

7:30 PM

A. CALL TO ORDER:

B. ROLL CALL:

TOWN ADMINISTRATOR:
TOWN ATTORNEY:
TOWN CLERK/TREASURER:

C. Consent Agenda

Exhibit: Agenda Report 1a

Exhibit: Agenda Report 1b

Exhibit:

MOTION: Marisa / Wayne to approve Consent Agenda.
Discussion: Mayor said on 3/3/14 minutes they are wrong re: the veto; the Chair said each person would have 2 times to talk. There was no discussion permitted. Chair disagreed and said that discussion was called for. Dick and Wayne also said Chair called for discussion. Marisa said that the Council had thoroughly discussed the ordinance at all the prior meetings. Clerk said this item was up for discussion, there being no discussion, Milucky called for the question, Chair asked if there were any objections; there were none and the vote was taken – 5 to 0 to override the veto. Clerk also stated that she had further elaborated on those minutes at the request of a council member and copies were provided at your seats. All new parts were underlined. Chair suggested

the minutes of 3/3/14 be pulled to give council sufficient time to review the revised minutes and place them on the consent agenda for 4/7/14.

MOTION: Wayne / Dick to move the RTCM minutes of 3/3/2014 to the consent agenda of next meeting (4/7/2014) to allow council members time to review the revised minutes. Chair asked if there were any objections – there being none, he asked for the roll call vote on the Consent Agenda minus the 3/3/14 minutes.

ROLL CALL VOTE: 1)Milucky, Excused; Abare, Aye; Rivet, Aye; Korn, Aye; Acquaviva, Aye. Motion carried 4 to 0.

Presentation moved here.

K. PRESENTATION

Dina of WM will be presenting a Power Point Presentation. She introduced WM consultant George Geletko, and the daily route managers for this area, Julio and Dave. The PowerPoint presentation is attached.

Recycle often and right. Don't put plastic bags in recycle bin or dirty food containers. She has samples on side table. There is a growing trend is greater concern on where do they go when they are thrown away.

Dick asked about recycling and using the green and yellow baskets. Is there any way to show how to recycle – what goes in which basket? Dina explained with single stream recycling you can put mixed material – they don't have to be separated; they just need to be clean. It is part of their "Recycle Often – Recycle Right" program. Don't put plastic bags in recycle bins, don't put dirty food containers.

G. BCSO REPORT

BCSO report Corp Joe Prodeski, until watching the WM presentation he didn't realize how much they had in common – both take out trash. Lol

He went over some particular incidents that may have occurred in Malabar but did not involve Malabar residents; although there were some thefts from the storage facility on W. Railroad Ave, and also at the Brevard Hardwoods on Marie Street. Prowling behind 1150 Highway 1 person was arrested. He said unlocked vehicle burglaries are crimes of opportunity and they are all over, not just in Malabar. Steve asked about 2 vehicle burglaries at 1410 W. Railroad Avenue. Also an alleged felony on Rocky Point Road, assault and attempted murder. Persons were from Melbourne.

Dick asked about location of burglaries;

Marisa, she read recently about a program the sheriff in Orange County. Deputies would sample cars at random that were parked in driveways and if they were unlocked they would go knock on the door and remind them to lock their car. Corporal was familiar with that and said the BSCO has done similar type activities, mainly on beachside. Locked is better than unlocked and hidden rather than visible. Dick said that may work in Marisa's neighborhood but not in the rural part.

Wayne, we have funded an MSTU since 2008 and he asked how many deputies are designated to Malabar. Malabar has its own zone. We are 73 zone and is designated a Malabar zone; everyday there is one deputy assigned to this area. He could get called to back up someone in another zone. They do 10 hr days, with 3 hour overlaps of shifts: 1PM-11PM, 8pm-6AM, 6 AM-4 PM. 1 officers per car. Is 73 unique to us or also G-V? No, they are 74 and then below that is 75.

Dick said he saw a car sitting at FD and another heading down Corey Road. We seem to be getting more coverage. No more questions.
Chair thanked him for coming.

- E. PUBLIC COMMENTS:** Comments may not address subsequent Agenda Items. Comments do not require Council response. (Speaker Card Required – 5 minute per speaker)

Christi Worley, with Waste Pro. She was here last year. They are definitely interested in bidding on the RFP. They currently serve five municipalities with 100% satisfaction and no complaints. She suggested Council contact these municipalities and ask why they switched. She handed out an informational packet to Council.

Wayne asked when RFP would be going out. TA said she hasn't put it out yet because she has heard from several Council Members to consider needs to know if Council would like to extend the current contract with WM. If that is the case then she would not need to put the RFP out. If the Council wishes to extend the current contract, an ordinance amending the current franchise agreement would have to be prepared. This is done with an ordinance. If Council directs to go forward with the RFP, when it hits the street there is no more talking to the vendors. Mayor said he hasn't talked to either company because he thought it was already on street. TA said when she releases it for advertising, she notifies all of Council so they know not to talk to vendors. She has always done that.

Vicki Northup, Palm Bay Chamber President, stated she is a resident of Palm Bay for 22 years. Disclosed that both companies are fine members of the Chamber. She said WM is very proactive with the environmental issues, single stream and the carts. She loves the carts. She had no idea that WM drivers were extra eyes and ears. They are very proactive in responding to issues and resolving problems.

F. ATTORNEY REPORT – nothing – Chair asked Karl to expand on extension of contract with WM. Council would have to amend and by ordinance. Council can determine what the term is. Could be 1 year, 5 years or 10 years. Dick said what are the pros and cons of keeping current contractor – TA said WM has been here for years; they know the roads and know our problems. With a new company there would be learning curve. Dick asked how long WM has had the franchise? Clerk stated the agreement was signed in 1999 for five years with a five year extension. The ordinance that Council adopted was worded such as it could be extended another five years which WM honored. In August of this year the third 5-year term will be up. Marisa, in 1999, she wasn't on Council. Competition is healthy and perhaps it can get us better prices for our residents. Put on next agenda for action. Chair said the baseline decision is whether to put this on the next agenda for action.

G. BCSO REPORT – done earlier.

H. PUBLIC HEARING: none

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

2. Recommendation from Park Board after Special Meeting on Trails & Greenway DEP Grant presentation

Funding Commitment & Project Authorization for FL OGT Grant Application for ADA Restroom and Parking at Sand Hill Trail Head: \$20k funding commitment requested of Town: cash \$11,310K / in kind \$11,310K

Exhibit:

Agenda Report No. 2

Recommendation:

Request Action

Chair called T&G Chair Drew Thompson to podium. Drew introduced Collette Buffalo to Council. She is the Vice-Chair of T&G. Drew explained they have pursued grant money for the last three years. They have been trying to get funding for an ADA restroom and paved access at Malabar's 3-acre Sand Hill Trail Head at 1400 Marie Street. Malabar's Sand Hill Trail enters the Trail Head from the south. The recently completed paved Al Tuttle trail connects to the trail head on the west side. The previous three grants located the restroom more in the front of the property. The use was reviewed by OGT as a park use. Thanks to the TA finding out why the grants were not be accepted because of the placement of the restroom within the trail head and not abutting the trail. This grant submittal locates the restroom right on the trail near where our trail connects to the Al Tuttle trail. It would also have potable water, not a new well; pull from the existing well that serves the trough. They'll provide an 8000 gal capacity osmosis tank to provide potable water for trail users.

The new cost for Malabar's 20% portion is 11,310.00 in cash and the same using in-kind services. Wayne asked how they would get electric. It is already there. Wayne asked if it would be locked. TA said they have vandalism at Malabar Community Park and there they have lights. She would strongly recommend locked doors and cameras for security. TA said there are other financial factors to consider; electric will be more and water testing for the potable fountain must be done quarterly. Dick said he estimated that could come out of the savings from paying for the port-a-lets. TA said true. TA said the rejection letters she got for the last two grants were essentially the same. She contacted the higher ups and found out it was due to the placement of the restroom.

Wayne said we have had problems with restrooms at Malabar Community Park. TA said we also have had vandalism of the port a pots, and one time it was stolen. Drew said we are unique and he encourages Council to support this grant.

Mayor was there at trailhead recently to look over how they would layout the stuff for Springfest. While he was there, they observed many people using it actively. The benefit of the paved trail is you can take a baby buggy and wheel chairs.

MOTION: Dick / Marisa to accept the recommendation of the Park and Recreation Board as presented – to submit the grant application and commit the matching 20% of funds with 11,310.00 in cash and 11,310.00 using in-kind services.

VOTE: All Aye, 4 to 0. Marisa thanked Drew for the T&G efforts.

J. ACTION ITEMS:**ORDINANCES: for first Reading - 0****RESOLUTIONS: 1****Council voted 3 to 1 (Korn) to postpone****3. Amend Council Procedures (Reso 07-2014)****Requested placement by CM Korn; requested postponement by CM Milucky****MISCELLANEOUS: 0**

Discussion Item "N" was moved here – water and sewer concerns.

Chair turned this over to Dick.

Dick said when this was discussed before when Mr. Roberts was here from Palm Bay. Korn's point is that personnel change, leadership changes and people forget. Instead of just a verbal agreement the P&Z Board had asked to tweak the existing contract with Palm Bay to ensure that there would be no mandatory hook up to sewer (or water).

Dick asked if he (developer) puts the infrastructure in, is he then the investor provider? Atty said he would be an investor provider. How do you control it? Atty said with a developer's agreement during the site plan covering a few other things, but mostly that he will not require mandatory hookups. Atty said if they Dick asked Atty if we have to revise the agreement with Palm Bay. Atty said you could strike "unless required by state law". No tweaking of contract with Palm Bay. Do a developer's agreement.

Wayne said when Palm Bay Utility Director Dan Roberts was here he said they would not require mandatory hook up. Re: FS they said they would not force anyone. Atty said that is the current position, what about 10 years from now. Investor backed utility will not require the hook ups. Wayne asked State about requirement to hook up if they are a RV park. They said they do not requirement.

Mayor, in Country Cove they had separate wells, then up to a certain time they had to get hooked up. There is no mandatory hook up. Mayor asked if franchise agreement was done with Palm Bay. Yes. Ask Karl about the easements we gave to PB.

(Note: Country Cove lots that were built before waterline was completed were permitted to keep their wells or hook-up to the waterline without having to pay the impact fees. All lots developed after the waterline was completed were hooked up to the city water.)

Dick said he was shown some time ago – he doesn't think he has been given the real agreement. If his project is approved, then he can run a line down there. What if he wants to run waterline down Weber Road. Atty said they can run it with the appropriate permits. TA said that they have the ability to apply for grants because of their size. One of their major problems is the waterline dead-ends. This would improve not only the quality of water but also could provide fire hydrants to assist in fire control. Atty said he thinks it is in agreement about the permit requirement. They can come in and do maintenance but not new lines require a permit.

Marisa said they went over it in a painstaking method. Suggested Korn review the agreement and talk to the attorney. Document he was given may not be the real document. TA asked how he would like it; electronically? Yes.

Wayne said years ago when this area was going to be developed there was talk about Harris hooking up and getting out of the utility business. TA said it may benefit the investor.

Speaker's Card: Joseph Paladin, Black Swan, when he brings the water and sewer down Highway 1 with his own money he is on record for saying that he will not require mandatory hook up to water and sewer.

(No Recess – Attorney Excused)

K. PRESENTATION: done earlier

L. PROCLAMATION: none

M. STAFF REPORTS:

ADMINISTRATOR: She has received information about lowering the speed on SR5 from Senator Nelson and FDOT Rick Morrow regarding response to the Council request for speed reduction and signalization change resolution. Nothing else. Chief is here if you want to ask questions. No questions for Fire Chief. She is working with Chief and will be ready to present in April Council meeting. She is putting the paperwork together and will present at Council meeting in April. She heard from Flagler Investment person and their plans – re: the \$500.00 that the Mayor was authorized to offer. He came back with 10,500.00 offer and she said she was not empowered

to negotiate. She said she told him they only paid \$50 in tax and Malabar got .16 cent in taxes. At 4PM she got a reply and they came back with a revised offer at 12,000.00. She thinks the 10,500.00 is a good number. Consensus to put this on next agenda for action. Clerk said it was already on next agenda per Council request. She said on their books it is valued at 8500.00. She said it was sold for that in 2007. Dick said Mayor would know who they bought it from. Chair asked if 10,500 was a good number. TA said yes. Chair would like to ask Council. Wayne said he met with staff and he thinks there should be more discussion. Wayne said he met with staff and went over to site and looked at the issue. He made one page of notes of that meeting and asked that it be part of the agenda pkg. Council wanted to include his notes in agenda package.

CLERK: Nothing

Mayor said way back when there was a land swap. The road was deeded straight. If it was already a ROW how could they take it? Under what circumstances. TA said the Atty was going to do the title search.

N. DISCUSSION ITEMS:

Follow up on water and sewer hook-up – Revision to Contract with Palm Bay (Korn) Moved up before Attorney left.

O. REPORTS – MAYOR AND COUNCIL MEMBERS

5) Steve - nothing

4) Carl - nothing

1) Marisa - nothing

2) Dick – While he was driving down to Davie he heard on local radio station that some cities are objecting to the high speed rail. Wayne said it is private property. TA is reading the Treasure Coast news. What she is reading is they can complain all they want but it is a private company and you don't have any say. They also have the terminal going in in Orlando.

5) Marisa said the All Aboard Florida rail people emphasized at their presentation that no government money would be spent and then she heard that the Governor has promised a lot of taxpayer money to pay for the terminal upgrades in Orlando. She will do more research. Mayor said we will be responsible for the repairs down the road. Dick said municipalities to the south have voiced their concerns about this and the sound and traffic considerations; thought maybe Malabar's opinion should also be noted.

3) Wayne – nothing

) Jim – excused

P. PUBLIC COMMENTS: General Items (Speaker Card Required)

Q. ANNOUNCEMENTS:

One (1) vacancy on Planning & Zoning

One (1) vacancy on the Board of Adjustment

Three (3) vacancies on the Park and Recreation Board

One (1) vacancy on the Trails & Greenways Committee

R. ADJOURNMENT:

There being no further business to discuss, Chair asked for a motion.

MOTION: Marisa / Dick to adjourn. **VOTE:** All Ayes. The meeting adjourned at 9:38 PM.

BY: Steve Rivet
Steve Rivet, Council Chair

ATTEST BY:
Debby K. Franklin
Debby K. Franklin, C.M.C.
Town Clerk/Treasurer
(seal)

Date Approved: 4/7/14