

**MALABAR TOWN COUNCIL REGULAR MEETING
MAY 1, 2006 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 Thomas Eschenberg. The prayer and pledge were led by Council Member Frank Hickson.

<u>ROLL CALL:</u>	MAYOR/CHAIR	TOM ESCHENBERG
	VICE-CHAIR:	STEVE RIVET
	COUNCIL MEMBERS:	FRANK HICKSON
		BRIAN VAIL
		BOBBI MOCCIA
		PAT DEZMAN (excused)
	ADMINISTRATOR:	ED BOOTH
	ENGINEER:	BILL STEPHENSON
	PLANNER:	KEITH MILLS
	ATTORNEY:	KARL BOHNE
	DEPUTY TOWN CLERK:	CINDI KELLEY

ADDITIONS AND DELETIONS TO AGENDA: NONE

CONSENT AGENDA:

A) COUNCIL MINUTES 4/17/06

MOTION: Hickson/Moccia to approve the consent agenda.

Mayor Eschenberg stated that he found a minor correction that needs to be made. On page 5, half way down, it should state that Mayor Eschenberg asked if the big hold up was that the developer lacked the required improvements. It states that the developer lacks the constructed improvements.

VOTE: All Ayes. MOTION CARRIES.

REPORTS:

ATTORNEY –

At this time, Mr. Bohne advised Council that he had sent a letter to the Town advising of a merge with a smaller firm. He has to notify all the clients and there will be a change in the name of the firm. If you still want his services, he is planning to continue working with the Town. There will be no change in his rates and he will continue to be here for our Council meetings. However, Council does have the right to choose another attorney if they so choose. Mrs. Moccia stated that the Town will keep his services.

At this time, Mr. Booth advised Council that we have had technical difficulties and will be using the overhead projector for this evening's meeting.

PARK BOARD CHAIR –

At this time, Mr. Kemmler came forward and addressed Council. He advised Council that he has been working, along with the Park Board, on the FRDAP grants. We are allowed to have three grants at one time. Each grant must be for a specific purpose. Mr. Kemmler invited everyone to come to the next meeting for the Park & Recreation Board, held on May 17, 2006, and let the board know what their thoughts and ideas are for these grants. The rules for filing may be changed. This would involve the time frame for applying for the grants. The dates could be moved back to September 15th through

the 30th of the month to apply. Since they are changing the application dates, the amounts will be affected. Grants up to \$100,000 will be paid back at 100%; grants from \$101,000 to \$300,000 will be paid back at 75%; and grants from \$301,000 to \$500,000 will be paid back at 50%. In years past, they have allowed only two grants to be proposed. Now they will allow three proposals. We would like to have at least two proposals. We would like to use all three grant proposals that are available to us. Mr. Kemmler stated that some of the ideas for these grants are bathrooms at the south end of the park, a larger pavilion or making an addition to the existing one, placing an amp theater in the park and placing shade structures over the dugouts. Restrooms are needed at the trailhead park, but no one has come up with an idea that will equal the amount to construct restrooms. Restrooms are not considered a main structure. Diana Langston is willing to look at all proposals and give us input.

The disc golf park is coming along. A total of 3 to 3 ½ acres have been cleared. Another 5 acres is in the process of being cleared. This is all being coordinated with the Town Administrator so that the landscaping is kept nicely.

Mr. Kemmler brought Council up to date with the surveillance equipment at the park and the Fire Department. The first camera, the one by the ball field, is low to the ground so that license plate numbers can be recorded. The pan, tilt, zoom camera can be focused to view up to 1000 feet and can be on a circuit that can be programmed. This camera does all the work and is located on the corner of the Fire Department. It has been wired so that it can zoom in on the restroom area or at the camera that records the license plate numbers. If there is a problem with either of these two cameras, this camera will immediately zoom in and see what is happening to cause the cameras not to function properly.

Mr. Kemmler touched briefly on the Springfest. It was a great event. He feels that we had twice as many people in the park this year. We are looking into having a smaller event in the fall. Mrs. Moccia stated that she had several people contact her after the event and let her know how much fun they had and how hospitable we were. Mr. Kemmler thanked Ms. Kelley for all her hard work. Mr. Kemmler also thanked Mrs. Dezman for her thoughtful gift of \$25 to each committee member.

ADMINISTRATOR

- POLICE DEPARTMENT STUDY

At this time, Mr. Booth addressed Council regarding the police department study. He went out to the chief of police and we had a nice long discussion. You will have the first presentation by the Melbourne Beach police chief at the May 15th meeting. The police chief of Melbourne Village will make a presentation at the first meeting of June. Mr. Booth advised Council not to get sticker shock at the first presentations. Like all public service organizations, they will give you the big picture first. If we need to, we will adjust the figures down to what we need.

Some additional information that Mr. Booth addressed to Council is as follows:

There was a question about the EELs fencing. They have requested a building permit for a new fence. We were told that they were fixing the existing fence. Mr. Booth sent a letter to Mr. Knight asking him to fix the existing fence like they stated that was going to happen. We are asking that they fix the fence and take care of the pigs.

Mr. Booth has drafted a letter to the Chief Justice regarding the possibility of a courthouse in our area. The letter states to contact the Town Administrator if there is anything that we can do to assist with this project.

Trash Bash was last Saturday, April 29th. We would like to thank the Mayor for his participation in this event. It looks like we will probably win again. At last count, we had approximately 63 tons and it was reported that we had more tonnage than anybody in south Brevard from 192 south. This is just the preliminary figures. The Boy Scouts did get a lot of materials out of the State/EELs property. It was a huge success. Part of the money will go to put up a flag pole at the trailhead and the rest will go to the Scouts. Mr. Booth gave Carl Beatty the credit for this event taking place.

Future projects include working on the budget. A requirement from the Department of Community Affairs is a capital improvement plan that goes along with the budget. That's going to be a no-holds barred for the next 5 years. He advises Council not to get sticker shock. This is not something that has to be implemented; we just have to have one. We will look at all the things we would like to have and put it into the capital plan.

This is something to think about and I am only getting information regarding this. We have a development group coming in on Wednesday that wants to talk about the possibility of trading some land the State would really like to have for Jordan Scrubs. They want to know what kind of zoning and what we would accept. What they want to do is trade for it. They have some land that they want somewhere else. What they want to do is swap with the developer, maybe Jordan Scrubs. Mrs. Moccia stated that they are bartering. Mr. Vail stated that the Jordan Scrubs may be developable. Mr. Booth stated that this is possible and he will get the information. The EELs don't own the property, they would like to. The State owns it and they pretty much can do what they want with it. Mrs. Moccia stated that they still have to follow our guidelines. Mr. Booth stated, as well as Mr. Rivet, that is has to be consistent with our zoning. Even though the County would like to negate the Town of Malabar and our ordinances, it still has to. Mrs. Moccia stated that her thoughts would be to find out exactly what their plans are and not just say what we will allow. Mr. Booth stated that he will be finding out all that is possible and then pass it on to Council.

CLERK

Ms. Kelley reminded Council that the League dinner is next Monday, May 8, 2006. The dinner will take place at the Melbourne Rialto Hilton. Please call the office and advise of who will be going for reservation purposes.

PUBLIC HEARINGS:

1. WEBER WOODS, REQUEST FOR FINAL PLAT APPROVAL

Mayor Eschenberg asked Mr. Bohne if we need to have a second public hearing regarding this. Mr. Bohne stated that a second public hearing is not required. Mayor Eschenberg stated that he wanted to give anyone who wanted to speak about this the opportunity to do so.

At this time, Mayor Eschenberg opened this discussion to the public. Mr. Booth stated that he needed this item to be postponed until the May 15th meeting. The surveyor is not ready. This is the last time that a postponement will be permitted. If they are not ready at the next meeting, they will have to start the process all over again.

Mayor Eschenberg asked Council to indulge him as he has spent time on this project doing some research with the codes. He gave a handout to Council to review and asked

Mr. Bohne to go through the codes and let Council know if these conditions of a plat approval must be met. Mayor Eschenberg feels that he has identified some deficiencies. He would hope that the developer would come back with all of the required information taken care of. This list is hereby made a part of these minutes. Per Mr. Bohne all of these are required to be taken care of before the final plat can be approved. Mrs. Moccia asked that staff provide this list to the developer so that they have an opportunity, before coming before Council, to address these issues. Mr. Booth advised Council that Debby Franklin would provide a copy of this list to the developer.

MOTION: Hickson/Rivet to table until the May 15, 2006 meeting. VOTE: All Ayes.

2. OAKMONT PRESERVE, REQUEST FOR FINAL PLAT APPROVAL

This action item has been requested to be tabled to the May 15th meeting. Mr. Booth stated that the two developers are doing these two different ways. Weber Woods is trying to post the money before they do the work. Oakmont Preserve has done the work and now they want a final. There are two different provisions. One is G1 and the other is G2. They are both taking a different approach. Mr. Bohne stated, for the audience, the reason for this is to allow them to market the properties earlier or later. Once final plat is approved, they can start marketing the properties for sale because they have something to sell. If they build the improvements, then they have to wait until all of those improvements are built before the final plat is approved. If they bond it off, we can approve the final plat before the construction of the improvements. They can start marketing the properties for sale. That is the reason for the two different procedures.

MOTION: Rivet/Vail to table until the May 15, 2006 meeting. VOTE: All Ayes.

DISCUSSION:

1. CONCEPTUAL PLAN PRESENTATION FOR HARBOR RIDGE TOWN HOMES, APPLICANT: ALEX JOYNER

Mr. Booth advised Council that this is our new process. The developer pays a fee to come before staff. We look at the concept, make sure that the property is zoned for what they are asking and that the concept meets all the codes. It then comes to Council for comments. This is just being looked at for conceptual approval. This is not a site plan. This particular project needed no revisions. It does not have an elevator tower that goes above 35 feet and is zoned for more units than is being constructed. At this time, Mr. Booth asked Mr. Alex Joyner to come forward and address Council.

Mr. Joyner came to Council asking to get their ideas from Council and any questions or concerns that they may have. This property is on the west side of US 1, south of the Yellow Dog Café. Mr. Rivet stated that this would be a vast improvement as to where this would be coming into the town. We are under density. We could build 14 units but we have decided to build only 12 units. We are trying to keep as much green area as possible, leaving 2 large oak trees there. We are trying to impact the land as little as possible but still have the Florida vernacular, Key West style look. The peak of the roofs will be 35 feet maximum. The clubhouse will be on the west side of the property. This property is very unique. The elevation is such that we can stagger the buildings so that each unit has a view. A water feature will also be added to the property. We will be looking to the Town to direct us in the right direction for the entrance. We may leave that up to the Home Owner's Association if they would like to have input regarding this.

Mayor Eschenberg asked Mr. Joyner if he had a time line for doing this project. Mr. Joyner stated that they were playing it by ear, as they are waiting for water and sewer on

US 1. This project will not happen without sewer. Before we make progress, we want to make sure or have a guarantee that sewer is coming. We would provide a lift station, which would be able to handle the 12 units. Mr. Vail stated that this design was a more traditional structure design. Mrs. Moccia was glad to see something presented staying within the code guidelines. Mayor Eschenberg stated that the Town could not guarantee that water and sewer would be available. Each building will be 3 stories with a meandering road that leads into the community. The pool and recreational area will be located in the back of the property with a buffer. Mayor Eschenberg asked if there would be an elevator in the buildings. Mr. Joyner stated that each building would have an elevator. Mayor Eschenberg asked how a 3 story building, with a 35 foot height maximum, would have elevators. It was stated from the audience that the elevators would be of residential grade, not commercial.

Mr. Rivet stated, based on what he is seeing and if the project meets the letter of the law, this would be a great improvement for the Town. Mrs. Moccia state she is glad to see something presented to Council while staying within the guidelines of the codes. From the audience, Mr. Withers asked if he could ask a question. During the hurricane, the Town almost lost an employee while taking a generator to the lift station. Would it be possible to have the developer have a generator on-site? Mr. Booth stated that this would not be possible. It is not cost effective to have a generator at each lift station.

Mayor Eschenberg made the comment that he has heard favorable comments from the Planning & Zoning Advisory Board and it sounds like Council is giving a good review based on this information tonight. Mr. Stephenson stated that he would speak with Mr. Joyner outside of this meeting with regards to the lift station location and some other factors regarding this matter.

ACTION ITEMS:

1. RECONSIDERATION OF ACCEPTANCE OF 114 FEET OF ATZ ROAD AS REQUESTED BY MR. AND MRS. PEREZ

Mayor had comment regarding this. Normally, once Council makes a decision, the decision stands unless someone from the winning side makes a request within 24 hours.

MOTION: Vail/Hickson to make an exception. VOTE: All Ayes.

Mrs. Moccia stated that she has read the minutes from the Board of Adjustment. Several times in the minutes one person was making the statement that if Atz Road is opened, then people will start to build. Mrs. Moccia stated everyone has a right to build in this town on the property that they own. We all have several issues that we deal with in our community. You can't tell people that they can't build on their property or that they can't build to the end of their property unless there is a wetland involved. She made a special trip over to the property and saw no wetland. Mrs. Moccia stated we can't approve something that we wouldn't do for anyone else.

Point of order was called by Mr. Rivet. We are going to vote on whether to vote again? Mayor Eschenberg stated that we are voting to bring this back to be reconsidered by Council. Mr. Booth stated that the staff is in a quandary. We allowed the road to be built the way it was based on the Board of Adjustment. If we require them to finish the road or if we make a letter of agreement that if any more property is built, they will have to participate. We can do that but we may not have a handle on how we can force them. Mr. Vail stated that this was the discussion at the last meeting. He made the motion contingent upon the road being extended. Mr. Bohne told Mr. Vail that this would be forcible. Mr. Booth advised Council that we now have a house on a road that Council

has not accepted. Mr. Vail stated there are other road extensions that were cut short due to other reasons as well. Mr. Vail said that he was in agreement with revisiting this issue. Mrs. Moccia asked if there was a wetland there. Is it up against EELs property? The answer was no to both of these questions. Mrs. Moccia and Mr. Vail both stated that they have a problem with this. Mr. Booth advised Council that there is an EELs gate there. Mr. Rivet asked if the gate should be there. Mrs. Moccia stated that the riders will ride through the gates.

Mr. Vail asked that Debby Franklin come forward to give light to Council. Ms. Franklin stated when the amendment was done; we didn't give this enough thought on how, once we grant these applicants to build short, what are we going to do. The amendment that Council passed was to grant special exceptions, not to grant special exceptions for wetlands. This was for special exceptions only. In the minds of these applicants, this was a special exception. Ms. Franklin gave a brief overview of the situation regarding this matter. This situation didn't fit any of our regular rules. It was taken to the Board of Adjustment for a variance. Mrs. Moccia asked a hypothetical question of Ms. Franklin. If a property owner's were supposed to build a road to, does it become their hardship? Ms. Franklin stated that this is the part that needs more thought. If we had said we will grant special exceptions, if we grant this variance, we are also going to have you sign this paper that will run with the property that states when the next person coming in improves the road at his expense, you are going to be responsible for the linear feet in front of your property. They can pay in today's dollars and do it or you can save money now and pay in tomorrow's dollars in payback. We, at staff level, didn't catch this to make a recommendation to Council that we need to look at this. Mr. Stephenson has made the suggestion that we hold a portion of funds for 7 years. The next person coming in would have those fees to help offset the hardship. If no improvements are completed in that time, we would give the funds back. She is just putting this out as an idea. Mrs. Moccia stated we had people come in on Oakridge regarding a culvert. We are still dealing with this. Ms. Franklin stated as the town grows, this will get more complicated. Right now, we passed this amendment and in less than 2 months, we had 5 applications. Those were the 5 roads that were just approved. All of these roads were variances. This issue will be before you again. The next people coming in, regardless of the hardship, will come before you. Mr. Vail stated wetlands are not going to be an issue. There is no dead-end road because of a wetland. When the land becomes valuable enough, the wetland will go away. Mrs. Moccia stated that it doesn't have to. There are people with good intentions. Ms. Franklin stated we cannot deny people the use of their land either.

Mr. Bohne stated this needs to be addressed at the variance procedure, then it's something we have. If we approve the variance and they build their house or road, we are stuck. We have nothing to grab them with, with the exception of Council not approving the road. Mr. Rivet stated the only practical effect of that is we won't have to maintain the road. Ms. Franklin stated we could be burdening the homeowner because they have done everything we advised them to do because mortgage companies call all the time. Mortgages are issued based on the road being accepted and maintained by the Town. We would have to say no. Mr. Bohne stated that the homeowner would be in jeopardy of not getting financing or refinancing. It could be, but probably won't, a title problem for good egress/ingress for the property. There is available egress/ingress there but it could be in jeopardy. The way it is set up now, the Board of Adjustment grants the variance but if Council does not want to accept the road, they don't have to do so. If we are going to do this, what Mr. Stephenson is suggesting as far as getting something up front, it has to be done as a condition of the granting of the variance.

Doing it after the fact, what incentive do they have? If we are going to do it, we need to do an amendment to the code stating that the Board of Adjustment can impose or should impose reasonable conditions including but not limited to getting funds up front. Mr. Vail asked Mr. Bohne if a document can stay with the property. Mr. Bohne stated it needs to be recorded in the public records. It will bind the successors and the assigns of the parties to the agreement. Mr. Rivet stated a much simpler way to resolve this is to build the road. Ms. Franklin stated that this would be a lot less complicated. Mr. Vail asked how many of the 5 variances passed, were the other 4 involved with wetland? Ms. Franklin stated that they were in one definition or another. Mr. Bohne stated if someone really had a piece of property that they wanted to develop that cuts through a wetland, they could mitigate and get it to happen. When we first did the ordinance was that it came up with someone's property running into the EELs property. Mrs. Moccia stated it was the Cameron Preserve. Mr. Bohne stated this is what we were looking at. Mr. Vail stated his concern is the people that come to Council as we leave our positions will have to deal with this. Mr. Booth stated when this ordinance first came in, there were very few homes coming in, the value of the land was minimal. Over the last 4 years, things have drastically changed. The circumstances have totally turned around and we need to look at this ordinance. Mrs. Moccia doesn't want Malabar not to consider people with wetlands. We need to still be nature friendly. Mr. Vail asked the question of who is responsible for the mitigation for the person beyond them want to build. Mrs. Moccia and Mr. Booth both stated the person who requested the variance should put funds up for this. Mr. Booth advised Council that the 7 year time frame good. If it doesn't happen within 7 years, it probably won't happen and the funds would be returned. Mrs. Moccia asked if we would need to give notice to the adjacent property owner's. Ms. Franklin stated that they are getting notices already when applications are received for variance requests. Mrs. Moccia feels it's only fair to give proper notice to the adjacent property owners.

Mr. Rivet stated he feels the important point here, we are talking about the way we grant variances, the issue here is this variance has already been granted. What do we do now? I agree that this is an important issue that needs to be addressed, but we need to address this particular situation. Mayor Eschenberg stated that we need to have a vote to see if this should be reconsidered.

MOTION: Rivet/Hickson to vote for reconsideration. Mayor Eschenberg as if there was any objection. With no objection, **VOTE: Vail and Hickson – Aye. Rivet, Moccia and Eschenberg – Nay. MOTION DENIED.**

2. AGENDA REQUEST FORM, JULANE KIKLA, 2730 ROCKY POINT ROAD, CULVERT CATCH-BASIN

At this time, Ms. Kikla of 2730 Rocky Point Road, came forward and addressed Council. She is bringing this issue regarding a culvert catch basin to Council because she does not know where else to go. This issue started back in 2004 after Hurricanes Frances and Jeanne came through. She has had conversations with Mr. Booth and was given different scenarios of how this would be taken care. Nothing has been done. She was also told the Town Engineer would be in contact with her. She has heard from no one, which is a big concern for her. Mrs. Kikla provided pictures to Council for their review. There was discussion of this problem and how it needs to be corrected. The people who would be involved in resolving this will be contacted to get this project under way. It has become a safety issue and needs to be taken care of as soon as possible.

3. ORDINANCE 2006-07, FIRST READING, CALLING AND SCHEDULING AN ELECTION UPON AMENDMENTS TO THE CHARTER OF THE TOWN

MOTION: Rivet/Hickson to read by title only. VOTE: All Ayes.

MOTION: Rivet/Vail to approve. The roll was called: Hickson, Vail, Rivet and Moccia , ALL AYES. Mrs. Dezman was excused. MOTION CARRIES.

4. RESOLUTION 05-2006, BUDGET ADJUSTMENT FOR THE BUILDING OF A NEW FIRE TANKER

Without any objection, Mayor Eschenberg read the ordinance by title only.

MOTION: Hickson/Moccia to approve. The roll was called: Hickson, Vail, Rivet, and Moccia – All Ayes. Mrs. Dezman was excused. MOTION CARRIES.

5. ORDINANCE 2006-08, FIRST READING, AMENDING THE TOWN CHARTER COUNCIL SEAT CANDIDATE QUALIFYING PERIOD

Mayor Eschenberg stated this is something that this done every year. We don't agree with the State. Mr. Bohne stated that the State changed the qualifying period times. Our charter conflicts with the State statute. The statute provides for an amendment to city charters through an ordinanal procedure without having to go through a referendum. We don't have to do it, but in order to meet the qualifying periods required by State law, we should do this.

Without object, Mayor Eschenberg read the ordinance by title only.

MOTION: Hickson/Moccia to approve. The roll was called: Hickson, Vail, Rivet and Moccia, ALL AYES. Mrs. Dezman was excused. MOTION CARRIES.

6. LETTER OF RECOMMENDATION TO JUDGES REGARDING NEW COURTHOUSE LOCATION

Mr. Booth stated he wasn't sure if Council had agreed on this, thought it would be for discussion. Mayor Eschenberg stated that we would discuss it and come to an agreement. Mr. Booth stated that this is a draft letter that Council can work from. The letter that is sent will be signed by the Mayor. Mayor Eschenberg stated this letter is very general. There was discussion with different ideas of where the courthouse should be placed. Mayor Eschenberg asked what Council would like to do. Mr. Vail asked if we are being tasked to find an exact location. Mayor Eschenberg stated we need to give them an idea of where we would like to have the new courthouse. We would like it to be in this area. Mayor asked if we need to vote. Mr. Bohne stated consensus would be fine. Mr. Rivet stated he doesn't like this and we should specify that it not be in Malabar. This is a County facility. It would be a non-taxing property. There would be no economic benefit that the Town would get by having this building in Malabar. Mr. Vail stated that the letter could be worded to state to place the building more centrally located to the south of Malabar. Mrs. Moccia asked if we could state south of Valkaria Road and pinpoint an area that we are looking at. Mr. Rivet stated that we are making a recommendation but we should make our wishes felt. He doesn't want anymore property that does not generate property taxes in the town. Council has directed Mr. Booth to draft a letter to ask that the building be placed to the south of Valkaria Road in the County. Mr. Booth will draft a letter and provide it to Mayor Eschenberg for his review and signature.

REPORTS: MAYOR, COUNCIL

Vail-nothing to report at this time.

Moccia-nothing to report at this time.

Hickson-was out at Huggins Park. He is wondering if the park is being expanded. Mr. Hickson saw that dirt had been brought out to the park. Mr. Booth stated that we are leveling some land. The Park Board is looking to take a vote to have a gazebo placed out there as well. The dirt you saw was brought out in error.

Mr. Hickson was asking the new developers, along US 1, that come in to give the Town an easement strip on the front of the property. If US 1 were to get widened, we would have some sort of rights in there and force the State to pay for our utilities. Mr. Booth stated that this would happen. Mr. Vail stated that this is standard.

Rivet-nothing to report at this time.

Mayor-stated that a complaint has been made against the Park & Recreation Board with regards to the Florida Sunshine Law. This should be placed on the next agenda for the next meeting. All of the persons involved need to be invited to the Council meeting to get the issues resolved. This could be an alleged Sunshine Law violation. We may want Mr. Bohne to give an overview of the Florida Sunshine Law and what it entails. The Sunshine Law is very serious. Mr. Booth stated that he would like for the attorney to go over the basic points of the Sunshine Law and for Council to go over the importance of following the laws. Mayor Eschenberg stated that Sunshine Law violations are very serious. Council will need to decide what action would need to be taken, if the evidence is warranted. Mrs. Moccia asked if this would be on the 15th of May. She has a meeting that will end at 7:30 pm. She asked Mayor Eschenberg to postpone until about 8:00 pm so that she is in attendance.

PUBLIC COMMENTS: GENERAL ITEMS

Dan Michael, 2265 Atz Road-is trying to be helpful to the Perez family regarding the road extension issue. There is an old gate; it has been there for 25 years. This has to do with the road extension issue. We can't go through it and the construction companies are not going to knock it down. It needs to be removed. Mr. Booth stated that this gate was put in by Mr. Wilbur; it is solidly in the ground, in hopes of keeping out the ATV riders. It was put up at the request of the owners in that area, as we blocked off LaCourt. Mr. Michael would like to be able to access his property but is not able to because of this gate.

ADJOURNMENT

There being no additional business or discussions, a **MOTION: Rivet/Hickson to adjourn. VOTE: All Ayes.** This meeting adjourned at 9:05 pm.

By Thomas Eschenberg
Mayor Thomas Eschenberg, Chairman

ATTESTED:

Cindi Kelley
Cindi Kelley, Deputy Town Clerk

Date: 05/15/06