

## MALABAR TOWN COUNCIL REGULAR MEETING

May 2, 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 Mayor. The prayer and pledge were led by Council Member District 2 David White.

### B. ROLL CALL:

MAYOR/CHAIR

VICE-CHAIR:

COUNCIL MEMBERS:

TOWN ADMINISTRATOR:

TOWN ATTORNEY:

TOWN CLERK/TREASURER:

TOM ESCHENBERG

MARISA ACQUAVIVA

CARL BEATTY

DAVID WHITE

STEVE RIVET

JEFF MCKNIGHT

BONILYN WILBANKS

KARL BOHNE

DEBBY FRANKLIN

Also present were Fire Chief Covey, PW Mgr Tom Miliore

### C. ADDITIONS/DELETIONS/CHANGES:

**D. PRESENTATIONS:** Chair states they will move The Fire Chief's presentation first. Mayor asked to move Agenda Item #9 to next meeting as he has questions about it for the TA.

Chief Covey presented plaques to members Adam Hoffstemier and Jonathon Scott who are leaving for paid positions in Palm Bay. Stated this is a reflection on their training and thanked his predecessor. He also wanted to recognize FF on E99 and County 88 that responded to cardiac call. They were able to resuscitate the victim; Malabar Fire Fighters Aliano, Loughran, Bowers and Scully and Pete Ricci from 88. They will address again and annual awards. Chief Covey then explained the promotional process thru April for the placement of the new Lts. with a written exam, oral board and Chief's interview. He learned a lot about the eight persons going through the process. It was fair; no one contested. He found three leaders; two will be Lts. and one will be Asst Chief. The Assistant will still be a volunteer but will be crucial in assisting him. He named Lt. Erik Mackson. His father is Battalion Chief in Rockledge and will pin him. Then Lt. Paul Aliano was pinned by Chief. Asst Chief Kevin Plunkett was pinned by his mom. Chief thanked the guys from County 88 for coming down here.

Mayor presented certificates to PW employees Chris Jones and Felix Roque for completing the 2-day FSA Operator 1 class and passing the exam.

Mayor presented Certificates of Appreciation to Gabe Waldorff and his dad Terry Waldorff for the work in constructing and providing an interactive demonstration of the Frisbee Disc Golf game during the Spring Fest 2011 event.

**E. PROCLAMATIONS:** Municipal Clerks Week May 1-7 & National PW Week May 15-21

**F. CONSENT AGENDA** **CONSENT AGENDA - To Be Approved as a Group with a Roll Call Vote on All Items** (Any 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) McKnight asked to pull Agenda Items 2 and 3 for discussion.

#### 1. **Approval of Minutes**

Joint Workshop Meeting – 04/13/2011

Regular Town Council Meeting – 04/18/2011

**Exhibit:** Agenda Report No. 1

TA has something to change under Mayor Report in TA response. She said. Mayor said he watched video and the TA said "there is an individual" not "this individual" – Clerk will correct.

**4. Amend Resolution 64-2010 to Increase in Sewer Rates (Reso 88-2011)**

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING AN AMENDMENT TO RESOLUTION 64-2010 TO INCREASE THE SEWER UTILITY RATES AGAIN FOR FY 2010/2011; PROVIDING FOR AN INCREASE SEWER UTILITY RATES IN THE TOWN; PROVIDING FOR REPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 4

**MOTION:** Rivet / McKnight to approve the consent agenda as amended (minutes and reso 84-2010).

**VOTE:** 1) Beatty, Nay; White, Aye; Rivet, Aye; McKnight, Aye; Acquaviva, Aye. Motion carried 4 to 1.

Pulled from consent agenda:

**2. Request FDOT to Lower Posted MPH on Malabar Road in Malabar (Reso 86-2011)**

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PERTAINING TO A REQUEST TO FLORIDA DEPARTMENT OF TRANSPORTATION TO REDUCE THE SPEED ON SR 514, MALABAR ROAD TO 45 MPH WITHIN THE JURISDICTION OF THE TOWN OF MALABAR THAT IS CURRENTLY 55MPH; PROVIDING FOR DISTRIBUTION OF REQUEST; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 2

**MOTION:** Rivet / Acquaviva to approve. Discussion. McKnight got feedback that did not want speed limit reductions on US 1 and Malabar Road. No one supported it. He is pulling his support for it. Carl Beatty said we are different than Palm Bay. He doesn't support it. Traffic can't get through. TA clarified that Palm Bay only wanted the US1 resolution; not for Malabar Road. Town Hall has received requests for reduced speed along Malabar Road.

**VOTE:** Beatty, Nay; 1) White, Nay; Rivet, Aye; McKnight, Nay; Acquaviva, Aye. Motion failed 3 to 2.

**3. Request FDOT to Lower Posted MPH on Highway 1 in Malabar (Reso 87-2011)**

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PERTAINING TO A REQUEST TO FLORIDA DEPARTMENT OF TRANSPORTATION TO REDUCE THE SPEED ON SR 5, U.S. HIGHWAY 1 TO 45 MPH WITHIN THE JURISDICTION OF THE TOWN OF MALABAR THAT IS CURRENTLY 55MPH; PROVIDING FOR DISTRIBUTION OF REQUEST; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 3

**MOTION:** Rivet / Acquaviva to approve.

Carl Beatty said Palm Bay has redevelopment. That makes sense. But not in Malabar. There is no development on west side and virtually nothing on east side. McKnight asked about the barriers along US1 in Palm Bay to discourage pulling off to side and fishing. He didn't know why DOT had done that. Acquaviva asked why he reversed his position. The people he spoke with were worried that there would be pedestrian crosswalks across US1 if they reduced the speed.

**VOTE:** Beatty, Nay; White, Nay; 1) Rivet, Aye; McKnight, Nay; Acquaviva, Aye. Motion failed 3 to 2.

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

**H. STAFF REPORTS:**

ATTORNEY: filed motion to allow the surcharge amounts be deposited into a special account until it is resolved. By end of this week the motion for summary judgment will be filed.

ADMINISTRATOR:

- She provided the Council with the expenditure reports through March.

- Bob Wilbur provided name of contractor that will do clean out down West RR Ave. She will get in touch with him and get a price. He is working in the area now. Rivet asked if he could also take a look at US1 – some of that has grown back. Beatty is familiar with the machine and maybe we could find someone local to clean the small stuff. He could provide a name. Then it would be cheaper to have the contractor come in and just do the big stuff. TA will check with Mike Obrien and also ask the contractor. McKnight asked about ballpark figure. He would like to give her authorization to spend up to a certain amount. TA said she can spend up to \$5K. They are ok with that. Do it the most cost effective way.
- Town Engineer Morris Smith – follow-up to drainage issue resident Mr. Morris. Mr. Foley property is not draining water onto Mr. Morris. Mr. Cameron is draining on Mr. Morris property. He displayed contour maps to Council. He explained the higher the number the higher the dirt is and if the number is lower the dirt is lower. He went over the height of the berms and swales. His water is collecting and moving east to Weber. Water will seek its lowest level. Acquaviva said they showed pictures of the property. Where the contour line loops around and comes back. That is a puddle. Same thing on both sides. It is standing water. Mr. Foley has two areas that water sits there and percolates. McKnight said when he saw the land he saw the water moving. Engineer showed the report he had done. Mayor asked what the Foley property looked like before he developed it. He thinks something changed when it was developed. It is now coming from Cameron's. Engineer Morris Smith said the stormwater rules in place in 1980s the water moved from the driveway east. White asked how Mr. Morris took this. Eng was hired by the Town. Mayor asked how much this cost. Engineer stated about 2100.00 for his time on several days. Acquaviva said isn't this the information we want to know now. It is all private property. Where the source of the problem is. Coming from the Cameron's. Mayor said all we can do is make sure the Weber Road ditch is clear to carry it away. TA stated she is looking at sending some of the water north up to the Tillman Canal in a heavy down pour. It will require a pipe across the road. Engineer can give me more detail. Then after LaCourt Lane repaving gets awarded on May 9 we can get a figure from the contractor to do asphalt over the road.

Engineer also made reference to measurements of height of barn as of finished grade. He has spoken with Mr. Foley and has been assured he will continue to comply with Town requirements.

CLERK:

- SCLC Dinner meeting will be at Crown Plaza on A1A hosted by Indialantic and Melb Bch
- We hope to have a reserve fund policy and a public records policy on next agenda for Council review and approval
- Additional changes should be made to Chapter 13 to make it properly reflect the actual process for road improvement. There was also a section in Chapter 6 that was inadvertently deleted when we updated our adopted building codes. It required permit holders to restore the public road in front of the project site to pre-construction condition before either a CC or CO could be issued. We would like to put that requirement back in the Code.

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**

5. **Request for Pool Fill Credit on Utility Bill – Mrs. Birdsall**

**Exhibit:** Agenda Report No. 5

**Recommendation:** Request Action

They can see the sewer but not the water. Rivet said they did not use the sewer. Give no credit on water; only on sewer. Clerk will contact and ask Palm Bay to give Town credit; and only if Palm Bay gives it to us will we give it to requestor. Carl Beatty said Palm Bay has a lot of policies. He said their rates include the factored in costs of giving credits and replacing meters and fixing breaks, etc. We are not following our contract. Palm Bay is supposed to show us documents on how they got to their rates. Rivet said there is litigation going on to solve that. Beatty said that the surcharge is the litigation; not the contract. Beatty said they developed the numbers for sewer price to cover the flushing, the tests, etc. PBUC retail rate covers the cost of meter reads. We need to have a meeting to look at the contract. Beatty said we have a utility tax we are not collecting. Have Palm Bay show us the documentation on their rates. Consensus of Council for Clerk to check on both water and sewer credit to Town when we want to give credit to resident for pool fill.

**6. Recommendation from Park & Recreation Board – Huggins Park Retrofit**

**Exhibit:** Agenda Report No. 6

**Recommendation:** Request Action

Rivet said there was a unanimous vote of Park Board to construct these items. Rivet doesn't have an issue. Mayor wanted a cost. Franklin said the contractors charged 12K each and the balance as stated in the agenda report of the Developer Recreational Fee is only about 12,000.00. She also stated that Knudson had done the research on such improvements at a nearby park. The Park Board was not asking for that contractor to construct. We have suggested making it ourselves. TA explained how the courts were made and maintained in her area. Acquaviva said she supports their projects.

Beatty said before he was on PW the Town used this area for dumping. Beatty said they need to evaluate the entire site. The dumped material was covered over and then playground equipment was installed. The ditch is too steep. Then there was a gazebo put in for spite by a previous park person. The ramp is not compliant. Swing set has one strut caved in. Carl Beatty will work with Park Board. Then talk to trailer park and then do the shuffle board first because there are always people.

Mayor said it is too premature for this construction. Beatty said the parking is also in need of improvement with more pipes. The fence was put there because the playground was already installed.

**K. ACTIONS ITEMS:**

**ORDINANCE: First Reading**

**7. Amendment to Chapter 13, Street and Road Improvement (Ord 2011-36)**

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; AMENDING CHAPTER 13 OF THE CODE OF ORDINANCES OF THE TOWN; AMENDING SECTION 13-42; DELETING THE CAP OF TEN YEARS FOR ROADWAY IMPROVEMENT PAYBACK; DELETING THE 6% PER ANNUM INTEREST ON THE ROAD PAYBACK TO THE ROAD BUILDER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 7

**Recommendation:** Request Action

**MOTION:** Rivet / Acquaviva to approve Ord 2011-36 for first reading as presented.

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

**8. Amendment to Chapter 8, Fire Inspections (Ord 2011-37)**

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. 8

**Recommendation:** Request Action

**MOTION:** Rivet / Acquaviva to approve Ord 2011-37 for first reading as presented.

Discussion: Beatty said there are proposed changes in current Legislature for fire inspections. He is referring to the legislation. McKnight does not disagree. He has been reading the state stuff and is referring to Fire Marshal. Bohne said there is one State Fire Marshal and then his designees. Bohne said the statute requires inspection. McKnight wants ord to specify that the inspector is certified and trained per FS.

Acquaviva said the last time this was discussed. She didn't understand it was going to be no fee. That is what Bohne remembers. She remembers Mayor suggesting doing it for donations. Rivet said once they decided that it would be done by Fire Dept so no fee would be collected.

Beatty says he would hate to see us pass this and then learn that it would have to change.

Covey said they will be setting up a 24 hour class for the training required to do the inspections. Also with no fines there will be no enforcement.

McKnight said is authorized to conduct an annual fire inspection. (3<sup>rd</sup> line) Bohne said the statutes require a periodic inspection. Current code states annual. Then McKnight asked about authorized. Should it be "shall" Is that going to be a problem. If it states shall then they will all be treated fairly. McKnight said what happens if it doesn't happen again. Performance issue on Chief. There could be liability issue. TA said Franklin provided list of businesses needing. McKnight asked what a commercial business. Bohne said it is from the statute.

Mayor pointed out the handout from a resident. First he addresses line 4. Multi-family residential, does that mean that every individual room could be inspected. Rivet said that is not our intent. Modify the language – it is from the statute. Mayor said going into a condo would be in conflict with the constitution. TA explained that the common areas leading. White said multi-family should all be inspected. Bohne said lets go back to the premise. McKnight said he agrees with Mayor. Rivet does not have a problem with stating the obvious twice. List the exemptions at end of ordinance. Acquaviva is shocked about some of these discussions. We are assuming someone will do their job wrong. We never talk about the positive way to encourage compliance with fire safety. Go by Life Safety 101. Common area, office areas. Acquaviva said people have rights but... McKnight said you can't say you have rights but. Rivet understands the points they are making and they can be resolved by changing the language. McKnight said Bohne had constitutional issue with this. McKnight wants that inserted into the ordinance. Acquaviva said isn't there a F.S. requirement for an inspection. McKnight is saying that you can say no. The Town is not prohibited from getting an inspection warrant.

Speaker card: Brian Vail, Smith Lane, stated we need to have fire inspections, need for fire and public safety. Difference between owned and rented residential properties. On rented residential units, you are informed when you sign the agreement and maintenance is in there all the time. The owners own the equipment and come in to inspect. White said there are requirements in the statutes to allow this.

White can see Mayor's point on condos but not apartments. They have a right to inspect the living area. Apartments are a business. He referenced the Chief's reference to Life Safety 101.

Sheila Eschenberg, her mother rented an apartment and they would issue an annual inspection and inspect everything and test the alarms. She didn't like it but she had to do it.

Storage occupancies. Mayor interprets that as any storage unit. Clarify only if there is a business operating from it.

Use 72 for the hours for notice

Last sentence in para "A": delete in its entirety. Or change to only provide for commercial marine vessel that carries passengers.

1 - it shall be unlawful to interfere – Mayor asked what the penalty. It is a criminal violation to interfere. What does that consist of? Physical? Yes. Commercial operation – you not coming in there. Fire Insp leaves. What happens. You bring a sheriff with you for insp on warrant.

Bohne does not allow forcible entry. Rivet said if we have to get a warrant then to person that has the warrant has to pay for it. Bohne doesn't think we can. There is a whole penalty section that talks about penalty. He did address.

**MOTION:** Acquaviva/ Rivet to table. **Vote:** all ayes.

**RESOLUTIONS:**

Pulled from agenda

**9. Budget Adjustment (Reso 82-2011)**

~~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. 9~~

**MISCELLANEOUS:**

**10. Provide Separate Account Numbers for Council Travel/Train**

**Exhibit:** Agenda Report No. 10

**Recommendation:** Request Action

Discussion: Rivet said he wants to see it separated. He will give his portion back to town more than likely. Mayor said he doesn't think any council member abuses. Mayor thinks this will cause more adjustments. Beatty said the amount of 5K and has been in effect for multi years. Once the person attends IEMO and Advanced IEMO. Rivet said he has taken class and said he doesn't want the expense. Acquaviva said she has not taken the advanced course and White has not taken the course. McKnight said it could discourage some person members from going if there is not money in his line item.

**MOTION:** Acquaviva / Rivet to provide separate account numbers for Council travel/train

**VOTE:** 2 Ayes; 3 Nays (White, Beatty McKnight). Motion failed 3 to 2.

**11. Request from Fire Chief Covey for Fund Raiser Support**

**Exhibit:** Agenda Report No. 11

**Recommendation:** Request Action

Chief wants to institute the monthly pancake breakfast starting June 5. It will be the first Sunday of each month. Would like starter money for supplies and then they can carry on. Any profit then can be used to buy badges etc.

Chair asked if everyone would give \$50 each except for McKnight who has already put his money towards roads. Consensus of all Council to give \$250.00 with \$50.00 coming from Mayor and District 1, 2, 3 and 5 discretionary funds.

**L. DISCUSSION ITEMS:**

**12. Code Amendment for Adult Care Facility (Ord 2011-38) (Acquaviva)**

**Exhibit:** Agenda Report No. 12

**Recommendation:** Request Discussion and Direction

I was down at Town Hall the other day and I found out P&Z changed this from action to discussion. Council had asked the Attorney to write the new ordinance when we did the whole thing with the assisted living facility that we didn't have in our code the right verbiage for what was being proposed. This is my understanding and that it was proposed under group home since that was what was in code.

So the review was a time-tabled item that was supposed to go to P&Z and get back to Council. They've already voted on the project 4 to 1 to approve this project. So now, the ordinance was coming to them to bring the code language up to date as to what an assisted living facility is so Council can consider the project.

She asked Attorney Bohne to confirm her understanding. Bohne stated yes, the current code lists group homes and has a definition of a Florida Statute and the term group homes leaves out a whole bunch of other facilities that would be covered under this thing called adult care facilities. So, it's basically trying to clean up the language in our code.

Acquaviva said what concerned her with P&Z the other day was that we have a time-tabled issue and to be fair to them and to get this back to Council so they can continue the review with updated code, she was concerned when they changed it to discussion and not action.

Mayor said he was there and that is correct; that's the first thing they did when they changed their deletions/corrections to the agenda; they changed it from an action item to a discussion item so they had no intention of making a recommendation to Council that night when they changed it to a discussion item. I have no idea why they did that.

Acquaviva said it was sent to them for that reason and it was a time-tabled event and she thought it would come back to Council in a timely fashion and it wasn't. If they had a problem with the ordinance - it was up for action. Mayor said they asked for more information; they didn't know what these Florida statutes were that were referred to here for one thing. So you're talking about a schedule; the schedule referred to something that was given to the developer who's waiting now as best case. Best case is P&Z gets it and recommends it one time; two readings at Council for the ordinance and it is done. That's best case. Mayor said he made the statement at the time that he did not have any idea what P&Z would do.

Acquaviva stated P&Z really can't hold up an item unless, in that sense of if they have a problem with the ordinance. Mayor stated he thought they can delay it. They certainly can delay it; that's their choice. We don't control them. Acquaviva: I understand but they agreed on the project. My question was that is that getting sent back to be re-written? TA Wilbanks stated they have asked for ordinances from other cities. Mayor said they want more information. Acquaviva was concerned because the ordinance provided updated definitions so if there is a problem with it or they don't like the definitions. She is concerned about that because it is something that was at a public hearing and time tabled. It was sent to them for action; if there's a huge problem and it needs to be re-written or whatever Council should know.

Mayor did not think it needs to be re-written; they didn't delve into it in great detail either. Acquaviva said like Council just did on the fire inspection ordinance. Mayor said that they did not go through it line by line like that. Acquaviva asked if any other Council Member has a concern about this. Mayor said he agreed with her. He said he will be at their next meeting; I go to all the P&Z meeting.

Acquaviva said she is going also. Mayor suggested that if any Council Member is concerned that we're getting an, let's say, unreasonable delay, if you think that, then go to next P&Z meeting.

Acquaviva does not even think it's that. I just want to know what their concerns were and I; in all fairness, I thought when we did speak to the developer, I thought it was going to be in a timely fashion and if it's something major we need to know. Mayor encouraged her to go to the next P&Z meeting and do a card and talk to them and encourage them to come up with a recommendation.

Acquaviva stated they were all here at the Council meeting and knew what was going to go down. If it's a major issue, I think we should know that. I don't know that you all feel that way being Council. Rivet thought Council should not make a decision without hearing their analysis.

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

6.) Mayor: He spoke with Dick Korn who said he had made a public records request of Clerk last November and has not received anything. Franklin said she did provide information regarding developer's recreation fees collected and expended and copied it to Park Board as well. Korn did not like it and wanted detailed information from invoices etc. There is no public record she can provide. She has been trying to compile the expenditure information from archived material as time allows. Mayor referenced the 5-yr plan. He has updated it and passed out. He intends to have it on next meeting for approval. All the other items on the list are for July budget workshop. Next agenda discussion – ordinance that says we have to charge a utility tax. Put it on the agenda for action. He mentioned a lady Mayor from Canada he saw story on recently; she is interesting – city has no debt and 400Mil in reserves. When asked how she did it, she said you have to have a good council. She got 73% of vote with 16 opponents.

1.) Beatty: will talk to Bohne about PB utilities. Bohne said he has brought up some points and needs council approval to meet with him. Rivet said 2 hours. Yes.

2.) White: nothing

3.) Rivet: LaCourt resurfacing – TA said bid closes on 9<sup>th</sup> and will be on next agenda. Rivet said he received letter from Korn. Franklin relayed that the information from Cindi; Council has not directed the meeting dates of Park Board. Oct and Nov 2010 were regular meetings; Dec cancelled as only minutes on agenda. January was used for presentation by School House Committee with approval of Park Chair. Cindi thought Committee Chair Phil Crews had also spoken to Mayor Eschenberg about this date. Mayor said no. Feb meeting date changed at request of 2 Park Bd members. Rivet said his concern was only that Council was not directing meeting dates. No. Franklin said when she started in 1995 she was Park Board Secretary and they cancelled many meetings if there was nothing pressing on the agenda. McKnight said he has spoken to members after the fact. Mayor responded to Korn. Rivet said he also responded. Bohne read code – it says Board shall meet once per month. Take it up with Chair. McKnight said if there is nothing on agenda, then it should be cancelled. They all volunteer and do not get paid for this.

4.) McKnight: nothing – also still wants to do civic awards to Arnauckas and Juliana Hirsch. Mayor said she also attends most P&Z meetings.

5.) Acquaviva: nothing

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

There being no further business to discuss, **MOTION:** Rivet / White to adjourn this meeting. **VOTE:** All Ayes. The meeting adjourned 10:30 PM.

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

ATTEST BY:

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

Date Approved: 5/16/2011 as corrected