

**MALABAR TOWN COUNCIL REGULAR MEETING
NOVEMBER 7, 2005 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 Chair Bobbi Moccia. The prayer and pledge were led by Council Chair Bobbi 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
	ATTORNEY:	KARL BOHNE
	DEPUTY TOWN CLERK:	CINDI KELLEY

ADDITIONS AND DELETIONS TO AGENDA: Helen Volz has requested that Action Item #2 with regards to the approval of land acquisition by the EELs Program after Discussion Item #1 so that the County can hear the discussion. The presentation by Marguerita Engle has been moved as the third discussion item. Discussion item #4 has been removed from the agenda. Brian Vail would like to discuss purchasing Mr. Billie's property next door to Town Hall.

MOTION: Rivet/Dezman to approve as changes made. VOTE: All Ayes.

CONSENT AGENDA: COUNCIL WORKSHOP MINUTES 10/3/05
COUNCIL MINUTES 10/3/05, COUNCIL MINUTES 10/17/05

MOTION: Vail/Hickson to approve all minutes as presented. VOTE: All Ayes.

PROCLAMATIONS:

NOVEMBER - FAMILY MONTH

At this time, Mayor Eschenberg read the proclamation. It was then given to the Deputy Town Clerk to have on display in Council Chambers for the month of November.

DISCUSSION ITEM:

**BREVARD COUNTY COMMISSIONERS REGARDING POLICE
PROTECTION IN MALABAR**

At this time, Mrs. Moccia turned the meeting over to Mr. Booth. Mr. Booth stated that since Sheriff Parker was attending this meeting, he could have the floor. Sheriff Jack Parker came forward and addressed Council. Mr. Parker gave the Council members a brief overview of the way that services from the Sheriff's Department are being performed for the Town at this time. If the Town should want to sign the MSTU, services would be provided just as they are provided to our surrounding neighbors who are paying the MSTU. Since we are not involved with the MSTU at this time, the deputies who respond to the Town are being taken away from another municipality that is paying for the services, leaving them without enough coverage. Mr. Parker believes that there is a way that this can be worked out, to the benefit of both the Sheriff's Department and the Town of Malabar. The

fee that was discussed is \$189,000/year, which would be used in one of two ways. If the County Commissioners would allow the funds to go to the Sheriff's budget, we could get three more deputies within the Town of Malabar and become our own zone. This would ensure round the clock protection. Or we could lower the costs and keep the services as they are. Mayor Eschenberg asked Mr. Parker, since he lives in Merritt Island, does he know how much the taxes were that he paid the County? Mr. Parker was not sure, but he felt it was around \$300 and \$25 goes to pay for protection for the Town of Malabar because we are not involved in the MSTU. Mr. Rivet asked what services, for this money, could the Town expect from the Sheriff's Department. Mr. Parker stated that the Town would receive all the services provided by their department. We can provide burglary prevention for your residents and other services when a law enforcement agency embraces your area. You will also have the assurance that the deputies assigned will get to know the town and the residents, they will attend Council meetings and make their presence known. As Council asked questions, Mr. Parker was able to answer them. This discussion continued on for several more minutes. Mrs. Moccia stated that the Council would discuss this and come to a decision. Mrs. Volz came forward and asked, if Council would support the MSTU, could the County possibly fund this until the next budget year of 2006? Mrs. Bussaca stated that they had some extra funds, the County Commissioners had not decided what to do with these funds, but it could be possible. Mrs. Volz stated that this would show good faith if the County could do this until such time the 2006 budget is in place and the Town pays for the services for the Sheriff's Department.

At the request of Commissioner Volz, Action Item #2 has been moved so that the County Representatives can hear the discussion and action taken regarding this matter.

ACTION ITEM #2 - APPROVAL OF THE ACQUISITION OF LAND BY THE EELs PROGRAM

Jeff Knight, the Program Manager for the EELs, came forward and addressed the Council. County Manager Peggy Bussaca and Commissioner Helen Volz stayed for this discussion. Mr. Knight presented a colored map to Council for review while going over the presentation of the lands that the EELs would like to pursue for purchase. The land marked in the pink/rose colored areas is what the EELs would like to purchase within the Town's limits. At an earlier meeting this year, Council stated that the EELs could purchase the out parcels to square off the land that they already owned and nothing more. The next Commissioners meeting is November 22, 2005 and Mr. Knight would like to be able to present to them what decisions our Council has made in regards to this issue. Mrs. Moccia asked what the plans are for the land that the EELs already own. Are there any plans for making any kind of improvements for the residents to enjoy? Mr. Knight stated that they have plans for public access, a trail head with parking areas. We are proposing a conceptual recreational area. Also, an education center is in the future planning. Mr. Rivet stated that he doesn't have a problem with the EELs purchasing the out parcels to square off the land already owned or parcels that are predominantly wetlands. These would be the only two scenarios that he would support. Mrs. Dezman stated that she would be remiss to sit on the Council and give her input to have the EELs take more land when the Country Cove Home Owners Association is very concerned

and upset with the wild pigs that are coming from the EELs property and adjacent properties destroying the yards of the residents of Country Cove. Several people have had to spend various amounts of money to repair the damage to their yards caused by these wild pigs. Mr. Knight stated that the County's policy on wild pigs has been revised and they will be hiring people to come in and get rid of the pigs. Mr. Hickson stated that he did not have a problem with areas A, C and D, area B has been sold, and is no longer an issue. He is not for the real big parcels of land. Mayor Eschenberg asked if the pink area east of section E is an area that the EELs are looking at. This would be on the river and might be a nice area to have something put in. Mr. Knight stated that this was not an area of interest at this time, but if Council would like something on that side, it could be looked at by the EELs. Mr. Vail asked what other areas throughout the county has been looked at for acquisition by the EELs. Mr. Knight stated that there were several areas but Malabar was a high priority area. We want to know, through Council, what we can and cannot do. This information will be taken back to the County Commissioners at the next meeting. We will not move forward on anything that the Town of Malabar does not support. Mrs. Dezman stated that she is okay with the land in section A but is hard-pressed for any other acquisitions because of the public relations right now. For all other acquisitions, her answer would be no. Mrs. Moccia stated that she would like to see plans for the connection to the trail. She is okay with sections A, C & D, but again, wants to see the plans for the connection to the trail. Mrs. Dezman stated that she is not okay with land in sections C & D. Mr. Rivet stated that we need to quantify what the Council is in agreement with.

MOTION: Rivet/Dezman to support the acquisition of land in Section A of the presented map. VOTE: All Ayes.

At this time, Mrs. Volz advised Council that she would not support anything that the Town of Malabar is against. Mrs. Moccia advised Mr. Knight and Mrs. Volz that Council would try to have something before the next Council meeting so that comparison maps could be drawn up. This is to be an action item for the December 5, 2005 meeting.

At the request of Marguerita Engle, this was moved to be heard under discussion.

PRESENTATION:

MARGUERITA ENGEL, ST. JOHN'S RIVER WATER MANAGEMENT DISTRICT, NEW IRRIGATION RULES

At this time, Marguerita Engel came forward and addressed the Council regarding new irrigation rules. The District has proposed landscapes. We are doing this to make the yards last longer. Ms. Engel went over the new irrigation rules with Council. Bobbi Moccia asked that an article about water conservation be put in the Mailboat and perhaps Ms. Engel could leave some brochures that could be inserted with the newsletters. Ms. Engel stated that the proposed rules had not come before the committee for approval as of yet. When the approval comes, she would be happy to drop off brochures for the next issue. Ms. Kelley stated that the next Mailboat would be going out within the next two weeks, so any inserts would need to be in the Clerk's office as soon as possible.

LOCATION OF SCHOOL BUS STOPS

At this time, Bobbi Moccia stated that this would be postponed until the next agenda for December 5th. The information is still being compiled and we should have it by this Friday, November 11, 2005.

PURCHASE OF LAND

Brian Vail addressed the Council regarding this issue. If we can purchase this land for fair market value, we should try to acquire the land that Mr. Billie owns next door to Town Hall. The Town would then own three parcels of land all in the same area. If we are going to act, it needs to be soon. The property was offered to the Town for \$150,000 for 1.7 acres in Malabar. Although this land is non-conforming, this would be a very good deal for the Town.

Mr. Booth advised Council that we have \$1,000,000 in reserves. Mrs. Dezman asked if we could hear what happened at the Site Committee meeting at the same time as discussing this issue. Mrs. Dezman also asked Mr. Vail what his vision was for this land, after the new Town Hall is completed. Does he see selling the land, Public Works using the land, the Boy Scouts using the land, etc. It would seem foolish to let this property go for this price. Mr. Booth advised Council that Mr. Billie has approached him at one time and asked if the Town would like to purchase the land. If so, he would not raise the price.

MOTION: Dezman/Rivet to add the purchase of the land next to Town Hall as an action item for the December 5th meeting. VOTE: Hickson, Vail, Rivet, Moccia – All Ayes. Dezman – Nay. Mrs. Dezman did not realize we would not be having a meeting until December 5, 2005.

REPORTS:**ATTORNEY**

At this time, Mr. Bohne had nothing to report to Council.

ADMINISTRATOR

At this time, Mr. Booth came forward and addressed Council on the following topics:

RESULTS OF THE TOWN HALL SITE COMMITTEE MEETING

Mr. Booth advised Council that the Committee is focusing in on the park area. The most favorable is the first five acres east of the park. The property is owned by the EELs and they would support the purchase of this land. We could also put the new Town Hall in front of the fire house, as we own this land. Mrs. Dezman would like to know why the Committee is for the property east of the park. Mr. Booth stated that the Town Hall wouldn't block the park and the employees would be able to park behind the building. Also, there are already septic tanks there. Mayor Eschenberg asked if there was any way to encourage Mitch Needleman or Mike Haridopolis to get this land purchase passed. Mr. Booth stated that he would work on this.

DOES COUNCIL WANT TO SUPPORT FOUR LANES ON MALABAR ROAD

Next, Mr. Booth asked Council if they wanted to support four lanes of traffic on Malabar Road. If Council is not for this, he would not put it in the MPO. Mrs. Moccia asked if they would bring traffic lights because we will have more people coming through

our Town. Mr. Vail stated that this is inevitable. Mayor Eschenberg did not have a position on this issue at this time. Mr. Hickson asked to hold off on his position at this time. Mr. Rivet agrees with Mr. Vail that this is going to be inevitable. Maybe we can extract some concessions. Mrs. Dezman agrees with Mr. Vail and Mr. Rivet. She also stated that something has got to be done with Malabar and Corey Roads. Mrs. Moccia is in agreement with Mr. Rivet as well. Mr. Booth advised Council that he would start the ball rolling for a study on the traffic.

FUTURE PROJECTS

This will be brought to Council each month. The water on U. S. #1 looks to be started in March. This project has had to go through St. John's, DEP, the Corp of Engineers, DOT and the City of Palm Bay for approval. DOT required a re-do to all the plans. Basically, all the permits will be in place with a projected start date in March of 2006. The site plans are going to the Planning & Zoning Board on November 14, 2005, for the first project. We are going to Tallahassee on November 22, 2005. We have to talk about the Comp Plan. Right now, none of our amendments are getting through. The issue is re-zoning. At this time, Mr. Booth handed a sample copy of a re-zoning ordinance for Council to review. This will be coming to them in the near future. This new ordinance will create three new zoning areas. Those areas are recreation, open space and conservation. This will go to the Planning & Zoning Board next week, however, it has not been given to Mr. Bohne for approval as of yet. This ordinance will take care of the EELs, but it does not solve our own problem because now we are out of compliance with our Comp Plan. The Comp Plan states that we have to have certain number of acreage for each zoning requirement. The Town is also guilty of this, we took out about 9% off the tax rolls. This, along with the 13% that the EELs own, makes a total of 22% off the tax rolls. The portion of the land that the Town owns is about 50% developable land, which is significant. Mr. Booth asked that Council look over the zoning. He will also look into appealing the census because it means money, about a half million dollars. We need to know the process because we made an appeal and were turned down.

PICTURES OF WILMA'S DESTRUCTION

At this time, Mr. Booth showed Council the pictures that were taken after the hurricane. We have minimal damage, approximately \$50,000 in total. Mr. Booth also went over the projected projects with the roads throughout the town. The schedule for the next two week period for Public Works was discussed.

SECOND COUNCIL MEETING FOR NOVEMBER AND DECEMBER

Mr. Booth advised Council, that due to the holiday schedule, it is typical to have only one Council meeting in the months of November and December. Mrs. Dezman asked about the land purchase and that Mr. Billie wishes to sell. Mr. Booth advised Council that he would speak to Mr. Billie. We will only be conducting the first meetings for the months of November and December for Town Council.

PARK BOARD CHAIR

At this time, Hans Kemmler came forward and addressed Council. The Town owns a piece of strip land across from the street from the Park. We will be clearing this out to get it ready for the Frisbee Golf course. This land needs to have the trees

cleared. Mr. Kemmler and his crew will be taking care of the Melaleuca trees and the Town will clear out the Pepper trees.

Also, the Board will be discussing their budget. They will bring a list to Council for permission to purchase. They would like to know, from Council, what can and cannot be purchased from their list.

CLERK

Ms. Kelley reminded Council about the Space Coast League dinner is Monday, November 14, 2005. It is being held at Dixie Crossroads, at 1475 Garden Street in Titusville. Please call the Clerk's office to make your reservation by Wednesday, November 9, 2005.

At this time, Ms. Kelley reminded everyone that tomorrow is the election. Please make sure you vote and we wish the candidates well. She also brought the Annual Christmas Party to Council's attention, asking them to make sure that we have all names of children 12 and under and the gift ideas for each child. See the hand-out that was placed at your seats before the meeting.

FIRE DEPARTMENT

At this time, Chief Gianantonio came forward and addressed Council. He advised them that they have received over \$60,000 in donations. Tarmac donated \$22,000 in concrete for the pad in the back of the station for the new shed to house the vehicles. Palm Bay Police Department has donated ten hand-held radios, which value \$25,000. Also, the Plainview Volunteer Fire Department, from New York, donated Scott Air Packs, with a value of \$35,000. Chief asked if we could do something for these businesses to show our appreciation. Mrs. Moccia stated that if the information was provided to the Clerk's office, they could make up some Certificates of Appreciation and have them present to accept them. Also, Ms. Kelley stated that if the Chief could do it within the next day or so, an article of thanks would be placed in the Mailboat.

ACTION ITEMS:

1. **BOARD MEMBER & EXPIRATION: HANS KEMMLER, PARK & REC BOARD –**

MOTION: Eschenberg/Rivet to approve re-appointment of Hans Kemmler to the Park & Recreation Board. VOTE: All Ayes.

2. **APPROVAL OF THE ACQUISITION OF LAND BY THE EELs PROGRAM**

See above under Discussion. Commissioner Volz asked that this item be moved so that County Representatives can hear the discussion and action taken regarding this matter.

3. **RESOLUTION 22-2005: SUPPORT OF THE INCORPORATION OF GRANT/VALKARIA AREA**

By unanimous consent, Bobbi Moccia read the resolution by title only.

MOTION: Rivet/Hickson to approve the support of the incorporation of Grant/Valkaria area. VOTE: All Ayes.

REPORTS: MAYOR, COUNCIL

Mayor-it would seem that there was a hurry-up attitude this evening. We have all made the commitment to be on the Council, so we need to put the time in. We had a lot of good discussions here this evening. Mayor Eschenberg also wanted to commend the Fire Department for their work after the hurricane passed. He drove around Town after 2:00 when the winds died down and was very impressed, as he wound up at the Fire Station, that the situation was under control and the Town was in good hands.

With regards to Board re-appointments, the Park Board, last year, had a member removed. The member was not notified and showed up for the next meeting. Mayor Eschenberg does not want this to happen again with regards to Mr. McKnight. Mayor Eschenberg stated that he would contact Mr. McKnight and advise him of Council's decision. He did think that this was discussed earlier this year with regards to the Chair of Council notifying anyone that was dismissed from a Board. Mrs. Moccia was not certain of the discussion and asked Ms. Kelley to look into the previous minutes for the discussion that Council had. Ms. Kelley can e-mail this information to Mrs. Moccia.

The Park & Recreation Board terms need to be fixed. It was meant to be staggered terms. How much would it cost to correct the ordinance for it to read as staggered terms? Mr. Bohne stated that this is something that Susan could probably take care of; she's been here for ten years and does a very good job of writing ordinances. Council agreed that this is something that Susan Kabana could take care of.

Hickson-the only thing that he would like to see is getting information on the internet in a timely manner. He read the article that Mrs. Moccia wrote about her son and his wife loved it.

Vail-traditionally, at the Town dinners, Council's appearance has been less than stellar. He would like to request that the members try to make it to this dinner. Mr. Vail did encourage to have the date earlier in the month.

Mr. Vail would like to get a banner and show Tarmac our support, also a plaque. Could we use discretionary funds for this? Mrs. Moccia stated that this would be a very good place for the funds to come from. We need to get some warm fuzzy feelings out there. An article in the Hometown News would be good publicity.

Rivet-has asked that the Lighting Ordinance first reading to be placed on the December 5th agenda as an action item.

Dezman-brought to the attention of Council the article in the paper regarding Doc Holiday's Horse Ranch. It was a very interesting article. She was also appreciative of the way the agenda fell into place to answer the issues that the Country Cove Home Owners Association had brought to her attention. Mrs. Dezman, at this time,

feels ill-equipped to make recommendations to board members re-appointments. She is not familiar with the people on the boards at this time. Mrs. Dezman also wished Mrs. Moccia well with the election coming up.

Moccia-stated that if the election does not go in her favor, she would still be involved in the Town. We need to have a quorum for Thursday evening to swear the new members into office. At this time, Mr. Rivet stated that he would not be able to attend.

PUBLIC COMMENTS: GENERAL ITEMS

There being no one present wishing to speak and address Council;

ADJOURNMENT

There being no additional business to discuss, this meeting adjourned at 10:25 p.m.

BY:



Bobbi Moccia, Chair

ATTEST:


Cindi Kelley, Deputy Town Clerk

12/5/05
DATE