

MALABAR TOWN COUNCIL REGULAR MEETING MINUTES
JULY 03, 2017 7:30 PM

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

A. CALL TO ORDER:

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

B. ROLL CALL:

CHAIR:

MAYOR PATRICK T. REILLY

VICE CHAIR:

STEVE RIVET

COUNCIL MEMBERS:

GRANT BALL

LAURA MAHONEY

DICK KORN

RICHARD KOHLER

TOWN ADMINISTRATOR:

DOUGLAS HOYT

TOWN ATTORNEY:

KARL BOHNE, Excused

TOWN CLERK/TREASURER:

DEBBY FRANKLIN

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

C. APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES: Chair recognized CM Korn's request to add item he had emailed out on Sunday as #4.

D. APPROVAL OF THE MINUTES:

1. Regular Town Council Meeting Minutes 6/19/17

Town Council Workshop Mtg Minutes 6/26/17

Exhibit: Agenda Report No. 1

Recommendation: Request Approval

MOTION: CM Kohler / CM Korn to approve RTCM minutes of 6/19/17.

Discussion:

CM Mahoney said page 1 of the minutes does not include her question about the stormwater public hearing that was advertised. People had come to the last meeting due to the advertisement. CM Mahoney said on pg 7, item 4, the minutes should reflect that the letter from TA is attached to minutes. It was sent out later, after the meeting.

CM Mahoney requested Item 2 to be tabled. She wanted to know who set the agenda – she didn't think they would be voting on the fire apparatus; she thought they were going to be discussing the financing. Chair explained that the minutes reflect what the action at this meeting would be; the time to change the agenda had passed. Chair asked if there was a second on she MOTION to table. None. Chair stated motion died for lack of second.

Chair called for vote on minutes of 6/19/17.

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

MOTION: CM Ball / CM Korn to approve WS minutes of 6/26/2017.

Discussion: none. **Vote:** All Ayes.

E. BCSO REPORT: none present

F. ATTORNEY REPORT: Excused

G. PRESENTATIONS: **CM RICHARD KOHLER: IEMO 2 CERTIFICATION**

Chair presented Certificate to CM Kohler for his completion of the Institute of Elected Municipal Officials Level 2 – an intense 3-days advanced training for local elected officials. The courses are offered by the Florida League of Cities.

H. BOARD/COMMITTEE REPORTS: none present
 Trails and Greenways Committee:

**Planning and Zoning Board
Park and Recreation Board**

I. STAFF REPORTS: ADMINISTRATOR: CLERK: FIRE CHIEF

ADMINISTRATOR: TA

CM Rivet asked about east Atz Road drainage project. TA said they have made one change on the mid-south side to the west and the north side to the east.

CM Mahoney asked about soccer field – did the plugs get put in. TA said that the Town never agreed to plug the field. It is greening up – they are going to give it a couple months. CM Mahoney said she spoke with Ryan (pesticide vendor) and he said Ecor is a good company and was at that meeting with TA at soccer field that they discussed the plugging of the field. The TA said the weeds are dying. Just because you fertilize and herbicide you aren't going to get a nice lawn. She said Ryan said if the plugging has not already been done, it would be too late. TA said Mr. McLachlan made the only donation and it was reported at the last meeting that it was used to offset the herbicide and fertilizer.

CLERK: City of Satellite Beach will be holding an Ethics Training session on August 1, 2017 at 12:30 that meets the annual requirement. Please let me know if you wish to attend. The deadline for reservations is the 21st of July. CM Mahoney, CM Ball and CM Kohler will attend.

FIRE CHIEF: Last month he told Council about the need for SCOTT packs. He has gotten 15 SCOTT packs from Melbourne Beach in exchange for training 8 of their fire personnel in the autumn Fire 1 class. This represents a savings of over 100K.

J. 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: Jose Merino, Benjamin Road – He feels he was misquoted at last meeting. He wasn't complaining about drainage issues on his property – it was about drainage issues for the whole SE area of Town.

Speaker's Card: Richard Kovach, Hall Road re: July 4th upcoming fireworks. He has been a resident for 11 years. He read statement about the law related to fireworks. They harm returning military suffering from PTSD and said all fire depts respond to 25% more calls on July 4th. He asked Council to provide input to State to rid the loop hole in the statute. CM Korn said he does not want to restrict individual rights. Ask the Sheriff to make a public statement.

K. PUBLIC HEARINGS/ UNFINISHED BUSINESS/GENERAL ORDERS: None

L. UNFINISHED BUSINESS/GENERAL ORDERS

ORDINANCES FOR FIRST READING: 0

RESOLUTIONS: 0

MISCELLANEOUS: 2

2. Approve Bid for New Fire Apparatus

Exhibit: Agenda Report No. 2

Recommendation: Request Action

Speaker's Card: Brian Vail, Smith Lane. He knows Council, the Town, and knows the fire dept. The vehicle is 21 years old. It is going to fail the pump test. The ladder is a refurb. They have learned you should not buy refurb apparatus. He said it is about the fire fighters

and public safety. You are affecting public safety, you are compromising overall public safety. 50K for ten years for a vehicle that will then last an additional ten years is a good investment.

Speaker's Card: Richard Kovach – This item is not about the cost. The bid for fire apparatus; it could be a small or large item. In contrast the slope mower. The perception is that public does not know what is going on. The requirement for three bids. Be transparent and use budgetary oversight.

Speaker's Card Karleen Conroy, Alexander Lane, read from statement. She said there is a disconnect between the public, staff and council. She questioned the rush to purchase the fire truck. She said the use of the word "apparatus" is deceptive. This isn't the sleepy town of Malabar. Malabar residents need to be involved.

Speaker's Card Skip Hard, Hard Lane, thanked Karlene and Richard. He is not against purchase of fire truck but rather looking at cost. Several years ago, Mr. Abare attempted a study. He said Council should back off from this and do a study and determine if they want to sign a contract committing taxpayers to a ten-year debt.

Chair asked TA to introduce. TA said a study of three homes and the amount they pay in taxes was done and Posted it on the website; asked if it had been read. They have been researching this item since the beginning of the year. By delaying it, the ISO rating will go up to 10. Premiums will cost residents more than the 50K in annual payments. He strongly recommends Council approve the recommended bidder.

MOTION: CM Korn / CM Kohler to approve bid from Pierce for Fire Truck.

Discussion: CM Korn said he feels very strongly in transparency and believes all of them do. Council's has a responsibility to do things for the health safety and welfare of the residents. They need to help people understand.

He gave an example of a tax bill and the amount that comes to Malabar. The cost of a refurb would have to be paid now for a possible two-year period. CM Korn said Council needs to do a better job of helping citizens understand. CM Korn stated that if they went to county then Malabar would be paying for 420K and the 433K would be a special assessment for the property owners.

(Post Meeting Note: This is not correct. Property owner would pay the non-advalorem assessment and the special assessment for County coverage with no money coming from the town.)

CM Korn said the Council has been working on this for three years.

CM Rivet said we have a hybrid department. Our fire dept paid staff are not getting the same

CM Ball said he was against the ladder truck. He is a convert for what they are proposing. He will support this knowing that the ladder truck will go away. They have been looking at this constantly. They have looked at it and looked at out sourcing. They did the right thing in asking for staff to go get bids.

CM Kohler said it is has been proven. This is more of a safety issue. This seems to be the only way to go.

CM Mahoney is not opposed to the fire dept. Her biggest concern and the reason for her request to table. She stated her research shows that losing the pumper truck will not make us lose the ISO rating. One of the other things she has learned from talking to others shows they should use the SWAT analysis. She really wants to keep the public informed.

CM Korn focused on what CM Ball said about apparatus – we are going to get rid of ladder truck.

CM Kohler – his grandpa was a Fire Chief and he understands the need for proper equipment.

ROLL CALL Vote: 1) CM Ball, Aye; CM Mahoney, Nay; CM Rivet, Aye; CM Korn, Aye; CM Kohler, Aye. Motion carried 4 to 1.

3. Approve Legislative Priorities for Space Coast League of Cities

Exhibit: Agenda Report No. 3

Recommendation: Request Action

Speaker's Cards:

Karlene Conroy – spoke regarding tax increases

Richard Kovach – while the town must operate within its budget. Like to request that #4 not be included.

Discussion: CM Korn wants to go over them one at a time.

MOTION: CM Rivet / CM Kohler to approve the four (4) Legislative priorities and only the first three (3) of the local concerns with wording changes as noted.

CM Mahoney believes the safety money is still there per Lisa Hickman. It is a sure thing and we need to get something at least started. The list should be specific. CM Rivet said it is our priorities to submit to SCLC.

CM Korn said he would like to know what FDOT is planning to do with SR514.

Discussion: CM Mahoney wanted to go over each one of them.

#1 ok

#2 ok

#3 ok

#4 CM Ball has a problem with this. Refers to the ½ cent tax. It is being driven – not a priority. CM Ball reads it as wanting more funding. Change to emphasize use existing money.

Local

#1 – ok - CM Mahoney would add detail of using the safety money and a crosswalk at Marie Street. TA said FDOT will come and make presentation at next meeting. CM Mahoney said it does have details; it is good to include the fatalities.

#2 SW drainage. CM Korn said this goes with the IRL – we need to do our part. CM Mahoney said our water is clean.

#3 CM Mahoney asked if they were asking for money. It should be dropped. CM Ball doesn't like the reference. CM Ball wants to delete the reference to funding.

#4 delete that one.

Vote: All Ayes.

Motion carried 5 to 0.

4. Support SCLC Resolution

Exhibit: Agenda Report No. 4

CM Rivet said he is not in favor of a carbon tax. Render an opposing position.

Vote: All Ayes.

M. DISCUSSION / POSSIBLE ACTION: 0

N. PUBLIC COMMENTS:

Brian Vail, stated that most people don't recognize how much of tax bill is directed to Malabar – it is less than 10% of total tax bill. He is willing to pay more. If Council lets the roads fall apart it will cost the taxpayers a whole lot more money.

O. REPORTS – MAYOR AND COUNCIL MEMBERS

CM Dist. 1: CM Ball – he and his wife attended the T&G dedication of the shade structure. It was a positive improvement. In re: the ADA restroom: it is working but has a concern: it was built with a grant which was someone's tax dollars at some point. He asked how much it finally cost. TA will get that amount and he can put it on as an agenda item.

CM Dist. 2: CM Mahoney – Who is the medical director for Fire Dept and how much is he paid. Pursue the SWAT thing.

CM Dist. 3: CM Rivet: biggest thing he hears is about the drainage; next is roads.

CM Dist. 4: CM Korn: have they approved the slope mover. Tells audience to contact their council person or any council person.

CM Dist. 5: CM Kohler: nothing

Mayor: nothing

O. ANNOUNCEMENTS:

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

P. ADJOURNMENT:

There being no further business to discuss and without objection, the meeting was adjourned by the Chair at 9:25PM.

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

ATTEST:

Debby K. Franklin

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

Date Approved: 7/17/2017