

**MALABAR TOWN COUNCIL  
REGULAR MEETING MINUTES  
March 6<sup>th</sup>, 2023, 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

BRIAN VAIL

JIM CLEVINGER

MARY HOFMEISTER

TOWN MANAGER:

MATT STINNETT

TOWN ATTORNEY:

KARL BOHNE

SPECIAL PROJECTS MANAGER:

LISA MORRELL

TOWN CLERK:

RICHARD KOHLER

FIRE CHIEF:

MIKE FOLEY

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

**4. PROCLAMATIONS/PRESENTATIONS**

**4.a. Irish American Heritage Month**

**Discussion:** Mayor Reilly read the Irish American Heritage Month Proclamation into the record.

**4.b. American Red Cross Month**

**Discussion:** Mayor Reilly read the American Red Cross Month Proclamation into the record. Ms. LaTonya Daniel of the American Red Cross accepted the proclamation. Ms. Daniels thanked the Town for its proclamation, and states they are looking forward to working in our community. They have several training initiatives and support programs that can assist residents in our area. She encouraged anyone with questions to contact her or her organization.

**4.c Business of Month**

**Discussion:** Mayor Reilly invited TM Stinnett, SPM Morrell, and TC Kohler to the podium to accept the Palm Bay Chamber of Commerce Business of the Month Award.

**5. CONSENT AGENDA:**

**5.a. Approve Minutes of 2/06/2023 RTCM**

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

**Discussion:** None

**Vote:** All Ayes (5-0).

**6. ATTORNEY REPORT:** Atty Bohne stated that he has communicated with Florida Gas Pipeline and advised that the Town would not sign the agreement. FI Gas was under the misunderstanding that the Town was improving the road. They stated they would contact the Homeowner directly to resolve.

The Attorney and TM were able to purchase the Faber property with less than Council approved. The property should be ours soon.

The motion to abate in the EELs issue was approved. The next step is the required pre-suit mediation. The County has also tried to file an agricultural exemption. That was successfully refuted under a potential conflict.

Mayor Reilly asked when the locks would come down. Atty states he does not have the answer. Mayor states they have been up for over a year, and should be removed ASAP. Atty states it is part of the process.

7. **BSCO REPORT:** Deputy stated there were 336 calls for service last month. They have noticed an increase in speeding in our area. There has been an influx of stolen vehicles in our area. Pass on the "See something Say Something" mantra.  
CM Acquaviva asked about the rerouting of traffic through Town. Are the deputies aware of the influx that brought? Deputy states that is out of their control, as 95 is a major roadway. CM Vail stated he traveled Weber Road recently and someone flew past him.  
Michelle Massey asked if the trespassing was related to a specific event? Deputy states he is unaware of the specifics of the report.
8. **Board/Committee Reports:**
  - 8.a. **T&G Committee – Chair Drew Thompson** gave a brief update on the SCTPO South Brevard Trails Master Plan meeting that took place at Malabar Town Hall on Thursday March 2<sup>nd</sup>. Representatives from Palm Bay, Grant Valkaria, Malabar, the Space Coast Transportation Planning Organization, and several outside contractors were in attendance. The main goal is planning for connectivity. He also thanked the Town for the extended work at the Eagles Nest Trailhead. The Trails and Greenways Committee will be having a trail day this Friday, and the next meeting is scheduled to take place on March 27<sup>th</sup>. At that meeting, he would like to discuss any way they can assist in the mediation about the MSS. He understands the difficulty of coordinating between the Committee and the Attorney but is looking forward to finding an appropriate avenue. CM Vail states he has heard from several residents that they are using the trails, and all enjoy them immensely.
  - 8.b. **Parks and Recreation Board – Written Report.**
  - 8.c. **Planning and Zoning Board – Written Report.**
9. **STAFF REPORTS:**
  - 9.a. **Town Manager – Matthew Stinnett** – TM Stinnett informed Council that FEMA canceled the site visit on Rocky Point Road and has been rescheduled for this Thursday. Our engineer has been working on plans. We have also received the initial report on the roads survey. That should be ready for the next meeting. SAI also submitted their final Storm Water Master Plan. CM Acquaviva states she was very happy to see the roads evaluation.
  - 9.b. **Town Treasurer – Lisa Morrell** – Written report included in agenda.
  - 9.c. **Special Projects Manager – Lisa Morrell** - Written report included in agenda. She also informed Council that the Park Restroom restoration may be working again at the end of this month. There is a cybersecurity grant she will be applying for. We did meet with Palm Bay to discuss water expansion. Palm Bay's engineering will be utilized for the plans. The risk factor is expending the ARPA funds by 2026.
  - 9.d. **Public Works Director** – Written Report included in agenda.
  - 9.e. **Fire Chief – Mike Foley** – Written Report provided to Council. Chief gave a brief overview of the monthly statistics. The ESO is up and running, and it is great! Special thanks to SPM Morrell. Mach Alert is also up and running. Lifepack was delivered and is in use. He did promote a driver to a Lt and is in the process of hiring a new driver.
  - 9.f. **Town Clerk – Richard Kohler** – Written report included in agenda. Gave a brief verbal update of staff issues, training attended, and the SCLoC dinner scheduled for March 13, 2023.
10. **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.****Speaker:** None**11. PUBLIC HEARINGS / SPECIAL ORDERS:****11.a Vacate Correction Resolution 02-2023**

**A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, AMENDING RESOLUTION 19-2022; CORRECTING ERRORS IN THE DESCRIPTION OF THE AMOUNT OF RIGHT-OF-WAY BEING VACATED; 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.**

Clerk Kohler stated that the initial application was accepted without the required surveys of the area to be vacated. One of the residents affected by this had a survey done of the area after Resolution 19-2022 was recorded, and the surveyor noted several errors in the lengths provided in the original resolution. This resolution corrects the inaccuracies found in Resolution 19-2022.

**Public Hearing Open:** No Comments.

**Public Hearing Closed**

**MOTION:** CM Scardino/CM Hofmeister move to approve Resolution 02-2023.

**Discussion:** CM Acquaviva asked why this happened? TC Kohler explained that the applications were accepted without proper surveys. Resident Ager stated there was a survey submitted.

**ROLL CALL VOTE:** CM Vail, Aye; CM Clevenger, Aye; CM Scardino, Aye; CM Hofmeister, Aye; CM Acquaviva, Aye. Motion Carries 5-0.

**12. UNFINISHED BUSINESS/GENERAL ORDERS MAY INCLUDE ITEMS DIRECTLY RELATED TO TOWN APPOINTED BOARDS/COMMITTEES: 0****13. ACTION ITEMS:**

**ORDINANCES for FIRST READING: 0**

**RESOLUTIONS: 0**

**MISCELLANEOUS: 2**

**13.a. Direction on Park Reservation Policy**

Chair asked TM Stinnett to introduce this item. TM Stinnett stated we have had several requests for use of the park. The current code is very vague in this area. We would like to revisit the code and clarify some of the issues. We received several applications from one applicant. We did not approve any past the first year. Staff would be willing to look at it and bring it back to Council. CM Hofmeister states historically, Malabar Soccer has been very involved. That group helped develop the field. Every town seems to have their own soccer program, except for Malabar. We got swallowed up by a bigger organization. She believes the code should be reworked, but it was originally set up as a soccer field. CM Acquaviva states the Code is lacking. Staff needs more authority to correct this. CM Scardino agrees with CM Acquaviva. Mayor Reilly states Soccer is a year-round sport, whereas Football is a seasonal sport. CM Vail states there should be a standard. Neighboring communities have had similar issues. He is confident our Staff can find a way to make this more understandable and clear. We built this park for our community, and groups that include our community should receive preference. CM Hofmeister states that the younger kids play at the soccer field. CM Acquaviva states the issue is the long-term commitments. Mayor Reilly states he believes it should be a soccer field, and he would like to see that Malabar kids are on the team. CM Vail suggests staff do research and bring it back to us. **Ms. Massey, 1455 Moss Rose.** Parent of 2 kids who are growing up in Malabar Soccer. Our club was absorbed in Brevard Soccer due to mismanagement. There are several Malabar centered teams in the Brevard Soccer Alliance. We have been forced out of our home field. We are currently practicing

at Fred Poppe Park. The team her kids are a part of has 7 families from Malabar and Grant/Valkaria. They were also undefeated last year.

**Mr. Van Buren, President of BSA.** They were approached by Malabar soccer to take over the group. Most of the kids in the group are from families in our area. They would like to set a working agreement. It's designed as a soccer field. It is maintained as a soccer field. There has never been a written agreement between the Town and the league. We would love to have one. It will protect the field, and it will help the kids of our community. He doesn't want to hurt other programs, but he wants to promote Malabar sports to Malabar Families.

**Precious, Flag Football Player.** States when she initially inquired about the field, they were unaware it was just a soccer field. They are in the middle of our program, and she wants to know if her league will be interrupted.

TM Stinnett states the park has traditionally been first come, first serve. The Space Coast Flight applied first, so they got it first.

**Michael Fralin, Space Coast Flight President.** Flag football has been there for only a few months. They have noted the issues from the past football groups.

**MOTION: CM Scardino/ CM Vail move to approve reservations as submitted.**

TM Stinnett reminds Council that the reservations for the rest of the year have been approved. Staff is seeking direction on the reservations in 2024 and beyond. TM Stinnett confirms Council is uninterested in approving any reservations beyond this year. Council agrees, and CM Scardino/CM Vail rescind their previous motion.

**Motion Scardino/Vail to suggest changes to the Park Reservation Code.**

**Discussion:**

**Vote: 5-0 (All Ayes)**

### **13.b. Organization Chart and Town Hall Expansion**

Chair asked TM Stinnett to introduce this item. TM Stinnett stated there has been a lot of personnel discussions and there has been a lot of Council feedback. He has suggested the amended organization chart and an expansion of Town Hall using building department funds. We would like to build south and consolidate the offices to the back. We could then share staffers such as administrative assistants, or data entry clerks. He is looking for direction. CM Acquaviva states she loves what is presented. She thinks Town Hall is currently disjointed and would like to see it more organized. CM Vail states he believes this is a good plan. He supports consolidation the offices of Town Hall and creating more room for Council Chambers. The expansion will likely not affect the budget, as it will come from the Building Department surplus. As far as the positions and organization chart, the discussion should be about the position not the individual. Ms. Morrell may leave someday, and someone else must be able to fill the shoes as well. The division of duties should be clearly defined. He suggests letting staff keep working on the proposal and come back for final approval. CM Acquaviva states having the Town Manager involved in the rest of the office is very effective. If we have this, it will make our staff work together on a daily basis. It provides more structure. CM Scardino states he would like to see it move forward. TM Stinnett states there will be several decision points to be made by Council, such as Budget Amendments, and staffing changes. We may need to draft an ordinance to change staff positions. CM Vail states he does not see a big impact on the budget with these changes. CM Scardino states he believe it will create a more attractive destination for future employees. Mayor references the new Organization Chart, and requested who would do the Treasurer duties? TM states it would be in his office, an Assistant Town Manager. Mayor asks because we are in the process of hiring a treasurer, should we close the posting and advertise something else? TM Stinnett states we would hire an administrative assistant to start soon, and hopefully promote them up. Mayor asks for clarification on if we want a Treasurer. TM states the plan would not have a dedicated treasurer. CM Acquaviva states she feels this could be great. CM Vail states part of the duties would be to act as treasurer. It would be a duty of the position.

**MOTION: CM Scardino/CM Vail move to continue developing the proposal in the direction TM Stinnett is heading.**

**Discussion:** CM Hofmeister states she does not agree with the proposal and would like to hear from Ms. Morrell. She has done so much to assist the Town. CM Vail states he is in support of the title, but the duties would encompass all her responsibilities. CM Hofmeister states she would like to see more input. CM Acquaviva states this is not an issue of egos; we want to keep Ms. Morrell in a high-level role. CM Scardino states he believes that what TM Stinnett has laid out is more likely to be filled. CM Vail states our staff wears many hats. This plan fits that mold. We don't have the luxury of having a Clerk, a Treasurer, a Town Manager and an Assistant Town Manager. We have a good staff that works well together, and we should do what we can to keep them. CM Acquaviva doesn't think this would be a demotion for Ms. Morrell but would provide the high-level offices more staff to accomplish their goals. She believes this proposal fits the needs of the Town. CM Vail states he has watched the staff change over the years. He believes this is an excellent plan. Mayor Reilly recommends each CM have a one on one with Ms. Morrell. SPM Morrell states with this new plan, she would report to the Town Manager. That would mean CMs would have to talk to the Town Manager before her, as to properly follow the chain of command. She is also unsure what would happen with the Treasurer duties. Her feedback is that she would like to see the posting for the position. She states her current contract encompasses other duties as assigned. She believes there has been a lot of progress in the current model. She has enjoyed her time here, and likes to be productive, but it's the Council's town. CM Scardino states he believes Council agrees with expanding the building, and the org chart needs a little more work. CM Hofmeister wants to know how we can move forward. CM Acquaviva asks what he doesn't like about the org chart? CM Scardino states we can't find the position we post for now, so we should post for positions we can fill. Mayor states we have a short term and a long time issue. He believes we should continue to seek a treasurer, or assistance in that office. He again suggests each CM develop their own org chart, talk with staff, and discuss further at a future date. CM Acquaviva loves all of the work shown in this project. Mayor requested Ms. Morrell create a list to show all her duties, so Council can compare and create an effective position.

**Vote: All Ayes (5-0)**

**Chair excused the Attorney at this time.**

**14. DISCUSSION/POSSIBLE ACTION**

**15. PUBLIC COMMENTS: General Items (Speaker Card Required)**

**16. REPORTS – MAYOR AND COUNCIL MEMBERS**

**CM Acquaviva:** Happy St. Patrick's Day!

**CM Vail:** Stated there has been some extra progress at the ENT, and the food truck on the corner of Malabar and Weber is having a Friday dinner this week.

**CM Clevenger:** None

**CM Hofmeister:** None

**CM Scardino:** Noted people drive with excessive speeds all over, not just Malabar.

**Mayor Reilly:** SCLOC dinner Monday!

**17. ANNOUNCEMENTS:** (1) Vacancy on the Planning & Zoning Board; (2) Vacancy on the Parks & Recreation Board; (1) Vacancy on Board of Adjustment.

**18. ADJOURNMENT:** There being no further business to discuss and without objection, the meeting was adjourned at 9:11 P.M.

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

ATTEST:

Richard W. Kohler  
Richard W. Kohler  
Town Clerk

Date Approved: 03/20/2023