

MALABAR TOWN COUNCIL REGULAR MEETING MINUTES

JULY 15, 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 White led P&P.

B. ROLL CALL:

CHAIR:

MAYOR PATRICK T. REILLY

VICE CHAIR:

3) STEVE RIVET

COUNCIL MEMBERS:

1) GRANT BALL

2) BRIAN VAIL

4) DICK KORN

5) DANNY WHITE

TOWN ADMINISTRATOR:

MATT STINNETT

TOWN ATTORNEY:

KARL BOHNE

TOWN CLERK/TREASURER:

DEBBY FRANKLIN

C. APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES: Clerk asked to add Ord 2019-10 regarding qualifying period for 2019 ballot per SB 7066 which requires the Supervisor of Election to mail out ballots prior to primary and increased the time between the primary and the general election to eleven weeks. That means Malabar must submit their election information to SOE by August 16, 2019.

D. CONSENT AGENDA:

1. Approval of Minutes

Regular Town Council Meeting Minutes 7/01/19

MOTION: CM Vail / CM Rivet to approve the 7/1/19 regular meeting minutes as submitted.

Discussion: none. **Vote:** 5 Ayes

E. ATTORNEY REPORT: Nothing currently.

F. Sheriff Report: Issue with new program for reporting of three zones, Palm Shores, G-V and Malabar. Had stolen vehicle, with arrest. Corey Road and Benjamin and has written quite a few citations. CM Korn notice them on Weber. Glad to hear they are being aggressive. CM Ball asked about how PB police is pulling cars over within Malabar. Deputy said they can stop if running radar in Palm Bay. CM Ball said it has happened twice. Report of reckless driver could be coming from north or south. CM Vail said about vehicle burglaries on Howell Lane, unlocked vehicle.

H. STAFF REPORTS:

ADMINISTRATOR: TA stated re: TPO/TAC mtg – working a development action plan to reduce fatalities. Approved the long-range goals. Looked at short range plan. 1.7 mil for next year at intersections. 4.4 mil in 2022, and another 1 mil in 2023 for widening project. We are #5 on priority list. Re: 528 doing SW improvements, had an interesting item, instead of buying up tracts of lands for SW ponds, they are taking the money to do septic to sewer conversions and believe that will have a bigger impact on improving the water quality of the IRL.

CLERK: Stated that we are working diligently on a records management / retention project that ultimately will provide all permanent records access via Laserfiche program stored on the cloud. There will also be an online portal for citizens to access public records. We will be using an affiliate of the Municode Corp that codifies our ordinances. This has become necessary because we are running out of physical space at Town Hall and in our storage unit. This will be a budgeted item in the next budget year as there will be an annual subscription and support cost of approximately \$3,600.00. The initial work will be funded from the surplus in the Administrative account and the Building Department restricted reserves on deposit.

I attended the BCCCA meeting today to get the updated election information. Supervisor of Elections Lori Scott and two of her staff spoke at the meeting. They informed us that FS 100.061 changed the primary dates by pushing them out 11 weeks before the general election. That makes our deadline to provide her office with candidate and referendum information outside the current timeline. Our deadline is 8/16/19 to have our election information to the SOE. That means we have to adopt an ordinance that will change our qualifying period to one week; from 8/7/19 – 8/14/19.

We had to do this in 2008 when the legislature changed the date for the primary. In that case the Legislature approved the bill in 2007 to go into effect in 2008. This time the Legislature approved the bill in the 2019 session and it went into effect on July 1, 2019. Most cities in Brevard that hold elections every year only have a one-week qualifying period.

This also means that if we are going to put a referendum question on the ballot to increase the millage by 1 mil for the 20/21 FY we must have it on the next agenda. We would propose to provide a draft ordinance increasing the millage by 1 mil for your review at a workshop to be held after the road workshop on 7/29/19. Then we could have the first reading on 8/5 and the 2nd reading at a special mtg on 8/12/19 and have it to the SOE before the deadline of 8/16/19.

No objection to add Ord 2019-10 to agenda as item 2.A changing the qualifying period.

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:

K. UNFINISHED BUSINESS/GENERAL ORDERS

L. ACTION ITEMS:

ORDINANCES for FIRST READING: 1

2. Amend Chapter 11, Section 11.8 (a) Providing for Public ROW (Ord 2019-09)

Exhibit: Agenda Report No. 2

Recommendation: Action – Approve First Reading of Ord 2019-09

Ordinance read by title only.

MOTION: CM Vail / CM White to approve 1st reading of Ordinance 2019-09.

Discussion: CM Ball said he read this and had a couple of calls – we continue to be reactive – not proactive; would this make it more reactive. The wording states it will be kept litter free. Does this mean if there is trash on curb for WM pick up, there is a violation? CM Rivet said we have been talking about encouraging the mowing of ROW. He is opposed to that. CM Korn said that we currently keep the mowing done between edge of property and roadway. CM White said we put this to rest at the last meeting; gave direction to staff to not make language more restrictive to property owners. There are times when tires and treated lumber are hauled out and that material will not be picked up. CM Vail is not for proactive code enforcement, but when somebody does complain, is the code adequate to react? His understanding is this is a housekeeping issue.

Roll Call VOTE: CM Ball, Nay; CM Vail, Aye; CM Rivet, Nay; CM Korn, Aye; CM White, Aye. Motion carried 3 to 2.

2.A. Ord 2019-10 (added at beginning of meeting)

Ordinance is read by title only.

MOTION: CM Rivet / CM Ball to approve Ordinance 2019-10 to Aug 7 to 14. CM Vail and Rivet would like it to include two weekends. Franklin explained if they add an additional week then it would start on 7/31/19 – before the ordinance was adopted on 8/5/19.

Roll Call VOTE: CM Ball, Aye; CM Vail, Aye; CM Rivet, Aye; CM Korn, Aye; CM White, Aye.
Motion carried 5 to 0.

RESOLUTIONS: 0

MISCELLANEOUS: 0

Chair excused the Attorney at this time.

M. DISCUSSION/POSSIBLE ACTION:

3. Petition to Remove Stop Sign at Corey Road and Benjamin Road

Exhibit: Agenda Report No. 3

Recommendation: Discussion and Direction to Staff

They have been addressing it from the motor unit. He doesn't have issues. He has had them going up to 55mph. He asked his opinion, based on the traffic, he thought it needed to be there. It is slowing down the traffic. CM Ball with the noise. The screeching is from the people not paying attention.

Deputy said you could add speed bump. Have an opinion of the motor vehicle - CM Korn said he did homework on this today. Many of these addresses are not in Malabar. Beverly is a resident. 6 on first page are registered voters, pg. 2 and 3 no registered voters and the homes are in G-V. Last page are two registered voters. He believes in traffic control. Corey is as bad as Weber. There are advanced signs on all the stop signs. We've got animals, children and driveways, we got reckless and careless drivers. He is an advocate for public safety.

MOTION: Korn / Rivet to leave the stop sign up and get more enforcement. CM Vail said they have addressed it and are working it aggressively. Let the sheriff do their job. CM White was there this morning and he was priming the posts. We do have the advance signage. All the vehicles that he witnessed stopped properly.

Vote: All Ayes.

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

Jose Merino, 1720 Benjamin road. He read the statement he handed out to all of Council. He asked why the Mayor made the comments to come in and record. If you made this recording available, you may get more participation.

Mayor responded that he had asked him on a couple of occasions where he posts these videos. He was told they are on youtube and he can't find them. CM Korn said Jose should be commended for what he has been doing. CM Vail said thank you for what you have been doing. The Town can't afford to do the retention portion. CM Rivet also thanked him. CM Ball thanked him, and he is not on social media. Jose said it is on youtube under Malabar meetings and on Malabar next-door.

O. REPORTS – MAYOR AND COUNCIL MEMBERS

CM Ball: nothing

CM Vail: nothing

CM Rivet: Mentioned the continued presence of junk boats near him on vacant land. TA said he brought in a trailer to take out boat tower. He hasn't checked today.

CM White: Will be attending the FLC Advocacy mtg this Friday in Kissimmee. The SCLC has proposed six visits to Tallahassee, funded by the SCLC at no cost to the cities. If he goes he can promote SCLC and FLC actions – not Malabar issues. Regarding a ballot issue, he would propose it for an even year; not on the odd year when there is a much lower turnout. If we ask the people of Malabar, we should wait until we have more input from voters.

CM Korn: Let the people know the issues that will be on the ballot. He will be contacting the sheriff and thank him for the increased enforcement and remind him to continue.

Mayor: nothing.

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 8:30 PM.

BY: _____
Mayor Patrick T. Reilly, Council Chair

ATTEST:

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

Date Approved: 8/5/2019