

**MALABAR TOWN COUNCIL  
REGULAR MEETING MINUTES  
April 3<sup>rd</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 Vail 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

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

**4. CONSENT AGENDA:**

**4.a. Approve Minutes of 3/20/2023 RTCM**

**4.b. C.A.P. Government Contract Extension**

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

**Discussion: None**

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

- 5. ATTORNEY REPORT:** States that phase one of the conflict assessment will take place next Monday here at Town Hall. That is a public meeting. He advises this is the first step of many. He also stated in 2016, Ms. Sorensen sued the Town for injuries allegedly received in a culvert. Recently, we received a summary judgement finding the contractor and the Town not liable for the injury. Our code puts the burden of maintenance of the culverts; therefore, the Town was not liable.

**6. BCSO REPORT - None**

**7. BOARD/COMMITTEE REPORTS**

**7.a T&G Committee – Chair Thompson** began by stating things are going well for the T&GC. There was a meeting of the SCTPO where the goals of connecting the communities of South Brevard were discussed. The T&GC wishes to have a second meeting to encourage community engagement here at Town Hall. Trails are all about connectivity and passing features along the way. We are excited to move forward with this project. He also informed Council that the Cameron Signage will be completed at an upcoming work day. The ENT is making lots of progress, and he specifically thanked CM Vail and TM Stinnett. We hope to make a lot of progress in the next few months.

Mayor Reilly asked for clarification on who will run the upcoming meeting. Atty states it will be a member of Town Staff, possibly TM Stinnett.

**7.b Parks & Recreation Board – Written Report**

**7.c Planning & Zoning Board – Written Report**

**8. STAFF REPORTS:**

**8.a. Town Manager – Matthew Stinnett** – TM Stinnett informed Council that there has been a vision zero meeting. He also stated that moving forward, he will perform reviews of the employees reporting to him.

**8.b. Town Treasurer – Lisa Morrell** – States Staff has been working towards completing the audit. She will provide a financial report at the next meeting. Additionally, late today an application came in for Town Treasurer.

Mayor Reilly requests the application be on the next agenda.

**8.c. Special Projects Manager – Lisa Morrell** – States Dane Contracting has continued work at Malabar Community Park Bathrooms. She expects the project to be completed within 2 weeks.

**8.d. Fire Chief – Mike Foley** – Written Report

**8.e. Public Works Director** – Written Report

**8.f. Town Clerk – Richard Kohler** – 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.**

**Speaker:** None

**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: 0**

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

**13. DISCUSSION/POSSIBLE ACTION**

**13.a Amending Land Development Code, Article II – Land Use Zoning, Section 1-2.6.**

**Chair Mayor Reilly began by passing the gavel to Vice Chair Scardino.** Since the Town lost their industrial zoning in the Jordan Scrub, he was looking for ways to include more access for manufacturing. He suggests allowing manufacturing, 3d printing, processing and machining services in CL, CG, and R/LC. He then went through a presentation on the topic. (Presentation included in Agenda, and available upon request.)

**Vice Chair Scardino returned the gavel to Mayor Reilly.**

SPM Morrell presented the Staff Report. This has been seen by Town Staff, the P&Z Board, and the Atty. Once Council approves it, it will be compiled into an Ordinance. It will be heard again by Council, then sent to DEO for approval before the final Council vote. She states these types of businesses do not create large amounts of chemicals or pollutants. There are 3 zones this is considered in. Does Council want it to be Conditional of Permitted? P&Z recommendation was Conditional for RLC & CL, and Permitted in CG. Staff recommends it be Conditional for all three for now, allowing Council and P&Z to see all applications. The Land Use Requirements were also amended. The Staff report will be sent to the state. It effects 248 Properties in town. The minimum lot size would be over 1 acre, which would remove 48 properties.

CM Acquaviva asks if the Attorney will review this? SPM Morrell states he will review the Ordinance once it is written. The Staff Report includes a lot of information for the State's review of this proposal.

CM Hofmeister asks if Council wishes to do Conditional Use for all three, could Council change that in the future? SPM Morrell confirms that is the case. She also mentioned that annual inspections should be required. CM Acquaviva states it has historically been difficult in Malabar, but she agrees it should take place.

CM Scardino asks if noise is considered? SMP Morrell states this will refer to the Town's noise code.

Mayor Reilly states that SPM Morrell has cleaned up the P&Z recommendation. Council needs to decide whether it should be Conditional or Permitted. He states that CG is similar to IND, but CL & RLC are near residential, and should be Conditional. CM Scardino and Acquaviva state they believe it should be Conditional for all. Mayor states he agrees. Consensus reached for Conditional in all 3 Zoning Codes.

Mayor states P&Z is currently looking at Conditional Use definitions, looking to remove some Conditional and make them Permitted to make development easier. CM Scardino states the road network is a big factor against commercial development. Mayor Reilly states water and sewer are as well. CM Scardino asks for an update on the city water line. SPM Morrell states she is working towards that goal, but future expansion of 514 may make it challenging.

SPM Morrell then shared a table with Council showing several decision options. Council agrees 1 acre is a suitable minimum lot size to protect the rural residential nature of Malabar.

**MOTION: CM Vail/CM Scardino move to direct staff to prepare the Planning and Zoning proposed changes with staff revision.**

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

### **13.b EDC Road Assessment Report.**

Steve Rivet reported to Council that he and TM Stinnett have created a recommendation for the most pressing roads. They considered the raw distress score, timing, financial resources, community impact, and interlocal partnership opportunities. They believe this is at least 5 years' worth of road work. They did not address where the funds would come from. (Presentation included in Agenda, and available upon request.)

Roads as presented in order of recommendation:

1. Briar Creek Blvd
2. Weber Road
3. Rocky Point Road
4. Corey Road
5. Benjamin Road (potential to work with GV to split costs)
6. Coral Way (Worst rated road in Town)
7. Huggins Drive
8. Coquina Terrace
9. Hollow Brook Lane
10. Booth Road

In conclusion, they recommend 4 collectors and 6 local roads (and other smaller adjacent roads) to be repaved. 8 of the 10 roads have less than 5 years of life left. Suggested next steps include defining funding sources, creating a 5-year improvement plan, get firm estimates for the first year of the plan, and integrate

lane paving plans (already requested Lanes). The potential to combine projects allows for reduced costs. He finished by thanking TM Stinnett for the hard work.

Mayor asks how much money did we get from our tax increase? +-\$600k. Mayor also requests the length of the recommended roads. Mr. Rivet states those numbers are included in the initial report.

CM Scardino states the Town has no debt. We should get a long-term loan to finance these projects. CM Vail states the current interest rates are not favorable to long term loans. TM Stinnett states the FED continues to raise interest rates. CM Scardino states he doesn't believe they will go down, so we should move forward before the cost of oil skyrockets.

CM Acquaviva asks what would happen for a resident assessment? Mayor states the property owners get a lien against their house.

CM Vail states originally, there was an assessment for road paving. To repave the road, we cannot assess residents for roads we are obligated to maintain.

CM Acquaviva and Scardino state they would like to move forward finding funding sources. CM Vail believes we should get a vendor and a by the foot estimate.

TM Stinnett states he has been in communication with a contractor to repair Rocky Point Road, and was informed quotes are going up monthly. He believes we could achieve a limited goal, such as repairing Rocky Point Road. FEMA will reimburse the Town for much of that cost. The consensus is to work to repair Rocky Point Road before the end of the fiscal year.

### **13.c Continued Discussion Build New or Expand Existing Town Hall.**

Chair asked CM Hofmeister to begin. CM Scardino believes we should ask the residents. CM Vail states the residents have emphatically denied the referendums to build a new Town Hall. CM Hofmeister states she believes our residents would like a new Town Hall. Could we do another Special Edition MailBoat? Mayor suggests each Council member draft an article. CM Scardino and Hofmeister agree. Mayor states each CM should state what they are doing in their district. He would also like to include a survey of the residents.

Mayor states we should all individually come up with a rough cost, and a rough drawing of where it would go.

CM Vail states we should research the cost of extending this building. We should investigate the feasibility of it, to have the information. Regardless of where Town Hall is, this will likely be a Town building, so the money will not be wasted. The feasibility study will just be informational. Can we really justify the expenditures with the state of our roads and drainage? We just raised the taxes to improve the roads. In the past, we tried to gather outside funds from EELs to assist in this building of a new Town Hall. The Building Department reserves can go toward either expansion or new building. He still agrees with asking the residents.

CM Acquaviva reviews the recent history on this item. She believes the building should be consolidated to improve the function for staff and residents. She believes an expansion would be more appropriate at this time. CM Vail and Scardino state they agree.

TM Stinnett states this was simply a suggestion. Either route will have plenty of hurdles. He was not planning on building a new Town Hall, just make improvements on what we have. He supports the feasibility study to gather more information. CM Scardino suggests TM Stinnett continues researching

the expansion idea. Building a new Town Hall will take years we don't have. Mayor requests a checklist for what would be required for the upgrades.

**13.d Continued Discussion Organization Chart.**

CM Scardino suggests hiring a bookkeeper to assist in the front office. They would be able to do more than answer the telephone. We need a versatile person in the office. Several CMs suggest having the new Treasurer Application on the next agenda.

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

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

**CM Acquaviva:** Requests people drive carefully and keep aware of Sand Hill Cranes. They are young right now, and two were killed in the last week. CM Vail states that some residents have installed some critter signs.

**CM Vail:** Something cool is coming soon. He will also begin work on the historical house soon.

**CM Clevenger:** States he is unsure what else we can do with this property. Traffic will get worse with a new storage unit behind Town Hall.

**CM Hofmeister:** None

**CM Scardino:** States he has a bald eagle in his back yard now.

**Mayor Reilly:** Reports the State Senate is voting on approving a Form 6, which is much more invasive. It requires Elected Officials to state their debt, loans, and money. Our Senator, Debby Mayfield is currently supporting this, and encourages Council to contact her if they feel differently.

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

**17. ADJOURNMENT:** There being no further business to discuss and without objection, the meeting was adjourned at 9:00 P.M.

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

ATTEST:

Richard W. Kohler

Richard W. Kohler  
Town Clerk

Date Approved: 04/17/2023