the foot park on the corner of Malabar Road has a partially finished fence that looks fabulous but why is it not finished? Moccia – someone who said they would help dig a hole said they could not do it any longer and you can't dig thorough the roots. But, she notes, there is a way around it, we will have to be creative so we don't kill the roots.

- Dezman – the soccer group asked that we modify the parking in Malabar park. Booth – no one has come to him about modifying the parking. They can modify where they park their cars but he does not think we should be moving the fence into the park. Dezman – tells Booth that this is one of the things she wants Booth to write down on the open list with Booth's position on this issue.

- Dezman – the light's at Gentile's are still blaring. Booth – he will be out there. Dezman – and those open issues that went before the last Special Master need to be brought before the new Special Master ASAP. It is not fair to those homeowners who live around those lights, nor it is fair to the new subdivision. Booth – we have to start over, we just can't take the old stuff and move on it. Dezman – she understands.

- Moccia – regarding public works, she received a packet from Skip Hard regarding the way public works incorrectly grades. This is the second time this was submitted. This shows pictures of the washouts and the way the roads are graded and the wastefulness of this Town. Our grader operators went to training but did they learn anything? She is still having a problem with the way the roads are graded. And many people now have the milled roads. Asked if Hard Lane has been milled. Booth – no, but we have worked on that road. Notes that there are a lot of roads that need millings and we thought we'd get some from the job DOT did on US1 but the millings weren't available. Our problem is that Ranger Construction has the millings but they have been closed for three months waiting to get another contract. And we've been trying to get them to let us in once and a while to pick some up. They have plenty of it there it is just that the facility is closed. 60% of the roads are now milled. Moccia – and they are so good compared to an unmilled road.

- Moccia – she is going to tell Ben DeBois to come to the March meeting. He has gone through the creation of a small town police force and he knows the costs involved. Notes that we need to look at all aspects of this but she knows that we put a vote before the people and if we do another vote, or whatever we do, we need to make sure it is done right this time.

- McClelland – Waste Management – his trash cans are missing their lids and he has since realized that his neighbor's lids are missing also. He would like a representative from Waste Management at the next meeting. Booth – will do. Moccia – when is their contract up? Booth – it is coming up as well as the FPL franchise.

- Vail – asks Booth if he really has a problem with productivity in Public Works. Booth – it has been the same. Dezman – asks if there was a chainsaw accident in public works and was there safety training on the new chainsaw? Booth – chainsaw safety is all the same. The employee did an unsafe act and was injured. Dezman – what was he wearing on his feet? Booth – that he does not know. Vail – this needs to be discussed at the meeting. Dezman – states that it just not productivity that needs to be discussed. Vail – will we know who wrote the anonymous letter by then? Moccia – feels there is enough here to discuss, we really don't need to know who wrote the letter. She does not need a letter to tell her something is going on. Dezman – if someone has gotten hurt then we need to discuss this, her feeling is to be proactive, not reactive, before we are dealing with somebody's death.

- Vail – as far as the MSTU he just wants to make sure we do the right thing. Dezman – at least when you vote you know you will vote correctly.
- Borton – nothing at this time.
- Eschenberg – asks about the sign ordinance. Bohne will work on this.

PUBLIC COMMENTS: GENERAL ITEMS

- Pat Reilly, Howell Lane – he states that he makes decisions based on facts. The fence height ordinance is not his opinion, he gave Council the facts. Because he is on P&Z he knows the code. No matter what board he is on he would have approached Council about the fence height. As he was driving by the Oakmont subdivision he noticed that the columns were many feet over his head and this is why he approached Council. He didn't write the codes. He read the code book section on subdivisions and he did not find any relief for fence height. He reads from the code. This is not his opinion, it is the code. At the last meeting he gave Council copies of the code and pictures. He presented all facts and data. He asks Council to go out and measure themselves. He is only a concerned Malabar citizen, he is not out against the subdivision, he did not write the code.
- Bud Ryan – Pat Reilly is very dedicated to the town, does not feel he gave anything more than the facts. Also he is hoping that there will be some citizen observers and background checks on the finalists for town administrator. He suggest postponing the visioning process until we have the new administrator. And he feels there has been a lot of misinformation about the MSTU. He suggests advertising in the MailBoat that there will be information on the website and to put a copy of the letter there. On false alarms he feels that deliberate false alarms should be reported as a crime.
- Vail – in checking out the Gentile lights he noticed that the lighting on the median strip in Stillwater Preserve is up lit which is a violation. Dezman – then that needs to be addressed.
- Bohne – notes that he tried calling Gentiles attorney and the number is no longer in service.

ADJOURNMENT**MOTION: Dezman/Vail to adjourn. VOTE: All aye.**

The meeting adjourned at 10:08pm.

BY:

Mayor Tom Eschenberg, Chair

ATTEST:

Susan Kabana, CMC
Town Clerk/TreasurerDATE:
