

## MALABAR TOWN COUNCIL REGULAR MEETING MINUTES

MARCH 18, 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 Brian Vail 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

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

**D. CONSENT AGENDA:**

**1. Approval of Minutes**

**Regular Town Council Meeting Minutes 3/04/19**

**MOTION:** CM Vail / CM Ball to approve the 3/4/19 regular meeting minutes as submitted.

Discussion: none. **Vote:** 5 Ayes

**E. ATTORNEY REPORT:** Nothing

**F. BCSO:** They responded to 199 calls in January – 0 burglaries, 4 thefts and 23 traffic stops. CM Korn asked if they also patrol Brook Hollow area. Yes, on a regular basis.

**H. STAFF REPORTS:**

**ADMINISTRATOR:** TA has nothing

**CLERK:** Said she will be out from April 2 – 5, 2019, but will be available via email and phone.

**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: 0**

**RESOLUTIONS: 1**

**2. Appoint Barbara Cameron to Trails and Greenways Committee (Reso 04-2019)**

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE APPOINTMENT OF BARBARA CAMERON TO THE MALABAR TRAILS & GREENWAYS COMMITTEE AS AN ALTERNATE MEMBER; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 2

**Recommendation:** Adopt Reso 04-2019

Resolution read by title only. Discussion:

**MOTION:** CM Korn / CM Rivet to adopt Reso 04-2019. Discussion: CM Korn felt this is a good appointment.

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

**MISCELLANEOUS: 2****3. Approve Recommendation from Park & Recreation Board for a Memorial Wall at the Malabar Community Park****Exhibit:** Agenda Report No. 3**Recommendation:** Approval of Request

Eric Bienvenu, Chair from Park and Recreation went over the concept and the finished layout and the location by the flag poles. It was planned so it could be expanded by adding panels. CM Ball asked if the bill dealing with local governments not having ability to deal with monument preservation influence this? Yes, it could. CM White said consideration should also be given to persons that may have been found guilty of molesting children – how do you remove the name? CM Korn said they need to discuss the way to choose those persons who have contributed to the Town and should be memorialized. Mayor said that can be a later discussion – criteria used to nominate a name; perhaps started at Park Board and suggestions brought to Council.

**MOTION:** CM Rivet / CM Vail to approve memorial wall concept and proceed to bid.

**VOTE:** All Ayes.

**4. Approve Cell Tower Easement, 1830 Malabar Road****Exhibit:** Agenda Report No. 4**Recommendation:** Approve Easement Agreement

Chair turned it over to Attorney. Attorney gave history of existing lease and how the payments are set up; amount per month for the tower, plus an additional amount each new platform tenant – he found the former Crowne attorney and asked. Crowne Castle feels more comfortable with an absolute property right with this easement, than with a lease hold right through the existing lease. The use of cell tower is not the way towers are going. CM Rivet said the 5G technology that they are moving to will bring more of the small, ground based equipment because there will be more of them and they don't require the height. If we are counting on the money; this is a better financial deal for the Town. Not a bad deal for the Town. Attorney said what is the future need of this property for the Town. Is the property useable to the Town in another way?

CM Korn mentioned the potential rent. What is the benefit monetarily? 589K with a 10K down payment and a complete pay out over 20 years for a 30-year lease.

TA said in terms of what they plan to use the additional land. They are intending to make it more marketable to the carriers. With the new 5G the need for ground space is needed more than tower space. Gave an example of Verizon – they wanted the extra space for their technician. CM Rivet said the tech trends going forward – the higher the frequencies – the trend is only going to go up. If we can lock in this price at current values that would be to the Town's benefit. The State and Federal govt are trying to encourage expansion of the cellular equipment. CM Ball said we

Attorney said what is the future for this site? CM Vail said they are asking for 30 years for a reason, so they can invest in it. TA said the initial request was for 99 years. Atty said they will have to pay out even if they cut the lease short.

**MOTION:** CM Ball / CM Vail to approve sale of the easement.

**VOTE:** All Ayes.

Chair excused the Attorney at this time.

**M. DISCUSSION/POSSIBLE ACTION:**

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

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

CM Ball: Nothing

CM Vail: Nothing

CM Rivet: He has received contacts from residents with issues with the new website. He understands that when we go to a new system there is an overlap. Asked TA for update.

TA said we used a company to port over the material from the old website to the new and some of it didn't transfer as we intended. Also, as we learn to use the new site, improvements are being made. Also, the minutes are being done on a new software program that integrates with the new website and we are still working on that.

CM Korn: Complemented CM White to put this together. A TA does not have authority to make agreements. That is the district he is in. There is a lot of misinformation. Complements to PW. The ditches on Weber are marvelous. Tom is an artist. He is delighted with all the work. CM Vail thought they are doing a great job on the mowing also. CM White said they are really doing a great job. CM Korn said he went down Weber to Valkaria and then up Corey Road and Weber ditches look better than Corey.

CM White: At the SCLC dinner meeting the Board approved a resolution opposing this bill about monuments. Under the current writing it could affect our memorial wall. On Wednesday, he will be doing a ride along with Jim on the Space Coast transit to try and get a stop on Malabar Road, perhaps at Town Hall and at Marie Street. Riders could mount their bikes to the front of the bus and come here to ride trails. CM Ball said in the 1960's, Greyhound bus could be waved down and would stop and pick you up and take you to Melbourne. CM White said you can call SCAT and request a pick up. CM Korn thought there used to be a bus stop at town hall. From the audience, the Mayor recognized Jim Roulston who said there are special needs people that this would help.

CM White looked into documentation on the SW project on Hall Road. He put a package together and gave each CM a copy. In 2017, a letter went out telling residents about a SW project. He could not find any documentation that there was any communication with these residents before commencement of project. If there had been, maybe this project would have been changed or eliminated. After the ditch was done, one of the residents complained about the big ditch and loss of water from his pond. The owners of 400 Hall and 460 Hall Road were given letters and that is pages 3-6 of handout asking if they would be interested in paying for their portion. 400 Hall responded and said he did not want to pay. The people at 460 Hall did not respond at all. CM White found no written agreement with anyone. The cost on the project pipe was for 24" pipe and it was 13K plus the cost of the catch basins. He heard a resident say it was to be paid at completion. At last meeting there was question of ethics and complying with earlier commitments made by Town representatives. He has found no such written commitments.

Mayor: Thanked Council and staff for attending the SCLC dinner meeting. On Wednesday he will meeting with Hal Rose in W. Melbourne to discuss their use of the overlay districts.

**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 8:20 PM.

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

ATTEST:

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Debby Franklin, C.M.C.

Date Approved: 4/1/2019