

**MALABAR TOWN COUNCIL  
REGULAR MEETING MINUTES  
August 7<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 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

INTERIM FIRE CHIEF:

ANTHONY GIANTONIO

- 3. APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES:** TM Stinnett requests to add agenda items 13.d "Use of Other Agency Contract Brevard County B-6-20-57/Asphaltic Concrete" & 13.e "Use of Other Agency Contract Thermoplastic Striping and Reflective Marking. Contract # 4415 and 5003, Brevard County, Florida Striping Inc."

**Without objection, agenda approved with additions.**

**4. CONSENT AGENDA:**

**4.a. Approve Minutes of 7/17/2023 RTCM**

Exhibit: Agenda Report Number 4a

**4.b. Approve Minutes of 7/24/2023 Council Workshop**

Exhibit: Agenda Report Number 4b

**4.c. Obligor and Re-Allocating SLFRF Funding to Specific Projects and Capital Projects per FY24 Budget Workshop of 07/17/2023**

Exhibit: Agenda Report Number 4c

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

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

**5. PROCLAMATIONS/PRESENTATIONS**

**5.a. Florida Water Professional's Month**

Exhibit: Agenda Report Number 5.a

Mayor Reilly read the Florida Water Professional's Month proclamation into the record.

**5.b. Life Save Award for Malabar Fire Department Employees**

Exhibit: None

Mayor Reilly presented Interim Chief Giantonio and Lt. Reilly of the Malabar Fire Department with Life Save Awards for services performed on duty that saved the life of a Malabar citizen.

**6. ATTORNEY REPORT: None**

**7. BCSO REPORT: None**

**8. BOARD/COMMITTEE REPORTS:**

**8.a. Trails and Greenways Committee:**

Exhibit: Agenda Report Number 8a

**8.b. Parks and Recreation Board**

Exhibit: Agenda Report Number 8b

**8.c. Planning and Zoning Board**

Exhibit: Agenda Report Number 8c

**9. STAFF REPORTS:**

**9.a. Town Manager – Matt Stinnett** informed Council that the 2 new positions have been posted. The Public Works Director has resigned. He plans to use an internal candidate to fill the position. We have also received an engagement letter from FLC to pursue a loan, hopefully that will be on the next agenda. He is also working on the NDPES report, and the contract for that will likely be before you in the next few months.

**9.b. Special Projects Manager – Lisa Morrell** states that the transition from QuickBooks to BS&A is underway as of this morning.

**9.c. Treasurer – Lisa Morrell** referenced her written report.

**9.d. Town Clerk – Richard Kohler** stated that Qualifying for Council Seats #4 & 5 has begun and will remain open until 4:30 on Tuesday August 15<sup>th</sup>. Also, the signs requested by the Trails and Greenways Committee has been procured and are here for Councils review tonight.

**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)

**Mark Gunther, 1240 Pemberton Trail** – He states the County has roller chopped up to the tree that was supposed to be protected because it had an eagle's nest in it. He is concerned that they have violated the agreement and wants to know what his best course of action is. Eagles Nests are federally protected, and the work has encroached into the protected area. Atty Bohne states the Town does not have a say in that, as we do not have jurisdiction. US Fish and Wildlife would be the proper authority. Mayor Reilly suggests TM Stinnett investigate. CM Acquaviva and Hofmeister asked if Mr. Gunther took any photos. Mr. Gunther states no, but he has done research and is disappointed. CM Acquaviva asks what the consequences would be for an issue like this? Attorney Bohne states there are financial penalties.

**11. PUBLIC HEARINGS/SPECIAL ORDERS: 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: 3**

**13.a. ILA between the Town of Malabar and the City of Palm Bay**

Exhibit: Agenda Report Number 13a

Staff: TM Stinnett states that the Fire Truck is in need of warranty repairs. Palm Bay has agreed to store an engine for our use for up to a year.

**MOTION: CM Vail/CM Scardino to approve the ILA between the Town of Malabar and the City of Palm Bay.**

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

**13.b. ILA between the Town of Malabar and Brevard County**

Exhibit: Agenda Report Number 13b

Staff: TM Stinnett states that the hope is to donate the old radios from our inventory to the County who still uses them. We do not need them and have been looking to surplus them.

**MOTION: CM Vail/CM Acquaviva to approve the ILA Between the Town of Malabar and Brevard County.**

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

**13.c. Approve Job Description of Building Department "Permitting Technician."**

Exhibit: Agenda Report Number 13c

Staff: TM Stinnett states that this is the position we are budgeting for the next year. He and the Building Department Manager reviewed this. Mayor Reilly asks if the job description is broad enough to fill our needs? TM Stinnett states he believes it is. This person will eventually replace Ms. Collette as the assistant in the Building Department.

**MOTION: CM Scardino/CM Acquaviva to approve the job description for the Permitting Technician as presented.**

Discussion: CM Scardino suggests we expand the job duties as we are a small town. CM Vail states that other duties as assigned is included. Mayor states he would like to see plan review and or planning and zoning board assistance. CM Scardino suggests looking for someone who is multi-faceted. Mayor Reilly states the title implies the new hire would only be involved in the permitting, and not a broad help for Ms. Denine. TM Stinnett states the goal is to train the new employee to be the main response person so that Ms. Denine can focus on bigger projects. Mayor suggests we ensure applicants know the job will be more encompassing than a permitting clerk. CM Vail suggests that the title doesn't matter as long as the job description is thorough. Mayor asks what positions Palm Bay has in their structure? Ms. Morrell states they have different levels of Permitting Technicians and Permitting Clerks. She also suggests that P&Z should move to the new executive assistant. Consensus is reached to keep the title of Permit Technician.

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

**13.d. Use of Other Agency Contract Brevard County B-6-20-57/Asphaltic Concrete**

Exhibit: Agenda Report Number 13.d (Added during Additions/Deletions)

Staff: TM Stinnett states that this company will be paving in Grant-Valkaria, and with the funding we moved from ARPA, we can piggy-back the contract and get Weber Road repaved. He believes it should be under \$400K. He is seeking Council approval.

**MOTION: CM Hofmeister/CM Scardino to approve the use of Brevard County B-6-20-57 Asphaltic Concrete contract for Weber Road resurfacing.**

Discussion: CMs Vail, Acquaviva, and Scardino all suggests they begin as soon as they can.

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

**13.e. Use of Other Agency Contract Thermoplastic Striping, Paint Striping and Reflective Marking. Contract #4415 and 5003, Brevard County, Florida Striping Inc.**

Exhibit: Agenda Report Number 13e (Added during Additions/Deletions)

Staff: TM Stinnett states this is a separate contract for striping. They will add temporary striping behind the pavers, and after the pavement dries for 30 days, they will add thermoplastic and reflectors.

**MOTION: CM Scardino/CM Hofmeister to approve the use of other agency purchase contract awarded by Brevard County; Contract #4415 and 5003 for roadway striping, Florida Striping, Inc.**

Discussion: CM Acquaviva is excited to have the project completed! CM Scardino asks how long the road will last? TM States his estimate is about 20 years. Mayor asks if we can add any additional projects? TM States he plans to have the loan discussion at the next meeting, and then the projects will be moving fast.

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

**14. DISCUSSION/POSSIBLE ACTION: None****15. PUBLIC COMMENTS: General Items (Speaker Card Required)****16. REPORTS – MAYOR AND COUNCIL MEMBERS**

**CM Acquaviva:** None

**CM Vail:** None

**CM Clevenger:** None

**CM Hofmeister:** CM Hofmeister provides a friendly reminder for all Council Members to include in an article for a future mailboat. She also states she regularly runs and rides in the sanctuary to keep an active eye on the project taking place. She would like to see the County held accountable. The medians of the concrete road are cut down, and it made the area messy. This project will impact all of us, and we should keep an eye on it. Clerk Kohler states the T&GC has a standing item on their agenda to discuss any adverse effects of the project. CM Vail suggests the residents call and report these issues to the EELs program themselves. Mark Gunther states he spoke with Mr. Knight at length, but Mr. Knight hasn't listened to complaints for years. He was very gracious but did not change his actions or opinions. His concern is that the day-to-day changes are not passed along to the residents. He suggests someone from Malabar be informed more directly on the project updates. SPM Morrell suggests Mr. Gunther contact the Brevard County Parks Department.

**CM Scardino:** He states his excitement with the trains coming through at such high speeds.

**Mayor Reilly:** The FLC Conference is this week in Orlando! He also informed Council that there have been some unusual development requests.

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

**18. ADJOURNMENT:** There being no further business to discuss and without objection, the meeting was adjourned at 8:17 P.M.

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

ATTEST:

Richard W. Kohler

Richard W. Kohler  
Town Clerk

Date Approved: 08/21/2023