

## MALABAR TOWN COUNCIL REGULAR MEETING MINUTES

JANUARY 4, 2021

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, excused

TOWN CLERK/TREASURER:

DEBBY FRANKLIN

For the record FD Chief Mike Foley also present.

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

### 4. **CONSENT AGENDA:**

#### 4.a. **Regular Town Council Mtg Minutes of 12/21/2020**

**MOTION:** CM Vail / CM Rivet to approve consent agenda. CM Acquaviva referenced a typo to her name in minutes where she spoke early in meeting. Typo will be corrected. **VOTE:** All Ayes.

### 5. **ATTORNEY REPORT:** not present

### 6. **BCSO REPORT:** not available

### 7. **BOARD / COMMITTEE REPORTS:**

7.a. T&G Committee: Chair Drew Thompson sent an email Mayor requesting Council approval for \$5,000.00 expense for Trails and Greenways Committee for a matching grant for a zig zag trail. He will have on a future agenda for council action.

7.b. Park & Recreation Board: no one present

7.c. P&Z Board: no one present

### 8. **STAFF REPORTS:**

8.a. **Manager:** Provided update – the phone system worked fine during holiday period; she responded to four calls. CM White is asking on status on Hunter Lane paving. ITM Lisa is waiting on availability of paving vendors to provide meeting dates with the engineer to discuss the road paving engineering plans. Franklin said the project was approved in Nov 2019 and the paving was approved in April 2020. The delay has not been caused by pavers but on Town staff.

Mayor asked for summary of SAI update. ITM Lisa gave update on SAI's most current status report, sent via email before holidays and printed for them for them tonight. Next step by them is to train Town staff on the new software created as part of this master plan.

CM Scardino asked about road widening. ITM stated that there have been several projects going on at same time: intersection improvements at Corey and Weber Roads with SR514, major drainage improvements associated with those and the new subdivision entrance and drainage associated with that.

CM Acquaviva asked about the street light posts that got moved and have created dark intersections that cause accidents and asked if it can go on the north side of SR514. It is really dark. Can light post be replaced to former location. ITM Lisa will call FDOT and get back to Council on possible solutions.

CM Rivet asked about March 12, 2020 SW masterplan report. ITM Lisa has a call set up for Jan 9 with SAI and will report back to Council after that.

8.b. FD Chief Foley gave brief overview on December report. 64 EMS calls, 34 pre-plan calls and asked how that was conducted. They do that for all the businesses that provide permission.

**8.c. Clerk:** Nothing

**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: 1****10.a. Ordinance 2020-15 – Amend Building Codes**

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.

Staff – she did say this was the final reading. PH opened – none. PH closed.

**MOTION:** CM Rivet / CM Acquaviva to adopt Ord 2020-15. 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: 1****12.a 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. 12.a.**

Reso read by title only.

**MOTION:** CM Vail / CM White to extend policy til Feb 2, 2021. Discussion: CM Acquaviva asked about the face coverings. Why are we continuing to do this every month? CM White said some of the Boards were having issues and needed Council direction. CM Vail suggested going for 60 days. Motion amended to read Mar 2, 2021. **VOTE:** All Ayes. Motion carried 5 to 0 to extend policy of face coverings and/or social distancing until midnight on March 2, 2021.

**MISCELLANEOUS: 1****12.b. Property Acquisition of 1675 Marie Street**

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

Intro by ITM Lisa - for the record, the agenda report for this item referenced Council consensus at the 11/16/20 mtg and was actually done at the 11/2/2020 RTCM. That is when under the TM Report, staff got approval for the expenditure of \$1,700.00 for the market estimate. She is bringing this back to get authorization for the next step. In order to provide the due diligence, the next step is to ask permission from the property owner to conduct a visual inspection. This has been discussed at various meetings and workshops for uses to improve stormwater, but the actual costs to bring it to a usable status is unknown at this time.

It is a 4.5-acre vacant lot with unknown inventory of "stuff" on the land. Large easement. What to do next. Lots of unknowns. Lots of development costs, unknown costs, can incorporate into SW masterplan. Contact owner and offer. Dave asked what the contaminants are. Can we doing a visual inspection before we spend more money on environmental survey. If they sell "as-is" it will then become public property and any property removed from site would have to go through the public surplus process. CM Vail offered to go with ITM Lisa to do the inspection as he has made a similar inspection before Carl died. And show her the potential of the contamination.

From that point the next step then would be for the professional environmental issues.

ITM – are you still interested in moving forward – don't want to do without due diligence. Before we get permission to

CM Scardino stated he and his company is also qualified to do the environmental study as he has the credentials to do this review. He is also a demolition expert. CM Vail said if the metal breaking costs. Dave also does underground. He will also be willing to show him. Danny said there would be environmental cleanup.

CM White asked if SAI recommends using this site. Staff will get answer.

Mayor said is this project going after. Mayor said is it worth it. CM Vail said it is environmental. Any level of filtration would improve what goes into the IRL. Right now, would be the time to make it happen. CM Rivet said there are three (3) potential benefits. Drainage, filtration, creating wild land which is the reason we all moved here. Ask if it contained in the SW master plan management plan and it is consistent with Town needs?

**MOTION:** CM White / CM Scardino to authorize TM to continue to the next step. CM Acquaviva asked . about the market value appraisal of the 225K in the packet. Would we get it cheaper if actual costs to clean property were considered? Yes. **VOTE:** All Ayes.

**13. DISCUSSION/POSSIBLE ACTION: 0**

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

**15. REPORTS – MAYOR AND COUNCIL MEMBERS**

CM Acquaviva: After last meeting she had some questions about the action taken on the salary increase for ITM. She hasn't had the lawyer here, so she called him and asked him a few questions about the salary increase and funding source and she has received a legal opinion from the Attorney and Clerk and ITM also got it. She wanted to let Council know of her concerns. Mayor asked if she looking to overturn that. She had question about the contract and the funding source and should it be switched and taken from the general fund instead. Mayor said Roberts Rules was followed and our Charter was followed, and the vote was approved to . That is his opinion. CM Scardino asked how much it costs to call the lawyer. CM Acquaviva said the problem is he is not coming to the meetings. We as a Council have to know what we are doing 100% of the time, but she has those questions. If that is something that we have to do to have more information. She can't speak for the Attorney, but he stated we need more information or a change in funding source.

CM Vail: Happy New Year to all.

CM Rivet: Would like to bring up issue with the needed engineering projects and only the one engineer available. We have many varied projects that have slipped in scheduling because we are waiting on engineering. Would we want to look at alternative or additional engineers' services? ITM Lisa said we are supposed to get one day per week and communication is hard. When Council approved Singhofen contract for SW master plan, they also approved utilizing the other secondary engineering firms for other various other projects. ITM Lisa will get some information on costs and availability from Singhofen and the other engineering firms to assist with the various projects we need action on. CM Rivet stated we need this for a future agenda. ITM Lisa will get this info and bring back before Council.

CM White: he is amazed at what we are willing to spend money on and what we aren't referencing the discussion held on the cost share for road paving that went from 50% to 15% and settling on 40% ultimately. On Hunter Lane paving we worked hard and got it up to 12K for cost share and then at last meeting voted to spend 12K. Mayor had asked him to speak to SCLC update at last meeting and wasn't really prepared so has more info now. On Jan 7, at 4 pm. the Brevard Legislative Delegation that includes our State Senator and State Representatives will determine what issues in the upcoming session they want to support or submit. There is information on the SCLC website. The top five the Brevard County Legislative Delegation are discussing: 1) sales tax 2) Short term rentals 3) discharge into surface waters. Major municipalities that dump when they have too. What they are talking about tonight fits into this. 4) affordable housing. 5) Sen Joe Grudgers, SB 334 regarding legislation on prohibiting smoking in public places. He sees no problem with it. Regarding drainage – we live on flat land and the ditches are linear retention ponds.

CM Scardino: nothing

Mayor: .next meeting for the Council will be January 19, 2021. Franklin said we tentatively had planned to have WM and the sign ordinance on for action but at this time, don't know if Attorney will be present. ITM Lisa said we had also moved the tabled Beekeeper Road Waiver issue to the February meeting to have Attorney present.

CM Acquaviva asked if the follow-up letters have gone out to the mobile food vendors yet? Franklin said no but one property owner had already come in and submitted documents to comply. ITM Lisa said that the notifications were not sent out before the holiday break and will now be sent out this week as staff will be in office to respond.

**16. ANNOUNCEMENTS:** Openings on T&G Committee.

**17. ADJOURNMENT:** There being no further business to discuss and without objection, the meeting was adjourned at 8:35 P.M.

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

ATTEST:

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

Date Approved: 02/01/2021