



**TOWN COUNCIL CITIZEN WORKSHOP  
SATURDAY, MARCH 10, 2007  
6:00 PM**

**MALABAR FIRE STATION  
1840 MALABAR ROAD  
MALABAR, FLORIDA**

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**AGENDA**

CALL TO ORDER

PRAYER AND PLEDGE

ROLL CALL

DISCUSSION ITEM:

1. DISCUSSION OF POLICE PROTECTION IN MALABAR

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). The Town does not provide this service.

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.

**MINUTES – SPECIAL CITIZEN WORKSHOP  
MARCH 10, 2007 6:00 PM**

This meeting of the Special Meeting was held at the Malabar Fire Department at 1840 Malabar Road. The meeting was called to order at 6:00 pm by Mayor Eschenberg. The prayer and pledge were led by Council Member Bobbi Moccia.

<b><u>ROLL CALL:</u></b>	MAYOR/CHAIR:	TOM ESCHENBERG
	VICE-CHAIR:	CHUCK McCLELLAND
	COUNCIL MEMBERS:	NANCY BORTON
		BRIAN VAIL
		BOBBI MOCCIA
		PAT DEZMAN (excused)
	TOWN CLERK/TREASURER:	SUSAN KABANA
	DEPUTY TOWN CLERK:	CINDI KELLEY

**DISCUSSION OF THE POLICE PROTECTION/MSTU ISSUE:**

Mayor Eschenberg welcomed all for coming out. He advised the public that he contacted 30 different towns asking how many officers they have and what the total budget for the police department is. Basically the population of the towns/cities ranged from 653 to 3,783. The budgets ranged from \$281,000 to just over \$1,000,000. The average cost is \$72,892/per officer. A sign-up sheet for speakers is at the podium if you wish to address Council. He has spoken to some people and has heard some comments; there is impatience with Council for not moving with this issue. The Council are people of the town just like you; they give their time to serve the Town. If the MSTU is passed, it would be a 70% increase in taxes; seven times higher, which is more than any Council has passed in the history of the town. There is hesitation before making this decision because they want to be sure they are doing the right thing for the town as a whole.

Council hopes to have good input from the public to be able to make a final decision on this matter. The main purpose of this meeting is to hear from the public, not to interact with Council. You, the public, should tell Council just what you would like to see happen with this matter.

At this time, Mayor Eschenberg opened the meeting for public comments.

**Greg Purden**, 3195 Kramer Lane, came forward. He is a Deputy with the Sheriff's Department. He is in favor of paying the MSTU, does not want a raise in taxes, but he is concerned for the safety of the people in Malabar. He was discouraged when the attorney spoke disparagingly about the Sheriff's Office. The MSTU is the best option for the town; doesn't feel that we are in the position to have our own police department. He finds it arrogant to do nothing and let things go as they are. The quality of life in Malabar is fabulous; he and his family feel safe here. He doesn't want to see the quality of life diminish. He wrote a letter to Council a month ago asking for them to support the MSTU. He is also asking that the citizens support it as well.

**Doug Hoyt**, 2250 Duncil Lane, came forward. He feels that it should be put to vote as a binding referendum for this year's election before any decision is made. He would like to know where the accountability is with the County; four years ago his taxes were \$1,000, this past year his taxes were \$4,000. What is the County doing with the funds? It would seem we are already paying for the MSTU.

**Richard Cameron**, 650 Hall Road, came forward. He has volunteered for several committees for the Town. The problems that are happening is the town is growing. He doesn't understand the MSTU and the additional taxation for these services. The Sheriff's Department has been in place long before the MSTU came about. If this is paid, we don't know what services we will be getting. He is hostile against anymore inflation. It is up to Council to direct the citizens of Malabar. What has happened to the original taxation that goes for a lot of the other parts of the County's budget? There is a 10% increase each year in their budget. He asked that Council do their best; the Town's attorney has stated that the County Sheriff's Department must provide service with or without the MSTU. He is not in favor of the MSTU; do nothing and keep as is.

**Bob Wilbur**, 2500 Glatter Road, came forward. He has been in Malabar for over thirty years and has had nothing but exemplimary response from the Sheriff's Department. We should be paying our fair share for these services; there should not be a free ride. Rather than paying the MSTU, what about contracting directly from the County? This is something that should be looked into.

**Paul Eden**, 2045 Corey Road, came forward. Just about everything has been said. Personally, he is against the MSTU. We are paying our fair share with County taxes. He has gone from \$1,800 to \$3,600 in taxes. He finds it interesting that we are being threatened with a lawsuit by the Sheriff if we don't pay. Mayor Eschenberg interjected that the County is looking to sue the Town, not the Sheriff's Department. He has had good experience with the response of the Sheriff; one bad experience also. He was disappointed in the referendum; the option of doing nothing was not on the ballot.

**Bob Rowan**, 2565 Corey Road, came forward. He has been a resident for three years. He has volunteered with the Fire Department and the Eagle Corp. He has seen a lot within the town. The Sheriff's response has been great. The Mayor's figures are fairly correct with the budget for a police department. What do we do if the hours for our own police department is part-time? We need to have all the information; start-up costs and all that goes with a police department. We cannot do anything; this is a matter of safety for everyone in the town. The County cannot leave an MSTU Deputy in the town; the closest one could be as far away as Viera. If we don't pay the MSTU, it would mean taking Deputies away from the town. They are looking out for us. If people read in the paper that we don't have patrols, this could open Pandora's box. We should pay our fair share; he doesn't mind paying for the resources that the County has in place. We need to do something now; waiting another six months for the election is a long time. After three meetings, the County can take us to court and try to get back taxes as well.

At this time, Mayor Eschenberg gave directions to the restrooms and also stated that a sign-up sheet is at the end of the table with Susan Kabana.

**Bonnie Todd**, 2928 Century Oak Circle, came forward. She doesn't own the property where she lives. She has made complaints to the Sheriff's Department on various occasions and they have responded within ten to fifteen minutes of calling. Mayor Eschenberg asked that she address the MSTU issue. Ms. Todd stated that the town needs the response from the Deputies. She is for the MSTU if they can respond and get something done.

**Jim Roulston**, 2480 Malabar Road, came forward. He has been a resident for six years. He has personal experience with a police department and knows what it takes to start and support. The Town does not have the funds to support our own police department. He spoke of the needs at the Fire Department, he is a volunteer there. He would be willing to pay the MSTU and has asked that the Sheriff speak and give an explanation of how the funds will benefit the Town. He will support the MSTU if we have to pay it. They have the resources that we need in case of emergencies.

**Bob Rossman**, 1635 Country Cove Circle, came forward. He has been a resident of Malabar for 18 years and spent 37 years in law enforcement; he's retired from the City of Palm Bay as Police Chief. The Sheriff is required by law to give law enforcement. He is not saying he's in favor of the MSTU. He knows the costs of starting a police department. The Town does not have the funds for our own police department. There must be a tremendous support system before you can even hire officers. 60% of the voters voted for the MSTU; he did not but he will go with the majority of the people.

**Paul McDermott**, 2600 Rocky Point Road, came forward. He is a seven year resident. He has over 20 years in law enforcement and has been involved as a fire marshal. Having our own police department would be the biggest mistake at this time; feels a new small police department would be a training ground for officers. The Sheriff, without the MSTU, gives adequate services. He has questions and needs answers. He is willing to pay if it is necessary.

At 6:58 pm, a break was taken so the videographer could change out the CD for taping. The meeting was brought back to order at 7:05 pm.

**Richard Cameron**-all points have been brought up; gave up his time.

**James Klassen**, 1105 Baywood Court, came forward. All of the unincorporated areas are paying this tax. What makes us so special? Why do we have to come out here to dig through this to find this information? He is disappointed that all the information was not in the Mailboat. He expects high quality in police protection. We do not need our own police department. The election in November was 60/40 in favor of the MSTU. Quit stalling and mend some fences; get some progress going.

**Hans Kemmler**, 2785 Malabar Road, came forward. He respects everyone's opinion, all are good reasons to be shared. He is against our own police department. We need to pay the MSTU.

**Debbie Kisinski**, 2470 Ski Lane, came forward. Malabar already has a bad name with the County; this only adds to it. Pay the MSTU.

**Bill Withers**, 2324 Candy Lane, came forward. He is all for the MSTU. He would like something for the money that will be paid; deputy for a twelve hour day during the time that we are at work. He has been a resident for 18 years; in that time, he has paid \$20,000 to the County and only \$1,800 to Malabar.

**Mark Mortenson**, Hunter Lane, came forward. Safety is what is being talked about; children are more important. A town police department is not an option; doing nothing is not an option. What about impact fees? If you live here, you must pay impact fees. Pay the MSTU.

**Bryan Keith**, 2195 Corey Road, came forward. He has been a resident for 34 years. What is guaranteed for the money that will be paid? If we pay the MSTU, the Town should receive what services will be provided in writing. If we can't get it in writing, don't pay. If there are more services, he will be happy to pay it as long as it is in writing.

**Commissioner Helen Voltz** came forward and addressed the public. She has been on the losing end of increasing taxes. In the unincorporated part of town, the taxes have gone down. The Brevard County Sheriff's Office is for the unincorporated areas; the areas that don't have their own police protection.

**Chief Deputy Mike Lewis** came forward and addressed the public. The turnout for this meeting speaks volumes for the community. He is concerned about what is going on. The Sheriff's Office has no vested interest in the decision that Council will be making. They have a vested interest in the community and the protection of the town. We know what your community is like and what you need. 99% of the Deputies that patrol the town are MSTU Deputies. We don't have working zones without MSTU Deputies. If the MSTU is not paid, we will only be able to provide protection from general fund Deputies. The response time will not be what it has been because, depending on where these Deputies come from, they could be as far away as Viera. We are obligated to provide services but the level is restricted to general fund services. The attorneys have stated that it is illegal to give MSTU services to Malabar. This is not a good position for the Sheriff to be in. We are willing to work with you. The general fund services do not make the Chief feel very good.

Mrs. Voltz stated that a letter was sent out. We cannot provide services with MSTU Deputies. If this goes to court, it is possible that the County will ask for 12 years in back taxes. It may already go back for four years. Budgeting is happening very soon and the Sheriff needs to know the decision so he can prepare his budget. The town's safety is the most important thing.

Deputy Lewis stated that his desire is to request from the Commission to provide additional Deputies to the south end of the County. This will allow for what is already in place and provide enhancement to the services already provided. The County cannot guarantee what the services will be.

Mr. Voltz stated that the Commissioners are asking Sheriff Parker to identify the funds to the south end of the County. They cannot tell the Sheriff how to spend the funds. She will do everything in her power to have enhancement in the south.

At this time, Mayor Eschenberg opened the floor to the public for questions.

1. Why are the fees based on the property values, why not the same amount for each household?

Mrs. Voltz stated that the tax system is not fair. The Property Appraiser has the authority to assess property as he sees fit based on value. There was a 3% increase in taxes above last year. This is the way the state has set up the property tax structure.

2. How big is the southern zone; how many deputies do we have now, and how many new deputies will be added?

Deputy Lewis stated that Zone 34 has two Deputies each day during the day in Malabar and in the far south. Initially, they will probably hire two additional Deputies; the initial costs are very high. It costs \$35,000 to start; \$75,000/year with benefits and salary. We have \$225,000 coming in so the potential for three new Deputies is there.

3. When the Deputies are in town, do they just travel the main arteries?

Deputy Lewis stated if they are a good Deputy, they are traveling the entire town. They are snooping around and seeing what is happening in the area. If you are not seeing the Deputy, call the South Precinct and ask them to have patrols in your area. Communication with the Town has not been what it could be. We need to set up a liaison. It was stated that Hall Road has been very well patrolled.

4. If the County has the right to go back for years worth of taxes, how have they allowed this to go on for so long?

Deputy Lewis stated that the County wanted to continue as were. They did not want the services to be diminished. They were happy to continue the service.. We didn't know we were breaking the law. We now know that we must do things properly. Mrs. Voltz stated the Commission before her did not want to stir the pot.

5. What part of the law requires the town to pay the MSTU? What part of the law states that the sheriff doesn't respond?

These questions were raised by Dawn Danielson, a resident of Malabar. She wants a commitment from Town Council and the County Commission to provide the information to the citizens of Malabar.

Mayor Eschenberg stated that our attorney's position is that there is no legal requirement to pay the MSTU. Mrs. Voltz stated that this is correct.

6. If Council does go ahead and approve the MSTU, who makes the decision of what the tax rate will be the following year?

Mrs. Voltz stated that by law, Council and the County have to roll back the tax rate. It has to be the same amount as the previous year. A 10% increase above the rollback is to collect the same amount of taxes. It depends on the assessed value of property.

7. What are the citizens looking at as far as paying the tax?

Mrs. Voltz stated that legally they are not sure; October 1, 2007, next year's tax year. The back taxes have not been worked out as of yet.

8. The Town of Malabar provides a sub-station at Town Hall, how does this figure into the equation?

Deputy Lewis stated that the office is still used and they appreciate it very much. The office is approximately 100 square feet that they use while on standby or while doing reports. There would be no consideration for this.

9. If we don't pay up the MSTU, are we considered as second rate citizens?

Mrs. Voltz stated yes. Some of the unincorporated areas are ready to sue the Sheriff because they are paying for the MSTU and Malabar is not.

Deputy Lewis stated it's a quality of life issue. If it is not a true emergency, you will see a difference in the response levels. Mrs. Voltz stated she spoke to Sheriff Parker this afternoon. Malabar has 4,000 calls last year. There were over 200 arrests within the town; that's a lot of arrests in an area this size. There were 809 traffic related incidents; all other calls were for other services. Mrs. Voltz stated that no one here is saying you have to pay the MSTU. It is the Council's decision. We will do the best we can with whatever decision is made. However, we cannot respond with MSTU Deputies; it will be general fund Deputies. They don't work the patrol areas. The MSTU is totally legal; it was voted on by the people.

10. Why does the town of Malabar become liable when, by the choice of the Sheriff, he chooses to send a MSTU Deputy?

Mrs. Voltz stated that this will be a decision that the attorneys will argue. This is going to be litigated; she doesn't know where this is coming from except through the legal end of it.

11. Can you tell if there is actually a stated statute that regulates this? Is it a violation of the taxation law? Is it a civil violation? Is someone filing an injunction against the Town of Malabar? Can the County Commission raise the tax if we decide to do this the following year?

Mrs. Voltz stated that there would be a 10% increase above the roll back rate. The back taxes should not be considered, Sheriff Parker wants to get this over with now to get his budget for the coming year ready for the Commission to review.

12. Why are we so privileged to not pay this tax? We opted out of the Parks & Recreation referendum; are we to assume that we are going to opt out of the MSTU portion?

13. Why not a set amount? Why can't this be run the same as the garbage pick-up services?

Mrs. Voltz stated that the way the taxes are set comes from State legislature.

Mrs. Ritter stated that you should pay for what you get.

14. How long has MSTU been around?

It has been around since 1988.

15. Can we have it on the ballot as a binding referendum? Will the Deputy come to County owned property in the Town if not paying the MSTU?

Deputy Lewis stated that if it is a true emergency, they will respond. A time line is in motion.

Mr. Roulston stated to give the Council permission to go with the MSTU. Let's be done with this so we can go home and be with our families.

Mr. Rowan stated that without the MSTU, we will have general fund Deputies only. There will not be any more patrols in the community. He feels much better when seeing the patrol cars.

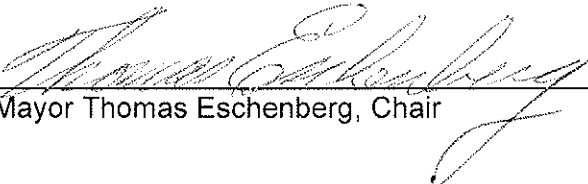
Mr. McDermott stated he's never heard of the Sheriff being sued for providing good services. How can this be retroactive when the citizens have never been informed?

Mayor Eschenberg stated that if Council should happen to pass the MSTU, the County would drop the lawsuit.

At this time, Mrs. Moccia asked for a show of hands for those in favor of the MSTU; also a show for those who don't wish to participate in this taxation.

Mrs. Borton stated that 113 people chose to do nothing with the vote in November; 600 people chose the MSTU and 200 people want their own police department.

This meeting adjourned at 8:20 pm.

By:   
Mayor Thomas Eschenberg, Chair

ATTESTED BY:

  
Cindi Kelley, Deputy Town Clerk

Date: 4/2/07