

**MALABAR TOWN COUNCIL
REGULAR MEETING MINUTES
MAY 16, 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 Chair Mayor Patrick T. Reilly called 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

MARY HOFMEISTER, excused

TOWN MANAGER:

MATT STINNETT

TOWN ATTORNEY:

KARL BOHNE

DEPUTY CLERK/TREASURER:

RICHARD KOHLER

- 3. APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES:** TM Stinnett requests Agenda Item 4.c, Acknowledge Approval of VFA 50-50 Grant, be added to the agenda. With no objections, the item is added to the Consent Agenda as item 4.c.

4. CONSENT AGENDA:

4.a. RTCM Minutes of 5/02/22

4.b. Trail Accelerator Grant

4.c. Acknowledge Approval of VFA 50/50 Grant

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

- 5. ATTORNEY REPORT:** Relating to the EELs issue, he will motion to abate will be filed this week, then we wait to get a court date. The abatement will force the County to the mediation required by state statute. We're going to have to mediate at some point, why not try now.

6. STAFF REPORTS:

6.a. Town Manager Matt Stinnett – CM Rivet asked about a land clearing issue, and TM Stinnett indicated it was taken care of.

6.b. Special Project Manager – Written report provided.

6.c. Clerk – We are concluding the 2020/2021 Fiscal Year Audit and expect a report from the Auditing firm at a meeting in June. Wishes Council a pleasant Memorial Day weekend and reminds them that Town Hall will be closed Monday May 30th in observance.

- 7. 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.

8. PUBLIC HEARINGS: 2

8.a. 2nd Reading of Ordinance 2022-05 re: 11/08/2022 Ballot Referendum Question re: continuing MSTU for BCSO Patrol of Malabar

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY FLORIDA; CALLING AND SCHEDULING A PERIODIC ELECTION TO DETERMINE IF THE TOWN SHOULD CONTINUE TO PARTICIPATE IN THE BREVARD COUNTY MUNICIPAL SERVICE TAXING UNIT (MSTU) FOR LAW ENFORCEMENT; PROVIDING FOR THE MANNER IN WHICH SUCH ELECTION SHALL BE CONDUCTED; ESTABLISHING THE FORM OF THE BALLOT FOR SUCH ELECTION; PROVIDING REPEAL AND AN EFFECTIVE DATE.

Exhibit:

Agenda Report No. 8.a.

Ordinance read by title only.

Chair opened the PH. none

Chair closed the PH

Chair asked staff – as presented in Agenda Report.

MOTION: CM Rivet/ CM Vail to adopt Ord 2022-05. Discussion: none

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

8.b. Waiver Request to Road Improvement Requirements for Prosperity Lane
APPLICANT, JAVIER MARTINEZ REQUESTS A WAIVER TO ROAD IMPROVEMENT REQUIREMENT FOR 400 FEET OF PROSPERITY LANE. APPLICANT OWNS PARCEL 29-37-10-00-515 on PROSPERITY LANE, MALABAR. HE DESIRES TO DEVELOP HIS PARCEL BUT THE CURRENT TERMINUS OF THE ACCEPTED PORTION LEAVES 400 FEET UNDER CONSIDERATION FOR THE WAIVER.

Exhibit: Agenda Report No. 8.b.

Chair read the item to be considered and asked the applicant to come to the podium and present.

Mr. Martinez – Thanked Council for hearing him tonight. He would like to extend the road and build his family home. There is one lot between him and the end of the road.

CM Vail asks what his goal is because the waiver is to not build a road.

Mr. Martinez states he will build the road to the southern edge of his property.

CM Scardino asks if he is going to extend the road to his lot with a road that conforms to Town standards?

Mr. Martinez states he would like to.

CM Acquaviva asked about the road payback program?

Atty states if he builds a road, it will be available for the road pay back program. The Town Code states he will build it to the furthest extent of his land.

Mr. Martinez states he has the budget to get the road to the middle of his lot.

Atty states that the code explicitly states economical shortcomings can not be the cause for building short. You can grant a waiver if there is a significant condition, but not cost.

CM Vail states we have granted waivers before such as on McCain Lane, but there was no need for drainage or utilities past the lot in that example.

Mayor asks if the lots past the one in question are wetlands? Can the area be developed?

CM Scardino states that he believes there are buildable lots behind this area. He asks the applicant if he has had a wetland study done? Applicant states he has not.

CM Vail states the area looks like a buildable area. The cost to build a road is the cost of admission to the Town.

CM Scardino states an increase of another 100 feet shouldn't be a big cost difference as the contractor has already mobilized.

Mr. Martinez asked about the road payback program.

Council and the Atty explained the process to Mr. Martinez.

Mr. Martinez states he believes he will be able to build the whole road and states he will talk to his contractor.

Atty states the best thing to do would be to table this and let the applicant come back with more information.

CM Vail/CM Scardino motion to table. All Ayes (4-0)

Vote: Ayes, 4; Nays, 0. Motion to table carried.

9. UNFINISHED BUSINESS/GENERAL ORDERS MAY INCLUDE ITEMS DIRECTLY RELATED TO TOWN APPOINTED BOARDS/COMMITTEES: 0

10. ACTION ITEMS:

ORDINANCES FOR FIRST READING: 0

RESOLUTIONS: 0

MISCELLANEOUS: 0

Chair excuses Attorney

11. DISCUSSION / POSSIBLE ACTION: 0

12. PUBLIC COMMENTS: General Items (Speaker Card Required)

13. REPORTS – MAYOR AND COUNCIL MEMBERS

CM Acquaviva: None

CM Vail: Received a phone call from the Tourism and Transit Summit and would like a Town representative. May 26th. Is anyone interested? TM Stinnett states he has an invite as well. If Council or Staff can't go, can a board member go? Consensus is yes. He remembers a presentation about how our trails promote tourism in the area. We have a great Trail System and are a Trail Town. We should be represented.

CM Rivet: This summit may be a good opportunity to get our side of the trails issue out.

CM Hofmeister: Excused

CM Scardino: None

Mayor Reilly: Friday is the Mayor's breakfast. He will miss the next meeting, being on vacation.

14. ANNOUNCEMENTS: (1) Vacancy on the Planning & Zoning Board.

15. ADJOURNMENT: There being no further business to discuss and without objection, the meeting was adjourned at 7:53 P.M.

BY: Original Signed
Mayor Patrick T. Reilly, Council Chair

ATTEST:

Original Signed
Richard Kohler, Deputy
Town Clerk/Treasurer

Date Approved: 06/06/2022