

MALABAR TOWN COUNCIL REGULAR MEETING
APRIL 5, 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 7:30 pm by the Chair, Bobbi Moccia. The prayer and pledge were led by the Vice-Chair, Steve Rivet.

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

ADDITIONS AND DELETIONS TO AGENDA

Kabana – delete action item 5 and move action item 8 under the Administrator's Report.

MOTION: Hunter/Rivet to approve amended agenda. VOTE: All aye.

CONSENT AGENDA:

(A) COUNCIL WORKSHOP 3/15/04 (B) COUNCIL MINUTES 3/15/04

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

REPORTS:

ATTORNEY

Bohne – the argument for Gentile v. Malabar will be in Viera on April 14th, there will be a panel of judges. Bohne will follow up with Booth as to which courtroom will be used.

ADMINISTRATOR

Booth – uses overheads.

-Shows pictures of public works taking down the fence behind Town Hall. The area will be cleaned and used as a parking lot.

-PW building has fencing around building.

-The Reynolds property has been purchased and will be developed at 1 ½ acres. The creek that runs through it will be saved as environmental. The developer will bring in water and sewer. The EELS said they will grant an easement for water and sewer.

-The next major project for PW is an area that lies between Rivet Lane and Corey Road. There is a four foot pipe that sits about 4 feet above the water, we have permission from the land owner to remove the pipe and let the water flow freely. During a rainstorm it backs up before the pipe and floods the area.

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

Booth – daily we get comments regarding the new improved look along the river. The Marine Resources Council (MRC) say they can partner with Malabar for the \$150,000 grant. We can apply for the grant and not use all of it. He introduces Jim Egan.

Jim Egan – is the Executive Director of MRC and serves as the Natural Recourse Chair for the Indian River Lagoon Scenic Highway. Has just completed working on a similar grant with DOT and they are in the process of working on a second grant with DOT for Brevard County. The MRC is very heartened by what the Town has done along US1 to remove invasive species. They have used this type of grant funding for invasive removal, adding mulch, and planting. Except for the costs the Town already arranged with Brad Smith, as well as some additional costs that you may, or may not need for engineering, the rest of the costs would be borne by

existing grants and can be used as a match to leverage more funding from DOT. They worked on a \$176,000 grant which had started with only a \$10,000 match from the City of Palm Bay and by the time it was done they had matched the entire \$176,000. MRC has been effective explaining to DOT that when the invasive species removal is done it is saving them a tremendous amount of maintenance costs in trimming. MRC can also plant from the edge of the road right to the water in appropriate areas because it will help to stabilize those areas and save taxpayer money that would be used on armoring and doing things that are very expensive. Instead they end up with something very scenic and very natural along the scenic highway.

Booth – the design will run us \$10,000. Rivet – will that \$10,000 be considered part of our match? Booth – yes, but we will have to come up with the money ourselves. He is asking for permission to go forward and he will be very careful not to spend more than what is designated. Moccia – we have told the citizens that we will only spend a certain amount for beautification and we need to stick with this. Booth – agrees, notes that Smith's bill will be 7% of the grant. Discussion. Hunter – feels this is worth it. Moccia – if this turns out this well then that is great but she does not want us to go into something and not have all the facts. Rivet – a 15x return on our money is a good investment. Moccia, Havet – agree. Hunter – if we got the grant just what would we spend the money on? Booth – Smith will have to come back to Council and make a presentation regarding the design.

MOTION: Rivet/Havet to approve Booth to move forward with pursuing this grant. VOTE: Aye – Rivet, Moccia, Havet. Nay – Hunter.

-Booth – is applying for a no-match grant for a bike path along US1, discussion.

-Moccia – what is happening with water coming down US1? Booth – is half way through the salary survey, from there we will create a redevelopment district and apply for grants. Discussion.

CLERK

-The website should be up by April 19, we need bio's from those who have not turned them in.

-Heard that there will be additional annexations into Palm Bay.

-Takes reservations for the League Dinner.

PARK AND RECREATION BOARD CHAIR

Hans Kemmler, Park and Recreation Board Chair

-the Park Board discussed a mission statement that was proposed by Booth. Feels that much of what is in the code book regarding the Park Board is outdated and needs updating. Feels that the Park Board needs to comment on what is in the code book.

-Malabar Day has been pulled off by three people who are not even on the Park and Rec Board. Feels that Council should pick the day for Malabar Day every year and the Park Board can work on it, but they are going to need help, they all have full-time jobs and cannot devote much time to the effort. Booth – will budget for someone to work on Malabar Day, we need a paid employee to work the program and make the event work. Discussion. Booth – discussion of Malabar Day and the size of the event. Kemmler – Parks and Rec voted not to have a nighttime event because they are having enough problems planning a day time project. Maybe next year they can plan a nighttime event. Discussion of nighttime event and the amount of police protection needed. Kemmler goes over Malabar Day plans, pony rides, petting zoo. They will need help with a perimeter fence for the petting zoo. Timothy Vee will be there to MC the day. We will have horseshoe pits. Patels from the Citgo at US1 and Malabar Road are donating beer and cups. Kindred Spirits and Matt Adkins will play music. Drum circle will play. The Boy Scouts will help out like last year. Also, they sent a second request for cooperation between the Boy Scouts and the Town.

-the Park and Rec Board will give suggestions regarding play ground equipment after Malabar Day.

PUBLIC COMMENTS: GENERAL ITEMS

Withers – it is getting harder and harder to turn onto Malabar Road. Before the Council approves any development projects he would like to see a traffic light at Corey Road. Havet – we cannot require that. Rivet – agrees that we need the light but does not think we can enforce that. Bohne – does not think we have the authority to request this. Hunter – will the development packet have the traffic information? Booth – yes. We are in a catch 22 in that the State likes long areas without traffic lights and that is what we have. The traffic light issue should be worked on politically.

AGENDA REQUEST FORM:

1. ANNE VARCO, ENCHANTED LAKES ESTATES, REQUEST FOR WATER AND SEWER GRANT WORKSHOP

Anne Varco, owner of Enchanted Lakes. Enchanted Lakes is a retirement community, she was told water would cost her about \$150,000. She felt there has to be a grant somewhere to cover this and she was told by a grant writer that she (Annie) should start with her Council. Booth – it may be possible to make this a redevelopment community. You have to be low to moderate income for redevelopment grant. Varco – her residents are mostly retired and on a fixed income. Booth – the major costs are sewer and impact fees to the City of Palm Bay. She should go to Palm Bay and discuss the impact fee costs.

PUBLIC HEARINGS:

1. SECOND READING: ORDINANCE 2004-03, ADMINISTRATOR SPENDING LIMIT INCREASE

MOTION: Rivet to request unanimous consent to read by title only. Chair 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.

Moccia opens the public hearing and asks for public comment, being none, she closes the public hearing.

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

2. SECOND READING: ORDINANCE 2004-04 AMENDING THE ROAD IMPROVEMENT ORDINANCE

MOTION: Rivet to request unanimous consent to read by title only. Chair 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.

Moccia opens the public hearing and asks for public comment, being none, she closes the public hearing.

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

DISCUSSION ITEM:

1. LETTER FROM THE PROPERTY OWNERS ASSOCIATION OF COQUINA POINT, INC REGARDING CONDOMINIUMS ON ROCKY POINT ROAD

Hunter – has had many many comments opposing this issue. Rivet – if the developer can come up with an alternate plan he will listen to that suggestion. Moccia agrees.

ACTION ITEMS:**1. MIKE PIERSON, REGARDING ADOPTING A ROAD FOR CLEAN UP**

Not present.

2. JIM NEWELL, FRIENDZ FOR LIFE

Moccia – Planning and Zoning voted this request down. Newell – they need to know if they have a shot or not. Moccia – has had negative comments from the people who live across the street.

Havet – what would happen if the Paul Newman Foundation pays for the building and then the Newell's change the use? Amy Williams, Director of Friendz for Life Sanctuary – states that they are registered as a 501(C) Non-profit Organization and in order to have this designation you have to sign a statement that if something should ever happen and you wanted out then everything must be surrendered to another 501 (C) organization. It's not like you can just change the use after it has been purchased under a 501(C).

Moccia – the constituents who live in this area are not in favor of this. Rivet – P&Z said they don't want this and there is no outcry to have this, he would not vote against P&Z's recommendation. Newell – what if he talks to the neighbors? Discussion.

Moccia – at this time she would not vote in favor of this. Havet – is not in favor of this. Booth – notes that this is only discussion prior to a rezoning request, no rezoning application has been filed.

3. FIRE DEPARTMENT REQUEST, PURCHASE OF PC PROJECTOR WITH LAPTOP COMPUTER

McClelland – there is a class that begins this Saturday and they require Power Point, a projector and a laptop to run the projector. Council – agrees to split the cost of it 5 ways. The total is \$2,169.96. If Rossman does not agree then split it four ways.

McClelland – the Fire Department applied for the FEMA grant again for next year's budget.

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

MOTION: Havet/Hunter to remove from the table. VOTE: Aye – Moccia, Havet, Hunter. Nay – Rivet.

Moccia – wants to negotiate for a gate to prevent 4 wheelers and atv's out. Discussion.

MOTION: Rivet/Hunter to authorize the execution of the easement contingent upon concurrent construction of a gate prohibiting motorized vehicular access. VOTE: All aye.

5. FIRST READING: ~~ORDINANCE 2004-05 REPEALING THE ADMINISTRATIVE LOT SPLIT ORDINANCE~~**6. RESOLUTION 07-2004, REQUESTING TRAFFIC CONTROL DEVICE ON MALABAR ROAD FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION**

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

RESOLUTION 07-2004

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PERTAINING TO THE REQUEST FOR A TRAFFIC CONTROL DEVICE (TRAFFIC LIGHT) ON MALABAR ROAD AT COREY ROAD; PROVIDING FOR DISTRIBUTION; PROVING FOR SEVERABILITY; PROVIDING FOR REPEAL OF RESOLUTIONS OR

PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

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

7.RESOLUTION 08-2004, BUDGET ADJUSTMENT FOR FISCAL YEAR 2003/2004

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

RESOLUTION 08-2004

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PERTAINING TO A BUDGET ADJUSTMENT IN THE FOLLOWING FISCAL YEAR 2003-2004 FUNDS: FUND 103 PARK AND RECREATION FUND, FUND 107 TRANSPORTATION IMPACT FEE FUND, AND FUND 400 MALABAR WATER UTILITY FUND; PROVIDING FOR ADDITIONAL REVENUE; PROVIDING FOR ADDITIONAL EXPENDITURES; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

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

9.ALEXANDER LANE, MAILBOX STAND WITH TURN AROUND FOR MAIL VEHICLE

Moccia – she happened to talk to the man who lives at the end of Alexander Road and he will allow for a turn around. Bohne – we will need to request an easement.

REPORTS: MAYOR, COUNCIL

- Havet – is everyone happy with the cleanup on Hall Road? Booth – he is happy with Hall Road but the guy moved the debris to his yard, now Booth had different issues with this guy.
- Hunter – it has been quiet at the scrub. EELs has a full-time person working in the area.
- Hunter – presents Indialantic's Christmas gifts to the Council.
- Rivet – nothing at this time.
- Moccia – nothing at this time.

ADJOURNMENT

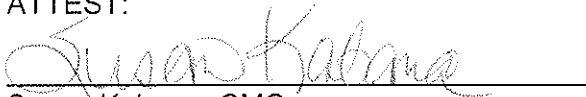
The meeting adjourned at 9:29pm.

BY:



Chair Bobbi Moccia

ATTEST:



Susan Kabana, CMC
Town Clerk/Treasurer

DATE:

5/17/04