

## MALABAR TOWN COUNCIL REGULAR MEETING MINUTES

FEBRUARY 04, 2019

7:30 PM

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

### A. CALL TO ORDER:

Chair, Mayor Patrick Reilly called the meeting to order at 7:30 pm. CM White led P&P.

### B. ROLL CALL:

CHAIR:

MAYOR PATRICK T. REILLY

VICE CHAIR:

STEVE RIVET

COUNCIL MEMBERS:

GRANT BALL

BRIAN VAIL

DICK KORN

DANNY WHITE

TOWN ADMINISTRATOR:

MATT STINNETT

TOWN ATTORNEY:

KARL BOHNE

TOWN CLERK/TREASURER:

DEBBY FRANKLIN

PW Director Tom Miliore was present.

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

TA asked to add an item related to Hall Road drainage project. Added as #8.

### D. CONSENT AGENDA:

#### 1. Regular Town Council Meeting Minutes 1/07/19

Recommendation: Request Approval

MOTION: CM Vail / CM Korn to approve the 1/7/19 regular meeting minutes as submitted.

Discussion: none. Vote: 5 Ayes, 0 Nay

### E. PRESENTATION BY DAVE MAZZA OF DANA FINANCIAL ADVISORS:

Greg Peters is the client rep for Dana in Florida. Company did hire another analyst, so employment is up to 44. The company did also win "best places to work" for the 7<sup>th</sup> year in a row. He then turned it over to Dave Mazza, who then went over the portfolio. Dave stated they presented the proposed portfolio last summer and went through it officially at a Council presentation and were brought on they got things in place and started the first of August. Based on the portfolio, Town can expect \$20-25K in interest income in 2019. They use only triple AAA rated US and govt securities, that is their specialty with no bonds going over three years. Mayor thanked them.

### F. ATTORNEY REPORT: nothing

**G. BCSO REPORT:** For Nov and Dec BCSO is averaging 210 calls per month. End of Dec and early Jan they had 15 vehicles burglarized and of all of them were unlocked. Five of the cars had guns in them that were stolen. They did get the culprit, a kid posted on social media with some of the guns. It doesn't look like they will recover the guns. The same problem goes with golf carts, 4-wheelers and ATVs; they are kept in the driveway with the keys in them.

### H. BOARD / COMMITTEE REPORTS:

Drew Thompson, Chair, T&G Com: Mayor read report from Drew. Working on a possible spring meeting for the South Brevard Trail connection development with parties from Palm Bay, G-V, Malabar and the Space Coast TPO in attendance. He is going be our rep for the Tourism and Transit Summit in Cape Canaveral on 2/14/19.

Eric Bienvenu, Chair Park & Rec Board: not present.

Wayne Abare, Chair, P&Z Board: not present.

### H. STAFF REPORTS:

**ADMINISTRATOR:** They have got the pad poured for the new PW bldg. Getting close to being able to get into Stillwater and clean the ditch. Possibly will have an agreement ready for Council by next meeting.

**PW DIRECTOR:** Tom Miliore, Jan we finished all the services on all vehicles. Hall Road project got 200' of pipe plus placement of a catch basin. Ditcher is up and running. Did the west side of

Malabar Woods Blvd and part of Glatter, east of Marie Street. Next is west end of Atz Road. PW also picked up the debris on Weber Road from the vehicle accident. CM White thanked him for grading Hunter Lane. He then asked about repairing the edges of roads. Tom said they will get to it.

CM Korn said there is a pothole on Weber just south of Malabar. Atz and Weber chunk of asphalt missing. Same at Hall and Old Mission. Also near Dr. Leedy's entrance. Those were the only places he saw.

**CLERK:** Said we have updated all of Councils Code Books and Land Development Codes through Supplement 22. Staff is working on getting several more ordinances adopted and then submitting a Supplement 23. Once this is done, we will update the Board's Code Books. The most current Code is available through the Town's website and directly from Municode.com.

**FIRE CHIEF – not present**

**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)

Five **(5) Minute Limit per Speaker. Speaker Card:**

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

**K. UNFINISHED BUSINESS/GENERAL ORDERS**

**L. ACTION ITEMS:**

**ORDINANCES FOR FIRST READING; 4**

**2. Amend LDC (Ord 2019-01)**

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, AMENDING SECTIONS 1-12.5 OF ARTICLE XII, ENTITLED "PROCEDURES FOR ADOPTING, SUPPLEMENTING OR AMENDING THE LAND DEVELOPMENT CODE" OF THE LAND DEVELOPMENT CODE OF THE TOWN; REMOVING THAT PORTION OF SECTION 1-12.5 OF THE LAND DEVELOPMENT CODE OF THE TOWN RELATING TO THE DECISION MAKING AUTHORITY OF THE PLANNING AND ZONING BOARD; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION; PROVIDING AN EFFECTIVE DATE.

Ordinance read by title only

**MOTION:** CM Rivet / CM Ball to approve First Reading of Ord 2019-01.

Discussion: Clerk Franklin explained that while reviewing the LDC for the land use and zoning change the staff identified a conflict in the language giving final authority to approve or deny such changes to the P&Z Board. The Attorney has corrected the wording.

**Roll Call Vote:** CM Ball, Aye; CM Vail, Aye; CM Rivet, Aye; CM Korn, Aye; CM White, Aye. Motion carried 5 to 0.

**3. Amend LDC (Ord 2019-02)**

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE AMENDMENT TO TABLE 1-3.3(A) IN ARTICLE III OF THE LAND DEVELOPMENT CODE, PROVIDING FOR FINDINGS; PROVIDING FOR NEW SETBACK ALLOWANCES IN RR-65 ZONING FOR ACCESSORY STRUCTURES ONLY; PROVIDING FOR CODIFICATION AND REPEAL OF ORDINANCES OR PART OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Ordinance read by title only

**MOTION:** CM Vail / CM White to approve First Reading of Ord 2019-02.

Discussion: Clerk Franklin said this ordinance allows for reduced side and rear setbacks for accessory structures only and only in RR-65 zoning. This was originally approved by Council in 2012.

**Roll Call Vote:** CM Ball, Aye; CM Vail, Aye; CM Rivet, Aye; CM Korn, Aye; CM White, Aye. Motion carried 5 to 0.

**4. Amend LDC (Ord 2019-03)**

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE AMENDMENT TO ARTICLE III, DISTRICT PROVISIONS, SECTION 1-3.3E AND TABLE 1-3.3(E) OF THE LAND DEVELOPMENT CODE, PROVIDING CLARIFYING LANGUAGE FOR SETBACKS FOR PRINCIPAL STRUCTURES ON CERTAIN ROADS, CORRECTING A SCRIVINORS ERROR AND REMOVING CONFLICT WITH COMPREHENSIVE PLAN ON RIGHT OF WAY WIDTH FOR MINOR COLLECTORS AND REMOVING BRIAR CREEK BOULEVARD FROM LIST OF MAJOR COLLECTOR STREETS; PROVIDING FOR CODIFICATION AND REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Ordinance read by title only

**MOTION:** CM White / CM Vail to approve First Reading of Ord 2019-03.

Discussion: Clerk Franklin stated that this ordinance clarifies language in Article III, District Provisions on when to use Table 1-3.3(A) and when to use Table 1-3.3(E). It also removes two conflicts with the Town's Comprehensive Plan, removing Briar Creek Boulevard from the list of Major Collectors in Table "E" and changing the width of Minor Collectors to 70 feet as stated in the Town's Comprehensive Plan.

**Roll Call Vote:** CM Ball, Aye; CM Vail, Aye; CM Rivet, Aye; CM Korn, Nay; CM White, Aye. Motion carried 4 to 1.

**5. Amend LDC Art V regarding Setbacks (Ord 2019-04)**

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE AMENDMENT TO ARTICLE V, GENERAL PROVISIONS, SECTION 1-5.10 OF THE LAND DEVELOPMENT CODE, PROVIDING FOR CLARIFYING LANGUAGE FOR SETBACKS FOR PRINCIPAL STRUCTURES; PROVIDING FOR REFERENCE TO ARTICLE III DISTRICT PROVISIONS TABLE 1-3.3(A) AND TABLE 1-3.3(E) IN THE LAND DEVELOPMENT CODE; PROVIDING FOR CODIFICATION AND REPEAL OF ORDINANCES OR PART OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Ordinance read by title only

**MOTION:** CM Rivet / CM White to approve First Reading of Ord 2019-04.

Discussion: Clerk Franklin stated that Article V, General Provisions also provides setback information for principal structures. This ordinance directs the applicant to use Tables 1-3.3 (A) or Table 1-3.3(E) in Article III, District Provisions.

**Roll Call Vote:** CM Ball, Aye; CM Vail, Aye; CM Rivet, Aye; CM Korn, Aye; CM White, Aye. Motion carried 5 to 0.

**RESOLUTIONS: 1****6. Amend Administrative Fees (Reso 02-2019)**

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PERTAINING TO THE AMENDMENT OF ADMINISTRATIVE AND PERMIT FEES REQUIRED TO BE ESTABLISHED BY VARIOUS ORDINANCES OF THE TOWN OF MALABAR; PROVIDING FOR REPEAL OF RESOLUTION 4-2014; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Reso read by title only

**MOTION:** CM Vail / CM Ball to approve Reso 02-2018.

Discussion: Franklin explained the Council added the golf cart registration in 2014 but had not updated the fees since 2004. The dirt road application fees have not been updated since 2003. The need to increase some of these rates was realized when we have reviewed some of the costs we pay out for recent vacate, variance and the most recent LU and Zoning change. CM Ball said we should do this again in one year.

**Roll Call Vote:** CM Ball, Aye; CM Vail, Aye; CM Rivet, Aye; CM Korn, Aye; CM White, Aye. Motion carried 5 to 0.

**MISCELLANEOUS: 1**

**7. Approve Temporary Trailer Placement at 2820 Smith Lane while home is constructed – Applicants, Mr. and Mrs. Logan**

Mr. and Mrs. Logan came to podium and explained they are building their single-family home on Smith Lane.

**MOTION:** CM Korn / CM White to approve temporary placement of trailer at 2820 Smith Lane while home is completed. Discussion: none

**Vote:** All Ayes.

**8.** TA explained the project on west end of Hall Road and he would like to contract this out to get it completed and to get the repair done. Wants direction from Council. He has not received three bids on what it would cost to complete this segment of the project but is working in that direction and he suspects it will be over 10K. Mayor and Rivet understand he is looking for authorization to get the bids and then select the lowest qualified bid and move forward. Council then began discussion the benefits of the open ditch and piped culverts in ditches. They understood that the property owners would pay for the pipe in this area. If this is not the case, then perhaps they should restore the open ditch.

TA explained the next portion of the project would be to connect the ditch between Raulerson and Hall and then to Weber. Time is his problem. It is more involved that the team is equipped for. He would like his team to get back to town wide stormwater projects and sub this out.

CM Ball asked what the ramifications. TA said it is the Town's ROW.

CM White said it is not going to make the homeowner happy, the ditch is not just for you, it is for all the people upstream. Previous TA thought the pipe would be better because you wouldn't have to do constant maintenance.

Tom said if they pull it out it will be the 3<sup>rd</sup> time. There is a ditch there. CM Rivet would like to see permanent pipes in ditches. TA said an additional point to this is that there are ponds in the area that will be draining into the ditch. That was another reason for the piping in this area.

CM White wants a special meeting to approve anything related to this repair, completion. CM Rivet said we should also get a check from the homeowner that asked for the pipe. Atty asked if would be appropriate to get two sets of bids; one for completion of the pipe project and the other for restoring the open ditch.

**MOTION:** CM / CM White Vail to release PW from project. **VOTE:** All Ayes. **Special Council meeting on Feb 25, 2019 at 7pm for short regular meeting to vote on the bids/projects and then WS at 7:30pm.**

**N. DISCUSSION/POSSIBLE ACTION:**

**O. PUBLIC COMMENTS: General Items (Speaker Card Required) none**

**P. REPORTS – MAYOR AND COUNCIL MEMBERS**

CM Ball: Doing elevations and surveys for the elevations. TA has been meeting and working with residents and the engineer to develop maps. He is referring to professional surveying. CM Ball asked about the ditcher. TA said the ditcher is working great. Did Malabar Woods Blvd. Atz, west of Weber is next. He is adapting and overcoming. Council discussed it value to the ditch. By getting the organic matter cleaned out the water will perk better. CM Ball asked Matt to do a report to Council on the TPO.

CM Vail: Drainage concerns, a drainage survey is needed before we can develop a drainage plan. Have one done by an expert and upload to Google Earth. All culverts elevations, etc. See what it would cost for a professional and how soon it could be completed. Sign ordinances. Come up with a plan to bring the stormwater drainage system into the Towns rights-of-way.

CM Rivet: Thanks for the FD for Chief Joe, good turnout from the FD for the funeral of Mrs. Giantonio.

CM Korn: Told CM White, if he is attending the IRL meeting in G-V to stay focused on riverfront usage. If we want to use the triangle, Jerry Sampson of FIND said they have grant money and could fund it. CM Ball and CM White both said that the FIND money requires a match. It is a 50/50 grant. CM Korn then said Corey Road and Weber Road are parallel. Back in 1989, 1990 there was requirement for homeowners to dig ditches to bring stormwater from the back to ditch on Weber and Corey. Problem is the water then has to be directed somewhere. Regarding the water coming off I-95, Abby of St. Johns would be willing to help us with FDOT. He said about the research paper sent to Council via email about Raulerson Lane; how many other streets are like that? Council needs to address these road problems. CM White said that the road was allowed to be put in due to a hardship of only having 25-foot width. They have had 35 years to improve the roadway to Town standards.

CM White: Going to G-V for the IRL with Stu Glass of Indialantic. There will be four such meetings. STEM (scientific, technology, engineering and mathematics). He is attending the morning portion for information purposes. The Trailhead signage that was removed from SE corner of Marie and Malabar will go back up soon and will be visible from both east and west bound traffic.

Mayor: March 11, the SCLC dinner is hosted by G-V and we are the co-host. Get your reservations to Clerk for this dinner meeting. Should have a good turnout and hopes all of Council will attend. The Hometown News now contains a full page of articles in the last issue of every month. It gets information to residents on a regular basis and is much more affordable at \$100 per month compared to the postage alone for the newsletter. Clerk Franklin stated that Council could amend Code to allow home delivery and then all homeowners could get it delivered. She gave brief history of why nuisance section was changed. Could easily be changed back.

**Q. ANNOUNCEMENTS:** Openings on Board of Adjustment, Trails and Greenways and Park and Recreation Board.

**R. ADJOURNMENT:**

There being no further business to discuss and without objection, the meeting was adjourned at 8:50 PM.

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

ATTEST:

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

Date Approved: 3/4/2019