

MALABAR TOWN COUNCIL REGULAR MEETING MINUTES

JUNE 01, 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

TOWN CLERK/TREASURER:

DEBBY FRANKLIN

Malabar Fire Chief Mike Foley also present.

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

4. **CONSENT AGENDA:**

4.a. Regular Town Council Mtg Minutes of 5/04/2020

4.b. Reso 06-2020 Administrative Fees (Private Provider)

4.c. Resurfacing Reef Place by Goodson Paving, Inc.

MOTION: CM Rivet / CM Vail to approve consent agenda. CM White asked Clerk to add clarification on his statement about the "biggest complaint is about drainage, but the most complaints are about road grading". Chair explained that the resolution on the consent agenda requires a rollcall vote.

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

5. **ATTORNEY REPORT:** Nothing

6. **BCSO REPORT:** Lt. Cline stated stats for May not yet available. Jim Roulston asked Lt. about walking and biking on Malabar Road at night. Lt. Cline will pass on for night shift traffic enforcement.

7. **BOARD / COMMITTEE REPORTS:**

7.a. **Drew Thompson, Chair, T&G Com:** not present but sent email

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:** Nothing.

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

8.c. **FIRE CHIEF:** Gave verbal report for last month.

8.d. **CLERK:** Council adopted an ordinance last year that reduced the qualifying period to one week. Qualifying for the Nov 2020 election will be August 4 through the 11. Also, the adopted sign ordinance done in 2019 does not provide any specific political sign regulation that was in the previous code; example: one sign per property owner, three feet from roadway, must be removed within 5 days of election, etc. Also noted that the next P&Z Board Meeting and the next Council meeting will be held at the Malabar Fire Dept, 1840 Malabar Road.

Council asked Atty Karl Bohne about sign code. Atty said that language was removed from code due to the Supreme Court case.

Mayor asked about the Mailboat; should it be continued? CM White likes it. CM Ball said we get more bang for our buck with Hometown News. CM Rivet likes electronic version. CM Scardino supports electronic communication. Chair directs this topic for the next agenda, should MailBoat be mailed out, continued in the monthly page in Hometown News, or a subscription available from the website.

MOTION: CM White / CM Ball to prepare ordinance for next agenda to go back to a two-week qualification period. **Vote:** All Ayes.

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: 1

12.a. MSTU Question for 2020 Ballot (Ord 2020-04)

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY FLORIDA; CALLING AND SCHEDULING A PERIODIC ELECTION TO DETERMINE IF THE TOWN SHOULD CONTINUE TO PARTICIPATE IN THE BREVARD COUNTY MUNICIPAL SERVICE TAXING UNIT (MSTU) FOR LAW ENFORCEMENT; PROVIDING FOR THE MANNER IN WHICH SUCH ELECTION SHALL BE CONDUCTED; ESTABLISHING THE FORM OF THE BALLOT FOR SUCH ELECTION; PROVIDING REPEAL AND AN EFFECTIVE DATE.

Exhibit:

Agenda Report No. 12.a.

Ord read by title only.

MOTION: CM Vail / CM Rivet to approve Ord 2020-04 for first reading. Discussion: none

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

RESOLUTIONS: 2

12.b. Adopt Resolution 07-2020 Replacing Reso 04-2020 re: DEP Loan Application

A RESOLUTION OF TOWN OF MALABAR, FLORIDA, REPEALING AND REPLACING IN FULL RESOLUTION 04-2020; RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING THE LOAN APPLICATION; AUTHORIZING THE LOAN AGREEMENT; ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

Exhibit:

Agenda Report No. 12.b.

Reso read by title only.

MOTION: CM Ball / CM White to adopt Reso 07-2020 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.

12.c. Approve Stormwater Master Plan and Asset Management Scope of Services by Singhofen and Associates, Inc. (Reso 08-2020)

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR COUNCIL APPROVAL OF THE MALABAR STORMWATER MASTER PLAN AND ASSET MANAGEMENT SCOPE OF SERVICES BY SINGHOFEN & ASSOCIATES, INC. (SAI) FOR \$210,123.00 TOTAL PROJECT COSTS THAT INCLUDE THE INITIAL ASSET MANAGEMENT GEODATABASE DEVELOPEMNT BY APPLIED ECOLOGY INC. (AEI) FOR \$37,410.00 AND SURVEY WORK BY WGI FOR \$10,000.00; PROVIDING FOR TASKS, DELIVERABLES, SCHDEULES AND PAYMENTS AS DESCRIBED IN EXHIBIT A, THE SCOPE OF SERVICES;

PROVIDING FOR ADMINISTRATION AND MANAGEMENT; PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 12.c.

Reso read by title only.

MOTION: CM Rivet / CM Vail to adopt Reso 08-2020 as submitted.

Discussion: CM White asked about public involvement meeting to include kiosks and “up to four people”. The intent is SAI will provide up to 4 people for the meeting, but it could be 0 or less than four; can we clarify? It is on page 7 of 8 of scope of services. TM said we have a rep from SAI to answer. Ms. Allison Hunt, SAI, Inc. came to podium. She will assure the language is changed to state there will be four members in attendance. She explained the kiosk presentation model; it is to prevent mob mentality. Gets way off topic. They recommend existing conditions, here is the design, here is the plan. Kind of like an open house over a two-hour period. They will change the scope to state there will be four persons from SAI. Council asked TM and he said it includes everything he asked for.

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

MISCELLANEOUS: 0

13. DISCUSSION/POSSIBLE ACTION: 1

13.a. Town's Cost-share percentage when Paving Local Lanes (con't. from 5/4/20)

Exhibit: Agenda Report No.13.a.

Discussion:

CM White explained the TIF money and how it can be used. There is not much else you can use the money for and the other issue. Was a moratorium on it for ten years. If there is a downturn in the economy, there could be another moratorium. Also, it has a shelf like. He discussed with TM. Bring up to the standard where they could be paved, that is our responsibility. If you apply the Smith lane standard. If you pay 50% as a subsidy. He first came up with ratio with a factor of 4. At least 30% and not more than 50%. Impact as many residents as they can. Even if they went to 50%, he doesn't think they would use up the money. He went down Waring south. He asked an owner – there are people that really wanting to pave their lanes. Can't see a reason not to do this. He doesn't think we would be overwhelmed. CM Vail asked did we ever lose any impact funds? Clerk said not that she is aware. CM Vail asked could we use it for improving Marie street south to Atz? CM Vail was originally in favor of 15% being the Town's portion. He asked if the TIFT money could be used to improve the subbase prior to paving? CM White said no. CM Vail, that means we still must spend General Fund money for engineering, material and man hours. Since we can't use TIFT money to improve the road to its original standard or for something like Marie Street, he would support 25%. CM Rivet do we want to encourage the paving to reduce the maintenance costs and improve the quality of life. He supports CM White's proposal. What will help the most people. Paving an unpaved lane will help improve the quality of life. CM Vail said the paving supporters on Smith Lane were over 70%. There are a lot of people that want their road paved. Don't want to take the money away from improving Marie Street south to relieve LaCourt Lane. TM said you would just be shifting the ROW issues on Marie Street. There are ROW issues on Marie, is there another road project?

MOTION: CM White / CM Rivet to adopt regulations stating the Town's portion of the cost share for paving local lanes will be 40% percent.

Discussion: Staff will draft an ordinance to amend Chapter 13. **VOTE: All Aye.**

Council wants this info out to residents. Clerk said it can be in the next Hometown News issue along with candidate qualifying information.

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

15. REPORTS – MAYOR AND COUNCIL MEMBERS

CM Ball: nothing

CM Vail: nothing

CM Rivet: boats are still there. Atty Karl Bohne said he is hoping to get a hearing in July. If the Special Magistrate finds a violation, he will give a short period to cure and then if it is repeated the fine increases. CM Rivet wants to be at that hearing. Don't want to go through this again. Atty said repeat violations are \$500 per day.

CM White: Sandhill crane stopped all traffic today on Atz.

CM Scardino: how are train tracks coming.

Mayor: nothing

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 8:20 P.M.

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

ATTEST:

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

Date Approved: 6/15/2020