

**MALABAR TOWN COUNCIL REGULAR MEETING
FEBRUARY 27, 2006 7:30 PM**

This meeting of the Malabar Town Council was held at Town Hall at 2725 Malabar Road. The meeting was called to order at 7:30 pm by Mayor Thomas Eschenberg. The prayer and pledge were led by Council Member Brian Vail.

<u>ROLL CALL:</u>	MAYOR/CHAIR	TOM ESCHENBERG
	VICE-CHAIR:	STEVE RIVET
	COUNCIL MEMBERS:	FRANK HICKSON
		BRIAN VAIL
		BOBBI MOCCIA
		PAT DEZMAN
	ADMINISTRATOR:	ED BOOTH
	ATTORNEY:	KARL BOHNE
	TOWN CLERK/TREASURER:	SUSAN KABANA

ADDITIONS AND DELETIONS TO AGENDA:

Kabana – has a request to move action item four to action item one.

MOTION: Rivet/Vail to approve agenda as amended. VOTE: All aye.

REPORTS:

ATTORNEY

Bohne – regarding the money we received from FEMA for FEC: he had a conference call with FEMA and FEC and he has determined that the check is indeed payable to FEC. Bohne recommends payment to FEC. Discussion. Rivet – do we have leverage in regards to not paying this? Bohne – FEMA said that future FEMA projects in the Town would be severely jeopardized if we do not pay FEC. Apparently the Governor issued an executive order that permitted this process to happen. Mayor – asks if Council has any objection, being none, consensus is given to pay FEC.

ADMINISTRATOR

- BUDGET 2006/2007

- Booth – has a good core budget, would like to present using a laundry list for each department of possible projects. Will do a salary compensation study, in some areas we are below average.
- Booth – our FPL franchise expires in 2009, FPL is looking to renew early with additional revenue for the Town and upgraded infrastructure. Rivet – is there a benefit to the Town for renewing early? Booth – we will receive additional revenue. Moccia – how long is the contract for? Booth – about 20 years.
- Booth – public works is installing the benches for the bus stops.
- Booth – is putting a gate at Cameron Preserve so the Fire Dept can access the area.
- Booth – we will clear about 200' along the north end of Country Cove in the Cameron Preserve, we will not be clear cutting, we will only be taking out invasive species and brush. The natural trees will still be there. It will look like the corner of Malabar Road and Corey Road. This will comply with our proposed zoning.
- Booth – will personally take the zoning request to Tallahassee when it is ready. Then we will look at three additional zonings.
- Booth – we have the analysis of the bridges in Country Cove, in essence they are large culverts. We will be repairing the sidewalks. Our engineer states that the culverts are in good shape but they need liners, the metal is rusting.

-Booth – we sold \$12,000 more in surplus equipment.

CLERK

- BILLIE PROPERTY

Kabana – the Billie property is no longer on the table.

Kabana – is working on the PowerPoint projection system, will contract Bill Withers to install the monitor in the podium.

DISCUSSION ITEM:

1. PROPOSED CHARTER ADDITION RE: EMINENT DOMAIN

Mayor – would like to submit this idea to a vote of the people, it would keep the Town from selling property that is obtained under eminent domain. Asks if Council thinks this is a good idea and do they want this as an action item at the next meeting? Rivet, Moccia – absolutely. Discussion of eminent domain. Moccia – feels this would be something the people would like to vote on.

Bohne – notes that there is a legislative committee currently addressing this issue. Eschenberg – he does not feel they will ever address it in the way he is proposing tonight.

Council agrees that this should be an action item for the next meeting to direct the attorney in regard to this issue.

ACTION ITEMS:

1. APPOINTMENT OF MALABAR REPRESENTATIVE FOR THE VALKARIA ADVISORY BOARD

Hickson – what happened at the last meeting? Rivet – after some debate the issue was tabled.

Dr. McClure (a candidate for the seat) – states that he is volunteering for this committee and feels the Town is spending more time on this issue than it is worth. States that the Valkaria Airport Advisory Board has no real power and can only make comments to the County Commission. He volunteered for the position because the position is vacant. Vail – is there litigation between McClure and the Valkaria Airport? McClure – no.

Dezman – has checked out Dr. McClure and she does not feel there is a person with more integrity for the positron.

MOTION: Dezman/ to approve.

Mayor – would like information after the advisory meetings. McClure – will send an email.

Second to Motion: Hickson

Moccia – asks McClure if he can make the meetings? McClure – yes, in the way you say you can make these things, yes he will be there. Moccia – feels these meetings are important and should be attended.

VOTE: All aye.

Dezman – would like letters sent to the other candidates.

2. PROPOSED RIGHT TURN LANE ON COREY ROAD

Mayor – is proposing this. Dezman – her concern is the meeting traffic. When traffic is turning right and the oncoming traffic pulls into the opposite lane to go around the car in front of them before the car has turned right it can create a head-on accident.

Moccia – a stop light is the best solution. Booth – the State has money for right-turn lanes onto Malabar Road. The light is just not going to happen, the right-turn lane that Stillwater is putting in is in lieu of a stop light. The Sheriff's department even presented a study to DOT in order to reduce the speed limit to 45mph and they were turned down. Discussion. Moccia – if we can't get a light we need to do something.

Vail – what if we put a story in the Mailboat asking everyone to contact their constituents? Eschenberg – it would take some real legislative power to get something

like this changed, and that means more than one or two people, it would take a legislative act.

Dezman – is for the turn lane but feels strongly that Council must be aware they are creating a situation where all these cars can meet at the same time. Signage could be used to help. People already turn right go down turn left and come back to turn right.

Vail – he as done this.

MOTION: Vail/ direct Booth to determine the feasibility and cost of this.

Hickson – will have to abstain from voting. Eschenberg – if there is consensus we won't need a motion. Council gives consensus.

Vail withdraws his motion.

Eschenberg – this will come back on the April 3rd agenda.

3. PROPOSED CHARTER CHANGE RE: FILLING OF VACANCIES

Mayor – is suggesting a correction to this section, it should be specific to the term, not to the next election.

VOTE: Hickson/Vail for staff to start the process.

Bohne – what happens if the Council does not fill the seat? Feels there should be a time limit, like 30 days. He suggests a section for the clerk to call special election if the seat is not filled after 30 days. Mayor – this can be added and then taken out if Council should so desire.

VOTE: All aye.

4. PROPOSED BREVARD COUNTY LOCAL DISCRETIONARY SALES SURTAX

VOTE: Moccia/Rivet to not approve it. VOTE: All aye.

5. REQUEST FOR APPOINTMENT TO PARK BOARD, GARY RHODES

Bill Withers, Candy Lane – this has nothing to do with this individual. It has to do with attendance. We have one man who is not an effective board member. He does not attend many of the board meetings. Feels Council should address the number of meetings to be attended, possibly a percentage. Discussion. Richard Cameron – there was previously a person on the Park Board who missed many meetings but submitted his comments by email. Mayor – would like Council to put this on future meetings? Dezman – would like to address terms also. Eschenberg – we will address terms and attendance at the March 20th Council meeting. Withers – the Park Board has one vacant seat. Kabana – has not been told of any resignations.

MOTION: Hickson/Moccia to table the appointment until next meeting. VOTE: All aye.

REPORTS: MAYOR, COUNCIL

- Vail – feels that we are setting a precedence by putting up the fence and by mowing around Country Cove. Feels we must be fair. Dezman – understands what Vail is saying but we have an obligation due to the development that has taken place. Moccia – would like to see this as a discussion item at the next meeting.

- Vail – there was a letter in his mailbox today.

- Moccia – received a copy of the letter also, she read it to the Council. There is no signature. Booth – our public works used to survive on what they could scrounge, so they kept everything, now that we can purchase what we need we are transforming them. The area looks much much better than a year ago. It is being cleaned-up.

Moccia – would like to look, just to show that she, indeed, is not blind.

- Moccia – is paying for 4 park benches out of her money, they are \$42 each.

- Hickson – was going to bring up the same letter, he talked to Booth and is satisfied that Booth is taking care of the situation.
- Rivet – nothing at this time.
- Dezman – would like Booth to put together something for the next Council meeting to inform the other members what the person on Weir Street is requesting. Booth – she is making a request in regards to horses in her zoning.
- Dezman – she may not be able to make the next meeting.
- Mayor – states that he does not pay any attention to anonymous letters.
- Mayor – a school bus stop bench was installed on Corey Road but he is requesting an engineering change. A roof is needed to keep the dew off. Brian Vail will sponsor one.

PUBLIC COMMENTS: GENERAL ITEMS

Bill Withers, Candy Lane – shares pictures showing children on ATV's with no helmets. They are tearing up our roads. Eschenberg – asks Withers if he has any suggestions. Withers – hire Deputies to patrol the area. And have the ATV's confiscated when they are caught. A tow truck can pick them up. Discussion. Moccia – the weekends are when the worse offenders are out. Feels we should have the ATV's confiscated. Rivet – agrees. Eschenberg – feels we should get this advertised before going forward. Dezman – would like an action item to hire the deputies to patrol the area on the March 6th agenda.

ADJOURNMENT

MOTION: Dezman/Rivet to adjourn the meeting. VOTE: All aye.

The meeting adjourned at 9:03 pm.

BY:

Thomas Eschenberg

Mayor Thomas Eschenberg, Chairman

ATTEST:

Susan Kabana

Susan Kabana, MMC
Town Clerk/Treasurer

DATE:

03/06/06