

**MALABAR TOWN COUNCIL REGULAR MEETING
AUGUST 16, 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 Mr. Rivet.

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| <u>ROLL CALL:</u> | MAYOR: | PHILLIP CREWS - LATE (EXCUSED) |
| | 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: Rivet to approve by unanimous consent. Chair approves without objection.

CONSENT AGENDA:

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

Council Minutes 8/2/04.

PRESENTATION:

MS. AYN SAMUELSON, CANDIDATE FOR SCHOOL BOARD DISTRICT 3 (MAYOR CREWS)

Samuelson – is running for School Board District 3, presents her platform, discusses her background, concerns, and beliefs. Answers questions from Council.

REPORTS:

ATTORNEY

Nothing at this time, will discuss under action item 2.

Mayor arrived at 8:00pm

ADMINISTRATOR

Booth – the budget workshop is tomorrow at 7:30.

Booth – we were not really effected by hurricane Charley, notes that our new town hall/community center should also be a hurricane shelter. Moccia – the RV parks should have preparedness plans.

Booth – the Council should appoint people to create a committee to select a site for the new town hall. Hunter chooses Brian Vale.

A. ANNEXATION

Booth – need to schedule a meeting for Council to discuss all the findings at a workshop, this meeting will be after all the annexation workshops and will be for Council discussion only.

Havet – felt that the TD Group presented a biased report. Booth – that report is not designed as a criticism of the fire department, it is to ask if we can take care of Valkaria. The answer is no we can't from our current fire station.

Booth – there was a Park Board meeting and they chose a play ground set-up and will have a cover. And it will have some type of water mister. Moccia – is it handicapped assessable?
Booth – yes. Notes that the money will come from a grant.

Booth – regarding roads:

Old Mission – recommends that Council approve the road for maintenance. He will wait for about 30 days and then ask for Council approval. Discussion.

Osage – someone with property off Osage on the County side worked on Osage and built a home (on the County side). A culvert was removed and will not be allowed to be replaced until the road is properly improved. Booth will not allow any further building until Osage is improved. It will be improved by people who want to build to the north of Osage. He will bring this back to Council when ready.

Booth – impact fees for schools was passed.

CLERK

A. IIMC MASTER MUNICIPAL CLERK DESIGNATION

Council congrats Kabana on her MMCA designation.

Kabana – introduces Cindi Kelley, she will alternate being secretary at the Council meetings to help give Kabana more time to work with finances.

Kabana – qualifying begins this Friday but Kabana won't be here to qualify – she will be at the FLC convention with Havet, Hunter and Booth. Notes that the convention will be a good place to look for water mister for the park.

DISCUSSION ITEMS:

1. PETITION FOR PAVING OF LETT LANE

Booth – this will be addressed after all the existing roads are capped, which will take a while. Council agrees.

ACTION ITEMS:

1. ONNIE MASSEY, BREVARD COUNTY LICENSE REGULATION AND ENFORCEMENT, RE: INTERLOCAL AGREEMENT FOR LICENSED AND UNLICENSED CONTRACTORS

Massey – in Brevard County's jurisdiction, there are hefty fines for unlicensed contractors, the County enforces this and can do this in Malabar to protect its citizens. In the last ten years they have collected 10 million in unlicensed contractor fees.

Havet – feels Malabar should enter into this interlocal agreement because we just don't have anything like this protection. Rossman – would like Bohne to look at the agreement. Council agrees. Moccia – can they check the subs? Massey – yes. They have four people who do nothing but roam the county and check out contractors. Havet – does not see a down side to this. Massey – they will even check on the weekend. They respond immediately. It does not cost a dime, but when they write a citation, they keep all the funds. Hunter – is not sure he for this. Moccia – agrees with Hunter. Havet – if you ever deal with a unlicensed contractor you'd be for this. Rossman – would like Bohne to look at the interlocal agreement and then put it on the next agenda to be voted on. Council – agrees.

2. TOWN ADMINISTRATORS CONTRACT

Bohne – this is only a first draft, Council needs to discuss. Rossman – first page, scratch comp time. Hunter – section 3.03 unnecessarily ties the Council's hands – it will be removed. Delete the \$300 from car allowance. Sec 5.01 – asks if 3 months severance is an industry standard. Moccia – indefinite term – can we review his contract each year? Bohne – yes. Bohne – what should the term life be? Council – two years salary.

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

3. BUDGET ADJUSTMENT FOR SHED AT MALABAR PARK

Booth – this is for the park.

MOTION: Rivet/Havet to approve.

Booth – this is lockable, and approved to 175 mph winds. Discussion.

VOTE: All aye.

REPORTS: MAYOR, COUNCIL

- Havet – she spoke to Carmine Tarzia before the meeting tonight, she asks if everything concerning him was dropped. Bohne – there was a special master hearing scheduled, however, Mrs. Tarzia was not notified therefore we could not proceed forward with the Special Hearing, so it was not dropped. Havet – so it will go before the special master? Booth – there has been some discussion about a way to resolve this, there may be a way to facilitate the clean up of the property. Havet – she would hope to see this happen. Booth – as the code enforcer he usually only acts on those issues where the entire area have complained. Havet – have they seen any improvement since it was purchased? Booth – explains that this pile is on Hall Road and was massive, it was a true code enforcement issue. The improvement is only beginning, it is not nearly as much as needed. There are many, many vehicles. Tells Council to drive by. Havet – would like to be present at future meetings regarding this. Booth – it is between the attorneys now. He knows how sensitive code enforcement is and he does not deliberately harass. Havet – she wants to make sure we are not harassing.
- Havet – she does not see a down side to the interlocal agreement regarding unlicensed contractors. This is not an issue for people doing it the right way, this is about the people who get taken by somebody doing it the wrong way. This would protect, it does not affect licensed and insured contractors.
- Crew – nothing at this time.
- Hunter – Jordan scrub has been very quite lately. Notes that we need a new lock at the Cameron Preserve. Booth – Data Management states that the pallets are theirs but the trash is not – we will pick it up. Hunter – saw the same landscaping trailer come out of there twice.
- Hunter – what is going on at the canal? Booth – it is an easement that we granted, they are putting in a car way.
- Rossman – are we through paving? Booth – no, we press him weekly to come back.
- Rossman – are we done pepper busting? Booth – we will continue to work on it, it will never end.
- Rossman – what about drainage? Booth – he gave a report to the Council at the last meeting he will get the maps to Rossman. Rossman – he had a complaint about a drainage ditch.
- Havet – gave out pictures from Carmine Tarzia.
- Havet – she talked to Zach from the EEL's and their fence comes to the inside her tree line so the dirt road is going to be cut-off completely. Zach also said that some parts of Marie are not in the right place and that the whole thing has to move over. They are going to be moving the fence this month. Booth – the road will not be moved because it is prescribed. Moccia – how is that going to affect those who own land north of there. Havet – it was a mistake to put the fence where it is now. Survey was incorrect. Kabana – disagrees, it was done correctly, the EELs agreed to put the fence further back on their property line. Havet – that is incorrect, their fence should be on the inside of their tree line. Booth – they are not doing anything without a permit. Havet – knew this was going to be a heated issue that is why she brought this forward. Moccia's brother can use her land to access his land further north.
- Rivet – the mail boxes on Alexandria are still on Malabar Road. Booth – we need the land in order to create the turn-around.

- Moccia – her daughter's girl scout troop is looking for place to hold their meeting on Tuesday nights, Council does not mind. Moccia – would be present to lock and unlock the door.
- Moccia – notes that Charlie Hart passed away last week. Also Paul Marpil lost a brother and she would like to send \$60 in lieu of flowers. Council agrees.

PUBLIC COMMENTS: GENERAL ITEMS

- Bill Withers – feels that we need a more qualified people, we are no longer a sleepy little town, growth is about to run over use. We need a true public works director, we need someone with fidelity of duty. We can pay for the position by eliminating one of our positions.
- Bill Withers – the Park Board meeting of August 11th was invalid because it was not properly advertised. It needs to be deleted. Kabana – it was not posted correctly. Withers – it was to be on the 18th and was moved on to the 11th and not posted correctly. Crews – if there was no action taken what is the problem? Withers – it was a meeting none the less. Kabana – this happened with a new employee, she was trying to help out and made a mistake, it won't happen again.
- Bill Withers – asks if the town hall site selection committee should hold off until annexation is voted on? Booth – but it can begin now, the final decision can be after.
- Rossman – asks if Council wants to discuss a new public works director at tomorrows meeting. Moccia – we need parameters of that position, Sue Hann might be able to help.

ADJOURNMENT

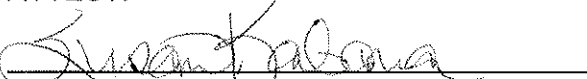
The meeting adjourned at 9:22pm.

BY:



Chair Bobbi Moccia

ATTEST:



Susan Kabana, CMC
Town Clerk/Treasurer

DATE:

10/4/04