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TOWN HALL
2725 MALABAR ROAD
MALABAR, FLORIDA 32950-4427

MALABAR TOWN COUNCIL REGULAR MEETING
APRIL 7, 2003 7:30 PM

CALL TO ORDER, PRAYER AND PLEDGE

ROLL CALL

ADDITIONS AND DELETIONS TO AGENDA

CONSENT AGENDA:

(A) COUNCIL MINUTES 3/17/03

(B) CHARTER REVIEW COMMITTEE 3/30/03

REPORTS:

ATTORNEY

ADMINISTRATOR

- COMP PLAN

- CONTRACTS FOR CLEANING AND PARK MAINTENANCE

CLERK

PUBLIC WORKS SUPERVISOR

PUBLIC COMMENTS: GENERAL ITEMS

CITIZEN REQUEST:

1. MARSHA & DAN MICHAEL, 2265 ATZ ROAD, NUISANCE ASSOCIATED WITH OFF-ROAD VEHICLES

DISCUSSION:

1. JOHN FRAZIER AND RICHARD CLEMENTS FROM FRAZIER ENGINEERING TO DISCUSS THE FEMA 1062 GRANT CONSTRUCTION PROGRESS
2. BUILDING INSPECTOR FEES
3. BREVARD COUNTY WATER AND SEWER DISTRICT ORDINANCE
4. EMERGENCY MANAGEMENT PLAN
5. ROAD APPLICATION FEES

ACTION ITEMS:

1. SPACE COAST LEAGUE OF CITIES INTERGOVERNMENTAL COMMITTEE MEMBER
2. PERMISSION TO GO TO BID FOR MACDONALD 200 FOOT IMPROVEMENT
3. PERMISSION TO GO TO BID FOR SMITH LANE 200 FOOT IMPROVEMENT

REPORTS: MAYOR, COUNCIL

ADJOURNMENT

If any individual decides to appeal any decision made by this Council with respect to any matter considered at this meeting, a verbatim transcript may be required and the individual may need to insure that a verbatim transcript of the proceeding is made (FS 286.0105). In compliance with the Americans with Disabilities Act (ADA) anyone who needs a special accommodation for this meeting should contact the Towns ADA coordinator at 727-7764 at least 48 hours in advance of this meeting.

TOWN COUNCIL MINUTES
April 7, 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 - EXCUSED
	BOB ROSSMAN
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:

Kabana – move discussion item 5 to discussion item 2. Council agrees.

CONSENT AGENDA:

(A) COUNCIL MINUTES 3/17/03 (B) CHARTER REVIEW COMMITTEE MINUTES 3/30/03

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

REPORTS:

ATTORNEY:

Bohne – states that there is a meeting with someone from the State Attorney's office on April 17th to discuss the Bill Hall issue. Bohne asks who will attend? Moccia – she will go and wants both Booth and Bohne to go. Council agrees.

Bohne – regarding the charter revision, does Council want Bohne to write the ordinance now or wait? Moccia – feels there will be one more meeting and then Bohne can write the ordinance. Feels that the Council needs to look at the suggested revisions and determine what will stay and what will go. Rossman – has two additions. Bohne – when should he prepare the ordinance? Moccia – feels that Bohne should hold off until Council has had one more meeting. Council agrees.

ADMINISTRATOR:

- COMP PLAN

Booth – uses the overhead to show land owned by the EELS, and what they are trying to purchase (copies are attached to the original minutes). Booth states that the total of these areas represents 1/3 of the Town. He emphasizes to Council that any land owned by the State is actually 'de-annexed' and not considered part of Malabar. Booth is seeking a moratorium on EELS land acquisition and is trying to use the State to help.

He states that the Town would build out at about a population of 7,500 if the EELS does not purchase any more land as of today. The idea Booth is expressing is that much of Malabar is being taken off the tax rolls. And he questions why are we putting aside so much land for scrub jays when our zoning accommodates scrub jay populations because there are only 4 houses for every 6 acres.

Booth feels that we have to investigate the science of needing to put land aside for scrub jays. We are looking for a wildlife biologist to help us look into this but we don't want to go so far as a major study. Asks if Council wants him to aggressively pursue this study. If he were to do so he would be asking for a moratorium on EELS purchases until the study is complete. All Council agrees that Booth should pursue this. Discussion of possible consultants.

Booth – notes that there is also concern over a parcel east of Brook Hollow that the County is buying for \$440,000. It is 30 acres of land and is currently owned by the National Heritage Foundation.

Bob Wilbur – P&Z Chairman from the audience – states that the map Booth is using not accurate, some of the land is owned by Pence. Wilbur also states that it is imperative that the 30 acres be saved for preserve due to it's link in a greenway loop.

Booth – states that there is a bill in the House that would force the State to inventory their land and decide the usefulness of each parcel. He is not just sure how this will affect us but it does add to the reasons as to why we should have a moratorium.

Booth – regarding development in the Town: he notes that the developers are coming and they are not too happy about the 1½ acre requirement but that is what the Council feels is suitable and it is what Booth supports.

Wilbur – will our comp plan protect our 1½ acre zoning and well as other zoning?
Bohne – yes, he believes it does, because Council does not have to approve a comp plan amendment.

Booth – our planner, Ed Washburn, quit as of April 1st. Moccia – he didn't give her a solid reason as to why he quit, he said that it was time for him to move on.
Discussion. (see public comments)

Booth – wants permission to begin preliminary talks with Valkaria about annexation. Rossman – there were people from Valkaria at a previous Council meeting and they expressed a willingness to discuss this issue. Moccia – due to movement from Palm Bay there are concerns among the citizens there. Rivet – we should invite them to a meeting. Moccia – could we bring them here for a meeting? Rossman – would there be a conflict if invite them here? Bohne – no. Rossman – we can invite them to the next meeting.

Booth – gives kudos to the office staff and to public works for rising to the occasion and working weekends when necessary. Public works saved the Town a good deal of money by doing work that could have added greatly to the cost of paving.

Booth – two of the four roads are paved at this point.

Moccia – when will we be on Homestead Lane to help Mr. Helenberg? Booth – after the paving is complete we will start projects again and Homestead will be one of the first. Helenburg – it would be cheaper for him to build a pond than to buy a new motor for his wheelchair.

PROCUREMENT COORDINATOR:

Bill Withers – on his last trip to Stark he purchased a commercial grade lawn mower for \$35. And will procure a refrigerator and filing cabinets for Town hall on his

next trip.

- CONTRACTS FOR CLEANING AND PARK MAINTENANCE

Office staff will pick a cleaning crew. And Booth selected Mr. Withers, who was the low bidder, to do the park maintenance. All Council agrees.

PUBLIC WORKS SUPERVISOR

Beatty – they are half way through with the paving on Benjamin and West Atz. Old Mission and Booth are left and they could be done paving by tomorrow. Mr. Helenberg's project is next.

Rossman – what about the bridge in Country Cove, it is getting worse. Beatty – he contacted a concrete man and it will be done soon.

CLERK:

- Kabana – asks who is going to the League dinner, we will need reservations by Wednesday.
- Kabana – Jennifer Mansur has decided to quit her position to stay home with her child, we have hired Mindy Baker in her place.
- Kabana - Malabar Day is this Saturday, tells Council to pick up their badges at the raffle booth (it is not a ticket booth this year). Rivet – will volunteer if needed.
- Booth – trash bash is April 19th and we need many, many volunteers.
- Moccia – a couple of the employees told her they were not asked to volunteer for Malabar Day. Kabana – is not aware of any employee who is not involved.

PUBLIC COMMENTS: GENERAL ITEMS

- Don Helenberg, Hunter Lane – his issue was already addressed and he has left.
- Bill Withers – public safety along US1 – recently there was a man killed while pulling onto US1 from the side of the road and Withers feels that Council should pursue enforcing a no-parking rule along US1 so that no one else is killed. Council agrees, wants Booth to report on this next meeting.
- Wilbur – received a letter from Ed Washburn stating that he (Ed) was under the impression that he was going to be replaced in the very near future and that is why he resigned. Wilbur states that Washburn was not paid to “plan” but to “answer questions when asked” and he did this for a small amount of money. Wilbur feels that Washburn is capable of more and he may be willing to come back. Wilbur feels that a large firm could be employed by the Town for major projects but these large firms are very expensive.
- Wilbur – would like to present his ideas on economic development. Havet – talked to the people in Davie, Florida and they have had good success. Rossman – his son lives there and it has changed from what it used to be. Wilbur – the development in Davie is a good example of why we need to be careful.

CITIZEN REQUEST:

1. MARSHA & DAN MICHAEL, 2265 ATZ ROAD, NUISANCE ASSOCIATED WITH OFF-ROAD VEHICLES

Marsha – has a problem with 4 wheelers, ATV's, and 4X4's. She lives on Atz at LaCourt. She has stopped calling the Sheriff because they don't come out. The people in the motorized vehicles shine their lights and shoot guns. Booth – is working with the

Sheriff to resolve this issue. He is putting together a package to present to Council to try to resolve this. Crews – we need to contact the County and ask them why they are not keeping the people off the land at night.

Booth – we will use the cement poles to block it off. Moccia – but we need to think of fire protection. Discussion about fighting fire and putting up gates. Wilbur – states that the has built two gates in the past and he can build two more if needed. Council agrees that this should be done. The Council would like to invite Commander Petty to a Council meeting to discuss the Sheriff's role in resolving this issue.

DISCUSSION:

1. JOHN FRAZIER AND RICHARD CLEMENTS FROM FRAZIER ENGINEERING TO DISCUSS THE FEMA 1062 GRANT CONSTRUCTION PROGRESS

Richard Clements (John Frazier is not present) – Clements notes that the FEMA project was extended 15 days due to inclement weather. He states that there were many complaints about the progress of the project and the contractor is going to repair any items that are under contract.

5. ROAD APPLICATION FEES

Kabana – our road application and road application fees come from an ordinance that has been repealed. At this point the application fees only cover engineering fees for review and inspection and in reality the cost for those items are always more than what the application fee covers. Currently we take any overruns out of the 120% construction bond and it doesn't make the consumer happy when they find out that they owe more for engineering than what was stated.

After discussion Council would like Kabana to use the same fees but add a phrase like "it is typical to have more engineering fees", or "additional engineering fees will be paid by the applicant", or that the fees listed are a "good faith estimate". Kabana – will have a resolution for the next meeting. Rossman – wants to make sure we have clarity.

Kabana – we do not charge administrative fees and Council may want to correct that. Council – does not want to charge an administrative fee, they feel this is what staff gets paid for. Mayor – wants comparatives with other cities.

2. BUILDING INSPECTOR FEES

Booth – our fees are too low and we have more and more inspections. These fees will be in resolution form next meeting. Council agrees.

3. BREVARD COUNTY WATER AND SEWER ORDINANCE

Booth – the County would like to create a water and sewer district. Moccia – the cities were not in favor of this. Bohne – but the County Commissioners are going to vote in favor of this. The city attorneys have done their best to protect the interest of the cities but this move will legalize a water and sewer district for the County. This means the County can provide city services to citizens living in unincorporated Brevard County.

4. EMERGENCY MANAGEMENT PLAN

Booth – he needs to begin an emergency management plan for the Town. Council agrees.

ACTION ITEMS:**1. SPACE COAST LEAGUE OF CITIES INTERGOVERNMENTAL COMMITTEE MEMBER**

The Space Coast League wants to meet using one member from each Council and the County Commission. They call the meetings as needed. Jane Havet will be the representative.

2. PERMISSION TO GO TO BID FOR MACDONALD 200 FOOT IMPROVEMENT

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

3. PERMISSION TO GO TO BID FOR SMITH LAND 200 FOOT IMPROVEMENT

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

REPORTS:

- Havet – nothing at this time.
- Crews – nothing at this time.
- Rossman – nothing at this time.
- Rivet – he received a pamphlet urging people to vote no on the referendum for the March 25th election and it does not say who it is from. He does not agree with the pamphlet. Havet – the pamphlet implies that she is a developer but she has never proclaimed to be a developer, though she does feel it would be good to develop that area. Moccia – would like to know who wrote the pamphlet. Rossman – resents the fact that there was no source of origin. Havet – wants the fighting between Council members to end.
- Council, Withers – kudos to Kabana for the last Mailboat. Rossman – kudos to Kabana for this last Council packet, likes the packet style.
- Moccia – would like Booth to contact Harris and Data Management and let them know that we are open to new ideas for expansion.

ADJOURNMENT

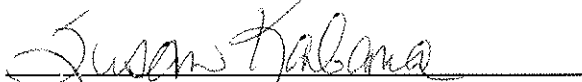
Meeting adjourned at 9:36 p.m.

BY:



Chair Bobbi Moccia

ATTEST:



Susan Kabana, CMC
Town Clerk/Treasurer

DATE:

4/21/03