

MALABAR TOWN COUNCIL REGULAR MEETING MINUTES
JANUARY 03, 2018 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 White 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

DANNY WHITE

TOWN ADMINISTRATOR:

DOUGLAS HOYT

TOWN ATTORNEY:

KARL BOHNE, Excused

DEPUTY TOWN CLERK/TREASURER:

MATTHEW STINNETT

For the record, Malabar Fire Chief Mike Foley is also present.

C. APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES:

Mayor asked if there were any: Correction it is Wednesday not Monday.

D. CONSENT AGENDA:

1. Regular Town Council Meeting Minutes 12/04/17

Exhibit: Agenda Report No. 1

Recommendation: Request Approval

MOTION: CM Rivet / CM Ball to approve the 12/04/17 minutes as presented.

Discussion: CM Mahoney stated the minutes are the public record for the people we really need to work together to have a true representation. Another issue with the minutes is that corrections need to correlate with the minutes that are being corrected. In other words, you cannot have the correction be in the following months minutes which is what is being typically done and has even been done in the past few months so the correction is in the minutes of the next meeting. CM Mahoney then presented a copy of what she read on December 4th 2017 District 2 report. (See attached)

CM Korn: In reference to paragraph 3 of CM Mahoney's hand out. Stated that Mr. Krieger was removed for a lack of performance, not just because Mr. Krieger was no longer a Council Member. Your statement is wrong.

CM Mahoney: The statement is accurate as what is written in the minutes from the spring.

Further disagreement between CM Korn and CM Mahoney.

Mayor Reilly: Are there any changes to the minutes for December 4, 2017?

CM Mahoney: I cant approve the minutes because they get corrected at the following. Do you understand?

Mayor Reilly: I have said this before but it is corrected following the meeting.

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

E. ATTORNEY REPORT: not present

F. BCSO REPORT: not present

G. BOARD / COMMITTEE REPORTS:

P&Z: Chair Liz Ritter: Not present.

T&G: Chair Drew Thompson Not present.

Mayor Reilly: Stated that they have not met recently but passed along a question about when the bathroom ribbon cutting would be.

TA Hoyt: I will address this in my report.
Parks & Rec: Chair Hans Kemmler: Not present.

**H. STAFF REPORTS:
ADMINISTRATOR:**

TA Hoyt: Pending decent weather Ribbon cutting on January 23rd at 1:00 PM various public officials and media members have been invited. Encouraged council to be present, an invite will be sent out via email.

TA Hoyt: Read the Boy Scouts of America thank you letter to Council. (see attached) Provided a personal check for \$500 made out to the BSA troop.

CM Korn: Also a thank you to the fire department for taking care of the BSA equipment in the mean time.

TA Hoyt: Noted the survey stakes along Malabar Road and stated that he will be meeting with people from the State tomorrow but he did not have any further information.

CM Korn: I believe they are in regards to the turn lane projects and voiced his opposition to turn lanes being added.

CM Mahoney: Asked for an estimated start date the Rocky Point stormwater project at John Geil's property.

TA Hoyt: Responded that further investigation into the issue has deemed it to be outside of the Town's responsibility as it is private property.

CM Mahoney: Harris and Digital graphics agreement for the railroad, what is the status?

TA Hoyt: We are waiting to hear back from them.

Mayor Reilly: Stated that he had spoke with people at Harris and it is in the works.

Mahoney: Directed question to the clerk regarding her email sent about the equipment used on the 14th and 15th of December.

TA Hoyt: Responded, explaining that the equipment was rented for two days for the contractor installing the shade covers on the playground. The Town then used the lift after the contractor was finished to decorate the tree.

TA Hoyt: If we get a list of questions ahead of time we can better answer them rather than going off memory.

CM Mahoney: Stated that she did not have time and was working on them up until just before the meeting.

CM Korn: Requested to pass a resolution to recognize/memorialize Mr. Cameron.

MOTION: CM Korn / CM Rivet To formally memorialize by resolution, the recent passing of Mr. Cameron and recognize his contributions to the Town.

Discussion:

CM Rivet: Concurred with CM Korn that we need to recognize people who contribute significantly to the Town.

Mayor Reilly: I will work with the Clerk to get this together.

Vote: Ayes, 5; Nay, 0.

CM Mahoney: Questions to the clerk on the status of her requests for information about the accounting for fall fest, records regarding the culvert repair at 2885 , and why her requested article was not in the Mailboat about an illegal flyer.

CM Korn: Made comment stating that the flyer although shocking was not illegal and questioned CM Mahoney as to her source that claimed it was illegal.

CM Mahoney: Stated that her source was Scott Ellis and the Ethics Commision.

CLERK: Nothing to report.

Fire Chief: The department ran 544 calls this year compared to 437 in the prior year. Noted the E-drolics tool handout and invited everyone to attend a demonstration of the tool at the fire department on the 27th. The department had a total of 18,405 hours this year from 34 volunteers compared to 21,214 with 58 volunteers last year. Stated that the difference was the result of higher training and certification requirements they are placing on volunteers.

TA Hoyt: Stated that the Town saved roughly \$450k from the use of volunteers, we lose allot of good people to other cities. If we went to Brevard County we would be paying the County the amount of those savings.

CM Korn: Why don't we have more Malabar(resident) volunteers in our department?

- 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.**

None.

J. **PUBLIC HEARINGS/SPECIAL ORDERS: 0**

K. **UNFINISHED BUSINESS/GENERAL ORDERS**

ORDINANCES FOR FIRST READING: 0; RESOLUTIONS: 0; MISCELLANEOUS: 1

2. **Cancel 2nd meeting in February**

Exhibit: Agenda Report 2

Recommendation: Action

MOTION: CM Korn / CM White to cancel the 2nd meeting in February.

Discussion: **Vote:** Ayes, 5; Nay, 0.

L. **DISCUSSION/POSSIBLE ACTION: 2**

3. **Digital Information / Granicus Information**

Exhibit: Agenda Report 3

Recommendation: Discussion and Direction

Mayor Reilly noted that CM Mahoney requested this item. Per Resolution 04-2016 there is a process to be used when residents desire to advance an agenda item. For the record, a copy of this Resolution has been provided to each Council Member.

Speaker Card: Dawn Danielson: Read from her notes(notes provided) spoke on the features of the Granicus video encoding and agenda management software.

CM Ball: What other cities use it? Does it come with all of the necessary equipment?

Mrs. Danielson: No. The Town would also need to purchase the support equipment such as a camera.

CM White: There is a \$4,600 set up and \$3,900 annual fee, we didn't come up with the money for BSA fence why would we entertain this idea right now.

CM Rivet, CM White: Both commented that money was not put in the budget for this, we can continue to discuss this later when budgeting for next year.

Mayor Reilly: We previously discussed this at budgeting workshops, and last month and agreed that we did not want to do this.

CM Korn: I don't think we need this expense but, we also have to talk about the digitizing.

Recommended having a professional make a presentation to the council.

CM Rivet, CM Ball and CM White: Discussed the general value of having digitized records

Speaker Card: Holly Yolles 2365 Corey Road: I have trouble getting here on time due to work so it would be helpful to have the video and records online.

No direction provided to staff.

4. Improve Eva Lane (Quarterman Lane portion) south to Atz Road

Exhibit:	Agenda Report 4
Recommendation:	Discussion and Direction

Mayor Reilly: Stated that CM Mahoney requested this item.

Speaker Card: Dawn Danielson read off of notes(See attached), urged council to consider improving Quarterman Lane's stormwater utility as a matter of health and safety.

Speaker Card: Jeff Darby 1285 Hall Road: Stated his opposition to the opening and paving of Quarterman Lane to Atz Road.

CM Korn: Stated that these houses are in flood zone A, and gave his opinion that perhaps the Town shouldn't have allowed homes to be built in these areas. Also provided commentary on the need to study this topic further.

TA Hoyt: We have looked at Quarterman Lane, 2600 ft long only 960ft is accepted. The cost to improve the accepted portion is ~\$100,000 the rest would cost roughly \$300,000 to \$400,000. Mitigating wetlands is extremely expensive but, it can be done. We are working to get a permit to make some drainage improvements.

Mayor Reilly: Noted the packet and house layout in reference to accepted and unaccepted portions of the road. The last five residents are on the unapproved section of road.

CM Korn: Discussed other drainage problems in the town, such as on Hall road on the east end.

CM White, CM Mahoney: Discussed some of the stormwater issues surrounding Quarterman Lane.

Mayor Reilly: Noted that this was a discussion about paving we can discuss drainage issues later.

No direction provided to staff.

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

Speaker Card: Kenny Dreer 1390 Hall road: Hurricane Irma caused allot of flooding in my area. Afterwards, I spent some time with the Town Administrator Mr. Hoyt and the Town Engineer Mr. Smith and the issue is that we need to get the water out of the Town. Mr. Dreer noted that fixing culverts on the interior waterways moves the water around the Town but doesn't help get rid of the water. Projects like Eva lane are a great point to move water out. Corey is specifically a bottleneck. Spoke to an idea he discussed with the Town Engineer regarding Stillwater preserve area. We can't maintain this area because it is private property. Benjamin Road area also has a blockage to the natural canal there. Installing a control valve at Corey and Malabar would help manage all the water pressure coming from these areas. As an example of this concept Mr. Dreer noted that Country Cove has interconnected ponds with a control mechanisim. Stillwater houses are not built up, all of their storm water system is underground. Mr. Dreer went on to note that the system is expensive but we can look into other funding sources to assist with this important improvement.

CM White: Asked for an explanation of the valve.

TA Hoyt: Explained that the valve is a water control device that can have several different features based on design and need.

CM Korn: South of Hall Road, east of Weber Road we need it to flow to the north side of Malabar and on to Turkey Creek. Commented on the need to maintain ditches that are located on private property.

Mr. Dreer: If we put in a 48 inch pipe with clean outs along Corey Road you are going to get increased water flow and benefit more people per square inch than all the cleaning in the world.

Speaker Card: Lance Sprague 2545 Billy Lane: Read from notes(Not provided to Clerk) regarding the paving of Eva Lane. He stated that it did not make sense to him, and that opening Quarterman as a collector would reduce traffic on Cory road and Weber road. Mr. Sprague also noted that drainage improvements could be made at the same time. Mr. Sprague then proceeded to question CM White if he had created a drainage council and if he had why was the public not noticed.

CM White: Responded that he did not create a drainage council, or committee or any similar organization.

Mr. Sprague: Read from his notes to comment on the discussion about digitizing records and updating the Town Website.

CM Korn: Noted that the office has been closed.

Mayor Reilly: Described the normal process of setting the agenda before calling the meeting to order and dismissing the speaker.

N. REPORTS – MAYOR AND COUNCIL MEMBERS

CM Mahoney: Let's make 2018 a great year for Malabar. Let's put together a stormwater group of citizens together to be involved in and get their input. I'd also like to thank all involvement on Nextdoor and all of those that came out to this council meeting. Sincerely, thank you.

CM Rivet: Made comment to encourage everyone to be at Mr. Cameron's service.

CM Ball: I want to stay up with being fiscally responsible and continue to contribute to our reserves. We need to plan ahead for items not just make decisions. Noted the importance of planning ahead and budgeting for items, not just coming up with things we need in the middle of the year.

CM White: Going along with what CM Ball said the discussion about paving Quarterman appears to be a roundabout way of improving the storm water on Quarterman. Noted that he doesn't want to pave Eva Lane either but the Town has a responsibility to pave it since it has been made a through road. We are already going into the hole to pave Eva why would we want to create the exact same situation with Quarterman? I am all for making Malabar a better community. Noted that there are allot personal attacks being thrown around and provided as an example CM Mahoney's December 4, 2017 report which was handed out earlier in the meeting and the commentary "It is like reading a piece of fiction." CM White alluded to this a unnecessary commentary.

CM Korn: Drainage problems are not just a Malabar issue. It's a Brevard county issue. Eva was promised to be paved a long time ago and we approved it.

CM Mahoney: Addressed CM White after his report stating that she felt that he personally attacked her with his comments and explained that she was trying state her opinion and was restating what was stated in the minutes in the spring and that it didn't mesh with what was stated in the minutes recently. CM Mahoney also stated that she was not able to find evidence that Eva is a collector road.

CM Rivet: Eva Lane meets the definition of a collector road. The records may not be updated to reflect that, but it is still a minor collector by definition.

CM Mahoney and CM Korn continued to discuss stormwater issues within the Town.

Mayor: No report

O. ANNOUNCEMENTS:

P. ADJOURNMENT:

There being no further business to discuss and without objection, the meeting was adjourned by the Chair at 9:15 PM.

BY: Patrick T. Reilly
Mayor Patrick T. Reilly, Council Chair

ATTEST:



Matthew Stinnett,
Deputy Town Clerk/Treasurer

Date Approved: 3/5/2018

RTCM
1/3/18

January 3, 2018

District 2 Report

Laura Mahoney

Minutes:

The minutes are the public record. They are for the people. We really need to work together to have true representation.

Another issue with the minutes, is the corrections need to correlate with the minutes that are being corrected. In other words, you cannot have the correction be in the following month's minutes which is what is typically being done and has even been done in the past several months.

I have a copy for all of you of what I read from on December 4, 2017. You may look over them and decide if what was read from is what the minutes say.

Not sure why they were not included as an attachment.

TA:

Rocky Point Road Stormwater project, specifically related to John Geil, Do we have an estimated start date?

Harris and Digital Graphics agreement for the railroad. What is the Status?

Debby Franklin

Today, 1:36 PM

Laura,

Per your request for the rental costs, PW hours and any other costs associated with decorating the Town for the Christmas season, I offer the following.

The Town asked the vendor putting up the shade sails if they could use the lift. The shade sail vendor paid for the lift. There was one person for 4 hours that went through the Christmas stuff to check it and sort it. Then three people for less than three days to set it up in front of the Town Hall and in front of the Fire Department and bring the Christmas decorations to town hall. And an additional 252.00 was spent on new lights and decorations.

I am copying this to the rest of Council in case they also had concerns about this expenditure.

Good morning Doug,

Please send me the rental fees, and public work man hours and all other fees associated with the tree trimming at the Malabar Community park this week. December 14th and 15th specifically.

Thank you,

Laura

First off, this is all about customer service. When you have an interested public, take advantage of it and show interest in what interests them.

So, about the lift that was being used on December 14th and 15th to trim the trees. I got a reply about it was used to put the sails up and decorate, so again, my

question was specifically about trimming trees on the 14th and 15th, so do we still have free access to the lift and how long do we have access to it? Certainly we need to thank them

Clerk/Treasure/Elections Supervisor/Editor

Reminder, I still have not received the accounting for Fallfest.

Reminder from Dec 4, 2017 RTCM:

Patty's culvert:

Public Records Request: All public works work, Contractor (CDM trucking) and insurance records on the damaged Culvert at 2885 Weber Road. Explanation of Monetary expenditures verses quotas given by town and or contractor. Please include dates and copies of receipts.

Mailboat: I suggest we as council look over this before it gets printed as the information in this past newsletter was misleading and had a set political agenda that the majority of residents voted against in the 2016 election period.

I sent a piece that I stated in the subject line "mailboat insert" and it was not included. Here it is below:

To help preserve the betterment of our community, please help us locate any and all information you may have concerning the illegal yellow flyer mailed out to the residents of District 4 and 5 during our past election period. The "informing the Residences of Districts 4 and 5 Citizens Committee" appears to have no validity according to the Town of Malabar, Brevard County and the State of Florida. The Florida Elections Commission stated that it appears to have been done under the cover of darkness and is illegal. Your help is greatly appreciated.

Laura Mahoney
cmdist2@townofmalabar.org
(321)693-4314

L.3: Digital Information:

Report by Dawn

L.4 Improve Eva Lane South to Atz Road

Report by Lance

My District Report:

Let's make 2018 a great year for Malabar!

Let's put together a stormwater group of citizens to be involved in and get their input.

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