

**MALABAR TOWN COUNCIL
REGULAR MEETING MINUTES**

April 17th, 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 Clevenger 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 4/03/2023 RTCM

4.b. Dane Contracting Change Order

MOTION: CM Acquaviva/CM Scardino to approve Consent Agenda.

Discussion: None

Vote: All Ayes (5-0).

- 5. ATTORNEY REPORT:** Atty Bohne gave a review of the Conflict Assessment Meeting held between the Town of Malabar and Brevard County on April 10th. There were no new findings. We were able to see that the County has stuck to their previous offers. Atty Bohne states he tried to open the door for incremental steps towards progress, and the County was uninterested. The next meeting will happen on May 1st between the Town Council and the County Commission. It will be held at the First Baptist Church. Atty would like to request a private atty-client strategy session. We will likely have to hire an expert on the matter. The executive meeting would occur at Town Hall, and the attendees would be himself, TM Stinnett, Council, and a Court Reporter. We are hoping to have the meeting next Wednesday during the day. CM Scardino states he will be out of Town. The rest of Council will be available. Atty states CM Scardino can call into the meeting if he is available. CM Scardino asks what kind of expert would we need? Atty states one with a background in Scrub Management. We need to show flaws or issues with their proposal. CM Scardino states he will search for a professional to assist.

Consensus is reached to have an executive session at 10 AM on Wednesday April 26th at Town Hall.

Mayor asked for an update on Painted Acres. Atty Bohne states Atty Noah is working on that, but there has been no progress.

Mayor also asks about the contraction issue. Atty states it will be before Council on June 5th.

6. STAFF REPORTS:

6.a. Town Manager – Matthew Stinnett – TM Stinnett informed Council that staff has been compiling the asset survey for insurance. Our premium is likely going to double next year. BS&A accounting software is hoping to begin implementation, with completion before the end of the fiscal year. We have done a few interviews for Public

Works, and they went well. Met with a paving contractor to discuss Rocky Point Road and other projects around town. Currently, it appears we will be able to complete the project with budgeted funds. The Form 6 Financial Disclosure forms appears to be moving forward. It will likely be effective January 1st, 2024. Chief Foley indicated he will be out for a significant amount of time. Lts. have selected Anthony Giantonio to act as chief in his stead.

6.b. Town Treasurer – Lisa Morrell – States we are halfway through the fiscal year. We have collected most of our revenues in Taxes and will continue to receive state sharing funds. Everything looks good. The Building Department is earning more than we budgeted for. Department budgets are all in line, except for the legal department. There will be an upcoming budget amendment to address that.

CM Vail called for a recess of the meeting to showcase the newest vehicle in the Fire Department's inventory, Burno 299.

6.c. Town Clerk – Richard Kohler – States he has three quick updates.

First, there has been a change to the suggested billing structure of the County's legal ad website, and a flat rate structure be developed. Clerks across the County are compiling ad costs to be reviewed by the County's Communication Department to assist them in developing an appropriate cost.

Also, after the 4/10 Conflict Assessment Meeting, the Trails and Greenways Committee agreed to develop a list of talking points for Council's review before the upcoming joint meeting.

Finally, I wanted to thank the FD for their community outreach. Last month, a family reserved a pavilion for a child's birthday party and contacted Ms. Carmen about the possibility of doing a walk through with the kids. Lt. Borda and Driver Engineer Endicott spent time showing the kids what a fire fighter looks like in full gear, looked around inside the fire truck, and even how to spray the hose. When Staff returned the deposit from the park rental, the applicant stated they intended to donate the \$50.00 back to the FD as a sign of appreciation.

7. 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: Drew Thompson, 940 Holloway Trail. He is reporting that the T&GC met and is working to develop talking point for Council to discuss at the upcoming meeting. He strongly recommends going over the proposal in detail. The deeper we go into this, the bigger flaws we find. There are a lot of mistakes in the EELs proposal, and he feels there is a lot of room for compromise. He believes trees can be saved and the County's goals can still be achieved. This will have a large impact on our town, regardless of the outcome. He believes reasonable and realistic requests are being made by the Town. He strongly recommends Council discuss this with him in a one-on-one basis. His goal is to help, and the T&GC is the closest thing to being an expert. He applauds the idea of getting a professional expert. He also implores Council to take the time to review this and take it forward as their own. CM Acquaviva gave her personal memories from the 4/10 meeting, and commended Town Staff and Town Committees for their hard work. There is a lot of work going on behind the scenes. She felt the meeting was very telling of the County's stance on the issue.

Mayor Reilly asks if an expert and Drew's presentation are new information, can we ask for an extension? Atty states the Florida State Statute is very specific, the meeting must take place

within 50 days of the request. If this meeting does not get any results, another meeting will take place with a mediator. CM Scardino states we need an Ornithologist (Bird Scientist). SPM Morrell states there are a few similar cases in the past, including North Port and the Archibald Ecology Society. Atty states the FWC has set guidelines, and the EELs program is treating them as hard fast rules. CM Acquaviva asks if we can advocate for other animals safety, such as the Gopher Tortoise. Mr. Thompson states we have also utilized the numerous woodpeckers in the area around the lake in MSS East. CM Scardino states there are more objectives than saving the Scrub Jay. CM Vail states voters passed the EELs program referendum on the passive recreation aspect. Atty Bohne reminds Council that the nature of the litigation is if the County needs a permit. The litigation does not reference Scrub Jays. We brought that into the mix to use as negotiating. We will likely eventually file a counter claim, but would need a true expert to discuss it.

8. PUBLIC HEARINGS / SPECIAL ORDERS: 0

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

10. ACTION ITEMS:

ORDINANCES for FIRST READING: 0

RESOLUTIONS: 0

MISCELLANEOUS: 2

10.a Review Treasurer Applications

Mayor Reilly begins by stating he believes that neither of the applicants meet the minimum qualifications for further consideration. He asked if there was any recommendations from Council to move forward? None heard.

Mayor Reilly recommends including a Contract for SPM Morrell to perform the duties as SPM and Treasurer. It will be ready for the next meeting.

10.b Surplus FD Equipment

Mayor Reilly asks TM Stinnett to introduce this item. TM Stinnett explains that we have two engines with a litany of issues. One has been posted on GovDeals, and Palm Bay Magnet High School has expressed interest in the other for use in their FD training program. CM Vail states there has been work on them, but one is too far gone to be saved. The one going to the HS still needs work, but most of the maintenance will come from their end. It currently starts, runs, moves, and pumps water. It was in service as recent as 8 years ago.

MOTION: CM Vail/CM Scardino to surplus 299 and 399, with 299 to be sold on GovDeals and 399 to be donated to Palm Bay Magnet High School.

Vote: All Ayes (5-0)

Chair excused the Attorney at this time.

11. DISCUSSION/POSSIBLE ACTION

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

13. REPORTS – MAYOR AND COUNCIL MEMBERS

CM Acquaviva: None

CM Vail: Brush Truck is up and running! A lot of the equipment was repurposed to create it. The work put in amounts to about \$40k. He also informed Council that he is working on the demo of the Huggins House. He requested to be included so that he could grab things for use in the Historical House. It appears dated from 1880-1905. Some of the fireplace will be donated to Deputy Hammer, as the house was his grandfathers. He plans on adding to the historical house, to include a bathroom and extended front porch, all with time

specific materials. He commends all of the people involved and thanked them for their contributions.

CM Clevenger: None

CM Hofmeister: None

CM Scardino: None

Mayor Reilly: None

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 8:15 P.M.

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

ATTEST:

Richard W. Kohler
Richard W. Kohler
Town Clerk

Date Approved: 05/01/2023