

**MALABAR TOWN COUNCIL REGULAR MEETING**

**September 26, 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 2 Council Member David White.

**B. ROLL CALL:**

MAYOR/CHAIR

TOM ESCHENBERG

VICE-CHAIR:

MARISA ACQUAVIVA

COUNCIL MEMBERS:

CARL BEATTY

DAVID WHITE

STEVE RIVET

JEFF MCKNIGHT, excused

TOWN ADMINISTRATOR:

BONILYN WILBANKS

TOWN ATTORNEY:

KARL BOHNE, excused

TOWN CLERK/TREASURER:

DEBBY FRANKLIN

Clerk stated for the record that also present is PW Dir Tom Miliore and the Malabar Fire Chief Dennis Covey was expected as he is giving he Fire Dept report. Chief arrived.

**C. ADDITIONS/DELETIONS/CHANGES: No changes.**

**D. PRESENTATIONS:**

**E. PROCLAMATIONS:**

**F. CONSENT AGENDA:**

**1.a. Approval of Minutes**

Regular Town Council Meeting – 09/12/2011

**Exhibit:**

Agenda Report No. 1.a.

TA said under TA report – Chief talked about grants they were applying for and she asked if Council would support the grants as there may be a match required – would like that added to minutes. No objection. Mayor – pg 2, under Atty report – 3<sup>rd</sup> line from bottom – still owes sb owns; under #5 on pg 3, Acquaviva said one set up one deal – understanding that one setup and get two day deal. Change the words for clarification – she thought one setup for 2-day event was the deal and she was confused why it was coming back to Council. Add “for a 2-day event” in there.

Pg 7, 1<sup>st</sup> para, 2<sup>nd</sup> line leave it at 3 min and then sb then

Pg 2, asking Fire Chief to come forward, if Council doesn’t “object”. Use instead of agree.

Pg 6, cannot live there – remove duplicate language.

**1.b. Budget Adjustment (Reso 99-2011) Pulled until next meeting.**

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. 1.b

**Recommendation:** Request Action on All

Mayor read the Resolution 99-2011 by title only.

**MOTION:** Rivet / Acquaviva to approve the consent agenda. Discussion:

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

Motion carried 4 to 0.

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

**H. STAFF REPORTS:**

ATTORNEY: excused

## ADMINISTRATOR:

- Fire Dept Report – Chief came forward and stated regarding the grant applications – they have been completed and wanted to publicly thank both Lt Hooker and Dan Welton for their work in applying for the grant aps. Also have three FF that have completed their FF1 training. Only a few that aren't now certified as FF1.

- Chief referred to memo he had sent out on the repairs to the ladder truck. He asked about questions on the ladder truck – no duplications on repairs. It is complicated machine. TA said part of this was from sitting. Dry rotted hoses. Chief said 1700.00 is an annual expense just for fluids and filters. It is like two trucks for one. Most trucks run about 700.00. But this is twice the truck. Everything is pretty explicit. Rivet asked if this was a pretty typical rate of spending. Chief said no he doesn't think this will be ongoing. It is correcting problems with a used vehicle. It is typical to spend 10% of the purchase price. Mayor did not see the memo. Clerk passed down the memo. Mayor asked about the justification for having the ladder truck. Mayor said he wanted memo on why we have it and how will it be used under certain circumstances - justification for keeping it. Chief said he will write something up. Mayor said this memo is good too. He wants something they can give to residents that question the purchase. Chief said we took delivery of it in Jan 2009. TA said it has not been to a fire yet.

- Acquaviva mentioned the controlled burn and got a lot of calls from Stillwater and the CC HOA. We used to get prior notice. TA said there is a new fire manager and he did not alert us. He came by that morning. Chief has been out there over the three days and there were small isolated pockets of underground burning. Now there has been rain and those should be out. When people see smoke and don't know there is a controlled burn scheduled, then everyone gets scared. If we get notice ahead of time we can tell residents when they call. Acquaviva said she called in a fire once. TA asked Chief to also check the locks on the gates to the conservation properties. Asked Chief to check and get back with her. Last time our lock was hanging on the chain and their lock was cut.

Sunday is the Fire Dept Breakfast again. Mayor will post on Craig's list again.

TA said we have had a complaint on the bridge at CC and so she asked Morris to do research. Memo is in front of them. She wanted Council to know about it in case they get calls.

Last re: mowing in Brk Hollow. We got a curt call stating our mowers broke his sprinklers and he wanted them fixed. Six sprinklers are in the Town ROW. This one time Tom had his PW staff go over and fix the sprinkler head. She asked if it is something you want to have this on agenda for future discussion. White said put it on agenda and then they can be here to speak and then Council can vote on it. Acquaviva said she has spoken with some of these residents and they have cut it in Brk Holl because we were keeping up the level of service of the time. We are mowing in Brook Hollow where we don't in Country Cove. There may be a problem.

CLERK: Franklin wanted to publicly commend Deputy Cindi for her efforts while I was gone on vacation – she worked up the resolutions and got the agenda package together and everything ran smooth.

**I. PUBLIC HEARINGS:** Truth in Millage Notices Mailed to property taxpayers.

**2. Ordinance Setting Millage FY 2011/2012 (Ord 2011-45)**

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, ADOPTING THE MILLAGE RATE OF 1.6630 FOR THE TOWN OF MALABAR FOR THE PERIOD FROM OCTOBER 1, 2011 THROUGH AND INCLUDING SEPTEMBER 30, 2012, PROVIDING FOR REPEAL AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 2

**Recommendation:** Request Action

Mayor read the ordinance by title only and read his millage statement.

Chair opened the Public Hearing:

None

Chair closed the Public Hearing.

**MOTION:** Beatty / Rivet to approve Ord 2011-45, setting the millage at at 1.6630 for FY 2011/2012.

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

Motion carried 4 to 0.

**3. Ordinance Setting Budget FY 2011/2012 (Ord 2011-46)**

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA ADOPTING THE BUDGET FOR THE TOWN OF MALABAR FOR THE PERIOD FROM OCTOBER 1, 2011 THROUGH AND INCLUDING SEPTEMBER 30, 2012; PROVIDING FOR REPEAL AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 3

**Recommendation:** Request Action

Mayor read the ordinance by title only. Also read full Section 1.

Chair opened the Public Hearing:

None

Chair closed the Public Hearing.

**MOTION:** Beatty / Acquaviva to approve Ord 2011-46, adopting the budget for FY 2011/2012.

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

Motion carried 4 to 0.

**4. Approve Budget Amendment to FY 2010/2011 Budget (Ord 2011-47)**

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PERTAINING TO A BUDGET AMENDMENT IN THE FISCAL YEAR 2010/2011 TO PAY OFF CAPITAL LEASES WITH RESERVED FUNDS ON DEPOSIT TO SAVE THE INTEREST ON LEASES; PROVIDING FOR FUNDS NECESSARY TO REPAIR THE ROOF OF THE PUBLIC WORKS BUILDING; PROVIDING FOR FUNDS NECESSARY TO REPAIR THE SUTPHEN LADDER TRUCK; PROVIDING FOR ADDITIONAL REVENUES; PROVIDING FOR ADDITIONAL EXPENDITURES; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 4

**Recommendation:** Request Action

Mayor read the ordinance by title only.

Chair opened the Public Hearing:

None

Chair closed the Public Hearing.

**MOTION:** Rivet / Beatty to approve Ord 2011-47, approving the budget amendment for 2010/2011.

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

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

**K. ACTIONS ITEMS:**

**ORDINANCE:** First Reading

**RESOLUTIONS:**

**5. Approve "The Little Town of Malabar" as Official Town Song (Reso. 101-2011)**

**Exhibit:** Agenda Report No. 5

**Recommendation:** Request Action

Mayor read by title only.

**MOTION:** Rivet / Beatty to approve Reso 101-2011.

Discussion:

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

**6. Approve CPI Increase for Waste Management (Reso. 102-2011)****Exhibit:** Agenda Report No. 6**Recommendation:** Request Action

Mayor read by title only.

**MOTION:** Rivet / Beatty to approve Reso 102-2011.

Discussion: TA said regarding the contract, WM is acting under one of the elements of a contract in this request for CPI increase and the contract was not renegotiated, it was simply renewed by Council. She brought this to Milo's attention. He is going back to his legal people to change the legal language so that no other rate issues are changed. If there was anything else changed, it would require contract negotiations. TA said WM rep Milo Zonka states we still have 30% of non payers. Council had two members that had not been getting bills. White said he has received his last two bills. Whoever they hired to do billing has made corrections. Mayor said for clarification when the new contract comes thru it will not have new rate structure. TA said no rate structures will be changed. Franklin said the council voted to automatically renew the contract with the adoption of an ordinance but the contract attached to the ordinance did not allow for such a renewal. This is what was we brought it to them in May 2010 and they wanted to extend and WM agreed to honor our ordinance. Acquaviva said if they are having so many accounting problems. Rivet said if they can back out half of the 30% non payers by straightening out their billing they will have a 15% revenue increase.

Beatty suggested putting the residential collection on the tax bill. Council consensus to not open that can of worms.

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

**MISCELLANEOUS:****7. Recommendation to Space Coast League of Cities Re: Meetings (Beatty)****Exhibit:** Agenda Report No. 7**Recommendation:** Request Action

Beatty said the SCLC league is for continuing the dinner meetings once a month. Some wanted to reduce the dinner meetings to every other month. They would still have a board meeting every month. Mayor said he served as Malabar delegate for five years and they do not have a money trouble. Mayor said they get money from State league. If they got money to send people to Washington then they have no money problems. Majority of members did not want to make change. White, Mayor and Acquaviva said keep it the same. Rivet said cut it to every other month. Acquaviva sees Rivets point but wants to keep it the same. Same with Beatty. Beatty will relay to Board at next SCLC Board meeting.

**L. DISCUSSION ITEMS:****8. Golf Tournament (Beatty)****Exhibit:** Agenda Report No. 8**Recommendation:** Request Discussion and Direction

Beatty said it is from Cocoa Beach. Final page tells you how much it will cost you to get involved. It is pretty expensive. Acquaviva said were they looking for us to sponsor a foursome. Beatty said the Town could sponsor or a business could sponsor. Rivet has no problem as long as the golfers are paying. Mayor suggested Rivets and asked if they could get two more golfers. Game is October 28. Rivet said he will check his schedule. Acquaviva said we could also advertise on website. TA said she will get it up on website with a call town hall if they are interested. Put prices on website. Acquaviva said Malabar Mos may want to sponsor a foursome because they get advertising as part of the benefit.

**M. MAYOR AND COUNCIL REPORTS:**

1) Beatty – Said Council just added one dollar to our current budget. Beatty wants to pay the dollar from his discretionary fund.

2) White – none

- 3) Rivet – none
- 4) McKnight – excused
- 2) Acquaviva – she would like to use some of her discretionary money - \$50.00 to buy pancake mix or whatever is needed for the pancake breakfast. Rivet also will help out to get to \$50.00.
- 6) Mayor – Wanted to publicly thank the representatives that came to his wife's mother's funeral: the Town Administrator Bonnie, P&Z Chair Bob Wilbur, P&Z Member Liz Ritter and Denine. He also thanked Town for plant they sent to house. Then he said he got his bill from WM and it was for \$87.00 because it included a past due amount. He looked up his check register and verified that it was sent in June and it never cleared. So there are some billing issues still with WM.

**N. PUBLIC – speaker card required**

**O. ADJOURNMENT**

There being no further business to discuss, **MOTION: Beatty / White to adjourn this meeting. VOTE: All Ayes.** The meeting adjourned at 8:26 PM.

BY: Thomas Eschenberg  
Mayor Thomas M. Eschenberg, Chair

ATTEST BY:

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

Date Approved: 10/17/11 as submitted