

**MALABAR PLANNING AND ZONING BOARD REGULAR MEETING
OCTOBER 23, 2013 7:30 PM**

This meeting of the Malabar Planning and Zoning was held at Town Hall at 2725 Malabar Road.

A. CALL TO ORDER, PRAYER AND PLEDGE:

Meeting called to order at 7:30 P.M. Prayer and Pledge led by Chair Pat Reilly.

B. ROLL CALL

CHAIR:	PAT REILLY
VICE-CHAIR:	LIZ RITTER
BOARD MEMBERS:	BUD RYAN
	DON
	KRIEGER
ALTERNATE:	GRANT BALL
ALTERNATE:	LEEANNE SAYLORS
BOARD SECRETARY:	DENINE SHEREAR

Denine stated that also present were Mayor Beatty and Clerk Franklin

C. ADDITIONS/DELETIONS/CHANGES: Chair changes E. Public Hearing to F. Action as a PH is not required. No objection.

D. CONSENT AGENDA

1. Approval of Minutes Planning and Zoning Meeting- 10/9/13

Motion: Bud/Liz to approve minutes of 10/09/2013 as corrected:

Corrections: Grant pg 4/68 someone as sb has

To sb of

Liz 5/68 1st line Korn is explaining that Grant Reilly say sb says

3rd para take the

7th para definition of sb an

6/68 then social Ritter explains that we should

6th para 2nd line need

We are reading as if it

You are required

Under new business affected burden take ed off

Line starting with Korn said owner sb owned publicly

Ryan is explaining that everyone understands the way that was affect sb effect

7/68 add Palm Bay to sentence

2nd para 2nd line Ritter they sb Palm Bay-Denine said they said they

VOTE: All Ayes

E. PUBLIC HEARING: (moved to F. Action)

F. ACTION:

2. Request for a Change to Land Use Designation and Rezoning from CL to R/LC located at: 1490 Marie Street, Malabar. Applicants, Mr. and Mrs. Murdoch.

Exhibit: Agenda Report No. 2

Recommendation: Action to Council

Chair called applicant to podium.

Thomas Murdoch introduced himself and wife Joanne as the new owners of the "old school house" and stated they are currently doing restoration work on the building. The change they are asking for is so they can reside upstairs and use the downstairs for weddings, events, parties, meetings, etc. They have created an LLC for the business they propose. They would like to live upstairs so they can oversee the use of the downstairs when it is rented.

Chair asked if the Brevard Hardwoods would remain. Murdoch explained that he would not. He is looking for another location. Murdoch thinks the world of Jim Noble and will miss him when he is gone. He has done much to help them along the way.

Chair asked if anyone from audience wanted to speak. No one came forward.

Chair asked Board if they had any questions for Mr. Murdoch. Chair asked Mr. Murdoch to take a seat.

Liz asked if they would have to do anything re: parking. Leeanne said it was a lesser use than CL.

Chair asked for motion for approval for discussion purposes.

MOTION: Grant /Ryan to recommend approval of Ord 2013-67 for the change to the land use Designation and the rezoning request as submitted by the Murdoch's at 1490 Marie Street, Malabar, FL.

Discussion: Grant said it is not a lesser use. Having it open for parties and get-togethers. That is what Jim has used it for until now. Ryan said there is another old school house in Sebastian that was renovated and it is great. Murdoch's said they have been there. Ryan said he was heavily involved with the discussions re: the Town possibly buying the building. Although it would be a good purchase there were requirements the Town could not afford.

Mr. Murdoch said they know the Nobles were good stewards of the property and they also will be good stewards of the property. He would like to time the opening of the time capsule with the Town at SpringFest or some other Town event. Ryan said it is a welcome addition to Town. Denine showed the picture of the new paint job they had done.

Chair stated that his recommend approval based on the following points:

1. Follows the Proposed Land Use changes that the Board recommends for the future of the Town.
2. Meets the intent of the R/LC Land Use District definition in Article 3 in the Land Development Code.
3. Cultural and Civic Activities are a Permitted Use in R/LC per Table 1-3.2 in the Land Development Code.
4. Meets the parameters in Table 1-3.3(A), Size and Dimension Regulations for R/LC.

Chair called for any other discussion. None.

Chair called for **Roll Call Vote:** Board did roll.

Krieger, Ave; Reilly, Ave; Ryan, Ave; Ball, Ave; Ritter, Ave; **Motion carried 5 to 0.** This part of the meeting ended at 7:51 and Franklin left.

G. DISCUSSION:

- 3. Continued Discussion on Code Requirements for Assisted Living Facilities Exhibit:** Agenda Report No. 3
Recommendation: Discussion

Chair stated Board should continue discussion on Code Requirements for ALF's and start with "Off-Street Parking". First, there was a speaker's card from Mr. Paladin.

Mr. Paladin, gave an update that basically they are putting their package together to go forward with the next phase, which is our entitlement stage. Once we get approved, I am confident that sooner or later we will get this passed and I will get approved so I am going forward with that. I will be going to New York next week to validate the budget so I will be able to obtain the funds and have them ready to go. Basically everything we talked about I am in agreement with, so I am just here to see how the wording goes to see if I can be of any help and as far as the "Off-Street Parking", I sent some information on that and they are all about the same, basically any of those fit because I have so much room around the building, I can meet that Code and meet your requirement. Paladin thanked the Board for all their hard work and if he could be of any assistance he is there.

Reilly we need to go to "Off Street Parking" and finalized this and put the package together then go back through everything.

Reilly go to page 66/68 in packet I looked at the email information from Gary Parris and made a ration so they were all the same, 2:3 or 2:5.

- Brevard County has a ratio of 2:5, that equates to 12 per 30
- City of Palm Bay has a ratio of 1: 2.63 that is 11 per 30
- Melbourne has ratio of 2:3, that is 20 per 30

Reilly, go to page 68/68 it says "plus one (1) space per employee on the largest shift", I would like to have this in the words. Reilly explains that when they submit the site plans for review, would the employees be on site plan? Reilly is figuring how the own can judge this, how many parking spots per employees. Ritter adds that they would have to go through all these calculations before they get their permit. Paladin responds, that our marketing study will reflect that. Reilly says if you have "x" amount of beds and "x" amount of staff, like 2% or 10%. Paladin says that in the marketing study it does break that down and does say based on three, 8 hour shifts. We are getting an updated marketing study and we can get that study. Paladin says that you can recommend that this be put on the site plan when it is submitted. Reilly is explaining that the parking is based on the size of the project.

Ritter, Chapter 408 (FS) all the administrative stuff that they go through they have to submit, financing, studies they do and all I think they have to tell them the size of staff and ratio to beds. Paladin added that he has this on his site plan for "Reflections" project in Indian River County.

Grant suggest

- Brevard County if we have 200 beds, we work on 5 number we get 80 spaces
- Palm Bay 76 spaces
- Melbourne 133 spaces

Reilly says that Melbourne is the most spaces, 12 out of 30 is like 1/3. Ritter suggests that this is assisted living, these are active people I prefer Melbourne 2 spaces per 3 beds, because a majority of these units are singles so they are going to have cars. It is rural.

Leeanne asked that isn't this in addition to staff that we are adding spaces for the largest shift that the other shifts would not have as many so they would be available in the evening. Grant said you have to have enough parking spaces for the busiest time; otherwise people are parking down US 1. Reilly added that you want it to be self contained.

Krieger has question, if any of these places use eco stones? I like the high figure and the lower density, but I don't like pavement that much. I don't know development wise or design wise whether it is easier to put in. Krieger used for example Ballard Park. The majority of the time the parking lot is empty, but you need it when you need it and you don't want people driving on the grass, but is there a way of mixing and matching that in the design, just a thought. Other than that I go for maximum parking spaces, but allow a percentage of them in this other format, which would be an easier format to follow.

Paladin comments actually what you are recommending is a little harder but it can be mixed in with regular parking spaces so you can break it up so you don't have rows and rows of asphalt, it is not as attractive look, so it can be worked in and taking this recommendation is why I am here every time, we take notes and do our designs to give to our architects.

Grant suggests that there are several semi-permeable surfaces you can use, many are grid with gravel or grass or combo gridded. Your heavy traffic is going to have to be pavement, if you have overflow parking that would work for it.

Paladin said that his landscaping architect will design that in with the landscaping; it is a good recommendation for the plan.

Ritter commented that we would ask for that many parking sites, but not require that they all have to be paved. Reilly commented it would part of the site plan review not for what is being done here tonight.

Reilly suggestion is 50% for parking; Ritter says some of these did not make sense to me. Reilly suggested 50 %for parking, of residents/beds.

Suggestions for Off Street Parking:

Reilly suggested that he would like it to read like Melbourne's does:

"One (1) space per two (2) residents/beds plus one (1) space per employee on the largest shift"

Reilly commented that after all the analogies he said that 50 % is the best suggestion. This is just an idea and we will re-look at all of this when it comes back as an Ordinance.

Ritter likes Melbourne's Code, there is no Off-Street Parking. Reilly added it is all self contained parking. Ritter commented that we are rural and we should have the room. Krieger commented that more is better, is there no statistics per beds or employees. Ritter responds that it depends on size and level of services provided.

Paladin comments that the 125 bed project he is doing right now the employees is like 44 employees, that is not one shift. Paladin commented that the permeable surface will have to be approved.

Leeanne commented on permeable surfaces, you have to take into consideration the mobility of the people and the hazards to these people, their dexterity may not be like ours. You have to be careful of the surface. Ritter added, make the employees park in this area of the permeable surface.

Reilly suggests to the Board:

1-9.2 Parking spaces required by use.

Page 58 & 60

Make it #31

Assisted Living Facilities. Two (2) parking spaces per three (3) resident/beds. Plus (1) parking space per employee on largest shifts.

Reilly asks if this is the same ratio for all the adult family care homes. Ritter says it depends on the service, some do not have staff, and they live there.

Leeanne asks if it would create a problem if it was put by hospitals and nursing homes. Reilly responds it is going to be a separate row. Leeanne was just thinking if someone was looking for parking requirements for these types of facilities, if they are all in the same general area. Reilly says if you look at #11 on page 58/68 that is what Leeanne is meaning.

Reilly talks about putting it under (D) "Off-Street Loading Regulations", there is not going to be any off street parking so it is not needed in this section,

Reilly and Ritter is discussing "Day Care Facilities" would come under the sq ft. parking regulations. Ritter suggests the "homes" are not the same as the "facilities" Reilly agrees.

Reilly suggests #32

Adult Family-Care Homes.

Ritter looked up family care homes; level 1 and 2, on page 38/68 under Part II add "Refer to Chapter 429 & 408", Ch. 408 for all the health care refers to all the Administrative procedures.

Krieger suggest having a preamble explaining to refer to relevant Chapters.

Ritter discussed Part II Adult Family-Care Homes and different levels, in application they only refer to 1 to 5 persons, anything more they refer to Community Residential Homes like a planned community it is more controlled like a public entity instead of private. Leeanne suggested that on #32 Family Cares and in parentheses put (1 to 5).

The Board discussed the Table 1-3.2 under Adult Family-Care Homes to remove levels and only have 1 to 5.

Ritter explained that "Adult Family-Care Homes" is a home and it is not regulated like they do the other ones, Reilly explained that we can, the Town can regulate for parking. Grant suggested that we don't want to address that because we don't have enough information. Ritter suggested page 87-89/160 in ALF book. It only relates to the zoning requirement, it is a family type atmosphere. The consensus of the Board is no #32 under Sec 1-9.2.

Reilly will check "Adult Family-Care" levels

Reilly and Board are going over Tables and Verbiage for Corrections:

Page 39, Table 1-3.2 going over table for corrections, rm on bottom is capital RM. Page

40 Table 1-6.1(B) delete under "Adult Family-Care Homes no level 1 or level 2

Page 45 of 68 Ritter reads in application no more than 5, take out both level just leave 1 to 5 Page

36 of 68 *draft verbiage*

Reilly asks Board if there are any other words you would like to add in preamble for "Public Health" add under A. Hospital to refer to Chapters 295 & 408, B. Nursing Home & Related Health Care Facilities, refer to Chapters 400 & 408.

Reilly tells Sherear he will update Article III with tonight's editing and forward to her

Page 37 of 68 2. Social Welfare preamble 408 - 430.

- A. Community Residential Homes refer to Chapters 408 & 419, B. Assisted Care Communities, exceeding should be exceeding & or at end of that sentence should be of refer to Chapters 408 & 429

Page 38 of 68 Part II delete levels and refer to Chapters 408-429. Part III refers to Chapters 408- 429.

Sherear reminds Chair Reilly and Board about inserting automatic updates from the Florida Statutes. Ritter added, "Any FS are inclusive". Reilly noted to get attorney to cover that. After 1. Public Health and 2. Social Welfare in the preamble.

Reilly suggested putting a final packet together. Reilly would like the lawyers "word file" for the Ordinance, He could come in on a Friday off and work to make the Ordinance. Ritter said let her know when you are coming and she would come over too.

H. ADDITIONAL ITEMS FOR FUTURE MEETINGS: The second meeting in November will be cancelled.

I. PUBLIC:

Carl Beatty, I got an issue and the Council sent me here. Ritter said to state your name and address, Carl Beatty 2944 Century Oaks Circle, Malabar

Two important things that just came up:

➤ Sober Homes how to control them what happens is they go in and buy a foreclosed home and put bunk beds, 4 people per room and there is "a loop hole" in the law that allows this, as long as they do a urine test once a month they can do this and it slips through the cracks and you cannot control them. If they do treatment then they are controlled. So right now everyone is trying to figure out what we can do to stop that, because what they do is pick up a cheap house and they sublet each bed in the house and make a small fortune. It is happening down south, and Melbourne I think has one.

Grant commented that he thought we addressed this and said we did not think it was a good fit for our Town. Carl explained that you don't have a choice; Ritter said they are unregulated, so how would you regulate them. Carl explained that is what is happening, whether you lobby Tallahassee to pass laws or find some way to control through zoning, but you have to do it before they get here, because once they're in they are "grandfathered in". Because they go into residential areas and waited, it is called a "Sober Home". I do not know the fix on it yet because no one has come up with it. I wanted to let you know that the League is working on it everybody is working on it trying to find some way to control it.

➤ People buy "Non-Conforming" properties they buy it and sell it, and subdivide it and sell it. You can't stop someone from selling anything, you can sell one foot off your property you are allowed to do it. The Town is stuck with it, now we have these little houses on substandard lots and once they burn to the ground they can't build.

Carl said that he is just letting you know about these two things coming down the pike and everybody is working on how to handle it. They don't have the answers yet.

Krieger asked about Sober Homes and are they rentals; Carl responded yes they rent out the beds. Krieger said that as soon as you rent I thought the state is involved with rentals. Carl said they check it, it's under the disability act because they are addicted or whatever then they fall in that category but because they don't do any rehab they don't fall in the review process and they are in between, they don't watch them and we can't do anything and there they are. Carl explained to the Board what the "Sober Homes" are whoever is in there whether it is addiction alcohol or drugs and the only thing to qualify is a urine test once a month or something to prove they are. Ritter asked do they need a license. Carl responded, "No". Ritter said than how do we regulate something that does not need a license. Carl said that is the problem the way the rules are. Krieger said that is a business, Ritter added it is a rental that has to pay taxes supposedly. Leeanne asked how do they receive money, Carl responded by renting beds.

Reilly asked what do I do. Carl said I am just letting you know it is there, it was brought up at the League dinner, it is an issue and everyone is panicking. Reilly said that Bonnie sent an email about this, I thought we were going to be directed by Council to do something on this, I thought the lawyer was going to check into it to see if our Code complied to keep them out. I am going to throw to back to Council and Staff to direct the Board if it is needed. Carl commented it is a bad situation and all these other cities say we can't do anything with them. Reilly said we were not directed to do anything. Carl said that next time he talks to Tobias he is going to ask him what can you guys do about this it is terrible.

The last item, I got requested by several people that there are issues with P&Z and some people weren't happy what is going on, I tried to be as diplomatic as possible and I brought up to Council Monday night and they indicated that if P&Z has a problem with any individual or whatever or issues or whatever they put it together and bring it back to them and the whole Council nodded their head that is what needed to be done. I did not say actual names or anything because I am second on line about stuff, I did not observe or hear anything directly and that is why I left it open. So if you have anything that is why I am here, I told them I was coming, and they want an answer, they (Council) want whatever the issues are brought forward so it can be dealt with in whatever way.

J. OLD BUSINESS/NEW BUSINESS:

Reilly had about "Sober Homes" to get direction

Reilly discussing about November 27th, is the Wednesday before Thanksgiving. I would like to not have this meet. Also, December 25th is a Wednesday; there will no meeting that date either.

Reilly said to take those two dates off the calendar, but I would really like to give the Council an Ordinance for their December 2nd meeting, so they can have two meetings to discuss it if needed because there has to be a "Public Hearing" and if it all happens in January that would be good. Sherear reminded of the advertising process. If we need a meeting on the November 19th or 21st the third week in November we can try it. I think we can do it all at the November 13th meeting.

Krieger thinks you are being premature myself, I think there is other issues that have come up recently. Reilly said it is independent, Krieger said it has to do with the tables and that is the water and sewer problem and there are different people who look at things a different way and I would make it more specific that when a table said that water and sewer means that the water is there. It doesn't mean you are going to negotiate it. Reilly & Ritter said it is handled by the state; the check list is in the application. Krieger said that his understanding from the last meeting you sent the paperwork to the Council that you will hook up sewer system when it goes in front of your property. Reilly commented that is a total independent subject from us writing Code for Assisted Living. Krieger talked about a table and the table said how many people you can have if you have water and sewer an here is how many if you can't. Ritter explained if it is not there then they would not be able to open, the Department of Health is not going to give them a license. Krieger discussed that things have changed since we lost the water utilities department. Is there a defense here, because now state law determines who hooks up and who does not? Ritter said it was at the last (Council) meeting and they are supposed to be working on that because Palm Bay can waive the requirements for the, mandatory hook-up if it goes by, Krieger said they (Palm Bay) can but they (Palm Bay) may not. Reilly said that is why it was brought to Council to address it. Krieger added that the Town is losing a significant amount of sovereignty here. There are hundreds of people that are involved anytime anyone a mile down the road wants to say Palm Bay, I would like a sewer. Then everyone would be required whether they put a septic tank in last week they would be required to hook up within 365 days.

That means that we are not a Town anymore, we are a City, because the definition between Town and city is the type of infrastructure they have. Reilly said our goal was to write an Assisted Living Code that is what we are doing. Reilly explained that there is two "Public Hearing" after we are done you can go in front of Council. Kreiger would like to see the verbiage added to this that infrastructure has to be in place, normally when you expand an infrastructure you do it one property at a time because it is there only huge major projects you see 1 mile or 2 miles. There is no utility in this Town anymore. There is no defense to the people that own property. Reilly explained to Kreiger that the project came to the Town and the Town said where is water or sewer? Reilly said that you do everything in parallel; if you are going to do a project you do things in parallel. Then Code is one part of the parallel. Ritter said no business is going to put all the time, money, and effort into a building that they don't thing they will have the utilities to function. Ritter said the Town needs to get a waiver from Palm Bay because of eh right-of-way. This was brought to Town Council at the last meeting. We cannot hold someone hostage to that. Reilly explained to Krieger that this had nothing to do with the Code we are writing; it is a separate issue with the Town. Reilly said that a good point to bring up is if the site plan does come through that all the people that are along US 1 are going to be affected by this water/sewer line.

Under "New Business"

Ryan said for about the last year I have been getting copies of every P&Z and every Council meeting verbatim, by tape or CD. On Tuesday I listened to RTCM of 10/21/13. At the very end there were some comments made by the Mayor (Beatty) and Wayne Abare concerning calls they have had that there are problems with the PZ. Everything I heard led me to believe the issue is Ms. Saylor's serving on this Board.

Speaking for myself I find Ms. Saylor's for the past 11 months or so, her presence on this Board has been counterproductive for the following reasons:

- The baseless Sunshine Ethics Complaint, which in her own complaint she said the conversation she was privileged to overhear was in audible, so where is the complaint there. It was turned don out of hand by the Ethics Commission, and yet she is still on this Board.
- She also called the Chair "Biased" at the Officer selection meeting without any factual basis
- She has three times brought up disputes with neighbors that have nothing to do with the Boards function and at the disapproval of the Board at the last time. In addition there was a 20 minute speech of commentary made to Council on 9/23/13 concerning the problems with her neighbors and that is not a Town function problem either.
- The problem we run into is the fact she cannot be advanced as a full time Member based on the attorney's opinion because her husband is serving on the Town Council, and therefore cannot advocate for her.
- Town Code requires that there be 5 Members and 2 Alternates on this Board. She takes up a place where a true Alternate can be advanced, and she cannot. She serves no useful purpose at this point based on that situation. She was also passed over by this Board once already for advancement when Grant Ball was appointed to a permanent seat.

In addition there has been no apology of any kind for the baseless accusations made by her concerning members of this Board. The irony of it all is she would probably make a good member if it wasn't for these behavioral problems, and with a heavy heart it has been a very sleepless 24-36 hours since I listened to the tape of the Council meeting from Monday night that I came up with this "Motion", and I am going to make a Motion right now that this Board discuss and make a decision on whether she should be, whether there should be a recommendation to Council that she be removed from this Board. If anyone has any questions or discussion now is the time.

Kreiger said he is angry, I have been angry for the last year. I have been angry when I was accused falsely a year ago. My time line to this is we were introduced by Debby to Ms. Saylor Milucky and a month later her husband ran for and was elected for Council. The next meeting I had some sort of ethics violation against me and not only me, but when that occurred I had to find a way of not having to pay incredible amounts of money for a lawyer, so who did the Town and the League of Cities defending both you (Pat Reilly) and me for something that was never brought to our attention at the time it occurred. It was brought to Council and then again without really being informed we got a letter from the Ethics Board. Now that damages people whether or not you're guilty or not guilty, once somebody has a written complaint against you it is there and will never go away.

Kreiger said time line again; the Town wrote a resolution placing Ms. Saylor Milucky as a member, and later Grant, because Wayne Abare left, you imply the Town was very specific when you came that you were not being placed as a member of our committee you were placed as an Alternate. The same correction that took place with Grant Ball, they had to rescind the Resolution and rewrite it as alternate. That is neither here or there, except for the fact that now because of the decisions from the lawyer you cannot serve on this Board. You cannot be promoted; you cannot be a member of this Board, either the Council has to correct the Resolution making her an alternate again and then again making her a member which they cannot do so essentially it is not just the things that have been done which are incorrect. I know false witness has taken place against you, I expected the Council to correct this over the last year. I expected it to go away by itself, I don't like bringing these things up, but structurally I cannot understand how we can maintain this Committee the way it is. People have asked me about coming on board as an alternate and they see people already there and they ask about the history and you don't want to tell them the history. I also feel that almost everything I say here I have to watch out for what is being written and what is the next complaint that is going to take place and again no apology that is not good. How much is too much, damage of reputation. Kreiger said to Reilly that he understood that he lost two security clearances for your job, which is money. The Town spent money. If I had to hire a lawyer to do the same thing the League of Cities did for us (Reilly & Kreiger) it would have not ended there. Also, a few months ago we were threatened again by a Town Councilman that it wasn't over and something is going to occur so I still didn't know if it ended. Even with an apology and again the points that were made. You (Leeanne) cannot be a member as long as your husband is a member of the Council, it doesn't make sense.

Ryan added that Pat Reilly's security clearance was dropped by two levels and that was a serious stuff and it was all based on nothing. Kreiger said it has not harmed me yet. I give people recommendations all the time. It was frivolous, the complaint that was groundless, it was materially insufficient that is what the Ethics Board said. Ryan added it was on its own merits.

Ryan said that he has lived with this and tried to reconcile this for the past year, he just cannot do it, and he had enough of this situation. He is asking this Board to seriously consider remedial action.

Krieger said, the day before Bob Wilbur left this Board, he said to talk out your differences here and we didn't, we waited for Council to come back.

Leeanne asked if she was allowed to speak and Reilly said you are allowed to discuss. She said that she appreciates it. Leeanne said to Don Kreiger that you approached me several times during the election and you called my office and you made certain statements to me and certain comments and statements about various people that are employees of the city and you said made some very outrageous things, and I really did not put those in there. I left it alone. I was put on this Board prior to my husband's election. My husband's election had nothing to do with me being here. The Council can appoint me too, my husband just cannot vote on it. He Council could elevate me to a position, if they so chose, as long as my husband excused himself from voting, Kreiger and Reilly said they disagree with that. Leeanne went on to say that probably wouldn't happen and I am not even concerned with that, but I truly and honestly feel a lot of regret. I never meant for anything to create any difficulty for Mr. Reilly. Leeanne said you made comment sot me, and then you (Krieger) came to a Council Meeting about several of the things you had said to me in person and over the phone, all of a sudden it got brought up at a Planning and Zoning Meeting, and I did not know where it all came from. I (Leeanne) went to the Council with my complaint, hoping the Council would resolve the situation. I was advised by several people at the Town level to file a complaint. I never refilled the complaint because I was told I filed it with the wrong entity, and that I needed to re-file the complaint and I never re-filed, I never said another word and never did anything, I have felt that I couldn't come up to you (Krieger) to apologize or to Pat Reilly and apologize because I would be violating some Sunshine Law, by even discussing it. I am truly sorry it created any difficulty, I never meant for it to create any difficulty I was hoping it could have been resolved at that meeting, when I was told that I could no longer serve and I said I am not violating anything. You later learned that I wasn't, but I never meant for it to escalate to the point that it did and I never felt that I could approach anyone outside this setting, and I do deeply regret if it created any difficulties whatsoever, but I have not taken any steps or any measures or any advise from members of our Town, I am not talking about residents, I am talking about employees of the Town, I have not taken any advise to re-file or do anything. I have not nor have no intention of filing anything. Again, I apologize. I absolutely did not mean for it to create any difficulty whatsoever. I appreciate the opportunity that you have allowed me to serve and I have enjoyed my service. Leeanne said Thank you to the Board.

Ritter commented that she didn't understand how she (Leeanne) can file a Sunshine violation with the Ethics Board and not think it was not going to cause a problem. Leeanne responded, "She wasn't thinking" and I was operating on some advice that was probably poor advice. Ritter said that she (Leeanne) ultimately made the decision. Leeanne responded, "She did", Ritter said that we as a Board have to work together, so why would you not make a decision for your own work ethics, you have gone to the Sunshine violations , you had to know the effect it would have had, it is not a light thing to do. It is a very serious thing to charge someone with, a Sunshine Violation and Ethics Board Violations and you made those charges, nobody else did.

Ryan added that he was seated between you (Leeanne) and Pat; the only vacant seat was Bob Wilbur. I could hear what they were talking about; they were talking about the election that just took place and you said that you couldn't hear it. I don't believe that because I could and you were sitting next to me. Leeanne responded that she walked into the room and you were not there, this was prior to a meeting, this was not during a meeting. Ryan said he believes he got there before she (Leeanne) did. Ryan said to Leeanne that she was not telling the truth and she is making up a story. Reilly commented that we (the Board) have the facts.

Krieger added that hurt feelings are hurt feelings and apologies are apologies. But carnage took place. It did not help the Town, it cost the Town. Krieger said that functionally, he has a problem with the nepotism, no matter what the lawyer said. Krieger said he finds a structural problem in the Town with what he considered the most powerful Board in Town, The Council. It came up at the election and we were assured that there was no problem, but there is a problem, the problem is the decision that the lawyer got back from what he understood that at the present time of he left the Board you cannot be appointed, because there is a nepotistic problem. There is a structural problem here not just a problem with personalities. I watched what I say more carefully, not that I did anything wrong ever. The results are the proof of the pudding, and Krieger actually missed Bob Wilbur. Krieger said he has a suspicion that the main reason Bob Wilbur left was this rift. Krieger asked if Leeanne would step down because of the structural problem, he didn't want to go any further. Krieger thought it was for the betterment of the Town because if there were alternates that wanted to take the seat, because we have a vacant seat now that could possibly do the learning process and take a seat on this Board. Krieger said right now you (Leeanne) can't do that and your husband might be there 6 years.

Krieger said his understanding is that there is nothing you (Leeanne) can do; technically what should happen is the Resolution should be corrected, as they did with Grant Ball and make sure when you came on this Board that you (Leeanne) were an alternate that is not what it said. Krieger understood that legally the lawyer said there is not any place you can go, so you are an alternate, if you want to become a member here, they have to put another Resolution together, but they cannot physically do that.

Grant asked a question, he was not here at the time all this took place. Grant said if he understands everything, what I understand is that Leeanne filed an ethics violation against Don Krieger and Pat Reilly for discussing issues while not in session. Leeanne responded to Grant, "Whether I can be on the Board or not". Grant asked if they (Pat & Don) were discussing your ability to serve on the Board. Ryan said be careful how you answer that. Leeanne said to Ryan, "She was sorry you were not here", I did not see you (Ryan) when I walked in this room when I got here. Leeanne said, I do not want to argue this point with you (Ryan) it had nothing to do with you, and really did not have anything to do with Pat; it had more to do with Mr. Krieger and his attacks during the campaign and the mudslinging. Leeanne said that she had received a phone call in her office the Saturday after the election from Mr. Krieger; she was approached during the election by Mr. Krieger and was told that I could no longer serve, that I would have to step down, that it was a violation and there was no basis. Before my husband even ran for office we had made sure there was not a problem, but Krieger approached me three times on Election Day and made a phone call to my office. Grant asked what that had to do with ethics violation. Grant and Ritter asked if that was a rebuttal to get back at Don and sucked Pat into it and ruin his reputation. Leeanne said "No". Then I (Leeanne) came to a P&Z meeting early and the only people here were Debby, Denine, Pat, and Don, this was 15 to 20 minutes before the meeting and I did not file the complaint at that time. I went to two people at Town Hall and discussed it (the complaint) with them. I brought the complaint before Council and said this is what happened. I was hoping that the Council would say ok, we shouldn't do this, so let's not do this anymore and everybody plays nice, that is all I hope I would be accomplishing by going to Council. Council chose not to address it or inquire about it. Leeanne said she talked with people at Town Hall again and she was advised by two of them that she needed to file this. Leeanne said, she did not think ahead. Ritter asked if they were here. Leeanne said who is here, and Ritter said the people who advised you to file.

Grant was trying to understand that due to "bad blood" between you (Leeanne) and Don Krieger that you may or may not have heard something between Pat & Don, and told people that they

were in violation of the Sunshine Law. Leeanne said, "She did not know she had bad blood". Grant said that is horrible, do you know how hard it is to get a security clearance. I know, I have had them, it is impossible. Leeanne responded that she had no idea.

Ryan asked if that would have made a difference, and Leeanne said, actually it would have.

Reilly commented that in Europe there is a thing called "a vote of no confidence", that is when you lose respect, trust, and confidence in a member of the Board or an officer of the board. Reilly said that he truly believes that the Board has lost all three of these. It is parliamentary procedure but not a part of Roberts Rules of Order. I would like a "motion" from this Board, "a vote of no confidence", a consensus from the Board on removing Leeanne as an alternate member from this Board. Ryan said, he will make that motion.

Motion: Ryan/Ritter Recommendation to Council the consensus of the Board is a vote of no confidence to remove Ms. Leeanne Saylor from the P&Z Board.

Kreiger said that all this is going to solve is going through another procedure talking to another lawyer, have the lawyer say we have to sit down in front of Council and that will not go anywhere. Kreiger said he has a structural problem with the fact that you (Leeanne) are taking up space, your taking up technically the space of an alternate that could possibly advance to the Board. Kreiger said, he did not know how long these Board Members are going to remain Board Members, but then we have space for one other alternate. Kreiger said that his problem is that something is "broke" either way that is all he can say.

Reilly said to Leeanne, it would be easier if she would resign, if you want to do that. Kreiger said that he thought the Town lawyer should have known that when he got his decision. Reilly said that he tried but he could not get an answer out of him (lawyer). Reilly said it is up to you (Leeanne). I will take a vote; there is a motion and discussion and I am giving you (Leeanne) an out that she (Leeanne) did not give to me and Don. Leeanne said that she appreciates it, there is a motion and it is ok to vote on that, go ahead with that. Leeanne said that all she is going to say is that she would like the opportunity to catch her breath and if it is ok, I'd like to send you an email later. She would like to have the opportunity to digest all this and it may never have to go to Council. Reilly said in 2 minutes it is going to Council. It was said that "your decisions is now".

Kreiger suggested tabling this or we can make a recommendation that we want a specific decision. Reilly said that we did what we were supposed to do. Ryan said the motion is not to give time; the motion is for a decision. If you resign between now and the Council meeting then it will not be on the Council Agenda. Ryan said we still have motion and a second. Reilly said we are still discussing and I am trying to give her (Leeanne) an out.

Reilly wanted the chemistry of the Board back; the Board has lost respect for you (Leeanne) and confidence in you. Reilly said that every time he came to a meeting he was so scared that he had to do everything right and he had to look over his shoulder, it frustrated him. It has been hard for 11 months now. Ryan said to Leeanne that you could have been a good member, but your attitude and actions indicates otherwise. Ryan said to Leeanne, the best thing can do for this Board is to resign or we can take it to Council and they can make a decision, but your decision needs to come now. Reilly said that you (Leeanne) have two weeks.

Motion: Ryan/Ritter Recommendation to Council the consensus of the Board is a vote of no confidence to remove Ms. Leeanne Saylor from the P&Z Board. Vote: Roll Call.

Kreiger aye

Reilly aye

Ryan aye
Grant aye
Ritter aye
Motion carried 5-0

K. ADJOURN

There being no further business to discuss: **MOTION:** Ryan/Ritter to adjourn this meeting. **Vote:** All Ayes. The meeting adjourned at 9:52 P.M.

BY:

Patrick T. Reilly
Pat Reilly, Chair

Denine Sherear
Denine Sherear, P&Z Secretary

11/13/13
Date Approved: