

**MALABAR TOWN COUNCIL
REGULAR MEETING MINUTES
JUNE 06, 2022, 7:30 PM**

This meeting of the Malabar Town Council was held at Town Hall at 2725 Malabar Road.

1. CALL TO ORDER:

Council Vice Chair, Steve Rivet called meeting to order at 7:30 pm. CM Vail led P&P.

2. ROLL CALL:

CHAIR:

MAYOR PATRICK T. REILLY, excused

VICE CHAIR / ACTING CHAIR:

STEVE RIVET

COUNCIL MEMBERS:

MARISA ACQUAVIVA

BRIAN VAIL

DAVID SCARDINO

MARY HOFMEISTER, excused

TOWN MANAGER:

MATT STINNETT

SPECIAL PROJECTS MANAGER:

LISA MORRELL

TOWN ATTORNEY:

KARL BOHNE

TOWN CLERK/TREASURER:

DEBBY FRANKLIN

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

5. CONSENT AGENDA:

4.a. RTCM Minutes of 5/16/2022

4.b. Amendment #2 to FDEP Revolving Fund Loan Agreement SW051400

MOTION: CM Vail / CM Scardino to approve Consent Agenda. **Vote:** All Ayes.

5. ATTORNEY REPORT: none

6. ~~BCSO~~ — Presentation on FY 2020/2021 audit – by JMCO presented by Zach Chalifour, Partner, went through the PowerPoint presentation. Summary is that it was clean report. It is typical of small municipalities to have challenges to meet the multiple Government Accounting Standards Plan (G.A.S.B.). Malabar is in a very strong position. Significant comment – in the third report goes to the Florida Auditor General and is related to Bldg Dept activity as it is supposed to support its own operations. A couple years ago the State put in a cap on the amount the municipalities could collect before a rebate process is required. This cap is based on surplus restricted revenues from BD fees collected over the previous four years. The comment is a reminder as it was last year that these monies need to be expended. He noted that staff had reported that there is a plan to spend those overages on contracted professional plan review, inspections, and activities. The last report is required to be in compliance with F.S.

Summary of Fund balance - reserves – very healthy balance. Very consistent. He then made the same disclaimer that he has done in previous years. The GASB rule # requires Purely theoretical number. Ongoing obligation is paid by the town -town will never have to cut a check.

7. BOARD / COMMITTEE REPORTS:

7.a. T&G Committee: Chair Drew Thompson – sent email

7.b. Park & Recreation Board: Chair Eric Bienvenu – not present

7.c. P&Z Board: Chair Wayne Abare – not present

8. STAFF REPORTS:

8.a. Town Manager – Two things – replaced sidewalk out front with a new product called Flexipave and had the Brook Hollow SD HOA inspect it while they held their recent meeting at Town Hall. The plan is to use this flexible material to correct the sidewalk issues they are experiencing in Brook Hollow.

The other update is the ditch north of Stillwater Preserve SD – the Public Works Dept was able to get in there last week and clean it out and clear the blockages and got the water to drain. It has never looked better and invited Council to go out and look at it. It was done before all this recent rain, so it was also perfect timing.

8.b. Special Projects Manager – written - one update on electronic sign: the electrical panel has been received and should be installed and the project completed mid-week next week.

8.c. Fire Chief – written

8.d. PW Director - written

8.e. Clerk – All of Council should have received their Form 1 last week. It is an annual requirement and must be completed and submitted to the Brevard County Elections office by July 1 or fines will be assessed by the Division of Ethics. Richard and I participated in the annual TRIM webinar to refresh us on process we will begin next month on the setting of millage, advertising and reporting requirements. The two dates we have verified as in no conflict with the County or School Board PH on millage and budget (Mon, Sept 12 and Mon, Sept 26). CM Acquaviva has already noted that she will miss one of those mtgs, but we need to have the other four present for the vote.

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 (tabled from RTCM 5/16/2022 will require motion)

10.a. Applicant Mr. Martinez requests Road Waiver to Build short - Prosperity Ln The request is to improve Prosperity Lane to the Town standards from the existing terminus to a point approximately 275 feet north to a point in front of his parcel and requesting a waiver to postpone the improvement of the remaining 125 feet until such time as the parcel to his north develops.

Exhibit:

Agenda Report No. 10.a

Vice-Chair asked for a motion to remove from table.

MOTION: CM Vail / CM Scardino to remove from table. **Vote:** All Ayes.

Mr. Martinez called to podium. Had his son appear and speak for him. He is hoping to build just to the DW – also clearing the lot while building the road. Son explained that the entire package had been submitted with the soil tests, engineering, surveying; all of that has been done.

Vice Chair / Acting Chair Rivet opened PH: none

Vice Chair / Acting Chair Rivet closed PH.

CM Vail asked applicant if was able to get an estimate from contractor on building the road short vs. to the end of his property; he would think it would be minimal considering the overall mobilization and construction cost. CM Scardino asked if he had the wetland studies done. Yes, all of that was submitted. CM Acquaviva said the Code requires the road be built to the end of the parcel. Atty Bohne reminded Council that the economics is not grounds to request a Waiver to build the road short. CM Vail said the point is his question was that the improvement cost would be minimal with all the other prep and set up costs. CM Vail then explained the road improvement payback process that will apply to him. Once he has improved the entire footage, he will be entitled to a “road payback” from the parcel owners to the south and opposite his parcel before they can get a building permit.

Vice-Chair Acting Chair Rivet asked staff: Clerk stated as reported in the agenda report.

Vice-Chair Acting Chair Rivet asked for a motion in the affirmative

MOTION: CM **NONE** / CM **NONE** to approve the waiver. **Vote:** N/A as no CM made the motion.

Request is denied.

11. UNFINISHED BUSINESS/GENERAL ORDERS MAY INCLUDE ITEMS DIRECTLY RELATED TO RESIDENTS PRESENT AT MEETING:

**12. ACTION ITEMS:
ORDINANCES for FIRST READING: 0
RESOLUTIONS: 2**

12.a. Acceptance of Audit on FY 2020/2021 (Reso 14-2022)

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING ACCEPTANCE OF THE ANNUAL AUDIT REPORT PROVIDED FOR FISCAL YEAR 2020/2021 BY THE AUDIT FIRM OF JAMES MOORE AND CO., CPA; AND PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 12.a.

Resolution read by title only.

MOTION: CM Acquaviva / CM Vail to adopt Reso 14-2022.

Discussion: none

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

12.b. Recognize the Florida League of Cities Legislative Affairs Team (Reso 11-2022)

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA COMMENDING THE FLORIDA LEAGUE OF CITIES (FLC) AND THE LEGISLATIVE AFFAIRS TEAM FOR THEIR HARD WORK REPRESENTING FLORIDA'S MUNICIPALITIES DURING THE 2022 FLORIDA LEGISLATIVE SESSION.

Exhibit: Agenda Report No. 12.b.

Resolution read by title only.

MOTION: CM Vail / CM Acquaviva to adopt Reso 11-2022.

Chair asked for staff comment: tremendous job they did in reviewing summarizing and communicating with municipalities on over 3K bills submitted during the regular session.

Discussion: none

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

MISCELLANEOUS: 1

12.c. Announcement of Clerk's Upcoming Retirement and Plan for Continuity

Exhibit: Agenda Report No. 12.c.

Vice Chair Rivet asked Clerk to present. Franklin stated that the agenda report summarizes the job duties covered and the need from Council on action for staff. The Charter was amended many years ago to allow Council to separate the Clerk and Treasurer positions. The suggested motions would provide direction on how to advertise for one or two separate positions. The job description for Clerk exists but one would need to be created for the Treasurer. Also, with the direction from Council staff will know how to advertise the opening. Richard will be attending the FACC Summer Conference later this month to get his last remaining educational points to earn his certification. CM Scardino – we need to review the pay rates. Franklin said we can get copies of salary studies from the FLC on similar sized communities. We can also get sample job descriptions from them.

MOTION: CM Vail / CM Scardino to direct staff to advertise for two positions – Clerk and Finance.

Vote: All Ayes.

Council consensus to direct staff to also reach out of CAPs program and get salaries for these positions from nearby and similarly sized cities. Atty Bohne said they just went through this in IHB with the departure of their City Mgr. and Council may also want to consider a "transitional period" with Franklin. SPM Morrell stated with the FRS retirement notice requirements they may also want to keep in mind Franklin would have to revise the date before they submit the final paperwork.

She also stated that during the budget discussion, they need to budget the money for two positions and the post-employment benefits.

Vice-Chair Rivet Excuses Attorney

13. DISCUSSION / POSSIBLE ACTION: 1

13.a. Workshop set for 6/13/2022 at 7:30pm for American Rescue Plan

Exhibit: Agenda Report No. 13.a.

CM Acquaviva and Mayor will be out.

13.b. Request for Food Truck Event at Malabar Community Park 6/26/2022

Exhibit: Agenda Report No. 13.b.

Mr. Philibert as a business owner. Resident of Palm Bay. Part of the Food Truck Assc. Operates all over the County. It is a Jamaican and do a lot of events. Usually with Parks and Rec Depts. In Titusville, Melbourne and now Palm Bay as of last Thursday's Council meeting. Usually once per month. Mayor of Melb is very supportive and they do it there every month. Partner with the Town. The cities can do the planning and management, trash receptacles. Not for financial gain. The Malabar Community Park. Space Coast Flight Sports Assc (SCFSA) is the partner for the June 26, event in Malabar. One of the Board members spoke about their organization. They have used our ballfield this past season. For that first year we got over 100 kids. Looking for a way to utilize the park. Initially did out of pocket but starting with Town financial assistance. Tried to get another port-a-pot out there. Encourage kids to play sports. Strive to create a community not a sports assn. Providing good background checks and provide good coaches. They partner with other worthy 501C3 organizations. The vendors we have are donating back that is how we fund. June 26 to partner to do once a month. The Fire Insp is free because it is a Town event. Residents moving into the Town. Here to get you guys on board. The Malabar / Palm Bay Food Truck Rally. With your permission, to advertise on the electronic sign.

Vice Chair / Acting Chair Rivet – asked applicant to restate what his requests are for this meeting. Mr. Philibert stated the use of the MCP was already approved for that date. His request tonight is for the partnership with the Town and going forward some assistance in waiving fees for Parks and Rec user fees, fire insp fees, assistance with trash receptacles, and the advertising on the electronic sign. Possible Town addition of a second port-a-let.

Consensus of Council to allow this first event and see how it plays out. They will have a better view of the impact on the MCP. Also will need to consider the other users of the park amenities.

14. PUBLIC COMMENTS: General Items (Speaker Card Required) (5 minutes limit)

15. REPORTS – MAYOR AND COUNCIL MEMBERS

CM Acquaviva: She has received a list of items that a resident in Country Cove SD wants Council to correct/repair/improve and she will share it with staff since she won't be at 6/13 meeting.

CM Vail: Asked if the Budget WS set for 6/27 is still good with everyone.

CM Rivet: Wanted to rave about the Waste Pro – extremely happy with the service. CM Scardino, Vail and Acquaviva agree. CM Scardino says they should be sent a thank-you note. CM Acquaviva said the transition for WM to Waste Pro seemed to be a seamless process. SPM Morrell thanked Council and said she also was very pleased with the process.

CM Hofmeister: excused

CM Scardino: Stated Council should know what the costs would be for a BCSO detail. Consensus to get costs. Franklin said they have used C.O.P.S. program for other events.

Mayor Reilly: excused

16. **ADJOURNMENT:** There being no further business to discuss and without objection, the meeting was adjourned at 8:47P.M.

BY: original signed
Vice-Chair Steve Rivet

ATTEST:

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

Date Approved: 06/20/2022