

**MALABAR TOWN COUNCIL
REGULAR MEETING MINUTES
JUNE 20, 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
TOWN MANAGER:	MATT STINNETT
TOWN SPECIAL PROJECTS MANAGER	LISA MORRELL
TOWN ATTORNEY:	KARL BOHNE
TOWN CLERK/TREASURER:	DEBBY FRANKLIN

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

4. CONSENT AGENDA:

4.a. RTCM Minutes of 6/06/22

4.b. ARP Workshop of 6/13/2022

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

5. ATTORNEY REPORT: nothing

6. STAFF REPORTS:

6.a. Town Manager Matt Stinnett – Reported there had been a delay in Code Enf Hearing due to the Spec Magistrate had personal issue. Hoping to have him back next month.

6.b. Clerk – nothing

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. Vacate Request for 125-foot portion of right-of-way north from Passaic Ave
Chair requested Reso to be read by title only.

(Resolution 12-2022)

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE VACATE OF THE FIFTY (50) FOOT WIDE UNIMPROVED PLATTED RIGHT-OF-WAY THAT RUNS APPROXIMATELY 125 FEET BETWEEN PARCEL 3020 PASSAIC AND 3040 PASSAIC AVENUE; AUTHORIZING THE TOWN CLERK TO RUN A LEGAL ADVERTISEMENT OF THIS ADOPTED RESOLUTION; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

Chair asked the Applicant to podium.

Mr. Trowbridge presented the request. He introduced his wife and pointed to his neighbors in the audience that had written the supporting letter. He went over his recent purchase and their plans for possible use of newly acquired parcel to the north of his home. The ROW vacate request abutted this parcel, but his entire parcel abuts this parcel. He wants to leave it natural for now but in future may build something through the Building Department. The

portion of ROW to be vacated would act as a driveway if it is developed in the future. That way he can get an address through the Building Department after the resolution is recorded.

Chair asked if Council had any questions for applicant. Mayor asked if he was going to unite the two properties. Applicant said no he had not such plans. It would have frontage on the Passaic Road at its terminus for addressing purposes. CM Rivet stated that that was his concern – future possible access. It is no issue.

Chair opened the PH. None. Chair closed the PH.
Chair asked staff – as presented in Agenda Report.

Chair asked for motion to approve vacate

MOTION: CM Rivet / CM Hofmeister to approve vacate with adoption of Reso 12-2022.

Discussion: none

ROLLCALL VOTE: CM Acquaviva, Aye; CM Vail, Aye; CM Rivet, Aye; CM Scardino, Aye; CM Hofmeister, Aye. Motion carried 5 to 0.

8.b. Multiple Vacate Requests within Section 11, Melbourne Heights SD, within Section "E"

Resolution read by title only.

(Resolution 13-2022)

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE VACATE OF THE FIFTY (50) FOOT WIDE UNIMPROVED PLATTED RIGHT-OF-WAY KNOWN AS NASSAU STREET THAT ABUTS 1455 DELAWARE AND 1505 DELAWARE AVENUE FOR APPROXIMATELY 200 FEET; PROVIDING FOR THE VACATE OF THE FIFTY (50) FOOT WIDE UNIMPROVED PLATTED RIGHT-OF-WAY KNOWN AS GEORGIA AVENUE THAT ABUTS THE SOUTHERN PORTION OF 1455 AND 1505 DELAWARE AVENUE AND THE INTERSECTION OF GEORGIA AND NASSAU; PROVIDING FOR THE VACATE OF THE FIFTY (50) FOOT WIDE UNIMPROVED PLATTED RIGHT-OF-WAY KNOWN AS GINSENG STREET THAT ABUTS 1455 AND 1405 DELAWARE AVENUE; AUTHORIZING THE TOWN CLERK TO RUN A LEGAL ADVERTISEMENT OF THIS ADOPTED RESOLUTION; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 8.b.

Chair asked the Applicant/s to podium.

Fritz Braun and Shannon Moriarty, live on Parcel 39, 1505 Delaware Avenue. He explained all the ROW surrounding each parcel in this plat. Explained that they had investigated and found that the requests would not conflict with any future access and as the Clerk had stated the vacation of same would not adversely impact future access.

Mr. Heller stated that they have been at 1455 (Parcel 38) and also request the vacates. He has been there since 1999 and the house had originally been a rental. The people at 1405 Delaware will also be requesting a vacate for the ROW to the west of theirs as they own the next parcel to the west.

Chair opened the PH.

Ms. Pat Picornell of 1500 Delaware, across from Fritz and Shannon. They have a great street and others have had similar vacates approved. She supports the request.

Chair closed the PH

Chair asked staff – Clerk clarified that the third ROW in the vacate request was the 50' wide ROW known as Ginseng between 1455 and 1505 Delaware. Staff could support the entire width, but the request was for only half of the ROW. Staff could not support that request as it

would create a con-complying ROW. The vacate of the entire 50' width was read into the resolution, but she wanted to emphasize the clarification. Chair asked if Council had any questions for applicants. Clerk's comments answered their questions/concerns.

Chair asked for motion to approve vacate.

MOTION: CM Vail / CM Hofmeister to adopt Reso 13-2022 approving the vacates as stated.

Discussion: none

ROLLCALL VOTE: CM Acquaviva, Aye; CM Vail, Aye; CM Rivet, Aye; CM Scardino, Aye; CM Hofmeister, Aye. Motion carried 5 to 0.

9. UNFINISHED BUSINESS/GENERAL ORDERS MAY INCLUDE ITEMS DIRECTLY RELATED TO TOWN APPOINTED BOARDS/COMMITTEES: 1

9.a. Signage for T&G

The request is for signage for various accesses to Cameron Preserve. SPM Lisa explained that these are signs that normally could be approved operationally but the specific types of signage may require going out for bid. These are separate signage requests from the ones that she had advertised the RFP for earlier as approved by Council. These could be purchased through normal signage orders for Town's properties. Chair asked for Council consensus. Council responded in unanimous consent for staff to proceed with getting prices for this signage that will alert the public to Malabar conservation areas.

10. ACTION ITEMS: 4

ORDINANCES FOR FIRST READING: 0

RESOLUTIONS: 1

Chair requested Reso to be read by title only.

10.a. Repeal Resolution 26-2013 related to positions reporting to Council (Reso 15-2022)

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR REPEAL OF RESOLUTION 26-2013 IN ITS ENTIRETY; PROVIDING AN EFFECTIVE DATE.

Exhibit:

Agenda Report No. 10.a.

MOTION: CM Vail / CM Acquaviva to adopt Reso 15-2022. Discussion: housekeeping. Clerk explained that the Clerk/Treasurer position is in Charter. Referendum question years ago approved Council to separate duties of the two positions, both reporting to Council. The Town Administrator position has been approved and included the job description in an ordinance adopted years earlier. Council in 2013 felt there was a need to separate the duties clearly, so Reso 26-2013 was adopted. This is housekeeping item. Ordinance already describes the duties of the TA/TM and the Reso is now outdated since Council directed it to be separated into separate job descriptions.

ROLLCALL VOTE: CM Acquaviva, Aye; CM Vail, Aye; CM Rivet, Aye; CM Scardino, Aye; CM Hofmeister, Aye. Motion carried 5 to 0.

MISCELLANEOUS: 3

10.b. Special Assessment for Paving: Rivet Lane Engineering Cost Estimates

Exhibit:

Agenda Report No. 10.b.

TM Matt led off on this item. He is proposing that Council support the recommendation to continue working on the needed improvements cited in the Engineer's estimate as regular stormwater improvements in the operational budget as stated previously and have the Public Works Department do more work under the adopted budget as well. Once we get some of the preliminary work done, we can update the paving estimate. Gather a little more information and get some updated estimates at that time.

CM Vail supports getting more info – what can be done in house? CM Rivet said there is a lot of stuff that can be done by PW. TM Matt said for example, getting the easement for the drainage ditch would get some of these items off the submitted Engineering estimate. SW projects that the Town needs to do in that area anyway. Consider that many of the costs are related to stormwater. TM Matt said the goal is to get it down to half the amount submitted. CM Rivet said that going forward with paving overall projects – this is a major quality of life improvement for residents. Mayor said that his water on Howell drains to the east side and that water goes that way. CM Rivet said the water was not moving after the recent heavy rain. It has been addressed and identified in the recent SW Master plan findings.

MOTION: CM Vail / CM Scardino to continue working on this process to get the SW parts done in house and other projects within our regular operational budget. Get some density testing on the ROW. Continue with the process. **Vote:** All Ayes.

10.c. Town Clerk and Treasurer Job Descriptions and Salary Ranges for Recruitment (from RTCM 6/6/2022)

Exhibit:

Agenda Report No. 10.c.

Discussion: Chair asked Clerk to begin. Franklin explained the follow-up from the last meeting and then suggested that the openings could be posted for 30 days and then brought back to Council with what we have received. Chair said Council needs to set the pay range since they can't just post DOQ in the ads.

TM Stinnett suggested they move the salary range up for the advertisement; keep the lower number and raise the higher number. He also suggested that the Deputy assist both the Clerk and the Treasurer.

Need to be flexible and see what we get. SPM Morrell stated the benefits alone add about 40K.

Mayor and CM Hofmeister said lower the price for high and low positions. CM Scardino said he has had to raise his pay and be choosy. CM Acquaviva understands what CM Rivet is saying. CM Vail said W. Melbourne pays Clerk 35K. Chair asked each CM to provide a range:

CM Vail: 45-80

CM Rivet, CM Acquaviva, CM Scardino: 55–86

CM Hofmeister: 56-80

Mary 56 – 80

Dave 55- 86

55 to 86 wins for both positions.

Consensus of Council to approve the advertisements for both the Clerk and Treasurer positions with salary range for both at 55K – 86K for 30 days. Have on agenda for the 1st meeting in August. Vote: All Ayes.

10.d. Obligating and Allocating SLFRF Funding to specific Projects and Capital Projects per Workshop 6/13/2022

Exhibit:

Agenda Report No. 10.d.

SPM Morrell gave the synopsis of the workshop findings.

MOTION: CM Vail / CM Scardino to approve the updated projects and allocations of ARP money per the 6/13/2022 workshop.

Just look at the existing paved streets.

Vote: All Ayes.

CM Rivet asked Atty Bohne – does issue with Special Magistrate affect pursuing the foreclosure on the code enforcement issue on Faber property. Atty said no, it has been published in both the Brevard County and Broward County and he is just waiting for the time to expire.

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: none.

CM Rivet: none.

CM Hofmeister: none

CM Scardino: none

Mayor Reilly: SCLC Board voted for two new representatives on the FLC. Got two new representatives: Sarah Stoeckel of Titusville and Mindy Gibson from Satellite Beach.

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 9:00 P.M.

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

ATTEST:

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

Date Approved: 07/18/2022