

**TOWN OF MALABAR
TOWN COUNCIL MEETING
MONDAY FEBRUARY 2, 2015
7:30PM
2725 MALABAR ROAD
MALABAR, FLORIDA**

AGENDA

- A. **CALL TO ORDER, PRAYER AND PLEDGE**
- B. **ROLL CALL**
- C. **ADDITIONS/DELETIONS/CHANGES**
- D. **CONSENT AGENDA: none**
 - 1. **Approval of Minutes** Regular Town Council Mtg – 1/5/15
Exhibit: Agenda Report No. 1
Recommendation: Request Approval of Minutes
- E. **PUBLIC COMMENTS:** Comments may not address subsequent Agenda Items. Comments do not require Council response. (Speaker Card Required) **Five (5) Minute Limit per Speaker**
- F. **ATTORNEY REPORT:**
- G. **BREVARD COUNTY SHERIFF'S OFFICE REPORT:**
- H. **PARK & RECREATION ADVISORY BOARD CHAIR REPORT**
- I. **PLANNING & ZONING ADVISORY BOARD CHAIR REPORT**
- J. **PUBLIC HEARINGS: 0**
- K. **PUBLIC: ITEMS DIRECTLY RELATED TO RESIDENTS AND RECOMMENDATIONS FROM TOWN BOARDS/COMMITTEES PRESENT AT MEETING**
 - 2. **Resident Ms. Laura Mahoney re: Burning of Yard Waste**
Exhibit: Agenda Report No. 2
Recommendation: Request is Open
- L. **ACTION ITEMS:**
 - RESOLUTIONS: 1**
 - 3. **Budget Adjustment – Reso. 01-2015**
Exhibit: Agenda Report No. 3
Recommendation: Request Action
 - 4. **Approval of Supporting SCLOC Reso. 01-2015 – Seismic Air Gun Testing**
Exhibit: Agenda Report No. 4
Recommendation: Request Action
 - MISCELLANEOUS: 2**
 - 5. **Slope Mower Repair Quotes (Council Directive)**
Exhibit: Agenda Report No. 5
Recommendation: Request Action

6. Disposal Process for Declared Surplus (Council Directive)

Exhibit: Agenda Report No. 6

Recommendation: Request Action

(No Recess – Attorney Excused)

M. PRESENTATIONS: Thank You Letter to Building Official

N. PROCLAMATIONS:

O. STAFF REPORTS: ADMINISTRATOR and CLERK

P. DISCUSSION ITEMS:

Q. REPORTS – MAYOR AND COUNCIL MEMBERS

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

S. ANNOUNCEMENTS:

Two (2) vacancies on the Board of Adjustment

Two (2) vacancies on the Park and Recreation Board

Two (2) vacancies on the Trails & Greenways Committee

Two (2) vacancies on the Planning & Zoning Board

T. ADJOURNMENT:

If an individual decides to appeal any decision made by this board with respect to any matter considered at this meeting, a verbatim transcript may be required, and the individual may need to insure that a verbatim transcript of the proceedings is made (Florida Statute 286.0105). The Town does not provide this service. In compliance with F.S. 286.26 and the Americans with Disabilities Act (ADA), anyone who needs a special accommodation for this meeting should contact the Town's ADA Coordinator at 321-727-7764 at least 48 hours in advance of this meeting.

**TOWN OF MALABAR
AGENDA ITEM REPORT**

AGENDA ITEM NO: 1
Meeting Date: February 2, 2015

Prepared By: Debby Franklin, C.M.C., Town Clerk/Treasurer

SUBJECT: Approval of Minutes

BACKGROUND/HISTORY:

Attached are the summary minutes for the following meetings:

- Regular Town Council Meeting – 1/5/2015

FINANCIAL IMPACT:

N/A

ATTACHMENTS:

Draft Minutes of the following meeting:

- Regular Town Council Meeting – 1/15/2015

ACTION OPTIONS:

The Town Clerk requests approval of the minutes.

“The following draft minutes are subject to changes and/or revisions by the Town Council and shall not be considered the official minutes until approved by the Town Council.”

MALABAR TOWN COUNCIL REGULAR MEETING

January 5, 2015 7:30 PM

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

A. CALL TO ORDER:

The meeting was called to order at 7:30 pm by Council Chair Mayor Carl Beatty. CM Ball led the prayer and pledge.

B. ROLL CALL:

COUNCIL CHAIR:	MAYOR CARL BEATTY
VICE-CHAIR	MARISA ACQUAVIVA
COUNCIL MEMBERS:	GRANT BALL
	BRIAN VAIL
	DON KRIEGER
	DICK KORN
TOWN ADMINISTRATOR:	BONILYN WILBANKS
TOWN ATTORNEY:	KARL BOHNE
TOWN CLERK/TREASURER:	DEBBY FRANKLIN

For the Record, the Fire Chief Christopher Robinson was also present.

G. BREVARD COUNTY SHERIFF'S OFFICE REPORT: held after ROLLCALL

Mayor moved BCSO Report to this point in meeting. Lt said that he has been back on road after long stint. You get statistics regularly. He went over Dec stats. He introduced Dep Star. Stolen property none reported. CM Acquaviva said she noticed the increased patrolling on Corey. CM Korn said there were two Deputies on Weber Road today. CM Ball said what about the new lower speed signs on Hwy 1. Dep Star said he and the other four Deputies that patrol this area regularly would not ticket. CM Korn said the prior Council requested the speed reduction. He added that when Malabar added stop signs at Atz Road, they put up signs weeks ahead of time. TA said she left msg with FDOT office to ask why no postings were done. She has not heard back yet.

Mayor Beatty then introduced Pastor Paul Rosbury and called him to podium. The pastor said he has been in this area for many years. He is here tonight to give the Kings James Bible and workbook to each CM and the Mayor. He then handed them out by name and thanked them for their service. He has 48 active ministries in Brevard County. He is happy with our prayer.

C. ADDITIONS/DELETIONS/CHANGES – BCSO report moved to top of meeting

D. CONSENT AGENSDA: none

- | | |
|-------------------------------|-------------------------------------|
| 1. <u>Approval of Minutes</u> | Regular Town Council Mtg – 12/15/14 |
| <u>Exhibit:</u> | Agenda Report No. 1. |
| <u>Recommendation:</u> | Request Approval of Minutes |

Discussion: Corrections: none.

MOTION: CM Vail / CM Ball to approve the Minutes as presented. **VOTE:** All Ayes.

E. PUBLIC COMMENTS: Comments may not address subsequent Agenda Items. **Comments do not require Council response.** (Speaker Card Required) **Five (5) Minute Limit per Speaker.**

Speaker's Card: Dr. Seybold, Corey Road, wanted to talk about the letters sent out by Town before the election re: the MSTU referenda. It seemed to him to be one-sided in favor of the MSTU. He said it should have been more balanced if you are using public money. Should have given both sides.

TA said they were done as directed by the seated Council at that time. (Clerk's Note: BCSO Sheriff Wayne Ivey sent separate letters to each CM, Mayor and TA in response to our intention to put the MSTU question on our ballot. Council then directed TA to work with BCSO to produce an article on what the MSTU pays for; but alerting residents to what the millage increases have been since the MSTU inception in 2007. The Town of Malabar has no negotiation ability in this determination.)

CM Acquaviva stated the main reason for these letters to residents was to give the public the info on how much it has increased since it was originally approved in 2006.

F. **ATTORNEY REPORT:** none

H. **PUBLIC HEARINGS:** (3)

2. **Development Agreement between the Town of Malabar and Kellwill, LLC** as a condition for approval of Ord 2015-01 re: land use map and zoning map change for a portion of Parcel 28-38-31-750, Malabar, Florida Lying on the WEST side of Highway 1.

Exhibit: Agenda Report No. 2

Recommendation: Request Approval of Development Agreement

Mayor Beatty read the portion of Agreement dealing with the restrictions requested by previous meetings.

Mayor said anyone wishing to speak should provide their name and address and provide any handouts to Clerk and Council before speaking.

Mayor then asked if there is any need for disclosures for conversations held with any parties or site visits by CM. Mayor declared none being heard. Mayor called up the petitioner to podium.

Mr. William Carmine, 1310 Stack, wanted to thank Town staff, this Council, the previous Council and the P&Z Board on behalf of him and his family and his employees. He thanked Atty Bohne for putting the Dev Agreement together to deal with restrictions on uses some Council and Board members had concerns. He will answer any questions.

Chair Opened PH:

No public.

Chair asked for staff comments: Atty Bohne explained what he and Carmine did in going over uses that they were going to restrict on the subject property per the Land Development Code District Provisions. Atty Bohne said Council may want to add additional restrictions. The LU and ZC ordinance is up for 2nd reading and it was approved at 1st reading with the stipulation that this Development Agreement be in place before 2nd reading.

Chair Closed PH:

Chair said to Council that if you make a motion you are expected to support the motion. The Secunder does not have to support the motion. Both can vote against the motion.

MOTION: CM Acquaviva / CM Vail to approve the Development Agreement.

Discussion: CM Krieger asked Atty in re: Development Agreement, Section 8; can this be amended? Atty said it would have to be by mutual agreement. CM Krieger said the wording does not state that. Atty said that any change must be signed by both parties. Krieger said so three (3) votes (of Council) could end this Development Agreement? Atty said any change would require mutual agreement. CM Krieger then asked how this affects 'similar uses'. CM Krieger said he recalls seeing drive thru facilities, open 24 hours. Was that discussed at P&Z? No not really. CM Krieger said what about funeral homes. Once this zoning is changed it could be up to 20% of coverage. Yes. CM Krieger said there are so many uses.

CM Korn, there are several areas in Town that are CG. If we need to list the undesirable uses it would be a long list; we need to show good faith to this Malabar business owner. CM Acquaviva still supports this. You can have bars in RLC. There are things in place to require

regulations on site plan. CM Acquaviva asked why funeral homes would be a bad thing. Why is drive thru a bad thing; what about banks.

CM Korn called the question.

ROLL CALL VOTE: 1)CM Ball, Aye; CM Vail, Aye; CM Krieger, Nay; CM Korn, Aye; CM Acquaviva, Aye. Motion carried 4 to 1 (CM Krieger).

3. 2ND Reading and Public Hearing on Ord 2015-01 Request for a Land Use Map Amendment & Zoning Change, 1300 Highway 1, Malabar, FL lying on the WEST side of Hwy 1; Request to change from Residential/Limited Commercial to Commercial General: Applicant: KellWill, LLC. Represented by Mr. William Carmine.

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; AMENDING THE COMP PLAN MAP AND ZONING MAP FOR THE THREE (3+/-) ACRES OF LOT 750 LOCATED ON THE WEST SIDE OF HIGHWAY 1 IN TOWNSHIP 28, RANGE 38, SECTION 31, NORTH OF MALABAR ROAD, AKA 1300 HIGHWAY 1, MALABAR, FLORIDA, FROM RESIDENTIAL/LIMITED COMMERCIAL (R/LC) TO COMMERCIAL GENERAL (CG); PROVIDING FOR A DEVELOPMENT AGREEMENT; PROVIDING FOR AMENDMENT TO THE OFFICIAL TOWN ZONING MAP; PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 3

Recommendation: Request Adoption of Ord 2015-01

Mayor Beatty read Ord 2015-01 by title only.

Mayor then asked for speakers to give their name and any handouts need to be given to Clerk. Then asked for disclosures since last meeting. None heard.

Mayor called on petitioner.

William Carmine wanted to thank Council and staff. You are going to be really impressed with what he does to that corner.

Open PH: none Close PH: No staff. Mayor said motion maker should support the motion.

MOTION: CM Korn / CM Krieger to adopt Ord 2015-01 on 2nd reading.

Discussion: none

ROLL CALL VOTE: CM Ball, Aye; 1)CM Vail, Aye; CM Krieger, Nay; CM Korn, Aye; CM Acquaviva, Aye. Motion carried 4 to 1 (Krieger).

4. Elhoim Christian Church Site Plan Review for a 15,000 sf Sanctuary on three (3+/-) acres located on north side of Malabar Road on Lots 759 & 760 in Section 36, Township 28 and Range 37 aka temporary address: 2170 Malabar Road, Malabar, Florida. Applicant: Ms. Ana Saunders for Mr. Scott Glaubitz, P.E. with BSE Consultants, Inc. representing Elhoim Christian Church.

Exhibit: Agenda Report No.4

Recommendation: Request Approval of Site Plan

Mayor Beatty called applicant to podium.

Ana Saunders, BSE Consultants, Inc., 312 S Harbor City Blvd. The project is for a 10K sanctuary and an additional 5K at a later point. Ms. Saunders told Council they went through all of staff comments and addressed them. CM Krieger asked if the parking includes the addition. Ms. Saunders said they are working with FDOT on minor comments. Parking takes in the addition. CM Acquaviva asked about the fire review. Franklin explained the 3rd party review. Ms. Saunders said the expansion area will be seeded and stabilized at proper elevation. Perimeter swale to catch storm water. CM Krieger said what about landscaping – Saunders said they will do all required landscaping plus install a fence on west side.

Open PH: none Close PH:

MOTION: CM Krieger / CM Ball to approve the Elhoim Christian Church Site Plan as presented.

Discussion: CM Krieger said the extended use of the millings. He worries about dusting. With grass parking, you can assist that with echo stone. Mayor Beatty made statement about dusting.

The parking lot speed will be much lower than that on local roads. Mayor said the parking area is elevated and engineering provides drainage. CM Acquaviva said so we don't inspect new commercial construction? Franklin said the 3rd party review provides what is required for construction but Council did away with any inspections after that. Mayor called for vote.

ROLL CALL VOTE: CM Ball, Aye; CM Vail, Aye; 1)CM Krieger, Aye; CM Korn, Aye; CM Acquaviva, Aye. Motion carried 5 to 0.

Break at 8:30pm - 8:40pm.

I. PUBLIC: ITEMS DIRECTLY RELATED TO RESIDENTS AND RECOMMENDATIONS FROM TOWN BOARDS/COMMITTEES PRESENT AT MEETING

5. Report by Park & Recreation Advisory Board Chair, Mr. Hans Kemmler

Exhibit: Agenda Report No. 5

Recommendation: Request Direction

Park Board Chair Kemmler said the Malabar Madness Disc Golf Competition on the 1st Saturday of January was a great success. It is held each year. He thanked them for approving the expenditure for the elevation survey. They need it so they can see if trails could be installed on property. They are moving forward on restroom grant at Sand Hill trailhead.

TA explained how Jim Clevenger, a local resident and owner of Sweetwater Custom Homes volunteered to set the donated flag poles. TA explained how the poles would be installed. Mayor said you should use sand and not concrete in posts after flag poles are inserted; that would provide easy extraction of flag poles in future. TA said the contractor is following the instructions. CM Ball asked about the roadway between the Brook Hollow SD and Malabar Road and asked Kemmler if that was part of Parks Dept. No, the right-of-way belongs to the Town and the property on either side is EELs Malabar Scrub West.

CM Acquaviva said she and her family, friends and those visiting for the holidays play turkey bowl at Malabar Community Park over Thanksgiving holiday. She said many people attend; more every year. They have been doing it for 15 years and each year everybody complements the park and how nice and clean it is kept. She wanted Kemmler to know how much it is appreciated.

6. Resident Mr. Charles Ryan re: Slope Mower Repairs & Maintenance

Exhibit: Agenda Report No. 6

Recommendation: Request Action

Mr. Ryan, resident on Howell Lane, Malabar. He said he had 60 years of electronic, mechanical and electronic engineering. While in military service he did one year in Philippines working and taught himself to weld. Also while in service worked on power plants and steam plants and learned diesel equipment and what was needed to keep them running. Also was a machinist and that is how he funded his college. He had heard some concerns on Council and by non-Council residents regarding the slopemower. He did this just like he did the old school house when Council was considering that purchase.

Based on some questions about why we are replacing this. He met with Tom and this is when the pictures were taken. He is only dealing with slope mower, not the tractor. He showed pictures of the arm and the pin. He showed the way the arm is used. He pointed out there was no indication of being greased. He stated the grease keeps them from wearing.

He stated he did a public records request (PRR) on 11/19 for maintenance records on the slope mower. Eventually found out that there were no maintenance records, only miscellaneous receipts. He said Council can draw their own conclusions. The people in the Fire Dept and in

Public Works are custodians of Town property. Mr. Ryan said TC was under impression that Everglades was going to do the inspection and then found out it was done by Robinson.

CM Acquaviva asked Mayor Beatty what records he kept when he was in charge. Mayor said trip tickets were done. They did not do maintenance logs. Mayor Beatty said for the record, we, PW, back in the day; they had a log book and every piece of equipment. They hired two secretaries that were supposed to input all the records into an Excel spreadsheet. The one was sent to school to learn Excel on a Tuesday and then was let go on a Thursday.

TA said no records of trip tickets or any other records were found when Tom took over. CM Acquaviva said Council started with the FD with the two workshops last year and requested logs be kept; we need to do this for PW equipment also. CM Acquaviva asked Mr. Ryan what is the bottom line of his presentation? What is his conclusion? Mr. Bud Ryan said he will not make a recommendation. CM Korn said they are getting away from Mr. Ryan's report. All employees that operate equipment owned by the Town are responsible to maintain it. (Note: While Mr. Ryan was at the screen showing and speaking to the pictures his comments were not picked up by microphone.

TA reported on why they used Robinson Equipment. She explained the attempt to get the John Deere dealer to certify that the five heads we had could be used on that unit. They finally got back to her and said no the heads would not work. That is why they asked for the additional 12K so they could get the model with the arm that would allow us to use the Town owned heads. At budget time they discussed buying a new slopemower and using the old tractor to operate another head that would not have to be switched out and would save PW from three (3) hours of downtime while the heads are changed. Council asked her to get a professional inspection. Separate boom from tractor. She reported to Council that the inspection would be done by Robinson.

CM Acquaviva said they want to know how it is going to be fixed. What is the bottom line? Should they get the kit? Mr. Ryan said that it is an all inclusive kit. She said it seems Mr. Ryan is saying that maintenance wasn't done, and he didn't get requested records in a timely fashion. CM Korn said a 23 year old tractor is not old for a tractor. Mr. Ryan said he had to leave the meeting.

TA would like to afford the professional representative from Robinson Equipment the opportunity to speak. Brian Bresshard, came to podium. He lives in Mims; He is here on his own time. Gave a little background; was Chief Mechanic for 280 pieces of equipment at Titusville for 14 years. They had the exact same machine. Every 200 hours it is greased from top to bottom. In between other things need to be done. In nine years the boom was rebuilt several times. Where he worked if a piece of equipment needed work the piece was sidelined until it is fixed. When he arrived at Malabar PW to look at it, it turned over but did not start. Tom told him PB repaired the fuel system. He went over it best he could. The hydraulic pump had wrappings because it leaked. The last picture showed that the bad wear and is so worn that no bushing replacement kit will fix.

He showed the three feet of boom removed. That is substantial – he would have gotten a full replacement. After repeated welding's the metal fatigues. It is dangerous to the operator and is a liability for the Town.

He then went over the prior pictures. Regarding the pins, once it is worn out there is no fixing this. And until you pull it apart you don't know.

TA said that we do have all of the receipts for parts so our PW could do repairs. TA said since the recession the budget has not provided for any improvements in PW. We did everything possible in house to save money. Things changed in 2011 and we signed contract with Palm Bay Fleet Services. CM Acquaviva confirmed that.

CM Korn said it spent 8 weeks at PB. TA said it is not the only piece they work on. If we did that and if it is broke again did we contact Palm Bay? CM Ball how long do you expect a piece to last. Tractors, dump trucks, 15 years. They replaced the boom at 11 years. The cost of the tractor back then was 48K. You can get 12 to 15 thousand hours if it is operated properly. One bad operator in first two years could shorten the equipments life years later. Brian said it is 10 years of use – not misuse.

CM Acquaviva stated she is not a mechanic, but it is not always operator error. She relates analogy of her new dryer breaking down and her being at fault. Turned out there was a piece in the dryer that didn't fit and it jammed the drum. There are probably things that could be similarly wrong with any piece of equipment; we can pontificate all night, but that is not going to resolve this.

CM Vail is a mechanic and has worked on this machine. Bushings could be fabricated for this. The welds are nothing more than throwing bubblegum on it. Is the 8K kit for the mast? The bottom line is that 6K hours is not old. CM Vail said the 6450 John Deere they had to change fuel filters every three years. They cleaned out the fuel tank. He said Felix greases it twice daily. It is not operator abuse. Do we invest the money to repair what we have?

Mr. Bresshard said it is a catch 22; you can spend 20K and three months later it stops running again. PW Director Tom had told him it was like that since he was here.

Mayor wanted to address a few points. Has 20-25 years experience with Alamo and then John Deere. Explained how it was.

CM Vail – point of order. Can Attorney leave? Yes 9:50pm.
(No Recess – Attorney Excused)

Mayor said he has extensive experience with this. There are issues with this tractor that should have been brought up three (3) years ago. He has pulled them apart and changed things and put in bushings. The boom doesn't swing fast. Mr. Bresshard said the expenses can just mount up. At Titusville they caught it before it got this bad. TA asked what Council wanted.

CM Vail said they want the refurb on the boom, remove the welds, so we have 3-5 years of extended life. Fuel system problem TBD. Worst case scenario, the arm can be mounted on something else.

Mayor said the fuel tank has never been cleaned. It should be run down and cleaned or replaced. Mayor wants to look at tractor when it is available.

CM Korn asked Mr. Bresshard if he could get Robinson to give us a quote to refurb the slopemower. Mr. Bresshard said yes.

J. ACTION ITEMS:

MISCELLANEOUS: 4

- 7. Cancel or Reschedule 2nd Meeting in January & February**
Exhibit: Agenda Report No. 7
Recommendation: Request Action

MOTION: CM Korn / CM Acquaviva to cancel the 2nd meeting in January and February, 2015

Vote: All Ayes

8. **Request Ford Explorer used as Eagle Patrol be Declared Surplus**

Exhibit: Agenda Report No. 8

Recommendation: Request Action

MOTION: CM Acquaviva / CM Vail to surplus vehicle and bring back to next meeting on how disposal is to be done.

Discussion: TA explained how staff handles it. CM Krieger called the question. **VOTE:** All Ayes

(No Recess – Attorney Excused)

K. **PRESENTATIONS:**

L. **PROCLAMATIONS:**

M. **STAFF REPORTS: ADMINISTRATOR:**

Detour signs for work on Corey and Atz. The concrete pipe needs to be wrapped. Work will start on 19th. She will look at sign on Glatter Rd for CM Krieger. She has put out the contract for bridge repair. The pre-construction meeting will be tomorrow. Tomorrow night the Brk Hollow HOA has asked for Eng to repair. **CLERK:** nothing.

N. **DISCUSSION ITEMS:**

9. **Space Coast League of Cities, January Mtg. (Acquaviva)**

Exhibit: Agenda Report No. 9

Recommendation: Request Action

CM Acquaviva said this was her item. In the past we took turns with Palm Bay hosting the January meeting. It is the one meeting a year that we all attend. It seemed to her that this was changed in the second week of December, after our staff had already started the preparations.

Mayor explained how they could not afford to use The Tides for the Christmas dinner. Cape Canaveral CM Georgia Phillips found the Cocoa Civic Center to use. Also Cocoa Mayor Parrish wanted to do in Cocoa. Marisa asked who broached it - did Mayor Beatty ask to be separated from Palm Bay? The proposal was if Cocoa did Christmas. How did that change our month of January? Ours was already in the works as it was coming up the next month. CM Acquaviva said Mayor Beatty is the person that attends those meeting as our Delegate. She wanted to know how they determined to remove Malabar from January meeting. Mayor Beatty said he talked to Betty Walsh, President of SCLC. The next day he came in and told Clerk. CM Korn – he caught wind of this at last meeting. He mentioned it to CM Betty Walsh. He then got with G-V Mayor Del Yonts. Del said Palm Bay Mayor wanted to go alone and be on same level as Melbourne.

CM Acquaviva / CM Korn to extend 15 minutes. All Ayes.

Mayor Beatty stated that the next morning after the meeting at approximately at 9 AM he spoke to Franklin about everything he knew regarding what was coming up. It was positive with everyone on Board; all were in agreement with the change. Del was going to take it to his Council (and has) and they had no objection. He said he would take it to his Council but they ran out of time at last meeting. Next Monday (Jan 12) it will be on the SCLC Board agenda and there is no guarantee because they could change their minds and it not go through. CM Korn asked to finish what he was saying as well. If there is a loser in this, it is the Malabar Clerk because she did a lot of work to get this all lined up for January; arranging for the restaurant and everything. He asked if Palm Bay picked up on everything that we had lined up. Franklin stated we gave it all to them. CM Korn said but without Franklin knowing ahead of time, it probably felt

like a slight; unintentional but I would say, he was not in on it but he took the initiative to ask a few people questions. It wasn't his responsibility to come to the Council but he would have if he had remembered it at our last meeting because he felt that Franklin should have been given notice and thanked for all the work that she put into it. Now she has to do it all again in March if we are going to do it this way. He wants to be sure that Franklin gets credit where credit is due.

Acquaviva stated that she brought this up; she's not bashing Mayor Beatty, but she does think that it is something that we have done as a Town and as a Council; it was not just on the Mayor to say yes to such a change. That's fine if Council wants to agree to the change, but how this all happened; the fact that we are doing this in January of the year we host the meeting and our own Council didn't know about it was embarrassing to me; this is our turn. We do it, we take pride in it and our Council is well aware of it. To go and make all these changes; say by the way we are going to do it in March, which would have been fine but to make all the changes so quickly, that decision didn't just fall on you. It's a courtesy to ask the Clerk and this Council; I'm sorry but part of me was so confused after seeing the memo. This is now the second week of December and she's thinking "Oh my God, Palm Bay dropped us?" She didn't know what happened; she wanted to hear it from Mayor Beatty as he attends the meetings. We are all busy but we take pride in doing this with Palm Bay; it's a goodwill thing. She doesn't have an issue with doing it with Grant-Valkaria but that was nobody's decision here; it would have been nice to have it brought to Council. That's all she's saying about that. Mayor Beatty made comment; Acquaviva stated that she felt Mayor usurped power.

Franklin spoke and stated that after the Dec meeting Mayor Beatty came in and told her of what may be happening, she called Palm Bay and asked their Clerk; they checked with their Palm Bay Mayor and it was his opinion, whatever the decision was, that the changes would take place in 2016. Then she was really confused so she got back with Mayor Beatty and then he had all the back and forth telephone conversations. What appeared to be a done deal in December wasn't a done deal because there were people that didn't want December Christmas meeting at the Cocoa Civic Center. So that's why it's back on the agenda for SCLC Board action to decide at January meeting. CM Korn asked if the meeting was to be in Palm Bay on 1/12/15. CM Acquaviva stated that it's at the Melbourne Rialto; CM Korn asked if it's hosted by Palm Bay. Franklin stated yes. He thinks the ball got dropped as far as bringing it to Council but he does not think, he can't speak for Carl, but his opinion was Carl was approached. CM Acquaviva asked "right before Christmas"? Korn stated that what is done is done and we need to be careful in the future.

O. REPORTS – MAYOR AND COUNCIL MEMBERS

CM Korn – will be gone most of month. He suggests that Brian Vail be his backup.

CM Acquaviva – nothing

CM Ball – nothing

CM Vail – nothing

CM Krieger – Corey Road bump in the road needs attention

Mayor - nothing

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

Q. ANNOUNCEMENTS:

Two (2) vacancies on the Board of Adjustment

Two (2) vacancies on the Park and Recreation Board

Two (2) vacancies on the Trails & Greenways Committee

Two (2) vacancies on the Planning & Zoning Board

R. ADJOURNMENT:

There being no further business to discuss, Chair asked for a motion.

MOTION: CM Korn / CM Krieger to adjourn. **VOTE:** All Ayes. The meeting adjourned at 10:43 PM.

BY: _____
Mayor Carl Beatty, Council Chair

ATTEST BY:

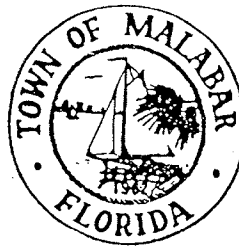
Debby K. Franklin, C.M.C.
Town Clerk/Treasurer

Date Approved: _____

DRAFT

If an individual decides to appeal any decision made by this board with respect to any matter considered at this meeting, a verbatim transcript may be required, and the individual may need to insure that a verbatim transcript of the proceedings is made (Florida Statute 286.0105). The Town does not provide this service. In compliance with F.S. 286.26 and the Americans with Disabilities Act (ADA), anyone who needs a special accommodation for this meeting should contact the Town's ADA Coordinator at 321-727-7764 at least 48 hours in advance of this meeting.

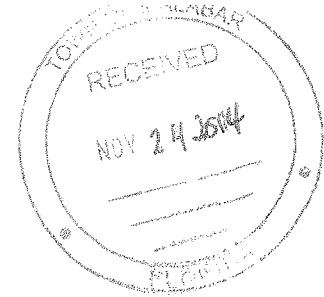
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(407) 727-7764
FAX (407) 722-2234



2
MALA

#2
RTEM
2/2/15

AGENDA ITEM REQUEST FORM
MALABAR TOWN COUNCIL



Please mail completed form to:

Town of Malabar
2725 Malabar Road
Malabar, Florida 32950

NAME: Laura Mahoney

ADDRESS: 2475 Malabar Road
Malabar, FL 32950

TELEPHONE: cell (321) 693-4314
(Home) _____ (Business)

Please state the item you wish to have placed on the Town Council Agenda.

Bring amending Ordinance 2014-03

Please summarize pertinent information concerning your request Agenda item, and attach applicable documents.

Lots of Palm Trees in yard
Palm fronds

Please state desired action by Town Council.

approve burning waste when needed
to keep safety
concerns minimal

Signed: Laura Mahoney

Date: Nov. 24, 2014

precautionary measures that ensure that the fire is confined to a predetermined area to accomplish the planned fire or land management objectives.

(g) "Prescription" means a written plan establishing the criteria necessary for starting, controlling, and extinguishing a prescribed burn.

(h) "Yard trash" means vegetative matter resulting from landscaping and yard maintenance operations and other such routine property cleanup activities. The term includes materials such as leaves, shrub trimmings, grass clippings, brush, and palm fronds.

(2) NONCERTIFIED BURNING. —

(a) Persons may be authorized to burn wild land or vegetative land-clearing debris in accordance with this subsection if:

1. There is specific consent of the landowner or his or her designee;
2. Authorization has been obtained from the division or its designated agent before starting the burn;
3. There are adequate firebreaks at the burn site and sufficient personnel and firefighting equipment for the control of the fire;
4. The fire remains within the boundary of the authorized area;
5. An authorized person is present at the burn site until the fire is extinguished;
6. The division does not cancel the authorization; and
7. The division determines that air quality and fire danger are favorable for safe burning.

(b) A person who burns wild land or vegetative land-clearing debris in a manner that violates any requirement of this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS AND PURPOSE. —

(a) The application of prescribed burning is a land management tool that benefits the safety of the public, the environment, and the economy of the state. The Legislature finds that:

Outdoor Burning TIPS

- Check with your local Florida Forest Service office to make sure it is legal to burn in your area.
- Make sure you meet the required setbacks.
- Burn only yard waste, no household garbage (includes paper products and newspapers).
- Don't burn on windy days.
- Never leave a fire unattended.
- Keep a water hose or shovel handy in case your fire escapes.
- Make sure your smoke does not obstruct visibility on nearby roads.
- Be sure your fire is completely out before you leave.

-Remember-

If your fire escapes, you may be liable for costs of suppression and damage to the property of others.

FLORIDA FOREST SERVICE FIELD HEADQUARTERS (By Counties)

Blackwater Forestry Center 850/857-8140
Escambia • Okaloosa • Santa Rosa
Chipola River Forestry Center 850/547-2084
Bay • Calhoun • Gulf • Holmes • Jackson • Walton
• Washington
Tallahassee Forestry Center 850/438-1874
Franklin • Gadsden • Jefferson • Liberty • Leon • Wakulla
Perry Forestry District 850/838-2299
Dixie • Lafayette • Madison • Taylor
Suwannee Forestry Center 386/758-5790
Baker • Bradford • Columbia • Hamilton • Suwannee
• Union
Jacksonville Forestry District 904/266-5001
Clay • Duval • Nassau
Wacassasa Forestry Center 352/955-2810
Alachua • Gilchrist • Levy • Marion • Putnam
Flagler • St. Johns • Volusia 352/446-6765
Withlacoochee Forestry Center 352/754-6777
Citrus • Hernando • Lake • Pasco • Sumter
Orlando Forestry District 407/856-6512
Brevard • Orange • Osceola • Seminole
Lakeland Forestry District 863/648-3160
Hillsborough • Pinellas • Polk
Wynahka River Forestry District 941/761-7527
Charlotte • DeSoto • Hardee • Manatee • Sarasota
Okeechobee Forestry District 883/452-5160
Glades • Highlands • Indian River • Martin
• Okeechobee • St. Lucie
Caloosahatchee Forestry Center 239/690-3590
Collier • Hendry • Lee
Everglades Forestry District 954/475-4120
Broward • Miami-Dade • Monroe • Palm Beach

DEPARTMENT OF AGRICULTURE AND
CONSUMER SERVICES
ADAM H. PUTNAM, COMMISSIONER

FLORIDA FOREST SERVICE
JAMES R. KARELS, DIRECTOR

FOREST FIRE LAWS & OPEN BURNING REGULATIONS
REVISED 2009, DACS-P 951495 - Printed 7/13

Know The Law

Before You Strike That Match in Florida

www.fl-dof.com

ORDINANCE 2014-03

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, RELATING TO FIRE PREVENTION AND PROTECTION; AMENDING CHAPTER 8, ARTICLE III OF THE CODE OF ORDINANCES OF THE TOWN; AMENDING DEFINITIONS; REMOVING REFERENCES TO DOF AND DEP AND REPLACING WITH REFERENCES TO FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES AND FLORIDA FOREST SERVICE; PROVIDING FOR AN OPEN BURNING MULTILATERAL OPERATING AGREEMENT; PROVIDING FOR SEVERABILITY, REPEAL AND CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, THAT:

SECTION 1. Article III of Chapter 8 of the Code of Ordinances of the Town is amended in full to read as follows:

“Sec. 8-71. Purpose.

The purpose of this article is to set certain requirements and criteria to regulate and control all types of open burning within the town so as not to pose a threat to health, life, adjoining properties or public ways or to endanger natural vegetation and wildlands, or cause an "unfriendly fire" within the town.

Sec. 8-72. Definitions.


For the purpose of this article the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Words in the present tense include the future; words in the masculine gender include the feminine and the neuter; the singular number includes the plural and the plural the singular.

Agricultural and silvicultural fires includes all burning for agricultural, silvicultural, or forestry operations related to the growing, harvesting, or maintenance of crops or in connection with wildlife management. This includes the burning of plant material by plant nurseries and for grove operations.

Air curtain incinerator means a combustion device that directs air at high velocity through a manifold head into a pit with vertical walls in such a manner to maintain a curtain of air over the surface of the pit and a recirculating motion of air under the curtain.

Air pollution means the presence in the outdoor atmosphere of the state of any one or more substances or contaminants in quantities which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or unreasonably interferes with the enjoyment of life or property, including outdoor recreation.

 *FDACS* means the Florida Department of Agriculture and Consumer Services

FFS means the Florida Forest Service

Sec. 8-73. Permit required to burn.

(a) It shall be unlawful for any person to conduct open burning of any kind within the town without first obtaining a written permit from the chief of the fire department or his assigned designee.

(b) Only those persons who are involved in land clearing for future construction purposes will be considered for burning permits.

(c) All persons obtaining burnings permits will follow all FDACS regulations, FFS_regulations, and/or the requirements of this article. If the requirements of this article differ from the requirements of the FDACS or the FFS, the more stringent requirement shall apply.

Sec. 8-74. Hours of burning.

Burning will be permitted only between the hours of 9:00 a.m. and one hour prior to sunset, excluding special permits.

Sec. 8-75. Name of property owner, township, section, range, to be provided.

Prior to the issuance of a burn permit within the town, the person desiring the permit shall provide to the fire chief or his designee the name of the owner of the property, the township, section, and range upon which the material is to be burned. This information will also be required by FDACS and/or FFS.

Sec. 8-76. On site survey required.

(a) The fire chief or his assigned designee shall conduct a survey of the proposed burning site to determine if it meets the requirements of this article and/or FDACS and FFS_regulations.

(b) The fire chief or his assigned designee shall conduct a visual inspection of the forced air device required by FDACS and/or FFS, to insure that it meets specific standards that will accomplish complete combustion with a minimal amount of smoke. The forced air system shall provide a minimum air transference of 14,000 cubic feet per minute (CFM) and maintain a minimum static pressure of ninety (90) miles per hour (mph). This information shall be provided to the fire chief or his assigned designee by the permittee. Manufacturer's specifications or written statements by an approved testing agency are acceptable.

(c) The site must meet the FDACS and/or FFS requirements of one hundred fifty (150) feet from any road and one hundred fifty (150) from any occupied structure, with a minimum fifty (50) feet clear area around the piles.

Sec. 8-77. FDACS and/or FFS burn permit number required.

After inspection by the fire chief or his designee DOF will be notified for approval to issue daily permit numbers for the site. The person desiring the permit will call FDACS and/or FFS to obtain a daily permit number. After obtaining the FDACS and/or FFS number Malabar Fire Department will be notified for final approval to burn for the day.

Sec. 8-78. Materials which may not be burned.

The burning of tires, rubber material, asphalt, roofing material, tar, railroad cross ties, other creosoted lumber, plastics, or garbage (except approved waste pesticide containers), or any other material listed by the FDACS and/or FFS or this article is prohibited.

Sec. 8-79. Means of controlling unfriendly fire.

Any person conducting burning operations shall have a means of controlling an unfriendly fire immediately available on site. Example:

- (1) Front end loader;
- (2) Pumping water from wells or holding ponds; or
- (3) Other means acceptable and approved by the fire chief or his assigned designee.

Sec. 8-80. Extinguishing of fire by fire department personnel.

(a) If burning sites are left unattended while debris is still burning, the fire department will respond to extinguish said debris and the permittee will be subject to incur all costs of extinguishment.

(b) If debris piles are not extinguished by stated time, the fire department will respond to extinguish said debris and the permittee will be subject to incur all costs of extinguishment.

(c) If debris reignites after extinguishment by the permittee, and the fire department is required to respond and extinguish said debris, the permittee will incur all costs of extinguishment.

Sec. 8-81. Burn permit denied or revoked.

A burn permit may be denied or revoked at any time by the fire chief or his assigned designee for any one or more of the following reasons:

- (1) Failure to provide FDACS and/or FFS permit number;
- (2) Failure to provide immediate means of controlling unfriendly fire;
- (3) Wind speed is in excess of ten (10) miles per hour;
- (4) Extremely dry conditions as determined by the fire chief or his assigned designee;

(5) Failure to provide a competent person to attend to the burning operation while burning is in progress.

(6) Two (2) or more complaints are received from nearby residents or building occupants in reference to health reasons, possible damage to property, smoke hazard, any other legitimate reason which would interfere with the health or well-being of a person in the vicinity of the burning operation;

(7) Any time the burning operation is found to be in violation of FDACS and/or FFS_regulations or in violation of any part of this article; and

(8) Any time the fire chief, or his assigned designee, determines that a fire may cause a threat to health, safety and welfare.

Sec. 8-82. Permit suspended and criminal prosecution.

(a) Any person found to be burning without a permit issued by the fire chief or his assigned designee within the town or conducts a burning operation after the denial or revocation of a burn permit will be issued a suspension from the privilege of receiving a burn permit within the town. The suspension may apply to and be honored by the individual named on the suspension, and any other individual company, firm, contractor, or organization that said individual is employed by or in any way affiliated with while conducting such burning operation and said suspension shall remain in force for a period of:

- (1) Fourteen (14) days—first offense;
- (2) Thirty (30) days—second offense; and
- (3) Permanent suspension—third offense;

The suspension may also be applied to the property upon which a violation is located.

(b) The suspensions and/or criminal prosecution listed in paragraph (a) above, shall be in addition to any other penalties, fines, etc., imposed by the FDACS and/or FFS or any other enforcing agency as permitted by the law.

Sec. 8-83. Types of burning permitted

(a) Agricultural and silvicultural fires will be permitted per FDACS and/or FFS regulations and any other requirements of this article.

(b) Rural land clearing fires will be permitted per FDACS and/or FFS regulations and any other requirements of this article.

(c) Non-rural land clearing fires will be permitted per FDACS and/or FFS regulations and any other requirements of this article.

(d) Yard trash fires are prohibited.

(e) Burning of household trash is prohibited.

(f) Burning for cold or frost protection will be permitted per FDACS and/or FFS_regulations and any other requirements of this article.

(g) Special burning permits may be issued by the fire chief or his assigned designee for camp fires or bonfires for special events within the town when weather conditions permit.

Sec. 8-84 Open Burning Multilateral Operating Agreement

Then Town and the FDAC and the FSS may from time to time enter into an Open Burning Multilateral Operating Agreement or like agreement outlining the rights, responsibilities and the duties of the parties to such an agreement concerning open burning. Any permit issued pursuant to this Article III shall be deemed to incorporate the terms and provisions of such agreement."

Section 2. Severability. In the event a court of competent jurisdiction shall hold or determine that any part of this ordinance is invalid or unconstitutional, the remainder of this ordinance shall not be affected and it shall be presumed that the Town Council, of the Town of Malabar, did not intend to enact such invalid or unconstitutional provision. It shall be further assumed that the Town Council would have enacted the remainder of this ordinance without said invalid and unconstitutional provision, thereby causing said remainder to remain in full force and effect.

Section 3. Repeal. All other ordinances or resolutions to the extent that conflict with this ordinance are hereby expressly repealed.

Section 4. Codification. The provisions of this ordinance shall become part of the code of ordinances of the Town of Malabar.

Section 5. This Ordinance shall become effective immediately upon its adoption.

The foregoing Ordinance was moved for adoption by Council Member Abare. The motion was seconded by Council Member Acquaviva and, upon being put to a vote, the vote was as follows:

- Council Member Wayne Abare
- Council Member James Milucky
- Council Member Steven (Steve) Rivet
- Council Member Dick Korn
- Council Member Marisa Acquaviva

Aye
Aye
Aye
Aye
Aye

Passed and adopted by the Town Council, Town of Malabar, Brevard County, Florida this 3 day of Feb, 2014.

TOWN OF MALABAR

By:

Steve Rivet
Steve Rivet, Council Chair

First Reading 1/06/2014
 Second Reading 2/03/2014

ATTEST:
 By Debby K. Franklin
 Debby K. Franklin, C.M.C.
 Town Clerk/Treasurer

(Seal)

Approved as to form and content:
Karl W. Bohne, Jr.
 Karl W. Bohne, Jr., Town Attorney

TOWN OF MALABAR

AGENDA ITEM REPORT

AGENDA ITEM NO: 3
Meeting Date: February 02, 2015

Prepared By: Bonilyn Wilbanks, Town Administrator

SUBJECT: Budget Transfers for FY 2014/2015 (Reso 01-2015)

BACKGROUND/HISTORY:

These adjustments are being made to provide for the appropriate Department expenses that have occurred since October 1, 2014 thru January 1, 2015.

At the request of Cindi and for clarity in the accounting of revenues and expenditures, we have broken down the Category 34 Revenues for Springfest to separate out the revenues that are actually from the Springfest event and the revenues from the Cowbell 5K. The same breakdown was done for the expenditures in Department 574 – Special Event. The amounts put in the budget area was determined from last year’s revenues and expenses as shown on the Springfest reports that I compiled for Council.

FINANCIAL IMPACT:

N/A

These adjustments do not represent any budget increases.

ATTACHMENTS:

Resolution No. 01-2015

ACTION OPTIONS:

Staff requests approval of Resolution No. 01-2015.

RESOLUTION 01-2015

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PERTAINING TO A BUDGET ADJUSTMENT IN THE FISCAL YEAR 2014-2015; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is necessary from time to time to adjust the amounts in various line items within a department and to record adjustments approved by Council and to accurately reflect the departmental expenditures.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN OF MALABAR OF BREVARD COUNTY, FLORIDA that;

SECTION 1. Amend the Budget Amount in Fire Control (522) Department.

Transfer from and to the Accounts indicated on the attached Budget Transfer Authorization to accurately record the revisions to the Fire Control Department.

SECTION 2. Amend the Budget Amount in Streets & Roads (541) Department.

Transfer from and to the Accounts indicated on the attached Budget Transfer Authorization to accurately record the revisions to the Streets & Roads Department.

SECTION 3. Amend the Budget Amount in Special Events (574) Department.

Transfer from and to the Accounts indicated on the attached Budget Transfer Authorization to accurately record the revisions to the Special Events Department.

SECTION 4. Create Revenue Account for OCS – Special Event Revenue – Cowbell 5k

Transfer from and to the Accounts indicated on the attached Budget Transfer Authorization to accurately record the revisions to the Special Event Revenue – Cowbell 5K Department.

SECTION 5. Conflict

All resolutions or parts of resolutions in conflict herewith are hereby repealed.

SECTION 6. Effective Date.

This Resolution shall take effect immediately upon passage.

This Resolution was moved for adoption by Council Member _____ The motion was seconded by Council Member _____ and, upon being put to a vote, the vote was as follows:

Council Member Grant Ball _____
Council Member Brian Vail _____
Council Member Don Krieger _____
Council Member Dick Korn _____
Council Member Marisa Acquaviva _____

This Resolution was then declared to be duly passed and adopted this 2nd day of February, 2014.

TOWN OF MALABAR

By:

(seal)

Mayor Carl Beatty, Council Chair

ATTEST:

Debby K. Franklin, C.M.C.
Town Clerk/Treasurer

Approved as to Form and Content:

Karl W. Bohne, Jr., Town Attorney

TOWN OF MALABAR
BUDGET TRANSFER AUTHORIZATION
 Fiscal Year 2014/2015

Department: 34 Charges for Services							
Account No.	Description	Approved Amended Budget	Balance thru 01/01/15	Transfer Dec	Transfer Inc.	Amount Left to Spend	New Budget Total
349.5000	OCS - Special Event Revenue	5,000	5,000.00	1,500.00		3,500.00	3,500
349.5100	OCS - Special Event Revenue - Cowbell 5K	0	0.00		1,500.00	1,500.00	1,500
CheckSum		5,000		1,500.00	1,500.00		5,000

DEPARTMENT EXPLANATION: (Give reason for transfer from each account.)

Transfer from (549.5000) to an added account line item (549.5100) to detail the monies collected for the Cowbell 5K.

Town Clerk/Treasurer: _____ Date: 02/02/2015 Approved by Town Administrator: _____ Date: 01/26/2015
 Approved by Council at RTCM 02/02/2015 RESO. No. 01-2015

(Rev. 05/2009)

TOWN OF MALABAR

AGENDA ITEM REPORT

AGENDA ITEM NO: 4
Meeting Date: February 2, 2015

Prepared By: Bonilyn Wilbanks, Town Administrator

SUBJECT: Approval of Supporting the SCLOC Resolution 01-2015

BACKGROUND/HISTORY:

Mayor Beatty requested that SCLOC Resolution 01-2015 be placed on the agenda. This resolution is to be voted at the next SCLOC meeting. Mayor Beatty would like to ask Council if they would consider passing this resolution also.

FINANCIAL IMPACT:

ATTACHMENTS:

SCLOC Resolution 01-2015

ACTION OPTIONS:

Mayor Beatty requests Council discussion and action on this matter.

RESOLUTION NO. 01-2015

A RESOLUTION OF THE SPACE COAST LEAGUE OF CITIES, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION, RELATING TO SEISMIC AIR-GUN TESTING; MAKING FINDINGS; OPPOSING SEISMIC AIR-GUN TESTING IN THE ATLANTIC; URGING THE FEDERAL GOVERNMENT TO STOP THE PROCESS; PROVIDING FOR DISTRIBUTION TO PRESIDENT AND CERTAIN MEMBERS OF THE FLORIDA CONGRESSIONAL DELEGATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Space Coast League of Cities, Inc., a Florida Not-for-Profit Corporation, (the "League") encourages all citizens and governmental agencies to be good stewards of the Atlantic Ocean coastal environment and its resources; and

WHEREAS, seismic air-gun testing is being proposed by the Bureau of Ocean Energy Management (BOEM) for the exploration of oil and natural gas off the mid-Atlantic coast; and

WHEREAS, offshore drilling poses a major threat to the coastal community and natural resources; and

WHEREAS, the type of seismic air-gun testing used to search for oil and gas is reportedly harmful to, and could negatively affect thousands of marine mammals and fish, including the critically endangered North Atlantic white whale; and

WHEREAS, the seismic air-guns fire intense blasts of compressed air every 1 to 12 seconds twenty-four hours a day for prolonged periods of time; and

WHEREAS, these loud air-gun blasts can be heard for many hundreds of miles in the ocean and can drive whales to abandon their habitats, go silent and cease foraging over vast areas; and

WHEREAS, offshore drilling would increase the chances of platform failures and oil spills due to the vulnerability of the coastal waters to severe weather; and

WHEREAS, the League is composed of municipalities located on the Atlantic Coast of Florida in Brevard County, and tourism and environmental preservation of coastal communities and waters of the Atlantic Ocean affects the economic vitality of many Florida communities.

NOW, THEREFORE, BE IT RESOLVED BY THE SPACE COAST LEAGUE OF CITIES, INC., that:

SECTION 1. That the Space Coast League of Cities, Inc., a Florida Not-for-Profit Corporation, opposes seismic air-gun testing. The League urges the President's Administration and Congress to stop this process and focus on ensuring the vitality of vulnerable local economies along the Atlantic Coast and the eastern Gulf of Mexico and protecting coastal natural resources.

SECTION 2. This Resolution shall be distributed to the President of the United States, U.S. Senators Bill Nelson and Marco Rubio, Congressman Bill Posey, and the Director of the Bureau of Ocean Energy Management.

SECTION 3. This Resolution shall become effective immediately upon its adoption.

THIS RESOLUTION was duly adopted by the general membership of the Space Coast League of Cities, Inc., on the _____ day of February, 2015.

SPACE COAST LEAGUE OF CITIES,
INCORPORATED, a Florida
Not-for-Profit Corporation

By: _____
Stephany Eley, President

ATTEST:

Sheila Donahue, Executive
Secretary

(CORPORATE SEAL)

TOWN OF MALABAR

AGENDA ITEM REPORT

AGENDA ITEM NO: 5
Meeting Date: February 02, 2015

Prepared By: **Bonilyn Wilbanks, Town Administrator**

SUBJECT: Slope Mower Repair Quotes

BACKGROUND/HISTORY:

At Council's request at the 01/05/2015 RTCM, I was asked to provide the breakdown for the quote I received for the refurbishment of the boom for the Slope Mower from Everglades Farm Equipment, the company that we purchased the John Deere Slope Mower from. In addition, the Robinson Equipment representative was asked to provide a quote with complete breakdown of the dollars for the repair of the boom for the slope mower.

Both company representatives spoke with Alamo the manufacturer of the Boom, and neither of them were able to locate any information for the kit that Mr. Ryan presented to Council for \$8,156.35.

FINANCIAL IMPACT:

Robinson Equipment = \$38,335.83 (estimate only)
Everglades Farm Equipment = \$49,451.37 (estimate only)

ATTACHMENTS:

Section of Draft minutes from the RTCM 01/05/2015
Robinson Equipment = \$38,335.83 (estimate only)
Everglades Farm Equipment = \$49,451.37 (estimate only)

ACTION OPTIONS:

Staff requests Council discussion and action on this matter.

ROBINSON EQUIPMENT CO

QUOTE

3030 CUYLER STREET
MIMS, FL 32754

321-529-4905 PHONE
321-267-5824 FAX
BRYAN1@CFL.RR.COM

DATE January 27, 2015

EXPIRATION DATE 30 DAYS

TO: TOWN OF MALABAR
ATT: BONILYN WILBANKS
PHONE# 321-506-9392

SALESPERSON	JOB	PAYMENT TERMS	DATE
BRYAN MICHAUD		Due upon receipt	

QUANTITY	DESCRIPTION	UNIT PRICE	LINE TOTAL
	PARTS		
1.00	BOOM INSERT WITH KIN PIN		\$7,145.00
1.00	BOOM ASSEMBLY WITH HOSES		\$19,500.45
1.00	MAIN LIFT CYLINDER		\$1,192.18
1.00	SWING CYCLINDER		\$1,039.97
1.00	PIN		\$52.21
1.00	ARM PIN		\$101.12
1.00	HYDROLIC PUMP		\$2,623.21
1.00	HYD. FILTER		\$71.19
50.00	HYDROLIC FLUID	\$9.81	490.50
	REPLACE BOOM MOUNT, A-BOOM, ALL CYLINDERS, HYDRAULIC PUMP, AND HYDRAULIC FILTER , FLUSH HYD. SYSTEM		
72.00	EASTAMATE HOURS TO REPAIR	\$85.00	\$6,120.00
NOTE	DUE TO PREVIOUS WELD REPAIRS ON BOOM AND BOOM INSERT, LIABILTY REQUIRES REPLACEMENT.		

Quotation prepared by: BRYAN MICHAUD

This is a quotation on the goods named, subject to the conditions noted below:
(Describe any conditions pertaining to these prices and any additional terms of the agreement.
You may want to include contingencies that will affect the quotation.)

To accept this quotation, sign here and return: _____

SUBTOTAL	\$ 38,335.83
SALES TAX	
TOTAL	

THANK YOU FOR YOUR BUSINESS!

ROBINSON EQUIPMENT CO

QUOTE

3030 CUYLER STREET
MIMS, FL 32754

321-529-4905 PHONE
321-267-5824 FAX
BRYAN1@CFL.RR.COM

DATE January 27, 2015

EXPIRATION DATE 30 DAYS

TO: TOWN OF MALABAR
ATT: BONILYN WILBANKS
PHONE# 321-506-9392

SALESPERSON	JOB	PAYMENT TERMS	DATE
BRYAN MICHAUD		Due upon receipt	

QUANTITY	DESCRIPTION	UNIT PRICE	LINE TOTAL
	ALAMO REPLACEMENT PARTS HAVE A 90 DAY WARRANTY ON DEFECTIVE PARTS. DOES NOT INCLUDE LABOR OR MISC. FLUIDS AND HARDWARE.		
	ALL REPAIRS HAVE A 30 DAY WARRANTY ON WORKMANSHIP.		

Quotation prepared by: BRYAN MICHAUD

This is a quotation on the goods named, subject to the conditions noted below:
(Describe any conditions pertaining to these prices and any additional terms of the agreement.
You may want to include contingencies that will affect the quotation.)

SUBTOTAL
SALES TAX
TOTAL

To accept this quotation, sign here and return: _____

THANK YOU FOR YOUR BUSINESS!



6150 Orange Ave.
Fl. Pierce, FL 34947
(772) 461-5568
(772) 466-0735 Facsimile

January 26, 2015

To: Town of Malabar-Bonnie Wilbanks

Fr: Everglades Farm Eq-Rose Noelke

772-461-5568 ext 6

This estimate is for replacement of Alamo Boom mower, including all hoses & hardware needed that is attached to a 6420 John Deere tractor, all parts, labor & freight fees have been included in the estimate.

Parts: \$ 38,501.37

Labor: \$ 10,500.00

Freight fees: \$ 450.00

Estimated total: \$ 49,451.37

Please keep in mind this is an estimate, upon removing old boom or installing new boom technician may find other repairs that may be needed-which will be over and above this estimate.

This repair carries a 90 day parts & labor warranty, please see attached parts list for break down, if you have any questions please feel free to contact me.

Authorization





www.evergladesfarmequipment.com

2017 NW 16th Street • P.O. Box 910
Belle Glade, FL 33430
561-996-6531 • 800-582-4308

775 East Main Street
Immokalee, FL 34142
239-657-4413

9501 State Road 82
Ft. Myers, FL 33905
239-332-5045 • 888-213-7526

6918 US Highway 19
New Port Richey, FL 34652
727-842-8618 • 888-745-6855

1800 US Highway 441
Leesburg, FL 34748
352-315-1016 • 888-745-3823

820 US Highway 98 North
Okeechobee, FL 34972
863-763-1921 • 800-762-3214

6150 Orange Avenue
Ft. Pierce, FL 34947
772-461-5568 • 800-233-9958

13295 Southern Blvd.
Loxahatchee, FL 33470
561-784-4000

506 US Highway 301 North
Palmetto, FL 34221
941-722-3281 • 888-745-3822

2805 State Road 60 West
Plant City, FL 33567
813-737-1660 • 888-464-7208

Ship to:

Town Of Malabar
2725 Malabar Rd
Malabar, FL 32950

Invoice to:

Town Of Malabar
2725 Malabar Rd
Malabar, FL 32950

Branch 05 - Fort Pierce, FL		
Date 10/29/2014	Time 11:15:58 (O)	Page 1
Account No. MALAB003	Phone No. 3217277764	Estimate No. 001232
Ship Via 591032996	Purchase Order	
Salesperson BP5		

QUOTE EXPIRY DATE: 11/28/2014

PARTS ESTIMATE - NOT AN INVOICE

Part#	Description	Qty	Price	Amount
00001800	LOCKNUT	3	.62	1.86
00002700	FLATWASH	5	.29	1.45
00007000	BOLT 3/8	1	.74	.74
00011100	FLATWASH	3	.23	.69
00013900	HHCS	1	1.08	1.08
00015800	LOCKNUT	3	.92	2.76
00023100	HHCS	1	.64	.64
00037200	NUT 3/4-	1	3.11	3.11
00605600	HHCS	3	2.36	7.08
00606000	PIN, COTT	1	.35	.35
00748000	LOCKWASH	1	4.17	4.17
00749946	WASHER	4	5.27	21.08
00751838	CORDURA SLEEVIN	1	32.86	32.86
02030300	NUT TOPL	3	8.20	24.60
02957089	LOCKWASH	1	1.97	1.97
02905200	HOSE #4	1	89.93	89.93
02905300	HOSE #4 - 4FJX	1	115.97	115.97
02906300	CORDURA SLEEVIN	1	44.11	44.11
02921700	NUT JAM	1	3.77	3.77
02956972	HHCS	1	23.54	23.54
02957969	RUBBER GROMMET	2	3.12	6.24
02959084	CYL ROD GUARD A	1	200.41	200.41
02959225	BUSHING	1	16.85	16.85
02960406	ADP HYD	2	91.17	182.34
02960869	SET, TUBE CLAMP	1	14.85	14.85
02959225	BUSHING	1	16.85	16.85
02960406	ADP HYD	2	91.17	182.34
02960869	SET, TUBE CLAMP	1	14.85	14.85
02960982	TOP FOUR LINKAG	1	397.38	397.38
02960983	TOP FOUR LINKAG	1	353.20	353.20
02960991	HYD TUBE, A-BOOM	1	278.75	278.75
02960992	HYD TUBE, A-BOOM	1	273.50	273.50
02961054	HOSE #20-20FJX	2	424.75	849.50

3168.82



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Loxahatchee, FL 33470
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906 US Highway 301 North
Palmetto, FL 34221
941-722-3281 • 888-745-3822

2805 State Road 60 West
Plant City, FL 33567
813-737-1660 • 888-464-7208

Ship to:

Town Of Malabar
2725 Malabar Rd
Malabar, FL 32950

Invoice to:

Town Of Malabar
2725 Malabar Rd
Malabar, FL 32950

Branch		
05 - Fort Pierce, FL		
Date	Time	Page
10/29/2014	11:15:58 (O)	2
Account No.	Phone No.	Estimate No.
MALAB003	3217277764	001232
Ship Via		Purchase Order
591032996		
		Salesperson
		BP5

QUOTE EXPIRY DATE: 11/28/2014

PARTS ESTIMATE - NOT AN INVOICE

Part#	Description	Qty	Price	Amount	Page
02961085	CORDURA	1	99.53	99.53	
02963154	CLAMP, 1.25 TUB	3	16.93	50.79	
02963323	BRACKET, TOP	3	36.12	108.36	
00750479	HEXB 1	2	29.03	58.06	
02965538	WELDMENT	1	145.56	145.56	
02965548	BSHG TF-	4	21.78	87.12	
02966443	BUSHING	1	66.77	66.77	
02966756	WELDMENT	1	67.17	67.17	
02966757	WELDMENT	1	105.40	105.40	
02966791	BSHG TF-	1	31.05	31.05	
02966935	WELDMENT	1	169.67	169.67	
02966936	PIN, DIPP	1	164.74	164.74	
02966964	WELDMNT,	1	115.03	115.03	
02967008	PIPE, PIN	3	24.05	72.15	
02967013	PIN, DIPP	1	54.72	54.72	
02967021	LINKAGE	1	337.16	337.16	
02967246	SHSS	1	4.46	4.46	
03100099	FLATWASHER 1 X	1	1.83	1.83	
02961054	HOSE #20-20FJX	2	424.75	849.50	
02905100	HOSE #4	1	91.54	91.54	
02905000	HOSE #4	1	63.46	63.46	
02961779	LIFT CYLINDER A	1	1371.01	1371.01	
02921700	NUT JAM	1	3.77	3.77	
02960650	BUSHING	2	15.48	30.96	
00752405	HHCS	1	6.89	6.89	

Subtotal: 7325.52

Tax: .00

TOTAL: 7325.52

Authorization: _____

4156.76

freight \$ 400.⁰⁰ Estimate
Booms 22,619.50
turret 8,156.35
\$ 38,501.37

I. PUBLIC: ITEMS DIRECTLY RELATED TO RESIDENTS AND RECOMMENDATIONS FROM TOWN BOARDS/COMMITTEES PRESENT AT MEETING

5. Report by Park & Recreation Advisory Board Chair, Mr. Hans Kemmler

Exhibit: Agenda Report No. 5

Recommendation: Request Direction

Park Board Chair Kemmler said the Malabar Madness Disc Golf Competition on the 1st Saturday of January was a great success. It is held each year. He thanked them for approving the expenditure for the elevation survey. They need it so they can see if trails could be installed on property. They are moving forward on restroom grant at Sand Hill trailhead.

TA explained how Jim Clevenger, a local resident and owner of Sweetwater Custom Homes volunteered to set the donated flag poles. TA explained how the poles would be installed. Mayor said you should use sand and not concrete in posts after flag poles are inserted; that would provide easy extraction of flag poles in future. TA said the contractor is following the instructions. CM Ball asked about the roadway between the Brook Hollow SD and Malabar Road and asked Kemmler if that was part of Parks Dept. No, the right-of-way belongs to the Town and the property on either side is EELs Malabar Scrub West.

CM Acquaviva said she and her family, friends and those visiting for the holidays play turkey bowl at Malabar Community Park over Thanksgiving holiday. She said many people attend; more every year. They have been doing it for 15 years and each year everybody complements the park and how nice and clean it is kept. She wanted Kemmler to know how much it is appreciated.

6. Resident Mr. Charles Ryan re: Slope Mower Repairs & Maintenance

Exhibit: Agenda Report No. 6

Recommendation: Request Action

Mr. Ryan, resident on Howell Lane, Malabar. He said he had 60 years of electronic, mechanical and electronic engineering. While in military service he did one year in Philippines working and taught himself to weld. Also while in service worked on power plants and steam plants and learned diesel equipment and what was needed to keep them running. Also was a machinist and that is how he funded his college. He had heard some concerns on Council and by non-Council residents regarding the slopemower. He did this just like he did the old school house when Council was considering that purchase.

Based on some questions about why we are replacing this. He met with Tom and this is when the pictures were taken. He is only dealing with slope mower, not the tractor. He showed pictures of the arm and the pin. He showed the way the arm is used. He pointed out there was no indication of being greased. He stated the grease keeps them from wearing.

He stated he did a public records request (PRR) on 11/19 for maintenance records on the slope mower. Eventually found out that there were no maintenance records, only miscellaneous receipts. He said Council can draw their own conclusions. The people in the Fire Dept and in Public Works are custodians of Town property. Mr. Ryan said TC was under impression that Everglades was going to do the inspection and then found out it was done by Robinson.

CM Acquaviva asked Mayor Beatty what records he kept when he was in charge. Mayor said trip tickets were done. They did not do maintenance logs. Mayor Beatty said for the record, we, PW, back in the day; they had a log book and every piece of equipment. They hired two secretaries that were supposed to input all the records into an Excel spreadsheet. The one was sent to school to learn Excel on a Tuesday and then was let go on a Thursday.

TA said no records of trip tickets or any other records were found when Tom took over. CM Acquaviva said Council started with the FD with the two workshops last year and requested logs be kept; we need to do this for PW equipment also. CM Acquaviva asked Mr. Ryan what is the

bottom line of his presentation? What is his conclusion? Mr. Bud Ryan said he will not make a recommendation. CM Korn said they are getting away from Mr. Ryan's report. All employees that operate equipment owned by the Town are responsible to maintain it. (Note: While Mr. Ryan was at the screen showing and speaking to the pictures his comments were not picked up by microphone.

TA reported on why they used Robinson Equipment. She explained the attempt to get the John Deere dealer to certify that the five heads we had could be used on that unit. They finally got back to her and said no the heads would not work. That is why they asked for the additional 12K so they could get the model with the arm that would allow us to use the Town owned heads. At budget time they discussed buying a new slopemower and using the old tractor to operate another head that would not have to be switched out and would save PW from three (3) hours of downtime while the heads are changed. Council asked her to get a professional inspection. Separate boom from tractor. She reported to Council that the inspection would be done by Robinson.

CM Acquaviva said they want to know how it is going to be fixed. What is the bottom line? Should they get the kit? Mr. Ryan said that it is an all inclusive kit. She said it seems Mr. Ryan is saying that maintenance wasn't done, and he didn't get requested records in a timely fashion. CM Korn said a 23 year old tractor is not old for a tractor. Mr. Ryan said he had to leave the meeting.

TA would like to afford the professional representative from Robinson Equipment the opportunity to speak. Brian Bresshard, came to podium. He lives in Mims; He is here on his own time. Gave a little background; was Chief Mechanic for 280 pieces of equipment at Titusville for 14 years. They had the exact same machine. Every 200 hours it is greased from top to bottom. In between other things need to be done. In nine years the boom was rebuilt several times. Where he worked if a piece of equipment needed work the piece was sidelined until it is fixed. When he arrived at Malabar PW to look at it, it turned over but did not start. Tom told him PB repaired the fuel system. He went over it best he could. The hydraulic pump had wrappings because it leaked. The last picture showed that the bad wear and is so worn that no bushing replacement kit will fix.

He showed the three feet of boom removed. That is substantial -- he would have gotten a full replacement. After repeated welding's the metal fatigues. It is dangerous to the operator and is a liability for the Town.

He then went over the prior pictures. Regarding the pins, once it is worn out there is no fixing this. And until you pull it apart you don't know.

TA said that we do have all of the receipts for parts so our PW could do repairs. TA said since the recession the budget has not provided for any improvements in PW. We did everything possible in house to save money. Things changed in 2011 and we signed contract with Palm Bay Fleet Services. CM Acquaviva confirmed that.

CM Korn said it spent 8 weeks at PB. TA said it is not the only piece they work on. If we did that and if it is broke again did we contact Palm Bay? CM Ball how long do you expect a piece to last. Tractors, dump trucks, 15 years. They replaced the boom at 11 years. The cost of the tractor back then was 48K. You can get 12 to 15 thousand hours if it is operated properly. One bad operator in first two years could shorten the equipments life years later. Brian said it is 10 years of use – not misuse.

CM Acquaviva stated she is not a mechanic, but it is not always operator error. She relates analogy of her new dryer breaking down and her being at fault. Turned out there was a piece in the dryer that didn't fit and it jammed the drum. There are probably things that could be similarly

wrong with any piece of equipment; we can pontificate all night, but that is not going to resolve this.

CM Vail is a mechanic and has worked on this machine. Bushings could be fabricated for this. The welds are nothing more than throwing bubblegum on it. Is the 8K kit for the mast? The bottom line is that 6K hours is not old. CM Vail said the 6450 John Deere they had to change fuel filters every three years. They cleaned out the fuel tank. He said Felix greases it twice daily. It is not operator abuse. Do we invest the money to repair what we have?

Mr. Bresshard said it is a catch 22; you can spend 20K and three months later it stops running again. PW Director Tom had told him it was like that since he was here.

Mayor wanted to address a few points. Has 20-25 years experience with Alamo and then John Deere. Explained how it was.

CM Vail – point of order. Can Attorney leave? Yes 9:50pm.
(No Recess – Attorney Excused)

Mayor said he has extensive experience with this. There are issues with this tractor that should have been brought up three (3) years ago. He has pulled them apart and changed things and put in bushings. The boom doesn't swing fast. Mr. Bresshard said the expenses can just mount up. At Titusville they caught it before it got this bad. TA asked what Council wanted.

CM Vail said they want the refurb on the boom, remove the welds, so we have 3-5 years of extended life. Fuel system problem TBD. Worst case scenario, the arm can be mounted on something else.

Mayor said the fuel tank has never been cleaned. It should be run down and cleaned or replaced. Mayor wants to look at tractor when it is available.

CM Korn asked Mr. Bresshard if he could get Robinson to give us a quote to refurb the sloopmower. Mr. Bresshard said yes.

J. ACTION ITEMS:

MISCELLANEOUS: 4

7. Cancel or Reschedule 2nd Meeting in January & February

Exhibit: Agenda Report No. 7

Recommendation: Request Action

MOTION: CM Korn / CM Acquaviva to cancel the 2nd meeting in January and February, 2015

Vote: All Ayes

8. Request Ford Explorer used as Eagle Patrol be Declared Surplus

Exhibit: Agenda Report No. 8

Recommendation: Request Action

MOTION: CM Acquaviva / CM Vail to surplus vehicle and bring back to next meeting on how disposal is to be done.

Discussion: TA explained how staff handles it. CM Krieger called the question. **VOTE:** All Ayes

(No Recess – Attorney Excused)

K. PRESENTATIONS:

L. PROCLAMATIONS:

M. STAFF REPORTS: ADMINISTRATOR:

Detour signs for work on Corey and Atz. The concrete pipe needs to be wrapped.

TOWN OF MALABAR

AGENDA ITEM REPORT

AGENDA ITEM NO: 6
Meeting Date: February 02, 2015

Prepared By: Bonilyn Wilbanks, Town Administrator

SUBJECT: Disposal of Surplus Property

BACKGROUND/HISTORY:

At Council's request at the 01/05/2015 RTCM, I was asked to provide the process for the disposal of Town property that was established before my tenure and I have followed the process that Mr. Booth used.

- A list was compiled by the Department Head of the various departments of property items that were of no active or future usefulness to the department.
- On the list the department head would advise on any dollar value or trade-in value for the equipment that Council would take into consideration at the time of determining the property to be surplus.
- List would be brought to Council and the designation would be made by Council of surplus.

Once that step was completed, any items that had value would be considered to be put on the GovDeals.com website and they handle the selling of the property and reimburse the Town once the sale is completed.

To date, the items brought to Council have had no real value. There were two vehicles that were surplus and we requested Council to allow the Fire Department to use them to practice with "jaws of life" training on them. There were two other vehicles, one old white van in 2009 that was not in running condition and the body was in very bad shape. We were setting it up to be scraped and an employee in PW asked to purchase it and submitted a sealed bid and paid the Town (\$500) for it. He was using the metal from it to repair his own vehicle as he was a welder. In 2014, the old jeep (Chief's old vehicle) and the Ford Crown Victoria were surplus by Council. The jeep was sold by sealed bid for \$200 to an employee of the Fire Department in "as is" condition and she was going to put in a new engine and do the body work that was needed.

The other items surplus, which were old computers have not been disposed of as it requires us to clean the hard drives before we can scrape them or donate them and we have not had the time to have that done. In 2012, (estimated year), the Council approved a donation of a piece of equipment for farming that we had sitting in the PW yard for better than 10 years, and it was donated to the Brevard County Farm which falls under FS Chapter 274 for disposal.

FINANCIAL IMPACT:

N/A at this time

ATTACHMENTS:

Section of Draft minutes from the RTCM 01/05/2015
FS Chapter 274.05-06
69I-73.005 Disposition of Property

ACTION OPTIONS:

Staff requests Council discussion and action on this matter.

MOTION: CM Korn / CM Acquaviva to cancel the 2nd meeting in January and February, 2015
Vote: All Ayes

8. **Request Ford Explorer used as Eagle Patrol be Declared Surplus**

Exhibit: Agenda Report No. 8

Recommendation: Request Action

MOTION: CM Acquaviva / CM Vail to surplus vehicle and bring back to next meeting on how disposal is to be done.

Discussion: TA explained how staff handles it. CM Krieger called the question. **VOTE:** All Ayes

2/2/15

(No Recess – Attorney Excused)

K. **PRESENTATIONS:**

L. **PROCLAMATIONS:**

M. **STAFF REPORTS: ADMINISTRATOR:**

Detour signs for work on Corey and Atz. The concrete pipe needs to be wrapped. Work will start on 19th. She will look at sign on Glatter Rd for CM Krieger. She has put out the contract for bridge repair. Pre-const meeting will be tomorrow. Tomorrow night the Brk Hollow HOA has asked for Eng to repair. **CLERK:** nothing.

N. **DISCUSSION ITEMS:**

9. **Space Coast League of Cities, January Mtg. (Acquaviva)**

Exhibit: Agenda Report No. 9

Recommendation: Request Action

CM Acquaviva said in the past we took turns with PB.

Last year they went up to rent the Mayor explained Georgia Phillips found the Cocoa Civic Center. Their Mayor wanted to do Cocoa. Marisa asked who broached it - did Mayor Beatty ask to be separated from Palm Bay? The proposal was if Cocoa did Xmas. Ours is coming up in Jan. You are the person that attends those meeting. Mayor talked to Betty Walsh, President of SCLC. The next day he came in and told Clerk. Were we asked to remove.

CM Korn – caught wind of this at last meeting. He mentioned it to Betty. He got with Del. Del said Palm Bay wanted to go alone and be on same level as Melbourne.

CM Acquaviva / CM Korn to extend 15 minutes.

Mayor called PB Mayor and he ran it by his Clerk. There is no guarantee.

CM Korn if there is a looser it is clerk. It may be she felt slighted. Debby gets credit where credit is due.

CM Acquaviva said she is not bashing him. That decision does not just fall on him. It should be brought to council.

CM Korn the ball got dropped by. Someone approached Carl.

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

CM Korn – will be gone most of month. He suggests that Brian Vail be his backup.

CM Acquaviva – nothing

CM Ball – nothing

69I-73.005 Disposition of Property.

(1) *Methods of Disposition* – Property within the meaning of these rules may be lawfully disposed of, as provided in Sections 274.05, 274.06 and 274.07, F.S. Property of the governmental unit which is not accounted for during regular or special inventories shall be subject to the rules regarding unaccounted for property (See Rule 69I-73.006, F.A.C.).

(2) *Required Information* – The following information shall be recorded on the individual property record for each item lawfully disposed of, pursuant to Sections 274.05, 274.06 or 274.07, F.S.:

(a) *Date of disposition.*

(b) *Authority for disposition (resolution of the governing body properly recorded in the minutes as required by Section 274.07, F.S.).*

(c) *Manner of disposition (sold, donated, transferred, cannibalized, scrapped, destroyed, traded).*

(d) *Identity of the employee(s) witnessing the disposition, if cannibalized, scrapped or destroyed.*

(e) *For items disposed of, a notation identifying any related transactions (such as receipt for sale of the item, insurance recovery, trade-in).*

(f) *For property certified as surplus, reference to documentation evidencing that such property was disposed of in the manner prescribed by Section 274.05 or 274.06, F.S.*

(3) *Transfer of Property Records* – The individual property record for each item lawfully disposed of as described in this rule shall be, upon disposition of the item, transferred to a disposed property file. Destruction of such records shall be governed by the provisions of Chapter 119, F.S.

(4) *Control Account* – The cost or value of items lawfully disposed of shall be removed from the control account at the time of disposition.

Specific Authority 274.02 FS. Law Implemented 274.02 FS. History–New 3-25-08.

274.05 Surplus property.—A governmental unit shall have discretion to classify as surplus any of its property, which property is not otherwise lawfully disposed of, that is obsolete or the continued use of which is uneconomical or inefficient, or which serves no useful function. Within the reasonable exercise of its discretion and having consideration for the best interests of the county or district, the value and condition of property classified as surplus, and the probability of such property's being desired by the prospective bidder or donee to whom offered, the governmental unit may offer surplus property to other governmental units in the county or district for sale or donation or may offer the property to private nonprofit agencies as defined in s. 273.01(3) by sale or donation. If the surplus property is offered for sale and no acceptable bid is received within a reasonable time, the governmental unit shall offer such property to such other governmental units or private nonprofit agencies as determined by the governmental units on the basis of the foregoing criteria. Such offer shall disclose the value and condition of the property. The best bid shall be accepted by the governmental unit offering such surplus property. The cost of transferring the property shall be paid by the governmental unit or the private nonprofit agency purchasing or receiving the donation of the surplus property.

History.—s. 5, ch. 59-163; s. 21, ch. 94-226; s. 6, ch. 96-209; s. 1, ch. 96-236.

274.06 Alternative procedure.—Having consideration for the best interests of the county or district, a governmental unit's property that is obsolete or the continued use of which is uneconomical or inefficient, or which serves no useful function, which property is not otherwise lawfully disposed of, may be disposed of for value to any person, or may be disposed of for value without bids to the state, to any governmental unit, or to any political subdivision as defined in s. 1.01, or if the property is without commercial value it may be donated, destroyed, or abandoned. The determination of property to be disposed of by a governmental unit pursuant to this section instead of pursuant to other provisions of law shall be at the election of such governmental unit in the reasonable exercise of its discretion. Property, the value of which the governmental unit estimates to be under \$5,000, may be disposed of in the most efficient and cost-effective means as determined by the governmental unit. Any sale of property the value of which the governmental unit estimates to be \$5,000 or more shall be sold only to the highest responsible bidder, or by public auction, after publication of notice not less than 1 week nor more than 2 weeks prior to sale in a newspaper having a general circulation in the county or district in which is located the official office of the governmental unit, and in additional newspapers if in the judgment of the governmental unit the best interests of the county or district will better be served by the additional notices; provided that nothing herein contained shall be construed to require the sheriff of a county to advertise the sale of miscellaneous contraband of an estimated value of less than \$5,000.

History.—s. 6, ch. 59-163; s. 22, ch. 94-226; s. 7, ch. 96-209.

274.07 Authorizing and recording the disposal of property.—Authority for the disposal of property shall be recorded in the minutes of the governmental unit. The disposal of property within the purview of s. 274.02 shall be recorded in the records required by that section.

History.—s. 7, ch. 59-163.

274.08 Penalty.—Any person who violates any provision of this act or any rule prescribed pursuant to its authority shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 8, ch. 59-163; s. 158, ch. 71-136.