

MALABAR TOWN COUNCIL REGULAR MEETING
December 7, 2015 7:30 PM

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

A. CALL TO ORDER:

The meeting was called to order at 7:30 pm by Council Chair Carl Beatty. CM Korn led the prayer and pledge.

B. ROLL CALL:

COUNCIL CHAIR:	MAYOR CARL BEATTY
VICE-CHAIR:	BRIAN VAIL
COUNCIL MEMBERS:	GRANT BALL
	DON KRIEGER
	DICK KORN
	RICHARD KOHLER
TOWN ADMINISTRATOR:	DOUGLAS HOYT
TOWN ATTORNEY:	KARL BOHNE
TOWN CLERK/TREASURER:	DEBBY FRANKLIN

For the Record, the Fire Chief Christopher Robinson is also present.

C. APPROVE AGENDA - ADDITIONS/DELETIONS/CHANGES –

Mayor passed out paper showing the agenda he sent to clerk on 12/01/15. MOTION: Korn / Vail accepts agenda as submitted posted, publicized and sent out last Wednesday.

VOTE: All Ayes

D. APPROVE MINUTES – Meeting of 11/16/15

1. Approval of Minutes Regular Council Minutes – 11/16/15

Exhibit: Agenda Report No. 1

Recommendation: Request Approval of Minutes

MOTION: CM Vail / CM Krieger moved to approve the minutes from November 16, 2015 as corrected.

Discussion: CM Ball under G public -; liable is misspelled

VOTE: All Ayes.

BCSO – gave report next. Any questions? None. Gave his business card and monthly report for Nov to TA Douglas Hoyt.

E. 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.**

Speakers Cards: Jim Mountjoy, north end of Rocky Point, representing Coquina Point HOA. This is a staging area for theft in their areas. Also a commercial enterprise – trucks full of

canoes, teach wind surfing. Then a rave on the island, called the BCSO and there was nothing they could do. They are opposed to this.

Jennifer Mountjoy, declined

Skip Hard, drainage, 2560 Hard Lane, drainage issues were listed. Have they been seen? Yes, establish an inventory of culverts in town. Hopefully they will list all of them

Wayne Abare, 2530 Rocky Pt Rd, is against the boat launch. He shows the land owned by Skora. He called town and asked for sign to put up the sign. There is some precedent for that to be a no parking area. Just south of Malabar limit, there is a mile or two available for launching. Wanted to give history of area. Mayor said he put up signs way back when and there were five.

Christine Filiberto, lived there 25 years, is the first house and gets all the riff raff – there is always trash, they bring trailers and try and launch. If the launch area goes forward, who is pushing this? County? No. Hope they can stop it. What is town going to do to protect residents? It has been a nightmare.

CM Korn said a similar request was made 12 years ago and had similar problem, CM Vail asked resident if they could develop it and monitor it and maintain it and have security. CM Krieger asked how they found out about this. She scanned Dick Korn's website. No one in neighborhood knew about this.

Wayne will contact him. To get signs back up.

Drew Thompson is not from Rocky Pt Rd. He would like to have access
It is not a whole lot of property. Non-motorized launch area. No overnight parking, no motorized watercraft. This would provide the rest of the residents an access point. He would like to have a win-win project. No boat ramp, keep it clean and keep it clear. It would lock down what is now open game. As a citizen he thinks this could be worked out for the benefit of all.

Bob Wilbur, 2500 Glatter Road wants to support this water front access. All the areas south of Malabar have been armored with rocks (after storms in 2004). It is not currently being patrolled; once it is designated for this legitimate use, the sheriff can patrol. It is a real good thing, providing a blueway/greenway connection.

- F. **ATTORNEY REPORT:** Painted Acre settlement, they have postponed the enforcement of the settlement. Mr. Foley is not doing well. It is all on hold for now. Krieger thinks there was a time limitation. Attorney will check. CM Korn asked Atty, they went through procedure, what happened? Foley presented agreement with site plan attached.
- G. **BCSO REPORT: done earlier**
- H. **PUBLIC HEARINGS: 0**
- I. **PUBLIC – RESIDENTS, BOARD RECOMMENDATIONS, HOA REQUESTS**
 - 2. **Recommendation from P&Z Board re: FLUM and R/LC Definition**
 - Exhibit:** Agenda Report No. 2
 - Recommendation:** Discussion and Direction

Speaker Cards:

Mr. Moia representing property owner of 24-acre east of three vacant parcels at SE corner of Malabar and Weber Roads.

Skip Hard, stated that the Town needs to get right-of-way from the three lots on SE corner of Weber and Malabar – who is going to ensure that? Re: proposed changes to R/LC, we have many absentee property owners – how do they get noticed. Clerk explained that there would be multiple notices sent to parcel owners via USPS as well as legal ads and property postings. This is a long process.

Juliana Hirsch, asked to pass stating her comments may be premature. She reiterated her previous statement to Council to not decrease the density from six (6 units per acre) to four (4 units per acre) in RLC.

Chair of P&Z Board Pat Reilly, then presented the Board's recommendation. He stated the last FLUM update was done in 1994. They have been working on this for the last five years. He is giving the top view of the Board's recommendation and asked if Council was looking for joint workshop to discuss this in detail? He asked if they wanted to break it up into sections. Or move forward with it as is?

CM Korn had some concerns over changing land use on Babcock that abutted residential uses. Mr. Reilly gave the rationale for their recommendation.

CM Vail said to CM Korn that this is just a presentation and at a later date they can go into workshop so it can be discussed in detail.

Mayor said P&Z should break it down. CM Vail said it should be discussed at a workshop – CB Ball agreed. CM Vail said he would like to see the added language underlined and the deleted areas shown with strike throughs for the workshop.

CM Ball said move forward with a WS – can EELs ever sell it. Mayor said conservation designations should be their first items for action.

CM Korn said lets define the workshop rules. CM Krieger said it should just be Council at first. CM Vail said there should be one representative from P&Z Board. Attorney said no final action is taken at a workshop. Generally not open for public input. He said input from staff is appropriate and perhaps a representative from the P&Z Board as well.

MOTION: CM Korn / CM Vail to place on next agenda the setting of a date for a workshop with up to one P&Z member picked by Chair of P&Z. **VOTE:** All Ayes.
Set workshop date at the 1/4/16 meeting. Do they want Chair Reilly there? Yes.

J. ACTION ITEMS:

ORDINANCES -0

MISCELLANEOUS: 0

RESOLUTIONS: 2

3. Terminate Agreement with Nationwide (Reso 25-2015)

Exhibit: Agenda Report No. 3

Recommendation: Approval of Reso 25-2015

MOTION: CM Vail / CM Korn moved to approve Reso 25-2015.

Discussion: housekeeping - fix typo in #1 sb is not are.

ROLL VOTE: 1)CM Ball, Aye; CM Vail, Aye; CM Krieger, Aye; CM Korn, Aye; CM Kohler, Aye.
Motion approved 5 to 0.

4. Eliminate Dept 539 (Reso 26-2015)

Exhibit: Agenda Report No. 4

Recommendation: Approval of Reso 26-2015

MOTION: CM Vail / CM Kohler moved to approve Reso 26-2015

Discussion: housekeeping.

ROLL VOTE: CM Ball, Aye; 1)CM Vail, Aye; CM Krieger, Aye; CM Korn, Aye; CM Kohler, Aye.
Motion approved 5 - 0.

Atty leaves at 9:20; Council took 10 minute break; reconvened at 9:30pm

K. BOARD AND COMMITTEE REPORTS

Hans Kemmler, P&R Chair, went on field trip with TA. Going to rearrange parking at Fern Crk and went to Tom Eschenberg Conservation Area. Went to Malabar Community Park and he got some measurements to define the shade sails so it will make it a lot easier to put on and off. They will get some quotes and maybe get it into the 2016 budget. They will be fixing the surface rust. And then will paint it. He wasn't aware of the north end of Rocky Point Road. He sent letter with TA authority. There is a big caved in place and it will need fill material and putting together maintenance costs. Mayor sees Jerry all the time. If you don't lease it for at least 35 years, the property will not be eligible for grant money. So do the 99 year lease. **Malabar Madness on Jan 9 at Disc Golf Park.**

Drew Thompson, Chair of T&GC, (report attached)

L. STAFF REPORTS – TA – Rain Drop Walk

TA went over the report where he summarized the tour of the first area done by he and CM Vail over the course of the last several Saturdays. He then invited Council to participate in a "Follow the Raindrop" tour of some of the stormwater problems facing the Town. It will be Saturday at 7:30AM starting with coffee and donuts at town hall followed by a 1.5 hour tour to go over these areas. CM Krieger asked what about people that can't make tour; will there be a report?

Clerk – Newsletter articles

M. REPORTS – MAYOR AND COUNCIL MEMBERS

1)CM Ball – trash on Weber Road. Told BSO of derelict boat dumped in woods off of Beekeeper.

2)CM Vail – spoke of the inability of staff to contact Mayor. As Chair he must get input from staff, residents, and daily business requirements. He believes there should be a verbal communication between Chair and Clerk's office. The emails sent back and forth are not clear. We as town representatives need to do our job. The job of Chair is to represent people and leave personalities at the door. CM Korn concurred and said it is Chair's duty to go to Clerk; that is the way it has always been done. The responsibility is yours. CM Vail asked for a commitment from Chair to communicate with the Clerk. To start the process of getting with Clerk. Work with staff on agenda preparation.

3)CM Krieger – nothing

- 4)CM Korn - nothing
- 5)CM Kohler - nothing
- Mayor/Chair - nothing

N. PUBLIC COMMENTS: General Items (Speaker Card Required)

O. ANNOUNCEMENTS:

- (2) vacancies on the Board of Adjustment;
- (3) vacancies on the Park and Recreation Board;
- (1) vacancy on the Planning & Zoning Board

P. ADJOURNMENT:

There being no further business to discuss, Chair asked for a motion.

MOTION: CM Ball / CM Korn to adjourn. **VOTE:** All Ayes. The meeting adjourned at 10:30 PM.

BY Carl A. Beatty
Mayor Carl Beatty, Council Chair

(seal)

ATTEST:

Debby K. Franklin

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

Date Approved: 01/07/15