

MALABAR TOWN COUNCIL REGULAR MEETING MINUTES

NOVEMBER 19, 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

COUNCIL MEMBERS:

GRANT BALL

BRIAN VAIL

DICK KORN

DANNY WHITE, excused

TOWN ADMINISTRATOR:

MATT STINNETT

TOWN ATTORNEY:

KARL BOHNE

TOWN CLERK/TREASURER:

DEBBY FRANKLIN

C. **SUNSHINE LAW Q AND A** - Atty said they are all veterans. Any questions? None.

D. **NOMINATIONS FOR CHAIR AND VICE CHAIR**

CM Rivet to nominate the Mayor to serve as Chair. CM Vail seconds. No other nominations. **Vote:** All Ayes.

CM Ball to nominate CM Rivet as Vice-Chair. CM Korn seconds. No other nominations. **Vote:** All Ayes.

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

F. **CONSENT AGENDA:**

1. **Regular Town Council Meeting Minutes of 11/5/18 & 11/8/18**

Exhibit: Agenda Report No. 1

Recommendation: Request Approval

MOTION: CM Korn / CM Ball to approve the 11/5/2018 minutes as presented.

Discussion: **Vote:** Ayes, 4; Nay, 0 (CM White excused).

MOTION: CM Rivet / CM Vail to approve the 11/8/2018 minutes as presented.

Discussion: **Vote:** Ayes, 4; Nay, 0 (CM White excused).

G. **ATTORNEY REPORT:** None.

H. **STAFF REPORTS:**

ADMINISTRATOR: Chief is recovering well. New employees at Town Hall, Richard will be doing special projects and Elaine will be helping with Accounting. Exploring a new agenda management system to provide all agendas with a similar look and add a search capability. Proposing to bring an amendment forward to provide for use of excess funds in Building Department to be used for renovations in that Department. Plans are in for new PW building. Will be requesting a variance to setbacks for this building.

PW DIRECTOR: Tom Miliore – finished the headwalls on Glatter Road project. New culvert under Atz and LaCourt. Started to mow the ROW. Hall Road drainage project will be worked three days a week and then use the other two days to catch up on Town wide tasks. The two new employees are working out well.

FIRE CHIEF: excused

CLERK: Town Hall will be closed the week of Christmas – 12/24/18 through 12/28/2018. Christmas Tree Lighting is set for Wednesday, December 5, 2018 at 6PM.

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:

Vicki Easterling, resident for 26 years. Spoke about a social media site – Nextdoor Malabar that has informed people of a proposed development at Marie and Malabar. She discussed traffic on Marie Street and the difficulty in crossing Malabar Road as a pedestrian or turning onto Malabar from Marie Street. She likes the rural nature of Malabar.

Lance Sprague, 2545 Billie Lane, read preamble of Charter to Council.

Susan Shortman, 2240 Ivey Lane. Bought in July. Supported Council to maintain the rural character.

J. PUBLIC HEARINGS/SPECIAL ORDERS: 0

K. UNFINISHED BUSINESS/GENERAL ORDERS

ACTION ITEMS:

ORDINANCES for first reading: 1

2. Budget Amendment for FY 2017/2018 (Ord 2018-08)

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PERTAINING TO A BUDGET AMENDMENT IN THE FISCAL YEAR 2017/2018 TO PROVIDE FOR ADDITIONAL REVENUES RECEIVED; PROVIDE FOR UNSPENT FUNDS REMAINING IN CERTAIN DEPARTMENTS; PROVIDE FOR ALLOCATION OF THOSE FUNDS TO THE DEPARTMENTS OVER BUDGET DUE TO EXPENDITURES AS APPROVED BY COUNCIL; PROVIDE FOR CONFLICT; AND PROVIDE FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 2

Recommendation: Approval First Reading of Ord 2018-08

MOTION: CM Vail / CM Korn to approve first reading of Ord 2018-08. Discussion: TA explained the need for the amendment.

Roll CALL Vote: CM Ball, Aye; CM Vail, Aye; CM Rivet, Aye; CM Korn, Aye; CM White, Excused. Motion carried 4 to 0

RESOLUTIONS: 2

3. Reso 18-2018 Gregory D'Amico, T&G Committee

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

MOTION: CM Rivet / CM Vail to approve Reso 18-2018. Discussion: None.

Roll CALL Vote: CM Ball, Aye; CM Vail, Aye; CM Rivet, Aye; CM Korn, Aye; CM White, Excused. Motion carried 4 to 0.

4. Reso 03-2018 ILA Save Our Indian River Surtax TMDL Credits

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, APPROVING THE SAVE OUR INDIAN RIVER LAGOON LOCAL INFRASTRUCTURE SURTAX INTERLOCAL AGREEMENT; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

MOTION: CM Vail / CM Rivet to approve Reso 03-2018. Discussion:

Chair recognized Mr. Brandon Smith of the Brevard County Department of Natural Resources to speak to this and explain how the total maximum daily load (TMDL) credits are provided to municipalities. Everyone is involved in paying for this due to the passage of the half cent IRL surtax in 2016. The State has adopted a Basin Management Action Plan and the State determines the level of pollution reduction needed for each water basin and has developed a calculation for how each municipality gets "credits" for pollution reduction even if

it results from a stormwater pollution reduction project done by another municipality within the same water basin. The credits are based on population and each participating municipality earns those credits. The credits can be earned by educational outreach projects or actual projects that reduce the amount of pollutants entering the IRL. The State may determine that pollution levels have increased in a water basin and each municipality must provide evidence that they have provided educational outreach, or some project completed with the water basin that has resulted in "credit" for all participating municipalities.

Roll CALL Vote: CM Ball, Nay; CM Vail, Aye; CM Rivet, Aye; CM Korn, Aye; CM White, Excused. Motion carried 3 to 1.

MISCELLANEOUS: 6

5. Set Date for Workshop to Discuss Public Works Projects

Discussion: Dec 11, 2018 was selected at 7PM.

6. Recommendations from Planning and Zoning Board:

- **FLUM Amendment – Juliana Hirsch letter**
- **R/LC 4,000 sf Maximum Building Coverage – consider amending**
- **Recommend Council Forms a Roads and Drainage Committee**

Discussion:

- CM Korn said keep all parcels intact with a common designation. CM Rivet his concerns are for the property owners to the south that abut these parcels. Not changing the zoning at all. It is an option.

Julianna Hirsch: Stated the property was originally CG. Stated the buffer stays the same if it is 660' or 1320' deep. Stated it was criminal to divide her property. This is a hardship to her. Make it all one designation.

- Mayor explained changing the 4000sf maximum building coverage (MBC) and the .20 in the table – the table was supposed to have been corrected to remove the .20 to eliminate the confusion but it was never done.
- Forming a roads and drainage committee. CM Rivet said they would need civil engineers. Residents have best intentions but not necessarily the skill sets. TA said we have a good plan in place with the PW workshop scheduled. CM Vail would support those that want to assist in a positive manner.

7. Select Bill Reviewer for 2018/2019 Discussion:

MOTION: CM Vail / CM Korn to select CM White as Bill Reviewer. Vote: All Ayes.

8. Select Check Signer for 2018/2019 Discussion:

MOTION: CM Vail / CM Korn to select CM Ball as Check Signer. Vote: All Ayes.

9. Select Space Coast League of Cities (SCLC) Delegate for 2018/2019

MOTION: CM Ball / CM Rivet to select CM White as SCLC Delegate and Mayor as alternate. Vote: 3 Ayes; Nay 1 (CM Korn).

10. Select Representative for TPO/TAC for 2018/2019 Discussion:

MOTION: CM Korn / CM Vail to select TA as the TPO/TAC representative. Vote: All Ayes.

COUNCIL CHAIR MAY EXCUSE ATTORNEY AT THIS TIME

L. DISCUSSION/POSSIBLE ACTION:

M. PUBLIC COMMENTS: General Items (Speaker Card Required) none
Charlie Smiutko, Lett Lane.

A lot of hunters and shooters in his area and have wiped out the pigs. He does not challenge them but does call BCSO. Said if there was a local hunt group they should be used. He also spoke of the need for drainage work on Babcock, so his area can drain. Problem pulling out onto Babcock Street from a stop sign. Also requested a sidewalk on east side of Babcock.

N. REPORTS – MAYOR AND COUNCIL MEMBERS

CM Ball: welcome back to Brain Vail and looking forward to PW workshop.

CM Vail: Regarding the edges of roads, there is an auger attachment for a dump truck that can disperse road base material along the edges. CM Ball said he has been bringing this up to the last three TAs.

CM Rivet: drainage issues – Elaine Lane.

CM Korn: nothing

CM White: excused.

Mayor: nothing

O. ANNOUNCEMENTS:

P. ADJOURNMENT:

There being no further business to discuss and without objection, the meeting was adjourned at 9:08 PM.

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

ATTEST:

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

Date Approved: 12/03/2018