MALABAR TOWN COUNCIL REGULAR MEETING MINUTES March 6, 2017 7:30 PM

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

CALL TO ORDER:

Chair, Mayor Patrick T. Reilly called the meeting to order at 7:30 pm. CM Kohler led the prayer and pledge.

ROLL CALL: B.

CHAIR:

MAYOR PATRICK T. REILLY

VICE CHAIR:

STEVE RIVET, excused

COUNCIL MEMBERS:

GRANT BALL

LAURA MAHONEY

DICK KORN

RICHARD KOHLER

TOWN ADMINISTRATOR: TOWN ATTORNEY:

DOUGLAS HOYT

TOWN CLERK/TREASURER:

KARL BOHNE

DEBBY FRANKLIN

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

C. APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES:

Mayor asked for Item "H" be moved under "C".

H. PROCLAMATION DESIGNATING MARCH 2017 AS IRISH AMERICAN HERITAGE MONTH - Mayor read Proclamation and presented to his father PROCLAMATION DESIGNATING APRIL AS Water Conservation Month - read by Clerk

D. **APPROVAL OF THE MINUTES:**

1. Regular Town Council Meeting Minutes 2/06/17

Exhibit:

Agenda Report No. 1

Recommendation:

Request Approval

MOTION: CM Korn / CM Kohler to approve RTCM minutes of 2/06/17.

Discussion: none. Vote: All Ayes.

MOTION: CM Kohler / CM Ball to approve Council workshop minutes of 1/30/17.

Discussion: none. Vote: All Aves.

MOTION: CM Ball / CM Kohler to approve Council workshop minutes of 2/27/16. Discussion: Mayor asked the mark CM Rivet excused at this meeting. Vote: All Ayes.

E. BCSO REPORT: none

- F. TPO/TAC Report by Donald Krieger – read into record by CM Ball (copy attached)
- ATTORNEY REPORT: Atty spoke of the Social Media issue discussed at the last two or three meetings. Cannot do a ban as it is contrary to constitution. Policy states what he has previously stated for 17 years and a commitment by council member to abide by policy with their signature. Put on a future agenda for action. CM Korn made a posting on this social media site and let readers know that he has a website and use his town email account. Let's not be so hampered we disconnect from the public.

Attorney will speak later re: resolution to the state legislature opposing their action towards stripping rights from the municipalities. The one we are discussing tonight has already been to one committee hearing and appears to being fast tracked. Mark Ryan went to speak in front of the committee and they cut his time to one minute. Mr. Ryan will also be appearing as guest columnist on Wednesday.

(done after Item C. (item h))

I. BOARDS/COMITTEES REPORTS

Drew Thompson, T&G Committee:

Went over the progress of the construction of the shade structure in the Cameron Preserve via a Power Point presentation and outline of progress since last September. He and his presentation was applauded by all. Drew mentioned the visit by Richard E. Cameron, Sr., on the final day of construction of shade structure and showed slide. The 100-acre site was named after him and the other volunteers that created the Sandhill Trailhead clearing and development. (Attached)

Hans Kemmler, Park and Recreation Board, no report Liz Ritter, P&Z Board – no report

J. STAFF REPORTS: ADMINISTRATOR: CLERK: FIRE CHIEF

TA: At Sandhill Trailhead ADA restroom - cleaned out material stuffed into pump. Still trying to get water sample to pass. Will take another sample tomorrow.

TC: Regarding our redistricting, there will be an update at the next council meeting. Will be getting newsletter out this month. Get articles to her so it can go out to council before March 20th.

FC: 5 min response time. SCBA need to be replaced. \$175,000.00 to replace 15 bottles. State Fire Marshal will be auditing the Fire Dept. this Friday. Station 99 – please come and visit. Now BLS station. With a twist. Will be giving nitro, aspirin and the drug for overdose under Dr. McPhersons.

K. 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.

Speaker's Card: Milo Zonka, Finance at BCPAO, revenue sharing agreement resulting from a new program – pursue people committing fraud with their homestead exemptions. Gave examples. There are companies that do. Take their data base and compare it to other homesteaded properties throughout the county. Multistate, person dies, etc. Looking for the needle in haystack. Looking to give a revenue sharing. His last request was for Council to re-consider their vote at their next Council meeting of 3/20/17. **He will provide more information.**

- L. PUBLIC HEARINGS/SPECIAL ORDERS: 0
- M. UNFINISHED BUSINESS/GENERAL ORDERS ORDINANCES FOR FIRST READING: 0
 RESOLUTIONS: 2
 - 2. Repeat Request for Reduced Speed on SR514, Expedited Road Improvements and Support from Adjacent Communities (Reso 06-2017)

 A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR SUPPORT TO REDUCE SPEED ON STATE ROAD 514 ALSO KNOWN AS MALABAR ROAD BETWEEN HIGHWAY 1 AND THE WEST END OF MALABAR JURISDICTIONAL BOUNDARY; REQUESTING EXPEDITED ROADWAY IMPROVEMENTS; SOLICITING SUPPORT FROM OTHER AGENCIES IN THIS REQUEST TO FLORIDA DEPARTMENT OF

TRANSPORTATION; PROVIDING FOR DISTRIBUTION OF REQUEST; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit:

Agenda Report No. 2

Recommendation:

Request Approval

MOTION: CM Kohler / CM Korn to approve Resolution 06-2017.

Phil Rosacia, living in Malabar for 20 years. By approving the resolution, the added turn lanes are it only going to cause more problems.

Jim Roulston, we do have a problem; difficult to get in or out; had an accident Sunday, and another one today.

Discussion: CM Korn referred to Mr. Krieger's TAC report. The response letter we got from FDOT - we asked for 45 – and they approve 50mph. Why should we be the only community with an east / west with a 50 mph. Their study said 85% of traveling speed. Pursue the 45-mph request. Public safety is his greatest concern.

CM Mahoney said she has been working this all along. We can use the federal safety board. If we don't accept the resolution. Stick with the plan with the resolution. Mayor Eschenberg started this plan. We must be together. This is extra safety money. The multi modal pathway would handle the weight of a fire truck. She suggests they not accept this resolution or they may lose the safety funds.

CM Korn right turn lanes off Corey onto Malabar Road and the right turn lane off Weber Road onto Malabar Road. Franklin said those turn lanes were on the Town's Capital Improvement Plan for funding by the Town.

TA stated there are two engineer groups working on this. Moffit and Aitkens. No potential to lose those funds. In discussing the turn lanes, both FHP and BCSO said they are on the ground daily and such improvements will cause more traffic incidents. In 2015 there were 24 incidents and in 2016 there were 48 incidents.

CM Ball, we are working on a resolution to solve the problem. How do they get verification?

CM Korn said every time we contacted FDOT we get a different story. CM Kohler said we should support any effort to improve conditions on Malabar Road.

CM Ball said we should table until we can find out if we are going to lose this safety money CM Mahoney referenced. All of us want to do is make Malabar Road safer. If we lose funds that are already approved; we need more information – this is the first he has heard about losing funding.

CM Mahoney said we should all make a call to TPO. She said that is another reason they need the Council package two weeks before the meeting – so they have time to do research. CM Ball said get the TPO person here. CM Korn said they are playing games with us. We have been depending on them to tell us what we need to do for safety.

Clerk said the reason the package is 111 pages is because the staff that serves Council does this research and provides the information to them so they can make informed decisions. She can't imagine the council all individually contacting the TPO persons and staff and multiplying that by all the elected officials from every city; nothing would get accomplished. You must have trust in your staff's ability to provide adequate information in the council package.

CM Korn talked to Steve Olsen at FDOT. CM Ball postpone until they know the facts.

MOTION: CM Ball / CM Kohler to table to a future meeting or workshop. Get info before or ask them to attend so we get the correct information.

Vote: All Ayes (CM Rivet excused)

3. Oppose HB 17 and SB 1158 That Would Strip Home Rule Authority from Municipalities Over Businesses, Professions and Occupations and Require a Special Law by the Legislature Regarding Any Business Regulation (pre-1968 State Constitutional Amendment) (Reso 04-2017)

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR COUNCIL OPPOSITION TO HOUSE BILL 17 AND SENATE BILL 1158; PROVIDING FOR DISTRIBUTION OF THIS RESOLUTION; PROVIDING AN EFFECTIVE DATE.

Exhibit:

Agenda Report No. 3

Recommendation:

Request Approval

MOTION: CM Korn / CM Kohler to approve Reso 04-2017 opposing HB 17 and SB 1158. Discussion: CM Korn said some - SCLC is holding a special meeting on this item.

ROLL CALL VOTE: CM Ball, Aye to oppose; CM Mahoney, Aye to oppose; CM Korn, Aye to oppose; CM Kohler, Aye to oppose; (CM Rivet, excused) Motion carried opposing this legislation.

MISCELLANEOUS: 4

4. Cancellation of March SpringFest due to Lack of Response from MCA

Exhibit:

Agenda Report No. 4

Recommendation:

Request Approval

Speaker Cards: Liz Ritter does not like the inference in the title. **MOTION:** CM Korn / CM Kohler to cancel the SpringFest in 2017.

Discussion: CM Korn said there was an understanding that the MCA was not paid for by town. We weren't going to hire that committee to do the event. Because it is late let's not have a SpringFest. Have a fall fest. We are not in the business to pay non-profits. Do whatever they want to raise money. Or come to council to ask for a donation. CM Laura Mahoney, they did a lot of planning for this event. **Vote:** All Ayes

5. Set 10/14/17 as Date for Malabar Sponsored Fall Fest in Conjunction with Fire Prevention Week 10/8/2017 thru 10/14/17

Exhibit:

Agenda Report No. 5

Recommendation:

Request Approval

MOTION: CM Kohler / CM Ball to approve Town Sponsored Fall Fest Event on 10/14/17. Vote: All Ayes.

6. Approve Signage for Route1 MotorSports

Exhibit:

Agenda Report No. 6

Recommendation:

Request Approval

MOTION: CM Kohler / CM Ball to approve Route 1 Motor Sports Signage as depicted. Vote: All Ayes.

7. Approve 65-Feet of South Portion of Quarterman Lane

Exhibit:

Agenda Report No. 7

Recommendation:

Request Approval

MOTION: CM Korn / CM Kohler to approve additional 65 Linear Feet of Quarterman Ln. **Vote**: All Ayes. Mayor would have liked to see a map showing the existing terminus and

the proposed 65' length. CM Mahoney wanted to know about how much it cost. Cost is on applicant. **Vote:** All Ayes.

COUNCIL CHAIR MAY EXCUSE ATTORNEY AT THIS TIME

N. DISCUSSION/POSSIBLE ACTION: 2

8. Article in Florida Today, Monday Night News Coverage & Letter to Governor on Town Website re: SR514 (CM Mahoney)

Exhibit:

Agenda Report No. 8

Chair said this was CM Mahoney's item and gave her the floor. CM Mahoney stated she does not like surprises. After last workshop, she got calls that we were in the news. TA said it wasn't a surprise – he was following directives from last resolution approved in his tenure. Look at the number of resolutions that have been processed in prior years – if nothing is done then they are just words. The total fatalities have doubled.

CM Korn knew it about it. He stays in touch with TA. TA should be commended. He said Malabar should get our name in the paper more. There were a few more people at tonight's meeting. We need more attention. The TA is to be commended for getting the attention. We have sent pkg out to 30 people, he is finding people at state legislature. It is a cry for assistance. He is doing what council has directed. Some of the confusion is caused by this. Go in the same direction as the road studies. Priorities are to get intersection improvements of turn lanes and not the traffic lights.

In the 1970's Malabar didn't want FDOT or MPO assistance. We have been quiet too long. This will benefit our Town. CM Korn said he has put more emphasis on these issues.

9. Memorial Wall at Malabar Community Park (Mayor)

Exhibit:

Agenda Report No. 9

Chair said after we got recommendation from Park and Rec Board to put sign up at PW Complex recognizing Mayor Beatty there was discussion to something more encompassing to recognize all those that have done extraordinary work for the Town. Do something else in parallel for something more permanent at the Fire Dept. or at the new Town Hall that is more permanent. CM Mahoney said she left a message for Palm House. CM Korn referred to memorial garden. The whole hill could be one large memorial. Actions of Jan 9th. Have options some think about it. CM Ball said this would be a way to come up with other persons past and future that have done something to recognize. Future meeting. Come with your options.

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

Mr. Roulston said we have a fire dept. but we should also entertain getting the costs for coverage from Brevard County. Until recently they weren't BLS. They have very antiquated equipment. Fire truck doesn't pass pump test. Got a lot of money going out for payroll. We still need new equipment. He loves the FD but it may be time to go a different source. TA said they have asked Palm Bay for a proposal. He will also ask Brevard County in near future for an updated quote.

CM Korn said last figures he heard was 900K for county to provide services here.

P. REPORTS – MAYOR AND COUNCIL MEMBERS

Q. ANNOUNCEMENTS:

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

R. ADJOURNMENT:

There being no further business to discuss and without objection, the meeting was adjourned by the Chair at 10:28PM.

BY: Patruck / Reilly
Mayor Patrick T. Reilly, Council Chair

Debby K. Franklin, C.M.C.

Town Clerk/Treasurer

Date Approved: 3/20/2017

From: Steve Rivet

Sent: Sunday, March 5, 2017 9:45 AM **To:** Debby Franklin; Douglas C. Hoyt **Subject:** Re: Corrected Agenda Package



Debby,

Please read my remarks into the record for the following agenda items.

Thanks, Steve

Item 2. I support this resolution, and I am very appreciative of Town Hall staff, especially Mr. Hoyt, for the tireless efforts to make the wishes of Malabar residents known to the FDOT and to the governer's office.

Item 3. I strongly support this resolution. Home rule is a basic principle of democratic government, and decisions regarding the regulation of businesses in Malabar should be decided by Malabar's local government. Town council members are much more accessible, and in general, responsive to the concerns of Malabar residents than the state government. As a small town with a negligible number of voters in comparison to the total number eligible to vote for any of our state representatives, we have almost no voice in our state level government. By keeping these types of decisions at the local level, we are much more likely to represent the will of the voters; local regulation decisions should be made by our elected representatives closest to the people affected.

Item 4. It has become apparent that a town event such as the Springfest cannot be organized in the short time remaining before the event would be held. We cannot expect our already overburdened staff to make the arrangements, they have other responsibilities that cannot be sidelined. The recent flurry of antagonistic and onerous public records demands are an example of the tasks that already represent more work for our staff than we are staffed to support. We cannot add to the responsibilities of staff by expecting them to organize the Springfest.

The funding authorized in the budget for the Springfest has, for at least the last few years, been intended as seed money, with the expectations that the revenues received from the event would be returned to the town, and would approximately equal the funding. The event is intended to be approximately revenue neutral. If we can work with the MCA to arrange a Fallfest that is consistent with this revenue neutral approach, we should do so. I do not support any funding of the MCA that is not returned to the town in one way or another. Minor shortfalls can be tolerated, but we do not have a large net expense budgeted for events. I support any plan that will be approximately revenue neutral, and fits within the constraints of

our existing budget. I do not support a large, unbudgeted expenditure, that is an irrresponsible use of public funds.

From: Debby Franklin

Sent: Friday, March 3, 2017 3:44 PM

To: Pat Reilly; Grant Ball; Laura Mahoney; Steve Rivet; Dick Korn; Richard Kohler; Douglas C. Hoyt; 'Karl

Bohne '; Leonard Thomassen

Subject: Corrected Agenda Package

The previously sent agenda package Agenda Report 8 did not include the letter to the Governor from TA Doug Hoyt. The attached package and the paper copies have been corrected.

Debby K. Franklin

Certified Municipal Clerk Town Clerk Treasurer

townclerk@townofmalabar.org

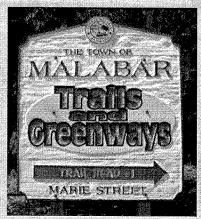
Town of Malabar 2725 Malabar Road Malabar, FL 32950 www.TownofMalabar.com

G-V T&GB & TOM T&GC & TPO & EEL Pgn Joint Workshop on South Brevard Trails Thursday January 12, 2017 6:00 PM – 8:00 PM

Grant-Valkaria (G-V) Town Hall - 1449 Valkaria Rd, Grant-Valka

TOWN OF MALABAR (TOM) TRAILS & GREENWAYS "T

TOM T&GC - Talking Connectivity



presented by Murray Hann, TOM T&G(
SP TPO BP























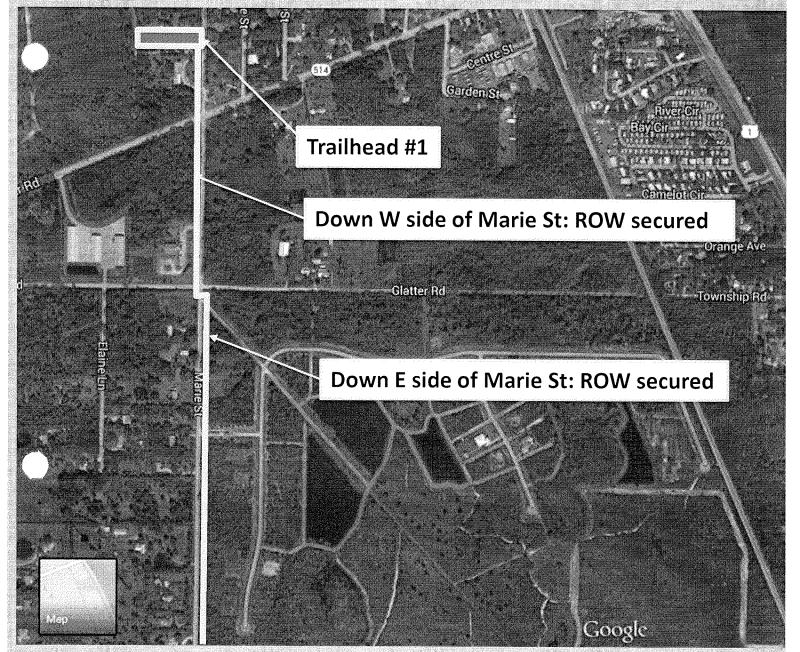
TOM T&GC - Talking Connectivity Malabar to Grant-Valkaria "Town Connector" Trail - Alternate Route

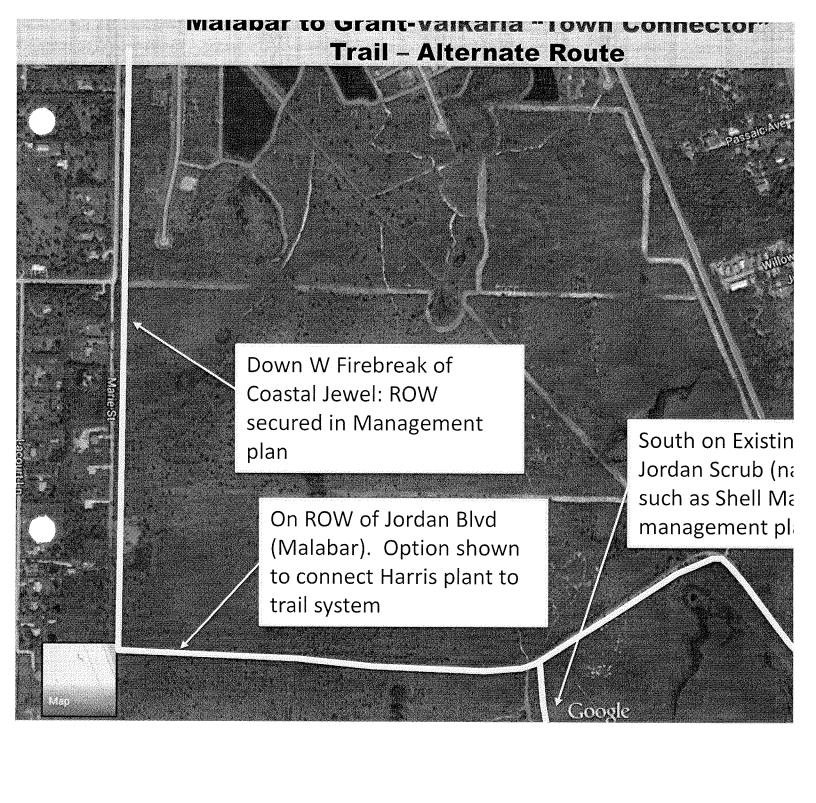
- Current route of the South Brevard Linear Trail runs down the Marie Street ROW, and encounters ~ 1000 of wetlands in the Jordan Scrub area
- The town of Grant-Valkaria currently has a fine bike path on Valkaria Road, which gets very, very close to Jordan Scrub Sanctuary
- The EEL Program Jordan Scrub Management Plan envisioned that the South Brevard Linear Trail may need to run through Jordan Scrub (they added verb in the plan per conveyed request from Murray Hann

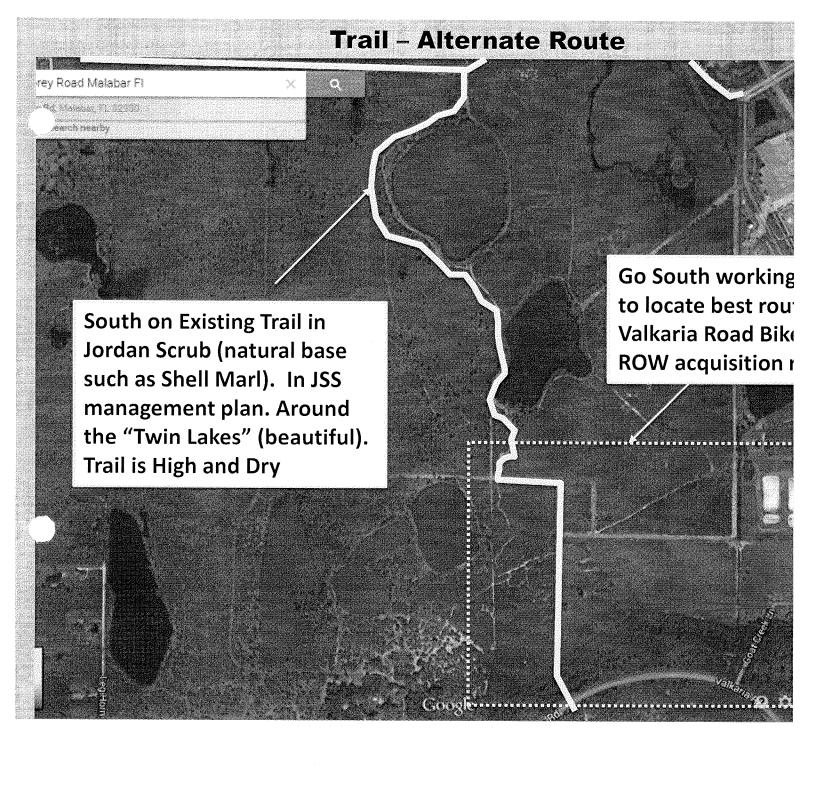
TOM T&GC - Talking Connectivity Malabar to Grant-Valkaria "Town Connector" Trail - Alternate Route

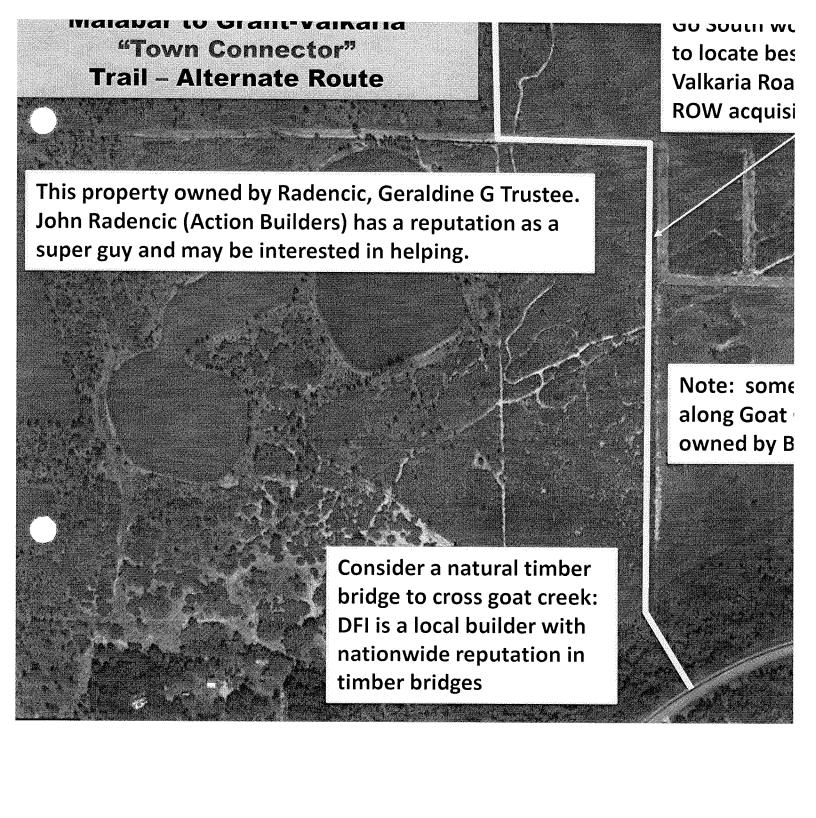
- An alternative route of the South Brevard Linear Tra outlined in the following slides and may provide a m better route based on the following:
 - ❖ Far less environmental impact
 - Less boardwalk (materials & labor)
 - Trail features would provide a better user experience.
 - Better leverage of "Trail In Place" that G-V alread has built
- ❖ The main issue is getting from the South Jordan Sciboundary to the Valkaria Road bike path the prope combination that offers the least cost or resistance acquire or get a lease on the ROW (say 30' wide)

Wiaiabar to Grant-Valkaria - Lown Connector: Trail - Alternate Route









NOTE: Trail Going Into Jordan Scrub is Allowed Management Plan Now, As a Natural Road-base

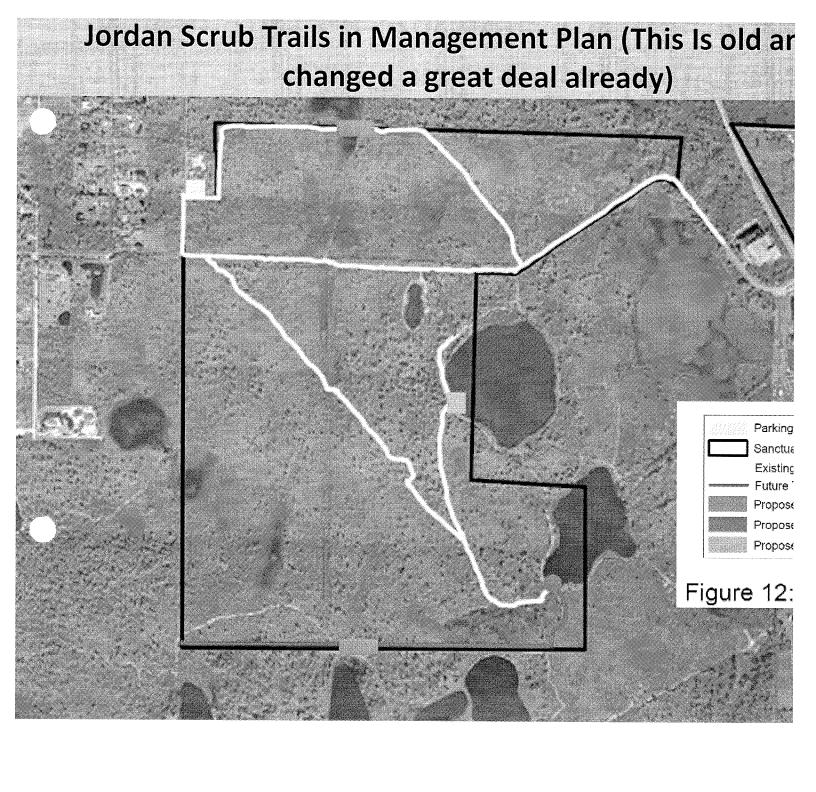
2) Hiking

Hiking trails will be designed to follow existing firebreaks, roads and older will be located to give visitors the opportunity to experience the diverse ha the Sanctuary. Trails will be split between short trails and longer, more di These hiking trails will bring visitors through the diverse habitats of the JSS pine flatwoods to scrubby flatwoods. Informative signs will be placed alor and information on any research or restoration projects that are ongoing will in the signage.

In the future the trails at JSS may become a part of the Brevard County Spine proposed by the Metropolitan Planning Organization along the Marie Street 1 All trail surfaces within the sanctuary boundary are proposed as natural n foot paths.

3) Horseback riding and bicycling

These are acceptable passive recreational activities within the JSS and will be the trail system. However, biking and horseback riding will be allowed strict designated trail to avoid damage to the natural communities. The EEL Pro the ability to close off trails to these and other activities if negative impacts as

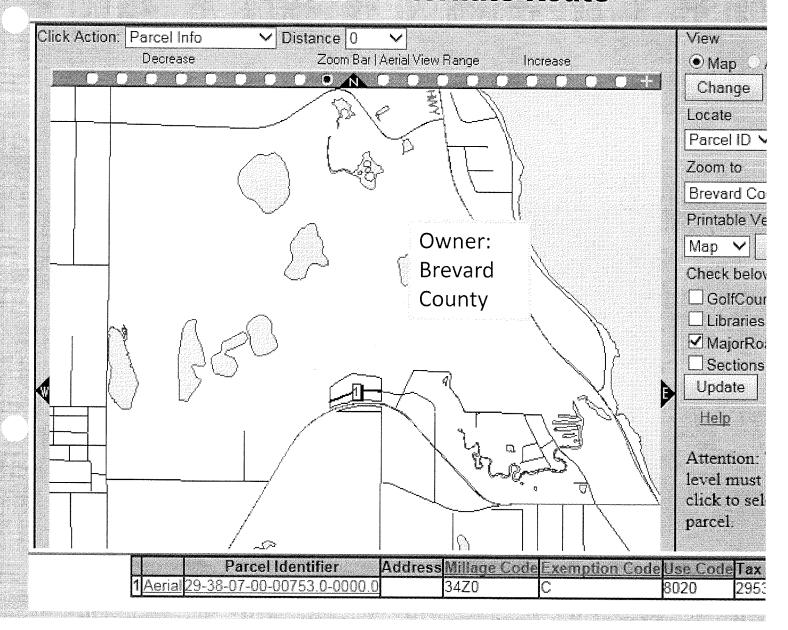


TOM T&GC - Talking Connectivity Malabar to Grant-Valkaria "Town Connector" Trail - Alternate Route

How to Approach the EEL Pgm?

- Get with the TC of G-V, and see if they like the i
- Perform basic research to determine if this alte is possible
- If so, approach the EEL Pgm with a meeting wit representatives of both towns
 - Possibly even after seeking resolutions from respe Town Council's endorsing this alternative
- Basically, if both towns agree and express that like this alternative, and it is allowed within the management plan, then the EEL Pgm may too, a The EEL Pgm will have valuable input on potent exact locations of adjusted connector trails witl

TOM T&GC – Talking Connectivity Malabar to Grant-Valkaria "Town Connector" Trail – Alternate Route



TOM T&GC – Talking Connectivity Malabar to Grant-Valkaria "Town Connector" Trail – Alternate Route

Abbreviated Descript

PART OF SE 1/4 AS DES

PENDENS BOOK 7 PG 49

Sub

Name:

Property Components Considered for Connect

	Gene	ral Parcel Information	l	
Parcel ID:	29-38-07-00-00753.0-0000.00	Millage Code:	34Z0	Exemption: C Use Code
Site Address:				Tax 10

Site Address is assigned by Brevard County Address Assignment for E-911 purposes and may not reflect the postal community name.

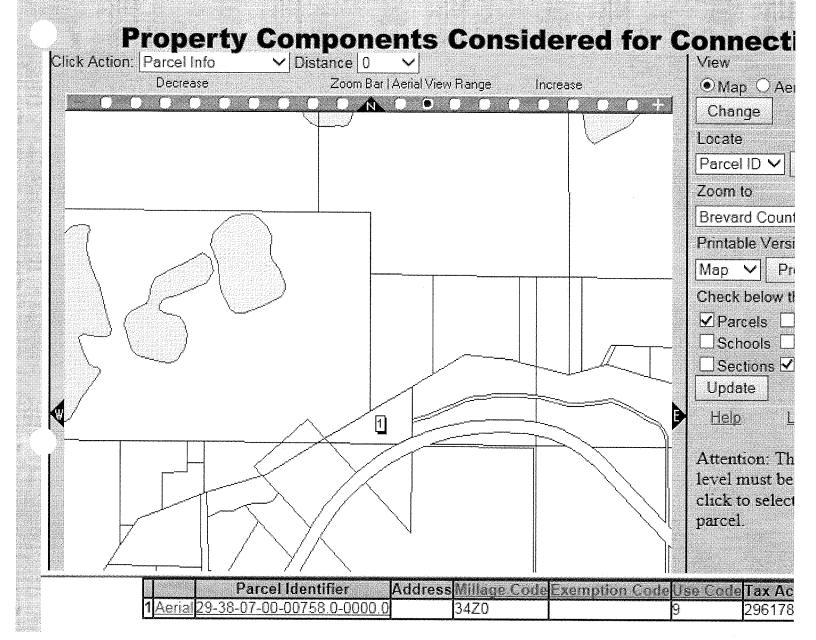
Owner Information

Owner Name:	BREVARD COUNTY	ſ
Second Name:		L
	C/O ASSET MANAGEMENT	_
Mailing Address:	700 PARK AVE S	

City, State, Zipcode: TITUSVILLE, FL 32780

	Land Informati				
Roll Year:	2012	2013	2014	Acres:	14.7
Market Value Total:1	\$23,520	\$23,520	\$23,520	Site Code:	1
Agricultural Market Value:	\$0	\$0	\$0		
Assessed Value Non-School:	\$23,520	\$23,520	\$23,520		
Assessed Value School:	\$23,520	\$23,520	\$23,520		
Homestead Exemption: ²	\$0	\$0	\$0		
Additional Homestead: ²	\$0	\$0	\$0		
Other Exemptions: ²	\$23,520	\$23,520	\$23,520		
Taxable Value Non-School: ³	\$0	\$0	\$0		
Taxable Value School: ³	\$0	\$0	\$0		

Malabar to Grant-Valkaria "Town Connector" Trail – Alternate Route



TOM T&GC – Talking Connectivity Malabar to Grant-Valkaria "Town Connector" Trail – Alternate Route

Property Components Considered for Connecti

			General Pa	rcel Informati	on		
Parcel ID:	29-38-07-00-	00758.0-0000.0	0	Millage Co	de: 34Z0	Exemption:	Use Co
Site Address:							Tax
te Address is assign		unty Address Assign vner Informati		poses and may not	reflect the posta	al community name	
Owner N	ame: GOOD TH	HUNDER ENTERF	PRISES LLC		Sub F	PART OF S 1/2	
Second N	ame:				1 1	PARCEL "E" IN	
Mailing Add	ress: 3500 GO	AT CREEK LANE					
	code: MALABAF	***************************************		······································			
	1	/alue Summar	V	**************************************	l	Land Inf	ormatic
	Roll Year:	2012	2013	2014	Acres		3,5
Market	Value Total:1	\$46,540	\$46,540	\$46,540	Site Code	·	1
Agricultural Market Value:		\$0	\$0	\$0	Land		
Assessed Value Non-School:		\$46,540	\$46,540	\$46,540	Value:	i.	
Assessed Value School:		\$46,540	\$46,540	\$46,540			
Homestead Exemption: ²		\$0	\$0	\$0			
Additional	Homestead: ²	\$0	\$0	\$0			
Other	Exemptions:2	\$0	\$0	\$0			
Taxable Value		\$46,540	\$46,540	\$46,540			
Taxable V	alue School:3	\$46,540	\$46,540	\$46,540			

^{1:} Market value is established for ad valorem purposes in accordance with s.193.011(1) and (8), Florida Statutes. This value does not repres

Malabar to Grant-Valkaria "Town Connector" Trail – Alternate Route

Property Components Considered for Connecti

