

MALABAR TOWN COUNCIL REGULAR MEETING

February 03, 2014 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 Council Chair Steve Rivet. The prayer and pledge were led by Council Chair Steve Rivet.

B. ROLL CALL:

COUNCIL CHAIR
VICE-CHAIR/MAYOR:
COUNCIL MEMBERS:

STEVE RIVET
CARL BEATTY
JIM MILUCKY
WAYNE ABARE
DICK KORN
MARISA ACQUAVIVA
BONILYN WILBANKS
KARL BOHNE
DEBBY FRANKLIN

TOWN ADMINISTRATOR:
TOWN ATTORNEY:
TOWN CLERK/TREASURER:

For the record Fire Chief Christopher Robinson and Asst Fire Chief Dan Welton were also present.

C. **ADDITIONS/DELETIONS/CHANGES:** Mayor wants to move #13 to before the Attorney leaves. (after Item 10) No objections. CM Jim doesn't want to move anything before the Public Hearings. (FEC and Mandatory sewer hook-up) Put FEC presentation (Item K) after PH. No objections. Keep sewer issue as Item 5. No objection.

D. **Consent Agenda**

E. 1a. **Approval of Minutes** - Regular Town Council Meeting – 1/06/14

- Council WS 1 @ FD - 1/21/14

Exhibit: Agenda Report 1a

1b. **Budget Adjustment – Resolution 02-2014**

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PERTAINING TO A BUDGET ADJUSTMENT IN THE FISCAL YEAR 2013-2014; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report 1b

1c. **Financials Distributed for October, 2014**

Exhibit: Previously Distributed

Chair read Resolution by title only

MOTION: Jim / Wayne to approve Consent Agenda as presented.

Discussion: Dick on RTCM 1/6/14, pg 2 1st para. Incident was Xmas night not Xmas Eve night.

No other corrections.

ROLL CALL VOTE: 1)Milucky, Aye; Abare, Aye; Rivet, Aye; Korn, Aye; Acquaviva, Aye. Motion carried 5 to 0.

E. **PUBLIC COMMENTS:** Comments may not address subsequent Agenda Items. Comments do not require Council response. (Speaker Card Required) Five (5) Minute Limit per Speaker – none

F. **ATTORNEY REPORT –** Fertilizer Ord – current trend is to adopt a stricter ordinance than the State model. Ours is currently drafted with stricter regulations == black out period and the 50% slow release. Before you can adopt you have to send to state agencies for review and they have been replying to other cities that stricter is not necessary. No penalties if we do adopt a more restrictive ordinance. We have to ask for their input, but not their approval.

Re: the Special assessments later on agenda. He provided a long winded analysis via email to Clerk. The packet Clerk provided included an attorney general opinion (AGO) from 1985 re: bridge

assessment in Sat Bch. The law allows special assessments for "other amenities as determined by the council". The easiest way to do some assessments is by linear feet. That is not relevant for the bridge repairs, so the F.S. allows Council to use other methods. Bohne suggests considering a per lot assessment.

G. BCSO REPORT – no representative present.

The following Presentation item was moved to this point to accommodate FECI reps that must drive to Miami after presentation. The Power Point presentation is attached and made part of the minutes.

K. Rusty Roberts, FECO said that the All Aboard Florida project is all privately owned. Their first segment will be from Miami and Orlando. Until 1968 there were double rails all along here. Now they will have to add a second rail adjacent to their owned ROW until they reach the "Cocoa curve" and follow on the south side of SR 528 towards Orlando and terminating at a station at the Orlando Airport but with connections to the approved blue line. This is a private company. They have done studies and plan to provide all the money themselves; privately owned. State or Fed govt. will not be paying anything towards this. These are the planned stops for starters. They did a ridership study. Dick said there was a strong passenger ridership with a hub in Wildwood. Leaving out Tampa and Jacksonville and panhandle area. Have you considered using older lines? Rusty said this is phase 1, get ridership up and then expand. Starting with AM every hour until 9pm. They can't go to Wildwood because they do not own those tracks, they are CSX Burlington. They could expand to go to Tampa and Jacksonville. It is too expensive to buy ROW at this time. Does this involve Amtrak? Not at this time. Wayne, speed of freight train goes 45mph and passenger will be going 110mph. Not just a passenger train – will be a transportation "experience" and will be taking 3 million cars off the streets.

Dick, 110 mph at crossing? They will be upgrading crossings and adding fencing and better gates. Wayne, when will be operational? Early 2016.

Mayor said the crossing improvements will be initially paid for by All Aboard but then the maintenance will fall on the municipalities and they don't get any income from them.

Rusty said the track work will not be a municipal expense. Asphalt and gate arm. There may be an incremental increase eventually on the maintenance. All Aboard Florida is rebuilding all the crossings and they will not need maintenance for 5-7 years. Freight trains are 2 mile long. Passenger train will be 900 feet with 2 engines, 4 passenger cars and a café car. The whole process of crossing Malabar Road will be 45 seconds. Compared to freight trains which are heavier and slower and take many minutes.

Also will have automatic track sensors so they will always know where the trains are and what speed. That is federally mandated. If there is an issue they can be shut down or stopped. Wayne said that 4 miles north at Palm Bay marina, will those RR tracks on bridge be updated; they appear rusted and ready to fail. Rusty wasn't familiar with that location but said all tracks would be upgraded at their cost. Freight trains run 14 times a day and there will be 32 for passenger trains. Impact is over stated.

H. PUBLIC HEARINGS: 3 Ordinances

2. ORDINANCE 2014-01 ASSISTED LIVING FACILITIES

A ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; AMENDING THE TOWN'S LAND DEVELOPMENT CODE; AMENDING SECTION 1-2.6.B. LAND USE CLASSIFICATIONS; PROVIDING FOR PUBLIC HEALTH CARE FACILITIES AND SOCIAL WELFARE FACILITIES; AMENDING SECTION 1-3.1.I DISTRICT PROVISIONS; PROVIDING FOR LIMITED RESIDENTIAL USES IN THE OI (OFFICE/INSTITUTIONAL) ZONING DISTRICT; AMENDING TABLE 1-3.2; REMOVING REFERENCES TO GROUP HOMES AND AMENDING

REFERENCES TO NURSING HOMES AND HOSPITALS AND PROVIDING FOR COMMUNITY RESIDENTIAL HOMES AND ASSISTED CARE COMMUNITIES; AMENDING TABLE 1-6.1 (B) REMOVING REFERENCES TO GROUP HOMES AND AMENDING REFERENCES TO NURSING HOMES AND HOSPITALS AND PROVIDING FOR COMMUNITY RESIDENTIAL HOMES AND ASSISTED CARE COMMUNITIES; AMENDING SECTION 1-9.2; ESTABLISHING PARKING REQUIREMENTS FOR PUBLIC HEALTH FACILITIES AND SOCIAL WELFARE FACILITIES; AMENDING SECTION 1-20.2 OF ARTICLE XX, DEFINITIONS; PROVIDING FOR DEFINITIONS OF HOSPITAL AND OTHER LICENSED FACILITIES, ADULT FAMILY-CARE HOME, ASSISTED LIVING FACILITY, ADULT DAY CARE CENTERS AND COMMUNITY RESIDENTIAL HOME; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 2

Recommendation: Request Adoption of Ord 2014-01

Chair read Ord 2014-01 by title only

PH: opened:

Pat Reilly, P&Z Chair, said they spent a year working on this. He thinks they have a good ordinance and hope they support it.

PH: Closed

MOTION: Jim / Wayne to adopt Ord 2014-01.

Discussion: none

ROLL CALL VOTE: Milucky, Aye; 1) Abare, Aye; Rivet, Aye; Korn, Aye; Acquaviva, Aye. Motion carried 5 to 0.

3. ORDINANCE 2014-02 – AMEND MALABAR CODE CHAPTER 9 FLOOD MAPS
AN ORDINANCE OF THE TOWN OF MALABAR AMENDING CHAPTER 9 OF THE CODE OF ORDINANCES OF THE TOWN OF MALABAR; ADOPTING FLOOD HAZARD MAPS; DESIGNATING A FLOODPLAIN ADMINISTRATOR; ADOPTING PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS; PROVIDING FOR DEFINITIONS; ADOPTING LOCAL ADMINISTRATIVE AMENDMENTS TO THE FLORIDA BUILDING CODE; AMENDING SECTION 6-1 OF THE CODE OF ORDINANCES; PROVIDING FOR REPEAL, INCLUSION IN THE CODE OF ORDINANCES, SEVERABILITY AND AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 3

Recommendation: Request Adoption of Ord 2014-02

Chair read Ord 2014-02 by title only

PH Opened

none

PH closed

MOTION: Marisa / Wayne to adopt Ord 2014-02.

Discussion:

Dick asked if they have maps available. Yes, they will be effective as of March 17, 2014.

ROLL CALL VOTE: Milucky, Aye; Abare, Aye; 1) Rivet, Aye; Korn, Aye; Acquaviva, Aye. Motion carried 5 to 0.

4. ORDINANCE 2014-03 – AMEND MALABAR CODE CHAPTER 8, FIRE PREVENTION
AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, RELATING TO FIRE PREVENTION AND PROTECTION; AMENDING CHAPTER 8, ARTICLE III OF THE CODE OF ORDINANCES OF THE TOWN; AMENDING DEFINITIONS; REMOVING REFERENCES TO DOF AND DEP AND REPLACING WITH REFERENCES TO FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES AND FLORIDA FOREST SERVICE; PROVIDING FOR AN OPEN BURNING MULTILATERAL OPERATING AGREEMENT; PROVIDING FOR SEVERABILITY, REPEAL AND CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 4

Recommendation: Request Adoption of Ord 2014-03

Chair read Ord 2014-03 by title only

PH opened: none

PH closed

MOTION: Wayne / Marisa to adopt Ord 2014-03.

Discussion:

TA said this will be an article in the Mailboat and up on website. Dick understands that this was the purview of a state agency. TA said it used to be under the local jurisdiction's purview; then State changed laws to make it under their purview and this will allow us to have some control again. That is why they put together the agreement. State law prohibits trash burning. So does Malabar code.

Marisa asked about bonfires. Chief said as long as a permit is applied for and they have done a safety inspection there will be no problem. Marisa said fire pits are used by a lot of people. If they require it at DOF. Charcoal in a grill – no permit required. Open flame from a burn pot in yard on cinder blocks. No permit. Ring of fire block and a fire pit in center – permit?

Chief would rather explain to citizens all week long than have a fire go out of control. When you cause concern to your neighbors. If smoke is not impacting the neighbor and no one is concerned with size of fire.

Dick what can we burn and not. Anticipate what requires a permit.

Put up a flyer with visual – circle with line through it.

ROLL CALL VOTE: Milucky, Aye; Abare, Aye; Rivet, Aye; 1)Korn, Aye; Acquaviva, Aye. Motion carried 5 to 0.

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

- 5. Recommendation from P&Z re: Mandatory Sewer Hook-up**
Exhibit: Agenda Report No. 5
Recommendation: Request Council Amend Agreement w/ Palm Bay

Speaker Cards:

Atty Bohne – understands P&Z concerns re: mandatory hook ups. State tells us when we have to hook up.

They shall hook up unless the DOH is convinced that an exemption is in order. Chair said give overview on agreement – no mandatory water hook up.

Pat Reilly: agrees with Atty but wants to ask for guarantees. Just approved ALF and Paladin will be putting in water and sewer and he wants to make sure they have it included in the agreement between Paladin and Palm Bay that it is not mandatory to hook up once the water and sewer lines are run.

Discussion: Wayne said he read this and talked to Pat. He understands from Atty that if the DOH determines you shall hook up then you have to have a mandatory hook up.

Dick said from the time this came until just before this meeting there has been a concern about the mandatory hook-up. We should maintain our sovereignty. People have called with their concerns. This is an older population and they can't afford such a financial burden.

Dan Roberts, Palm Bay Utilities Director, thanked Malabar staff for their assistance and communication regarding this concern. Roberts said he thinks they have a good contract here. They are not going to solicit Malabar customers. They have to come to Council first. Palm Bay has over 2700 septic tanks; of which 1400 are in front of sewer lines. The only time they would contact

a Palm Bay resident is if they have a sewer line in front of the property and you're septic system has or is failing, they will go through a whole list of things including financial hardship. They offer payment plans that span years with no interest. Roberts, quoting from contract, "only by request of resident or per State mandate will the utility hook-up be required. Palm Bay is only going to hook up if they are asked by resident or Town. State has agreed with them.

Chair, as stated this was a major negotiated item during negotiations; Malabar still maintains sovereignty and can approve or not such expansion.

Jim – has property on Hwy 1. He said it is interesting that none of the other potentially affected persons along Highway 1 within his District have called him. It is nice to hear that Palm Bay is willing to modify some language in contract. He asked for the number of residents in Palm Bay that have been forced to hook up. None 0. Jim asked what the current tap fee for water and sewer \$5100 for water, \$745 down, and 10/mo for five years. For sewer it is \$6500 over five years. Those are based on 80 foot road frontage.

Wayne said property owners that have vacant land – if you want to have a special assessment voted on by those property owners. Roberts said in Palm Bay Unit 31 did that a few years ago and they spread cost over 20 years. Wayne asked if a revision to the agreement would go before Palm Bay Council. Yes.

Council thanked Dan Roberts.

CM Jim doesn't want to jinx anything with Palm Bay. With all due respect to those beating their chests. We would be asking for an amendment. The graciousness of the response from Palm Bay. Jim had a procedural question. Is glad that P&Z is looking out for residents. But would like to separate the wheat from the chaff. It is not P&Z asking; it is five (5) people. He is a little bit more than perturbed that this is not a P&Z issue as much as it was a separate person's request.

CM Marisa is uncomfortable with the way this is happening. Everything done with Palm Bay was done over a long period of years; with much deliberation. The statement that Council just passed this without research; that bothers her. That one issue (tail) is seems to be wagging the town.

CM Dick said like an attack on him. Talking about the sovereignty of the Town. Dick said personnel change and in time it may not be as clear. Need to get it right now. He was on the P&Z Board when ALF first came up. The ALF would require water and sewer. He is speaking generally and not about a particular project. Malabar needs to be Malabar.

CC Steve said re: Malabar sovereignty – he asked Atty Karl Bohne to speak to that concern. Bohne said he would have to review the agreement. There are existing lines that they have to maintain. Even if they have to do maintenance they have to come to Malabar. If they will agree to an amendment, what would it state?

Steve said he thinks the reason for the concern re: sovereignty. We already have more control because our sovereignty is in our code.

Mr. Roberts introduced Ms. Suzanne Sherman, Business Operations for PBUC.

6. Recommendation from P&Z re: Commercial Site Plan Review for new 5,527 sq ft building on existing property for Brevard Worship Center, Inc located at: 6825 Babcock Road, Malabar. Applicant, Brevard Worship Center, Mr. Tim Finlayson, Engineer Mr. Vaheed Teimouri of Teimouri & Associates, Inc.

Exhibit:

Agenda Report No. 6

Recommendation: Request Council Approval

Discussion:

Pat said P&Z voted 5 to 0 and would ask if the paved parking requirement be waived.

MOTION: Jim / Dick to approve site plan as presented.

Applicant – Tim Pastor of Brevard Worship Center.

Vaheed Teimouri, existing church and increasing the seats and also would require additional parking, DW permitting through Palm Bay. There will be a looped driveway, paved, a paved apron and driveway and paved handicap spaces. Only the regular parking spaces aren't paved. Won't have landscape requirements on north and south side. The pond is existing. The dry retention area to be added is below that and will have car stops to prevent driving into that area. They will be elevating the building by 2 feet. The existing building will be kept and used for Sunday school or bible study. County will require a sidewalk assessment agreement. Brevard County will assess them when improvements are made.

VOTE: Ayes: 5; Nays: 0.

J. ACTION ITEMS:

RESOLUTIONS: 3

7. Authorize Stormwater Revenues and Expenditures to be carried in the General Fund (Reso 03-2014)

Chair read Reso 03-2014 by title only

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA TO PROVIDE FOR THE AMENDMENT TO THE ACCOUNTING POLICIES AND PROCEDURES TO PROVIDE COUNCIL AUTHORIZATION TO RECORD NON-ADVALORUM STORMWATER UTILITY MONIES WITHIN THE GENERAL FUND; PROVIDING FOR SEPARATE GENERAL LEDGER ACCOUNT NUMBERS; PROVIDING FOR SEPARATE BANK ACCOUNTS FOR STORMWATER REVENUES AND EXPENDITURES; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 7

Recommendation: Request Approval of Reso 03-2014

MOTION: Dick / Marisa to adopt Reso 03-2014.

Discussion: Jim – said they need to add a word, providing for separate GL account numbers and separate bank accounts. Also change ordinance to resolution in title. Also buick sb books.

ROLL CALL VOTE: Milucky, Aye; Abare, Aye; Rivet, Aye; Korn, Aye; 1)Acquaviva, Aye. Motion carried 5 to 0.

8. Establish Golf Cart Registration Fee (Reso 04-2014)

Chair read Reso 04-2014 by title only

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PERTAINING TO THE AMENDMENT OF ADMINISTRATIVE AND PERMIT FEES REQUIRED TO BE ESTABLISHED BY VARIOUS ORDINANCES OF THE TOWN OF MALABAR; PROVIDING FOR REPEAL OF RESOLUTION 3-2013; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 8

Recommendation: Request Approval of Reso 04-2014

MOTION: Jim / Wayne to adopt Reso 04-2014 with a onetime fee of \$50.00 and no renewal fee.

Discussion: Dick said fee is 25 in GV. He has 3 golf carts. Can the registration be transferred? No. Marisa said the fee was to offset the costs to allow this. Mayor, not looking to make money just recover it. He suggests they go with G-V fee of 25.00 and take longer to recoup expenditure. Mayor sees a \$10 renewal. Wayne said G-V charges a onetime fee. No one is going to renew. Marisa said she is in support of the motion. Other Malabar residents should not have to pay for these expenses that only benefit the golf cart users. It is based on 50 users and that may be high.

ROLL CALL VOTE: 1)Milucky, Aye; Abare, Aye; Rivet, Aye; Korn, Aye; Acquaviva, Aye. Motion carried 5 to 0.

9. Request FDOT Replace Thru Lane Signal with Full Signalization and Reduce Speed on SR5 within Malabar (Reso 05-2014)

Chair read Reso 05-2014 by title only

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PERTAINING TO A REQUEST TO FLORIDA DEPARTMENT OF TRANSPORTATION TO REDUCE THE SPEED ON SR 5, U.S. HIGHWAY 1 TO 45 MPH WITHIN THE JURISDICTION OF THE TOWN OF MALABAR THAT IS CURRENTLY 55MPH; REQUESTING FDOT REPLACE THE THROUGH LANE SIGNAL WITH FULL SIGNALIZATION ON THE OUTSIDE LANE ON THE NORTHBOUND SIDE OF SR 5; PROVIDING FOR DISTRIBUTION OF REQUESTS; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 9

Recommendation: Request Approval of Reso 05-2014

MOTION: Dick / Jim to adopt Reso 05-2014.

Discussion: Wayne thought from the last meeting that this was supposed to be two separate resolutions; one for the reduced speed and the other for the through signal. He has no problem with the reduction to 45mph. He does have problem with changing the through lane signal to full signalization. If we eliminate the straight through lane many of his constituents will be inconvenienced.

Jim said it is the safety perception. He said turning north onto US 1 from Malabar Road is very dangerous. When making that left turn you are looking to the north and many times the northbound inside lane sees the outside lane continuing through the intersection and so they blow through the intersection in the inside lane and plow into the person making the left turn. Jim asked Wayne to make that turn northbound for five days. Jim said he is concerned with getting t-boned. Dick said he has and he supports the change. Marisa said she walks the bridge every day and has to make that turn onto Highway 1. She remembers when Palm Bay Road had a through lane and everyone would jockey to get over to the right lane and it was very dangerous. Since they changed that intersection to full signalization it is much safer.

Mayor said everyone stops at light at Jordan Blvd. Pt Malabar Blvd. has a through signal lane. He would suggest that Council ask Palm Bay Council to also request FDOT to change the through lane signalization to full signalization at Pt Malabar Blvd.

ROLL CALL VOTE: Milucky, Aye; 1)Abare, Nay; Rivet, Aye; Korn, Aye; Acquaviva, Aye. Motion carried 4 to 1.

MISCELLANEOUS: 1

10. Use of Outside Accountant vs. Part-time Accounting Clerk (Acquaviva)

Exhibit: Agenda Report No. 10

Recommendation: Request Approval of Agreement

Discussion:

Marisa being on Council for five years she has been the check signer and has also worked on the annual budgets. Why aren't we pursuing the PT acct clerk approved by Council? The outside accountant is still charging 1600/month. We don't have utility fund anymore; it was supposed to go down. If we get a PT acct clerk it will cost less and we will have the GL in house. She asked why Council changed the agenda to allow the Attorney to leave early essentially cutting his wages, but we continue to pay Augie \$1600.00/month.

Wayne, Clerk has said they are up to speed with Quick Books; it should not be a big risk going forward. Augie is not going to say stop sending him checks. Wayne said it is time to take off

training wheels. If Clerk can produce reports that the auditor can validate then we should give it a try.

Jim said it is egregious to continue to send this money to an outside accountant. We want to make sure we have met the transparency requirements. He said we can do them with pen and paper as long as they are auditable. He sees nothing in our reports that we don't have properly booked.

Dick said he is the bill reviewer and is often puzzled on a few of the items and this is one of them. He has never hired a FT accountant. He understands the need for transparency. Franklin said that we have an accounting policy that provides for separation of duties. The person preparing the bank deposit does not make the deposit. The person that does AP does not do AR. The bank reconciliation is done by one and checked by the other in the Clerk's Dept.

Dick said can we have a quarterly reviewer. Jim said what they have done and do: Dick, Marisa and Wayne have all been bill reviewers; they are a check and balance in the system. If there is a question on how to book an item, they can ask the auditor or one of his staff to get the answer.

Jim said they have the professional staff. He can have them run reports and he will show Council Members how to read them so they can see how to monitor expenditures and track revenues.

MOTION: Wayne / Marisa to get rid of outside accountant and replace with part-time accounting clerk.

VOTE: Ayes: 5; Nays: 0 .

Agenda Item 13, Discussion of Mayor's Duties is next per agenda revision before Attorney leaves.

Steve said this was his item. It has come to his attention that Mayor has been swearing in members on Boards. The other issue is the travel budget that they had to do a budget adjustment for after the fact. He thinks the expense should be approved by Council ahead of expenditure. If that is done it should be before the expenses are incurred not after the fact.

Dick said as part of the ceremonial duties is the swearing in. Sometimes the Mayor does it and sometimes the Clerk does it. Dick said the Mayor doesn't get much to do. Doing that for members of Boards and Council Members should be ok.

Dick said as far as travel, Carl has availed himself to travel. He has brought back information to Council. Example is tonight's railroad update from "All Aboard" Florida was actually told to Council weeks ago. He has commanded respect of other communities at the SCLC monthly dinner meetings. He should continue to march forward on this.

TA said any line item shortage is brought to Council. Most of the time it is done after the fact. Steve said we can't say you can't go if you have already gone and incurred the expense.

Steve said it is a mechanical process and should be done by Attorney or Clerk. It implies a subservience position to the Mayor

Carl said about the travel, there was a time when they wanted to put it together and it didn't fly. He has never put in for mileage for SCLC dinners. He goes to lot of things and doesn't put in for mileage.

Jim, he is glad the Mayor is willing to go to all those functions. He didn't hear any screaming over it. He would just say, have staff give him a status of the account before it goes over budget.

Jim said he would suggest that the Mayor do the swearing in of Board Members but do it at a Council meeting. The Clerk should swear in the elected officials.

Marisa, she has heard this before the poor Mayor doesn't have anything to do. This is a Strong Council / Weak Mayor form of government. This perception that he doesn't get to vote, etc., she does not support. She thinks he does a lot, he does it well, and we all have to answer to our residents. Marisa said Carl is a good figure head for the Town.

Dick said he liked what Milucky said regarding the clerk swearing in elected officials. The Board Members are appointed by Council and should be done by Mayor or Chair at a council meeting. As far as who swears in an elected official. The Attorney said he does not have a problem doing it but he asked Franklin if she was the Elections Officer. Yes. Attorney said they should have the Clerk do the elected officials and have the Mayor do the lesser Board appointments made by Council. Chair said to put it in resolution form and put it on the next meeting's agenda. Council consensus to do this.

(No Recess – Attorney Excused)

K. **PRESENTATION:** (Moved this to just after Rusty Roberts, All Aboard Florida, subsidiary of FECI to present plans for RR expansion. Proposed Agreement not discussed

L. **PROCLAMATION:**

M. **STAFF REPORTS:**

ADMINISTRATOR: TA asked Fire Chief Robinson to present the End-of-Year Report – copy attached – 979 hours. In 2013, they gave ...

Tim is 10:30pm.

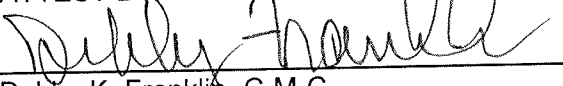
MOTION: Marisa / Wayne to extend meeting. Vote: 4 Ayes; Nay 1 (Milucky) Vote must be unanimous. Meeting over.

Rest of meeting postponed.

R. ADJOURNMENT:

There being no extension of time to the meeting, the meeting was closed at 10:30PM.

ATTEST BY:


Debby K. Franklin, C.M.C.
Town Clerk/Treasurer

BY: 

Chair Steve Rivet

Date Approved: 3/17/14

(seal)