

**MALABAR TOWN COUNCIL REGULAR MEETING**  
**June 6, 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 7:35 pm by Council Chair Mayor Phil Crews. CM Vail 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 – none.**

**D.     APPROVE MINUTES –**

**1.     Regular Council Mtg of 5/16/16**

**Exhibit:** Agenda Report No. 1

**Recommendation:** Request Approval

**MOTION:** CM Kohler / CM Vail to approve RTCM 5/16/16 as submitted. Discussion: none

**VOTE:** All Ayes.

**E.     SHERIFF'S REPORT:**

Deputy Donosi said it was a quiet month. Mostly had vehicle crashes; 30 this month. 2 thefts and 4 burglaries. 12 suspicious vehicles; 13 suspicious persons, 1 attempted suicide, 3 disturbances. He stated that next month a Lt will be here. CM Krieger asked about written report. TA said that Council specifically asked for an in person report.

**F.     ATTORNEY REPORT:** none – CM Krieger asked about status. TA asked about statute of limitations.

**G.     STAFF REPORTS: ADMINISTRATOR:**

TA briefed Council – Gradall is broken down; technician was supposed to be here today but was no show.

1) south end of Marie, North end of Corey.

2) cleared culverts and ditches as much as possible in storm prep.

3) re: folder in front of each CM with a preliminary report on purchasing – take it home and look it over and mark it up and hand it back in and then we can draft a resolution and get it to attorney.

4) contract has been let for septic for ADA. Health Dept. is swamped and Pence will be submitting it by week end. Project should be complete within 6 weeks.

5) Went to seminar re: crisis mgnt. Go to town website and you will get updates on your smart phone. Some of the comments on social sites have not been correct. It does not benefit anyone. At seminar, they were told to join all these social media sites. He doesn't agree.

CM Korn said he will read comments during his report. He said his wife had noticed all the work the PW has been doing. Someone came up to her at local restaurant and thanked her for work PW has been doing. Someone stopped him at Home Depot and said same thing to him.

**CLERK:** Have not received anything from Council or Boards for newsletter. New article complementing the PW with photo and equipment.

TA said drainage issues are from the 1920's. He has found road elevations and contour maps and this information is absolutely necessary before any shovel is put in the ground.

**FIRE CHIEF:**

Month of May review: He read from his report. 41 calls for the month of May. 36 active FF and 10 support services. 10,261 hours of volunteer's x 23/hr. – basically that is what you are saving. Through Forestry they got a cascade system. VFA grant.

DOF vehicle 72K value and then will be brought up to speed. Any questions. None

**BOARDS:**

P&Z Vice Chair Liz Ritter – waiting on information to come in from 5-year plan.

Park Bd Chair Hans Kemmler – doing work at Disc Golf Park – fixed T-pad

Standing committee for SpringFest and have three members – report to Park Board or Council it doesn't matter. Meeting once a month. 3<sup>rd</sup> Thursday of month for meeting. Mayor said events committee and they want to report directly to council. Mayor told them that would be a council decision. CM Korn said his recommendation to be a subcommittee of Parks and Rec. Mayor added that as a standing committee they can use outsiders. CM Vail said what are their plans for Huggins Park. CM Korn said it is a wonderful piece of land very well maintained property. CM Vail said add article in newsletter. CM Kohler added it could be a dog park. Add to next Park and Rec agenda.

T&G Chair Drew Thompson said they would like to do what they did at north end of Corey at Marie Street at south end by Atz Road. He asked why there is a no trespassing sign there. Would like to have the sign removed. The committee could then do a meandering trail heading east through Jordan Blvd. Simply allow some access to Jordan Scrub. If Council approves, it would be a temporary use until Atz connects to Marie Street. Talk about it at council and get back to them.

On another front – USNG – GIS for signage and mapping so someone's smart phone everyone is talking about using SCTPO – Bike Trail Advisory Com BTAC. Murry Hann is actually the Chair. That is the forum that gives suggestions to TPO for consideration and funding.

Their emphasis is connecting with other communities. CM Vail asked about integrating G-V and Malabar on similar projects. Their committee is looking at working on Maries St ROW at south end (Leghorn) but there is a problem with wetlands. Talking to EELs and / or getting easement from Harris Corp. CM Korn asked about Leghorn. He hadn't been there in years. Would wooden bridge on Al Tuttle trail be what he means. Yes. But that was a EELs project.

Mayor Crews referred to some county property at south end that county offered us for parks but we declined. CM Kohler suggested he contact BMBA for volunteer help. Drew mentioned their improved website.

CM Krieger asked about cycle tracks – re: funding. The last meeting of TPO they discussed a paved 2-way cycle track. One of the roads up in Titusville was actually dedicating the ROW.

Palm Bay is dedicating a new park on east side of Babcock Street. Olin Johnson. CM Kohler said it is already a trail but it is not official.

**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: 0**

**J. UNFINISHED BUSINESS/GENERAL ORDERS: 0**

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

**2. Resolution Repealing** Prior Resos re: Council Procedures (Reso 05-2016)  
A RESOLUTION TO REPEAL PRIOR RESOLUTIONS PERTAINING TO COUNCIL PROCEDURES AND ADMINISTRATION TO INCLUDE BUT NOT BE LIMITED TO RESOLUTION 07-2014, RESOLUTION 30-2013, RESOLUTION 11-2012, RESOLUTION 104-2011, RESOLUTION 01-2009, RESOLUTION 13-2008, RESOLUTION 04-2007, RESOLUTION 5-97, AND OTHERS THAT MAY MEET THIS CRITERIA PRIOR TO RESOLUTION 04-2016.

**Exhibit:** Agenda Report No. 2

**Recommendation:** Request Action

MOTION: CM Vail / CM Krieger to approve Reso 05-2016. Discussion: Some confusion over the question of whether that left any resolution in place to provide guidelines.

MOTION: CM Vail / CM Krieger to table until confusion is clarified.

**3. Resolution Expressing Malabar's Position** re: SR514 Widening (Reso 06-2016) A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PERTAINING TO A REQUEST FROM THE FLORIDA TRANSPORTATION PLANNING ORGANIZATION TO RECOMMEND A CONCEPT FOR THE WIDENING ON SR 514, MALABAR ROAD FROM THE WESTERN BOUNDARIES OF THE TOWN TO U. S. 1 (STATE ROAD 5) IN THE TOWN OF MALABAR; 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. 3

**Recommendation:** Request Action

MOTION: CM Vail / Krieger to approve Reso 06-2016

Discussion: CM Vail – summed up his constituent's ideas. CM Krieger said he presented the reso at the last meeting and the reso in package was changed and had additional stuff by Doug. He handed out revised reso with his comments in italics. Line throughs and underlines are shown.

Krieger said they should get the intersections improved first and take the traffic signals out of the resolution. Chair asked if he wanted to amend the motion. CM Krieger wants to amend the reso to take out the lights. Utilize land on north side. Did not implement – last line has italics. Under findings – use. He doesn't envision the discussion

Motion is to replace pg. 1 with new pg. 1. Krieger and Ball. Krieger said this is a sharp stick in the eye. Where is this going. More has to be done but this is a start. First do the two intersections.

MOTION: CM Krieger / Ball to approve Reso 06-2016 with new page 1.

CM Korn agrees with 80-90% of what CM Krieger has said. But we need to get their attention. The presentation they gave to us at last meeting was a scam. My suggestion to them is honor your promise on 2014 to improve intersections and reduce speed. After you have done that in good faith. CM Krieger thinks this reso will do that.

CM Vail asked about funding. CM Krieger said he went to the meetings at the hospital it was their interpretation to improve the intersections was a done deal.

CM Ball said he supports Krieger's reso but still thinks traffic lights are necessary. TA agrees with Krieger but had talked to the BCSO MSTU deputies and they felt the traffic lights were needed. The turn lanes will cause more accidents. Also with the high speed the Chief said it is hard to get rescue vehicles. He spoke with the FDOT and they said tell him what they really want. We need a reso that is unified.

CM Vail said he went through the same thing in front of his shop. It was 2-lane. Since they widened there are more T-bone accidents. Overall and exposure to it, during high traffic times, it is worse.

Voting on amendment first: take lights out. CM Ball said his concern is

CM Ball, Aye; CM Vail, Aye; CM Krieger, Aye; CM Korn, Aye; CM Kohler, Aye. Motion carried 5 to 0.

Voting on Reso: approve as amended - replacing pg. 1.

CM Ball, Aye; CM Vail, Aye; CM Krieger, Aye; CM Korn, Aye; CM Kohler, Aye. Motion carried 5 to 0.

#### **MISCELLANEOUS:**

#### **4. Malabar's Position on All Aboard Florida High Speed Passenger Rail**

**Exhibit:** Agenda Report No. 4

**Recommendation:** Request Action

MOTION: CM Krieger / CM Kohler to table this item as there is no urgency. Krieger/Kohler.

Vote: All Aye. TA said DEP has raised new questions so there is a delay.

#### **5. Direction on Cell Tower Land Lease**

**Exhibit:** Agenda Report No. 5

**Recommendation:** Request Action

Motion:

Discussion. TA currently have a lease with Crown Castle. They have come to us near the end of the 5-year multiple renewals.

Option: larger amount – if they added new carrier and we get nothing.

Option 2: lesser amount but if they get new carrier we get 200 each.

Right now we get a smaller amount monthly and it just goes into the general fund. CM Vail said what is the amortization schedule. TA said in 10 years. Also if technology changes

MOTION: CM Korn / CM Vail to take the larger amount now.

Discussion: CM Korn believes that the technology is changing so fast and the satellites will be replacing towers.

CM Ball said he doesn't have a problem with onetime payment. CM Vail said what kind of interest. 2 basis points. TA has investigated some investments for government funds. CM Krieger said the towers are going to be around for a long time and why aren't we looking at other cell tower vendors.

Mrs. Ritter, Orange Avenue asked what are we doing to replace the monthly amount? CM Vail said that getting the reserves built back up is more important. He has been asking about this for a long time. If they have been pulling from reserves to meet budget, then it is a double shortfall. CM Krieger said there is more information we want. CM Korn asked if TA

would he be comfortable going back to them and request a higher number. TA said he looked at the internet. What we are receiving from Crown Castle is consistent with other vendors are paying.

Vote: Ayes, 0; Nay, 5.

**6. Referendum Question re: Single District Voting**

**Exhibit:** Agenda Report No. 6

**Recommendation:** Request Action

MOTION: Vail / Ball to direct staff to prepare an ordinance to put question on ballot.

Vote: All Ayes.

Consensus to change language on MSTU question to use the 2012 language.

COUNCIL CHAIR MAY EXCUSE ATTORNEY AT THIS TIME 9:20pm.

**L. DISCUSSION/POSSIBLE ACTION:**

**7. Discuss Policy re: "Purchasing" & "Piggy-backing"**

**Exhibit:** Agenda Report No. 7

**Recommendation:** Discussion

CM Krieger: is there some proposed language. Yes, price points, different issue. Put on next agenda if council gets feedback from Council. TA said it is pretty straight forward.

CM Vail said re: Chap 13 allowing variances. Not looking for decision tonight. He thinks they should do away with it or change it to make it applicable to the person that got the variance. It is the price of admission. He built 644' of road. We have enough problems with short roads. At some point we are already dealing with problems in the future. Chair asked CM Vail to prepare a motion for the next meeting.

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

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

CM Krieger drove by and saw a bunch of cars. It seems to him that it should go to all the boards before it goes to BOA. First it is supposed to go to P&Z and Council. CM Korn said BOA out ranks all other boards and council.

CM Vail said there was mechanism in place to save him 15K. Put something on mowing in newsletter and ideas for Huggins Park.

CM Krieger said he didn't know about the BOA meeting. Nothing on door, in window box or at PO.

CM Korn said Dr. Ireland didn't build short – Ed Booth allowed him. Franklin said yes there is an Order and there was a BOA and it was recorded and she will provide copies.

CM Kohler - nothing

CM Ball for next agenda put on Events Committee for decision. Mayor's recommendation would be to be part of Park and Recreation. CM Ball said the teen council.

CM Korn put on next agenda about limiting vehicular traffic on Weber and Corey. No through traffic. Brought this up before and spoke to GV Mayor and one of their council members. Please put on next agenda for discussion.

Chair said a standing committee is /is not required to comply to sunshine. Get ruling from Attorney.

CM Korn read letter into record. Copy attached. Re: next door. CM Kohler if you look at any social site there is always going to be nay sayers.

TA said most of the people putting stuff on social media usually eventually make a fool of themselves. CM Korn said just they seem to be trying to tear the town down. CM Kohler said take it with a grain of sand.

CM Krieger would like the budget to actuals in Excel on a monthly basis. Sewage franchise agreement. CM Krieger said they don't want Palm Bay to force people onto sewer. Chair said it is already in contract. CM Vail said he did say he wanted to put it in writing. Chair said read the contract.

CM Krieger wants to have discussion item for next agenda – SW assessment (non-ad-valorum) change or not to have it at all. For discussion.

**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 9:55 PM.

BY: 

Mayor Phil Crews, Council Chair

(seal)

ATTEST: 

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

Date Approved: 6/20/2016