

**MALABAR TOWN COUNCIL REGULAR MEETING
MARCH 15, 2004 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 8:00 pm by the Chair, Bobbi Moccia.

ROLL CALL: MAYOR:	PHILLIP CREWS
CHAIR:	BOBBI MOCCIA
VICE-CHAIR:	STEVE RIVET
COUNCIL MEMBERS:	JANE HAVET
	BRIAN HUNTER
	BOB ROSSMAN
ADMINISTRATOR:	ED BOOTH
ATTORNEY:	KARL BOHNE
CLERK:	SUSAN KABANA

ADDITIONS AND DELETIONS TO AGENDA

MOTION: Rossman/Hunter to approve agenda. VOTE: All aye.

CONSENT AGENDA:

(A) COUNCIL MINUTES 2/23/04 (B) WORKSHOP MINUTES OF 2/11/04

MOTION: Crews to accept by unanimous consent. Chair approves without objection.

REPORTS:

ROSS WHITLEY, BERMAN, HOPKINS, WRIGHT & LAHAM, ANNUAL AUDIT REPORT FOR FISCAL YEAR 02/03

Whitely – the audit is unqualified. The general fund equity shows a nice upward trend, the fund is in good shape. Whitely reviewed the revenues and their trends. He then reviewed the water and sewer fund, this picture is not so rosy, there is a net loss for the 2003 year.

The opinion of the auditor is that there were no inconsistencies, the opinion is unqualified. The only comment is more of a finding, not a comment, and it is regarding GASB34.

MOTION: Rossman/Rivet to approve. VOTE: All aye.

ATTORNEY

Bohne – prepared the ordinance for the annexation, the Clerk has a copy. Rivet – where is the nuisance ordinance? Bohne – Booth is working on it.

ADMINISTRATOR

- MPO UPDATE

Booth – notes that the State is funding less and less for local projects and funding more and more State projects so there is absolutely no worry in widening this end of Malabar Road.

- EELS: INTENT ON PURCHASING LAND

Booth – the article in today's local paper stated that the EELs own 300 acres of land in

Malabar, that is way under the correct amount. Hunter – there are over 300 acres in the Jordan scrub alone. Crews – but when the EELs turn the land over to the State it may not be counted as theirs any longer. Booth – the point is that there is more land listed as preserve than stated in the article and that land is not being properly taken care of. Booth states that the EELs are trying to obtain one more piece of land.

- Booth – there is a \$150,000 grant to beautify US1 but he feels that the new view along the river is beautiful already, it looks like Florida. He does not recommend the grant, Council agrees. Booth shows slides of the beautification.
- Booth – we will purchase four domes to be used as storage.
- Booth – Palm Bay annexed additional land along Babcock.

CLERK

- asks Council for bios for website.
- Kabana will be out of office for six days.
- does Council want food for box at Space Coast Stadium? Council – no.

PARK AND RECREATION BOARD CHAIR

Hans Kemmler – mower was discussed by the Park Board, Council will address this tonight. Is working on Malabar Day, needs volunteers to make calls and work on the event. Discussion. Havet – is working with the Park Board to extend Malabar Day into the nighttime hours, would be using her discretionary money to pay for evening entertainment. Kemmler – continues discussing plans for Malabar Day. Park Board will make a recommendation for play ground equipment.

PUBLIC COMMENTS: GENERAL ITEMS

- Jim Newell – last week he presented to P&Z regarding their proposed facility and P&Z was not in favor of the project. Newell asks if there is a window of opportunity from Council regarding this. Hunter – what were P&Z's objections? Newell – they may have a problem with the pet care facility. Havet – P&Z is a recommending board, can he come before Council? Bohne – yes. Moccia – Council needs to review P&Z's recommendation, this item will be on the next agenda.

- Mike Linell – has a problem with the mining on Railroad Avenue, there is unfinished work. He cannot open the doors to his shop because sand flies into it. He feels the project is being mismanaged, he would like to see it complete. Booth – the trash is to be removed tomorrow and the sand around the edge of the property is being moved. Rossman – would like to see the sand wetted so it does not fly. Booth – we have requested a silt barrier, once the piles are down the issue will improve. Rossman – would like a report next Council meeting. Havet – gives Booth permission to go on her property.

- Steve Chalmers – expresses his appreciation of Malabar Community Park, he has watched it grow.

- Harlod Wynot – regarding the mining on Railroad Avenue. He owns Hidekruger Wells and has a lot of equipment. Asks if there is a setback because the pond is against the fence. Has no problem with the pond, just feels the operation should have been better organized.

- Bill Withers:

-- on August 7, 2003 the road was renamed going into the Fire Station, where are the street signs?

- the red maples at the park have buds and are growing.
- Port Orange is having 2nd reading on an ordinance that will prohibit smoking in public parks. He notes that one of the larger Counties in central Florida has done the same thing for all County parks.
- the new parking lot and access road at Malabar Park have been laid out and are ready for construction.
- a fire was started in the EELs property today, it was quickly contained.
- the bleachers and the benches for the ball field at the park are installed. Withers asks Council to budget for bleachers for the soccer moms.
- we will be putting up additional trash cans in the park tomorrow.
- shows Council a picture of a dog in the park, it comes from Country Cove and runs in the park, he is concerned about the sandhill crane eggs.
- Moccia – there are two stray dogs that attacked a horse and its rider this weekend on Benjamin Road, animal control is setting traps.

DISCUSSION ITEM:**1. DAVID KIPPER FROM PRINCETON PARK APARTMENTS, DISCUSSION OF SENATOR NELSON'S PROPERTY IN ROCKY POINT**

Allicia Spina – is here to ask about the feasibility of development for the Nelson property. Gives overview of their company. Asks Council if they are open to the idea of development. Hunter – is opposed. Rossman – is not entirely opposed as long as it is not rental property. Kipper – they have no expectation of the type of density they have proposed here tonight. Discussion. Bohne – Kippers group has complied with all requirements in Indian Harbor Beach in a very professional manner. They have been good to work with. Kipper – they want to do the right thing, they are well regarded in Melbourne. Hunter – would like the developers to meet with Rocky Point homeowners associations. The developers agree. Discussion. Rivet – if the residents of Rocky Point approve then he would agree.

2. TRAFFIC LIGHTS ON MALABAR ROAD AT COREY ROAD OR WEBER ROAD – BRIAN HUNTER

Hunter – he was called regarding an accident at Corey and Malabar Roads. Hunter would like Council to back him in regard to putting up a stop light. The Clerk is to draft a resolution to take to DOT. Would like Booth to come up with the costs involved. Crews – their argument is that there are limited funds and they will not put our project in front of another project.

ACTION ITEMS:**1. RESOLUTION 04-2004: CHANGING THE QUALIFYING PERIOD FOR THE NOVEMBER 2004 GENERAL ELECTION**

MOTION: Rossman/Rivet to read by title only. VOTE: All aye. Moccia read:

RESOLUTION 04-2004

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PERTAINING TO THE CANDIDATE QUALIFYING PERIOD FOR THE NOVEMBER 2, 2004 GENERAL ELECTION; PROVING FOR SEVERABILITY; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Rossman/Rivet to approve. VOTE: Aye – Havet, Hunter, Rivet, Moccia, Rossman.

Council took a short break.

2. RESOLUTION 05-2004: APPLY FOR GRANT FUNDS FROM THE INDIAN RIVER LAGOON LICENSE PLATE PROGRAM FOR THE REMOVAL OF TRASH AND DEBRIS ALONG THE INDIAN RIVER LAGOON SHORELINE

MOTION: Crews unanimous consent to read by title only. Chair approves without objection. Moccia read: RESOLUTION 05-2004

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PERTAINING TO THE REQUEST FOR FUNDS FROM THE INDIAN RIVER LAGOON LICENSE PLATE PROGRAM FOR THE REMOVAL OF TRASH AND DEBRIS ALONG THE INDIAN RIVER LAGOON SHORELINE IN MALABAR; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Crews/Hunter to approve.

Rossman – is this to continue the clean up and to pay back the cleanup? Booth – this is to continue clean up and possibility pay back for the cleanup that has been done.

Kabana – per the Engineer can we add a whereas regarding the improved quality of water and remove section 4 on both this resolution and the next one? Council – agrees.

AMENDED MOTION: Crews/Rossman to approve amendment.

VOTE ON AMENDMENT: All aye

VOTE ON FIRST MOTION: Aye – Havet, Hunter, Rivet, Moccia, Rossman.

Mike Pierson is to be on the next agenda regarding adopting a road for clean up.

3. RESOLUTION 06-2004: APPLY FOR GRANT FUNDS FROM THE INDIAN RIVER LAGOON LICENSE PLATE PROGRAM FOR THE REMOVAL OF EXOTIC VEGETATION, INCLUDING BRAZILIAN PEPPER TREES, ALONG THE INDIAN RIVER LAGOON SHORELINE

MOTION: Rossman/Rivet to read by title only. VOTE: All aye. Moccia read:
RESOLUTION 06-2004

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PERTAINING TO THE REQUEST FOR FUNDS FROM THE INDIAN RIVER LAGOON LICENSE PLATE PROGRAM FOR THE REMOVAL OF EXOTIC VEGETATION, INCLUDING BRAZILIAN PEPPER TREES, ALONG THE INDIAN RIVER LAGOON SHORELINE IN MALABAR; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Crews/Rossman to approve.

Kabana's request applies to this resolution also.

MOTION: Crews/Rossman to approve amendment.

VOTE ON AMENDMENT: All aye.

VOTE ON FIRST MOTION: Aye – Havet, Hunter, Rivet, Moccia, Rossman.

4. FIRST READING: ORDINANCE 2004-03, ADMINISTRATOR SPENDING LIMIT INCREASE

MOTION: Crews request unanimous consent to read by title only. Moccia approves without objection. Moccia read: ORDINANCE 2004-03

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, INCREASING THE PURCHASE THRESHOLD FOR THE TOWN ADMINISTRATOR; REPEALING RESOLUTION 03-96; AMENDING CHAPTER 2. ADMINISTRATION, ARTICLE V. PURCHASING, SEC. 2-101. COMPETITIVE BIDS; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Crews/Rivet to approve.

VOTE: Aye – Havet, Hunter, Rivet, Moccia, Rossman.

5. FIRST READING: ORDINANCE 2004-04 AMENDING THE ROAD IMPROVEMENT ORDINANCE

MOTION: Crews request unanimous consent to read by title only. Moccia approves without objection. Moccia read:

ORDINANCE NO. 2004-04

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; AMENDING SECTION 13-42 OF THE CODE OF ORDINANCES OF THE TOWN; PROVIDING FOR ALTERNATIVES FOR THE CONSTRUCTION OF ROAD IMPROVEMENTS AND PUBLIC RIGHT-OF-WAYS; PROVIDING FOR A REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING AN EFFECTIVE DATE.

MOTION: Crews/Rossman to approve.

VOTE: Aye – Havet, Hunter, Rivet, Moccia, Rossman.

6. REQUEST TO GRANT FLORIDA POWER AND LIGHT TWO 5 FOOT x 35 FOOT EASEMENTS WITHIN THE CAMERON PRESERVE

Bohne – would like to add that we should also provide for the installation of anchors and guy wires and guy poles. Richard Cameron – feels that we are under legal obligation in regard to this land and is not sure we have the power to grant this.

MOTION: Crews/Hunter to table. VOTE: All aye.

7. REQUEST FOR APPROVAL OF BIDS:

Booth – all bids listed have 3 quotes.

A. LAWN MOWER

MOTION: Rivet/Rossman to approve. VOTE: All aye.

B. SOD FOR MALABAR COMMUNITY PARK SOCCER FIELD

MOTION: Crews/Rossman to approve.

Rossman – are we using Sod Depot? Council – yes.

VOTE: All aye.

C. FENCE FOR PUBLIC WORKS YARD

MOTION: Crew/Rivet to approve.

Rossman – why are there two different prices? Booth – there are two grades of fence listed.

VOTE: All aye.

7. BRAD SMITH AND ASSOCIATES, REQUEST FOR APPROVAL OF GRANT APPLICATION FOR BEAUTIFICATION

Booth – this is the \$150,000, this is a 50% match. Council may want something more distinguishable at the Town entrance. Asks Council for ideas. Discussion.

MOTION: Crews/Rossman to table. VOTE: All aye.

8. REQUEST APPROVAL OF BUDGET WORKSHOP ADJUSTMENTS

MOTION: Crew/Rossman to approve. VOTE: All aye.

REPORTS: MAYOR, COUNCIL

- Havet – Malabar Day is moving along, is working on the night time entertainment.

Moccia – who is going to police the people. Rossman – what is the liability? Feels that Havet is changing the flavor of the event.

MOTION: Crews/Havet to table. VOTE: all aye.

- Crews – threw out the first pitch for the Brevard Stars, they are using Malabar Park as their home field, the game was entertaining. There is a need for a closer restroom.

- Hunter – there were a few fires in the scrub, they are being investigated.

- Hunter – can the fire department use the van to move people out to a fire? Booth – sees no problem with that.

- Hunter – spoke to Charlie Hart from the Hotel California to ask his patrons to leave a section of fence belonging to the neighbor of the north alone, there has been some vandalism.

- Hunter – will support no smoking at the park.

- Hunter – the brush pile at Jordan scrub is getting larger, would like to see it removed.

- Rossman – nothing at this time.

- Rivet – the brush pile on Hall Road, it seems to simultaneously grow and shrink which is a problem. Booth – they are to remove it all. Discussion.


- Rivet – postmaster problem – has had very little luck in getting people to sign his petition. Has heard nothing back from Dave Weldon, would like Kabana to write another letter to Weldon. Havet – would like to do a questionnaire at Malabar Day. Discussion.

- Moccia – her short-term contract is over, plans to devote more time to Town issues.

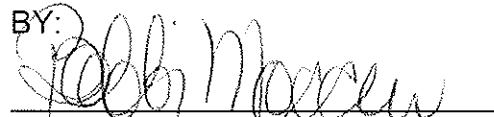
ADJOURNMENT

Meeting adjourned at 10:16 pm.

ATTEST:


Susan Kabana, CMC
Town Clerk/Treasurer

BY:


Chair Bobbi Moccia

DATE:

2/15/04