

**MALABAR TOWN COUNCIL REGULAR MEETING
NOVEMBER 1, 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 |
| | CHAIR: | BOBBI MOCCIA |
| | VICE-CHAIR: | STEVE RIVET |
| | COUNCIL MEMBERS: | JANE HAVET |
| | | BRIAN HUNTER - excused |
| | | BOB ROSSMAN |
| | ADMINISTRATOR: | ED BOOTH |
| | ATTORNEY: | KARL BOHNE |
| | CLERK: | SUSAN KABANA |

ADDITIONS AND DELETIONS TO AGENDA: None
MOTION: Rivet/Rossman to approve. VOTE: All aye.

CONSENT AGENDA:
(A) COUNCIL MINUTES 10/18/04
MOTION: Rossman/Havet to approve. VOTE: All aye.

REPORTS:
ATTORNEY

Asks Council if he and Booth can meet with County Attorney and County Manager to discuss pre-litigation regarding EELS and MSTU. Mayor recommends that the new Mayor attend also, Council agrees.

ADMINISTRATOR

- Nov 15th is last pick up date for debris, he and Beatty will go around town and locate debris.
- Is working on a facade grant, usually \$1,000 to \$2,000 for those builders that build in a style liked by Council. Booth will develop the grant. Council agrees.
- Asks to raise travel allowance from 29¢ to 37¢, this will come before Council as a resolution.
- We are in a construction mode in the fire department, the insurance company has provided the names of contractors. We are going to clean out the shed and move fast on repairing the building. States that overall we have spent a lot of money but we will get most of it back.
- We will work towards being self sufficient when it comes to emergencies. Rossman – likes Withers report and feels it should be used as a model.

CLERK

- Reminds Council of Thursday night meeting to swear in new Council members.
- States that pre-hurricane expenses the Town would have added \$30k to the reserves, but the storms will negate those profits.

PUBLIC HEARINGS:

1. FINAL READING, ORDINANCE 2004-12: COMP PLAN CHANGE, BOOS PROPERTY

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

Bohne – this is not final reading, there will be one more reading.

Moccia read: ORDINANCE 2004-12

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA,
ADOPTING COMPREHENSIVE PLAN AMENDMENT NO. 2004-2 (LSA); AMENDING
THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE TOWN

FROM CG (GENERAL COMMERCIAL DEVELOPMENT) TO R/LC (RESIDENTIAL AND LIMITED COMMERCIAL) FOR A PARCEL IN THE TOWN LYING ON THE WEST SIDE OF US-1 AND SOUTH OF MALABAR ROAD; AND ESTABLISHING A PROPER AND APPROPRIATE LAND USE FOR THE PARCEL DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE.

Moccia – opens the public hearing.

Kabana – states that there is a sign up sheet at the back of the room for those who wish to receive a copy of the Dept of Community Affairs decision on this request.

Being that there was no public comment Moccia closes the public hearing.

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

2. FINAL READING, ORDINANCE 2004-13: ZONING CHANGE, BOOS PROPERTY

Bohne – this will come back for another reading also.

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

Moccia read: ORDINANCE NO. 2004-13

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, AMENDING THE DISTRICT BOUNDARIES OF THE OFFICIAL ZONING MAP OF THE TOWN OF MALABAR AS PROVIDED FOR IN ARTICLE II, SECTION 1-2.2 OF THE LAND DEVELOPMENT CODE; ESTABLISHING A TOWN ZONING CLASSIFICATION FOR A PARCEL IN THE TOWN AND LYING ON THE WEST SIDE OF US-1 AND SOUTH OF MALABAR ROAD; REZONING THE SAID PARCEL FROM TOWN OF MALABAR CG (COMMERCIAL GENERAL DEVELOPMENT) TO TOWN OF MALABAR R/LC (RESIDENTIAL AND LIMITED COMMERCIAL); PROVIDING AN EFFECTIVE DATE. (Z.C. 2004-2)

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

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

ACTION ITEMS:

1. REQUEST FOR EXCEPTION TO FENCE HEIGHT RESTRICTION

Booth – the posts only go higher than allowed by code.

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

2. RESOLUTION 11-2004: REVISION OF BUILDING PERMIT FEES

MOTION: Crews to read by unanimous consent. Moccia approved without objection.

Moccia read: RESOLUTION NO. 11-2004

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR REVISION OF BUILDING, FENCE, ROOFING, ELECTRICAL, PLUMBING, GAS, MECHANICAL, SWIMMING POOL, FIRE PROTECTION SYSTEM, SIGN AND IRRIGATION SYSTEM PERMIT FEES; PROVIDING FOR THE REPEAL OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Rivet/Rossman to approve.

Booth – we were finding that our fees were too high, this brings us more in line with the rest of the area.

VOTE: Havet, Rivet, Moccia, Rossman.

3. FIRST READING, ORDINANCE 2004-11: AMENDING UNSAFE BUILDING ABATEMENT CODE

MOTION: Rossman unanimous consent to read by title only. Moccia approved without objection.

Moccia read: RESOLUTION NO. 11-2004

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR REVISION OF BUILDING, FENCE, ROOFING, ELECTRICAL, PLUMBING, GAS, MECHANICAL, SWIMMING POOL, FIRE

PROTECTION SYSTEM, SIGN AND IRRIGATION SYSTEM PERMIT FEES;
PROVIDING FOR THE REPEAL OF RESOLUTIONS IN CONFLICT HEREWITH; AND
PROVIDING FOR AN EFFECTIVE DATE.

Bohne – the town adopted the standard unsafe abatement code some time ago but it uses a separate board of adjustment for enforcement. This allows amendment would allow the use of our Special Master for enforcement. Bohne suggest \$25 to file an appeal and then \$15 for subpoena service.

VOTE: Rossman/Rivet to approved as discussed. VOTE: Havet, Rivet, Moccia, Rossman.

4. INTERLOCAL AGREEMENT REGARDING SCHOOL IMPACT FEES

Bohne – this requires that impact fees are paid before receiving a CO. If they receive a CO without paying then we are responsible. Kabana – if we don't sign the impact fee must be collected at building permit, way before CO.

MOTION: Crews/Rossman to sign the interlocal agreement as written.

Rivet – would like leverage. Bohne – but if we make a mistake we are held liable.

VOTE: All aye.

REPORTS: MAYOR, COUNCIL

-- Havet – would like to see the Town agree using Brevard County Building Enforcement, especially since the hurricanes. They no longer do the trial periods but we can opt out when needed. This is for the protection of the homeowner. Crews – the new Council should discuss this. Moccia – wants this as an action item. Rivet – just wants to make sure we can rescind the agreement if necessary. Bohne – there was a cancellation clause.

Havet – states that she was happy to serve and that she tried her best while in office.

-- Crews – it has been a privilege to serve on Council and P&Z for over ten years, it is time to retire. Suggest for any citizen to serve, it is not only a great honor but a great privilege for the community. Moccia – Crews has been here a very long time

-- Rossman – want the school for the board members to be available to the other board members.

-- Rossman – liked Withers action report from the comfort station, feels that it is a good starting point. We need to be better prepared. Notes that our comfort station was run the most efficient. Also wants to see something in writing from the State that states that there cannot be another exit on Malabar Road for the Stillwater subdivision.

-- Rossman – wants to give \$250 to the Fire Chief for a barbeque picnic for the 15 fire fighters who worked the hurricanes.

-- Moccia – says good luck to Havet in tomorrow's race for County Commissioner. States that she will miss the Mayor.

PUBLIC COMMENTS: GENERAL ITEMS

Bill Withers, Candy Lane – thanks Council for the computers that were refurbished and given to the children at Port Malabar Elementary.

--Wither – his after action-reports were his observations after the hurricanes, they are a record that can be kept and used for a reference in the future. Feels that records are not kept well enough.

--Withers – feels that a new town hall should be placed west of the rail road track for protection during major storms, especially if it will be used as a shelter.

--Withers – for some time fire fighters have been parking commercial tow trucks at the fire station overnight. Is the Town going to allow this, exposing us to the liability? Havet – understands that the drivers are on duty while the tow trucks are there. Rossman – we need to get names of those drivers and if they are on duty then the trucks can be there but if they are not on duty then they trucks cannot be parked there.

--Tom Eschenberg – our sign ordinance states that we are not to have signs in the right-of-way. Right now it is the political season and there are signs in the ROW and we are not enforcing our own ordinance. He feels that the law should be changed to allow political signs during the

political season. Booth – public works was collecting and collecting, we finally had to pick up signs only once a week, they show up again the day after we pull them up5 . Rivet – agrees with Eschenberg. Moccia – wants this to come back as an agenda item.

--Patrick Reilly – at the last meeting Council made a motion regarding board member term limits and Reilly states that is goes against what is in the code, it was illegal. Rossman – he'd be happy to make a motion right now to not re-appoint any of the expiring members. Moccia – we need to resolved this at the next Council meeting.

Moccia presents a plaque to Mayor Crews and another plaque to Jane Havet as they leave office.

ADJOURNMENT

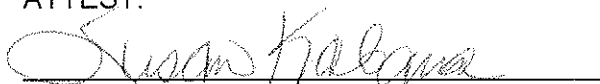
This meeting adjourned at 8:35.

BY:



Chair Bobbi Moccia

ATTEST:



Susan Kabana, MMC
Town Clerk/Treasurer

DATE:

11/15/04