

MALABAR TOWN COUNCIL REGULAR MEETING
February 1, 2016 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 Vice-Chair Brian Vail. CM Vail asked for a moment of silence for the passing of Mayor Beatty yesterday. CM Korn then led the prayer and remembrance of Mayor Beatty and then continued with the Pledge. (Prayer attached)

B. ROLL CALL:

COUNCIL CHAIR:	MAYOR CARL BEATTY, deceased
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 and multiple members of the FD are also present.

C. APPROVE AGENDA - ADDITIONS/DELETIONS/CHANGES –

None noted - agenda is approved.

D. APPROVE MINUTES –

1. Approval of Minutes	Meeting of 1/04/16
Exhibit:	Regular Council Minutes – 1/04/16
Recommendation:	Agenda Report No. 1
	Request Approval of Minutes

MOTION: CM Korn / CM Kohler moved to approve the minutes from January 4, 2016 as submitted.

Discussion: CM Krieger said the written minutes were supposed to abbreviate and if you wanted you could hear the audio on the website. He is stating that Jeff's presentation was minimized and the Chief's was extensive. Wants it in the record. Duly noted. **VOTE:** All Ayes.

E. SHERIFF'S REPORT: Deputy said issues noteworthy: two batteries, no thefts, 1 trespass. Other calls for service – any questions. TA Hoyt said he just started receiving those reports this week.

F. ATTORNEY REPORT: Vacancy in seat for Mayor. Less than 1 year remaining, remaining full council shall appoint someone, registered voter, and a resident for one year. Entertain submissions from the public. CM Korn feels like tonight the council should appoint vice chair as chair. The March meeting should be the meeting for appointment of interim Mayor. Accept up until

MOTION: CM Korn / CM Kohler to appoint CM Vail as Chair. CM Krieger disagrees, he is acting Chair. Until they appoint the Mayor. CM Ball said there is no difference in having him remain Vice-Chair and act as Chair. Attorney saw nothing wrong with that. CM Korn withdrew his motion. CM Krieger would like some feedback from Attorney on how the interim Mayor would be selected. Council discussed method used last time. Advertise the opening until the cut-off for the next meeting. Stick with 10 business day before rule for cut-off.

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.**

Paul Goestch, stated they had asked after the last year's event to consider them for participation in Malabar Day by selling the hotdogs and hamburgers. The Boy Scouts have provided this for the past many years. This is part of their outreach. They are Trail Life, started as Pack 37 and is based here in Malabar. They live, work and meet here in Malabar and would like to have a greater involvement in the SpringFest. They would be providing a service to the community. They are not out to do this as a fundraiser. The boys would learn how to interface with the community. Two years ago they provided entertainment and refreshments. Kenny takes pictures during the Spring Fest.

Discussion of the limits of food vendors and if Boy Scouts could sell another non-competing food. American Heritage group would do the popcorn and slushies.

They could do it this year and Grant is trying to get a handle on it. Limit the food. Korn said this is the ultimate decision of SpringFest Committee. Franklin said the committee is a group of volunteers and shouldn't be put in the middle.

MOTION: CM Kohler / CM Ball to allow Trail Life to sell the hamburgers and hotdogs this year based on the fact that they requested it after last year's event. Then they can do it on a rotating basis with the Boy Scouts. Vote: All Ayes

H. PUBLIC HEARINGS: 0

I. ITEMS DIRECTLY RELATED TO RESIDENTS PRESENT AT MEETING (RECOMMENDATIONS FROM BOARDS/COMMITTEE; RESIDENT GRIEVANCES; HOA REQUESTS)

- | | |
|--------------------------|------------------------------|
| 2. Agenda Request | Beer to be donated (CM Ball) |
| Exhibit: | Agenda Report 2 |
| Recommendation: | Request Action |

Discussion:

CM Ball wanted to bring this up. Last year we decided we would sell beer. We made much less in sales than we paid for the beer. He would like to donate a keg and have it served for free.

CM Korn, said do not have beer. He doesn't think they have any business to give beer away. Korn said his vote is to not have beer. Has no part of the family day event.

Hoyt said what would Citizen Ball liability be – he asked atty. Hoyt said they could also use a stamp. Ball wanted to make that offer. Krieger said could another vendor also give away beer. Yes. CM Ball does not think it is going to turn into a big beer fest. CM Vail said everyone knows everyone there. It would not be a bad thing.

MOTION: CM Kohler / CM Krieger Don to accept donation of beer. Vote: Ayes, 4; Nay, 1 (Korn)

**J. ACTION ITEMS:
ORDINANCES FOR FIRST READING: 0**

RESOLUTIONS: 2

3. RESOLUTION 02-2016 - A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR AMENDMENT TO RESOLUTION 04-2011 PROVIDING FOR NEW BUILDING DEVELOPMENT ORDER PERMIT RATES FOR RESIDENTIAL AND COMMERCIAL CONSTRUCTION; PROVIDING FOR THE REPEAL OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report 3

Recommendation: Adoption of Reso 02-2016

CM Krieger stated he just received this information at the meeting and has not had time to review it. He went back to verbatim and council had said they wanted more information. CM Krieger said they can't take action on it unless it is taken off the table. CM Korn supports the increase in the fees but wants to review the new information. He will be ready to take action at March 7 meeting. Hoyt said he and staff have spent a lot of time on this. There is no perfect formula. They attempted to address the fee schedule without harming the existing residents. Put the burden of increased permit fees for the building and development of town on the developer. He would be delighted to meet with council member individually over this or as a workshop. That is 544K that is being subsidized by the existing taxpayers. Chair said do we need a workshop? Put on 3/7 agenda for action. Take it off the table at that time.

4. RESOLUTION 03-2016 - A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE APPOINTMENT OF JENNIFER BIENVENU TO THE MALABAR PARKS & RECREATION BOARD AS A REGULAR MEMBER FOR A THREE YEAR TERM; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report 4

Recommendation: Adoption of Reso 03-2016

CM Vail read reso by title only.

MOTION: CM Korn / CM Krieger moved to approve Reso 03-2016.

Discussion:

ROLL CALL Vote: CM Grant, Aye; 1)CM Krieger, Aye; CM Korn, Aye; CM Kohler, Aye; CM Vail, Aye .
Motion carried 5 to 0.

MISCELLANEOUS:

5. Set workshop to review each map for future land use.

Pick the most important one. These should be prominently placed on the website, be part of the next newsletter, and get public input. We should be looking at the definition for R/LC. Push back on maps and deal with definitions. This is not easily available on the website. Chair asked if he asked staff. Korn said are you suggesting put on the website are you asking for public input at a workshop. Krieger said there should be one form and not two. First you have to identify yourself and put your email. His problem with the form is it should be non- they should be categorized by a number. This is the same problem that all the land use on the major roads in the town. It would be complicated. Newsletter is bad. Put on website for 6 months. Get feedback. Brian said postpone the workshop? Krieger said when these changes were presented to council it was a work in process. Korn said he agrees with Krieger. Continue to move that way. He is trying to involve people and most have no idea. Encourage people to get involved. This is something that is very clear to Krieger. Korn said the point is that most people trust us to do the right thing. Brian said we should advertise the FLUM maps. Postpone setting the WS date. Get it out to public.

6. Set workshop to revisit RLC regulations – Korn suggested having a Joint Council WS with P&Z and then ask the zoning board for their input. Krieger said just have council, no P&Z

members. They are doing great work. Everyone has a different opinion. Brian use 2/29/16 slot for the R/LC discussion. There are some things they want to do immediately – like the conservation lands.

7. Set due date for each department to provide inventory of assets – Krieger asked for this last year. This all started because they wanted to have a surplus auction. Things have happened over the course of the last 6 months. They want to know the year, hours, value and expected lifespan

Doug said the inventory and the surplus is something they are in the process of putting together but not just the office, pw and the fd. With the recommendations to get rid of the surplus. Get it out of the town. That is in process. Would the first meeting in April to begin working on this. That is also on top of SpringFest. Target date sb first meeting of April. They asked for an inventory – go with what they are working on – clerk will check minutes on value.

8. Start discussion on policy to dispose of surplus property
Combine with 7.

9. Start discussion on materials needed to start a budget process
Krieger said start that in May. Suggestion was March. Hoyt said he looked at the Oct Nov Dec the expenditures – we are under by 24% overall but per individual departments are not on target at all. Korn said when Jeff McKnight presented his information at a previous meeting, that is when CM Korn had suggested we need to start a little earlier on budget process. Second half of May or June – will still give us 3 months. Brian said be gently reminded. Hoyt is comfortable with that. At the end of April get the actual vs budget. He also would suggest that he and Treasurer can present sample budget for their consideration.

10. Set workshop to replace second meeting of the month if needed – 2/29

COUNCIL CHAIR MAY EXCUSE ATTORNEY AT THIS TIME

K. BOARD & COMMITTEE MONTHLY STATUS REPORTS:

P&Z Board Chair –

T&G Chair Drew Thompson –

Park & Rec Board Hans Kemmler -

DISCUSSION/POSSIBLE ACTION:

M. STAFF REPORTS: ADMINISTRATOR: CLERK: nothing

N. REPORTS – MAYOR AND COUNCIL MEMBERS

1)CM Ball -no

2)CM Krieger – reiterate the service forms on website are not user friendly.

3)CM Korn – re: the loss of Mayor Beatty and his family is not local, is it appropriate to make the resources of the town available. Also think the town should do a memorial service. His whole life was this town. This was his life. Needs to be recognized and honored. Everyone would count him as a friend. Dick would like to be a part of it.

4)CM Kohler – nothing

5)CM Vail – another consideration re: building permit fees is how many of them (cities) have impact fees. Most of the new construction have quite an impact fee. The comparison is not fair when their fee structure is in conjunction with a 6-8K impact fee. Hoyt does show the breakdown of the impact fees. Also some have a fair – share impact fee. He explained it.

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

Mia Crews, 840 Whimsical Lane, who does the website – have a pix and a memorial of the mayor. Have a feature of him in next newsletter. He graduated in 1963. Korn said we are hosting the March – did attend the CivMil and was a strong supporter of the honor flight.

P. ANNOUNCEMENTS:

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

Q. ADJOURNMENT:

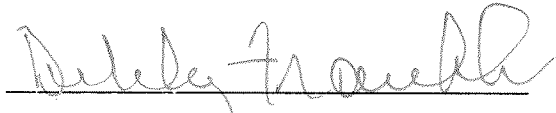
There being no further business to discuss, Vice-Chair asked for a motion.

MOTION: CM Korn / CM Ball to adjourn. **VOTE:** All Ayes. The meeting adjourned at 9:20PM.

BY: 
CM Brian Vail, Council Chair

(seal)

ATTEST:



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

Date Approved: 03/07/16 *as corrected*