

**MALABAR TOWN COUNCIL REGULAR MEETING  
NOVEMBER 6, 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 Steve Rivet.

<b><u>ROLL CALL:</u></b> MAYOR/CHAIR	TOM ESCHENBERG
VICE-CHAIR:	STEVE RIVET
COUNCIL MEMBERS:	PHIL CREWS
	BRIAN VAIL
	BOBBI MOCCIA
	PAT DEZMAN
ASST. TO BUILDING OFFICIAL:	DEBBY FRANKLIN
ENGINEER:	BILL STEPHENSON
PLANNER:	KEITH MILLS
ADMINISTRATOR:	ED BOOTH
ATTORNEY:	KARL BOHNE
DEPUTY TOWN CLERK:	CINDI KELLEY

**ADDITIONS/DELETIONS:** None

**CONSENT AGENDA:**

**COUNCIL MINUTES 10/16/06**

**MOTION: Rivet/Vail to approve as presented. VOTE: All Ayes.**

Motion carries unanimously.

**REPORTS:**

**ATTORNEY**

Mr. Bohne reported to Council that the Gentile case has been granted a continuance; he is in the process of getting the case back on the docket. This could take some time.

Occupational Licenses have now been changed to Business Tax Certificates. We, the Town and Mr. Bohne, are working on getting all related documents reviewed and making the necessary changes to the documents. There is no time constraint on this project, so we don't need to feel rushed in getting it done.

**ADMINISTRATOR**

Mr. Booth made a slide presentation, showing pictures of various areas of town. The first two to three pictures are from a code violation on Quartermain Lane. The property owner has created his own dump on the property; he has thirty days to get this cleaned up. In keeping with code issues, Mr. Booth reported that the property owned by Fran Green is coming along and we will not need to go to court. There were some health issues and we have been working with her son and the Health Department to get this property into compliance.

The next picture was the ditch along Weber Road. In looking at the development, the water falls down Hall Road to Duncil Lane. We want to take the pressure off of this; we are simply going to clean the ditch out and allow the water to flow correctly. Mrs. Moccia asked if this would be a swale ditch or would the pipes be buried. Mr. Stephenson stated that every other lot line would be a swale.

Mr. Booth showed a picture Oakridge Road and advised Council that we are pushing O'Brien to finish this. He needs to put the culverts in. Matthews Lane is taking a long time to get this road completed. The finish date looks to be about two weeks away; sod is being put down now. Mrs. Moccia made the statement that the people on Oakridge Lane, whose houses have been built for several years, are still waiting for their culverts. The built homes should take precedence over the homes getting ready to be built.

The last picture that was shown to Council was regarding the nuisance ordinance, which is shown as an action item for this evening. The corner of Marie Street and Malabar Road is constantly being used to sell property. Once the ordinance is in place, this will no longer be able to happen in the town.

Mr. Booth advised Council that the Mayor will be attending a meeting with legislation; it's time to get our wish list ready as this is coming up. There are two projects that Mr. Booth would like to see happen for the Town. He would like to get the 10 to 15 acres that is adjacent to the park back from the State; to be used for our new Town Hall. He would also like to see Malabar Road become four lanes.

Mrs. Moccia asked Mr. Booth to make sure that Mr. O'Brien gets the roads done. It is very important for those who have houses to have their culverts. They have been patiently waiting for a long time; they should take priority.

#### **CLERK**

There will be a special Council meeting on Thursday, November 9, 2006; installation of new Council members, a quorum is needed. Mrs. Moccia advised Ms. Kelley that she will be out of town and not able to make this meeting. Mrs. Kabana stated that she would need everyone else present for this meeting.

The Space Coast League dinner is Monday, November 13<sup>th</sup> at Dixie Crossroads in Titusville. Please call the Clerk's office and advise if you wish to go by Wednesday, November 8<sup>th</sup>. Reservations must be made by this date.

#### **PROCLAMATION:**

##### **NOVEMBER IS FAMILY MONTH**

Mayor Eschenberg read the proclamation into the record.

At this time, Council took a short break to present Steve Rivet with a plaque and cake for his service for the last six years; at 7:45 pm.

Each member of Council and the Mayor expressed their thanks to Mr. Rivet for the time that he has given to the Town. Mrs. Moccia also thanked Mrs. Rivet for giving time to Council through her husband.

The regular meeting of Town Council resumed at 8:00 pm.

#### **ACTION ITEMS:**

##### **1. SITE PLAN APPROVAL FOR MELBOURNE INTERNAL MEDICINE ASSOCIATION (MIMA) MEDICAL FACILITY, 730 MALABAR ROAD, 20 ACRES, OI ZONING, APPLICANT MIMA LLC, PRESENTED BY PROJECT ENGINEER, JAKE WISE, CONSTRUCTION ENGINEERING GROUP**

Jake Wise, Civil Engineer for project, came forward and gave a brief overview of the project to Council. There was discussion between the applicant and Council regarding fencing of the ponds, landscaping and tree clearing. Mr. Wise advised Council that the Planning & Zoning Advisory Board has given their blessing to this project.

**MOTION: Crews/Vail to approve site plan approval for Melbourne Internal Medicine Association (MIMA Medical Facility at 730 Malabar Road, 20 acres, OI Zoning. VOTE: All Ayes.** Motion carries unanimously.

##### **2. APPROVAL OF 400' OF HOWELL LANE**

**MOTION: Crews/Rivet to approve 400 feet of Howell Lane. VOTE: All Ayes.**

Motion carries unanimously.

**3. APPOINTMENT OF GARY SACK AS SPECIAL MASTER**

Mr. Sack has been recommended by Mr. Bohne to Council.

**MOTION: Crews/Rivet to appoint Gary Sack as Special Master.**

Mrs. Dezman asked when the effective date for his retention would start. Mr. Bohne stated it would be immediate once Council votes.

**VOTE: All Ayes.**

Motion carries unanimously.

**4. CERTIFY THE COST OF 400' OF HOWELL LANE**

**MOTION: Crew/Moccia to approve the certification of costs of 400 feet of Howell Lane.**

**VOTE: All Ayes.**

Motion carries unanimously.

**5. RESOLUTION 13-2006, BUDGET ADJUSTMENT TO ADD FUND 410**

By unanimous consent, Mayor Eschenberg read Resolution 13-2006 by title only.

**MOTION: Rivet/Vail to approve Resolution 13-2006 as presented.**

Mrs. Kabana gave a brief overview for this resolution. This was a Scribner's error when getting the budget approved. These fees consist of impact fees paid by the developers; revenue deposits and the expenses would fall within capital expenditures.

**THE ROLL WAS CALLED: Crews, Vail, Rivet, Moccia and Dezman; All Ayes.**

Motion carries unanimously.

**5. SET NOVEMBER AND DECEMBER COUNCIL MEETINGS**

Council agreed that the meeting for November is far enough in advance before the Thanksgiving holiday to be held. This meeting, if for discussion purposes only, would be the beginning of bringing the two new Council members up to speed with what will be coming before them in the way of resolutions and ordinances. Mr. Vail advised Council that he would be leaving town on the 18<sup>th</sup> of November and would not be in attendance. Mr. Vail would prefer that he be here for this meeting. Mayor Eschenberg stated that we have had meetings before with the other four members present. The November 20<sup>th</sup> Council meeting will be held at its regularly scheduled time and date.

The second meeting in December, the 18<sup>th</sup>, is just before the Christmas holiday. Mrs. Dezman stated that she is in favor of not having this meeting and getting ready for the holiday. Mr. Vail expressed the same feelings. Mayor Eschenberg stated that he is hearing from the three remaining Council members that they would like to bypass the December 18<sup>th</sup> meeting. The second meeting of December has been cancelled.

Ms. Kelley advised Council that the Christmas party at the Fire Department will be taking place on December 9<sup>th</sup> at 6:00 pm. They will be receiving information regarding the party and gifts for the children on Thursday, November 9<sup>th</sup>, at the special Council meeting to install the new members.

**7. FIRST READING: ORDINANCE 2006-18, AMENDING CHAPTER 11, NUISANCES, OF THE CODE OF ORDINANCES, AMENDING ARTICLE II, JUNKED, WRECKED OR ABANDONED PROPERTY**

Mayor Eschenberg stated that this was set as an action item at the last Council meeting. Council can do the first reading tonight and send it to the new Council for completion or this can be held until the new members are installed.

**MOTION: Crews/Vail to table this until the new Council is in place. Vote: Crews, Vail & Moccia; Ayes – Rivet & Dezman; Nay**

Motion passes three to two.

**REPORTS: MAYOR, COUNCIL**

**Vail** – nothing to report at this time.

**Moccia** – nothing to report at this time.

**Crews** – thanked Council for the opportunity to serve on the Council for the last two meetings.

**Dezman** – stated that she will be taking two \$200.00 donations from her discretionary fund. A young man she knows very well was killed on October 21, 2006. She would like the funds to go to Palm Bay High and Melbourne Central Catholic High, as this is where he graduated from, to be used for educating students with regards to drinking & driving. This young man had not been drinking; he walked into the street and was struck by a drunk driver. Mrs. Dezman asked that the funds be given to her, as she will send letters to the schools explaining how the funds are to be used. Ms. Kelley will get the checks to her as soon as possible.

**Mayor** – stated that he received the data back from the Sheriff's Department; he had copies given to the Council. He also requested that a copy of this letter, the e-mail from Bob Rowan and the letter from Ben DuBose be given to the two new members that are coming to Council.

Mayor Eschenberg recognized that the Palm Bay Police Department gave kudos to our Fire Department during the Brandy Hall situation.

**Rivet** – gave a brief overview of the last six years. He thanked the voters for electing him and he also thanked Town staff for their hard work and assistance to him while he was in office. He advised the new Council to be aware of special interests of people coming to Council. He asked that the new Council scrutinize all the changes that come before you; please make sure that you complete the action of the Gentile case. This affects the quality of life for so many people in the town. It is impossible to follow your best instincts without some disagreement. Once a decision has been made, we still need to be friends.

**PUBLIC COMMENTS: GENERAL ITEMS:** None

**ADJOURNMENT:**

There being no further discussion, **MOTION: Dezman/Crews to adjourn this meeting. VOTE: All Ayes.** This meeting adjourned at 8:45 pm.

BY Thomas Eschenberg  
Mayor Thomas Eschenberg, Chairman

ATTESTED:

Cindi Kelley  
Cindi Kelley, Deputy Town Clerk

11/20/06  
Date