

MALABAR TOWN COUNCIL REGULAR MEETING
August 18, 2014 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 Steve Rivet. The prayer and pledge were led by Council Mayor Carl Beatty.

B. ROLL CALL:

COUNCIL CHAIR	STEVE RIVET
VICE-CHAIR/MAYOR:	CARL BEATTY
COUNCIL MEMBERS:	JIM MILUCKY
	WAYNE ABARE
	DICK KORN
	MARISA ACQUAVIVA, excused
TOWN ADMINISTRATOR:	BONILYN WILBANKS
TOWN ATTORNEY:	KARL BOHNE
TOWN CLERK/TREASURER:	DEBBY FRANKLIN

For record Asst Fire Chief Dan Welton is also present.

C, ADDITIONS/DELETIONS/CHANGES: Clerk asked to pull 1c as I have not sent it out as promised. Hopefully will be sent tomorrow.

D. CONSENT AGENDA:

1a. Minutes of: RTCM 06/02/14, 06/16/14, 07/07/14, WS 07/15/14 and RTCM 7/21/14
Exhibit: **Agenda Report No. 1a.**

1b. Budget Adjustment (Reso 23-2014) A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PERTAINING TO A BUDGET ADJUSTMENT IN THE FISCAL YEAR 2013-2014; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 1b.

1c. Financial for July and Budget to Actuals for Oct – July, 2014 - pulled

Exhibit: Agenda Report No. 1c.

Recommendation: Approval of Consent Agenda with roll call vote on Reso 23-2014

Discussion:

Minutes of 6/16/14 page 7, 4th line typed wrong name – has been corrected Brian sb Jason. Also the reference to “his” should read “Jim” in 7/21/14 minutes on pg 2.

MOTION: Dick / Wayne to approve consent agenda with corrections.

ROLL CALL VOTE: 1)Milucky, Aye; Abare, Aye; Korn, Aye; Acquaviva, Excused; Rivet, Aye.
Consent Agenda and Reso 23-2014 adopted 4 - 0.

E. PUBLIC COMMENTS: Comments may not address subsequent Agenda Items. Comments do not require Council response. (Speaker Card Required) **Five (5) Minute Limit per Speaker**

Speaker's card - Chair asked Drew Thompson to come forward; he has his Brook Hollow S/D hat on tonight. Thanked Council and Mayor for their service. Best judgment with resources available. The status of the bridge, roads and sidewalks. Was here on 7/21 and conveyed request that he could

bring back evidence to HOA that something is being done. If there is no communication, he has the perception that nothing is being done. Asked for information on bridge repair now and eventually the sidewalks and roads. If the Town does not resurface the roads, the re-paving will be more expensive.

Chair asked TA to report. She reported that she brought in a bridge repair specialist and he and Town Engineer Morris inspected the bridge on Saturday. They needed to determine how much dirt has been lost. He will meet again with specialist this week and put prices together and bring back to Council. Re: roads, asked Council to drive over there and check them out and compare with other roads needing attn. She challenges anyone to find that their roads are any worse than west Hall Road.

Steve said they are working on bridge issue full speed ahead.

Dick said the dirt road (Briar Creek Blvd ROW) from Malabar Road to the gate of BH. That should be the first priority as an emergency exit for the residents of Brook Hollow. Drew responds that the bridge is their first priority. Ultimately is a matter of safety. Sidewalks are tertiary or secondary. Be aware that that fixing a BH road now will prevent a more expensive fix 3 years from now. Current weather issue (daily rainstorms) are preventing PW from fixing potholes in roads. Drew said perception is reality. It has been 3 days shy of 30 days since last update from Town.

F. ATTORNEY REPORT –

Karl gave update of AAF and County response. We have received an updated agreement for RR maintenance agreement. County has asked for a postponement until after 9/16. They will decide what to do and cities will most likely follow. Has meeting with Atty to go over Bert Harris claim.

G. BREVARD COUNTY SHERIFF'S OFFICE REPORT – Major DeSantis is present.

Major DeSantis asked if there was any more they could provide for more info on services. Chair said they have offered the use of the Mailboat to put the Sheriff's article from his letter.

Dick has a website and he got a call from the Sheriff directly. He doesn't want to get into discussion of how the newsletter on WM survey. Early voting – last year was 40% of Malabar voters did early voting. Do it in a timely fashion. Jim said if Sheriff wants to directly contact the residents, he can mail out a postcard. This is the first time we are putting in the dollars being spent. Let them know what they are getting for the money spent on MSTU. Major DeSantis said you get about 4 MSTU deputies. They only have one GF deputy. They can't have that level of staffing if the MSTU is not paid.

H. MALABAR FIRE CHIEF:

Fire Chief went over report – response time. Those response times are included in the matrix. Going forward he would like to give overall average response time. And then give response time without mutual aid calls. Those are the ones that more accurately reflect the response time within Malabar. So they will get a cumulative and then a Malabar only.

Brush 499, (the vehicle stuck in Cameron Preserve) got help from FD staff, Brian Vail and volunteers; they bent back the bumper, Brian Vail welded the cracks. They have replaced all the fluids. TA asked about cost. Less than \$100.00, There is a starter issue probably from sitting in the water; may have to replace it going forward. Jim stated to Dan that he appreciated his service.

Jim said it was his understanding that Dan was not involved in the budget process. Dan said all he did was pass on a list of items to Chief. TA gave a nice list of items needed for the FD. Does not include the truck that 3/5th of council approved. TA said that was approved in the current year.

Jim said this list is what they wanted. It's like kids asking for everything. Can he go over these items and be prepared to speak at next Monday's budget workshop and help with listing the priorities. He referenced how the Engineer used A, B, or C.

Jim said he would have asked the Chief if he were here. Going on record as being unkind to FD so he is trying to be extra nice. Dan said he could give his professional opinion tonight. When the Chief comes back he will be the one speaking to Council. That is the chain of command.

Wayne said Sat he was coming back from FLC and stopped at Town Hall at 1PM. BCSO flew by, then our Squad and then ladder truck. Then they pulled off Hwy 1 onto dirt/grass area on south bound side. What was going on? Dan said when they are going into an unsecured area; they wait for law enforcement to secure the scene. Wayne asked why the ladder truck. That is the call of the Lt on duty. Perhaps it was the way the call came through. Dick said isn't it SOP to send both.

I. PUBLIC HEARING: 1

2. Adopt Resolution 22-2014 Certifying Storm Water Assessment

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING CERTIFICATION OF ANNUAL STORMWATER UTILITY ASSESSMENT ROLL FOR FY 2014/2015 FOR THE STORMWATER UTILITY; PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 2

Recommendation: Request Adoption of Reso 22-2014

Chair read by title only. Clerk said this is the estimated assessment from Brevard Cty PA office.

PH opened: none. PH closed.

MOTION: Dick / Wayne to adopt Reso 22-2014 certifying assessment of 68,797. Discussion: Franklin said we have collected 66,214 thus far this year. Dick asked if this raised the percentage. No, we kept the percentage the same.

ROLL CALL VOTE: Milucky, Aye; 1)Abare, Aye; Korn, Aye; Acquaviva, Excused; Rivet, Aye.
Reso 22-2014 adopted 4 - 0.

J. PUBLIC: COMMENTS FROM TOWN RESIDENTS:

3. Recommendation from Park and Recreation Board re: Additional Clearing of 17-acre Conservation Property known as Thomas M. Eschenberg Memorial Park.

Exhibit: Agenda Report No. 3

Recommendation: Request Action

Discussion:

Recommendation from Park & Recreation Board – TA does not support this request. Wayne said it seems to be used by many. Dick said perhaps he can shed some light on this. The area that has already been cleared is the area they want to be kept maintained; it is not an additional 100 feet. Clerk said that is not what the minutes reflect. The acreage is designated as conservation that is intended to be maintained in its natural state; conserving the natural resources.

Dick said there is a group that does horseback riding and programs for children. They do a lot of that training next to him. What Pat is looking for is to do trail rides in there. If you are going to consider letting the scouts use. Tell them we are not prepared to look at that now. Developing too much. Wayne said at dedication it was not wet season and still most was wet. Council suggests the use of the Sand Hill Trailhead where they have a pavilion and haddocks for horses.

Council took no action.

K. ACTION ITEMS:**ORDINANCES: First Reading - 1**

4. Approve Referendum Question for 2014 Ballot (Ordinance 2014-15)
 ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY FLORIDA; CALLING AND SCHEDULING A REFERENDUM ELECTION TO DETERMINE IF THE TOWN'S ELECTORS AGREE TO A 1 MIL INCREASE OF AD VALOREM FOR A PERIOD OF TWO YEARS TO COVER THE EXPENSE OF FULLTIME COVERAGE AT THE MALABAR FIRE DEPARTMENT; PROVIDING FOR THE MANNER IN WHICH SUCH ELECTION SHALL BE CONDUCTED; ESTABLISHING THE FORM OF THE BALLOT FOR SUCH ELECTION; PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 4

Recommendation: Request Approval of Ord 2014-15 on 1st Reading

Chair read Ordinance by title only.

MOTION: Wayne / _____ (no second) to

Discussion: motion dies for a lack of second

RESOLUTIONS: 0**MISCELLANEOUS:****5. Renew Cooperative Agreement with Brevard County**

Exhibit: Agenda Report No. 5

Recommendation: Request Action

Chair asked TA to introduce. She said it has been 5 years. It has now expired. They wanted to put it back in place and the municipality has to start the process.

MOTION: Jim / Wayne to approve renewing coop agreement.

Discussion: Jim said this is a kind of a back stop to a previous council action. There was money budgeted (746K) and the last time this was discussed. We wanted to encourage County not take the money and leave it there. This is the document that preceded the resolution to ask them to keep money earmarked. It does not cost us anything. Mayor said we are just renewing an option. Wayne agrees with them. It keeps them for taking the money and using for something else. It would be a shared location. They may share common costs with us. It's worth a shot. There is no downside. Dick asked if this is limited to the potential project. Yes. And for a specific location. Yes. We can't use the 15 acres on the east side. He would also like to see a little more cooperation between Town and EELs. TA said they have a much better relationship than we did seven years ago. TA said the Scientist and environmentalist rule.

VOTE: Ayes: 4 Nays: 0; Motion Approved 4 to 0.

6. Evaluate Road Improvement Schedule 2014/2015

Exhibit: Agenda Report No. 6

Recommendation: Request Action

Mayor spoke to this. He identified the roads. When he started this they were talking about cold patching to seal the road from raveling. The last two roads are west end of Hall and Old Mission. He considers these "A" projects.

Chair said they are listed in the priority.

Next one is Glatter and it is the worst road in town. He believes they can patch the bad spots and then chip and seal. It is about 1/4 mile. TA needs to get in touch with vendor now and set appointment. We'll show him the roads and he'll provide costs. TA said we are no longer using millings; they have gone to crushed concrete.

Chair asked Mayor to coordinate with Drew to look at BH roads. Wayne said there is a big pot hole on Jordan and they pay a lot of taxes and we should fix this pothole.

Wayne said that is the part that is hard – telling someone that another road is worse than theirs.

TA said we have a good vendor that we have the open contract on from Duval County. Mayor said if a golf cart goes off the edge and there is a 6" drop. Since we allow them we need to fix the edges. Chair said Mayor should look at CC roads too and get them prioritized. Dick said which first. Mayor said fix voids first. Crack on Weber maybe can be sealed. Chair said get some cost estimates. Atty excused at 9:10pm

L. PRESENTATION:

M. PROCLAMATION:

N. STAFF REPORTS:

ADMINISTRATOR:

LMS grant will be heard on Sept 29, 2014 thru EOC. Budget Summary was given out tonight.

Jim asked about the phone system. Still fried and waiting on part because the system is so old. Same thing happened to him and he bought a spare box for 50.00.

CLERK: Candidate Qualifying 15-29 of August, 2014. Wayne asked who had picked up and clerk replied.

O. DISCUSSION ITEMS:

P. REPORTS – MAYOR AND COUNCIL MEMBERS

3) Jim – The budget is a hotter topic than normal. Glad they went and looking forward to their report. Wayne said his comments are always interesting.

1) Wayne – 3 of us were at annual mtg at FLC. The latest rules for public records. He listened for about a half hour. It is pretty a scary issue. Dick said 2 of the seminars mentioned to. Dick has asked him (a state legislator) they have passed a lot of laws that are bloopers. He compared to ESPN. The next item, several months ago he looked into the FD and he brought that to Council and we had two W/S with FD and they became concerned that there were many times that the station was not covered. At the conf, Ken Small, if you need to go get money. It is easy – they'll collect it. Special Assessments are not easy. You have to come up with an allocation you can defend. Try and do that with raising millage. We don't have 120K lying around. It would be a year before we could collect it. What else can he do?

5) Steve, go thru budget and if you have questions then please call staff so they can clear up. Steve said he would have voted.

2) Dick delighted with the learning he had at the FLC conference. Biggest thing he came out of it with is the emphasize on public records. Also in trying to reach the younger crowd and using twitter and Facebook it can create a huge problem. The presenters said it is better to not use these methods because of potential sunshine violations. Two more seminars he went to and they said stay away from Face Book, etc. It's a one way street. He will update his website with the language. Interestingly the State Legislature has exempted themselves from the Sunshine law. Wayne said he can say he disagrees with member. First bite of the apple. If they are responded to then it is a violation.

) Marisa, excused.

4) Mayor, said he will meet with Drew any time except Sat am because he will be at Wickham to see the veterans off.

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

R. ANNOUNCEMENTS:

One (1) vacancy each on the Planning & Zoning Board, Board of Adjustment, Park and Recreation Board and the Trails & Greenways Committee

S. ADJOURNMENT:

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

MOTION: Jim / Dick to adjourn. **VOTE:** All Ayes. The meeting adjourned at 10:05 PM.

BY: Steve Rivet
Steve Rivet, Council Chair

ATTEST BY:
Debby K. Franklin
Debby K. Franklin, C.M.C.
Town Clerk/Treasurer

Date Approved: 9/8/2014

(seal)