

TOWN COUNCIL MINUTES
March 17, 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.

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

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

ADDITIONS AND DELETIONS:

Moccia approved agenda without objection.

PROCLAMATION: IRISH-AMERICAN HERITAGE MONTH

Moccia read. Mayor Crews presented the proclamation to Bill Moroney and Pat Reilly.

CONSENT AGENDA:

(A) COUNCIL MINUTES 2/24/03 (B) COUNCIL SPECIAL MEETING MINUTES 2/27/03 (C) COUNCIL WORKSHOP MINUTES 3/6/03

MOTION: Crews/Rivet to approve.

Crews – on page 4 use 'motion not agreed to' instead of 'motion dies'.

VOTE: All aye.

REPORTS:

ATTORNEY:

Bohne – regarding cell phones – employers are being sued because employees are causing bodily injury or death while driving and using a cell phone. Bohne feels that we should have a cell phone policy and it should extend to laptops and pagers. Council instructs Bohne to work on this item.

ADMINISTRATOR:

- COREY ROAD PROJECT

Booth – there are many problems with the Corey Road FEMA project such as ditches falling in and rip-rap in the wrong places. Frazier will have to uphold our standard to the contractor. There is a lot of cleaning to do.

- PEPPER BUSTING

Booth – we will use prisoners on the weekends to clear peppers on US1, public works will supervise. After the peppers are cleared we are going to ask the land owners

to mediate the problem of keeping the peppers at bay, or we will provide the coverage for a yearly fee. Booth notes that we are participating in a grant with Palm Bay for beautification along US1 and we can use that money to plant palm trees. Moccia – when the prisoners are pepper busting around the dock they will have to be careful not to destroy any part of it.

- COMP PLAN

Booth – is going to ask DCA to ask for money to help with our comp plan. We will need to budget for a planner. Moccia – is not in favor of seeing RR65 zoning changed. Booth – at this point when a developer comes in looking for a zoning change, in order to save time and money, Booth is only having the developer talk to P&Z about their ideas, and so far the densities have been too high for P&Z to like. There has been nothing definite from any developer but, Booth notes, that they 'have arrived' in Malabar and if the Council does not decide something then it will be decided for us by them. This is something Booth will pursue but he has slowed down a bit because he feels that the Council should get done with the charter prior to really getting into the comp plan.

Booth – is looking for a Council member to work with him on personnel issues. Rivet will do this with Booth.

- WATER DOWN US1

Booth – the grant is at the pre-grant stage with our engineers. Hunter – may be able to help Booth with this issue.

Booth – notes that we have had sign issues with DOT and we will continue to work with them on those issues. We will have to make our wooden town signs break-away.

CLERK

Kabana - nothing at this time.

PUBLIC WORKS SUPERVISOR

Beatty – public works lacks one pipe on Atz and then we are ready for the paving. After that there will only be filling and grading. Moccia – are we going to have Benjamin, Booth, and Old Mission ready? Booth – yes.

Moccia – did the residents of Smith Lane agree to pay for the paving of Smith Lane? Brain Vail from the audience – no, they did not.

Rivet – how long can the other roads last before we need to asphalt them? Beatty – feels we can get by with a couple of repairs but it won't be too long before we need to do major repairs because there was no base when the initial top coat was put down. Booth – we will have to armor coat them soon.

Booth – the road around the FEMA project has been damaged and Booth is not impressed with the contractor's version of road repair. Discussion. Hunter – would like to have John Frazier and Maria Parkhurst at the next Council meeting, Council agrees. Council is worried about the sides of the ditches caving in during the rainy season and the fact that there is blocked flow line.

PROCUREMENT COORDINATOR

Withers – is going to Stark on the 27th to see if there any items on our list.

PUBLIC COMMENTS: GENERAL ITEMS None.**PRESENTATION: ZACH PRUSAK AND ANNE BIRCH FROM BREVARD COUNTY ENVIRONMENTALLY ENDANGERED LANDS (EELS), UPDATE ON MANAGEMENT OF EELS PROPERTY**

Prusak – drainage for the entrance to the Malabar Scrub Sanctuary is now working very well. They have mounted sign-up sheets at that entrance and they will provide statistical information regarding who is visiting the sanctuary to Council on a quarterly basis. People from as far away as Canada have been there. Prusak notes that they had a successful burn not too long ago, their goal is to get 90% of the acres burned and they are well on their way.

Prusak appreciates the article that Hunter wrote for the Mailboat newsletter. The EELS long-term goal is to fence the entire site. He explains the color map in the packet provided for tonight's meeting. Prusak has seen a reduction in dumping in the Jordan Scrub. Feels that fencing and gates will be up by May.

Moccia – needs some information for a citizen who heard a statement that was made regarding Palm Bay purchasing the Reynolds property.

Birch – will answer that, mentions that this is her quarterly report to the Council.

Birch – states that BML is now WGML, and that the EELS will close shortly on the 113 acres from WGML. There was a site visit a couple of weeks ago with the Selection and Management Committee at the request of the City of Palm Bay. The site visit was to determine what type of management would be suitable for that piece of property and could it be managed for scrub and scrub jays in order to help accommodate Palm Bay's mitigation needs that they have per the US Fish and Wildlife Service permit.

Palm Bay came to the EELS and asked if the EELS would be willing to manage that site and would it be suitable to manage it for scrub jays. Birch states that a couple of the members of the Selection and Management Committee who know about scrub and ecology to look at the site for that reason. Those members said that it could be managed for scrub and scrub jay and that is consistent with the way it would be managed anyway. It is strictly between the City of Palm Bay and Fish and Wildlife to determine if that is a suitable mitigation site for Palm Bay's permit. If that is the case then the EELS would receive funds to implement that management plan, which would require scrub cutting and prescribed fire, site security, and more. Birch notes that this is all, the City of Palm Bay would not take over the ownership, it would strictly be funds for mitigation and it will only take place if all parties agree, and the primary party is US Fish and Wildlife.

Booth – there will be a confrontation if Palm Bay tries to mitigate in Malabar. Booth was told that Palm Bay needs to mitigate 500 acres or they won't be able to continue to develop.

Booth notes that he will be talking to the State about funding the EELS purchases of land in Malabar and the negative impact it is having on this community.

Rivet – asks Birch to explain 'management'. Birch – when they buy land they can't take a hand-off approach to management because it has been non-managed for 30 to 50 years. Fire has been excluded from the environment because of surrounding development or other encroachments. They have to do a restoration to bring it back to what it was and it also serves as fire protection for the surrounding developments

Birch – regarding the National Heritage, 30 acres, directly east of the WGML property. This has been on their list and they are going to the Board of County Commissioners to purchase this tomorrow.

Birch – they have made an offer on the Reynolds property. The gentleman only wanted an offer on the entire two parcels. If the offer is accepted then the EELS would ask for reimbursement from the State. They have not heard back from the owner.

Birch – Brevard Hardwoods approached them and asked if they would like to purchase their site for the management and education center. The Selection Management Committee liked the site but the building is a 'This Old House' issue and they are working on the real amount it would take to restore it for public use.

Hunter – would like Beatty to look at the road apron at Jordan Blvd because he feels that Cochran may need to address this. There were people trying to get to the Cochran property and they tore up the apron at the gate.

ACTION ITEMS:

1. FIRE DEPARTMENT REQUEST TO APPLY FOR GRANT FOR TANKER TRUCK

McClelland – they have applied for this for the past two years. It's a 90/10 grant, the Town's portion would be \$14,215. We will have a gap in the protection for the Town if we don't get this but they will apply for military surplus.

MOTION: Rivet/Hunter for the Fire Chief to pursue the grant. VOTE: All Aye.

2. RESOLUTION 02-03: REPEALING RESOLUTION 89-1, MALABAR TIME LINE FOR COMP PLAN CHANGES

Booth – we just want to take the restrictions off.

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

RESOLUTION NO. 02-03

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE REPEAL OF RESOLUTION 1-89; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Crews/Rivet to approve.

Rivet – does having a limited time-line give us an advantage? Bohne – not really because you can just say no.

VOTE: Aye – Hunter, Rivet, Moccia.

3. PROPOSED GRANT ACQUISITION FOR REBUILDING OF THE MALABAR DOCK AT THE END OF ORANGE AVENUE

Hunter – went with Moccia to look at the dock last Sunday and they found a good portion of the dock observation deck. They did not discuss any Council issues, they only located the dock. Moccia - there is a large amount of the dock there and if we cannot rebuild it then there are two grants that will satisfy each other for the building of a new dock. Feels that the water is a valuable resource. Rivet – feels that the dock is where Malabar began, we are here because of it. Osterhout – if you are asking for grant money then you have to provide public access and the Park Board could not resolve the issue of parking and disabled access. Council – wants to move on with this project. If we don't have 51% of the dock then we will pursue the other two grants.

4. APPROVAL OF BID FOR IMPROVING 600 FEET OF LEGHORN ROAD**MOTION: Crews/Rivet to approve. VOTE: All aye.****REPORTS: MAYOR, COUNCIL**

Crews – nothing at this time.

Hunter – still working on the scrub problem, the hunters seem to be gone but the ATV's are proliferating. Hunter is wondering if we can block off the area at the end of LaCourt. Bohne we can do this, we can't build a booby-trap but we can put up some type of barrier.

Hunter – went with Anne Birch and Zack on the walk through the BML property and found out that they sell the trees they cut down for pulp. Hunter feels that we should keep all our right-of-way's in any land that they purchase. Moccia – we need to keep tabs on the EELS intentions.

Rivet – is opposed to high density housing and does not want to change any zoning to benefit any developer. Moccia agrees, feels that 1 ½ acres is good. Crews likes the comp plan the way it is and does not want to open any precedent. Hunter – likes the comp plan but understands that this area will be more and more desirable. Bohne – states that if Council approves one developer then we would have to approve another or we could end up in a law suit. Discussion of those who make application for rezoning. Bohne notes that any developer can make application.

Moccia – are roads bid out and built by the town? Kabana – yes, the roads are built per Town specifications.

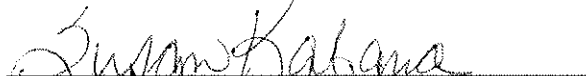
Kabana – notes that the misplaced file was located.

ADJOURNMENT

Meeting adjourned at 9:15 pm.

BY: 
Chair Bobbi Moccia

ATTEST:


Susan Kabana, CMC
Town Clerk/Treasurer

DATE:

4/7/03