

**MALABAR TOWN COUNCIL REGULAR MEETING**  
**May 2, 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 Chair Mayor Phil Crews. CM Korn led the prayer and pledge.

**B.     ROLL CALL:**

COUNCIL CHAIR:	Mayor PHIL CREWS
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 was also present.

**C.     APPROVE AGENDA - ADDITIONS/DELETIONS/CHANGES** – CM Krieger asked under unfinished business to add items from last meeting. No objections.

**D.     APPROVE MINUTES – 4/18/16**

**1.     Regular Council Mtg of 4/18/16**

**Exhibit:** Agenda Report No. 1

**Recommendation:** Request Approval

Discussion: CM Korn I.2., pg. 2, 2<sup>nd</sup> para, he asked for clarification: re: both subjects – both are important – people will die and the Disc Golf Park is important. Clerk will clarify.

**MOTION:** CM Vail / CM Krieger to approve RTCM 4/18/16 as clarified. **VOTE:** All Ayes.

**E.     SHERIFF'S REPORT:** no one present

**F.     ATTORNEY REPORT:** Karl said he had previously reported on the US Supreme Court decision striking down sign code regulations saying they cannot be based on content. He did a proposed amendment, which still provided for political signs and CM Ball questioned that. Therefore, Karl amended the entire ordinance. Regulations will be based on time not subject. Gave example of additional signs allowed at certain times of the year. Clerk will send out his marked up (underlined and strike troughs) ASAP showing changes. Please review and send comments to him or clerk.

**G.     STAFF REPORTS: ADMINISTRATOR:**

TA briefed Council on multiple subjects:

- 1) Thanked Heidikrugar and Skip Whynot publicly for fixing the Town well at no cost to the town.
- 2) Lett Lane in 2009 was improved (report attached) but afterward the approved road section information was not provided to PW. (PP slideshow on overhead did not work). CM Vail said was it the town engineer's opinion that the const was adequate. TA said yes, from what he can determine. Bill Stephenson approved. TA said that he was told that he may not have even gone for a site visit. He does not know if that is true. CM Korn said it is in his district and he has seen it and agrees the town needs to fix it. He does not want to play blame game. Property owner paid to have road right of way improved and it was approved and has not been maintained it so it is on Council to fix it.

**MOTION:** CM Korn / CM Kohler to proceed with necessary corrections to the road. CM Ball said how were calculations made. TA estimated the materials and Tom estimated the time. The vibratory roller is the only piece needed to be rented; the rest of the equipment is all town owned equipment.

CM Krieger said if the town engineer did not even look at it but signed off on it; what is the Town's liability? He does want to affix blame. How did muck get there? He wants to learn more about this. He is seeing more and more of this. CM Krieger asked if the owner is now going to build. Chair asked if the liability of engineer's actions is a separate issue. CM Korn said we have accepted the improvements and are responsible for maintenance. If we have not done so, we are liable.

Atty said we are legally obligated to correct it. TA said we can take some road topping and fix this now for less money but you will be having this conversation again in 1.5 to 2 years. What he presented was his best estimate; could be less; but with a minimum of 12K.

**VOTE:** Aye, 4; Nay, 1 (Krieger)

### 3) SR514

He then showed the map from PD&E Eng firm, Aitkens Eng showing the traffic counts between intersections along Malabar and Hwy 1. TA asked each CM to call at least ten (10) of their constituents and get them involved; what do they want to see in this project, do they support one of the proposals or have another in mind. In the package TA has given each CM list with the names, addresses and phone numbers of ten constituents in their district to get them started. TA asked that they be ready to take action on this at next meeting.

TA said since his time here he has been to three meetings with FDOT staff, reps or contracted engineering firms. He hears from Council that no one shows up for these council meetings. This is a way to reach out and get them involved. TA asked Council to each speak with ten residents within their districts re: SR514 widening-FDOT is looking for opinion of Council so let us get constituents involved.

Chair said is it a good idea to get the residents involved. CM Ball thinks it is a great idea to contact residents.

TA said looking at the accident rate on Malabar Road, rising 30% per year. 87 accidents on Malabar Road in 2020 if these rates continue.

TA said we stand a much better chance of getting what we want instead of what they dictate if they can speak with one voice.

CM Korn agreed and said he has been in communication with FDOT in Deland and Tallahassee, prior to the last Council meeting. They tell him that Malabar does not tell them what they want. CM Korn said Ken Dessler is the Florida Sec of State and he has his card in his pocket. We must tell them what we want. Should we have a workshop?

**CLERK:** nothing.

**H. 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.**

**I. PUBLIC HEARINGS/SPECIAL ORDERS:**

**PUBLIC HEARINGS/SPECIAL ORDERS:**

**< Presentation:** Mayor Crews re: 4/26 Storm Water Tour – went over PP

Chair then went over the overhead presentation and explained the two types of projects.

Skip Hard asked if they know the level of pollutants and asked if this is a solution looking for a problem? TA said a survey with your own eyes shows we have five active stables and lots of grazing land. TA said FIT has offered to test water for free.

**< Presentation:** Mayor Crews re: North end of Rocky Point Road – Status Update

Mayor showed the area and survey and it is hard to see. What are the color codes? He is still getting info on what the color codes mean. This map is from 1956. The purple area is the area that appears to be the area that was part of the ROW. Mayor said don't want to spend money now.

Park Board Chair Hans Kemmler said he wanted to show his slide show. Council allowed and Chair explained that they had revised the council meeting order. Hans said he would like someone to take a vote on whether the request is proposed to FDOT. Hans then reported that he had wire brushed and applied Ospho to most of the playground equipment. Had one more corner to do that he would need a lift to reach safely.

**< Recognize TA has successfully completed his probation.**

CM Krieger said there is no tenure in this position. Council is pleased with TA's performance.

**< Direct Atty to Amend Chap 2 of Code to add SpringFest Committee as a Standing Committee**

Chair said from the last meeting it was suggested the Atty amend code – Atty assumes they will have the same rules limitation on committee members: CM Ball referred to pg. 11 of packet, this committee should have more members and he suggests it have a broader title such as Special Events Committee so we can co-op with GV on some trail events.

CM Korn as he understands for the past 12 years SpringFest has been coordinated by Town staff. Malabar boards are each set as five members plus two alternates. Need to have an established committee. It worked out great this year but it takes a lot of staff time; it should be a community event.

CM Ball was the one that brought this up originally. There was a lot of interest from up here on Council and that participation is what helped make this year's event great. He sees it as an Event Coordination Committee. If you have an ad hoc committee, you are done. If they make it a regular committee and work with GV that from that point you could bring the two groups together. That is why he is pushing for this. There is enough assignments for more than five members; layout, vendors, etc. Chair said you can bring in subcommittee. CM Korn said wouldn't that be better under the Park Board.

CM Krieger asked Atty about communication. Without any other info, he would say it is also sunshine.

CM Krieger said if the Park Board is supposed to get this info then they could have a standing subcommittee. CM Korn said his recommendation tonight is that CM Ball and Chair of Park and Rec confer and come back to them at the next meeting. They can talk to each other. CM Vail said if you have a member of event, board gives you more status and stake in the town. When you have a subcommittee, there is less ownership. Once the event is done, you are off the hook. Have regular events. Canoe in the river and get the town more involved in special events.

We have tons of land that is not being used. Other towns have lists of activities for the residents to get involved in. He referenced the pancake breakfasts. CM Krieger – said they need the parameters. Need to have the plan before you write the code. CM Ball asked Atty if a volunteer to that organization has to be a resident. Can the one member be a resident and then he have four volunteers that may not be residents. Yes. CM Korn said many of our volunteers every year are from outside of Malabar. CM Ball will get with Hans and see if they want to go under Parks – consensus. CM Ball will bring it back.

**J. UNFINISHED BUSINESS/GENERAL ORDERS MAY INCLUDE ITEMS DIRECTLY RELATED TO RESIDENTS PRESENT AT MEETING (RECOMMENDATIONS FROM BOARDS, HOA REQUESTS, RESIDENT GRIEVANCES)**

**K. ACTION ITEMS: ORDINANCES FOR FIRST READING: 0; RESOLUTIONS: 0; MISCELLANEOUS: 1**

**2. Accept 100' of Improved Fins Lane and Certify Costs**

**Exhibit:** Agenda Report No. 2

**Recommendation:** Request Action

Franklin said that in 2005-2006 Herndons applied for a road improvement application. Originally was for 530' and was later administratively shortened to 454' leaving appx 75' unimproved in front of their house. Calderons came in and asked for a variance to build short and then later requested Council to vacate the roadway between their three lots. Both were approved. St. Johns has signed off on it as did our Engineer. The certified cost per linear foot is 121.91.

**MOTION:** CM Vail / CM Korn to accept Fins Lane extension of 100 feet. **VOTE:** Ayes, 3; Nays, 2 (CM Krieger & CM Ball).

COUNCIL CHAIR MAY EXCUSE ATTORNEY AT THIS TIME – after next item - consensus

**L. DISCUSSION/POSSIBLE ACTION:**

**3. Consider Methods for Memorial Tributes Overall and for Mayor Beatty Specifically**

**Exhibit:** Agenda Report No. 3

**Recommendation:** Discussion

CM Korn said when Mayor Eschenberg died; they tried to come up with what would be appropriate tribute to him. When Kelvington (former Council and Park Board Chair) died, they mounted a plaque to a coquina rock at the park.

CM Korn said it was suggested by Marisa Acquaviva to rename Malabar Woods Blvd. to Beatty Blvd. CM Korn suggested naming the PW facility after him. Or establish a memorial garden in the park for all those who have contributed to the Town; don't limit to mayors that died in office. Come up with a plan and an idea for what we want to do? He referenced the trailhead plaque at the SandHill Trailhead on Marie that was placed for the bluegrass musician. CM Vail said Carl's heart and soul was in this town. CM Ball is for naming the park after him. Dick said the whole park? CM Krieger, doesn't like naming the Blvd. after him because it is a cracked up road, but also is not sure about the whole park? CM Korn gave example of legendary coach. Name a part of the park after him. Have a policy. TA said put the question to residents on website. Make it for both - specifically for Carl and also in general. CM Kohler suggested renaming the Fern Creek.

**4. Repeal all Resolutions Prior to 04-2016 related to Council Procedures**

**Exhibit:** Agenda Report No. 4

**Recommendation:** Make Motion

CM Krieger asked for this to be brought back. It had been discussed before.

**MOTION:** CM Krieger / CM Ball to repeal all prior resolutions as listed by CM Krieger **VOTE:** All Ayes.

(Note: after meeting Attorney was contacted and the repeal of resolutions must be done via a resolution.)

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

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

Chair asked for items for next meeting:

Franklin said the inventory could be ready for next meeting. Teen council – do we want to fund them, what are the criteria, discretionary money to fund them. Add for discussion.

TA Hoyt: nothing.

CM Ball – Teen Council purpose and direction. Copy teen council meeting info to Richard.

CM Vail – earlier we were talking about presentation. Used to have regular ones. What about one from the Fire Dept. Keep them on the agenda for each to report if they want.

Send a reminder to them (board Chair) Ball said we also haven't had the BCSO. Send reminder out to all. The old house in the triangle. Did not know who contacted them but it was not well received. If they would donate it and have it moved to the park and use it for historical purposes. It would be a nice little blast of the past.

CM Korn said we need to appoint a historian. Mayor said his brother was married to Koutnick.

CM Korn said maybe it should be Anne Crain.

CM Krieger - next meeting bring up again up again bring up the district population.

CM Korn – put question on website for SR514. Request input from residents.

Mayor said his wife and she will come into see me, to get a petition, and take it to Altman and the state rep. Come armed with petitions regarding the speed limit. CM Korn said there has been too much mis-information given out by a couple of professional citizens as self-imposed experts. They are telling people that they know everything that is going to happen with the SR514 widening. Same is true with High Speed railroad. Chair said we need a Ministry of Rumor control.

CM Kohler –no items but did want to ask for council appointment of an alternate for bill reviewer due to his current schedule.

**MOTION:** CM Ball / CM Kohler to make CM Krieger the alternate bill reviewer. **Vote:** All Ayes. CM Krieger accepted.

**O. ANNOUNCEMENTS:**

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

**P. ADJOURNMENT:**

There being no further business to discuss, Chair stated without objection the meeting is adjourned. The meeting adjourned at 9:55PM.

BY: \_\_\_\_\_  
Mayor Phil Crews, Council Chair

(seal)

ATTEST:

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

Date Approved: 5/16/2016