

MALABAR TOWN COUNCIL REGULAR MEETING

March 19, 2012

7:00 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 7:00 pm by Chair Thomas Eschenberg. The prayer and pledge were led by District 3 CM Steve Rivet.

B. ROLL CALL:

MAYOR/CHAIR

TOM ESCHENBERG

VICE-CHAIR:

MARISA ACQUAVIVA

COUNCIL MEMBERS:

CARL BEATTY

DAVID WHITE, excused

STEVE RIVET

JEFF MCKNIGHT

TOWN ADMINISTRATOR:

BONILYN WILBANKS

TOWN ATTORNEY:

KARL BOHNE

TOWN CLERK/TREASURER:

DEBBY FRANKLIN

Chair stated that CM White called and is out of Town on business.

C. RECESS FOR EXECUTIVE SESSION (Separate minutes) back in session at 7:43pm.

D. ADDITIONS/DELETIONS/CHANGES: Chair stated again that Mr. White is out of town on business. Regarding #8, Auditor Mr. Warmus is very sick with cold and Chair asked to pull item and put it on for 4/2/12. Item #9, move to under Clerk report. No objections.

E. CONSENT AGENDA: To Be Approved as a Group with one Roll Call Vote on All Items

(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)

Chair stated re: the minutes of 2/6/12 on agenda for approval on 3/5/12 – he had questioned that a name should be in the first paragraph under Fire Inspection and that note should not have been in minutes at all – it was information Franklin was giving to Kelley who was doing minutes of 2/6/12. So it will be deleted.

1.a. Approval of Minutes: Regular Town Council Meeting – 3/5/2012

Exhibit: Agenda Report No. 1.a.

1.b. Budget Adjustment: none

1.c. Repeal Fire Inspection Fees (Reso 7-2012) Moved to Item 13.

MOTION: Beatty / Rivet to approve the consent agenda (just minutes).

Discussion: no changes to minutes.

VOTE: All Ayes

F. PUBLIC COMMENTS: General Items not related to agenda items; Speaker Card Required

G. ATTORNEY REPORT: none

H. BREVARD CTY SHERIFF: Acquaviva said she saw Deputy in her neighborhood and he is doing arrest for burglary in area.

I. PUBLIC HEARINGS:

ORDINANCES:

2. Site Plan Review for Public Pool & (2) Bath Houses; Camelot RV Park Inc.-1600 Highway 1, Malabar. Applicant, Mr. Robert Ritter, Pres. Camelot RV Park, Inc. & Mr. David Bistarkey, Adobe Builders, Inc.

Exhibit: Agenda Report No. 2

Recommendation: Request Action

Chair opened PH: none

Chair closed PH

MOTION: Beatty / Acquaviva to approve the site plan for public pool and 2 bath houses at Camelot RV Park, Inc. as presented.

Discussion: none

VOTE: All Ayes.

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

K. ACTIONS ITEMS:

ORDINANCES: First Reading: Mayor read each by title only

3. Amend Land Use Designation on Future Land Use Map (Ord 2012- 49)

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; ADOPTING COMPREHENSIVE PLAN AMENDMENT NO. 2012-1 (SSA); AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE TOWN FROM OFFICE INSTITUTIONAL (OI) TO RESIDENTIAL LIMITED COMMERCIAL (R/LC) LYING ON THE NORTH SIDE OF MALABAR ROAD, ON PROPERTY LOCATED IN TOWNSHIP 28, RANGE 38, SECTION 31, SUBDIVISION 54, PARCEL 00002.0-0037.00, ALSO KNOWN AS 2540 MALABAR ROAD, LOCATED IN THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 3

Recommendation: Request Action

MOTION: Beatty / McKnight to approve the first reading of Ordinance 2012-49.

Discussion: Rivet asked for it to be pointed out on map.

ROLLCALL VOTE: 1) Beatty, Aye; White, excused; Rivet, Aye; McKnight, Aye; Acquaviva, Aye.

Motion carried 4 to 0.

4. Amend to Zoning Map (Ord 2012- 50) Mayor read by title only

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; REZONING THE PROPERTY AS FOLLOWS: A PARCEL OF LAND LYING ON THE NORTH SIDE OF MALABAR ROAD, LOCATED IN TOWNSHIP 28, RANGE 38, SECTION 31, SUBDIVISION 54, PARCEL 00002.0-0037.00, ALSO KNOWN AS 2540 MALABAR ROAD, IN THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; FROM OFFICE INSTITUTIONAL (OI) TO RESIDENTIAL LIMITED COMMERCIAL (R/LC); PROVIDING FOR AMENDMENT TO THE OFFICIAL TOWN ZONING MAP; PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 4

Recommendation: Request Action

MOTION: Rivet / Beatty to approve the first reading of Ordinance 2012-50.

Discussion: Mayor said this is the companion ordinance to Ord 2012-49.

ROLLCALL VOTE: Beatty, Aye; White, excused; 1) Rivet, Aye; McKnight, Aye; Acquaviva, Aye.

Motion carried 4 to 0.

5. Amend Chapter 8 of Code of Ordinances (Ord 2012- 51) Mayor read by title only

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; AMENDING CHAPTER 8 FIRE PREVENTION AND PROTECTION; AMENDING ARTICLE II STANDARDS; AMENDING SECTION 8-32 RELATING TO FIRE INSPECTIONS; PROVIDING FOR REPEAL, SEVERABILITY AND INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 5

Recommendation: Request Action

MOTION: Beatty / Rivet to approve the first reading of Ordinance 2012-51.

Discussion: Acquaviva in Sec 8- re: testing and being able to provide evidence that such testing was done. Franklin suggested it meant that fire extinguishers have been tested or elevators tested. Part is the question is what enforcement tool do we have. For those not specifically listed, they must provide Town evidence that the inspection has been done. Not inspected by us. They have to provide the town proof and the town would have record of that. If not bring to special master.

ROLLCALL VOTE: Beatty, Aye; White, excused; Rivet, Aye; 1)McKnight, Aye; Acquaviva, Aye. Motion carried 4 to 0.

6. Submit Referendum Question to Voters (Ord 2012- 52) Mayor read by title only
AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY FLORIDA; CALLING AND SCHEDULING A PERIODIC ELECTION TO DETERMINE IF THE TOWN SHOULD PURCHASE LAND FOR FUTURE TOWN PURPOSES USING AN ADDITIONAL MILLAGE COMMITTED TO SUCH PURCHASES; PROVIDING FOR THE MANNER IN WHICH SUCH ELECTION SHALL BE CONDUCTED; ESTABLISHING THE FORM OF THE BALLOT FOR SUCH ELECTION; PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 6

Recommendation: Request Action

MOTION: Rivet / Beatty to approve the first reading of Ordinance 2012-52 as amended.

Discussion:

Franklin said the discussion at P&Z indicated there would not be support unless the question had a specific property and amount included. She printed out the Capital Improvement Plan approved by Council and suggested that they may want to reference the three land purchases listed in that document in the question.

Franklin also spoke to Cape Canaveral regarding the voted debt. It does not have to be for a period of two years; it can be for longer period. Also he suggested a better method is to use FLC staff and use the bond issue.

Mayor said 1 mill of the final certification of property value in 2011 would bring about \$166,000.00 or \$332,000.00 for two years. They could add the projects such as the top three in the Cap Imp Plan. Once it is approved, then Council can decide on how it will be spent.

McKnight heard three reasons for referendum: purchase riverfront, for town hall or buy land because it is cheap now.

Rivet said if we don't have specific property in mind, one mill is a reasonable percent for voter consideration and enough to reasonably acquire land for a needed town purpose on the Capital Improvement Plan.

Acquaviva, if this is just to buy land, to have it in our coffers to buy land but not do a project or build something. Yes. Rivet said we could have another ballot initiative to raise money to do the development.

Chair said to revise the ordinance to reference the Capital Improvement Plan and specifically list first three things. Rivet said it should also add "or other park and recreational purposes as listed in the Capital Improvement Plan.

Mayor asked Attorney if they need to have another first reading since they added this. Bohne said no.

ROLLCALL VOTE: Beatty, Aye; White, excused; Rivet, Aye; McKnight, Aye; 1)Acquaviva, Aye. Motion carried 4 to 0.

7. Approve New Building Codes (Ord 2012- 53) Mayor read by title only
AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, RELATING TO BUILDING CODES; PROVIDING FOR ADOPTION OF CERTAIN MODEL BUILDING AND CONSTRUCTION CODES; PROVIDING FOR

CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS;
PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 7

Recommendation: Request Action

Chair asked Franklin to show where the added Code would be inserted. Franklin showed on overhead that the added Code would be #3 under Section 1.

MOTION: Rivet / Beatty to approve the first reading of Ordinance 2012-53.

Discussion:

ROLLCALL VOTE: 1)Beatty, Aye; White, excused; Rivet, Aye; McKnight, Aye; Acquaviva, Aye. Motion carried 4 to 0.

RESOLUTIONS:

8. ~~Approval of Audit for FY 2010/2011 (Reso 6-2012)~~ — Moved to April 2, 2012 Mtg

~~A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING ACCEPTANCE OF THE ANNUAL AUDIT REPORT PROVIDED FOR FISCAL YEAR 2010/2011 BY THE AUDIT FIRM OF AVERETT WARMUS DURKEE OSBURN HENNING; AND PROVIDING AN EFFECTIVE DATE.~~

MISCELLANEOUS:

9. ~~Use of Malabar Community Park for Musician's Swap Meet (tabled 3/5/12)~~

~~Changed by Applicant to Monthly Concert Series with Fees Waived~~

Withdrawn by applicant 3/16/12 – Clerk will address in staff report.

10. Replacement Culvert at Atz and Weber Roads (McKnight)

Exhibit: Agenda Report No. 10

Recommendation: Request Action

Franklin explained McKnight asked for this to be on for Discussion. TA thought we would have information from Engineer in time to put in agenda packet so we made it an Action item. Did not get information until today. Since the expense is over 10K, it must go before Council. McKnight said he just did not want it to fall off table. No action at this time. TA working on and will bring back. No further action at this time.

11. Golf Carts

Exhibit: Agenda Report No. 11

Recommendation: Request Action

McKnight asked if it is a liability issue about the horse signage and also with removing the stop signs, is it also an issue regarding allowing golf carts. Bohne said you have to post signs. Acquaviva asked if there is a groundswell of people that wanted golf carts. Mayor said one Malabar resident ask about this. Acquaviva said if there is a ground swell she would consider. We have a lot of horse people that asked for signage and we didn't buy the signs. He sees what looks like golf carts. Bohne said they are clearly defined. Bohne said there are prohibitions on other types of 4-wheel vehicles. Rivet said if we can ride horses then we should be able to ride golf carts. Bohne said you have to make a determination, not necessarily an engineering study, to determine if roads are able to accommodate them safely. McKnight said sign needed on every street? No, but Council decides where to put signs. Rivet said the obvious ones to exclude are Weber, Corey and Malabar. They would also have to follow the rules of the road. Bohne said Grant Valkaria did allow them on Weber and Corey.

Beatty said one level of threshold if at night, they have to have lights, age issue, can drive at age 14. Other vehicles can be used on roads but because of speed, not allowed on road over 35 mph.

Beatty would like to see us engage the FIT graduate students to look at the impact of allowing this, any changes we would need to make. FIT engineering students. Acquaviva says how many persons are we doing this for and buying signs. Beatty said people in subdivisions like Brook Hollow would like this. Same with Stillwater Preserve. Beatty is proposing FIT, virtually free, they can do traffic studies. Next

year they are doing an evaluation of Corey and Weber. Rivet asked if he had a contact there. The graduate students work for virtually nothing. There is a think tank

McKnight said Town bought signs for entrances. If people want them they can buy them, pay for signage. Golf cart crossing signs would be bought by Town. Bohne said they also have signs around the neighborhood, "Golf carts sharing roadway" and reference the Ord # at their entrances. Bohne said if you can get word out otherwise it is ok, but you make the decision on where to place them and what the wording says. The county in Suntree, "golf carts share roadway". Several areas would take advantage of this.

Acquaviva said we can have Beatty contact F.I.T. and bring back information. Trailer Parks have private roads. People that can't walk that would use them. Acquaviva said she has not heard of people wanting this. Mayor says the people that have them do what they want and don't come in and ask for an ordinance change. Beatty said he will be back with info at next meeting.

12. Traffic Control Devices on Malabar Roadways (Beatty)

Exhibit: Agenda Report No. 12

Recommendation: Request Action

Brian Vail, 2700 Smith Lane, read through the portions of the MUTCD handout and his take is that this is a local decision. He referenced Home Rule and said we should be able to put traffic control signs in as the Council sees fit. He read part of Section 1A.07 that stated the placement of traffic control devices shall rest with the agency having jurisdiction, the town. He referenced 1A.08 which gives the authority to place traffic control devices solely to the public authority having jurisdiction. The requirement is for all traffic control devices to meet the guidelines. The reference to the engineering judgment is within the authority of the Town.

Vail said he read the Mayor's memo; but as he read these same guidelines his understanding is if it is local roads, it is local decisions. We should have the say in these. The signs should meet the standards stated in the MUTCD,

Mayor pointed out error in his memo; it was 103K not 300K for the comp plan review.

Acquaviva wanted to speak about the Mayor's memo sent out after the meeting. She thought he was chastising the two who did not vote in support of removing the signs as if they were not thoughtful in their votes. She is appalled that he would write such a memo. Mayor said he was puzzled and that is the word he used. Acquaviva said that pulling stop signs at a very busy intersection that has been up for many years, she would have liked to research that indicated it was necessary.

Beatty said several factors relate to the MUTCD. One area says shall, if you put a sign up it shall comply with guidelines so it is like any other sign in Florida.

Book has one section on culverts relative for DOT standards, so if Town chooses to use those, we can piggy back.

The segment in-between says you "should", like a recommendation. What the Town decides is at a local decision. If it says you should do a study, that's fine but it is not required. The Town did direct and put the signs up and they were put up 8 years ago. Pulling them now will cause other issues. Concern at Weber and Corey had nothing to do with speed control. The controlling was to make it safer without getting t-boned. He was there.

MOTION: Beatty / Acquaviva to rescind the action the Town took at last meeting related to having stops signs on Corey Road at Atz removed.

Chair said point of order. He said Beatty can't call for that. Attorney Bohne stated that Beatty called for a motion to rescind in contrast to a motion to reconsider. Motion to reconsider can only be brought by member of the prevailing side. A motion to Rescind can be brought by any one.

Discussion. McKnight said there is no rush. He doesn't have problem with doing further study. He voted to support the removal at last meeting because if the Town is liable he was going for cheaper route. He still thinks they should either both have 4-way stop signs or not. They need to be equal one way or the other. Acquaviva said they shouldn't rush to judgment. Need to reconsider this.

TA said she has asked Palm Bay if their Engineering Dept could do the studies and they can. If we use Palm Bay to do this, then look at both intersections for study. Mayor said we need to make sure we do further study.

VOTE: All Ayes.

McKnight was under impression, if there was not a traffic study then sign is illegal. Beatty said the language said we *should* do a study, not shall and Council discussed the matter and voted to put the signs up.

Mayor said if you don't do it by the manual there could be liability.
Dick Korn disagreed with him.

Bohne said he did not say if it was legal or not legal. Bohne said at what point was the decision made. McKnight asked how do we determine if it is legal or not?

TA said we have 138 stop signs.

Beatty says the Section that says do a study says *should*.

TA said she went to Palm Bay and they could use their in-house Engineering staff to do study at Corey and Atz and they offered to do it.

TA said she was asked why she didn't have the sign up announcing the stop sign was coming out. Mayor asked why signs weren't up. She had two Council persons who had requested this be brought back. The estimate for the portable electronic sign is \$1350.00 plus \$75.00 delivery. She did not want to commit that amount of money knowing it was coming back before Council.

Mayor said it would be good to get a professional opinion instead of emotional one that existed when stop sign was put in. Bohne said if the signs were put up illegally, there could liability. Acquaviva said Florida Statute 316, 006, states cities shall have jurisdiction and may place and install traffic control devices.

Beatty said they should use the students at Florida Institute of Technology (FIT). TA said no they must be certified. .

Mayor read 316.045. All official traffic control devices shall conform.

1.c was moved to here as 13:

13. Repeal Fire Inspection Fees (Reso 7-2012)

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, REPEALING RESOLUTION 02-2007 RELATING TO FIRE SAFETY INSPECTION FEES; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 1c.

Recommendation: Request Action on both

Mayor read Reso 7-2012 by title only.

MOTION: Acquaviva / Beatty to approve Reso 7-2012.

Discussion: Acquaviva was not sure they decided to have no fees. She supported repealing the fees in place. Rivet said the fees were to cover the cost of the Fire Marshal. Since there is no incremental cost, then there is no need for a fire inspection fees. Acquaviva said what about if they want to charge a nominal fee in the future.

Rivet said if they hire a fire marshal in future, they can reconsider. Beatty said the fee schedule was copied from the county. A business was charged \$100.00 and another business was charged \$120.00. Acquaviva said she was aware of those and that is why she wanted those fees repealed but to not have any charge? She said we are discussing not having any charge. It can be looked at in the future if council wants to impose a nominal fee at some point.

ROLLCALL VOTE: 1) Beatty, Aye; White, excused; Rivet, Aye; McKnight, Aye; Acquaviva, Aye.

Motion carried 4 to 0.

(No Recess – Attorney Excused)

L. **PRESENTATIONS:** Carl Beatty attended the Finance Class in Altamonte Springs and got a certificate

M. **PROCLAMATION:** **Malabar's 50th Anniversary**
Brian Vail – Donation of Flag Pole
Chris Rakuaskas – Malabar Song

Mayor read 50th anniversary proclamation. It will be read again at SpringFest. Also will have copies available at event for residents. Mayor thanked Franklin for research. Franklin said she will have another done for meeting in December.

Mayor also Proclaimed a Certificate of Appreciation to Brain Vail. McKnight said he can help with top and brass if needed.

Mayor also Proclaimed a Certificate of Appreciation to Rick and Chris Rakauskas for writing the Malabar Song adopted by Council in 2011. It will be read and presented to them during SpringFest.

N. STAFF REPORTS:**ADMINISTRATOR:**

- Gave info on Palm Bay traffic engineering earlier.
- She will be contacting each Council Member separately to discuss something personal
- Fire Chief – nothing.
- TA showed the pix from the recent PW project. Beatty said he did a similar job to the south of there and PW did it with plastic pipe and had clean connection. One issue is there is a primary power going across there. Shut power off for two hours. They are close to that last culvert. Beatty said they didn't have engineering – we just did it.

CLERK:

- We are in high gear for preparations for SpringFest. Still need volunteers; looking for qualified persons to take shifts in driving a tractor pulling a trailer to haul people around park. Would also like qualified volunteers to work the beverage booths.
- The Park Bd will hold a public hearing on the grant ap for FDEP funding for a restroom at the Sand Hill Trailhead. Their recommendation will be at Council on April 2, 2012 for Council adoption of resolution to commit to the Town's portion in in-kind services.

- We will have t-shirts with the cow bell logo for each participant in the 5K. They will also get a free pancake breakfast so the SpringFest Committee will be paying \$5 for each registration for the race to compensate the Fire Dept.
- We will also have 50th anniversary t-shirts for sale at SpringFest, a lapel pin, ball caps and tote bags. The quantities were chosen to get the best affordable price. We have also purchased prizes to award to the "winners" in the Kids Zone. We will be offering wrist bands for the Kids Zone to play all day.
- Re: Item 9, she explained the applicant realized after the rain two weeks ago that he needed a venue indoors for musical instruments. He would like to thank council for their consideration and may come before them in the future to offer free concerts in the park at Malabar Community Park on a monthly business and may ask for their consideration to waive use fees. The parks are first come, first served and there is only a fee if someone wants to reserve and have exclusive rights to an area. The Blue Grass Bunch uses Sand Hill Trailhead on first come first served basis.

O: DISCUSSION ITEMS:

13. Drainage Retainment Requirement (Mayor Eschenberg)

Remember from last mtg. Recommendation from atty. Situation with Mr. Morris. Town has requirement in code but doesn't say how. Make that more specific. He thought our town eng could make some recommendations on what could be added to code. Develop any kind of property be kind of specific on how to retain the water. TA said Eng Smith would have many suggestions. OK with Council. McKnight said Eng called him, it performed in the rain. He was out there in the rain. He wanted him to convey to the Council.

14. Water and Sewer Utility (Beatty)

Beatty said we talked about this at 7PM and don't want to do things so based on that he will pass on that.

15. Stormwater Utility (Beatty)

Stormwater utility, previous statement on graduate students if we can use them in any of this. TA said stormwater would have to comply with NPDES. TA said if he could get a list a resources and contact numbers that would be helpful

P. REPORTS - MAYOR AND COUNCIL MEMBERS:

- 1) Beatty: Public Safety employees can get free training at Barry University and he will give to Clerk and she can mail it out to everyone. Re: procedures, he will be out of town on May 7. Will be part of SCLC fly-in to Washington DC. It appears SCLC is funding it in full for 4.5 people. Georgia Phillips of Rockledge is 50% funded by her city as she goes up every year. They made vote at last meeting. Referencing the Boards, he said they each go to the Chair to ask for an excused absence. For Council, our rules say it is up to Council to determine if he is excused. Acquaviva said she was sure they would mark him excused for his trip to Washington DC. Beatty said he went to the Revenue Workshop in Feb at Altamonte and he learned a lot that will help him at budget time. Acquaviva said she appreciates his work at the SCLC. Beatty said SCLC asked for six volunteers and only got five.
- 2) White: excused
- 3) Rivet: Addressed Mr. Korn's desire to speak. Roberts Rule that is selectively enforced. Earlier it was Mr. Vail and just now allowed council member talking to staff. Mayor says how far into discussion. Procedures say that the card must be in before council take item up for discussion. At Council request that is how he will change it. Make that an action item. Review Council procedures for cards. Make it action and get procedures to Council.
- 4) McKnight: Resident asked about Coquina Drive and Rocky Point Drive. As long as it remains open, they will be looking at a patch. They claim it is also a safety issue between the two back yards. There is a fence. The one that is caved in the back yard. Caved in on north side of house. There is one at curb and one. They have to remove a lot of stuff. There have been

some concerns. TA said if it is on the inside of their fence. Tom will look at it tomorrow. If they could mark it with flags.

- 5) Acquaviva: RSVP for Gov Scott to come to Brevard Cty to see what he has in store for Brevard. She will attend that. Mayor will do meals on wheels. Might be on TV.
- 6) Mayor: reminder; Jeff, Carl, Steve have been there.

He has handouts: rough resolution on and will bring that back at next mtg. See if we want to go ahead with some sort of standard. The next one talks about the FDOT. The next is from TIPs, which explains the MUTCD and it has some more information. The last time, the atty said stop signs that were put in correctly couldn't be enforced. Claimed it as an improper ticket. Doesn't have any public

Q. PUBLIC COMMENT: General Items related or not to agenda items (Speaker Card Required)
Dick Korn, 3115 Weber, lives on and should control it on both. Certain times of days, people use those two streets to avoid Babcock. Question on who asked for the 4-way stops. It was him. He asked for them. In Jan 2004, he immediately opposed them. Dick t-boned someone. Have a responsibility to safety welfare. More so than saving money. Look out for the safety more so than. 4-way at Eva and Hall by Detwiler and it should be there. You ought to

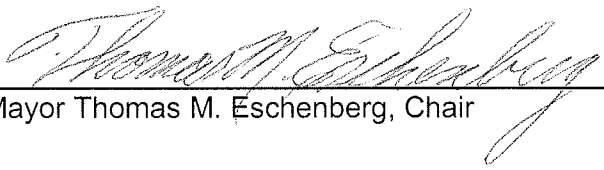
Put in request in writing for stop sign at Atz and Weber. To Town council, in care of TA. At least those four. It is a little inconvenience. Mayor was very emotional about it then. Mayor has complete disregard for their safety. Necessity for safety. Dick thanked Rivet. Who is going to request it, it will be him. Beatty said they will look at both intersections. Dick said look at both of them.

Now you are aware, from Micco Road to Eau Gallie there is only one place where east west roads that are 55mph and it is Malabar Road in Malabar. Why with residence facing the road. It was voted against that before council. FDOT said they were never asked.ing

R. ADJOURNMENT:

There being no further business to discuss, **MOTION:** Rivet / Beatty to adjourn this meeting. **VOTE:** All Ayes. The meeting adjourned at 9:45 PM.

BY:


Mayor Thomas M. Eschenberg, Chair

ATTEST BY:


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

Date Approved: 4/2/12