

TOWN COUNCIL MINUTES
February 24, 2003

This meeting of the Malabar Town Council was held at the Town Hall at 2725 Malabar Road. The meeting was called to order at 7:30pm by the Chair, Bobbi Moccia. The prayer and pledge were lead by Mr. Rivet.

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

Also present were Carl Beatty, Public Works Supervisor and Fire Chief Chuck McClelland.

ADDITIONS AND DELETIONS:

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

CONSENT AGENDA:

MOTION: Rivet/Crews to approve.

Rivet – has comments regarding the minutes of 2/3/03. Rivet – feels it is important to know that the attorney named Tiffany Loris is the Mayor's daughter and that Allysia Hickson is also his daughter. Mayor – they are his daughters and he thought that most people knew who they were.

(A) Charter Review Committee Minutes 1/30/03, (B) Council Minutes 2/3/03, (C) Special Council Meeting Minutes 2/13/03.

VOTE: All aye.

ATTORNEY:

Colombo – nothing per Bohne.

Rivet – is going to file a Sunshine violation against the Mayor because he was told by Mrs. Eschenberg (who was asking for the Town's support for a fundraiser) that the Mayor told her to contact all the Council members regarding this matter. Rivet wants the minutes to reflect that all Council members were called by Eschenberg at Crews request. Crews – feels that Rivet's facts are in error, he asked Eschenberg to contact the clerk and for the clerk to schedule this issue before Council.

ADMINISTRATOR:

- RESOLUTION OF SPECIAL MASTERS ORDER

Booth – the Special Master had three outstanding issues and at this time they have all been satisfied with the exception of Gentile's trees. They will be planted after the threat of freezing weather has past.

Booth – we now have a contract to take over the easement on the railroad tracks, it's 5 wide by 250 long and it encompasses all the polls, which we will remove when we can plant.

CLERK:

Will not be here Thursday evening, that meeting will be run by Mitch Needleman.

PUBLIC WORKS:

Beatty – public works continues to work on pipes, tomorrow they should finish the rip-rap on Atz Road.

Rivet – what is happening to the scrap concrete that they are pulling out? Beatty – we take it to our lot on Marie Street and we usually recycle whatever goes there at some point in time, usually they have the metal scrapped. Beatty notes that the bigger part of what is out there is from JoBear and the FEMA grant, and JoBear will be hauling that stuff off.

FIRE CHIEF:

McClelland - Kabana and her husband donated a 1968 Ford Mustang to the department and the Malabar Fire Department Inc., is going to restore it and use it as a parade vehicle. McClelland – also, an Eagle Scout project was done by Robert Shepardly and it very much improved the entrance to the Fire Station. This project was used as the 'person of the week' for Channel 13 and was televised.

PRESENTATIONS:

1. MALABAR PROFESSIONAL CENTER

Ralph Denuzzio – introduces Wade Stevens. Denuzzio introduces his family, he is not a corporate person looking to build a professional center for profit, his company is a family partnership. He is not looking for approval tonight is just looking to present his ideas to Council. Will be using more landscape than hardscape in his design, there are large oak trees and he intends to keep all of them. They have no problem leasing their office space because he provides a warm environment. Describes his plan to the Council using a power point presentation. Council is glad that Denuzzio is saving the trees and encourages him to move forward with his project.

2. ECONOMIC DEVELOPMENT GRANT

Booth gives presentation regarding the proposed grant to bring city water down US1 to Harris. He needs a consensus of Council to work on this grant, it will take much work on Booth's part to make this happen. The area is 11,000 linear feet and there would be a 10 inch line installed. Harris Corporation is the target at 20,000 gallons a day and the pipe will also support about 700 homes. There will need to be a pumping station and a lift station. The approximate cost is about \$800,000 and we qualify for grants. He states that the Economic Development Commission is interested in helping us financially but we need to get this done soon. Harris will also contribute financially. Booth states that water quality around town will eventually go down and we are going to have to provide water to our citizens. Council – wants to make this a priority.

Bill Withers, Procurement of Government property – went to Stark, Florida and learned the program from the staff in Stark. While he was up there with Booth they bought a 1 ton truck, a bookcase, 2 desks, and some matting. Withers and Booth successfully negotiated

very good prices on all the items purchased. Booth – we have to keep the equipment for 18 months. Withers – we are also getting a 60 inch mower. He states that he will try to go up once a month and see what is there. Council – thanks Withers for his efforts and negotiating skills.

3. GENE SNOOK, SENIOR TRANSERVE

Is an Americore Vista volunteer and his job was to get this program up and running for the County. The program is Senior Trans Serve and they provide transportation for home-bound seniors. To use the service you have to be 55 or over, be ambulatory, and have tried to get rides from others. They do a background check on all drivers. They have been in operation for one year and are providing more and more rides. He is looking for the Town's support, they will eventually need a director and three ride coordinators. Council will put the info in the newsletter.

PUBLIC HEARINGS:

1. SECOND READING ORDINANCE 03-01: AMENDING ORDINANCE 01-01, MALABAR ROAD ORDINANCE

Moccia – opens the public hearing.

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

ORDINANCE NO. 03-01

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; AMENDING SECTION 13-37; PROVIDING FOR A DEFINITION OF LOCAL STREETS/ROADS; AMENDING SECTION 13-38; PROVIDING FOR LOCAL STREET/ROAD CONSTRUCTION AS A PRECONDITION TO ISSUANCE OF BUILDING PERMIT; CREATING SUBSECTION A, B, AND C TO SECTION 13-38; PROVIDING FOR A VARIANCE TO SUBSECTION B1 AND B2 OF SECTION 13-38; AMENDING SECTION 13-41; REVISING THE STANDARDS IN EXHIBITS A AND B REFERENCED IN SECTION 13-41; PROVIDING FOR CODIFICATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

Moccia asks for public comments, being none, she closes the public hearing.

MOTION: Rivet/Rossman to approve.

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

2. SECOND READING ORDINANCE 03-02: AMENDING THE LAND DEVELOPMENT CODE BY REMOVING THE USE OF WATER BODIES IN IMPERVIOUS SURFACE RATIO (ISR) CALCULATION

Moccia – opens the public hearing.

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

ORDINANCE 03-02

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA AMENDING ARTICLE III, § 1-3.3 C.1., CALCULATION OF ISR, OF THE LAND DEVELOPMENT CODE OF THE TOWN OF MALABAR, REMOVING THE USE OF WATER BODIES IN IMPERVIOUS SURFACE RATIO (ISR) CALCULATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

Moccia – closes the public hearing.

MOTION: Rivet/Rossman to approve.

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

ACTION ITEMS:

1. CERTIFICATE OF ACCEPTANCE OF 15 FEET OF RIGHT-OF-WAY FROM JAMES PARKER

MOTION: Rossman/Havet to accept the 15 feet of ROW. VOTE: All aye.

2. APPROVAL OF 306 FEET OF JOHNSTON AVENUE

MOTION: Rossman/Rivet to approve the 306 feet. VOTE: All aye.

3. CERTIFY COST FOR THE BUILDING OF 306 FEET OF JOHNSTON

Kabana - \$11.88 per liner foot.

MOTION: Rossman/Rivet to certify the costs. VOTE: All aye.

4. BRAD SMITH FROM BRAD SMITH AND ASSOCIATES, INC.

Brad Smith – gave presentation, will work to get landscaping grants in certain areas in town. He has a proposal for Council with a fee cap of \$7,450. The idea is to do a victory project first, this will bring in grant money for beautification projects, those projects would include work on US1, discussion. The project overview is as follows: A) work on the US1 shoreline. B) a demonstration project. C) work on US1 medians. D) rebuild the old dock at the end of Orange Avenue. E) work on Malabar Road from US1 to Marie Street. F) landscape improvements to equestrian trails. Discussion of what items to choose from.

Council decides that A is good, B is good, C is good, D is good, and to eliminate E & F. And we will pay only \$5,000. Smith – agrees.

5. REQUEST TO USE STORMWATER FUNDS FOR STORMWATER PHASE II PERMIT

Booth – we need to pay our portion of a consultant fee for a phase II management plan. We don't have much choice, we can either become part of their program or spend more money doing it ourselves. We need to pay \$9,750 for our portion of the consulting fees and then \$3,750 for the permit. Council – approves.

6. SCHOOL BOARD AGREEMENT

Booth – we had asked for an exception because we don't have any schools. We wanted to be out but we cannot, we don't have any choice but to sign, this is a state requirement. We will have a school board member on our P&Z who will deal with school issues with us. Withers – feels the school and the County are coming together to control us more and more. Booth – but this is a state requirement. Discussion continued.

MOTION: Crews/Hunter to approve the signing of this agreement. VOTE: Aye – Moccia. Nay – Rossman, Hunter, Havet, Rivet.

Motion dies. *not agreed to*

7. SCHEDULE WORKSHOP FOR REVISION OF BUILDING PERMIT FEES AND FOR THE EMPLOYEE MANUAL

March 6th, 7:30pm workshop on Employee manual and the building department fees.

March 20th, 7:30 pm will be the charter review committee.

Tom Eschenberg – in regards to a conversation between the Mayor and his wife. He recalls that his wife told him something about talking with the Council members and seeing

if it was all right with them if the Mayor wrote some kind of letter. Mayor – this was not a legislative issue. Moccia – but remembers Eschenberg saying something about polling the Council.

Eschenberg – his wife wants him to express her gratitude of Council's support of the project his wife is working on. He explained the circumstances surrounding the child and her family.

REPORTS:

- Havet – nothing at this time.
- Crews – nothing at this time.
- Hunter – ran off drinkers on the Malabar scrub this past weekend. Havet – offers the use of her horses, she states that a rider on a horse is intimidating. Rossman – states that Hunter should use the Town's Isuzu. Hunter encourages the public to use this land for what it is intended.
- Rossman – nothing at this time.
- Rivet – the 4 wheelers are becoming a problem near him.
- Rivet – about a month ago he had a refrigerator fixed and the Eagle Corp people drove up because they saw the strange van in his driveway. Rivet appreciates their presence, tells Eschenberg 'job well done'.
- Moccia – we have a misplaced a file on Mr. Hall but we are still in search of it.

ADJOURNMENT

Meeting adjourned at 9:45 pm.

BY: 
Chair Bobbi Moccia

ATTEST:


Susan Kabana, CMC
Town Clerk/Treasurer

DATE:

3/7/03