

**MALABAR TOWN COUNCIL REGULAR MEETING  
DECEMBER 5, 2005                      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 Chair Bobbi Moccia. The prayer and pledge were led by Council Chair Bobbi Moccia.

<b><u>ROLL CALL:</u></b>	MAYOR/VICE-CHAIR	TOM ESCHENBERG
	CHAIR:	BOBBI MOCCIA
	COUNCIL MEMBERS:	FRANK HICKSON
		BRIAN VAIL
		STEVE RIVET (excused)
		PAT DEZMAN
	ADMINISTRATOR:	ED BOOTH
	BUILDING OFFICIAL:	NORM SMITH
	ENGINEER:	BILL STEPHENSON
	PLANNER:	KEITH MILLS
	ATTORNEY:	KARL BOHNE
	DEPUTY TOWN CLERK:	CINDI KELLEY

**NOMINATIONS AND ELECTION FOR COUNCIL CHAIR**

**Vail would feel better if Rivet was present, Hickson doesn't matter. Eschenberg stated that it may matter.**

**MOTION: Vail to table this matter until such time as Mr. Rivet is present. MOTION Dies.**

Mr. Bohne advised Council that this, as stated in the Charter, is to be taken care of the first meeting after the election. Since the second meeting in November was cancelled, this needs to be addressed tonight. Bobbi Moccia stated that she would prefer not to be the Chair of the Council.

**MOTION: Hickson/Dezman nominated Mayor Eschenberg as the Council Chair.**

**VOTE: All Ayes.**

**NOMINATIONS AND ELECTION FOR COUNCIL VICE-CHAIR**

Bobbi Moccia advised Council that she would prefer not to fill this position as well. At this time, Mayor Eschenberg, the new Chair gave permission so the Mrs. Moccia could make motions that tonight's meeting.

**MOTION: Moccia/Dezman to nominate Steve Rivet as Vice-Chair. VOTE: All Ayes.**

**SELECTION OF BILL APPROVAL INDIVIDUAL AND CHECK SIGNERS**

At this time, Mayor Eschenberg asked who the people are involved in approving and signing checks. Mr. Booth advised Council that Mr. Vail approves the bills. Mrs. Kabana, Mr. Rivet, Mayor Eschenberg and Mr. Booth are the approved check signers.

**MOTION: Hickson/Moccia made nomination to keep this as it is. VOTE: All Ayes.**

**ADDITIONS AND DELETIONS TO AGENDA:** Mrs. Moccia stated that she would like to present the renderings that the Boy Scouts have put together for the Foot Park. Mr. Vail stated that he would like to discuss the purchase of the Billie property. This will be added to the agenda as Action Item #15. Mayor Eschenberg asked staff if they would like to have Action Items 13 & 14 heard after Action Item #7. Staff is in agreement to this.

**CONSENT AGENDA:****COUNCIL MINUTES 11/7/05, 11/10/05****MOTION: Dezman/Hickson to approve minutes from November 7<sup>th</sup> and November 10<sup>th</sup> meetings as presented. VOTE: All Ayes.**

At this time, Council Member Moccia introduced Mr. Bruce Von Niederhaursern to Council. She also presented the renderings that have been worked on by Mr. Von Niederhaursern for the Foot Park. Both Mrs. Moccia and Mr. Von Niederhaursern have met with Mr. Brown regarding this project. Mr. Brown has worked on similar project like this in the past. The renderings show that the park is to be kept very natural and have foot paths through out, with some seating available. Council was very pleased with the renderings that have been presented and wished the Boy Scouts well in their project. .

**PRESENTATION:****BETH MCMILLEN, MARINE RESOURCES COUNCIL, INVASIVE SPECIES  
MANAGEMENT PLAN FOR INDIAN RIVER LAGOON SCENIC BYWAY**

At this time, Beth McMillen, Assistant Director, came forward and made her presentation to Council. She spoke about the management plan for the Indian River Lagoon National Scenic Byway. The most predominate species in our area is the Brazilian Pepper Trees. Ms. McMillen went over the objectives of the plan, stating that she is available to assist the Town in any possible.

**REPORTS:****ATTORNEY**

At this time, Mr. Bohne stated that he had a report on the Malabar/Gentile issue. We have been ordered by the court to have mediation. Judge Jerry Loeber is available on the 4<sup>th</sup> and 6<sup>th</sup> of January. Mr. Bohne recommends that Mr. Booth, himself and one other member of Council be present for this meeting. Once the person is appointed, Mr. Bohne will coordinate the time of the meeting. Council asked the days of the week for the 4<sup>th</sup> and 6<sup>th</sup>. The 4<sup>th</sup> would be a Wednesday and the 6<sup>th</sup> would be a Friday. Mayor Eschenberg stated that he would be available on the 6<sup>th</sup>. Mr. Booth stated that one of the major areas affected is the Country Cove subdivision. Mrs. Dezman stated that she would like to be the one to attend the meeting, since this is within her district. She is under the impression that she would be representing the district. Mr. Bohne stated that if we had too many people attending, it would become a public meeting and would violate the sunshine law. Anything discussed would be brought back to Council. Mrs. Dezman stated that she would like to be the one present at this meeting. She has met with the Homeowner's Association throughout this issue for the last six months.

**MOTION: Moccia/Vail to appoint Dezman. VOTE: All Ayes.****FIRE CHIEF**

At this time Chief Gianantonio came forward and addressed Council. He advised Council that the new brush truck is outside if anyone would like to see it after the meeting, along with the other new vehicles. The Chief stated that he would like to start some kind of incentive program for the firefighters. Most of the volunteers have regular jobs and families. With the cost of gas, sometimes it is hard to spend the funds to respond. The Chief provided a hand-out to Council regarding pertinent information regarding the staff required to meet the needs of various scenarios. Chief Gianantonio went over the status of the station and the ongoing projects with Council. Mr. Booth stated that in the other towns that he has worked with, he paid \$4.00 to \$5.00 for gas purposes to the volunteer fire department. Most of the volunteers come from out of

town. Mr. Vail stated that he would be for this. Mayor Eschenberg asked Council if we would like to have this as an action item for the next meeting so that we know where the funds will be coming from. This is to be made an action item for the next scheduled Town Council meeting for January. Mayor Eschenberg also had a question regarding the current budget for Chief Gianantonio. We are only two months into the new budget year and 54% of the department's budget has been spent. Why is this? Chief Gianantonio stated that they have had some major expenses with getting the equipment in working order. They are tightening up the spending and should be able to meet the budget unless there is something major that comes up. He would come back before Council if any problem arises.

#### **ADMINISTRATOR**

##### **- INTERLOCAL AGREEMENT FOR SCHOOLS**

Mr. Booth stated that he has been working with the School Board. By state law, we will be made to do this. This has to do with the impact fees. This is just a heads up for Council and we will need to approve the Interlocal agreement once the School Board has one available. Mrs. Moccia asked if they are looking for a school site in our town. Mr. Booth stated that the schools for our town would be in Palm Bay. This is strictly dealing with impact fees.

##### **- COUNTY REQUEST FOR SUPPORT OF FIREWORKS ORDINANCE**

Mr. Booth advised Council that the County is requesting support for the firework ordinance. Mayor Eschenberg stated that the County Commission asked the League of Cities to pass a resolution for this. The resolution did not pass. Everyone was in agreement to have their attorney draft a letter. If this ordinance were to pass, they would take fireworks completely out of Brevard County. It is our Council's wish to ignore this ordinance. Mr. Bohne stated that if the ordinance were to pass, it would become County-wide. We are not required to support this ordinance.

##### **- TRIP REPORT**

Mr. Booth made a trip to Tallahassee to discuss the Comp Plan and the revisions that we would like to make. We need to look at the zoning that we have because we have lost a lot of the industrial to EELs, these properties are no longer on the tax roll and are no longer buildable. While he was away, Mr. Booth also went to Gainesville to discuss the population of the Town. The population has been increased to 3000. The Delta comes in our trailer parks rather than our homes. We have \$100,000+ of funds in our budget. We have also gotten permission to build the new Town Hall on the five acres that is owned by the State next to the our Community Park. We will be able to build here as long as the EELs have an educational building connected to Town Hall. They will come in and pay for this themselves, saving the Town money.

#### **CLERK**

##### **- SET JANUARY COUNCIL MEETINGS**

The first Monday in January is a holiday as well as the third Monday. Could we move the meetings to the second and fourth Mondays if the attorney is available?

Mayor Eschenberg advised that the second Monday is the Space Coast League of Cities dinner. The 23<sup>rd</sup> would work for him as well as Council members Hickson, Vail and Moccia. The first meeting could be held on January 12<sup>th</sup> if this date is good for everyone. The meeting dates for January 2006 are Thursday, January 12<sup>th</sup> and Monday, January 23<sup>rd</sup>.

- **SPACE COAST LEAGUE DINNER – DECEMBER 12, 2005**

Ms. Kelley reminded Council that the dinner is on the 12<sup>th</sup>. It is the Christmas dinner and we have selected Melbourne as our gift receiver. Mr. Booth gave the Council a brief overview for the gift that we have chosen to give to the City of Melbourne. In August, they had a festival with animals. The animals were not contained, so we have decided to give a gift to show how to take care of animals at a festival. Council thought that this would be appropriate.

**ACTION ITEMS:**

**1. APPOINT A REPRESENTATIVE TO THE BREVARD COUNTY  
EDUCATIONAL FACILITIES IMPACT FEES FEE ADVISORY COMMITTEE**

Mr. Booth advised Council that this is part of the state law. We are required to have a committee in each district. He recommended that Mr. Philip Crews, who represents us on the School Board, represent us on this committee.

**MOTION: Hickson/Moccia nominated Mr. Philip Crews as representative to the Brevard County Educational Facilities Impact Fees Advisory Committee. VOTE: All Ayes.**

**2. REQUEST TO BEGIN CONSTRUCTION OF HOME CONCURRENTLY WITH  
THE ROAD IMPROVEMENT: Mr. and Mrs. Brownfield request permission to  
begin building their home while road is under construction.**

Mr. Booth advised Council that we have approved most of these requests. We were looking to change the ordinance but now we would like to take them on a case-by-case basis. Each request has different circumstances. We want to bring each one to Council to be looked at. The conditions of this request meet the Engineer's requirements.

**MOTION: Hickson/Vail to approve request to begin construction of home in concurrence with the road improvement for Mr. and Mrs. Brownfield. VOTE: All Ayes.**

**3. CONDITIONAL USE PERMIT APPLICATION: Applicants Charles and Sandra  
Zoller request a Conditional Use Permit to allow for parking of Dump trucks  
in Commercial General Zoning – address: 2715 Garden Street, Malabar.**

At this time, Ms. Sandra Zoller came forward to address Council. She is aware that this request does not meet the zoning requirements for this property. We are in compliance with all other storage units in the area. It is very hard to sell this property without this conditional use. Mr. Booth advised Council that the Planning & Zoning Board recommends looking at this whole area, where the Public Works Center and the storage area behind us, and consider it for light industrial use. Heavy equipment and trucks are not allowed at this time. Mr. Bohne stated that we may be looking into changing the zoning in the future, based on a recommendation from the Planning & Zoning Board, but for now, the requested use is not allowed in the code. The Planning & Zoning Board recommended denying this request at this time to Council. We have to abide by the code that is set forth. Mr. Bohne asked Mr. Mills how long a small-scale amendment to the Comp Plan would take. Mr. Mills stated that it could be done within a couple of months. Mr. Jack Nichols, who is the purchaser of the property, asked Council if they would allow the trucks and equipment to be parked there long enough to get the Comp Plan change completed. Mayor Eschenberg stated that the Council would be setting a very bad precedent if they violated the code. Mr. Nichols stated that we are in violation now.

**MOTION: Hickson/Dezman to deny the conditional use request. VOTE: All Ayes.**

**4. BOARD APPLICATION FOR P&Z, CHARLES RYAN, HOWELL LANE**

Mr. Bohne advised Council that Mr. Ryan must submit a letter of resignation for the Board of Adjustments before he can be appointed as a board member to the Planning & Zoning Advisory Committee.

**MOTION: Hickson/Dezman to approve the appointment of Charles Ryan to the Planning & Zoning Advisory Committee with receipt of a letter of resignation for the Board of Adjustments. VOTE: All Ayes.**

**5. REQUEST FOR LAND USE CHANGE FROM OI TO R/LC FOR LOTS 1 AND 2 IN BLOCK 1 OF SNEDEKERS SUBDIVISION AND FROM MDR TO R/LC FOR LOTS 3-10 IN BLOCK 1 OF SNEDEKERS SUBDIVISION – APPLICANT SERENE HARBOR, INC.**

Mr. Booth advised Council that this property is across the street. The Planning & Zoning Advisory Committee has reviewed this and made recommendations to Council to approve this request. They are receiving funds from a grant and we need to proceed with this.

**MOTION: Hickson/Dezman to approve moving forward with the process of the ordinance.**

Mayor Eschenberg asked Mr. Bohne if this motion passes, can they proceed. Mr. Bohne stated that you as Council are authorizing the application to go forward. They will not be able to proceed.

**VOTE: All Ayes.**

**6. REQUEST FOR ZONING CHANGE FROM OI TO RLC FOR LOTS 1 AND 2 IN BLOCK 1 OF SNEDEKERS SUBDIVISION AND FROM RS-10 TO RLC FOR LOTS 3 THROUGH 10 IN BLOCK 1 OF SNEDEKERS SUBDIVISION – APPLICANT SERENE HARBOR, INC.**

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

**7. SITE PLAN REVIEW – PALADIN SHORES CONDOMINIUMS HIGHWAY 1, MALABAR – APPLICANT: ATLANTIC COAST CONSTRUCTION**

At this time, Richard Kern, RK Engineering, the engineer of record for this project, came forward and addressed Council. The plan before you is very similar. This is a nineteen acre site. We are proposing 114 condo units, clustered in seven separate buildings. Each unit will have a large two-car garage. The units will be in a semi-circular presentation. There will be a fifteen foot high landscape buffer. The amenity package will be fairly extensive as well. There will be approximately \$3 million in improvements. We have not made any proposals for docks. The developer will be running water and sewer along U. S. #1, at the north town limits to approximately three miles south. We are connecting at the Yellow Dog Café. The pipes will be 12" and the water main will be 6". All plans for these improvements have been submitted to the appropriate agencies for approval. The sewer interest is very light but the water interest is very heavy. A reimbursement agreement between Paladin Shores and the Town of Malabar will be drawn up. As new people come in and hook-up, the Town of Malabar will collect the funds and then do a pay-back to Paladin Shores. The site for the lift station and the lift station itself would be deeded to the Town of Malabar.

Andy Conklin, with Atlantic Environmental Solutions, and Dave Nagrodsky, the architect for the project, are both present this evening to answer any questions you may have regarding their issues. Mr. Booth stated that Council is only looking at the footprint. This would allow Mr. Paladin to start the on-site and off-site improvements to the property. No buildings would be constructed until all requirements are met. At this time, Mr. Conklin came forward and addressed Council with regards to the environmental aspects of the property in question. A portion of the land, .09 acres, is impacted wetland preservation. Mrs. Moccia asked Keith Mills, the staff Planner, and Bill Stephenson, the staff Engineer, if all was to their liking as far as the wetlands are concerned. They both answered that all requirements have been met regarding this issue.

At this time, Mr. Paladin came forward and addressed Council. He stated that he is looking to get started on the off-site project as soon as possible. This would be the water/sewer along U. S. #1. Once this is complete, they would like to start on the on-site project. They are looking for the approval from Council this evening for the on-site and off-site infrastructure. If Council has any questions, he would be happy to answer them. He knows this project from front to back. Mrs. Moccia asked about the maximum height of 35 feet. She is asking Mr. Paladin to keep this in mind and to stay within the Town's code. Mr. Booth stated that the codes allow for a maximum height of 35 feet and 2.5 stories. We are looking to have this changed to a maximum of 35 feet and three stories. Mrs. Moccia stated that she is not going to move from the 35 feet maximum. At this time, Mayor Eschenberg asked if there were any conditions that have not been satisfied. Norm Smith, the Building Official, stated that the height of the buildings looks to be about 50 feet, making them look to be about four stories. Mr. Bohne stated that we have half stories in our code and this needs to be addressed. Mr. Smith reminded Council that they had thought about allowing Mr. Paladin, which was discussed at a previous meeting, to go to 38 feet in height. Mr. Smith also stated that the Planning & Zoning Advisory Committee had not seen these architectural yet. At this time, Mrs. Moccia asked why Council was looking at plans that had not been reviewed by the Planning & Zoning Committee. It was explained to Council that the plans had been received by the Building Department the Thursday prior to the meeting at 4:00 p.m. They were trying to get them to us as soon as possible and the Planning & Zoning Committee had there meeting on November 28, 2005.

**MOTION: Dezman/Moccia to refer this back to the Planning & Zoning Advisory Committee for review. VOTE: All Ayes.**

Mayor Eschenberg asked if Council has to do something regarding a payback for the water/sewer system being put in on U. S. #1. Mr. Stephenson stated that Council has adopted Chapter 13, which has the technical provisions for the Town Administrator to sign off on this agreement. The mechanism is already in place. Mayor Eschenberg asked Mr. Bohne if the ordinance revision to the height would be available for the next Planning & Zoning Advisory Committee meeting. Mr. Bohne advised that it would be. At this time, Mr. Paladin asked Council what they would like to have approval on. Are they looking to have the architectural and footprint of the project approved by Planning & Zoning and then make their recommendations to Council? At this time, Mr. Paladin was advised that the whole concept of the project should be reviewed and approved with the recommendations coming from Planning & Zoning. Mr. Smith advised Council that the general provisions of the code allows for height exceptions. This would take into consideration the penthouse for the elevator and the stairwells. Mr. Paladin spoke very passionately regarding this project. He advised Council that he would stay within the guidelines of the codes for Malabar. This project is very special to him and he wants to

bring it to Malabar because he believes that there will be nothing like it along U.S. #1, it is a one-of-a-kind project and will make Malabar all the more special.

**At this time, by the request of Staff, Action Item #13 & 14 were heard.**

#### **8. QUESTION OF ESTABLISHING A MALABAR POLICE DEPARTMENT**

At this time, Mayor Eschenberg asked Mr. Withers to speak regarding this issue. Mr. Withers is against the Town paying for the MSTU, which the County wants to have the Town do. We should put this money into our own police department. At this time, Mr. Booth came forward and addressed the Council. Mr. Rivet asked Mr. Booth to request that Council table this issue because he would like to be present to be included in this vote. Mr. Booth as put together a study, which is being reviewed by Mr. Bob Rossman, as well as two other police officers. A special Mailboat will be mailed out in January to give the citizens of the Town the information to make an educated and informed decision about this issue. We will also put a survey into the Mailboat as well to see how the Town feels about this issue. The question of giving over the power of this issue to the County was brought up. We need to know if the citizens feel safe in their homes during the day/evening hours as well as the park. One issue has to do with comfort and the other has to do with money. We need to give the public more information and let them decide what they want to do. This issue should be tabled until we have more information. It is the general consensus of the Council to table this issue until such time as the Council has more information to make an informed educated decision. Mrs. Dezman stated let's assume that we have our own police department. Can we charge the County for patrolling their land? Mr. Vail stated that we would be on a mutual aid with the Sheriff's Department. Mr. Bohne stated that a mutual aid agreement would be drafted. There is general consensus with Council for the Town to conduct a survey. Mrs. Dezman stated that, with the information that Council has received, she knows more now to be able to answer survey questions. She is against a survey at this time. The citizens of Malabar need to be educated on these issues before a survey is sent out. It is very important that we are being pushed, by the County, into the MSTU. A survey is a good idea, but right now, it would be based on feelings and not on facts. Mr. Hickson asked what the recommendation would be for the next three years, are we to ignore the MSTU? Mr. Vail stated that he would like to see an informative article in the Mailboat with the statistics and the cost of a police department for Malabar. Ms. Kelley stated that she could get a special addition of the Mailboat out for the citizens regarding these issues by the third week of January.

#### **9. ACTION FROM LAST MEETING, FUNDING FOR COUNTY SHERIFF PROTECTION IN MALABAR**

Mr. Booth asked that this item be tabled until such time that Mr. Rivet is present to be included in the vote.

**MOTION: Dezman/Hickson to table this action time until such time as Mr. Rivet is present. VOTE: All Ayes.**

#### **10. SELECTION OF PROPOSED NEW TOWN HALL ARCHITECTURAL REVIEW COMMITTEE**

At this time, Mr. Booth asked that Council approve the same people on the Site Selection Committee to be on this committee. We need to look at other Town Halls and see what is out there that we like. We have the basis for the committee already. Susan Kabana asked that Council approve her being added to this committee as part of staff. The general consensus of Council is to have the same committee and to add Susan

Kabana and Pat Dezman to the committee as well. Mrs. Dezman stated that staff should send letters out to the members of the committee asking them to switch modes and be involved in the architectural aspect of the selections now. This will let us know who will continue to be on the committee and who will not.

#### **11. REQUEST FOR PAYMENT TO FLORIDA EAST COAST RAILROAD FROM FEMA FUNDS RECEIVED BY THE TOWN**

At this time, Mr. Booth addressed Council advising them that FEMA had placed \$33,000.00 in our bank account. These funds are designated for the railroad. Mr. Booth felt that this was fraud and contacted the FBI. The FBI stated that they felt this was not a problem. Mr. Booth wants Council to know that he did not sign off on the project worksheet for these funds. FEMA made this deposit on their own. Mr. Bohne stated that we could send a letter to FEMA and to the railroad to let them know that the Town has these funds. If they can't settle it between themselves, we could file an Interpleader Action with the courts. The court costs would come out of the Interpleader Action for the funds. There are rules that state funds cannot go through a private entity. We will give them advanced notice to let all parties involved know what the Town has decided to do regarding these funds. We will give a time frame of thirty days to come to some agreement. If they can't, we will proceed with the action.

**MOTION: Dezman/Moccia to provide written notice of thirty days then take it to the court if needed. VOTE: All Ayes.**

#### **12. FIRST READING, ORDINANCE 2006-01, AMENDING ARTICLE V SITE LIGHTING**

By unanimous consent, Mayor Eschenberg read the ordinance by title only.

**MOTION: Hickson/Moccia to approve as presented.**

Mr. Vail asked if we make any changes does this go back to a first reading. Mr. Bohne asked Mr. Vail what he was looking at. If any changes need to be made, now is the time to do it. Mr. Vail stated that he was looking at the pole lighting. He would like to see it at 60 watts as opposed to 100 watts. Yard lighting is not shielded, it is clearly lensed.

Council agreed that the ordinance stands as written.

**THE ROLL WAS CALLED: Hickson, Vail, Moccia, and Dezman – ALL AYES.**

Mr. Rivet was excused from the meeting.

#### **13. FIRST READING, ORDINANCE 2006-02, RELATING TO BUILDING CODES AND PERMIT FEES**

Moved to be heard after action item #7.

**MOTION: Hickson/Dezman to read ordinance by title only. VOTE: All Ayes.**

Mayor Eschenberg read the ordinance by title only.

**MOTION: Moccia/Vail to approve Ordinance 206-02 as presented.**

Building Official Norm Smith stated that every jurisdiction in the state must adopt this ordinance.

**VOTE: All Ayes.**

#### **14. RESOLUTION 25-2005: WATER UTILITY RATE INCREASE**

Moved to be heard after item #7 and #13.

By unanimous consent, Mayor Eschenberg read the resolution by title only. Mr. Booth stated that approximately about 1 ½ years ago Council decided that we would increase the water utility rates, across the board, by 10% to off-set the cost of maintenance. We put this off due to the hurricanes. Mayor Eschenberg asked what the impact would be.



Mrs. Dezman stated that this affects the people in Country Cove and Brook Hollow and she has heard nothing against this.

**MOTION: Moccia/Hickson to approve Resolution 25-2005 as presented.**

**THE ROLL WAS CALLED: Hickson, Vail, Moccia, and Dezman – ALL AYES.**

Mr. Rivet was excused from the meeting.

#### **15. CHRISTMAS BONUSES – RECOMMENDATION FROM TOWN ADMINISTRATOR**

At this time, Mr. Booth addressed Council regarding Christmas bonuses for staff. Mr. Booth stated that this had become a tradition with Mr. Rossman, using funds from his discretionary account. Mrs. Dezman has stated that she is in favor of this. Mr. Booth advised Council that he would like to have \$200 per staff member. He is asking Council for \$100.00 from each of their discretionary fund accounts, along with Mayor Eschenberg. The other funds would come from the budget to make up the difference. Council asked how many staff members would be receiving bonuses. Mr. Booth stated that there are thirteen in all, there is one that is on probation and would not receive a bonus. Mrs. Dezman stated that a bonus for the Town Administrator should be approved as well. At this time, Susan Kabana stated that a bonus was not necessary for her because she was out on medical leave for three months. Council stated that she would also receive a bonus. It is with unanimous consent that Council donates \$100 from each of their discretionary fund accounts to be placed towards Christmas bonuses for Town staff.

#### **16. Purchasing of Billie Property**

Mr. Vail stated that the price is right for this property and the Town should move on it.

**MOTION: Dezman/Vail approved to put this in public notice and move forward.**

Mrs. Kabana asked Council if she could make a suggestion. We should get this property as a long term debt. It would help us in the future to get bond funds. We have no long term debt at this time. Mr. Vail stated that a letter of intent should be drafted or that the Town place a deposit to secure the property. Mr. Bohne stated that a letter of intent is in process. We can't formally act on this until we have a public hearing. This is to be added to the January 12<sup>th</sup> Council meeting agenda.

**VOTE: All Ayes.**

**MOTION: Hickson/Moccia to approve a letter of intent signed by the property owner. VOTE: All Ayes.**

#### **DISCUSSION ITEM:**

##### **1. PARK BOARD TERMS**

Mayor Eschenberg stated that it was brought to his attention that the provisions for staggering the terms of the board members is in the ordinance but this has never been done. How are we going to implement this at this point in time? Mr. Booth stated that the next time a new board member is appointed; the term for that member should be staggered for three years. This is an issue with the Park Board only. The Board of Adjustment is not less than three years and no more than five years. Council would like the Board of Adjustment on the January 12<sup>th</sup> agenda as a discussion item. The Planning & Zoning Advisory Committee is fine.

#### **REPORTS: MAYOR, COUNCIL**

**Vail**-advised Council that he would be taking the funds from his discretionary fund to pay for the banner and appreciation plaque for Tarmac.

**Moccia**-she spoke with Fran from Brevard County regarding the maps for the bus stops. We should have that information available to us.

She will continue to meet with the Park & Recreation Board regarding the Foot Park. The board may have some ideas that would benefit the park. We do want a bridge on the second property.

Mrs. Moccia reported that she did enjoy the Chair position but she is happy that the Mayor is stepping in and taking it over.

**Hickson**-has nothing to report at this time.

**Dezman**-she has advised Country Cove that the County Commission and Brevard County Manager would like to meet in regards to the hog issues.

Mrs. Dezman stated that she normally pays for her substitute teachers. While she is doing Town business, she would like to take the funds from her discretionary fund account to pay for the teacher in her classroom.

**Mayor**-no one has mentioned the email from Murray Han. He would like to have this on the next agenda as a discussion item. Mr. Booth advised Council that this was written to the State, there is nothing factual about this email. Mayor Eschenberg stated that Council should take a moment to discuss items such as this if someone takes the time to write.

Mayor Eschenberg made Council aware of all the hard work that is being put into Operation Shoebox by Pat Lewis. She is the Fire Department Chaplain. He would like to have a Certificate of Appreciation and a donation of \$120.00, \$20.00 from each discretionary fund, to go towards Operation Shoebox for the troops. If possible, he would like to make a presentation to her at the Christmas party on December 10, 2005. It is with general consensus that Council agrees to this donation from the discretionary fund accounts.

#### **PUBLIC COMMENTS: GENERAL ITEMS**

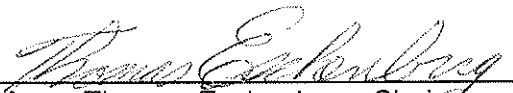
**Daniel Welton**-2635 Hunter Lane-came forward and addressed Council at this time regarding illegal burns within the town's limits. In order to have a legal burn, a resident must contact the Fire Department to request a permit. There are conditions that have to be met before the burn can occur. Approximately 9% of the citizens of Malabar know what has to take place before a burn permit is issued. The information in the ordinance is very clear and must be adhered to. We need to do a mailing with regards to this issue to the residents. If possible, this could be put in the special issue going out in January for the police department issues? Ms. Kelley stated that the special addition could be dedicated to both the police department and the fire department issues. She would need some assistance with the articles for the issue. Mr. Welton stated that the ordinance, verbatim, should be put in the Mailboat. The Fire Department will enforce the ordinance. There have been several illegal burns that they have had to put out. We are in the brush fire season and one little stray spark can be very dangerous. Mrs. Dezman stated that an article for this issue should come directly from the Fire Chief.

Brian Hunter-2825 US #1—came forward and addressed Council at this time regarding the issue of having our own police department. Mr. Hunter is in favor of this and hopes that Council will be encouraged to pursue this avenue.

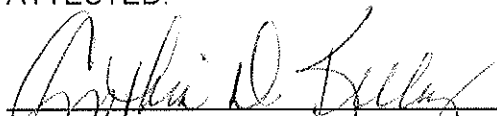
### ADJOURNMENT

With there being no other business to discuss, a **MOTION: Dezman/Hickson to adjourn** at 10:30 p.m. **VOTE: All Ayes.**

BY:

  
\_\_\_\_\_  
Mayor Thomas Eschenberg, Chairman

ATTESTED:

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

1/12/06

\_\_\_\_\_  
Date