

MALABAR TOWN COUNCIL REGULAR MEETING

August 1, 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 Phillip Crews. CM Kohler 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. **ADDITIONS, DELETIONS, CHANGES APPROVAL OF AGENDA** Mayor said without objection, the agenda stands approved.

D. **APPROVAL OF THE MINUTES:**

1. **Regular Council Meeting of 7/15/16**

Exhibit: Agenda Report No. 1

Recommendation: Request Approval

Without object minutes are approved

E. **SHERIFF REPORT:** none

F. **ATTORNEY REPORT:** Dislawssuit

G. **STAFF REPORTS: ADMINISTRATOR:**

He has asked for additional patrols and speed set ups at Brook Hollow. He was there and has witnessed the rolling stops. The reason he was over there for the speed bumps.

2. Asked about stop signs- stack of docs in front of you there is a spread sheets. It will cost about \$6,000. CM Korn said there were two more locations. So new price would be 7,500.

3. If we clump them together we may be able to save on labor. Our labor. CM Korn said to spread it out was for the rental of the LED signs. 1 one month for each intersection.

MOTION: Korn to proceed with project and cost as outlined by the TA. CM Krieger said he would like to table until after the budget. No 2nd.

Vote on main motion. Ayes 4; Nay (Krieger)

Failing culvert at Weber and Hall. If people respond,

Paving on Marie, Corey and Hall where the ground was not compacted properly. We need to look at correcting that. Large portion of Corey approaching SR514. CM Korn mentioned problem on Corey Road. Culvert was leaking. Seam on two sections of culvert came apart and was leaking. He suggests that the engineer or PW guy witness that the culvert is installed and compacted properly.

Krieger asked about the 3rd lane.

The corner of corey and hall. The east side is the worst side. NW corner is less. Baffle box is ours not county's.

Mailboat – review and get back by 4 on Friday.

All got a copy of prespective budget. He delivered most of them. The little sheet in front of them. They are making an adjustment. Was 1978 it was 1.5 and today it is 1.9256. If you believe the US Dept of Labor. To keep up with inflation the millage should be 5.5. Don't

CM Ball said that property was valued at far less.

CM Korn said that what they did at last was set the maximum to. If you want the same results keep doing

CLERK: nothing

FIRE CHIEF: In last 30 days they responded to 17 medical calls. 1 fire alarm. Vol hours for June was 1486 11, 487. Over the last 30 days they were preparing for ISO inspections. They faired very well except on the fire inspections. Since we don't do them they took a hit. The statute also requires inspections. Chief understands why they were removed years ago, but having more control. Not having plan reviews done. Sent guys out for pre-planning which is supposed to be done monthly. That and Fire insp are two different things.

BOARD REPORTS: P&Z, no rep

PARK & RECREATION, no rep

T&G COMMITTEE, Drew Thompson Chair, real quick report - they did as a group get out on the trails and updated the kiosks along the trails. Thanked Murray Hann for providing the new maps that show "you are here" - trails perspective incompasses these other areas. He contacted Chris Ohara and they provided him with a high resolution map. The map clearly shows what can be done in a one day either on bike, horse or foot. Some highlight. As they build this vision, through new projects if they can quickly zoom in they are basically going to be more successful. Wanted to thanks Chris Ohara for the map. No other city is pursuing this methodology. Permit for septic system should be ready soon and will have septic in mid August.

EVENTS COMMITTEE – no rep

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.

Skip Hard, Hard Lane, addressed some of the comments by TA. Remember the days of the property boom. When those tax rolls were being adjusted upwards, cities were enjoying an increase and now we are in a flat time. The revenues are not what they used to be. Want to bring it back to where it was.

Carlene Conroy, Alexander Lane, go on record that she is opposed to raising the taxes. They just went up. If you need money for projects, look at money to the fire dept. We are not GV we have a lot fewer people. She is opposed. She saw 30K in paying out Bonnie, Don't know who paid for the crosiing at Yellow Dog.

TA clarified, we had to set a number to comply with TRIM. When they had the bubble, the council lowered the millage so they didn't enjoy that increase. Invite residents to spend a couple of days down here and listen to the complaints from the residents on dirt roads.

CM Korn asked to follow up on that. The bubble lasted for a short time. He gave example. Comparing us to GV is not equal – they have no staff and have fire dept as a separate assessment. We are getting more bang for the buck.. He challenged anyone to find a fire Dept that is run as efficiently as ours. We are not wasting any money. Express your concerns ahead of time so they can do their homework. They are doing the best they can . CM Vail had conversation with Debby about raising the taxes. We keep skimping by and we are not doing the right by the town. No one here wants to raise the taxes we won't be able to improve .

Skip Hard, 2560 Hard Lane, comment by TA. The rollback wasn't initiated by Town. It was required by the State. No one would dispute the tax increase if you had a project.

I. PUBLIC HEARINGS/SPECIAL ORDERS: 1

4. Request to Vacate Portion of Johnston Avenue Reso 08-2016 (tabled to this date)

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA VACATING AND ABANDONING AN UNDEVELOPED STREET RIGHT-OF-WAY MORE PARTICULARLY DESCRIBED IN THIS RESOLUTION AS EXHIBIT "A"; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 2

Recommendation: Request Action on Reso 08-2016

PH held on 7/15/16 and issue tabled to this date.

Discussion:

MOTION: CM Kohler / CM Korn to approve vacate and adopt Reso 08-2016. Kohler sees no downside and sees this as a benefit for the applicant and the town. CM Korn said he is typically opposed to vacates. Mrs. Ritter called him and her concern was that is a potential alternate route for east west. He suggested to her that a better route would be .

CM Ball said P&Z turned this down. We are guardians of the townspeople. We can give it to a person but should we. Only if it is a benefit to the town. The taxes on 1.2 acre. That road may be built. He can't in good conscience

CM Vail is adamantly against giving up any right of way. He still thinks the east west .

CM Krieger had a question about when Fins Lane was vacated. The benefit was to him. He bought 4 properties. He voted against that particular vacation. He thought it should be turned into two cul-d-sacs. Answer was council can't do that.

Atty said the test is a public benefit. Can't do it for one person. No barter . As Mr. Ball said you are the trustees. You are not entitled to swap the ROW. The law is clear. Krieger does not recall what the test was or what the benefit to the town was.

Krieger, another question, theoretically, if it doesn't pass, can it be fenced? No. The town can block the ROW.

CM Korn asked TA for the benefit to the town. TA said it is pretty simple. Nord is not a through street. Mary is a possible east west. TA said the benefit is the large increase in taxes and West Railroad Ave to the furthest extent

ROLL CALL VOTE: CM Ball, n ____; CM Vail, nAye; CM Krieger, n Aye; CM Korn, nAye; CM Kohler, nAye. Motion approved 5 to 0.

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

3. AUTHORIZE Removal of Speed Bump on Briar Creek Boulevard

Exhibit: Agenda Report No. 3

Recommendation: Request Approval

MOTION: CM Vail / CM Korn to approve the removal of speed humps.

CM Vail wanted to hear from the speakers.

Drew Thompson said he was there before you 4 years ago. He clearly identified himself as a concerned citizen and resident of Brook Hollow. Council is responsible for the 100 foot ROW. He still appeals to council tonight. Brake lights indicate a slow down in speed. People can come with petitions. We have 131 person of Brook Hollow that don't want to pay taxes. It does work, town tax dollars went into it. If it is abandoned. Council made a decision to invest tax dollars to improve safety. There may be some level of liability. He did this for the sake of the neighborhood. Regardless of how many people sign petitions.

CM Ball said who is the people speeding. He asked for stepped up enforcement. CM Korn said they have a very active HOA. Have they considered this?

At the time it was citizens that wanted this solution for the safety of the community. auch dlapproved fkom said he is typically opposed to vacates. Mrs. Ritter called him and her concern was that is a potential

Penny Dalton, 900 Holloway Trail, husband Don is passing out . Clerk Debby Franklin has received the complete packet with the minutes and the newsletter. Residents brought the concerns to the Board. Excessive speed was a concern. Steve Rivet and Marisa Acquaviva were at the area. Between those two stop signs cars were exceeded 50-55 mph. They had a death of a child and the canine death was hit by a UPS truck. The many residents brought their concerns for excessive speeding and going through the stop signs. The police did a speed study and the digital speed monitored. Every street from Brook Hollow was represented at that Council meeting with the exception of two streets.

They support Sampson's concern over noise. Would the town be culpable if they htake out the speed bump . Please table this vote. If you need to bring in the digitally and have Major Desantis. Before they are removed and then again after it is removed.

Gary Sampson, showed the color pix of the drive around gouging the grass.

He has discrepancy. He has something from County and has a interoffice memo. Canine death, should have been on leash. Child's death was on his street. He went around three times with petitions and got similar stories. Norm Gage, originally supported but does not now. There has never been a followup study done. Gary met with TA a couple of different times. Speed hump belongs to town and would like to see it removed. He would like increased policing. It does not slow the traffic.

CM Korn, Brevard County does not have jurisdiction. He goes over three of them to get to brother's house. Speed bumps are used successfully. They do work if done right.

CM Ball said it looks – he is unhappy that we spent money to put it in and now spend money to take it out. This is absolute waste. He has a problem with that. If the people do not want this then it should be taken away.

Gary explained that he could have been hit by someone swerving around. The council in 2012 voted to do this. CM Vai said to remove it will cost something. They don't have anything saying it is more effective with or without it.

Mayor said here is an option. Council can approve the removal of it without funding it. What entity would remove .

Krieger said if they wanted to add a feature, would they . CM Vail would like to hear from the HOA. If their

Mayor asked who – President, Board, or members at large.

TA said in terms of removal it would be about 3 hours, at 50/hr. County was looking at this exact brand they determined it was ineffective. Also in the Brevard county the people requesting the speed bump must pay for the placement.

CM Korn asked to table this until a responsible agent of the HOA speak to Council.

CM Kohler said the speed limit has been reduced 20mph and the addition of the trail crossing. Shouldn't put speed humps

CM Korn called for the question. CM Kohler seconded. Vote all ayes.

Vote Ayes Nay (Krieger Vail)

Motion: Korn Krieger to have the town remove the speed bump at their cost.

Pending payment.

CM Krieger to add to the next agenda – Eliminating

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

M. REPORTS – MAYOR AND COUNCIL MEMBERS

1 – Dick is in need of a new vehicle. Fire Inspectors, are not a bad thing, and if it could improve our ISO then we should pursue it. Discussion item for next agenda. Should council also take the sotrmwater certification? TA and Eng have a good handle on what is needed. Franklin said the course

- 2- Kohler said Korn brought up something that is a big concern. Ball said the insurance was supposed to be reduced – what is the ISO and how does it affect
- 3- CM Vail said it is a single . Take 2014 tax bill 380 tax and in 2015 it is 395. We also need to consider impact fees for new construction. Cost of admission.
- 4- Krieger wants the piggy back and purchasing issue
- 5- TA said if you double the tax rate it is a cup of keriug coffee. If we float a bond, then that money is committed.

Mayor – from time to time items get tabled. He would like to add the items that have been tabled so they don't get forgotten. Mayor invites all of you to look at FS 200 and it gives you an idea of how municipalities quantify what the life safety expense it. Please think about different revenues – Brian said compare out response time compared to county. Before you make a decision. What is the difference. Mayor said we can't transport.

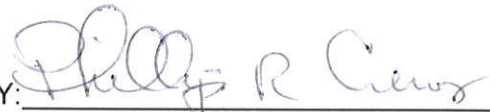
CM Krieger – asked Mayor about drainage treatment.

N. ANNOUNCEMENTS:

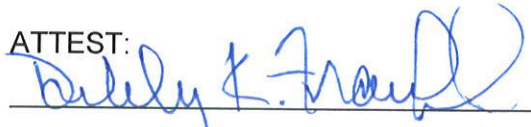
- (2) Vacancies on the Board of Adjustment;
- (3) Vacancies on the Park and Recreation Board;
- (1) Vacancy on the Planning & Zoning Board

O. ADJOURNMENT:

There being no further business to discuss, Chair stated without objection the meeting is adjourned. The meeting adjourned at 9:50 PM.

BY: 
Mayor Phillip R. Crews, Council Chair

(seal)

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


Date Approved: 8/15/2016