

MALABAR TOWN COUNCIL REGULAR MEETING
January 5, 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, Mayor Eschenberg. The prayer and pledge were led by District 5 Pat Dezman.

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 ATTORNEY:

KARL BOHNE

TOWN CLERK/TREASURER:

DEBBY FRANKLIN

C. ADDITIONS/DELETIONS/CHANGES: Dezman asked to speak about the flyer she handed out.

Mayor asked to add a discussion item on changing the public speaking item on the agenda. Franklin said she had that on the next agenda because she was doing research into the history of how it was placed at the end of the meeting. Mayor said it was only to be a discussion item. Add to discussion on this agenda. Dezman said the flyers at everyone's places are about the missing 85 year old Frances Sentner. She has been missing since 12/30/08. She was last seen at Brandy Wine Estates asking for directions. She was going to Meals on Wheels. She is a member of St. Josephs Church. Please post the flyers. She has dementia.

D. PRESENTATIONS: Plaque to Richard Cameron for years of service. Mayor made presentation to Richard and thanked him for his years of service. Cameron thanked Council for the presentation and said he enjoyed working with Council and staff and had accomplished many good things. It was great to see the Town moving forward and seeing things getting done and staff working together. He commented he had never worked so hard to get fired from a free job. He said he enjoys seeing the projects being used by residents.

E. PROCLAMATIONS: None

F. CONSENT AGENDA:

1. Approval of Minutes

Regular Town Council Meeting – 12/15/08

Exhibit: Agenda Report No. 1

Recommendation: Motion to Approve

MOTION: Rivet / Borton to approve as submitted.

Vote: All Ayes.

G. STAFF REPORTS:

ATTORNEY: Went to Palm Bay with Franklin to inspect public records. They found many records that will help Franklin complete her historical records but they didn't provide much to Bohne in his effort. He has reviewed most of what was provided on CD. He is also going to look at ordinance and resolution on rates. He has problem with his email and Franklin had to re-send them. He is looking for progression from PBUC to the City of Palm Bay to assume the responsibilities of the water agreement. If not do they have any authority. He is looking for this before the meeting. Attorney will contact ex-Town Administrator Bill Hall and see what he recollects.

ADMINISTRATOR:

- Citation Revenue – we now have a number and will be given revenue. Commander Salvo will try and get this years revenues. She is talking from October 08 and going forward. You have to look at the citation and get the location of the offense.
- Playground tarp – salesman came and took pictures and they will let us know if it is covered under warranty. Perhaps prorated.
- Update on Weber Road Closure – Signage will be going up today and work will start tomorrow. Road will be down one day. They will get it back open the next day. The asphalt will be done half and half. The angle will be changed because it is 30-40 years old and now has a headwall that abuts it.
- Shooting gun incident at south end of Marie Street. It involved kids with soft gun shooting into Town dump and it scared horse and rider and threw rider and injured him pretty badly.

CLERK:

- SCLC Dinner next Monday – Malabar is co-host with Palm Bay and we would like a good turnout. Sharon will be calling to get attendees reservations.

H. PUBLIC HEARINGS: Legally advertised on Florida Today on November 27, 2008
ORDINANCES: (0)

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

J. ACTIONS ITEMS:

ORDINANCES: First Reading – 1

2. Special Activity Fee Waiver (Ord. 2009-20)

Without objection, Mayor read by title only

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, AMENDING THE TOWN OF MALABAR CODE OF ORDINANCES; ~~PROVIDING FOR AN EXEMPTION TO THE FEE REQUIREMENT OF SECTION 10-261 FOR CERTAIN ORGANIZATIONS;~~ AMENDING SECTION 10-262 (b); PROVIDING FOR A DAMAGE AND CLEAN UP DEPOSIT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 2

Recommendation: Request Action

MOTION: Borton / Dezman to approve Ord. No. 2009-20.

Discussion: Attorney needs to fill in the deposit amount. BWF stated the problems with the traffic problems and the pipes that broke. We had talked to him about traffic. In the future we should ask for a traffic pattern or design etc. We have another one coming up on Marie Street. Dezman asked how they can handle it since we already approved. Rivet asked how many cars went through there. It was thousands. It was sponsored by three radio stations. Dezman asked how much it would cost us for off duty cops - \$35.00 per hour. Mayor asked if the Attorney could add words to make the amount variable depending on the type of event. Vail said that the application should also include that they are required to provide for traffic. The Code already provides a requirement for that. Vail said who determines the deposit? Council. Add in Section 2: To be determined by Town Council and eliminate the last sentence. Rivet said in Section 1, it leaves zero flexibility to charge for some non-profits. He knows in most cases he would vote to waive but he can't think of all the non-profit that might come in. Attorney explained there is a whole group under 501C that is broader than not for profit. It would include religious organizations. McKnight said this originated because they were trying to provide a process so every non-profit wouldn't have to come before Council.

This is redundant. Borton likes having the option. Vail also. Remove the change to section 1. Attorney will change the title and delete the change in Section 1 and reword the change in Section 2 to provide deposit to be variable depending on type of event.

Roll Call Vote: Borton, Aye; Vail, Aye; Rivet, Aye; McKnight, Aye; Dezman, Aye.
Motion carried 5 to 0.

RESOLUTIONS:

3. **Approve Interlocal Agreement for 800 MHz Radio Network (Reso. No. 43-2008)** A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR COUNCIL APPROVAL OF THE INTERLOCAL AGREEMENT WITH BREVARD COUNTY FOR USE OF THE COUNTYWIDE RADIO NETWORK / 800 MHz SERVICE; PROVIDING AN EFFECTIVE DATE.
Exhibit: Agenda Report No. 3
Recommendation: Request Action
MOTION: Borton / Vail to approve Reso. No. 43-2008 and naming Chief Gianantonio as Malabar contact on page 2 of Agreement.
Discussion. BWF said the questions from last time have been responded to. The charge will be rectified for next time and we have only 22 on the books now. Attorney stated the agreement also called for Council to name a representative. Name Chief Joe Gianantonio on page 2.
Roll Call Vote: Vail, Aye; Rivet, Aye; McKnight, Aye; Dezman, Aye; Borton, Aye.
Motion carried 5 to 0.

MISCELLANEOUS:

4. **Appoint Voting Delegate and Alternate to Space Coast League of Cities**
Exhibit: Agenda Report No. 4
Recommendation: Request Action
MOTION: McKnight / Vail to retain the incumbents Mayor Eschenberg as Delegate and Council Member Nancy Borton as Alternate Delegate for SCLC.
Discussion: None
Vote: All Ayes.
5. **Nominate Elected Official to FMIT Board**
Exhibit: Agenda Report No. 5
Recommendation: Request Action
MOTION: Rivet / McKnight to decline to nominate someone.
Discussion: None.
Vote: All Ayes.
6. **Communities for a Lifetime Initiative**
Exhibit: Agenda Report No. 6
Recommendation: Request Action
Discussion: McKnight thought we should request to be inactive at this time. BWF said she likes to deal with geriatrics. She had coordinated a phone bank service at a previous location. Dezman said based on her experience, she could do this. Dezman would like to work on this and would be the representative for the Town. She could continue this after her term ends. She is for leaving this on the active list. Mayor said he did work on the Mayor's meals on wheels last year. Borton said if we could identify them, it would be a start. Put something in the newsletter. Dezman asked if Palm Bay is active on this. Don't know.
Council consensus to keep us on the active status.
7. **Second Meeting Dates for January and February**
Exhibit: Agenda Report No. 7
Recommendation: Request Action

Dezman will be able to attend the Conflict Resolution.

Cancel second meeting in January unless there is something pressing. Determine the second meeting on February at the Feb 2 meeting.

K. DISCUSSION ITEMS:

Mayor added the public discussion. It would encourage more people to attend if they could speak at the beginning of the meeting. Some people don't want to sit here for the whole meeting. Vail said he had previously asked to have it at the beginning and the end. McKnight agreed. The first public would be for items not on the agenda and require no response from Council. The second would be at the end and could be on anything. Where at the beginning? After consent agenda. Mayor said if they bring something up then a member of staff could respond during their report. Anything to encourage public input. Dezman asked about response to public comment. Not during the time they are speaking. After they sit down if Council wants to address it then they could discuss it. Have a proposed change to the resolution for the next meeting. McKnight likes what Vail proposed. This would give the public three opportunities to speak: after consent agenda to speak on items not on the agenda, or fill out a speaker card and address an agenda item and then at the end to speak about items on or not on the agenda. Mayor said to use Brevard Cty agenda language in the amended resolution.

L. MAYOR AND COUNCIL REPORTS:

(Number indicates order of Reports)

2) Vail – nothing

1) Borton – Looks forward to the dinner on the 12th. Hopes everyone will come.

5) Dezman – still has a conflict for next Monday. She starts school next week. She will go to Glen Brook A.L.F. with Steve Rivet next Saturday and will be attending the Conflict Resolution Mtg on Jan 20th.

3) Rivet – thanks BWF for road status update

4) McKnight – thanked residents for coming out to meeting.

6) Mayor – Asked Dezman to call her friend and have her call the Mayor. Do we have a firm delivery date on the ladder truck? He needs to set date when he knows the actual date. He will tell Harris to pick their date the week of the 19th.

M. PUBLIC COMMENTS: General Items - none

N. ADJOURNMENT

There being no further business to discuss, **MOTION: Borton / Dezman to adjourn this meeting.**

VOTE: All Ayes. The meeting adjourned at 8:40 PM.

BY: Thomas M. Eschenberg

Mayor Thomas M. Eschenberg, Chair

ATTEST BY:

Debby K. Franklin

Debby K. Franklin
Town Clerk/Treasurer

Date Approved: 02/02/09