

## MALABAR TOWN COUNCIL REGULAR MEETING MINUTES

MAY 04, 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 White 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

TOWN CLERK/TREASURER:

DEBBY FRANKLIN

### 3. **APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES:** no changes

### 4. **CONSENT AGENDA:**

#### 4.a. **Regular Town Council Mtg Minutes of 3/02/2020**

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

### 5. **ATTORNEY REPORT:** nothing

### 6. **BCSO REPORT:** Lt. Cline presented stats for March and April.

### 7. **BOARD / COMMITTEE REPORTS:**

7.a. **Drew Thompson, Chair, T&G Com:** not present – provided email copy of QR code with verbiage for signage for trails.

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 he is looking for volunteers to clean up fallen trees and debris out of waterway that goes through Stillwater using chainsaws and off-road vehicles. Railroad crossing work at Malabar Road is estimated for June and the FEC will provide a bypass lane. He is working on multiple projects with the SW Engineering firms – they have sent some estimates and he has sent back comments. Plans to have something before Council soon. Mayor asked about FEC work at Jordan Blvd – TM said there is no definitive date due to some engineering issues.

8.b. **PW DIRECTOR:** Written Report

8.c. **FIRE CHIEF:** Written Report

8.d. **CLERK:** In preparation of this meeting staff has encouraged public participation with postings throughout Town via email and none were received up until 7pm. Staff's plan to try and get back on track with meetings. Moving forward with the pre-const meeting for Twin Lakes SD; BOA mtg will be advertised for 5/28/20. Will have two zoning change requests that will be coming before you after hearings at the P&Z Board. Mayor asked about code enforcement hearings. Staff will coordinate with Attorney Bohne to reschedule those CE hearings.

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:** 0

11. **UNFINISHED BUSINESS/GENERAL ORDERS:**  
12. **ACTION ITEMS: ORDINANCES FOR FIRST READING: 0**

**RESOLUTIONS: 1**

**12.a. Board Appointment (Resolution 05-2020)**

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE APPOINTMENT OF CHRISTIAN SABATINO TO THE MALABAR BOARD OF ADJUSTMENT 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.a.

Reso read by title only.

**MOTION:** CM Rivet / CM Ball to adopt Reso 05-2020 as submitted.

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: 2**

**12.b. New Board Appointee Given Oath of Office** (Mr. Charles Ryan to Board of Adjustment)

**Exhibit:** Agenda Report No.12.b.

Mr. Ryan read the Oath of Office at podium and signed Oath.

**12.c. Approve Fee Schedule Adjustment When Private Provider is Hired by Permittee**

**Exhibit:** Agenda Report No.12.c.

Discussion: CM Rivet voiced the concern of this allowing the permittee of buying of the inspection results. He doesn't think it should reduce our cost as we would have to review all that is done by private provider. Otherwise, we are giving up a lot of control. CM Ball asked Atty if the 25% was defensible. Atty said if we go to a lesser amount, we should do a study to support. Melbourne has probably already done the study. CM Vail asked how many times we have dealt with this. Isn't worth doing a study if it is for one incident. Atty has only dealt with this once before. Franklin has not dealt with this before. CM Scardino said this is more common on large commercial projects to prevent delays. CM Ball said using a private provider when building a whole subdivision; does not think we will see much of this. Atty said you must have State certification, and such a person would be less likely to put their State license at risk.

**MOTION:** CM Vail / CM Ball to approve fee schedule adjustment as submitted for 25% reduction.

**VOTE:** All Ayes

**13. DISCUSSION/POSSIBLE ACTION: 1**

**13.a. Town's Cost-share percentage when Paving Local Lanes**

**Exhibit:** Agenda Report No.13.a.

Mayor asked Franklin to start out. Franklin referenced past budget workshops and the two most recent road workshops. She referenced the Town's process when residents on a local lane petition to have their road paved. Staff has received a paving estimate and the next step is to send out a letter to the property owners with the "not to exceed" linear foot cost estimate. In order to provide that estimate, Staff must know if the Town intends to share in the paving expense.

Council already supported budgeting for the increased amounts necessary to properly bring the dirt roads up to the standard the original road builder was supposed to have built it to. To encourage residents to petition for an assessment to pave, Council discussed an incentive program that would have the Town pay a portion of the pavement cost.

The cost to bring an accepted road back up to the minimum standards prior to pavement is not part of this calculation.

Franklin asked TM to explain possible funding. TM Stinnett explained how the transportation impact fee (TIFT) money Malabar gets from new construction can be approved to spend. Allocating the TIFT money for use in covering the Town's percentage of the paving cost would be a legitimate expenditure and ultimately a cost savings for the Town. TM is looking at a program for improving the dirt roads. PW currently grades all the roads about four times a year.

CM Vail asked years ago for Town's participation in this. On Smith Lane the Town did participate in the total cost. Smith Lane was improved over a period of decades and as road improvement standards changed, the road was improved differently so some road base differences were discovered. The Town did step up and participate by doing those improvements. Balance maintenance savings with cost of repaving the road. CM Vail is supportive of a 10% or 15% cost share for the paving using the TIFT money.

CM White – the biggest complaint is about drainage, but the most complaints are about grading. The most recent paving request is Hunter Lane north. Staff got an estimate of 30K for the paving. Also needs to bring it up to standards will cost 10K -12K. How much TIFT can we rely on and how do we budget it. TM stated we have 140K available now. It will take for than 20% - shared TIFT and some from the budget. Put aside 40-50K in our budget for an annual enticement. The best case we get more roads paved – but worst case, it fails, and no one is interested the money stays in the budget.

CM Ball would like to see the roads brought back to the standard to be ready to pave – to make it work in the future for the different kinds of roads. CM Rivet said we are going to save money on maintenance. Quality of life issue – most people would appreciate less dust. Town should encourage .. increase the value of the homes on paved streets.

CM Rivet said what is the standard for paved roads. If we are going to pave a road. CM Ball said we break the road edges with our own equipment. Drainage should also be applied when considering the newly paved road. – set the standard. Provide 30% subsidy to pave the lanes. TM said a 3" pavement does not necessarily last twice as long as a 1.5" paved road.

Some people might like living on a dirt road. Especially if they have horses. It is a community thing. Look at the difference in life expectancy when using 1.5, 2, 2.5 and 3" and whether that is a cost to it. Spend 2x for an extra 5 years is not worth it. Can we work on this with staff until the next mtg.? CM White will work on this until next meeting.

**14. PUBLIC COMMENTS: General Items (Speaker Card Required) none:**

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

CM Ball: Where are we on getting the river front foliage trimmed. TM does not have a current update on how to proceed with that. Would we be willing to pay to have that something? He has talked to FDOT to see if they would participate in cost share.

CM Vail: Asked if we could find out the cost to have a BCSO at each meeting. Glad we are getting back to normal.

CM Rivet: Bring up having a BCSO Deputy for every mtg. TM has looked into this and we could have Deputy and it would be the hourly rate for a Deputy. Please think about it.

South Precinct Commander DeSantis was present and asked to speak. He has spoken to the Sheriff and they have already addressed this. The Town of Malabar will not be charged

for a BCSO to attend the meeting. They did not want to tie up the patrol duty so they will provide a Deputy to attend the entire meeting and provide for overtime if necessary.

CM White: Nice to be back.

CM Scardino: with hurricane season coming up – is all the drainage cleared. TM said the PW Dept has been working on the west side of Weber from Atz Road south, also Rocky Point area. TM has prioritized these projects. The project that he is looking for volunteers is to clear the creek that runs through Stillwater Preserve SD.

Mayor: Mayors Breakfast has changed date to Oct. So, he has five more months to get more material.

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

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

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

ATTEST:

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

Date Approved: 6/1/2020