

MALABAR TOWN COUNCIL REGULAR MEETING MINUTES

DECEMBER 07, 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 Prayer & Pledge.

2. ROLL CALL:

CHAIR:

MAYOR PATRICK T. REILLY

VICE CHAIR:

STEVE RIVET

COUNCIL MEMBERS:

MARISA ACQUAVIVA

BRIAN VAIL

DAVID SCARDINO

DANNY WHITE(Excused)

LISA MORRELL

TOWN MANAGER: (ITM)

TOWN ATTORNEY:

KARL BOHNE (via phone)

TOWN CLERK/TREASURER:

DEBBY FRANKLIN

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

4. CONSENT AGENDA:

4.a. Regular Town Council Mtg Minutes of 11/16/2020

4.b. Holiday Schedule for Christmas and New Year's

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

5. ATTORNEY REPORT: nothing.

6. BCSO: Report – Lt. Cline gave overview for November. CM Acquaviva asked about local firearm discharges. Lt. Cline explained the process that BCSO follows when they receive reports of shots fired. CM Rivet asked about fireworks during New Year's period. BCSO Department will record one report and list all the complaints within that report. There will continue to be a Sgt at Arms at all meetings into next year.

6. BOARD / COMMITTEE REPORTS: - none present

6.a. T&G Committee

6.b. Park and Recreation Board:

6.c. P&Z Board:

7. STAFF REPORTS:

7.a. Manager: Provided written report in package. Waste Management has provided several PDF handouts, such as "When in doubt throw it out." Hunter Lane paving is being pushed out. Asphalt delays due to holidays. Attended webinar on DEP for stormwater and FSA certifications. Those with certifications expiring will renew certifications and new employee can start in January. Cares Act improvements are due by Dec 30, HVAC will be provided even though not approved by Cares Group.

Received appraisal back on Friday re: Marie St and will review and submit a report to Council separately. Mayor asked about the latest update on SAI stormwater work. Have not received an update since last report.

7.b. PW Director: written

7.c. Fire Chief: written – Chief went over written report. Doing pre-plans and hydrants inspections. He will travel Town on New Year's Eve to patrol for unsafe discharge of fireworks.

7.d. Clerk: Followed up on end of year status. Surplus funds over operating costs are being submitted for investment per our policy. We as the employees of the Town are working on improving our processes and updating our policies. ITM Lisa has been instrumental in helping us make these improvements and showing the department heads how these improvements benefit not only the employees but improve transparency for the residents and Council.

8. 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**

John Diamico. – 635 Hall Road – Can a speed hump be added on Hall Road? There are way too many people going too fast. Not the same vehicle. Staff will investigate it and get back to Council. Also, he could call BCSO and ask for specific enforcement.

Tom Trembly, 1085 Atz Road at Waring Lane. Regarding cleaning the culverts. Once it is cut down the ditch must be cleaned out instead of just mowing. He has been trying to get his ditch cleaned since Labor Day. Check call sheet.

ITM Lisa has spoken with him and has looked at it and checked the ditch. She asked his process. Tom had not been there since 2019. Also dealing with a backlog of projects. Atz Road needs to be cut and scooped.

9. PUBLIC HEARINGS: 0

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

11. ACTION ITEMS:
ORDINANCES for FIRST READING: 1
11.a. Ordinance 2020-14

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 MOBILE FOOD DISPENSING OPERATIONS LOCATIONS; 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. 11.a.

Ord read by title only.

Intro by ITM: As stated in the Agenda Report has been in work for a little while – unanimous vote by P&Z. Where they can and can't be located. Town owned property. Would not be able to operate on the side of the road. Allowed on improved privately owned properties but not on vacant properties, even if it is properly zoned. Construction areas ok until CO is issued. Went through hours of operations. Can be stationary but can't drive around like an ice cream truck. Focus on "improved" commercial property. Lengthy staff report went to P&Z and they reduced it to the intent. Operating on Town property will require insurance. Minimal use of the outside surround area like for a sandwich board. No alcohol. This will come back to you for a 2nd reading. Since there are operating mobile food dispensing operations now, Council could make the Ordinance effective after 90 days to allow the Town to reach out and contact them about the changes. Discussed the effective date sometime in March 2021 to get provide time for existing mobile food dispensing operations to prepare for compliance to the regulations. Attorney Bohne – nothing to add. Amendment to LDR. Can't impose extra fees and license requirements, but can require a BTR

MOTION: CM Rivet / CM Scardino to approve 1st Reading of Ord 2020-14.

Discussion: Mayor states that the Town of Malabar currently has five (5) Mobile Food Dispensing Operations. CM Vail asked about the ones on unimproved properties? Attorney Bohne states there will be no grandfathering allowed. CM Acquaviva asked about how the ability to move would affect the BTRs. The BTR is to have the ability to operate in our Town. ITM Lisa explained

to Attorney Bohne that per the Florida Statute requirements, they must have self-contained utilities in order to be considered a Mobile Food Dispensing Operation.

Mayor believes it should be take-away only. If it is restaurant then they can sit down. They may have health certification for food but not the amenities. CM Scardino said it is being turned into an outside dining. The ordinance only allows two trash bins, one recycle bin and a sandwich board. CM Vail asked about plugging in to power instead of having self-contained. ITM Lisa explained the self-contained meant washing, wastewater containment, electric, gas, etc.

Mayor asked about CM Scardino's question no accessories – no lights, table chairs, etc. - Correct

CM Acquaviva asked about mobile food vendors that drive to events. CM Scardino asked about limiting the size – could it be a tracker trailer? We need to have regulations.

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

RESOLUTIONS: 2

11.b. Resolution 17-2020 – Extend or Sunset Face Covering Policy

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PURSUANT TO THE GENERAL POWERS RESERVED TO THE TOWN COUNCIL IN THE TOWN CHARTER; MAKING LEGISLATIVE FINDINGS; PROVIDING FOR DEFINITIONS; REQUIRING ALL PERSONS TO WEAR FACE COVERING AT DESIGNATED TOWN FACILITIES; PROVIDING FOR EXCEPTIONS; PROVIDING FOR SUNSET; PROVIDING FOR SEVERABILITY, CONFLICTS AND EFFECTIVE DATE.

Exhibit:

Agenda Report No. 11.b.

Clerk explained that this resolution does not require a rollcall vote as it has already been adopted on 10/19/20 with an effective date of 10/5 but will sunset at midnight tonight unless extended. The motion should be to extend or sunset the date of effectiveness.

MOTION: CM Vail / CM Scardino to extend the date in this resolution to January 5, 2021.

VOTE: All Ayes.

11.c. Resolution 20-2020 – Appointment to Park and Recreation Board

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE APPOINTMENT OF EVAN HALL TO THE MALABAR PARK AND RECREATIONAL BOARD AS AN ALTERNATE MEMBER; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit:

Agenda Report No. 11.c.

MOTION: CM Rivet / CM Acquaviva to adopt Resolution 20-2020. Discussion: None

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

MISCELLANEOUS: 1

11.d. Social Media Use for Public Information and Outreach and Approve ArchiveSocial Agreement for social media archiving solution

Exhibit:

Agenda Report No. 11.d.

Staff has been working on outreach for social media for posting information where residents are more likely to see it.

The Town's website only has 330+ subscribers and only 30 for newsletter. A social media page would be outbound only. This vendor would provide the records retention requirement. If staff were to move forward, this would provide the archiving solution for said page. It would cost \$1,700 for rest of the current fiscal year. The next annual payment would be \$2,100. This company was the most affordable and is used widely by other Brevard municipalities.

This could be a great tool to encourage participation in Fall in love with SpringFest, Tree Lighting, or other community events.

CM Vail asks what the costs of this is compared to mailing a MailBoat Newsletter?

Clerk states that each edition cost about \$2,500 and traditionally we published 4 per year.

CM Rivet said we have a responsibility to communicate with our residents and regardless of our feelings towards social media, this appears to be the best way to do it. That is the way the world stays informed. We need to participate in that. Cost is less than what we are spending on the Mailboat.

CM Acquaviva asked who would be posting content? CM Vail asks how much staff time it takes. ITM Morrell states that staff will post to website and share on Facebook. In setting up the account it will require minimal time. It is not intended to engage in dialog with residents. Staff will only take down hate speech. CM Acquaviva and CM Vail state Council Members should not post to social media.

Attorney Bohne reminded Council not to conduct town business on social media.

MOTION: CM Vail/ CM Rivet to approve Town Staff to enter into an agreement with Archive Social. **VOTE:** All Ayes.

Chair may excuse Attorney at this Point

12. DISCUSSION/POSSIBLE ACTION: 0

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

14. REPORTS – MAYOR AND COUNCIL MEMBERS

CM Acquaviva: great job by staff at the tree lighting – great turn out.

CM Vail: no

CM Rivet: no

CM White: excused.

CM Scardino: no

Mayor: no

15. ANNOUNCEMENTS: Openings on T&G

16. ADJOURNMENT: There being no further business to discuss and without objection, the meeting was adjourned at 8:43 P.M.

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

ATTEST:

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

Date Approved: 12/21/2020