

**MALABAR TOWN COUNCIL REGULAR MEETING
JUNE 20, 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 Bobbie Moccia.

<u>ROLL CALL:</u>	MAYOR/VICE-CHAIR	TOM ESCHENBERG
	CHAIR:	BOBBI MOCCIA
	COUNCIL MEMBERS:	FRANK HICKSON
		BRIAN VAIL
		STEVE RIVET
		PAT DEZMAN
	ADMINISTRATOR:	ED BOOTH
	ENGINEER:	BILL STEPHENSON
	ATTORNEY:	KARL BOHNE
	RECORDING SECRETARY:	SHARON WHITE

ADDITIONS AND DELETIONS TO AGENDA:

AWARDS:

PRESENTATION TO BOY SCOUT TROOP #37 & GIRL SCOUT TROOP #1476

The Boy Scouts and Girl Scouts were each awarded \$250.00 for their participation in the 2005 Trash Bash. The Scouts won 1st place in category D of the trash bash.

REPORTS:

ATTORNEY

Mr. Bohne reported that the complaint regarding Dr. Gentile would be filed on Friday as long as there are no other changes to be made. Mr. Bohne had nothing else to report at this time.

ADMINISTRATOR

Mr. Booth informed the Council that he had reserved a block of four rooms for the Florida League of Cities Annual Conference. We need to definitely know how many people will be attending this conference. The paperwork regarding this was provided in the packets to Council.

-PRIORITY LIST FOR STORMWATER PROJECTS

Carl Beatty and Bill Stephenson looked at the drainage water projects that need immediate attention, and found that this will be about a three month project to complete. Public Works will give a list of what is going to be accomplished each week and a listing of what has been completed. As more drainage problems arise, they will be added to the list.

-ROAD PRIORITY LIST

Some of the roads are going to be reconstructed, graded and rolled so they will be hard and compact. Every road needs some work on it. Glatter Road is a real problem. Mr. Pence has agreed to give us 50 loads of dirt, starting after the 4th of

July. This will be a big help and save the Town the expenses. We will need to use approximately 20 loads of dirt just for Glatter Road.

-CODE ENFORCEMENT/LAND USE

The structure fire on Corey Road contained various dangerous items in and around the residence, such as propane tanks, ammunition in the home, various stored vehicles, etc. Mr. Booth advised Brevard County that he would inform the County of the homes that should not be considered residential, but industrial because of situations like this. The fire department had to evacuate the building due to the ammunition and propane tanks when fighting this fire. The Chief and Mr. Booth will identify all the areas in the Town relative to situations like this and report it to Brevard County.

-DEBBY FRANKLIN, TOWN CLERK PRO TEM

Mr. Booth announced that Debby Franklin has taken on the responsibilities of the Finance Director along with the responsibilities she currently has. Her wages will be increased to only a few hundred dollars more than they are now. Ms. Franklin has been doing an excellent job filling in due to Susan Kabana's absence and she also has been involved with Mr. Booth going to Rockledge to be assisted on what financial programs they could help us with and get information on maybe using the same programs and procedures. Bobbi Moccia stated that Ms. Franklin wanted it made clear to everyone that she is getting paid more for these extra responsibilities she has taken on. We have to leave Mrs. Kabana's job open for 12 weeks.

Dr. Gentile would like the Town to set up a mediation meeting between the neighbors and himself and members of the board to resolve the problems with his neighbors. Mr. Booth asked the Council to consider this. Mr. Rivet feels that it would be a waste of time since they have already mediated long enough and exhausted any means of resolving any problems. Mr. Bohne advised Council that it would be much cheaper to pay a mediator than to pay for further litigation costs. Mayor Eschenberg felt that if we proceed with a mediation meeting, it would be cheaper to start with this. Mr. Bohne stated that we would be required to have a mediation meeting anyway. Mrs. Dezman would like to speak to the neighbors first to see if they are willing to attend a mediation meeting with Dr. Gentile. Chair Bobbi Moccia stated that Mrs. Dezman can go ahead and speak to the neighbors first. Mr. Booth stated that we will have a report by the July 11th Council meeting on this.

At this time, Mr. Booth presented his priority projects. He reviewed each one as they appeared on the listing.

FIRE CHIEF

Chief Joe Gianantonio came forward and addressed Council. He stated that the downstairs of the fire station is almost recovered. Some of the vehicles can be recovered but we will have to put some funds into them. Bob Rowan, Assistant Fire Chief came forward and gave a presentation on items that needed immediate attention such as replacement of the communication tower and antennas. They are not getting good radio contact with the present tower. The brush truck storage/maintenance building needs to be replaced. The fire vehicles are not supposed to be outside in the weather at any time while not in use. This poses a

serious security issue. The water/generator concrete block building also needs replacing. Numerous vehicles also need to be repaired, such as the ambulance, squad vehicle, brush trucks and some engines.

PARK CHAIRMAN

Mr. Kemmler was not present at this time to give his comments regarding the park.

CLERK

Nothing to report at this time.

PRESENTATION:

1. ROCHELLE LAWANDALES – BLIGHT STUDY UPDATE

Ms. Lawandales came forward and addressed Council. She presented Council a handout. Along with Brad Smith, she is working on creating a plan to create better conditions and eradicating deplorable conditions along US #1 (excluding Rocky Point) and Malabar Road. This study consist of 215 parcels on 1,123.69 acres of land, of which 99 parcels on 617.64 acres are vacant and 116 parcels on 506.05 acres are improved. She said they will have explicit boundaries when she comes before Council the next time, but it mainly consists of US#1 and Malabar Road, with an assessed value of \$43,710.820. Right now it is almost an even split between the land and the building values. The building values are coming down and the land is going up. When the building values come down below the land, the buildings, at that point, are better off being demolished and rebuilt. These numbers will probably change. Various photos were shown along US Highway 1 which are involved in the study. They have been hammered by rain, but the count is between 15 to 18 structures that are dilapidated. They acquired data from the Sheriff's Department, which consisted of 800 pages. This information is being reviewed at the present time. Mrs. Moccia asked if we were going to meet our goal of Sept 31, 2005 for completion of this study. Ms. Lawandales assured Council that they would be on budget and on schedule.

**2. RECOMMENDATION FROM ENGINEER BILL STEPHENSON
REGARDING MALABAR WATER SYSTEM CONNECTION CHARGE**

An impact fee was established by the Town Administrator. This information needs to go before the Planning & Zoning Board first. A question of how much money should be collected, since we may not get funds from everywhere that the lines run, was asked. It was decided that we should have a connection fee instead of an impact fee. These funds should be placed in a capital improvements fund and designated for funding expansion and growth of the major segments of the water system.

Mr. Booth stated that we would have a resolution for the July 11th meeting. The rates would be changed with a resolution. Mr. Stephenson stated that maybe we could look at something for a five-year period instead of changing the fee every year. The connection fee will be \$260.00 for five years. We will look at the rates at the end of five years to see where we need to go with the connection fees. This fee

would be collected for new service to a home not just for new construction. Anyone wanting to connect to the water system that has never had water to their home must pay the connection fee of \$260.00.

DISCUSSION:

1. LIGHT ORDINANCE

Steve Rivet will make changes to the ordinance and provide to Karl Bohne for review and drafting of an ordinance.

2. WASTE MANAGEMENT (Bobbi Moccia)

Mrs. Moccia stated that the same yard waste is still out there since the hurricanes. It has been there so long that weeds have been growing up through the piles making it hard for them to be seen by anyone. Bill Withers stated that they don't stop at all the stops.

George Gelecko from Waste Management came forward and addressed Council. After the hurricanes, the County brought in three additional clam trucks. Mr. Gelecko informed Council that the problem is mixed loads and C&D waste. The residents need to separate everything out. There should be a pile for C&D and a separate pile for vegetation. The yard debris should be cut into four foot lengths. If the debris is longer than the 4 feet, the truck cannot accept the additional length. The clam shell collection should be picked up within one week of your normal collection. Mrs. Moccia stated that she would like to have someone come and so that we can drive around and show them some of the debris. Mr. Gelecko stated that he would be glad to give us someone to look at the Town. Mr. Gelecko also stated that approximately 12% of the people in town are not signed up for the Waste Management services. Mr. Rivet stated that it is unfortunate that we have a lot of people dumping here. Mr. Gelecko stated that if a resident has more than three cubic yards of debris, the resident should call for a clam truck to come and make the pick-up. Some of the streets in the Town are so narrow that it could be a problem getting the trucks down them for pick-up, especially if the garbage is placed on an empty lot. If the people driving the trucks see the stickers on the mailbox, then the trash will be picked up. If there is no sticker, then a pick up will not be made.

Mr. Booth asked Mr. Gelecko for a listing of the people who are not paying for trash removal services. A letter will be sent to those individuals advising them that they are out of code with the Town of Malabar. We have an agreement with Waste Management and everyone in Town should be using the services of Waste Management. Mr. Booth also asked Mr. Gelecko if there was any maximum on the pick-ups. Mr. Gelecko stated that there is no maximum.

3. FIRE DEPARTMENT GOALS (Pat Dezman)

Mrs. Dezman stated that they are doing a very good job of putting together some of the goals for the fire department. We were shooting for a July 1st date for milestones. The bottom line is, this will not happen because there are several issues that need to be addressed. On June 13th, we had a meeting to discuss what the fire department needs. It is awesome to me to sit there with the Fire Chief and Bob Rowan. We are very fortunate to have these two people tracking this information. The intent is, come July 11th, to talk about budget and make some changes we need

to make. We cannot give you milestones as to what we are working with as of July 1st because we feel very strongly as a group that we need to address the safety issues. We also talked about where we want to be at the end of this and tried to work backwards. We are going to meet again on June 29th. We have some parameters that we as a group can meet. There were some other issues that were brought up. Everyone now has a copy of the analysis so that they can look at areas that were brought up by TD Group. They also have a copy of Mrs. Dezman's report and Bob Rowan's report. Mrs. Dezman also advised Council that there was a very nice article about our Fire Department in the paper today. No one seems to know where it came from.

4. ROCHELLE LAWANDALES - BLIGHT STUDY COMPLETION DATE & FINAL PRESENTATION

This was discussed above when Ms. Lawandales came forward and presented the Blight Study update to Council.

5. ROCHELLE LAWANDALES - US #1 LANDSCAPING PROJECT

This was discussed above when Ms. Lawandales came forward and presented the Blight Study update to Council.

6. NEWSPAPER ARTICLE FOR SHERIFF'S RATES (Mayor Eschenberg)

Mayor Eschenberg addressed the Council regarding this newspaper article. This applies to the MSTU that the County wants the Town of Malabar to participate in. A couple of things that caught his eyes was that Orange County Sheriff's Department gives Disney a massive discount on their sheriff services, Disney has their own security. The small town of Belle Isle receives a massive discount also. The other important point was that the Sheriff's Department would be required to respond to calls to Disney or Belle Isle anyway. Mayor Eschenberg thought the article was very interesting.

As a follow-up, Mayor Eschenberg called the Town of Cape Canaveral to see what they pay for sheriff services that they get. There is only two towns in the area, Cape Canaveral and Palm Shores that deal with the Sheriff's Department this way. Cape Canaveral has a contract with the Sheriff's Department. As I recall, it was in excess of \$1,000,000 that they pay. Mayor Eschenberg called Palm Shores today. They have an MSTU with the Sheriff's Department. They do as a mileage rate. He didn't have the figures, but based on what he did have, the mileage rate was around 1.2 to 1.3 mils. Mr. Booth stated that he believes that it's 1.4 mils. Mayor Eschenberg stated that he doesn't feel that basing in on mils because of the value of the homes and property. He also asked how they were convinced to participate in this agreement. The Mayor was told that the County convinced them they needed to participate in the agreement.

7. RECOMMENDATION FROM PLANNING & ZONING ADVISORY BOARD REGARDING RE-HIRE OF SOLIN & ASSOCIATES AS TOWN PLANNER

Mayor Eschenberg called a point of order. A recommendation is needed to extend the meeting past 10:30 p.m.

MOTION: Dezman/Vail to extend the meeting for 30 minutes to 11:00 p.m.

VOTE: All Ayes except Hickson.

MOTION AMENDED: Dezman/Vail to extend the meeting for 15 minutes to 10:45 p.m. VOTE: All Ayes.

Mr. Booth advised Council that staff disagrees with this. Mrs. Moccia asked Mr. Booth why they felt this way. Mr. Booth stated several reasons and they are: the cost is way too high, they are located in Altamonte Springs, they were responsible for writing the ordinances that are in place now and the last time that Mr. Booth had contact with this company, they reported back to Mr. Wilbur and not Mr. Booth. This was unprofessional, inappropriate and, maybe, illegal. Mr. Booth is very strongly against this. This was not on the Planning & Zoning agenda for the last meeting and he is not sure how it got before Council. This is not just coming from Mr. Booth, this is the entire staff.

MOTION: Dezman/Hickson to table until such a time that further discussion can take place. VOTE: All Ayes.

8. FOOT PARK – CORNER OF COREY & MALABAR ROADS (Bobbi Moccia)

Mrs. Moccia addressed Council regarding this matter. This is to be a native all-natural park. We have some mulch that will be put down. This is to be a foot park. Could we have some "NO PARKING" signs put up? We are planning to put in a few benches in the park. No gazebo will be placed in the park.

ACTION ITEMS:

1. CHANGE OF DATES FOR JULY TOWN COUNCIL MEETING DUE TO HOLIDAY

Due to the first Monday in July being a holiday, Mr. Booth asked to have the meeting changed to Monday, July 11th, with a budget workshop at 7:00 p.m. and the regular meeting at 8:00 p.m. This will be the only meeting for the month of July.

2. RESOLUTION 09-2005 BUDGET ADJUSTMENT

By unanimous consensus, Mrs. Moccia read by title only. The detailed line item budget adjustment is being worked on by Debby Franklin, Sharon White and Ed Booth with help from the City of Rockledge which uses our finance software. Our auditors have also been in to check on process and offer their assistance. Everything is under control.

MOTION: Rivet/Hickson to approve. Vote: All Ayes. Resolution passed.

3. RESOLUTION 12-2005 AMENDMENT TO EMPLOYEE MANUAL

By unanimous consensus, Mrs. Moccia read resolution by title only.

MOTION: Rivet/Vail to approve the resolution amending the employee manual. Vote: All Ayes. Resolution passed.

4. INTERLOCAL AGREEMENT WITH BREVARD COUNTY REGARDING LIBRARY IMPACT FEES.

Moved to the July 11th meeting.

5. INTERLOCAL AGREEMENT WITH BREVARD COUNTY REGARDING EMERGENCY MEDICAL SERVICES FACILITY IMPACT FEES

Moved to the July 11th meeting.

6. RECOMMENDATION FROM BOARD OF ADJUSTMENT CHAIR REGARDING APPOINTMENT OF BARRY ALEXANDER TO BOARD OF ADJUSTMENT

Moved to the July 11th meeting.

7. REPAIRS TO HALL/ATZ ROADS @ COREY ROAD – ATLANTIC DEVELOPMENT

Engineer Bill Stevenson – bids were unreasonable. He approached people working in Malabar. One at Corey and Hall and one at Corey and Atz. It was negotiated to do both projects for \$21,170.00. These are being paid for under the stormwater money because they were damaged during the hurricane. These are two small projects. Motion to have it contracted out.

MOTION: Hickson/Vail to approve contracting this out to Atlantic

Development.

Vote: All Ayes.

8. DISPOSAL OF NON-USABLE EQUIPMENT - PUBLIC WORKS DEPARTMENT

Moved to the July 11th meeting

REPORTS: MAYOR, COUNCIL

Mayor Eschenberg – nothing to report at this time.

Pat Dezman—have a concern with something that was said during the workshop with activity in the park. Could this be put on a future agenda? Mrs. Moccia stated that this would not be a problem; she knows what this is about. Mrs. Dezman stated that she followed up with Mr. Castillo with regards to Valkaria Airport Board. He knew nothing about the appointment. He is willing to do that but he would like information regarding this board. Mrs. Dezman made a suggestion that this be placed on the agenda for discussion between Council members. We have two candidates. Mr. Rivet advised Mrs. Dezman that when the appointment was made, Mr. Castillo was in the audience and he agreed. Mayor Eschenberg advised Council that the County should have sent notification to him regarding this appointment. Mrs. Dezman stated that he had received nothing. Mayor Eschenberg stated that he had been informed that Mr. Castillo had attended one meeting since the appointment. This will be placed on the agenda as a discussion item for the next meeting.

Steve Rivet—nothing to report at this time.

Brian Vail—nothing to report at this time.

Frank Hickson—nothing to report at this time.

Bobbi Moccia—nothing to report at this time.

PUBLIC COMMENTS: GENERAL ITEMS

William Hard, 2560 Hard Lane-came forward and addressed Council. He has lived in the Town for twenty-six years. He would like to share some information regarding ditches, their construction and maintenance. He passed some photos out to Council for their review. He would like to change the philosophy of the way the Town digs and maintains the ditches in the Town.

MOTION: Vail/Hickson to extend the meeting until 11:00 p.m. VOTE: All Ayes.

Patsy Ann Kurth, 2540 Rocky Point Road-came forward and addressed Council. Thanked the Council for the remembrances during the passing of Mr. Kurth. Mrs. Kurth addressed Council on the drainage issues. She was a little surprised that Rocky Point was not on the list for the Stormwater priority project listing. Mr. Booth advised Mrs. Kurth that Rocky Point is going to be rebuilt. This is not maintenance issues, this is considered to be a new project.

**1. CERTIFICATE OF APPRECIATION & \$50/EACH FOR COUNTY
EMPLOYEES WORKING ON SOCCER & BASEBALL FIELDS (Bill Withers)**

Jim Stuart and Joe LaBelle will be given money out of each Council member's discretionary fund and Certificates of Appreciation will be completed.

Stephen Gentile, 1200 Corey Road-came forward and addressed Council. Dr. Gentile addressed Council regarding the possibility of mediation. He has received three letters from Country Cove stating that they would not meet with Dr. Gentile regarding this issue.

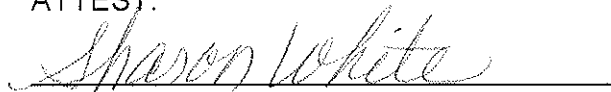
ADJOURNMENT

This meeting adjourned at 11:00 p.m.

BY:



Chair Bobbi Moccia

ATTEST:


Sharon White, Administrative Assistant,
Recording Secretary

DATE: 7/11/05

Transcribed by Cindi Kelley


Cindi Kelley Date