

**TOWN OF MALABAR
TOWN COUNCIL MEETING
MONDAY, NOVEMBER 2, 2015
7:30PM
2725 MALABAR ROAD
MALABAR, FLORIDA**

MINUTES

A. CALL TO ORDER, PRAYER AND PLEDGE

Chair called the meeting to order at 7:30 P.M. Prayer and Pledge let by Council Chair Acquaviva.

B. ROLL CALL

Council Chair:	Marisa Acquaviva
Council Vice-Chair:	Brian Vail
Council Member:	Grant Ball
Council Member:	Don Krieger
Council Member:	Dick Korn, excused
Mayor	Carl A. Beatty
Town Attorney:	Karl W. Bohne, Jr.
Town Administrator	Doug Hoyt
Town Clerk/Treasurer:	Debby K. Franklin

Clerk stated for the record Malabar Fire Chief Christopher Robinson is also present.

C. ADDITIONS/DELETIONS/CHANGES: CM Krieger add a discussion item re: chairmanship

- D.** 1. Approval of Minutes: Regular Council Mtg of 9/29/15 as clarified and 10/12/15
Exhibit: Agenda Report No. 1
Recommendation: Approval

MOTION: CM Vail / CM Ball to approve 9/29/15 minutes as clarified: **VOTE:** All Ayes.

MOTION: CM Ball / CM Vail to approve 10/12/15 minutes as submitted: **VOTE:** All Ayes.

E. PUBLIC COMMENTS: Comments at this point may address items NOT on the Agenda. Comments related to subsequent Agenda Items may be made as those items come up. Public comments do not require a Council response. (Speaker Card is Required) **Five (5) Minute Limit per Speaker.**

Speaker's Card: Skip Hard, 2560 Hard Lane – talk about the transparency in the setting the agenda. Chair should have to sign off on agenda so residents know it was done by Chair and not by others. He said the minute's format is very detailed. It could be skeletonized. Should be just a summary. CM Vail said staff is reluctant to minimize anything with this Council. CM Krieger said he would like to bring this item up to discuss later. Skip also asked to speak again. We have a town website. To save time, put electronic audio version on website. Krieger said he would support shorter written minutes only if the full audio was up on the website. He would also want audio of all the board meetings.

F. ATTORNEY REPORT: Atty Conner has filed a motion to enforce the settlement agreement.

G. SHERIFF'S REPORT: None

H. PUBLIC HEARINGS: 1 – Second Reading of Ord 2015-02

2. AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; AMENDING CHAPTER 8 FIRE PREVENTION AND PROTECTION; AMENDING ARTICLE II STANDARDS; AMENDING ARTICLE III, SECTION 8-73(b) RELATING TO BURN PERMITS; AMENDING SECTION 8-83(d) AND (e) RELATING TO TYPES OF BURNING PERMITTED; PROVIDING FOR REPEAL, SEVERABILITY AND INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 2

Recommendation: Adoption of Ord 2015-02

Clerk read Ord by title only

Chair opened Public Hearing. None. Chair closed Public Hearing

MOTION: CM Vail / CM Ball to adopt Ord 2015-02.

Discussion: none

ROLL VOTE: 1)CM Ball, Aye; CM Vail, Aye; CM Krieger, Nay; CM Korn, excused; CM Acquaviva, Aye. Motion approved 3-1.

I. 3. RECOMMENDATION FROM PARK & RECREATION BOARD: Authorize the Park & Rec Board to move forward with submittal to the FDOT to Lease the Land at the North End of Rocky Point Road.

Exhibit: Agenda Report No. 3

Recommendation: Authorize the Submitting of Request to FDOT for Lease of land at north end of Rocky Point Road

Chair Hans Kemmler came forward and gave brief overview of what the T&G Committee and Park Board are trying to accomplish with this piece of land.

MOTION: CM Vail / CM Ball to authorize submittal to FDOT for lease request at north end of Rocky Point Road.

Discussion: CM Krieger stated that he thinks it's a little premature; this is State owned land. It looks, to him, that we should be able to pick the lines that are parallel to the RLC across the way which is a corporation. You also have to consider the MMA; they have an agreement with the Florida Inland Navigation to take care of the spoil lands out there. That is the access point for kayak users. He want to see it defined as State owned land first. The first step is to define the property. Then rather than go for a lease; go for a cooperative effort. Let's explore other cooperative options.

Drew asked to speak. It would be a maritime site. Talk to FIND and MRC – if you go forward you may find out that. Drew said the only thing they are trying to do a blueway.

Chair of Park & Recreation Board Hans Kemmler said they are asking only for authorization to apply for the lease; the approval process is time consuming. This is only the first step and he hopes he has support. Council discussed the application should be signed and submitted by Administrator rather than advisory board. Mayor doesn't have problem with concept. It would be a park and would have to have trash picked up. CM Ball said we all pay into F.I.N.D.(Florida Inland Navigational District). He has spoken to them and they would give preference as they have not spent any money in this area.

Mayor said he has been to FIND meetings. Before we get wrapped up in this process he would like to see the borders defined. Chair Acquaviva asked Attorney. The Attorney said this is the first step. Kemmler said even though the lease may be free there could be other costs; survey, site improvements, signage, etc. Mr. Hard from audience - had two questions – liability and maintenance costs. He thinks it is a great idea. **VOTE:** All Ayes. Motion approved 4-0.

J. ACTION ITEMS:
ORDINANCES FOR FIRST READING: 0
MISCELLANEOUS: 0
RESOLUTIONS: 3

4. RESO 22-2015 Appointing John Seybold: A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE APPOINTMENT OF JOHN SEYBOLD TO THE MALABAR BOARD OF ADJUSTMENT AS A REGULAR MEMBER FOR A THREE YEAR TERM; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 4

Recommendation: Adoption of Reso 22-2015

MOTION: CM Ball / CM Vail to approve Reso 22-2015.

Discussion: none

ROLL VOTE: CM Ball, Aye; 1)CM Vail, Aye; CM Krieger, Aye; CM Korn, excused; CM Acquaviva, Aye. Motion approved 4-0.

5. RESO 23-2015 Appointing Vickie Thomas: A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE APPOINTMENT OF VICKIE THOMAS TO THE MALABAR PARKS & RECREATION BOARD AS A REGULAR MEMBER FOR A THREE YEAR TERM; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No.5

Recommendation: Adoption of Reso 23-2015

MOTION: CM Ball / CM Krieger to approve Reso 23-2015.

Discussion: none

ROLL VOTE: CM Ball, Aye; CM Vail, Aye; 1)CM Krieger, Aye; CM Korn, excused; CM Acquaviva, Aye. Motion approved 4-0.

6. RESO 24-2015 Appointing Bob Wilbur: A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE APPOINTMENT OF BOB WILBUR TO THE MALABAR TRAILS & GREENWAYS COMMITTEE AS A REGULAR MEMBER FOR A THREE YEAR TERM; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 6

Recommendation: Approve Reso 24-2015

MOTION: CM Vail / CM Krieger to approve Reso 24-2015.

Discussion: none

ROLL VOTE: CM Ball, Aye; CM Vail, Aye; CM Krieger, Aye; CM Korn, excused; 1)CM Acquaviva, Aye. Motion approved 4-0.

K. BOARD & COMMITTEE REPORTS

T&GC Chair Mr. Drew Thompson gave PP presentation on overhead. (Attached to minutes)
Pk & Rec Bd Chair gave status on parks.

L. DISCUSSION/POSSIBLE ACTION:

7. Acquaviva stated that the next item on the agenda is discussion and possible action. She asked CM Krieger if he wanted to take this over; do you want to do it as separate items? CM Krieger stated that Council could do that. He isn't sure if a motion/vote is needed or not. Acquaviva stated that we would be discussing and possibly take action.

CM Krieger stated that he would be for this (truncating the minutes) only if the verbatim was on the website. He stated that this is the best thing. Acquaviva stated that she didn't think Council would be able to agree on this tonight as we need to know how it will be done and Franklin would need to provide the information to Council.

CM Ball asked why CM Krieger would want a verbatim transcript of the minutes on the website; we spend too much time with this. CM Krieger and CM Acquaviva stated that he was speaking of the audio of the meetings. He loves the idea of listening to the meetings; if you have a question regarding the minutes, you can go to the website and listen to the meeting. Keep the audio up for two months; if someone says "hey, wait a minute; what happened at there?" They should be able to go to the website and listen to the audio to get the information they are looking for. You can either download it or you can listen to it right there. You don't need more than two meetings. When a new meeting takes place, take the oldest one down. He would be in agreement to the shorter minutes with this in place. Otherwise, there is no other place to go for the information. There was one meeting that we didn't have a recording. He wants one to be tied to the other.

CM Vail stated that we all need to speak into the microphones a little better; that will also help with the recording of the minutes. It makes is hard when you can't hear what is being said. Mayor Beatty stated that we are recording the meeting now to a CD and also recording with video. TC Franklin stated that she is not legally required to record the meetings. She is legally required to record the actions with the motions and votes; that's it. There is no law requiring the recording of the meetings. CM Krieger stated he wanted more; as a Council Member he wants more. CM Acquaviva stated that the Clerk does more. TC Franklin stated that there is a disclaimer at the bottom of every agenda that states if someone wants a verbatim transcript of the meeting, it is up to them to have done. CM Krieger asked how verbatim minutes can be done if you forget to push the record button. TC Franklin stated it is up to the person in the audience who wants the verbatim information to make provisions for it to be done. She also stated that Council can direct her to put more information in the minutes. CM Krieger stated you can't go back in time. If someone needs a copy of the recording and it isn't available, how do they get verbatim minutes? TC Franklin stated that is what the disclaimer is for; if someone is going to challenge something at the meeting, they better make sure they have made provisions to record the meeting.

CM Ball stated he spends too much time reading and going over the minutes; been concerned since he was on the P&Z Board. It needs to be a brief description of the topic, the motion and the vote. He's been pushing for this the whole time he's been here. Mayor Beatty stated that he's heard there is no law that states that the meetings are to be recorded. But the Council can say that's what we want. So now we don't have to worry about it because it's protocol. We will put two meetings up on the website at a time so people can make their own copies. The minutes will be to record the description of topic, the motion and vote.

CM Acquaviva asked Attorney Bohne what his other cities do for the recording of the minutes. He stated that Malabar's minutes are way overboard. He's been a proponent to getting these shortened since he's been here; it takes too much of her (Franklin's) time and Council's time to go through the minutes. Most municipalities follows an in-between of abbreviated and full minutes. You may want to put in that a person or two spoke. But it should be topic, motion, vote and discussion or brief discussion. You can identify the votes. But to make the Clerk go through all this is just ridiculous. CM Acquaviva asked if other municipalities put the recordings on the website. Attorney Bohne stated that his four cities don't but they have it available to the

public. CM Acquaviva stated that anyone can come to Town Hall and request a copy of the CD then. We always have it taped; Attorney Bohne stated for the most part. TC Franklin stated that there were a few times, especially using the recorder, that we had issues with recording.

CM Acquaviva stated CM Krieger goes through the minutes; she does as well especially looking at what she said. But it's gotten larger than life because when they are reviewed, we say "well I didn't mean it this way". It seems to be that you seem to like them longer; you've been on Council for a year now. Sometimes he (CM Krieger) thinks the minutes aren't done correctly. CM Ball asked to speak to this. If it's there, it has to be right. If it's not there, we wouldn't have it to complain about.

CM Krieger stated that he has a pretty good memory; if he sees something he's not sure of he would be able to go to the website for the information. CM Vail stated the website is a pretty good resource. CM Krieger stated that is a resource that doesn't have a lot of information for people to use. This would be information that people can use. CM Vail stated that we still have the recording available for people to come to Town Hall to get. CM Krieger stated than you have the argument that people have to come down and spend 15 minutes for the copy of the disc. We are in a brave new world here.

TC Franklin stated that staff is a very valuable asset. If you make a request, we will have it ready for you. We make a copy for Bud Ryan after every meeting. CM Krieger stated that's making copies; why not have it on the website. TC Franklin stated that he is complaining about the website and not having information available. It's here but you need to come here. CM Krieger asked why not on the website. TC Franklin stated that we are working in this direction but in the meantime, instead of criticizing us, come down and talk to us.

CM Acquaviva stated she would be for downloading the meeting. She knows her recollection of the meetings. She knows what she said and you know what you said. Everyone hears things differently. She would like that on there because it is fact and would be available. Sometimes things get larger than life out there and it's not the truth. CM Vail stated that it is the general consensus that TC Franklin is working on this.

The action would be to tell TC Franklin to work on it. CM Krieger stated that we had the gentleman come in back in January and things were discussed and nothing came of it except new email addresses that I won't go into confusing. CM Acquaviva stated that the previous TA was responsible for the website; for months maybe even the last year, nothing has been done. TC Franklin stated that the cost for that vendor estimated to provide you with would have more with public records and archiving. This is done through our IT people. It is transparent and no effort on Council's part except use this email address. She does beg to differ with him; she has been working on this with our IT people instead of with this private vendor at a much lower cost. CM Krieger asked if she was speaking of Palm Bay; yes and they are very competent. You will see this audio up on the website and it will not cost as much as this private vendor who happened to be a friend of Wilbanks'. CM Acquaviva stated that Wilbanks was in charge of this as she had issues with this.

Skip Hard came forward and addressed Council. He stated it is his objective to take the burden off of the Town Clerk. You can put it up one time; you won't have to make copies to have them available for the public. She wouldn't have to stop and service someone at the front window. It would also mean that the person wouldn't have to come down to Town Hall. He absolutely agrees with Council that people interpret things differently. It would be a verbatim, true copy; unless someone plays with it, of the meeting and what is being said. He'd like to see someone

take the ball and have it followed through and get this done and by what time frame. Mayor Beatty stated he would like to see this for all the Boards. He's been to multiple meetings; all the experts say to put the minimum in the minutes. You can always listen to the tape; the minutes would reflect the brief topic, action taken, motion and vote. He, Mayor Beatty, wants this extended to the other boards as well. TC Franklin stated that she is working on this; she has her directions.

CM Acquaviva asked CM Krieger to address the issue of chairing the meetings. CM Krieger stated is this also a lot like the minutes. He's looking at the meeting of August 31st, a meeting that he wasn't invited to attend. The meeting was cancelled; he was never informed that it was un-cancelled.

The first order of business that he saw was to remove the Mayor as the Chair; he felt that was inappropriate. Before Marisa leaves, we should put things back the way they were before August 31st. We have a meeting on Thursday where we go over the results of the election; the meeting after that is where we choose a new Chair and Vice-Chair. He felt that this was done in such an unusual and inappropriate manner that he would like to (put a motion out to) have Mayor Beatty as the Chair and Brian Vail as the Vice-Chair. That's the way he'd like to do it. CM Acquaviva stated she would be the Vice-Chair; CM Krieger stated she was the Vice-Chair; that is the way he would do it and see what happens at the next meeting. As far as he's concerned, this was an inappropriate act and he feels, structurally, that the Mayor be the Chair so the gavel doesn't have to be passed back and forth if an opinion has to take place. Again, he wasn't even invited to this meeting.

CM Acquaviva asked to speak to this. Attorney Bohne stated that there is a motion on the table; he asked if TC Franklin got the motion, she stated no. She stated that he said he would like to see; she didn't hear the word "motion". CM Vail stated he heard it the same as TC Franklin.

MOTION: CM Krieger / CM Ball moved to put Mayor Beatty back in place as the Chair and Mrs. Acquaviva as the Vice-Chair.

Discussion: CM Ball stated that there was a time with a previous Council that the Mayor was not the Chair and when he looks at the business of the way we run the Council. We have someone that should be separate so you can keep focused on the running of the meeting and not how the vote is going to go because many of us have a direction that we would like to steer the vote to go. The Chair should be the person who cannot vote and not one of the five people that will be voting. He asked if that made sense. That's why he's always felt that the Mayor is a better candidate for the Chair-person than anyone else in the group.

CM Acquaviva said she wanted to speak to this. If CM Korn were here, he was the one who put it on the agenda in the first place, he would speak to it. CM Krieger asked how he did that. TC Franklin stated that any Council Member can add an item to the agenda. CM Krieger stated that there was no meeting on Monday; it was cancelled. TC Franklin stated that there was a meeting and it was held and there are minutes from that meeting. Mayor Beatty asked who called the meeting. TC Franklin stated she was going to take the high road on this; this has all been discussed and we have a \$7,000 bill from the attorney based on this discussion because you wouldn't come and talk to me. CM Korn specifically asked that nothing be put on this agenda tonight that had anything to do with personnel or like this type of topic. She just wants to remind Council of this request. CM Krieger asked if he had asked for this on the agenda, it would have been put on to remove the Mayor as Chair. He wouldn't have been here if his wife hadn't passed by here and saw all the cars. CM Acquaviva asked if he had any phone calls or emails regarding this matter. He stated he had no emails or calls. CM Acquaviva stated that she doesn't know what phone number we have at Town Hall but she always receives call lickity-

split when something is happening at Town Hall. CM Krieger stated that this is inconsequential as he has a motion on the table. CM Acquaviva stated she will speak to this because she nominated, get the minutes out, Mayor Beatty as the Chair. The reason why is he was ill and had not been here and meetings were being cancelled. (CM Krieger's comment was inaudible while CM Acquaviva was speaking.) CM Acquaviva stated that town business was not being taken care of. That is why it was put on the agenda; it was not me. The attorney can speak to the Town's code because it doesn't say the Chair has to be the Mayor. It is Robert's Rules. There have been times, in history, times when it wasn't the Mayor as the Chair. She nominated Mayor Beatty and supported him as the Chair. She was the Vice-Chair and stepped up when she needed to when Council voted on it. You (CM Krieger) were invited to that meeting and she knows you were. She stated that she received a call and asked CM Ball if he received a call; CM Ball stated yes. It is your duty to answer your phone and look at your emails. That's all she has to say about that. It's a shame that you would question being notified of the meeting. CM Krieger stated that the meeting was cancelled; the calendar on the website stated that the meeting was cancelled. It hasn't even been updated on the website.

CM Acquaviva called for the question. CM Vail stated that he wants this tabled to honor the request of CM Korn.

MOTION: CM Vail / CM Acquaviva moved to table this until CM Korn is present. VOTE: 2 Ayes (CM Vail & CM Acquaviva); 2 Nays (CM Ball & CM Krieger). A tie vote allowed Mayor Beatty to vote. He voted in favor of not tabling this item.

VOTE on the original motion: 2 Ayes (CM Krieger & CM Ball); 2 Nays (CM Vail & CM Acquaviva). A tie vote allowed Mayor Beatty to vote. He voted in favor of being restored as the Chair.

Attorney Bohne stated that this is only good until the next meeting. Mayor Beatty asked to make a disclaimer. He apologized for getting sick. He came to, after an operation, and felt that there wasn't the 72 hours for posting of the meeting. TC Franklin stated that there is no 72 hour requirement. Mayor Beatty stated that no one said anything of not having to have 72 hours; worked on that premise. There was also an item added to the original agenda after the 72 hours started; to add CM Korn's item. If it's subject to call then only the person who called the meeting and three other members can make the adjustment to the agenda and that couldn't be done. He came to and stated that he couldn't make the meeting and he said we didn't meet the 72 hours. He didn't get an argument that it is 24 hours; it wasn't discovered until later that 72 hours isn't needed.

CM Acquaviva stated that we don't need to speak on this item anymore; it's done. CM Krieger called Point of Order. CM Acquaviva stated she calls Point of Order. Attorney Bohne stated in answer to your question of passing the gavel, he said yes. CM Acquaviva passed the gavel to Mayor Beatty.

STAFF REPORTS – Administrator – none; Clerk – none

M. REPORTS – MAYOR AND COUNCIL MEMBERS

- 1) CM Vail directed to put on next agenda the Attorney's invoices and discuss the costs and itemized detail. It needs to be addressed in his opinion.
- 2) CM Ball thanked CM Acquaviva for her service. CM Krieger said ditto. CM Acquaviva said it has been an honor and a privilege to serve her community.
- 3) 3) CM Acquaviva said she started this journey six years ago. She said we (elected officials) are an example by what we do; not by our opinions. She is proud of her relationships

with citizens and staff. She is sad about what has happened at this meeting. There are many things that need to be done and they are not being addressed. She said she received a voice mail from a P&Z Board Member, an appointed Town representative. The message implied he knew there would be two votes in support of her nominating anyone besides Hoyt. She then played voice msg. She is proud of her votes and is not intimidated, but someone else could be intimidated. She thanked Clerk and Attorney and wished the new Administrator the best.

N. PUBLIC: General Items (Speaker Card Required)

Julianna Hirsch, 1035 Malabar Road, came forward and addressed Council. She stated that the way this was handled this evening with the Mayor and Don Krieger is disgusting. Mayor Beatty was not able to conduct the meetings; with being ill and such. She has been to several meetings to see this. Also, this message from Bud Ryan; he has been stirring up this crap with the town for a long while now and he should not be on any board representing the Town. This is nothing against the Mayor; she was at many of the meetings where he was slipping but not at the meeting where they voted to have him step down as Chair. This is all she has to say on the matter.

Dr. Seybold, 1830 Corey Road, came forward and addressed Council. He has a couple of questions to address Council with and to ask for a couple of things to be added to the next Council agenda. He's had opportunity to get more involved; he thanked everyone for their time and efforts for the good of the town.

Dr. Seybold asked the attorney about it being inappropriate for a board member to express himself to his Council person as a citizen. As Dr. Seybold heard it, it wasn't a Sunshine Violation as he wasn't speaking about P&Z business; he's an amateur so he's asking. CM Acquaviva asked if it would have been a conduit question. Attorney Bohne stated that he does not respond to the public at the meetings; if they want the answer, it would be up to Council. CM Vail stated that it is a legitimate question. CM Acquaviva brought it up as Sunshine. Attorney Bohne stated that the part of the conversation; it's the knowledge of how 2 Council Members may vote; he's not saying but it at least made him think that is Mr. Ryan being used as a conduit between Council Members. That's the only thing that comes up. Mr. Ryan can be a citizen with a Council Member but no one can be used as a conduit between 2 Council Members. CM Acquaviva stated that it was intimidating; Attorney Bohne stated he understood that but it's something that she has to deal with. CM Acquaviva stated that she did deal with it. Attorney Bohne stated that it was the only thing in the conversation that made him think; but only think on it.

One of the other things that is concerning Dr. Seybold is that the voting of the TA. One of the Council Members stated that he was threatened; this concerns him because it could drive a vote and potentially change the direction of the Town one way or another. The Town should look into this and run it to ground; if someone called and threatened him, he would be speaking to the Sheriff's Department. He would like to encourage Council to investigate this to see if this happened and if there were laws broken. CM Acquaviva stated she did contact the Sheriff's Department; they have all the public records regarding her complaint. She can't speak for Council Member Korn; she can't speak to him.

The other thing he wanted to ask about is the way we interact with Council and audience. The public can speak at certain times during the meeting when recognized. He doesn't know if this is Robert's Rules; we have issues of having people being involved. From his perspective, he's in the audience, there isn't enough time for audience to weigh in on a matter that is being discussed. Would it be possible for the audience to be allowed to speak during the

discussions? CM Vail stated that this Council is very liberal to let people speak from the audience. We are often allowed to speak during the discussion but they are heard before during and towards the end of the meetings. He stated that this is not normal practice with other cities/towns. We are more interactive than most. Attorney Bohne stated that the Town of Malabar is a lot more liberal; Robert's Rules and State law for open meeting laws would shut the audience down. If you tried to speak during a meeting at Palm Bay and Melbourne meetings, they would shut you down. CM Vail stated that Council allows audience participation with the exception of the controversial topics. Dr. Seybold stated that the controversial topics is what he is speaking of.

Mr. Hard asked to kindly chastise CM Krieger. His statement/motion should have been phrased differently. CM Acquaviva should have been thanked for stepping up when needed.

Mr. Thompson, as a member living in District 5, and as the Brook Hollow HOA President, he would like to thank CM Acquaviva for her service and said she kept it honorable and personable.

P. ANNOUNCEMENTS:

- (2) Vacancies on the Board of Adjustment;
- (4) Vacancies on the Park and Recreation Board;
- (1) Vacancy on the Planning & Zoning Board

Q. ADJOURNMENT:

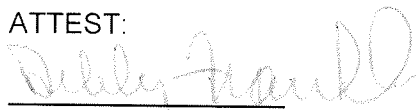
MOTION: CM Acquaviva / CM Ball to adjourn. **Vote: All Ayes.** Meeting adjourned at 9:34PM.

TOWN OF MALABAR


Mayor Carl Beatty,
Council Chair

(seal)

ATTEST:


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

Minutes approved:
11/16/15