

## MALABAR TOWN COUNCIL REGULAR MEETING MINUTES

JUNE 17, 2019 7:30 PM

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

### A. CALL TO ORDER:

Chair, Mayor Patrick Reilly called the meeting to order at 7:30 pm. CM Rivet led P&P.

### B. ROLL CALL:

CHAIR:

MAYOR PATRICK T. REILLY

VICE CHAIR:

STEVE RIVET

COUNCIL MEMBERS:

GRANT BALL

BRIAN VAIL

DICK KORN

DANNY WHITE

TOWN ADMINISTRATOR:

MATT STINNETT

TOWN ATTORNEY:

KARL BOHNE

TOWN PLANNER:

TOD MOWERY

TOWN CLERK/TREASURER:

DEBBY FRANKLIN

### C. APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES: NONE

### D. CONSENT AGENDA:

#### 1. Approval of Minutes

#### Regular Town Council Meeting Minutes 6/03/19

MOTION: CM White / CM Vail to approve the 6/3/19 regular meeting minutes as submitted.

Discussion: none. Vote: 5 Ayes

### E. ATTORNEY REPORT: Nothing currently.

**F. PRESENTATION:** Annual Audit – 2018 by Mr. Douglas Gillikin, James Moore CPA  
Went through the 6 pages over view. CM White asked about FRS liability. State would have to go broke for this to become a liability to the Town. CM Korn asked about the audit work, preparation and decisions and thought the Clerk and her staff should be recognized and thanked for their efforts. Matt was part of her staff before promotion to Administrator. Mr. Gillikin agreed and said he is absolutely correct. Audience applauded.

### H. STAFF REPORTS:

**ADMINISTRATOR:** TA stated we will be getting back the John Deere tractor with box blade and the slopemower this week that were out for repairs. That will allow us to get caught up with the mowing and grading. They started cleaning the ditch on LaCourt Lane this morning.

**CLERK:** Remind Council of the need to complete and submit Form 1 to the Supervisor of Elections. Also, please check your mailbox for next Monday's agenda. Mayor asked about newsletter. We should have the layout back this week and once we have reviewed it we will forward to Council for comments before printing.

**I. PUBLIC COMMENTS:** Comments at this point may address items NOT on the Agenda. Comments related to subsequent Agenda Items may be made as those items come up. Public comments do not require a Council response. (Speaker Card is Required)  
**Five (5) Minute Limit per Speaker. NONE**

### J. PUBLIC HEARINGS/SPECIAL ORDERS:

#### 2. Approve Vacate of East Railroad Ave spur – (Reso 09-2019)

A Resolution of the Town of Malabar, Brevard County Florida, vacating and abandoning the 20-foot wide unimproved ROW known as East Railroad Avenue lying perpendicular to the remaining East Railroad Ave in Section 31, TWSP 28, Range 38 within Malabar a distance of 117 feet +/-; providing for conflict, providing for an effective date.

**Exhibit:** Agenda Report No. 2

**Recommendation:** Adopt Reso 10-2019

Reso read by title only.

Chair asked for staff comments. Franklin stated the P&Z Bd voted 5 to 0 and staff recommend approval. Change distance of ROW to 117' from 60' per the Engineer's sketch and memo.

Chair called on Town Planner Tod Mowery. Tod explained the adjacent properties are all owned by the applicant. He further explained the vacate process.

Chair called on applicant. William Carmine, Grant-Valkaria. As the planner mentioned he bought all the adjacent property. With the vacate it cleans up the lot lines. Helps for future development of the parcel.

CM Ball disclosed that he spoke to applicant after the P&Z meeting on June 10, 2019.

**PH OPEN:** none

**PH CLOSED:**

**MOTION:** CM Korn / CM White to approve Reso 09-2019 to vacate spur 20' x 117' +/-.

Discussion:

CM Vail said he understands this was for access to the saw mill. This is a good idea. CM Rivet all the parcels have access from a ROW. CM Korn said it cleans up the plot. CM Ball said in this case it is an intrusion into applicant's land and it doesn't make any sense to not vacate. CM White agreed.

**Roll Call VOTE:** CM Ball, Aye; CM Vail, Aye; CM Rivet, Aye; CM Korn, Aye; CM White, Aye.

Motion carried 5 to 0.

### **3. Approve 1st Read of FLUM & Zoning Map chg from RLC to CG (Ord 2019-07)**

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; AMENDING THE LAND USE AND ZONING MAP FOR THE .82 ACRE (+/-) AT THE NE CORNER OF MALABAR ROAD AND EAST RAILROAD AVE ADJACENT TO THE FLORIDA EAST COAST RAILROAD IN TOWNSHIP 28, RANGE 38, SECTION 31, SD 54, LOTS D-1, D-2 AND D-12 MALABAR FLORIDA, FROM RLC TO CG; PROVIDING FOR PROVIDING FOR AMENDMENT TO THE OFFICIAL TOWN LAND USE AND ZONING MAPS; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 3

**Recommendation:** Approve First Reading of Ord 2019-07

Ord read by title only.

Chair called on staff. Clerk Franklin state the P&Z Board voted 5 to 0 and staff recommend approval. Chair called on Planner. Tod explained that Article XII lists the criteria to consider when discussing an applicant's request for land use and zoning changes. Everything is compatible to the criteria – it is about the land use and zoning change. He then went through the 3 C's (compatible, consistent and capable) and said it met those standards. He also mentioned the unity of title that would bind the parcels together. Chair called applicant. William Carmine thanked Council for opportunity to develop. They built Route1 Motor Sports and opened two years ago and have exceeded their growth expectations. He hopes to put in a second ingress/egress to prevent the U-turns we are currently doing from front entrance. This is an item the Fire Chief had requested before for life safety but at the time he did not own the property. Applicant intends to do the unity of title before development. Attorney recommended they incorporate the condition of a unity of title in their motion.

**PH OPEN:** none

**PH CLOSED:**

**MOTION:** CM Vail / CM Korn to approve first reading of Ordinance 2019-07 with the condition that the applicant provide the recorded unity of title.

Discussion:

CM Rivet said it is more appropriate that they provide commercial here than adjacent to rural residential.

**Roll Call VOTE:** CM Ball, Aye; CM Vail, Aye; CM Rivet, Aye; CM Korn, Aye; CM White, Aye.

Motion carried 5 to 0.

## **K. UNFINISHED BUSINESS/GENERAL ORDERS**

**L. ACTION ITEMS:****ORDINANCES for FIRST READING: 1****4. Approve first reading of Sign Ordinance (Ord 2019-06)****Exhibit:** Agenda Report No. 4**Recommendation:** Approve 1st reading of Ord 2018-06

Ord read by title only.

**PH OPEN:** none**PH CLOSED:****MOTION:** CM Ball / CM Rivet to approve 1st reading of Ordinance 2019-06.

Discussion: CM Korn said his concern was to keep it user friendly and the P&Z Board did that. This is very specifically detailed. It has remained user friendly. CM White said he has heard from the P&Z Board that they worked hard on this ordinance and the Town isn't going to enforce it. CM Ball said we changed this because the Atty said we had to. Atty said it was due to Supreme Court ruling. It has been a tough process and P&Z did a good job in updating it but keeping it simple.

**Roll Call VOTE:** CM Ball, Aye; CM Vail, Aye; CM Rivet, Aye; CM Korn, Aye; CM White, Aye.

Motion carried 5 to 0.

**RESOLUTIONS: 2****5. Approve the 2018 Audit (Reso 10-2019)**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, ACCEPTING THE 2018 AUDIT; PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 5**Recommendation:** Adopt Reso 10-2019**MOTION:** CM Korn / CM Rivet to adopt Reso 10-2019.

Discussion:

**Roll Call VOTE:** CM Ball, Aye; CM Vail, Aye; CM Rivet, Aye; CM Korn, Aye; CM White, Aye.

Motion carried 5 to 0.

**6. Approve Taylor Lane (Reso 11-2019)**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, APPROVING TAYLOR LANE; PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 6**Recommendation:** Adopt Reso 11-2019**MOTION:** CM Rivet / CM Vail to adopt Reso 11-2019.

Discussion: CM Rivet asked why it was being changed. Clerk Franklin explained there is one house on ROW, the road builder and house builder has sold the property and the new owner wanted to change the name. They paid the fee and staff did the background work.

**Roll Call VOTE:** CM Ball, Aye; CM Vail, Aye; CM Rivet, Aye; CM Korn, Aye; CM White, Aye.

Motion carried 5 to 0.

**MISCELLANEOUS: 0**

Chair excused the Attorney and Planner at this time.

**M. DISCUSSION/POSSIBLE ACTION:****N. PUBLIC COMMENTS: General Items (Speaker Card Required) none****O. REPORTS – MAYOR AND COUNCIL MEMBERS**

CM Ball: Complemented the White's and said they did a beautiful job of painting and it looks more professional. Also, it is hurricane season. Who is the point of contact in case of an emergency?

CM Vail: Thanked Danny and Dorteia for the wow what a big difference in the renovation of town Hall.

CM Rivet: nothing

CM Korn: Also complemented the work done at Town Hall, it looks good. Regarding the MSTU for Law Enforcement, Malabar has their own agreement with BCSO and he feels it is not being met. They are not providing for us the level of service originally promised. It was most recently defined as 1.5 Deputy in a 24-hour period. He has noticed increased coverage on Weber at Atz. Also, there are warning signs prior to the stop signs. Need to get the BCSO to provide what they said they would provide.

CM White: Said Dorteia has wanted to improve the professional look of the Town Hall for a while. They just picked up on the energy and caught the wave from Matt and Debby. He reported the Town Sign is in the works. Then they will work on the PW sign and the south boundary sign next. Also went to a FLC meeting last week in Orlando. Polk Cty will be doing testing and development of autonomous vehicles. Discussion also on the rental scooter issues. State Leg did not pre-empt us on that. Legislation they did pass allows governing of regulations on these by municipalities. When they start passenger service along FEC. There is more to do here. They just followed the vision of Matt and Debby.

Mayor: Asked if Council was interested in doing the resolution sent out this afternoon by Clerk. He is not interested but if Council wants it let the Clerk know. It is about a request for adoption of a new emoji for a symbol of kindness.

**P. ANNOUNCEMENTS:** Openings on Board of Adjustment and Park and Recreation Board.

**Q. ADJOURNMENT:**

There being no further business to discuss and without objection, the meeting was adjourned at 8:18 PM.

BY: original signed  
Mayor Patrick T. Reilly, Council Chair

ATTEST:

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Debby Franklin, C.M.C.  
Town Clerk/Treasurer

Date Approved: 7/1/2019