

**MALABAR TOWN COUNCIL WORKSHOP  
AUGUST 23, 2004                      7:30 PM**

This meeting of the Malabar Town Council was held at the Malabar Fire Station at 1840 Malabar Road. The meeting was called to order at 7:30 p.m. by the Chair, Bobbi Moccia. The prayer and pledge were led by Mr. Rivet.

|                          |                         |                       |
|--------------------------|-------------------------|-----------------------|
| <b><u>ROLL CALL:</u></b> | <b>MAYOR:</b>           | PHILLIP CREWS         |
|                          | <b>CHAIR:</b>           | BOBBI MOCCIA          |
|                          | <b>VICE-CHAIR:</b>      | STEVE RIVET           |
|                          | <b>COUNCIL MEMBERS:</b> | JANE HAVET            |
|                          |                         | BRIAN HUNTER          |
|                          |                         | BOB ROSSMAN - excused |
|                          | <b>ADMINISTRATOR:</b>   | ED BOOTH              |
|                          | <b>CLERK:</b>           | SUSAN KABANA          |

**DISCUSSION OF PROPOSED ANNEXATION OF VALKARIA**

**Moccia**-brought meeting to order. Announcement made to audience that only people living in Malabar and Valkaria would be allowed to speak. Time for speaking was limited to two minutes.

**Rivet**-reason here tonight to get input from people of Valkaria and Malabar on their feelings of annexation and to answer any questions regarding the annexation. At this time, meeting was turned over to the public of Malabar and Valkaria.

**Tom Eschenberg**, Malabar-Question was posed as to what the benefit does the annexation have to Valkaria and what benefit does the annexation have to Malabar, other than preventing being annexed with Palm Bay. Would like to have a basic synopsis of the study to give an idea of what is going, this gentlemen felt he did not have enough information to base an opinion on.

**Booth**-the process came about when a group from Valkaria came to the Town and asked if we would consider an annexation. The Town Council asked that a feasibility study be completed to show if it would be advantageous to the Town or if it would cost the Town money. Our tax base is lower then the County's, with the requirements given between our tax base and that of Valkaria's , we came up with \$300,000 more than it would cost to run the Town. The feasibility study was completed to see if the Town of Malabar would be able to provide the same level of fire protection that Valkaria is receiving at this time. At this time, we would not be able to provide the same level of services with our fire station. We have a group that has been negotiating with the County. The County has indicated that for \$180,000, they would be able to provide the same level of services for Valkaria. The \$180,000 is well within the \$300,000. The County is looking to build a new fire station. The staffing of the new fire station has not been decided as of yet. The County has a grant that would assist with this goal.

The advantage for Valkaria is that you would have more of a voice in your local government, which would be a very positive thing. There is an issue of police protection. You currently pay an MSTU for the sheriff's department, we do not. The Town opted out of the MSTU. The benefits for Malabar would be the protection of our boundaries, to say that Palm Bay is not going to annex, they are already at Grant. The Town of Malabar would be surrounded by a very urban area. We would like more protection around on our borders. The administrative side of the government would remain the same if we took in Valkaria. To increase members on Council, the Charter would need to be changed, and the boundaries. More than likely, Valkaria would have two seats on the Council. The staff is somewhat neutral, we have looked at it both ways. We are really trying to make an attempt for Council to make a decision with your input. No other place would do that, which shows you what type of government you would have a voice in.

**Havet**-asked the audience if they understand that the Council sitting here tonight will be deciding if this even goes on the ballot this November if there is strong enough interest to place it on the ballot. We need to hear from you, the public of Malabar and Valkaria, on this.

**Booth**-we will send out a vote, this will not be on the November ballot. This will be a special vote after the November election. You will have the opportunity to vote through the mail. There are two meetings to hear from you, the public, and then Council will hold a workshop to decide if a ballot will be mailed out. By law, only Valkaria can vote. But Council can make the decision that both Valkaria and Malabar may both vote.

**Moccia**-any and all questions, please ask. Also, please state whether you are for the annexation or not.

**Mr. Vitaliano**-has lived in Malabar since 1980. He is against this, doesn't want it on the ballot. Would be willing if Valkaria paid an impact fee for all that Malabar has put into the town.

**Tom Neidert**, 1985 McLain Lane – would like to hear from someone from Valkaria as to why they are against the annexation. Palm Bay is annexing everything in sight and there will be more taxes for everyone to pay. He's is for the annexation.

How are we equipped to take care of the maintenance of the existing roads in Valkaria.

**Booth**-this was part of the feasibility study, double the size of our maintenance crews. Taking care of the roads would be easy. Water and sewer would be the hardest of the annexation, but this would not be an issue. Everyone that Mr. Booth knows would like to keep their well and septic, they do not want to pay for this service. Both communities are very residential. We are paving several our roads now but we still have a lot of dirt roads as Valkaria does. We looked at our maintenance schedule and feel that with doubling our crews, you would be receiving the same level or better care for the roads.

**Nancy Johnson**, 2300 Oakridge Lane – would like to see Valkaria community become a part of Malabar for the same reasons as Mr. Neidert from McLain Lane stated. If we want to protect our rural lifestyle, it would be beneficial to keep Palm Bay and the Developers out, will become a densely populated area with condominiums. You can see what Palm Bay is doing to the river. Moccia-asked Ms. Johnson to tell a little about the change in Fort Lauderdale before she moved up here. Johnson-Fort Lauderdale is building everywhere, alligators in peoples yards, weather patterns have changed. They left Fort Lauderdale because of the growth. They are for the annexation.

**Walter Rogers**, 2484 Smugglers Cove – read all the literature put out by the Town on this issue. Doesn't understand why people are against the annexation.

**Carol Foley**, 2450 Valkaria Road – Moved to the country to live in the country, been here in Brevard County since 1982, Palm Bay is moving in, look at US #1. The Johnsons' are for annexation. Hoping that Council will vote in a positive way for this annexation.

**Bonnie Salee**, Valkaria Road – believes that Valkaria would be the buffer zone between the City of Palm Bay and Malabar, if we don't annex into Malabar, then we know that Palm Bay will come in and take over. Palm Bay has the highest tax base in all of Brevard County. We will go through the roof if Palm Bay comes in.

**Joe Tonti**, Valkaria – came to last meeting regarding the annexation. Seems to be good reasons to come into Malabar. Possible to have Valkaria and Grant come together and become their own municipality. Needs to be investigated. He doesn't feel that there is a big rush, needs more information before he can make a decision.

**Crews**-been a Florida resident since 1957. Have seen a lot of development, Palm Bay is the south model. Talked to political people in Palm Bay. It is their desire to annex towards the river. The State has changed statutes on annexation within the last few years. Two things are in place for Valkaria to become incorporated on their own. Valkaria does not meet the population threshold of 5,000 and it might be some time before that requirement is met, but you will eventually get there. Also, you must be more than two miles from another incorporated community. Since you are co-joined to two other incorporated communities, this would be difficult to accomplish, but it could happen.

**Moccia**-wants the public to be aware that if Palm Bay breaks the contingency between Valakaria and Malabar, we will have no choice, you will be on your own. That is why we are letting you know now. We've heard it at the League of City meetings that Palm Bay's plans are to annex to the river. Whether you're with us now or come see us later, if Palm Bay drives something between us, we will not be able to help you.

**Hunter**-just returned from a conference in South Florida from a meeting where each municipality was represented . The largest discussion with annexation was with the Palm Bay group, their City Manager, Lee Fellman, stated that the State of Florida is making it easier every day for municipalities to annex unincorporated areas. Their idea is as early as the year 2007 that local county governments with national municipal control. Mr. Hunter is a resident of Malabar and would like to see Malabar and Valkaria joined to keep the preservation of the two areas. We care about our town. Mr. Hunter is for the annexation.

**Mark** –Lieutenant, Malabar Firefighter – doesn't live in area, lives by country club, requests permission to speak. If you don't think their trying to raise your tax base, we just lost 165 acres to 416 homes. The Port Malabar Country Club is closed. In six month there will be 416 homes built there, we requested that it be 1/3 acres. The town came in and said no you need to fight and try to get it 1/3. They knew if dragged out long enough, Tampa developers would throw their hands up and give in. Also a 3 ½ million retention pond never recorded that is now lost. \$285,000 that the people in that little corner raised to go after them is lost.

**Joan Sadler**-Valkaria – agrees with gentleman who stated that we have other options that can be explored.

**Janice Walters**, President of Valkaria Neighborhood Association—very concerned that we are pushing fear of Palm Bay and reacting to fear of Palm Bay. Palm Bay is subject to the same laws as everyone else, subject to the State laws. Palm Bay is annexing so aggressively because of greedy land owners who want to maximize their profits from their land and Palm Bay is willing to give the zoning that will allow them to do that. These are all voluntary annexations. Palm Bay cannot come and get us if we don't want to be gotten. We cannot be annexed into Palm Bay any differently than we would be annexed into Malabar, we get to vote. The only relaxation in the state law so far is that the annex amputee no longer has to vote. Palm Bay could pass an ordinance to say that they want to annex Valkaria, if they pass it, we get to vote and we can say no. If Malabar wants to pass an ordinance to annex Valkaria, they no longer have to let the people of Malabar vote, but the people of Valkaria get to vote. We can say yes or no. There must be a better reason than fear of Palm Bay to annex into Malabar. The fear of Palm Bay is irrational. Mayor Crews mentioned that, under existing laws, we do not qualify to incorporate on our own. However, we can get waivers. Port St. John accomplished this. We are not totally different from Valkaria or Grant. They got a feasibility study and they voted and decided not to incorporate, but they could have. Would like to see the feasibility study, the proposed City Council districts, look through municipal codes. Before she can make decision, needs more information. Codes can be accessed on our web-site. The feasibility study is a packet. The study she has is a summary, where are the sources?

**Booth**-study was completed by planner from West Melbourne. Looked at the records from the county. What we are trying to do is to find out if there would be more of an impact on our Town. We don't want to take on Valkaria and then the citizens of Malabar are paying higher taxes. We also needed to know about the fire protection. We are not prepared to provide fire protection to Valkaria. We have been working on a proposal with the County to contract out the fire protection service.

**Valkaria owner** (five acres)-not afraid of Palm Bay. What about the property owners at Valkaria and Babcock Road? How happy are they about having a strip mall and gas station put in? Before you know it, there will be condos. How happy will you be with your property then? I moved here with 2 ½ acres to build on. We don't want a lot of neighbors. Doesn't want to deal with Palm Bay. Doesn't see Grant offering any deals. It's just a matter of time before Palm Bay does what they want to.

**Havet** -has offered to the President of Valkaria Neighborhood Association to meet with the association members and provide them with information regarding the annexation.

**Curt Lorenc**, Valkaria homeowner-check the minutes of the meetings of Malabar, basically there's one Council member who wanted to start the annexation process for Valkaria, with the reason stated as economic development. Property up towards Babcock to develop commercially. It went nowhere. Three residents come forward, did not speak for Valkaria, were not part of any group, asking to be annexed into Malabar. Mr. Lorenc stated that three residents did not speak for Valkaria. To annex into Malabar due to fear of Palm Bay is not a valid reason.

**Booth**-feasibility study was prepared for the Council to find out if this would impose a burden upon the Town of Malabar, not a selling point for Valkaria. Mr. Booth stated that there was a large group that came from Valkaria to the second Council meeting that Mr. Booth attended. The feasibility study was prepared to find out if it would be financially viable. The second report was a more detailed report regarding fire protection. The study shows that we would not be able to provide the fire protection services from our Fire Department at this time. Question was raised if the documents could be put on line for the public to review. Mr. Booth stated that they could and would be put on the web-site.

**Moccia**-stated that the information would be available on the web-site. We are here to hear what you have to say about the annexation. We are not here to cause fear, we want you to be informed about what is being said at the various meetings that the Council members attend.

**Bobby Putnam**, Valkaria-does like the idea to have the feasibility study put on-line, which would assist in being informed. Interested in seeing what Malabar's future goals are. What is Malabar's intentions regarding the river, not only in Malabar, but in Valkaria. Feels the meeting should be more organized. Came to meeting expecting to hear from Council as to what has been done and provide information regarding the feasibility study. Was not expecting Council to start the meeting with questions/concerns from the audience.

**Moccia**-was under the impression that most of the people from the last meeting would be coming into the office to pick up the information we had available for you. Someone from the Association or someone coming to the meeting to keep track and we had it on the agendas. It's been posted and is also in the minutes. We also did the budget this year with possible annexation of Valkaria, with one whole column, if it happened, what the difference would be with Valkaria. Did not realize that no one had come in to look at the information. All will be posted on-line, so this would be the best way to obtain the information regarding this annexation.

**Havet**-came to this meeting tonight to hear from the public and get their views/concerns regarding this annexation. There was enough concern for the Town of Malabar to have a feasibility study done. This was done for our edification, to see whether or not this adversely impact Malabar residents. Again, our budget was completed to show how it would effect Malabar with annexation and without annexation. In hearing things tonight, it sounds that you all want a more organized meeting with all the information presented to you.

**Bob Wilbur**, 2500 Glatter Road-Valkaria needs to study Malabar's Comprehensive Land Use Plan, which is broken up into two parts. The first part is the Data Inventory Analysis that breaks the Town down and tells what it's made of. The second part is the Goals, Objectives and Policies, which state how everything is supposed to be run. This will give you the identity of what Malabar wants to be. If this get further down the road, which this is something that could happen, as we have more meetings, Mr. Wilbur suggests that we have a full service planning organization look into the design and set-up and the annexation of Valkaria into Malabar because we are doubling the size, thinks that it will take the services of a full service planning organization to assist with this annexation. We will have to change our comprehensive land use plan, modify it in a lot of respects, a lot of work to be done at the State level. Mr. Wilbur feels that there is a lot of research to be done before this can happen.

**Moccia**-five years ago, this came up. It did not happen at that time because there was not enough interest for this to take place. It's come back around again. Let's talk about it and see if we can make it work. If it can't work, we are still here. If Palm Bay starts creeping, you can still come into Malabar as long as Palm Bay is not separating us.

**Curt Lorenc**, Valkaria-back to the fear, pushing fear again. One thing that has to happen for Palm Bay to do voluntary annexation is that it has to be profitable. It has to be economically feasible. By taking vacant land that is continuous, which is touching Palm Bay, they've changed the zoning, but as far as taking peoples homes, they cannot take a home and tear it down and make it commercial. You will not get anyone to volunteer to go with Palm Bay to pay higher taxes, poor quality of life, so you will never get the voluntary annexation. Only method available to Palm Bay for taking Valkaria would be by referendum. You've already seen the sentiment of the Valkaria people that they have no intention of going with Palm Bay and the sentiment is growing that they don't want to be part of Malabar.

**Bonnie Salee**-has concerns with the property at the intersection of Valkaria Road and Babcock Street. If it were her property, she would not like having to look at a shopping center and all that goes with it. If Palm Bay puts this in, what is to keep them from going, as people would voluntarily give them their property and move, which would allow Palm Bay to keep moving down Valkaria Road. They don't have to have an election, as this would be a voluntary annexation.

**Moccia**-has asked the public to go on-line and do some research regarding the information available to you. We, the Town of Malabar, will conduct the meeting on August 31, 2004 as a more structured meeting.

**Homeowner**-would like to know how far south the annexation would go. How would this effect the Town Council?

**Booth**-stated that the surveyor looked at Ramblingbrook Road, this would be as far south as the annexation would be.

**Moccia**-we would have to re-district because we need to have an odd number on the Town Council, along with the Mayor.

**Rivet**-current Town Charter states that we have to have five Council members, so if this does happen, we would have to re-district so that everyone would be equally represented. The re-districting would entail a larger five district area. The Mayor and three Council seats are coming up for election in November. We could change the Town Charter, but it would have to be approved by all the citizens of the entire Town, whatever it is at that time.

**Citizen**-was there a reason that the planner from West Melbourne was chosen.

**Booth**-he was hired because is our planner. We hired him off-duty because we are not large enough to have a planner on staff.

**Moccia**-he is also environmental friendly and he has a lot of good ideas. As we exit, please think about this. Go out and take a look at what we can do. If you don't want to go on-line, want to look at the Code book, please feel free to come into the office. We want you to be comfortable, if you're not, we don't want to do this either.

**ADJOURNMENT**

Meeting adjourned at 9:48 p.m.

BY:

  
Chair Bobbi Moccia

ATTEST:

  
Susan Kabana, CMC  
Town Clerk/Treasurer

DATE:

10/4/04