

MALABAR TOWN COUNCIL REGULAR MEETING
October 20, 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 Member Marisa Acquaviva.

B. ROLL CALL:

COUNCIL CHAIR	STEVE RIVET
VICE-CHAIR/MAYOR:	CARL BEATTY
COUNCIL MEMBERS:	JIM MILUCKY
	WAYNE ABARE
	DICK KORN
	MARISA ACQUAVIVA
TOWN ADMINISTRATOR:	BONILYN WILBANKS
TOWN ATTORNEY:	KARL BOHNE
TOWN CLERK/TREASURER:	DEBBY FRANKLIN

For record Fire Chief Christopher Robinson, PW Director Tom Miliore and Town Eng Morris Smith are also present.

C, ADDITIONS/DELETIONS/CHANGES: Chair said no changes.

D. CONSENT AGENDA:

(Any Council Member may request an item on the Consent Agenda to be removed and placed on regular agenda immediately after new business to be discussed and voted on separately by the Town Council)

1a. Minutes of: RTCM 10/06/14
Exhibit: Agenda Report No. 1a.

1b. Budget Adjustment (Reso 32-2014)

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 No. 1b.

Approval of Consent Agenda with roll call vote on Reso 32-2014

Chair read by title only.

MOTION: Korn / Abare to approve the consent agenda as presented.

Discussion/Correction to minutes. Wayne would like the two power point slides included in the minutes. Marisa noted that Leeanne is referred to as both Saylor and Milucky and asked if Jim wanted the minutes changed to correct? Jim said its ok as presented. Franklin said she types what is said.

ROLL CALL VOTE: 1) Milucky, Aye; Abare, Aye; Korn, Aye; Acquaviva, Aye; Rivet, 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**

F. ATTORNEY REPORT: Attorney has sent a legal opinion regarding the sunshine violation and how to cure it. 2nd Dist Court of Appeal has modified that process. The cure can only deal with the act; the violation itself can be dealt with civilly or criminally. Dick asked if there is a statute of limitations. He said it

is longer for felonies. Can be either? Atty said yes. Wayne said not to discourage people who want to serve on Council or Boards.

G. BREVARD COUNTY SHERIFF'S OFFICE REPORT: none

H. FIRE CHIEF REPORT: New truck has been delivered and is at Palm Bay Fleet Services getting equipment moved over. Wayne said it can carry four persons fully suited up instead of taking a half million dollar fire truck.

I. PUBLIC HEARING: 2nd reading of Ord 2014-14

2. Land Use Amendment & Zoning Change for Parcel 28-38-31-00-00750 aka 1300 Highway 1, Malabar, FL 32950; Request to change from Residential/Limited Commercial (R/LC) to Commercial General (CG); Applicant: KellWill, LLC, represented by Mr. William Carmine. (Ord 2014-14)

Chair read by title only.

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; RECLASSIFYING THE COMP PLAN MAP AND REZONING THE PROPERTY AS FOLLOWS: THE 3.22 ACRE PARCEL IN TOWNSHIP 28, RANGE 38, SECTION 31, LOT 750, LYING ON THE WEST SIDE OF HIGHWAY 1, NORTH OF MALABAR ROAD, AKA 1300 HIGHWAY 1, MALABAR, FLORIDA, FROM RESIDENTIAL/LIMITED COMMERCIAL (R/LC) TO COMMERCIAL GENERAL (CG); PROVIDING FOR AMENDMENT TO THE OFFICIAL TOWN ZONING MAP; PROVIDING AN EFFECTIVE DATE.

Exhibit:

Agenda Report No. 2

Recommendation:

Request Adoption of Ord 2014-14

Chair opened public hearing to the public:

Hans: Kemmler, 2785 Malabar Road, he has been on the subject property and has walked on it several times with applicant. He currently lives next to Malabar Mos and has had no problems. He is in favor of the request and thinks it will be a better use of the land than its current use.

No other public.

Chair closed public hearing and asked for a motion.

MOTION: Dick / Marisa to adopt Ordinance 2014-14.

Discussion: Dick said a lot was said at last meeting. The applicant knows his business. His only concern was the possible ground pollution. He has been a good neighbor. He thinks the whole thing is very positive. Marisa has a question for Morris; since his memo was included in this package since he could not state it at the last meeting did he want to go on record. Engineer Morris Smith did go to both properties and his opinion did not need to be restated as it is part of the package. Wayne said at the last meeting they discussed that this use could only be done in CG. He asked if he could do this in a lesser zoning. No. Wayne then asked if we are voting on it again; what if it doesn't pass. Attorney said it is not adopted. Jim discloses that he talked to Willy before last meeting. Jim also talked to the Town Eng and Atty. For the record, assuming the zoning is passed; Jim asked what is the Town's protection? Atty said buyer could come in and apply for a site plan for anything else that is permitted in CG. Jim asked Atty is there is any language that would exclude other uses and protect the Town. Atty said you can't limit the use. Atty said you could amend the effective date in the ordinance to say it would be adopted upon execution of a developer's agreement. Jim asked if an oral agreement is enforceable or should it be written? Atty said it should be written so it could be recorded. Atty said it should be done now. If you want to impose conditions if should be done now. Jim said Eng Morris Smith was kind enough to "confess his sins where he is biased." This district has not been a business district. It is disingenuous to say it is. Jim said the package does not include all the facts and is biased. He also said Staff recommended adoption; staff should not be making recommendations. Jim said his property is homesteaded and with that comes some inalienable rights to quiet enjoyment. Jim then said the Atty sent a memo regarding the developer's agreement and he had to work pretty hard to get a copy of it. Staff did not forward

that out to Council but rather hung on to it. TA said that it was an email to herself and Debby and it was not a memo and referred to the Atty giving it some more thought; it was not a final work product. Franklin stated that Jim never asked her for it. Jim said he is suggesting the motion be amended to add that language the Atty recommended.

Dick said there have been many times that P&Z has recommended adoption of an ordinance and that doesn't grant carte blanche to the applicant to do anything he wants. He still has to come back to P&Z and to Council for a site plan review and at time they will look at compliance with Site Plan regulations. Dick is not objecting to amending the motion to add a condition if recommended. Wayne had heard that if it was changed to CG and the land owner signed a developer's agreement then they could prevent it from being developed into something else. He hears tonight that the Dev Agreement would also run with the land. Wayne asked Willy Carmine to come to podium.

Mr. Carmine came to podium and introduced himself as the property owner of Malabar Mos and the subject property. He said there are stipulations in the site plan review process that will ensure his project doesn't adversely affect the neighborhood. He doesn't have 50K to lay out for a site plan for a "maybe". He wants to get to the next step. As he voiced before he grew up here; he wants to locate his Motor Sports business here. His business has been spoken of as a marine business. His use falls more in vehicle sales or general sales and service. Their equipment is titled. The watercraft sales are only about 23% of his sales. He doesn't want to spend this money to have less than he has now. Wayne asked if he to have a 10K sq foot bldg. In the current zoning he could open a restaurant. He doesn't know of another business that would or could go there. Wayne said they are about to have a second vote. He is open to stipulations but not to ones that adversely affect what he can currently do. Marisa said she has to call out Milucky. The discussion is focusing on him. She said it is not just about him. They took an oath to do what is best for the Town. She has a problem with him sitting as council, and calling out staff as presenting biased information and then voting. Dick said we are getting away from the real subject which is the land use and rezoning; the site plan is the time for that.

Marisa asked the Mayor if he was threatening a veto. Marisa asked if this is correct to a veto though; she asked if he felt that you don't like the way this is written. Mayor said ordinance before them is wrong; it does not provide for him to veto and it says it is effective immediately. He has five days to veto so it should not go into effect until after five days. Marisa said the process has been followed. Franklin said that if it is vetoed the back page is changed. Mayor said that it was not CG.

Jim said he thought he was clear that he is not biased. He thinks it is a great project. If I am biased, he would like Council to support Mr. Carmine's use but not expose the Town to the unintended consequences if something happens after it is rezoned. He is not trying to restrict the business of Mr. Carmine. But CG would allow adult entertainment. Dick said the protection is in the site plan. Dick said the approval of the business will come at a later date. Marisa said we talk about your property and his property and it does seem biased; I just needed to say that.

Dick called for the question.

ROLL CALL VOTE: 1) Abare, Aye; Korn, Aye; Acquaviva, Aye; Milucky, Nay; Rivet, Nay. Motion carried 3 to 2.

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

K. ACTION ITEMS:

ORDINANCES: First Reading –**3. Budget Amendment for FY 2014/15 (Ord 2014-17)**

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PERTAINING TO A BUDGET AMENDMENT IN THE FISCAL YEAR 2014/2015 TO PROVIDE FOR ADDITIONAL REVENUES REALLOCATED FROM SURPLUS FUNDS ON DEPOSIT; TO PROVIDE FOR THE ADDITIONAL EXPENDITURES APPROVED FOR THIS FISCAL YEAR BUT AT LESSER AMOUNTS, SPECIFICALLY FOR LEGAL, LEGISLATIVE, PARKS AND RECREATION AND STREETS AND ROADS DEPARTMENTS; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit:

Agenda Report No. 3

Recommendation:

Request Approval of Ord 2014-17 for 1st Reading

Chair read by title only and then asked TA to explain.

This portion of the minutes is detailed at request of Town Clerk:

Wilbanks: part of this change came after the meetings that were held with the attorney and the Council members concerning the League of Cities investigation of the law suit that's the "Intent to Sue" letter. In the process of that, I learned that, originally, my thought was to take it to 25 because we had actually seen the bills have come in for \$6,000 and then half of the day he spent here meeting with the other people and he's got more to go. So I immediately wanted to be on the forward side of this to have the money to pay his bills. It was brought to my attention after talking to Karl; Karl being the lawyer, that it was closer to \$75,000 to \$100,000. He's not sure the \$100,000 on the high end is right; is going to ever get there. He definitely thinks we would be remiss, if we're going to do a budget amendment, to not do it for the \$75,000. So that was one of them. The other two are for the two grants that we would have to provide the match money for and at the time we did the budget, I didn't have that we would be accepted for either grant. We have since been advised the Trail Head grant has moved forward and we have agreed and accepted the amount. Therefore, I need to cover the match money which was the \$11,310. The other one is for the slope mower that we originally put to you folks for a \$100,000; I had to come back because Tom went down and viewed the machine and found out that the heads that we have and are perfectly fine to use, would not fit on that lower end model. So the man looked at the equipment that we have; we wanted a guarantee that our heads would work with it without having to do a whole engineering issue, he approved but it would come up, we would have to pay \$12,000. He actually gave us a break, we would have had to pay \$15,000 but Tom met with him last Friday and they not only lowered it to \$12,000 but there will be a free delivery and set up for here. It is usually \$5,000; I needed to put that money in here so we could go forward with that purchase. And then there was \$100 for membership; the Mayors League of Cities went up; don't ask me, they know our fiscal years but they raised it a \$100; I know, a lot of times a \$100 would not be mind stopping but we don't have that much fluff in our budget so I talked to Debby and I really can't squeeze it out of the legislative budget. So we put it in here for that amount as well. That pretty much sums it up; the original was for 1438.

Rivet: okay are there any questions about what the amendment is? Will have the motion before the discussion.

Korn: in other words, these are things that we already agreed to do or have been doing; it's just that the price went up.

Wilbanks: Exactly; and you knew about the two grants but I didn't know we were going to get them. So what we did, you voted the last time, we were advised by our auditor; Debby could go cash a check for \$11,310 and we'd have to put it into a savings account in order to take it out and have it in last year's fiscal year. The auditor said don't do that; he said just put it on and have your budget amended on that.

Korn: are we covered on the bunker gear; we approved \$2,000 on that stuff

Wilbanks: this is the third grant which gives us another 5 sets of wildland bunker gear, plus hose.

Rivet: is there a motion?

MOTION: Wayne / Dick to approve Ordinance 2014-17.

Discussion: None from Wayne or Dick.

Beatty: Yeah, several. One, you have this item for \$100; we could do a budget adjustment and take it out of my travel to pay it; that's just a statement. TA said we already cut your travel amount down so there is no extra money. **Beatty:** I know but charge it to travel, that's simple there; the next is the fact that we applied for grants; I really think that we should have prepared our budget to accept it; not to say "oh we got it"; that's just an opinion. The big one we discussed at length was the slope mower; we discussed getting it repaired, we discussed about getting a price or appraisal by John Deere to look at the attachment to tell us what we really need. And so, at the time, it was budget workshop, we couldn't vote. So if I remember, the statement was "we'll leave that line item funded until we discuss this later" with what we need to do. So now we're looking at we're just going to replace the slope mower for \$100,000; now it's at \$112,000. No discussion, no looking at "do we need a new element" or what's the situation. So now we're talking using the same head; so I'm assuming it's the same brand. The heads are not universal so it's a John Deere, Alamo mower; to use the same head. **Acquaviva:** the last time I remember discussion about the slope mower, it wasn't just the handle thing, it was completely down. **Wilbanks:** that's correct. **Acquaviva:** I'm not a mechanical person but as she recalls what she heard was the PW Director did come to us talking about it in his report that the mower was down and how much time was lost. I thought I heard that; it's not like we haven't talked about this numerous times and now we're going wait a minute. Tom explained exactly what was needed and how he could use the tractor to mount other attachments. **Wilbanks:** I also would like to follow-up re: why we have to do the budget amendment for the grants; you can't approve and budget grant money unless you know you're going to use it by the end of the fiscal year. Well, re: the Trail Head grant; we never got an approval until September 1st or 4th or something that they sent us the approval letter. I couldn't get that and; I didn't even get the agreement letter until after budget was approved. They said it would have to be in the next fiscal year. The auditor said this is the method to use.

TA said re: Mayor's comment, you're right with regard to the slope mower money being in the contingency line item and not in the streets and roads department line item, and that was so all those other things could occur. Since then, the slope mower has had other major mechanical issues and it was approved at the first reading of the budget amendment ordinance 2014-17 on October 6, 2014. It is just that now we have a final number not just the estimate. That being said, we would still come back to you with the contract. It would have to be at our next Council meeting. However, I don't have enough money for it in the contingency. When you do a budget amendment as opposed to my resolutions that do the budget adjustments, the resolution doesn't cost us anything. When you do a budget amendment, it's done by ordinance by our code and we would have to pay for another legal ad. So we thought, as staff, meaning Debby and myself, that this was a sound way to do a budget amendment all at one time. Same reason, I don't know that we're going to spend \$75,000 for the lawyer's fees but by golly, we do have a statute that says we are to have the money in the line item prior to the purchase or the payment. That's what we are trying to do.

Korn: Tom, maybe you can answer this; what's down in Eschenberg Park mowing? Isn't that the slope mower? **Miliore:** it's not our equipment. TA said she had to hire out help to catch up on the mowing. **Miliore:** yes

Korn: somebody's been mowing; somebody's been mowing the ditches between Malabar Road and Hall Road on both sides of the road. **Wilbanks:** that is Jay Godwin because we are so far behind on it that I had to have a contractor do it. **Korn:** I saw the equipment there; I didn't stop in to see whose it was. **Wilbanks:** with all this rain, we are going nuts trying to stay ahead.

Korn: I was the one that raised the most questions about the necessity to spend the \$100,000 on the slope mower and then I seconded this motion. I made a comment to Joanne before I left to go to Atlanta; that the ditches were really getting clogged up really bad in that area. You spend a lot of time on the west side of Weber Road and Malabar Road creating a really nice ditch that ended up full of vegetation and I see now that somebody has been mowing and that needs to be done. I think the priority, with all the noise we've been getting on drainage, we need to get something done. Now is that the only way to get that done by spending \$112,000?

Wilbanks: I think you need to realize that we presented to you at the time when we brought the slope mower to you that we still need a tractor to put the blades we own on. **Korn:** I understand that. **Wilbanks:** and I don't know that we've resolved that issue; have we Tom? **Miliore:** No

Wilbanks: No, okay

Korn: you were going to get one new tractor to take the place of the old John Deere tractor

Miliore: I'll make this real simple; do you want to buy a new one or fix the old one. Tell me what you want to do. **Korn:** is the old one fixable? **Miliore:** how much do you want to spend on a ten year old piece of equipment? **Korn:** I don't know. **Rivet:** okay, Tom I've got some..

Milucky: point of order. I must have slept through this; this is an ordinance that was read by title and asked if we have a motion and a second.

Several people spoke at the same time to say yes there was a motion by Abare and a second by Korn a long time ago. **Milucky:** we did?; I slept through the whole thing.

Abare: Mayor, with all due respect, we have discussed this at length; that is a 10-year old piece of equipment. I don't think Palm Bay gets 10 years out of their slope mowers; but we do. Can you fix it with welding and baling wire and chewing gum for another six months? I'm sure you could but how does that make it any better. You're going to have to get one so you've put it off a little bit. I don't see how patches and repairs solve anything because you still have the down time and I think that it is fine to replace equipment as necessary. **Acquaviva:** How much are we spending on the outside contractor and the rental equipment to be doing this? If we're spending money on this that could be going towards cost of new mower? **Wilbanks:** no, I can't give you that number; has he given you any invoices? **Acquaviva:** but obviously we're paying this person to keep up with the ditch mowing? **Wilbanks:** \$75 an hour and I forget how much he accomplishes in one day. **Korn:** the \$75 includes the equipment and the person. **Wilbanks:** yes; and this is not in lieu of Tom doing the work, it's just that the growth is so heavy right now we've got to get it back. And folks, we are in the busiest time for storm events so we can just; we've already done several ditches. We've done the one north of Stillwater and since moved onto Glatter. Some of those things I had to have outside people do it because we don't have the equipment. So we've been prepping for storm season. But God gave us so much rain that we have to do some of this to catch it up and I got him still working on drainage; we still have a pipe that has to go in; we still have steel plates on the roads that need repairs. **Korn:** so that I understand this motion, we are not adding \$112,000, we are adding \$12,000. **Wilbanks:** Yes, \$12,000 is all you are adding but when you are looking at it, I have to show the total price of the slope mower. **Abare:** what I meant to say, I remembered it now. This is not cosmetic; flat mowing the rights of way, it is mowing the ditches so they will flow. **Wilbanks:** correct; it's pulling the stuff out of the ditch actually. **Abare:** Tom has mentioned that this frees up a tractor that he can put a belly mower underneath so we get something out of this. Whether it's another \$20,000 to \$40,000 for the slope mower, it is money well spent and still gives us a tractor that can be used for other storm water projects.

Rivet: any other discussion? Okay, Debby, can you please call the roll.

Clerk: 1) Council Member Korn, Aye; Council Member Acquaviva, Aye; Council Member Milucky, Nay; Council Member Abare, Aye; Council Member Rivet, Aye and Motion carried 4 to 1.

The intent to sue legal fees for the outside legal services has been estimated to be close to 75K. The two grants were awarded in last FY but there was no time to get them done. The auditor said

that we had to recognize the funds in this FY. TA explained that the price for the slope mower was an estimate and the actual cost was 115K but Tom met with them and got them to knock off 3K and provide free delivery.

MOTION: Wayne / Dick: to approve Ordinance 2014-17.

Wayne said Mayor we have discussed this ad nauseum. How does that solve anything? Marisa asked how much we pay for the outside mower and renting equipment because ours is broken? TA said this is just to get caught up. PW still has a pipe to replace and two places that have metal plates to stabilize until they can get to them. Wayne said this equipment is not used for cosmetic flat mowing; it is for mowing ditches so they flow. This frees up a tractor so they can put a belly mower under it.

Discussion: Mayor said we discussed getting – listen to side 2. Marisa said the last time they discussed this it is not. TA said the slope mower has since. Dick asked Tom about mower at Tom Eschenberg park. He is the one that raised the question about. The ditches are really getting clogged up. The ditch is full of vegetation. With all the noise on vegetation. Is that the only way.

Jim said point of order.

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

RESOLUTIONS:

3. Selection and Award of Bid 2014—02 Culvert Replacement under Corey Road south of Hall Road (Reso 33-2014)

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR COUNCIL APPROVAL OF BID PROPOSAL FROM CDM Trucking Inc. FOR THE REPAIR OF THE CULVERT UNDER COREY ROAD SOUTH OF HALL ROAD; PROVIDING FOR FUNDING; PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 3

Recommendation: Request Selection and Award of Bid

Chair read the title only.

MOTION: Wayne / Dick to adopt Resolution 33-2014 awarding contract to CDM Trucking Inc.

Discussion: TA said it is the ditch south of Corey. Replacement costs were way out of line.

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

4. Appoint Liz Ritter to P&Z Board (Reso 34-2014)

A RESOLUTION APPOINTING ELIZABETH RITTER AS A REGULAR MEMBER OF THE PLANNING AND ZONING BOARD FOR A THREE YEAR TERM; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 4

Recommendation: Request Approval of Reso 34-2014

Chair read the title only.

MOTION: Dick / Wayne to adopt Resolution 34-2014.

Discussion: Wayne said she is an independent thinker and is a valued member.

Speaker's Card: Pat Reilly, 1985 Howell Lane, P&Z Board Chair recommended appointment.

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

Liz Ritter thanked Council for their confidence in her.

5. Appoint Chuck Frazee to Board of Adjustment (Reso 35-2014)

A RESOLUTION APPOINTING CHUCK FRAZEE AS A REGULAR MEMBER OF THE BOARD OF ADJUSTMENT FOR A THREE YEAR TERM; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 5

Recommendation: Request Approval of Reso 35-2014

Chair read the title only.

MOTION: Marisa / Wayne to adopt Resolution 35-2014. Discussion: none

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

6. Appoint Collette Buffaloe to T & Greenways Com (Reso 36-2014)

A RESOLUTION APPOINTING COLLETTE BUFFALOE AS A REGULAR MEMBER OF THE TRAILS AND GREENWAYS COMMITTEE FOR A THREE YEAR TERM; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 6

Recommendation: Request Approval of Reso 36-2014

Chair read the title only.

MOTION: Marisa / Wayne to adopt Resolution 36-2014. Discussion:

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

7. Appoint Murray Hann to T & Greenways Com (Reso 37-2014)

A RESOLUTION APPOINTING MURRAY HANN AS A REGULAR MEMBER OF THE TRAILS AND GREENWAYS COMMITTEE FOR A THREE YEAR TERM; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 7

Recommendation: Request Approval of Reso 37-2014

Chair read the title only.

MOTION: Dick / Wayne to adopt Resolution 37-2014. Discussion:

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

8. Appoint Hans Kemmler to Park & Rec Board (Reso 38-2014)

A RESOLUTION APPOINTING HANS KEMMLER AS A REGULAR MEMBER OF THE PARK & RECREATION BOARD FOR A THREE YEAR TERM; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 8

Recommendation: Request Approval of Reso 38-2014

Chair read the title only.

MOTION: Marisa / Dick to adopt Resolution 38-2014. Discussion:

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

9. Appoint Alt Helen Ausley to Regular Seat on Park & Rec Bd for the Remaining Term of Resigning Member Bill Sastrum (Reso 39-2014)

A RESOLUTION APPOINTING HELEN AUSLEY AS A REGULAR MEMBER OF THE PARK & RECREATION BOARD FOR THE REMAINING TERM OF TWO (2) YEARS OF BILL SASTRUM'S

TERM; 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 39-2014

Chair read the title only.

MOTION: Dick / Wayne to adopt Resolution 39-2014. Discussion: Dick said Bill Sastram was only on board for a short while but made the signs. He would like to give a certificate to Bill.

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

MISCELLANEOUS:

10. Consider a Moratorium on Roadside Mowing so Public Works can Prioritize Stormwater Projects (Abare)

Exhibit: Agenda Report No. 10

Recommendation: Request Direction to Staff

Discussion: Wayne said Jeff McKnight mentioned this before. Tom only has so many people to work and the complaints about drainage aren't lessening. Dick agrees and he mows in front of his house and so does his neighbor. Dick said if something becomes unsightly or unsafe this doesn't ham string them so they can't mow, right? Correct. TA asked if this includes Brook Hollow and Rocky Point. Wayne said it is the cosmetic flat mowing. Marisa said people are used to having them cut but they are low priority. Focus on drainage.

Mayor said he didn't think moratorium is the right word. Lower level of service. He then gave his opinion of what they should. TA said the subjectivity implied would be a criticizing. She doesn't want to see them get lam blasted. Marisa said we have had meetings about this. As long as they know it is a lower priority. This does not include the ditches. Dick has spent some time getting to know the people in BH and Stillwater and CC. Communication is the key. They have to know that the drainage is a priority. West of Weber Road needs mowing. Wayne said it is a good idea to alert the citizens in the newsletter. Consensus to have PW stop the cosmetic flat mowing and focus on drainage projects.

STAFF REPORTS:

Town Administrator: TA said she can't find anything on town end that would cause the email attachments from opening on Marisa's computer. Marisa says the pdf attachments come in as Win.mail and thought it had something to do with the computer upgrade. TA said she checked with Palm Bay IT and they can find nothing wrong.

Mayor said he was going to smoke signals. TA said if he brings his laptop in to Town Hall he can use the free wi-fi and see if he can open the attachments.

Town Clerk: nothing.

COUNCIL REPORTS:

Acquaviva: nothing

Korn: He hasn't missed a council meeting since he came on but he won't be at next meeting. Would like to keep his record. Maybe they could cancel? No action taken to cancel.

Abare: nothing

Milucky: nothing

Beatty: the next SCLC mtg will be at the museum on Nov 10, open at 4 to walk around. He said they will need to know ahead of time who is attending.

Rivet: Rivet signed in to SCLC dinner and then got a kidney stone and had to leave.

Q. PUBLIC COMMENTS: General Items (Speaker Card Required)

R. ANNOUNCEMENTS:

One (1) vacancy each on the Planning & Zoning Board, Board of Adjustment, Park and Recreation Board and the Trails & Greenways Committee

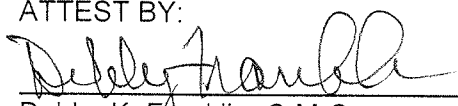
S. ADJOURNMENT:

There being no further business to discuss, Chair asked for a motion.

MOTION: Marisa / Dick to adjourn. **VOTE:** All Ayes. The meeting adjourned at 9:30 PM.

BY: 
Steve Rivet, Council Chair

ATTEST BY:


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

Date Approved: 11/3/14
as corrected

