

## MALABAR TOWN COUNCIL REGULAR MEETING

May 7, 2012 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 Chair Thomas Eschenberg. The prayer and pledge were led by District 2 CM David White.

### B. ROLL CALL:

MAYOR/CHAIR

TOM ESCHENBERG

VICE-CHAIR:

MARISA ACQUAVIVA

COUNCIL MEMBERS:

CARL BEATTY

DAVID WHITE

STEVE RIVET

JEFF MCKNIGHT

TOWN ADMINISTRATOR:

BONILYN WILBANKS

TOWN ATTORNEY:

KARL BOHNE

TOWN CLERK/TREASURER:

DEBBY FRANKLIN

Clerk stated that PW Dir Tom Miliore was also present. (Fire Chief Dennis Covey arrived at 8PM)

### C. ADDITIONS/DELETIONS/CHANGES:

TA asked to pull Agenda Item #5. No objections.

### D. 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)

1.a. Approval of Minutes: Regular Town Council Meeting – 4/16/2012

Exhibit: Agenda Report No. 1.a.

1b. Budget Adjustment – SpringFest (Reso 10-2012) **Placed Under Resolutions**

MOTION: Rivet / Acquaviva to approve Consent Agenda as submitted (minutes of 4/16/12)

VOTE: All Ayes.

E. PUBLIC COMMENTS: General Items not related to agenda items; Speaker Card Required  
Speaker Card: none

### F. ATTORNEY REPORT:

Bohne has been reviewing the agreement with Palm Bay and is calling for an executive session. There is also an easement agreement and bill of sale he has reviewed and has no problem with. The agreement itself is fairly basic and maybe too basic and he is working through it. He would ask for the Executive Meeting for the next meeting set for 5/21/12 for 30 minutes. Chair said maybe for 45 minutes. Council agreed. Have it at 6:45PM at 5/21/2012. Attorney Bohne will provide his edited copy to them for their review and asked them to hold comments for meeting.

G. BREVARD CTY SHERIFF: Dep Hammer reported that there has been no activity in Town. Their presence alone may divert the crime. Mayor asked how the ride along program works. Sign up and a background check is done. TA asked when they are busiest. Busy in afternoons or midnight shift. Apply at 1515 Sarno Road. Mayor's wife asked about age limit. Ages 18 and up may apply. Who usually does this? People going through the Academy usually do it. How long? Full shift. 8-10 hours.

TA asked for the Speed board for the Brook Hollow area. OK. McKnight asked for his email again. William.hammer@bcso.us.

### H. PUBLIC HEARINGS:

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

**J. ACTIONS ITEMS:**

**ORDINANCES:** First Reading: none

**RESOLUTIONS:**

**2. Approve Budget Adjustment 10-2012** A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PERTAINING TO A BUDGET ADJUSTMENT IN THE FISCAL YEAR 2011-2012; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 2

**Recommendation:** Request Action

Mayor read by title only.

**MOTION:** Rivet / Acquaviva to remove from table. **Vote:** Ayes, 4; Nay 1 (Beatty)

**MOTION:** Rivet / White to approve Reso 10-2012

Discussion: Beatty said he did not get the information he asked for. What he got was not his understanding of a full accounting. Beatty questions the reason for 2 budget adjustments. Franklin explained that the budget adjustments are done prior to the payments as that is the proper process. The first budget adjustment was done when those bills were ready to pay. The second budget adjustment was presented before the rest of the bills were paid. The information provided includes all revenues received in for SpringFest, whether it was for booth rental, race registration, ticket sales or pony rides. The amount in the expended column expended is the amount expended for the event. Beatty said the check requisition states that the Clerk states that there are funds in the budgeted amount. Franklin said the amounts would be there if the budget adjustment if completed before the expenditure is made. The document submitted shows that 8500 was budgeted for revenue and we received 11,382.91. The expenditures were set at 10K for a one day event and we spent 18,367.67 for a 2 day event. Franklin said that their staff did a phenomenal job of keeping costs down. Franklin said she can prepare and give a printout of each expenditure against 001-548.4800 if that is what he wants, but that will include expenditures for the Tree Lighting. Franklin can't prepare a similar report for the accounts receivable as it is not set up in the Cougar Mtn software it would have to come from the accountant and they are not close to having April's data ready. TA said that she will work with Franklin and prepare a document for him to show the breakdown. TA said the 2 day event was after the budget was set. TA is ok with waiting on resolution adoption to provide more information.

Acquaviva was on the SpringFest committee and attended the meetings. She knows the way things were changed and added to over the course of many months during preparations. They were a great group of volunteers and had great ideas on ways to incorporate events to make the event better. The CowBell 5K was added and the associated costs for race management. Franklin said they did bring that up at a Council meeting and the Council consensus was to use the professional race management company for this first race. They gave us a discount at \$1725 and actually gave us their \$2250 package. There was an additional cost of \$2 per racer for the electronic timing device. So the final cost for that was \$1955. The ponies for two days cost a lot. These weren't surprise amounts. We told Council they would be coming. We never bring in big money on the ponies but the kids like them so we do it.

McKnight said the bottom line is not going to change. He was expecting a cost analysis showing revenue on race vs. cost of race so they can look at it in budget workshop in deciding if they should do it again. Franklin said she can do that and will do it and will send it out.

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

**3. Amend Council Procedures (Reso 11-2012)**

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, CONSOLIDATING RESOLUTIONS 5-97 AND 104-2011, COUNCIL PROCEDURES INTO ONE RESOLUTION; AMENDING SECTION 4 OF RESOLUTION 01-2009, COUNCIL PROCEDURES; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 3

**Recommendation:** Request Action

Mayor read by title only.

**MOTION:** Rivet / Acquaviva to approve Reso 11-2012

Discussion: Rivet wanted Council, not Chair, to be the one to yield floor to speaker. McKnight said multiple Council members may yield to residents and then the Chair loses control of the meeting. Rivet said then to add sentence: "If the Chair refuses to recognize a speaker then it shall be put to a vote of the Council." Acquaviva said para #10 was her item; she wanted it reflected in the minutes but also in the vote to cover if member left early or was excused. Add "on the votes" to the end of the sentence.

Beatty asked about "Item put on 10 days prior to meeting". Mayor said that is the item McKnight had changed. Beatty said they could also add it at the meeting as a discussion. The 10 days was for more for transparency so residents could reasonably expect to know what would be on the agenda.

Beatty said Under Sec 3, also provide for other reasons for the Chair to have authority cancel a meeting in case of a derailment or power outage and then the Mayor could spam it out Franklin asked if he meant Mayor or Chair. Beatty said Chair. Acquaviva suggested *in the event of an emergency*. TA suggested *in the event of a catastrophic event*. Beatty said if the Mayor gets information that there are three members that are out of Town then he can cancel the meeting. Rivet said tonight is a good case in point as the Mayor and Council did not think Beatty was to be in attendance and if there were two other members that could not attend, the meeting would have been cancelled even though there would have been three since he did appear. Acquaviva said we have had lack of quorum and the Chair kept the meeting as a discussion until there was a quorum.

Chair asked Attorney if they should add the reasons for Chair to cancel. White said leave it at the Council Chair has authority to cancel the meeting. Bohne said they should eliminate words instead of adding reasons. Strike sentence and exchange with "the Council Chair has authority to cancel mtg and to direct clerk to notify Council Members that the meeting has been cancelled. If it is abused by the Chair then Council can remove the Chair.

Rivet suggested changing from "10 calendar days" to "one business week". No. McKnight explained that after the submittal, the Clerk still has to assemble it. If the agenda has items related to a business or similar situation and the Clerk does not get it out until Friday then Council only has Monday to contact the business before the meeting.

Beatty said they should provide for adding items. McKnight said he would agree only if there were extenuating circumstances. Bohne asked what was extenuating circumstance. A developer that wants to go forward with project? Franklin said they should use realistic examples. A developer wanting to expedite would not be extenuating. A resident that had their culvert demolished due to a traffic accident may be an extenuating circumstance. Franklin said she defers to the Chair on all of those types of requests after the deadline and she does not feel it has been any problem to date. Chair agreed. The agenda is usually set by noon on Wednesday.

McKnight said the 10 days is also to allow for staff to prepare the package. If you narrow that then the applicant could possibly be coming with additional material to be added each day causing more work for the agenda preparation process and burdens the staff and unless it is an emergency and approved by Council Chair it should be 10 days prior for the deadline. B.3. leave the same.

Acquaviva agreed with McKnight. For the last two weeks there has been staff out and there have only been two staff in the office and to put together the Council and Board packets and to keep throwing things in would cause much additional work. McKnight said this meeting package doesn't have that many action items but still had over 200 pages in package. Bohne said "normal practice" they have that covered. No changes are necessary.

Mayor said he has question on B.2., the portion that was added regarding providing for the item to be pulled. He thought if the person that asked for it to be put on is present at meeting it should not be allowed to be pulled. McKnight agreed and said it was recently done with a request by Dick Korn.

Acquaviva disagreed. As was stated when Mr. Korn submitted his request, he knew he would not be able to attend. She referred to the recent Council Member requests to postpone action on items related to traffic control devices. As many had asked regarding the stop signs agenda items, this one was asked by a resident who stated he knew he would not be able to attend and still wanted it on for Council. Council could not remove the item if resident attended the meeting? She said the item was voted on by a split council and later rescinded and they wanted to discuss this again with a full council.

Acquaviva stated is council saying that these items may not be pulled or rescheduled if the agenda item requestor is present. Mayor said yes. Acquaviva said Council should prevail. Mayor said resident should prevail. Acquaviva said in reference to a recent meeting when there was not a full council and an item was voted on and then later rescinded when there was a full council. It was an important vote regarding a stop sign situation. She said it was an important vote. McKnight said he agreed with Mayor; if a resident is present and has an item on the agenda, then Council should make it a priority to attend.

McKnight did have an issue under B.2. that would allow the Council Chair to remove an item submitted by a resident by the Chair. That could only be done prior to meeting and should be deleted. Council consensus to remove that. Item submitted by resident can only be removed by a vote of Council at the meeting.

Mayor said they should have all the rules for speakers in one spot. Move them from Section 5 of Reso 97-5 to the first part add the parts that are not already in then combine.

Chair asked Council if they wanted to pass it tonight or see it again. Council was ok with approving it tonight.

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

#### **MISCELLANEOUS:**

#### **4. Amend Article V Related to Recreational Vehicle Parking (Mayor)**

**Exhibit:** Agenda Report No. 4

**Recommendation:** Request Action

Mayor said this is a follow on from last meeting. It was an offering from a P&Z member. He wanted the attorney to review and see if it would be easier to enforce. Chair read through the Attorney's comments and had no objections to Section 15 but Attorney had a comment of what is a barrier. Mayor stated the code reads behind a barrier obscuring visibility. Does he mean add the word screened? A visual barrier? Yes, that is what the original code reads. Mayor said Attorney had issue with the last paragraph of Section 16 is confusing regarding "under the control of"? Mayor did not know why P&Z added that. Attorney did not know the purpose of defining it. Mayor said the purpose is the code

currently says the vehicle must be titled to property owner. Mayor said P&Z suggested that language because if you don't have title it couldn't be there and that would apply to leased vehicles, or company trucks or a Deputy's squad car. Attorney read Section 16 requirement for title and thought it should have a valid registration and get rid of title requirement. Mayor said P&Z did strike that and inserted the "under the control of" wording. What does that mean? Rivet said it means that you have the keys. Acquaviva said it could be stolen. TA said they had issue with tractor trailer being allowed to park and when property owner was contacted they said it was his friends and he didn't have key so it had to remain there. That wasn't residential land. Mayor said having keys would be "under the control of" and doesn't know what else could be used to define it.

Mayor suggested if Council generally likes this then send it back to P&Z Board and tell them that Council generally likes this and ask them to better define "under the control of".

Acquaviva – asked why P&Z didn't like this to start with? Council had a recommendation from P&Z on this issue. Why did Mayor take what a member drafted and have attorney review it that cost money. Mayor said you would have to have sat through all the P&Z meetings. Their first recommendation had many write ups from the attorney identifying problems. Acquaviva has a problem with the Mayor plucking this one item from one member. She realizes he goes to all of the meetings and she appreciates that but P&Z presented a combined version of this. That is why she had those questions at the last meeting. Rivet said it is an advisory Board. Mayor said he heard a P&Z Member say if Council doesn't like their recommendation, they should tell them what they want. Acquaviva said why couldn't Council have sent their recommendation to the Attorney? Mayor said they hashed it out. McKnight said they rejected two of their recommendations. Rivet said their issue was trying to make the changes and maintain the intent of what P&Z wanted. Rivet asked Chair to recognize Vail.

Brian Vail said part of the feedback he got was in reference to their work truck. If they work for a plumbing or electric company and take their work truck home, it is not their personal truck but it is under their control. White said doesn't see problem with what Mayor suggested and thinks it should go back to P&Z for more clarification on what they mean by "under the control of." McKnight said they are only asking for one more modification. Mayor said they know they are an advisory Board.

Bulleted item for P&Z Board:

- Define under the control of for Council. Rivet suggested it have something to do with having the keys and the responsibility.

Attorney said this only has to do with vehicles with current registration that are visible. Mayor said yes. Atty said the intent is to prevent someone from using their land for storage site. Someone might be willing to give someone their keys in order to park on neighbors land but may be less likely to hand over their registration. Attorney has problem with language. Mayor said send it to P&Z and see what they come up with. Mayor always leaves his registration in glove box. McKnight said send minutes with recommendation.

Mayor said see what P&Z comes up with.

**5. Award of Bid for Septic Work at Town Hall (RFP 2012-01) PULLED**

**Exhibit:** Agenda Report No. 5

**Recommendation:** Request Action

**6. Award of Bids for Culvert Replacements at Atz and Weber Roads (RFPs 2012-2 and 2012-3)**

**Exhibit:** Agenda Report No. 6

**Recommendation:** Request Action

When bid was put out the scope was written very clearly and did not provide for "options" and two of the bidders added "options" but she did not disqualify them. We do encourage creative ideas. We are open to new technique or method so we did not disqualify anyone. Because of her health issues and the Engineer's health issues, he did not provide a recommendation. If you want his recommendation she would suggest they table this. Mayor said this is pretty straight forward work. TA said yes and we do this type of work but at the Atz and Weber intersection, we do not have the ability to pull that headwall out. The other we can also do but it is a main corridor and we don't want to shut down traffic and a contractor could do it faster. The project scope is pretty cut and dried and was done by our Engineer. Rivet is amazed at the cost spread, almost 3x.

TA did say Goodson Paving is the company we used for all of the paving under the stimulus projects. TA said it was one of the few things on the stimulus projects that from start to finish was done right. They also did LaCourt Lane and they were on the money with timing. And did not submit extra bills.

CDM has also done work for us. They did repair at Weber and Hall. They claimed that we didn't have both bids on Demand Star. All the other contractors got them on Demand Star.

McKnight had question on the scope of work; it says to remove 2' pipe and replace with 3' pipe. He asked if we could leave the 2' pipe and put in another 2' pipe next. TA said the headwall wouldn't work for that. The pipe is not failing, it is undersized. He asked if she could find out if they could put in another 2' pipe next to it to provide additional flow. It seemed to him it would be less work and less money. TA said if Council wants to table she can check on this and get it on next agenda.

Mayor said the project to replace the pipe under Weber south of Atz is not same situation. Can't they take action on it? TA explained why they wanted to do one contractor to save money with one mobilization cost. Acquaviva said one of the bidders, Danella actually was proposing to sub out to Goodson for the paving portion and that might account for the price difference Rivet referenced.

**MOTION: McKnight / Rivet to table for additional information. Vote: All Ayes.**

**(No Recess – Attorney Excused) 9:10PM**

**K. PRESENTATIONS: none**

**L. PROCLAMATIONS: Mayor asked for Council Members to read:**

McKnight read: Clerk's Week: has passed but wanted to recognize staff.

Rivet read: Public Works Week: thanks to Public Works Dept.

Acquaviva read: Management Week: copy will be sent to their office in Cape Canaveral

White read: Civility Month: American Bar Assc made this request – 3<sup>rd</sup> line sb member's"

**M. STAFF REPORTS:**

**ADMINISTRATOR:**

- Thanked Debby for excellent job she has done while TA has been out. Also thanked Council for their consideration and concern and also from residents for their help. It has been a difficult time and she has about six more months to go. She will be here as much as she can. She is back on business phone again.
- Fire Dept Report:

**CLERK:**

- Franklin gave update on community event on front yard project:
  - Layout by Master Gardner Debbie Pierce
  - Donations of labor from Wendy Forgetta, Marisa Acquaviva, Sara Morrison
  - Trees donated by Doug Proctor of The Palm House
  - Sod to be donated by Scott McLachlan, CMR Const
  - Electric demo by Jim Parker, Commercial Electric.
  - Trees were trimmed back by Rick Turner, A Fast Tree Service.

**N: DISCUSSION ITEMS:****7. Amend Chapter 13 of Code with Ordinance and Resolution re: Road Assessment Process****Exhibit:** Agenda Report No. 7**Recommendation:** Discussion and Direction

Mayor said we got the petition on paving Smith Lane and he brought up problems he thought we had with code and has been discussing with Attorney ways to make it clearer. What Council has in the packet is what the Attorney has come up with after their discussions. The code didn't provide an out for the people if the price turned out to be too much. Once you submitted the petition and it was approved you were stuck with paying the assessment. This provides for an opt out once the cost estimate is known. Then if the signatures on the petition drops below the 2/3, the petition is no longer valid and the process is cancelled. Section 2.b. clarifies that if the 2/3 still holds, then the process goes forward and all would be assessed. It provides for a resolution to set the paybacks. Mayor asked for status of project.

TA said the compaction tests have come back on the area under consideration. She was waiting on that. Now she can get the project scope done and it can go out and she can request proposals (RFPs). Once she has that she will send it out to the individual property owners so they can see how much it will cost. She thought they could use ranges; for example if they get three bids in, she can list the lowest to the highest in information to property owners. Otherwise you would be awarding a bid on a project that may not be going forward.

Mayor would like this to go to first reading to make it legal. Rivet asked about the wording "the owners of 2/3 of the frontage. Basically, the owner of two or more lots would get two or more votes. Mayor said if you have a property owner who has one lot with 300' of frontage has one vote, just like the property owner with 200' of frontage. TA said it is done by parcel. Rivet said the ordinance wording refers to frontage. Franklin said the petition is done by owners of the parcels on the proposed road frontage. Rivet would prefer it to be one person, one vote regardless of parcels. Others disagree. The assessment is based on the frontage. McKnight gave example of person that owned five lots on roadway but didn't live there. Another person owns lot at end of road and wants it paved. It would not be fair to have both property owners only have one vote each. If you are going to be assessed for frontage on all five lots, you should have five votes. Acquaviva agreed and said that is the way it is done in other areas. They asked if Attorney had reviewed that portion dealing with petition counting vs. assessment process. TA also added that the property owner on the corner of Smith Lane wants to contribute to the cost of paving although her house fronts Atz she uses Smith to access her land and has about 600 feet on Smith. Franklin said she could make a donation that would come off the total cost of the road before it is calculated. She is also not included on the signatures on the petition. TA said they will run into this in other situations when the house is on the corner. Rivet is willing to support the one vote per parcel if that is the standard used.

Beatty said the petition is one vote per parcel. The assessment is done on a per foot basis. Rivet gives an example of one property owner owning ten acres on one side of the road and only has one vote. Acquaviva said that is a very unique situation. Franklin said most of the lots are platted at 200 feet of frontage and 330 feet in depth. Rivet would say then don't ever combine lots. Franklin said a lot of property owners combine lots to reduce the taxes. It can be done simply with a document at the property tax office. Mayor said that is for tax purposes, not really combined. Franklin said you could argue that in that they use the tax appraiser's map with these petition efforts. Rivet said they need to determine how to calculate:

- o One person / one vote
- o One foot / one vote
- o One parcel / one vote

Should someone who owns 50% of frontage only have 10% of vote? Should the vote be matched to the potential cost? Rivet thinks you can make an argument that way but doesn't know if that is the right answer. Chair asked if Clerk had enough to send it to Attorney.

McKnight said it should not be difficult to make a mathematical model showing the parcels and the percentage of frontage owned by each. You then add up the frontage and if you get 66.6% that want the paving, you go ahead. Rivet said then essentially it would be one foot of frontage = one vote. Yes.

Chair asked if Council had any other concerns with ordinance. No. Mayor said Council should also think about the resolution and payback method. That should be on agenda when the ordinance is up for second reading. Think more about that – one or more years to pay back if someone has 600' of frontage. Acquaviva said they were affected by this in Melbourne when their neighborhood wanted street lights. They did petition based on parcels.

Chair said send this back to Attorney to see what he thinks about this. If Council wants to do up your own formulas and send to Debby and she can send them out. He will have reso on next agenda also. Put ordinance on for first reading.

Mayor asked if Beatty was going to Washington DC. Beatty said yes, early morning.

**O. REPORTS - MAYOR AND COUNCIL MEMBERS:**

- 1) Beatty: nothing
- 2) White: nothing
- 3) Rivet: nothing
- 4) McKnight: nothing
- 5) Acquaviva: HOA President Merrick has called Town Hall and the TA and emailed her and she gets copied. There was a washout that didn't have to do with the pipe failure. That repair has been done but she has also been asked when the other work will be done. Wanted to ask TA in public forum when are those bids going to come to Council for the bridge repair. TA explained that the Engineer, Morris Smith was bringing a company in to explain what they would recommend. And they are coming with prices as well. She plans to have for the next meeting.

TA said the washout area repaired is not from the culvert issue. The way the HOA President wrote it was like a car may fall in at any time. TA said they did this repair to the washout area just like they did the repair when there was damage from ants. Acquaviva said she has encouraged Merrick to come to the meeting.

Acquaviva also encouraged anyone to come in and help with the front yard project. She and her neighbor Wendy came to pay their water bills. They discussed what is planned and said why not get started. Scott brought down a rotor tiller and they worked the area. Hopefully they will do as much as they can. Franklin added information from Jim Parker of Commercial Electric who donated his labor to demo the electric lights that light the flag. That will open up the area for more green space. They are shopping a solar powered light to mount to the flag pole to provide lighting on the flag at night.

- 6) Mayor: He thanked Acquaviva for taking charge of the front yard project. He has been complaining for so long and the money got wiped out in the budget. Acquaviva said she is glad so many want to help. He is happy that it is working out great.

Mayor stated on a sad note, that his Eagle Corp Partner of three years, Dave Hudson died on Sunday. He was fighting cancer for six or seven years. He was 80.

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



Steve Morris, Weber Road, has questions to ask. Wished the Town Atty had stayed. What is going on with those drainage ditches? He looked under Cameron's driveway and there is no culvert. Water can't go nowhere. There is a big pipe. His engineer walked down Hall Road and it is so overgrown and ditches are caved in. He is not blaming Tom, he is a good man; he is overwhelmed with everything he has to do to maintain all this stuff. Mr. Morris said Council should hire some more guys for Tom. We need to move stuff instead of just talking about it. Atty made comments about farming issues. He and his attorney have read the minutes and there is nothing in there (minutes) that it would be detrimental to his cows out there if Council made him dig the ditch. It should be fair to everyone. By opening the ditches out there, it is a start. He can't mow his grass on north side and has become carpet grass and he has to hand mow. He has brought pictures and has been explicit on what needs to be done. Mayor asked him to wrap it up. Mr. Morris said don't let Foley run this town and have him tell you what to do. That is it. Thanks.


TA said as an update on PW schedule, March was for Huggins Drive drainage work. Did the catch basin then SpringFest and then went back to lay the long pipe. Have 80 feet left to install. Have done 160' done. Once that is completed they would look at drainage on Weber Road. Mayor said they will do their best to do it before the monsoons. Can't maintain the ditches and do the mowing since everyone is working on the pipe. When they have to wait on something or can work around he has someone mowing or maintaining the ditches. It may look like they are not doing anything but they are.

Brian Vail, 2700 Smith Lane, re: road assessment, one vote per foot of frontage and he agrees with the premise that the same process should apply to the petition process as the assessment process.

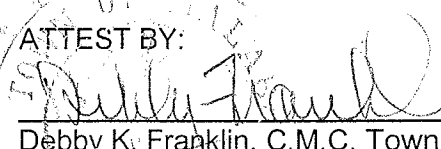
**Q. ADJOURNMENT:**

There being no further business to discuss, **MOTION:** Rivet / White to adjourn this meeting. **VOTE:** All Ayes. The meeting adjourned at 9:26 PM.

BY:

  
Mayor Thomas M. Eschenberg, Chair

ATTEST BY:

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

Date Approved: 5/21/12 as submitted