

MALABAR TOWN COUNCIL REGULAR MEETING
MAY 17, 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.

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

ADDITIONS AND DELETIONS TO AGENDA

None. Chair approves agenda without objection.

CONSENT AGENDA:

MOTION: Crews to approve by unanimous consent. Chair approved without objection.
Council Minutes 4/5/04, 5/3/04.

PRESENTATION:

1. KEEP BREVARD BEAUTIFUL, TRASH BASH AWARD

Larry Weber from Keep Brevard Beautiful – states that Carl Beatty did a great job with trash bash this year. Malabar won \$500 for most trash collected and \$500 for the most volunteers based on population. He and Beatty will be happy to present the check to the Boy Scouts as soon as they arrive this evening. They have a meeting that is making them late. Beatty – states that the scrap metal was sold and he presents a check to the girl scouts who graciously thank the them and the Town.

2. REP. MITCH NEEDLEMAN WITH A LEGISLATIVE UPDATE

Needleman – updates the Council on the state budget and how it split for the different programs including healthcare, education, public safety, public transportation, and recreation. He also overviewed the appropriations for Brevard County and notes that if St. John's budget is approved the Town will receive \$200,000 for stormwater issues.

Rossman – at the last Council meeting there was discussion of a town hall on Malabar Road by the fire station, can Needleman help with obtaining a parcel to build. Needleman – will meet in Tallahassee and get it on the radar. Rossman – both Brook Hollow and the Council are committed to this. Needleman – is committed to this.

3. BRAD SMITH, BRAD SMITH AND ASSOCIATES, REGARDING BEAUTIFICATION GRANT

Smith – we were successful in obtaining \$150,000 for beautification along the US1 corridor. His work will be charged out on an hourly basis. He is looking for an additional authorization. Discussion of design possibilities. Moccia – wants to be involved in the plant choosing. Smith – he will be back several times before this project is ready to go in the ground.

MOTION: Crews/Rossman to approve the agreement. VOTE: All aye.

Moccia – reiterates that she would like to be involved.

REPORTS:

ATTORNEY

Bohne – Gentile vs. Malabar – the opinion rendered by the court was in the Town's favor but the court said that Gentile can apply again. Moccia – what about the horse issue? Bohne – is working on this.

ADMINISTRATOR

- Booth – the staff is constantly working at 120%, the Town is growing rapidly, staff stress is also growing.
- Moccia – Mr. Helenburg who lives on Homestead has been calling her, have we finished there? Booth – it is supposed to be done. Beatty – only a small section needs to be scooped out.
- Booth – thanks Hunter for his help regarding the survey along US1. They will continue on Thursdays.
- Booth – shows overhead of the Briar Creek Blvd., states that we need a 20 foot easement across the EELS land so the subdivision proposed at Malabar Road and Corey Road can have sewer. He is recommending condemnation of the land because the EELS have stated they will not grant the easement. The attorney is looking for Council approval regarding this.
- Booth – overviews Malabar's position on the EELS issue. There are less and less scrub jays on the land they are calling a sanctuary for endangered species. And, he notes, that the EELS have not applied to rezone the areas that they have already purchased. They seem to be buying developable land as opposed to wetlands. And Booth has a problem with the lands in the south end of town because it attracts ATV's. He feels that the EELS should not acquire additional land in Malabar and they should have to pay the Town for lost tax revenue.

-DOUBLE LINES & STOP SIGN REQUEST FOR SOUTH COREY ROAD

Booth – states that the traffic goes too fast on Corey Road, both north of Malabar Road and south of Malabar Road. The citizens are asking for stop signs at Atz and Hall Roads, and for a double yellow line to prevent passing. He is planning on flashing yellow lights at Corey and Malabar Road. Moccia – agrees with the stop signs. Crews – feels that we should have a traffic consultant look this situation over and make recommendations, Council agrees. Booth – will do this.

- Booth – is working on a sexual harassment issue.

-RESPONSE TO COMPLAINTS REGARDING MANAGEMENT

Booth – provided a response to the items brought up last meeting regarding the administrative process regarding the fire hydrant and the prisoners.

John Henkelman from Boy Scout Pack 27 has arrived and Booth and Beatty present him with a \$1,000 check from Keep Brevard Beautiful. Henkelman is very grateful and states that the money will go to better the program.

CLERK

Kabana – is using the Eagle newspaper when possible to advertise legal ads.

ACCOUNTING POLICIES AND PROCEDURES MANUAL

Rossman – wants all inventory items with a Malabar label attached. Kabana – will do.

MOTION: Crews/Rossman to approve manual. VOTE: All aye.

AGENDA REQUEST FORM:**1. DAVE RUIP, EVA LANE, PAVING OF EVA LANE**

Ruip – Eva Lane was on the list of road to be paved but it was removed. Moccia – 'Road's' were paved, 'Lane's' were not paved. Ruip – the residents on Eva would like to be in line if the Council chooses to pave again. Moccia – notes that we have to topcoat the roads that are paved before we pave new roads.

MOTION: Rossman/Crews to pave Eva Lane in the future. VOTE: All aye.

ACTION ITEMS:**1. WILLIAM WILSON, LAND USE AND ZONING CHANGE REQUEST**

Moccia – P&Z made a favorable recommendation regarding this.

a. FIRST READING ORDINANCE 2004-06 LAND USE CHANGE REQUEST

MOTION: Crews unanimous consent to read by title only. Chair approved without objection. Moccia read: ORDINANCE NO. 2004-06

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; ADOPTING COMPREHENSIVE PLAN AMENDMENT NO. 2004-1 (SSA); AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE TOWN FROM RURAL RESIDENTIAL (RR) TO GENERAL COMMERCIAL (CG) LYING ON THE EAST SIDE OF BABCOCK STREET, ON PROPERTY DESCRIBED AS PARCELS 561 AND 569, TOWNSHIP 29 SOUTH, RANGE 37 EAST, SECTION 10 LOCATED IN THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; PROVIDING AN EFFECTIVE DATE.

MOTION: Crews/ Rossman to approve. VOTE: all aye.

b. FIRST READING ORDINANCE 2004-07 ZONING CHANGE REQUEST

MOTION: Crews unanimous consent to read by title only. Chair approved without objection. Moccia read: ORDINANCE NO. 2004-07

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; REZONING PROPERTY AS FOLLOWS: A PARCEL OF LAND LYING ON THE EAST SIDE OF BABCOCK STREET AND BEING FURTHER DESCRIBED AS PARCELS 561 AND 569, TOWNSHIP 29 SOUTH, RANGE 37 EAST LOCATED IN THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, FROM RR-65 (RURAL RESIDENTIAL) TO CG (GENERAL COMMERCIAL); PROVIDING FOR AMENDMENT TO THE OFFICIAL ZONING MAP; PROVIDING AN EFFECTIVE DATE.

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

2. REQUEST TO GO TO BID: 300 FEET OF CANDY LANE (SOUTH)

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

3. RESOLUTION 2004-08: SUPPORT OF PATRICK AIR FORCE BASE

MOTION: Crews unanimous consent to read by title only. Chair approved without objection. Moccia read: RESOLUTION 08-2004

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, FORMALLY SUPPORTING CONTINUED OPERATION OF PATRICK AIR FORCE BASE AND CAPE CANAVERAL AIR FORCE STATION; PROVIDING FOR DISTRIBUTION; PROVIDING FOR CONFLICT; PROVIDING AN EFFECTIVE DATE.

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

4. EELS PROPERTY, POSSIBLE ARBITRATION

Bohne – we need a resolution to do this.

MOTION: Havet/Crews to draft a resolution.

Booth – Council has a copy of a letter that will go to the Governor. Crews – feels that the reason the scrub jays are gone is because the EELS don't manage what they already have.

Booth – they procure but don't manage.

VOTE: All aye.

5. FIRST READING ORDINANCE 2004-05: REGARDING LOT SPLITS

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

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, REPEALING ORDINANCE 00-11 ADMINISTRATIVE LOT SPLITS; PERTAINING TO ARTICLE XVI SECTION 1-16.1(C) OF THE LAND DEVELOPMENT CODE; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

REPORTS: MAYOR, COUNCIL

- Rossman – at the last Council meeting he had someone ask why we have the public comments where we have. We have been doing it incorrectly. Per our own resolution they go at the end of the agenda.

Rossman – we don't have term limits on advisory board members, he would like Bohne to draft an ordinance regarding board members and term limits. Council agrees.

- Rossman – thanks Bohne for working on the Gentile issue.

- Hunter – was approached by citizens at the end of Smith Lane regarding ATV traffic, would like Booth to address.

- Hunter – states that the Scrub is very quiet.

Mayor – the nuisance ordinance? Booth – next meeting.

PUBLIC COMMENTS: GENERAL ITEMS

- Bill Withers – regarding paving of the lanes. There was a committee that petitioned to have the roads paved several years ago. Feels that Council should use the density factor when determining what to pave.

- Vicki Thomas – there are soldiers in Iraq that are not getting anything from the states, would like start a collection site.

- Vicki Thomas – would like to give recognition to beautiful yards, Council – agrees.

- Pat Benington – was interested in the Corey Road speed issue. They come past her house 68 mph, she would like to see a three way stop when they get to Malabar. Moccia – likes the idea of stop signs. Audience – a child was hit on Corey Road and it ruptured his spleen. Booth – whoever does the engineering study will look at this. Crews – we have to look at Weber also or the traffic from Corey will just go to Weber. Thinks rumble strips in front of a stop sign are a good idea.

- Cindy Zindle – she filed an administrative appeal for the BOA and it was not advertised.

Bohne – she was notified by mail. Rossman – wants the notification to be by certified mail.

Council directs Bohne to change the ordinance.

Ron Peterson – feels that we have an opportunity and a responsibility to control the traffic on Corey Road. He talked to traffic control people and they offered to do a survey but it would take a month or two to begin. Rossman – would like Sheriff coverage on Corey Road especially in the morning while kids are at the bus stop. Booth – is meeting with them to discuss Malabar Road and will talk to them about this also. Rossman – would like to be at this meeting. Hunter – we can put up as many signs as we want but we can't enforce it, we need Sheriff cooperation. Rossman – feels we can resolve something with Officer Petty.

- Pat Reilly – feels that the public comments placement on the agenda is probably right but feels that the chair should ask for public comment for each item.

- Jennifer Peterson – when people speed on Corey Road they can spook her horse.

- Peter Esreimel – the flag was not visible to him and his wife during the pledge, would like to see it moved to a more visible spot.

ADJOURNMENT

The meeting adjourned at 9:20 pm.

BY:


Chair Bobbi Moccia

ATTEST:


Susan Kabana, CMC
Town Clerk/Treasurer

DATE: 6/21/04