

MALABAR TOWN COUNCIL REGULAR MEETING MINUTES

February 6, 2017

7:30 PM

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

A. CALL TO ORDER:

Vice-Chair, Steve Rivet called the meeting to order at 7:30 pm. CM Korn led the prayer and pledge.

B. ROLL CALL:

CHAIR:

MAYOR PATRICK T. REILLY, excused

VICE CHAIR:

STEVE RIVET

COUNCIL MEMBERS:

GRANT BALL

LAURA MAHONEY

DICK KORN

RICHARD KOHLER

TOWN ADMINISTRATOR:

DOUGLAS HOYT

TOWN ATTORNEY:

KARL BOHNE

TOWN CLERK/TREASURER:

DEBBY FRANKLIN

For the record, Fire Chief Leonard Thomassen was also in attendance.

C. **APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES:** CM Mahoney asked for SpringFest to be moved after Item 2.

D. **APPROVAL OF THE MINUTES:**

1. **Regular Town Council Meeting Minutes 1/23/17**

Exhibit: Agenda Report No. 1

Recommendation: Request Approval

MOTION: CM Korn / CM Kohler to approve RTCM minutes of 1/23/17.

Discussion:

CM Mahoney asked her District Report to also be attached to the minutes.

Vote: All Ayes.

E. **BCSO REPORT:** none

F. **ATTORNEY REPORT:** Atty spoke of the Social Media issue discussed at the last meeting. CM Rivet asked about prohibiting elected officials to use social media for town business. Attorney said he had a problem with a possible conflict with the First Amendment.

CM Mahoney said she got her information from the Florida League of Cities. They told her to keep them in her notebook. She knows now and will get them to Debby. Attorney said we need to have a policy.

G. **BOARDS/COMITTEES REPORTS**

Drew Thompson, T&G Committee,

Went over the progress of the construction of the shade structure in the Cameron Preserve.

Hans Kemmler, Park and Recreation Board,

January – Malabar Madness 37 participants – Golf Disc looked great with help from OW.

Memorial – considering doing two walls by flag poles at the Malabar Community Park

Soccer field – referred to the estimate of 29K spent on the rehab of the soccer field in 2003.

Liz Ritter, P&Z Board

Reported that Council Chair Pat Reilly came to last P&Z Board mtg and went over the FLUM and the R/LC for the new members. Nothing else on agenda so next meeting is cancelled.

H. **STAFF REPORTS: ADMINISTRATOR: CLERK: FIRE CHIEF**

Administrator- Marie Street Deeds are being straightened out and when that is complete, we will get it resurveyed.

Huggins, no answer yet from County
ADA, getting close to grand opening
Almost ready for bid for stormwater project including Smith Lane.

Clerk – nothing

Fire Chief – Went over the Jan stats. Roster is -2 to 36 volunteers. Have a Fire I program going on. Got the gear with the VFA grant and will be applying for additional grants.

Got the ISO final cert from the auditor.

Four state certified instructors.

- 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) Three
(3) Minute Limit per Speaker.

Terry Rocks, Malabar resident. Here as a father and resident. Has been working with the Town regarding the soccer field. He did try and notify the prior TA and got no assistance.

Went over the numbers, the fields and what they can do. They don't want to be part of the bigger soccer groups. Went over some pictures. Had a cook-off at the church. Showed pic showing the nice condition of the field in 2014. In 2015, the fire ants were everywhere. Town did not do anything. That does not show good for our town. He bought and treated it in 2015. Then he showed the status 2016. Bugs and weeds bare ground and muddy areas.

Town cancelled the contract with Massey in 2015.

Nail Farm and others are willing to donate materials and they are willing to do the work to get it back into shape.

TA agreed it should be done. CM Korn, this has been an item of his for a while. Lack of communication amongst themselves. He was surprised when he looked at it. Need to have ongoing communications. Treating this field is different from your own yard but we can work together. CM Korn said do we have their schedule. Terry said he had hoped to try to do this for last Nov. Move forward in May when season is over. Town will contract with vendor like Ecor to do the mass kill and then they will seed the heck out of it and control the watering.

TA said then we can budget this going forward. Chair said there was Council consensus to go forward to take care of this.

Brian Vail, spoke about social media.

J. PUBLIC HEARINGS/SPECIAL ORDERS – 0

K. UNFINISHED BUSINESS/GENERAL ORDERS

ORDINANCES FOR FIRST READING - 0

RESOLUTIONS – 0

MISCELLANEOUS - 5

2. Cancel 2nd meeting in February – Presidents Day

Exhibit: Agenda Report No. 2

Recommendation: Action

MOTION: CM Ball / CM Kohler to cancel the second RTCM in February.

Discussion: none

Vote: All Ayes.

3. Appoint three-Member Audit Selection Committee

Exhibit: Agenda Report No. 3
Recommendation: Action

Atty gave introduction. FS require this.

MOTION: CM Kohler / CM Korn to approve of the three members committee of Phil Crews, Wayne Abare and Matt Stinnett

Discussion: CM Mahoney has not had enough time.

Vote: Ayes, 4; Nay, 1 (CM Mahoney). Motion carried

4. Approve modification to lunch period for Town Hall staff.

Exhibit: Agenda Report No. 4
Recommendation: Action

Introduction by TA

MOTION: CM Kohler / CM Ball to approve of the change to the employee lunch break.

Discussion: CM Mahoney said they could take turns answering the phones and keep the building open. CM Kohler said for everyone working for eight hours is entitled to a 30 minutes break. CM Ball is with CM Kohler. Camaraderie. They are accommodating by working 30 minutes later. If you stagger, lunches they miss the camaraderie. CM Ball supports this. CM Korn said the lunches should be staggered.

TA explained the period to get citizens familiar with this. CM Kohler said also that the cell phones are posted on the door.

Vote: Ayes, 3; Nay, 2 (Mahoney, Korn) Motion carried

5. Pulled

6. Approve ILA with the County to use 3rd party vendor as it relates to Homestead

Exhibit: Agenda Report No. 6
Recommendation: Action

TA did introduction. He explained the 28% contingency basis. Third party will go through and try to find all the people that are erroneously filing Homestead. Some of those funds would come to the town. TA has a concern with where it may lead.

MOTION: CM Kohler / CM Korn to approve of the ILA with Brevard County

Discussion:

CM Mahoney asked if this was going to take staff time to do this.

Atty said it is a 12-month contract. There is a 90-day cancel period

CM Ball said he tried to read it. Just the opportunity for the overreaching government to allow other intrusions. Attorney said Clerk had raised a good point; isn't that the job of the PA? Yes. It does not add anything for us. CM Kohler said it feels like the right thing to do.

Vote: Aye, 2; Nay, 3; (CM Ball, CM Rivet, CM Mahoney) Motion failed.

7. Approve Contract between Town and MCA

Exhibit: Agenda Report No. 6
Recommendation: Action

Speakers, Liz Ritter, Make or break – we have been put off and put off – need to get going.

They want to help the town have events. They want to move with the other boards. Need to get started with the funding. Have a core group of dedicated volunteers.

Teresa Scannilli, - The citizens were asked to take over the SpringFest event. There were roadblocks. That led them to form a separate organization. The contract – who would sign that?

MOTION: CM Ball / CM Kohler to approve of the contract with MCA

Discussion: CM Korn, understanding from status report there has been much done; stop looking for reasons to postpone. Is the town going to donate to this non-profit? Are we going to loan this organization? A lot of work has been done. He supports this contract if the org does exist.

Attorney gave brief overview. Committee felt their hands were tied as a public body required to Sunshine so let them form organization and we draft a contract. Atty can't waiver on the insurance because they are running it. If town pays them to run the show then town needs to get as much back as they can. If net proceeds do not amount to that rent, amount then it can be reduced.

CM Rivet stated that in past years the SpringFest event has been revenue neutral. We paid \$5,000 and essentially got that back. Some years may have been more, some less. Do not have money in budget for a net expense.

CM Korn said he has to provide a two million dollar insurance policy to be a vendor at the dog shows. He was against the sale of beer because of the additional insurance cost of \$1400.

CM Ball said the town already has insurance. Atty said if someone is hurt, then first liability will be on him or her, then the town. The vendors should all have their own insurance as well as another level of protection. TA said the CMA officers should want that insurance anyway. You could be sued personally.

CM Rivet said the CMA org wants to put on the event without a financial liability cost responsibility. The Town is willing to pay the CMA for the expense to put on the event. CM Mahoney all of a sudden there was profit made. Every year it went over budget.

Liz we don't want to do this for free. Liz said the costs reflected. If we have money we can put on more events. It is not for ourselves. Down the future we can maybe have a community center because this group.

CM Rivet said this a net neutral in our budget. CM Mahoney asked when did that happen. Atty said you are already \$800.00 into him for the contract expense and it may not even happen. He must insist on the insurance.

CM Korn called the question.

Vote: Ayes, 4; Nay 1 (CM Mahoney) Motion carried

CHAIR MAY DISMISS THE ATTORNEY AT THIS TIME

L. **DISCUSSION/POSSIBLE ACTION:**

M. **PUBLIC COMMENTS: General Items (Speaker Card Required)**

N. **REPORTS – MAYOR AND COUNCIL MEMBERS**

Mayor – excused

- 1) CM Ball – nothing
- 2) CM Mahoney – Stated her public records request.
- 3) CM Rivet –
- 4) CM Korn – COPs program – Develop something like that. For discussion at next mtg.
- 5) CM Kohler – nothing

Staff items for future agendas:

- Discussion Item: Expanding volunteer network to check on elderly
- TA said if so we should contact the immediate neighbors to Huggins Park to see if using it temporarily for soccer would create a problem.
- TA to provide written options for disposition or use of Huggins Park
- Provide Rev/Exp sheets from past SpringFests and Volunteer list and vendor commitment dates. This isn't supposed to be a competition – CM Ball was just trying to encourage more residents to participate.
- Statute, Code and Charter info related to bid requirements/thresholds
- Flood maps and codes for Benjamin current and historical.

O. ANNOUNCEMENTS:

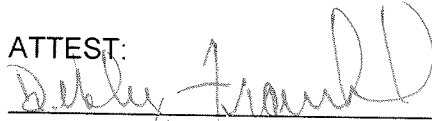
- (1) Vacancy on the Board of Adjustment; (2) Vacancies on the Park and Recreation Board;
(1) Vacancy on Trails & Greenways.

P. ADJOURNMENT:

There being no further business to discuss and without objection, the meeting was adjourned by the Vice-Chair at 9:40PM.

BY: 
Vice-Chair Steve Rivet

ATTEST:



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

Date Approved: 3/6/2017