

**MALABAR TOWN COUNCIL REGULAR MEETING
JUNE 5, 2006 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 Thomas Eschenberg. The prayer and pledge were led by Mayor Eschenberg.

<u>ROLL CALL:</u> MAYOR/CHAIR	TOM ESCHENBERG
VICE-CHAIR:	STEVE RIVET (excused)
COUNCIL MEMBERS:	FRANK HICKSON
	BRIAN VAIL
	BOBBI MOCCIA
	PAT DEZMAN
ADMINISTRATOR:	ED BOOTH
ATTORNEY:	KARL BOHNE
DEPUTY TOWN CLERK:	CINDI KELLEY

ADDITIONS AND DELETIONS TO AGENDA:

Brian Vail asked that a discussion item be added. Mr. Vail would like to have his district placed on the ballot. Mrs. Dezman and Mrs. Moccia both objected. This addition was not added to the agenda at this time. It will need a motion to be placed on the agenda.

CONSENT AGENDA:

A) COUNCIL MINUTES 5/15/06

MOTION: Hickson/Moccia to approve the minutes of 5/15/06. At this time, Mayor Eschenberg stated that he had a correction in the minutes. On Page 5, the last paragraph states that the incorporation of the Grant/Valkaria area has passed legislation, the citizens there will vote this November. November should be stated as August. **VOTE: All Ayes.**

PRESENTATION:

KEEP BREVARD BEAUTIFUL – TRASH BASH

At this time, Larry Weber, Executive Director, and Mike Hazlet from Keep Brevard Beautiful came forward to make their presentation. This is the 23rd year for the Trash Bash event, with 30 sites and 240,900 pounds of litter picked up. Mike Hazlet made the presentation of the plaques to Mayor Eschenberg, along with the checks totaling \$500. The Town of Malabar provided checks to Boy Scout Troop #37, Cub Scout Troop #37 and Girl Scout Troop \$1476 with donations received from scrap metal being recycled and a donation of \$100 from Councilman Vail. Mayor Eschenberg presented the checks to the Boy Scout and Cub Scout representatives here this evening. The checks for the Girl Scouts will be taken care of by the Clerk's office. They were not available this evening. The Boy Scouts advised Council that they have been assisting with Trash Bash for the last seven years. The Venture Group will also be coming back in the fall. The Boy Scouts received checks totaling \$326.40, the Cub Scouts received checks totaling \$325.40 and the Girl Scouts will receive checks totaling \$225.40.

CERTIFICATES OF APPRECIATION – MALABAR FIRE DEPARTMENT

At this time, Mayor Eschenberg requested that Chief Gianantonio accept the four (4) Certificates of Appreciation and give a brief description of what each business has done for the Fire Department. Chief Gianantonio addressed Council and the audience, advising them that all four companies have provided equipment or services to the Fire Department at little or no cost to them or to the Town.

REPORTS:**REP. MITCH NEEDLEMAN**

At this time, Representative Mitch Needleman came forward and addressed Council. He reported on the wrap-up of the legislative session. Representative Needleman gave a brief overview of what took place in Tallahassee. Some of the topics he spoke of were education, grades k-12 and higher education; health insurance for the children provided by the State; health care and facility guidelines for our seniors; an additional homestead exemption for the seniors; eminent domain, tax relief programs; Department of Juvenile Justice and boot camps. Boot camps are no longer used as a means of rehabilitation for troubled children. Mayor Eschenberg asked if he would be having his open session here in Malabar. Representative Needleman stated that the meeting is set for Saturday, July 15th here at Town Hall. He welcomes everyone and looks forward to their questions.

ATTORNEY

Mr. Bohne advised Council that we have a two week docket commencing on September 18th for the Gentile case. Mr. Bohne has requested a five day trial based on the various issues involved and witnesses. The dates have not been set as of yet and it could be a one day notice with going to court the next day.

At this time, Mr. Bohne addressed Council regarding a memo that was sent to Town Hall regarding the alleged sunshine violation. There are three elements to there being a violation. The first being a conversation with two or more people of the same board outside of a public meeting. The second element is a tape of one of the Park Board meetings suggesting that the conversation be continued in the parking lot. The third element, and we can't get a definite answer, is would this subject of the PA system come back before this board at a later date. If it were to be re-visited, then all the elements would be there for a violation of the Sunshine Law and it could be criminal. If this were the case, then the Board members would be advised that they have the right not to speak to Mr. Bohne because they could incriminate themselves. Mr. Bohne would hope that they would take this advice and not speak to him. Without the third element, it would not be a violation of the Sunshine Law.

At this time, Mayor Eschenberg asked if Council had any questions or concerns regarding this matter. Mr. Bohne stated that if there was a violation, it would have to be taken to the Sheriff's Office. From there, it would be turned over to the State's Attorney's Office. Mayor Eschenberg asked Mr. Bohne, in his opinion and with what you have seen; would the State's Attorney pursue this matter? Mr. Bohne stated that it seems that there is a public pressure to prosecute. It could be sent off to a diversion program and be approached that way. As the nature of the board goes higher, it could be a much more serious matter. Mrs. Moccia stated that the Board needs to go through a Sunshine Law class. Mr. Bohne stated that he would be happy to attend the next Park Board meeting and provide a lesson on Sunshine Law. Mayor Eschenberg asked Mr. Bohne if all we have right now is an alleged violation. Mr. Bohne stated yes and it would not be beneficial for the Board members to speak with him regarding the matter. Mayor

Eschenberg asks that Council think about this and maybe it should be a discussion item on the next agenda. Mrs. Dezman stated that she would like to see the response back to Town Hall from Mr. Bohne. She asked that it be e-mailed, individually, to each Council member. Ms. Kelley stated that if he sent it to her, she would make sure that all Council members received it. Mrs. Dezman recommended to have the memo e-mailed directly to each member and be placed on the agenda as an action item for the next meeting. Mr. Hickson stated he feels that a discussion with the Board members should take place before the next meeting. Council was advised that all the Board members were present at the last Council meeting when Mr. Bohne spoke regarding this matter. Mr. Bohne, again, stated that no two people of the same board should be discussing any matter that may come to the board or be re-visited by the board.

ADMINISTRATOR

At this time, Mr. Booth addressed Council on the following:

New Town Hall

Mr. Booth showed Council and the audience a few pictures of the Oviedo City Hall. This building is 9,000 square feet; we are looking to have a building of 15,000 square feet. The additional square footage will allow us to have a shelter/community center in it.

Fire Department

Mr. Booth advised Council that the new building behind the Fire Department is progressing. He presented a slide showing the layout for the concrete pad. Since taking this picture, the concrete pad has been poured.

We have been discussing the accessibility to the brush fires. There may be some areas that can be cleared out and have access roads made. The fire that happened on Weber Road seemed to progress at approximately 20 to 25 miles an hour. Many of the homes in the area were at risk. We want to look at putting some trails in there so that we can access these properties in case of emergencies. We have an ordinance that requires people to cut 25 feet around their property. We don't really want to use that and it was not intended to be enforced that like Palm Bay does, but we need to look at just areas and there may be some occasion that we will have to require some cutting be done to make access back there. We need to be able to get to the fires and keep our community safe. We will try to use our own right-of-ways as much as we can and try not to interfere with the public.

PROPERTY VALUATIONS

Our property in Malabar has had a 27% increase; we have more than doubled in the last four years. It would seem that the percentage of mills will have to be reduced. This will not cause any loss of funds coming into the town due to the growth that the town is experiencing.

LIGHT ORDINANCE

Mr. Booth advised Council that the light ordinance is in effect and the first violation letter has been sent; giving thirty days to come into compliance by placing a shield on the lights.

HURRICANE SEASON

There is already a wave in the ocean. Fire Department will be the EOC. The Town Hall will be used as a staging center.

COMP PLAN

Mr. Booth advised Council, regarding the Comp Plan, that no one is discussing the small towns/cities. The State agencies and the League of Cities needs to have classes and presentations made to the smaller areas. We are studied like we are as big as the Orlando/Palm Bay areas. Mr. Booth will push this issue via the Mayor with the Florida League of Cities.

EELS

Mr. Booth advised Council that Mr. Knight has resigned his post with the County as of last week.

FIRE CHIEF

At this time, Chief Gianantonio addressed Council regarding the status of the Fire Department. He gave recognition to the Mayor and Mrs. Eschenberg for the donations they made during this time of need. The residents came out and gave donations of food, tables and chairs for rehab purposes. Mr. Vail was on hand, no matter what time, to fix any problems that came up with the trucks and equipment on scene. Mr. Booth came out and was assisting in putting the fire out as well. Everyone who participated in fighting the fire did a great job and Council should be proud of the Fire Department.

At this time, Chief Gianantonio went into great detail regarding the fires of the week of May 29th. We had two fires going on at the same time. Once the fire at Linrose and Arnold was extinguished, all equipment was sent to the fire on Weber Road. Chief Gianantonio went over all the aspects of the fire and equipment, giving Council a detailed synopsis of the fire scenes. A copy of this presentation was provided to the Clerk for our records.

PARK BOARD CHAIR

At this time, Hans Kemmler addressed Council regarding the status of the Parks & Recreation Board. At the last Park Board meeting, it was intended to compile a list of projects for the FRDAP grant funds. The original amounts/matching are what is in place, the new amounts/matching did not pass. These grants can only be written for one location. The Trailhead does not have much room for anything else. It does need a restroom, but we cannot write a grant for an auxiliary structure. The Board has asked that we come before Council to request using some of the funds that the developers are paying in impact fees. The cost would be approximately \$80,000. Mr. Kemmler asked that this be placed on the next agenda as a discussion/action item.

The Malabar Community Park has enough that we can write a grant for this park, placing a restroom at the south end of the park by the playground equipment. Another idea is to ask for a bigger pavilion, with lighting and grills. Mrs. Moccia asked that a list, with costs, be prepared to discuss with Council. Mr. Kemmler stated that he would put something together for Council. Mr. Hickson made a suggestion that we place a fence around the playground equipment to keep the small children from running off.

CLERK

Ms. Kelley advised Council that they need to get their registrations in for the Florida League of Cities conference in August. Time is of the essence so that room reservations can be made.

Ms. Kelley advised Council that the Space Coast League of Cities dinner is being held on Monday, June 12, 2006 at the Melbourne Airport Rialto. Please call Town Hall with reservations by Wednesday, June 7, 2006.

DISCUSSION ITEMS:**1. BOARD MEMBER SEAT ORDINANCE AND RESOLUTION**

At this time, Mayor Eschenberg stated that he received a memo from Susan with regards to this item. This recommendation is for the ordinance, recommending all three boards, serve without compensation, immediately after that upon approval the appointees shall be administered the oath of office. This needs to be added in after all three boards. Mrs. Dezman asked if Gary Rhodes is now a member of the Park Board and Vickie Thomas is an alternate member. It was confirmed by Mr. Withers that this is correct. This is just the final review before we put it on the agenda to pass the ordinance and resolution. The Council is in agreement that the information looks good. The next agenda will have the first reading of the ordinance with the second reading of the ordinance and resolution to be placed on the following agenda.

2. CONCEPTUAL PRESENTATION FOR MALABAR MINI-STORAGE ON MALABAR ROAD, CG ZONING, APPLICANT KELLY VICKERS, REPRESENTED BY ENGINEER VAHEED TEMOURI

Mr. Booth advised Council that this is a new procedure. The contractors/engineers will come before staff to see if the project they would like to have in Malabar will be acceptable with regards to the land use and zoning for what they are proposing. Once it is presented to staff and they review it, it comes before Council as a conceptual presentation. At this time, Vaheed Temouri came forward and addressed Council. Mr. Temouri is the engineer for this project. They have met with staff some time ago and are asking for Council's approval of the concept. This project meets all the requirements of our code. If the increase in the floor area ratio is not passed, this would not be a problem for this project. It would be a smaller building on the site. Mrs. Moccia stated she thinks the project is favorable. Mrs. Dezman asked why the Planning & Zoning Board did not give a favorable consensus. At this time, Debby Franklin, from the audience, stated that this project was added to the agenda at the beginning of the meeting. Two of the board members were not in favor of accepting this coming to the meeting without being in their packets for review. The other two board members didn't mind this. There was no feeling, one way or the other, regarding the project at the time of the Planning & Zoning meeting. Mr. Vail stated he is in favor of this. It meets the codes and the location is good. Mayor Eschenberg stated he feels the project is getting a favorable consensus from Council.

PUBLIC HEARINGS:**1. JOSEPH LENTO, COMPLIANCE ISSUES WITH PROVISIONS OF THE HOME OCCUPATIONAL LICENSE CODE**

Mr. Booth stated that he would open this discussion and then let Debby Franklin and Rose Futch speak regarding this matter. Back in the 1990's, Council approved all of the Home Occupational Licenses. Somewhere around 1998, they turned the approval of these over to the Building Official. This is a home occupational license that goes back to

1998. It has become an issue with Code Enforcement since the individual is no longer living in the home, as this is a home-based occupational license. Mr. Lento is using the home to house his workers.

At this time, Debby Franklin, Assistant to the Building Official, came forward and addressed Council. Ms. Franklin stated that she had been directed to send a letter, after receiving numerous complaints by the neighbors and observations made by our inspectors and Code Enforcement, to the individual homeowner. They were found in violation of several of the conditions of the home occupational license. Ms. Franklin advised Council that they have the power to revoke home occupational licenses and the Building Official has the power to revoke commercial occupational licenses that he finds in violation. Mr. Smith was going to do this until they researched and found that it would be up to Council to revoke this license. Ms. Franklin stated she would be happy to answer any questions and that Rose Futch, Code Enforcement, would be able to answer any questions regarding code violations.

At this time, Mayor Eschenberg opened the discussion to the public. He asked if Mr. Lento was present and would he like to speak on his behalf. Mr. Lento came forward and addressed Council. Joseph Lento came forward and asked that Council give him 60-90 days, as he is purchasing a warehouse in the Rockledge/Cocoa area, which is where he is residing at this time. Mr. Butch Schultz, 1685 Dixie Way, Melbourne, Executive Assistant to Mr. Lento, came forward and spoke on Mr. Lento's behalf. He would also like to request the 60-90 days as Mr. Lento is in the process of moving his home and business to the Rockledge/Cocoa area. At this time, Mayor Eschenberg asked if Mr. Lento would be in agreement with a revocation of his license within 90 days of this meeting. Mr. Vail stated that since Mr. Lento has owned this property, he has cleaned it up and has taken very good care of the property. He is in agreement to give the 90 days to Mr. Lento. Mrs. Moccia stated that she also agreed that Council should give an extension on the revocation of the license. Mr. Booth stated that the house is being rented to Mr. Lento's workers, he is not living there and he asked Mr. Lento how many people are living in the home. Mr. Lento stated there are four people. Mrs. Moccia stated that it is zoned for single family residential and it's not a family living in the home.

At this time, Mayor Eschenberg opened the discussion to the public.

Rose Futch, Assistant to Code Enforcement, came forward and addressed Council. She has received numerous complaints from the neighbors and residents in the area. She has observed, on two occasions, delivery trucks, workers and trucks there, more than two or three workers working on the Wilson side, the back side property. When the business is moved to the new warehouse, where are the workers going to be staying?

Mayor Eschenberg asked where the workers would be going. Mr. Lento stated that they would be going to the warehouse. Mr. Booth asked if the workers are currently living in the homes that Mr. Lento owns. Mr. Lento stated that the workers rent his homes and will continue to work for him. Mr. Booth asked if they would be commuting; Mr. Lento advised Council that this is the case. Mr. Lento stated that most of the business has been moved. There is very little of the business left in Malabar.

Mr. Booth stated that the house is being rented to Mr. Lento's workers, he is not living there and he asked Mr. Lento how many people are living in the home. Mr. Lento stated

there are three to four people in each home, four at the most. Most of the workers are coming in and working or picking up supplies and leaving. Mrs. Moccia stated that it is zoned for single family residential and it's not single families living there. This is the concern that is being brought forward.

Pat Reilly-1985 Howell Lane—came forward and addressed Council. A home occupational license is issued to people who live and work out of their home. With what he has heard this evening, this is not the case. That's the end of it.

Mrs. Dezman advised Council of her feelings towards this matter. There have been numerous complaints; Mr. Lento has stated that he is moving out of town. He is not living there, it's not a home business and he has no right to a home occupational license. Her feeling is to terminate the occupational license effective immediately and all work is to stop. We have heard 30, 60 and 90 days; we have no guarantees of what that is.

MOTION: Dezman to terminate this occupational license effective immediately.

Mrs. Moccia asked how long we would give Mr. Lento to leave. Mrs. Dezman stated 30 days. Mrs. Moccia stated she sympathizes with Mr. Lento, there are people living there but several neighbors are not happy with what is taking place at the property, otherwise, he wouldn't be here. Mr. Bohne stated if Council determines to terminate the license effective immediately, he is to stop all business at that location. If he continues on, the next step would be to take it to the Special Master and potential fines; giving him time to get out defeats terminating the license immediately.

At this time, Mayor Eschenberg asked if there is a second to the motion. There is no second, motion dies.

Mr. Vail stated to Mr. Lento the occupational license has been issued since 1998 and he has recently moved to the Rockledge/Cocoa area. Mr. Lento confirmed this information. How long did you live at the Wilson Lane property. Mr. Lento stated he lived there for eleven years before relocating to north Brevard County.

MOTION: Vail to give 90 days to move his business from this property location.

At this time, Mayor Eschenberg asked if there is a second to the motion. There is no second, motion dies.

Mr. Bohne stated the motion should be worded to terminate the occupational license effective 90 days from today.

MOTION: Vail to terminate the occupational license effective 90 days from today with all work stopped at that time.

At this time, Mayor Eschenberg asked for a second to the motion. Anyone can make a second for discussion purposes.

Mr. Hickson stated a second for discussion purposes and then made an amendment to the motion.

MOTION: Hickson/Moccia to amend the motion to terminate the occupational license effective 60 days from today with all work stopped at that time.

Mrs. Dezman stated she wants to know who owns this property for homestead exemption. Mr. Bohne stated nobody; Mrs. Dezman stated that someone owns this property. Mr. Bohne stated that he owns the property but his homestead exemption is now in Cocoa Beach. Mr. Hickson asked if you have to have a homestead exemption on home to have an occupational license. Mr. Bohne stated that you don't but in order to meet our home occupational license criteria, the home has to be where you live and the occupational license is issued where you live. You don't have to have a homestead exemption to have a homestead.

VOTE: Hickson, Vail and Moccia – All Ayes; Dezman – Nay. Motion passes three to one.

At this time, Mayor Eschenberg went back to the main motion which is to terminate the occupational license effective 60 days from tonight. He asked if there was any additional discussion. The vote was called.

MOTION: Hickson/Moccia to terminate the occupational license effective 60 days from tonight. VOTE: Hickson, Vail and Moccia – All Ayes; Dezman – Nay. Motion passes three to one.

ACTION ITEMS:

1. CERTIFICATION OF COSTS 870' OF ARNOLD LANE

Mr. Booth stated the reason for the certification of costs is to make if anyone else builds on this road, the original builder of this road is reimbursed in the amount that is certified. We have a lot of roads that we did not certify the costs and the original builders were not reimbursed. This is simply administrative. We have certified that these are the original costs, Council accepts it and it goes into the record.

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

2. NEW TOWN HALL SITE COMMITTEE – REQUEST FOR COUNCIL DIRECTION, PRESENTED BY WILLIAM WITHERS

Mr. Withers came forward and addressed Council regarding the new Town Hall. Since holding the first meeting in October to determine the best location for this new building, we have been chasing our tails. The land, next to the soccer field, is now gone. It was somewhere in the neighborhood of 12 to 13 acres. The thought was to split the land between the new building and the park for FRDAP funds. What is needed from Council, we could have jumped on and placed a bid on that property, is guidance in 1) using the property that the Town owns in front of the Fire Department; 2) give us permission, when we see land that is available; or 3) just do nothing. Guidance is needed. The property in front of the Fire Department has four three foot stakes in the ground. This is, basically, the footprint of the property. We can't get a footprint without the land and the land controls the footprint of the building. We can't wait for Council to have a meeting every two weeks. We need to be able to act as soon as possible. Susan Kabana provided information to the committee at the last meeting with regards to how much money the Town could borrow for the construction of the new building. The FDL franchise gives \$12.2 thousand a month which would mean a minimum loan of \$2.5 million. The maximum that we would be able to borrow would be \$14.7 thousand per month, which would mean a total loan of \$3 million.

The committee is looking for permission or authority to place a letter of intent, which will not legally obligate us, but gives us permission to make a bid on the land. It is the general consensus of Council to give the committee permission to issue a letter of intent on the purchase of property for the new Town Hall.

At this time, Mayor Eschenberg stated there needs to be guidelines for the purchase of the land. The property purchased needs to allow room for growth; it should be centrally located on Malabar Road; if we can't get any property on Malabar Road, are we willing to go on a side street? If the building front's on Malabar Road, how far west does Council want to go? Mr. Withers asked Council about moving off of Malabar Road, there is land off of Gilmore Street behind the Post Office. Mrs. Dezman stated she is against having Town Hall on a side road. Mrs. Moccia is in agreement with Mrs. Dezman. Mr. Withers asked if there is no land, do we dissolve the committee and fix up what we have

now. Mr. Hickson stated we need to look at the cost of land on Malabar Road; it's going to be way higher in price than parcels off of Malabar Road. Mr. Withers asked Council what the difference is in two blocks. If it means \$200,000, he would go off Malabar Road. Mayor Eschenberg asked Mr. Withers if the realtor had been called for the property at the corner of Sandy Creek Lane. It has been cleared and the sign states 5.82 acres. Mr. Withers stated that they have not called on it. Mrs. Dezman asked why the land has been cleared. It was stated because they wish to sell it. Mrs. Moccia stated we need to go forward and make progress. Mr. Withers advised Council that Vickie Thomas, who is on the committee, is acting as our real estate agent and is doing this pro bono, she nor her company will receive no compensation at all for this deal.

The land is to be a minimum of 5 acres. How much can we spend, maximum, on the land, \$1 million? On Malabar Road, it will probably go over this amount. If it does, how much can we go over? Mr. Booth stated to stay at \$1 million. Of course, if we can get it for less that would be good as well. Mrs. Moccia stated \$1 million and go from there.

MOTION: Dezman/Moccia to use Vickie Thomas, who is on the committee as our agent, the land must be a minimum of 5 acres, preferably on Malabar Road.

VOTE: All Ayes.

Vickie Thomas feels that everyone has hit all of the aspects of this issue. Her biggest concern is the Sunshine Law. She could not speak with Mr. Withers regarding this matter. It's been so hard because we are moving at a very slow pace. What we need to do is get the word out that Malabar is looking for land for a new Town Hall. It was recommended to keep it under her hat, but we can't do that when everything is discussed in an open forum. What she suggested that we be proactive as opposed to reactive. Let people know that we are searching for a site for the new building and let them come to us. What they could do is have a contact person where they could send in proposals/offers. Mrs. Thomas would then send them to the committee members so that they are aware. If one of the committee members feels that an emergency meeting is called for, we would be able to contact Town Hall to have a meeting to discuss the purchase because these things have to be done very quickly. The land at Gilmore went very fast, they didn't even have time to put regular signs out on the property. Mrs. Thomas is aware that there may be 10 acres coming up for sale very soon. She is asking Council for permission to contact the committee members. Council is in agreement with this.

2. RECOMMENDATIONS FROM P&Z AND STAFF RE: FLOOR AREA RATIO

At this time, Mayor Eschenberg provided a handout to Council regarding this matter. This handout concerns what staff and the Planning & Zoning Board are recommending. Mayor gave a handout to Council. Mayor Eschenberg walked Council through each of the recommendations from P & Z. Mr. Booth stated that we have looked at other ordinances in our area. This is meant to be a footprint, not to take up too much land. The second floor needs to be taken out of the ordinance. The Planning & Zoning Board is looking at 25%, staff is looking at 35% and Mr. Booth recommended 30%. They are looking to change the name from Floor Area Ratio to Maximum Building Coverage. Mr. Vail asked if we could have different zonings. Mr. Booth stated we are looking for commercial. You can build in residential a much larger building. Mayor Eschenberg stated P & Z did this with two different motions. He would like to do this with two motions as well.

Mrs. Dezman stated she is against the 35% recommendation from staff; she is more inclined to the 25%. Mr. Vail stated 25% for single story buildings and 20% for two-story buildings. Mrs. Moccia stated 25% and Mr. Hickson is in agreement with Mr. Vail. Mr. Hickson asked why we are looking to change this.

Before we make a motion, the Engineers would like to speak. They have completed pink cards. Mrs. Dezman asked if either of them have a project. One of the engineers does have a project. Mrs. Dezman stated we need to hear from the engineer who does not have a project in with the Town.

Bruce Moia, MBV Engineering, Melbourne – came forward and addressed Council. This can be a very difficult term to define. It is confusing and has confused staff and the Planning & Zoning Board. What counts as floor area in the building? It is about limiting building size; It is about maximizing tax base for commercial property; is it about limiting the height of the building? This will come into play with building the new Town Hall. You are going to be limited to 1/5 of the property and if you are going to build up, the second floor will be affected as well. The use is what is going to dictate what is put on the property. Simplicity is best.

MOTION: Moccia/Dezman approve Planning & Zoning Board's recommendation to change the column heading in Article III, District Provisions, Table 1-3.3 from "Floor Area Ratio (FAR)" to "maximum building coverage". VOTE: All Ayes. This is a motion to change the ordinance.

MOTION: Hickson/Vail to reconsider the motion. Vote: All Ayes.

Mrs. Dezman asked Mr. Hickson to explain why we are re-considering this motion. Mr. Hickson stated that we just changed this whole column. Now we will have to go back and set these maximum building ratios, where it's 35% or 25% for each one of these types of zoning. Do we want to make it all uniform? Mayor Eschenberg stated it doesn't change the footprint. It's a two step process; changing the floor area ratio to maximum building coverage is step 1. You may want to change the 20%, which is step 2. Mrs. Moccia stated this will be assessed with the next motion.

MOTION: Moccia/Hickson approve Planning & Zoning Board's recommendation to change "Floor Area Ratio" to maximum building coverage.

Mayor Eschenberg asked how this was different from the first motion. Mrs. Moccia stated it isn't, Mr. Hickson just wanted to be sure of his position.

VOTE: All Ayes.

MOTION: Moccia/Dezman to approve Planning & Zoning Board's recommendation by changing the maximum building coverage currently known as FAR, from 20% to 25% in CG zoning district only. VOTE: All Ayes. This is a motion to change the ordinance.

REPORTS: MAYOR, COUNCIL:

This portion of the meeting was not taped. There was a problem with the first tape, unbeknownst to the Deputy Town Clerk. This information is provided by notes taken during this portion of the meeting.

Vail-has nothing to report at this time.

Moccia-has asked the Clerk's office to mail off her financial statement.

Hickson-has asked the Clerk's office to mail off his financial statement along with Mrs. Moccia's.

Dezman-reported that she received a call from Mr. Wollard regarding a complaint that came in about dust control. Mr. King was not happy regarding the light ordinance; could we get in touch with him. Mr. Booth advised Council that this has been done. Mrs. Dezman advised Council she will be out of town for two weeks in July.

Mrs. Dezman stated she would need a letter from the Town regarding the time off from school for the Gentile case. This letter should state the approximate dates that she will need to be in court. The funds for a substitute teacher will be taken from her discretionary account but she does not know if the discretionary fund can support 10 days at \$75.00

Mrs. Dezman stated we set a precedent this evening regarding the revocation of an occupational license. We need to be mindful of the sunshine law and we cannot show favoritism.

The Town Hall Site Committee meetings need to be publicized a little more. Several people are not sure when this meeting is happening. Mrs. Moccia stated that she has not been going to these meeting because she was under the impression that it is a citizens committee. Mrs. Dezman stated she has not attended because of the sunshine law and being on the same committee and Council with Mrs. Moccia. Mrs. Dezman does feel that Mrs. Moccia should attend the meetings so that someone from Council is there to hear the input of the committee members. Mrs. Dezman as requested that her name be taken off of this committee.

Mayor-he has asked that Council members remember to do their homework, which is due at the second meeting of June. He is referring to the non-binding referendum for sheriff/police protection.

PUBLIC COMMENTS: GENERAL ITEMS:

ADJOURNMENT:

There being no additional business or discussion, **MOTION: Dezman/Vail to adjourn.**
VOTE: All Ayes. This meeting adjourned at 10:15pm.

By Thomas Eschenberg
Mayor Thomas Eschenberg, Chairman

ATTESTED:

Cindi Kelley
Cindi Kelley, Deputy Town Clerk

Date: 06/19/06