

**MALABAR TOWN COUNCIL REGULAR MEETING
OCTOBER 15, 2007 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 Mayor Eschenberg. The prayer and pledge were led by Mayor/Chair Eschenberg.

B. ROLL CALL:

MAYOR/CHAIR	TOM ESCHENBERG
VICE-CHAIR:	CHUCK McCLELLAND
COUNCIL MEMBERS:	NANCY BORTON
	BRIAN VAIL
	BOBBI MOCCIA
	PAT DEZMAN, Excused
TOWN ADMINISTRATOR:	BONILYN WILBANKS-FREE
BUILDING OFFICIAL:	ROGER CLOUTIER
ATTORNEY:	KARL BOHNE
INTERIM TOWN CLERK:	DEBBY FRANKLIN

C. ADDITIONS/DELETIONS/CHANGES

Request Approval for auditing services RFP - added as Item #6

D. PUBLIC HEARINGS:

ORDINANCES – FINAL READING

1. Doggie Dining Ordinance, ORD 2007-14

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, CREATING SECTION 1-5.28 TO ARTICLE V OF THE MALABAR LAND DEVELOPMENT CODE ENTITLED “DOG FRIENDLY DINING”; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR DEFINITIONS AND GENERAL REGULATIONS; ESTABLISHING A PERMIT PROCESS; PROVIDING FOR THE PROCESSING OF COMPLAINTS; PROVIDING FOR INCORPORATION INTO THE TOWN'S LAND DEVELOPMENT CODE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 1

Recommendation: Approval of Ordinance No. 2007-14

Mayor/Chair read Ordinance 2007-14 by title only

MOTION: McClelland / Vail to approve Ordinance 2007-14.

Public Hearing Opened – no input

Public Hearing Closed

No discussion.

The roll was called: Vail, McClelland, Moccia All Ayes. Dezman absent.

Borton abstained. The Voting Conflict form has been attached and made a part of these minutes.

2. Emergency Ordinance 2007-15

AN EMERGENCY ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, AMENDING SECTION 2 OF ORDINANCE NO. 2007-12; PROVIDING FOR FINDINGS: CORRECTING THAT PORTION OF SECTION 2 WHICH STATES THAT THERE WILL BE A 9.9% INCREASE OF THE ROLLED BACK RATE TO STATE THAT THERE WILL A -5.0% DECREASE

OF THE ROLLED BACK RATE; PROVIDING FOR CONFLICT AND REPEAL, SEVERABILITY AND AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 2

Recommendation: Approval of Ordinance No. 2007-15

Mayor/Chair read Ordinance 2007-15 by title only.

MOTION: Borton / McClelland to approve Ordinance 2007-15.

Mayor explained that this was a housekeeping requirement per the Attorney to correct the typo on the ordinance adopting the millage. It will have to be read twice by title and voted on twice.

No further discussion.

The roll was called: Borton, Vail, McClelland, Moccia All Ayes. Dezman absent.

Mayor/Chair read Ordinance 2007-15 by title only for a second time.

MOTION: Borton / McClelland to approve Ordinance 2007-15.

Public Hearing Opened – no input

Public Hearing Closed

The roll was called: Borton, Vail, McClelland, Moccia All Ayes. Dezman absent.

E. PRESENTATIONS - Conceptual Presentation/Introduction of Proposed Malabar Senior Care Facility by CMCH, LLC, Managing Partner Mark Hessee

Craig Hessee, presents for senior care and housing. Proposing a development of senior housing and has not been done in state. Three components and he is asking for consensus from TC. Dev Plan envisions ALS w/ 93 units and 106 beds meeting Fla Vern requirements; it is 35' to mid rise so it meets the height requirements. The generational recovery is to the north and the town houses are along US1. They believe this is pretty much what they would submit. Thinks this area needs senior care and the demographics support this. Create a scenic campus. Mr. Stan McKnight has operated a generational care facility. Any questions on the site plan or ALS, Hesse will address; questions on the generational recovery facility, Mr. McKnight will answer. Borton asked if it will be privately owned. Hesse replied yes. Moccia asked about the existing house on the property. Hessee said it would be demolished. Mayor asked about the height and if it would be 35' to peak not mean – much discussion about that issue earlier.

Moccia said that Town Council had been a stickler to keeping it at 35' maximum. Moccia asked about water and sewer and timeframe for building – it will be built under HUD and it will have to be completed within eight to nine months. Hessee's understanding is that Paladin stated at last meeting that he intended to construct the water and sewer very soon.

Mr. Stan McKnight, 19210 Windermere Road, West Palm Beach FL does work with families that are having problems with addiction. More and more seniors are having to come forward with admitting this disease. Many try to control it and they do not understand the disease. Also many are dealing with drug addiction to prescriptions. They are dependent and then addicted to prescriptions and then couple that with drinking. Retirement, boredom, loss of a spouse, etc. are many reasons why this affects the elderly. There are two facilities that offer services for these types of conditions – one in California and one in West Palm. He works with the Henley unit. He does intervention with the family. These are for people 40 and older. There is a 30-day treatment and then can go on up to the front facility for up to 180 days. Joint venture with Hessee. They are thrilled and there will be recognition. Moccia asked if ALS people can live up front without going to the generational – no – the extended care is for aftercare for the generational recovery facility.

Borton asked about insurance. Mayor asked about there only being two facilities offering this - Yes, Stan McKnight stated California and West Palm. This would be the largest. McClelland asked if this would land lock any property. No. The retention on the sand ridge is for storage.

Mayor asked if public had questions. Bill Moroney asked if it was for Malabar residents only – no. Building Official asked about the fire protection equipment. The FD can only go to 21'. This would be a concern. The buildings will be fully sprinklered. They would need to upgrade the equipment. Every land owner along there will be building to 35'. Bill Rowan said that Paladin promised a ladder truck and maybe Hesse could get with others to propose something.

Borton asked the Attorney if the Town has to accomodate the height before they can build. Borton would hate for the constituents to have to pay for it. Hirsch asked about the name – generational recovery – fancy name – look at zoning. Really need to look at this. Call it what it is. She cautions Council to be thorough.

Attorney stated that the site plan is not subject to approval tonight – Moccia said it needs to be noted that they are on notice that the fire fighting is a concern. You want quality fire assistance. Perhaps HUD can help there too.

Plata is the design engineer doing land development – from all the concepts – this is the best – the drainage is ideal and the building setbacks are 200' plus. Plus there is only one building that is three-story. This project has integrated higher quality designs. The only concern would be to add fire equipment. They will go into detail on the submittal. There will be additional right of way given to future development on the north side. We will be working with staff on requirements. This is the best layout for this land. Borton's concern is the evacuation. Plata said it also must go through State review and meet their requirements. McClelland asked if it would have backup power in place. Hessee stated yes, in the 3-story building. Emergency backup systems are in place and will be in place. Hessee said the license review from the State is exhaustive and one of the requirements will be handling fire and emergency evacuations. It will be resolved. Fire is looped system. Bob Rowan said layout is important so trucks can get close. Hessee asked for consensus – concept is good – proceed with staff.

F. CONSENT AGENDA

3. Approval of Minutes RTCM 10/01/07

Exhibit: Agenda Report No. 3

Recommendation: Motion to approve

MOTION: Moccia / Borton to approve consent agenda.

VOTE: All Ayes.

G. STAFF REPORTS:

ATTORNEY - nothing

ADMINISTRATOR

- Update on E.A.R. Letter to DCA

OK to send? Looks good – Council directs to notify planning consultant.

Administrator then asks Fire Chief to introduce the French fire fighter Jean – bonding with international team – He is very impressed normally English is good. Thanks for the sharing experience. Went to the child care facility his gear is dark blue with shiny helmet and small children liked the helmet.

INTERIM CLERK

- E-911 information update – Waring Lane – send letter
- IEMO – invite Jeffrey McKnight to attend
- Legislative Conference – Mayor will go for Thursday only

Also, explained the bridge project and showed the finished project. Moccia explained that the onset and offset will be completed next weekend. BWF stated the wood is available for the fencing for the next Eagle project. Moccia talks about the big hump on the back side – you may want to smooth it out. Contact St. Johns if necessary. The dirt was shoved there from ditch clearing. BWF said the mowing contractor can get across the bridge. Moccia wants to have picnic tables under the oak hammock in the back.

H. ACTION ITEMS

4. Establish New Account for Utility Deposits

Exhibit: Agenda Report No. 4

Recommendation: Discussion and action

The banking institution requires minutes and who the check signers will be for the account to be opened. Going through the new setup of the Chart of Accounts with the IMS person and the accountant it was realized that a separate account for utility deposits was not in place.

MOTION: McClelland / Borton to approve the establishment of a new account for Utility Deposits with the same check signers as on the other accounts (the signers are: Mayor, Town Administrator, Town Clerk and Council Member).

VOTE: All Ayes.

5. Formalize Council Approval of Additional Day Off Prior to Veteran's Holiday (November 9, 2007)

Exhibit: Agenda Report No. 5

Recommendation: Motion to approve

MOTION: Moccia / Borton to approve the Additional Day Off Prior to Veteran's Holiday (November 9, 2007) Vote: All Aye

6. Wants to go out to RFP – not a problem with the size of our budget. Could involve a delay until May when you get your annual report. They can get the committee information to you for appointment for Nov 5 and be ready for Nov 11. Last time the committee was the Clerk, Administrator and the Mayor.

MOTION: McClelland/Moccia to approve. Vote All Aye.

I. MISCELLANEOUS

J. DISCUSSION ITEMS

K. MAYOR AND COUNCIL REPORTS

Borton – nothing

Vail - nothing

McClelland – asked if the Attorney had researched the ability to donate \$25.00 from his discretionary fund and Mrs. Dezman matching it for an award to employees – he intended this for monthly award. Attorney explained that it can't be for what they were supposed to do – must be extraordinary – above and beyond their performance. Moccia said at the Council meeting mention the exemplary conditions – don't call it employee of the month –

McClelland said the idea would be a morale builder – BWF said they will have a selection committee and make them state the reason and then read it into the record.

Call it exemplary – BWF will put policy together for this idea. She will present at the next meeting.

Moccia – Asked Administrator about complaint from citizen at 475 Atz Road – Roland ? – Cindi took the complaint nine weeks ago. He has come in three times and has not gotten response. He never received a call back – running big trucks and wants to deal with this. BWF will call him. Moccia gave her the number.

Moccia will be going to next Valkaria meeting in December and will be coming to the Town Council before then. She noticed that emails had been printed for Council.

Mayor – Rocky Randels, Mayor of Cape Canaveral, had map of portion of Malabar that we want for a town hall site. He sits on the EELs Advisory Board. He is trying to help and spoke to Mike Knight. He is trying to do something to help. Mayor told him what we wanted. Mike Knight proposed the 8.48 acres we are using as the Golf Disk Park. Mayor will stay in touch with Rocky Randals.

L. PUBLIC COMMENTS: GENERAL ITEMS

M. ADJOURNMENT

There being no further business to discuss, **MOTION: McClelland / Vail to adjourn this meeting.**
VOTE: All Ayes. This meeting adjourned at 8:45 PM.

BY: _____
Mayor Thomas Eschenberg, Chair

ATTEST BY:

Debby K. Franklin, Interim Town Clerk

Date