

**MALABAR TOWN COUNCIL  
REGULAR MEETING MINUTES  
March 18<sup>th</sup>, 2024, 7:30 PM**

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

**1. CALL TO ORDER:**

Council Chair Mayor Patrick T. Reilly called meeting to order at 7:30 pm. CM Vail led P&P.

**2. ROLL CALL:**

CHAIR:

MAYOR PATRICK T. REILLY

VICE CHAIR:

DAVID SCARDINO

COUNCIL MEMBERS:

MARISA ACQUAVIVA

BRIAN VAIL

JIM CLEVINGER

MARY HOFMEISTER

TOWN ATTORNEY:

KARL BOHNE

TOWN MANAGER:

LISA MORRELL

TOWN CLERK:

RICHARD KOHLER

**3. APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES: None**

**4. CONSENT AGENDA:**

**4.a. Approve Minutes of 3/04/2023 RTCM**

Exhibit: Agenda Report Number 4.a.

**4.b. CAP Government Building & Inspection Services Renewal Piggyback, adding Fire Reviewer and Fire Inspector.**

Exhibit: Agenda Report Number 4.b.

**MOTION: CM Scardino/CM Vail to approve Consent Agenda as presented.**

Discussion: Clerk noted the inclusion of CM Clevenger Form 8b being attached to the minutes of 03/04/2024 RTCM.

**Vote: All Ayes (5-0).**

**5. ATTORNEY REPORT: None**

**6. STAFF REPORTS:**

**6.a. Town Manager –**

TM Morrell began by stating she appreciates the support she has received from Council. Rocky Point Road repair will be moving forward tomorrow. The contractor will be placing message boards shortly. The supplies required for the project are in stock, so they plan to move quickly. Staff will be providing door knockers and information to the residents of the area. She also reports the PW loader repair will be covered under warranty, and we have received a loaner for use during the repair. The Gradall will take more time to complete. We received one applicant for the open HEO position. Instead of hiring the one applicant, she is suggesting to promote from within and send a current MEO to receive their CDL A license. She would also like to use an employee training program that will allow her to assign classes and check compliance. It is an online program.

**6.b. Town Clerk**

Exhibit: Agenda Report Number 9.b.

Clerk Kohler states that the Space Coast League of Cities was well attended, and thanked Council for their attendance and support. Staff has included in tonight's agenda the response to the first South Brevard Trails Master Plan Working Group, with 10 comments or corrections to be

included in future presentation. The full package is available upon request. Malabar will be hosting a Trash Bash event on Saturday April 6<sup>th</sup> from 8 AM to 12 PM, with collection sites at Malabar Community Park, and the corner of Atz and Corey Road. So far, 15 volunteers have signed up to assist in the project.

**7. 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):

**Barbra Cameron – 665 Hall Road.** Ms. Cameron stated she has seen an increase in travel trailers in her area. She is inquiring about what rules stipulate where mobile homes can go in Malabar. One near a creek was removed, but she is aware of a mobile home on Weber Road and Wilson Lane. Mayor Reilly states there are rules about this, and suggests she report any violations to Town Staff. Ms. Cameron thanks Council for the information.

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

**9. UNFINISHED BUSINESS/GENERAL ORDERS MAY INCLUDE ITEMS DIRECTLY RELATED TO TOWN APPOINTED BOARDS/COMMITTEES: 0**

**10. ACTION ITEMS:**

**RESOLUTIONS: 1**

**MISCELLANEOUS: 3**

**10.a. Acceptance of a Temporary Easement and Road Payback for Candy Lane (Resolution 03-2024)- Tabled**

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR ACCEPTANCE AND CERTIFICATION OF COSTS IN CONSTRUCTING CANDY LANE FOR A DISTANCE OF 1332 FEET+/- SOUTH OF ATZ ROAD IN SECTION 12, TOWNSHIP 29, RANGE 37; PROVIDING FOR A TEMPORARY EASEMENT FOR PUBLIC USE; PROVIDING FOR THE ROAD PAYBACK AS DESCRIBED IN SECTION 13-42 OF THE TOWN CODE; AND PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report Number 10.a.

Clerk read by Title Only.

**MOTION: CM Vail/Scardino to untable Resolution 03-2024.**

**Vote: All Ayes (5-0)**

Staff: Clerk Kohler states that the applicant has submitted the as built, the road construction costs, and all other required information to request acceptance of Candy Lane as a Town Road. A Road Payback has been created and is attached to the Resolution. The Town Engineer has inspected and approved the Road. CM Clevenger has indicated he intends to abstain from this vote.

**MOTION: CM Scardino/CM Hofmeister to approve Resolution 03-2024.**

Discussion: Mayor Reilly asks Attorney Bohne if CM Clevenger should recuse himself from this vote. Attorney Bohne states he feels that would be the prudent thing to do.

**ROLL CALL VOTE: CM Clevenger, Abstained; CM Scardino, Aye; CM Hofmeister, Aye CM Acquaviva, Aye; CM Vail, Aye. Motion Carries 4-0.**

**10.b. Agency Support for Federal Lobbying efforts for funding improvements of Interchange, State Road 514 at Interstate 95 Southbound and Northbound Ramps.**

Exhibit: Agenda Report Number 10.b.

Staff: TM Morrell states the City of Palm Bay is seeking federal funds to improve the SR514 and I95 interchange and are seeking our support. They will be taking the lead in the project, seeking \$500,000 for road improvements.

**MOTION: CM Scardino/CM Hofmeister to approve the Mayor signing the agency letter in support of City of Palm Bay seeking federal funding for the improvements as provided.**

Discussion: CM Acquaviva states she supports this. CM Scardino agrees.

**VOTE: All Ayes (5-0).**

#### **10.c. Historical House – CM Vail**

Exhibit: Agenda Report Number 10.c.

Discussion: CM Vail states he has distributed the background of the project, and historical evidence that Council approved the project. Council however did not approve acceptance of the House. The House will be fully permitted and safely restored, with the intent of it becoming a usable structure for the public. For future maintenance, he does not expect it to cost more than maintaining a new home. The paint, roof, AC, and all wiring will be new. There will be a 16'x20' porch on the front of the area. He would hope to have it near the baseball field or playground. As the plan for the new Town Hall progresses, we can continue to plan, but he feels the Fire House, Town Hall, and the Historical House should be in the same Town Center. The only maintenance required will be a repaint in about 10 years. Mayor Reilly states he believes the perfect place for the House is the Northeast Corner, near the existing bathrooms and entrance to the EELs Sanctuary. He feels it could be used to showcase maps of the trails, and animals to be seen out in the sanctuary. CM Vail states he believes the structure should be in the front of the park to reduce the risk of vandalism. CM Acquaviva states she heard two different descriptions of the building use. CM Vail has stated the goal is to have a house for birthday events and meetings. Mayor Reilly states in the future we will have to vote on the final location. CM Scardino asks who will pay for the foundation? CM Vail states he is still working on it, but he has been able to get considerable donations. As the plans progress, he will seek additional assistance from volunteers. He has time accurate materials for use in the project. There will be a bathroom available for when the building is rented. CM Acquaviva asks what the estimated time of completion is? CM Vail states he is hoping for the project to be completed in 1 year. His next goal is to get a roof completed. Mayor Reilly asks Attorney Bohne what the process would be to create a 5013c to take ownership of the house, and then have the Town rent the land to it, similar to the Grant Seafood Fest. Attorney Bohne states it is possible but would be a lot of work for the applicant. It would not provide them with any relief. The Town would still be liable if someone gets hurt in the structure no matter who owns the home. Mayor Reilly asks Attorney Bohne to do more research for a future discussion. Attorney Bohne states it may help with maintenance costs. CM Vail states he would like to see it taken over by the Town. Who will man it when he passes? The FD used to have 45 volunteers. They currently have 9. He feels strongly about this house becoming a Town owned asset.

Mayor Reilly states he would like for Council to work on ideas of where this house should go in the park. CM Acquaviva states this will become part of the Town's history. CM Hofmeister asks if it can be used as a concession stand? CM Vail states yes. CM Scardino asks if the Town will require a sprinkler system? CM Vail states no.

TM Morrell provides some clarity that the Town building official has been made aware of the project, and made one trip to the site, but no permit has been received. If a spot without access to the septic system is chosen, a new septic system is very expensive. Maintenance costs will be more than painting, we will be required to clean it, and repair any minor or major damage. She believes it is a good project, and she is very interested in seeing where this goes. She feels the location should be the next major decision. CM Scardino asks if the house is installed near the existing bathrooms, they wouldn't need a septic system? CM Vail states they could hook to either the FD septic system or the bathroom system.

#### **10.d. Corrective Action – Approve Temporary Placement of a Travel Trailer while constructing SFR at 2215 Oakridge Lane – Applicant Brandi Patterson**

Exhibit: Agenda Report Number 10.d.

Applicant: Ms. Patterson states she is in the process of getting the septic permit finalized. She has submitted the rest of her documents for review. A well and (portable) septic system are included on site.

Staff: TM Morrell states this process is a little unusual. Staff did not provide the correct information to the applicant about the correct process. She feels this is an appropriate action to correct the issue. The applicant is the property owner, and she does intend to build a SFR on the land. We have collected the payment for the Bond. CM Hofmeister asks if there will be any additional work on site before an SFR permit is issued. TM Morrell states no.

**MOTION: CM Vail/CM Acquaviva to approve the temporary placement of RV with approved site plan while building plans are submitted and reviewed in the next 60 days for the construction of the single-family residence. The principal residence will be required to be permitted and significantly, 80% constructed, prior to any other accessory permits.**

Discussion: CM Scardino asks if we are only providing the applicant 60 days. TM Morrell states the site plan has been approved to the extent it can be. CM Scardino states the Health Department is backed up and may take longer than that. Attorney Bohne states we should set the time frame of 6 months to complete the project, and if needed, apply for an extension. CM Hofmeister asks how long the RV has been on the property? TM Morrell states 10/19.

**CM Vail/CM Scardino to amend the motion to provide 6 months from today.**

**VOTE: All Ayes (5-0)**

## **11. DISCUSSION/POSSIBLE ACTION: 2**

### **11.a. Discussion of Quiet Zones - Tabled**

Exhibit: Agenda Report Number 14.b.

Staff: Clerk Kohler states this item was tabled at the 1/8/2024 RTCM until there is a full Council Present. If Council wishes to discuss it tonight, a motion is required to remove the item from the table.

**MOTION: CM Vail/CM Scardino to untable item 11.a. Discussion of Quiet Zones.**

**VOTE: ALL AYES (5-0)**

Discussion: CM Scardino asks if we implement a quiet zone, would we be liable for any injuries? CM Vail states the gates required would prevent that. Have there been any complaint to Staff? Staff states they have not had complaints filed at Town Hall. CM Vail asks if Grant Valkaria is applying? TM Morrell each intersection is viewed independently. Mayor Reilly states the only crossing we can do alone is Jordan Blvd. TM Morrell states we would be a co-applicant with the state for SR 514. There is no deadline for this purpose. CM Scardino believes we should let the horns sound. CM Clevenger agrees. TM Morrell states if we receive complaints at Town Hall, Staff will bring this item back for review.

### **11.b. Increased Enforcement of Existing Rules – CM Scardino**

Exhibit: Agenda Report Number 11.b.

Discussion: CM Scardino states there are people clearing wetlands without permits. Someone dug a canal out to I95 and is pumping wetland out to the Interstate. TM Morrell states there is a permit for road improvements of Lett Lane. Staff received complaints that the applicant was dewatering the wetland into the FDOT ROW. Town Staff issued a Stop Work Order for the road work. She was able to contact the applicant, and ensure he was aware of the Stop Work Orders. CM Scardino suggests we try to educate the public more about required permits for land clearing and wetland work. CM Acquaviva states we can provide as much messaging as possible, but some residents are just going to do unpermitted work. We are a reactive code enforcement Town, so things like this may happen from time to time, but they are fined for these types of actions. TM Morrell provides another example, land clearing along Malabar Road. She contacted the contractor, who is a Malabar resident, and was unaware that the permit was required. A permit was applied for today; however, it was incomplete. The fee will be doubled for the permit. CM Hofmeister asks if we should revisit how much we charge for the permits, or if we can raise the fines for non-compliance. TM Morrell states she feels if you raise the fees, less people will comply. CM Clevenger states a double fee is the standard for work without a permit. TM Morrell states 4 of the CE cases reported

on at the last meeting are already resolved. CM Scardino suggests increasing the outreach to the community. CM Acquaviva states sometimes that may help. TM Morrell states Staff is working towards upgrading our Town Website, and our Building Department will be transitioning to paperless, and will have an open house event where we can provide additional information. Clerk Kohler states Staff can include a relevant article in the upcoming newsletter. CM Acquaviva thanks CM Scardino for bringing this topic up, as it has become a repeat issue for some residents.

**12. PUBLIC COMMENTS: General Items (Speaker Card Required)**

**13. REPORTS – MAYOR AND COUNCIL MEMBERS**

**CM Acquaviva:** Thanked Staff for the SCLoC dinner. She thought it was well attended, and an excellent event. She also has been spreading the news about the upcoming Trunk'or'Treat event in October.

**CM Vail:** None

**CM Clevenger:** None

**CM Scardino:** None

**CM Hofmeister:** None

**Mayor Reilly:** The Brevard County Sheriff Office awards are this weekend, and he will be attending. The event will be held at the first Baptist Church on Dairy Road.

**14. ANNOUNCEMENTS:** (2) Vacancy on the Planning & Zoning Board; (2) Vacancies on the Parks and Recreation Board; (2) Vacancy on the Board of Adjustment; (2) Vacancy on the Trails and Greenways Committee.

**15. ADJOURNMENT:** There being no further business to discuss and without objection, the meeting was adjourned at 8:35 P.M.

BY: Patrick T. Reilly  
Mayor Patrick T. Reilly Council Chair

ATTEST:

Richard W. Kohler

Richard W. Kohler  
Town Clerk

Date Approved: 04/01/2024