

TOWN COUNCIL MINUTES
May 5, 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
ATTORNEY:	KARL BOHNE
CLERK:	SUSAN KABANA

Also present were, Fire Chief Chuck McClelland, Public Works Coordinator Carl Beatty, Procurement officer Bill Withers, and Eagle Corp coordinator Tom Eschenberg.

ADDITIONS AND DELETIONS:

None.

CONSENT AGENDA:

Council minutes 4/21/03.

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

REPORTS:

ATTORNEY:

Nothing at this time.

ADMINISTRATOR:

- Booth – uses overhead. Shows blockade at the end of Atz Road which will hopefully keep out trucks and ATV's. Shows the gate destroyed at Jordan Blvd by trespassers. Wants permission to write the Governors office regarding the nuisance this property has become. Council agrees. Hunter is using the Isuzu on the weekend and patrolling the area.
- Booth wrote a letter to the Sheriff regarding the Hall issue and there was no response. Moccia is not surprised.
- Kudos on the park to Bill Withers.
- Located at the park is 'Malabar mountain' and Booth is still looking to get rid of it. There is a combination of dirt and trash. The Park Board would really like to use that area.
- On Mathews someone wants to build a road and our engineer Maria Parkhurst says that the way our ordinance currently reads the Town cannot make the people build that road.
 - Bohne – the existing road was built under standards around the 1980's, or

whenever, and the way the ordinance reads now is that you have to build a road to an 'improve' state. It does not say 'improved and accepted'. So, this being an 'improved' road under standards back in the 80's, all they'd have build is where this road ends, then build so many feet so they can get their permit. They would not have to improve this entire piece to today's standards. Booth – the road out there is 11 feet wide and has rock on it but it's not of a standard that could be paved. We are going to have to re-write the ordinance and the Council will have to decide what they want to do. Tonight Bohne and Booth are looking for guidance.

There are houses on Mathews so the road was improved at some point, at least that is the theory. Discussion. Beatty – notes that Benjamin and the east side of Old Mission were built in the late 70's or early 80's at the same time. Rivet – were there standards at that time? Beatty – prior to the road ordinance the standard was 'can you make it in?' and as each person built they improved a section of road. Discussion of the Diesha Wakinus situation. Booth – we will do some work on the ordinance and come back next Council meeting and then Council can brainstorm this issue. They will be looking for guidance. Moccia – Council will be looking for some ideas for a solution at the next Council meeting.

- Booth – will begin the budget process this month. It will be detailed.
- Denuzio project – it went to P&Z and Washburn indicated that he didn't see any problems with the 'flex space'. Then he quit, and with a recommendation from Bob Wilbur, Booth took the project to the ex-planner in Orlando and that planner slammed the project, so now Booth is looking for another planner. Discussion. The project is up in the air as of now. Booth will go to the West Melbourne planner for help with this.
- We have a good prospect for a part-time building official. This applicant wants part-time and Booth, Havet, and members for P&Z will meet with him.
- The pre-application for water down US1 is about ready and goes right to the Federal Government. He notes that we have to go through the County for the final approval because they are the 'entitled community' in the Fed's eyes.
- Will have info on retirement programs at the next meeting.
- Pepper busting will begin this month.

CLERK:

- In response to current discussion the Town received approximately 124 signatures from Malabar residents that desire to keep 1½ acres/single family residence.
- The League convention is August 14 – 16, mark your calendars.
- May 1st was the first National Day of Prayer in Malabar, next year will be bigger and better.
- Moccia – have we heard from the Valkaria Homeowners Association? Kabana – we have heard from the organizer of a group who is interested in discussion as well as others who are not part of that group. Discussion. Council invites this organizer, and anyone else who is interested, to use the Council chamber for meetings.
- Hunter – is irritated that the EELS notification of their meeting on the 26th was given to us on the 29th. Moccia – will email Nancy Higgs and let her know that they are slipping.

PUBLIC WORKS SUPERVISOR:

- Beatty – Tony Bauchariorio is getting married in 12 days, he will be off for a

honeymoon.

- Public works is still repairing equipment and working on finishing the paving.
- Mike Linnel took our scrap metal from Trash Bash to recycle, Beatty asks if he can give the proceeds to the Boy Scouts. Council – yes.
- Can he use the newsletter to thank participants? Council – yes. Would Council like Beatty to be the Trash Bash organizer next year? Council – yes and please.
- Rossman – has the bridge in Country Cove been fixed? Beatty – yes.

PROCUREMENT COORDINATOR:

Withers – took a trip to Starke and picked up file cabinets and a refrigerator for Town Hall. The priority purchase he is looking for is something to carry water for the Fire Department.

Withers states that there is a 4X4 truck there that is in pristine shape but it needs a transmission that will cost about \$1,500. It may or may/may not come up, but would Council want to purchase it if it comes up? Discussion. All Council says yes if it is not over \$3,000.

Withers asks Council if they would like to him to purchase Swiss Army knives from Starke to give them to the Scouts, Council declines.

Park Maintenance: on two of the workout stations kids threw several boards into the pond. He notes that the Sand Hill cranes have one egg. The girls bathroom was trashed this weekend. He finished the ramps on the bridge and used overhead to show them. Discussion of who's been visiting the park.

In the Council packets there is a newspaper article about protecting the Florida panthers. Hunter – has been in contact with a department who would help but we must can come up with positive proof that there are panthers in the scrub. And then after that they would have to do genetic testing to ensure that they are Florida panthers and not Texas cougars.

Booth – states that the fire department has been working hard – kudos to them.

EAGLE COPR COORDINATOR:

Tom Eschenberg – there was a quarterly meeting last Saturday morning. The volunteers requested shirts and walkie-talkies. There a nine volunteers. Discussion. Bohne – will donate the costs of the shirts. Hunter – use up to \$50 out of his discretionary to purchase the walkie-talkies. Eschenberg – the group also wanted Council to consider parking the car in a more noticeable area. And one couple wants to patrol at night. Discussion. Council agrees. They can have another set of keys. Eschenberg notes that more people are needed in the program.

Beatty – we have a new type of neighborhood watch sign in the back. Moccia – we need permission and then put them up.

PUBLIC COMMENTS: GENERAL ITEMS

- Bill Withers – read the draft of the proposed weapons ordinance and wants Council to consider including bows and pellet guns.
- Bruno Despenza – is new here, has been here 8 months. He has two trees that were a danger to him and his family so he cut them down but he was cited \$245 for doing so. Does not feel he should have to get a permit from Town Hall to cut down

trees on his own property. He did pay for the permit but he feels that this was wrong. Discussion. Crews – he could appeal the fine. Council suggests he appeal. Council feels this type of info should be in a packet and given to new residents. Booth – staff is working on this.

- Rossman – where are Steve Gentile's trees? Booth – will write him and find out. Moccia – also, we need to contact Cynthia Burke also about her shrubs.

DISCUSSION:

1. PROPOSED PROJECTS FOR THE COUNTY HALF-CENT SALES TAX INCREASE

Booth – gave some project samples to Council so that we have something to propose to the County. Rossman – how many ways will the third of a cent be divided? Bohne - by as many cities that sign the interlocal agreement. Rivet – if we can do a new Town Hall for minimal cost then he is for this.

1. DRAINAGE FOR MR. BURGER ON RESSE ROAD

Booth – this is in regard to an oversized utility building that was built next to Mr. Burger's unimproved lot. Booth uses an overhead to show the view Mr. Burger would have out his back door. Burger will have to move the placement of his house back further on his lot. Booth – to mollify him the Town will work on his drainage, Burger will need a culvert and drainage work.

Burger – was told that a stop work order was going to be executed on Friday, and on Sunday morning at 7:30 he found four trucks hastily working to complete the building. Jackson told Burger that the person who built this building does work on Jackson's cars, Burger has a problem with that. Hunter – wants an explanation from Jackson. Havet – agrees.

Booth – the owner wanted to build an accessory building and a primary residence but built the accessory building first because he told Jackson that there was a problem pouring the accessory building pad after the primary structure was built. Jackson said it was fine to pour both pads at the same time. Unfortunately, they began working on the accessory structure as soon as they finished the pad.

Moccia – she was there on Sunday also and the work was continuing.

Booth – they were supposed to stop working on Friday. Kabana – but there was not a stop work order on Friday. Discussion.

Council feels Jackson should be dismissed. Discussion. Burger is very upset by this entire situation. Hunter – there is no way the Town can legislate good neighbors. Mrs. Burger – this land was purchased for the light and quiet so they could do their art and now that's impossible. Rossman – a similar thing happened to him, a very large home was built next to him and there was nothing he could do about it.

Burger – can the Town have the owner of the building plant trees? Booth will do this. Discussion of drainage.

Moccia – getting back to Jim Jackson. Booth – will pay him out.

ACTION ITEMS:

1. APPROVAL OF BID 200' OF SMITH LANE

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

REPORTS: MAYOR, COUNCIL

- Bohne – regarding the proposed fire arm ordinance, this language comes from FS Chapter 790. In trying to interpret what Council is looking for Bohne added that you can't discharge a firearm unless you are defending yourself.

Booth – the Sheriff wants a Malabar ordinance to enforce. Discussion of types of guns to list.

Havet – has a problem with this, we should not be touching this. Hunter – we are not a rural as we used to be. Discussion of black powder.

Havet – does not think this will stop the trespassing. Has a problem with doing something that the County won't even do. Moccia – why would we slap everyone's wrist when there are a few who break the law.

Discussion of homemade rifle ranges in Town. Rossman, Hunter, Crews, Rivet – feel we should have public comment on this issue. Havet, Moccia – feel we should not deal with this issue.

Bohne – this ordinance is not a 'thou shall not own a gun', it is a 'discharge' ordinance. Crews – calls for regular order and discussion ends.

- Havet – there are signs in the Sanctuary stating that the horses are not allowed west of the boulevard, and that is not a good thing for horse riders. Booth – will look into this.

- Crews – nothing at this time.

- Hunter – attended the Rocky Point Homeowners Association meeting.

- Hunter – the traffic in the Scrub is slowed down quite a bit. He is not happy about the EEL's meeting that was missed.

- Rossman – went through the budget, had questions regarding the fire department expenses and retirement.

- Rivet – talked to John Morris, wanted help to find someone to help with scrub jay habitat and is discouraged at the very slow process. He wants the science for now, before politics get involved.

- Rivet – fully supports a gun ordinance in some form that we have seen tonight.

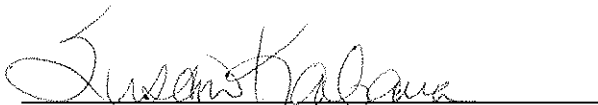
ADJOURNMENT

Meeting adjourned at 10:00 p.m.

BY:


Chair Bobbi Moccia

ATTEST:


Susan Kabana, CMC
Town Clerk/Treasurer

DATE:

5/19/03