

TOWN COUNCIL WORKSHOP MINUTES

July 18, 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 - UNEXCUSED
COUNCIL MEMBERS:	BOBBI MOCCIA
	BOB ROSSMAN
	NANCY TINIO-BORTON
	STEVE RIVET- EXCUSED
SECRETARY:	JENNIFER MANSUR

The meeting was called to order at 7:30pm by the Mayor. The prayer and pledge were lead by the Mayor.

DISCUSSION OF FEMA GRANT

Mayor thanks everyone for being here at this meeting. This project is at least 5 years old. The Mayor states that they are at the point where when this FEMA grant project was put together in order for SJRWMD to permit the construction of that they required some water quality issues to be taken care of. That was the 319-trust money for the grant to buy the acreage for the pond. Which would cleanup the water before it goes into Turkey Creek. If SJRWMD would have permitted the FEMA grant to clear the flood problems and put that water into Turkey Creek this would all have been done with by now.

Rossman- It's the south parcel that we're looking at.

Mayor- It's the Reynolds property.

Parkhurst- It's the north parcel.

Mayor- The north parcel is what is in the project. Now FEMA wants money they committed back or in the last few years since it hasn't been used in a reasonable amount of time they take back and you have to re-apply. There's two parts to the project, the flood control and the water quality, but they are kind of married together because it's my understanding that SJRWMD won't permit the flood control without the water quality.

Jones- We have worked with the district staff and gotten past some of these issues. The district reviews these types of project based on two things:

- Does it have an adverse effect on water quality?
- Does it have potential for adverse effect on flooding?

In other words are we taking a flooding problem and moving it down to someone else.

The district staff at the Melbourne office would entertain not constructing the Reynolds pond, not constructing the Galvez pond, but looking at a series of smaller projects located throughout the watershed. We've successfully implemented several pipe improvement projects, by taking that approach. The first thing that they must see is that there is no adverse impact as a result of not having offset that volume of water. The goals and ambitions of the bigger plan are certainly noteworthy. They are goals that we share. However, if it's not going to become a reality at the point where you might lose the funding source, it may be necessary to look at other options and to try to implement other permissible options.

Mayor- He stated that he doesn't think they can do anything with the water quality component in a timely manner that would allow us to meet any deadlines, or to retain this funding.

Jim- Jakita's concern is that this project has been out there for a long time without having shown a lot of progress. She says that FEMA is being pressured to closeout all of these old grants. She has had the FEMA officials in her office and they are going through a whole list of old grants out there. She initially was not real optimistic at what the results of that would be. In fact, they went out on a limb when they gave Malabar that 90-day extension because they did not consult FEMA before they did that. I suggested or offered that when they have FEMA come in if they would like to contact Ron and I at the county offices to have us on a conference call basis where we could speak to the issue also. She liked that idea, and she will try to do that, but she will be at the mercy of what FEMA's schedule was. The other thing she said was that in discussion she had with some of the folks from here such as Frazier Engineering. She mentioned that if the time frame of 1 ½ - 2 years was mentioned and we went to other alternatives other than those contained in the already permitted project, in order to get a project through planning, through design, permitting and the back and forth comments that go on, that portion of the discussion when presented to FEMA might possibly convince them that you're talking about another 1 ½ - 2 years before you get anything in the ground. We're already past the expiration date. That might hurt us. It's not going to be something that's going to get them all fired up enthusiastically. I haven't heard from her today, but I will try again tomorrow. That's the status of the grant discussion with FEMA and DCA.

Parkhurst- I had talked to Jakita around 5pm and they had not made a decision yet as to whether to drop the funding or not. She reiterated to me the August 31st deadline that had been given to Mr. Hall the last time they had this discussion. She emphasized that they need one person who is a contact person who has the authority to make decisions for the town. She also mentioned that the people, who came from Atlanta to meet with them this week, are considering coming down here.

Mayor- Asked Parkhurst that if we get back to this alternative issue, does 1-2 years seem a likely time frame?

Parkhurst- She never asked me the question as to how long it would take to do an alternative. Mayor asked if putting together a proposal would take about 30 days. He asked if we could meet this August 31st deadline to give them an alternative?

Maria stated that they are looking for a clear-cut solution. The only property we have is the city's property, and we would have to divert the water back off. We don't know if we can use it for that.

Maria stated that property is not worth using because we couldn't get anything from it because it is too small.

Jones stated that in the teleconference that his staff had with Mr. Hall and with DCA, we said that within 30 days we needed to make a decision on Reynold's parcel, and I think we've done that. My recommendation is that we move on. He stated that he was not optimistic that parcel of land would have a successful contract negotiation. The owners have an expectation of value, which is not one that we as public agencies will ever be able to support.

Mayor- if we choose as an alternative to drop the pond and make this a flood control, with SJRWMD is there any willingness to permit? And if so, you (Maria from Frazier Eng.) would have to design it in a way that would not create an impact.

Parkhurst- I spoke to Lynn today and he said by no means is he giving up on us, he would do whatever it would take. If that meant an alternative, he would talk to someone named Whit Green, and they would discuss it amongst themselves. He said he could get with us sometime next week and talk to us about the alternatives.

Jones- Stated that he doesn't think that there is adequate time in order to be able to develop a project, identify a pond project. There's nothing to preclude the town from working with St. John's surface water management, and their improvement program. But I will not assist you at this time, in getting a project that is going to get put into place in a time frame that's going to get a level of comfort to hopefully secure some additional time. I'm not suggesting that you abandon all water quality.

Mayor- Stated that neither was he, if we could at this point in time, preserve this grant. Move forward with the flood control aspects of it. With the intent at some point in the future if we need water quality improvements on that flow of water going into Turkey Creek.

Parkhurst- Stated that they have a permit that includes water quality, but she wants to make it clear that it doesn't mean the water quality requirements of a new development, we were providing some water quality in what we were proposing. However, we were not causing adverse reactions down the stream. Therefore, the water quality that was provided was as much as we could get out of the system, but not meeting standards of new development. We have a permit in place that if you abandon the pond, you need to modify the permit. The only way they will give you an answer as to if you could take out the pond is to apply for a modification to the permit. They'll say show us what you want to do, then they'll give you an answer.

Mayor- Asked if that was something that she could prepare in a timely manner.

Parkhurst- The problem would be the gray area, of how much adverse impact they can live with. To just take out the pond there is some adverse impact down the stream. She wasn't sure if that could be resolved before August 31st.

Mayor asked about doing other things along with taking out the pond that would keep the adverse impact down.

Parkhurst stated that there were things can be done that would lessen the downstream impact, but decreases the value of eliminating flooding. It's a tradeoff. You would have to get approval from FEMA, as well as SJRWMD.

Jones stated that the DCA representatives were interested in going ahead without hard engineering plans, and beginning the process of doing an environmental assessment. That process may not be necessary. If it can be demonstrated that there's not an adverse impact, flooding to someone else's property, it is very likely that a permit recommendation can be obtained by that August 31st timeframe. He stated that a technical staff report from the water management district staff, I'm sure if they intended to issue a permit, they would do their best knowing this funding is sitting on the line. It's going to take an awful lot of work in a short period of time. Identify, negotiate, and get that done. We are willing to enter in and assist you in that regard.

Borton asked if they needed to have someone from council be appointed to help you do that.

Jones stated that he thought it was advisable.

Borton stated that she thought that the Mayor would be the right person to do the job.

Moccia asked if they could make a motion on it and the Mayor stated that no, they have to wait until the next meeting, but they could have a consensus on the issue.

Everyone agrees on a consensus.

Jones recommended that they contact Frank Meeker with SJRWMD, he is the district ombudsman. He's not a technical person, he works directly for the governing board. He advises the executive director, he meets with citizens, and councils.

Borton asked if he thought it would help to tell them we've had some transitions in the town.

Jones stated that it might help. At this point, he suggests that maybe they have some additional discussions with the DCA, and/or FEMA. There is nothing to prevent the town or their representative from directly corresponding or discussing matters with FEMA. DCA is the local sponsor for any FEMA hazard mitigation progress.

Bill Withers from the audience asked for Jones to give them a step by step layout.

Jones answered by stating:

Step 1- Make sure there is a good reason to spend any additional money, so it's not wasted.

Step 2- Make as much progress as we can with as much assistance as we deem appropriate by the deadline provided. Show them something!

Parkhurst also wanted everyone to know that SJRWMD is contributing funds for the project. That included purchasing of the land and for construction, so FEMA wasn't going to pay for everything. It's not just a matter of permitting.

Jones wanted to know the total cost estimation associated with the implementation of the piping.

Parkhurst said she never separated out just the piping, because she has control structures that were part of it. She thought the piping was almost half of 1.4 million dollars.

Mayor said from looking at the numbers the FEMA grant would almost cover all of the piping portion, which is the bulk of the flood control project.

Jones asked what is it that Frazier Engineering expected that the town would need from SJRWMD in order not to lose the funding.

Parkhurst stated that she thinks that the town would need money for the land, unless the county was going to pay for it.

Jones then asked what if there was no land acquisition involved, or no pond involved.

What if everything was constructed or designed within the existing rights, in order to make the pipe changeout permit permitable.

Parkhurst clarified that what he was saying was that anything they proposed to do would all take place in the existing ditches. They don't have the capacity they need right now. All of the ditches are on private property as it is.

Jones suggested that we sit down with Frazier, who has to support this in order for this to move forward, and with the district staff so that Frazier can be comfortable with the discussions. Then see where it goes from there.

Mayor asked since SJRWMD gave them the go-ahead to start since it's a five-year project could we go ahead and extend the FEMA money.

Jones replied by saying that once you begin any component of construction on the permit that you currently have, you've locked yourself in to do all of the construction unless you modify the permit later. He thinks that with everyone's help and support there is a high probability that if the funding has any hope of being saved we can work with the SJRWMD to secure other optional projects that will allow most of the improvements to be made. Then you have time after that to fall back and work towards a more grand scale looking at the bigger picture. It's better instead of losing the money, to get any of it and do any of the work.

Carl Beatty (public works) made the statement that they should maneuver it towards the dry season and not the rainy season. – Council acknowledged this suggestion.

Parkhurst stated that they had asked FEMA if they could not obtain the Reynold's property could they divert the money into the improvements that we were proposing on Weber Road. They said that, yes they would consider that option. Keep in mind that this project also requires driveways on nine parcels before you get to the pond. They said that the

town would be responsible for acquiring the right of ways, and doing all of the negotiations.

Mayor closed by thanking everyone for coming on such short notice.

Meeting adjourned at 9:00pm

SECRETARY

CHAIRMAN

DATE