

MALABAR TOWN COUNCIL REGULAR MEETING MINUTES

NOVEMBER 15, 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 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:

MARISA ACQUAVIVA

BRIAN VAIL

DAVID SCARDINO

MARY HOFMEISTER

TOWN MANAGER: (ITM)

LISA MORRELL

TOWN ATTORNEY:

KARL BOHNE

TOWN CLERK/TREASURER:

DEBBY FRANKLIN - Excused

DEPUTY TOWN CLERK/TREASURER:

RICHARD W. KOHLER

3. SUNSHINE LAW REVIEW: Atty Bohne gave a brief overview of Florida State Sunshine Laws governing Municipal Bodies. He encouraged any CMs with questions about the Sunshine Law to contact him. Essentially the Sunshine Law prevents two members from the same board from discussing Town Business in private. There are a few exemptions such as executive session for pending litigation, or in union contract negotiations. He then gave a brief overview of Florida's Public Record's Law. He also emphasized the danger of social media in public records laws.

4. NOMINATE CHAIR AND VICE-CHAIR:

MOTION: CM Rivet/ CM Vail to appoint Mayor Reilly as Council Chair. **Vote:** All Ayes. 5-0

MOTION: CM Vail/ CM Scardino to appoint CM Rivet as Council Vice-Chair. **Vote:** All Ayes. 5-0

5. APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES: None

6. CONSENT AGENDA:

6.a. Approve Minutes of Regular Town Council Mtg 11/01/2021

6.b. Approve Minutes of Special Town Council Mtg 11/04/2021

6.c Purchase of Zero Turn Kubota Mowers for PW

6.d Mutual Aid ILA Agreement between BCFR and Malabar FD

**6.e Use of Other Agency Contract Thermoplastic Roadway Striping
Brevard County, Contract # B-7-21-05**

MOTION: CM Rivet/ CM Acquaviva to approve. **Vote:** All Ayes. 5-0

7. ATTORNEY REPORT: Mr. Noah did propose a settlement proposal on Painted Acres that matched the Council's objective.

8. STAFF REPORTS:

8.a. Town Manager – ITM Morrell informed Council that she has sent them ARPA regulations. She is hoping to have a workshop to discuss the ARPA funds in January. CM Rivet requests a Monday workshop. December 6th is the next RTCM. Would a 6 PM tree lighting that night be okay? Consensus is yes. The Tree is already up at Malabar Community Park. ITM Morrell also requested to be a Toys for Tots collection site, with a box at Town Hall and a box at the FD. IAFF has approved the inclusion of D/E. Costs are up at the mine for

Stabilizer. EDC has completed a survey for Rivet Ln and should have a cost per liner foot by the end of December. Code Enforcement cases have been opened on the Lett Lane issue. There will probable be two cases heard in December. Still working on the road paving assessment. Road stripping project has been completed. There is a request to vacate Walker Lane, which access 4 houses and is not an accepted road. There are many issues to solve on this case, and it will be brought before you soon. Her idea is to not accept the road but begin maintaining it. CM Rivet requests this be an agenda item at the next meeting.

8.b. Clerk – None.

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. Public comments do not require a Council response. (Speaker Card is Required)

Five (5) Minute Limit per Speaker.

10. PUBLIC HEARINGS: 1

10.a. Amend Chapter 6 Private Providers (Ordinance 2021-23)

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; AMENDING CHAPTER 6, CREATING A NEW SECTION 6-10 OF THE CODE OF ORDINANCE OF THE TOWN; PROVIDING FOR PRIVATE PLAN AND BUILDING INSPECTIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 10.a.

Ordinance 2021-23 was read by title only.

PH opened. None. PH closed.

MOTION: CM Scardino/ CM Vail to Adopt Ord 2021-23.

Discussion: None

ROLLCALL VOTE: CM Acquaviva, Aye; CM Vail, Aye; CM Rivet, Aye; CM Scardino, Aye; CM Hofmeister, 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)

12. ACTION ITEMS:

12.a. Consideration executing a franchise agreement for RFP 2021-01 Residential & Commercial Franchise Agreement for Solid Waste, Recycling, Yard Waste, and Bulk Waste Collection Services to WastePro of Florida, Inc.

Exhibit: Agenda Report Number 12.a

ITM Morrell introduced this item by reviewing the Agenda Report. A transition plan has been enacted. Start date is January 1st, 2022. Automatic renewal after 6 years. This is not the final contract; however, this is a close copy. There was an option to reduce the franchise fee the Town collects and decrease the monthly amount for the residents. Option 1 is 10% Franchise Fee and option 1a is 5% Franchise Fee.

MOTION: CM Acquaviva/ CM Hofmeister to accept the Contract with the 1.a Franchise Agreement with WastePro of Florida Inc..

Discussion: CM Scardino asks if collection days will stay the same, and ITM Morrell indicated the contract isn't final, but it looks like it will. CM Acquaviva asks if residents can request different sized carts. ITM Morrell states yes you have 3 options. CM Vail suggests a campaign to inform

residents of what is recyclable. Waste Pro representative states they are at the mercy of Waste Management for what will be accepted at the dump.

VOTE: Motion Carries 5-0 (All Ayes)

12.b. Select Bill Reviewer for 2021/2022

Exhibit: Agenda Report Number 12.b

MOTION: CM Rivet / CM Vail to Appoint CM Scardino as Bill Reviewer.

Discussion: None

VOTE: Motion Carries 5-0 (All Ayes)

12.c. Select Check Signer for 2021/2022.

Exhibit: Agenda Report Number 12.c

MOTION: CM Vail/ CM Hofmeister to Appoint CM Acquaviva as Check Signer.

Discussion: None

VOTE: Motion Carries 5-0 (All ayes)

12.d. Select Space Coast League of Cities (SCLC) Delegate for 2021/2022

Exhibit: Agenda Report Number 12.d

MOTION: CM Vail / CM Scardino to Appoint Mayor as the Voting Delegate.

Discussion:

VOTE: Motion Carries 5-0 (All Ayes)

12.e. Select Representative to the TPO/TAC Board for 2021/2022

Exhibit: Agenda Report No. 12.e

MOTION: CM Vail/ CM Acquaviva to Appoint Town Manager as the TPO/TAC Representative.

Discussion: None

VOTE: Motion Carries 5 to 0. (All Ayes)

13. DISCUSSION/POSSIBLE ACTION: 0

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

15. REPORTS – MAYOR AND COUNCIL MEMBERS

CM Acquaviva: In the past, Council members each had a small stipend to spend on projects. She recommends looking into bringing that program back.

CM Vail: Hoping to work on the Malabar Historical House again soon. Started putting together number for the grant he is applying for and was pleasantly surprised in how low the cost was.

CM Rivet: Reviewed the sign ordinance and noted that as written it could cause a lot of issues in Campaign season. Will we collect all signs from the ROW? ITM Morrell states that yes, the Town will collect them all and private property is the best place for snipe signs.

CM Hofmeister: Nothing

CM Scardino: CM Scardino asks how many permits are open for Twin Lake? ITM Morrell states there are 6 open right now.

Mayor Reilly: At the last Council Meeting we passed a resolution opposing HB... and local cities supported it, but the SCLC did not. He suggested it wait until it gets past the committee phase.

16. ANNOUNCEMENTS: Openings on T&G Committee.

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

BY: _____
Mayor Patrick T. Reilly, Council Chair

ATTEST:

Richard W. Kohler
Deputy Town Clerk/Treasurer

Date Approved: 12/06/2021