

MALABAR TOWN COUNCIL REGULAR MEETING MINUTES

JULY 02, 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, EXCUSED

DANNY WHITE

DOUGLAS HOYT

KARL BOHNE

DEBBY FRANKLIN

TOWN ADMINISTRATOR:

TOWN ATTORNEY:

TOWN CLERK/TREASURER:

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

D. CONSENT AGENDA:

1. Regular Town Council Meeting Minutes 6/41/18, WS 6/11/18 & 6/25/18

Exhibit: Agenda Report No. 1

Recommendation: Request Approval

MOTION: CM Rivet / CM Ball to approve the 6/4/18 minutes as presented. Discussion: None

Vote: Ayes, 4; Nay, 0.

MOTION: CM Ball / CM White to approve the 6/11/18 workshop minutes as presented.

Discussion: None. Vote: Ayes, 4; Nay, 0.

MOTION: CM Rivet / CM Ball to approve the 6/25/18 workshop minutes as presented.

Discussion: CM Mahoney said on pg. 2, soccer – TA said the fields were good; Pg. 3 – 4a – next on the list; 11b – improve drainage ditch on Marie to Glatter to RR to be done next week. Discussion – TA said they would like to put culvert headwalls in. It would be a priority project. The Chair said this was a review of the stormwater projects related to the CIP. The Mayor asked there was agreement on her comments – none heard. Vote: Ayes, 3; Nay, 1.

E. ATTORNEY REPORT:

Attorney advised Council about recent Supreme Court case on the narrow issue of restriction of free speech as court found there was basis of retaliation which did allow him to sue and directed a new trial.

F. BCSO REPORT:

Deputy gave stats for May. June stats should come out on the 10th. TA will send them out. TA asked Deputy about fireworks. Deputy knows about the concern with animals. Deputy explained they must see the fireworks lighted and that the person is not starting a race or scaring off wildlife. The fireworks lobby is very powerful. CM White asked if the stats break down the traffic counts by speeding stops. Deputy said the software does not perform that breakdown.

G. BOARD / COMMITTEE REPORTS:

Drew Thompson, Chair, T&G Com:

The decision of the "Trail Town" was pushed out to September. They want to make a personal visit and it will be sometime in late July or August. He will verify dates and encourage Council to be available when they tour the Town trails. CM White will be present. Agenda could be posted stating that two or more elected officials may be in attendance. They will show them around. Drew then spoke about the T&G plans to work on a new Eagles Nest Trailhead, explaining each trailhead should be named after an animal and there is an eagles nest in the area of Atz Road and Marie Street. They are proposing a plan to use the Town lot north of the PW yard a trailhead. It is 285' x 100' wooded area and they would like to get some clearing done in this year. Tag it on paper, pending Council approval and then do the initial carve out parking area similar to Sandhill Trailhead. He would like this plan to get on the Capital Improvement Plan.

Improving Jordan Blvd for emergency evacuation and put a parking lot with a gate similar to what they have a south end of Brook Hollow.

Eric Bienvenu, Chair Park & Rec Board: presented plan for memorial wall – then the trees and naming the playground after Huggins. CM Dick Korn attended their meeting and spoke about naming the playground at Malabar Community Park after Huggins. If Council approves tonight they will discuss and recommend type of signage. The memorial wall was depicted on overhead and construction was discussed. It is intended to be a permanent attraction and recognition of people that have served the Town.

Liz Ritter, Chair, P&Z Board: not present.

H. STAFF REPORTS:

PW DIRECTOR: Tom Miliore – the Gradall is working. Hired one employee, still need one. Culvert under Smith Lane was replaced and another had all five joints repaired. Smith lane ditches are being cleaned now. He went through a list of other projects recently completed.

ADMINISTRATOR: Wanted to add to what Drew said about the area at Atz and Marie street. That area clearing will be continued. Drainage work will also be continued. Not a high priority. Last two weeks we have had several compliments. Baseball team brought in a plaque. Also, the Rocky Pt owner called in and thanked the PW crew for a great job of trimming the overhanging limbs. A local business owner in Malabar stopped by to recognize the PW crew for their efforts even though they know how small they are staffed. Wants to keep that trend going. CM White asked TA to look at Eva Lane at Malabar Road. PW has filled in three times. No reason we haven't fixed it by now. TA said it is a high priority. CM White said in conjunction with whatever else they are doing this needs to be fixed before the road base is compromised.

FIRE CHIEF: no report

CLERK: Newsletter is on website and will be mailed out soon.

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: none.

J. **PUBLIC HEARINGS/SPECIAL ORDERS: 0**

K. **UNFINISHED BUSINESS/GENERAL ORDERS**

ORDINANCES FOR FIRST READING: 1

2. MSTU Question for 2018 Ballot (Ord 2018-06)

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY FLORIDA; REPEALING ORDINANCE 2016-01; CALLING AND SCHEDULING A PERIODIC ELECTION TO DETERMINE IF THE TOWN SHOULD CONTINUE TO PARTICIPATE IN THE BREVARD COUNTY MUNICIPAL SERVICE TAXING UNIT (MSTU) FOR LAW ENFORCEMENT; PROVIDING FOR THE MANNER IN WHICH SUCH ELECTION SHALL BE CONDUCTED; ESTABLISHING THE FORM OF THE BALLOT FOR SUCH ELECTION; PROVIDING AN EFFECTIVE DATE.

Exhibit:

Agenda Report 2

Recommendation:

Approve 1st Reading of Ord 2018-06

Ordinance read by title. Speaker Card: None.

MOTION: CM Mahoney / CM Rivet to approve 1st Reading of Ordinance 2018-06.

Discussion: CM Mahoney asked Atty Bohne if it looks ok. TA asked Council to consider putting this to voters every four years instead of every two years when we get such an overwhelming percentage in support of continuing with the MSTU. TA suggested they put the question to voters when the Sheriff changes. CM Ball like that the voters choose every two years. However, with the Sheriff we have now, we have a great relationship and they give us good support. He suggested it could be put to voters a year after a new sheriff is elected. CM Rivet asked about how much time and money is spent in putting this to voters every two years. TA said more than the cost of the legal ad is the Staff time. He and Deputy Clerk/Treasurer Matt Stinnett went and met with the Sheriff. TA suggested to tailor the question to coincide with the year after a new

Sheriff takes office. Mayor Reilly said if we do what CM Ball said is should be done after two years. Mayor said Sheriff Ivey has done a good job for Malabar. CM Rivet said they are Public Servants and should be accountable to voters. TA said it is a negotiated agreement. It will allow the limited office Staff to be more efficient. CM Mahoney asked about the money. She said Grant-Valkaria came to us and suggested we not vote it in because they would have preferred a contract. What does the MSTU pay for, how many MSTU vehicles? We still have a Sheriff paid for by County taxes. She supports keeping it going before the voters. Chair asked for clarification on ability to change frequency. Clerk Franklin explained that an ordinance was adopted in 2007 that stated Malabar would participate in the MSTU. A separate, subsequent ordinance was adopted to state that the question would go to the voters every two years. The Attorney stated then Council can repeal that ordinance and replace it with one that states a different term. This vote is on the wording for the 2018 ballot.

ROLLCALL Vote: CM Ball, Aye; CM Mahoney, Aye; CM Rivet, Aye; CM Korn, Excused; CM White, Aye. Motion Carried 4 to 0.

RESOLUTIONS: 1

3. Adopt Resolution 03-2018 Approving ILA for IRL Surtax (Reso 03-2018)

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; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit:

Agenda Report 3

Recommendation:

Adopt Resolution 03-2018

Resolution read by title. Speaker Card: None.

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

Discussion: Chair asked if anyone from County was present. No. Mayor asked Staff. TA said in looking at the FDEP statistics, Malabar doesn't discharge pollutants into the river. The Town should get part of that surtax that everyone is paying in order to fund stormwater projects that treat water before it reaches the lagoon. Attorney stated that the bigger polluters get more money. CM Rivet doesn't feel good about this without someone here to explain how the credits and the revenue are distributed. Neither did CM Ball.

ROLLCALL Vote: CM Ball, Nay; CM Mahoney, Nay; CM Rivet, Nay; CM Korn, Excused; CM White, Nay. Motion failed 4 to 0.

MISCELLANEOUS: 2

4. Naming Playground at Malabar Community Park after Huggins Family

Exhibit:

Agenda Report 4

Recommendation:

Approve Naming

MOTION: CM Rivet / CM Ball to name the playground at Malabar Community Park after Huggins. CM Ball recalled personal interactions he had experienced with Mr. Huggins; he had General Store and it served as the Post Office. He was a major part of the community. He was an essential part of the community during the pivotal period, along with S.B. Brown in getting the community incorporated. **Vote: All Ayes.**

5. Authorization to Purchase Gradall

Exhibit:

Agenda Report 5

Recommendation:

Approve Purchase

MOTION: CM Rivet / CM Ball to approve purchase of Gradall up to the cost listed of \$316,662.00. TA asked if there were any questions about the proposal. Based on Sheriff bid. Roughly 16K increase, based on the fact that we keep this equipment for 15 years, this model won't be running up to its maximum capacity every time it is used. This model will have the reach they currently don't have. Wants approval to spend up to this amount. He will try and get the price down. The contract price for this is 46K per year. TA said Deputy Clerk/Treasurer Matt Stinnett was able to

find us a significantly lower interest rate for the fire truck and is doing the same for this lease purchase.

CM Mahoney asked if we have looked at renting. TA said they spent \$6K a month for a small track that couldn't do the job. TA said this piece of equipment works very well in Malabar as the reach is out and then down instead of up and out so prevents encounters with power lines. The one cab eliminates a lot of the control equipment and reduces the maintenance costs. CM Mahoney appreciates PW Director Tom Miliore coming and reporting at meetings and giving information about the equipment and their projects. Rent a piece when you need to use it and then you don't need a new building. TA said PW has done a good job and we need to approve the equipment so they can do the work. If we can't provide PW with the equipment they need, they can't get the work done. CM White said as a separate discussion item, he wants to see a lot more effectiveness of PW with this new equipment.

VOTE: Ayes, 3; Nay, 1 (CM Mahoney). Motion carried 3 to 1. CM White asked about the ditcher demo so they can pursue that purchase. TA said he will call manufacturer.

L. DISCUSSION/POSSIBLE ACTION: Atty and TA leave at 8:50PM.

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

N. REPORTS – MAYOR AND COUNCIL MEMBERS

CM Ball: He has had an email and a complaint about damage tree roots are doing to paved roads and Council needs to discuss at some point how to fix the paving and save the trees. Asked TA to research with an arborist.

CM Mahoney: She said people are concerned about Towns preparations, ditch cleaning before a hurricane.

CM Rivet: He is still getting complaints about speeding on Corey and Weber.

CM Korn: Excused

CM White: Nothing

Mayor: Nothing

O. ADJOURNMENT:

There being no further business to discuss and without objection, the meeting was adjourned at 8:55PM.

BY:

Patrick T. Reilly

Mayor Patrick Reilly, Council Chair

ATTEST:

Debby K. Franklin

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

Date Approved: 7/16/2018