

MALABAR TOWN COUNCIL REGULAR MEETING
August 3, 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 7:31 pm by Council Chair Mayor Beatty. CM Vail led the prayer and pledge.

B. ROLL CALL:

COUNCIL CHAIR:	MAYOR CARL BEATTY
VICE-CHAIR:	MARISA ACQUAVIVA, excused
COUNCIL MEMBERS:	GRANT BALL
	BRIAN VAIL
	DON KRIEGER
	DICK KORN
TOWN ADMINISTRATOR:	BONILYN WILBANKS
TOWN ATTORNEY:	KARL BOHNE
TOWN CLERK/TREASURER:	DEBBY FRANKLIN, excused
DEPUTY TOWN CLERK	CYNTHIA KELLEY

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

C. ADDITIONS/DELETIONS/CHANGES – Mayor moved the Sheriff's report to top of the meeting and a report on the TA update as a discussion item before the minutes. CM Krieger suggested it be after the minutes and the oral reports. CM Vail said to make it H1; general consensus of Council.

At this time, the Sheriff came forward to give his report. Lt. Reyes came forward and stated that he reports on the serious crimes. There were two burglaries; one was a home burglary and the other was a vehicle burglary. This could have been prevented if the vehicle was locked. There was one narcotics arrest and one theft incident. We are relatively safe at this time; he said he wished he lived here. TA Wilbanks stated that she did not receive this month's crime report. Lt. Reyes stated he would let his office know; they have a new program. He gave TA Wilbanks his copy of the report.

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| 1. <u>Approval of Minutes</u> | Regular Council Minutes – 7/20/15
TA Sel Com WS Minutes – 7/16/15, 7/27/15
TC Budget WS Minutes – 7/14/15 |
| Exhibit: | Agenda Report No. 1 |
| Recommendation: | Request Approval of Minutes |

MOTION: CM Krieger / CM Vail moved to approve the minutes from July 20, 2015 as corrected.

Discussion: Vail stated on page 5, regarding slope mower, he spoke to Bill with Everglades and mentioned it is a sensitive subject and it needs to be repaired with minimal financial impact; strike "to the best of their ability".

CM Krieger stated the first page of the minutes should say "joint" committee (second motion). On page 5, put in FLC Conference for Marisa's comments.

CM Korn asked if the TA has the authority to close roads. Wilbanks stated that this was not the request made; there is a property (Mr. Mckool's property) with a driveway being used as a

throughway; THIS ITEM PULLED AT REQUEST OF TA. Take out "this will be handled under her authorization"; put under #3 item.

VOTE: All Ayes.

MOTION: CM Ball / CM Vail moved to approve the Workshop minutes from July 14, 2015 as presented.

Discussion: None

VOTE: All Ayes.

MOTION: CM Krieger / CM Vail moved to approve the Workshop minutes from July 16, 2015 as presented.

Discussion: None

VOTE: All Ayes.

MOTION: CM Krieger / CM Ball moved to approve the Workshop minutes from July 27, 2015 as presented.

Discussion: CM Krieger, page 3, Phil Crews gave 4 names given, not 5. Then he said to include Drew Thompson and Jeff McKnight because they are both local. CM Korn stated that is what he said. CM Krieger wants the verbatim of the minutes regarding what Mayor Crews said in the minutes.

AMENDED MOTION: CM Vail / CM Krieger moved to table approval of the minutes of July 27, 2015 until such time the verbatim minutes are reviewed. VOTE: All Ayes.

D. BCSO Report – see Sheriff's report before the approval of the minutes.

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.**

F. ORAL REPORTS – BOARDS

Park Board – CM Korn stated that Hans Kemmler called him as he would not be available this evening. He asked that CM Korn inquire about the status of the shade structure, said it needed to be replaced. TA Wilbanks gave a brief update to the status of this. What was recommended to Miliore was to see if the piece could be fixed and they are looking at pricing for a new one. It will be in the FYI report. The structure has been shortened due to all the stitching. Pricing for a repair and a new structure will be brought to Council to be looked at. CM Korn asked about Playmore and if we are still looking at them for assistance. They sent a structure that wasn't what was ordered. TA Wilbanks asked why we accepted what we didn't order. CM Korn stated to ask her predecessor. Mayor Beatty gave a brief overview of the shade structure. We have made good use of the structure; they replaced the original structure with a new one when there were issues; replacing it under warranty. TA Wilbanks stated that the actual pieces of equipment have been replaced under warranty as well.

T&G Committee – Drew Thompson came forward and made a short power point presentation. There is a full committee with no openings. He feels that they will be doing more for the Town and is very excited. Meetings are held the second Monday of each month. He spoke of the ADA restroom. There is some movement there and almost ready to have the structure delivered. TA Wilbanks stated that there are issues with the well; will need a new well, we have 2 companies and we are getting quotes from them. We are still looking for the plumber's input for this as well. Briar Creek Boulevard is a win for the Town; being used already. The lagoon

trail head at the north end of Rocky Point Road; they are working on this. Another trailhead as a lagoon at Nelson's Landing, north of Goat Creek. A letter is being sent out for a possible interest. Cameron Preserve with southern routes planned. Planning to put trees at the north end of Corey Road. They have a project list; working with the maps and the kiosks. Mayor Beatty gave information regarding the Nelson property. CM Korn gave information regarding the Nelson property as well. TA Wilbanks stated that TC Franklin would be able to give information regarding this. Hoping for the east side but will work to see what can happen with this. If he were to be interested, we would dub it Nelson's Landing. TA Wilbanks gave information regarding the platting of the property and a meeting held. It was 6 lots that was plotted out; the east side was part of this. CM Ball asked what the conditions of the trails are with all the rain; are they passible? Thompson stated that they are passible and being used. Need to have some pressure cleaning for the kiosk; muddied with someone spinning out before leaving.

P&Z Board – no one present to make a report

G. PRESENTATION BY CHIEF ROBINSON – STAFFING NEEDS

Chief Robinson came forward and gave his presentation; a brief overview of what was provided. This people are providing way more services they just fire. He went through this information. He stressed to Council the liability to the Town and to the Fire Department. TA Wilbanks provided information to Council for the 4 full timers and 4 part timers; it will be discussed at the next budget workshop. Full timers will have full benefits; part timers get FRS only. Mayor Beatty stated that he wants the full costs of fire truck that won't work. We don't have enough information tonight to make any decisions. Chief stated that what we are talking about right now is staffing to protect the residents. Mayor Beatty stated that there are many facets to this; PW has issues as well. Doesn't want to vote on 1 item and have to come back next week. He wants all the information; good or bad. Chief stated that he would like to see 30 to 40 volunteers that live in town and do away with the full time people but that's not going to happen. He understands that it's a big chunk to look at but it's a huge liability. We can't continue to sit on the fence to see which way the wind blows. We are planning to the future.

Korn made a suggestion for the budget workshop; establish a savings account that can be used for major equipment. That would address your concern with the equipment. We have a whale of a bargain with our fire department. He crunched figures several months ago; we would be spending over \$500,000 for the County. We would have to give up the property and equipment and building. CM Korn thanked him for doing whatever he's doing and keeping everyone happy. He's heard from PB that Malabar is doing great. CM Vail concurs with what CM Korn is saying; the most critical need right now is the staffing. TA Wilbanks stated that Chief Robinson will not be available; wanted the presentation done this evening so he could answer questions. He would like to know sooner than later if this is something Council is looking at. He anticipates losing 2 more people to career departments very soon. TA Wilbanks stated that he would know something after his trip.

Attorney gave a brief report, the reason for the cancellation of the executive session was to get a draft of the agreement and present it before the meeting. He wanted Council to be able to read it and ask questions. There was no written agreement; move the meeting to the 17th at 7:00 pm for executive session; will have a draft of the agreement before the meeting. Vail stated he would not be at that meeting. Can have a candid discussion without outside influence. You can't take formal action at the closed session; must be in an open meeting to do so. CM Krieger asked about having the executive session at the front of the TA selection committee workshop and then do the vote a week later. CM Vail will not be present. CM Krieger stated we could

have the meeting and vote on it later. The first meeting will be 9/8/15 as the 7th is Labor Day. Do executive session on 9/8/15 at 7:00 pm; hold the council meeting on 8/31/15 and cancel the 17th meeting.

(Clerk's note: The Council voted unanimously on July 20, 2015 to hold the first meeting in September on the 14th and that date would be printed on the TRIM notice.)

MOTION: CM Krieger / CM Vail move meeting of 8/17/15 to 8/31/15 as a RTCM.

AMENDED MOTION: CM Krieger / CM Vail to have RTCM 8/24/15 instead of 8/17/15 to include the closed executive session. **VOTE:** All Ayes.

H. ACTION ITEMS:

ORDINANCES FOR 1ST READING Ordinance 2015-03

2. AN ORDINANCE OF MALABAR, BREVARD COUNTY, FLORIDA, AMENDING ARTICLE IX OF THE LAND DEVELOPMENT CODE RELATING TO OFF-STREET PARKING; PROVIDING FOR COMPUTATION OF PARKING SPACES; ADDING A PROHIBITION OF NON-CONTIGUOUS AND OFF SITE PARKING; PROVIDING FOR OFF STREET LOADING; PROVIDING FOR SURFACING REQUIREMENTS; AMENDING ARTICLE XX PROVIDING FOR DEFINITION; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 2

Recommendation: Approval of 1st Reading

Mayor read by title only:

MOTION: CM Korn / CM Krieger to approve Ord 2015-03.

Discussion: None

ROLL VOTE: 1)CM Ball, Aye; CM Vail, Aye; CM Krieger, Aye; CM Korn, Aye; CM Acquaviva, excused.

Motion carried 4 to 0.

MISCELLANEOUS:

3. ILA with Brevard County for E-911 Services

Exhibit: Agenda Report No. 3

Recommendation: Discussion and Action

MOTION: CM Korn / CM Vail moved to approve the ILA less the address fees charged for the work that we are doing.

Discussion: TA Wilbanks gave a brief overview that allows for us to not pay a fee because we do the addressing ourselves. CM Krieger asked why we have to do anything. TA Wilbanks stated that a meeting was done in March; the agreement expires September 2015. CM Krieger asked who decided to write the letter; TA Wilbanks stated that it was TC Franklin

MOTION: CM Ball / CM Vail moved to table this discussion. **VOTE:** All Ayes.

CM Vail stated he wants this on the August 24th meeting. CM Krieger asked if TC Franklin has the authority to send this letter out. Bohne stated that it is not good to do legal services if you are not an attorney. CM Krieger stated he remembers a conversation at a Council meeting that Council doesn't want anything to happen without their knowledge. He knew nothing about this.

4. Appoint Town Representative to TAC/CAC Board to Replace TA

Exhibit: Agenda Report No. 4

Recommendation: Discussion and Action

Discussion: Mayor Beatty stated that it should be for the quarter and then after the election choose a new member. The meetings are held once a month on the second Monday at 9 am in Viera. The meetings last until about noontime.

It is the general consensus of Council to have CM Krieger as interim representative.

5. Approve TA Sel Committee Recommendation to add additional person for phone interview

Exhibit: Agenda Report No.5

Recommendation: Discussion and Action

MOTION: CM Korn / CM Krieger moved to formally approve the TA Selection Committee action on July 27, 2015 providing for an additional interviewee.

Discussion: CM Krieger wants the written material from this interview as soon as possible. CM Vail stated that he is working on this and should have it to Town Hall by Wednesday.

VOTE: All Ayes.

MOTION: CM Krieger / CM Korn to disband the TA Selection Committee at the next meeting after collecting the homework of the committee and the last phone interview at the adjournment of the TA Selection Committee.

Bohne stated that Council could be criticized for having an action item that was not on the agenda. Vail asked if it would be better for a general consensus instead of a motion.

CM Vail stated he wants it on the agenda for the workshop to collect the ranking paperwork on the agenda. Bohne stated Council could have a special meeting following the TA Selection Committee Workshop to disband the committee. CM Korn stated that the committee should make their recommendations to Council; this can be a special meeting. Bohne stated that staff needs to know what to do to get ready for these meetings.

MOTION: CM Krieger / to call a special meeting after the TA Selection Committee.

AMENDED MOTION: CM Krieger / CM Korn moved to have a special meeting after the TA Selection Committee Workshop with the only subject of the agenda to disband the committee.

VOTE: All Ayes.

Kelley asked Council to allow her to repeat this information back to make sure that she has the correct information so staff can take care of the meetings. The topics for the agenda or the TA Selection Committee Workshop of 8/10/15 are: prayer/pledge; telephone conversation reviews and collection of the ranking homework from the Committee along with possible comments from the Committee Members.

It is the general consensus of Council to have staff prepare the agenda with these topics listed for the TA Selection Committee Workshop of 8/10/15.

Attorney Bohne was excused from the meeting at 9:40 pm.

I. STAFF REPORTS –

Clerk – nothing to report at this time.

TA – the budget pages will be coming out tomorrow; they will include the information for the additional staff for the Fire Department, both full-time and part-time numbers.

Since Council has changed the meeting date from the 17th to the 24th of August, tonight will be her last meeting. She will, if Council agrees to it, extend her resignation until the end of the month. If not, this will be her last meeting. CM Krieger stated that unless it is a contract as a consultant, he would not be for this. CM Korn asked why we don't hold her in standing. CM Krieger stated that the resignation was turned in and accepted; a new contract as a consultant needs to be presented to Council for consideration. She will not be held on as the Town Administrator. He wants to see a new contract from the attorney with the conditions spelled out and the type of consultant she would be. CM Korn stated that she offered to extend when this

first came about; why not just extend it. CM Krieger stated that he's had issues with doing this in the past; it's not a good idea and he would not support it. CM Ball spoke and was in agreement with CM Krieger. CM Vail stated he didn't see why it couldn't be extended to the 25th of August. CM Krieger stated the resignation has been accepted and there is no contract. TA Wilbanks stated that her contract doesn't have an end date on it. CM Krieger stated she is not the Town Administrator after the 19th of August. We could add this to the special meeting agenda for August 10th if a contract can be worked out and provided to Council for review prior to the meeting date.

MOTION: CM Korn / CM Ball to add consideration of a contract with Bonilyn Wilbanks as a consultant to the Town of Malabar at the special meeting of August 10th in addition to disband TA committee. **VOTE:** All Ayes.

J. REPORTS – MAYOR AND COUNCIL MEMBERS

- 1)CM Ball: nothing at this time
- 2)CM Vail: nothing at this time
- 3)CM Krieger: nothing at this time
- 4)CM Korn: nothing at this time
- 5)CM Acquaviva, excused

Mayor: stated he can set a special meeting; he will get with the attorney to make sure we have the wording correct and such.

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

L. ANNOUNCEMENTS:

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

M. ADJOURNMENT:

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

MOTION: CM Vail / CM Ball to adjourn. **VOTE:** All Ayes. The meeting adjourned at 9:50 PM.

BY: Carl A. Beatty
Mayor Carl A. Beatty, Council Chair

Minutes by:

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

(seal)

ATTEST:

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

Date Approved: 8/24/15

TOWN OF MALABAR
TOWN COUNCIL MEETING
MONDAY AUGUST 3, 2015
7:30PM
2725 MALABAR ROAD
MALABAR, FLORIDA

TRAILS AND GREENWAYS COMMITTEE REPORT

Plan, enhance, and maintain the trails and greenways of the Town of Malabar to assure the sustainability of our environmentally protected lands so that current and future generations are encouraged to get outside to safely enjoy nature. Coordinate these efforts by networking with neighboring communities so that the resulting trail system flows from one to another - serving all.

TRAILS AND GREENWAYS COMMITTEE REPORT

MEMBERSHIP – STRUCTURE – MEETINGS – WORK EVENTS

MEMBERSHIP – **Now Fully Staffed!**

Drew Thompson – Chair & TOM Rep / TPO BPTAC
Murray Hann – Vice Chair
Annelie Harvey – Committee Member
Hans Kemmler – Liaison, Parks & Recreation Board
Cindi Kelly – TOM Recording Secretary
Collette Buffaloe – Committee Member
Pat Voltaire – Committee Member
Bob Wilbur – Committee Member



STRUCTURE

T&GC submits fiscal impacting ideas via Parks & Recreation Board

MEETINGS

Monthly – 2nd Monday 6:00 PM, TOM Town Hall

WORK EVENTS

Scheduled at monthly meeting (next: Fri 7 Aug 5:00 PM @ N. Corey Rd TH)

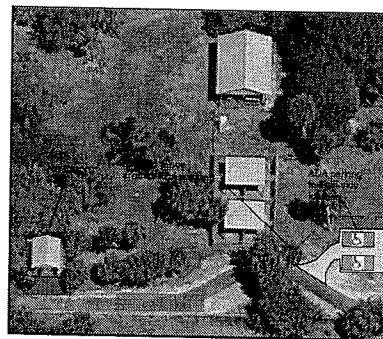
TRAILS AND GREENWAYS COMMITTEE REPORT

RECENT ACCOMPLISHMENTS

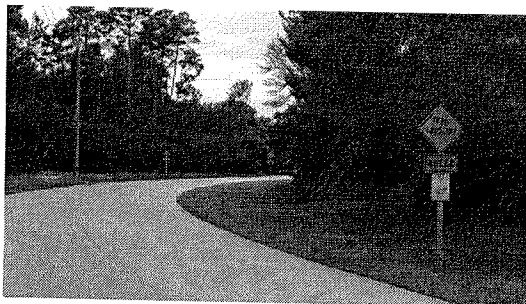
- ❖ ADA Restrooms Grant Award 2014 - Project Implementation Active
- ❖ Briar Creek Blvd. Trail Crossing - Complete Thanks EEL P & BMBAL
- ❖ Lagoon Trailhead – "Triangle Property" of Rocky Pt Rd – Active Research
- ❖ Lagoon Trailhead – "Nelson's Landing" Inquiry Letter Sent (after 5 drafts)
- ❖ Cameron Preserve – Southern Route - Planned
- ❖ Cameron Preserve – Trees at N. Corey Rd Trailhead Planned
- ❖ T&GC Project List – (ongoing)
- ❖ Maps & Info (Adobe) - www.MalabarTrails.org & Kiosks (ongoing)



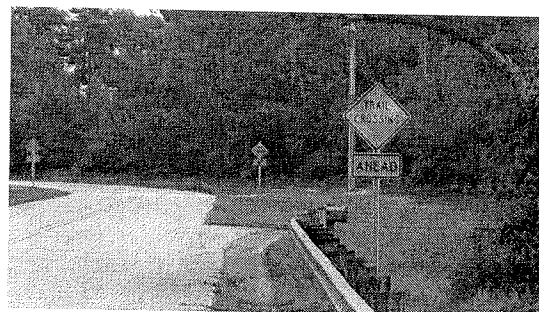
Sand Hill Trailhead ADA Restroom Project Underway



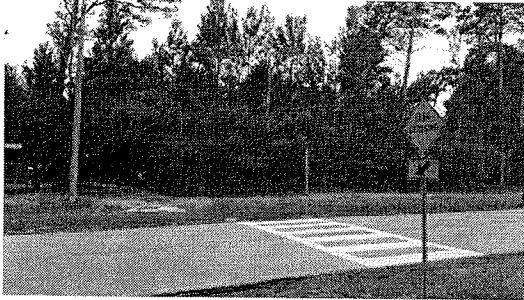
Briar Creek Blvd. Trail Crossing
Approaching Bridge & Brook Hollow



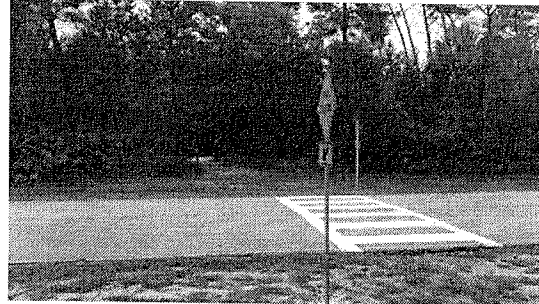
Briar Creek Blvd. Trail Crossing
Approaching from Bridge & Brook Hollow



Briar Creek Blvd. Trail Crossing
Looking South



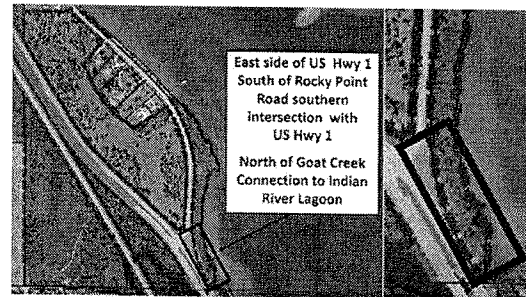
Briar Creek Blvd. Trail Crossing
Looking North



Lagoon Trailhead – "Triangle Property"
North of Rocky Pt. Rd.



Lagoon Trailhead – "Triangle Property"
North of Rocky Pt. Rd.



Cameron & Volunteers Preserve Trailhead
North End of Corey Rd. (Looking North)



Cameron & Volunteers Preserve Trailhead
North End of Corey Rd. (Looking South)

