

**MALABAR TOWN COUNCIL REGULAR MEETING MINUTES
NOVEMBER 02, 2020 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 the meeting to order at 7:30 pm. CM Ball led P&P.

2. ROLL CALL:

CHAIR:

MAYOR PATRICK T. REILLY

VICE CHAIR:

STEVE RIVET

COUNCIL MEMBERS:

GRANT BALL

BRIAN VAIL

DAVID SCARDINO

DANNY WHITE

TOWN MANAGER: (ITM)

LISA MORRELL

TOWN ATTORNEY:

KARL BOHNE

TOWN CLERK/TREASURER:

DEBBY FRANKLIN

For the record, the Fire Chief Mike Foley was also present (7:35pm).

3. APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES: Add Reso 19-2020

4. CONSENT AGENDA:

4.a. Regular Town Council Mtg Minutes of 10/19/2020

MOTION: CM Vail / CM Ball to approve consent agenda. **VOTE:** All Ayes.

5. ATTORNEY REPORT: thanked CM Ball for his service and said he was always prepared for the meetings and it was a pleasure to serve with him As Council.

BOARD/COMMITTEE REPORTS:

6.a. T&G Committee - none

6.b. Park & Recreation Board - none

6.c. Planning & Zoning Board –

6. STAFF REPORTS:

7.a. Manager: Provided written report.

- Fitness Challenge – invite the Mayor Feb 6, encourage participation. Bring some attention to our trails and parks.
- Thanked Chief for the assist with illegal dumping of household items on Highway 1 including a hot tub; Malabar Fire Dept used it as a training on extraction tools and cut it up so it could be disposed.
- She showed a visual on the overhead that showed the progress S.A.I. has made to date on the storm water master plan.
- She has completed the Ethics Training and provided link in memo if Council still needed it.
- Received a thank you from FEMA for moving forward with the update to the Flood Insurance Rate Maps that is on the agenda tonight.
- Indian River Lagoon Day is 11/14/20 at Front Street Park; it will provide information and education on how to keep the lagoon healthy
- Marie St – acquiring the Beatty property; she has an estimate for \$1700 to get an appraisal for that property before proceeding with an offer. No objection noted.

8.b. PW Director: written

8.d. Fire Chief: Went over October stats.

8.e. Clerk: We have invited all the newly appointed Board Members to the Special Meeting on Thursday Nov 5, at 7pm to have their Oaths administered. I am still receiving input from

the blanket zoning question so that is not ready to present. Re: the BA, I would like to ask the Chair if I could have Deputy Clerk/Treasurer Richard Kohler present a brief overview of the reserved funds on deposit that are not part of our annual operating budget. Chair allowed and Richard provided the figures for unrestricted funds on deposit over and above the figures referenced in the budget amendment under consideration tonight. This did not include the restricted storm water, Building Department and TIFT funds.

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. (Speaker Card is Required) Five **(5) Minute Limit**

9. PUBLIC HEARINGS: 0

10. UNFINISHED BUSINESS/GENERAL ORDERS MAY INCLUDE ITEMS DIRECTLY RELATED TO RESIDENTS PRESENT AT MEETING (RECOMMENDATIONS FROM BOARDS, HOA REQUESTS, RESIDENT GRIEVANCES) 0

11. ACTION ITEMS: ORDINANCES for FIRST READING: 2

11.a. Ordinance 2020-12 Budget Amendment for FY 2019/2020

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PERTAINING TO A BUDGET AMENDMENT IN THE FISCAL YEAR 2019/2020 TO PROVIDE FOR ACTUAL REVENUES RECEIVED; PROVIDING FOR THE UNSPENT BUDGETED FUNDS DUE TO REDUCED EXPENDITURES; PROVIDING DIRECTION TO DELEGATE SUCH EXCESS FUNDS TO DESIGNATED RESTRICTED RESERVES FOR BUILDING DEPARTMENT USE, STORMWATER USE; PROVIDE FOR THE DEPOSIT INTO RESERVES FOR VEHICLE REPLACEMENTS AS BUDGETED IN THE FIRE AND STREETS AND ROADS DEPARTMENTS AND PAVING RESERVES; PROVIDING THE SHIFTING OF UNSPENT MONIES BETWEEN DEPARTMENTS TO BALANCE THE EXPENDITURES; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 11.a.

Ord read by title only.

Intro by TC/T: As stated in the Agenda Report revenues from State Rev Sharing and ½ cent Tax were reduced due to COVID-19. All other revenues came in as expected. Population has increased 80 persons to 2979.

MOTION: CM Rivet / CM Vail to approve 1st Reading of Ord 2020-12. Discussion: none

ROLLCALL VOTE: CM Ball, Aye; CM Vail, Aye; CM Rivet, Aye; CM Scardino, Aye; CM White, Aye. Motion carried 5 to 0.

11.b. Ordinance 2020-13 Amendment to Chapter 9

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA AMENDING CHAPTER 9 OF THE CODE OF ORDINANCES OF THE TOWN; ADOPTING THE REVISED FLOOD INSURANCE STUDY AND FLOOD INSURANCE RATE MAPS; TO INCORPORATE REQUIREMENTS FOR COASTAL HIGH HAZARD AREAS; PROVIDING FOR APPLICABILITY, INCLUSION IN THE CODE OF ORDINANCES, SEVERABILITY AND AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 11.b.

Ord read by title only.

Intro by TM: Update to the Flood Insurance Rate adding legal language related to Coastal High Hazard included in our latest Comp Plan amendment.

MOTION: CM Ball / CM White to approve 1st Reading of Ord 2020-13. Discussion:

ROLLCALL VOTE: CM Ball, Aye; CM Vail, Aye; CM Rivet, Aye; CM Scardino, Aye; CM White, Aye. Motion carried 5 to 0.

RESOLUTIONS: 2**11.c. Resolution 17-2020 – Extend or Sunset Face Covering Policy**

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PURSUANT TO THE GENERAL POWERS RESERVED TO THE TOWN COUNCIL IN THE TOWN CHARTER; MAKING LEGISLATIVE FINDINGS; PROVIDING FOR DEFINITIONS; REQUIRING ALL PERSONS TO WEAR FACE COVERING AT DESIGNATED TOWN FACILITIES; PROVIDING FOR EXCEPTIONS; PROVIDING FOR SUNSET; PROVIDING FOR SEVERABILITY, CONFLICTS AND EFFECTIVE DATE.

Exhibit: **Agenda Report No. 11.c.**

Clerk explained that this resolution had already been adopted on 10/19 with an effective date of 10/5 but will sunset at midnight tonight unless expended.

MOTION: CM Vail / CM White to extend the date in this resolution to December 8, 2020.

VOTE: All Ayes.

ADDED: 11.c.1. Resolution 19-2020 – Appoint Liz Ritter to P&Z

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE APPOINTMENT OF ELIZABETH “LIZ” RITTER TO THE MALABAR PLANNING AND ZONING BOARD AS A REGULAR MEMBER; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: **Agenda Report No. 11.c**

Reso read by title only.

MOTION: CM Ball / CM Vail to adopt Reso 19-2020. Discussion: none

ROLLCALL VOTE: CM Ball, Aye; CM Vail, Aye; CM Rivet, Aye; CM Scardino, Aye; CM White, Aye. Motion carried 5 to 0.

MISCELLANEOUS:**11.d. Piggyback National Association of State Procurement Officials (NASPO) ValuePoint Program Contract for AT&T FirstNet Solution And AT&T Mobility Services**

Exhibit: **Agenda Report No. 11.d.**

Intro by TM: explained how these next five items will benefit the Town by allowing us to utilize these contracts if they provide a wider range of sources and better prices.

This first one with AT&T to provide communication with FirstNet provides continuity of communication in times of disaster or emergency. The laptop with the card provides communication when the towers fail. They will be using the laptop in the vehicle – having that bandwidth will be helpful. There are two towers; one in PB and one in Barefoot Bay; if they go out then this will provide continuity to the Town Manager and the Fire Chief.

By registering with these piggyback contracts for their duration; they are nationally bid. It does not preclude you from shopping it. If there is a sale you proceed to buy it and note the file or purchase order that the special sale gave a better price.

MOTION: CM Rivet / CM Vail to approve piggyback of NASPO ValuePoint Program Contract for AT&T FirstNet Solution and AT&T Mobility Services. **VOTE:** All Ayes.

11.e. Piggyback Brevard County B-6-19-23/Road Construction Materials

Exhibit: **Agenda Report No. 11.e.**

MOTION: CM Ball / CM White to approve piggyback of Brevard County B-6-19-23/Road Construction Materials. **VOTE:** All Ayes.

11.f. Piggyback Brevard County B-6-19-12/Aggregate (57 Stone & Pea Gravel)**Exhibit: Agenda Report No. 11.f.**

MOTION: CM Scardino / CM White to approve piggyback of Brevard County B-6-19-12/Aggregate (57 Stone & Pea Gravel). **VOTE:** All Ayes.

11.g. Piggyback Brevard County B-6-20-57/Asphaltic Concrete**Exhibit: Agenda Report No. 11.g.**

MOTION: CM Vail / CM White to approve piggyback of Brevard County B-6-20-57/Asphaltic Concrete. **VOTE:** All Ayes.

11.h. Piggyback Omni Partners National Cooperative Purchase Contract**Exhibit: Agenda Report No. 11.h.**

MOTION: CM White / CM Scardino to approve piggyback of Omni Partners National Cooperative Purchase Contract. **VOTE:** All Ayes.

11.i. Approve Vehicle Purchase utilizing the Florida Sheriff Association (FSA) Cooperative Purchasing Program utilizing Duval Fleet, 5203 Waterside Drive, Jacksonville, FL 32210, an awarded contract holder

Exhibit: Agenda Report No. 11.i.

Intro by TM: This is a request to replace the PW vehicle, a 1997 Chevy truck with a 2021 Ford extended cab truck. The price we got when shopped was 66K at Kelly Ford. Using the FSA, we will get it at 57K. This also requests authority to dispose of the 97 Chevy truck and put those funds towards another purchase for equipment within this year; they are looking at a small excavator.

MOTION: CM White / CM Ball to approve Vehicle Purchase utilizing the FSA Cooperative Purchasing Program utilizing Duval Fleet, 5203 Waterside Drive, Jacksonville, FL 32210, an awarded contract holder. The motion also approves the sale of the 1997 Chevy truck for surplus and putting those monies into a future budget amendment to buy a small excavator.

VOTE: All Ayes.**11.j. Consideration of Amending of Land Development Code / Article XIX****Signage****Exhibit: Agenda Report No. 11.i.**

Intro by TM: Reviewing the signs regarding temporary and discovered a possible area that needs maybe to have those size requirements reversed. Outdoor Advertising permits a 4x8 sign in residential zoning but only a 3-sf sign on commercial zoning. Attorney Bohne said if staff provides the amendment to reverse these items it would still have to go before P&Z for their review.

MOTION: CM Vail / CM Scardino to direct staff to amend the Signage Code to reverse the size requirements for outdoor advertising and temporary signage in residential and non-residential zonings and forward to P&Z for recommendation. **VOTE:** All Ayes.

11.k. Consideration of Amending of Land Development Code / Article III District Provisions

Exhibit: Agenda Report No. 11.j.

Intro by TM: under discussion with developers the density for RV parks came up and it was noted that the RMH zoning only allows a density of six per acre and the three RV parks existing in Malabar historically and currently exceed the limit of six per acre.

TM is suggesting that if directed by Council, staff can provide a report to P&Z for their consideration of increasing the density for these uses to match what currently exists. CM Vail said it he has been at and in all the existing RV parks and the existing density is more than six per unit and is working. They are fairly uniform. That is how they are all set up. CM Ball understands what they are saying. And they have a lot of history as they have been in existence prior to the Code density table. He would like to see this go back to P&Z with the Staff report.

Attorney Bohne added that the current parks are not compliant with the current Code. Our current code would prevent them from rebuilding. Increase the density to what is currently in those parks. CM White said he thought they were strictly RVs in these parks but there is a mixture of mobile homes and RVs. CM White would not want to encourage more mobile home parks, but rather emphasize the rural single-family homes. Mayor said we have RMH north of Rocky Point and the density permitted in the Code should match what we currently have.

MOTION: CM Vail / CM Ball to direct staff to provide staff report to P&Z on an amendment to Table 1-3.3 creating a new density requirement for RV's in R-MH zoning based on existing density of similar properties.

VOTE: All Ayes.

Chair may excuse Attorney at this Point

12. DISCUSSION/POSSIBLE ACTION: 0

13. PUBLIC COMMENTS: General Items (Speaker Card Required) None:

14. REPORTS – MAYOR AND COUNCIL MEMBERS

CM Ball: thanked staff and other council members. Just from what we have heard from staff on the reserves. He is proud to have been here and served his community.

CM Vail: no

CM Rivet: so long to Grant

CM White: This is his reason he is against term limits. Wishes the best to CM Ball. Also stated FLC is offering a webinar next week on recycling. It surprised him to find out why our recycling is tied to China. They could do with one household trash pick-up a week and would like to find out if other people would support that before going into negotiations with WM next year.

CM Scardino: nothing

Mayor: Thanked Grant for service on PZ and then on Council. Has projects for him to work on starting this Friday.

15. ANNOUNCEMENTS: Openings on T&G and Park and Rec Bds.

16. ADJOURNMENT: There being no further business to discuss and without objection, the meeting was adjourned at 8:10 P.M.

BY: original signed
Mayor Patrick T. Reilly, Council Chair

ATTEST:

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

Date Approved: 11/16/2020