

MALABAR TOWN COUNCIL REGULAR MEETING MINUTES

APRIL 15, 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 Ball 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, excused

TOWN ATTORNEY:

KARL BOHNE

TOWN CLERK/TREASURER:

DEBBY FRANKLIN

C. **APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES:** none

D. **CONSENT AGENDA:**

1. **Approval of Minutes**

Regular Town Council Meeting Minutes 4/01/19

MOTION: CM Vail / CM Korn to approve the 4/1/19 regular meeting minutes as submitted.

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

E. **ATTORNEY REPORT:** Nothing at this time.

F. **BCSO:**

H. **STAFF REPORTS:**

ADMINISTRATOR: TA excused

CLERK:

- Watched government finance (FGFOA) webinar last week on incorporating Strategic Planning into the budget process to discuss items that might be funded, those that should be funded and those that must be funded. Our budget process will be starting soon. We need to focus on how we are going to fund the Capital Improvement Projects that have been identified and prioritized.
- Remind Council of the need to determine if they will supporting an ordinance to put the referendum question on the ballot to increase the ad valorem rate. If so, the tax payers need to be informed of the need for the increase long before November
- The six property owners on the south side of Malabar Road have been sent notifications of the May 6, 2019 Council meeting to discuss either the 660' depth or 1320' depth for their land use designations. They have all been invited to attend and speak at the meeting.
- The Comprehensive Plan amendment will be on agenda for its final approval Public Hearing at the May 20, 2019 meeting.
- Staff has been working on code enforcement issues with property owners and for the most part have gained compliance. Hwy 1 was cleaned up, the pigs at 1620 Weir Street are gone, property on Hall Road is being cleaned up and the person on Quarterman has been in to speak to Matt and said he would work on compliance.
- Remind Council of the need for articles for the MailBoat

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:

Drew Thompson, Brook Hollow, Chair of T&G. Went over the April 1 update and then at their Trails & Greenways mtg on 4/8 they added three more projects for a total of seven. Looking for potential funding from FDOT. Marie St to Leghorn is part of the south Brevard linear trail system. Using the Jordan Blvd access to access the Jordan Scrub. Have a connector to US 1. The third item would tie in to the mountain bike trail system. By the Melb Tillman and near the Grapefruit Trail – same concept. Wanted to get it in front of Council before submitting it for consideration and the due date is tomorrow.

MOTION: CM Vail / CM White to approve the three additional trail projects. Discussion. CM White had conversation with Palm Bay CM Kenny Johnston and they are very excited to work with Malabar to provide these trail connections.

CM Rivet asked Drew if he was asking for money – Drew said no money at this time. CM Korn said there are wetlands on the Marie Street/Leghorn ROW. Drew said EELs said at one time that they could provide wood if we could get the labor for a boardwalk. Could maybe get local contractors or with the Bike group and GV volunteers. CM Vail said it they should look at the east side of the fence along Marie Street; it is much higher than the actual travel way.

Vote: All Ayes.

Barbara Cameron, Hall Road, regarding the culvert that popped up at the west end of Hall Road. She mentioned the culvert from Flashy Lane to Melb Tillman canal. What is going on down there? Council explained project.

J. PUBLIC HEARINGS/SPECIAL ORDERS: 0
K. UNFINISHED BUSINESS/GENERAL ORDERS

L. ACTION ITEMS:

ORDINANCES for FIRST READING: 1

1. Approve First Reading of BA to FY 2018/2019 Budget (Ord 2019-05)

Ordinance read by title only.

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PERTAINING TO A BUDGET AMENDMENT IN THE FISCAL YEAR 2018/2019 TO PROVIDE FOR REALLOCATION OF FUNDS WITHIN DEPARTMENTS; PROVIDING FOR ADDITIONAL FUNDS FROM UNRESTRICTED FUNDS ON DEPOSIT; TO PROVIDE FOR THESE ADDITIONAL EXPENDITURES AS APPROVED BY COUNCIL; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 2

Recommendation: Approve First Reading of Ord 2019-05

MOTION: CM Korn / CM Rivet to approve first reading of Ordinance 2019-05. Discussion: CM Ball is not questioning the job the FD is doing – they are doing a stellar job. He said it is not right to take money out of reserves or other departments. Should ask the Atty to draft an MSTU or MSBU and let the FD be funded that way just like the Sheriff Dept.

CM Korn felt this amendment would be a good show of support to retain the current staff at FD.

Lt. Hooker gave a power point presentation related to the duties of the Driver/Engineers and how integral they are to the professional operations of the Fire Dept.

Atty said referring to MSTU/MSBU, don't get lost in terminology. Call it a Special Assessment. CM Korn said the FD is part of the Town. What he brought up at last meeting

– they have a combo dept. Four of them are not eligible for health insurance. He wants to keep them here by making them fulltime and offering health insurance.

CM White had issues with the numbers, stating the wages should be higher if going from part-time to fulltime. Questioned Lt. Hooker about the two that are leaving. How long have they been there? About a year. It is a starter position, but they must have all the same certifications. Lt. Hooker said it is now harder to get qualified personnel to replace them. Having part-time FF does not improve the ISO rating.

CM Vail all we are trying to do is break it out – only funding source.

Much discussion on various methods to fund the fire dept, personnel only, entire department, as a special assessment, fire assessment, flat rate or increasing millage. All of Council supported the Fire Dept but the issue was how to budget going forward and budget within our means. Some discussion was impassioned. CM Vail referred to the Civility Pledge they all took and the need to keep discussion civil.

CM Rivet – you have legitimate concerns about not taking money out of reserves. He is willing to listen to any alternative methods of funding. Need to adequately fund the fire department budget.

Holly Yolles, Corey Road, said the taking of funds from reserves part of the budget amendment frightened her. Can't fix someone who is leaving now. Chief said three paid driver/engineers will be going to other depts. Cocoa went to special assessment.

CM White said what Lt. Hooker explained that it is not so easy to replace with the training requirements. Unfortunately, this should be dealt with during the budget process. He was fully prepared to discuss the FD funding.

CM White would be opposed to a Special Assessment without a ballot measure going to the voters.

CM Korn said one of them would be on any vehicle responding. He referenced a meeting he attended with the Brook Hollow HOA – one person asked if our low millage was doing the job. We have a responsibility to provide public services and safety that is adequate to justify us being an incorporated municipality.

Clerk Franklin explained that we have done budget amendments for the last two years to recognize additional revenue that was received over what was budgeted. Malabar has 900K in investments, 500K in local accounts and additional money in the SBA.

CM Rivet said the concern is how we are going to pay for it for remainder of this fiscal year. His caution is if we do a Special Assessment (SA), do we do it for only the increase or the total personnel cost. CM Ball said the SA should only address the shortage. CM Vail said a SA would not fund the whole dept – only the shortfalls.

Roll Call Vote: CM Ball, Nay; CM Vail, Aye; CM Rivet, Aye; CM Korn, Aye; CM White, Nay. Motion carried 3 to 2.

CM Rivet and CM Ball want the amount taken from reserves to go back into reserves when available.

CM Korn said he will be out of town on May 6 for work and asked if they could hold public hearing on May 20, 2019. No objections.

RESOLUTIONS: 0
MISCELLANEOUS: 0

Chair excused the Attorney at this time.

M. DISCUSSION/POSSIBLE ACTION:

1. Discuss Road Improvement Standards

This was CM Vail's request.

CM Vail said there was a misunderstanding at the last meeting. Wants Council to understand that there is a wide variety of road types and improvement processes depending on the ROW available. Franklin went through the road improvement process and road payback process. The road paving of an improved road is a separate process and does not have a "payback" – it is a special assessment and has its own process.

Atty is working on case law and when he is ready we will ask for the workshop.

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

O. REPORTS – MAYOR AND COUNCIL MEMBERS

CM Ball: Referenced vehicle thefts in the last 2-3 weeks from being unlocked. Lock your vehicles. Contact the BCSO and ask if they are aware of these.

CM Vail: call BCSO

CM Rivet: email from Bill Conlon, trees on adjacent property hanging over his property and he forwarded to CM White. Look at FD funding during the budget process.

CM Korn: he has noticed on Weber – increased number of pedestrians. Need to get more volunteers for FD. They do the training here at Fire Station.

CM White: nothing

Mayor: Went to P&Z meeting last Wednesday and they completed the sign Ord and it will come back to Council. He gave presentation on having manufacturing in CG. They are looking into that. Manufacturing is creating a product from raw material.

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

Q. ADJOURNMENT:

There being no further business to discuss and without objection, the meeting was adjourned at 9:36 PM.

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

ATTEST:

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

Date Approved: 5/6/2019