

MALABAR TOWN COUNCIL REGULAR MEETING MINUTES

JANUARY 14, 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 Scardino 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: (TM)

MATT STINNETT

TOWN ATTORNEY:

KARL BOHNE, excused

TOWN CLERK/TREASURER:

DEBBY FRANKLIN

Clerk said for the record the Fire Chief Mike Foley was also present.

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

4. **CONSENT AGENDA:** Town Council Mtg Minutes of 12/2 & 12/5/2019

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

5. **ATTORNEY REPORT:** not present

6. **BCSO REPORT:** Lt. Cline not present - Sgt Roberts gave report.

7. **BOARD / COMMITTEE REPORTS:**

7.a. **Drew Thompson, Chair, T&G Com:** had a work event – mesh material replaced carpet on trails with 30 volunteers. The ENT trailhead is still a go; plans supported by Oakmont Preserve HOA; have requested line locates before digging; Bob Wilbur is spearheading the culvert install. Getting a fence up ASAP to identify it as closed until it is complete. TPO selected three of the seven projects that had been presented for support.

7.b. **Eric Bienvenu, Chair Park & Rec Board:** not present

7.c. **Wayne Abare, Chair, P&Z Board:** not present

8. **STAFF REPORTS:**

8.a. **MANAGER:** Noted that PW Director will be giving an annual report on accomplishments in 2019 at next RTCM. Then will be going to Tallahassee in late February and meet with Bill Barrett to request funding be tacked onto existing bills.

8.b. **PW DIRECTOR:** submitted written report.

8.c. **FIRE CHIEF:** Gave brief report. Pancake Breakfast January 18.

8.d. **CLERK:** Nothing.

9. **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**

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

11. **UNFINISHED BUSINESS/GENERAL ORDERS:**

11.a. Agenda Item Request by Kim Frodge – 2715 Garden St., Commercial General Zoning

Exhibit: Agenda Report No. 11.a.

Kim Frodge introduced herself and thanked Council for their assist over the last eight years while she operated Nanna's House Thrift shoppes in Malabar. She has moved to Babcock

Street and is selling their property on Garden Street. Bill Buckman is the potential buyer, with ASAP. He started S.O.S. in 1995 and sold it in 2005. She is asking to add Garden and Pine Streets in the footnote for trades and services and change the use from conditional to permitted.

MOTION: CM White / CM Vail to have staff draft the amendments into an ordinance and route it to P&Z for a recommendation.

VOTE: All Ayes.

12. ACTION ITEMS: ORDINANCES FOR FIRST READING: 1

Read by title Only.

12.a. Ord 2020-01 - Amend Chapter 13 of Code to Provide for Waivers

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; ADDING A NEW SECTION 13-38(c) RELATING TO WAIVERS AUTHORIZED BY THE TOWN COUNCIL; ESTABLISHING GROUNDS FOR A WAIVER; PROVIDING FOR CODIFICATION, SEVERABILITY AND CONFLICTS; PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 12.a.

MOTION: CM Vail / CM Rivet to approve first reading of Ord 2020-01 as submitted.

Discussion: CM Vail mentioned concern about enforcement and time limits. CM Rivet said Councils would not be granting waivers willie nillie. CM Vail also had concern about environmental issues, suggesting added words; properties *that can't be mitigated*. Clarify that it is impossible – take it out or say where for example where *mitigation is not possible*. *Don't create a problem by allowing it. Today's wetlands may not be tomorrows.*

Council consensus to add additional language before second reading.

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

RESOLUTIONS: 1

12.b. Reso to Appoint Member to Planning & Zoning Board (Reso 1-2020) A

RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE APPOINTMENT OF JEFF RINEHART TO THE MALABAR PLANNING AND ZONING BOARD AS AN ALTERNATE MEMBER; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 12.b.

Read by title only.

MOTION: CM Rivet / CM Vail to approve Reso 1-2020.

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

Mayor then swore in Jeff Rinehart.

MISCELLANEOUS: 0

13. DISCUSSION/POSSIBLE ACTION: 0

14. PUBLIC COMMENTS: General Items (Speaker Card Required) 1

Richard Kovach: read from paper.

15. REPORTS – MAYOR AND COUNCIL MEMBERS

CM Ball: is happy to see the meeting happening in Tallahassee. If we can get relief for taxes we are losing in industrial park.

CM Vail: nothing

CM Rivet: regarding Yellow Dog rezoning – Borton's efforts to annexing to Palm Bay. Decision to deny that is going to blow up in our face. By prohibiting something we don't like, we may get something we like even less.

CM White: thanked Drew for putting up the other side of the Marie Street trailhead sign. Gave update on the short-term rental bills being considered in Tallahassee and why they should be opposed. CM Ball said he does not see it as a positive. He has problems with any chinks in the home rule power.

CM Scardino: He doesn't think we can stop it.

Mayor: WS on 1/27 and next RTCM on 2/3/2020.

16. ANNOUNCEMENTS: Openings on Bd of Adjustment, T&G, P&Z and Park and Rec Bds.

17. ADJOURNMENT: There being no further business to discuss and without objection, the meeting was adjourned at 8:30 PM.

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

ATTEST:

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

Date Approved: 2/3/2020