

## MALABAR TOWN COUNCIL REGULAR MEETING

February 4, 2013

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 Chair Steve Rivet.

**B. ROLL CALL:**

COUNCIL CHAIR

VICE-CHAIR/MAYOR:

COUNCIL MEMBERS:

STEVE RIVET

CARL BEATTY

JIM MILUCKY

WAYNE ABARE

JEFF MCKNIGHT

MARISA ACQUAVIVA

BONILYN WILBANKS

TOWN ADMINISTRATOR:

TOWN ATTORNEY:

TOWN CLERK/TREASURER:

KARL BOHNE

DEBBY FRANKLIN

Franklin said for the record, Town's Fire Chief Bob Strandell and PW Director Tom Miliore are also present.

**C. ADDITIONS/DELETIONS/CHANGES:** Milucky to move to table Agenda Item 4 until we talk about 9. Marisa wants attorney here for that.

**MOTION:** Milucky / Acquaviva to table Item 4. Ayes: Milucky, Acquaviva, Rivet. Nays: Abare, McKnight.

Clerk asked if they could add one item for Action – Request to use six baskets from our Disc Golf course.

**D. CONSENT AGENDA: To Be Approved as a Group with one Roll Call Vote on All Items if Resolution is included, otherwise a voice vote.**

(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. Approval of Minutes**

**Exhibit:**

Regular Town Council Meeting – 1/07/2013

Agenda Report No. 1a.

**1b. Budget Adjustment (Reso 04-2013)** Moved from

**Exhibit:**

Agenda Report No. 1b

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PERTAINING TO A BUDGET ADJUSTMENT IN THE FISCAL YEAR 2012-2013; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

Jim asked about the amount of the adjustment for auditing the water department. TA said all three funds are auditing. TA said when they did budget, they didn't take into consideration that they needed to budget. Marisa asked about the amount for the accountant. TA said through the month of December he provided info on utility to auditors. TA hopes to get answers to those two things. Marisa will follow up.

**1c. Acknowledge Receipt of December Financials**

**Exhibit:**

Agenda Report No. 1c.

**Recommendation:** Request Action on all with one motion and a roll call vote

**MOTION:** Jim / Marisa to approve the consent agenda. Discussion:

Jeff, pg 8 Q. Reports: Item 3, Include Jeff's statement in minutes.

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

**E. PUBLIC COMMENTS:** General Items not related to agenda items; **Speaker Card Required** Pat Reilly, 1985 Howell Lane, read letter about the Ethics Commission action. He received letter Dec 6, 2012. There was no evidence to support the statements. He got statements from everyone that was present at that meeting to support his innocence. The Div of Ethics found no evidence of this. He takes leadership serious.

Added Agenda Item: Disc Golf Baskets. Mark Miller, did a lot of work out at Disc Golf and so he is the point of contact. Their casual players and the regulars will be at tournament. Marisa asked about impact to our course. He will put in PVC pipes so any players would still have a target.

**MOTION:** Marisa / Jim to approve the lending the baskets for this national tournament. Jim said the people that will be using them are the ones that built it. Carl initially was not supportive but has relented since he knows the base will stay in place. Jeff would like to have input from Park Board.

**VOTE:** All Ayes.

**F. ATTORNEY REPORT:** The court gave plaintiff's additional time to submit. Hearing went pretty well considering.

About the Town Hall restrooms not being ADA compliant. They need to be compliant. There was some thought that we are ok since we were here before the ADA. Jeff thought there was a clause if it was not financially feasible. Karl said we won't meet the threshold of economically. Wayne said at the IEMO he was told not to bring it up but to just go back and correct it. Jeff said the whole building is not ADA compliant. Carl said he could help the Building Official. He said he was the only one that knew there was another bathroom in the building. The one that is used for storage was a bathroom. He said they could make that one an ADA restroom. Just plug in to existing toilet. Wayne said this isn't a 100K fix, maybe more than 5K but it is doable. Karl said there are different requirements for governmental buildings for other public buildings. If you had to do all those things it could be 100K. TA said table this and let her work with Mayor and BO. Marisa said we have to fix the septic system. Jeff said if you change the use of the building you have to make it ADA. Chair asked if Mayor could have something for next meeting. Yes he will get an order of magnitude.

Re: his handout from Santos said FS said you could use ATVs but Brevard County had exempted itself from that statute. Jeff asked about low speed vehicle. Karl said if they are registered and tagged then they can legally operate. Wayne said one of his neighbors uses one and whenever there is a car he pulls off. He knew he could get it tagged and use it legally. Carl said it has to be a heavy duty one.

**G. BREVARD CTY SHERIFF:** Dep Hammer had a burglary with something stolen probably from someone they know.

**H. PUBLIC HEARINGS:** 0

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

**J. ACTION ITEMS:**

**ORDINANCES: First reading – 0****RESOLUTIONS: 1****2. Appoint New Member to Park and Recreation Board: Reso 05-2013 – Bill Sastrum**

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE APPOINTMENT OF BILL SASTRUM TO THE MALABAR PARK AND RECREATION BOARD; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibits:** Agenda Report No. 2

**Recommendation:** Request Action

Clerk read Resolution 05-2013 by title only.

Bill Sastrum, Weber Road, came to podium and stated he has retired and wants to get involved with the town. Jeff said thank you. Marisa thanked him.

**MOTION:** Marisa / Wayne to approve Reso 05-2013 and appoint Bill Sastrum to the Park and Recreation Board.

Discussion:

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

**MISCELLANEOUS:****3. Special Activity Request for Relay for Life at Malabar Community Park**

**Exhibit:** Agenda Report No. 3

**Recommendation:** Request Action

Chair called applicant to podium. She first handed out information to each council member. Vicki new event for Malabar Community Park. They wanted to use the soccer field but have provided an alternate site in the park. Relay for Life is their signature event. They have this event at Bayside HS. She will answer any questions. Marisa has met with Ms. Bennett and spoke about the enthusiasm. She has read all the material. She has concerns with the overnight. It is dawn to dusk park. Her concern is it might set precedent for other groups. Currently we don't let anyone sleep over at the park. Also has concerns with the lights. We have light restrictions and there are neighborhoods nearby. There will also be amplified sound. Ms. Bennett said they work with a number of schools for relay for life. Safety is first. They supply insurance. They would comply with any Town restrictions or conditions. Anything they use would have the proper. They would bring in light towers. She respects our light restrictions. She is working with Rockledge on a similar event at one of their parks. If Council thinks it is not for you she respects that. Wayne said it is a good event. He reviews the invoices at Malabar before payment. The Town had to pay \$1,400.00 for additional insurance so we can have alcohol at Springfest. TA said you have a couple of problems. They are looking at 150-300 people. They have only two deputies for this nighttime event. We use six for our daytime event. There is water (lake) right next to the proposed track and no fencing. Jeff asked about our liability. Karl said having their insurance doesn't prevent someone from suing the Town. Anyone can sue. The fact that they have insurance doesn't relieve us from any responsibility. Do we have exposure, yes. Jeff said we do have it on a daily basis. Jeff agrees with TA with the obstacles. He has walked that fitness course and it is an Issue. TA said the wear and tear on the Town property having such an intense use would take a lot of time to recover. The timetable. It is two weeks after our own event. How would all the neighbors like the lights. Carl said the layout is a very concentrated use. Those are team tents so you will have concentrated use. Carl does not believe the park is suited for this and it is difficult to use. The issue of the nighttime use is also a concern. According to them it is the first time and they plan to continue. Very quickly it could outgrow our park. There is one going on at Bayside. To have this many people to stay overnight. The intent is to get as many people to get more cash. If there is rain.

They have used Westshore Jr/Sr soccer field. Vicki said if they have rain they would call it off. MCC used to have it. It was a student led event. Chair called for a motion.

**MOTION:** no motion. Died for lack of motion.

(Item 4 was tabled until the discussion of procedures is done.)

**4. Designate Alternate 1 and 2 for Planning and Zoning Board**

**Exhibit:** Agenda Report No. 4

**Recommendation:** Request Action

**5. Second Meeting Date in February is Federal Holiday**

**Exhibit:** Agenda Report No. 5

**Recommendation:** Request Action

**MOTION:** Marisa / Jeff to have one meeting in February and cancel the second meeting. Marisa said so much work got done because. She thought the one meeting allowed for a lot to get done.

**VOTE:** All Ayes.

**6. Authorize Payment for Clearing to Access Fern Creek for Maintenance**

**Exhibit:** Agenda Report No. 6

**Recommendation:** Request Action

TA said she learned from Bob Wilbur that we could come in from Malabar Road. The property owner had no problem with allowing us to come in and clear a path. Needs the money approved. She would recommend Brushbusters. Carl said need to disc it up and then throw seed. It is a onetime clearing. Jeff said he has a concern with the clearing of someone's property with taxpayer's money. TA said she would get a hold harmless. Karl said he would get a maintenance easement to justify the expenditure.

**MOTION:** Wayne / Jeff get easement agreement and we will get it recorded. **VOTE:** All Ayes.

**7. Authorize Country Cove HOA to Place Stakes at Turn into Country Cove**

**Exhibit:** Agenda Report No. 7

**Recommendation:** Request Action

TA said she showed the area of the edge of the roadway. It is landscaping trailers that are causing the worn area. The HOA would pay for this. Marisa said she lives there and she doesn't know if the HOA Board voted on this. She is not 100% sure. She personally doesn't want them. Chair said they could table until we determine if this is a HOA approved request. Marisa said what if other neighborhoods wanted to do that. Someone else suggested using big rocks.

**MOTION:** Marisa / Wayne to table until TA finds out if the HOA Board voted for this. **Vote:** Ayes: 4; Nay: McKnight. Passed 4 to 1. TA will get something official from the HOA.

**K. PRESENTATIONS:** Mayor Carl Beatty explained that he presented a Certificate of Appreciation to Ms. Maryann Marsh at the Park Board meeting of January 16, 2013. She resigned from serving on Park Board since 2006. He read it into the record.

**L. PROCLAMATION:**

**M. STAFF REPORTS: Moved to before Council reports.**

**ADMINISTRATOR:**

TA had meeting with Ms. Saylor, Jim Milucky and Mike Knight and he was very supportive. For next agenda, there is a discussion at this point, they have done a fiscal study and by 2014 or 2015. They may have to go out for a management referendum. Do a resolution in support of keeping the 697,000.00 in the education line item. They are considering moving it to management. Knight felt it would be helpful to have the resolution. It would be a positive supportive item. She can put it on the next agenda. Jim would like something to bring back to his committee. TA tried to explain to

them the south end of the county has been without a facility in the Scrub Sanctuary. This is a positive thing and it can help. We get no benefit from this and collect no taxes. We have the best trails. Wayne asked if they discussed the square footage. Resolution to ask them to maintain the money in the current fund for the educational facility.

Fire Chief gave report. It was a low call month but lots of training. Did training with Melbourne at airport. They didn't have water available so they gave them a water truck and crew. They allowed some of the volunteers and the Lt. The ARFF training makes them more employable. Fire I started on Jan 8. Should end in March.

TA thanked Chief for bringing the training back. They will hold off any new training until after SpringFest.

CLERK: The SCLC Dinner in January that we co-hosted went very well. We are working on the next newsletter and if you want to submit a paragraph please submit in February. We are looking to have it on the March 4 agenda for approval.

To correct the record from the last meeting, a building permit would not be required for a plastic kiddie pool. There are minimum requirements for a permit to be required for a pool. Landscaping does not require a building permit.

**N: DISCUSSION ITEMS:**

**8. Golf Carts on Public Rights-of-Way in Malabar (1/7/13 mtg)**

**Exhibit:** Agenda Report No. 8

**Recommendation:** Discussion

Atty stays for this.

Jim Ziarno, 2750 Lineberry Lane. Appeared at last meeting re: golf carts and utility vehicles. Action was tabled at the last meeting. Starts on page 2. Talk about 3 things: these terms were being bandied about. ATVs, low speed and golf carts. ATVs there is clear FI law that prohibits ATVs on public roads. He is not suggesting anything about ATVs. Wayne said they are prohibited any roads or even side of roads. He is not here to address them at all. Low speed vehicles regarding to farm carts. FI law defines low speed vehicles and allows them to go on roads that have posted speed limits of 35mph and they can only go 25mph.

They must also be certified to the federal standard. The manufacturer must certify to the federal standard. In accordance with 49 CFR. Wayne said don't they have to be tagged? No. there is no mention of farm vehicles. Karl said they need to be registered and tagged and have a valid DL. You have to meet the criteria to get it tagged. Karl said the CFR only deals with the manufacture and make of a low speed vehicle. The additional requirements per the F.S. require it to be tagged. He referred them to page 5. Whether or not it has to be licensed.

He only wants to address golf carts. Wayne said if they have a tag on it then we don't have any reason to get involved.

Marisa asked about the first meeting when his sister in law. The Deputy said his wasn't a golf cart. Golf carts can be driven on the roads. Pg 7 of handout. His suggestion was to do exactly what G-V did. Just state the roads that can't be driven on like US1, Malabar Road and maybe others. Wayne asked if he could get it tagged. If you soup it up then it is no longer a golf cart. Karl said the golf cart. Steve said if it is capable to get a tag it has a windshield, lights, turn signals, seat belts, etc. Karl said he wrote the ordinance for G-V. Wayne asked about others then wanting to get their vehicles allowed. TA said they asked her to find out how many they have in G-V. They have 50 registered through the town and a population of 3,900. The signage states that golf carts are allowed. It is required by statute. Karl said the sign says that golf carts are permitted on designated roads. Karl said you would have to register with town and they would be given handout

with the requirements. The statute requires you to justify the golf cart use. You have to do some kind of analysis of where they can be used safely. G-V called BCSO and got traffic reports and accident reports. Then you can justify it. Carl said you can buy a souped up golf cart you can tag it. Or you can have the town allow a real golf cart by adopting ordinance. He is trying to clarify the town is giving permission to allow the real golf carts.

Chair said they are being asked to consider allowing the use of standard golf carts on our local roads as specified in the statute. Chair said the issue is simple: are we going to allow standard golf carts and if so, what roads.

Milucky said he doesn't have any residents in District 1 that have asked to allow this. Chair said there are many that use them and are not clamoring to approve this because they don't know they are breaking the law.

TA will get more info from G-V and report back in the FYI. Jeff said he sees them on Hall and Flashy. Marisa has seen them used in Stillwater and on Corey. Jeff said put them by the welcome sign. It doesn't have to be on the designated streets. It is to alert drivers that golf carts are allowed on certain roads.

Chair said we have given direction to staff. Wayne said the full cost including legal advertising.

**9. Council Procedures for Board Appointments and Code Amendment for Trails and Greenways Committee (12/3/12 and 1/7/13)**

**Exhibit:** Agenda Report No. 9

**Recommendation:** Discussion

Jeff said he agreed with what Pat Reilly presented. The term from Nov 1 to Oct 31. Marisa is fine with that. Carl said use the first of the year. If they do it at the end of the term then the Council has plenty of.

Jim referenced page 50 of Council packet. The people on P&Z don't necessarily represent the town. He realizes they can talk about longevity. He would envision a representative selected by Council that would represent the mix of the town. If everyone on Board was in same district and then you are discussing a sewer plant in another area off of Babcock. That is what we are looking at that his observation that today we have better participation today. It is our job to encourage people step up. Carl said when he was Mayor before, 30 years ago. He didn't renew someone and she threatened to sue him.

Carl said then we should have the Spring Fest committee and a town hall site selection committee also included. Steve said when we have multiple candidates then they can consider the geographic locations.

Karl asked if we want to address, as Carl said, Springfest and the Town Hall. Debby stated that there has never been a formal appointment on the Springfest Committee. Both Marisa and Debby stated that these are volunteers. Karl stated he understood and that's how it was established but I've learned some things that concern me about that committee. Marisa stated that she's on that committee. Karl stated that there are some things on there about spending and stuff like that. I've been informed that they didn't have any authority to spend money; they didn't do this and that. Bonnie spoke and stated that we changed the vendor language and that was uploaded. Karl stated that we have always treated this as a non-sunshine board, essentially. And now his understanding that things have morphed into something. Debby stated that this has been treated like a sunshine board. Bonnie asked if we take minutes; Debby stated minutes are taken. It's made up of the volunteers that do the volunteering during Springfest. Bonnie stated that we've always put the meetings on the calendar but doesn't know if they are posted in advance like you would do an

agenda. Debby stated that Cindi does do an agenda. Bonnie asked if it is done in advance and Debby stated that it is. Karl stated that his biggest concern is the spending thing. Bonnie stated the spending of the money. Debby stated we have a budget that's approved by Council. Karl stated he didn't want to get in it. Debby stated she didn't want to get in it either. Marisa stated she's on that committee and she's never directed or heard anyone say spend this money. Bonnie asked if they remembered last year when the question came up of it running over. That came up, Mr. McKnight raised the question. Marisa stated it wasn't anyone's intent to go over. Debby stated that she went on record saying that you can't have a two day event on a one year budget. Steve stated that it came back to Council; Marisa agreed. We did agree to spend the extra money. Bonnie stated that then there was a question about how much was actually spent when we did bring it to you because the original plan, even though it was the 50<sup>th</sup> anniversary, was not going to be a two day event and that was the discussion that was held with it.

Wayne asked if there were two left off this one besides Springfest. Carl stated the Springfest Committee and the Town Hall Committee. Debby stated it was the Town Hall Site Selection Committee. Carl stated he remembered hearing about this. Both Debby and Bonnie stated it was the Town Hall Site Selection Committee. Carl stated then they morphed into when they were looking for property. The Taxpayer Budget Review Committee was brought up. Karl stated there something else. Debby stated that that was one of the more legitimate one's. Marisa stated that the Budget Review Committee is only one. Steve stated that all of those are ad hoc committees; they are not standing permanent committees. Marisa stated that she comes to the Springfest Committee meetings to put her two cents in. She doesn't even know if she's on the Committee; anybody can come to the meetings. Karl asked Carl if he wants to address them or not. Carl stated he thinks there; I brought that up earlier, we treat all the boards the same. Another issue, while we are talking about this, the board or committee gets to spend money. I was there and they voted to hire this band and this band and there was like an approval process and minutes. Debby stated that it still is; that's what the committee did. If you have a problem with that Carl, then suggest a different way. She doesn't know how else to put the Springfest together without having a group of volunteers that volunteer their time and help make these decisions. These are towns people that volunteer. Carl stated that every one of these boards are town's people. Debby stated she understood that. Steve stated the difference is permanent stand committee, which are ad hoc committees. If ad hoc committees are spending money without Council's approval, we need to fix that.

Karl just asked a question if Council wants to address it. Steve stated do we want to add these other committees; his opinion you've heard, no. Debby stated that if we have a \$5,000 budgeted; she asked Bonnie what we had budgeted and Bonnie stated \$10,000. If we have \$10,000 budgeted, Council has already approved the expenditure of \$10,000 for a one day Springfest event. Debby asked if every expenditure needs to come back to Council. Bonnie stated that one of the things that we might be able to answer is with a spreadsheet that I told you that right from the get go, as we make any solid contracts as far as the bands, you have to line things up or you won't have them available for the event. Marisa stated that the bulk of the work is done by staff. Bonnie stated that staff is sitting there but they are not the one's making the decisions on the bands and that. Usually you are taking that from the people that are sitting there that have heard the bands. That's how it was, at least with the ones that I attended. But what she would say is this year, because of the questions raised last year after the fact, and there was such discussion like there was some, what did we do. I told staff that I was putting together from day one, they put into my folder that is in my door. I will copy that information onto a spreadsheet and send that spreadsheet out every two weeks once the meetings start so that they see what commitment that money is for. And if somebody has an issue then, they raise that issue then because they see it. We are making that commitment towards port-o-lets, 3 bands. Marisa stated that decisions have to be made. Debby stated we've already made those decisions. We have reserved the port-o-lets, the band. Bonnie stated that she understood that. Debby asked if we start over. Bonnie stated no we

don't start over but if we show and put it into a spreadsheet that they can see that those commitments have already been made. If they have a question, it still offers the Council the time to raise a question about it before it's oh well, sa'lavie. It's already done.

Jeff stated that he knows it's already been brought up last year and he had to agree that the accountability wasn't there when it. It was like a one lump sum; we spent \$7,000 here. He would prefer to see a spreadsheet. Bonnie asked if the spreadsheet would answer your concern and feel like...Marisa stated you can come in and see the signed checks and what the deposits are for and all that. Whoever the check signer is and bill reviewer is; we can bring all of that to you. Jeff stated that his kids soccer team keeps a ledger and writes everything down. It's not that difficult. Bonnie stated that is what the spreadsheet would do and if that would satisfy the concern, we can put that out to you every two weeks. Debby stated that it is in the GL under 349.5000. Bonnie stated that the GL comes out after the bill is paid; they don't see the GL. Steve stated that he thinks the main concern is if Council approves X number of dollars that we don't spend more than X number of dollars. Bonnie stated we never have until last year with the two day event. Steve stated that he understood that but he thinks that was the source of the problem. If there is a spreadsheet that shows where it's being spent with more detail, that's fine. If that's what Council wants to see that, that's great.

Marisa stated, in defense of the committee, like last year, the flag, everything; I remember reporting on all those things and everyone was like yeah that sounds good. Wow we want that. Bonnie stated that it was after the fact was the issue. Wayne stated he doesn't think we want to discourage the committee. Bonnie stated no, but trust me, the deadlines are so critical. Wayne stated he knew; it's just because he came back from that 3 day session in Ocala he asked if these people, committees, fall under the sunshine. Bonnie stated that Debby has treated it as such. Debby stated that she believed that we got something from Karl that said they were. That's how Cindi treats them. Wayne stated that really muddies up their offsite participation. Karl stated it has some issues, yes it does. Wayne asked if they are briefed on the sunshine. Karl asked if he was speaking of the committees; he doesn't think so. Wayne stated that if they are under sunshine, they should be briefed. Steve agreed with Wayne. Marisa started coming to the meetings; Debby stated she is on the list. Marisa stated that there are people don't show up sometimes and at other times they do show up. People have busy lives. Debby stated that a sub-committee meeting. Karl stated instead of trying to identify all the ad hoc committees that we've had; how about if I set up some general rules for ad hoc committees. Council is in agreement. Karl stated that this way they will be under the same general guidelines. His biggest concern from a government perspective is the spending of money; that is what concerned me. Maybe this is anomaly that happened. It became a concern of his that that there was money allegedly spent that wasn't authorized. That's how that came about. Bonnie asked how, when they are going over contract, what if they need 10 port-o-lets because the 5 from last year wasn't enough. Does that make them spend money? When Debby is sitting there and Cindi is preparing the PO and we do that 10 port-o-lets, are we the ones spending the money then? Maybe there's a confusion as to whether they're actually spending the money if they say get 10 port-o-lets; are they spending the money or is it staff that technically is taking it from that line item, which is where we take it from for that purpose; we don't use any other line item for those 10 port-o-lets. Maybe there is confusion as to the committee members saying or not spending money. They say we need the pony rides, we know and we go out and get two quotes; one for \$150 and ones \$200. Does that make that make them spending the money because the picked the quote.

Marisa stated this isn't worth it. It costs money to have Springfest; I think we need to get an accounting service in there. You all need to go to a Springfest Committee meeting. Carl stated he has already asked about going. Marisa stated to go; it's on the calendar. Carl stated it's not on the calendar. Steve stated we need to move along. We have a speaker's card. He asked if Pat wanted to speak to this regarding the Council procedures for board appointments.



Pat Reilly, Mr. Milucky he hopes he represents the whole town of Malabar and not just the district that you live in. When you sit on Council, you represent the entire town not just where you live. Jim said Karl is going to put in Nov 1 – Oct 31. Yes. Jim stated to leave off the part about his district; doesn't want to have confusion.

Karl stated that only Council can spend money; he doesn't know how it's done, he's never been to one of the meetings.

**MOTION:** Abare / \_\_\_\_\_ to take Item 4 off of the tablet. Motion died for lack of second.

Jeff said in light of the dismissal of the charges against the members of the P&Z Board can the Town make a resolution acknowledging the dismissal. Karl recommends against it. Wayne said it should be in the public record. Karl said this was never Council's fight. Nothing needs to be done by Council.

Wayne wanted to ask about Item 4. No it was not untabled. Wayne said the Boards elect the Chair and the Vice-Chair. We don't micro manage that. Aren't they capable of making that decision. Can't talk about a tabled issue. Wayne said that is part of the ordinance the Attorney is working on. It is what they discussed. Karl said right now there is no procedure. From staff perspective we will do what you direct. He will send comments on this item. Let them do it or we will do it. It should be decided. Now it says nothing about it. TA asked if they could have Council comments by a cut off so Karl can finalize the meeting. Jim said there were Wayne, Marisa, Jim and the Mayor at the last P&Z meeting. The former Mayor Tom came to all the P&Z meetings and talked at all of them. At 10:30PM a Motion was made, seconded and approved unanimously to extend meeting for 15 minutes.

**O. REPORTS - MAYOR AND COUNCIL MEMBERS:** (number indicates order of reports)

4) Milucky: Thanked the town and the taxpayers for the FLC. The 3-day training was the best training he has gotten. The speakers, the materials everything was good. Officer Hammer didn't bring it up. A flash party on US1. 200 people. And the two responding officers didn't handle it very well. Cmdr Santos wants to support us in Malabar. His response was very positive. Party started at midnight. Between his property and Grant Balls property.

3) Abare: At this meeting there were people that said they have unfunded commitments of 50Mi. We have miles and miles of roads that are wearing out. Some towns they pave a mile a year. He is going to get more involved in next budget review. He wants them to take another look at it. Make that an agenda item. TA said make the move from millings to crushed concrete. If we put 250K in the budget.

6) Rivet: Got a little bit off topic. Does Council want to shut down earlier. As long as it is civil.

2) McKnight: Request to put up Sand Hill Crane crossing at Weber and Corey. Marisa said they have a family up her way. He had a group of people to allow dogs on the trails. The last thing is the Chief stays here all night. Can't he be placed up higher on the agenda. In the past there has been question about. Jeff said also about the Tom.

1) Acquaviva: Disappointed. Need to ramp it down a bit. We are here until 10:30. It was a disappointing meeting. We don't have to like each other but we have to get the work done.

5) Mayor: Went to the HR seminar and he drove over with Bonnie. You have that exposure. William Capote was there. That is where they discussed the Relay for Life. The other issue, at the Civ-Mil meeting Phil Crews was awarded a clock for being the best member of the year. The Civ Mil thinks highly of him.

**R. PUBLIC COMMENT:** General Items related or not to agenda items (Speaker Card Required)

**S. ADJOURNMENT:**

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

**MOTION:** Marisa / Wayne to adjourn. The meeting adjourned at 10:45PM

BY: Carl A. Beatty  
Mayor Carl Beatty

ATTEST BY:

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

Date Approved: 3/4/2013 as presented

(seal)