

MALABAR TOWN COUNCIL REGULAR MEETING MINUTES
OCTOBER 16, 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 Mahoney 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, excused
	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: CM Mahoney asked to add Political signs under discussion. No objection.

D. APPROVAL

1. Regular Town Council Meeting Minutes 10/02/17

Exhibit: Agenda Report No. 1

Recommendation: Request Approval

MOTION: CM Ball / CM Kohler to approve the 10/2/17 minutes.

Discussion: Very specific most important the Reso supporting the SR514 was approved 5 to 0. Clerk will listen to audio and change vote on minutes and resolution. On pg 5 CM Mahoney did not talk about the safety money to improve intersections. Franklin said she read her report and it will be attached to approved minutes. Clerk will add word "attached" under the report section.

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

A. ATTORNEY REPORT: excused

B. BCSO Report: Has Sept stats - 168 calls. CM Rivet asked if any arrests associated with burglaries. This report does not have follow-up. CM Ball said Council is asked what the MSTU dollars are paying for. CM Mahoney 168 calls – what do they call about? Deputy said it could be misdialled 911 calls, animal complaints, DCF, DV; they can create a report specifically for Malabar and will send to TA. TA said yes please send it and he will forward to Council.

C. STAFF REPORTS:

ADMINISTRATOR: none

CLERK: FallFest moved from 10/14 to 11/18 due to the excessive rain post hurricane. Voter registration books closed 10/12/17 to vote in November. Remember to tell your constituents that only those living in Dist. 4 and 5 will vote this November.

CM Mahoney asked that the Vendor applications be put on website. CM Mahoney asked who is in charge of FallFest. Clerk said staff was directed to put on the FallFest.

CM Mahoney had question for TA. She said that Town was getting "plate" for Glatter Road and Bob Wilbur couldn't pick it up. TA stated that the Town is taking care of the project on Glatter Road and her information was incomplete. The Marie Street culvert will be done within the next two weeks.

FIRE CHIEF: Gave weekly stats on Sept – Oct 12

- D. 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.**

Speakers card.

Gini Giambalvo, 2465 Quarterman Lane, talked about drainage and road problems on her road. CM Mahoney asked what has changed since she built. Gina said new construction and culverts are undersized.

Rich Szalanski, 2425 Quarterman Lane, moved here 23 years ago. Carl Boyer said the road was approved. Town dug a ditch ten years ago and caused more flooding. He said there were two new homes on Quarterman and two on Atz - they are getting all their water. Had to go to FD to use facilities.

Dawn Danielson, Hall Road, said taxpayers want to know what their Malabar tax dollars are paying for. She handed out a paper to the council members and referenced it as a report she could fill out if given access to the town records to provide information to taxpayers on what culverts are replaced, what PW is working on besides mowing and grading.

E. PUBLIC HEARINGS: 0

F. 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 1ST READING:

RESOLUTIONS:

MISCELLANEOUS:

2. Swear in Mike Foley as Malabar Fire Chief

Exhibit: Agenda Report No. 2

Recommendation: Request Action

Chair asked Acting Chief Mike Foley to stand at podium and administered the Oath of Office.

J. DISCUSSION/POSSIBLE ACTION:

3. Discuss adoption of Ordinance Requiring Mowing of rights-of-way

Exhibit: Agenda Report No. 3

Recommendation: Discussion and Direction

Chair asked for intro: CM Ball said he got a call regarding PW Mowing on private property. It is the area between edge of road and property line. This upsets some people to see Public Works mowing these areas and he used Corey Road as example. Discuss it and see if they need to do something. What does everyone else think.

Mayor said he mows his street and then PW comes on Monday and mows again. Rivet said he mows only a thin strip. He is struggling – it is public ROW and has hesitation to demand that property owners mow it. Kohler also is struggling. CM Mahoney said they have a nuisance law. No need for more rules. That is how she feels. TA said he can certainly tell PW to stop mowing the flat areas. CM Ball said then if it doesn't get done PW has a bigger mess to clean up. We have all these other things that need to be done. Is there a solution to this problem. Publicize how much money can be saved by not doing the flat mowing. Show the residents. TA said that is excellent idea. See what the citizens want. Consensus to publicize.

- J.4.** CM Mahoney asked about political signage that is tied to adjacent utility or traffic control devices. Mayor would like the pettiness to stop. Mayor did read the statute. Petty. Franklin said there is a process to handle complaints related to the campaign and it is with the Division of Elections.

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

Brian Vail – 2700 Smith Lane, mowing he really pushed for tha he leave Atz, Hall, Weber and Corey; the roadways with wide ROW – to see PW mowing 4 and 5 passes. We live in a rural area. Has 20 acres up north it is mowed with a flail mower. If we do mow vacant lots do it with the flail mower. Take the burden off PW. Don't know how to enforce it. Send out notification that as of this date PW will no longer mow row in front of improved properties. Could use the flail mower and do it less often. CM Mahony said mow it less often

L. REPORTS – MAYOR AND COUNCIL MEMBERS

CM Ball: nothing

CM Mahoney: wants copy of contract from labor attorney. TA addressed this issue.

CM Rivet: Eager to see the projects identified and funded push to completion as quickly as possible.

CM Korn: excused

CM Kohler: Regarding recent Attorney bill: he thought there was Council consensus to go through staff before contacting Atty on items that would cost a lot more money.

Mayor:

M. ADJOURNMENT:

There being no further business to discuss and without objection, the meeting was adjourned by the Chair at 8:35 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: 11/06/2017

ToM (Town of Malabar) RTCM Oct 16, 2017
Dawn Danielson, Hall Rd

(inserted spontaneously a reference to TC Ball just having told the BSCO deputy "People ask 'What are we paying for?'")

I come tonight to ask you to let the Town's people know what Public Works has worked on during the last year or two. Residents do want to know.

We continue to hear "trust us, they are proceeding with their duties", but people are disbelieving it because they only see mowing and occasional road grading going on and, of course, the culverts that were replaced on Briar Creek... which the TA proudly announced in Town News in the ToM website.

But residents want to know :

- what other culverts have been replaced in the last year
- what culverts have been dammed by Public Works (or filled in; for example, Hall immediately west of Weber)
- which ditches have been cleaned out (not mowed, but actually cleaned of damming sand, mud and branches)
- which existing ditches have been newly connected to arterial drainage
- which roads have been graded in the last year... as well as which required fill to maintain a crown
- how often and which equipment has been down for how long in the last year

Personally, in about 5 out of 6 conversations I've had with Mr. Hoyt, he has stated that some piece of PW equipment was down. To the point that it seems like Public Works is being crippled by equipment down time. How can they work at all, or work effectively if some critical piece of equipment is always down? Council, Mr. Hoyt... it almost seems to some residents that Public Works is using 'equipment down' as an excuse to do little or nothing. This perception has been repeated to me more than once by more than one resident... while I may not agree, I feel compelled to relate it here.

Councilwoman Mahoney has been asking for this repeatedly since February. It's in the RTCM recordings. Her request has, in every case, been deflected... and often turned around to make it seems like she's trying to micromanage PW's future. Why is that? Why doesn't the TA **OR** this council want to let the public know what's going on in Public Works? This is currently a "MISSING" in the Town's transparency... and the residents do have a right to know more specifically what their PW tax dollars are being spent on. Further, it could actually be something of which to be proud!

If Mrs Mahoney has 20 people asking her, and I have 20 people asking me, and let's say that 10 of those people are the same individuals, then between us we have 30 people asking. As you would learn in a statistics class, for any one person that speaks up, there are 10 silent ones that think the same thing. Given that, it means those 30 represent 300 of our residents... (nearly 20%). So I am asking once again, as a matter of public record, that this Council direct our Town Administrator to give the residents detail on Public Works accomplished in the last year or two. If there is no actual record of their accomplishments, if it means that equipment maintenance receipts, purchase receipts for parts and culverts, etc. must be sorted through, reviewed and correlated in order to determine what they've done, then I am hereby volunteering to do that work! All you need to do is direct TA Hoyt to give me access to that data and I will create a best- effort spreadsheet that could be published on the ToM website...so all can see. A sample potential spreadsheet is being passed.

Mr. Hoyt is proud of his "Then and Now" binder that shows how the PW yard/building were cleaned up. Let's summarize and share what else Public Works has accomplished during his tenure... and make him even more proud! Once done, that tool could be on-going... and periodically shared (semi-annually, for example) on the ToM website.