

## MALABAR TOWN COUNCIL REGULAR MEETING

March 21, 2011

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 Chair Thomas Eschenberg.

### B. ROLL CALL:

MAYOR/CHAIR

VICE-CHAIR:

COUNCIL MEMBERS:

TOWN ADMINISTRATOR:

TOWN ATTORNEY:

TOWN CLERK/TREASURER:

TOWN ENGINEER:

TOM ESCHENBERG

MARISA ACQUAVIVA

CARL BEATTY

DAVID WHITE

STEVE RIVET

JEFF MCKNIGHT

BONILYN WILBANKS

KARL BOHNE

DEBBY FRANKLIN

MORRIS SMITH

### C. ADDITIONS/DELETIONS/CHANGES:

Change in presentation from Bud Ryan to Wayne Abare on presentation Agenda Item 3. No objections.

### D. PRESENTATION:

### E. PROCLAMATION:

### F. CONSENT AGENDA

#### 1. Approval of Minutes

Workshop Town Council Meeting – 03/07/2011

RTCM minutes – 03/07/2011

**Exhibit:** Agenda Report No. 1

**Recommendation:** Motion to Approve

**MOTION:** McKnight / White to approve the consent agenda as presented. **VOTE:** All Ayes.

### G. PUBLIC COMMENTS: General Items not related to agenda items (Speaker Card Required)

### H. STAFF REPORTS:

#### ATTORNEY:

Regarding communication with Mr. Feldman in Palm Bay on the Council sit down meeting and he was inquiring why the mediation agreement was rejected. Have not heard back since. Ball in their court. Feldman is against having meeting without staff and attorney. Bohne also sent info to Stokes. The Palm Bay Mayor was the one that asked about the reason. White said we are moving forward with either the meeting or the next step. Yes. Bohne also stated Beatty had given him two copies of bills regarding surcharges and also some other information he needs to review before reporting on.

#### ADMINISTRATOR:

- Fire Dept report by Chief Covey: Stated they have a roster of 33. Report attached. Also a bus backed into the building and then into the fence on the way out. We have video of incident. Mayor asked if 33 included the paid – no. Did anyone resign? Yes asst chief. Dave asked about pump problem. Is it the same that has been on previous reports – yes. Chief is going to test it himself. It still is an issue and no one has come up with a resolution. Chief will do it next week. In his prioritization, he wants ladder truck fixed first and then eng 2. He is putting repairs in order of his needs right now. Acquaviva asked how long have the radios been broken in trucks. Chief covey said he was told three years. These are the radios in the trucks. He talked to Chief Gianantonio. TA said we had some radio problems when the trucks were converted from 12 volt to 6 volt. Covey confirmed that was what Gianantonio stated.

- Certification with the backflow preventer testing failed. Research showed both the Brook Hollow and the Malabar Road backflow prevention tests failed in 2005. We are awaiting estimates on repairs/replacement of the check valves in order to conduct re-test.
- Are still pursuing cost estimates the upgrade to the lift station in Brook Hollow.
- Pump at restroom in Malabar Community Park is failing and needs replacing. We do not want to cause damage with all the new equipment. We were told of this equipment malfunction years ago but have not budgeted for any replacement.
- Got lift station documents from PB digitally.
- Brook Hollow inlet needs replacing –Town will purchase and install and Brook Hollow HOA will pay for it.

**CLERK:**

- The moratorium Council approved on related to BTRs for pill mills has expired. The State has failed to enact the approved legislature. Do you want staff to draft regulations or extend the moratorium? The County extended their moratorium last month. The cities of Satellite Beach, Titusville and Cocoa have adopted regulations governing these types of clinics.
- Per direction of Council I will be providing information on the cost to Malabar if the County were to provide Fire services – it will be on next agenda. Do you want someone from the Property Appraiser Ofc here to explain the property coding?
- The census has released the data for local municipalities and it shows that Malabar population for 2010 is 2757. We had been using 2887 per the Bureau of Economic and Business Research, University of Florida. They provide the State with each municipality's population for revenue sharing and other State revenue formulas. This means that our revenues may be reduced slightly based on this new figure. The census count in 1990 was 1,977 and 2,622 in 2000.
- Happy to report there is a measure to repeal the requirement for septic tank inspections approved 15-2 in committee and is headed to the House floor. This was a direct result of the input from the rural areas contacting lawmakers.
- Trail hike on Saturday at Malabar Scrub Sanctuary.
- BW said FPL franchise fee will be going down about 14%. She will be getting with Clerk. FPL said we should not have used last year's numbers on our estimates because the weather was unseasonably cold.

**I. PUBLIC HEARINGS:** Are legally advertised for 7:30 PM *or as soon thereafter as possible.*  
**ORDINANCES: 0      RESOLUTIONS: 0**

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

**2. Recommendations from Planning & Zoning Board**

Ordinance establishing minimum square footage for SFR in RM-6 Zoning

**Exhibit:** Agenda Report No. 2

**Recommendation:** Request Action

**MOTION:** McKnight / Beatty to direct staff to draft ordinance to incorporate change in Land Development Code to accomplish this.

Discussion: Mayor's comment on it: if it is not in need of a big rush, put it in the same ordinance with Adult Care Facility. Franklin stated they are different subjects. Attorney Bohne stated they are within the single subject as they are both in the land development code.

**VOTE:** All Ayes.

**3. Response to Suggested Purchase Old School – Presentation by Resident Bud Ryan (Changed to Wayne Abare before meeting)**

**Exhibit:** Agenda Report No. 3

**Recommendation:** Request Action

Abare went through the presentation. As stated, as soon as you buy bldg, you trigger the change of use and it must meet code. If you bought it in the 1970s you could move right in and do nothing. If it was continuing operation over last several years, that might be different. And you lose the historic category if you modify building. (wood working). You can put in a new building for less so you have to want the old building.

Abare went over presentation and stated he spoke to architect Mr. Dean, that handled the renovation on old school in Sebastian and he said there is much information we could learn from him. If you locked the access to the upstairs you could get away without an elevator. Sprinkler system is negotiable with the Fire Dept. The asbestos and lead have to be tested by laboratory techs. There is one in Orlando. Regarding insurance – Sebastian is self insured. Bathrooms – need mens and womens and they have to be ADA. ADA requires paved parking. Abare said Malabar could pay Mr. Dean \$2000.00 and he would look at the big issues and report to Council. Abare stated that banks may require improvements before loaning money. The lease option is another question. Until you renovate, you can't use it, so does it sit vacant? Abare did the calculations on the AC requirements. He stated that you consider 600 BTUs per person, 1200 if they are dancing. He used mid range of 800 BTUs per person. Kitchen is not a big problem if you cater the events; you can't use it for cooking without renovating. He did not ask about bathrooms upstairs. Other considerations: Septic system, water for Building and also fire protection, stormwater retention, parking spaces. If you have 80 guests for a wedding reception then you will have to have that much parking.

Abare's recommendation – fund Architect John Dean to perform initial inspection of Malabar school house building before any decision is made to purchase property.

Rivet asked if he could give estimates on costs of what would be needed to do the renovations.

Acquaviva asked about requirement for elevator. You only need that if public is using the building.

Mayor asked what is triggering this information; these requirements. He wants to do research on the requirements. McKnight said the NFPA doesn't enforce. ADA and bathrooms are federal. Engineer Morris Smith stated that some can be found in the Florida Administrative Code, FAC is 64E-6 Table 2 And Fire protection is under Life Safety Code. Mayor said what triggers them for change of use. Attorney Bohne said Malabar Code, Chapter 6 lists the codes we have adopted.

Mayor asked Abare about the floor plan – where did he get it. From the display board. Wayne said that it is frustrating because there is no one place to go to for the requirements that is why an inspection by Mr. Dean would be beneficial.

Engineer Morris Smith said he worked for the City of Vero Beach from 1980 – 1999 and Mr. John Dean was held in high esteem as a professional of much integrity and the Town could benefit from his services.

Bud Ryan, thanked Wayne for doing the presentation for him at the last minute. Bud checked with Building Official and in a lease option, you must put it in the same condition as if you wanted to sell it. Ryan stated if the Town does the improvements then decides not to purchase; the improvements are a gift to the owners at end of lease.

Ryan stated there are too many unknowns, no inspections, no appraisal, and no inspections by building official. We would have to spend almost as much as the purchase price for the rehab.

Ryan stated that the Sebastian school is on sprinklers and has water and sewer and was built on a slab. It is a beautiful building. Buying this one in this condition, would be a huge obligation in these

austere financial times. They need to keep the general reserve fund intact. He references the revenue sharing that will be going down. It is possible and likely that the only stable revenue will be the half-cent sales tax. They are letting us know up front.

Ryan asked Council to think long and hard before going forward at this time. If we could delay the purchase as long as possible. Perhaps we could go forward with the State historical designation because that would limit what the owner can do with the building. Ryan asked Council to keep taxpayers in mind. Hopes no one is offended by his position. Chair then allowed speakers:

Linda Noble: one of the comments last time was the struggle between head and heart. It isn't a matter of either and or; she suggested that coming together with the committee and Wayne's info and just for clarification, as far as the building being available. The school house is being considered for purchase for a community center not a business operation. She lives in Melbourne Beach and has a copy of the resolution that they use for renting their community center. The community center in Melbourne Beach has some community organizations that are exempt from paying – rotary club, gardener clubs, Scouts, county functions, school functions, some of the community that makes use of the community center. Also wedding reception, family reunion can be used for rental to offset expenses. The purchase price would be as the property exists now. Anything more that the town wanted would be the town's expense. They looked into it and they did not need a sprinkler system. Sprinkler system is needed if they spend the night, bed and breakfast.

Phil Crews, 2480 Johnston Ave., it looks like calm has prevailed. All these are good points. Some people thought there was a movement to rush out and buy it. He would look into the change of use. He would urge Council to do their due diligence. When he was Mayor the state was going to buy it and rent it to Malabar for \$1 per year but the Council said no thanks because it needed so much.

Sheila, Eschenberg, After last mtg there were some that were concerned. They did try to invite those to come and visit the school house and get a tour. Is this purchase a benefit to the town? That was the first question the committee considered. They thought yes. It is already being used for meetings. If purchased, the kitchen could be brought up to standards by residents. Other considerations would be taken. She thanked Bud and Wayne for their input. She asked council that they not compare it to another city that has a lot more money. Look at the possibilities. One last comment about Nobles being here and there for asked that Council be considerate for their feelings.

Vicki Thomas, 1605 Country Cove Circle, was a member of the ad hoc school house committee and also sits on the Park and Recreation Board. She questioned the elevator, under three stories, and each floor is under 3000sf then elevator is not required. Also she did not think the sprinkler system is required. ADA compliance and building code compliance are different requirements. Also there is no requirement to have fire escapes when there are two stair wells. The inspections and appraisal have expiration dates. First find out how it is going to be used. Don't want it to be a money pit but also don't want it to be lost. Need to perform a due diligence and have a plan and an architect can do this. Take it one step at a time.

Maryann Marsh, 2170 Arnold Lane, member of the Malabar Park Board. She pulled some numbers on when she ran the country club. Agrees with Vicki Thomas that you must first decide what you want to use the building for. She was disappointed that Council did not consider the Park Board recommendation since they had requested that they all get together and discuss what the building could be used for and many other issues. She referenced some figures: Town would need to provide for 24 hours minimum of hours for employee to be there just on nights and week-ends, at 8-10 per hour, then 6 hours for the set up, and then clean up. Just renting the room would have to be 500.00. Catering could be done. Cleaning afterwards, must have 8-10 functions a month to break even. If you decide it is going to be a community center, the boards speak for the residents. It is a wonderful building. Or do we want to prioritize and maybe if our fire dept needs the money more. Her priorities

are personally, if there is a fire, she wants the fire department funded. The historical aspect is important.

Chair asked if Council had any comments on presentation. TA said the change of use goes from mercantile to assembly.

White stated in his work they have dealt with a couple of historical buildings and everything we do have to go thru a whole bunch of red tape. Everything has to go back to the way it was. It will limit your use. Bringing discussion back to rental use or community center; once you start down this road, the stormwater, engineering, will be all or nothing, Once you start renovating, it will be all or nothing.

Acquaviva said she came to Town Hall today and learned Cindi was out and Denine was out part of day and she literally helped someone at the window. Staffing is a real concern to her now. And this will mean more work for Town Hall staff.

White said if they have the rental potential. He doesn't see it being non-profit and then spending limited funds. Put some real numbers together before they consider.

Rivet said we need to see how we can use the building. White said we can't blow the reserve on this. He also said if we finance it, the bank will then require these improvements to be done. Those are the triggers. Go for a mortgage and find out what they require.

Acquaviva said there is another property Council had considered buying and it is the Billie property next door. She read that there is a need for a new Town Hall is on Mayor's website. And this purchase will not solve that problem.

Chair allowed Linda Noble to speak again. Like Vicki said take one step at a time and this is fine. She explained that in Melbourne Beach, the community center is locked up and users go to Town Hall and fill out the form and they determine if additional insurance is required. There is a key deposit and they charge a \$250.00 damage and clean up deposit.

Acquaviva said but someone at Town Hall would still have to do that. Linda said the TA has the authority to waive fees, determine who can use it. Malabar could use this as well. Maybe form a committee for the historic event type of thing. Her husband has not had any problems. Instead of a person, Town could get a security camera.

McKnight said he wanted to make one more comment – do we want a historical building or not. In 20 years from now the building will be torn down. He has talked to residents and they are also on fence. Council has to decide if we want to keep the historical building. You have to consider the money and the historical building.

Chair – move on.

**K. ACTIONS ITEMS:**

**ORDINANCE: First Reading**

**RESOLUTIONS:**

**4. Budget Adjustment (Reso 78-2010)**

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PERTAINING TO A BUDGET ADJUSTMENT IN THE FISCAL YEAR 2010-2011; 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 Action

**MOTION:** Rivet / McKnight to approve Resolution 78-2011 as presented.

Discussion: Beatty asked if all the changes are within budget. He was asking in case anyone else also wanted to know.

TA said regarding the park equipment, she pointed out the spending of \$3,100.00 from Developers Recreation Fees as these upgrades to equipment are park improvements, but it did not go to Park Board.

Franklin said we heard that the bank was able to remove the third party charges on our operating accounts so you will see an adjustment on the next GL. We have also negotiated a higher interest rate on the Money Market at Wachovia.

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

#### **MISCELLANEOUS:**

##### **5. Mayor's Proposed Revisions to Fence Ordinance**

**Exhibit:** Agenda Report No. 5

**Recommendation:** Request Action

Mayor stated he did not know if he was going to get a fence ordinance from the Engineer so he did his draft based on P&Z recommendations. He later received the Engineer's recommendations. Mayor put the column height at 18 feet as he looks during his drive around town each week. Also took out "approved per building code" as Roger Cloutier Building Official said no building code exists for fences. He added section "i." that you can't obstruct vision in all districts, not just residential. He also allowed fences on vacant land and allowed them in all districts not just residential.

Acquaviva asked if P&Z had heard his recommendations. Mayor said he addressed gate height and aches and setbacks. Has a big problem with the set back in P&Z recommendations. The 15 foot was for allowance to pull off road to open and close gate. That 15 foot setback should only apply to collectors. He gets this from driving around town. Sometimes you have houses that are set back 40 feet and if you have to set back 15 feet then the house is only 25 feet. On page 3 – he added in materials, g, the building official shall deny a permit if it is a threat to health and safety and such denial will trigger an automatic appeal to council. He also took the engineer's comments and added and modified and then send it back to P&Z. He would like Council to send the Mayor's marked up copy and the Engineer's marked up back to P&Z.

Beatty said we need a maximum height – meet the requirements of DOT standards. The other issue is the radius. Another issue is as of July 1, 2011 new law exempts agricultural fences from town requirements. That needs to marry in to this. Rivet said it is not necessary to make the point. RR65 is not automatically exempt.

Karl Bohne said he doesn't know how it would .

Karl said this could go in the land use ord also.

Consensus of Council - send this to P&Z.

##### **6. Approve Expenditure for Appraisal and Inspection of Old School House**

**Exhibit:** Agenda Report No. 6

**Recommendation:** Request Action

Chair started this discussion. TA was directed to get information. Getting this information would not obligate Council to purchase. He had meeting with TA and told her to follow Council directive. Some of the paperwork that you got on this item. Obviously we need a lot more data. But we also need to know a little bit of what the building owner is willing to do. He asked Council to reiterate. TA said she did feel she followed Council directive. Franklin read the motion that was read twice to Council before the vote at last meeting. TA said she provided Council with email and information regarding the need for inspection and due diligence. She tried to have meeting with owners. It was cancelled after she could not get information to do calculations on assembly uses.

David White said didn't we learn tonight that a lease option is not a best way to go. Rivet also had issues. Franklin said she did verbatim minutes on this portion of the last meeting after the meeting with Mayor and TA. Rivet said he disagreed. If there are differences of opinion. There is room for interpretation. To begin negotiations, you have to know how it can be used.

Mayor said if he was the one Council directed, he would have had information for Council. Rivet said there would have been something back.

Acquaviva referred to the last council meeting and said Mayor was over zealous on this project. Mayor said he doesn't want it stalled another six months. Acquaviva said he stalls other projects. He didn't even allow for Park Board recommendation. Mayor said Park Board did not make a recommendation, they made a request for a joint meeting. From audience, Maryann Marsh stated the Park Board did make a recommendation to have a joint meeting.

Mayor said the other item is the Friday meeting. Mr. Noble asked them to leave. He does not know who said what. The memo was one side of the story. Mayor talked to owner. TA said the meeting was in preparation of the meeting with the owners. Acquaviva said to Mayor that is innuendo. Rivet said bring it up and get the whole story. Franklin said at the meeting, Fire Marshal and Fire Chief were going to provide TA with sample loads for different assemblies, but needed measurement of building. They also needed to confirm exits for certain types of uses. She gave cell number to Deputy Clerk to call Mr. Noble and ask if Fire Chief and Fire Marshal could come over and take some quick measurements and look at rear exits. Cindi stated Mr. Noble said if they got there within 30 minutes, sure no problem. They left right then and ten minutes later they came back and said they were not allowed in.

Mr. Noble stated that they came down in the truck with the Building Official and when he asked why they were there, they were not clear on why they wanted the measurements. They were not clear. Bonnie was not clear and did not put the request in writing. Without that information he was not comfortable with letting them in. Acquaviva said his property is for sale and when her property was for sale people came by all the time to take a look, or measure for furniture or drapes while they considered the purchase – its part of it. He explained to them that they were looking for problems. He did not get the reason for additional inspection. He should have some prior notice to an inspection.

McKnight said the last time he encountered the Fire Marshal he had a problem and had to pay a fine. Mr. Noble corrected that he didn't have a fine; he had an additional fee on the wood working shop. Rivet asked if Mr. Noble would allow them to come in and take measurements.

Chief Covey said he was asked to go to building as he had not been inside the building before. Mr. Noble said they have had communication problems. TA should have put request in writing. Bonnie's choice was to have Cindi call.

Chair said we need to break this off. Chair said he wanted Council to be aware of the problem at Town Hall, It may be communication.

Rivet said it is too early to spend money. What is the projected use? Chair asked where council wanted to go.

Beatty said we learned tonight it is as is. If we acquire the property, is it viable thing, then we are going to have to fund it. We could call FLC and determine cost of insurance.

Chair asked if there is enough info to go forward.

Beatty said if we lose revenue sharing and we just heard FPL franchise fee will be reduced. Beatty also stated with the MSTU they get additional money; if we collected the MSTU we would get that money. Beatty is in concept in support of school house.

Point is we have beaten a dead horse.

Beatty said he could get costs on new AC, etc for building. White said to hire a contractor. Need to know how we are going to use it for in order to determine what has to be improved.

Request for a quote. David recommends using a contractor. Identify required renovations.

Wayne Abare, the architect has been thru this process. We can use him to get the short list of what has to be done. He can do this – and give a reasonable cost.

Rivet said is it a community center or are we going to rent it out. Next action item is to define the use, do we want to generate a revenue.

Chair said each council should make a list.

Acquaviva has a problem with this. She knows what our budget is and she sees the contentiousness. Everyone is trying to work here and she does not see this as a positive action. They were afraid from the last meeting. It is embarrassing. The council hasn't even talked. Give people the benefit of the doubt. Everyone is working on this. These meetings are their opportunity to discuss and Chair doesn't allow. White said in the end we don't resolve anything.

White said go with the recommendation of Mr. Dean.

**MOTION:** White / Rivet to appoint CM David White and PZ Wayne Abare to meet with Architect Mr. Dean and approve expenditure up to \$2000.00 for Mr. Dean to do inspection on what it would take to bring building up to code for minimum building usage.

Discussion: McKnight wants him to present to Council. He will have a lot of questions. He is glad that Council took action.

**VOTE:** All Ayes. Motion carried 5 to 0. Money from contingency fund and will be transferred from 541.

## **7. Approve Repairs to Ladder Truck Rotation Unit**

**Exhibit:** Agenda Report No. 7

**Recommendation:** Request Action

What about warranty. Should be 90 days. Chief Covey will verify.

**MOTION:** Rivet / Marisa to approve expenditure of 4500.00.

Discussion:

**VOTE:** Ayes. 4; Nay, 1; (McKnight) Motion carried 4 to 1.

## **8. Enforcement of Fire Inspections**

**Exhibit:** Agenda Report No. 8

**Recommendation:** Request Action

McKnight wanted this tabled as he did not have enough time to call county and do research. Chair wanted to know how a business can refuse an inspection.

Attorney Karl Bohne said there are limits constitutionally to inspections. He referenced going onto or into a private premise. Chair asked about process. Bohne said there would be an Inspection Warrant filled and presented to circuit court – not by attorney, by fire inspector.

Bohne said the way to salvage this is to link it to your annual BTR. Can't go onto private premise. There is a conflict in the statutes and constitution. He outlined this in memo in 2009. Everybody does it



and he could be wrong. Acquaviva said she has a business in Melbourne and two in Palm Bay and she cannot turn them away. Bohne thinks it is a huge constitutional issue. Rivet said linking it to BTR is better way to go. Federal law allows unannounced inspections.

TA wants it for the record. FM sent a letter and said he will be doing inspection and asked for him to contact with a couple of dates. He is not refusing the inspection – he is not responding to letter.

There is a statutory requirement for fire safety inspections – yes. Bohne said everyone does it but is it right.

Acquaviva said inspections are for higher public safety. Don't we want our businesses to be safe. Bohne said one exception. Acquaviva said it is important to all of public. Rivet said does the council want to require annual inspection. Fire Code is not code enforcement.

TA is asking for the fire inspection warrant. Will they support that?

Chair called a recess. Break at 10:30 for a few minutes so Franklin could sign off and back on to Ustream.

McKnight said fire inspection can only be done on public buildings. He has a fundamental problem with the way the inspections are done. Thought it was a method for Fire Marshal to make money.

**MOTION:** Rivet / McKnight Motion to extend until 11PM.

Fire Chief said these codes are there to protect the public. They are done with proper notice and on an annual basis. Just because public doesn't go in there doesn't mean they don't need an inspection. It is for the workers. FM notifies business and insp is done. Now the re-inspection may be for 2 wks for a bulb and 6 months for bigger things. The Fire Marshal works with persons so there is not a fine. Franklin said it states in the resolution that the fee includes one re-inspection at no additional cost.

**MOTION:** Rivet / White to authorize TA to utilize the insp warrant to carry out annual fire inspections.

Discussion: Acquaviva said she wouldn't be happy if she was paying for inspections and others were refusing. That is not right. **VOTE:** Ayes, 3; Nays, 2 (Beatty, McKnight). Motion carried 3 to 2.

**9. Direct P&Z to Review Residential Setbacks**

**Exhibit:** Agenda Report No. 9

**Recommendation:** Request Action

Rivet has no issue Marisa agrees. No one disputes. Franklin will include memo. No motion necessary.

Mayor met with Plata and Foley and discussed the ordinance requirements. Marisa came thru here today and wanted to know if Mayor could speak or will he need to do disclosure. Why he didn't think code fit. He had trouble communicating with Plata. Take this and add changes to the table to the CU section of the code. Requirements in CU will be same as Dist Provisions. No telling what P&Z will do with this. They may tear it up. The night we have 2<sup>nd</sup> reading on ord have site plan following then consider their site plan and CUP application. Rivet isn't comfortable with rushing thru. Jeff said he has concerns with this. Mayor doesn't like the adult care facilities in RLC and he will tell P&Z.

**L. DISCUSSION ITEMS:**

**10. Discussion of Proposed Ordinance on Assisted Living Facilities**

**Exhibit:** Agenda Report No. 10

**Recommendation:** Request Action

**M. MAYOR AND COUNCIL REPORTS:** (number indicates the order in which they spoke.)

- 6.) Mayor: asked about redistricting. Franklin will check.
- 5.) Beatty: should we do letter to person needing a fire inspection. Don't go to door with hammer.
- 4.) White: nothing
- 3.) Rivet: nothing
- 2.) McKnight: Was disappointed in the agenda package not coming out.
- 1.) Acquaviva: went to SCLC dinner and they had the best speaker about fusion centers. Residents see suspicious things and who do you call. She got some pamphlets. And businesses as well. We all need to talk about what is good for all of the people. It is frustrating – we can't forget what is best for the town. Talk to people in our neighborhoods. Can we put a survey out?

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

**O. ADJOURNMENT**

There being no further business to discuss, **MOTION: Beatty / Rivet to adjourn this meeting. VOTE: All Ayes.** The meeting adjourned at 11:05 PM.

BY: \_\_\_\_\_  
Mayor Thomas M. Eschenberg, Chair

ATTEST BY:

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

Date Approved: \_\_\_\_\_