

**MALABAR TOWN COUNCIL
SPECIAL MEETING MINUTES**

February 2, 2022, 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. Mayor led P&P.

2. ROLL CALL:

CHAIR:

MAYOR PATRICK T. REILLY

VICE CHAIR:

STEVE RIVET

COUNCIL MEMBERS:

MARISA ACQUAVIVA

BRIAN VAIL

DAVID SCARDINO

MARY HOFMEISTER

TOWN MANAGER:

MATT STINNETT

TOWN ATTORNEY:

KARL BOHNE

DEPUTY TOWN CLERK/TREASURER:

RICHARD W. KOHLER

3. SPECIAL MEETING ITEMS:

**3.a. Special Meeting called by Council Member Scardino to Discuss the Brevard
County Tree Removal Project at Malabar Scrub Sanctuary (E & W)**

Exhibit:

Agenda Report 3.a.

Allowed the speakers first.

Murray Hann, 1365 Corey Rd wanted to let Council know that he and TGC Chair Thompson attended the 1/21 SMC Meeting. The committee gave them feedback which they incorporated into a new compromise plan. The goal was to conserve important trees and achieve the tree ratio set by the EELs program. They were able to produce a plan that allows 1.4 trees per acre. They also discovered that in Malabar West, none of the property meets the stated 1000-foot buffer. The Deputy Clerk has a copy for Council's review.

Drew Thompson, 940 Holloway Ln thanked Council for the opportunity to speak. We feel we have a comprehensive plan for you to review. The PowerPoint is geared to be an apolitical outline of the past few months and provide an objective simple portrayal of what the Town wants. Essentially it would leave screening trees around the neighborhoods, increase the user experience, and increase the overall footprint of scrub habitat. The thousand-foot metric is just not achievable in Malabar West. FWC chart states 300 ft is the minimum, and that number has worked in Cruikshank's and Kennedy SC. He believes our package is ready to move forward.

Jennifer Hubbard, 1970 Linrose Lane. Built in Malabar in 2020 because of the beautiful parks and sanctuaries. On January 25th, the County blocked access to the sanctuary. It was done in retaliation towards the Town. She has pulled hundreds of permits in her life and believes that the Town followed procedures for the expired permit correctly. The County stated that they would charge the Town \$6,000 for the fences. Can Council speak to if the County has sent an invoice?

CM Scardino stated he is concerned that the County is disregarding the Town's permit process. Once the trees are gone, we can't get them back. He has searched for Scrub Jays in the sanctuary and hasn't found any. He feels there has been no input from the citizens in this process. He would like the County to consider us. He would like to enforce the permit as it stands. He is concerned that the County is going to circumnavigate the Town.

Mayor Reilly states he has requested proof that there are indeed scrub jays in the sanctuary.

TM Stinnett stated that Mike Knight has provided a spread sheet from an asset group that is tracking the birds. The information is available to Council upon request.

CM Rivet states he has seen Scrub Jays in the area. He is fully in favor of saving habitat but believes there should be compromise.

CM Scardino states he heard that the County may be looking to compromise.

CM Vail states that the TGC has done an excellent job, and so has staff. He believes that we should let this play out.

CM Scardino states the fence really concerned him.

CM Acquaviva state that the sign says Closed. It really upset a lot of people.

CM Hofmeister states that a fence was installed over halfway down a one-way trail and is a safety hazard.

CM Rivet states the fence isn't for construction, its to punish the people of Malabar.

TM Stinnett states that Council action has been geared towards a compromise, and that message is starting to get through. He appreciates Council's faith in him to continue to navigate this.

CM Scardino is encouraged that they want to compromise.

Atty Bohne states that time limitations effected the message provided at the County Commission Meeting. He reached out to the County Atty. They spoke today and confirmed that they County is looking at the TGC Compromise document to see if it can work. Their staff was directed to research legal actions, so it is on its agenda. Because we brought this to them and gave them our opinion, they are reviewing it. The Town wants open dialog with the County. He also expressed to the County Atty that the Town will not pay for any of the fence. The State has to be involved here as they are the landowner.

CM Acquaviva stated that talking with TM Stinnett has given her hope. She was disappointed after the last County Commission Meeting and thanked him for keeping a calm head and pushing forward.

CM Scardino is encouraged that this is moving in a good direction.

CM Hofmeister thanked Sue and Murray Hann and especially Drew Thompson for their hard work.

Sue Hann 1365 Corey Rd is concerned about the resolution on the County's agenda for Tuesday. Is there a role for the Town or its citizens at Tuesday's County Commission Meeting? She would be very concerned if they County circumnavigates the dispute resolution process. It would be a good show of faith for the County to remove the fences. She really appreciates the Town for their hard work. She wants to be helpful and supports collaboration.

Atty Bohne states that the resolution would bypass the mediation process. He doesn't know how they will vote, but staff included it because that was what they have been instructed to do. However, they will have to listen to public comments.

Drew Thompson wanted to reiterate Mrs. Hann's concern. He doesn't trust that the County will not act on that resolution. If they act, we will be behind the ball, and he is concerned that the Town will be burned. It is in the Town's interest to not assume that the County will work with us.

Atty Bohne states that if they pass the resolution, it doesn't mean they will start a suit the next day. We could ask the Court to abate the proceeding and mandate the mediation

4. **ADJOURNMENT:** There being no further business to discuss and without objection, the meeting was adjourned at 7:56 P.M.

BY: _____
Mayor Patrick T. Reilly, Council Chair

ATTEST:

Richard W. Kohler
Deputy Town Clerk/Treasurer

Date Approved: 02/07/2022