

**MALABAR TOWN COUNCIL REGULAR MEETING MINUTES
SEPTEMBER 03, 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, excused

DANNY WHITE

TOWN MANAGER: (TM)

MATT STINNETT

TOWN ATTORNEY:

KARL BOHNE excused

TOWN CLERK/TREASURER:

DEBBY FRANKLIN

For the record, the Interim TM Lisa Morrell was also present.

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

4. CONSENT AGENDA:

4.a. Regular Town Council Mtg Minutes of 8/17/2020

4.b. Appoint Lisa Morrell as TPO/TAC Representative

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

5. ATTORNEY REPORT: not present

6. BCSO: will present at next month

7. BOARD/COMMITTEE REPORTS:

7.a. T&G Committee - none

7.b. Park & Recreation Board - none

7.c. Planning & Zoning Board - none

8. STAFF REPORTS:

8.a. Manager: none

8.b. Bill Barrett, Malabar Lobbyist – Update on what's been done this year and what they plan to do next year. TM and Bill met with all the agencies to work on funding. The agencies want to work with us. Paperwork for the DEP revolving funding is being finalized. The goal is to have enough of the SW master plan completed by the end of the year to look at potential individual projects for Council to start with and which to go to DEP or SJRWMD for funding. Then they will come back to Council for next round of grants. Looking at SW utility as a separate enterprise fund. So, DEP can see a dedicated fund. Doesn't show exactly what comes in and payments go out. As an enterprise fund it will show as separate entries. Basically, over this year, they have set the stage with all those that have funding available. St Johns said when you have plans come see us. They intend to have enough done by year end to start identifying projects.

8.c. PW Director: written

8.d. Fire Chief: will be emailed out next week

8.e. Clerk: TRIM notice mailed to all property owners includes dates and times for public hearings on the various assessments from the taxing agencies. That is based on the info we gave the PA after our July 7 meeting, when we set the proposed max millage and date for 1st PH. I also forwarded you an email from FLC offering the Ethics training on Oct 14 via webinar. You can either register yourself or let me know and I will register you.

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

10. PUBLIC HEARINGS: 4**10.a. Request from Representative of Property Owner to Amend Zoning to be Consistent with the current FLUM (Ord 2020-09)**

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; AMENDING THE ZONING MAP TO MATCH THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN FOR THE 1.97+/- ACRE SITE LOCATED AT THE NW CORNER OF MALABAR ROAD AND MARIE STREET, ALSO KNOWN AS PARCEL 762 IN SECTION 36, TOWNSHIP 28 AND RANGE 37, MALABAR, FLORIDA FROM COMMERCIAL LIMITED (CL) TO COMMERCIAL GENERAL (CG); PROVIDING FOR AMENDMENT TO THE TOWN ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: **Agenda Report No. 10.a.**

Request and Ord is read by title only – First Reading.

Chair Called applicant to podium.

Mr. Reynolds made his request. He has been a Brevard Cty resident for 35 years. He has built landmark bldgs. Like the Knowledge Exchange on Babcock Street. He is proposing a small environmentally sensitive research facility of about 5,000sf. He looked at other areas in the County but liked the parcel here. This will be a professional business with nine employees. He met with Denine and explained their intended plans. He also met with the owners of the Banyan Tree Estate to the north of his property. It appears to be a good fit. Archeological research and development. He also wants to keep the old growth trees on the site and to continue to beautify the area. He has done a preliminary walk through with the environmental engineer and there are no wetlands.

Open Public Hearing: none. Closed Public Hearing.

MOTION: CM White / CM Ball to approve request and first reading of Ord 2020-09.

Discussion: Chair asked staff – staff supports the request for consistency in FLUM. P&Z voted 5-0 to support request. If approved, it will be advertised for 2nd reading for 9/17/2020.

ROLLCALL VOTE: CM Ball, Aye; CM Vail, Aye; CM Rivet, Aye; CM Scardino, excused; CM White, Aye. Motion carried 4 to 0.

10.b. Storm Water Assessment Roll for Collection for FY 2020/2021 (Reso 13-2020)

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING CERTIFICATION OF ANNUAL STORMWATER UTILITY ASSESSMENT ROLL FOR FY2020/2021; ADOPTING AN ANNUAL BUDGET FOR THE TOWN'S STORMWATER UTILITY; PROVIDING AN EFFECTIVE DATE.

Exhibit: **Agenda Report No. 10.b.**

Reso is read by title only.

Open Public Hearing: none. Closed Public Hearing.

MOTION: CM Rivet / CM Vail to adopt Reso 13-2020.

Discussion: TM explained Council must certify the assessment roll. This year the valuation is increased to \$64 per ERU (equivalent residential unit). This is the final stepped increase as approved in the Stormwater Assessment increase adopted in 2017. These are restricted for use in operating the SW Utility.

ROLLCALL VOTE: CM Ball, Aye; CM Vail, Aye; CM Rivet, Aye; CM Scardino, excused; CM White, Aye. Motion carried 4 to 0.

10.c. First Reading: Approve Millage Levy for FY 2020/2021 (Ord 2020-10)

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, ADOPTING THE MILLAGE RATE OF 2.3800 FOR THE LEVY OF AD VALOREM TAX WITHIN THE TOWN FOR THE PERIOD FROM OCTOBER 1, 2020 THROUGH SEPTEMBER 30, 2021, AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: **Agenda Report No. 10.c.**

Ord is read by title only.

Required statement is read: proposed millage is 2.3800 to levy on property values and represents a ten percent increase in the RBR (rolled back rate) of 2.1627. It is intended to fund the expenses commencing October 1, 2020 through September 30, 2021.

Open Public Hearing: none. Closed Public Hearing.

MOTION: CM Ball / CM White to approve first reading of Ord 2020-10.

Discussion: CM White said the actual increase is closer to 7% if you look at your TRIM notice.

ROLLCALL VOTE: CM Ball, Aye; CM Vail, Aye; CM Rivet, Aye; CM Scardino, Excused; CM White, Aye. Motion carried 4 to 0.

10.d. First Reading: Approve Budget for FY 2020/2021 (Ord 2020-11)

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA ADOPTING THE BUDGET OF \$2,350,633.00 FOR THE FOR THE FISCAL PERIOD FROM OCTOBER 1, 2020 THROUGH SEPTEMBER 30, 2021; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit:

Agenda Report No. 10.d.

Ord is read by title only.

Open Public Hearing: none. Closed Public Hearing.

MOTION: CM Vail / CM Rivet to approve first reading of Ord 2020-11.

Discussion: TM said he focused on Council priorities to put money aside for vehicle replacements, continue working on roads and drainage projects, set money aside for PW equipment needs and plan for funding capital projects.

ROLLCALL VOTE: CM Ball, Aye; CM Vail, Aye; CM Rivet, Aye; CM Scardino, excused; CM White, Aye. Motion carried 4 to 0.

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

**11.a. Appeal Denial of Home BTR in RR-65 – Endless Summer AC LLC
APPLICANT APPEALS DENIAL OF HOME BUSINESS FOR AC CONTRACTOR AT 400 HALL ROAD**

Exhibit:

Agenda Report No. 11.A.

Chair called applicant to podium and state name and address.

Nano Brenan at 400 Hall Road and co-owner. She does all the paperwork from the business. Does not do any repair business there. They don't have employees coming there. Computer and filing cabinet. Don't store anything. She said occasionally she has her sons work for them.

CM Ball said it is an LLC and that is not an individual. She said that protects their personal assets. Ball said all the business. He said they are not repairing anything there. They store filters in the accessory structure. They do residential and light commercial work. How many commercial vehicles. CM Vail said the LLC is a corp and not a person. CM Vail said this code doesn't allow that or the use of the accessory structure or outside employees. Family members living in that address and working in the business only. CM Vail said our hands are tied. Mayor asked if Council had any more questions for the applicant. None. Chair asked for a motion to approve the appeal.

MOTION: CM none / CM none to approve the appeal of the denial. No motion made or seconded. Chair explained to applicant that without a motion, the denial stands.

**12. ACTION ITEMS: ORDINANCES for FIRST READING: 0
RESOLUTIONS: 0**

MISCELLANEOUS: 0

13. DISCUSSION/POSSIBLE ACTION: 0

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

15. REPORTS – MAYOR AND COUNCIL MEMBERS

CM Ball: nothing

CM Vail: Reported that last night the FD flowed water from the newly installed nozzle on Brush 99. Lt. Hooker submitted for the grant from Forestry for the nozzle and a local individual and his two sons were instrumental in getting it installed and operational. It is huge asset to the Fire Dept. to be able to fight fires with one person operating from in the cab. They put on a guard to protect the nozzle. All FD shifts are training on it now.

CM Rivet: nothing

CM White: nothing

CM Scardino: excused

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 8:00 P.M.

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

ATTEST:

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

Date Approved: 09/17/2020