TOWN OF MALABAR
REGULAR TOWN COUNCIL MEETING
MONDAY APRIL 4, 2016
7:30 PM
2725 MALABAR ROAD
MALABAR, FLORIDA

AGENDA

A. CALL TO ORDER, PRAYER AND PLEDGE
B. ROLL CALL
C. **APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES:**
D. **APPROVAL OF THE MINUTES:**
   1. **Regular Council Mtg of 3/07/16 and 3/21/16**
      Exhibit: Agenda Report No. 1
      Recommendation: Request Approval

E. **SHERIFF REPORT:**
F. **ATTORNEY REPORT:**
G. **STAFF REPORTS: ADMINISTRATOR: CLERK:**
H. **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.**

I. **PUBLIC HEARINGS/SPECIAL ORDERS:**
   2. **Discuss and Create Policy Guidelines for Working with Developers (Postponed from last mtg)**
      Exhibit: Agenda Report No. 2
      Recommendation: Request Action

J. **UNFINISHED BUSINESS/GENERAL ORDERS MAY INCLUDE ITEMS DIRECTLY RELATED TO RESIDENTS PRESENT AT MEETING (RECOMMENDATIONS FROM BOARDS, HOA REQUESTS, RESIDENT GRIEVANCES)**
K. **ACTION ITEMS: ORDINANCES FOR FIRST READING: 0; RESOLUTIONS: 0; MISCELLANEOUS: 3**
   3. **Discuss Parity of Districts (population +/- 10%)**
      Exhibit: Agenda Report No. 3
      Recommendation: Request Action

   4. **Discuss Malabar Land Development Code Article V, Section 1-5.29 – Malabar Vernacular**
      Exhibit: Agenda Report No. 4
      Recommendation: Request Action

COUNCIL CHAIR MAY EXCUSE ATTORNEY AT THIS TIME

L. **DISCUSSION/POSSIBLE ACTION:**
   5. **Discuss process of "Piggy-backing"**
      Exhibit: Agenda Report No. 5
      Recommendation: Discussion
M. **PUBLIC COMMENTS: General Items (Speaker Card Required)**
N. **REPORTS – MAYOR AND COUNCIL MEMBERS**
O. **ANNOUNCEMENTS:**
   (2) Vacancies on the Board of Adjustment; (3) Vacancies on the Park and Recreation Board; (1) Vacancy on the Planning & Zoning Board
P. **ADJOURNMENT:**

If an individual decides to appeal any decision made by this board with respect to any matter considered at this meeting, a verbatim transcript may be required, and the individual may need to insure that a verbatim transcript of the proceedings is made (Florida Statute 286.0105). The Town does not provide this service. In compliance with F.S. 86.26 and the Americans with Disabilities Act (ADA), anyone who needs a special accommodation for this meeting should contact the Town's ADA Coordinator at 321-727-7764 at least 48 hours in advance of this meeting.

MALABAR TOWN COUNCIL REGULAR MEETING
April 4, 2016 7:30 PM

This meeting of the Malabar Town Council was held at Town Hall at 2725 Malabar Road.

A. CALL TO ORDER:
The meeting was called to order at 7:30 pm by Council Chair Mayor Phil Crews. CM Kohler led the prayer and pledge.

B. ROLL CALL:

COUNCIL CHAIR:	Mayor PHIL CREWS
VICE-CHAIR:	BRIAN VAIL
COUNCIL MEMBERS:	GRANT BALL
	DON KRIEGER
	DICK KORN
	RICHARD KOHLER
TOWN ADMINISTRATOR:	DOUGLAS HOYT
TOWN ATTORNEY:	KARL BOHNE
TOWN CLERK/TREASURER:	DEBBY FRANKLIN

For the Record, the Fire Chief Christopher Robinson was not present.

C. APPROVE AGENDA - ADDITIONS/DELETIONS/CHANGES – none – agenda is approved
D. APPROVE MINUTES – 3/7/16 & 3/21/16
MOTION: CM Krieger / CM Kohler to approve RTCM 3/7/16 as corrected.
Discussion: Krieger: item 3, 1st pg see corrections
Vote: All Ayes.

MOTION: CM Kohler / CM Ball to approve RTCM 3/21/16 as corrected.
Discussion: Krieger: pg
Franklin said that P&Z Member asked that for the record in the minutes where Teimouri stated he asked Ryan why he was against project Mr. Ryan did respond to him. Chair said that is not relevant to what was said in meeting.
Vote: All Ayes.

E. SHERIFF'S REPORT: no one present
F. ATTORNEY REPORT: none
G. STAFF REPORTS: ADMINISTRATOR:
TA briefed Council on ADA restroom that is now in place. Will go forward on septic and electrical. CM Korn asked about drinking water. TA explained the pump and pressure system if the stand alone. CM Vail said there was talk about putting water and Community Park. **CLERK:** nothing.

H. 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.**

I. PUBLIC HEARINGS / SPECIAL ORDER: 1

2. Discuss and Create Policy Guidelines for Working with Developers (Postponed at 3/21/16 meeting to this meeting.)

Exhibit: Agenda Report No. 2
Recommendation: Request Action

MOTION: CM Vail / CM to .....Chair would have expected to be handed a motion by someone to read re: this issue. Chair explained the purpose of drafting a motion regarding the item you are discussing. If you have strong feeling about issue, propose a motion to start the discussion and then as the discussion proceeds the motion can be modified. This is a more efficient way of handling topics that have been postponed. The time between meetings is the time to focus on proposed wording of a motion. If it has been postponed, there should be something you had in mind that you wanted to see developed.
CM Vail said he doesn't want to formulate a motion until after he hears from the other council members. CM Ball also explained the benefit to having a motion in mind when an item is brought back.

CM Krieger / CM Korn to table. Ayes 3; Nay, 2 (Vail, Ball) Item tabled until 4/18/16.

J. UNFINISHED BUSINESS / GENERAL ORDERS MAY INCLUDE ITEMS DIRECTLY RELATED TO RESIDENTS PRESENT AT MEETING (RECOMMENDATIONS FROM BOARDS/COMMITTEE; RESIDENT GRIEVANCES; HOA REQUESTS)

K. ACTION ITEMS:

ORDINANCES FOR FIRST READING: 0; RESOLUTIONS: 0

MISCELLANEOUS

3. Discuss Parity in Districts

Exhibit: Agenda Report No. 3
Recommendation: Request Action

CM Krieger requested this item. He wanted to verify that the districts are evenly balanced. He got counts from the SOE and they do not appear to be balanced. Franklin explained that it is based on population, not registered voters. She has been working on this with the Council Property Appraiser's Office and their GIS Department to create map showing where the population lives.
Discussion:
MOTION: CM Korn / CM Kohler to table until that information is received. **Vote:** All Ayes

4. Discuss Malabar LDC Art V Malabar Vernacular

Exhibit: Agenda Report No. 4
Recommendation: Request Action

CM Vail asked for this to be put on the agenda. The Malabar Vernacular is intended to give curb appeal on our corridor and if it is a commercial structure it should look like this.
Discussion:
MOTION: CM Krieger / CM Korn to modify 1-5.29. 10. f. to state that all structures require design review and the following may petition for waiver from the vernacular.

CM Krieger said originally it would not include a Spanish structure. Franklin will provide pictures from the adopted ordinance. CM Krieger heard from two P&Z members that said they never saw the elevations. Atty Bohne said that it was not possible for the P&Z Board to review the site plan and not see the elevations. The Atty also said the additional cost to build vernacular styles on churches, synagogues and even hospitals would be challenging. Atty said if they amend the code to provide for a waiver; then anyone should be able to petition for a waiver.

Speaker's card, Marisa Acquaviva, Baywood Court. She was on Council when this site plan was reviewed and approved. She knows it came before P&Z before it went to Council and the elevations were part of the review. Pay attention and do your due diligence. When the building started to go up she knew it was a church but was asked by people who were involved in its approval what was being built.

CM Vail said there should be something to break up the front and give some curb appeal. He referenced John Rhodes Blvd and Ellis Road. The mini-storage across the street was the project that caused Malabar Council's interest in adopting the vernacular. CM Korn said the UPS building in Palm Bay is a metal building. Some have had the façade changed. Thinks we are exceeding our mandate. Just like Palm Bay exceeded theirs in requiring similar colors of paint. CM Krieger said how many more properties could be built on in this area.
MOTION: CM Krieger / CM Vail to table. **Vote:** All Ayes.

CM Vail said in reference to Item 2, he prefers to make a motion at the meeting and then discuss. And give direction to Atty and staff to resolve. He is confused. Chair said this is just a method to make the meeting more efficient. Chair if you formalize it it goes smoother.

COUNCIL CHAIR MAY EXCUSE ATTORNEY AT THIS TIME – Consensus to have him stay.

L. DISCUSSION/POSSIBLE ACTION:

5. Discuss process of "Piggy-backing" on contracts
Exhibit: Agenda Report No. 5
Recommendation: Request Action

CM Krieger requested this item. He went through a presentation on his flash drive on stormwater projects that have been initiated and/or completed without the authorization by Council. TA said many of these were initiated by his predecessor. His opinion is that everything over a few thousand dollars should get three prices. He also agrees that any extraordinary expense be brought to council even if it has been approved by council.

CM Korn said the micro surfacing was piggy backed. He questioned the John Brown & Sons situation at D&D Ranch. He was led to believe that everyone else was knew what was going on. The difference in using our in house staff. This work needed to be done. It is going to cost well in excess. CM Vail said the amount of work done by Brown well exceeded our Malabar's equipment capabilities. It would have taken our staff six months what this machine did in three weeks. Until the follow the Raindrop Tour Council didn't know we did work on private land. When we went down Hall Road there was damage to the asphalt from Brown's equipment. CM Korn said the work they did on Weber was very good. Maybe establish a procedure going forward, be transparent.

Chair without objection, allow speaker.
Skip Hard, Hard Lane, how did George Washington die, he bled out. Their intentions were good but the outcome wasn't good. We need procedures on how this is done so it is codified. He has talked to Hoyt and he has great ideas.

CM Vail said we approved at budget time for certain expenditures. It has been common practice to then expend the monies; he asked if they are proposing going back before council before expending.
Discussion:
TA explained his visit to Nelson and if funds are available then discuss where to put those monies. In his opinion, it is better to get culvert pipes installed to carry the stormwater.

CM Korn / any expenditure over 1000.00 must be approved by council. No second.

CM Krieger asked Council to review his presentation. Look at his suggestions.

MOTION: CM Krieger / CM Kohler to postpone item until next meeting. To talk about it at the next meeting. **Vote:** All Ayes. Vail would like legal opinion on expenditures put in the budget. Present something for next meeting.

M. PUBLIC COMMENTS: General Items (Speaker Card Required)

N. REPORTS – MAYOR AND COUNCIL MEMBERS

Hoyt: 4/18 FDOT put them right after approval of minutes.

3/1)CM Ball – If you have something want on the agenda, make the motion and get it started for discussion. If you bring it and give your reasons and then listen to others and may change. He sees what the Mayor is talking about. Make some money of bucket dump; do it right in pairs. $5 for three balls. Make it fun and work for the fun. Grant volunteered to donate beer, 2 lite and 1 yengling.

2/2)CM Vail – piggy backing and approved budget are two separate items for agenda; as far as motions he tries to prepare for each meeting. He doesn't have a resolve he wants to hear from fellow council. Chair is just trying to get everyone's mind working. Doesn't want the impact fees to be forgotten. Don't let it slip away. Chair said it can go on a future agenda. He will try to make it to 18th meeting. Bucket dump done

1/3)CM Krieger – Discussion on expenditures approved; ask questions put his item on agenda. Repeal of all previous reso dealing with council procedures. Franklin will provide to all.

4)CM Korn – thought the memorial was on for tonight. Forgot it was set for May meeting. Got a couple of negative. Talk to residents at SpringFest. He cautions council to abide sunshine. Wants this time to complement the work accomplished in the TA position. Part of his hiring was to have a probation. Would like to acknowledge he has met the probationary period.

5)CM Kohler – nothing

Interim Mayor - Pleasure working with you all. Doing very well.

Franklin pointed out the pamphlet from Juliana. Chair said bring your thoughts to the 4/18

O. ANNOUNCEMENTS:

(2) Vacancies on the Board of Adjustment;
(3) Vacancies on the Park and Recreation Board;
(1) Vacancy on the Planning & Zoning Board

P. ADJOURNMENT:

There being no further business to discuss, Chair stated without objection the meeting is adjourned. The meeting adjourned at 10:10 PM.

BY:_____
Mayor Phil Crews, Council Chair

(seal)

ATTEST:

_____

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

Date Approved: 4/18/2016