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**MALABAR TOWN COUNCIL BUDGET WORKSHOP MEETING**  
**August 24, 2009                      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 Nancy Borton.

**B.     ROLL CALL:**

MAYOR/CHAIR

TOM ESCHENBERG

VICE-CHAIR:

PATRICIA DEZMAN

COUNCIL MEMBERS:

NANCY BORTON

BRIAN VAIL

STEVE RIVET

JEFF MCKNIGHT

TOWN ADMINISTRATOR:

BONILYN WILBANKS-FREE

TOWN CLERK/TREASURER:

DEBBY FRANKLIN

**C.     WORKSHOP ACTION:**

Mayor stated he had given each Council Member and staff one last response to staff's response to his budget. He would like Council to review each item as that account number comes up for discussion. Borton said she was going to view the shuttle liftoff and needed to leave at 9PM.

McKnight said he would like Council to go through the staff comments and only comment on the ones that are different from the Mayor's budget.

BWF referred to the four new pages in front of each Council Member and the Mayor. She said she and Franklin adjusted the revenues and expenditures and still have some money in contingency and were able to reduce the millage rate to 1.6630, per Council direction.

Mayor said he has tracked revenues and if they continue to come in as he projected and we keep spending to the level of the last two months, the Town could have surplus this year. BWF stated she and staff have taken the Council and TBRB direction and suggestions seriously and submitted a balanced budget at the requested millage.

Dezman stated she is disappointed that there were so many emails going back and forth today between the Taxpayer Budget Review Board. She stated she had stated the sunshine law requirement at the last meeting. She has not participated in the email exchange. She thinks there has been a violation of sunshine. She stated we have not always done what is right for the citizens.

In the working up of this budget she commends staff. Dezman said that we need to put more into litigation because Ed Booth said we are going to fence the Cameron Preserve. EELs put up their part. She has been in this Town for 13 years. She is coming off Council in November. Stated again that we need more in litigation.

Mayor wanted to respond from sunshine violation – all emails were sent to clerk for public record. BWF said that Attorney Karl Bohne gave legal opinion that it was a sunshine violation. McKnight said he talked to Attorney Karl Bohne today and explained the exchange and Bohne did not think there was a violation. McKnight stated it would have been a better practice to dissolve the board in writing. McKnight did caution the Board to not communicate to more than one Council Member due to sunshine law. Rivet did not think there was a violation. He said it is just a legal opinion and Council does not

have to take that information. Mayor stated that the TBRB committee was done and he was talking to a Malabar resident. Rivet said we should avoid the perception.

Mayor said next Council meeting we can all ask the Attorney his opinion.

Speakers Card submitted and Mayor recognized Jim Milucky, US 1. Milucky stated we have such precious little time. He commended staff and Council for the budget document which he stated is readable and understandable. He stated Palm Bay's is over 600 pages long. Last year's Palm Bay budget was over 700 pages. He did not want to offend, but said grow up and stick to agenda. The amount of time spent already on items not on the agenda.

Milucky stated the Town Administrator did a great job to balance the budget – look at legal and comp plan for the numbers to be brought forward to next column. He also did not know about the BCSO outcome. He has been out of loop for awhile. He also stated we have had many flooding issues in years past. Seven years ago, dealt with street and roads flooding issues. We have been lucky so far but we will need to have money in these line items to deal with flooding. Also part of what makes Malabar so awesome is the two main corridors. The US 1 corridor in Malabar is awesome and the pepper trees are coming back. He is taking care of his riverfront but Town needs to consider the rest of the riverfront. He referenced that looking like a first class community is a better focus for the Town. The other area to look at is the Comp Plan.

Mayor responded that legal is department 514 and comp plan is dept 515, for Milucky's benefit. Mayor asked BWF to talk to Milucky about drainage. BWF stated we do maintain our culverts and have regular maintenance on them now. We have been replacing some culverts and we will be doing some other culvert replacement with the ARRA stimulus money. Mayor said we have had the MSTU for the last two years. It is a separate line item on your tax bill.

Mayor said we need to concentrate on budget. Mayor stated since Malabar staff has come to the 1.6330 millage he would only want to look at two accounts.

He does want to talk about department 513 regarding the accounting and the auditors. He said he asked to have these separated. If you look at the second sheet of his analysis, you see that the accountant Augie has made \$14,000 for this year so far. His pay lags a month. If you assume he will get three more payments, it will be over 18K. He is not on a fixed priced contract. The line item was 33K but it will go up. The auditor is alright. The accounting needs to go up. And be changed.

BWF stated the first year we used accountant we were changing all the account numbers and putting the Chart of Accounts into the system. All the items had new values. The past year, he was dealing with our new software. She believes it will settle out this year.

Mayor read last paragraph of his analysis. He asked if 25% is the correct amount to be charging for work on utility accounts. Mayor stated it has always been broken down this way. To him it doesn't look like 25% of the work is in the utility fund. After this budget is worked out, we are going to have to address the utility issue. For tonight, based on this analysis, Mayor stated the accounting needed to go to 28,885.00

BWF had asked both the auditor and the accountant about the split and the 25% is a fair estimate. The accountant and the auditor have other consumption reporting that they have to do. And the deal with individual utility account holders payments.

McKnight says the TA and Mayor are only 3K off. BWF said we can hold accountant to 15K. Mayor asked her to have him sign a fixed price contract. McKnight and Vail said to do a *not to exceed* agreement. BWF said she will ask him to not to exceed 15K in GF and 5K on the utility side.

We are way off on the utility fund. The accountant needs to show the consumption versus const. She will get him to sign a *not to exceed* agreement for total of 20K. She will either move it from contingency or have him sign the agreement.

McKnight said he believes BWF explanation of the problems with the account numbers the first year and new software last year. Things are smoothing out now. So pricing should go down.

Mayor asked if FD is satisfied with the revised budget.

522.4600 will drop to 4473 and then the grant match will go back up to 16K. Definition page is correct. Dan said if we have something major go wrong then they will come back to Council and take the money either from repairs or from the grants.

BWF said the FD is the only dept that has contingency line item. Rivet does not see a problem with leaving a small amount in there for contingency. If it is something major they come to Council

Mayor had one more item – being at the park one time. The 572. acct. Did the pavilion get a new roof. Yes, staff did it. Anything else from Council.

McKnight wanted to thank staff and the Mayor for their efforts.

#### **D. ADJOURNMENT**

There being no further business to discuss, **MOTION: Rivet / Vail to adjourn this meeting. VOTE: All Ayes.** The meeting adjourned at 8:20 PM.

BY: \_\_\_\_\_

Mayor Thomas M. Eschenberg, Chair

ATTEST BY:

\_\_\_\_\_  
Debby Franklin, Town Clerk

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