

**MALABAR TOWN COUNCIL
REGULAR MEETING MINUTES
October 2nd, 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

MATT STINNETT

TOWN MANAGER:

KARL BOHNE

TOWN ATTORNEY:

LISA MORRELL

SPECIAL PROJECTS MANAGER:

RICHARD KOHLER

TOWN CLERK:

ANTHONY GIANTONIO

INTERIM FIRE CHIEF:

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

4. CONSENT AGENDA:

4.a. Approve Minutes of 9/25/2023 RTCM

Exhibit: Agenda Report Number 4a

MOTION: CM Clevenger/CM Scardino to approve Consent Agenda as presented.

Vote: All Ayes (5-0).

5. ATTORNEY REPORT: None

6. BCSO REPORT: None

7. BOARD / COMMITTEE REPORTS:

7.a. Trails and Greenways Committee Report

Exhibit: Agenda Report Number 7.a.

Discussion: None.

7.b. Parks and Recreation Board Report

Exhibit: Agenda Report Number 7.b.

Discussion: None.

7.c. Planning and Zoning Board Report

Exhibit: Agenda Report Number 7.c.

Discussion: None.

8. STAFF REPORTS:

8.a. Town Manager – Matt Stinnett informed Council that he has submitted the requested Code Enforcement report. He also discussed the MRC event to include a living shoreline at Rocky Point. He hopes to have the Shoreline package ready for the 10th of this month. We will then begin the 60-day bidding period. The Permit Tech position will be posted tomorrow. Staff conducted several interviews and will be making offers this week.

The bank loan information will be heard on the 18th. He also informed Council that he has accepted a position with Brevard County, his last day here being November 3rd. He states he has enjoyed his time here, and thanks Council for their assistance. Mayor Reilly states Council will need a status report on all open projects. He also asked when the FallFest would take place. CM Acquaviva states that she feels there is not enough Staff to properly execute a large scale event. CM Vail asks if that is something we can task the park board with? Clerk Kohler states that he will include it in the next Parks Board agenda.

8.b. Town Clerk – Richard Kohler states that BTR collection is progressing smoothly. We are over 50% collected already and see more renewals each day. There has been a large number of renewals taking place electronically through the iWorqs portal.

8.c. Special Projects Manager – Lisa Morrell states that the most recent expenditure was the paving of Weber Road. The Water project is under review by the Palm Bay attorney. Piney Grove Cemetery was visited by the Florida Archeology Society. Both areas east and west of the railroad tracks were explored. They confirmed the area was likely a cemetery. The one east of the tracks is already owned by the Town, but needs to be maintained, along with ADA Accessible public access. Piney Grove is not a candidate for the GDPR due to the palmetto roots and Gopher Tortoise holes. There are a few other options. The first step was to register it with the State. The person who owns the property has requested to meet with Staff to discuss his options. The state is very confident that there is a Cemetery out there. We are project #17 on their list. CM Hofmeister asks about the new hires? Will that proceed? TM Stinnett states he intends to offer the positions tomorrow.

8.d. Town Treasurer – Lisa Morrell states that this department has been very busy. Today was the first day of the new Fiscal Year. The final TRIM packet must be submitted within the next 30 days. The final Budget Amendment will be coming forward soon. She plans to depart on Saturday and return the following Sunday from her vacation. Mayor asks for a progress update on the Audit. Treasurer Morrell states this is an early fact-finding portion. They are just requesting data. The audit will be ongoing until the final report in April-June.

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)

Keith Wylie, 2270 LaCourt Lane – He states there are multiple collapsed culverts, as well as an illegal culvert installed at the south end. The drainage situation on his road is very bad. He states the culvert was red tagged but was never removed. He requests assistance from Council to improve the drainage. He even has a hard time mowing his lawn. CM Vail states he discussed this with both Mr. Reilly and TM Stinnett. The water is receding on Atz, but it is draining very slowly on LaCourt. The Town plans to connect Marie Street to Atz for drainage, but that is a long time away. Mayor Reilly states the previous TM worked on the southern end, but the northern end is a regular problem. CM Vail states there is a noticeable difference between the other areas of Town and LaCourt Lane.

Jacob Nicholas 3150 Rebel Lane – He has been a resident for over 5 years, and he has noticed the drainage has gotten worse. Goat Creek flows behind his house and has

created a large issue for his family. Water is now 3 feet from his back door. The water has not been receding. He is concerned that the issues are just getting worse. He is unsure of what steps he can take and hopes to see a positive resolution. TM Stinnett states he believes the Town cleaned the swales a few years ago but could likely be redone soon. CM Scardino states that the near surface water table is very high right now from the increased saturation. CM Hofmeister states it is also important to inform residents to keep the ditches and swales clear.

Connie Adams 2240 Raulerson Lane – She states the culvert at Hall and Weber, the water was flowing across the road. She states that when the work was done on the west end of Hall Road, the residents there were promised that action would take place soon. Since then, there has been no action. TM Stinnett states the Stormwater Master Plan has been completed, it is now time to find the funding. Ms. Adams states this weekend was worse than TS Fay. She also asks if the contract is still open with the pavers? They left a lot of litter along Weber Road.

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: 4

12.a. Procurement Utilizing Piggyback Cooperative Purchase Contracts

Exhibit: Agenda Report Number 12.a.

Staff Comments: Treasurer Morrell states that this is generally provided to Council annually. This allows staff to make purchases from a large number of local and national agencies included is Verizon, VA Paving, Goodson Paving, Home Depot, Lowes, Amazon among many others. This simplifies the approval process.

MOTION: CM Vail/CM Acquaviva to approve use of other agency cooperative purchase contracts for procurement of goods and services from awarded vendors to maintain Town services, supplies and projects as needed.

Discussion: None

Vote: All Ayes (5-0)

12.b. Procurement of New Water Tender Firefighting Apparatus

Exhibit: Agenda Report Number 12.b.

Staff Comments: Interim Chief Giantonio states that the older unit (2006) is beginning to wear. The NFPA recommends replacement after 15 years. There was an interoffice review, and this vehicle was selected. This vehicle can perform many tasks but is mainly a 2500-gallon water tender. It is manufactured and repaired in Ocala FL. There have been funds gathered last year and this year, as well as surplus 3 current vehicles. He feels the funds have been budgeted and discussed, and requests Council approval for the vehicle. It comes with a lifetime warranty on the tank and body.

MOTION: CM Hofmeister/CM Vail to approve the purchase of a Midwest 2,500 Gallon Water Tender not to exceed \$500,000.

Discussion: CM Vail states he supports this proposal. The tender is a very important vehicle for our fleet. The build time for this vehicle is 19 months. This truck can be paid for without financing in the next fiscal year. The chassis is a custom commercial build. CM Acquaviva is proud the Town

was able to plan this purchase and see it through. CM Hofmeister thanked Chief for his hard work to put this together.

Vote: All Ayes (5-0)

12.c. Select Bill Reviewer for 2023/2024

Exhibit: Agenda Report Number 12.c.

Discussion: Mayor asks if CM Clevenger wishes to continue. He states he will.

Vote: All Ayes (5-0)

12.d. Select Check Signer for 2023/2024

Discussion: CM Acquaviva volunteers to continue. The Mayor states he will stay as the backup.

Vote: All Ayes (5-0)

13. DISCUSSION/POSSIBLE ACTION: 2

13.a. Waste Service Bill on Tax Roll

Staff Comments: Clerk Kohler states that this item originated during the discussion with Waste Pro about their requested rate increase. Town Staff has begun to research the feasibility of transferring the billing of the Waste Services to the tax rolls. Staff has requested additional information on the process and procedures of this transition from Waste Pro. Once the information has been provided, Staff will bring it forward for Council's review. Should Council wish to proceed, Staff will draft an Ordinance to create a referendum question to go on a future ballot. 2 Public Hearings will be required before adoption of the Ordinance, and the inclusion on the ballot. If the referendum question is approved, Staff will amend the contract with Waste Pro, reach an agreement for collection with the Tax Collector, create a disbursement process to transfer funds from the Tax Collector to Waste Pro, and create a debt policy for nonpayment properties.

Discussion: CM Vail states he is looking forward to seeing the numbers. He feels it would likely reduce the costs to the residents. CM Acquaviva asks if this will reduce the cost? She remembers requesting the amount of nonpayment from Waste Management and not receiving the information. CM Clevenger believes the process will be better for the contractor but is unsure how long the contract is for. SPM Morrell states we are under a 5-year contract with 3 renewable terms. CM Acquaviva states she believes we should give the voters the option. CM Scardino asks if reducing the recycling costs would it go down? CM Acquaviva states she feels the company will be more accountable if residents see their bill regularly.

13.b. Holiday Tree Lighting Date Selection

Staff Comments: Clerk Kohler states that in the past, the Town has hosted its Holiday Tree Lighting event before the first RTCM of December. This year, that would fall on December 4th. Staff would like to recommend that the Town host its event this year at 6:30 PM on Monday December 4th, to be followed by the RTCM at 7:30 PM.

MOTION: CM Acquaviva/CM Vail to approve 6:30 PM on December 4th as the Holiday Tree Lighting event time for 2023.

Discussion: CM Acquaviva asks if this is the Mayor's last year? He states yes!

Vote: All Ayes (5-0)

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

15. REPORTS – MAYOR AND COUNCIL MEMBERS

CM Acquaviva: She states she wishes to thank Matt for his years of service to Malabar. She appreciates his assistance and is proud to see his growth. She thanks him for his leadership and wishes him the best.

CM Vail: None

CM Clevenger: None

CM Hofmeister: None

CM Scardino: None

Mayor Reilly: At the next RTCM, he would like to have a contract to hire Lisa Morrell as the Town Manager on for discussion.

16. 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.

17. ADJOURNMENT: There being no further business to discuss and without objection, the meeting was adjourned at 8:23 P.M.

BY:



Mayor Patrick T. Reilly, Council Chair

ATTEST:



Richard W. Kohler
Town Clerk

Date Approved: 10/16/2023