

**MALABAR TOWN COUNCIL REGULAR MEETING
SEPTEMBER 17, 2007 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 Mayor Eschenberg. The prayer and pledge were led by Council Member Chuck McClelland.

B. ROLL CALL:

MAYOR/CHAIR	TOM ESCHENBERG
VICE-CHAIR:	CHUCK McCLELLAND
COUNCIL MEMBERS:	NANCY BORTON
	BRIAN VAIL
	BOBBI MOCCIA
	PAT DEZMAN
TOWN ADMINISTRATOR:	BONILYN WILBANKS-FREE
ATTORNEY:	RICHARD RIEHL
DEPUY TOWN CLERK:	CINDI KELLEY

- C. ADDITIONS/DELETIONS/CHANGES:** Moccia requested that the Valkaria Airport be added as a discussion item between Council. Mayor Eschenberg made this item I 12 under Discussion. Dezman-stated the citizen request for monetary support for cancer is a sponsorship from Council for the people who are involved in a marathon; Council has done this before. Kabana-stated that item H 5, the ordinance for Doggie Dining, needs to be deleted; it must go to Planning & Zoning before it can have a first reading. Mayor Eschenberg suggests that this be move to item I13 as a discussion item; he would like to discuss some issues he noted with this item.

D. PUBLIC HEARINGS:

ORDINANCES – FINAL READING

1. **Adoption of Proposed Millage Rate (ORD. No. 2007-12)** 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, 2007 THROUGH AND INCLUDING SEPTEMBER 30, 2008.

Exhibit: Agenda Report No. 1

Recommendation: Motion to approve

Without objection, Mayor Eschenberg read Ordinance 2007-12 by title only.

The Mayor stated that the proposed milage rate is 1.2693 and the final levy of 1.2693 mills will result in a -5.0 decrease the rolled-back rate of 1.3361. He then stated that the final milage rate of 1.2693 is to fund the expenses for the fiscal year commencing October 1, 2007 and ending September 30, 2008.

Mayor Eschenberg opened the hearing to the public. Hearing from no one, it was brought back to Council.

MOTION: McClelland/Moccia to approve Ordinance 2007-12 as presented. The roll was called: Borton, Vail, McClelland, Moccia and Dezman, All Ayes. Motion carries.

2. **Adoption of the Proposed Budget FY2007/2008 (ORD. No. 2007-13)** AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA ADOPTING THE BUDGET FOR THE TOWN OF MALABAR FOR THE PERIOD FROM OCTOBER 1, 2007 THROUGH AND INCLUDING SEPTEMBER 30, 2008.

Exhibit: Agenda Report No. 2

Recommendation: Motion to approve

Without objection, Mayor Eschenberg read Ordinance 2007-13 by title only.

The Mayor stated that the final budget of \$2,248,486.00 is to fund the proposed expenditures from October 1, 2007 through September 30, 2008 and reflects the general operating milage of 1.2693 mills.

Mayor Eschenberg opened the hearing to the public. Hearing from no one, it was brought back to Council.

MOTION: Moccia/McClelland to approve Ordinance 2007-13 as presented.

Mrs. Wilbanks-Free asked Mrs. Kabana to speak on the pages that were provided regarding changes made. Mrs. Kabana stated that on the revenue and expense side, Fund 300 has been moved into the budget after a discussion with the auditors. The \$2,248,486 represents \$65,000 more than we discussed at the last hearing. The next thing we adjusted for the Town Administrator's car allowance; an addition of \$597. We decreased; on page 50 of 58, account 572.460 is where these funds came from so the budget is remains in balance. Pages 43 to 48, revised, all deal with exchange we have been talking about between account 539 and 541; at the last meeting on account 539 it was \$341,987; account 541 was \$155,009. Now after adjustments, account 539 is \$38,516; account 541 is \$458,480. Mrs. Kabana did notice that on pages 47 and 48, they should be for account 541. It was explained that the reason for splitting this out has to do with the Local Option Gas Tax. The Local Option Gas Tax is calculated on the last five years expenses in the 541 account; Mrs. Wilbanks-Free was concerned that we had too much of the account funds for 541 in the account for 539; after doing research, the numbers that are presented to Council this evening are the fair 541 account numbers allowing also for 539; we can't use Local Option Gas Tax to pay for caring for the parks or mowing at Town Hall. Carl provided a breakdown of the man-hours that were broken out from the 539 account; which is \$38,000. Mayor Eschenberg asked about the impact would be on the gas tax for the next year. Mrs. Kabana stated this is just an estimated and we are lumped in with the County; the State of Florida says we're going to give Brevard County a certain amount of money; all expenses for the municipalities for Brevard County are lumped together. Last year, our expenses were about \$548,000; this year we are budgeting \$458,000, which may show a small increase. This budget is just an estimate.

Mrs. Kabana stated that, in light of the last Council meeting, she would take no raise for the first six months of the year; at which time Council could give her another performance review and decide if Council wants to give her a raise. Mayor Eschenberg stated that what was just stated would have an impact on the budget. Mrs. Kabana stated that the budget isn't there just to be spent; it's just an estimate of what you think is going to happen. Mrs. Wilbanks-Free stated that nothing would be required to change anything except the fact that you would know when we do the change status form; which are now in place for all the employees; which would receive the 3.5% COLA, I would not put one in for the Town Clerk's position until Council advises that this would go forward. Mrs. Dezman states that before we make this decision, we should pick up the last part of what was asked to be put on the agenda. She has some information that needs to be discussed with all the Council members. Mrs. Dezman thanked Mrs. Kabana for her suggestion. We have to look at how we do business first, performance reviews and dates and that kind of thing. From Mrs. Dezman's perspective, she very much appreciates the recommendation on Mrs. Kabana's part, but would like to hold off until the discussion later in the meeting.

Mrs. Kabana left a message for Council this evening. Due to a change in doctor's appointment for the next morning, Mrs. Kabana is not able to stay for the entire meeting. She will not be there for the discussion later in the meeting.

Mrs. Moccia asks Mrs. Kabana about the discretionary funds for the remainder of this fiscal year. Have they already been closed? Mrs. Kabana stated that this would be discussed under the budget adjustments; nothing is written in stone. Mrs. Moccia usually makes a \$400 donation

to Mr. Withers for the orphanage in Peru. Mayor Eschenberg states that the fund is still there until Council takes action on the budget adjustments. Mrs. Kabana stated this can be discussed under action item 8. Mayor Eschenberg asks Council if there is anymore discussion on the budget. There being none, **the roll was called: Borton, Vail, McClelland, Moccia and Dezman, All Ayes.** Motion carries.

E. PRESENTATIONS

3. Citizen Request for Monetary Support for Cancer

Exhibit: Agenda Report No. 3

Recommendation: Motion to approve

Barbara Payne- 2220 Duncil Lane; came forward and addressed Council. Mrs. Payne's husband has been diagnosed with cancer; he is receiving a bone marrow transplant in October. There are five ladies who have joined to run a marathon in January. They are looking for donations. Mrs. Dezman asked if they are looking for donations for the bone marrow transplant. Mrs. Payne stated the funds go directly to the Leukemia Lymphoma Society. This society provides information and assistance to families who need assistance with situations like this. Mrs. Dezman stated it takes \$2,400 per person on the team. She can't speak for the rest of the people on Council, but she can use her discretionary funds for this purpose. Mrs. Dezman will contribute \$250 from her discretionary funds and as a private citizen, another \$250 will be given by Mr. and Mrs. Dezman. Mrs. Moccia stated she will give \$100. Mr. Vail stated he would like to donate \$250; Mrs. Borton stated she will give \$500 and Mr. McClelland will give \$250. Mrs. Dezman asked that Mrs. Payne contact Mrs. Wilbanks-Free with regards to how her husband is doing after the transplant. Also, we would like to know how the marathon goes in January.

F. CONSENT AGENDA

4. Approval of Minutes

Exhibit: Agenda Report No. 4

Recommendation: Motion to approve

MOTION: Moccia/Vail to approve the minutes.

Mrs. Borton stated she would like to make a couple clarifications of the September 5th minutes. The comments are exactly what they are and its concerns her that constituent Juliana Hirsch, the way she translated it is totally off what she said. Mrs. Borton is not looking to re-zone or re-do anything in the fashion of what is behind people's fencing. With regards to Ms. Parker's property, she was concerned with how we handled it and that after several years, it is being handled. That is all she wants to clarify; doesn't want to go out looking for trouble. Mayor Eschenberg asked which one in particular is she speaking of. Mrs. Borton stated the bottom of page four is what she is speaking of and it is exactly what Mrs. Borton stated. In reference to this particular item that we are discussing. On page five, about enforcing the code, with regards to the situation that we are discussing; Ms. Hirsch misinterpreted this to mean that Mrs. Borton is saying that we should go out and get everyone up to code. She's not saying that we should get everyone up to code; when someone has a complaint about a property for seven years, Mrs. Borton has a concern about the situation. Mayor Eschenberg stated that clarification of minutes is fine, but the minutes are supposed to accurately report what was said. As long as they do this, the minutes are correct. You can always come back and make clarification. Mrs. Borton stated she wants to clarify that this is not what she is out to do

Vote: All Ayes. Motion carries.

G. STAFF REPORTS:

ATTORNEY – nothing at this time. Mayor Eschenberg asks if Council has any questions for the attorney. Mr. McClelland asked about the letter from the Building Official. Mrs. Wilbanks-Free state this is a letter to the company that poured the concrete at the fire station; sent in today's mail. Mrs. Moccia states she likes the way the letter sounds; it gives them a chance to prove themselves. Mayor Eschenberg stated that he didn't remember Council ever intending to have any concrete removed. Mrs. Wilbanks-Free stated that this is the discussion that was held at

the last meeting; the concrete that was poured must meet the requirements of the Town's code. With researching this, this is how the Building Official says we can do it. Mayor Eschenberg states that the last sentence of the letter states that if the concrete is not approved, it will have to be removed. What this means is the contractor will run the test; if the test fails, the concrete will be removed or does he mean that the test will not be done at all. Mayor Eschenberg stated it was never his impression to remove the concrete; paying for it was an issue. Mrs. Wilbanks-Free stated that if Council recalls, if it was a regular resident, the concrete would have to be removed. Mr. Cloutier can decide, based on what the testing showed, you can tell a lot from the bill of lading. Mayor Eschenberg stated that he doesn't remember Council ever saying remove the concrete. Mrs. Dezman stated that Council was very clear in our discussions; that if we would make the other citizens do, we would have to follow suit with what we would expect the citizens to comply with. In this case here, the Town is the citizen. Mrs. Borton stated this is in the minutes. Mayor Eschenberg didn't remember this; he thought it was a matter of payment or not. He asked if there were any particular questions for the attorney regarding this letter from the Building Official. Mrs. Dezman asked where she saw that a letter was sent from the attorney. It was mentioned in the weekly FYI sent to Council. She asks if this letter has been sent. This letter went out today and the letter from the attorney went out on September 13th. Mrs. Moccia stated this letter gives the people a chance to prove themselves. They say the concrete has all these features; they have to prove it or remove the concrete. Mrs. Wilbanks-Free stated that this letter is in conjunction with the responses that were given to the first letter claiming they had done everything we asked for.

Mr. Reihl states he doesn't understand why two letters were sent. Mr. Vail states he remembers it being discussed. It came up in discussion to or not to send a letter from the Building Official. Mrs. Dezman stated that she thought the discussion was to have a letter come from the attorney. Mr. Reihl stated that a lot of options were discussed at the last meeting and it was decided to speak with one voice. Mr. McClelland stated one letter; one voice, that was it. Mrs. Dezman asks if we approve the minutes from the last meeting this evening, how can two letters be sent within the last week. How do we know if there is a conflict? She understood one letter from the attorney, one voice. Mayor Eschenberg, on page nine of the minutes. He was trying to summarize what the Council was saying. Mrs. Wilbanks-Free states that just above this, it was stated that the Town is going to have to figure out a way to certify the concrete; that's what the Building Official is trying to do with his letter. Mrs. Moccia states there was a lengthy discussion about this. Mr. Reihl stated that the Town has to deal with the payment issue and in dealing with the payment issue we verify the reasons why payment is not being met. The comment was made why not write a letter and let them come to us; we discussed the idea of demanding some sort of action. It was asked if the letter has been sent. Mrs. Wilbanks-Free said she would check. Mr. McClelland stated this letter should be stopped if possible. Ms. Kelley asked if she could be excused to see if it was picked up. Mr. McClelland stated this letter opens up for payment and we don't want that. Ms. Kelley reports that it did not make the mail. The certified letter was not back in the mail. Mrs. Wilbanks-Free stated she will contact Ms. Franklin to stop the letter if possible.

ADMINISTRATOR – introduced Commander Steve Salvo, the new commander of the south precinct. He is replacing Commander Drinkwater, who is not at the west precinct. The precinct has changed a lot. Commander Salvo assured Council that the good work would continue and to not hesitate to make contact if something comes up.

Mrs. Wilbanks-Free stated that a/c for the Council Chambers will be installed this week.

CLERK

- Fall Festival

Ms. Kelley advised Council that the Fall Fest will be Saturday, December 1st from 12:00 until 5:00; tying the Christmas tree lighting into the event, which will happen at 6:00 pm. A few of the events were announced; the committee is diligently working on this event.

The scoping meeting has been set for October 1, 2007 at 7:30 pm. Would Council like two agendas or would you like to have this at the beginning of the meeting and continue once this is done? Mrs. Dezman advised that she will not be here on October 1st. Mrs. Wilbanks-Free stated that this could be a part of the regular meeting. Mayor Eschenberg asked if it is advertised as a scoping meeting at 7:00 pm, would this bring out more people. Signs have been ordered. The discussion turned to the cost of the signs. Mrs. Moccia stated we have a person who lives in the town; he's very reasonable. In the mean time, what does Council think? If the signs are already made, we will have to have the meeting the way it's advertised. The time is 7:30 and it was Mrs. Kabana's impression that this would take place for the first 30 to 45 minutes of the meeting.

Item H5 was moved to a Discussion Item I 13; it needs to be presented to the Planning & Zoning Advisory Board before we can have a first reading.

H. ACTION ITEMS

ORDINANCES – First Reading

5. ~~Doggie Dining Ordinance, ORD 2007-14~~

~~AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, CREATING (Attorney to provide section number) THE MALABAR LAND DEVELOPMENT ENTITLED "DOG FRIENDLY DINING"; ESTABLISHING, PURSUANT TO SECTION 509.223, FLORIDA STATUTES, A LOCAL EXEMPTION TO CERTAIN PROVISIONS OF GENERAL LAW AND AGENCY RULES RELATING TO PUBLIC FOOD SERVICE ESTABLISHMENTS IN ORDER TO PERMIT PATRONS' DOGS AT CERTAIN DESIGNATED OUTDOOR PORTIONS OF SUCH ESTABLISHMENTS; PROVIDING FOR THE PROCESSING OF COMPLAINTS AND ENFORCEMENT PROCEDURES; PROVIDING FOR INCORPORATION INTO THE TOWN'S LAND DEVELOPMENT CODE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.~~

~~Exhibit:~~ ~~Agenda Report No. 5~~

~~Ordinance 2007-14~~

~~Recommendation:~~ ~~Council action on Ordinance~~

RESOLUTIONS

6. Budget Adjustment for the 2006-2007 Fiscal Year, RES0 18-2007

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PERTAINING TO A BUDGET ADJUSTMENT IN THE FISCAL YEAR 2006-2007. 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. 6

Resolution 18-2007

Recommendation: Council action on Resolution

MOTION: McClelland/Vail to approve Resolution 18-2007 as presented.

Mayor Eschenberg opened this for discussion. Mr. McClelland asked about the cover sheet for this item; he feels there may be an error. He asked Mr. Welton about the hose dryer; it's not from Palm Bay Fire Department, it's from Satellite Beach. Mr. Welton

states the hose dryer is from Palm Bay. Mayor Eschenberg asked if Mrs. Wilbanks-Free could answer questions regarding these adjustments. Mrs. Wilbanks-Free stated these are not your traditional line item moves. Mayor Eschenberg stated they are totally out of budget items as opposed to a line item in the budget being over-run.

The roll was called: Borton, Vail, McClelland, Moccia and Dezman, All Ayes. Motion carries.

MISCELLANEOUS

7. **Exception to fence in RR-65 zoning, columns and gate higher than 54" - 1890 Eva Lane – Applicant Shondalyn Roberts**

Exhibit: Agenda Report No. 7

Recommendation: Council Action

The town code in RR-65 states that the maximum height for a fence is six feet with Council approval; otherwise, it's 54 inches maximum. The fence has columns that are seven feet in height, the fence leading up to the column where the gate is gradually rises to 6' 7" as shown on the application. Mayor Eschenberg asks question of the attorney, with the ordinance being clear, if the Council has the right to violate their own ordinance and give the exception. Mr. Reihl states that Council can approve the exception, but if you grant this, it will set a precedent that cannot be taken back, limiting Council's ability to limit the fence height at six feet. Mr. Vail states that this has been by a case by case basis in the past. Mrs. Dezman stated that discussions about fences for Stillwater and Oakmont subdivisions is that they were not allowed the exception and had to be changed. Both Mr. Vail and Mrs. Moccia state the fences for these two subdivisions were not changed; they were back-filled at the bottom of the columns so they would not protrude more than what was in the original agreement. Mr. Reihl states that Council has the power to approve an exception beyond 54 inches up to six feet; Council does not have the power to approve beyond six feet. Mrs. Borton states this is easy; we don't have the power to change it. The answer is no. Mayor Eschenberg states that this is the recommendation from the Planning & Zoning Advisory Board.

MOTION: McClelland/Moccia to follow the recommendation from the Planning & Zoning Advisory Board.

Mrs. Moccia asks if the applicant can appeal to the Board of Adjustments for this request. It was stated that an applicant can always go before this board. Mrs. Moccia states that if the applicant is not happy with this decision, they may appeal this with the Board of Adjustments. It's another way to approach this request; it is out of Council's hands. Mrs. Dezman asks what the recommendation was from P&Z. Mayor Eschenberg states that it is their recommendation to deny this request.

VOTE: All Ayes.

8. **Approval of Budget Revisions for 06/07 Fiscal Year**

Exhibit: Agenda Report No. 8

Recommendation: Council Action

MOTION: McClelland/Vail to approve Resolution 18-2007.

With the earlier action of donations to the cancer run, this item needs to be worked on. The funds were there until this item came up; we now have to settle this matter. Mrs. Wilbanks-Free states that she knows the funds in the discretionary funds are sacred, but at the eleventh hour with doing budget revisions, she would not normally take from these funds. We hope in the future to not have this happen as we will be able to monitor this monthly. On the other side of this, there is only so much left in the pot because we don't have a large budget. Mr. McClelland makes a suggestion that we wait until next year's budget to make this donation to the cancer run since this budget is already balanced. Mrs. Moccia has always had her authority to spend these funds; she doesn't get paid and this is her way of giving back to the community in different ways. She understands that there have been issues brought to Council that has cost our town a

little bit of back-stepping. Mayor Eschenberg suggests that Council look at the budget revision sheet for the discretionary funds. If you look at this sheet, it takes the remaining balances with the exception of discretionary 3; funds used to pay for signs for the scoping meeting, to be moved into insurance liability. Based on what Council did this evening, this sheet is not correct. We need to find the funds somewhere. Mr. Vail asks if we can table this. Mrs. Wilbanks-Free states we are at the end, there is not a lot of time to fix things and we don't have another meeting before the new fiscal year. Mrs. Dezman stated a call should have been made to let Council know what funds were available to them; she is in agreement with Mrs. Moccia regarding the discretionary funds. Mayor Eschenberg states that the funds are still there until Council takes action on these adjustments. Mr. Vail understands the pressures at staff level with the budgeting process; he will wait until September to see what funds are left in the account and then decide what he wants to do with the remaining funds. Mrs. Wilbanks-Free states this is being used for an insurance liability issues. Mayor Eschenberg asks what funds are being used: Moccia states she has \$100 to the cancer run and the other \$300 going to something else in her reports; Dezman states she has \$250 to the cancer run and the other remaining \$500 elsewhere; Borton states she has \$500 to the cancer run; Vail states he has \$250 to the cancer run and will decide on the remainder of the funds prior to September 30th; McClelland states he has \$250 to the cancer run and the \$200 to pay for the signs for the scoping meeting. Mayor Eschenberg states that the round number is \$3,000; it needs to be found to take care of these funds.

Mrs. Wilbanks-Free asks if a special meeting will be set to approve the \$3,000 adjustment. Mayor Eschenberg states that he doesn't know of a rule that would make it so this adjustment has to be approved in September before the year ends; doesn't see why it can't be approved in October. Mrs. Wilbanks-Free states that you can approve in October what is truly your year end overages but you don't do your May, June or July expenditures. Mayor Eschenberg states that it should be able to slide through this time because it was created in September. We can do this adjustment in October. Mrs. Dezman doesn't mind taking responsibility for the decisions she's made; if we don't look at how we do business, shame on us. Mrs. Wilbanks-Free states she is only trying to resolve this issue. Mrs. Dezman states this isn't to point fingers at anyone. Mrs. Borton states she would like her to give her discretionary fund back to the Town, Mrs. Wilbanks-Free asks for the bottom-line figure of what is needed to correct this. The total is \$3,030.

MOTION: McClelland/Dezman to approve the budget adjustments with the exception of the discretionary funds adjustment.

Mrs. Moccia asks Mrs. Wilbanks-Free about the projects for the Fern Creek Crossing and the funds for those projects. Mrs. Wilbanks-Free states this is in the new budget. Mrs. Moccia asks when this will take place as she is only here for a few more meetings. Mrs. Wilbanks-Free states that this will be on the agenda for the first meeting in October; it has to come back to Council for approval.

VOTE: All Ayes.

9. Proposed Contracts with the MVFD

Exhibit: Agenda Report No. 9

Recommendation: Council action

Mayor Eschenberg asked that this be brought back to Council for action; it was discussed two meetings ago. Mayor Eschenberg asked if Council has any problems with the contract from the Corporation; they rejected the contract that was presented to them by the Town. At the last meeting of this discussion, Mr. McClelland stated he would like to see the payment of \$2,500 to the corporation in the contract; it is not there. Also, Mayor Eschenberg stated that the question of the Town paying for the insurance premiums for members of the corporation who are not members for the fire department. What would the cost impact be on this? Mr. McClelland stated there wouldn't be an impact. Mrs. Wilbanks-Free also stated an opinion from the attorney regarding the volunteerism versus the stipends; this was provided in an FYI to Council.

Mayor Eschenberg asked Mr. McClelland what he thought of the contract. Mr. McClelland stated that basically in 1978 Malabar Volunteer Fire Department, Inc. was chartered under the State of Florida as a corporation. From 1978 to 1994, all we had was Malabar Volunteer Fire Department, Inc. supplying fire protection to the Town. There was an ordinance passed creating the fire department and the corporation; a contract. This is changing totally; what the intent of the corporation is with fund raising, this contract is appropriate. Mr. McClelland would like to see the amount at the front of the contract to pay the corporation for the contract. Mayor Eschenberg asks what the corporation does that they should be paid for. The Mayor feels, under the new contract, they aren't doing anything to be paid for. They will be doing all fundraising. Mrs. Wilbanks-Free states that we do have \$2,500 in the new budget, which was approved this evening, and we have the \$3,871 for the volunteer insurance premium. Those two items just discussed are in the new budget. Mayor Eschenberg would like to see the line item of \$2,500 in the new budget moved to go towards the salaries for the part-time fire fighters. The corporation's main function is to fund-raise. There was a problem, it has been worked through, with regards to fund raising. With the way the laws are now with the State, paperwork had to be submitted to be able to fund raise. This has been taken care of. At this time, ideas for fund raising were discussed.

MOTION: McClelland/Borton to move forward with the Corporation contract.

Mayor Eschenberg states that the Town will enter into this contract with the corporation. Mr. McClelland asks if the contract is ready now. Mayor Eschenberg states that it is. Mr. McClelland changes his motion at this time.

MOTION: McClelland/Borton to approve the contract as presented by the Corporation.

VOTE: All Ayes.

At this time, Mayor Eschenberg asks that the Town Administrator get together with the president of the Corporation to get the contract executed.

I. DISCUSSION ITEMS

10. Request to Formalize Performance Review Procedure

Exhibit: Agenda Report No. 10

Recommendation: Council discussion

Mrs. Dezman asked that this be placed on the agenda for discussion. She had asked for previous reviews of the employees of the Town showing their tenure. Mrs. Dezman was not satisfied with the information that she received. In the past, Mrs. Borton has voiced many concerns from a business stand-point. When Mrs. Dezman first arrived on Council, she asked who Council is responsible for as far as reviews are concerned. She was informed that Council does reviews for the Town Administrator and the Town Clerk/Treasurer. She feels that an employee should not receive a raise without a performance appraisal. In her opinion, people are receiving raises without reviews. Mrs. Moccia states that there needs to be a system in place so that Council can do their reviews; they be given the packets for the reviews that need to be completed. Council should not have to question when an employee is to be evaluated; it should be automatically provided to us. Mrs. Wilbanks-Free stated when she first came here, she was informed that the Town of Malabar does not have a merit system; we have a COLA here. Mayor Eschenberg asked about the regular performance evaluations. With the new organizational chart, the immediate supervisor should be conducting the report. Each employee should have an appraisal done. Mrs. Wilbanks-Free stated that the reviews for Sharon White and Cindi Kelley are completed by Mrs. Kabana; Mr. Booth did not want to do the review for Sharon White. Mayor Eschenberg stated that with the new chart, it should follow by their immediate supervisor. Mrs. Wilbanks-Free stated that a person needs to be trained to do an evaluation. Mayor Eschenberg asked if each employee has an anniversary date for their evaluations. Mrs. Wilbanks-Free stated that she was informed that all reviews are to be completed by September 30th of each year. In the time that she has been here, and her evaluations will state this, she is writing what she has observed for the employee(s).

Mayor Eschenberg asked if Mrs. Dezman has a specific proposal to present. Mrs. Dezman stated that she hasn't time to really sit and look at this in terms of reformatting information. The three-paged evaluation seems to be a good one. Mrs. Wilbanks-Free states this is a form made up from the job description. This is her proposal for Council at this time; it should be given to each employee at the same time every year. Mrs. Dezman feels very strongly about the reviews for the Town Administrator, the Town Clerk/Treasurer and the Deputy Town Clerk should be done by Council, in her opinion. Mayor Eschenberg states that the Town Administrator and the Town Clerk should definitely be completed by Council. Mrs. Dezman states that given the fact the Town Clerk has been out and in, we as Council know what the Deputy Town Clerk has done. It is in the best interest of the Deputy Clerk to be evaluated by Council. Mrs. Wilbanks-Free states that there is something in the code that prohibits Council from having responsibility for management of employees. If you want to say the Town Administrator should complete this evaluation because technically, the Deputy Clerk is not the same employee stature as the Town Clerk. Mrs. Moccia feels that Council should follow the tree that has been created. Mrs. Dezman states that she doesn't care if it is Council or the Town Administrator, somebody other than the Town Clerk should complete the review for someone who is filling in for them in their absence.

In the past, Mr. Booth had Mrs. Kabana would do a review for the Town Administrator's Assistant; Mrs. Wilbanks-Free was opposed to this. Mrs. Moccia states we need to go with the organizational chart that we all agreed on. It needs to be an automatic given to the Council each year at the same time of the year. If we are going to be considering raises and everything else, we need time to do the reviews. Mayor Eschenberg asks if merit raises are not going to be done, what difference does it make what time of the year the reviews are being done? Mrs. Moccia asked when does it get done. We put it on the back burner and it stays there. If it is automatically handed to Council, it will get done. Mrs. Wilbanks-Free states that her evaluation, based on her start date, Council would receive her evaluation on March 1st. Mrs. Dezman states that we need to get caught up and then have the evaluations done again. For as small as we are, she is not of the opinion that evaluations need to be done on anniversary dates. That works nice for the larger corporations. Whether it's cost of living or someone needs to be stepped up because they have worked very hard doing their job and someone else's job, then maybe at budget time we need to consider a little more than COLA; that means the evaluations would have to be completed by May 1st to meet the budget constraints. It was brought up by Mrs. Borton that if we don't do merit raises, how would Council handle this. It was mentioned that a bonus system could be used. Mayor Eschenberg stated that Mrs. Wilbanks-Free is referring to a merit raise on top of the COLA. You have to be very careful how we do this. The bonus system has been done before. Mrs. Wilbanks-Free doesn't want it to be a personality contest with the politicians. Mrs. Dezman wants it on the record that everyone in the Town's employment has treated her with respect and personality; past and present employees. Mayor Eschenberg stated that we need to establish a process for everyone. Mrs. Moccia doesn't want to have this fall by the wayside. She is asking that this be put on the agenda for the second meeting in October; giving everyone a chance to think about what their ideas may be for this issue. Mayor Eschenberg agrees with Mrs. Moccia; all Council needs to think about this, he is also in agreement with Mrs. Dezman, something needs to be done. We aren't quite there yet as to exactly what. Write down your ideas. Mrs. Wilbanks-Free states that she has a DVD from the Florida League of Cities that may be of assistance for Council. Mrs. Dezman states that she will not be here on October 1. She could take the books and put something together for Council at the next meeting. Mayor Eschenberg states that in the mean time, Council needs consider the date that everything should be due, think about who needs to evaluate who so when we come back at the next meeting, it can be discussed and worked out at the next meeting. Mrs. Wilbanks-Free states she can provide the budget time-table to Council to assist with this as well in Friday's FYI.

Mrs. Dezman asked when the last time the ordinances have been codified. Mrs. Wilbanks-Free stated that she began having problems with what is in the code book and what Council is saying. She asked when the last time the ordinances were codified. In researching this, it was found to be between March and May of 2006. Mayor Eschenberg asked how many ordinances there are to be codified. Ms. Kelley stated between ten and twenty. Ms. Kelley also reported to Council that the ordinances would be sent off this week; she had been asking Mrs. Kabana for directions for completing this task. Mrs. Wilbanks-Free stated she does not have the right to give Ms. Kelley direction. It was stated by Mrs. Wilbanks-Free that the codification of Council's policies are not getting done. The cost was what Ms. Kelley was told with regards to how often ordinances are codified. Mayor Eschenberg stated, again, there are not procedures for this; this maybe another process that needs to be addressed and set up.

Mr. Reihl asked if Council has sub-committees that can work on time-tables. Mrs. Wilbanks-Free we can have committees put together, but they don't have a clue as to what is state statute driven. The Clerk's position is statute driven; more than anything, it should require an oversight. Mrs. Wilbanks-Free monitored the Clerk; she didn't have direction over the Clerk, but if there were concerns, it was brought to Council and asked them to do very similar with the accounting procedures. The procedures were written, have the Clerk review them and bring to Council for approval and it becomes a part of the SOP for the Clerk's position. Mayor Eschenberg stated this is like the accounting procedures that were approved. There may be a few more procedures that need to be approved and followed.

Mrs. Dezman has concerns with someone saying "but Susan said". Saying it doesn't carry enough clout around here. With being in and out, it scares her. Mrs. Borton stated she has to echo Mrs. Dezman's thoughts. She has brought this up, the whole thing with the performance review; she agrees they need to be done. We have a deeper problem and no one wants to bring it to the table. She feels that when the Town Administrator changed several years ago, some of the other positions should have changed as well. We now have Town Administrator who knows what is going on. Mrs. Borton feels Council should address the Clerk's position; she doesn't feel that Council should wait for another elected official. It has gone on too long. Fortunately for the Town, the new Administrator has been able to correct some of the issues. If someone was working for her in her business with the books and didn't tell me what was happening with the auditors, that person wouldn't be working for her anymore. We have some serious problems. Mrs. Moccia is asking what Mrs. Borton is suggesting. Let's get it on the docket to discuss it. Mrs. Moccia suggests having the person here to know what is being discussed; it could be uncomfortable for the person to be here, but we need to give the person the respect of knowing what is being discussed, whether in person or by phone. Mrs. Borton states that we need to let the person know when the job is not being done; this may have been okay ten years ago but it's not now. Mrs. Dezman states that she appreciates what Mrs. Kabana said this evening about not taking a raise at this time. Mrs. Borton states that this is not enough. Mrs. Dezman states that in the past, we have given the benefit of the doubt; she wants procedures in place now and that is what she is asking of Council. She is asking that we take action as a Council to do all the right things and not let it go on anymore. Mrs. Dezman is not asking for Mrs. Kabana's termination. She has heard from several people outside of Town Hall, this is what she is trying to do. This is not personal; she is concerned about things not being done, about the books not being done; what concerns her is the things that Mrs. Dezman doesn't know what needs to be done. Mrs. Dezman feels that the Town Administrator is doing her job; thankfully this Council picked the right person for this position. What concerns her most is that the evaluations are not being completed.

Mr. McClelland states that right now we have evaluations that reflect things we aren't currently seeing. What if we currently do the evaluation and then do an evaluation quarterly until such time so that we have a track of paperwork. Mrs. Dezman asks if the three page evaluation that

goes with the job description will be satisfactory. Mr. McClelland states that we do the evaluation now and then again in three months so we have a paper trail to show what she is done. Mrs. Dezman asks where the paperwork goes to; does it go to the Human Resources person for the Town? Mr. McClelland states it should come to Council. Mrs. Dezman asks once the evaluations are done, who does Council turn the paper work into? Mr. McClelland was thinking more in the lines of the Mayor as the Town Administrator does not supervise the Clerk. Mayor Eschenberg stated there could be one collection point; for the Town Administrator and the Clerk, he could collect the information and tabulate it. At a Council meeting, Council will need to know the outcome of the evaluations. Mrs. Moccia states that the person being evaluated is going to read the information; they have the right to know what is in their evaluations. A copy goes to the employee and one to the permanent personnel file. These forms are kept in the employee's files per Mrs. Wilbanks-Free. The form for the Town Administrator and the Town Clerk have been created from the job descriptions.

Mr. Vail asked if the Town Clerk is aware of all her job duties. Mrs. Moccia states that after working her for twelve years and the classes that she has been sent to, she should know her job duties. Mr. Vail states, in regards to the current staff, Mrs. Kabana is aware of how everything is to work on a day to day basis. Mrs. Wilbanks-Free states that Mrs. Kabana is a CMC and she is also in her second year of becoming an MMC (Master Municipal Clerk). Mayor Eschenberg asks if she is aware based on the new organization chart. Mr. Vail asks how long she has had to react to this chart. Mrs. Wilbanks-Free states that she is more than aware of the chart; we have transitioned the work. She has taken over just the accounting side that Council has voted in. Per the new chart, Mayor Eschenberg asks if the approved changes have all been made. Mrs. Wilbanks-Free states yes. Mr. Vail asks as of now if she is up to date with her duties. Mrs. Wilbanks-Free states the code of ordinances are not codified; the records retention issues becomes a separate issue. Everything that normally falls to the Clerk, other than the election, is done by someone else; she delegates the work. Now under the new chart, she hasn't got the opportunity to delegate everything to Ms. Kelley and Mrs. White. Unfortunately, she feels that she is still delegating to Ms. Kelley because things that are asked for Mrs. Wilbanks-Free finds Ms. Kelley doing; whatever happens get delegated. There comes a point that you expect the person sitting in that chair to be doing something not just delegating; when reading the job description that is in place, it states supervise this and that. Supervise does not mean hands on. Someone can take this term literally. Your job description leaves something to be desired. Mayor Eschenberg states one other point. With Ms. Kelley as the Deputy Town Clerk, she should be learning the duties of the Clerk. Mrs. Wilbanks-Free states that she is attending the academy. Mayor Eschenberg is speaking of the day to day operations of the Clerk's office. Mrs. Wilbanks-Free advises Council that the only area that Ms. Kelley is not aware except the treasurer's side of the job; the receivables and the closing of the accounts. Mayor Eschenberg states that Ms. Kelley is not the Deputy Town Treasurer; she has to basically learn all the responsibilities of the Clerk and how the whole job is done. Mrs. Wilbanks-Free states there is a big difference in learning the job, sharing it and doing it; this is were she finds the work load level issues. She is learning the job but she is doing the whole job and not sharing it; there lies the whole workload issues. This is what prompted the work analysis. Mayor Eschenberg states that we have to assume that if Mrs. Kabana was able to be here more and capable of more, we wouldn't have this situation. Her health is a major issue right now. Mrs. Moccia brings up the year of codification issue.

Mrs. Dezman states that Mrs. Kabana stated she got sick in July 10th, this is the beginning of it. We didn't have the books closed out for May and June and the codification hasn't been done. Two months of the books, prior to her health issues starting, were not closed out. She is pointing this out to Council. Mrs. Moccia states that upon Mrs. Wilbanks-Free coming here and finding these things, she's afraid of what will be found next. Mrs. Wilbanks-Free states that she asked Ms. Kelley if this is normal; the responsibilities that she has asked about, and this didn't come on since July, Ms. Kelley's been doing these responsibilities since before that. Mayor

Eschenberg states that this is something that Council may need to address. Council needs to know the full list of responsibilities of the Clerk's office; everything that gets done out of that

office and then they need to know who is carrying out those responsibilities and determine whether the proper person is doing the work. Council hasn't had any oversight in such great detail in Town Hall until now. This town has been operating since 1962. This is probably the first time that this is happening. Mr. McClelland asked if Mrs. Kabana is still assisting Grant-Valkaria; is this still the case. Ms. Kelley states that the Clerk for Grant Valkaria is a MMC herself; she may call and ask a question or two, but she is very knowledgeable. Mrs. Wilbanks-Free states that this isn't something that has been taking Mrs. Kabana's time. Mayor Eschenberg stated a clerk was hired for Grant-Valkaria a short while ago. Mrs. Dezman states the bottom line is she requested information and received it; she has shared it with Council. She brought it to them; if they choose to do nothing with it, no one sitting here now can say they didn't know about it. This isn't the first time. Mrs. Moccia asks if we are looking for something on the next agenda. Mayor Eschenberg states yes; he will, sometime in the next few days, sit with the Town Clerk and find who does what in the Clerk's office. He will bring his findings back to Council; if they want to make changes, you can. Mrs. Dezman states again she not be here on October 1st; she won't be here for this meeting. Mrs. Borton asks if Mrs. Dezman is looking for policies put into place. Mrs. Dezman is bringing all the information to the other five people sitting here. Mrs. Moccia states Council wants a date where they can discuss this. Mayor Eschenberg states that it sounds like there are a lot of policies and procedures that need to be written. He also asks if we have a DVD that we can watch. The TV is only VCR capable. The laptop can be used to watch a DVD; Mayor Eschenberg states he has a DVD from the League of Cities that has to do with liability. It's all about liability that Council can incur on actions that they make; they don't necessarily have 100% sovereign immunity. It's really good information and he feels Council should see it. He asks if Mrs. Dezman will be available at the second meeting in October. Mrs. Dezman states it depends on her classes. Mayor Eschenberg states he will wait until the second meeting in November to present this to Council, when the new members are present. Mrs. Wilbanks-Free stated she has a DVD that may be similar to his; she will check it and make copies for the Council members. Mayor Eschenberg will get with the Town Administrator.

Mrs. Moccia states we need to have this on the next agenda for discussion. Mayor Eschenberg states that it will be back along with evaluations and other processes; call it something like this. This will encompass all the new processes that Council feels we need to put into place. This will be a discussion item. Mrs. Dezman, before asking for this information, spoke to Mrs. Kabana and expressed that she was not happy; she had some concerns and this is the reason for this being on the agenda this evening.

11. Request for Support for Space Coast Area Transit Service in Malabar

Exhibit: Agenda Report No. 11

Recommendation: Council discussion

Mrs. Dezman asked that this item be placed on the agenda. Within two days, she was at St. Joseph's in Palm Bay, she was asked where Palm Bay Community Hospital is located. Constituents have stated that they are in need of bus service along Malabar Road. She was provided contact information to find out about having a bus stop at the hospital and at Town Hall. These two locations seemed to be a good area for bus stops. A telephone number for Mr. Scott Nelson is 635-7815; he is with Space Coast Area Transit. We also need to look at having a stop; not now, they re-evaluate their bus routes in October with the new budget; at the new MIMA facilities. There is a whole set of doctors that will be transferred from the Babcock facility to this new building. We would be providing service for people who can't drive. Mayor Eschenberg asks Council for comments. Mr. Vail states we should see what Mr. Nelson can offer. Mrs. Moccia states it would be nice to be able to provide this service; we need to see what it entails. Mrs. Wilbanks-Free will contact Mr. Nelson and see what information she can provide to Council at the October 1st meeting. There is no disagreement from Council.

This item was added to the agenda by Mrs. Moccia

12. Valkaria Airport

Mrs. Moccia provided a copy of the agenda for the meeting set for September 18th; she will not be able to attend the Site Committee meeting being held at the same time. She has asked if the helicopter complaints are in hard copy. The Master Plan was approved; although the Commissioners were not very specific in their discussions. Mrs. Moccia states that she has not received any packet regarding the items on the agenda and the meeting is tomorrow evening; she's not sure of the procedures. She also mentions that she will bring up the complaints that have been heard regarding the helicopter noise at the meeting and is asking if Council has any other issues they would like for her to bring up at the meeting. Mrs. Borton asks if Mrs. Moccia has received any calls from the Rocky Point area. Mrs. Moccia stated she spoke with Mrs. Frazee today. Mrs. Dezman states that she received two calls; one from the Frazee's and a call from the Rowan's. Mrs. Wilbanks-Free asks if the e-mail from Mrs. Barrett was received. Mrs. Moccia stated she did receive it and she will be taking it with her to the meeting. The next meeting is December 18th, Mrs. Moccia will come before Council prior to this meeting and ask Council for any input or questions that needs to be taken to the Advisory Board.

This item was moved from the Action section to Discussion per Mayor Eschenberg.

13. Doggie Dining Ordinance, ORD 2007-14

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, CREATING (Attorney to provide section number) THE MALABAR LAND DEVELOPMENT ENTITLED "DOG FRIENDLY DINING"; ESTABLISHING, PURSUANT TO SECTION 509.223, FLORIDA STATUTES, A LOCAL EXEMPTION TO CERTAIN PROVISIONS OF GENERAL LAW AND AGENCY RULES RELATING TO PUBLIC FOOD SERVICE ESTABLISHMENTS IN ORDER TO PERMIT PATRONS' DOGS AT CERTAIN DESIGNATED OUTDOOR PORTIONS OF SUCH ESTABLISHMENTS; PROVIDING FOR THE PROCESSING OF COMPLAINTS AND ENFORCEMENT PROCEDURES; PROVIDING FOR INCORPORATION INTO THE TOWN'S LAND DEVELOPMENT CODE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 5
Ordinance 2007-14

Recommendation: Council action on Ordinance

Mayor Eschenberg asked that this be placed as discussion; he has three items he would like to discuss. On page 4, do we want to consider this now; there is a dollar amount that should go in there and he feels it should be placed before it goes to the Planning & Zoning Advisory Board so the document will be complete. There was a note that Orlando charges \$250. Council can always change this figure before it goes to first reading. Mrs. Borton cannot vote on this, but she asks a question in regards to the total cost of the preparation of the ordinance. Mrs. Wilbanks-Free asks how much the legal ad runs. Ms. Kelley states that the ad for the general election was \$35 but was run two times, so a good estimate would be \$50 for the ad for this ordinance as it is only run one time. Council suggests that staff research the cost of the ordinance and this should then be the cost that is collected.

On Page 5, number 4; patron shall keep their dog on a leash at all times. Do we need to establish the length of the leash? Mrs. Wilbanks-Free suggests a non-retractable 6' leash; which is the length of leash used in social settings for dogs. On page 8; it actually starts on page 7, part d; what does this say. To Mayor Eschenberg, after a third violation, the permit should be revoked. It would then have to go before the Special Master. The ordinance should have a stair-stepping penalty with regulations that take care of any other animal with the

exception of an assistance animal. The first violation should be a warning, the second violation should be a fine and the third violation should result in revocation of the permit.

Mrs. Borton asks about page 5, number 2; stating hand sanitizers be placed at each table. There was discussion from Council regarding this matter. Placing small containers of hand sanitizers on the table not take up too much room. Staff will ask Mr. Bohne if this has to be in the ordinance.

J. MAYOR AND COUNCIL REPORTS

Moccia-reports that the bridge at Fern Creek Crossing has been approved by St. John's and the Building Official. This project is ready to go. Liz Ritter's son is ready to build the fence by Mr. Vitaliano's property at Fern Creek Crossing. She will be meeting him at the park on Saturday. Mrs. Moccia asked if anyone on Council objects to having someone mow the area without insurance in Fern Creek Crossing.

Mrs. Moccia reports that she will be donating \$300.00 to the orphanage in Peru with the remainder of her discretionary fund,

Mrs. Moccia asks when the park will be mowed. Mrs. Wilbanks-Free suggested that Mrs. Ritter get with Mrs. Moccia to make sure there are no plants in the way of the mowing. Mrs. Moccia asks if Council has issues with someone who does not have insurance mowing the grass; she would prefer that Mr. Wilbur do the mowing as he has done it in the past. Mr. Vail states that if it is a Boy Scout project, they should be insured through them. Mrs. Wilbanks-Free asks if the Town should have a hold harmless agreement prepared for this. Mayor Eschenberg doesn't feel the Town would be held responsible if the Boy Scouts cut the grass for their project; unless there is a hazard out in the park. Mrs. Moccia stated she will find out about mowing this area in the park for this project.

Dezman-reports that she will not be present at the October 1st meeting. She is asking that full names be put on Town documents: Charles D. McClelland and Patricia D. Dezman.

Mrs. Dezman reports that she will be donating \$100.00 to the orphanage in Peru and the remaining \$400.00 is to be donated to Serene Harbor for them to use as they need. Serene Harbor is her community service project for the leadership class that she is taking. This is a very good organization with the work that they do and it is a benefit to our community.

Borton-reports that she wants to be on record as saying she is not trying to take someone's job; she's trying to do the best she can for everyone. Mrs. Borton has a different view on running a business. She asks that this be well documented.

Vail-reported that he has donated a lot to Serene Harbor; he can be added to the list if they need any assistance with auto repairs and such.

McClelland-reported that he attended a candidate forum for the Palm Bay City Council; they have quite a few candidates. This forum was put on by the Fire and Police Unions as the board asking the questions. This is something that should be considered for Malabar.

Mayor-mentioned that Bob Wilbur, being on the Planning and Zoning Board, can only work for the town as a volunteer. He also states that he has been through the budget more than once; it is a shoestring budget. Council needs to review the budget each month to look for any possible problems; there are not funds to fall back on or any contingency fund in this budget. Mayor Eschenberg attended Growth Management Coalition meeting; he provided information and requested that Ms. Kelley provide a copy to each Council member. This was in regards to the Florida Hometown Democracy Amendment; there is a petition going around the state to have this on the ballot as a Constitutional amendment. This would require a vote from the public for any town or city making changes to their comp plan. The main

thing is a memorandum from Paul Gougleman; makes for interesting reading. Council needs to be aware of this.

K. PUBLIC COMMENTS: GENERAL ITEMS

Mrs. Knudson-2480 Hunter Lane-came and addressed Council regarding the Valkaria Airport. She was not able to attend the meeting when the master plan was approved; she has a DVD of the last two hours of the meeting and was very upset with the way Helen Volz represented Malabar. Mrs. Knudson spoke against the helicopters at the airport.

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

Bob Rowan-2565 Corey Road-came and addressed Council regarding policies and procedures suggestions. He has experience in management and job performance evaluations. The people need to be trained to perform these evaluations. The immediate supervisor should do the evaluation, but get feedback from key people who have been working with the employee. Goals should be set up for the employee and measure the goals; some are regular goals and some are stretch goals for the person to work towards. There should be some corrective actions in place; can't just say at the end of the year an employee didn't do a good job. If it's a problem employee, corrective actions better be in place. If you want to take action to get rid of an employee and there isn't any documentation or the job performances don't support a difficult employee, it will be difficult to remove the employee.

There is a program called ISO9000 and they award the Malcolm Baldrich award every year for the companies that do things the right way. The City of Melbourne has received this award in the past; a point of contact is Council member Richard Contrares, who is an ISO9000 expert and performance evaluation expert. Procedures need to be in place in case someone new comes into the organization.

Sheila Eschenberg-2835 Beran Lane-came forward and addressed Council. After the last two meetings, she asks the Council be very kind in expressing your concerns about the Town and about Mrs. Kabana in particular. In Mrs. Kabana's case, she has an illness that is very grave and serious condition. She needs all the love and prayers that your hearts can hold for her. Mrs. Eschenberg spoke her peace and is disappointed in some of the Council members and the wordings that have been said. Mrs. Eschenberg thanked Mrs. Moccia for showing respect to Mrs. Kabana and said that Mrs. Moccia thought she is due respect. Mrs. Eschenberg has heard so many comments that were so distorted and uncharitable. She asks that Council do a better job and also thanked Mrs. Borton for making it clear that she is not trying to be unkind. She expressed that Council do a better job with regards to Mrs. Kabana.

L. ADJOURNMENT

There being no further discussion, **MOTION: McClelland/Vail to adjourn meeting. VOTE: All Ayes.** This meeting adjourned at 10:35 pm.

BY: _____
Mayor Thomas Eschenberg, Chair

ATTEST:

Cindi Kelley, Deputy Town Clerk

Date