

MALABAR TOWN COUNCIL REGULAR MEETING

February 4, 2008

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 7:32 pm by Mayor Eschenberg. The prayer and pledge were led by District 5 Councilmember Patricia Dezman.

B. ROLL CALL:

MAYOR/CHAIR

VICE-CHAIR:

COUNCIL MEMBERS:

TOWN ADMINISTRATOR:

ATTORNEY:

ENGINEER

BUILDING OFFICIAL

TOWN CLERK/TREASURER:

TOM ESCHENBERG

CHUCK McCLELLAND

NANCY BORTON

BRIAN VAIL

JEFF MCKNIGHT

PAT DEZMAN

BONILYN WILBANKS-FREE

KARL BOHNE

BILL STEPHENSON

ROGER CLOUTIER

DEBBY FRANKLIN

C. **ADDITIONS/DELETIONS/CHANGES** – BWF stated the Hospital presentation is postponed until March 3, 2008. Chair recognized Commander Salvo of BCSO and asked if he wanted to make a presentation. Commander Salvo, BCSO, came to podium.

D. **PRESENTATIONS:**

In response to citizen complaint that they are not seeing MSTU vehicles, the MSTU is no longer put on new vehicles. Older vehicles still have it but it will no longer be on new vehicles. Also he will work on preparing a monthly report on activity in the area. BWF stated the town used to get such a report. If he could get it to her by the second week of the month for the previous month, she can include it in her FYI to Council, the Friday before Council meetings. Also, some residents have a concern of not seeing cars around. Four new deputies are finishing training. 16 weeks training and then a one month orientation. They are hired but not solo yet.

McKnight asked for clarification for his constituents – have we benefitted yet from the MSTU taxes we have been paying. Not yet. Mayor relays a call he received from a citizen in January stating Weber Road was blocked with a trailer and the BCSO was notified and didn't show up. Mayor was just relaying a phone message he received.

Borton relayed the gunshots heard recently by her neighborhood. Seem to be coming from Palm Bay. Salvo said she should tell the residents to call BCSO to check it out. Dezman also reported a recent string of car burglaries in Country Cove and other activities at the north end of Corey near the sanctuary. Commander offered to attend HOA meetings and speak to residents. McKnight asked about drug trafficking problems in Malabar – is it because they are rural? Not necessarily; it is a matter of percentages – not locations. Visibility of MSTU – shouldn't see an increase yet because they are in training – and when they are done we will see more from Highway 192 south. That is the south precinct coverage area. TC Vail said that is one officer to us. The vote is coming back up in November. What is the negative of not voting for this? On the rogue website there is a "spot the deputy" game running. Dezman said she knew it would take time to get the additional coverage. They have been working on this since April and the deputies are out doing their job. Commander offers to come and speak to homeowners. BWF stated monthly report will show type of call, number of calls and the average response time. Mayor said he would like to see BCSO on Cops program. Dezman

Wanted to know if they need anything to make their stay here at town Hall better. Commander said to tell residents to call if they think they need them.

E. PROCLAMATIONS - None

F. CONSENT AGENDA

1. Approval of Minutes

Regular Town Council Meeting – 1/28/08

Town Council & P & Z Joint Workshop – 01/28/08

Exhibit: Agenda Report No 1

Recommendation: Motion to Approve

MOTION: Dezman / Borton to approve as corrected.

Page 3 Bohne stated regarding the road as indicated. McKnight said he voted nay, not na. Dezman said she called in and said she would not be able to attend. She should be listed as excused in the rollcall and votes.

Vote: All Ayes.

G. STAFF REPORTS:

ATTORNEY

- nothing

ADMINISTRATOR

- Mentioned the request to change an Agenda Report regarding the disbanding of Trails and greenways by Council. We will not change the record until we review the minutes. We are listening to the tap of the meeting – we are still working it.
- She met with the website designer and if we can get the historical data we can be ready for a Mar 1 debut. It will offer a totally paperless agenda and will be user friendly. If not it will be an April launch.
- Roadrunner has a 12 hour delay. We are working on it. If you have an alternate email give it to her. McKnight said they did a server update and he has also experienced problems.

TOWN CLERK

- SCLC dinner on Feb 11 at Rockledge Country Club.

H. PUBLIC HEARINGS:

ORDINANCES: None

I. ACTIONS ITEMS:

ORDINANCES: None

RESOLUTIONS: None

MISCELLANEOUS: None

J. DISCUSSION ITEMS:

2. Amendment to the Code Regarding Building Heights

Exhibit: Agenda Report No. 2

Recommendation: Discussion and Action

Speakers Card: Juliana Hirsch, 1035 Malabar Road, it is important to keep our 35 foot height limit. The 35' also applies to Ol and even along Malabar Road should remain at 35'.

Mayor said he volunteered to do research on this. In his packet, on page one you have the first definition of building height - it is from P&Z with the Mayor adding the safety structures. The second definition has come up in discussions at P&Z and one suggestion was to add to the definition that if the roof is to be used for human occupancy it will be considered a story. The third definition adds elevators to the 35' requirement. Council should send their recommendations back to P&Z.

Attorney Bohne explained that he found several definitions on habitation and use activities. Many of the standards he researched referred to use. Something can be designed for human occupancy even if it is temporary. Mayor wrote it up specifically stating elevators are considered being occupiable. McKnight likes the word use rather than occupancy.

MOTION: McClelland / Vail – to send this back to P&Z for review and consider using the term human use in addition or in lieu of human occupancy.

Vote: All Ayes.

3. Billie Property/Town Hall

Exhibit: Agenda Report No. 3

Recommendation: Discussion and Action

Mayor began by stating perhaps we should ask the citizens if they want to spend 400K or 500K to add on to this building or buy other land for and then build for 4M or 5M. Vail said this location is not a prime location for Town Hall expansion. That is the input he is getting from his constituents. McKnight said the citizens were told that buying Billie property for a new Town Hall. Dezman disagreed. It is a wise purchase to make this property compliant.

Mayor asked Engineer how much of the Billie property would be used up to make us compliant. The Engineer stated his initial reaction was that Town Hall should be on Malabar Road, farther from the tracks. This whole area is under utilized. West Railroad Avenue is not used except for parking. He suggests putting town hall on Pine and Malabar and moving PW to the east by the railroad. He is thinking of the creative ideas to do the parking to not require concrete paving. The property we bought makes good sense because we own the property on both sides. Engineer's opinion is that Council had moved in the right direction. Next step is to determine the size of the building we will need so we can determine what the town needs. Our build out was estimated at population of 10,000 but that was before the lot size changed to 1.5 acre and the EELs bought so much of Malabar. BWF said Bill S. said it can be build so that it can be expanded. He described how the Budweiser building was built so it can expand in the future. The architectural selection committee has already selected the architect.

They discussed eminent domain. It must be for a public purpose. McKnight is against eminent domain and is against just buying land. We need a plan.

Mayor summarized: Bill Stephenson will put together templates on doing an addition to this building, putting up a separate building or build a two-story building. Dezman will ask Vicki Thomas to contact the three property owners in this block and see if they would be willing sellers. BWF will provide Dezman with the names. The Site Selection Committee is waiting on direction from Council. Mayor asked for this information to be available for the second meeting March.

The Town council was reminded of the Environmentally Endangered Lands Program meeting that is set for Sunday morning at 9:00 AM at the Malabar Scrub Sanctuary. Council plans to attend. Clerk will post notice advising that there may be one or more Council Members in attendance.

K. MAYOR AND COUNCIL REPORTS:

Borton, Vail, McKnight, nothing to report.

McClelland - stated the FD meeting will be Wednesday night.7PM – Secretary will post a notice for the meeting this night so Council can attend. Some discussion about it being for members only.

Dezman – helicopter flights have continued. They are very low. Are we joining Grant-Valkaria in the complaint?

L. PUBLIC COMMENTS: General Items

M. ADJOURNMENT

There being no further business to discuss, **MOTION: McClelland / Vail to adjourn this meeting.**
VOTE: All Ayes. The meeting adjourned at 9:10 PM.

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

ATTEST BY:

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

3-3-08

Date Approved