

MALABAR TOWN COUNCIL REGULAR MEETING

February 2, 2009

7:30 PM

This meeting of the Malabar Town Council was held at Town Hall at 2725 Malabar Road.

A. CALL TO ORDER:

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

B. ROLL CALL:

MAYOR/CHAIR

VICE-CHAIR:

COUNCIL MEMBERS:

TOM ESCHENBERG

PATRICIA DEZMAN, excused

NANCY BORTON

BRIAN VAIL

STEVE RIVET

JEFF MCKNIGHT, excused

BONILYN WILBANKS-FREE

TOWN ADMINISTRATOR:

TOWN ATTORNEY:

TOWN CLERK/TREASURER:

KARL BOHNE

DEBBY FRANKLIN

C. ADDITIONS/DELETIONS/CHANGES: Discussion item #7 is not asking for action.

D. PRESENTATIONS:

E. PROCLAMATIONS:

F. CONSENT AGENDA:

1. Approval of Minutes

Regular Town Council Meeting – 1/05/09

Exhibit: Agenda Report No. 1

Recommendation: Motion to Approve

MOTION: Borton / Rivet to approve as submitted.

Vote: All Ayes

G. STAFF REPORTS:

ATTORNEY: BWF has not received the proposed agreement. BWF asked Feldman and he said it was at attorney for review. Karl contacted Stokes and he will be getting it to us. Forwarded to Franklin the W. Melbourne draft copy and there would need to be many changes to make it applicable. Vail thought it would be ready to go with a few changes.

ADMINISTRATOR:

- EELs SMC Meeting to review the MSS management plan. We submitted our changes and it was pulled from SMC agenda. The Paladin property was on the agenda. SMC advised Paladin at the meeting that unless the Coastal Jewel property is approved they are not interested. There will be a site meeting on March 4, 2009. If council wants to attend, we will post the agenda for sunshine.
- Boy Scouts sponsorship and Explorer. Until paperwork is submitted, they are not covered. They were told they have volunteer firefighters insurance. It does not cover what they think it covers. Explorer was injured during training. The MRI cannot be done until they have ins. Long bones involved. Now we have learned, a few years back the Town decided they could not sponsor the BSA. It would be beneficial to staff if this was a formal action. Are you sponsoring BSA? We budget 3K for Explorers, support cubs and troop 37 since inception, provide Eagle projects and assist on same – it would appear we sponsor - we will get with Liz Ritter. Mayor said the Scouts wanted to change it – they got word that came down. We will process claim under the FLC. She has also

told FD that they need to shore up their process on this. No road trip unless all paperwork is complete.

- Generator needs to come out of the dome. Discussed building a new pump house and generator house. Vail has block donated. Joe gave sketches to Bill S., engineer. The block is still sitting out there – 8 to 10 pallets. Different steps to document this. Engineered wind load for buildings. BWF will get drawings from Bill S. Vail said the cat in the box with ventilation. The wiring that is there now needs to be redone. We now have regular service.
- Garage doors on main FD building. They are down to 2 working doors. BWF is going to do a RFQ to replace doors. One of the doors has fallen and broke someone's arm. It is not being opened. Bay 8 is closed and switch is blocked off. Bay 6 is finally back online. Chief lowered it and directed that they not be used.
- Candy Ln millings. Grading of roads by Mayor. Candy Ln is in fairly good shape and the residents took it upon themselves to order millings, had it delivered to roadway, and then they spread them. Borton asked if we could fine them. At a minimum, we need to send a letter out telling them of the process and a letter to the contractor. Rivet did tell Council that he was told they wanted millings, but he was not told ahead of time. We pay 12.00 a ton and can only get them from Ranger when they can pull. Council is in agreement to send letters. This stems from the way it was done in the past. Vail said there should be a mechanism in place to provide for improvements. Mayor said the millings road and they are mostly Cs and Ds and he paid close attention to Candy Ln because it was in pretty good shape. It was better than most of the other roads. Residents just look at their road and do not understand we are working on the C and D roads.
- Road closures, Atz east and west and Hall at west end.
- We cannot block off ROWs without Council direction and authority. BWF will be bringing them to Council. Vail said it is an issue with the road blockages. Allowed an opening of 30 inches to provide for horse and rider. Inhibiting access to a person's parcel. Debby met with DOF and other communities regretted the fire lanes because of the new problem with ATVs. Rivet is sympathetic to closing for ATVs
- FD reports. This is the close out report. Will be attached to minutes.
- No BCSO rep here to give update.
- The Ladder Truck was damaged; \$350.00
- Denied for one grant and applied for another one for medical supplies.
- Training with turbo draft and others are watching. Still working ISO rating work.
- Annex bldg garage doors are complete and working
- Z-tron radio system with FCC permit is complete. The radios should be up and running and the Relm repeater will be operational for PW very soon.

CLERK:

- When discussing holiday pay, please address day after T-Day 2008.
- Property clarification for our site on Marie Street. Surveyed for fencing and deeds bear out that we have close to four acres, not 2.6.
- Bill to impose a 3-yr moratorium on Impact Fees is in committee. FLC is following.
- Florida Today article on Ladder Truck
- SCLC Feb at Rockledge Country Club
- St Johns Irrigation Ord – Current Code requires irrigation on new development other than SFR. No requirements for conservation. Do you want to amend Chapter 6 and Article XIV to adopt these irrigation requirements for SFR and Commercial? If we adopt the ordinance, we have to enforce it. Consensus was to put on website with number to call to St Johns.
- Communities for a Lifetime – Meeting w/ their rep on Feb 10, 2009 at 10:00AM. She is coming from Tallahassee to help us develop program.

- BWF added the commercial account requirement with WM and a dumpster is not required. They can do it by can and be charged accordingly. She did not initiate. They have multiple complaints from Palm House. They have residential account. He was not happy about it. They are required to have a commercial account. Also, need a commercial account at Brevard Hardwoods and Marine place on US1. Mr. Noble was adamant that he was not going to do it.

H. PUBLIC HEARINGS: Legally advertised on Florida Today on January 22, 2009
ORDINANCES: (1)

2. Amend Special Activity Fee (Ord. 2009-20)

Without objection, Mayor read by title only

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY AMENDING SECTION 10-262 (b); PROVIDING FOR A DAMAGE AND CLEAN UP DEPOSIT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 2

MOTION: Rivet / Vail to approve Ord. No. 2009-20.

Discussion: none

PUBLIC HEARING Opened:

No public.

PUBLIC HEARING Closed.

Roll Call Vote: Borton, Aye; Vail, Aye; Rivet, Aye; McKnight, Excused; Dezman, Excused.

Motion carried 3 to 0.

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

J. ACTIONS ITEMS:

ORDINANCES: First Reading -- 0

RESOLUTIONS:

3. Amend (Reso. No. 01-2009) A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR AMENDING COUNCIL AGENDA PROCEDURES; PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 3

Recommendation: Request Action

MOTION: Vail / Borton to approve Reso. No. 01-2009 with the striking of no speaker's card on #5.

Discussion. Borton is concerned with not requiring the speaker card on #5. Time limit is on speaker's card. Vail asked how we can change the cards. Staff will print up three different speaker's cards and their headings and explain how each will be used. Mayor said #9 needs the word "be" added.

Roll Call Vote: Vail, Aye; Rivet, Aye; McKnight, Excused; Dezman, Excused; Borton, Aye.

Motion carried 3 to 0.

MISCELLANEOUS:

4. Approve holiday schedule for 2009

Exhibit: Agenda Report No. 4

Recommendation: Request Action

Franklin explained, with the new four 10-hour day workweek, she would like clarification from Council if employees receive an alternate day off when a holiday falls on a Monday

or Friday. When holidays have fallen on weekends in the past, the holiday was lost to the employees; this happens from time to time. BWF stated that, from other cities she has been in, if a holiday falls on the weekend, the holiday is moved to either Monday or Friday. You cannot take a benefit away from employees. She suggested that the workweek, should a holiday occur, be the regular five 8-hour day workweek. We did this at the Christmas and New Year's holidays and there were no complaints from staff. Rivet made a suggestion that all holidays with the exception of Thanksgiving, Christmas and New Year's be floating holidays; BWF stated floating holidays must be used by the end of the calendar or they will be lost to the employee. Mayor stated the simplest solution is to have everyone revert to a 5 day 8 hour workweek for the weeks that have a holiday in them. BWF stated that she would like to keep it the way it was at the holiday time and if Council approves, she will make a change to the holiday policy. If Council approves this tonight, we do not have to bring it back for further review and discussion. Council is in favor of having the workweek revert back to a 5 day 8 hour week for holidays.

5. Approve pre-event set-up for Spring Fest

Exhibit: Agenda Report No. 5

Recommendation: Request Action

Nothing has changed since last year. There is no lighting. The criminal element, the gopher holes, etc., or engages in the cost for nighttime security if you don't want to invite trouble. We do carry insurance. Attorney agrees with BWF. There is a liability issue. If the vendors want to set up early and provide their own security, ok; but they cannot sleep over night in the park.

6. Second Meeting Date for February

Exhibit: Agenda Report No. 6

Recommendation: Request Action

Discussion: consensus to cancel second meeting. We have an ord on building codes to adopt and BWF will be doing a budget resolution.

Mayor asked about meeting on the 17th to discuss Fire Dept. Vail said skip the meeting. Borton said skip the meeting.

MOTION: Borton / Vail not to have a second meeting in Feb. VOTE: All Ayes.

K. DISCUSSION ITEMS:

7. Utility Expenses and Revenues

Exhibit: Agenda Report No. 7

Recommendation: Request Discussion

Rivet said we should have discussed it ahead of time and gone in with one position. We need to remember that it is a negotiation and they want to do what is good for Palm Bay. We have to look out for Malabar residents. We need to speak with one voice after we look at the draft contract. If you want to make Attorney Bohne the point man for contact, then tell him what you want. Attorney said it was clear that a resolution was not going to happen that night but it allowed the two councils to see each other. Now you have faces. Franklin reviewed memo and Council discussed the rates and expenses of the utility. BWF said auditors will recommend we do a study. We will have that recommendation to bring back to Council.

L. MAYOR AND COUNCIL REPORTS:

(Number indicates order of Reports)

- 2) Vail – will discuss in more detail the improvement of Marie Street. LaCourt has been used as a collector and is a local street.
- 1) Borton – nothing
- 5) Dezman – excused
- 3) Rivet – asked about Country Cove bridges. The ants have been eradicated. Carl was given direction to do the concrete work. It has not been done, but will be done this week. Also, the missing woman was found dead
- 4) McKnight – excused
- 5) Mayor – few months ago – issue of renaming the area off of Hall. At the time, there was discussion to complete the removal of trees to open the area up so we can get a truck through. Rivet would like to see the lanes not go through. Would like to require cul-de-sacs for our trucks as well. We can work towards this. Do you want more on Waring? This is to be placed on the agenda for March 2nd meeting as a discussion item.

Proceed with land use changes and corridor plan. For Malabar Road. Mayor is looking at scheduling joint w/s to move on the land use changes on main corridors.

Mayor said he thought the legislative action day is a waste of time. All that happens is you go into the office of the state rep. He went to Thad Almans office. They didn't even get in. He has told them at the SCLC Board meetings. They pay half expenses for some of the board members. More effective would be to schedule a meeting when they are at home. BWF said she would write a letter to their aides and ask for a meeting. Mayor said the new guy Tobia may come in. Need to catch a time when they are at home. Haridopolis probably won't come down.

Mayor asked where the auditors report is. BWF thinks it will be in late March, but they did state it would be later in their engagement letter. Mayor said he has also seen the revenues projected by the County. BWF is working on a quarterly report showing the reductions projected in the revenues.

Final item. He did not go out with Eagle Corp last Friday. The week before it had not been graded as of then. They have millings but did not get the grading done. She will verify and get back to them. She will be giving our calendars, maps, and schedules to get the drainage and grading schedules.

He went to the Transportation Forum at Turkey Lake Plaza last Friday. Rick Morrow head of safety of Dist 5 and traffic signals. They get daily requests for traffic signals. He spoke with him about the caution light. The money is only to reduce the accidents. They cannot spend money to prevent accidents. The engineering design. Trudy Infantini with her staff member. Bob Kamm was also there. By State Statutes, the utility relocation is to be born by the Town of Malabar. Also w/ Kamm, he did send out to all cities and ask for projects. We discussed the makeup of the MPO.

M. PUBLIC COMMENTS: General Items – none

N. ADJOURNMENT

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

VOTE: All Ayes. The meeting adjourned at 9:42 PM.

BY: Thomas Eschenberg

Mayor Thomas M. Eschenberg

Chair

ATTEST BY:

Debby K. Franklin

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Town Clerk/Treasurer

03/02/09

Date Approved