TOWN OF MALABAR
REGULAR TOWN COUNCIL MEETING
MONDAY APRIL 18, 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 MINUTES:**
   1. **Regular Council Mtg of 4/04/16**
      Exhibit: Agenda Report No. 1
      Recommendation: Request Approval

E. **SHERIFF REPORT:**
F. **ATTORNEY REPORT:**
G. **STAFF REPORTS: ADMINISTRATOR: CLERK**: SpringFest
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. **Presentation: SR 514 widening project by Space Coast TPO, FDOT and Atkins Engineering.**

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: 1**
   3. **Policy Guidelines for Working with Developers**
      Exhibit: Agenda Report No. 3
      Recommendation: Request Action

COUNCIL CHAIR MAY EXCUSE ATTORNEY AT THIS TIME

L. **DISCUSSION/POSSIBLE ACTION:**
   4. **Amend Code to Require Council approval of expenditures over $1000.00 not identified in the budget.**
      Exhibit: Agenda Report No. 4
      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:**

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 quired, 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 18, 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 Ball led the prayer and pledge.

B. ROLL CALL:

COUNCIL CHAIR:	Mayor PHIL CREWS
VICE-CHAIR:	BRIAN VAIL, excused
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 – CM Krieger wanted under Sec J – add the continuation of budget and purchasing (his presentation 4/4/16) or possibly roll it into L, spending. No objections.

D. APPROVE MINUTES – 4/4/16

1. Regular Council Mtg of 4/04/16

Exhibit: Agenda Report No. 1
Recommendation: Request Approval

Discussion: Korn L.5. 2nd para, he was led to believe. Clerk will clarify.
MOTION: CM Krieger / CM Ball to approve RTCM 4/4/16 as clarified. Vote: **All Ayes.**

E. SHERIFF'S REPORT: no one present
F. ATTORNEY REPORT: none
G. STAFF REPORTS: ADMINISTRATOR:
TA briefed Council on 1) after this we he needed time off. 2) back hoe will be returned this week 3) depression on Hall 5) field trip with feds on 26th 6) All Aboard Florida has sent public notice re: their planned high speed rail project. CM Krieger asked if it was copied to Council. Franklin said yes, it was copied out to each Council Member.
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.**
Skip Hard – kudos to TA on SW efforts. He then asked for the status of the inventory of all town stuff – TA said they would have that info for the 1st or 2nd mtg in May.

I. PUBLIC HEARINGS/SPECIAL ORDERS:

2. Presentation: SR 514 widening project by Space Coast TPO, FDOT and Atkins Engineering.

Aitkens Engineering Engineer Mr. Lance Decuir introduced those present: Bob Kamm from SCTPO was not able to attend. Vic and Lance from Aitkens went through their powerpoint presentation re: alternative design plans for widening SR514, specifically from Gilmore Street east to Highway 1. Jaslyn from FDOT also responded to questions. Vic reviewed the four alternate proposals and showed them on the overhead.

CM Korn said if you take land from Golf Disc you will shut it down. CM Korn said he has talked to Steve Olson at FDOT in Deland. Look at safety. If you bottle neck it down people will die. We need speed on 514 to be reduced to 45mph. The life of the disc golf park is his big concern.

Wayne Abare, pleased to see the new alternatives. He likes #3. It is not used as much as the disc golf. To go from 4 to 2 to 3 lanes seems like it could be a safety concern. What is criteria to go 4 lanes – it is 22,00 (average daily vehicles) and their own analysis says it will be 23000 avd by 2020. Vic said this is at or near capacity.

Mr. Murdock, Tom and wife, 1490 Marie Street. They are very much in support but are concerned with the bottlenecking if the road designs proposed are chosen. His other concern is the storm water that sits in his big yard. Wants it moving into pipes or storm water ponds. His wife asked about the traffic counts. Lance said some is from people using as a cutoff. Lance said the opening of Palm Bay's I-95 ramp will take some of the traffic off of SR514.

Skip Hard commends these people and asked if this could be made available for the towns website. Vic will also provide their website. Lance said yes, he will provide pdf of powerpoint presentation. Jaslyn said the FDOT traffic study of 328 pages will be available for public review before the PH.

CM Ball said they all have concerns about the bottle necking. But he asked about the FEC high speed railroad; has that been factored in? Wayne Abare said there are scrub jays on public golf courses and questioned why they needed all the alternative designs to avoid using the scrub jay property. He stated the scrub jays don't stay on that property.

Juliana Hirsch. Why is it taking so long to get the intersections improved? She has handout from 2014 that said the intersections have been approved for funding for design through construction at that time. Why hasn't work started? She then asked why they would put forward a design that would create bottlenecks. Mrs. Hirsch stated nothing gets done in Malabar by state. Jaslyn said it won't be "let" for bid until 2019. Ms. Hirsch asked where the money that was there two years ago is now not available until 2019. Where was it spent?

CM Korn, said he contacted Steve Olsen in 2011 / 2012 about taking so long he thought funding would be 2014 or 2015. How etched in stone are these dates. CM Korn said the project was approved to send SR 514 straight along Glatter Road/Township Road to US 1 and over a causeway to beach side. Then that never happened.

Jaslyn said SCTPO wants a vote of Council on their preferred alternative. Chair said they will put it on agenda for action at a future meeting after the residents have also had a chance lto review the alternatives on the website. Chair asked if Council had any other questions. CM Krieger said he had not made his comments yet. He said to group to leave it at two lanes with a bike path on one side. He agrees with CM Korn to leave the disc golf park alone.

He was told the improvements would be done at intersections. The Post Office is a leased business. CM Krieger thought the four lane option is out; he would support three lanes if they can

get the property from EELp on north side. He also said that they could simply improve the "fire lane" along the front of the sanctuary to allow multi-use.

Speaker card: Dr. Leedy, 2635 Smith Lane. She thankeds Council for addressing the true need of the residents being the intersection improvements. She emphasized that the intersections need improvement now not 18 years from now. People who have no means of transportation must walk between her clinic and hospital with their babies and small children. The real human need that Council is addressing requires first the intersections to be made safe and then SR514.

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: 1

3. Policy Guidelines for Working with Developers
Exhibit: Agenda Report No. 3
Recommendation: Request Action

Clerk provided a memo from Attorney in package as well as a copy of the procedures staff follows on land use issues showing how the stamp will become part of the review process, not an action to be done after approval.

MOTION: Krieger / Ball to accept 2nd page as procedures. VOTE: All Ayes.

COUNCIL CHAIR MAY EXCUSE ATTORNEY AT THIS TIME – after next item - consensus

L. DISCUSSION/POSSIBLE ACTION:

4. Amend Code to Require Council approval of expenditures over $1000.00 not identified in the budget.
Exhibit: Agenda Report No. 4
Recommendation: Discussion

CM Korn asked for this to be brought back. It had been discussed before but Franklin could find no evidence that Council had previously taken any action on this.
Speaker Card: Skip Hard, asked that checks and balances be put into place so there is not runaway spending.
Discussion: CM Korn asked for this under prior TA. He was reviewing bills then. But the purchase or service had already been made. He was uncomfortable with that – we can't *not* pay at that point. We must protect our vendors as well as abide by budget. CM Korn said the current TA does a great job, but we can't guarantee that will happen with the next TA.

CM Ball doesn't like a written procedure. It ties their hands and doesn't allow them to make decisions in a timely manner. If they don't bring unique, unbudgeted, expensive items to Council attention, then it is Council's fault.

CM Krieger said you have 30 days to pay a bill. If the bill reviewer has a question then bring it to the Council.
TA Hoyt said if an extraordinary expenditure comes up he will bring it to Council; used the recent brake job as an example. TA said perhaps he has brought good business practices to this position and they could lay groundwork for policy. The next person may not have the same work style. Chair stated that TA has good background in this area and good practices he has brought with him and suggested allowing TA Hoyt draft something up first. TA Hoyt said he would be glad to do that; bring

an outline on process so next person in this position has guidelines. Chair said that then Council can review that and then start debate from there. Chair asked for consensus – unanimous.

CM Krieger stated this dovetails nicely into what he asked to include in this agenda item. He handed down a flashdrive for a truncated version (attached to minutes) of the last meeting's presentation he had done. He had asked Council to review his presentation from the last meeting. He has proposed that the language in the Code be revised to be consistent regarding dollar threshholds. He is asking if any expenditure exceeding $10,000.00 be brought before Council for approval. CM Krieger stated that the project on the double D ranch did not go through that. CM Korn stated yes it did. Franklin stated that it was an approved project in the 2014/2015 budget and the 2015/2016 budget and was clearly indentified in both budgets. CM Krieger said we spent 36K on a project on private property without an agreement with the land owner. Franklin said the town has been using this private property for town drainage since the 1980's and has done maintenance and pipe and ditch work since then, identified to council in each budget. Also, the invoice came in at 28K for a project estimated by our Engineer at 41K. So the town did not spend 36K on this project. CM Krieger said it didn't matter if it was 12 cents – it was work done on private property. There has to be accountability and he would like the portion of code under Sec 2.01 amended to require such accountability.
MOTION: CM Krieger / CM Korn to accept recommendation made in CM Krieger's handout to amend Sec 2.01 of Code.

TA said wouldn't that be more appropriate after the purchasing plan is presented? Then they can both be sent to Attorney. CM Krieger said do we use 1K, 2K or 10K? CM Korn said it is a continuous council – not a new council. Council consensus to have TA first draft outline for proposed changes for council discussion before sending to Attorney. **Vote:** All Ayes.

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

N. REPORTS – MAYOR AND COUNCIL MEMBERS
Chair asked for items for next meeting:
TA Hoyt: 5/2/16 will have item on agenda recognizing he has successfully completed probation.
CM Ball – SpringFest was best ever and need to make committee a regular group.
CM Vail – excused
CM Krieger -
CM Korn – Memorial for Mayor Beatty on 5/2/16 agenda and recognizing Hoyts probation. Expand it to include a long range plan. SpringFest was the best ever. Same we as GV. There were some negatives. Ball would like him to attend Thursday's meeting. At 6. He will talk to Deb. Establish in all Boards. CM Ball said the debriefing is the last mtg for 2016 and it should be the first meeting for the 2017 event. CM Korn said it should be a citizen group. CM ball sais taxpayers should not be paying for employees to work. CM Korn is trying to get more people involved. Council is taking a lot of abuse from 4 or 5 people. There is one person rattling his cage about an email he never received. He is getting tired with putting up with this.

CM Kohler – stated that with his current transportation problem, perhaps Council should appoint an alternate bill reviewer. Should it go on next agenda? Chair said not necessary if they can get a motion tonight.
MOTION: CM Korn / CM Kohler to make CM Krieger the alternate bill reviewer. **Vote:** All Ayes. CM Krieger accepted.

Kohler asked when the next teen council meeting? He would like to attend. We will let him know.

Interim Mayor – add SpringFest Committee to be a standing committee. Put on next agenda.
CM Krieger: - agenda item re: all previous resolutions related to council proocedures be revoked – clean up and recommend repeal of all previous resolutions re: council procedures.
CM Krieger: questions for clerk – also put on agenda about population put on for discussion regarding district voting. In the interim, get attorney's input on the district voting.

CM Korn re: funding for the teen council. He thinks they contribute a lot to our town. Thinks Council to formalize. CM Korn said he suggested the 2nd mtg in May to discuss including how it is funded. Do we want to include this in budget CM Korn said there was nothing done wrong as there is no procedure in place. 2nd mtg in May.

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 9:55PM.

BY:_____
Mayor Phil Crews, Council Chair

(seal)

ATTEST:

_____

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

Date Approved: 5/2/2016