

**MALABAR TOWN COUNCIL REGULAR MEETING MINUTES
DECEMBER 21, 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 Vail led P&P.

2. ROLL CALL:

CHAIR:	MAYOR PATRICK T. REILLY
VICE CHAIR:	STEVE RIVET, excused
COUNCIL MEMBERS:	MARISA ACQUAVIVA
	BRIAN VAIL
	DAVID SCARDINO
	DANNY WHITE
TOWN MANAGER: (ITM)	LISA MORRELL
TOWN ATTORNEY:	KARL BOHNE, excused
TOWN CLERK/TREASURER:	DEBBY FRANKLIN

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

4. CONSENT AGENDA:

4.a. Regular Town Council Mtg Minutes of 12/07/2020

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

5. ATTORNEY REPORT: not present

6. STAFF REPORTS:

6.a. Manager: Provided brief visual report. She presented a slide show of the current situation of the playground equipment at Malabar Community Park (MCP) after Park and Rec Board Chair sent pictures of some of the degradation of the equipment. The playground equipment was installed in 1995 with a series of FRDAP (Florida Recreational Development Assistance Program) Grants. She has had the PW staff go out and remove, modify and/or secure the portions still useable and remove/block the hazardous sections of the playground equipment. She has also met at the site with certified playground inspector; a representative from the vendor that installed it originally, and also a separate vendor that may be able to provide a grant proposal for replacement of playground equipment after the first of the year. Typical life for such playground equipment is 12-15 years. This report is intended to only make Council aware of situation – this will be back before you for either replacement/retro in the near future for both the equipment and the playground safety ground material. She showed pictures and pointed out deficiencies. Some points to consider:

- Cost for replacement equipment is estimated at about 80K
- Also, the surfacing material with either mulch or solid fall zone material.
- Also want to redo some powder coating on other equipment at park.

The good news is that the playground gets to stay open, safely, instead of being closed entirely to protect the public. The design of the equipment was directed at the “5-12 age group” as playgrounds are designed and classified by age groups. CM Scardino asked about seeking input from the community on what they see as their needs.

CM Acquaviva asked about the shade structure. Franklin provided history on the repairs and replacement of the shade structure. ITM Lisa said engaging the community would be an excellent project by Park and Rec Board to develop survey questions or other survey questions. CM Scardino also asked about sending out the survey but also of possible short-term repairs that would gain extended use? ITM Lisa said areas of concern; shoed and referenced the triple slide – rusted and rotted and split there is not much maintenance that can be done. Coating is plastic but is cracked and potholed. Her experience with 16 city parks with the oldest at 16 yo and there is only so much you can do.

The Golf Disc parking lot and some “holes” on the course have been upgraded and the facility is ready for the scheduled competition in first part of 2021 year. Crushed concrete placed on parking lot. A separate porta let issue will be resolved with vendor ASAP.

ITM then presented a slide show of the area from a recent meeting with the owner of 20-acres at west end of Reese Road by I-95. She described her accompanying the owner to inspect the property and provided visual to Council. There will be a prescribed fire and brush hogging to clear out the prior burned areas and palmettos. No evidence of any protected “specimen” trees on property.

Mayor asked about using the reserved funds for playground equipment vs. maintenance. ITM said the fees collected as recreational impact for new development is typically reserved for capital improvements not maintenance. CM Acquaviva asked about shade cover. It is still in good shape and needs cleaning, but they can fit new equipment under the existing shade structure.

in the CARES Act, she has applied for funding for a variety of improvements to ensure/assist in providing safe meetings and safe access to Town Hall for public

6.b. Clerk: In preparation for agenda item 10.c. I looked back on past years and noticed just last January we scheduled and held a mtg on the Tuesday after MLK in order to handle the road waiver issue and a board appointment. Working on agenda item 10.b. I researched the benefits offered to employees and spoke with several elected officials about past benefits offered. We have also had openings in the Public Works Dept. for over two years and still have received minimal response and believe that part of the issue may be the pay and benefits offered. I am just mentioning it now so you can be thinking about possible changes. Staff will work on a presentation package for a later Council meeting or workshop for your consideration.

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: 1

8.a. Ordinance 2020-14 Mobile Food Vendors Regulations - 2nd Reading

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; RELATING TO MOBILE FOOD DISPENSING OPERATIONS; AMENDING ARTICLE II, SECTION 1-2.6.C.14 OF THE LAND DEVELOPMENT CODE OF THE TOWN PROVIDING FOR DEFINITIONS, RULES AND REGULATIONS REGARDING LOCATIONS FOR MOBILE FOOD DISPENSING OPERATIONS; AMENDING ARTICLE XX, LANGUAGE AND DEFINITIONS, OF THE LAND DEVELOPMENT CODE; AMENDING CHAPTER 14 OF THE TOWN CODE BY ADDING A NEW SECTION 14-40.1; PROVIDING FOR AN APPLICATION AND OPERATIONAL PROCEDURES FOR MOBILE FOOD DISPENSING OPERATIONS; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 8.a.

Ord read by title only.

Staff – she did talk to Mr. Baker and showed Council on the screen the area where he has a vendor. The Ord requires a 150’ setback from adjacent residential property and that would prohibit the location at that site. She went over some of the discussion she talked with him about using his area further south and she will continue to work on that.

Public Hearing opened. None. Public Hearing closed.

Chair asked staff: as expressed in the agenda report.

MOTION: CM Scardino / CM White to adopt Ord 2020-14. Discussion: none

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

9. UNFINISHED BUSINESS/GENERAL ORDERS MAY INCLUDE ITEMS DIRECTLY RELATED TO RESIDENTS PRESENT AT MEETING (RECOMMENDATIONS FROM BOARDS, HOA REQUESTS, RESIDENT GRIEVANCES) 0

10. ACTION ITEMS:

ORDINANCES for FIRST READING: 1

10.a. Adoption of New 2020 Florida Building Codes (Ord 2020-15)

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, RELATING TO BUILDING CODES; AMENDING CHAPTER 6, SECTION 6-1 OF THE CODE OF ORDINANCES OF THE TOWN; PROVIDING FOR ADOPTION OF CERTAIN MODEL BUILDING AND CONSTRUCTION CODES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 10.a.

Ord read by title only.

Chair asked staff: as expressed in the agenda report. ITM Lisa explained every three years this is done, and this keeps up with the trends. There are some significant changes with this update, and they have ordered the book that summarizes those changes in its own book. They have already reviewed the changes of codes in the ICC in red. Significant changes for both contractors and Bldg Departments.

MOTION: CM Vail / CM White to adopt Ord 2020-15. Discussion: none

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

RESOLUTIONS: 1

10.b. FY 20/21 Budget Adjustment to Increase Interim Town Manager Salary (Reso 21-2020)

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PERTAINING TO A BUDGET ADJUSTMENT IN THE FISCAL YEAR 2020/2021; PROVIDING FOR SALARY INCREASE FOR THE INTERIM TOWN MANAGER; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 10.b.

Reso read by title only.

MOTION: CM Vail / CM Scardino to approve Resolution 21-2020.

Discussion:

Consensus of Council to discuss salary and benefits in general as a separate item in the future. CM Acquaviva said if the understanding was that benefits are paid by most of municipalities then she would support making that correction, but a 20% increase after two months is a lot. How would this impact the salary of TM when he returns. Franklin stated this in intended as an increase only for the ITM. CM White had understanding it was also in order to pay for insurance coverage. Franklin explained that they can't offer the ITM something that is not provided for the other employees and that is why she proposed a separate discussion on employee benefits. CM Scardino said no TM has a position for life – they serve at the pleasure of Council. Mayor explained the agenda report states that the policies and procedures and improvements that she in putting into place during her tenure will make the TM's job that much better when he returns. CM Vail said we are paying for her talent and experience. Some discussion over need for a review. CM Scardino stated that this is a temp position and will be over in nine months. Council all agreed that her job performance is great. CM Vail said again it is not about the insurance.

ROLLCALL VOTE: CM Acquaviva, Nay; CM Vail, Aye; CM Rivet, excused; CM Scardino, Aye; CM White, Nay. Tie - Mayor votes Aye to break the tie. Motion carried 3 to 2.

MISCELLANEOUS: 1

10.c. Date Change for January and February Council Meetings due to Federal Holidays

Exhibit: Agenda Report No. 10.c.

MOTION: CM Vail / CM Scardino to approve Tuesday January 19 and Tuesday February 16 for the 2nd meetings in those months due to holidays. **VOTE:** All Ayes.

11. DISCUSSION/POSSIBLE ACTION: 0

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

13. REPORTS – MAYOR AND COUNCIL MEMBERS

CM Acquavia: Merry Christmas

CM Vail: Happy Holidays

CM Rivet: excused

CM White: he said about SCLC since March – hoping to do one in Jan and hoping to swear in new members. Jan will be zoom meeting and he will be sworn in a Vice pres- Anderea will be the Pres and Sean will be Treasurer. SCLC has discussed the leg action items the FLC is pushing for – sales tax fairness and short term rentals.

CM Scardino: Sheriffs ofc did a great job investigating a recent business theft.

Mayor: Merry Christmas.

14. ANNOUNCEMENTS: Openings on T&G Committee.

15. ADJOURNMENT: There being no further business to discuss and without objection, the meeting was adjourned at 8:50 P.M.

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

ATTEST:

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

Date Approved: 01/04/2021