

MALABAR TOWN COUNCIL REGULAR MEETING MINUTES

SEPTEMBER 17, 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 Mahoney led P&P.

B. ROLL CALL:

CHAIR:

MAYOR PATRICK T. REILLY

VICE CHAIR:

STEVE RIVET

COUNCIL MEMBERS:

GRANT BALL

LAURA MAHONEY

DICK KORN

DANNY WHITE

DOUGLAS HOYT

KARL BOHNE

DEBBY FRANKLIN

MATTHEW STINNETT

TOWN ADMINISTRATOR:

TOWN ATTORNEY:

TOWN CLERK/TREASURER:

DEPUTY CLERK/TREASURER

C. APPROVAL OF AGENDA - ADDITIONS/CHANGES: add staff reports under E

D. CONSENT AGENDA:

1. Regular Town Council Meeting Minutes 9/05/18

Exhibit:

Agenda Report No. 1

Recommendation:

Request Approval

MOTION: CM Ball / CM White to approve the 9/05/18 minutes as presented. Discussion:

CM Mahoney said this Council previously agreed to the short version of minutes. She stated these minutes are a combination of added info and left out statements by her and suggested they go back to the abbreviated style. CM Korn said on page 2, right in the middle of page, he referred to 6th budget and it is not; it is the 5th.

Vote: Ayes, 4; Nay, 1 (CM Mahoney).

E. ATTORNEY REPORT: nothing

STAFF REPORTS:

FIRE CHIEF: Excused.

ADMINISTRATOR: Paving projects in Town – Smith Lane has been paved and depressions have been corrected. Smith Lane someone has already damaged the road. Absolutely flabbergasting. Contractor has been contacted to repair it. Mayor said same thing happened on Quarterman Lane after that was improved. CM Korn has been contacted by owner of W Railroad Avenue Storage regarding road condition. Fix it now or later. TA said he is aware of potholes. TA continued that the new Ditcher should be here in the first part of October and will be used throughout town. He has ordered the materials and pipe for Hall Road materials for Flashy going west. Atz Road is being finished up. CM Korn said we have had 20 applications for PW and asked if any have been interviewed. TA said tomorrow is set aside for interviews. TA said he turned in his resignation effective close of business on Nov 8.

CLERK: G2 Campaign Finance Report is due this Friday – 9/21/18,

F. 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: Stuart Borton, has tried for the last ten years. Has found out that it is Coastal Preserve. Need to get it changed back to commercial. When he bought Callegy it was commercial. What they want to build is small inn – 6 to 10, A place for people to stay after a wedding. Has enclosed for Council a survey. The ledger is a blow up of the small property. Other folks that have property they pay taxes and they can't. FDOT recently allowed him back enough so they have enough to build. He already got the permit from FDOT for a DW and it has expired. He doesn't know if Council can make this change before mailing amendment to the state. Don't want to blame anyone. Ask for questions. CM Korn is the

assumption that he thought the zoning was the same on both sides of the road? He bought and joined them. CM Korn said all the pieces. Others have the problems

CM White – immediately south of the restaurant. Yes.

Grant Ball, 1190 Hwy 1, this affects a lot of people. He is affected also. What theta has meant. Paying taxes at an astronomical rate and can do nothing with property. 1190 Hwy 1. He pays 2200. His riverfront piece is .6 acre. He would have to recuse himself from the vote but there are other property owners that are similarly affected. There used to be a bar and restaurant on the river side. They bought only what they needed, and that Malabar later made unbuildable.

CM Rivet have on an agenda item we should get the legalities. From the lawyer. Need to know what is fully legal. Send it to P&Z and legal opinion. Find out how this affects us.

CM Korn would this affect what we are doing. Can't address individual requests until we are in compliance. CM White on the face of it it appears these people have been wronged.

Attorney said it will require individual land use and zoning change. They can start the process but can't vote on it until we get in compliance with the State

CM White wanted to make a statement under the Public. Read from memo. Violation by TA to FS 112. He read the statute. No public officer shall corruptly use their official position. Corrupt – willing to do something for personal gain. Worry about motivation of those that made the accusation. The Administrator made a recommendation.

G. 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: Adopt 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 White / CM Rivet to adopt Ord 2018-04 setting the millage for FY 2018/2019.

Discussion: CM Mahoney said about visibility and what PW is doing. She has concerns with PW and brought it up at workshops.

ROLL CALL Vote: CM Ball, Aye; CM Mahoney, Nay; CM Rivet, Aye; CM Korn, Aye; CM White, Aye. Motion carried 4 to 1.

3. 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. 3

Recommendation: Adopt Ord 2018-05

Chair directed Clerk read title and.

Chair opened PH:

Speaker: Brian Vail, 2700 Smith Lane – thanked staff for their work. And this year's budget has 70K less than last year.

Chair closed PH:

Chair asked for motion.

MOTION: CM Ball / CM Rivet to adopt Ord 2018-05 as presented.

Discussion: none

ROLL CALL Vote: CM Ball, Aye; CM Mahoney, Nay; CM Rivet, Aye; CM Korn, Aye; CM White, Aye. Motion carried 4 to 1.

CM White said we had four WS and did not hear any other suggestions or alternatives. He thinks it is political grandstanding. CM Mahoney said she did bring it up as the being transparent.

Considered it important. Act like it was her money. We went through the budget and it wasn't like we could spend it the way we wanted to – she was asked not to speak at the WS.

She went to the people on Gilmore and the pipe with culvert ditch between two poles.

CM Korn has been involved with the budget for five years. The actual budget went down. We will still collect and spend less money than we did last year. Goal should be to provide for the needs of the Town. We are doing better than we have ever done in this Town.

This was an election issue in 1983. Did have flooding issued in 1928. Giving service for much less than they could get elsewhere. CM Rivet point of order. We should be spending more money than we have planned.

TA said if you look at the 2006-2016 spread sheet he did, the revenue stream decreased more than over 100K. We are not keeping up with inflation. He is still concerned with this trend.

CM Mahoney said it is not the amount of money, but it is how it is spent. She asked why things aren't being done. Should have farmed out the culvert replacement.

H. UNFINISHED BUSINESS/GENERAL ORDERS/ACTION ITEMS
MISCELLANEOUS: 0

J. DISCUSSION/POSSIBLE ACTION:

4. Appointment of Town Administrator

Exhibit: Agenda Report No. 4

Recommendation: Request Action

Speaker Card: Holly Jolle, last time we had a committee formed. Think it would be a good thing to do again even if you are considering. Someone in house.

Mayor took a page from recent County Commission and School Board meetings and asked for a motion on Town Administrator's recommendation.

MOTION: CM Rivet / CM Korn to accept TA recommendation to appoint Matt Stinnett as next Administrator.

CM Rivet said we have the opportunity to hit the ground running. He has been working side by side with TA and has developed an array of contacts. The salary is a tremendous bargain. We have an opportunity to get a very good person at a very good cost.

CM Korn read his email response. He does his homework. He was familiar with Doug Hoyt for years before he applied. We have an Administrator. We do not have a Manager. We are the decision makers for the management of the Town. He read from the job description. The Clerk and the Administrator report to Council. Work with Clerk and Council Chair. When he was at FLC he asked about Administrator. He couldn't find anyone that was even interested in applying. He has asked Matt if he can deal with the citizens against virtually everything.

He has military experience. He is working on his master's degree in PA. He is enrolled in that program at FIT. For that reason, he 2nd the motion.

CM Ball said when we sat as council. He has gotten to know him and wants what is best for Town. Don't want it to look like a good old boy. He doesn't want to see that happen. Matt's credentials speak for themselves. He puts a high degree of faith and stays in for career. He has over 12 years and has a leadership position as Squad Leader. The squad is larger, and it is much more demanding. As much as I would like to see a larger sampling, there aren't that many people looking for a job with that little pay. Matt has worked very hard.

CM Mahoney – we could advertise for free through monster .com. She doesn't think we are offering it. Teachers don't get that much pay. The town has a smaller infrastructure. There are fewer depts and employees, starting at a smaller amount. Matt has been preparing to be Clerk/Treasurer. Putting numbers in exactly as they are supposed to be.

She wants someone that can be a bulldog and can make sure that someone is on the new machines. Felix should be training.

Mayor said he has been looking since January. He suggested contacting an existing Assistant Manager to come to Malabar. They all make more money than the Malabar Administrator.

CM Ball said as Administer he will interface with people and Matt administers to more people now as Squad leader. He is going to miss him in his current position but they still all work well together.

CM White: He had a couple residents come over and voice their concerns. CM White sees the great job Matt is doing. They asked why do this now; let Debby do it again. He is all for choosing Matt to take this appointment. Commit to a six-month review to come before them and justify their decision. He and Matt have had several conversations on how to make PW more productive and improve it incrementally and then look back and see the improved productivity.

CM Korn said the staff works well and is a team. He called for the question.

Rollcall vote called by Mayor.

VOTE: Ayes, 4; Nay, 1 (CM Mahoney).

MOTION: CM Rivet / CM White to accept the agreement with those two provisions added and directed execution after those changes.

CM Mahoney asked how much is the total. Clerk said the amounts are all in the budget for Dept 512 for the line items that aren't related to Doug Hoyt.

TA said we win in every regard. CM Rivet said we are having trouble in soliciting PW employees. This will show an advancement path.

Attorney said the 90-day probationary period. Need to incorporate that and the 6-month review. After 90 days you must pay severance. With cause no severance, without cause, two months' pay.

CM White is fine with putting both in the agreement.

VOTE: Ayes, 4; Nay, 1 (CM Mahoney).

Chair excused the Attorney.

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

L. REPORTS – MAYOR AND COUNCIL MEMBERS

CM Ball: Thanks to Doug and thinks he has worked tirelessly. Would like to push forward. He has the vision and wants to pursue with a Council WS for PW and that maybe would help with the TA. Use an example of a white board. Please consider. The planning portion can go forward to set goals. TA said the number of employees has a point, but it will spur everyone forward. Group effort is much better.

CM Mahoney: Thanked public for involvement. It takes effort and come out to the meetings and share their personal opinions. Continue to participate. Consensus that the First Friday. Was a success so they will continue. Also, the 3rd Sat for MCA.

CM Rivet: Good job on the road repairs. Getting equipment. No excuses to make significant progress on drainage projects.

CM Korn: Do we want it before the hiring. Things have dried up and we can get a good view of what needs to be done in the infrastructure. Proper road maintenance. "Roads" were to be paved and "lanes" were to remain unpaved. Don't dig it down. We are in good shape to move ahead.

CM White: Agreed with everything CM Ball just said. Pleasure of reading some minutes from 2002. Barry was mentioned in the minutes from 2001 and the issues were about the same items. Money wasn't an issue then. What we need. A WS to set what is to be done in the first quarter, 2nd qtr., etc. Get things moving. We have people in Town that can help with how we can get things done. He is pleased to be here and trying to be part of the solution. Thanked them for coming. Apologize to Brian – he did not do the burnout. He is meeting with people on Hunter Lane regarding paving. Think about what benefit paving could be; reduced dust, eliminate road maintenance, increased property value and quality of life.

Mayor: Thanked Town Administrator and staff. Welcome Matt to new position. Waiting for Huggins signage at playground. He was honored with that. Check minutes on honoring Carl Beatty. Mayor said Congrats to T&G Committee for the Trail Town designation and the recent award to Malabar for such designation done in Titusville on September 14, 2018. That will open a lot of doors for future advertising and development of trail system connections.

P. ADJOURNMENT:

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

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

ATTEST:

Debby Franklin

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

Date Approved: 10/01/2018