

MALABAR TOWN COUNCIL REGULAR MEETING MINUTES

NOVEMBER 16, 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 Acquaviva led P&P.

2. **ROLL CALL:**

CHAIR:

MAYOR PATRICK T. REILLY

VICE CHAIR:

STEVE RIVET

COUNCIL MEMBERS:

MARISA ACQUAVIVA

BRIAN VAIL

DAVID SCARDINO

DANNY WHITE

TOWN MANAGER: (ITM)

LISA MORRELL

TOWN ATTORNEY:

KARL BOHNE

TOWN CLERK/TREASURER:

DEBBY FRANKLIN

3. **Sunshine Law Overview by Attorney Bohne**

Attorney Bohne went over the handout he had provided previously. He advised Council that the Executive Order to allow virtual quorum expired on November 1. CM White asked about visiting a site; Atty said they can visit but need to disclose. He then asked about the recent FLC Ethics training where they said the elected official should not even be on dais for the discussion. Atty disagrees with that position and suggested that may be their position because they have to defend it. CM Acquaviva said that has happened in the past when the CM contributed to the debate but did not vote. CM Vail said people ask what his opinion on an item is and he tells them until he has heard all the facts, he has not pre-made the decision.

4. **Nominate Chair and Vice-Chair for 2020/2021**

CM Rivet / CM White to nominate Mayor to serve as Chair. No other nominations. **Vote:** All Ayes. CM Vail / CM Acquaviva to nominate CM Rivet for Vice-Chair. No other nominations. **Vote:** All Ayes.

5. **APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES:** none

6. **CONSENT AGENDA:**

6.a. Regular Town Council Mtg Minutes of 11/02/2020

6.b. Regular Town Council Mtg Minutes of 11/05/2020

6.c. Annual Public Safety Radio and Maintenance Service Renewal with

Communications International Piggyback Brevard County Contract #3740

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

7. **ATTORNEY REPORT:** nothing more.

8. **STAFF REPORTS:**

8.a. **Manager:** Provided brief report. State is still under EO until January 3 regarding COVID and based on guidelines 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 services to be provided. She reiterated that the EO allowing virtual quorum expired on November 1, but with the COVID-19 numbers moving up there may be a need before years end to offer virtual participation and other protective measures for Council and Board meetings to proceed while protecting the public and staff in conducting business. She has submitted for improvements in meeting equipment, equipment to provide remote access, recording, videos and sound improvements and increased cleaning of ventilation in AC system at Town Hall, Fire Department and Public Works Building. There is a requirement to complete the purchase/installation by December 30, so she is moving forward based on Brevard County notice of approved items today.

8.b. Clerk: Followed up on other CARES Act improvements TM has applied for that have already been completed and submitted for and reimbursed. These further improvements will be additional improvements to Malabar's ability to continue operations while protecting from COVID-19.

- re: the FLUM update and Council directive to send letters out to see if there is support to have Council do a blanket zoning change to match the land use designations. Of the letters sent out, almost half have mailed back the letter and of those only two property owners have said no to supporting the blanket zoning change. One is a parcel on the north side of Malabar that was changed to OI and the other are two parcels on Babcock St, south of Booth Road that has changed to R/LC. Question for direction: This will be on for action at next meeting; is Council going to direct to proceed to create a blanket zoning change to match the FLUM or only include on the Zoning map update those parcels that have responded in the affirmative.

CM White asked about the properties that didn't respond. Asked Attorney if there would/could be liability if we have no official record from the property owners that did not reply? Attorney said his concern would be the potential accusation of spot zoning if only the affirmative respondents were included in the blanket zoning map update. Example of this situation was given. Consensus of Council to only include parcels in the blanket Zoning Map amendment that we have received affirmative responses.

Another item that will be on next agenda. Malabar provides fulltime employees with Christmas- and New Year's Day off. We also get half-day on those eves. In the past, employees have used their own vacation time to take those days off between Christmas and New Year's. That would be Dec 28, 29 and 30 this year. CM Acquaviva asked about contact info during this closed period. TM described one of the CARES submittals was for enhanced communication processes that would provide ready public access via phone system. The office would be closed during this period, but the TM and other management personnel would be available for emergency contact. The PW Dept may work on a skeleton schedule. Same with BD to do what is necessary. CM Acquaviva asked about ability to reach Town staff over the ten-day period. TM explained that one of the improvements she is working on will provide ready access in real time for the public to reach the management person on call. CM Vail said he does that same thing at his business and it is a great employee perk.

Clerk said she will be coordinating the update to the bank signatories on the operating account for the new signors very soon.

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: 2

10.a. Ordinance 2020-12 Budget Amendment for FY 2019/2020

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PERTAINING TO A BUDGET AMENDMENT IN THE FISCAL YEAR 2019/2020 TO PROVIDE FOR ACTUAL REVENUES RECEIVED; PROVIDING FOR THE UNSPENT BUDGETED FUNDS DUE TO REDUCED EXPENDITURES; PROVIDING DIRECTION TO DELEGATE SUCH EXCESS FUNDS TO DESIGNATED RESTRICTED RESERVES FOR BUILDING DEPARTMENT USE, STORMWATER USE; PROVIDE FOR THE DEPOSIT INTO RESERVES FOR VEHICLE REPLACEMENTS AS BUDGETED IN THE FIRE AND STREETS AND ROADS DEPARTMENTS AND PAVING RESERVES; PROVIDING THE SHIFTING OF UNSPENT MONIES BETWEEN DEPARTMENTS TO BALANCE THE EXPENDITURES; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 10.a.

Ord read by title only. Public Hearing opened. None. Public Hearing closed. Chair asked staff: as expressed in the agenda report.

MOTION: CM White / CM Rivet to adopt Ord 2020-12. Discussion: none

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

10.b. Ordinance 2020-13 Amendment to Chapter 9

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA AMENDING CHAPTER 9 OF THE CODE OF ORDINANCES OF THE TOWN; ADOPTING THE REVISED FLOOD INSURANCE STUDY AND FLOOD INSURANCE RATE MAPS; TO INCORPORATE REQUIREMENTS FOR COASTAL HIGH HAZARD AREAS; PROVIDING FOR APPLICABILITY, INCLUSION IN THE CODE OF ORDINANCES, SEVERABILITY AND AN EFFECTIVE DATE.

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

Ord read by title only. Public Hearing opened. None. Public Hearing closed.

Chair asked staff: as expressed in the agenda report.

MOTION: CM Vail / CM Acquaviva to adopt Ord 2020-13. Discussion: none

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

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

**12. ACTION ITEMS:
ORDINANCES for FIRST READING: 0
RESOLUTIONS: 0
MISCELLANEOUS: 4**

**12.a. New Loader Purchase from National Equipment Dealers, LLC
d/b/a Earthmovers Construction Equipment utilizing Florida Sherriff's Association
Cooperative Purchasing Program**

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

Intro by TM – they shopped the FSA for the loader and selected a Hyundai with fork and rake because we rent them regularly. 2.5 yards bucket. 3 year and 3000 mfg. warranty comes with this. Staff is recommending a loader and it has been approved in the budget. The financial burden is 2K for secure the funding. It will take 4 months to receive the loader. So, money stays in bank until received and then 45 days to pay. CM White asked if they had a selection. Yes, she said they also priced caterpillar. If we have a need until it is delivered. They will loan us an equipment.

MOTION: CM White / CM Scardino to approve the purchase of loader. **VOTE:** All Ayes.

12.b. Select Bill Reviewer for 2020/2021

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

CM White said he has done the bill reviewer for three years and he has learned a lot by doing so. The breakdown of it is something you only see when you review the bills. He used the Atty bill as an example in reference to his legal review for the recycle rate increase. It is very educational. CM Rivet also said it is very helpful.

MOTION: CM White / CM Vail to appoint CM Scardino as Bill Reviewer with CM Vail as an alternate. **VOTE:** All Ayes.

12.c. Select Check Signer for 2020/2021

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

MOTION: CM White / CM Acquaviva to appoint CM Acquaviva Check Signer. **VOTE:** All Ayes.

12.d. Select Space Coast League of Cities (SCLC) Delegate for 2020/2021

Exhibit: Agenda Report No. 12.d.

MOTION: CM Vail / CM White to appoint CM White as the SCLC Delegate. **VOTE:** All Ayes.

12.e. Select Representative for TPO/TAC for 2020/2021

Exhibit: Agenda Report No. 12.e.

MOTION: CM Vail / CM White to appoint Lisa Morrell as TAC Delegate. **VOTE:** All Ayes.

Chair may excuse Attorney at this Point

13. DISCUSSION/POSSIBLE ACTION: 0

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

15. REPORTS – MAYOR AND COUNCIL MEMBERS

CM Ball: no

CM Vail: no

CM Rivet: no

CM White: he attended a virtual convention and told about the lunchroom gala.

CM Scardino: no

Mayor: no

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 8:45 P.M.

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

ATTEST:

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

Date Approved: 12/07/2020