

**MALABAR TOWN COUNCIL REGULAR MEETING
AUGUST 7, 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 Council Member Frank Hickson.

<u>ROLL CALL:</u> MAYOR/CHAIR	TOM ESCHENBERG
VICE-CHAIR:	STEVE RIVET
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: Mayor Eschenberg, at the request of Ed Booth, moved the Melbourne Village Police Chief report to the third presentation. Ms. Kelley stated under Discussion, item #4, Ordinance 2006-14 states "First Reading"; this is not the first reading, this is for discussion only this evening. Susan Kabana will be giving the Clerk's report this evening regarding the annexation of Grant/Valkaria and candidate qualifying.

By unanimous consent, additions and deletions are approved as presented.

CONSENT AGENDA:

A) COUNCIL MINUTES 7/17/06

MOTION: Dezman/Vail to approve consent agenda (with corrections) as presented. VOTE: All Ayes.

PRESENTATIONS:

1. EAGLE CORP MEMBERS – CERTIFICATES OF APPRECIATION

Nancy Conklin came forward and made presentations to each active member of the Eagle Corp. She read the letter to the audience. Mayor Eschenberg read the Certificate of Appreciation to the audience. Each member received a letter, certificate, a volunteer pin and a \$50.00 gift card. Mr. Booth made the presentation to Mayor Eschenberg. Plaques were presented to Sam Conlon and William (Bill) Maroney. Mr. Maroney asked for Council's assistance in recruiting members to come out and help in this effort. Mrs. Moccia spoke of appreciation to Mayor Eschenberg for starting this program.

2. MALABAR FIRE DEPARTMENT – CERTIFICATES OF APPRECIATION

Presentations were made to the Fire Department for two businesses that have shown kindnesses to them; Camelot RV Park and Flamingo Laundry. Deputy Chief Mike Foley came forward and made the presentation to Liz Ritter of Camelot RV Park. The other certificate will be delivered to Flamingo Laundry.

3. MELBOURNE VILLAGE POLICE CHIEF

Chief Jack King made his presentation to Council regarding having a police department or paying MSTU. He provided a handout to Council showing the financial and organization chart for Melbourne Village. Chief King will answer any questions that Council may have. He gave an overview of the handout to Council. He stated that hiring a police chief is very important. We need to have an honest and aggressive person in this position. He also stated that the surrounding municipalities stated they would be willing to help get this project off the ground if this is the way Council will go after the election. To start a bare-bones police department would take \$329,000. It would allow for two officers Monday through Friday and possibly a couple of part-time officers. He suggested using the reserve program. Experienced people come from this program and this is what you want when starting up a department. Mr. Booth asked how long it would take to get this department up and running. With getting the basics in place with your chief and officers, it could be done within two to three months. Chief King advised Council that they pay Cocoa Dispatch \$6,000 to dispatch their calls. All costs involved need to be added into this operation, which includes the cost of gas, investigations; etc. Record keeping is a very important element that must be included in the planning of a police department. Also, you must have a place to hold suspects. Melbourne Village uses West Melbourne's booking area when they have a suspect.

REPORTS:**MELBOURNE VILLAGE POLICE CHIEF**

This item has been moved to Presentations, item #3.

ATTORNEY

Mr. Bohne has nothing to report on this evening.

ADMINISTRATOR**- SCHOOL BOARD CONCURRENCY**

Mr. Booth thanked both Mayor Eschenberg and Phil Crews for discussing this with the school board personnel. The League of Cities would like to hire a consultant of their own, prorating the amount for each city. Mr. Booth gave Council a handout showing the amount of funds to be collected. The Town would have a total of \$1,546.90 to pay for this service. Legislation Bill 308 basically states that concurrency is by school. The impact will have very little on us as we have no schools. The school board will control the growth in the County with the placement of schools. The impact fees will be wherever the County says and the towns/cities have no say in the matter. They want the authority with no responsibilities. Before the Town spends any funds, Mr. Booth is asking that Council think about this. This will come back before you at the August 21st meeting as an action item. This is not a two-way street; it is the County telling us what they expect.

Mrs. Moccia asked if everyone is in agreement with paying one individual. Mr. Booth advised that it will go before the League of Cities and then be brought back to you. The Space Coast League, as a group, will hire a consultant. Mrs. Dezman asked if this will go before the board next week. The next meeting is set for August 14th and this will probably be on the agenda.

- COUNTY CHARTER AMENDMENTS

Mr. Booth stated after the presentation he would be asking Council for permission to have our attorney speak with Paul Gougleman, attorney for the City of Melbourne, regarding this matter. Mr. Booth gave Council an overview of the charter amendments that the County will be placing on the November ballot. If you read the language, the general public would vote for this change. The amendments basically are for imposing school concurrency, which can be put into the comp plan and the other is for annexation, which is basically stating that voluntary annexation will become involuntary. These changes are in for legal review and they will be looking for specifics and making sure the language is correct; this is not a done deal, it must be voted on by the public on the November ballot. Mr. Bohne stated that the attorneys representing each town/city in Brevard will come up with a unified response, as unity is more credible. Mr. Booth stated that the Space Coast League is using approximately \$10,000 of discretionary funds to assist with this project. We must find a legal way to stop this, as the public doesn't know very much about this issue. Mr. Bohne stated that this is not a done deal, it must be voted on by the public on the November ballot.

- ROAD PROPOSAL – APPLICANT BRIAN HORN

We have received an application for road payback from Mr. Horn. Mr. Horn is requesting that Council consider making a change to the ordinance. We have a seven (7) year payback plan. Mr. Booth stated the owner must build the road before building their house. What if the owner chooses to sell the property before building? We have no provisions in the ordinance for this scenario. Mr. Booth asked that Council think about this. It will come back before Council at the August 21st meeting for discussion.

A few other matters were brought to Council's attention during Mr. Booth's reports. They are as follows:

- ASSISTANCE TO GRANT/VALKARIA

Our new neighboring city has requested assistance from some of our staff. Mr. Booth advised Council that any and all requests for assistance would be run through them. If the request takes away any of our resources, he wants Council to have input. Any assistance offered after hours will be fine. Mr. Beatty has been helpful in taking some equipment down to assist with the maintenance of their roads. We will need to have some inter-local agreements drawn up. Mrs. Moccia asked if anyone has been attending any of their meetings. Mrs. Kabana stated she would address this when she makes her report to Council.

- SPECIAL MASTERS

We have a Special Masters meeting scheduled Monday, August 14th. Mr. Gentile is on this agenda. We have sent letters and he has refused them and conversations have not gone well with Mr. Gentile. Mr. Booth advised Council that he has had conversations with Mr. Gentile's neighbors, the Kings'. He makes his inspection and reading from the property beyond Mr. Gentile because it generates a better reading. Mrs. Dezman asked that he communicate with the Kings'. The lighting, without the shield, is four times greater than what is allowed by our ordinance. Mr. Rivet asked if he was going before the Special Master for just the lighting issue or are there other issues. Mr. Booth stated yes, all other violations are being taken care of by the court case. Mrs. Dezman stated the Kings' are beside themselves with the amount of noise that is coming from Mr. Gentile's property due to parties taking place. The Sheriff's Department will not respond. Mr. Booth also advised Council that the Sheriff's Department has made a complaint against the amount of noise coming from Malabar Mo's. He will be checking into this matter as well. Mrs. Moccia stated that we should have a log for Mr. Gentile showing the different dates and the light reading levels. Mr. Booth will make a report at the next Council meeting regarding the outcome of the Special Master's meeting.

PARK BOARD CHAIR

Hans Kemmler, Chair of the Parks & Recreation Advisory Board, came forward and addressed Council. He gave a brief overview of the application that is being prepared for the FRDAP Grant. He also advised and invited everyone to come to the August 16th meeting, where the public hearing for this grant is being heard. Anyone with comments or questions will be heard. The grant application is for a much larger pavilion at the Community Park and also a second bathroom facility near the playground equipment. The current pavilion will be moved to another area of the park. The grant is for \$150,000, which the Town will pay 50%. Mrs. Dezman offered to look at the grant application as a courtesy. Mr. Booth stated he is writing the grant and he will have Mrs. Dezman review the application before submitting it.

Mrs. Dezman stated that she has been approached by a football group. They are well-known and would like to know if they would be welcomed in the park. Is this something that we would be interested in? We have to make sure that we have a place for them. Mr. Booth asked if Country Cove would accept something like this on the 100 acres by them, which is the Cameron Preserve. Mayor Eschenberg recognized Bill Withers from the audience. Mr. Withers stated the soccer field could not take another team. We have three soccer fields and three teams at this time. At this time, we have no other place for this group to come in.

CLERK**- GRANT/VALKARIA**

Susan Kabana, Town Clerk/Treasurer came forward and addressed Council. She gave a brief overview of what is happening with the new city. As part of the Brevard City Clerk's Association, she and Lori Kalaghchy, City Clerk of Cocoa Beach, have offered to mentor the clerk of Grant/Valkaria and help them through their election process. They are both volunteering their time, providing some copies that will assist in getting them up and running. Her general rule is if she spends more than 10 to 15 minutes a day with them, she takes it off of her timesheet as personal time. Mrs. Kabana stated she wants this on the record, neither one of these ladies is looking for jobs. We are just down there to offer a helping hand and show them how to go through their election process. Mrs. Moccia thanked Mrs. Kabana for taking the time out to assist our new city. She was proud to know that Malabar is making the effort to assist them.

Mrs. Dezman stated it would be a good idea to document on the timesheets how much time is being spent with the Grant/Valkaria personnel. Mrs. Kabana stated that she puts it on her time card as personal time. Mrs. Dezman stated that personal time on the timesheet indicates doing something for you. She would like to see how much time Malabar is giving to the volunteer effort for the new city. Mr. Booth stated he would have everyone who is assisting place that time on their timesheet. Mrs. Dezman stated if something were to escalate, we would have an idea of it happening. Mr. Booth stated we have more knowledge at this time because of all the studies that we did. We evaluated their roads and drainage. We have knowledge about some of the infrastructure. Mrs. Kabana stressed that they are helping to put agendas together and the election process. Everything else is being done by them.

- CANDIDATE QUALIFYING

Candidate qualifying starts August 18th and ends on September 1st. We have had two packets picked up; one for District 1, Hans Kemmler; one for District 2, Brian Vail. We have not had anyone come in for District 3 so if anyone knows of anyone who may be interested living in this district; Mrs. Kabana asked that Council assist with getting someone in to pick up a packet.

Mrs. Dezman asked if no one picks up a packet for District 3, what happens. Mrs. Kabana stated we would have to run a special election. We would have to pay for our own election. The Council can only appoint with less than one year. We would have to have a qualifying time; within twelve (12) weeks time, you would have a special election. Hopefully, you will get one person to qualify and avoid the special election all together. If that doesn't happen, you would be in a perpetual state until a year is left in the seat and then Council could appoint someone to the seat.

Ms. Kelley advised Council that the Space Coast League's monthly dinner meeting at Cocoa Beach Country Club August 14th. Reservations must be in by Wednesday, August 9th.

Mr. Booth reminded Council that there is the budget workshop on Tuesday, August 8th.

DISCUSSION ITEMS:

1. DISCUSSION OF EMAIL (STEVE RIVET)

At the June 19th meeting, Mr. Rivet thought the issue of the alleged sunshine law violation was put to rest. He would like for Mr. Kemmler to advise Council if issues have been worked out and can he work with the Parks & Recreation Advisory Board.

Mr. Kemmler came forward and addressed Council. Two days after the Council meeting, the Parks & Recreation Advisory Board met and was able to get a few issues straightened out. They are working well together. He wanted to make Council aware that the Board is very well aware of the Sunshine Law and what it means. He hopes that questions will be asked in the future if something like this happens again. Mr. Kemmler used sexual harassment as an example to make his point. You wouldn't let an accusation of sexual harassment go unquestioned. That is what happened in this case. Each member that was involved was not questioned and a member of the board was lost because of how this situation was handled. The intent of the e-mail was to ask what has been learned from this. Mr. Rivet stated Mr. Kemmler's response answered his concerns.

2. ORDINANCE FOR ARCHITECTURAL REVIEW OF NEW PROJECTS

Council received an ordinance from Indian Harbour Beach in their packages and Mr. Booth handed out two additional ordinances at the meeting. One is from Satellite Beach and the other from Palm Bay. We are looking for the Florida vernacular style of building in our Town. We don't want to put a board together; each project goes through staff for review. We want to be able to tell the developers/contractors what we are looking for in aesthetics of the buildings. Mrs. Moccia stated we want to know the color schemes ahead of time and what the outside of the building will look like when completed. Mayor Eschenberg asked what Council wants and the intent of the ordinance. Mr. Booth advised Council that staff would put all information regarding the ordinance in a two to three page ordinance. This will come back to Council for discussion at the September 6th meeting. Mayor Eschenberg asked that each Council member read these documents and make notes.

3. PROPOSED COUNTY LAWSUIT REGARDING MALABAR

The County is discussing the possibility of suing the Town for the Sheriff's MSTU. Mr. Booth has asked the Mayor attend this meeting. Mr. Bohne asked if the Town has ever asked for a MSTU deputy. Mr. Booth stated we have not. Mr. Bohne advised Council that he has asked the County's attorney to provide the

basis for his position. As of this date, we have not received anything from the attorney. Are we really getting an MSTU deputy; they don't enforce our codes. We are getting the same services provided as if we didn't have an MSTU deputy. It is disingenuous on their part completely.

Mayor Eschenberg stated he will explain all that Malabar has been doing as far as addressing this problem and that this is going to referendum on the November ballot. Mr. Vail stated he would like something in writing showing the services that would be provided if we pay the MSTU. Mr. Bohne stated without Council's vote for the MSTU, it cannot be imposed on the citizens of Malabar. Unless the attorney is coming up with some equitable theory, Mr. Bohne doesn't feel it would hold because the Town of Malabar has not asked for this service.

4. ORDINANCE 2006-14, AMENDING CHAPTER 11, NUISANCES

Mayor Eschenberg advised Council that a pink card regarding this matter has been turned in. Mr. Marpil stated he would like to hear from staff first before addressing Council.

Mr. Booth advised Council that this is coming back to them because he needs an ordinance giving the procedures to remove abandoned property from the Town's public right-of-ways and public property. This is all we are looking for. There was discussion about the language in the ordinance regarding accessing private property to remove abandoned property. Mr. Bohne stated that this ordinance removes power from Code Enforcement and the Special Master to remove any property, whether it is vehicles or abandoned property, from private property. This ordinance only allows for tagging and ultimately removing abandoned property from the public right-of-ways or public property. Mr. Booth is asking for permission to go forward with this and the ordinance will be re-written and brought back to Council. Mr. Rivet agrees that we need to give the Town some way to get rid of abandoned vehicles on public right-of-ways. The question is do we want to do the same for private property? Mr. Booth stated he doesn't want to remove from private property. He would rather have the Special Master take care of the private property issues. Mayor Eschenberg made the comment of ten (10) days being too long after the property is tagged. He asked what Council thought. Mr. Booth asked Mr. McClelland what the normal time-frame is. Mr. McClelland stated it is 72 hours. It is the general consensus of Council those 72 hours is plenty of time after the property has been tagged. The next section of the ordinance would need to be changed to reflect 72 hours as well.

Paul Marpil-1935 Richards Lane-came forward and addressed Council. Mr. Marpil is against this ordinance if you are going to be going onto private property. If you are speaking from the standpoint of public right-of-ways and public property, then he is for this ordinance. We need to make sure that the language for this ordinance is really clear. You don't want any misinterpretation. With the way this is written right now, that is what will happen. Mr. Booth stated the

ordinance will be re-written and brought back to Council. This is the original ordinance and it needs to be worked on.

At this time, Mrs. Dezman asked about the resign to run rule. Does anyone who has picked up a packet for candidate qualifying, who is serving on a board, have to resign to run for election? Mr. Bohne stated yes. Mrs. Kabana stated only if they qualify. There was discussion between the Council, Mr. Bohne and Mrs. Kabana. Mrs. Moccia stated with last year's election, a member of a board qualified and did not resign so Council removed him from the board. Mrs. Kabana stated when this came up last year; she made several calls to various municipalities in this County and the Supervisor of Elections. In previous years, Malabar did not resign to run. In speaking to these different Clerks and the Elections Office, a board of volunteers who is appointed with recommending power only does not have to resign to run. Mrs. Kabana wanted Council to know the information that was provided to her last year. There was more discussion. Mr. Bohne stated he had one day to research this and would e-mail Mrs. Kabana the outcome. Mrs. Dezman would like to know for sure that somewhere along the way Council will be told if these people must resign their positions. Mrs. Kabana stated that it is Council who would do the actual qualifying. She has a procedure that must be followed and then they are brought to Council.

PUBLIC HEARINGS:

1. ORDINANCE 2006-10, FINAL READING, AMENDING THE FLOOR AREA RATIO (F.A.R.) IN THE LAND DEVELOPMENT CODE

Without objection, Mayor Eschenberg read Ordinance 2006-10 by title only. Mayor Eschenberg opened the meeting to the public for discussion. There being no public comments, the discussion was brought back to Council.

MOTION: Rivet/Hickson to accept as presented.

Mrs. Moccia stated this came about because of a storage unit that wants to be put across the street. This is one of the reasons that she prompts that we move quickly on we establish what our norm for this area is. We need to move as quickly on the architectural review ordinance as we did on this ordinance. Mr. Rivet asked if this is strictly the building coverage, it's doesn't address parking lots or other impervious areas. Mr. Booth stated the footprint of the building. Mr. Rivet stated it's basically aimed at making sure the lots don't get crowded with buildings. Mr. Booth stated it provides for 25% of the footprint. It gives 75% for everything else.

Paul Marpil-1935 Richards Lane-came forward and addressed Council. He spoke against this ordinance. Council needs to keep in mind that we founded this town of rural residential community open space. When a contractor comes in and asks for changes to benefit them, we are getting away from the idea of what this town was founded on. Please keep this in mind as you make your decision.

THE ROLL WAS CALLED: Hickson and Vail, Aye; Rivet, Moccia and Dezman, Nay. Motion fails 3 to 2.

Mr. Vail stated that part of this was a variable before. The variable was for single story, two story and three stories buildings. The average was put forth to take any guessing out of the equation and make it one standard no matter the number of stories. It was to simplify this. Mayor Eschenberg stated it was a second part ordinance. The first part was raising the footprint from .20 to .25 and the other part was the second story counted as part of the footprint previously.

ACTION ITEMS:

1. WINNER OF THE NAME THE COREY/MALABAR PARK CONTEST

Bill Withers 2324 Candy Lane-came forward and addressed Council. Mr. Withers stated that from past experiences, it is not good to name a park for a person. Mr. Withers feels the park should be named Fern Park. He would like to endorse this. It is what is growing in this park. Mrs. Moccia started going through the names that were submitted. Nothing caught her eye, but she started paring the names together. She is willing to take from her discretionary fund to pay for using a portion of the other names submitted. She likes the name of Crane Creek Crossing or Sand Creek Crossing. Mr. Hickson likes Crossing in the name. Mr. Vail likes Eagle Park. Mrs. Dezman likes crossing in the name as well. Mrs. Dezman likes Crane Creek Crossing. It was mentioned that Crane Creek is in Melbourne. Council agreed to hear from Mr. Wilbur. He gave his opinion and feels that we should name the park for the unique specimens in the park. Mrs. Moccia stated that the name of the park needs to sound good. Mrs. Kabana stated that, because several people have asked who won the contest, if you are not going to use the names submitted, it should be stated for the record that Council is not using the names submitted. Mrs. Moccia stated that she is using different parts of the names and the winners will receive \$50.00. Mayor Eschenberg stated that we are taking from several ideas. Mrs. Dezman also stated that she would take funds from here discretionary funds to assist with the payment to the winners of this contest. Mrs. Dezman stated she likes Corey Creek Crossing as it is on Corey Road.

MOTION: Moccia/Rivet Fern Creek Crossing. VOTE: All Ayes.

Bill Withers won for Fern; Skip Burdett won for Crossings and Rick Raukasus won for Crossing. The Town will pay for a winner and Mrs. Dezman and Mrs. Moccia will take funds from their discretionary funds for the other two winners.

2. APPOINT APPLICANTS TO PARK BOARD

A. JOSH TREADWELL

B. (REYNOLDS) SCOTT POLLARD

Ms. Kelley advised Council that at the July Park & Recreation Board meeting, the Board discussed moving Vickie Thomas to a permanent position, with Council's approval. If Vicki Thomas is moved to a permanent position, there will be three alternate spots available. The question of the resign to run issue was brought up at this time. Mrs. Dezman made the recommendation to table this matter until such time as a definitive answer could be given to Council. Mr. Bohne did some research and advised Council that statutes require ten days prior to qualifying, they must resign to run. There is still a question about if this person holds a

public office under the statute and it has a lot to do with exercising the power of sovereign. Mr. Vail asked Mr. Bohne if the board makes the decision to spend funds or do they advise Council. Mr. Bohne stated they would have to make the decision. Mr. Korn stated they only advise Council. Mayor Eschenberg stated this does not have anything to do with what is before us this evening. We have been asked to move Mrs. Thomas to a permanent position and fill the vacant seats with the two applications that have been provided.

MOTION: Rivet/Vail to move Vickie Thomas to permanent position and have the two applicants as alternates.

VOTE: All Ayes.

Mrs. Dezman stated that the alternates should be notified of their positions on the board. Mayor Eschenberg stated it is based on the date the applications were received. Josh Treadwell will be alternate #1 and Scott Pollard will be alternate #2.

3. CANDIDATE CHOICE FOR FLORIDA LEAGUE OF CITIES

Mayor Eschenberg asked Council for their guidance regarding the candidates for this position. It is a stepping stone to becoming the President of the Florida League of Cities. To be president, you must fulfill this position first. Mrs. Moccia stated that Beverly Billiris' resume is very impressive. Mr. Vail stated Council should leave this to the Mayor's discretion. Mayor Eschenberg stated at the Space Coast League board meeting, both candidates look really good. It was stated at this meeting that there is one differentiator between the two candidates. The window of opportunity is closing for Ms. Billiris; she is subject to term limits. The League voted to endorse Ms. Billiris. Mrs. Moccia was impressed by her committee experience and education. Mrs. Dezman was impressed by her due to her education, professional background and community service. Mr. Rivet agrees with Mrs. Dezman. By general consensus, Council agrees that Mayor Eschenberg should vote for Ms. Billiris.

4. ORDINANCE 2006-13, FIRST READING, AMENDING THE COMPREHENSIVE PLAN TO PROVIDE FOR A SCHOOL SITING ELEMENT

MOTION: Dezman/Rivet to read Ordinance 2006-13 by title only. VOTE: All Ayes.

Vice-Chair Steve Rivet was asked to read by title only by Mayor Eschenberg.

MOTION: Hickson/Rivet to approve as presented.

THE ROLL WAS CALLED: Hickson, Vail, Rivet, Moccia and Dezman – All Ayes. Motion carries unanimously.

5. REQUEST TO HANG PICTURE OF PAST MAYOR IN COUNCIL CHAMBER

Mr. Booth stated the wife of the deceased Mayor made a request that his picture be hung. The Mayor was convicted of a felony. The question of Council wanting to hang this picture is before you. Staff did not want to make this decision based on our feelings. Mrs. Dezman asked if all the past Mayors pictures were hung in

Council Chambers. The outcome was not everyone's picture is hanging in chambers. Mrs. Dezman asked if we are willing to hang every picture of past Mayors and then are we going to hang all past Council Members pictures. Mrs. Kabana stated no.

MOTION: Moccia/Dezman to deny the request. VOTE: All Ayes. Motion carries unanimously.

6. SPECIFIC BOARD MEMBER DUTIES

Mayor Eschenberg advised Council that he has a speaker card regarding this issue and asked that Mr. Reilly come forward.

Pat Reilly-1985 Howell Lane-came forward and addressed Council. Mr. Reilly has done some research regarding this issue. You have very specific guidelines for the Board of Adjustments and the Planning & Zoning Advisory Board. The only board lacking with specific guidelines is the Parks & Recreation Advisory Board; this needs to be worked on.

Mayor Eschenberg brought the discussion back to Council. Mr. Rivet stated that the duties of all the boards need to be documented. It would seem that we are missing the specifics for one board. It would seem that Section 2-225 lists some of the duties for the Parks & Recreation Advisory Board. Mrs. Dezman stated we need to look at the business of the past and where we are going in the future. Based on what has transpired in the last few months, someone needs to write what the mission of this board is and it needs to be clearly stated. Mayor Eschenberg stated it would be a good idea to have the board write this and provide it to Council to review/make changes. Mrs. Dezman agreed that this would be a good place to start. Council would review what was written and then have a joint meeting with the Park Board members. Mr. Hickson stated we need to have a recommended time-line for this to be presented to Council. It would need to be done before the November election. Mrs. Dezman stated even though September is a busy month, this needs to be a priority. She is recommending that a draft of the mission statement be provided to Council by the first meeting of October. Council would then be able to read through and have the joint meeting with the Parks Board, which was recommended by both Mayor Eschenberg and Mrs. Dezman, on their regularly scheduled meeting.

Dick Korn, Vice-Chair of the Parks & Recreation Advisory Board, came forward and addressed Council. Section 2-225 is a good place for us to start. Mr. Korn stated he has a copy of the Mission Statement for this board. The members of the board would like to have a clearer definition of duties, procedures and limitations. We, the board, would like to have time to write this and suggests that this be done for all the boards. Mrs. Moccia stated that the other two boards have very specific written duties in place. If we are going to write these, let's do it right the first time. Mr. Korn would like to make a presentation to Council in November or December. We have had two new board members appointed this evening and Mrs. Thomas is very new to the board.

Mrs. Dezman maintains that Council is ultimately responsible. We need to make a stab at it. Mr. Rivet is in agreement with Mrs. Dezman. He would like to see what the board comes up with and would like his input considered regarding this matter before the November election. Mrs. Dezman stated it doesn't have to be a finalized version. It can be in draft form. Mrs. Moccia stated this Council has very experienced people and would like to get this taken care of before they leave. Mr. Vail stated they need at least two meetings and then it can be voted on before November.

MOTION: Dezman/Hickson for the board to have a preliminary draft of what the Park & Recreation Advisory Board believes are their duties and responsibilities by the first meeting in October. This should be a Mission Statement with goals, objectives, jurisdiction, duties and responsibilities listed.

This gives Council a chance to have it on the agenda as a discussion item for the second meeting in October. Mrs. Dezman stated they should have a Mission Statement, goals, objectives, jurisdiction, duties and procedures listed. Mr. Korn asked if they would consider moving the copy provided to Council by the second meeting in October. Mrs. Dezman stated she is not changing her motion.

MOTION: Rivet/Dezman to extend meeting for 15 minutes. VOTE: ALL AYES.

Mayor Eschenberg brought the meeting back to the main motion at hand. He asked if all Council members understood the motion.

VOTE: All Ayes. Motion carries unanimously.

REPORTS: MAYOR, COUNCIL:

Vail-has nothing to report at this time.

Moccia-just wants to make sure that one of the park naming winners is paid from her discretionary fund.

Mrs. Moccia excused herself from the meeting at 10:30 to take a phone call.

Hickson-the fence that was ripped down at Marie Street, the County fence for the EELs property; have they given a time-frame of when this fence would be put back up? Mr. Booth stated that it is to be fixed within the next thirty days and it will not block the right-of-way that goes back to the property.

Rivet-the ditches on Flashy Lane are still full. Mr. Booth stated we are in the process of cleaning them out. We need to have the telephone and cable lines located before we go any further.

Mr. Rivet asked Mr. Booth about the paving of Atz Road. Mr. Booth stated we are on the top of list as the paver comes to the area; there isn't anyone else to this work and he is a County paver. Mr. Rivet asked if there is a time-frame. Mr.

Booth stated it was supposed to be done sixty days ago, if that gives you any idea of the back-log.

Mr. Rivet stated he attended the EELs Advisory meeting. They were all cordial and polite and made a passionate plea to work with us. The Committee members thought it was a wonderful idea that they cooperate with us. Mr. Rivet made a suggestion to put a cap on the land in Malabar; we won't fight them while they are under the capped amount but they cannot go over the capped amount. No one from the Committee made an attempt to respond to this suggestion. Mr. Rivet made a suggestion to Council that no one else wastes their time in going to these meetings.

Mrs. Moccia re-joined the meeting at 10:33 pm.

Dezman-reminded Mr. Booth that she needs a letter for her employer regarding the Gentile court case by August 23rd, sixty days prior to attending court. She has already brought to Council the issues with Mr. Gentile earlier this evening.

Mrs. Dezman advised Council the hogs are back in Country Cove. Mr. Withers stated that they have shown up on Candy Lane as well. Mrs. Dezman stated this issue is going to have to be re-visited.

Mayor-the issue of re-zoning of Weber and Malabar Road, it got tabled until Council can look at the big picture. A previous Council told the MPO that they didn't ever want to see Malabar Road as a four-laned road. Does this Council still feel this way? This is something that should be thought about. If this Council decides that they would want this, we would need to address it and let the MPO know. Mr. Booth sits on this board. This was looked at and if there were going to be traffic lights along Malabar Road, this would be possible. However, this is at least twenty (20) years away. There are no funds to do the projects. They are thinking of doing the Palm Bay by-pass as a toll road to get funds in.

Mr. Booth also advised Council that FDOT has agreed to allow a light for the Fire Department at Malabar Road. They are estimating the cost at \$75,000 to the Town. Mrs. Moccia stated she would rather see it at Corey or Weber, but especially Corey Road.

Mayor Eschenberg reminded Council of the workshop for August 8th. He gave a handout to Council regarding this.

PUBLIC COMMENTS: GENERAL ITEMS:

Pat Reilly-1985 Howell Lane-came forward and addressed Council. He was a little surprised that Council voted down Ordinance 2006-10. It passed the first reading without any discussion at all. It is non-consistent with other municipalities. It was approved by the Planning & Zoning Advisory Board and Norm Smith has done a lot of research on this. The main reason is the maximum

density for the lot is already established. Mr. Reilly has also done research regarding the floor area ratio. Other surrounding areas have a more lenient than ours. Mr. Reilly doesn't feel that Council did any homework regarding this and he feels that Norm Smith should have been here to defend the ordinance. If there is an ordinance regarding building, someone should be here to answer questions.

ADJOURNMENT:

There being no additional discussion, **MOTION: Dezman/Rivet to adjourn meeting. VOTE: All Ayes.** This meeting adjourned at 10:40 pm.

BY: Thomas Eschenberg
Mayor Thomas Eschenberg, Chairman

ATTESTED:

Cindi Kelley
Cindi Kelley, Deputy Town Clerk

08/21/06
Date

