

MALABAR TOWN COUNCIL REGULAR MEETING MINUTES

October 17, 2016

7:30 PM

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

A. CALL TO ORDER:

Council Chair Mayor Phillip Crews called the meeting to order at 7:30 pm. CM Ball 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

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For the Record, the Fire Chief Christopher Robinson resigned as of 10/14/16.

C. ADDITIONS, DELETIONS, CHANGES APPROVAL OF AGENDA

Without objection, agenda is approved.

D. APPROVAL OF THE MINUTES:

1. Regular Council Meeting Minutes 10/03/2016

Exhibit: Agenda Report No. 1

Recommendation: Request Approval

Without objection, minutes are approved.

- E. SHERIFF REPORT:** BCSO Dep went thru highlights for Aug and Sept: 26 crashes, 25 ag 24 patrol 26 residential, 10 traffic – no burglaries. Don't leave cars open and house keys in car and garage remote in unlocked cars. #1 problem is unsecured vehicles in driveways. 16 crashes in Sept. FHP does crash reports on State roads.

ATTORNEY REPORT: Atty stated that under unfinished business the agenda has board appointments individually as six separate resolutions. He said this was started with previous TA and requires a lot of staff time to draft them and then read each separately with rollcall votes. In the past, these were done without a resolution; there is no legal requirement to do these with a resolution. As long as the action is recorded in the minutes, it is in the record. That would be his suggestion. Chair asked if there was Council consensus to approve – yes.

F. STAFF REPORTS: ADMINISTRATOR:

- Letter of resignation in front of Council is from Chief Robinson. Left in good standing. For interim 90-day period, he asked all the Lts. and they all support appointing Lt. Lenny Thommassen. He may be perfect candidate. Said it also sends the message to FF that they have opportunity to move up.
- Lt. Thommassen, 27 yrs. in fire service; tons of experience and tons of education to back it up. If Council has any questions. Goal is to not go backwards. Lenny said Chief Robinson turned Fire Dept. around and it is beneficial to keep progressing. Said it is an honor to be asked to fill in as interim Chief. He then briefed Council on the FD Sept report (provided printed copies). In Sept, there were 44 active members with growth factor of -1. There are nine paid on roster. 114 hours in in house training. One of his goals is to reduce the turnover. Work on having them stay here at least a year. CM Korn asked TA about salary. TA said for now he has been offered his current pay as Lt. and an additional ½ pay of whatever the Chief got per pay.

Chair asked for a motion to formalize action.

MOTION: CM Korn / CM Kohler to appoint Lennard Thommassen as Interim Chief maintaining his Lt pay and half of what Chief made. **Vote:** All Ayes.

- TA said the end of FY15/16 Budget preliminary reports show that there will be enough excess (rev over expenditures) to cover the invoice for the FEC railroad crossing at Jordan Blvd. Pre-audit budget to actual report will be emailed to all of Council and posted to website.
- ADA restroom – plumber is wrapping up plumbing and elec set for tomorrow. Then site work by PW and then paving for 2 cars and short and long ramp.
- W. Railroad Avenue. Read from his report given to Council. Action will be requested under Agenda Item 8.

CLERK: Municipal Elections are not partisan. Local government focus is about what needs to be done to keep, improve, maintain, etc., what happens in their local community. That is what sets it apart from County, Judicial, State and Federal elections. Party affiliation is not required as part of the candidate qualifying. It is specifically not included with the affidavit signed by candidates that they are willing to serve.

- G. **PUBLIC COMMENTS:** None
 - H. **PUBLIC HEARINGS/SPECIAL ORDERS:** 0
 - I. **UNFINISHED BUSINESS/GENERAL ORDERS**
- ORDINANCES FOR FIRST READING: 0**

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RESOLUTIONS: 7

2. Appoint Mary Hofmeister to P&Z Board (Reso 11-2016)

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE APPOINTMENT OF MARY HOFMEISTER TO THE MALABAR PLANNING AND ZONING BOARD AS AN ALTERNATE MEMBER FOR A THREE YEAR TERM EFFECTIVE 11/9/16; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 2
Recommendation: Adopt Reso 11-2016

Title of Resolution read by Clerk.

MOTION: CM Vail / CM Ball to adopt Reso 11-2016. Discussion: none

ROLL CALL VOTE: CM Ball, Aye; CM Vail, Aye; CM Krieger, Aye; CM Korn, Aye; CM Kohler, Aye. Carried 5 to 0.

3. Appoint George Foster to P&Z Board (Reso 12-2016)

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE APPOINTMENT OF GEORGE FOSTER TO THE MALABAR PLANNING AND ZONING BOARD AS A REGULAR MEMBER FOR A THREE YEAR TERM; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 3
Recommendation: Adopt Reso 12-2016

Title of Resolution read by Clerk.

MOTION: CM Ball / CM Kohler to adopt Reso 12-2016. Discussion: none

ROLL CALL VOTE: CM Ball, Aye; CM Vail, Aye; CM Krieger, Aye; CM Korn, Aye; CM Kohler, Aye. Carried 5 to 0.

4. Appoint Charles "Bud" Ryan to P&Z Board (Reso 13-2016)

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE APPOINTMENT OF CHARLES "BUD" RYAN TO THE MALABAR PLANNING AND ZONING BOARD AS A REGULAR MEMBER FOR A THREE YEAR TERM; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 4

Recommendation: Adopt Reso 13-2016

Title of Resolution read by Clerk.

MOTION: CM Korn / CM Kohler to adopt Reso 13-2016. Discussion: CM Korn referenced the ordinance that stated. He missed eight of the meetings last year. Need to enforce it. If there are excessive absences. P&Z Chair responded and said that his absences were excused. CM Vail asked if Chair makes the decision. Yes. It is an ordinance that can be abused. CM Ball said he is one of the concerned residents and absolutely should be on that Board. In some cases, we cannot even get the minimum.

ROLL CALL VOTE: CM Ball, Aye; CM Vail, Aye; CM Krieger, Aye; CM Korn, Aye; CM Kohler, Aye. Carried 5 to 0.

5. Appoint Joanne Korn to Board of Adjustment (Reso 14-2016)

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE APPOINTMENT OF JOANNE KORN TO THE MALABAR BOARD OF ADJUSTMENT AS A REGULAR MEMBER FOR A THREE-YEAR TERM; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 5

Recommendation: Adopt Reso 14-2016

Title of Resolution read by Clerk.

MOTION: CM Kohler / CM Vail adopt Reso 14-2016. Discussion: none

ROLL CALL VOTE: CM Ball, Aye; CM Vail, Aye; CM Krieger, Aye; CM Korn, Aye; CM Kohler, Aye. Carried 5 to 0.

6. Appoint Donna Hanna to Board of Adjustment (Reso 15-2016)

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE APPOINTMENT OF DONNA HANNA TO THE MALABAR BOARD OF ADJUSTMENT AS A REGULAR MEMBER FOR A THREE-YEAR TERM; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 6

Recommendation: Adopt Reso 15-2016

Title of Resolution read by Clerk.

MOTION: CM Ball / CM Kohler to adopt Reso 15-2016. Discussion: none

ROLL CALL VOTE: CM Ball, Aye; CM Vail, Aye; CM Krieger, Aye; CM Korn, Aye; CM Kohler, Aye. Carried 5 to 0.

7. Appoint David Sowards to Board of Adjustment (Reso 16-2016)

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE APPOINTMENT OF DAVID SOWARDS TO THE MALABAR BOARD OF ADJUSTMENT AS A REGULAR MEMBER FOR A THREE-YEAR TERM; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 7

Recommendation: Adopt Reso 16-2016

Title of Resolution read by Clerk.

MOTION: CM Korn / CM Ball to adopt Reso 16-2016. Discussion: none



ROLL CALL VOTE: CM Ball, Aye; CM Vail, Aye; CM Krieger, Aye; CM Korn, Aye; CM Kohler, Aye. Carried 5 to 0.

MISCELLANEOUS: 1

8. Authorization Requested to Advertise for a Town Initiated Vacate of ROW on W. Railroad Avenue and Johnston Avenue.

Exhibit: Agenda Report No. 8

Recommendation: Request Approval

MOTION: CM Kohler / CM Vail to authorize legal advertisement for this vacate.

Discussion: CM Kohler said it would improve the overall. CM Ball wants to ask atty. Atty said he had not reviewed but if it is not depriving anyone from access their property, he is ok with Council abandoning it. CM Korn is looking at map. It looks like it will resolve many problems. This he likes. It brings some sense. What he is uncomfortable with is the abandonment of Johnston Ave. He does not understand how that will increase revenue. CM Krieger asked if it had been tabled. No, CM Krieger wants a postponement. The motion is to simply authorize the intent to vacate/abandon rights-of-way – not do the vacate. Chair called for a rollcall vote. **ROLL CALL VOTE:** CM Ball, Aye; CM Vail, Aye; CM Krieger, Aye; CM Korn, Aye; CM Kohler, Aye. Carried 5 to 0.

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COUNCIL CHAIR MAY EXCUSE ATTORNEY AT THIS TIME

J. DISCUSSION/POSSIBLE ACTION:

9. Road Classifications and Existing Homes on Unaccepted Rights-of-Way (Krieger)

Exhibit: Agenda Report No. 9

Recommendation: Discussion

Thanked Clerk for information. Referred to the Cinderella Ord and wants to send it to P&Z for their review and consideration for a way to correct this going forward. CM Vail referenced six local roads he knew of that had homes built on unaccepted roads; north end of Smith Lane, south end of Candy Lane and others. Franklin said there were 21 homes built on unaccepted roads in 1984 and in 1992 that had increased to 38. Franklin also suggested that P&Z review the road widths set in the Comp Plan – perhaps they should be modified. CM Korn said we need to look at this. Over a controlled period of time. Chair asked if Council was suggesting a joint workshop. No, let P&Z Board discuss it. Chair said we need the Attorney to provide information on Town liability.

CM Krieger also asked TA about the work done by PW on Lett Lane; the dirt piles that appear within the ROW and the cul-d-sac.

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

L. REPORTS – MAYOR AND COUNCIL MEMBERS

TC: nothing for next meeting. Spec mtg on 10th at 7pm for swearing in. Legal advertising requires the vacate to be heard at 2nd mtg in Nov

CM Kohler: nothing

CM Korn: Memorial for Carl Beatty. Make recommendation to Park Bd to look at memorial garden at the Malabar Community Park. CM Korn stated he can ask candidates their position on certain items but can't ask the incumbants. He asked CM Vail how he feels about the every two years asking voters to vote re: MSTU. Contine MFD. Yes, loose identity and would have delayed response for life safety. Krieger is for renegotiation with Sheriff Ofc. MSBU vs MSTU. He is for a volunteer force for fire dept. Or a negotiated agreement with County. CM Korn thanked them both.

CM Krieger: Asked TA about any Town damage from Hurricane Matthew. A few lost shingles. Have ILA with County to let them handle the debris cleanup with FEMA. Large oak fell across driveway of homeowner on New Jersey. TA stated FEMA contractor will do two

complete passes; they have started the first. Council asked if TA could get timeframe on when they would be doing these passes in Malabar.

CM Ball: Where are we on the north Rocky Point Road parcel. TA said surveyor has been on vacation. CM Ball asked if they will have something for next meeting. No.

CM Vail: no

Mayor: no

Clerk: none

M. ANNOUNCEMENTS:

(2) Vacancies on the Board of Adjustment; (3) Vacancies on the Park and Recreation Board; (0) Vacancy on the Planning & Zoning Board as of 11/07/16.

N. ADJOURNMENT:

There being no further business to discuss and without objection the meeting was adjourned by the Chair at 9:10PM.

BY: _____
Mayor Phillip R. Crews, Council Chair

ATTEST:

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

Date Approved: 11/07/2016

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