

MALABAR TOWN COUNCIL REGULAR MEETING
APRIL 4, 2005 8:00 PM

This meeting of the Malabar Town Council was held at Town Hall at 2725 Malabar Road. The meeting was called to order at 8:00 pm by the Chair, Bobbi Moccia. The prayer and pledge were led by Steve Rivet.

<u>ROLL CALL:</u> MAYOR/VICE-CHAIR	TOM ESCHENBERG
CHAIR:	BOBBI MOCCIA
COUNCIL MEMBERS:	FRANK HICKSON (excused)
	BRIAN VAIL
	STEVE RIVET
ADMINISTRATOR:	ED BOOTH
ATTORNEY:	KARL BOHNE
ENGINEER:	BILL STEPHENSON (excused)
RECORDING SECRETARY:	CINDI KELLEY

ADDITIONS AND DELETIONS TO AGENDA: Addition of Oakmont Preserve under action item 4.

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

CONSENT AGENDA:

(A) TOWN COUNCIL MINUTES 3/7/05

(B) TOWN COUNCIL MINUTES 3/21/05

MOTION: Rivet/Vail to approve.

Open to discussion:

Vail: in the minutes it reflects that I allow ATV riders to use the roads. On Page 8, Vail advised Council that they ride everywhere but they stay off of Corey and Atz, as stated by people in the audience. Vail stated they may use these roads to get where they are going. He doesn't like the sound of that. I'm not saying that they "may" use the roads; I'm saying that they currently use the roads. Clarification of road usage is that the roads were being used by ATV riders, not saying that they could use the roads.

Motion: Rivet/Vail to approve the March 21, 2005 minutes with correction and the Consent Agenda. VOTE: All Ayes.

APPOINTMENT OF COUNCIL MEMBER FOR VACANT SEAT DISTRICT 5

Moccia-doesn't see any reason why this should not be appointed tonight, but would like to hear from Council, as it was postponed from the last meeting.

Vail-would feel better that this is announced in the district to make it available to have any other person interested.

Eschenberg-has an issue with this. Doesn't think that this is the way to appoint this seat. Spoke to someone from Brook Hollow who didn't know that Bob Rossman had resigned. It seems to me that Saturday would be a good opportunity to spread the word, place a small sign in the park during Springfest.

Vail-what about the Mailboat?

Kelley-it's too far out to be put in the Mailboat.

Booth-we could make an announcement at the Springfest regarding this opening.

Eschenberg-we need to post some signs in the park regarding this vacancy.

Vail-doesn't want to offend anyone but feels that the people in District 5 needs to know of the vacancy so that they can have the opportunity to come forward if they are interested in this position.

Moccia-we have not done this in the past and I accept Mr. Rossman's recommendation. Ms. Dezman has done a lot of good for this Town, especially with the Gentile case. This is just her aspect. This is only a temporary seat until the next election, which she would have to be elected by the community. I respect Mr. Rossman's wishes.

Kelley-address to Mayor Eschenberg, we are having a community bulletin board at the Springfest. Would advertising on this board be good enough?

Eschenberg-it seems like a great opportunity to bring this to the community's attention.

Kelley-am in agreement with this, it's just the timing of getting signs put together for this.

Eschenberg-print out from the computer 8 ½ x 11 sheets regarding this matter.

Kelley-if that is acceptable, then that is what will be done.

Eschenberg-just so that they are obvious to people attending the Springfest. I don't think it will hurt this Council to wait until the next meeting to appoint a person to District 5. This way we avoid anyone coming forth stating that they knew nothing about this.

Moccia-received calls from Brook Hollow from Mr. DuBose, who is the President of the Homeowners Association. He wanted to know what Mr. Rossman's wishes were and he was full 100% behind his wishes, which is a good positive plus. This is why I am speaking the way I'm speaking.

Rivet-doesn't think it would hurt to wait one more meeting before appointing a person to this seat.

We don't need to go through tremendous effort to notify everyone in District 5, but like the Mayor said, we have a perfect opportunity to post it at the Springfest. He feels that Ms. Dezman would make an excellent Council member, but it would be better to delay it one more meeting and announce our decision at the next meeting.

Booth-this will be posted at the Springfest on Saturday, April 9, 2005.

Moccia-before the next meeting, if there are people interested, please have on the flyer to contact Town Hall, along with a listing of what they have done for the community. I would like to know what involvement they have had in the past.

Eschenberg-you would hope that whoever is interested would be at the next meeting and be able to speak to Council.

No action taken, postponed to the April 18, 2005 meeting's agenda.

REPORTS:

ATTORNEY

- REVIEW OF PROPOSED LIGHTING ORDINANCE

Before you, there is a lighting ordinance. Mr. Bohne tried to make it as simple as possible, but is trying to cover as much information as possible. The information received from Mr. Rivet, for instance, in Section 1.5.31, iii, they have proposed 150 watts for residential and the commercial portion, which xi, is 450 watts. It was broken up in very different categories, but generally speaking, for the residential and commercial, these were the recommended wattage. As far as the height of the lighting, it is up to Council to determine this. If the Council wants to take the next step, we would need to provide the light wattage and then to Planning & Zoning because it is an amendment for the Land Development regulations of the Town.

Rivet-this is really brief, but all the major points are addressed. There are a lot of loopholes when it comes to externally illuminated signs. Maybe there should be some wattage limits listed for these types of signs would make sense. Pole mounted lighting and the lighting on the structures should be no higher than the highest point of any of the buildings. The eaves

are too restrictive; maybe it should be the highest point of the building, maybe the highest point of the roof.

Bohne-if you are going to do that, if you put it on top of the roof, then, technically the light will be higher than the roof.

Rivet-it should be stated as the highest point of the light being lower than or equal to the highest point of the roof.

Vail-just make it state that the light shall not exceed the tallest part of the building.

Rivet-the top of the light shall not exceed the highest point of the building. Then on Section 1.5314, the Town recognizes the off-site illumination. I would rather be a little more strict with off-site illumination so that you cannot directly illuminate your neighbor's yard.

Moccia-how do we propose to fill in the blanks? What are we going to do to set the blanks for number three on 1.5314?

Vail-what is the average light bulb that comes with a fixture, 250?

Rivet-the big halogen lights sold at Home Depot, are they 150 watts

Audience-some are 250 watts.

Bohne-the reason that the commercial may be a little bit brighter is for security purpose in the commercial zones. They did recognize that in the information that I received.

Ryan (from audience)-it would be better to approach this is to go by the lumens to determine the light brightness.

Vail-an incandescent 250 versus a halogen 250 is a completely different in the amount of light that it puts out.

Bohne-the information that I had used wattage versus lumens. I have also seen it where candle power is used. I would need the numbers because that was not in the information provided.

Vail-has an Electrician Journeyman's license and knows several electricians. He can get a feel from them. They may have encountered these issues around the County. We could wait until the next meeting to discuss this issue.

Moccia-maybe they can give us an idea so that we don't make it too high. It would defeat the purpose.

Vail-it also has to be practical with the fixtures that you buy.

Rivet-the intent is to allow people to light up their own property without lighting their neighbor's property. The only other issue he had is things like the lighting along the driveways or in front of the homes, not sure what they are called. They also have a four to five foot pole, with low wattage lights. I don't want to be too restrictive. I'll take an action to try to draft some verbiage and provide to Mr. Bohne.

Moccia-if we could get some input on not to exceed how much and halogen lighting if it is going to change to that. We like the rest of it, Council seems happy with this as it is.

Eschenberg-this is his opinion, but even in a little Town you see it in all governments.

Sometimes politicians think to justify their existence, they have to pass more laws and rules on the people. This reminds him of a couple of ordinances that were passed a few years ago. Both of these were in response to some sort of problem. What surprised him about this ordinance for lighting, is that he does not recall anyone identifying a problem to begin with to justify this ordinance. It comes back to the same thing, who is going to enforce this ordinance? When I read this, I became more observant while riding around. There are so many houses that have the spot lights, which are shining out to light up their yards, which is the light's purpose. This ordinance states that the site lighting must be down-lit. What does down-lit mean? Is there an angle associated with that? Is so, what is the angle? And if the angle is 20 or 30 degrees up, you may as well not have any light at all, depending on where the light is on the home. What if it is 50 degrees up, whose going to draw that line?

Rivet-down-lit means less than 180 degrees.

Eschenberg-is this the way you interpret this? What does shaded and shielded mean? The bottom line is if we pass this ordinance, are each of the Council Members going to police their districts and let everyone who is not in compliance with this ordinance know this information?

Rivet-part of the problem with living in a highly populated area, to keep a rural setting, it should be dark at night. There are some very good reasons for this ordinance. This is so the nocturnal animal's habits are not disturbed and also for those who like to look at the stars at night.

Moccia-we have a lot of new people coming in and, though we don't want to be too excessive with this, anyone wanting to put in lights that shine in the neighbor's yards can because we don't have a light ordinance in place.

Vail-if you go outside and look in all directions, with the exception of the south, you will see a glow from the lights of our surrounding areas. Only to the south can you look and see the stars.

Eschenberg-if I am hearing correctly, it sounds like Council is trying to head off any future problems. I don't think we need to worry about the new subdivisions coming. They have their Homeowners Agreements that will probably be more restrictive than this ordinance. What is the answer to the second question, what are we going to do to enforce this ordinance when everyone in Malabar has lights and may not be in compliance?

Rivet-thinks that this should be handled like a Code Enforcement issue. If there are not complaints, leave it alone. However, if a problem should arise, then it needs to be addressed.

Vail-have approached new residents when they came in and addressed them and had no problem with the neighbors.

Eschenberg-this is great if you get along with your neighbors. How can we deny the rights to the people of Malabar for having lights in their yard?

Vail-doesn't feel that this would be a huge problem in our area, most people that come to this area keep their lights to a minimum.

Booth-commented to Mayor that he was mis-informed regarding the ordinance for the pepper trees. This ordinance was not passed because of one individual. This ordinance was passed so that there wouldn't be any clear cutting of vegetation.

Eschenberg-there are still hundreds of people in Malabar that are not in compliance with this ordinance. If the neighbors knew about this and didn't get along with the neighbor, then this could start a feud between them.

Booth-if you look at the ordinance, we have twenty years to fix this issue.

Eschenberg-this is not the way he read the ordinance. It doesn't say that at all. It's very clear that you cannot have pepper trees within 25 feet of your property line and within 15 feet of the right-of-way. If the neighbors knew about it, they would make a complaint for you to follow up on it.

Booth-we will re-read this ordinance.

Eschenberg-guarantees that this is the way the ordinance reads because that is why he was not for it when you were trying to pass it.

Moccia-we did pass the ordinance and we have a lighting ordinance before us. We are not going to be able to do anything with this right now. We are still looking at some very important information to be filled in.

Eschenberg-would expect that if this is passed, it would be put in the Mailboat that anyone who has outside lighting would be required to shade and shield it. With this, there should be a justification as to why.

Rivet-if the ordinance is passed, he would not have a problem with an article going into the Mailboat with an explanation as to why it was passed.

Vail-feels that it should be presented in a way as a protection of the rural setting.

Moccia-we are not near finished with this ordinance yet. Mr. Bohne has some work to complete and Mr. Vail stated that he would help with the wattage limits.

Rivet-in the interest of being reasonable and not putting any constraints on anyone that are unreasonable, I will work with Mr. Bohne on proposing a few more exemptions. As long as you are not illuminating your neighbor's property, you can do it.

Moccia-having said this, it is not an action item, and it is being brought before us for discussion.

Eschenberg-can the shades and shields be bought at Home Depot?

Dezman-the answer is no, not for what they have at their home.

Moccia-we need to check into this.

ADMINISTRATOR

- BREVARD COUNTY FIRE INSPECTION FEE – as you can see, this was brought up at the last meeting. The fire inspections are mandatory by State law. There appears to be a breakdown in the process, but there actually wasn't. This comment actually came from the County and the TD Group didn't come to the Town and ask. They got the comment from the County. We have been paying the County \$7,000/year for doing a couple of inspections and we were only taking in about \$200.00/year in fees. We looked at that and turned it around. We now have twenty businesses in town that are required to have these inspections every three years to go directly to the County. They pay the County Fire Department directly and the inspections are done. It seems to work out. That brings up this whole study and I want to throw this study out. We are going to have a workshop on the 18th of this month with the Fire Department. I have some suspect of the study itself without any comments from me. The Fire Department will have answers to this study at the time of the workshop. I don't want the Council to make a decision that will, one, double their tax rate; and two, doesn't want Council to turn the Fire Department over to some other organization. I think the study was done without premise, but this needed to be done. Then we can prove it. There are some valid comments in this study. There were three areas of concern that I have; property accountability, paperwork and time. These will be answered by the Fire Department themselves. I have met with them and continue to meet with them so that I have the assurance that the needed fire protection can be provided to you. We will go into more detail at the workshop.
- MALABAR PARK – over the last two years, the condition of that park has improved 1000%. Mr. Booth showed the Council what the park looked like before now. All credit needs to be given to Mr. Withers. I could not have hired an individual who works harder. He has given his all to the park. We are changing the way things will be handled. Carl Beatty and I have made several changes. Mr. Beatty is in contact with the Scouts and I will be in contact with the teams for the ball fields. Mr. Beatty and I will close the park. The Council needed to hear from my side. The park used to taken care of by the Public Works. They did what needed to be done.
Moccia-asked Mr. Booth how the park is looking for Saturday's Springfest.

Kelley-added that I spoke with Terry from Playmore and was promised that it would be ready.

Moccia-stated to the audience that there will be a sun shade for the children so that they are not in direct sun.

Rivet-spoke positive of the park.

- PROPOSED SUBDIVISION ORDINANCE-Council asked for us to come back with a report. It is now in Planning & Zoning for review. Mr. Bohne spent a lot of time strengthening that ordinance.
Bohne-made comment regarding some things that need to be addressed. Still in process.
- FUTURE DEVELOPMENT – We had a pre-planning meeting for 17 lots down Weber Road from Malabar Road to Hall Road. They didn't have to come in as a subdivision; they could have cut each lot and sold it as is. However, the developers wanted our water and based on that, we required it to be a subdivision with sidewalks. They have agreed to this. This will be on the east side of Weber Road. This will bring water all the way to Hall Road. The developers will pay some of the costs for water lines that came down Malabar Road. The lots are still to be an acre and a half, with no changes in the zoning. Sidewalks are required to be installed in subdivisions. There are no sidewalks along Malabar Road as there is not enough easement there. The State is looking into the possibility of widening Malabar Road. This would be a good time to bring up a turn lane off of Malabar Road. We will make this as one of the requirements. The second development that is coming in will be a mobile home park. Then right next to it, going toward Palm Bay, there is an Assisted Living Facility coming in. All they need is a site plan and conditional use. Half of this development will be in Palm Bay, so this will be interesting to see who provides the utilities. The zoning will not change, it is OI. The advantage of this project is that the RV Park has wanted water for some time now and this will make it economically feasible to bring it in.
- CODE ENFORCEMENT- we are looking at three homes in Malabar that are in really bad shape. We have sent the letters to the property owners. There is a RV in the front, which is not allowed to be there. The owner has asked that Code Enforcement to step in. The old adobe has been condemned and we have a contract to demolish this home. The goat issues have been taken to the Special Master.
- ANNEXATION – at a meeting that I attended a few weeks ago, a group came in from Valkaria. They are looking to go out to be incorporated as a town. They are looking to incorporate with Grant. I think we ought to give them six months before we look at annexing again. This should give them enough time to work through what they are trying to do and to see if it is even feasible. Since our Town is on their border, we may be asked to comment on this. You will need to think about this issue. In conversations with people asking, I have told them that we have put it on the table for six months.

- CLOSURE OF JORDAN BLVD - the railroad is looking to close Jordan Boulevard for a time to complete repairs. They notified the County, not us, that this closing would be taking place. I have spoken to both Harris and Data Management. They are proposing to do this work during business hours. There are 750 cars, from both companies, that pass through this roadway. Harris, due to it's nature of work, cannot close the doors for business. Neither can Data Management. I am still in contact with the railroad to see if we can do these repairs at night. If they can't, the worse case would be to create a road from Atz to Jordan Boulevard. This is not the best solution. The people cannot use the side road, as the railroad won't permit this during repairs being done. Both companies are willing to assist with the costs of making a road because they are not able to close the doors until the repairs are done. We could make a passable road as long as it doesn't rain.

Moccia-to Council, do you have any other ideas regarding this?

Booth-this is a better crossing than what we have at Malabar Road.

Vail-if we are forced to put the road in, it could be used as an access to the Trails.

Eschenberg-we can build a passable road for 750 cars to use for the three days that the repairs are going to take place?

Moccia-this is for only three days? Can't the repairs be done at night?

Rivet-can the work be done on a long weekend?

Booth-they are already using Sunday with Monday and Tuesday.

Eschenberg-they could use a Friday evening and the weekend. Harris has every other Friday off, so this should be taken into consideration.

Moccia-do they have any shift workers?

Booth-Harris has shift workers and by the next meeting, I will have all the information to give to Council.

- PALM BAY BOUNDARY CANAL TRAIL-we've been invited to this event.
- FEMA COREY ROAD DRAINAGE PROJECT-FEMA has given us \$19,000, the bid is \$69,000. We are trying to be creative, we brought it to you and it was approved. We are trying to modify the figure to be a little more reasonable. The other costs will come out of the Stormwater funds. We have \$200,000 being held for us, we will need to use approximately \$20,000. The damage is creeping, we thought that we could line the headwalls, but the other side is failing. We will be moving on this within the next few weeks. This is a major drain area. Since we are talking about FEMA, we've just receive about \$250,000, which is part of the monies, more is coming. Also, Council authorized an expenditure of \$60,000 for a shed in the back of the Fire Department. You don't have to use any of your money, as FEMA will make up the difference. This is to get away from the grants. We will use FEMA money only for this shed.
- Staff- everyone has been working really hard. With all that is going on, we have been running into each other. We need a bigger staff, but I won't bring anymore than one person to Council at a time.
- Roads- over the years, the roads have started to break down because of the usage and grading. Coquina breaks down into sand after time. In this budget,

we are trying to get \$20,000 of dirt. It's not the cost that's the problem, it's the availability of the dirt.

- ATV- I met with Captain Perry from the Sheriff's Auxiliary. He has gotten in touch with the AG Police. They have the ATVs and are looking into doing some weekend work with us. More patrols would be put on the road to keep the ATV riders under control. We have \$5,500 in the budget for this.
- More Vehicles- we have gotten more vehicles. Some of the vehicles are being used for parts. We are looking for more vehicles for the Fire Department. The roof is waiting to be put on; the inside of the building has been taken as far as it can until the roof is completed.

CLERK

- MALABAR SPRINGFEST APRIL 9, 11am TO 6 pm
- SPACE COAST LEAGUE DINNER

ACTION ITEMS:

1. **BRAD SMITH AND ROCHELLE LAWANDALES, PROPOSED REDEVELOPMENT DISTRICT**

Rochelle Lawandales, of Lawandales Planning Affiliates, came forward and made her presentation. Brad Smith and Ms. Lawandales had submitted a proposal to the Town to prepare a blight study. Actually, the redevelopment effort would be a two-phase effort. The first phase would be the preparation and adoption of the blight study, along with findings and necessity and then the second phase would be for the creation and adoption of a Community Redevelopment Plan. I'd be glad to answer any questions that you have about the proposal. We are excited about the opportunity to assist you in creating this program which will enable you to keep a lot of funding sources that are going outside of your city at this point and enable you to do a lot of capital improvements, improvements to your Town Hall or even build a new Town Hall, continue to make improvements to your parks and other public infrastructure. So we think it's a really unique opportunity that many other communities here in Brevard County have availed themselves of and you have an opportunity to do so to.

Moccia-are there any questions for Rochelle?

Rivet-any particular areas that you're looking at for redevelopment?

Lawandales-yes, in our discussions with the Town Administrator, we think you need to evaluate your north to south city limit lines on US #1 in particular and probably as far west on Malabar Road as the park. Part of the blight study would be an evaluation of where the specific boundaries should be, and so there maybe a little bit of deviation off of that, not on US #1, I think assuredly it's the whole length of US #1, but where it would go, how far west of the park yet to be determined.

Rivet-okay that jives with my thoughts.

Moccia-Mr. Mayor?

Eschenberg-I have one question. Once this district is established and we can start retaining the money that would normally go onto the County, that money, I assume would be held in some sort of separate fund, do you know if there are rules proposed by the State or whoever that designates what that money can be used for, limits it?

Lawandales-yes sir, there are two parts to your question, as I think I understood you. One, it's called a Tax Increment Trust Fund and so through your normal accounting practices, you would set up a separate fund call the TIF, we refer to it as the TIF. It has to be kept just like all of your general, in accordance with all the generally accepted accounting principles and practices. That money can be spent on everything from innovative community policing, to administration, to expanded programs such as Code Enforcement. You can spend it on public infrastructure, water, sewer, Stormwater, streetscape programs. When I talk about streetscape programs, I'm talking about beautification enhancements, decorative street lights, the bollards, short bollards, landscaping, and medians. I don't know if that's a bad word here, parks, pavers.

Eschenberg-it sounds like a lot of things. Is there anything that you can think of right off that you are not allowed to spend it on? And also, would it have to be spent in that particular district?

Lawandales-absolutely, the monies that are generated from the redevelopment area can only be spent within that district. There is great latitude on what you can spend monies on. You can spend it on public and private partnership projects where you may want to work with a private developer in making certain improvements that ultimately will give a greater return, for instance, to the city. There is a great deal of flexibility.

Eschenberg-so you can actually subsidize private development or private property owner?

Lawandales-it's not really a subsidy. What it is it's a partnership. There maybe things that you might have an area where there is a development that needs parking, needs some infrastructure assistance, needs where, let's just say, for instance, that development is going to give a lot in terms of incremental revenues to the town once it gets built. There maybe something that is marginal about it, where they need some public assistance. That's what community redevelopment agencies are capable of doing where regular local governments and cities cannot use their tax monies in certain ways. So, community redevelopment agencies can assist with parking or parking in areas.

Eschenberg-what I am trying to figure out is how much of this money could really flow into private hands?

Lawandales-it's all governed by the public sector. The public sector, the community redevelopment agency, makes all of the funding allocations and decision. You adopt a budget each year. You are audited every year and just as you go through your budget process, all of your projects are identified. So if you set yourselves up as the agency, which you can, Town Council can be the agency, then you control where every penny goes.

Eschenberg-what I was concerned about though, one final question, is I want to be specific about a situation. Let's suppose, and you've identified US #1 all the way, up and down. If you go north of Malabar Road, there's some housing that could look better, let's say. If the Town wanted to do it, could they go to the owner of a particular piece of property that had a residence on it and make some sort of arrangement with them, get the owner's permission, basically fund a remodeling of, at least, the outside of the structure, with this money? Is that permissible?

Lawandales-actually, many, many communities do what we call facade grants. Facade grants are predominately done for commercial structures and Satellite Beach just set their limit at \$15,000 matching grants, other communities are at

\$7,500. Those are done predominately for commercial structures, however, there are means that you could make improvements to housing with this program as well. Booth-but, generally, that's done with CDBG monies and, actually, the County takes care of that. We have, in the past, have not availed ourselves upon it. For one, I think, one area was selected once and they sort of turned it down. But that CDBG money goes to moderate to low income to revamp the home, it goes inside. I think the total is about \$34,000. You can't sell it for ten years though. And on that, the good, and the what may cause some problems, if we to go to a redevelopment district, redevelopment districts-most of the taxes stay right there. That's the County taxes, and the County sometimes opposes it because they realize that they're going to loose money out of their pocket. The city looses money too, in a sense, because it stays within that area.

Eschenberg-not as much as the County looses, though.

Booth-this may be the only time that we're able to do this because you have to prove some blight on Highway 1 and we have blight all the way up Malabar Road to the park. We can show that and Town Hall can be paid for in that district.

Moccia-okay, I have another question. If you're going to the park, if for some reason, I'm going to ask you another question about if we brought down a little further to where Corey and Malabar is, could you use funds to do a light?

Lawandales-yes.

Moccia-so I think we need to consider having the blight go a little further. At least look and see if we have the need for it there. You know what I'm saying, we definitely need something there.

Booth-the State still has to approve it.

Moccia-I know that, but she's saying it's a possibility.

Booth-yes, that's right.

Moccia-I'm just saying for the safety of the Town, it's just a good question to have out there.

Booth-there is a lot of latitude in those redevelopment districts. I started it only because I wanted to bring water and sewer up. When I saw that the developer was going to that, I pulled out. Plus the amount of time and effort it takes to do a blight study, it's pretty great to get it finished. As I said, it takes that area out and also creates a new board. You can appoint yourselves, but as the attorney said, we have to have a different attorney. It's like you have a different board because you have to have a different attorney that does not have any vested or interest in anything else.

Eschenberg-this is still a very long term proposition none the less. You have to be looking out at least ten years before you're going to get any significant funding to do any real work.

Lawandales-actually, you probably will be looking at having some big incremental increases, particularly from development along US #1 that could infuse a lot of dollars real quick.

Vail-how long is the fund good for, eighteen?

Lawandales-thirty years.

Vail-the costs that are incurred by this contract, is that a set fee.

Moccia-I see additional services, is that what you are speaking of, Brian?

Vail-yes. The contract has a price, of a lump sum of \$11,750. What are the potential costs exceeding that?

Lawandales-it's really going to depend on you all and what you would like for us to do. For instance, if you would like us to prepare the draft ordinance, if you would like

me to write the draft ordinance for your town attorney to review, then that would be an additional service. Otherwise, the town attorney can write it. But if it is something that you want us to do, we will gladly do that for you. The additional services are things like if we've given you, we've gone through the whole process and declared a final document and there's new changes to be made that weren't anticipated or something, so I don't expect a lot of this.

Vail-so once you've done all your work, it's pretty much ready to turn over to the State, once you're done with it, more or less?

Lawandales-actually, it would be to you all. This is purely set up on a local basis.

Moccia-this is why we have to make sure where we send her and what we tell her to do, that we are conveying to Mr. Booth because they are going to be in constant contact. The less that we have to come back and re-evaluate this thing, you know how we do, it's going to cost more money. Having said that, if it does cost us more money, can we get itemized billing showing the kind of hours you're spending, from you? I mean itemized bills, not just I did this for half a day.

Vail-could we get a kind of ball park figure in advance from you?

Lawandales-we always like to work that. If Mr. Booth were to say I need you to do XYZ, then we would put together a proposal stating that we would do it for a negotiated lump sum or an hourly rate basis.

Rivet-the proposal would have a "not to exceed"?

Lawandales-that's exactly right, with a "not to exceed". This is something that we want to help you succeed at, this is not a money-maker. This is something that we really think will benefit the Town.

Vail-my only concern is that we get into a lot of additional spending. After we spend a lump sum of almost \$12,000, we're not guaranteed we're going to get this.

Lawandales-absolutely you are.

Vail-we are guaranteed that we will get this?

Moccia-once it's all been done.

Vail-once it's all been done, we are guaranteed to get this?

Lawandales-absolutely, you will have a blight study, you will have findings and necessity, you will have what the attorney needs to craft the appropriate resolutions and so forth to establish your area. The next phase, however, is the planning phase. Before you actually can formally create the district, establish the trust fund, set yourselves up as the agency, you have to create and adopt a redevelopment plan. So phase one is doing the initial analysis to say whether or not you meet the criteria for setting up a CRA, how you meet that criteria, all the data and analysis, where those boundaries should be. At the end of phase one, you will have everything you need to establish those findings.

Eschenberg-from what I remember at the last meeting, June 30th is the magic date for something. Do you know what that is? This is already the first of April.

Lawandales-I think that what June 30th characterizes is the day date that the tax role is established. Anything that has a Certificate of Occupancy prior to January 1 of, let's say this year, it goes on this tax role. If it gets a C/O today, it goes on next year's tax role. So, what you want to do, particularly when we know projects are coming, anything that is going to get a C/O over the course of the next year, we want to get your plan adopted for your prior to June 30th of 2006. That way you can capture those revenues. You don't want to lose anything that's going to come on-line over the course of the next year. I don't think we're worried as much about June 30, 2005, as we want to be targeting June 30, 2006. The blight study will be done

long before that. The plan can be done within a six to ten, sometimes a four to six month period, depending on how elaborate you want it to be. So I think you can feel comfortable in making a date.

Eschenberg-for example, the new development at Malabar and Corey, is that within the area, as identified?

Lawandales-it depends on where you establish the area. I think its a little bit west of the initial area that we talked about.

Moccia-but we really haven't discussed this yet. This is why I want to, I think that somehow the Council should be involved in this pre-discussion at some point because this is what happens. If we don't let you know or convey what you and I are saying now and what you are thinking as well, to bring it down a little further. There's an area there that maybe we can include in this.

Lawandales-the way that we have talked and would like to work this is that there would be periodic reports and presentations to both the Administrator and to Council, and perhaps even workshops.

Moccia-have you included this in your fees?

Lawandales-they have been included in our fees.

Booth-all of Malabar Road would qualify, to be honest with you. There's enough blight along that whole corridor.

Moccia-but there is new commercial development that's coming there, which is one of my concerns. We've left it open now, what is it zoned for now?

Booth-we never changed it.

Moccia-but it's about to happen and if we can capture some more of that, I'm into capturing now. That's the magical word, for more revenues.

Booth-I was actually going to go all the way to the park area because a Town Hall could be constructed within this redevelopment district.

Moccia-but if you extended it further, wouldn't you still be included in that area?

Booth-you bet and that's what are looking for is comments from you and the comments will be incorporated in the study.

Moccia-Council is speaking for the people so therefore, we now have an idea what we're looking for.

Withers-is zoning locked in or can the zoning be changed?

Booth-zoning has nothing to do with it.

Moccia-I don't think so.

Rivet-once we define the blight area, can we change?

Moccia-can we change the blight area?

Vail-can you change the zoning within the blight area?

Lawandales-absolutely, this quite possibly, would be some of the recommendations that come out of the planning process and the planning process is done with a lot of public involvement. For me, the plans have to be consensus driven and have a lot of public involvement because it's casting a vision and that has to be a community driven vision. So one of the recommendations may be to change some of the zoning, or alter some of the things that are allowed within existing zoning districts, modify your land development regulations. Those are all certain things that might come out of the planning process itself.

Booth-but we can't increase the area once you've establish it.

Moccia-does it cost more to go any further if we take it along down from US #1 to Malabar Road?

Vail-are you saying the west Town limit?

Lawandales-we will evaluate the whole corridor.

Rivet-this is why we need the study.

Vail-you are confident that this study, we will be accepted for this as a result of the study? Or is this contingent on the study results they we receive this or is this a for sure thing?

Lawandales-this is something that you establish. It's not something that is submitted to anybody else where you would receive a designation. You actually set the designation yourself. Your question is do you think that I think you'll will meet the test for blight. Yes, I think that you will meet the test for blight.

Vail-before we commit to something spending this amount of money, I want to make sure it's a realistic thing, something that going to happen and in our favor.

Rivet-I think this will be an excellent investment.

Vail-I think so as well.

Eschenberg-I have one more thing. After you complete this work that's almost the \$12,000, you complete step six, present the final blight study findings, this part of the work is done. You say that there is more work to be done. Do you anticipate then doing more work for the Town in order to complete this whole process.

Lawandales-I hope so.

Eschenberg-so there's more dollars out there beyond this \$11,750 in order to complete the process.

Lawandales-yes there is, absolutely. There is the second phase and we indicated last time and what the contract...

Vail-so \$12,000 is for the first phase.

Rivet-so that poses the questions as on what the other cost will be.

Vail-you have to remember that there is going to be some time before we receive any funds back. I don't know exactly when we would start receiving funds back to the general fund.

Moccia-I think knowing what phase two would be would make it a whole lot easier to swallow phase one. Do you know what I'm saying, to be able to look at the price that you're charging, how much more are you charging?

Lawandales-I think what we indicated at the last Council meeting is was \$20,000 to \$30,000 for the plan, depending on the area that is established and what level of plan you wanted. It's kind of like, we can do the bare minimum plan to meet the statutes or there can be a more graphically detailed plan that would give you an identification of certain improvements and the kind of improvements that you could pursue. I think that this is what we indicated to you at last Council meeting.

Moccia-will phase two actually, you will be able to sign off between \$20 to \$30,000 you're done or do you have to come back every year?

Rivet-this would be the whole plan.

Moccia-so another \$20,000 to \$30,000.

Rivet-we are talking roughly \$30,000 to \$40,000 for the whole study roughly.

Lawandales-that's correct.

Moccia-now we're onto \$40,000.00

Rivet-just to get an idea, what kind of funds would be available? What is our return on this?

Lawandales-in terms on what you might see for the tax increment? I can tell you that, for instance, Satellilte Beach, the City of Rockledge and the City of Palm Bay, their increments have been going up exponentially. I can only envision that your property values are going up in the same way. I think development is eyeing you,

especially along US #1 is extraordinarily ripe. I think that, more than likely, you're looking at the ten if not hundred thousand dollar range coming out of the first year. Eschenberg-it seems like a hard bullet to bite right now. But, quite possibly, some Council five years down the road will love you for doing it. But you don't really know for sure.

Lawandales-the problem is, and I'm not saying this as a self-serving statement, as a professional it is incumbent upon me to advise you that it's not a good thing to wait. The longer you wait, the more development comes in and you do not capture that increment.

Vail-what is an anticipated date of when we would lock into the increment, January of 2006?

Lawandales-anytime probably after January of 2006.

Vail-basically seven months.

Lawandales-I would say seven to ten months.

Eschenberg-you say any C/O issued between now and the end of the year

Lawandales-would go on the next tax role.

Eschenberg-they are not involved. When you establish the base line

Lawandales-when you adopt the plan, you establish the base year and so you would establish the base year

Eschenberg-as a practical matter, how long would it take to get to the plan?

Lawandales-I think that's what we were just saying, seven to ten months.

Vail-if we could make it happen by January, I would be in favor of that because to lock into US #1, there's a lot of development coming and it's coming soon. There's already stuff before Planning & Zoning and Council, so if we, the sooner we get it locked in the better we stand a chance of getting our money back.

Lawandales-we will gladly work with you on that.

Eschenberg-the development at Malabar and Corey will probably be well along by the end of the year. I don't know that you will actually be issuing C/Os by the end of the year, but it wouldn't surprise me.

Booth-I don't think we would take the whole development though. I think we would take a small corridor about 600 feet on either side of Malabar Road. That would encompass, that is how I would do, and this would encompass the homes that are along Malabar Road that fall within that category.

Moccia-I think we had once talked about and envisioned bed/breakfast, up and down Malabar Road, for the homes that are willing to do something like that. Something that we could put back. If they wanted to do some improvements, make it more appealing and make it an investment for themselves as well. Are we still talking or do you have any other questions. So far, we have the meeting updates included from Rochelle in this first phase one, they are included, and the additional services to be itemized if billing was necessary. Did we say anything else?

Vail-additional services to be estimated.

Moccia-okay, this is another item we asked for, itemized and estimated.

Rivet-do we need to make a motion to approve going forward with phase one?

Bohne-yes

Rivet-so moved.

MOTION: Rivet/Vail to approve going forward with phase one. VOTE: All Ayes.

2. PROPOSED STOP SIGNS AT WEBER AND ATZ AND WEBER AND HALL (VAIL)

Vail-I have just had numerous requests for stop signs at Atz and Weber and Hall and Weber.

Moccia-the signs at Atz and Weber were already approved.

Vail-doesn't think that they were approved as of yet.

Booth-you never approved it. What it came down to was that we pulled up all the rumble strips and we're going to paint STOP on the roads as soon as we have the materials.

Vail-we all agreed that it wasn't an action item.

Moccia-thought we had discussed Atz and Weber because of the accidents that have been happening at that intersection.

Rivet-saw the accident at Corey and Atz. What appears to have happened is that one car stopped for the sign, the car behind him didn't.

Moccia-thought we were talking about Atz and Weber Roads.

Eschenberg-spoke with someone from Valkaria, asked if he could do something about this stop sign at Corey and Atz. I told him that there was nothing I could do. He told Mayor Eschenberg that the strips were taken away and thinks that someone will get killed at this intersection.

Moccia-we need to get the roads painted as soon as possible.

Vail-observation of how many stop signs in our neighborhood and surrounding areas have STOP painted on the road, not very many. I urge that we get it done and it is an alternative to the rumble strips.

Rivet-I agree that this needs to be done.

Eschenberg-why are people contacting you about signs on Weber Road when you don't live in this district? Why do they want the signs? Do they want to control speed? Is this what they are after?

Vail-they want safety.

Eschenberg-safety is a whole other issue.

Bohne-you cannot use stop signs to control speed.

Eschenberg-stop signs are not meant to control speed. We have had problems at those intersections because people have not stopped at those stop signs. I did some research and I have some pictures for Council to review. People going east/west direction can't see the signs very well. Some of the signs are hidden behind vegetation. The problem exists because they don't stop at the stop signs. It could be that some don't stop because they don't know the area. I suggest that we have an expert come in and give their opinion regarding adding stop signs.

Vail-made suggestion to have Atz and Weber match Corey and Atz, to follow suit and make them match. There are people here tonight that would speak in regards to this issue at Hall.

Moccia-if people are voicing their concerns, I would like for them to speak at these meetings and let us know why they feel the way they do, rather than try to speak for the public. These are the people that live on Corey Road, who are directly affected.

Eschenberg-I don't see a problem on Weber, and I don't see how anyone can see a problem unless they see a car speeding. I travel Weber Road everyday going to work, and have not had a problem. Even when I come home at night, there has been nothing, it's not a very highly traveled road. As a resident who lives off of Weber Road and travels it everyday, these four way stop signs would irritate me,

when it's really not justified, at least in my mind, and I would like to hear from a County Engineer, an expert opinion. I think the problem is that people just aren't stopping. There have been some serious accidents at Hall and Weber and Atz and Weber and the reason is because the people are not stopping. Adding more stop signs is not going to solve the problem.

Moccia-the accident that occurred with the Vagany's on Hall Road, they had run the stop sign, and actually the stop sign in one of the pictures you took, because they couldn't see it.

From the audience-after the accident, the stop sign was moved. It couldn't be seen because of the vegetation.

Moccia-was the stop sign moved? Was it placed in a better spot?

John Vigantily-1230 Hall Road-We have no law enforcement in this town. People are traveling 45/50 and running stop signs. Maybe if the person in front stops, then if the person behind doesn't slow down and stop, they would hit the person in front of them. That would make them stop. The problem was that the stop sign was set back too far and there was a big pot hole also. She went around the pot hole, slowly, she pulled up a little more to be able to see, thought it was clear and here came a vehicle doing 50 mph. I lost my granddaughter in July of 2000. If the stop signs are there, it could save someone else's life.

Moccia-Mr. Vail wants an action item, but thinks that we should listen to the Mayor and have the people come and speak to Council. I will do the same.

Booth-we will also use some flashing lights as well. Some of the signs can get hidden by vegetation and can't be seen, the lights will also be used to get the attention of the motorists.

MOTION: Eschenberg/Rivet to postpone to next meeting with information from County Engineer. VOTE: All Ayes.

3. RESOLUTION 03-2005; ADMINISTRATIVE FEES

Booth-advised Council that a change had been made and this was not ready for approval.

MOTION: Rivet/Vail to table until next meeting. VOTE: All Ayes.

4. OAKMONT PRESERVE – EXTENSION ON SUBDIVISION DEVELOPMENT-Booth- advised Council that an extension of a year is needed due to the setbacks from last year's hurricanes.

Moccia-do they really need a year?

Booth-they will need at least six months.

MOTION: Rivet/Vail move to approve a six month extension for subdivision development at Oakmont Preserve. VOTE: All Ayes.

REPORTS: MAYOR, COUNCIL

Eschenberg-went to a meeting in Mico regarding the annexation of Valkaria. The City of Mico feels let out of this. Mayor asked Council for permission to do something to put a link from his website to the town's website.

Bohne-this is not a sunshine law issue, but he cannot solicit from the Council. Anything received by the Mayor would become public record and needs to be forwarded to the Town Clerk.

Rivet-doesn't see any problem with this as long as the information is open to the public.

Moccia-consensus is that this is fine.

Eschenberg-directed Mr. Booth to take care of a few things at the intersections in the pictures. This needs attention immediately.

Vail-has nothing to report at this time.

Rivet-has nothing to report at this time.

Moccia-the property with the person buried on it has been there since 1991. This needs to be looked into before the property is demolished.

PUBLIC COMMENTS: GENERAL ITEMS

Bud Ryan-1923 Howell Lane & Pat Reilly 1985 Howell Lane-both came forward regarding the property at 2016 & 2018 Howell Lane. A time line of events was presented to Council by Mr. Ryan and Mr. Reilly. Nothing has happened to this property since December.

Vail-was trying to be a liaison between the homeowner and Mr. Booth. He was not aware that things had come to a standstill.

Ryan & Reilly-would like this to go back to Mr. Booth and treated as a Code Enforcement issue to get this problem taken care of. Between the months of January and April this year, the grass has not been mowed and is overgrown.

Booth-the real problem with the Tarzia property is that he is trying to take two houses that is not feasibly possible to fix up. The Building Department has tried to explain this to Mr. Tarzia. The burning of the houses, as a Fire Department training exercise, has been offered and taken away several times. Both property owners will be notified, by a certified letter, with a specific time frame to have all violations taken care of. The next meeting, Mr. Booth will report back to Council regarding this matter.

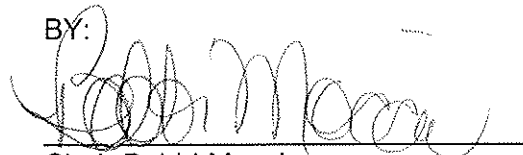
Bob Rowan-2565 Corey Road-with regards to the stop signs, he can attest to three near misses at Corey Road and Atz Road. He is in agreement that the stop signs do slow people down and that something is needed to deter people from speeding.

Dan Michael – 2265 Atz Road –with regards to the closing of Jordan Boulevard. There are a lot of children who play on LaCourt Lane. You would need to notify the parents on this street with regards to putting a road through LaCourt to Jordan. Would it be possible to cut the road through Jordan Boulevard to Marie Street?

ADJOURNMENT

The meeting adjourned at 10:35 p.m.

BY:



Chair Bobbi Moccia

ATTEST:



Cindi Kelley, Recording Secretary

DATE: 5/2/05