

MALABAR TOWN COUNCIL REGULAR MEETING MINUTES

SEPTEMBER 05, 2018

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

LAURA MAHONEY

DICK KORN

DANNY WHITE

DOUGLAS HOYT

KARL BOHNE, excused

DEBBY FRANKLIN

TOWN ADMINISTRATOR:

TOWN ATTORNEY:

TOWN CLERK/TREASURER:

C. APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES: #5 pulled.

D. CONSENT AGENDA:

1. Regular Town Council Meeting Minutes 8/20/18 & WS 8/27/18

Exhibit: Agenda Report No. 1

Recommendation: Request Approval

MOTION: CM White / CM Ball to approve the 8/20/18 minutes as amended.

Discussion: pg. 3, CM Mahoney said she was referring to minutes she read from April quoting the preliminary estimate – Clerk will change. Vote: Ayes, 4 (CM Rivet excused).

MOTION: CM Korn / CM White to approve the 8/27/18 special minutes as presented.

Discussion: none. Vote: Ayes, 4 (CM Rivet excused).

E. ATTORNEY REPORT: excused

F. BCSO REPORT: Lt. Robert Cline gave report on June. Details sent to TA. July and August reports aren't available yet. CM Korn referred to rash of mishaps on Malabar Road and asked how to prevent. More traffic control. They will work on enforcement in Zones 73, 74 and 75. CM Ball asked about break-ins in G-V area. Is it moving north? Lt. said it is not a rash; they have an analyst that reviews reports for trends.

G. BOARD / COMMITTEE REPORTS:

Drew Thompson, Chair, T&G Com: unable to attend.

Eric Biennu, Chair Park & Rec Board: Not present

Liz Ritter, Chair, P&Z Board: Board: CM Ball gave an update provided to him by Ritter. They are working on sign ordinance. They have a significant back log on the meeting minutes.

H. STAFF REPORTS:

PW DIRECTOR: Tom Miliore – not present

FIRE CHIEF: Excused.

ADMINISTRATOR: Nothing. CM Mahoney asked about his term date. He will submit written resignation within two weeks. She asked if the Council would be vetting the applicants. Mayor said we will get to that. CM White asked about full signal – why. Clerk said Council asked for it. TA said he has timed the intersection. CM Mahoney asked when we asked that. Clerk will send out resolution from 2-3 years ago. CM White said the bill for ZipRecruiter and gotten in 20 + applicants. TA said PW Director has reviewed them and has a couple selected for interviews next week. CM Korn compliments Tom and John for going around Town and looking at areas that need attention; he thinks it was on a Saturday. Be proud of your Town campaign

CLERK: We will have a page in Hometown News in the last issue of each month. For candidates in District 2 and 3, the first campaign finance report is due on Friday

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. Speaker card:
Card: none.

J. PUBLIC HEARINGS/SPECIAL ORDERS:

2. Adopt Millage (Ord 2018-04)

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, ADOPTING THE MILLAGE RATE OF 2.1582 FOR THE LEVY OF AD VALOREM TAX WITHIN THE TOWN OF MALABAR FOR THE PERIOD FROM OCTOBER 1, 2018 THROUGH AND INCLUDING SEPTEMBER 30, 2019, PROVIDING FOR REPEAL AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 2

Recommendation: Approve First Reading of Ord 2018-04

Chair directed read by title only.

Chair opened PH: Speaker: none **Chair closed PH:**

Discussion: none. Chair asked for motion.

MOTION: CM Ball / CM White to approve first reading of Ord 2018-04 setting the millage for FY 2018/2019.

Discussion: CM Mahoney said the taxes aren't exorbitant. Mentioned during WS the importance of transparency and concerned with the list of main culverts that aren't being addressed. Find out the schedule for PW. CM Ball said they spent three meetings working on this budget. This comes across as a 10% over roll back rate but it is only about a 3% increase. He feels good about the work that we put into this. We need to say we did a good job. CM White said we are going from 2.09 to 2.15. He takes issue with "throwing money" comment. Most towns our size have millage at about 4%. We are at our maximum millage limit for the next 2 years. The fact is we don't have enough people. He does have issue with productivity in PW. Part of the job of the PW Director is managing his people. We need better productivity. He agrees with CM Mahoney. He is not happy. CM Korn said this is the 5th budget he has been involved with. Gave great credit to DCT Matt. They didn't have a lot they had to do. Matt did a phenomenal job.

ROLL CALL Vote: CM Ball, Aye; CM Mahoney, Nay; CM Rivet, excused; CM Korn, Aye; CM White, Aye. Motion carried 3 to 1.

3. Adopt Budget for Stormwater Utility (Reso 08-2018)

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA CERTIFYING THE TAX ROLL AND ADOPTING THE STORMWATER UTILITY BUDGET OF \$106,144.00 FOR THE TOWN OF MALABAR FOR THE PERIOD FROM OCTOBER 1, 2018 THROUGH AND INCLUDING SEPTEMBER 30, 2019; PROVIDING FOR REPEAL AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 3

Recommendation: Approve Resolution 08-2018

Chair directed read by title only.

Chair opened PH:

Speaker: Barry Proctor, 1540 Atz Road – going over clearing the creek going through Fern Creek Crossing; it is blocked and needs clearing. Will this money be used that that?

Chair closed PH:

Chair asked for motion.

MOTION: CM Korn / CM White to approve Reso 08-2018 as presented.

Discussion: CM Korn asked about money. CM White said this is a targeted fund and this is the anticipated revenue. People are asking what we are getting done. He asked TA how much have we got done on west end of Hall Road project? TA said about 600'. We want a plan. He hears more reasons of why we can't get things done than a plan for getting things done. When are we planning to do certain things; what are we going to do this week. He understands the problems with Fern Creek. But there are projects that we got started on and have not finished.

ROLL CALL Vote: CM Ball, Aye; CM Mahoney, Aye; CM Rivet, excused; CM Korn, Aye; CM White, Aye. Motion carried 4 to 0

4. Adopt Budget (Ord 2018-05)

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA ADOPTING THE BUDGET OF \$1,908,273.00 FOR THE TOWN OF MALABAR FOR THE PERIOD FROM OCTOBER 1, 2018 THROUGH AND INCLUDING SEPTEMBER 30, 2019; PROVIDING FOR REPEAL AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 4

Recommendation: Approve First Reading of Ord 2018-05

Chair directed Clerk read title and Section 1 of Ord 2018-05.

Chair opened PH:

Speaker: Brian Vail, 2700 Smith Lane – this year's budget has 70K less than last year.

Chair closed PH:

Chair asked for motion.

MOTION: CM White / CM Korn to approve first reading of Ord 2018-05 as presented.

Discussion: CM White referred to a revenue spreadsheet TA produced covering 2006-2016 showing revenues going down. CM Mahoney appreciates they work hard together but the money is not spent maintaining the two things people want – roads and drainage. TA mentioned the revenue sheet he did from 2005 – 2015 based on inflation at 2.4%. We are not even keeping up with inflation. CM Korn said for several years doing budget adjustments – their job is to provide for the needs of the people of this community for health, safety, welfare. Budget looks good to him but there are things they can do better.

ROLL CALL Vote: CM Ball, Aye; CM Mahoney, Nay; CM Rivet, excused; CM Korn, Aye; CM White, Aye. Motion carried 3 to 1.

K. UNFINISHED BUSINESS/GENERAL ORDERS

ACTION ITEMS

RESOLUTIONS: Reso 11-2018 pulled by requestor

MISCELLANEOUS: 2

6. Qualifying Candidates for 2018 Election in Precincts 325, 326, 327 (Districts 1, 2, 3)

Exhibit: Agenda Report No. 6

Recommendation: Request Action

MOTION: CM White / CM Korn to "qualify" the candidates. Discussion: none. **VOTE:** All Ayes

7. Gilmore Street Issues – Residents Dave Beaudry and Gene Cioffi

Exhibit: Agenda Report No. 7

Recommendation: Request Action

Chair called on the residents to address Council separately.

Dave Beaudry, has lived here since 1991, first in Country Cove and then on Gilmore. He also worked for the Town as Code Enforcement in the 1990's. In 2004 the hurricanes came through. He followed Town codes and put in the required swale, but it became a pond. For 14 years he has tried to get this taken care of. Not just that but as code officer and police officer, he knows the Code. He talked about the illegal road and the posts were put in and cement barriers but couldn't put in because the backhoe was broken. Then jersey barrier they couldn't find one. Total lack of response to the residents. Pay taxes but the services are not being provided. He is asking for simple things. Alan street is not a designated roadway. People are still going through there. They are asking for simple things that can be done. The services are not being rendered. Referred to the house across from Post Office; it is a shithole with junk and stuff piled up in yard. You can't have unregistered vehicles. He was told that is perfectly fine. Also told a letter was sent out. They had 14 days. Found out 2 months later that the letter never went out. When you have a complaint – you only get lip service. 14 years he has been going around and around. Then his neighbor built, and they also had the same problem. Then he filed an agenda report and what happened – they had

people here and surveyors and engineering and cones and people. SW Mgmt is the most important issue in Town.

Mayor clarified the location of house on Gilmore with violations – on the west side. CM White said he admires how calm he is. What can be done immediately? Trying to express to you the – gave example of Barry's property. He doesn't understand the rationale. SW is the most important issue. But it doesn't take a priority.

Gave it over to Gene Cioffi, 1865 Gilmore. He passed around pictures. Read from list of key points. He represents both Gilmore and Weir Streets as he owns property on both roads. Be aware the system of service requests that go through the website was done twice and he included phone and email before July and didn't get a response. He has come in and asked for assistance. He asked who at the Town gets the service request sent through the Town's website. He then sent them to CM Ball in July and got no reply. Aug 2 visited TA office spoke about cars at 1620 Gilmore and the drainage. After he talked to TA in the office he got no reply. They moved in Aug of 2017. Pictures were sent to Mr. Hoyt. When they built the house, the builder asked the town engineer where the water was going to go. They essentially built a pond in the front yard. Doug came to him before the meeting and they have a solution. There is no plan for drainage in their area. How did engineer sign off on stormwater when there is no survey of Gilmore. There are three new homes built in the last year between Gilmore and Weir. He then showed picture of a culvert at another new home that has both ends facing utility poles. Then talked about the unregistered cars, boat and burned out RV behind the house they have complained about. He referenced the north end of the street being used for illegal access. And he understands there has been progress there and that will be great. Grading of the street, had not been done in at least 6 months. Potholes some at least 12 inches deep. It was graded after he called, and it has been three weeks and it has not been graded again. He doesn't care exactly when it is done if it is done regularly. It is just a half-done job. Pride in the community and loving our Town. We are not getting that service from the Town. Yard debris is a big problem in that area. After hurricanes last year it was not picked up. I have contract with WM for regular service. Post storm pick up communication is lacking.

CM Ball said he talked to TA and did call Mr. Cioffi back. TA says he believes he has a workable solution. And wants to meet with the two speakers at their convenience. Mr. Cioffi did not mean to imply that CM Ball never called him but just that it was after the fact.

Dave wanted to follow up – in the 1990's the Town bought and brought in bunch of concrete pipes and placed them at Alan and Gilmore and Weir. Mr. Browning at end of street. He spoke with his mother would you be agreeable. If you can do that. Did you ask. She is agreeable to such a proposal. If you don't ask the questions – it is.

Lee Del Prado, built the house in the photo with the culvert pipe between the utility poles. Mark lives across the street and if you are going to meet with them he wants to be included. With that culvert pipe – engineer said it must be 40' – no exceptions. He wanted to move it back and Eng. said cut the pipe. So now it is at a telephone pole at each end. Another new house was built and has a 16' DW and they didn't have to put in a 40' pipe.

Franklin said permit is pulled for fence at north end of property to protect private property from trespass.

CM Mahoney is requesting schedule that PW can do basic maintenance. After the water settles, the water continues to move.

CM White – most disturbing things I heard was that he contacted Town and got ignored and he is sorry that happened to you. CM Korn said there is a lot involved. Town has a responsibility to provide a place for the water to go. CM Ball wants to be part of that meeting.

M. DISCUSSION/POSSIBLE ACTION:

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

O. REPORTS – MAYOR AND COUNCIL MEMBERS

CM Ball: Need a way to discuss how we can solve some of these drainage problems. Do a workshop with the Attorney regarding alternatives such as eminent domain for drainage improvements. See Danny White's comments.

CM Mahoney: Thanked public for involvement. Mentioned the Community event every 3rd Saturday. MCA will be at Palm Bay First Friday this Friday.

CM Rivet: Excused

CM Korn: Need adequate number of PW employees. They tried to do a drainage project through D&D Ranch (with a hold harmless) to benefit the area and had to stop after the accusations that we were spending money on private property. On the ballot in November Amendment 1 proposes an additional 25K exemption and it will probably pass but it will only benefit 12% of homesteaded properties. That revenue loss will burden the other property owners and businesses. A few municipalities have no ad valorem but they have special assessments.

CM White: Maybe we need a PW workshop – give some input and get some answers. Mayor said the PW Dir reports to the TA. He wanted to thank the people that come to the meeting. Several people are here at every meeting and he appreciates it.

Mayor: Nothing.

P. ADJOURNMENT:

There being no further business to discuss and without objection, the meeting was adjourned at 9:45PM.

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

ATTEST:

Debby Franklin

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

Date Approved: 9/17/2018