

**MALABAR TOWN COUNCIL REGULAR MEETING**  
**APRIL 2, 2007                      7:30 PM**

This meeting of the Malabar Town Council was held at Town Hall at 2725 Malabar Road. The meeting was called to order at 7:30 pm by Mayor Eschenberg. The prayer and pledge were led by Council Member Nancy Borton.

<b><u>ROLL CALL:</u></b> MAYOR/CHAIR	TOM ESCHENBERG
VICE-CHAIR:	CHUCK McCLELLAND
COUNCIL MEMBERS:	NANCY BORTON
	BRIAN VAIL
	BOBBI MOCCIA
	PAT DEZMAN
INTERIM ADMINISTRATOR:	BILL STEPHENSON
ATTORNEY:	KARL BOHNE
ASSISTANT TO THE BLDG. OFFICIAL:	DEBBY FRANKLIN
TOWN CLERK/TREASURER:	SUSAN KABANA
DEPUTY TOWN CLERK:	CINDI KELLEY

**ADDITIONS/DELETIONS:** Revision of the Comprehensive Land Use Plan, asked for by the Planning & Zoning Advisory Board. This is to be added as Discussion Item #6.

**CONSENT AGENDA:**

- (A) COUNCIL MINUTES 3/5/07
- (B) EMERGENCY MINUTES 3/23/07
- (C) CITIZEN WORKSHOP MINUTES 3/10/07

Mr. McClelland stated that there is a correction to 3/5/07 minutes, page 6 under Resolution #07-2007, Mr. Stephenson's comments should be under action item 8.

Minutes from 3/10/07 – **really said town's population and not police departments**

**MOTION: Moccia/McClelland to approve minutes of March 5, 10 and 27<sup>th</sup>.**

**VOTE: All Ayes.**

**REPORTS:**

**MIKE KNIGHT, ENVIRONMENTALLY ENDANGERED LANDS**

Mr. Knight came forward and addressed Council. They are late in coming back before Council; will try to come quarterly. Mr. Knight passed out maps for his presentation. The EELs Program is currently working with Mr. and Mrs. Hann on the Marie Street Trailhead; an evaluation of the park is underway. It is set to go to the County Commission on April 24<sup>th</sup>. They have been approved to go around the out parcel of this land with a dual purpose trail; fire line and bike trails.

Mr. Knight reported that while Mr. Rivet was on Council, he served on the State Advisory Committee. With Mr. Rivet no longer on Council, a new member must be selected. Is this something that can be done tonight? There is no meeting scheduled at this time but a new member should be selected before the next meeting happens. Mr. Knight also expressed that they have concerns with the impact of the endangered lands with regards to trash and debris on the land. They have been trying to facilitate this through the administrator but we are at an interim right now. The management of pavement needs to be discussed. Mr. Vail stated this should be a combined effort between the Town and the County. We could postpone this for another month; the trails and greenways for another three to four weeks.

Mr. Knight stated that they have had one recent willing seller in the Town. The Balkany property, which was a surprise to the County. The application has been submitted by the owner. It will go to the Management Committee for review, a package will be sent to Malabar for Council's review before going to the Commission for purchase. The agenda item will ask for clear input from the Town. Mr. Knight gave a brief overview of the rest of the map and what the colors mean.

Mr. Vail asked Mr. Knight if he is aware that the Town is looking to acquire the land east of the park entrance for the new Town Hall. Mr. Knight stated he is aware of this and has his staff looking to see how it can be re-configured so all goals can be accomplished. The challenge will be how to surplus the lands. If it is used for a municipality, it becomes a little different. Mayor Eschenberg has information regarding this and will make a report at the appropriate time.

#### **ATTORNEY**

Mr. Bohne gave a brief update on the Gentile case. As expected, he has not received a response for information. He has issued a sanction order for contempt. The property is in foreclosure; we will still proceed with the court process. Foreclosure does not affect us. He is waiting for information from Mr. Stephenson to proceed with the code violations.

#### **PARK BOARD CHAIR**

With Mr. Kemmler unavailable, Bob Seigmann, Board member, came forward and addressed Council. Mr. Seigmann stated the non-pervasive plants at the Cameron Preserve need to be looked at. He asked Council if the Park Board has discussed the new Trails & Greenways Committee: Mr. Vail stated that it has been discussed and something is being put together regarding this. If the rules are followed, anyone can serve on the committee. The rules being put together are a draft at this time; nothing has been set in stone. Mr. Seigmann reported that bathrooms on the west side of the soccer field are needed as well as more soccer fields.

#### **CLERK**

Ms. Kelley advised Council of League dinner for April 9, 2007; the Radisson Resort at the Port. Please call the office by Wednesday, April 4<sup>th</sup> to make your reservation.

Mayor Eschenberg stated that he was questioned about why Mr. Booth received \$21,735 when he left. Mrs. Kabana stated that he was paid 80 hours of regular pay; 240 sick hours, which is the maximum allowed on the books; and 365 vacation hours. He received approximately \$32/hour.

#### **PUBLIC HEARINGS:**

##### **1. SECOND READING ORDINANCE 2007-02, ADOPTING FLORIDA VERNACULAR ORDINANCE NO. 2007-02**

**AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE OF THE TOWN; AMENDING ARTICLE III, SECTION 1-3.1.I. OFFICE INSTITUTIONAL, TO INCLUDE DESIGN REQUIREMENTS FOR A MALABAR VERNACULAR ARCHITECTURAL STYLE IN OI (OFFICE INSTITUTIONAL) ZONING ALONG ARTERIAL ROADWAYS; AMENDING ARTICLE III, SECTION 1-3.1.K. TO INCLUDE DESIGN REQUIREMENTS FOR A MALABAR VERNACULAR ARCHITECTURAL STYLE IN CL (COMMERCIAL LIMITED) ZONING ALONG ARTERIAL ROADWAYS; AMENDING ARTICLE III, SECTION 1-3.1.L. TO AMEND THE DEVELOPMENT STANDARDS TO INCLUDE DESIGN REQUIREMENTS FOR A MALABAR VERNACULAR ARCHITECTURAL STYLE IN CG (COMMERCIAL GENERAL) ZONING ALONG ARTERIAL ROADWAYS; AMENDING ARTICLE III, SECTION 1-3.1.O. TO AMEND THE DEVELOPMENT STANDARDS TO INCLUDE DESIGN REQUIREMENTS FOR A MALABAR VERNACULAR ARCHITECTURAL STYLE IN R/LC (RESIDENTIAL/COMMERCIAL LIMITED) ZONING**

**ALONG ARTERIAL ROADWAYS; AMENDING ARTICLE V, ADDING SECTION 1-5.29; PROVIDING FOR THE DESIGN REQUIREMENTS FOR A MALABAR VERNACULAR ARCHITECTURAL STYLE IN THE CG, CL, OI AND R/LC ZONING ALONG ARTERIAL ROADWAYS; AMENDING ARTICLE XX, DEFINITIONS, ADDING A DEFINITION FOR MALABAR VERNACULAR STYLE; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR CODIFICATION; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

Without objection, Mayor Eschenberg read Ordinance 2007-02 by title only.

The public hearing was opened for comments:

**Bud Ryan**, 1923 Howell Lane, came forward and addressed Council. He is a member of the P&Z Advisory Committee but is speaking as a resident this evening. He is asking that Council table this ordinance for several reasons. The new administrator should be involved in this ordinance; he suggested we do like Palm Bay did with their ordinance for this issue, include several different styles; put in parameters and call it Malabar Vernacular. We should come up with what the essence of Malabar is. Sebastian has adopted the Key West look. He would like to see a little more variety. Whatever is decided, it will have a major impact on Malabar. He would like to see something in the charter of what Malabar is all about.

**Stuart Borton**, 141 Riverview Drive, came forward and addressed Council. He feels that there was not enough thought put into this ordinance; didn't like it the first time it came about.

**Pat Reilly**, 1985 Howell Lane, came forward and addressed Council. He feels this ordinance is not enforceable; a lawyer could pick it apart. He is asking that Council vote against it; it's not for the betterment of Malabar.

**Don Krieger**, 2345 Lineberry Lane, came forward and addressed Council. He is speaking as a member of the P&Z Advisory Committee. He feels that Florida Vernacular is the incorrect term; it never came before P&Z properly, he asked the former administrator to provide pictures. P&Z didn't get enough time to look at this ordinance. His view as a citizen is if Council isn't going to listen to the committees/boards, why have them? They try to save time for Council with their input and suggestions. Mr. Krieger doesn't feel this ordinance will stand a legal fight. It's not helping the town. We are about to work on the Land Use Plan; we should get more views before making a mistake.

With no other comments, the public hearing was closed and brought back to Council for discussion.

**MOTION: Moccia/Borton to approve Ordinance 2007-02 as presented**

The question was asked of Mr. Bohne regarding the enforceability of the ordinance. Mr. Bohne stated that this ordinance was taken from another jurisdiction, not sure which one, and made to fit Malabar's needs. He is not sure what the legal issues are, so he cannot say at this time. Florida Vernacular is defined in the ordinance, which can be changed to whatever Council deems necessary.

Mrs. Moccia stated this ordinance has not been done lightly; it has been going on for a while. She wants to see the new places being built have some beauty. For those of you who have not attended the Council meetings, read the minutes and you will see this has been happening for a long period of time. Mrs. Borton stated that pictures were attached to the ordinance and there are many different styles included in this ordinance. This ordinance will protect the town for now; it can be added to at a later date. It's pointing us in the right direction. Mrs. Dezman does like the suggestion made by Mr. Ryan for having it be "Malabar

Vernacular". Mr. Bohne stated that we will change "Florida Vernacular" to Malabar Vernacular", the definition will need to be

changed leaving the substance of the definition the same. If you change the substance of the definition, you will have to have another reading. Mr. Vail stated "Malabar Vernacular" works. Mrs. Dezman stated the pictures encompass all that they are looking for in styles of buildings.

**AMENDED MOTION: Moccia/Borton to approve Ordinance 2007-02 accepting the change from "Florida Vernacular" to "Malabar Vernacular". The Roll was called: Borton, Vail, McClelland, Moccia and Dezman, All Ayes.** MOTION CARRIES UNANIMOUSLY.

Mayor Eschenberg made a suggestion, this ordinance gives Malabar immediate protection, to send it back to P&Z to take their time to review the ordinance and come back to Council with the recommended changes. Mrs. Dezman asked if there should be a time frame for this. Since P&Z seem to be opposed, they will more than likely move on this.

**ACTION ITEMS:**

**1. APPROVE 1610' OF MATTHEWS LANE**

**MOTION: Moccia/Dezman to approve as presented. VOTE: All Ayes.**

**2. RESULTS OF TOWN ADMINISTRATOR INTERVIEW PROCESS, DETERMINATION OF BACKGROUND CHECKS**

Mrs. Dezman stated she would like to hear from all the committee members who were at the interviews. She has a chart and will be ranking the applicants with how the members ranked them. This will give a general idea for knowing where each of the applicants placed in the ranking.

**Bob Rossman**, 1635 Country Cove Circle, came forward and addressed Council. He has ranked Bonilyn Wilbanks-Free as 1A and David Denman as 1B. Mrs. Free will be a better fit for our community; he feels she will be here for a while. Mr. Denman would also be here for a while. He would go with Mr. Gardner before Mr. Ryan. Mr. Ryan would be here for a short period of time and there may be conflicts with him.

**Jim King**, 1170 Corey Road, came forward and addressed Council. He feels the same as Mr. Rossman. Mrs. Wilbanks-Free has a wider scope of experience; she has excelled in all careers, there is experience with rural as well as more affluent communities. Mr. Gardner has experience in rural; we are moving away from this style with all that is going on. Mr. Denman showed a lot of local knowledge. He feels that either would do well. He has ranked Mrs. Free as 1A and Mr. Denman 1B, Mr. Gardner then Mr. Ryan.

**Lorrie Barnes**, 3285 Kramer Lane, came forward and addressed Council. She has ranked Mr. Denman as 1, Mrs. Wilbanks-Free as 2, Mr. Ryan as 3 and Mr. Gardner as 4. Mr. Denman has a more professional appearance; both Denman and Free have the Florida experience we need. She feels Mr. Denman would be here longer; something could pull Mrs. Free closer to her husband up north.

**Greg Purden**, 3195 Kramer Lane, came forward and addressed Council. He thanked Mrs. Moccia for giving him the opportunity to be a part of the committee. Mr. Ryan and Mrs. Wilbanks-Free ran neck and neck. Mr. Ryan won him over with his creativity and was ranked as 1; we need someone who will listen to the community. Mrs. Wilbanks-Free was his second choice; she has structured background. He thinks she would be a great pick. Mr. Denman was ranked as 3<sup>rd</sup> and he didn't feel Mr. Gardner set himself with the other applicants; feels the other three were shown above him a little bit.

**Stuart Borton**, 141 Riverview Drive, came forward and addressed Council. Mr. Ryan was well liked. He's more articulate and he has the ability to get things done because of his creative thinking. Perhaps he won't be here as long as the others but he will get done what Council sets as goals for him as quickly as he possibly can. He was not here for the interview with Mrs. Wilbanks-Free; his second choice after reading her paperwork. He puts all his weight behind Mr. Ryan, with Mrs. Wilbanks-Free as his second choice.

**Bob Seigmann**, 2305 LaCourt Lane, came forward and addressed Council. Mr. Gardner, when questions asked, was short, sweet and to the point. He was asked to come back to LaFayette; brought his wife to the social. Mr. Denman has stability; in his last position for 16 years. Third would be Mr. Ryan, who leads by example. He ranked Mrs. Wilbanks-Free as 4<sup>th</sup>. Of all of them, Mr. Denman is the only one with stability; they have all moved around.

With all of the committee members giving their input, it was brought back to Council.

**Mayor Eschenberg** ranked as follows: Gardner, Ryan, Wilbanks-Free and Denman. Mr. Gardner was ranked as 1 for two main reasons: he saw stability in his record; he was LaFayette for seven years and Dundee for seven years and was asked to come back to LaFayette, being there over nine years. The other thing Mayor Eschenberg liked was that he seemed to be a little more laid back than the others. He feels that he and Council could get along with him better. Mr. Ryan and Mrs. Free were very close in his ranking. Mr. Ryan liked for some of the reasons already stated. Very close between Mr. Ryan and Mrs. Free were very close in his ranking. Mr. Ryan is more aggressive style.

**Nancy Borton** ranked as follows: Wilbanks-Free, Denman, Ryan and Gardner. She ranked Mrs. Free as first choice mainly because it would be a nice change for the community; she's a leader, a laid back leader by not so laid back that she won't take us where we need to go. Mr. Denman, she's a little put off by someone who's too aggressive, but he was her second choice. Mr. Ryan is her third choice and Mr. Gardner was her fourth choice.

**Brian Vail** ranked as follows: Gardner, Denman, Wilbanks-Free and Ryan. He agrees with all the reasons that have been stated. Mr. Gardner is laid back and impressed him. Mr. Ryan is too aggressive for our town. The others are somewhere in between laid back and aggressive.

**Chuck McClelland** ranked as follows: Denman, Gardner, Ryan and Wilbanks-Free. He was most impressed with Mr. Denman. Mr. Ryan seemed to pat himself on the back a lot. Mr. McClelland felt Mrs. Free rambled on a lot and didn't say anything.

**Bobbi Moccia** ranked as follows: Wilbanks-Free, Ryan, Gardner and Denman. She spoke with each of them during the social. Some are good talkers but can't walk the walk. They are all good candidates with experience; she just wants something a little different for the town this time.

**Pat Dezman** ranked as follows: Wilbanks-Free; her attention to detail and she didn't want to speak about anyone else, she was very cautious with the situation that she was involved in. Mr. Ryan is very enthusiastic but he's not here for a long period of time. Mr. Gardner is her third choice; he's the only one who brought his spouse. She was not impressed with Mr. Denman. She received a very nice thank you note from Mrs. Free; she was very clear in her communication.

Applicant's Name	First Choice Votes	Second Choice Votes	Third Choice Votes	Fourth Choice Votes
Wilbanks-Free	5	3	2	2
Denman	2	5	2	3
Ryan	2	3	5	2
Gardner	3	1	4	4

**MOTION: Borton/Dezman to rank Wilbanks-Free as number one choice and start the background check. VOTE: Borton, Dezman & Moccia, Ayes – Vail & McClelland, Nay.**  
Motion carries 3 to 2.

**MOTION: Vail/Dezman to rank Mr. Gardner as second choice. VOTE: Vail, Moccia, Dezman, Ayes – Borton & McClelland, Nay.** Motion carries 3 to 2.

**MOTION: McClelland/Vail to rank Mr. Denman as third choice. VOTE: Borton, Vail, McClelland, Ayes - Moccia & Dezman, Nay.** Motion carries 3 to 2.

Mayor Eschenberg stated before we can make an offer to Mrs. Wilbanks-Free, we need to discuss salary. Mrs. Borton made note that something in the contract with the previous administrator bothered her. The sick leave is good to have in place and accumulate while you're here, but it should not be able to leave with the person when the resign. She feels this is too much money. It was stated that this is the standard severance package when someone leaves. Mrs. Moccia stated that this could be reviewed at a later date and changed if Council deemed it necessary. There was more discussion about the sick leave before the motion was made.

**MOTION: McClelland/Vail to offer a salary of \$65,000. VOTE: All Ayes.**

**MOTION: Vail/Moccia for Mayor to call and make the offer to Mrs. Wilbanks-Free. VOTE: All Ayes.**

This meeting was adjourned for a brief recess at 8:57 pm while Mayor Eschenberg made the call to Mrs. Wilbanks-Free. The meeting was brought back to order at 9:05 pm.

Mayor Eschenberg advised Council that Mrs. Wilbanks-Free accepted the position at \$65,000 pending a background check. He informed her that Mrs. Kabana would call tomorrow with the particulars. Discussion of the contract for Mrs. Wilbanks-Free commenced. Everything is to be the same as the previous administrator's contract with the exception of being paid 50% sick leave when leaving the position. The background checks are to be completed by FDLE and the FBI; with a financial background check as well. Mrs. Kabana has a company that will take care of these checks and it will take approximately a week for them to be completed.

Mrs. Kabana asked for guidance with writing letters to the other candidates. Mrs. Dezman stated that we should wait the week and see what happens with the background check on Mrs. Wilbanks-Free. If all is clear and the contract get signed, then send out letters to the other candidates. Council advised that if anyone should call about the position, they are to speak to Mrs. Kabana only.

### **3. RATIFY ACTION TAKEN AT MARCH 23<sup>RD</sup> EMERGENCY MEETING**

**MOTION: Dezman/Moccia to ratify action taken at March 23<sup>rd</sup>. Vote: All Ayes.**

### **4. CHOOSE ALTERNATE DATES FOR CONFLICT RESOLUTION WITH BREVARD COUNTY COMMISSIONERS**

Mayor would like to facilitate. X out all Tuesdays and Thursday, Monday 9<sup>th</sup>, Friday the 27<sup>th</sup>, Dezman 13<sup>th</sup> for vacation, 6<sup>th</sup> vacation, 11<sup>th</sup> vacation, 18<sup>th</sup> is first choice, Mr. Bohne is available; and the second choice is the 25<sup>th</sup> if he had to be. The County Commission would like to have the meeting in Viera to be able to televise the meeting. Council has chosen

Wednesday, April 18<sup>th</sup> at 7:00 pm in Viera for this meeting as their first choice and April 25<sup>th</sup> at 7:00 in Viera as their second choice.

**5. SELECTION OF ARCHITECTURAL REVIEW BOARD COMMITTEE MEMBERS**

**MOTION: Dezman/Moccia to go with recommendation from Mr. Stephenson** **Vote: All**

**Ayes.** Editor's note: This is in reference to an architectural review board for the new town hall.

**6. REQUEST FROM BUILDING DEPARTMENT TO WAIVE PERMIT FEES FOR  
REBUILDING OF THOMAS HOUSE ACROSS FROM FIRE STATION**

This request is being presented by the Building Department. They are in the process of getting the permits submitted for Mr. and Mrs. Thomas' new house. Both Debby Franklin and Rose Futch are asking Council to waive the permitting fees.

**MOTION: Moccia/Dezman to waive permit fees for the Thomas'. Vote: All Ayes**

**DISCUSSION ITEMS:**

**1. PROPOSED PURCHASE OF VIBRATORY ROLLER**

Mrs. Kabana advised Council on this. This purchase is currently in the budget; it will take four years to pay for the machine, it will be done as a lease to purchase. The cost is between \$60 and \$70,000. We can wait for the new administrator on this; Mrs. Kabana stated that this is on the agenda so that she can get Council thinking about this. We need a second bank reference for the grant funds for the new town hall. We only have one with Riverside Bank and she has been in contact with Colonial Bank. Mayor Eschenberg stated that Council has already approved the budget last September; staff is advised to proceed with the bid process. This will be brought back to Council with the final product information. This is set for an action item at the April 16<sup>th</sup> meeting.

**2. BUILDING PERMITS ON UNAPPROVED ROADS – MAYOR ESCHENBERG**

Mayor Eschenberg has requested this be placed on the agenda. He needs a motion to remove from the table for discussion.

**MOTION: Vail/McClelland to remove from the table and bring back for discussion.**

**VOTE: All Ayes.**

While living on an unapproved road, no one is allowed to pull a permit to make any improvement to their home without first bringing the road up to code. Mayor Eschenberg asked Council if they wish to make changes to the ordinance to allow existing homes on an unapproved road to be allowed to make improvements. Mrs. Kabana came forward and gave a brief history of this ordinance; it has been a "Cinderella" ordinance. The ordinance was not written to bring the roads up to standards. Mortgage companies would not finance homes without a road ordinance. Mrs. Dezman stated it does not make sense to have an improvement without the road. This is to be an action item for the next meeting. Mr. Bohne stated the house is not conforming; without changing the ordinances you are increasing the non-conformities. The code needs to be changed; what if the house caught fire?

**Ralph Lambert**, 2540 Sikes Lane, came forward and addressed Council. This has been a problem for them. They purchased the house and hired a contractor to do the work. Permits were issued and the work was completed. Ms. Franklin stated the permits were issued in error. Now they want to add a shed and a pool to their property and the permits will not be issued to them. Mrs. Borton feels the permits for a pool addition to the property should be issued. Ms. Franklin stated there are twenty unaccepted roads in Malabar with potential improvements.

**MOTION: Moccia/Dezman to have as a discussion at the next meeting with more information and the Engineer present. VOTE: Vail, McClelland, Moccia & Dezman, Ayes – Borton, Nay.**

**3. POLITICAL SIGN ORDINANCE**

Mayor Eschenberg stated this should be ready for the first reading at the next meeting. It is set as an action item for the April 16<sup>th</sup> meeting.

**4. MOCCIA DISCRETIONARY DONATION FOR IN-KIND MATCH FOR KEEP BREVARD BEAUTIFUL GRANT FOR PORT MALABAR ELEMENTARY**

Mrs. Moccia advised Council that she will be using \$650 of her discretionary funds as a matching grant for Keep Brevard Beautiful. A picnic table will be purchased from American Recycle Plastics for Port Malabar Elementary school. Another table will be purchased with grant funds. These tables are being placed so that children can have a place in the open while in school for studies outside.

**5. COMP LAND USE PLAN**

Ms. Franklin addressed Council regarding this. The plan that was adopted in 1988 needs to be updated; we have a dead-line that must be met by January 2008. We have known this for a while, with other issues that were happening, this took the back burner. Now that they are resolved, we need to move forward with this. This would be under the jurisdiction of the administrator; Council's jurisdiction is to hire the consultant. DCA has put together a guideline to get through this process. Staff will be involved; there will be a lot of activity with Council, the citizen's public hearings and workshops. Mr. Vail stated that the vision workshops that have been taking place will be applicable to this process. We first need to submit what we feel the issues are. It will be reviewed and they will either concur with a letter of understanding or advise us it needs more work. P&Z has discussed this and is asking that this be placed on the agenda for this evenings meeting. Planner Keith Mills will assist, but it is too big a project for him to take on at this time. Ms. Franklin stated that the guidelines have been provided to Council in the notebooks that are presented to them this evening. P&Z is talking and asking that Council get on board with this. Mr. Vail is in favor of continuing the workshops. Mrs. Dezman stated that within a week's time we should know if we have the administrator on board. She asked if they could have the two weeks to read the information in the notebook. Without knowing the information and having the administrator, she feels we are putting the cart before the horse. She asked that Ms. Franklin provide the changes that affect Malabar to Council. Ms. Franklin stated this could be done by Friday. This needs to be added to the next agenda as a discussion item with a plan. She recommends that Ms. Franklin do a draft of the letter, draft of the schedule and put together a milestone list for what we have to do. If this is done, it will flow a lot easier.

**REPORTS: MAYOR, COUNCIL:**

**Dezman**-when Mrs. Sugarman was here, she thanked her for her support to the for the Fulman family whose child is terminally ill; he is not doing well and if he makes it through the week it will be a miracle. Mrs. Sugarman and her family are to be commended for their efforts for this family.

**Moccia**-give some more information regarding the sign for Crane Creek Crossing; we have not moved forward on this as of yet. We need to go ahead and do this. She spent her spring break planting Vermilions in the park. She will be contacting, through Mr. Brown, other people for more donations of vegetation for the park. She is trying to get plants with little or no upkeep as possible; trying to make the park a nicer place to visit.

**McClelland**-he has concerns regarding Glatter Road. During the fire last week, there was a jeep on its side and it reminded him that a brush truck was on its side in the same ditch. There are some areas on the road that are soft. These concerns have to do with safety. Mayor Eschenberg stated since we don't have an administrator at this time, Council can make direct contact with Mr. Beatty regarding these issues. Mr. McClelland stated the road needs to be stabilized or a portion of the road closed. On Allen Street, the signs have disappeared and the road is very soft.



**Vail**-he stated that Mr. McClelland's comments re-enforce all the road issues. Everyone needs to be careful. Mrs. Moccia made reference to a road that has been approved with a big tree in the middle of it; a nightmare for the next people to move in. Mr. Stephenson said it would be okay to approve; Council needs to be not so quick in the approval of roads. This will be coming back before Council when the people decide to move in. Mr. Vail stated it makes sense to make the road passable and safe when you are building; it's easier for the next people coming. He mentioned the grand opening with the Boundary Canal; this Saturday and will be tied in with our trail. Mayor Eschenberg will be attending this function; he was there for the ground-breaking ceremony.

**Borton**-On a lighter note, doesn't agree that we should change the road ordinance but she believes if someone wants to make an improvement to their property, she doesn't see why that affects the roads. Everything in Florida is non-conforming; at least in Malabar you're going to have this in Malabar. She cannot imagine having someone tell her that she cannot do something to enhance and make her property better. As long as the road is passable for fire and police, what does a swimming pool have to do with it? Mayor stated that will be on the next agenda.

**Mayor**-a reminder to Council and the others, the forms for the interviews need to be turned in as public record. He was in Tallahassee last week for the League of Cities Legislative Action Day; they did lobby regarding the tax issue. More importantly, the following day, he had a meeting with State Representative Mitch Needleman and three people from DEP regarding the 15 acres by the park that the Town would like to have. Bob Ballard, he is second in command, was present as well as Scott Wollard. He's in charge of the land. The discussion was about the possibilities; Mr. Ballard stated that it is very difficult to get conservation land declared as surplus. They offered a couple of other options; they raised the possibility of us leasing the land or making a swap of land that we have in Malabar. The only land that we have we can swap is off of Weber Road. Within the next three weeks, they will be coming from Tallahassee to look at these two pieces of land and evaluate it. Mr. Needleman recommends that Mayor Eschenberg meet with the Mayor of St. Cloud; they built a hurricane shelter over there. They assisted them with getting grant funds for this structure. Mrs. Kabana stated this is their town hall and it takes twelve hours to break it down. It is quite impressive.

**PUBLIC COMMENTS: GENERAL ITEMS:**

Paul McDermott-came forward and addressed Council. He is trying to put this MSTU to rest. He has spent the last twenty years in law enforcement; very much indoctrinated in public safety. There is a possibility of unsafe conditions. The first concern should be fire safety; a possibility of losing a lot of homes. The Town should address the fire safety before the MSTU. We pay into the general fund for the County and we already have police protection. This should be put on the ballot in November; the majority will rule. The citizens need to have all the information.

**ADJOURNMENT:**

There being no additional business to discuss, MOTION: Dezman/Borton to adjourn. VOTE: All Ayes. This meeting adjourned at 10:30 pm.

By: \_\_\_\_\_  
Mayor Thomas Eschenberg, Chair

ATTESTED BY:

\_\_\_\_\_  
Cindi Kelley, Deputy Town Clerk      Date

