

## MALABAR TOWN COUNCIL REGULAR MEETING

June 6, 2011 7:30 PM

This meeting of the Malabar Town Council was held at Town Hall at 2725 Malabar Road and recorded on [Ustream.tv/malabarfl](http://Ustream.tv/malabarfl).

### A. **CALL TO ORDER:**

The meeting was called to order at 7:30 pm by Chair Thomas Eschenberg. The prayer and pledge were led by Chair Thomas Eschenberg.

### B. **ROLL CALL:**

MAYOR/CHAIR

VICE-CHAIR:

COUNCIL MEMBERS:

TOM ESCHENBERG

MARISA ACQUAVIVA, excused

CARL BEATTY

DAVID WHITE, late arrival

STEVE RIVET

JEFF MCKNIGHT

TOWN ADMINISTRATOR:

BONILYN WILBANKS

TOWN ATTORNEY:

KARL BOHNE

TOWN CLERK/TREASURER:

DEBBY FRANKLIN

Also present were Fire Chief Covey and PW Mgr Tom Miliore. CM White arrived at 9PM.

### C. **ADDITIONS/DELETIONS/CHANGES:**

CM Acquaviva called and asked to hold over K.4. Fire Inspections and K.8. Utility Tax on Water Sales until June 20 meeting. What Mayor would like to do is remove K.8. and move the Fire Insp to discussion. Just not take a vote on it. Without objection. Fire Insp discussion will be 12.

**D. PRESENTATION:** Kevin Pagliarulo - Eagle Project – Kiosk at Malabar Community Park  
Kevin showed pictures and went over project highlights. He had nine workers and did it after school and on week-end before dark. Mayor asked if anything is posted yet in kiosk. No. TA stated there is another Eagle Scout project request and she is suggesting another kiosk to get put up by the soccer field. They could post the soccer schedules and events in the kiosk. She is looking for Council approval and will then let Park Board know. McKnight thought Park Board should recommend not Council. Franklin stated they would also include park layout and use for Springfest.

**E. PROCLAMATION:** June 14 is Flag Day – Mayor read.

### F. **CONSENT AGENDA**

#### 1. **Approval of Minutes**

RTCM minutes – 05/16/2011

**Exhibit:** Agenda Report No. 1

**Recommendation:** Motion to Approve

**MOTION:** Rivet / McKnight to approve the consent agenda as presented.

Mayor read the resolution by title only.

**VOTE: 1.)** Beatty, Aye; White, Absent; Rivet, Aye; McKnight, Aye; Acquaviva, excused. Motion carried 3 to 0.

**G. PUBLIC COMMENTS:** General Items not related to agenda items (Speaker Card Required)

Hans Kemmler, 2785 Malabar Road, wanted clarification on recent events on Golf Disc Park. They have been improving the land there, putting in disc golf baskets and putting in concrete "ts" 4' x 10'. When they first went to build this he was Park Chair and he personally called State and asked if this was a suitable use and they said yes. He then called State and asked if they could put in concrete pads. He called today and asked who has jurisdiction and authority to regulate – Town or State. Hans wants to make sure everyone understands the requirements. They mow it and remove exotics. He wants clarification from Council on jurisdiction. That is what they are asking for. TA asked Chair to respond. Mr. Tabor of State FCT said he can't approve the concrete pads without seeing samples. She sent pix and he will review and respond regarding the cement "Ts". State wants updated maps. Town Engineer Morris Smith is working on that and Mr. Tabor said he will review the request to update the Management Plan and once amendment is received they will look at it. TA said we don't let any other organization do their own maintenance on Town owned property. TA said that is a point a contention with Hans Kemmler. Kemmler said the first work done on the property was done by a group of volunteers. TA said there was signage in Kiosk asking for funding. Mayor said there should be channels that anyone should go thru before any work could be done on town owned property and as a park it should be the Park Board. Before any modifications are done Not that the Town wouldn't give permission, but you have to go through channels and that wasn't done. Kemmler stated no, they didn't know the channels. Mayor said Kemmler was out of country so he couldn't give advice. The people who did this should have gone to Town. Kemmler said the attitude of people is that the Town wasn't going to pay for anything, so they would go ahead and do it. He stated they did go to Park Board before he left. TA said we still need to go through the management plan issues. She has to do an annual report to State. He is aware of the requirement and Kemmler doesn't want this to be drawn out into something that is going to take a year because some of the requirements may take that long. Kemmler stated there was a change to the use of this land that was agreed to by elements of the Town, and the local people pitched in and did all the work and paid the money and it has been known to be a Golf Disc Park for 2-3 years. The scouts did the fence and they helped and the Town paid for the fencing, so it is clear it has been a Golf Disc Park. TA said the Management Plan should have been updated before any of that but it is being done now and the fencing was done as an Eagle Scout project for safety reasons. The Town did in fact pay to replace a pin that was stolen. It is the same issue with the driveway concrete. TA said the State does recognize golf sic as an approved use on conservation land but you have to ask and they have to approve. The Management Plan wording has been updated and will be sent to State.

McKnight said how did the Town handle the trail clearing projects and they used their own equipment. Mayor said the group led by Mr. Cameron was aa Council authorized project. TA said that those projects were done by a Town approved committee of Greenways and Trails. McKnight said the concrete pouring should go through Town approval but as far as clearing the malaluca and pepper trees, that should be ok. TA said such clearing of exotics is required by the management plan and if she knew the areas that were done she could report on it in the annual report and get credit for it. Kemmler said he and the guys will go to the Park Board and find out if they will recommend approval "T" by "T" or all eight (8) of them as one.

#### **H. STAFF REPORTS:**

ATTORNEY: Referenced paper he got. PB Atty was fired. Atty Karl Bohne called Mr. Stokes and asked what his condition is on pending matters. He may be staying on for the final

resolution of the pending litigation. Ms. Hann is the new City Mgr. Mayor said she is a Malabar resident. Atty Karl Bohne said motion for summary judgment set for Sept 1. Some discussion between their atty and Ms. Hann. Atty Karl Bohne hopes they will keep Stokes on to finish this.

Bohne made comment regarding the fence ordinance. He got the latest revisions back from P&Z and he has tried to match their mark-up with the current code. It was difficult as their numbering did not match what was in current code. He just wanted to let Council know. So it is going to P&Z on June 9, 2011.

Mayor said he didn't think they made that many changes. Atty Bohne stated he thought he got it all. McKnight said would it help by having him go to P&Z on Weds. Bohne has a G-V mtg on Weds. If they didn't reference it he left it in. It should be ok.

**ADMINISTRATOR:**

- TA asked for Council consensus on additional kiosk by soccer side of Malabar Community Park. Council consensus to send to Park and Recreation Board for their recommendation.
- Replacing pipe at Hunter and Atz. Tomorrow. Emergency situation. Short notice and some grumbling by residents.
- FRS impact to employees. Make employees whole. The employees will pay 3% and the employer amount is reduced by 3%. He will be bring this back. Mayor said for this year, the cleanest way is a performance bonus. Atty Karl Bohne said no to calling it a bonus. Mayor said call it a COLA. It is not work related incentive. Mayor said we will need to address it again in July in budget workshop. Rivet said no one working for Town of Malabar is overpaid. Mayor said it is a 3% salary cut.
- Fire Chief report on 1<sup>st</sup> monthly Pancake Breakfast at Fire Dept on 6/5/2011. Chief Covey thanked CM Rivet and TA for help. TA said they need to improve the communication with area businesses. Mayor asked for head count. Chief did not do head count but knew that they went through nine (9) pounds of bacon, ten (10) lbs of pancake mix. There was interest in doing spaghetti dinner. They did not break even. They bought banner and coffee pot. After a few more they will be in black.

**CLERK:**

- The SCLC Dinner is at Buena Vida Estates, hosted by Melb Village and W Melb
- The legislature considered bills that would lower the percentage on the Communication Service Tax (CST). The bills were not voted on in committee, but several legislators have stated they will bring it up again in Jan with new 2012 session. We were collecting 7% until they passed the Telecommunications Act in 2000. We now collect 5.22%. They are proposing a max of 4%. The difference in the reduction in the percentage would not go to the State instead of the municipality; It would be a savings to the telecommunications industry. The information I received stated we may want to check with our lobbyist to see if they also represent the telecommunications industry. She would like to draft a resolution requesting the State Legislature to leave our tax rate as is. This is one of only three revenue sources that are granted to municipalities by the State to fund general purpose expenses (the others are BTR and Utility taxes). Consensus of Council to allow Franklin to draft resolution to request Legislature to leave CST percentage as is. Next session does not start until January 2012.

**I. PUBLIC HEARINGS:** Are legally advertised for 7:30 PM *or as soon thereafter as possible.*

**ORDINANCES: 1**

**2. Amendment to Chapter 13, Street and Road Improvement (Ord 2011-36)**

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; AMENDING CHAPTER 13 OF THE CODE OF ORDINANCES OF THE TOWN; AMENDING SECTION 13-42; DELETING THE CAP OF TEN YEARS FOR ROADWAY IMPROVEMENT PAYBACK; DELETING THE 6% PER ANNUM INTEREST ON THE ROAD PAYBACK TO THE ROAD BUILDER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 2

**Recommendation:** Request Action

Chair read by title only and then opened the Public Hearing:

No public.

Closed PH

**MOTION:** Rivet / McKnight to approve Ord 2011-36 on second reading. Discussion. Rivet asked why the interest portion was being deleted. Atty Karl Bohne said we don't want to be a bank or a collection agency.

**VOTE:** Beatty, Aye; White, absent; 1) Rivet, Aye; McKnight, Aye; Acquaviva, excused. Motion carried 3 to 0

**J. PUBLIC: ITEMS DIRECTLY RELATED TO RESIDENTS AND RECOMMENDATIONS FROM TOWN BOARDS/COMMITTEES PRESENT AT MEETING**

**3. Recommendations from Park Board – Plaque for Gary Dotson**

**Exhibit:** Agenda Report No. 3

**Recommendation:** Request Action

Rivet has no issue. Franklin asked for a funding source.

**MOTION:** McKnight / Rivet to approve plaque and certificate of Appreciation.

Discussion: Beatty volunteered his discretionary money. He suggested mounting it in kiosk to secure and protect it rather than mounting on an upright of pavilion where it could be worked off. Franklin said they will do a Certificate or Proclamation for the kiosk and staff suggested a washboard because that is what Gary played and we would mount it securely. **VOTE:** All Ayes.

**K. ACTIONS ITEMS:**

**ORDINANCE: First Reading**

Item K.4. moved to Discussion, Item 12.

~~**4. Amendment to Chapter 8, Fire Inspections (Ord 2011-37)**~~

~~AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; AMENDING CHAPTER 8 FIRE PREVENTION AND PROTECTION; AMENDING ARTICLE II STANDARDS; AMENDING SECTION 8-32 RELATING TO FIRE INSPECTIONS; PROVIDING FOR REPEAL, SEVERABILITY AND INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.~~

**5. Amend Code to Provide Current Regulations For Adult Care Facility (Ord 2011-38)**

Mayor read by title only.

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; AMENDING THE TOWN'S LAND DEVELOPMENT CODE; DELETING SECTION 1-2.6.B. 8, LAND USE CLASSIFICATIONS; PROVIDING FOR ADULT CARE FACILITIES; AMENDING

SECTION 1-3.1.I DISTRICT PROVISIONS; PROVIDING FOR LIMITED RESIDENTIAL USES IN THE OI (OFFICE/INSTITUTIONAL) ZONING DISTRICT; AMENDING TABLE 1-3.2; REMOVING REFERENCES TO GROUP HOMES AND PROVIDING FOR ADULT CARE FACILITIES; AMENDING TABLE 1-6.1 (B) DELETING REFERENCES TO GROUP HOMES AND MAKING PROVISIONS FOR ADULT CARE FACILITIES; AMENDING SECTION 1-9.2.12; PROVIDING FOR ADULT CARE FACILITIES; ESTABLISHING PARKING REQUIREMENTS FOR ADULT CARE FACILITIES; DELETING THE DEFINITION OF GROUP CARE FACILITY IN ARTICLE XX; AMENDING TABLE 1-3.3.A PROVIDING FOR A MINIMUM SQUARE FOOTAGE FOR SINGLE FAMILY HOMES IN THE RM-6 ZONING DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 5

**Recommendation:** Action

**MOTION:** /

**NO MOTION. ITEM FAILS ON FIRST READING FOR LACK OF A MOTION.**

**6. Ordinance 2011-39 – Extend Moratorium on Pain Clinics**

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PERTAINING TO PAIN CLINICS, PAIN MANAGEMENT CLINICS, AND CASH ONLY PHARMACIES, EXTENDING A MORATORIUM ON THE ISSUANCE OF BUSINESS TAX RECEIPTS FOR THE OPERATION OF "PAIN CLINICS, PAIN MANAGEMENT CLINICS AND CASH ONLY PHARMACIES" IN THE TOWN OF MALABAR FOR A PERIOD OF ONE HUNDRED EIGHTY (180) DAYS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 6

**Recommendation:** Request Action

Mayor read by title only.

**MOTION:** Rivet / Beatty to approve Ord 2011-39 on first reading.

Discussion: Rivet believes State has passed legislation regarding these. Atty Karl Bohne is not sure what they have passed. We are behind in extending the moratorium. Rivet said this would not be redundant? No. This is more detailed, it is not redundant.

**VOTE:** Beatty, Aye; White, Absent; Rivet, Aye; 1) McKnight, Aye; Acquaviva, excused. Motion carried 3 to 0

**RESOLUTIONS:**

**7. Approve Interlocal Agreement with Brevard County for Dispatching (Reso 89-2011)**

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, ADOPTING THE INTERLOCAL AGREEMENT BETWEEN THE TOWN AND THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS, FIRE RESCUE DEPARTMENT FOR PROVIDING E911 DISPATCHING SERVICES FOR THE PERIOD OF APPROVAL DATE OF THIS AGREEMENT THROUGH SEPTEMBER 30, 2014; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HERewith PROVIDING AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 7

**Recommendation:** Request Action

Mayor read by title only.

**MOTION:** Rivet / McKnight to approve Reso 89-2011.

Discussion: Rivet asked about the dollars. This eliminates 1500 we pay for the paging. Mayor asked what we are getting for this. Chief said we are getting professional paging service. We were getting a free ride. We are getting the best deal in the County. Chief met with them a number of times and got it down. TA said we moved money around. Next year it is 9500. Chief said it is required by law to have full dispatching services. When they go on a call, they may have someone to talk to or they may not. Now they have someone to talk to throughout the call. The separate cost of 1500 will go away. This does not affect the amount we pay for the radios and the backbone system. Also other cities will be reluctant to do mutual aid without a full dispatching service. They will be able to get rip and run before they leave station. More information before going on call. Rivet asked about source of funds. Chief has identified the money in other line items for the rest of this year.

**VOTE: 1) Beatty, Aye; White, Absent; Rivet, Aye; McKnight, Aye; Acquaviva, excused.** Motion carried 3 to 0

#### **MISCELLANEOUS:**

**8. Decision on Utility Tax on Water Sales – PULLED UNTIL 6/20/2011**

**9. Request from Melbourne for July 4 Contribution.**

**Exhibit:** Agenda Report No. 9

**Recommendation:** Action to Council

Mayor said last year we gave \$400.00. No action taken by Council on this request.

#### **L. DISCUSSION ITEMS:**

**10. Internet Cafes**

**Exhibit:** Agenda Report No. 10

**Recommendation:** Request Discussion and Direction

Rivet said banning these might be too broad. Let's only disallow the very thing we don't want. Karl Bohne explained the Chuck E Cheese exemption for the tickets you win on arcade games. In these types of internet cafes, you redeem the tickets for as an example, a cash card for Wal-Mart. Mayor said this should be an issue for the State Legislature. Atty Karl Bohne has told other cities that he represents that they need to define the appropriate zoning for it. You control it with zoning. The other cities have addressed it is with zoning. Mayor said this is a perfect item for P&Z to identify what zoning these places should be allowed in.

Atty Karl Bohne said Melbourne closed down some of these establishments where you pay \$20.00 and get 20.00 of credit on a machine that you simply hit an enter button. After a long process in court it was determined by court that hitting the button was considered to be a game of skill. The payout can't exceed 75 cents per spin. If you spin a 1000 times and you can collect 500. Consensus of Council to send to P&Z for determine of proper zoning.

**11. Malabar Flag (Eschenberg)**

**Exhibit:** Agenda Report No. 11

**Recommendation:** Request Discussion and Direction

Mayor stated the Clerk provided some info from cities in Brevard – 10 have flags, 6 do not. Mayor thought we could ask citizens to submit designs and maybe get 20 – 30 selections from residents. We can have it on for action at next Council meeting. McKnight doesn't have problem with it. Rivet has no objection. Beatty has no objection. McKnight said where would we have a flag made? He knows someone that does sails. Mayor said we could ask other cities where they get theirs done. Put on for action at next meeting.



12. Moved From Action K..4.

**Amendment to Chapter 8, Fire Inspections (Ord 2011-37)**

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; AMENDING CHAPTER 8 FIRE PREVENTION AND PROTECTION; AMENDING ARTICLE II STANDARDS; AMENDING SECTION 8-32 RELATING TO FIRE INSPECTIONS; PROVIDING FOR REPEAL, SEVERABILITY AND INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.

Rivet said under the financial impact on the agenda report, it was shown as 3K in revenue. The expense of FM is 2K so it should be 1K impact.

McKnight read a section from document he had reviewed with Attorney Bohne. He discussed it with Attorney. He had also received a study from Margate. They submit a survey to businesses and they fill it out and submit it to Town. It would reduce the liability aspect and handle the inspection issue. McKnight also discussed this with attorney.

This would not replace inspections required by insurance companies or OSHA or DBPR or other State requirements for an inspection. Atty Bohne said under Part II of NFPA, the Statute has also says the local jurisdiction shall also inspect. The local jurisdiction can be more restrictive than the statute.

Atty Karl Bohne said the section McKnight gave him deals with the minimum fire safety. Example if the business pre-existed the requirement for sprinklers. We are just talking about the inspections in this ordinance. Everyone would like a copy of McKnight's information. Atty Karl Bohne thinks the distinction is the pre-existing building and sprinklers. McKnight will send information to Clerk and she can send it out to Council and Attorney electronically.

McKnight said if you change your line of business, you have to get an inspection. The minimum fire standards are what McKnight has brought in.

Rivet said self inspection of businesses will always result in satisfactory inspections. Rivet gave example of building with sprinklers and 20 years later, the pipes are rusted and not working. McKnight said if they were supposed to test it on the self inspection and didn't then the liability is on them.

TA said they had a case here where they had to get State Fire Marshal to escort them to do inspection. With the inspection, they found the fire alarm did not work.

9PM, CM David White arrived.

Mayor said under 2.B., someone gets a permit and the permit triggers the fire inspection. That is one that should stay. Maybe it should read building permit. Atty Karl Bohne read it a different way. It is always going to trigger an inspection. Bohne's point is that not just every permit – example is an AC permit would then trigger a fire inspection.

Mayor said in the first section – the last section he thought should/would be deleted (Sec 8-32). The second part is more inclusive. Mayor said it lacks the reasonable notice.

Mayor said instead of annual the county does it every three years unless annual are dictated by State law. Rivet said the statute said periodic. We use that to mean annual. Mayor referenced Margate and asked if State law required some businesses to have annual inspections. Yes, like schools or

requirements by the State for certain occupancies. McKnight said if there is a threat or a complaint they can also do an inspection. A complaint from a customer or employee or a fire or smoke could all trigger an inspection.

Mayor said another point brought to his attention was that sometimes a commercial business has more than one building on premises and not all buildings have to do with business. The Code should be clear that the personal use buildings should not be open to inspection, only where the commercial operation takes place. TA stated that the diagram submitted when they get their BTR shows what buildings are associated with business. If it is open to public, it is not a personal building.

McKnight said then we are back to businesses not open to the public. Rivet said if it is not open to public it should not be inspected. McKnight said that some law offices are not considered a public building because you have to call and get an appointment to come in. Mayor said that would then apply to doctors offices too. McKnight said not a hospital because that you could walk in. Mayor said the waiting room would be public area because anyone could come in and sit down.

McKnight referred to areas Atty Bohne had stated were gray areas and asked if we should be asking the AG for clarification on this. Atty Karl Bohne said one of the questions is are we required to do fire inspection? To do periodic inspections; periodic does not mean annual, it could mean monthly or it could be ten years. Bohne said under the statutory sections he referred to are we required to do them or do we have discretion to not do periodic inspections. Mayor said apparently Margate does. Bohne said they do self inspections. Mayor said he likes the Margate idea of self inspection. Bohne said he knows how the Fire Chief feels and maybe we need to ask Attorney General (AG) for an opinion. Rivet said you can then have them do their own building inspections. Mayor asked what he would ask AG. He will put one together and run it by Council. The simpler the better – what is the requirement to do fire inspections. If we are required to do them are there businesses that existed before the code.

Bring this back as discussion with Atty Karl Bohne's proposed AG question. Can a self inspection qualify as a fire inspection? See if it is a viable alternative.

Fire Chief wants it on record that his position is that businesses should be inspected.

**M. MAYOR AND COUNCIL REPORTS:** (number indicates the order in which they spoke.)

5.) Mayor: nothing.

4.) Beatty: nothing.

3.) White: He apologized tonight and for not being at last meeting. He said he has been thru a lot of personal things in last three weeks. He got word at 4PM this date that his grandmother passed. It has been a rough three weeks. His mother was stricken and put in hospital two weeks ago. Council expressed sorrow for his loss.

2.) Rivet: LaCourt resurfacing: TA said they are working on contract. Hopefully one week.

1.) McKnight: Does Town have log for town vehicles. He has seen town vehicles outside of town and would like to come in and see a log. Put on agenda for discussion at next meeting.

The next item, he has been told that there is occasion of employees calling residents and asking residents to support and not an issue. He is fairly certain it has happened. McKnight is not going to point fingers. Since there is not a policy, he wants Council to discuss putting a policy in place that would prohibit such activities. Then if it does occur again, action can be taken. He wants to put policy in place. It is not the right thing to do. Tom Miliore said every vehicle is logged daily and states where it went and what was done with it.

.) Acquaviva: excused

**N. PUBLIC COMMENT:** General Items related or not to agenda items (Speaker Card Required)



Bobby Baird – on behalf of PB hospital. About NFPA. Don't look at 101. Look at either 1 or 10. The City of Melb collects for FI and collects every year. He wanted to express to Council that every time he calls Malabar Town Hall he gets great courtesy and prompt accurate assistance.

The ALF would be a good thing. The hospital does support it for a health care facility in the area. His 19 years in business gives him insight on this. He has had discussions with Building Official and also with Fire Chief. Plans show only one elevator, need to have another elevator and the generator is just for just emergency lighting. He requests that the company have a robust emergency plan. Certainly for a disaster, you can't bank on the local businesses to help. He heard during previous presentations that the hospital is just across the street.

Frank Plata has been working with staff. Had a productive meeting with P&Z and other issues with them and the ord is now similar to Melb. After 7 months we have been able to proceed. They have had unanimous comments. They also have been working with elderly and mgnt companies and dealt with the emergency mgnt plan. They are going to do upgrades to their plan. They will be working with hospital. The benefit is for the regular needs and familiar with local doctors instead of going to far away locations. The other locations they are getting information and the average age is over 90. Being able to provide contact with hospital. Before they get to nursing home. The other facilities they have on a month to month basis because their budget is running out. They have been working for 7 months to come up with an ord. They want a product that Town can be proud of.

Local managers, local owners, local residents. From the ordinance part they have had good support from staff. Council agreed that our code did not address this use. Tonight Council did not make a motion and his message is that Malabar does not want this type of facility in Malabar. Plata said the town needs to have some shelter for the elderly. Mayor said to Mr. Plata to lobby Council individually on their thinking. Maybe he could understand. Chair cautioned him about acting as a conduit if he does call and lobby Council Members.

Plata said they spent 600,000.00 on preliminary plans and the monthly costs were at least 1000.00 more per resident to locate on US Highway 1. Chair said talk to each Council.

Council has said tonight that they don't want this type of facility in Malabar.

Joseph Hooker, regarding fire inspections, he is finishing up the certification training. Council needs to refer to NFPA 1, if occupancy is opened to public; you have to do fire insp. If private occupancy, then no fire inspection.

#### **O. ADJOURNMENT**

There being no further business to discuss, **MOTION:** Beatty / McKnight to adjourn this meeting.

**VOTE:** All Ayes. The meeting adjourned at 9:50 PM.

BY: Thomas M. Eschenberg

Mayor Thomas M. Eschenberg, Chair

ATTEST BY:

Debby K. Franklin

Debby K. Franklin, C.M.C., Town Clerk/Treasurer

Date Approved: 6/20/11