

**MALABAR TOWN COUNCIL
REGULAR MEETING MINUTES**

October 17th, 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 7:00 pm. CM Scardino led P&P.

2. ROLL CALL:

CHAIR:

MAYOR PATRICK T. REILLY

VICE CHAIR:

STEVE RIVET – Arrived 7:05

COUNCIL MEMBERS:

MARISA ACQUAVIVA-EXCUSE

BRIAN VAIL

DAVID SCARDINO

MARY HOFMEISTER

TOWN MANAGER:

MATT STINNETT

TOWN ATTORNEY:

KARL BOHNE

SPECIAL PROJECTS MANAGER:

LISA MORRELL

TOWN CLERK:

RICHARD KOHLER

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

4. TREASURER INTERVIEWS

a. Virginia K. Raftery

- i. Interview begins at 7:05 PM. CM Scardino asked Ms. Raftery about her experience in the position. Ms. Raftery explained she has been in the financial side of Government for municipal government since 2001. CM Scardino asks about her computer expertise. She stated she uses technology to work every day. CM Scardino asks about the size of her current town. Ms. Raftery stated it is about 8,000 people and a \$6 million budget. CM Hofmeister asked if the applicant is familiar with the area? Ms. Raftery states she live here in the past and would be excited to return to the area. CM Hofmeister asks if there would be anything holding her back in NJ? Ms. Raftery states just giving her current employer two weeks. CM Rivet asks what she could bring from her old position to Malabar? Ms. Raftery explained some of the minor differences between NJ and FL Govt work, but that she has researched Malabar and is confident she can handle the job. CM Vail asks about her long-term plans. Ms. Raftery states she plans to be here for a long time. CM Hofmeister asks Ms. Raftery if hurricanes would scare her away? Ms. Raftery states she lived here before and she is no stranger to them. SPM Morrell states the TRIM and budget systems are different. CM Scardino asks Ms. Raftery how many employees work at her current municipality. Ms. Raftery stated there are 12 in the Town Hall, but about 100 total. CM Scardino states Malabar is small, and that will lead to more responsibilities. CM Vail states someone in this position will have to wear several hats. CM Hofmeister asks how COVID affected her work? Ms. Raftery stated she still went to work, but they made changes to allow work to continue. Ms. Raftery asks if we have a time frame on when we will be deciding soon. CM Scardino states soon. Ms. Raftery states she is also available for a personal interview if required. Council then thanked Ms. Raftery for her time and ended the interview.

CM Scardino states the applicant seems well rounded. Coming from a bigger city provides her additional experience. CM Vail states she expressed a willingness to work as a team, which is a big plus. CM Scardino is impressed with her government experience. SPM Morrell states government experience is a big pro.

MOTION: CM Scardino/ CM Rivet move to hire Ms. Raftery.

Discussion: CM Scardino states she is coming from a small city. CM Hofmeister states the new applicant, Mr. Davis should be interviewed. CM Hofmeister states we should interview all available applicants. CM Vail suggests interviewing Mr. Davis.

Mayor calls a 5 Minute Recess to review Mr. Davis's application.

CM Scardino states the new applicant has no government experience. We should take the opportunity to hire someone who wants to be here in a tough job market. CM Hofmeister states Ms. Raftery was her first choice, but we should interview Mr. Davis. He is local and has computer and accounting experience. CM Rivet states the lack of government experience excludes him. We should take the experienced applicant while we can. CM Hofmeister states her confusion with why we won't interview the new applicant. CM Rivet states we seem to have found a good applicant, and the new applicant does not have government experience. CM Hofmeister believes we should interview all applicants.

Mayor Calls the question.

Motion carries 3-1. (Hofmeister Nay)

SPM Morrell states staff can offer the position and discuss next steps. Key points would be salary requirements, moving times and start times. CM Scardino suggests calling her now to tell her. CM Vail suggests letting her talk with staff. CM Scardino suggests SPM Morrell negotiate.

MOTION: CM Scardino/CM Vail move to name SPM Morrell the main point of contact until negotiations.

Motion Carries (4-0).

b. Julianne Pelletier

- i. Declined Interview (10/17/2022)

c. Anissa Calhoun

- i. Declined Interview (10/04/2022)

d. Chris Quirk

- i. Did not respond to attempts to schedule interview.

e. Jon E. Davis (New Applicant)

- i. CM Scardino suggests interviewing Applicant. Motion Scardino/Vail 3-0. After interviewing Ms. Raftery, Council decided to decline an interview with Mr. Davis based on his lack of Government experience.

5. CONSENT AGENDA:

5.a. Approve Minutes of the Rescheduled Final Budget Hearing and the RTCM of 10/03/2022

5.b. Brevard County Stormwater Program Interlocal Agreement Contract Renewal

5.c. Third Amendment for Stormwater Education and Outreach Interlocal Agreement

MOTION: CM Vail / CM Scardino to approve Consent Agenda. Vote: All Ayes (4-0).

- 6. ATTORNEY REPORT:** Today was day 1 of the Painted Acres trial. Mr. Noah informed him day 1 went very well. We will present our case now. Mayor Reilly did an excellent job. Once the expert witnesses are heard, written closing statements will be provided to the court. CM Rivet asks about the Agricultural exemption for the EELs program. Atty states that the property appraiser's office has kept this from happening. It was a hail Mary from the county. We are monitoring, but not taking any further action on this issue.

7. STAFF REPORTS:

7.a. Town Manager – TM Stinnett states he is still actively seeking public works employees. We have received no applications. Spoke with Chief Foley, who is hoping to return to work after November 7th. CM Scardino asks if we offer higher wages will it help? TM explains other cities and the county are having the same issue.

7.b. Special Projects Manager – Went over written report. (Attached to minutes) Requests Council allow staff to perform a fundraiser to purchase lift bags and an ATV with a trailer for trail rescue. Consensus reached in agreement.

7.c. Town Clerk – Beginning stages of the 21/22 FY audit are underway. Staff has provided numerous documents requested by the auditors. We will be receiving the first batch of scanned boxes from the record scanning project. 53 boxes of mostly building department related records. This is the completion of the first of many steps to digitizing our Town records.

8. 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.

9. PUBLIC HEARINGS / SPECIAL ORDERS: 0

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

11. ACTION ITEMS:

ORDINANCES: 0

RESOLUTIONS: 5

MISCELLANEOUS: 2

11.a. Recognizing Florida Municipal Government Week (Resolution 22-2022)

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; RECOGNIZING FLORIDA MUNICIPAL GOVERNMENT WEEK, OCTOBER 17TH TO OCTOBER 23RD, AND ENCOURAGING ALL CITIZENS TO SUPPORT THE CELEBRATION AND CORRESPONDING EVENTS.

Exhibit: Agenda Report Number 12a

Resolution read by title only.

MOTION: CM Rivet / CM Hofmeister to adopt Resolution 22-2022.

Discussion: None

ROLL CALL VOTE: CM Hofmeister, Aye; CM Acquaviva, EXCUSED; CM Vail, Aye; CM Rivet, Aye; CM Scardino, Aye. Motion carried 4-0.

11.b. Appoint Joanne M. Korn to Board of Adjustment (Resolution 23-2022)

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE APPOINTMENT OF JOANNE M. KORN TO THE MALABAR BOARD OF ADJUSTMENT AS A REGULAR MEMBER; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report Number 11b

Resolution read by title only.

MOTION: CM Vail / CM Scardino to adopt Resolution 23-2022.

Discussion: None.

ROLL CALL VOTE: CM Acquaviva, EXCUSED; CM Vail, Aye; CM Rivet, Aye; CM Scardino, Aye; CM Hofmeister, Aye. Motion carried 4-0.

11.c. Appoint Katie Abare to Board of Adjustment (Resolution 24-2022)

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE APPOINTMENT OF KATIE ABARE TO THE MALABAR BOARD OF ADJUSTMENT AS A REGULAR MEMBER; PROVIDING FOR REPEAL OF RESOLUTIONS

OR PARTS OF RESOLUTIONS IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: **Agenda Report Number 11c**

Resolution read by title only.

MOTION: CM Hofmeister / CM Vail to adopt Resolution 24-2022.

Discussion: None.

ROLL CALL VOTE: CM Vail, Aye; CM Rivet, Aye; CM Scardino, Aye; CM Hofmeister, Aye; CM Acquaviva, EXCUSED. Motion carried 4-0.

11.d. Appoint Barbara Cameron to Trail and Greenways Committee (Resolution 25-2022)

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE APPOINTMENT OF BARBARA CAMERON TO THE MALABAR TRAILS AND GREENWAYS COMMITTEE AS AN ALTERNATE MEMBER; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: **Agenda Report Number 11d**

Resolution read by title only.

MOTION: CM Hofmeister / CM Scardino to adopt Resolution 25-2022.

Discussion: None.

ROLL CALL VOTE: CM Rivet, Aye; CM Scardino, Aye; CM Hofmeister, Aye; CM Acquaviva, EXCUSED; CM Vail, Aye. Motion carried 4-0.

11.e. Appoint David Scott Taylor to the Planning and Zoning Board (Resolution 26-2022)

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE APPOINTMENT OF DAVID SCOTT TAYLOR TO THE MALABAR PLANNING AND ZONING BOARD AS A REGULAR; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: **Agenda Report Number 11e**

Resolution read by title only.

MOTION: CM Hofmeister / CM Vail to adopt Resolution 26-2022.

Discussion: Mr. Taylor states he is looking forward to contributing to the Town.

ROLL CALL VOTE: CM Scardino, Aye; CM Hofmeister, Aye; CM Acquaviva, EXCUSED; CM Vail, Aye; CM Rivet, Aye. Motion carried 4-0.

MISCELLANEOUS: 0

11.f. Piggy-back Contract – Plan Review and Building Inspector Services, IFB # 09-0-2021, City of Palm Bay, CAP Government, Inc.

Exhibit: **Agenda Report Number 11f**

Staff Comments: TM Stinnett began by providing a little background history. We have worked with one company, but it hasn't been a good fit.

Motion: CM Scardino / CM Hofmeister to approve Town Staff to Piggy-back the contract with CAP Government, Inc.

Discussion: None

Vote: All Ayes (4-0)

11.g. Procurement of BS&A Accounting Software

Exhibit: **Agenda Report Number 11g**

Staff Comments: TM Stinnett explained this is a growing need. QuickBooks is not a government software. BS&A has a good software, and they provide the software to several cities in Brevard County.

Motion: CM Hofmeister / CM Rivet to approve Town Staff to enter a contract with BS&A to provide the Town's accounting software.

Discussion:

Vote: All Ayes (4-0)

Chair excuses Attorney

12. DISCUSSION / POSSIBLE ACTION: 0

12.a. Limited Manufacturing in Certain Zoning Districts (CM Scardino)

Exhibit: Agenda Report Number 12a

Discussion: CM Scardino began by explaining to Council he sees light and limited manufacturing as environmentally detrimental. He is glad to see that there are environmental protections included in the proposed code. He believes with enough restriction; we can mitigate pollution. Mayor Reilly states that this item is in front of the Planning and Zoning Board now. CM Vail states this is so important because the Jordan Scrub removed most of the Town's industrial area. He supports additional manufacturing in residential areas. SPM Morrell provided more insight into the P&Z discussions. CM Rivet states his biggest concern is how this will affect residents. He doesn't want to see the rural atmosphere of our town destroyed by noise, light, and water pollution. CM Vail agrees that light pollution is a key issue. SPM Morrell offered sending P&Z minutes about this issue to Council.

12.b. Sign Code Update to Planning and Zoning Board (CM Scardino)

Exhibit: Agenda Report Number 12b

Discussion: CM Scardino began by stating he noticed people are putting up landscaping signs, and they are not covered by our building code. SPM Morrell states the building official states it is not a structure. CM Scardino states it is advertising and should be permitted. CM Vail referenced Camelot and Palm Bay. CM Scardino states the Elholiem Church sign should have been permitted. Mayor Reilly states the Planning and Zoning board reviewed the sign ordinance recently. It was deemed that landscaping was not a sign based on the Atty, Planning and Zoning Board, and a prior Council. CM Scardino states the sign he is discussing is made out of wood and has supports in the ground. SPM Morrell states the building code deems that landscaping, not a sign. CM Hofmeister states the Planning and Zoning board worked tirelessly to define the sign code. Mayor suggests Town Staff research if the sign should have had a building permit. SPM states Staff will look into it and provide additional info for council.

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

14. REPORTS – MAYOR AND COUNCIL MEMBERS

CM Acquaviva: Excused

CM Vail: None.

CM Rivet: None.

CM Hofmeister: Stated there will be more people out running and biking, and drivers should be aware and courteous.

CM Scardino: None.

Mayor Reilly: States he missed the meeting where Council decided to do reviews and asks if anyone had completed one. None have been submitted.

14. ANNOUNCEMENTS: (2) Vacancy on the Planning & Zoning Board.

15. ADJOURNMENT: There being no further business to discuss and without objection, the meeting was adjourned at 8:02 P.M.

BY: Original Signed

Mayor Patrick T. Reilly, Council Chair

ATTEST:

Original Signed
Richard Kohler
Town Clerk

Date Approved: 11/7/2022