

**MALABAR TOWN COUNCIL
REGULAR MEETING MINUTES
November 7th, 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 Rivet 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 ATTORNEY:

KARL BOHNE-Via Phone

SPECIAL PROJECTS MANAGER:

LISA MORRELL

TOWN CLERK:

RICHARD KOHLER

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

4. CONSENT AGENDA:

4.a. Approve Minutes of 10/17/2022 RTCM

4.b. Consideration to Award – ITB 22-01 Renovation of Malabar Community Park Restroom Facility

MOTION: CM Vail / CM Acquaviva to approve Consent Agenda. Vote: All Ayes (5-0).

5. ATTORNEY REPORT: Closing statements for the Painted Acres case are due Thursday, November 10th.

6. BSCO REPORT:

7. Board/Committee Reports:

7.a. T&G Committee – Written report provided.

7.b. Parks and Recreation Board - None

7.c. Planning and Zoning Board - None

8. STAFF REPORTS:

8.a. Town Manager – Matthew Stinnett – Several complaints about the waste pick up, and we have communicated it to Waste Pro. They stated they will work this week to get the remainder before Nicole hits. We have been working the Sherriff's Office to deal with homeless and vagrancy in our parks. Rivet Lane plans should be ready by the end of the month. He has provided Council with some information on the Public Works salaries. Chief Foley will be back to work on Monday.

CM Acquaviva asked if applicants require a CDL for Public Works. TM explains that a CDL would be ideal. HEO will operate the big equipment, while the medium will mostly drive the dump truck, requiring a Class B CDL.

8.b. Special Projects Manager – Lisa Morrell – Provided Written Report (Attached to minutes)

8.c. Town Clerk – Richard Kohler – Reminded to everyone that tomorrow, November 8th is election day, and encouraged everyone to vote. Also reminded Council of the 7 PM meeting this Thursday, November 10th to confirm the results of this year's election. Additionally, tomorrow we will be posting the position of Deputy Clerk/Treasurer to Government Jobs .com

8.d. Acting Fire Chief Joseph Hooker – None

8.e. Public Works Director – Written Report

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 / SPECIAL ORDERS: 1

10.a. PUBLIC HEARING – Multiple Vacate Requests within Section 11, Melbourne Heights Subdivision (SD) Section “E” east of Corey Road. (Resolution 19-2022)

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; PROVIDING FOR THE VACATE OF THREE FIFTY (50) FOOT-WIDE UNIMPROVED PLATTED RIGHTS-OF-WAY ABUTTING PARCELS 29-37-11-75-22-1 AND 29-37-11-75-19-1 IN SECTION “E” MORE SPECIFICALLY KNOWN AS HENBANE STREET, NASSAU STREET AND COLORADO AVENUE AND DESCRIBED HEREIN; 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 Number 10a

Resolution read by title only.

Chair called on Applicants to speak.:

Cliff Ager, 1505 Moss Rose, is looking to remove the ROW around their house for personal use, citing that the properties around him have been granted vacates as well.

Pat Picornell, 1500 Delaware Ave, is looking to have land Vacated. It will create no land locked properties and would fit in with other vacates in the area.

Chair asked for staff comments.

PH Open: Fritz Braun, 1505 Delaware Ave, here to support the request. Greg Massey, 1455 Moss Rose, here to support the request.

PH Closed.

MOTION: CM Vail / CM Scardino to adopt Resolution 19-2022.

Discussion: Mayor asked TM to explain that there is still access to the western properties.

TM Confirms.

ROLL CALL VOTE: CM Rivet, Aye; CM Scardino, Aye; CM Hofmeister, Aye; CM Acquaviva, Aye; CM Vail, Aye. Motion carried 5-0.

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

12. ACTION ITEMS:

ORDINANCES for FIRST READING: 1

RESOLUTIONS: 1

MISCELLANEOUS: 0

12.a. 1st READING - Fiscal Year 2021-2022 Budget Amendment (Ordinance 2022-10)

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PERTAINING TO A BUDGET AMENDMENT IN THE FISCAL YEAR 2021/2022 TO PROVIDE FOR ACTUAL REVENUES RECEIVED; PROVIDING FOR THE UNSPENT BUDGETED FUNDS DUE TO REDUCED EXPENDITURES; PROVIDING DIRECTION TO DELEGATE SUCH EXCESS FUNDS TO DESIGNATED RESTRICTED RESERVES FOR BUILDING DEPARTMENT USE, STORMWATER USE; PROVIDE FOR THE DEPOSIT INTO RESERVES FOR VEHICLE REPLACEMENTS AS BUDGETED IN THE FIRE AND STREETS AND ROADS DEPARTMENTS AND PAVING RESERVES; PROVIDING THE SHIFTING OF UNSPENT MONIES BETWEEN DEPARTMENTS TO BALANCE THE EXPENDITURES; PROVIDING REMAINING EXCESS FUNDS TO

RESERVES ON DEPOSIT; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: **Agenda Report Number 12a**

Ordinance read by title only.

Chair asks for Staff comments. SPM Morrell stated that this was an expanded budget due to ARPA. We are cleaning up the budget and will show what remains for fund balance. This is the first reading. There may be some changes before the next reading, but not much.

MOTION: CM Rivet / CM Hofmeister to adopt Ordinance 2022-10 (1st Reading).

Discussion: None

Roll Call Vote: CM Scardino, Aye; CM Hofmeister, Aye; CM Acquaviva, Aye; CM Vail, Aye; CM Rivet, Aye. Motion Carries 5-0.

RESOLUTIONS: 1

12.b. Appoint Meghan Wolfgram to the Planning and Zoning Board (Resolution 28-2022)

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; PROVIDING FOR THE APPOINTMENT OF MEGHAN WOLFGAM TO THE MALABAR PLANNING AND ZONING BOARD AS AN ALTERNATE MEMBER; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HERE WITH; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: **Agenda Report Number 12b**

Staff Comments:

Motion: CM Hofmeister/ CM Acquaviva to approve Resolution 28-2022.

Discussion: None

Roll Call Vote: CM Hofmeister, Aye; CM Acquaviva, Aye; CM Vail, Aye; CM Rivet, Aye; CM Scardino, Aye. Motion Carries 5-0.

13. DISCUSSION/POSSIBLE ACTION

13.a. Contract Negotiations Treasurer Virginia Raftery

Exhibit: **Agenda Report Number 13a**

Discussion: Mayor explained that someone from Council will need to negotiate a contract with the applicant. CM Scardino volunteers.

Motion: CM Scardino/ CM Hofmeister to appoint Council Member Scardino to negotiate an employment contract with Virginia Raftery.

Discussion:

Vote: All Ayes (5-0)

13.b. Town of Malabar Lobbyist Status – Mayor Reilly

Exhibit: **Agenda Report Number 13b**

Discussion: Mayor explained that he brought this forward so that it could close. TM Stinnett provided a final report. Does Council wish to pursue this any further? CM Scardino states he believes we will spend more money trying to recoup the 5k. Atty agrees.

13.c Create a restricted fund for Streets and Roads – CM Scardino

Exhibit: **Agenda Report Number 13c**

Discussion: CM Scardino explained that he wishes to protect the additional revenues gathered from the tax increase. He wants to protect from future Councils misusing those funds. He suggests a resolution that sets parameters for when it is used. Mayor asks SPM Morrell is we can create a unique line item for this? SPM Morrell states there is already line item in the budget designated for it, but we can create additional protections. CM Acquaviva states she supports it. CM Scardino states it will require a future Council would have to tell the residents and vote to change this. CM Vail states

he told residents the majority of the tax increase will improve roads. He supports it. CM Acquaviva reiterates her support. CM Hofmeister states it will hold future Councils accountable. CM Rivet states he supports it because it makes it easier for residents to see where their money goes. SPM Morrell states we should see revenues soon, but we likely have a few months before it starts coming in.

MOTION: CM Scardino /CM Rivet to direct Staff to draft a resolution restricting the spending of increased funds. All Ayes (5-0)

Mayor Reilly states he wishes to create a committee to investigate and tier our roads for repair, and he suggests CM Rivet to be the head. CM Acquaviva asks how that would work? Mayor states that he will work with Staff and the engineering firm to provide recommendations to Council. CM Vail reiterates that this would be paving related only. TM Stinnett suggests creating a committee with himself, the engineer and CM Rivet.

Chair excuses Attorney

- 14. PUBLIC COMMENTS: General Items (Speaker Card Required)**
- 15. REPORTS – MAYOR AND COUNCIL MEMBERS**

CM Acquaviva: Thanked Steve for all his years of service. She has learned a lot and has a lot of respect for him.

CM Vail: Stated he has served with Steve on and off since 2002. We have always worked well together, and he appreciates all his dedication to our Town.

CM Rivet: States it has been an honor and excellent learning experience. He has developed an incredible appreciation to all the people he has been connected to with the Town. Thanks everyone for the years of good memories.

CM Hofmeister: Thanked Steve for all his years of service. He is a huge asset to our community.

CM Scardino: Thanked Steve for his years of service. Asked about Thursday Nights meeting. Staff stated we will monitor the issue but are not expecting to have reason to delay.

Mayor Reilly: Thanked Steve for his years of service. It has been a pleasure to work with you. Mayor also presented staff with a certificate of appreciation for being a member of the Palm Bay Chamber of Commerce for 25 years. He also noted a comment from Citizens for spotted lantern flies. Mayor also states that he has heard complaints from Council not answering emails and phone calls from residents. Not stating names, just wanted to make Council aware.

- 14. ANNOUNCEMENTS: (1) Vacancy on the Planning & Zoning Board; (1) Vacancy on the Parks & Recreation Board; (1) Vacancy on Board of Adjustment.**
- 15. ADJOURNMENT:** There being no further business to discuss and without objection, the meeting was adjourned at 8:12 P.M.

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

ATTEST:

Richard W. Kohler
Richard Kohler
Town Clerk

Date Approved: 11/21/2022