

TOWN COUNCIL MINUTES
April 1, 2002

This meeting of the Malabar Town Council was held at the Town Hall at 2725 Malabar Road.

ROLL CALL:	MAYOR/CHAIR:	PHILLIP CREWS
	VICE-CHAIR:	CHARLENE HORTON
	COUNCIL MEMBERS:	BOBBI MOCCIA
		BOB ROSSMAN
		NANCY TINIO-BORTON
		STEVE RIVET
	ADMINISTRATOR:	WILLIAM HALL
	ATTORNEY:	KARL W. BOHNE, JR.
	CLERK:	SUSAN KABANA

Also present were Jim Phelps, Building Official, and Chuck McClelland, Fire Chief.

The meeting was called to order at 7:30pm by the Mayor. The prayer and pledge were lead by the Mrs. Horton. Mayor Crews welcomed back the Town Clerk.

ADDITIONS AND DELETIONS TO AGENDA: Moccia – add Discussion Item number 3: Discussion of EELS meeting. Mayor approves without objection.

CONSENT AGENDA:

MOTION: Tinio-Borton/Horton to approve. VOTE: All aye.

REPORTS:

AUDITORS: ANNUAL REPORT FROM BRAY, BECK, AND KOETTER

Kathy Beck, managing director of Bray, Beck, and Koetter overviewed a few highlights of our audit. Malabar had no instances of non-compliance and they noted no weaknesses in the internal controls. Though the auditors did make recommendations to strengthen internal controls, these recommendations are not defined as weaknesses.

This year the Auditor General required all municipalities to have a financial assessment based on benchmarks. The benchmark was based on taxable value between 55 million and 170 million, Malabar falls at about 120 million. Malabar's general fund balance is right in line with the benchmark. That means that we have about 3 ½ months in reserves to use in an emergency. The benchmark for per-person expenditures is \$743 and in Malabar it is \$361, well under the benchmark. Our long term debt per-person is \$91 and the benchmark is \$109, which is in line with the benchmark.

After the end of the financial highlights she asked for questions, being none, she thanked staff for their cooperation in performing the audit.

ATTORNEY: Nothing at this time.

ADMINISTRATOR:

- The Malabar Fire Department has again applied for a grant to obtain a water tanker truck. This is the same grant that was applied for last year but not awarded. McClelland – we have acknowledgement of receipt of our application.

- Hall and Moccia met with Commissioner Colon regarding the EELS property and there will be a workshop on April 22nd at the DeGroot library.
- The major stormwater project that we have worked on for years, and are ready to construct, has come to a stand still due to lack of land to build retention ponds on. We have about 2 million dollars in grant money that is going to expire if we don't do something by May 31st. Tomorrow Hall has a meeting with Ron Jones to discuss this issue.
- The special master had not rendered a decision in the Gentile issue.
- There is a specially scheduled special master meeting on the 11th for the Cindy Burke issue. Hall recommends not discussing this issue until after the special master meeting.
- Evaluation sheets have been issued. The normal procedure is to fill out the sheets, give them to the Mayor, then the Mayor will meet with Hall. Rossman – would like to work on rewriting the evaluation sheets, Rivet would like to work on them also. Council agrees.
- Malabar Day is this Saturday. Rivet – do you still need volunteers? Hall – yes. Also, Berri Patch is providing play equipment for children 6 and under.
- Moccia – how often does it happen that the special master does not render a decision at the special master meeting? Hall – this is the first time it has happened.

CLERK:

Kabana – it is good to be back. Debby did a fantastic job of doing her job and Kabana's job with the help of Jennifer and with the help of Bill who watched over everything. It just goes to show that the Town is in good hands.

PRESENTATION: GENTILE COMMERCIAL DEVELOPMENT PROJECT – BY PAT DEZMAN

Dezman read a prepared statement attached to the original minutes. She requests a public hearing on the Gentile development issue. Dr. Gentile filled out a speakers card and responded. He feels unfairly judged regarding this issue. Mr. and Mrs. Buffalo also filled out a speakers card and deferred their time to Dr. Gentile.

PUBLIC HEARING:**1. ORDINANCE 02-02 SPECIAL EVENTS PERMITTING – SECOND READING**

MOTION: Tinio-Borton/Rivet to read by title only. VOTE: All aye. Mayor read:

ORDINANCE 02-02

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, AMENDING THE TOWN OF MALABAR CODE OF ORDINANCES BY ADDING NEW SECTIONS 10-1 THROUGH 10-9 TO CHAPTER 10 OF THE CODE OF ORDINANCES OF THE TOWN TO BE TITLED "SPECIAL ACTIVITY PERMITS"; PROVIDING FOR PURPOSE; PROVIDING FOR AUTHORITY TO ISSUE PERMITS; PROVIDING FOR DEFINITIONS; PROVIDING FOR PENALTY; PROVIDING FOR TIME FOR SUBMITTING AN APPLICATION; PROVIDING FOR FEES; PROVIDING FOR AN APPLICATION PROCESS; PROVIDING FOR REVOCATION OR SUSPENSION OF A SPECIAL ACTIVITY PERMIT; PROVIDING FOR A PERMIT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

Mayor – opens the public hearing, asks for citizen comments, being none, he closes the public hearing.

MOTION: Tinio-Borton/Rivet to approve.

Horton – can the fee be waived for block parties? Rossman – there is a provision for waiving fees.

VOTE: Aye – Tinio-Borton, Horton, Rivet, Moccia, Rossman.

DISCUSSION:

1. EXPLORE POSSIBILITY OF ANNEXATION OF PROPERTY BETWEEN SOUTHERN TOWN BOUNDARY AND VALKARIA ROAD AND ALONG BABCOCK STREET TO OSAGE (ROSSMAN)

Rossman – feels that the Town should discuss annexation of the land south of Malabar. Feels that we could serve the community that is established there more than the City of Palm Bay. We should also consider the widening of Babcock and the commercial property that will be along it. Mayor – this has been discussed in the past but there has not been real interest by the people who live there.

Rossman – would like to begin discussion, would be more than willing to go to the homeowners and begin a dialog. Horton – feels this would benefit Malabar.

Rossman – though he is not for ‘growth for growth’s sake’ he feels that it could be beneficial to Malabar if it annexes the commercial property along Babcock.

Member from the Valkaria homeowners association is in the audience – she came here to see what this was all about, she had no idea what is going on.

Rossman – just would like to open dialog between the Valkaria Homeowners Association and the Town. He feels it would benefit both areas. Rivet – agrees but would only be interested if both sides were interested.

Bohne – there are two types of annexation: voluntary or involuntary. He notes that both require public hearings and public input. Rossman – would not even explore an involuntary annexation.

Council approves Rossman as the ‘point man’ for this issue.

2. DONATION FOR EAGLE SCOUT PROJECT AT PORT MALABAR ELEMENTARY (MOCCIA)

Moccia – is involved with an Eagle Scout project to build a butterfly garden at the school. Asks Council if she can use about \$100 of her discretionary funds to help with this project. Council approves her expenditure.

3. DISCUSSION OF EELS MEETING

Moccia – BML has signed a contract with Brevard County for the Brook Hollow land, it stipulates that they will drop the lawsuit contingent to purchase. What the County wants is our blessing on the deal. Hall – our attorney, Cliff McClelland, suggested that idea and BML agreed to it.

Hall - in regard to stormwater it was thought that if the County would purchase this property then our engineers would look at portions of it to see if it could meet the needs of our stormwater project, then we could purchase that portion of the property. The reason we could purchase this is because it does not belong to the EELS yet. We cannot purchase property from the EELS but we can purchase property from Brevard County. Tomorrow will tell us if it is feasible to build the pond(s).

Rivet – will we have that determination by the end of April? Hall – yes. Rivet – then he could give it his blessing. Moccia – but until we know if it is feasible we really can’t bless it. Tinio-Borton – what will happen to the ROW Malabar owns? Hall – it will still be ours. Tinio-Borton – can it be used? Hall – we could put a road on it. Tinio-Borton – so that possibility is still open? Hall – yes. Rivet – we could still vacate a small portion so that the road could not go through. Tinio-Borton – we

shouldn't vacate anything. Rivet – is sympathetic to the issue the Brook Hollow residents face and is willing to work something out.

Hall – Council was given a packet from the County for tonight's meeting. The meeting on the 22nd is when Council should bring up anything that they don't agree with. Today the County was asking for a 'blessing', not a commitment, but something they could move forward with. Tinio-Borton – do you think they care if we don't want them to buy this land? Hall – yes, he feels as though they do care, we got their attention. Tinio-Borton – but there is nothing scientific in this packet from them.

Moccia – would like to see more than she saw today at the meeting with Colon. We are supposed to received something more from the County on Friday. Tinio-Borton – what concerns her is that the County is buying this land for the sake of buying land. Rivet – they probably have done some reasonable studies. Tinio-Borton – then why can't they show us? Moccia – that is what we should receive Friday.

Rivet – feels that we should be preserving some land. Tinio-Borton – but once they purchase the land we cannot stop them from tearing out trees like they did to the land down by Rocky Point. Mayor – we would want to keep an open dialog in the proper spirit. Rivet – feels that Council's blessing should be contingent upon the retention pond turning out to be a good thing. This deal should give something for us and something for the EELS.

PUBLIC COMMENT:

Rob Grainger – the Waring Lane ditch in front of his property has never drained correctly. He tried to get Carl to clean it but Carl said it was too low to clean out. Grainger has a solution designed by the Town's engineer but nothing has ever come of it. Hall – apologizes, he met with the engineer and surveyor and told them to do whatever it takes to get the job done.

Rossman – do we have a drainage program in place? Hall – yes but it is difficult to manage with a small staff.

REPORTS: MAYOR, COUNCIL

Horton – nothing at this time.

Tinio-Borton – nothing at this time.

Moccia – nothing at this time.

Rivet – disclosed that he visited the Drivers property as well as the Durand property.

Rossman – disclosed that the had a phone discussion with the Drivers.

Horton – disclosed that she had a discussion with Jerry Durand.

Mayor adjourned the meeting at 9:05 p.m.

BY:

Mayor Phillip R. Crews, Chair

ATTEST:

Susan Kabana, CMC
Town Clerk/Treasurer

DATE:
