

MALABAR TOWN COUNCIL REGULAR MEETING
October 03, 2016 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 Mayor Phillip Crews called the meeting to order at 7:30 pm. CM Ball 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

Postpone #4. Without objection, agenda is approved.

D. APPROVAL OF THE MINUTES:

1. Regular Council Meeting Minutes 09/22/2016

Exhibit: Agenda Report No. 1

Recommendation: Request Approval

Without objection, minutes are approved.

E. SHERIFF REPORT: none

ATTORNEY REPORT: nothing going on with Painted Acre litigation

F. STAFF REPORTS: ADMINISTRATOR:

Proj 2A has been completed as of Friday last week. Headwalls and failed pipes have been replaced. Proj came in under budget at 33,400. Next project was repair of Lett Lane – estimated cost in May was 16,326.88 with no bidders. PW did it themselves with actual out of pocket 10,005.

CLERK: no

FIRE CHIEF: Chief Robinson went over stats. The ISO results were a 4/10. Anyone within 5 miles could see a reduction in home insurance. Over time the only way to improve is to add a hydrant.

BOARDS:

P&Z Pat Reilly, no meetings for last two meetings. Small houses will be discussed.

T&G Drew Thompson, brief thing to report. They did get authorization from council to purchase material for shade structure. Got most of structural material. Total was 50 cents under budget. Will be starting when cooler in winter months.

Events – Teresa to ad lib – who put them on agenda. They have not finished their mission statement – will do that at next meeting. Had question about using Facebook. Create a Facebook page for events committee. “they will use it to interface with community and use for marketing. She was not aware it had to be approved by council.

CM Korn related his class at FLC – social media not a good idea

Atty Bohne – concept of social media. Whatever that is produced by and responded by a member is a public record. That is another limitation.

TA said we had 29K hits on our website and over 100K downloads.

- G. 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.**

Skip Hard, Hard Lane, commented on TA report on Stormwater project.

H. PUBLIC HEARINGS/SPECIAL ORDERS:

2. Adopt (Ord 2016-03) CUP

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; AMENDING ARTICLE III TABLE 1-3.2 ELIMINATING THE CONDITIONAL USE "C" FOR HOUSES OF WORSHIP WITHIN RESIDENTIAL ZONING DESIGNATIONS; CHANGING THE PERMITTED USE "P" TO CONDITIONAL "C" FOR HOUSES OF WORKSHIP WITHIN COMMERCIAL GENERAL (CG) AND RESIDENTIAL/LIMITED COMMERCIAL (R/LC); PROVIDING FOR CODIFICATION, SEVERABILITY AND CONFLICTS; PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 2

Recommendation: Adopt Ord 2016-03

PH opened. None. PH closed.

MOTION: CM Kohler / CM Ball to adopt Ord 2016-03. Discussion: **ROLL CALL VOTE:** CM Ball, Aye; CM Vail, Aye; CM Krieger, Aye; CM Korn, Aye; CM Kohler, Aye. Carried 5 to 0.

3. Ament Code re: CUP (Ord 2016-02)

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; REPEALING SECTION 13-38 (C) RELATING TO VARIANCES AUTHORIZED BY THE BOARD OF ADJUSTMENT; PROVIDING FOR CODIFICATION, SEVERABILITY AND CONFLICTS; PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 3

Recommendation: Adopt Ord 2016-02

PH opened. None. PH closed.

MOTION: CM Vail / CM Kohler to adopt Ord 2016-02. Discussion: **ROLL CALL VOTE:** CM Ball, Aye; CM Vail, Aye; CM Krieger, Aye; CM Korn, Aye; CM Kohler, Aye. Carried 5 to 0.

I. ACTION: ORDINANCE FOR FIRST READING

Removed from the agenda:

- ~~4. (ORD 2016-07) AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, RELATING TO BOARDS AND COMMITTEES; AMENDING CHAPTER 2, ARTICLE VIII OF THE CODE OF ORDINANCES OF THE TOWN; ADDING A DIVISION 6 CREATING THE EVENTS COMMITTEE; PROVIDING FOR THE ESTABLISHMENT AND PURPOSE; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.~~

RESOLUTIONS: 1

- 5. RESO 10-2016 APPOINT ALLEN RICE - A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE APPOINTMENT OF ALLEN RICE TO THE MALABAR PLANNING AND ZONING BOARD AS AN ALTERNATE MEMBER FOR A THREE YEAR TERM; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.**

Exhibit: Agenda Report No. 5

Recommendation: Approve Reso 10-2016

MOTION: CM Vail / CM Kohler to approve Reso 10-2016. Discussion:

CM Ball said is there something we should put in place to get a wider variety of residents to represent. CM Korn explained his concern about turfdom.

ROLL CALL VOTE: CM Ball, Aye; CM Vail, Aye; CM Krieger, Aye; CM Korn, Aye; CM Kohler, Aye. Motion carried 5 to 0.

MISCELLANEOUS: 1

6. Request approval to spend 1,500.00

MOTION: CM Vail / CM Kohler to approve expenditure for survey not to exceed \$1,500.00.

CM Krieger questioned – point of order – this was postponed; why back on agenda? Clerk said it was postponed until they had the estimate. Got estimate and P&R Chair requested it be put on agenda. CM Vail said it is a good idea. He is in favor of this.

Discussion:

Speaker's Card: Drew Thompson strongly supports this. The concerns that were voiced were about control. To know if this is possible. Should pay for itself – pay to play. There may be enough interest that money could be expended.

CM Ball is very much in support of this. His concern was with the survey. We only asked one person. He called Craig McKinnon why it is going to be 1,500. His response was that it would take a lot of work and that was a fair price. TA said he was asked by Park Board and he got one price. He also has some old maps from FDOT. Atty said you have to get a survey before the title search. CM Krieger asked why Malabar can't claim it and make it. CM Krieger is also in support of this. Needs more leg work first. He questions allocating the funds for a survey without doing the other first. CM Korn was one that asked for this to be postponed. We are looking at spending 1500 to find out if there is any ability – not make a decision on the project.

VOTE: All Ayes.

COUNCIL CHAIR MAY EXCUSE ATTORNEY AT THIS TIME

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

J. REPORTS – MAYOR AND COUNCIL MEMBERS

TA: none

CM Kohler: none

CM Korn: none

CM Krieger: continued work being done on D&D Ranch. He will have to check his notes.

He wants it to be brought back. CM Vail said he recalls that he was supposed to do the rip rap and solve and there was consensus there. Chair said and that was done. CM Korn said the council doesn't "start over" each November.

CM Ball: none

CM Vail: Huggins Park – could that become a dog park? Mayor said that property was mostly used by prostitution and drug deals.

Ordinance related to mowing ROW – wants it on agenda for discussion.

Mayor: In July they had to make decisions and that is how it all came about.

Clerk: none

Agenda items

Events committee at the first meeting in Nov

Road discussion.

CM Korn – create a dog park need fencing, shade structure and water and port-a-let.

What about selling it.

K. ANNOUNCEMENTS:

(2) Vacancies on the Board of Adjustment;


(3) Vacancies on the Park and Recreation Board;

(0) Vacancy on the Planning & Zoning Board

L. ADJOURNMENT:

There being no further business to discuss and without objection the meeting was adjourned by the Chair at 9:10PM.

BY: 
Mayor Phillip R. Crews, Council Chair

ATTEST:

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

Date Approved: 10/14/2016