

MALABAR TOWN COUNCIL REGULAR MEETING MINUTES

MARCH 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 Korn led P&P.

B. ROLL CALL:

CHAIR:

MAYOR PATRICK T. REILLY

VICE CHAIR:

STEVE RIVET, excused

COUNCIL MEMBERS:

GRANT BALL

BRIAN VAIL

DICK KORN

DANNY WHITE

TOWN ADMINISTRATOR:

MATT STINNETT

TOWN ATTORNEY:

KARL BOHNE, excused

TOWN CLERK/TREASURER:

DEBBY FRANKLIN

Clerk said the Fire Chief Mike Foley and the PW Director Tom Miliore were also present.

C. APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES: CM White asked if they could add further discussion on SW project approved at the special meeting on 2/25/19. This was added as Discussion / possible action. Mayor added the cell tower lease memo from Attorney that they were provided at their seats.

PROCLAMATION: Irish American Heritage Month - March. Mayor read and presented to his dad.

D. CONSENT AGENDA:

1. Regular Town Council Meeting Minutes 2/04/19

MOTION: CM Korn / CM Vail to approve the 2/4/19 regular meeting minutes as submitted.

Discussion: none. **Vote:** 4 Ayes, 0 Nay

Special Town Council Meeting Minutes 2/25/19

MOTION: CM Ball / CM White to approve the 2/25/19 Special meeting minutes as submitted.

Discussion: none. **Vote:** 4 Ayes, 0 Nay

Town Council Workshop Meeting Minutes 2/25/19

MOTION: CM White / CM Vail to approve the 2/25/19 workshop meeting minutes as submitted. Discussion: none. **Vote:** 4 Ayes, 0 Nay

E. ATTORNEY REPORT:

F. BCSO REPORT:

G. BOARD / COMMITTEE REPORTS:

Drew Thompson, Chair, T&G Com: not present

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

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

H. STAFF REPORTS:

ADMINISTRATOR: TA has several calendar items. Military training April 8-19; Leadership training May 1-23; he will have his laptop and will be available. He proposed a workshop on March 14 – educational and he would like to invite P&Z to have the planner explain the concept of the overlay development. Council consensus to hold it on Thursday, March 14, 2019 at 2pm. TA also provided Council with a written PW schedule for work they hope to accomplish in March. TA proposed the next workshop to discuss Public Works issues for April 29, 2019 at 7:00pm. Council agreed. CM Ball thanked TA for the work schedule. This will make a big difference with constituents.

TA then briefed Council on his TPO/TAC report – 2040 long range plan – corrective action with Federal government. FAST (Fixing America's Surface Transportation Act). There will be Road Rangers operating on I-95 soon; coming to Flagler, Brevard and Volusia counties. Hours will be Monday-Friday 6:30am-8:30pm. The idea is to get disabled vehicles operational or off the road ASAP. He then went over the two work project amendments that impact Malabar the most and how the FDOT moves funding between projects based on what is ready to go forward. SR514 mitigation portion was moved from 2021 to 2023. Deferred to pay for the engineering cost overruns on Babcock Street project. CM White said most of them would agree that they don't care about the widening, they just want a traffic light at Corey.

PW DIRECTOR: Tom Miliore, provided report that documented the PW Dept accomplishments in February. Got 45 roads graded, 15 potholes repaired, also includes the edges of the roads. used ditcher on Elaine Lane, Atz Road and Hall Road. Used Gradall to clear ditches on both sides of Waring (appx 4K feet). They also responded to and resolved 12 citizen contact issues.

CM White complimented PW Director stating the north side of Hall Road looks good – Tom said they started today. CM Korn has noticed, we have been doing a good job of improving dirt roads, but brought up the issue of doing maintenance on unaccepted roads.

FIRE CHIEF – Chief referenced the printed report and noted the increases in responses. The total training hours is corrected to 153 from 55. Original report was corrected. CM Ball asked about the ladder truck. Yes, that is in the process of being removed from fire station property and the old fire truck. CM Korn asked about how to promote and fund to encourage additional training. Chief explained the EMTI process they are investigating with their Medical Director.

CLERK: Said she has been out but is back and will continue with the Code book updates.

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: 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.

Chair opened the Public Hearing (PH). No Comments. PH Closed.

MOTION: CM White / CM Ball to adopt Ord 2019-01.

Discussion: Legally advertised on 2/14/19.

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, excused; CM Korn, Aye; CM White, Aye. Motion carried 4 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

Chair opened the Public Hearing (PH). No Comments. PH Closed.

MOTION: CM Vail / CM White to adopt Ord 2019-02.

Discussion: Legally advertised on 2/14/19.

This ordinance allows for reduced side and rear setbacks for accessory structures only and only in RR-65 zoning.

Roll Call Vote: CM Ball, Aye; CM Vail, Aye; CM Rivet, Excused; CM Korn, Aye; CM White, Aye. Motion carried 4 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.

Chair opened the Public Hearing (PH). No Comments. PH Closed.

MOTION: CM Ball / CM White to adopt Ord 2019-03.

Discussion: Legally advertised on 2/14/19.

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, excused; CM Korn, Nay; CM White, Aye. Motion carried 3 to 1 (CM Korn).

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.

Chair opened the Public Hearing (PH). No Comments. PH Closed.

MOTION: CM Vail / CM White to adopt Ord 2019-04.

Discussion: Legally advertised on 2/14/19.

Clerk Franklin stated that 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, Excused; CM Korn, Aye; CM White, Aye. Motion carried 4 to 0.

K. UNFINISHED BUSINESS/GENERAL ORDERS

L. ACTION ITEMS:

ORDINANCES FOR FIRST READING: 0

RESOLUTIONS: 1

6. Adopt Resolution Providing FDOT Acquisition of Fern Creek 1.1-acre Parcel

Exhibit: Agenda Report No. 6

Recommendation: Approve Agreement

Discussion:

Council discussed the proposed intersection improvements.

MOTION: CM White / CM Vail to adopt FDOT Reso to Acquire Fern Creek Parcel with the condition if is for a center lane intersection improvement.

Roll Call Vote: CM Ball, Aye; CM Vail, Aye; CM Rivet, excused; CM Korn, Aye; CM White.

MISCELLANEOUS: 0

M. DISCUSSION/POSSIBLE ACTION:

7. Hall Road, west end, stormwater project. (added)

CM White understands what they are doing on Hall Road. Here we have set a precedent that we will set a culvert if they pay for the pipe only. Why are we doing this for cosmetic reasons when we can be addressing Hall and Weber.

Mayor asked for the pipe on Flashy Lane. TA said it is cosmetic. CM Vail said the previous TA had tried to work with the property owners for participation. The overall cost would be less because we don't have to clean the ditches in the future. CM Vail said we own the promises made by previous Administrator.

MOTION: CM White / CM Korn to reconsider the motion made on 2/25/19 to approve the project minus the Flashy Lane portion of project.

Discussion: CM Ball asked if we should redo the bid. TA explained that each of the vendors knew that this Flashy Lane portion may be removed. TA said this doesn't need to be rebid – they selected the lowest based on all the other criteria.

VOTE: Aye, 2: (CM Korn, CM White) Nay, 2: (CM Vail, CM Ball. Mayor voted Nay to break the tie.

8. Cell Tower Memo

TA stated that the Attorney's memo covers a few items that were unclear. The agreement was not finalized under previous Administrator for this reason. This is not a continuation of the lease with Crowne Castle. This will be a new easement with Crowne Castle and allows them use of the land for 30 years and provides them an additional 1000sf. They will reserve the land for 30 years but pays all the revenue in the first 20 years with a down payment of 10K.

MOTION: CM Ball / CM Korn to table until Attorney Bohne is present. It is just discussion.

Mayor asked that when it is brought back to have the picture of the area and the footprint of the proposed additional 1000sf. Chief asked to speak. His concern is the where the 1000sf area will be.

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

O. REPORTS – MAYOR AND COUNCIL MEMBERS

CM Ball: the calendar showing what we are doing and when and will make it better to tell constituents. Big kudos to TA

CM Vail: nothing

CM Rivet: excused

CM Korn: Continued on what CM White said about the FD. IOS rating and the response time is the lowest. Insurance costs are the lowest in the State. We have one of the lowest ad valorem. We need to provide for the needs of the people. Have adequate budget but don't be careless.

CM White: Thanked TA for the schedule and also for having it posted on website. It will end a lot of discussion. They went to an event on 2/14/19 and so did Drew Thompson at Cape Canaveral. Speaker brought up that it's not always about the cost; need to consider the value it brings to the Town. We get a lot of push back on the Fire Dept but how much value do they bring to the Town.. Same with the Trail Town designation. He likes the job TA is doing. CM Vail concurs.

Mayor: Next Monday is the SCLC dinner meeting. We are co-hosts and he looks forward to seeing you all there.

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

Q. ADJOURNMENT:

There being no further business to discuss and without objection, the meeting was adjourned at 9:23 PM.

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

ATTEST:

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

Date Approved: 3/18/2019