

**MALABAR TOWN COUNCIL REGULAR MEETING
NOVEMBER 5, 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 Councilmember Bobbi Moccia.

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** – Mayor add presentation for Council Member Bobbi Moccia recognizing her six years of good service. Mayor said the voters of Malabar have voted that 6 years is enough. He has been with her for three years and was here for many years – most conscientious and always worked very, very hard to look out for the Town of Malabar. Vail said it was a job well done. Moccia will speak at end of meeting. Short break for cup cakes and pumpkin bread. 7:35 to 7:45 PM

- D. PRESENTATIONS** – Ms. Sue Hann, regarding South Brevard Linear Trail
Sue Hann, City of Palm Bay. She and her husband have been working on the linear plan. The management plan with the trail in it and during the hearing, some environmental. Environmental Group tabled until December. She thinks both Palm Bay and Malabar should sign letters to Sec Sol stating the trail should go where it is shown in the management plan. They will put together presentation and also attend the hearing in Tallahassee for the December hearing. She will answer questions. The trail will go from the north end of Marie street along the east side of the road and within the Malabar Scrub fencing. Mayor stated the proposed the letter.

- E. Proclamation is read by Mayor Eschenberg for November is Family Month**

F. CONSENT AGENDA

- 1. Approval of Minutes RTCM 10/15/07, STCM 10/22/07**

Exhibit: Agenda Report No. 1

Recommendation: Motion to approve

MOTION: Moccia / Vail to approve. Vote All Aye

G. STAFF REPORTS:

ATTORNEY

- Fire Department Concrete – Bohne referred to letter he mailed to contractor, he has not gotten a response and it remains idle. BWF has gotten a call from Mrs. Zebrinski and she recommended she speak to Attorney. Bohne stated that the ball is in their court. Mayor asked if they have any recourse. Bohne said no, due to sovereign immunity. He restated case law. Meerilli vs Brevard County – if there is no written contract, we are immune. It is incumbent that they contact us.

The second item is the Valkaria Airport meeting he attended represented Grant-Valkaria and Malabar. The meeting did not result in any formal agreement but the helicopter group was willing to make concessions. The FAA preempts a lot of what can be done there. If the flight group Silver State is willing to change their activities doesn't mean other groups will also. There will be a task force meeting and there will be public input. Looks like they are going in the right direction.

ADMINISTRATOR

- Turns over to Fire Chief to do monthly report (attached to minutes)

Emphasis on part timers should be for during the week - when the ad should run. Did the labor attorney give the opinion that the volunteers can't apply. They want Town Attorney to give an opinion first. Mayor wants our volunteers to be able to apply. He would like to commend the Fire Department on the improvements. They have really taken pride in the improvements. When they answer calls they can actually charge the at fault party. Mayor wants council consensuses on how this could be implemented. Get something back to Council. Mayor said it is very successful in Cocoa. If Council doesn't object get it on the December Council agenda.

INTERIM CLERK

- Scrivener's Error in Article V placement of Doggie Dining Regulation – explained that the wrong section number was referred to in the ordinance and that the correct section number would be referenced to Municipal Code Company.
- SCLC Dinner Meeting – Dinner meeting will be held on Veterans Holiday and if any council member wished to attend we must know in order to call in reservation.
- DOR Mapping – Department of Revenue put on this two-day intense workshop on reading property legals and understanding the history and origins of plat maps. Both the Town Administrator and Interim Clerk attended and got certificates of completion.

H. PUBLIC HEARINGS:

ORDINANCES – None

I. ACTION ITEMS

ORDINANCES – First Reading - None

RESOLUTIONS

2. Approval of Interlocal Agreement for School Board Concurrency Plan (Reso 20-2007)

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR COUNCIL APPROVAL OF THE INTERLOCAL AGREEMENT WITH BREVARD COUNTY SCHOOL BOARD SUPPORTING THE REVISED SCHOOL CONCURRENCY PLAN; PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 2

Recommendation: Motion to approve Reso 20-2007

Read by Mayor without objection. He also commented for Council's consideration. He stated there are no legal impediments. He read through the plan and it requires adopting the plan amendments by 3-1-08 – he is not sure that date will coincide with our ability to get through the EAR. He is not sure we can meet that. By 7-1-07 there is other school concurrency requirements. The penalty if you don't sign up – the State will not approve any Land Use Changes that will increase the density. There will also be new committees.

as a result of signing this. There are requirements that the town has to provide information – bigger demands of staff time.

MOTION: Moccia / Borton to approve. Discussion – Moccia said the work has been done – BWF has sent the draft to Lorraine at Calvin-Giordano and Associates to review. Borton said we have talked of this requirement. Franklin stated she told Council about the statutory requirement for school concurrency – the Planning Consultants do know about this – it is a State wide requirement. The impediment is the State can reject any proposed development that may increase the density and add students to schools. Borton – it will cost us more if we wait. **The roll was called: Vail, Borton, McClelland, Moccia All Ayes. Dezman absent. Motion is approved.**

3. **Performance Evaluation Report Project and Policy (Reso 21-2007)**
A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR COUNCIL APPROVAL OF THE PERFORMANCE EVALUATION REPORT PROJECT AND POLICY; PROVIDING AN EFFECTIVE DATE.
Exhibit: Agenda Report No. 3
Recommendation: Motion to approve Reso 21-2007

Read by Mayor without objection. **MOTION:** Moccia / Vail to approve the Performance Report Project and Policy. This was asked to be brought back for action and this is what Council wanted. **The roll was called: Vail, Borton, McClelland, Moccia All Ayes. Dezman absent. Motion is approved.**

4. **Appointment of the Auditing Services Selection Committee (Reso 22-2007)**
A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR COUNCIL APPROVAL OF THE APPOINTMENT OF THE AUDITING SERVICES SELECTION COMMITTEE; PROVIDING AN EFFECTIVE DATE.
Exhibit: Agenda Report No. 4
Recommendation: Motion to approve Reso 22-2007

Read by Mayor without objection. **MOTON:** McClelland / Moccia to establish the Audit Selection Committee members as Mayor Tom Eschenberg, Interim Town Clerk/Treasurer Debby Franklin, Town Administrator and Accountant August Torres (add to reso).

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

J. ACTION ITEMS

5. **Road Millings, Paving, and Capping Projects for FY 2007/08**
Exhibit: Agenda Report No.5
Recommendation: Motion to approve

They discussed the road status lists – recommended roads for capping, and the apron area of the intersections for 30 feet in. Chuck asked if the money in the budget will cover this. BWF has gotten prices from the vendors and has documentation for the roads-going forward from here will be easy to document the cost to improve a particular road.

MOTION: McClelland / Vail to go forward with the list as presented. Moccia says the millings have improved the dirt roads immensely and this is important. Vote: All Aye. **Dezman absent. Motion is approved.**

6. Disposal of Town Property**Exhibit:** Agenda Report No.6**Recommendation:** Motion to approve

Mayor Eschenberg introduced the teacher from Lake Mary who had asked for the dome. Mr. Davis of Lake Mary teaches astronomy at the school. Two years ago won a cash award from Walmart and started a astronomical society. Students and families have really enjoyed this and it has been a great success. He has gotten equipment donated over the years and uses his own equipment. It came to his attention that Malabar had these domes available. He has some funds for the construction and the observatory top will be the capstone of the project. It will be installed at the high school. We have equipment that is portable and is hauled in and out.

MOTION: McClelland / Vail to approve donating the dome to the Lake Mary High School.

Dezman absent. Motion is approved. Vail would like the Town to be mentioned. Mayor said the Town did pay for it and got it from surplus material from Patrick AFB. It is oversized and it will take special considerations to move it. Mr. Davis will contact Carl Beatty of Public Works to arrange pick up of the dome.

7. Permanent Status for Town Clerk/Treasurer Position**Exhibit:** Agenda Report No. 7**Recommendation:** Discussion and action

MOTION: Borton / Moccia to change the status of Franklin to permanent Clerk /Treasurer as of November 9, 2007. Mayor asked about the date as she was at the TC meeting on 9-17-07. BWF FMLA time started when she put us on notice. She was asked if she wanted to attend tonight to discuss. Vote: All Aye. **Dezman absent. Motion is approved.**

K. MISCELLANEOUS**L. DISCUSSION ITEMS****M. MAYOR AND COUNCIL REPORTS**

- Borton – thanks Franklin for her work and dedication and thanks Bobbi Moccia for her years of service to the Town.
- Vail – thanks Moccia for her years of service – fond remembrances.
- McClelland – thanked Moccia for her time
- Mayor – will miss her
- Moccia – She remembers the day she was asked to run – it would only take a couple of hours a month. That person was Nancy – if it weren't for her, she wouldn't be here. She reminds council to always represent the people. She thanks BWF for all the changes she has made so far and to keep council informed. Keep the citizens first. Bobbi thanked Debby and will support her. She will go home and her family will wonder why she is - Thanks Mayor for his impact and his looking out for the town. She will stay in touch with him. It

N. PUBLIC COMMENTS: GENERAL ITEMS

O. ADJOURNMENT

There being no further business to discuss, **MOTION: McClelland / Vail to adjourn this meeting.**
VOTE: All Ayes. This meeting adjourned at 8:50 PM.

BY: _____
Mayor Thomas Eschenberg, Chair

ATTEST BY:

Debby K. Franklin, Interim Town Clerk

Date