

MALABAR TOWN COUNCIL REGULAR MEETING

August 1, 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 District 1, Council Member Carl Beatty.

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 are Fire Chief Dennis Covey and PW Mgr Tom Miliore.

C. ADDITIONS/DELETIONS/CHANGES: Mayor

D. PRESENTATIONS - Rev Wilkerson from First Baptist of Malabar; this is in his 28th year. He thanked Malabar Council for their commitment. The fellowship building is one of the oldest stand alone buildings going back to 1970. It started as a picnic pavilion built by a 4H group. Then it got expanded. It has been the voting precinct for many years. Last September we had to quarantine the building due to rat infestation. Had to use main lobby for last election. They were talking about leveling the bldg and rebuilding. Due to economy, donate church labor and church bought materials. Beginning Jan til June they renovated, top to bottom and brought it up to code with elec and AC, different ceiling, insul and est. 10000 volunteer man hours and about 20K in materials. One person was Roger in Bldg Dept. He gave good advice and relayed to project supervisor, Kenny McCaskey. Roger helped to avoid that (taking short cuts) we finished this project and have essentially a new building with a functional life of 25-30 years. Church put together some cert to recognize. And present to Town. Rev read the certificate: He thanks them very much for the church.

E. PROCLAMATION:

F. CONSENT AGENDA

1.a. Approval of Minutes

Regular Town Council Meeting – 07/18/2011

Exhibit: Agenda Report No. 1.a.

Recommendation: Request Action

MOTION: Rivet Acquaviva to approve the consent agenda as presented.

No corrections to minutes.

VOTE: All Ayes

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

First Speaker Card: Lloyd Behrendt, Hall Road, re: Gator Way Lane

Wanted to echo the complements to the Town Council. He served on Council in mid 1980s. Thanked them for their public service. His property sits on corner of Hall and Gator Way Lane. There is a foreclosed home with a pond and a swing. He spoke with Cindi and Debby and emailed BW. If someone gets hurt back there, it could be issue for town. He is concerned about young

drivers driving over the tall grass and a spark starting a fire. It is an irritant. He has lived there for 30 years. He is here to seek relief. He understands there is a property manager – now the gate is down. CM David White asked if there were no signs. Behrendt said the owner hasn't lived there for over three years and doesn't care. Property mgr knows who owns it. Suggested Town put up a barricade that says road is closed. CM Marisa Acquaviva asked if he called BCSO. Yes, he called on Friday night and another neighbor called on Sat. Another Deputy knew some of kids and he would like it stopped. Thinks it puts town in liable situation.

Lt. Armstrong, BCSO, has had several calls from neighbors, posted guys there. Problem is it is foreclosed and until they can get it posted, unless there is something big, they can't do much more. If they get paper. They can enforce it on the roadway, try and persuade them to leave. If it real late at night. Calls from 10AM to 8PM. Lloyd doesn't want his neighbor's kids arrested. TA asked to respond to issue.

Behrendt relayed the similar situation on twin lakes area Franklin had told him; they got the owner to give permission to post the property.

Atty Karl Bohne said there has to be authority from the owner or authority given to Town. Idea would be to close that portion of the road and post that by the Town. Hands are tied. If they had mortgage registration, that would have helped. If something happens at his house he will hold someone responsible. Lt. Armstrong said majority of kids are good kids; they are causing a problem, not an arrestible offense.

TA said once they determined who was holding the paper. It will be assigned to someone - it is in period before foreclosure and it becomes there – It has been sitting there for 4 years. She gave info to BCSO. She also relayed info from resident to BCSO regarding drug activity and flooded sunken living room. She has heard from two other neighbors and has given them the non-emergency number to call. BCSO responded and there was no evidence of drug use or flooding etc. The person that has not been living there for four years is responsible until the certificate of title is issued in the bank's names.

CM Marisa Acquaviva asked about the speeding down road - could they focus on that. Lt will try and see what can be done during the day about posting. They will work with us all. Lt Cockriel and Lt. Ron Cook are the two BCSO personnel during the day. Call – even if it is the 100th time. It could be the time to be there. If they can persuade them to move on.

CM Carl Beatty asked Attorney if we could as the Town declare it as an attractive nuisance – Attorney Karl Bohne said only if it is condemnable then the Building Official could tag it. CM Carl Beatty's point was to declare it an attractive nuisance. Attorney said this would not work.

TA said mail is not getting delivered to house. The Town has been in touch of them. She contacts them. HSBN, a serving company. Lloyd stopped and told to the property mgt but did not get a card.

Atty Karl Bohne asked if there was any court paperwork. Atty Karl Bohne said we may be able to ____ if a foreclosure lawsuit. He said we can make the demand that we will condemn it if they don't respond. That may move the bank to act.

Second Speaker Card: Lt. Hooker: Wanted to talk to Council about a program they are going to be starting – 501c3 that provides all the stuff for a resident to provide emergency info to emergency response teams. It provides a paper people can fill out – this program comes with a sticker you put on your front door and then emergency response teams knows to look in the freezer for the information. Excellent program. It does cost \$40.00 for the stickers. The program could expedite response and treatment time.

Lt Hooker said the \$40.00 cost is why he wanted to talk to Council about it. Mayor asked how they would get people to participate. Mentioning at Council meetings, pancake breakfast, website and Mailboat.

CM Carl Beatty said he would pay the \$40.00 for it out of his discretionary fund.

H. STAFF REPORTS:

ATTORNEY: 2 things – coordinate a meeting with Palm Bay with Mgr and Atty - Aug 9 and 10th. She will check her calendar.

He sent a request for opinion to AG and was referred to Fire Marshal office. We can forward the request to them. He spoke to them and prepared a memo – he reviewed Chief Good low, must enforce the fire safety code, by implementation, inspections must occur. The inspection requirements are also addressed separately and should also occur in other businesses. The frequency is up to jurisdiction. CM Marisa Acquaviva said it says periodic. Atty Karl Bohne said the FAC (Florida Administrative Code) says periodic. Also no provision that allows self inspections. Insp are supposed to be done by certified fire person. The administrative inspections, they can be turned away and you are entitled to

We can request a Declaratory Statement from the Div of Financial Services. This is his summary based on notes taken during that call. Mayor asked about what has to be inspected during an inspection.'

Mayor said we have 2 levels of inspections. The ones that have highly regulated. How much is written about those. Karl is not sure if there is a list of things that has to be inspected. The inspector must be certified. Mayor said there is a lot we still don't know. Karl said right not it is in our code as annual. Maybe she hasn't been there long enough to learn them. Marisa said we have gone to the wall on this. Mayor said it is not clear as to exactly what is required. Mayor said she is missing the point – built before the days of the fire alarms. He would like to see the authority to do that. You always have to question government. Marisa asked how this is vague. Mayor said for periodic inspections on older buildings. Marisa said we have a Fire Dept and Fire Chief. Karl said the specific criteria is not going to be in FS 633. Chief said it is related to NAFA and 101.

TA said we have the form that was developed. They used this form to do ours. Marisa said aren't we up here for the greater good of Malabar. Aren't we representative of Malabar neighbors? She talks to lot of different people. It has been laughed at. Jeff said he agreed with Mayor. Many times we go to another city like Palm Bay and then. Marisa said wouldn't you rely our professionals – do you want the fire code? Look it up FS 633 will reference 101. Carl said the frequency is up to them. That is up to us. Marisa said most are inspected and have only a few that don't. Steve said previous Council determined it to be one year. David said for as long as he remembers it is

Marisa said we spent a lot of money on this. Is it for the good of only a couple of businesses? Karl said he is comfortable with the requiring of inspections.

Marisa we have not been in limbo, - until fire persons are trained. TA said until Steve said it is clear we do the inspections and our code says them annually. Mayor said we are supposed to be business friendly. Carl said the fee structure is by resolution; we can change that. TA said that they wanted to change it. Steve said there is code and FS that states the criteria. Building code criteria could also be looked at. He is referring the resolution. That was in the resolution. And wasn't legal at the time. What are the criteria? David asked how far they go – flow checks on fire sprinklers – no they are required to have certificate that it is

tested every year. Mayor said we need to get a new ord done. For that group that are periodic. Atty Karl Bohne is going to supply us with the criteria for that periodic group and if we have all that for the next meeting we can act on it.

CM Marisa Acquaviva said we will comply with the Florida Statute.

ADMINISTRATOR:

- Meeting with Sue Hann – was great meeting. TA explained things that had been stopped, like the water sampling and bacteriological testing that Hann did not know. She also said that we are able to contact them the way we used to do business with them.
- Park Mowing Contract, looking at costs of doing that or using a PW person to do that.
- Ms. Hann said they want to be a good neighbors
- Ditch Spraying; they have their own people and we work together – looking into that
- WM Meeting with Milo Zonka, we used to meet with George Geletko. We don't have signed contract. Trying not to raise rates – He also provided list of persons that don't pay for their pick up. 30% of town doesn't pay. She has 262 names to do letters and cite codes. She said we couldn't do anything until budget workshop was. CM Jeff McKnight said he could be on the list. CM David White said the same thing. She will pass this on to Milo. He did explain that if we don't change the process. 30% is a lot to eat. It will be reflected in the renewal charge. He would like to be on the tax bill. He would like to be on a future agenda. CM Jeff McKnight said his problem started when Palm Bay. TA said they came up with list by someone driving behind a truck and. Mayor said the sticker is not a requirement. He talked about it to Milo. CM Jeff McKnight said they use it to generate the list. TA said they also drive past a street and not going down a street. The change in Palm Bay has affected some of the drivers are unfamiliar. The person she has been sending emails to is no longer at WM.
- One of the Park Board Member wanted the Fern Creek Park mowed. The adjacent family said they will not complain, they support everything that Town does. The area between the property line and the bridge is very narrow. She showed picture on overhead that showed how close the shed is that has been broken in to. When it is kept natural they don't have as much of a problem. When it is mowed down we are sending people over the bridge. CM Steve Rivet said the creek is a barrier. Mayor said what about blocking the end of the bridge. It is conservation land. You have to go thru private property to maintain it anyway. Put on next agenda for action. Mayor, said put a nice gate. CM Carl Beatty said the intention was to put a gazebo in on that side of the bridge. Gazebo is a nice sleeping hole. Do we want to encourage that? CM Steve Rivet said it is clear that there has been a negative impact on a Malabar resident. CM Carl Beatty said we could put up a fence – hog wire type to keep them out like a DOT field fence. When they fenced in the EEL property and besides the soccer field. Maybe upgrade the fence. We can get a tractor in there and have to make a decision. Both were projects Council approved. She will put on next agenda.
- Survey has been mailed out to residents.

CLERK: Brevard County Clerk's Assoc meeting in July dealt with public records and our Attorney Bohne was the guest speaker. As such I want to remind Council that any communication made or received in connection with the transaction of official business which are used to perpetuate, communicate or formalize knowledge, regardless of whether they are in final form are public records. If you have emails that fit that definition, please forward to Clerk's office. Updated Sunshine Law memos have also been distributed to B&Z, BOA, Park Board and TBRB from the Attorney.

- Is there any interest in proposing naming the Malabar P.O. after State Senator Patsy Kurth?
- Have not received a written report yet from Architect John Dean.
- SCLC Dinner is at Cocoa Beach Country Club on August 8, 2011. Please let Clerk's office if you plan to attend.

I. PUBLIC HEARINGS: *Mayor asked about advertising for these. Franklin said three of them had first reading on 7/7/2011 and some changes were made at that time. Due to short time between 7/7/11 and 7/18/11 the ten day requirement could not be met for a public hearing and the second reading was advertised for August 1. The Fence Ord had first reading on 7/18/11. Proof of advertising is filed with each Ordinance.*

2. Amendment to Charter, Referendum Questions (Ord 2011-42)

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY FLORIDA; CALLING AND SCHEDULING A REFERENDUM ELECTION TO DETERMINE IF THE TOWN CHARTER, SECTION 2.03 RELATING TO QUALIFICATION FOR COUNCIL SEAT, SECTION 2.04 (b), RELATING TO THE QUALIFICATIONS AND DUTIES OF THE MAYOR , 2.11 (d) RELATING TO TOWN COUNCIL VOTING ON RESOLUTIONS AND SECTION 4.01 RELATING TO PUBLIC MONIES SHOULD BE AMENDED; 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. 2

Recommendation: Request Action

Mayor read the ordinance by title only.

Public Hearing Opened: None

Public Hearing Closed:

MOTION: Rivet / Acquaviva to approve Ordinance 2011-42 on second reading. Discussion: none

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

3. Amend Chapter 6, Building Codes, Require Road Repair (Ord 2011-40)

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; RELATING TO BUILDING CODES AND PERMIT FEES; AMENDING CHAPTER 6, SECTION 6-4 OF THE CODE OF ORDINANCES OF THE TOWN BY ADDING A NEW SUBSECTION (f); PROVIDING FOR THE REPAIR OF PUBLIC RIGHT-OF WAYS DAMAGED DURING CONSTRUCTION RELATED ACTIVITIES; PROVIDING FOR CODIFICATION, SEVERABILITY AND CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 3

Recommendation: Request Action

Mayor read the ordinance by title only.

Public Hearing Opened: None

Public Hearing Closed:

MOTION: White / Rivet to approve Ordinance 2011-40 on second reading. Discussion: none

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

4. Amend Chapter 14, Public Service Taxation (Ord 2011-41)

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, RELATING TO TAXATION; AMENDING CHAPTER 14, SECTION 14-72 (a) OF THE CODE OF ORDINANCES OF THE TOWN BY DELETING REFERENCES TO "WATER" AND "FUEL OIL" FROM THE TEN PERCENT (10%) TAX IMPOSED BY SAID SECTION;

REPEALING SECTION 14-73 RELATING TO FUEL OIL TAX; PROVIDING FOR CODIFICATION, SEVERABILITY AND CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 4

Recommendation: Request Action

Mayor read the ordinance by title only.

Public Hearing Opened: None

Public Hearing Closed:

MOTION: Rivet / Acquaviva to approve Ordinance 2011-41 on second reading. Discussion: none

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

5. Amend Article V, Fences (Ord 2011-44)

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE OF THE TOWN; AMENDING ARTICLE V OF THE LAND DEVELOPMENT CODE OF THE TOWN RELATING TO FENCES, WALLS, GATES, ENTRANCEWAYS AND RELATED STRUCTURES; PROVIDING FOR DEFINITIONS, HEIGHT RESTRICTIONS, MAINTENANCE, MATERIALS AND DESIGN; PROVIDING FOR A PERMIT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 5

Recommendation: Request Action

Mayor read the ordinance by title only.

Public Hearing Opened: None

Public Hearing Closed:

MOTION: Beatty / Acquaviva to approve Ordinance 2011-44 on second reading. Discussion: None

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

J. PUBLIC: ITEMS DIRECTLY RELATED TO RESIDENTS AND RECOMMENDATIONS FROM TOWN BOARDS/COMMITTEES PRESENT AT MEETING: none

6. Three Recommendations from Park and Recreation Board 1) Ramps for Bridge at Malabar Community Park; 2) Fire Line for Fire Pit; 3) 2012 Spring Fest Event to be a 2-day Event

Exhibit: Agenda Report No. 6

Recommendation: Request Action

1: Ramps: TA had Engineer go look at ramp issue. In truth the whole bridge is not ADA compliant. But if they only want to correct the drop off at the two ends we can fix this. It is the same problem we had at the little bridge. She showed Council the geo tech sample material. She has discussed this with the Town Engineer PW Mgr and a local contractor that will do work for free work.

CM Carl Beatty was at the Park Board meeting and they were talking about the ends of the bridge. One side has a step and a ramp and could present hazard for a user pushing a baby carriage. TA said for safety her recommendation is to do the ramp at both ends to assist with either a baby carriage or wheel chair. She said we could afford this material and the labor.

CM Jeff McKnight asked about the complication this ADA could cause; bridge not being ADA compliant. Bohne said some agencies have been made to retrofit to be in compliance. Atty Bohne is concerned with liability. CM Jeff McKnight has no problem doing it for safety.

MOTION: Rivet / Acquaviva to fix end of ramps on bridge and use money in the Dev Rec Fees.

VOTE: All Ayes.

2: Council consensus of no objection to have water line installed there by fire pit. Referenced agenda report – donated pipe, \$50. for trencher and PW to do labor. TA said the water is not turned on; there will be a spigot there but not turned on unless user contacts Town Hall. Mayor asked if signs had been installed that required contact with Town Hall before use of fire pit. PW Mgr said yes, signs are up. TA said signs are up and direct them to Town Hall. Chair said no motion necessary.

3: CM Marisa Acquaviva was here today and was talking about this with Clerk. Acquaviva supports a two day event. It is going to be a different kind of event. She thinks it should be a bigger event and talking with Franklin they plan to expand it.

Franklin said staff has been doing preplanning and spoke with a member on the Park Board who proposed a Friday evening and all day Saturday event. Staff is working to set up on Friday anyhow so an opening at 5PM on Friday until 9PM would work and then all day Saturday. Daylight Savings Time (DST) will have started. TA said it would get dark before 9PM even with DST. Then rest on Sunday. Franklin said the Park and Recreation Board recommendation is for a full day Saturday and Sunday. Agenda report refers to overtime pay for staff. CM Marisa Acquaviva said next year is the year to try it. We need to do it for the 50th anniversary of the incorporation. She said Franklin said many vendors won't come unless they could come to a two-day event. TA said it is a big concern, security, and lighting manpower. CM Jeff McKnight said get back with the Park Board and see if they could help with manpower if they want a two day event. CM Marisa Acquaviva said open it up to more people. We rely on staff and need to get a committee to help staff as volunteers. Franklin said in past years they contacted high schools and BCC to solicit students needing volunteer hours. They also will have a Spring Fest committee. They discussed the date and are proposing March 30 for the time frame.

CM Jeff McKnight said have staff only work one day of the two days and Volunteers and Park Board Members would pitch in. CM Marisa Acquaviva said there is opportunity for more community participation. Get people to recruit as volunteers. This is the people's celebration. CM Jeff McKnight said agenda report also mentioned the overtime. No staff has to work more than one day unless they want to.

K. ACTIONS ITEMS:

ORDINANCE: First Reading

7. Amendment to Code Related to Firearms (Ord 2011- 43)

AN ORDINANCE OF THE TOWN OF MALABAR BREVARD COUNTY, FLORIDA RELATING TO FIREARMS REGULATIONS; REPEALING PROVISIONS OF THE TOWN'S CODE OF ORDINANCES INCONSISTENT WITH 2011-109, LAWS OF FLORIDA; REPEALING PORTIONS OF SECTIONS 11-13, 12.5-1 AND 12.5-43 OF THE CODE OF ORDINANCES OF THE TOWN; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 7

Recommendation: Request Action

Mayor read the ordinance by title only.

MOTION: Acquaviva / White to approve Ordinance 2011-43 as presented for first reading.

Discussion: Mayor said if we leave it on the books the punitive aspects of the law may affect us. Atty Bohne eliminated any language referencing firearms. Mayor said in Section 3. No person shall molest trap or pursue wildlife. And end it right there. CM Jeff McKnight likes that. Strike out everything else out.

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

RESOLUTIONS: none

MISCELLANEOUS:

8. Approve Fire Department Pay Per Call Night Stipend

Exhibit: Agenda Report No. 8

Recommendation: Request Action

Chief came to podium. Gave them time to read memo TA handed out. Brings up the issue they mentioned two meetings ago and the manpower issue. CM Steve Rivet said it looks like it has been effective. Chief said getting the fire fighters. He referred to comparisons with last year. They did have one missed call. It looks like a 7,300.00 for an annual cost. When the Chief and TA talked about it at a max cost of \$600.00 to encourage more coverage, they initiated it. Then the payment request came in and Franklin said pay per call had to go to Council for approval. It would come out of same line item as pay-per-call. We lowered it from year before. Mayor said this discussion came up before. Since this is a volunteer group and they need to volunteer and come in based on schedule. Chief said you have one volunteer from Malabar. The pay per call is hit or miss. When they stay the night the person is there from 6-7 PM and stays until 7am. You need to show up so someone is there. The imbalance. One is they are committed to being there. TA said it is a stipend, it is not a wage. CM Marisa Acquaviva asked if these guys can jump on a truck and respond to a call. They can all respond and get on a truck. This is getting us someone who can get a vehicle to a call. Chief would like to go after grant money to offer to pay more volunteers. TA said she wants a motion. Chair said there is no objection to continuing to pay this for rest of year.

9. Direction on Maintenance of Raulerson Lane

Exhibit: Agenda Report No. 9

Recommendation: Request Action

TA explained we had a call for a pipe failure on this road. Franklin did history on road and provided it in agenda item. The fact that the road hasn't been maintained consistently is issue. The drainage issue will be repaired. After replacing the pipe we would like to plan on regular improvements. Would like Council to formally approve it for maintenance. Mayor said this is done by resolution. Franklin said all we need is motion from council to add Raulerson Lane to approved list.

CM Carl Beatty gave history. House got approved. Can't pull a permit. TA said we can fix the pipe and need to repair the surface. Biggest issue with 25-foot roads. Formally accept it and we can start the maintenance and lay some base. We have told the residents. TA said we weren't doing the ditches on unaccepted roads when she started and that has been changed. Mayor asked if we asked Town Engineer Morris Smith to look at it and determine the improvements necessary. It could take a lot of material. There is evidence that we accepted it. CM Jeff McKnight said don't do it all at once. TA said we have to keep the drainage open. CM Carl Beatty said the second pipe was put in because they couldn't find the first pipe. Put it in just north of the driveway. TA said Eng Smith will do the engineering on it.

MOTION: Acquaviva / Rivet to approve Raulerson Lane as an accepted road for maintenance.

VOTE: All Ayes

10. Direction on Maintenance of Soccer Field

Exhibit: Agenda Report No. 10

Recommendation: Request Action

TA said at last meeting they showed how well the soccer field had been improved. She now is showing picture after mowing to height specified by soccer team. It is too short and is causing burning.

Discussion: CM David White said you can't mow it that short, fertilize it and then it gets burned up. TA is bringing to you because the soccer club will be going to Park Board. CM Marisa Acquaviva asked how long we were using the fertilizer company. CM Jeff McKnight said we are thru bending over backwards for the soccer club. TA said you are the ones that will get the phone calls. It is not a pro soccer club. PW Miliore said Tru-green said 2-2.5 inches in height.

L. DISCUSSION ITEMS:

11. Parking of Recreational Vehicles

Exhibit: Agenda Report No. 11

Recommendation: Request Discussion and Direction

Mayor's item. This is something else he sees when he drives around on Eagle Patrol. He asked if a lot of people are doing this should we make it ok? If we have pro-active code enforcement, he could spot 40-50 violations. We don't know what the future brings. In the interest in freedom and property rights, we can have some effect by changing the code now. Mayor said if someone has a popup camper and let them camp out. Also can't have it in front yard for over 48 hours. He wants Council to send it over to P&Z. No objections.

TA has one case now she is acting on. The people just bought the house. The previous owner actually poured a pad. So these people put their trailer there. Per our Code they have to move it. Until this is resolved, she will notify them that action is paused. Mayor said it is terrible to make people do this. The lot in the smaller zonings and you may not even be able to get it on the side yard. Mayor also wanted to point out that the next section, section 16, says all vehicles should have current tags. CM David White has 4-wheelers and asked if they are recreational vehicles? Atty Bohne said subsection 1 did not define recreation vehicle. Mayor asked if it is alright to send it to P&Z to see what they say. Atty said he will need to have definition of trailer. Mayor said Clerk to direct it to the 2nd meeting in August for P&Z so Mayor could be there.

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

6) Mayor: Saw that there is no surplus money in budget.

5) Beatty: NOTHING

4) White: NOTHING

3) Rivet: has had some discussions with Atty with ballot initiatives. Currently the only way to do that is to go to Council. He thinks there should be a method to get items on the ballot without Council approval. Atty said the issue is that it still requires Council approval. Instead of 5 voters it should be 10% of registered voters. Should think about and discuss. Provide a method in Charter.

2) McKnight: will be doing some continuing education so will be missing the second budget meeting and a couple of council meetings.

1) Acquaviva: Went to Mayor's breakfast and it was very informative and thought Mayor did a good job of representing our Town. The only thing she has is the TBRB. She had to get two new people. She thought they were supposed to be people that aren't on other boards. She actually called Town about asking a previous Council Member. CM Rivet said it is a small pool of people willing to volunteer. CM Acquaviva said there are three P&Z Board Members on TBRB. The Mayor said P&Z Board does not have budget. CM Rivet asked about serving on two boards – Atty Karl Bohne said he doesn't think it is an "office" for the dual action as the TBRB is a fact finding board. No, they are not, they make recommendations. Mayor said they will sit here tomorrow night and pay attention. Council will allow questions. When that meeting is over, they agree amongst themselves on a meeting date. Out of that meeting they make recommendations to Council.

CM Marisa Acquaviva said she had a person last year that was upset because Council did not act on his recommendation. Atty asked does Council want him to look at dual office issue. The input of different people is CM Marisa Acquaviva's concern.

Mayor asked Atty what the definition of office. Who would get in trouble? This group of people would. What if a group met and sent memo to Council, assuming the fact that Council did not direct them.

Mayor said dissolve the Board and there will not be a problem.

MOTION: Beatty / White dissolve the Taxpayer Budget Review Board (TBRB). Changing the name to committee would not get rid of problem. No. Rivet said with the caveat that other citizens are free to use Town Hall.

VOTE: Aye (4) Nay (Rivet)

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 at 10:30 PM.

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

ATTEST BY:

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

Date Approved: 8/15/11