

**MALABAR TOWN COUNCIL
REGULAR MEETING MINUTES
December 5th, 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 Hofmeister led P&P.

2. ROLL CALL:

CHAIR:	MAYOR PATRICK T. REILLY
VICE CHAIR:	DAVID SCARDINO
COUNCIL MEMBERS:	MARISA ACQUAVIVA (Excused)
	BRIAN VAIL
	JIM CLEVENGER (Excused)
	MARY HOFMEISTER
TOWN MANAGER:	MATT STINNETT
TOWN ATTORNEY:	KARL BOHNE
SPECIAL PROJECTS MANAGER:	LISA MORRELL
TOWN CLERK:	RICHARD KOHLER
FIRE CHIEF:	MIKE FOLEY (Arrived 7:33)

- 3. APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES:** Clerk Kohler requests to add "Reschedule January Meetings due to New Year's Day and Martin Luther King Jr. Day." as agenda item 12c.

Mayor Reilly requests the attorney's report be moved to after 12c.

4. CONSENT AGENDA:

4.a. Approve Minutes of 11/21/2022 RTCM

4.b. Approve 2023 Holiday Schedule

4.c. Cancel December 19th, 2022, RTCM

MOTION: CM Scardino / CM Hofmeister to approve Consent Agenda. **Vote:** All Ayes (3-0).

- 5. ATTORNEY REPORT:** Moved to after Agenda Item 12c.

- 6. BSCO REPORT:** None

7. Board/Committee Reports:

7.a. T&G Committee – Chair Thompson provided a written report (attached to minutes)

7.b. Parks and Recreation Board - None

7.c. Planning and Zoning Board - None

8. STAFF REPORTS:

8.a. Town Manager – Matthew Stinnett – Informed Council that the Governor DeSantis has requested assistance from FEMA, and it may assist on Rocky Point Road. He has contacted an engineering firm to look at the area, and we hope to have a proposal for the January Meeting. We would like to have Town Hall closed between Christmas and New Year's. We have our first vision zero meeting on the 13th, and the TAC schedule is before you for 2023. We also had a new PW employee start today.

8.b. Special Projects Manager – Lisa Morrell – Provided an annual report in the agenda. Keep in mind, ARPA funds must be spent by 2026.

8.c. Town Clerk – Richard Kohler – Thanked everyone for attending the Christmas Tree lighting. The posting for Deputy Town Clerk closes in three days, and we have received 6 applications. Staff was able to consolidate the offsite storage down to one unit, with considerable monthly savings. As this is the last Council Meeting before the holidays, I wish you all a happy holiday spent with family.

8.d. Fire Chief– Chief Foley stated there were 57 calls in November and gave specific statistics. ESO is almost complete. The hydrant on the corner of Malabar and Weber, and we

are scheduled to have it repaired this month in coordination with Palm Bay Utilities. Council welcomed Chief back.

8.e. Public Works Director – Written Report

8.f. Treasurer Monthly Budget Report – SPM Morrell stated she provided Council with a YTD update and will answer any questions.

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: 0

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

12. ACTION ITEMS:

ORDINANCES for FIRST READING: 0

RESOLUTIONS: 0

MISCELLANEOUS: 2

12.a. Request by Don Foley to contract or deannex property from the Town of Malabar.

Applicant: Mr. Don Foley

Exhibit: Agenda Report Number 12a

Discussion: Applicant Mr. Foley 3851 Atlantic Ridge, Grant. He is the owner of Berri Patch, and for the last 10 years they have been trying to build an Assisted Living Facility. They currently have no tax base with the Town due to a state exemption. The property gets its utilities from Palm Bay. He is asking to be released so he can go to either the County or Palm Bay. There will be no relation to any other Malabar properties. Malabar has not let him develop the property for urban purposes. We think an ALF would be the highest and best use for the property.

Staff Comments: Atty Bohne states that State Statutes requires us to proceed with a feasibility study. We have 6 months to conduct this study. Staff can conduct this study. Staff requests council directs

Motion: Vail/Scardino to direct Staff be begin a feasibility study.

Vote: (3-0) All Ayes

12.b. Approve Temporary Placement of a Travel Trailer While Constructing SFR at 2060 Howell Lane.

Applicant: Ms. Debby Butler

Exhibit: Agenda Report Number 12b

Staff Comments: Ms. Butler could not attend tonight's meeting due to her work schedule. She has submitted all the necessary documents and has agreed to pay the \$500.00 bond upon approval of her request tonight.

CM Hofmeister noted the application has 2060 Malabar Lane. Staff will have the applicant correct the form before final approval.

Motion: CM Vail / CM Scardino to approve Temporary Placement of Travel Trailer While Constructing SFR at 2060 Howell Lane.

Discussion:

Vote: (3-0) All Ayes

12.c Reschedule January Meetings due to New Year's Day and Martin Luther King Jr. Day. (Added during Additions/Deletions/Changes)

Exhibit: Agenda Report Number 12c

Staff Comments: Secretary Kohler informed Council that Town Hall will be closed on the first and third Mondays of January, which is our regularly scheduled meeting dates. Staff recommends shifting the meetings to the second and fourth Mondays of the month for January.

Discussion: CM Vail states we usually have the second meeting of January as needed; will we require one this year? Staff responds that we can decide at the first meeting. Attorney Bohne states he will be unavailable for these nights, but he may be able to attend by phone is required.

Motion: CM Vail/ CM Scardino to approve the amended meeting schedule.

Vote: (3-0) All Ayes

Attorney's Report (Moved during Additions/Deletions/Changes) – On 11/29/2022 the Judge entered a favorable litigation for the town in the Painted Acres case. Now we can recover our losses from the other side. He requests a motion to proceed with Mr. Noah's firm to recover the fees.

MOTION: CM Scardino/ CM Hofmeister Move to direct Mr. Noah to move forward in recovering those fees.

Vote: (3-0) All Ayes

There is also a summary judgement for the Faber case on Monday.

13. DISCUSSION/POSSIBLE ACTION

Chair excuses Attorney

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

CM Acquaviva: None

CM Vail: Thanked everyone for coming to the Tree lighting. It was a good event. Also informed Council that the Brush Truck is making a lot of progress and will likely pump water this weekend. Resident Chris Peters was very helpful.

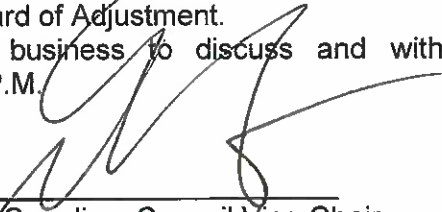
CM Clevenger: None

CM Hofmeister: Merry Christmas!


CM Scardino: None

Mayor Reilly: Thanked Staff for their work at the tree lighting event and wished everyone a merry Christmas.

14. ANNOUNCEMENTS: (1) Vacancy on the Planning & Zoning Board; (2) 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 7:56 P.M.

BY: 
David Scardino, Council Vice-Chair

ATTEST:


Richard Kohler
Town Clerk

Date Approved: 01/09/2022