

MALABAR TOWN COUNCIL REGULAR MEETING MINUTES

JULY 01, 2019

7:30 PM

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

A. CALL TO ORDER:

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

B. ROLL CALL:

CHAIR:

MAYOR PATRICK T. REILLY

VICE CHAIR:

STEVE RIVET

COUNCIL MEMBERS:

GRANT BALL

BRIAN VAIL

DICK KORN excused

DANNY WHITE

TOWN ADMINISTRATOR:

MATT STINNETT

TOWN ATTORNEY:

KARL BOHNE

TOWN CLERK/TREASURER:

DEBBY FRANKLIN

Clerk said for the record the Fire Chief Mike Foley and PW Dir Tom Miliore were also present.

C. APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES: none

D. CONSENT AGENDA: Chair asked for a motion on the consent Agenda -

1. Approval of Council Minutes:

Exhibit:

Agenda Report 1

Recommendation: Approval of Minutes

- Regular Town Council Meeting Minutes 6/17/19.
- Workshop Council Meeting Minutes 6/24/19

MOTION: CM Rivet / CM Vail to approve the regular meeting 6/17/19 minutes as presented.

Vote: All Ayes.

MOTION: CM White / CM Ball to approve the Workshop meeting 6/24/19 minutes as presented.

Vote: All Ayes.

E. ATTORNEY REPORT: nothing

F. BCSO REPORT: was not present

G. BOARD / COMMITTEE REPORTS:

Drew Thompson, Chair, T&G Com: Not Present – CM White stated that Palm Bay CM Kenny Johnson wants to discuss projects with the T&G Committee.

Eric Bienvenu, Chair Park & Rec Board: Not Present

Wayne Abare, Chair, P&Z Board: Not Present

H. STAFF REPORTS:

ADMINISTRATOR:

Spoke with SW Master Plan vendors and they can move the schedule up, but it will be a 10-15% cost increase. Council consensus to stay with TA's proposals. The PW July schedule is before Council. FDOT plan for Malabar at Corey and Weber – construction is as planned for those intersections.

PW DIRECTOR: Tom Miliore, went over the report. Got both tractors back and up and running. Slope mower operational, Gradall removed 1400 yards of spoilage from ditches; 17 citizens contacts were resolved. Finished up sprinkler system at park and removed trees at Allen Street. CM White said he liked the way they resolved a recent issue.

FIRE CHIEF: Went over May stats – 34 calls in May, 2 car accidents with injuries and 27 calls in June. Fire Station will be painted by prisoners on July 11. Thanked PW for the great job they do by

taking care of property around fire station. Also wanted to thank Scott MacLauchlan for his donation of the use of the man lift required to paint the building.

CLERK: Reported that the Mailboat issue has been mailed. It is also available on website and in the Hometown News monthly issue of Malabar News. There is also a new tab for the upcoming election information. Candidate qualifying for 2019 Dist. 4 and 5 is Weds Aug 7 at 8:30AM until 8/21/19 at 4:30PM.

The upcoming July 4th Federal holiday is this Thursday. The office staff at Town Hall all plan to use accrued vacation time and take the next day, July 5th off and enjoy a 4-day weekend. Does Council have any objection to this plan?

We would like to schedule the road workshop for July and are looking at Monday July 29, 2019 during the day, at 2 pm. That way we can have Attorney Bohne attend. This is the workshop to discuss the undersized ROW. If I can get consensus, I will add it to the calendar. Consensus of Council granted.

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. **Speaker Card: NONE.**

J. PUBLIC HEARINGS/SPECIAL ORDERS: 2

2. ORDINANCE 2019-07 Lane Use and Zoning Change for Kellwill LLC – 2nd Reading

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; AMENDING LAND USE MAP AND ZONING MAP FOR THE .82 ACRE (+/-) AT THE NORTHEAST CORNER OF MALABAR ROAD AND EAST RAILROAD AVENUE 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 RESIDENTIAL/LIMITED COMMERCIAL (R/LC) TO COMMERCIAL GENERAL (CG); PROVIDING FOR AMENDMENT TO THE OFFICIAL TOWN LAND USE AND ZONING MAPS; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 2

Recommendation: Adopt Ord 2019-07 on 2nd Reading

Ordinance read by title only.

PH OPEN: none

PH CLOSED:

MOTION: CM Vail / CM White to adopt Ordinance 2019-07 with the condition that the applicant provide the recorded unity of title.

Discussion:

Roll Call VOTE: CM Ball, Aye; CM Vail, Aye; CM Rivet, Aye; CM Korn, Excused; CM White, Aye. Motion carried 4 to 0.

3. ORDINANCE 2019-06 Amending the Sign Regulations in Article XIX – 2nd Reading

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE TOWN; AMENDING IN FULL ARTICLE XIX; AMENDING DEFINITIONS; AMENDING SECTIONS RELATING TO EXEMPTIONS; PROVIDING FOR REGULATIONS OF TEMPORARY SIGNS; PROVIDING FOR PROHIBITED SIGNS AND EXCEPTIONS; PROVIDING FOR SIGN REGULATIONS FOR ALL ZONING DISTRICTS; PROVIDING FOR SIGNS EXEMPT FROM

PERMITTING; PROVIDING FOR PROHIBITED SIGNS AND EXEMPTIONS; PROVIDING FOR ADMINISTRATION; PROVIDING FOR APPEALS AND VARIANCE; PROVIDING FOR REGULATIONS OF NONCONFORMING SIGNS; PROVIDING REGULATIONS CONCERNING HAZARDOUS SIGNS; PROVIDING FOR PERMITS; PROVIDING FOR GENERAL SIGN REGULATIONS; AMENDING TABLE 1-19.18; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 3

Recommendation: Adopt Ord 2019-06 on 2nd Reading

Ordinance read by title only.

PH OPEN: none

PH CLOSED:

MOTION: CM Ball / CM Rivet to adopt Ordinance 2019-06.

Discussion:

Roll Call VOTE: CM Ball, Aye; CM Vail, Aye; CM Rivet, Aye; CM Korn, Excused; CM White, Aye. Motion carried 4 to 0.

K. UNFINISHED BUSINESS/GENERAL ORDERS - 0

L. ACTION ITEMS:

ORDINANCES FOR FIRST READING: 0

RESOLUTIONS: 1

4. Appoint new Member to the Planning and Zoning Board (Reso 12-2019)

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE APPOINTMENT OF Susan Shortman TO THE MALABAR PLANNING AND ZONING BOARD AS AN ALTERNATE MEMBER; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE of July 3, 2019. Change section 1.

Exhibit: Agenda Report No. 4

Recommendation: Approve Reso 12-2019

Resolution read by title only.

MOTION: CM Rivet / CM Vail to approve Resolution 12-2019 with the effective date in Section 1 be added as July 3, 2019.

Discussion:

Roll Call VOTE: CM Ball, Aye; CM Vail, Aye; CM Rivet, Aye; CM Korn, Excused; CM White, Aye. Motion carried 4 to 0.

MISCELLANEOUS: 2

5. Accept 400 feet of Linrose Lane Road Improvement

Exhibit: Agenda Report No. 5

Recommendation: Approve 400' of Linrose Lane

MOTION: CM Rivet / CM Vail to accept the 400' of improved ROW on Linrose Lane as recommended by Town Engineer Morris Smith. **Vote:** All Ayes.

6. Approve Contract with Bill Barrett for Services

Exhibit: Agenda Report No. 6

Recommendation: Action – Approve Contract

MOTION: CM Ball / CM Vail to approve Contract and prepare a Budget Amendment to fund from reserves. **Vote:** All Ayes.

M. DISCUSSION/POSSIBLE ACTION:

7. Mowing area between roadway and property line

Exhibit: Agenda Report No. 7

Recommendation: Discussion – Direction to Staff

CM Vail has requested this. It is very hard for PW to keep up with their tasks. Historically Council has been back and forth on this issue. He would like clarification. It is the obligation of the property owners to maintain. Try to encourage the property owners to understand the requirement, if it can be done with normal residential maintenance equipment. Doesn't want to make it harder on people or create problems.

Rivet said he supports encouraging requesting maintenance, but he does not support requiring it.

CM White said most of the developed properties do take care of the property. Perhaps talking to those with improved property and a flat area outside the property line; maybe there is another reason preventing them from maintaining. He also supports requesting but not requiring.

Jim Roulston explained he reduced the slope on the banks of the ditch in front of his property, so he can mow them and get in there with a week Wacker. It is our ROW and our ditches and for those that are deep, maybe we can get the slope mower and lessen the slope and mow the front area. He also suggested reminding property owners to get the house number on the front of the house or fence or mailbox for emergency response purposes.

CM Vail said with standard mowing equipment. If we do come up with areas that are flat, and they are not adjacent by property owner. He has tried to reinforce it from council and as a person – help us help you. If the town mows it with a flail mower about three months. CM Ball said we need to stay with the way we are doing things

Susan Shortman has noticed the debris that WM is leaving. That makes the Town look bad. They don't come every week and there are piles left regularly. Everything they can't pick up quickly gets left. That makes it hard to mow the ROW.

Mayor asked if they wanted the proposed language to change the section in Chapter 11 on for first reading at the next meeting. Consensus of Council to take no further action. Leave it at staff to encourage it. Attorney said the current section of code does not refer to public ROW. CM White said he googled real property.

Dorthea White, asked if a neighbor volunteered to work around a neighbor's ditch and fell in, would the Town be held liable?

Consensus to change code to add public ROW but no other additions.

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

CM Ball: its hurricane season and he is hardening up his properties. He is getting his palm trees trimmed.

CM Vail: nothing

CM Rivet: week old email on continuation of replumbing of ditch on Flashy – do we have any idea of the schedule. TA said that cleaning of that ditch is on calendar this month.

CM Korn: excused

CM White: Wanted it in minutes that paint on the dais looks great. Dorthea has painted the sign for Public Works site. Once PW gets the posts, he will paint them.

Mayor: nothing.

P. ANNOUNCEMENTS: Openings on Bd of Adjustment and Park and Recreation Bd.

Q. ADJOURNMENT:

There being no further business to discuss and without objection, the meeting was adjourned at 8:25 PM.

TOWN OF MALABAR

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

ATTEST:

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

Date Approved: 7/15/2019