

**MALABAR TOWN COUNCIL  
REGULAR MEETING MINUTES  
February 26<sup>th</sup>, 2024, 7:30 PM**

This meeting of the Malabar Town Council was held at Town Hall at 2725 Malabar Road.

**1. CALL TO ORDER:**

Council Vice-Chair David Scardino called meeting to order at 7:30 pm. CM Scardino led P&P.

**2. ROLL CALL:**

CHAIR:	MAYOR PATRICK T. REILLY (EXCUSED)
VICE CHAIR:	DAVID SCARDINO
COUNCIL MEMBERS:	MARISA ACQUAVIVA
	BRIAN VAIL
	JIM CLEVINGER
	MARY HOFMEISTER
TOWN MANAGER:	LISA MORRELL
TOWN ATTORNEY:	KARL BOHNE (EXCUSED)
TOWN CLERK:	RICHARD KOHLER

**3. APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES:**

**4. 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.**

**5. ACTION ITEMS:**

**5.a. Award of Bid - ITB 24-01 Rebid 23-01 Rocky Point Road Shoreline Restoration**  
Exhibit: Agenda Report Number 5.a.

Staff Comments: TM Morrell states she has provided a short synopsis of the events in the agenda report. Staff is hoping to revert the shoreline in the 4 failed areas. 5 bids were received, and in an ITB, the lowest bidder should be awarded the contract bearing any issues with negotiations. She also included fund information and requests a motion to reallocate the funds. We will also request a FEMA extension, as the deadline in June 1<sup>st</sup>, and the project will likely take 150 work days. Eventually, we will reimburse the fund it was taken from.

**MOTION: CM Vail/CM Hofmeister** to approve the award of ITB 24-01 Rebid 23-01 Rocky Point Road Shoreline Restoration to Custom Built Marine Construction, Inc located 3119 Hammond Road, Fort Pierce, FL 34946 and authorize the Town Manager to execute a contract for construction services. Failure by the low bidder to execute a contract and all requirements within 14 days, the Town Manager is authorized to award contract with second lowest bidder for ITB 24-01."

Discussion: VC Scardino asked what would happen if a hurricane came mid project? TM states that the project would be bonded but an act of God could be considered a force majeure. CM Acquaviva asks if FEMA would reimburse us for any expenses in that scenario. TM states in that hypothetical, it is certainly possible. CM Acquaviva also asks if the delay was caused by many of these types of projects needing to be completed. TM states that it is a factor. She has done her best to get the project moving forward. CM Hofmeister asks if the Town will have issues with FEMA. TM states she is doing her best to ensure that this project will be covered. VC Scardino asks if we can add a financial incentive to get the contractor to work faster. TM states the contractor bid 150 work days, and the suggested time frame was 270.

**VOTE: All Ayes, 5-0.**

**MOTION: CM Vail/CM Acquaviva** to transfer \$350,000 from Streets & Roads Construction in Progress fund balance to fund the shoreline restoration project and await reimbursement from FEMA to refund funding source origin, 541.6400.

Discussion: CM Vail states he supports this and is looking forward to having the funds back from FEMA.

**VOTE: All Ayes 5-0.**

**5.b. Scheduled Form 6 Meeting**

Exhibit: Agenda Report Number 5.b.

Staff Comments: Clerk Kohler states that Mr. Steven Zuilkowski, the Deputy Executive Director and General Council of the Florida Commission on Ethics will be at a Form 6 meeting in Cocoa on March 18th. Form 6's are to be filed by all elected officials by July 1<sup>st</sup> and are filed online directly to the Commission on Ethics. Staff is seeking direction on how many elected officials are interested in attending this event, and if Council wishes to reschedule or cancel their 3/18/2024 RTCM to allow for greater attendance at the event.

Discussion: CM Acquaviva states she is uninterested in attending. CM Clevenger, Vail and Scardino agree. CM Hofmeister states she would rather do Town Work instead of attending a meeting. CM Acquaviva states that the Form 6 requirement will be a major drawback for volunteer municipal officials. TM Morrell states that the intent of the bill is that it takes hundreds of votes to pass the state budget, but only 3 to pass municipal budgets. The hope is to provide additional transparency to the process. Consensus is reached that the March 18<sup>th</sup> RTCM will be held as scheduled.

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

**Patty Dial, 2580 Rocky Point Road** – States she is thrilled this project is moving forward. She is curious as to why one contractor plans to move so quickly? VC Scardino states that many contractors have few workers or are low on products. This contractor appears to be ready. TM Morrell states we requested the max to be 270 days, one was for 150, and one was for 90. The major component of this process is the lowest bidder gets the contract.

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

**CM Acquaviva:** None

**CM Vail:** None

**CM Clevenger:** None

**CM Hofmeister:** Thanked Staff for seeing this project through.

**CM Scardino:** None

**Mayor Reilly:** Excused

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

**9. ADJOURNMENT:** There being no further business to discuss and without objection, the meeting was adjourned at 7:58 P.M.

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

ATTEST:

Richard W. Kohler

Richard Kohler  
Town Clerk

Date Approved: 3/4/2024