

TOWN COUNCIL MINUTES

June 2, 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 was read by Vice-Chair Steve Rivet and all remained standing for the pledge.

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:	DEBBY FRANKLIN
ENGINEER	MARIA PARKHURST OF FRAZIER

Chair noted that also present were Carl Beatty of PW and Bill Withers, Procurement Coordinator and Fire Chief McClelland.

Chair recognized Postmaster David Ryan of the Malabar Post Office. Also recognized Mr. and Mrs. Frank Montelioni. Montelioni is the Vice-Chair of the Republican Party.

ADDITIONS AND DELETIONS:

Chair approved moving the bid approval for the 200-foot extension of MacDonald to #2 under Action Items. Moved the culvert Ordinance 05-05 up before reports so the engineer can leave afterwards.

CONSENT AGENDA:

Council minutes 5/19/03.

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

DISCUSSION:

ORDINANCE 03-03 CULVERT ORDINANCE.

Booth explained the action he had taken from the direction he had gotten from Council. He routes all of this type of thing first through Planning and Zoning and the attorney before it goes to Council. Hunter asked if Booth attends the P&Z meetings. Yes. Bohne stated that a council member could attend P&Z as well. Two or more could attend but they couldn't talk.

Chair asked if there was anything else for Parkhurst. Road applicant Mick Portlock asked to speak. He builds roads in other cities and they have let him use more rock instead of the standard and asked if she would consider letting him do the same in Malabar. Parkhurst said she would have to review it, but it seemed possible. Other discussion about MacDonald would have to wait until Council votes on Bid. Portlock is ready for the pre-construction meeting. Booth will contact him.

(10-min adjournment due to possible tornados in area. Meeting opened again at 8:10.)

ALEXANDER LANE POSTAL DELIVERY

Rivet gave some background. He contacted Ryan and asked why mail could not get delivery down Alexander. He felt that Ryan's argument was very weak. Rivet felt that it was not as dangerous for a mail truck to back up vs. the danger of retrieving mail from the roadside. Postmaster Ryan presented then. He was promoted to the position of Postmaster in January. He can sympathize with them. But he has also had to deny two other requests recently. There are 12 other roads in Malabar that they won't go down: Hard, Kelly, Crescent (rest are in packet). Mayor can't see the connection between the two dangers. Ryan said their data they have learned that most accidents are caused by backing. They have learned from this. And he will not budge on this issue. Rossman said there are 27 dead-end roads in Malabar and he doesn't address how they get turned around. Rossman almost hit a mail truck stopping along Malabar Road. Ryan would have to square that with him. Ryan said these people are not the only ones not getting mail delivery. One of the first safety related things he did was install strobe lights on vehicles. Hunter said his concern is for the mail carrier safety as well as the citizens of Malabar. Moccia stated that she has received an offer from the land owner at the end of the road for a turn around. It will cost Malabar some amount of money. Judy Zack, 1770 Alexander, showed the remainder of the latest mail box that was given to them by the post office. She said there are four boxes along that area. She is hoping to have some help from Council. This box made it 10 days. Havet asked if Ryan had a boss. Ryan said as far as this issue goes his determination is the end-all. Consumer Affairs is the next step and Conroy had contacted them. Ryan said this is a new delivery. Conroy said she has asked for 12 years. Conroy got a verbal from Stout before she left. Ryan said he can't deliver on private property. When she lived in New York this same federal agency delivered through the front gate, onto her front stoop and into her mailbox on the front of the house. Hunter said he agreed with Rivet's stance and pleads with Ryan to reconsider. Rossman said that for the safety of the postal employees as well as the citizens. Withers asked to speak. He has known Ryan eight months. Withers extends the olive branch and asks Ryan to join Malabar's community. Havet asked if Ryan's concern that he will get more and more of these requests. Yes. Rossman would not agree with other requests unless they were on Malabar Road. Not for the convenience of the consumer but for the safety of the driver and the resident. Don't give an answer now, run it by his department and get back to us. Havet says she would not like to tell him that a delivery person or citizen has died. Ryan has asked for a copy of minutes so he can review the points regarding Malabar Road. JoAnn Shummer on Howell Lane got flyer about getting home delivery. She has to park on Hall Road and walk back to mailbox. This also constricts traffic.

Charter meeting set for June 19, 2003 for final meeting of Charter Review Committee at 7 pm not 7:30.

ATTORNEY

Moccia asked to speak to the article from the paper regarding Bill Hall that stated it was his personal credit card. Moccia clarified that it was the Town card. She had a statement from Clerk/Treasurer Kabana stating that the card was issued using her credit. The cards were issued as Town credit cards and the intent was to use them for Town purchases. Rivet added that the statement that it was not a Town card was incorrect – the Town paid the expenses from these bills. Hunter said his opinion is that it is a dead issue. Hunter wants to see it end. It is more than frustrating. Moccia said it

was frustration that caused her to bring it up. She also wants to move on, but wants the facts out. Mayor said it was a vigilante hunt against Hall without evidence. Moccia said there was evidence and it was turned over to the Sheriffs office, but never made it to FDLE. Rossman resents Crews comments and verbiage and agrees with Hunter – lets get beyond it.

ADMINISTRATOR

Booth thanked Council and the public for not running over newly planted trees along east side of parking lot. He waters them and has taken ownership. Moccia helped select hardy stock. He handed out a calendar showing when he will be out. He will start on the pepper busting tomorrow and that will take two of our four PW guys. The other projects are Reese Road and Mr. Helenburg on Homestead. They will get around to the other projects only after those three are complete. He has also taken other responsibilities away from PW so they can focus more on roads and drainage. Booth said Harris gates will be put up soon. They have been contracted out and will not be able to be pulled down. Re: drainage is illustrated on the map on the wall of how much it will take and cost. He showed some drainage problems on over head. Council will get pictures with the reports and the drainage program will take two or three years. He asked that at the next meeting on Charter give Council authority to start their own police department. Not that we will any time soon. The assistant County Manager has made comments that they may consider charging Malabar residents like the county residents. BCSO does not patrol here – they respond to calls. He has been side stepping them. He wants the attorney to draw up a contract because the building official is not in the Charter. He will also need to have the permitting clerk work for him. He explained there were problems with Yellow Dog and their permit. Project exceeded \$25K and will require a new permit, electrical plans and the fire inspections. Regarding code enforcement, he showed pictures of Howell Lane, Lett Lane and US 1, - we are working on it. Letters have been sent out, strongly worded, and may work, but the code doesn't really have the teeth. These suggestions are for safety and health to strengthen the enforcement code without making it similar to a home owners association.

Denuzzio project went past P&Z and there is a lot of work to be done. It will go back to engineering before coming to council. Les Solin said it is a warehouse. West Melbourne planner had the same problem but instead defined it as commercial space and usage will be monitored/controlled by the occupational license. Havet wants to be notified of the next P&Z when Denuzzio will be on agenda. It will not be going back to P&Z; it will come to Council .

Booth wants to take the eagle corp car out of service. It is on its last leg. He would like to sell it now for \$500 rather than run it into the ground and get nothing for it. Beatty had suggested auctioning it and use the Isuzu for both inspection and Eagle Corp patrols.

Rivet commented on code enforcement. He agrees with health and welfare issues. But doesn't want someone to go out and look for violations. Booth would like to speak to them first and then send a letter. Booth looks for health and welfare issues – he doesn't go out and measure.

They talked about the homeless people that have camped out at Marie and Malabar. Booth will check it out. Wilbur talked with them and so did Hunter.

CLERK:

Franklin asked who would be attending Space Coast League of Cities dinner next Monday night at the Melbourne Hilton Rialto. Rivet, Moccia, Hunter, Havet and daughter, Mayor. Mayor and Hunter will get with her on spouse attendance.

PUBLIC WORKS SUPERVISOR:

Beatty – they are fixing things in between things. What they did was – Ace is helping them out with getting equipment ready for pepper busting. They will start at the boat dock and take pictures. They will prune around dock. Booth said they have gotten hold harmless papers signed from most of the homeowners along there.

Rossman said the PW did a great job on the Country Cove Circle bridge. He likes to see them taking pictures on the progress of their projects.

PROCUREMENT COORDINATOR:

Withers reported that his next trip to Starke is planned for next week. The truck may be iffy. Next he will buy trashcans. He then addressed Council on park violations. He had called a deputy out to the park and the deputy said they can't enforce our ordinance unless there is specific wording on signage quoting the particular ordinance number. He is waiting to hear from the State attorneys office on the exact required wording and then will order signs.

PUBLIC COMMENTS:

Booth responded to question of condition of Corey Road and said the Corey Road project at 2360 is not a dead issue. There is a year left on the warranty. Once they are aware of the issue then they will fix it. He is holding money.

Mick Portlock. Set up pre-construction meeting to build his road. It will be done at staff level.

Pat Reilly, culvert ordinance. He has reviewed it and all P&Z recommendations have been incorporated. P&Z is happy.

ACTION:

1. ORDINANCE 03-05, FIRST READING, AMENDING ORDINANCE 01-01, RIGHT OF WAY IMPROVEMENT (ROAD ORDINANCE)

MOTION: Mayor/Rivet to read Ordinance 03-05 by title only. VOTE: All Aye.

Moccia read Ordinance 03-05. Attorney Bohne pointed out that she was reading the wrong version of the ordinance. (Franklin explained that there was a mix-up with the copy that was put in the original packets and corrected copies were in front of each Councilperson.) Bohne explained that Town Engineer Parkhurst of Frazier Engineering had issued a memo stating that you could build a road currently from an "improved" road vs. "accepted" road as the current code reads and that needed to be corrected. They also they added "pond" because a pond is an improvement. Someone wanting to dig a pond would have to improve the road first. They discussed the pond and decided that if someone bought property to have animals graze and wanting to dig a pond, they

shouldn't have to build a road. Bohne said they could approve the first reading with the changes noted: specifically delete all of section "B" and remove the word "pond" from section "A" and from the title.

MOTION: Crews/Rossman to approve Ordinance 03-05 as amended. Roll Call Vote: Havet, Aye; Hunter, Aye; Rivet, Aye; Moccia, Aye; Rossman, Nay. Motion carries.

2. APPROVAL OF BID FOR 200 FOOT EXTENSION OF MACDONALD LANE

MOTION: Crews/Rossman to accept bid of \$8000.00 by Doug Connor for 200 foot extension of MacDonald VOTE: All Aye

REPORTS: MAYOR, COUNCIL

- Havet – thanks Hunter for his assistance last Sunday.
- Crews – has issues with Withers. He appreciates all Withers efforts in the park. But, does he have insurance and workers comp or the exemption. He wears a town uniform. Is this what we do for other contractors? Withers said the uniform gives the illusion he is a town employee. That is exactly what the Mayor meant. Rossman asked attorney his opinion. Yes it is a liability issue – it would be prudent to have him provide insurance. Use of town equipment? Withers said it was part of the bid for maintenance. Withers gets there at 6:15AM. And who else would do this for \$12/hour. Mayor just wants all of Council to realize they, Council, have oversight responsibility. Karl said that we need to fine tune this – need legal review – is he employee or a contractor. It can be fixed.
- Hunter – thanks Cameron for what he did at the Trail head last Saturday. Moccia says he is a great asset to the community. Hunter said he got signs and put some of them. In conjunction with BCSO and MVFD averted 27 all terrain vehicles that had a bonfire in the woods. Zach Pruzak has promised to start on the fencing soon. Fencing to start at the NW corner. He is making progress on cleaning out area. He encourages citizens and council to go out and enjoy the trail.
- Rossman – asked about the evaluation in packets. Council hasn't approved the evaluation form. Withers said he wrote the job description and put it into an evaluation form.

MOTION: Rossman/Havet to approve the evaluation form and job description. Vote: all aye.


He then commented on the plan submitted by McWilliams. McWilliams withdrew his proposed development. He did not want to follow 1 ½ acre lots. He said he had to have that much density in order to bring water and sewer. P&Z urged him to present to Council. Not that they expected Council to feel any different. He did not want to intrude into our community – he wanted to join it.

- Rivet – thanks Council and staff for the flowers.
- Moccia – has nothing.

ADJOURNMENT

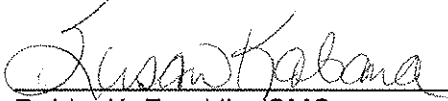
Meeting adjourned at 9:55 p.m.

BY:

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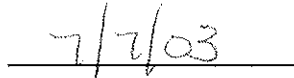
Chairwoman Bobbi Moccia

ATTEST:

A handwritten signature in cursive script, appearing to read "Debby K. Franklin", written over a horizontal line.

Debby K. Franklin, CMC
Deputy Town Clerk

DATE:

A handwritten date "7/7/03" written over a horizontal line.