

**TOWN COUNCIL MINUTES**  
**October 20, 2003**

This meeting of the Malabar Town Council was held at 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 - EXCUSED
	CHAIR:	BOBBI MOCCIA
	VICE-CHAIR:	STEVE RIVET
	COUNCIL MEMBERS:	JANE HAVET
		BRIAN HUNTER
		BOB ROSSMAN
	ADMINISTRATOR:	ED BOOTH
	ATTORNEY:	KARL BOHNE
	CLERK:	SUSAN KABANA

**ADDITIONS AND DELETIONS:**

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

**CONSENT AGENDA:**

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

Council Minutes 10/6/03.

**REPORTS:**

**ATTORNEY**

- Has been working on three ordinances that Booth now has, they should be before Council next meeting.
- Had a call from the Attorney General's office who will investigate ethics violations regarding Bill Hall. Kabana – heard that if they want a witness, it would be herself.
- Has the breakdown of the Leghorn road construction from Frazier Engineering, passed it out to Council.
- Rossman – what about the second opinion that Rossman wanted regarding the lot split on US1?
- Booth – will have soon and give to Council.

**ADMINISTRATOR**

**- PONDS**

The engineer and the building official are looking at this ordinance as well as others.

**- ECOTOURISM**

Had a meeting here with Cameron, a cruise line representative and himself to advertise Malabar as a place for horseback riding, canoeing, sailing etc., in conjunction with their services. We will be a focal point for them. Moccia – thanks Cameron for working on this. Cameron – has more vendors that may be interested in assisting with this.

**- STORMWATER**

There are new requirements from the State for stormwater, our engineer is looking at this. The area we are looking at now is Rocky Point. There were left over facilities from the highway department and we are looking for them to do their portion of the work. We are also looking at the boxes that spill into the river. Otherwise there are probably more requirements for the bigger cities due to their population and what goes into the river. We may be able to use stormwater utility funds to cover costs.

**- OVERVIEW OF LAST MEETING WITH EELS**

The EELs are still looking to buy land here. They are trying to close on the Heritage Foundation land. Booth told them that unless the land they want to buy is environmentally sensitive then there will be problems. He is not convinced that the land they have already obtained is environmentally sensitive. States that the County commissioners still believe that Malabar is in favor of further EELS purchases in Town. Notes that if the 1 cent sales tax goes through then the EELs will receive more money to buy up land. Discussion.

- Gave Council a picture of a town hall, this is just a preview. The cost is below \$60,000 a year. This is affordable without the 1 cent sales tax. Moccia – we are eligible for grants because we are small Town. Discussion.
- Booth – notes that there is a joint meeting with P&Z on Wednesday night.

#### **CLERK**

Nothing at this time.

#### **PUBLIC COMMENTS: GENERAL ITEMS**

Bill Withers, Candy Lane – read a letter that came into his possession and notes that he is not the author.

#### **AGENDA REQUEST FORM:**

##### **1. CLIFF ARMSTRONG, 2255 HALL ROAD, STREET LIGHT REQUEST AT THE INTERSECTION OF LA COURT LANE AND HALL ROAD**

Armstrong – there is considerable traffic in this area and he noticed that most of the paved intersections in Town have a dusk to dawn street light. He believes this is a safety issue in regard to the school bus stop there. Havet – what is the cost? Booth – about \$20 a month. Rivet – we need to make sure the light shines directly down and is shielded and will not impact the surrounding area. Hunter – would like to see this done. Rivet – as long as it is properly shielded. Council agrees.

**MOTION: Rossman/Havet – to do this as long as Rivets concerns are taken into consideration. VOTE: All aye.**

#### **DISCUSSION:**

##### **1. DISCUSSION OF JANE HAVET'S POND PROJECT**

Booth – Havet will build at 12 feet and the permit stands. Rossman – what about the power line? Booth – FPL will take care of this. Rossman – what about access? Booth – she will use Railroad Avenue. Rossman – but she does not have access. Booth – that is a civil matter. Discussion. He notes that if Havet uses Marie Street then we will collect a bond.

Rossman – what about the encumbrances? Booth – if there are encumbrances then the Town will not take the land. If we do take it then it will mitigate the Corey Road project. Moccia – is St. John's going to look at this area? Booth – they will look at this project for mitigation for the Corey Road project. Discussion.

Rivet – if we don't take possession will it still count as mitigation? Bohne – it is private property and it would be very hard to use for mitigation. Hunter – do we know what surface water we have and don't have in Town? Booth – yes, but in a very general report, it is a good foundation for ongoing use. Rivet – no matter who owns the pond, the water will still flow the same way, the issue will be: can we use private property for mitigation?

##### **2. DISCUSSION OF FUTURE PURCHASE OF LAND IN MALABAR BY THE EELS**

Hunter – the EELS own 1200 acres in Town and look to acquire another 937 acres. If they obtain it all then they will own 25% of our Town. Rossman – feels that a resolution telling the County to end purchasing in Malabar is long overdue. Moccia – feels this resolution is long overdue. Discussion.

**3. DISCUSSION OF REVISED NUISANCE ORDINANCE**

Notes some changes that need to be done. Rossman, Havet – are comfortable with the revisions. Rivet – does this prohibit people from storing a boat in their yard? Bohne – no, we are trying to prohibit junk in a yard. Bohne – first reading will be next Council meeting.

**ACTION ITEMS:****1. APPOINTMENT OF BOARD MEMBER'S WITH EXPIRING TERMS**

**MOTION: Rossman/Rivet to appoint Earl Forrester to the Board of Adjustment. VOTE:**

**All aye.**

**MOTION: Rivet/Rossman to reappoint the four members who desire to remain on the boards. VOTE: All aye.**

**MOTION: Rivet/Rossman to appoint Jeffery Cook to the Park Board. VOTE: All aye.**

**2. REQUEST TO FILL VACANT SEAT (ALTERNATE) ON BOARD OF ADJUSTMENT, EARL FORRESTER**

See action item 1.

**3. RESOLUTION 03-13, TO WORK ON JOINT PROJECT WITH THE MARINE RESOURCES COUNCIL TO BUST PEPPER TREES ALONG US1**

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

RESOLUTION 13-03

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA SUPPORTING A JOINT PROJECT WITH THE MARINE RESOURCES COUNCIL FOR BEAUTIFICATION OF THE INDIAN RIVER LAGOON SCENIC HIGHWAY CORRIDOR LOCATED WITHIN THE TOWN LIMITS OF MALABAR; PROVIDING AN EFFECTIVE DATE.

**MOTION: Rivet/Rossman to approve.**

Booth – the MRC is interested in helping us bust peppers. Rossman – does not want the re-vegetation to block the view of the river and wants this to be in the agreement. Discussion. Council agrees.

**VOTE: All aye.**

**4. REQUEST TO FILL VACANT SEAT (ALTERNATE) ON PARK AND RECREATION BOARD, JEFFERY COOKE**

See action item 1.

**5. AMEND CERTIFIED COSTS FOR MACDONALD ROAD DUE TO ADDITIONAL ENGINEERING COSTS INCURRED**

Kabana – additional costs came in, this will adjust for those costs.

**MOTION: Rivet/Rossman to amend the certified cost. VOTE: All aye.**

**REPORTS: MAYOR, COUNCIL**

- Hunter – the fence line in the Jordan Scrub is progressing. It is very quiet out there which is a good thing.
- Havet – gave Council a note and will handle this through the State to see if there are any issues that need to be addressed.
- Rossman – someone from P&Z should attend the zoning conference in November. Booth – he will go and get someone from P&Z to go.
- Rossman – at the last meeting we received a note discussing development in Valkaria. Discussion.
- Rossman – does not feel that the Havet pond should be discussed at any more Council meetings, we have hashed it out and now we should be done. He would not want to see this on

any future agendas. Bohne – there are no other issues with the pond as it stands right now.

Rivet – then there is nothing more to discuss. Council agrees.

- Rossman – had done his evaluation of Ed Booth.

- Rivet – needs an updated code book.

- Rivet – are there any further developments on the Palm Bay Utility? Booth – there was a meeting and it was determined that we have a very bad agreement but it is an agreement.

Discussion.

- Rivet – has Mr. Dispenza picked up his check? Kabana – not yet.

- Rivet – will be pursuing the post master issue this week, personally he is having problems with his mail. Havet – is also having mail problems. Jim McLucky, from the audience – sent 500 to 600 pieces of mail and has received many back from the Malabar post office while only getting one back from other postal areas. The problem is: we don't know what we don't know. Rivet – the problem seems to be getting worse and he plans to spend time on this in the next week.

- Moccia – wants to make sure there are no citizen committees to close. Council – there are not.

- Booth – there is a comp plan meeting on Wednesday night.

### ADJOURNMENT

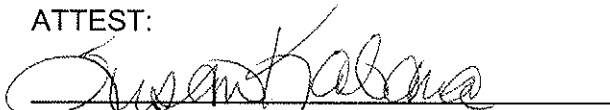
Meeting adjourned at 8:57 pm.

BY:



Chair Bobbi Moccia

ATTEST:



Susan Kabana, CMC  
Town Clerk/Treasurer

DATE:

11/3/03