

**TOWN OF MALABAR
TOWN COUNCIL MEETING
MONDAY, NOVEMBER 16, 2015
7:30PM
2725 MALABAR ROAD
MALABAR, FLORIDA**

MINUTES

A. CALL TO ORDER, PRAYER AND PLEDGE

Chair called the meeting to order at 7:30 P.M. Prayer and Pledge let by CM Member Richard Kohler.

B. ROLL CALL

Council Chair:	Mayor Carl A. Beatty
Council Vice-Chair:	Brian Vail
Council Member:	Grant Ball
Council Member:	Don Krieger
Council Member:	Dick Korn
Council Member:	Richard Kohler
Town Attorney:	Karl W. Bohne, Jr.
Town Administrator:	Douglas C. Hoyt
Town Clerk/Treasurer:	Debby K. Franklin
Recording Secretary:	Cynthia D. Kelley

Recording Secretary stated for the record Malabar Fire Chief Christopher Robinson is also present.

C. SUNSHINE LAW PRESENTATION BY ATTORNEY BOHNE

Attorney Bohne made annual presentation to Council for the newest member(s) of Council.

D. NOMINATE CHAIR AND VICE-CHAIR FOR 2015/2016

Jeff McKnight, 2005 Flashy Lane, came forward and addressed Council. He spoke in regards to the Chair of the Council meetings.

Mayor Beatty called Skip Hard to podium; he stated his comments were to fall under item G. CM Korn called Point of Order; Hard can't speak until Item G. Mr. Hard said he would come back.

Nomination for Chair made by CM Korn for CM Vail as Chair.

Nomination for Chair made by CM Krieger for Mayor Beatty as Chair.

CM Korn read into record his statement regarding his nomination for CM Vail as Chair.

MOTION: CM Vail / CM Ball moved to re-open the nomination for Chair. **VOTE:** All Ayes.

Motion carried unanimously (5 to 0).

Nomination for Chair made by CM Vail for CM Ball as Chair.

Discussion regarding this matter took place.

MOTION: CM Krieger / CM Kohler to place Mayor as Chair. **VOTE:** All Ayes. Motion carried unanimously (5 to 0).

Nomination for Vice-Chair made by CM Kohler for CM Vail

Nomination for Vice-Chair made by CM Krieger for CM Ball

MOTION: CM Ball / CM Korn moved to have CM Vail as Vice-Chair. **VOTE:** All Ayes. Motion carried unanimously (5 to 0).

E. APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES: Mayor stated that Item #5 should be handled by staff; send an email to Council. CM Vail stated this should be left on the agenda for discussion. Item #5 remains on the agenda.

F. 1. APPROVAL OF MINUTES: Regular Council Mtg of 11/02/15
Exhibit: Agenda Report No. 1
Recommendation: Approval

MOTION: CM Krieger / CM Vail to approve 11/02/15 minutes as submitted. **VOTE:** All Ayes. Motion carried unanimously (5 to 0).

G. 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.**

Marisa Acquaviva, 1120 Baywood Court, came forward and addressed Council. She addressed Council with regards to Mr. McKnight's comments about chairing the Council meetings.

Skip Hard, 2560 Hard Lane, came forward and addressed Council regarding verbal commendations to Council for compromising this evening and moving things along. He also gave a commendation to the audience and thanked them for coming out this evening and being involved in the meeting. He also stated any comments made in blogs had any taint of falsehood. Everything was absolutely true or he would have been sued by now with all the libel and slander laws.

Liz Ritter, 2860 Orange Avenue, came forward and addressed Council to thank them for allowing her to attend the APA Planning Officials workshop on Friday, 11/13/15.

Karlene Conroy, 1865 Alexander Lane, came forward and addressed Council regarding the newsletter articles and how contentious the newsletter was with this issue. TA Hoyt spoke to Mrs. Conroy's comments; in hind-sight, there were a few things that could have been stated differently in the newsletter.

H. ATTORNEY REPORT: spoke previously

I. PUBLIC HEARINGS: none

J. ACTION ITEMS: MISCELLANEOUS: 7 items

2. SELECTION OF BILL REVIEWER FOR 2015/2016

Exhibit: Agenda Report No. 2

Recommendation: Action

Nominations: Dick Korn and Richard Kohler as bill reviewer

MOTION: CM Vail / CM Korn to name Richard Kohler as Council Bill Reviewer as part of Malabar's transparency policy for audit purposes. **VOTE:** All Ayes. Motion carried unanimously (5 to 0).

3. SELECTION OF COUNCIL CHECK SIGNATORY FOR 2015/2016

Exhibit: Agenda Report No. 3

Recommendation: Action

Nomination: Dick Korn as 4th signatory for FY 15/16 by CM Vail and CM Krieger.

MOTION: CM Vail / CM Krieger to name Council Member Korn as 4th Signatory for FY 2015/2016. **VOTE:** All Ayes. Motion carried unanimously (5 to 0).

4. SELECTION OF SCLC DELEGATE AND ALTERNATE FOR 2015/2016

Exhibit: Agenda Report No. 4

Recommendation: Action

Nomination for delegate: Mayor Beatty by CM Korn and CM Krieger

MOTION: CM Korn / CM Krieger moved to name Mayor Beatty as SCLC Delegate for 2015/2016. **VOTE:** All Ayes. Motion carried unanimously (5 to 0).

Nomination for Alternate: CM Grant Ball by CM Krieger and CM Vail. CM Korn moved to close the nominations.

MOTION: CM Krieger / CM Vail moved to name CM Ball as SCLC Alternate for 2015/2016.

VOTE: All Ayes. Motion carried unanimously (5 to 0).

5. REQUEST FOR VACATION APPROVAL TO ALLOW EMPLOYEES TO USE 4 HOURS OF VACATION FOR CHRISTMANS EVE & AGAIN FOR NEWS YEAR EVE.

Exhibit: Agenda Report No. 5

Recommendation: Action

MOTION: CM Korn / CM Krieger to approve employees using accrued vacation for the other 4 hours on Christmas eve and New Year's eve.

Discussion: CM Vail made comments to this; he is for this to give staff discretion and have staff address this in the future. CM Korn spoke to this as well. Attorney Bohne stated, for auditing purposes, the motion should be amended to change the policy regarding this matter.

AMENDED MOTION: CM Korn / CM Krieger moved to have this set as policy. **VOTE:** All Ayes. Motion carried unanimously (5 to 0).

6. REQUEST BY CM VAIL TO DISCUSS ATTORNEY'S BILLING METHODS AND ITEMIZATION

Exhibit: Agenda Report No. 6

Recommendation: Action

Discussion regarding this matter was held. CM Vail spoke to this as it is an item he put on the agenda.

Jeff McKnight, 2005 Flashy Lane, came forward and addressed Council regarding the costs of the attorney's invoices. He stated that if Council were to take care of themselves and the staffing issues at Town Hall, the costs would go down for the attorney.

CM Korn, CM Kohler and CM Ball spoke to this issue, all saying we need to be mindful of the costs to the attorney. CM Ball stated that he doesn't want to be cut off from speaking to the attorney though; he does try to speak with him prior to the meetings if at all possible but will call if he feels the need to speak to him prior to a meeting.

DTC Kelley asked if Council wants a copy of the invoice from the attorney in their mail boxes. Council stated that they want the invoices for the next several months. TA Hoyt asked if they still want it if it is within budget; Council wants the invoices until further notice. Attorney Bohne made comments to this item; he stated that things have started to level out but there have been a number of things that he has not charged the Town for using his services.

Council directed staff to provide attorney's invoices for the next three months be placed in their mailboxes for review.

7. FORMALIZE COUNCIL CONSENSUS MADE AT BUDGET WORKSHOP TO SUBCONTRACT OUT STORMWATER PROJECTS SO PUBLIC WORKS CAN FOCUS ON PUBLIC WORKS PROJECTS (MAYOR BEATTY)

Exhibit: Agenda Report No. 7

Recommendation: Action

Skip Hard, 2560 Hard Lane, came forward to address Council asking if a workshop for this was going to be put into place. TC Franklin stated no; this is based on the budget workshops held over the summer. She asked Mayor Beatty to address this. CM Vail spoke to this regarding a workshop and accessing the importance of projects. CM Korn spoke to this. TA Hoyt spoke to this.

Council is in consensus that this needs attention. This will be on the next agenda; TA is working on a list for the culverts/ditches and will present it at the next meeting. Attorney Bohne spoke to this. CM Krieger spoke to this. **No action taken at this time.**

8. DECISION ON 2ND MTG OF DECEMBER – CANCEL OR RESCHEDULE

Exhibit: Agenda Report No. 8

Recommendation: Action

Mayor Beatty spoke to this.

MOTION: CM Korn moved to table until first meeting in December; then they would know if meeting is needed. Motion dies for lack of a second.

CM Vail and CM Ball both stated this needs to be decided this evening as people may need time to make travel arrangements.

MOTION: CM Korn / CM Kohler to cancel the 12/21/15 meeting. **VOTE:** All Ayes. Motion carried unanimously (5 to 0).

K. DISCUSSION / POSSIBLE ACTION:

9. REVIEW PRIORITY OF STORMWATER PROJECTS (MAYOR BEATTY)

Exhibit: Agenda Report No. 9

Recommendation: Discussion and Direction

No action taken at this time; this will be on the agenda for the next meeting.

Attorney Bohne was excused at 9:17 pm.

L. STAFF REPORTS

TA nothing at this time; added that he did have information regarding the grant for the ADA restroom completion date. The project has until January of 2017 to be completed. CM Korn asked about the progress and TA Hoyt gave Council a status on the project.

TC reported that we do have something on the agenda for land use and then another project in January, 2017.

M. REPORTS – MAYOR AND COUNCIL

- 1.) CM Vail – supported the article in the newsletter; supports staff in bringing it to light.
- 2.) CM Ball – we want to support the Mayor; wants to see more than lip service. CM Korn & CM Vail spoke to this.
- 3.) CM Korn – a written request by any Council Member has always been honored; the last meeting did not honor his request. This is not to be discussed; we need to move on from here and in the future the request be acknowledged and adhered to.

N. PUBLIC COMMENTS: General Items (Response by Council not required)

Marisa Acquaviva, 1120 Baywood Court, spoke to the courtesy to the Chair; she spoke to Mr. Korn's comments regarding the courtesy to Council and to the Chair as she felt Council did not extend courtesy to her.

Skip Hard, 2560 Hard Lane, spoke to CM Korn's comments asking CM Korn if he was asking Town business to stop because he is out of town. CM Korn stated this was not for discussion and that Mr. Hard was out of order. He stated that if the discussion didn't stop, he would be leaving the meeting.

O. ANNOUNCEMENTS:

- (2) Vacancies on the Board of Adjustment;
- (4) Vacancies on the Park and Recreation Board;
- (1) Vacancy on the Planning & Zoning Board

Mayor Beatty announced the vacancies for each board; CM Vail encouraged anyone that would like to volunteer to do so.

P. ADJOURNMENT:

MOTION: CM Ball / CM Vail moved to adjourn the meeting. Vote: All Ayes. This meeting adjourned at 9:32 PM.

TOWN OF MALABAR



Mayor Carl A. Beatty,
Council Chair


(seal)

TRANSCRIBED BY:



Cynthia D Kelley, C.M.C.
Deputy Town Clerk

ATTEST:



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

Minutes approved:

12/07/15