

**MALABAR TOWN COUNCIL REGULAR MEETING MINUTES
SEPTEMBER 17, 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, arrived late

DAVID SCARDINO

DANNY WHITE

TOWN MANAGER: (TM)

MATT STINNETT

TOWN ATTORNEY:

KARL BOHNE excused

TOWN PLANNER:

TOD MOWERY

TOWN CLERK/TREASURER:

DEBBY FRANKLIN

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

3. APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES: TM added the actual loan agreement with the DEP for 190K. Council adopted Reso 07-2020 in June authorizing this.

4. CONSENT AGENDA:

4.a. Regular Town Council Mtg Minutes of 9/17/2020

4.b. Renew Govt Relations Agreement with SPG – Bill Barrett

4.c. Approve the DEP Revolving Loan Agreement for 190K

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

5. ATTY: excused

6. STAFF REPORTS:

6.a. Manager: He will be available via phone and email after Oct 1. Lisa Morrell email will go live tomorrow. She will start on Oct 1.

6.b. Clerk: Nothing

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**

8. PUBLIC HEARINGS: 4

**8.a. Second Reading 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. 8.a.**

Ord is read by title only – Second Reading.

Open Public Hearing: none. Closed Public Hearing.

MOTION: CM Ball / CM Scardino to adopt Ord 2020-09.

Applicant is called – He stated at first hearing he was representing the owner; he is now the owner and proud to be here and is looking forward to doing this project in Malabar.

Discussion: Chair asked staff – staff supports the request for consistency in FLUM. P&Z voted 5-0 to support request.

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

8.b. Second 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. 8.b.**

Ord is read by title only – Second Reading.

Open Public Hearing: none. Closed Public Hearing.

MOTION: CM Rivet / CM White to adopt Ord 2020-11.

Discussion: as stated in agenda report

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

8.c. Second 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. 8.c.**

Ord is read by title only.

Open Public Hearing: none. Closed Public Hearing.

MOTION: CM Ball / CM White to approve second reading of Ord 2020-11.

Discussion:

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

8.d. Second Reading: Amend FLUM to Revert to RR Designation (Ord 2020-08)

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; ADOPTING THE COMPREHENSIVE PLAN LARGE SCALE AMENDMENT (LSA) NO. 2020-01; AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE TOWN FROM OI (OFFICE INSTITUTIONAL) TO RR (RURAL RESIDENTIAL) FOR A 24.73 +/--ACRE PARCEL IN THE TOWN LYING ON THE SOUTH SIDE OF MALABAR ROAD AND EAST OF WEBER ROAD; PROVIDING AN EFFECTIVE DATE.

Exhibit: **Agenda Report No. 8.d.**

Ord is read by title only.

CM Vail arrived 7:40pm.

Open Public Hearing: none. Closed Public Hearing.

MOTION: CM White / CM Scardino to approve second reading of Ord 2020-08.

Discussion:

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

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

9.a. Application for Temporary Location of Motor Home while Constructing Home, 1740 Highway 1, Malabar by owner, Mr. Balwant

Exhibit: Agenda Report No. 9.a.

MOTION: CM Rivet / CM Ball to approve the temp placement of motor home.

VOTE: All Ayes.

9.b. Request by WM for the Annual Rate Adjustment of \$0.24 to the monthly residential rate and a \$0.36 increase to the monthly recycling rate for a total of \$0.60 monthly increase by WM Public Affairs Manager Ms. Dina Reider-Hicks

Exhibit: Agenda Report No. 9.b.

Chair called Ms. Dina Reider-Hicks. CM White thanked her for the fantastic job they do. CM Rivet asked if this rate increase is permitted in the contract. Franklin said the annual CPI is built into the contract. The recycle increase is due to extraordinary conditions and staff thought it prudent to bring to Council. CM Rivet had concerns with voting on change to contract without input from Town Attorney. CM Scardino asked if they are recycling. Ms. Reider-Hicks stated WM is committed to recycling process. CM Scardino said other cities are using landfill instead of trying to recycle. Reider-Hicks said China has changed the laws, but India is taking a lot of our paper and there are now many recyclers stateside as well. They could not have foreseen this cost back in 2014. CM White asked if the rate is the same as in 2014. Reider-Hicks said yes except for annual CPI increases and one year it was actually reduced. CM Ball would want to see Attorney's comments on this. CM Vail agreed. Reider-Hicks referenced the part of the contract that provides for extraordinary increase.

MOTION: CM White / CM Scardino to approve the rate increase (no vote)

CM Rivet wants to hear from Bohne. CM Vail made motion to table until they can get a legal opinion. CM Rivet seconds motion. The cost to handle the recycle has increased. CM Scardino said it makes a difference that WM is actually recycling the material when other cities are just filling landfills. Postpone until Oct 5.

Chair asked for vote to table. VOTE: All Ayes.

9.c. Application for Commercial Retail Site Plan in CG zoning by Property Owner, Kellwill, LLC located at 2740 Malabar Road.

Exhibit: Agenda Report No. 9.c.

Chair called applicant to podium. William Carmine spoke, explained the site plan he submitted and addressed the comments regarding the landscaping on the east side. They will do whatever they need to do. The current building doesn't have any issue with the R/LC use to the north. As far as traffic, most of requirements will be per FDOT. Explained how they direct the truck traffic now. He has been in touch with the County and to join the parcels, it is a simple application and can be done online. That is joining just the parcels that make up 2740 Malabar Road. This is a standalone site plan. If there is a downturn in economy may need to sell. Mayor said it is an accessory use to the site on Highway 1. The plan looks beautiful.

Chair called Planner Tod Mowery up. The landscape requirements are for both sides per the Code. He proposed a Unity of Title created by the Town to lock the new parcels to the existing property on Highway 1 in perpetuity. We have an accessory use that would otherwise not be allowed in that zoning. Unity of title for site plan purposes. The easements can be looked at later. The plan looks great so the elevations will be looked at later.

Chair called Richard Kohler as he did the minutes for the P&Z Board meeting. Rich stated the Board had good comments, made two conditions and recommended Council approval with a vote of 5 to 0.

MOTION: CM White / CM Rivet to approve the site plan pending the two conditions are met.

VOTE: All Ayes.

Franklin asked Chair to get a Point of clarification on previous agenda item - the CPI increase is due to go into effect on Oct 1 – can it go forward? Next Council meeting is not until Oct 5. Consensus of Council to allow the CPI increase.

10. ACTION ITEMS: ORDINANCES for FIRST READING: 0

RESOLUTIONS: 0

MISCELLANEOUS: 0

11. DISCUSSION/POSSIBLE ACTION: 0

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

13. REPORTS – MAYOR AND COUNCIL MEMBERS

CM Ball: no

CM Vail: no

CM Rivet: status on Hall Road. TM said Atty Bohne should be getting back to us soon

CM White: no

CM Scardino: no

Mayor: wished Matt a safe journey and welcomed Lisa.

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

15. ADJOURNMENT: There being no further business to discuss and without objection, the meeting was adjourned at 8:05 P.M.

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

ATTEST:

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

Date Approved: 10/05/2020