

MALABAR TOWN COUNCIL REGULAR MEETING MINUTES

November 21, 2016

7:30 PM

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

A. CALL TO ORDER:

Mayor Reilly called the meeting to order at 7:30 pm. Mayor led the prayer and pledge.

B. ROLL CALL:

MAYOR

COUNCIL MEMBERS:

PATRICK T. REILLY

GRANT BALL

LAURA MAHONEY

STEVE RIVET

DICK KORN

RICHARD KOHLER

TOWN ADMINISTRATOR:

DOUGLAS HOYT

TOWN ATTORNEY:

KARL BOHNE

TOWN CLERK/TREASURER:

DEBBY FRANKLIN

For the Record, the Fire Chief Leonard Thomassen was also present.

C. SUNSHINE LAW OVERVIEW BY ATTORNEY

Attorney's Memo copied to all in paper form and attached to minutes.

D. NOMINATIONS FOR CHAIR AND VICE CHAIR

CM Ball / CM Rivet to nominate Mayor Reilly for Chair. None other. VOTE: All Ayes

CM Kohler / CM Korn to nominate CM Rivet for Vice-Chair. None other. VOTE: All Ayes

E. APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES: none

F. APPROVAL OF THE MINUTES:

1. Regular Town Council Meeting Minutes 11/07/16, 11/10/16, 11/17/16

Exhibit: Agenda Report No. 1

Recommendation: Request Approval

MOTION: CM Kohler / CM Ball to approve RTCM of 11/7/16. CM Mahoney stated that minutes state that Meghan Wolfgram reported for Events Committee and minutes stated she had attended all of the meetings and it should be stated that committee changed meeting dates so she could attend all meetings but there were two that she missed. Vote: all Ayes.

Atty Bohne addressed Council on benefit of using abbreviated minutes. Clerk apologized to Chair that the agenda face sheet only listed 11/7/16 minutes but actually the RTCM package also included the minutes from the Special mtg on 11/10/16 and the Joint WS mtg on 11/17/16 and were listed on the Agenda Report #1.

Vote: All Ayes.

Atty suggested the Mayor / Chair suggest that without objection, all minutes are approved.

G. ATTORNEY REPORT:

H. STAFF REPORTS: ADMINISTRATOR: 0; CLERK: 0; Fire Chief: went over active members and paid staff and training hours of 87. Went over report (given to TC Korn asked if it would help to reemphasize info for outside burning. 43 volunteers – Steve asked about the trend. It is up – we are a stepping stone for volunteers to find employment to other paid depts.

I. 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.**

2 cards:

Skip Hard: 2560 Hard Lane, 2 cards for 2 subjects:

- 1) Citizen Budget Advisory Board to assist Council –
- 2) Just had an election and that changed the way district members are selected so we obviously need to do a reapportionment. Also there is an error in Code referencing 2000 census. Suggest we convene a citizen advisory to work on this. Clerk stated that staff is working on this. Districts are based on population not registered voters. Code does need to be updated. Staff is currently working on getting mapping showing rooftops. Then that will be compared to census maps that show how many people are in those rooftops. Then Council can start the reapportionment process. Then we work with Supervisor of Elections. Elections are going to be more expensive now.

J. PUBLIC HEARINGS/SPECIAL ORDERS: 1

2. Town Council Initiated Vacate of Unaccepted Portions of W. Railroad Avenue and Johnston Avenue Rights-of-Way for the Overall Benefit of the Town

Exhibit: Agenda Report No. 2

Recommendation: Request Council Approval

Discussion:

TA started off on this item. And read from agenda report

PUBLIC HEARING: opened

Mike Linnell at north end of road (West Railroad Ave. His only concern is that if a 40' road wide allow commercial travel.

PUBLIC HEARING closed

MOTION: CM Korn / CM Kohler to approve the Town Initiated Vacate of portions of ROW along W. Railroad Avenue to restore the original 40' ROW and the 15' "paper ROW" known as Johnston Avenue for the benefit of the Town.

ROLL CALL VOTE: CM Ball, Aye; CM Mahoney, Nay; CM Rivet, Aye; CM Korn, Aye; CM Kohler, Aye. Carried 4 to 1.

K. UNFINISHED BUSINESS/GENERAL ORDERS

ORDINANCES FOR FIRST READING: 0

RESOLUTIONS: 1

3. **Appoint Eric Bienvenu to Park and Recreation Board (Reso 18-2016)**
A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE APPOINTMENT OF ERIC BIENVENU TO THE MALABAR PARK AND RECREATION BOARD AS A REGULAR 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. 3

Recommendation: Request Council Approval

Discussion:

MOTION: CM Kohler / CM Rivet to adopt Reso 18-2016 appointing Eric Bienvenu to Park and Recreation Board.

ROLL CALL VOTE: CM Mahoney, Aye; CM Rivet, Aye; CM Korn, Aye; CM Kohler, Aye; CM Ball, Aye. Carried 5 to 0.

MISCELLANEOUS: 5

4. **Selection of Bill Reviewer for 2016/2017**

Exhibit: Agenda Report No. 4

Recommendation: Request Action

Discussion: CM Kohler is currently bill reviewer. Since it usually takes one year to grasp the types of expenditures, so a 2nd year is recommended by staff.

MOTION: CM Korn / CM Ball to appoint CM Mahoney as Bill Reviewer and CM Kohler as Alternate.

VOTE: All Ayes

5. Selection of Council Signatory for 2016/2017

Exhibit: Agenda Report No. 5

Recommendation: Request Action

Discussion:

MOTION: CM Ball / CM Kohler to appoint CM Ball as Council Check Signatory.

VOTE: All Ayes

6. Selection of SCLC Delegate & Alternate

Exhibit: Agenda Report No. 6

Recommendation: Request Action

Discussion: CM Korn has been attending the Board meetings and has offered to continue.

MOTION: CM Kohler / CM Ball to appoint CM Korn as Delegate and CM Kohler as Alternate.

VOTE: All Ayes

7. Selection of Town Representative to Transportation Advisory Committee (TAC) that advises the Transportation Planning Organization (TPO)

Exhibit: Agenda Report No. 7

Recommendation: Request Action

Discussion: CM Krieger filled this position temporarily after Mayor Beatty's death.

MOTION: CM Mahoney / CM Ball to appoint Don Krieger to continue as Malabar's representative.

VOTE: 3 Ayes; 2 Nays (Rivet and Korn)

8. Establish an Ad Hoc Committee that Reports to Council to Produce SpringFest 2017.

Exhibit: Agenda Report No. 8

Recommendation: Request Action

Discussion:

MOTION: CM Kohler / CM Ball to establish an Ad Hoc as the Events Committee to put on SpringFest 2017 that will sunset at some point after event.

CM Korn said GV has a Bar-b-Q sponsored by a radio station and Grant Seafood put on by the Grant Seafood committee. They are separate from the town. CM Ball said by making them an ad hoc they don't have to abide by Sunshine committee. Atty said no - they are still a sunshine committee. CM Korn said he knows that G-V Council just approves a special event permit and it is a private organization. What will be the ground rules for this ad hoc committee?

Teresa Sikinski. Some things should be finalized or in the works by now. She recommends that Council table this at this time and let staff handle it this year. You cannot even get the vendor or the bands in this short timeframe.

MOTION: CM Korn / none to table the above stated motion. Come up with info.

MOTION: CM Ball / none anything we do will be under the sunshine.

Go ahead now and approve the committee so they have the ability to plan event and get started.

The Attorney said it can be formalized with a resolution at the next meeting.

VOTE: All Ayes

Chair may dismiss the Attorney at this time.

L. DISCUSSION/POSSIBLE ACTION:

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

N. REPORTS – MAYOR AND COUNCIL MEMBERS

Mayor – attended ground breaking for Route1 Motorsports last week.

1) Congrats to new members

- 2) Nothing
- 3) Big issue is the improvements to the drainage – he will be working with TA to get up to speed
- 4) Nothing
- 5) Nothing

O. ANNOUNCEMENTS:

(2) Vacancies on the Board of Adjustment; (2) Vacancies on the Park and Recreation Board.

P. ADJOURNMENT:

There being no further business to discuss and without objection, the meeting was adjourned by the Chair at 9:40PM.

BY: Patrick T. Reilly
Mayor Patrick T. Reilly

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

Date Approved: 12/05/2016