

MALABAR TOWN COUNCIL REGULAR MEETING MINUTES
SEPTEMBER 18, 2017 7:30 PM

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

A. CALL TO ORDER:

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

Chair explained the reason for the rescheduled date of the previously advertised public hearing meeting set for 9/11/17.

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, Acting Chief Mike Foley is also present.

C. APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES: TA asked that Reso be moved to Oct 2 at FDOT request so they can be in attendance. Under Misc., #5, TA stated the low bidder asked that the authorization to proceed to pave Eva Lane be moved out to 9/25/17. Council Consensus.

D. ATTORNEY REPORT: absent

E, STAFF REPORTS: ADMINISTRATOR: Town came through hurricane reasonably well. Continue to have flooding issues. The stormwater projects are to be done one at a time. Gave update on Cason Lane SW project recently completed and the positive feedback from residents. Next projects will be at the west end of Atz and Hall. CM Korn asked about the low hanging wires on Atz. Did that get cleared up? TA said no but that is something they are pursuing with utilities.

CLERK: nothing

FIRE CHIEF: August ran 24 calls 18th – 21st. Reported a little roof damage at Fire Station; leaks not structural. CM Mahoney asked about Chief. Acting Chief said to keep him in your prayers.

F. 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.**

Collette Hyde, 20140 Eva Lane, since 1989. The reality is, many of the users are using it as a thoroughfare and they are going very fast. She would support paving but would ask Council to consider putting in a speed hump or bump. CM Korn said he has seen how fast they go.

Skip Hard, Hard Lane, spoke of the grading degradation of Eva Lane and Quarterman Lane. Fire whoever is doing grading. He has heard concerns about dust and suggested they put crushed asphalt.

G. PUBLIC HEARINGS: First Readings on Ordinances setting Millage and Budget
1. Adopt Millage (Ord 2017-10)

Read by title only.

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, ADOPTING THE MILLAGE RATE OF 2.0906 FOR THE LEVY OF AD VALOREM TAX WITHIN THE TOWN OF MALABAR FOR THE PERIOD FROM OCTOBER 1, 2017 THROUGH SEPTEMBER 30, 2018, AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 1

Recommendation: Adopt Ord 2017-10

PH Opened – none. PH Closed

MOTION: CM Korn / CM Kohler to approve first reading of Ord 2017-10.

Discussion: CM Korn asked when the notice was mailed out. If residents have questions, make sure they call and get the correct information. CM Ball said at WS he feels they trimmed from the budget and had extra money and he feels he can't support it unless the excess goes into reserves to build it back up. We tell the taxpayers we are going to increase the SW fee and then increase the millage and then not put any of it into savings.

CM Korn said they should pay attention to any potential excess funds.

CM Mahoney said the Council did a really good job working on the individual line items during budget workshops. Need to continue to reduce to work within our means.

TA said philosophically he agrees to with CM Ball, if there were additional monies. We have had a storm event. It would seem reasonable to him to have money in a contingency fund to cover those expenses. In the period between 2006 and 2015 Council had to take from reserves every year except one and put very little back.

ROLL CALL Vote: 1)CM Ball, Nay; CM Mahoney, Nay; CM Rivet, Aye; CM Korn, Aye; CM Kohler, Aye. Motion carried 3 to 2.

2. Adopt Tentative Budget (Ord 2017-11)

Exhibit: Agenda Report No. 2

Recommendation: Adopt Ord 2017-11

Read TITLE and Section 1 of Ordinance.

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA ADOPTING THE TENTATIVE BUDGET OF \$1,879,053.00 FOR THE PERIOD FROM OCTOBER 1, 2017 THROUGH SEPTEMBER 30, 2018; AND PROVIDING FOR AN EFFECTIVE DATE.

SECTION 1. The Town Council, in regular session duly assembled adopt the tentative Fiscal Year 17/18 Budget of \$1,879,053.00 consisting of \$1,625,193.00 for general fund expenditures and \$253,860.00 in approved expenditures for Stormwater projects funded through non-ad valorem fees.

PH opened:

Brian Vail, Smith Lane, commends this Council for working as hard as they did on the budget. Doing a lot with a little for a long time. Last few councils have done well to not take from reserves. Vail believes in keeping the cookie jar full. Paving of Eva Lane has been promised for a long time. Bring it up to speed.

Danny White, Atz Road, agrees with Brian Vail and what he said. SW money is targeted and can only be spent on stormwater projects. PH closed:

MOTION: CM Kohler / CM Rivet to approve first reading of Ord 2017-11. Discussion: none.

ROLL CALL Vote: CM Ball, Nay; 1)CM Mahoney, Nay; CM Rivet, Aye; CM Korn, Aye; CM Kohler, Aye. Motion carried 3 to 2.

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

ACTION ITEMS: ORDINANCES FOR FIRST READING: 0; RESOLUTIONS:

3. Resolution 15-2017 – moved to October 2, 2017 meeting

~~A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, SUPPORTING A REQUEST FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION TO SUPPORT A CONCEPT FOR THE WIDENING OF SR 514,~~

MISCELLANEOUS: 2

4. Qualifying Candidates for 2017 Election

Exhibit: Agenda Report No. 4

Recommendation: Request Action

Chair directed Clerk to speak to this item. Clerk read from Agenda report on Candidate's Qualifying submittals.

MOTION: CM Rivet / CM Ball to "Qualify" the Candidates for Dist. 4 and 5. **Vote:** All Ayes.

Following Item moved to 9/25/17:

5. ~~Authorization to Proceed with Paving of Eva Lane:~~

I. DISCUSSION / POSSIBLE ACTION: 0

I. PUBLIC COMMENTS:

Brian Vail, traveled many of the roads especially the SOM (south of Malabar Road) area after Hurricane Irma. Many people were surprised by how fast the water went down even on Quarterman Lane. He knows someone down there. Quarterman Lane was about 1 foot over the crest of the road and within 3 days it was down quite a bit. For the amount of rain, we had pre-storm and during the storm this showed improvements. But we need to continue to make improvements. Thought he would share that.

K. REPORTS – MAYOR AND COUNCIL MEMBERS

CM Dist. 1: CM Ball: - Council has made a commitment to make progress on stormwater improvements. CM Ball asked about the drainage on the State-owned property that adversely affects Malabar. Town came through storm incredibly. We need to be thankful that it didn't get it worse. CM Mahoney asked about clearing the brush – do we have plan. Mayor said WM doesn't go down lanes. CM Ball said they don't go down US 1 either. CM Mahoney said her garbage was missed before the storm.

Chair recognized Franklin. Clerk explained that the Franchise agreement with WM is for regular service – home, yard and recycle. It does not include storm debris. Last year we joined with the other cities and allowed Brevard County to be the lead agency to deal with FEMA for debris pick up. She gave example of the method of collection last year – only two sweeps and no control over when and where those sweeps would occur. This year the Administrator took the initiative to hire an independent contractor to make initial sweep along main corridors – Corey, Weber, Hall and Atz Roads. Administrator will notify Brevard Council tomorrow on signing onto the Debris Clean-up with the County for FEMA pick-up.

CM Ball asked Council if the attorney's bill can be sent electronically rather than printed and copied. No objections.

CM Dist. 2: CM Mahoney: Why we didn't have the minutes. She wanted to submit hers again. Chair explained this was a rescheduled Public Hearing from 9/11/17 for the millage and budget. CM Mahoney said Glatter Road at the east end lives Jean Bamberger and her

pasture flooded. The PW crew cleared just to her house before the storm and stopped. If they had cleared all the way to the east her pasture would not have flooded. TA said the Gradall broke down.

CM Mahoney said she got a call that the electronic sign on Highway 1 refreshes quicker than 30 seconds.

CM Mahoney said Mr. Sylinski, Quarterman Lane, submitted his statement to her and she sent it to Debby and Doug. Franklin said it had been printed and copied out. TA had met with Mr. Sylinski on Sunday and had previously met with him and so did Engineer. CM Mahoney wanted it attached to minutes.

CM Dist. 3: CM Rivet: - stated we had roughly 12 inches of rain with the recent storm. Even in the SW part of the Town the drainage is improving and holding steady and we keep making progress on next phases of plan. Caution fellow Council Members and residents from micro-managing and straying from stormwater projects. Don't get distracted.

CM Dist. 4: CM Korn: Korn said he was in hospital and could only watch Channel 13 and saw all the pictures his wife took after storm and then three days later. And the amount that was absorbed back into the ground was significant.

CM Dist. 5: CM Kohler: Saw great response from neighbors after the storm and was grateful to see how we all came together. That is why we like to call Malabar home.

Mayor: He had three Mayor events; one was a Solar panel event – it was cancelled due to the hurricane. Nanna's house fund raising event was also postponed. He got calls from residents – tree on Marie Street. Wanted to thank Fire Dept for their good assistance.

Clerk Franklin also wanted to recognize Fire Dept for cutting down tree that fell across Rocky Point Road and others within Brook Hollow subdivision.

L. ANNOUNCEMENTS:

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

M. ADJOURNMENT:

There being no further business to discuss and without objection, the meeting was adjourned by the Chair at 8:25 PM.

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: 10/02/2017

