

**TOWN OF MALABAR
AGENDA ITEM REPORT**

AGENDA ITEM NO: 1
Meeting Date: August 3, 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 – 7/20/2015
- Budget Workshop Meeting – 7/14/15
- TA Sel Committee Workshop Meetings – 7/16/15 & 7/27/15

FINANCIAL IMPACT:

N/A

ATTACHMENTS:

Draft Minutes of the following meeting:

- Regular Town Council Meeting – 7/20/2015
- Budget Workshop Meeting – 7/14/15
- TA Sel Committee Workshop Meetings – 7/16/15 & 7/27/15

ACTION OPTIONS:

The Town Clerk requests approval of the minutes.

MALABAR TOWN COUNCIL REGULAR MEETING

July 20, 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 Vice-Chair Acquaviva. CM Vail led the prayer and pledge.

B. ROLL CALL:

COUNCIL CHAIR:	MAYOR CARL BEATTY, excused
VICE-CHAIR:	MARISA ACQUAVIVA, Chaired Mtg
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 is also present.

C. ADDITIONS/DELETIONS/CHANGES – CM Krieger asked that he would like to keep

I.7. tabled. TA asked to pull #3. No objections.

- 1. Approval of Minutes**
Exhibit: Regular Council Mtg Minutes 7/6/15
TA Selection Workshop Minutes 7/9/15
Recommendation: Agenda Report No. 1
Request Approval of Minutes

MOTION: CM Vail / CM Krieger moved to approve the minutes from July 6, 2015 as corrected.

Discussion: CM Krieger stated he did not say "he will get more info re: burn Ord" in minutes; he said he was waiting for more info from legal. Clerk will check recording. CM Korn said on pg 4 sb corridor re: speed in E-W state roads. Bohne said 520 is 65. Bohne said maybe if you said east of I-95. CM Korn agreed. He got his info from a BCSO Deputy.

VOTE: All Ayes.

MOTION: CM Ball / CM Vail moved to approve the Workshop minutes from July 9, 2015 as presented.

Discussion: CM Krieger asked if the committee minutes should be approved by the committee, not the council. He did not get the 7/9/15 minutes. Franklin said all got the same package both in paper and electronically. Other CM confirmed they had the minutes. CM Krieger realized he had overlooked them in his package. Franklin said that they are not a standalone board like Park or P&Z; they are a committee appointed to be "part" of the committee that Council was on; it is appropriate for Council to approve the minutes. The committee will get copies of the approved minutes before the next meeting. CM Krieger questioned the 7/14 and 7/16 minutes mentioned on the agenda Report; Franklin said she was hopeful to have them done but was unable to produce them. Only RTCM 7/6/15 & 7/9/15 are on agenda for approval. CM Krieger said he wasn't at the 7/9/2015 workshop anyhow.

VOTE: All Ayes.

D. 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.**

E. PUBLIC HEARING: 1

2. Approve Ord 2015-05 Florida Building Codes for 2nd Reading

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, RELATING TO BUILDING CODES; AMENDING CHAPTER 6, SECTION 6-1 OF THE CODE OF ORDINANCES OF THE TOWN; PROVIDING FOR ADOPTION OF CERTAIN MODEL BUILDING AND CONSTRUCTION CODES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERIBILITY; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 2
Recommendation: Approval of 2nd Reading of Ord 2015-05

Ordinance read by title only.
 Chair opened the PH.
 Hearing no comments from public:
 Chair closed the PH.

MOTION: CM Vail / CM Korn to approve Ord 2015-05.

Discussion: Korn asked Attorney if this was housekeeping. Yes. **ROLL VOTE: 1)CM Ball, Aye; CM Vail, Aye; CM Krieger, Aye; CM Korn, Aye; CM Acquaviva, Aye. Motion approved 5-0.**

F. ATTORNEY REPORT: Attorney Bohne stated closed door session (Executive Session) will be on for August 3, 2015 at 7pm. He will talk about sign ordinance later on the agenda. VC Acquaviva has a question re: last TA Sel Committee there was confusion on whether they were one or separate groups. CM Vail asked if they were committee as a whole or two separate. That was also influenced by the meeting of 7/6/2015 no matter how it is set up; they are all under the Sunshine Law. Attorney Bohne said he understood it was one committee. CM Acquaviva has been on the SpringFest committee and as a neighbor, her vote was not separated. She prefers to be part of this and listen to the discussion, rather than just read the recommendation that would be forwarded. It is important they work together for their community, as neighbors to choose the next administrator. CM Vail said the lawyer has been asked and he said it is all good so let's move forward.

Past Mayor Phil Crews said it looked like looking at the timeline that they were intended to set up two groups; making it a standalone committee; but the actions taken seemed to support that they intended all to be one committee. He was also asking for clarification. They need to stick to Robert's rules. Crews explained the different requirements for a one committee vs. two separate groups. Crews said it is probably not an issue. Atty Bohne said he has some issues w/ Roberts Rules as they are applied to municipalities. It is his understanding that this was one committee from the start. CM Korn said back to first meeting Mayor Beatty suggested they appoint a Chair and it did not happen; that is why he talked about letting them operate independently and bring their findings; but he realizes now they have operated as one group from the start. VC Acquaviva said all along everyone's input has been considered and it is better to have all of us hear the conversation rather than just read it in the minutes.

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

This item pulled at request of TA – this will be handled under her authorization.

3. Request to close Allen (unimproved ROW) at Gilmore.

4. Approve Recommendation from TA Selection Committee: CM Vail to do Phone Interviews with Mayor Crews. CM Acquaviva said this is on to formalize the consensus of the TA Sel Committee in appointing Vail to do interviews. CM Krieger said this was after the fact.

MOTION: CM Korn / CM Ball to approve CM Vail conducting TA Applicant phone interviews.

MOTION: CM Krieger / to table until November. Motion died for lack of a 2nd.

Call for the question:

VOTE: All Ayes.

H. ACTION ITEMS:

RESOLUTION: 1

I. 5. **Resolution 12-2015** A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE APPONTMENT OF ANNELIE HARVEY TO THE TRAILS AND GREENWAYS COMMITTEE AS AN ALTERNATE MEMBER FOR A THREE YEAR TERM; PROVIDING REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 5
Recommendation: Staff Requests Approval of Reso 12-2015

Chair Acquaviva read by title only.

MOTION: CM Korn / CM Krieger to appoint Annelie Harvey to T&G Committee for a three year term. Discussion: ROLL VOTE: CM Ball, Aye; 1)CM Vail, Aye; CM Krieger, Aye; CM Korn, Aye; CM Acquaviva, Aye.

MISCELLANEOUS:

6. **DR-420 Maximum Millage and Date of 1st Public Hearing on Budget**

Exhibit: Agenda Report No. 6
Recommendation: Action

Chair explained the annual process as explained in the agenda report.

MOTION: CM Vail / CM Krieger to set tentative maximum millage rate at 1.9300 and hold the first PH on 9/14/15.

Discussion: Krieger asked about the 10% increase cap. Franklin explained the special law that created the cap in 1974. It is supposed to be applied to the rolled-back rate. Since property values have increased slightly, in order to get the same ad Valorum as received last at 1.8% we would only need to set millage at 1.7605. A 10% increase of that is 1.9300, rounded. CM Krieger said 10% would only be 1.9262. Franklin tried to explain the rounding. Motion was amended by motion maker and seconder to set the max tentative millage at 1.9262 and the date of the first PH at 9/14/15

VOTE: All Ayes.

J. DISCUSSION ITEMS:

This item was pulled to remain tabled until CM Krieger receives more info.

~~7. Amend Chapter 8 of Code re: Open Burning (Ord~~

~~Exhibit: Agenda Report No. 7
Recommendation: Discussion and Direction~~

~~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; PROVIDING FOR AMENDMENTS RELATED TO~~

~~BURN PERMITS, YARD TRASH FIRES AND LAND CLEARING FIRES; PROVIDING FOR SEVERABILITY, REPEAL AND CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.~~

8. Off-street Parking Article IX of Land Development Code

Exhibit: Agenda Report No. 8

Recommendation: Discussion and Direction

Chair Acquaviva read by title only

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, AMENDING ARTICLE IX OF THE LAND DEVELOPMENT CODE RELATING TO OFF STREET PARKING; PROVIDING FOR COMPUTATION OF PARKING SPACES, ADDING A PROHIBITION OF NON-CONTIGUOUS AND OFF SITE PARKING; PROVIDING FOR OFF STREET LOADING; PROVIDING FOR SURFACING REQUIREMENTS; AMENDING ARTICLE XX PROVIDING FOR DEFINITIONS; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

MOTION: CM Korn / CM Vail to direct staff to put on for first reading at next RTCM.

VOTE: All Ayes.

9. Amendment to Signage Code Article XIX of Land Development Code

Exhibit: Agenda Report No. 9

Recommendation: Discussion and Direction

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, AMENDING THE CURRENT PROVISIONS OF ARTICLE XIX OF THE LAND DEVELOPMENT CODE OF THE TOWN; AMENDING SECTIONS 1-19.1, DEFINITIONS; 1-19.4, ADMINISTRATION REQUIREMENTS; AND 1-19.10, TEMPORARY PERMITS; NEW SECTION 1-19.19; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING AN EFFECTIVE DATE.

Chair Acquaviva explained why this was on for discussion and asked Attorney Bohne to explain Supreme Court ruling. Atty Bohne explained that Supreme Court language that sign codes cannot be content based. As you say political, commercial you are being content based. You can regulate size but not content. He said because it is in LDR it must go to the P&Z Bd first. He is asking for expedited action on this and then if P&Z wants to make further changes to the code they can do it separately with another ordinance that can be combined with whatever LDC ordinances are being amended. Atty Bohne suggested letting a bigger city create an ordinance on their dime and then we will use it and amend it to suit our needs; that will be cheaper. Make it fit our community.

CM Korn suggested waiting until after the conference as they may get some info re: sign issue.

MOTION: Council consensus to approve Attorneys recommendation and send to P&Z Board.
Discussion: Atty Bohne would prefer that the P&Z focus on this short term amendment and not go over the entire Chapter at this time.

VOTE: All Ayes

J. REPORTS – Administrator & Clerk

TA said the slope mower update – defers to Brian. CM Vail said the repairs they made were adequate. It was done correctly. Welding was done correctly. After it came back the machine was cleaned and there was play in arm and in pivot. The discoveries made by Tom after pressure washed it. You could see stress cracks in the boom. Everglades

being the vendor should have also seen these. Brian said it is a sensitive subject and Bill said it would be fixed to the best of their ability. Korn said Titusville is having an auction. Cliff Schuler Auctioneers house. Slopemower. **Clerk had no report.**

K. MAYOR AND COUNCIL MEMBERS

Vail, they spoke to Mr. Kutney and he explained his salary needs of 100K-125K. So they postponed until they get consensus from council. They are looking for guidance. TA said from labor Atty said they should all get ask the same questions. Consensus to still interview them. Do in a timely manner.

They will let me know.

Krieger said he fails to understand. How are you going to respond to applicant? Applicant can stop interview. Dick asked about letting them set time. No.

Vail wants millage.

Krieger asked about how budget will be presented. TA said we do the revenues first and then the expenditures per dept.

Marisa stated Mayor Tom brought his own budget.

Dick said Carl Beatty is very much better.

Marisa asked about Mayor attending the conference. She went two times and she did a report and so did Wayne. Bring back the information, it is taxpayer money.

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

M. ANNOUNCEMENTS:

- Two (2) vacancies on the Board of Adjustment
- Three (3) vacancies on the Park and Recreation Board
- One (1) vacancy on the Planning & Zoning Board

N. ADJOURNMENT:

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

MOTION: CM Vail / CM Ball to adjourn. VOTE: All Ayes. The meeting adjourned at 9:45 PM.

BY: _____
Marisa Acquaviva, Council Vice-Chair

(seal)

BY:

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

Date Approved: _____

"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 BUDGET WORKSHOP MEETING

July 14, 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 7:15 pm by CM Brian Vail. The prayer and pledge were led by CM Vail.

B. ROLL CALL:

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

C. WORKSHOP ACTION:

(Note: Calendar stated the meeting was to start at 7PM. Clerk had put 7:30pm on agenda per council directive.)

TA handed out the updated PW equipment inventory as well as the capital improvement plan that was reviewed, revised and approved last year. TC and TA gave overview that they are looking for direction from council on what they want included in the draft budget. Franklin wants to make Acct Clerk FT and would like to add a person as TA administrative assistant. Fire Chief would like to see the cost of an additional four FT and PT Lts to supplement coverage. Chief wants to see the costs. Does Council support these suggestions or not.

Franklin will prepare what each mil increase would equal dollar wise.
TA will prepare the costs for 4 FT and PT Lts in the fire dept.

Franklin asked what TC wanted staff to prepare in the budget – do they want to include streets and roads improvements, or capital improvements. She recommended that dollars be committed to vehicle replacement, disaster preparedness, capital projects, etc.

Council agreed to add the Acct Clerk, the additional person as a TA assistant and 4 more FF, (both as FTE and PTE) to the first draft budget. TA said she won't put the 4 FF in the budget but will prepare the cost for both FT and PT.

Council supports including the SW projects that have been planned; there is still some "A" projects and then start on the "B" projects from the master plan.

Council agreed they would debate any other projects that would incur a tax increase.

C. ADJOURNMENT:

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

MOTION: CM Ball / CM Krieger to adjourn. **VOTE:** All Ayes. The meeting adjourned at 8:45 PM.

BY: _____
CM Brian Vail, Acting Chair

ATTEST BY:

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

Date Approved: _____

(seal)

DRAFT

PUBLIC WORKS EQUIPMENT INVENTORY UPDATED



Sterling – Model Asterra	Year – 2005	Mileage – 34768	Hours 3606
Good Condition		39954	3896
Life Span Projection – 5 years			



Slope Mower – Model 6415 Year - 2005

Hours – 5908
6298

Condition - fair

Life Span Projection - 2-3 years

Option #1

We purchase a new slope mower – take arm off this one and sell the arm and use the tractor to replace the old John Deere tractor.

Option #2

We purchase a new slope mower - sell entire slope mower, which would probably get us enough for a Kaboda to replace the old John Deere tractor.



John Deere Tractor – Model 2755

Year – 1990

Hours – 8545

Poor Condition

SAME

Life Span Projection – 0 years



International – Model DT 466 Year - 2003 Mileage – 59,000 Hours – 6821
Good Condition Not Working
Life Span Projection – 5 years Hub mileage- 235 584



Gradall – Model XL3100 Year – 2002 Mileage ^{Not Working} (~~8644~~) Hours – 5303 5452

Fair/Poor Condition – needs front operator window and framing replaced due to rusting away. Purchased used – Great Southern handles repairs – to date \$9,565.50

Life Span Projection – 0 years

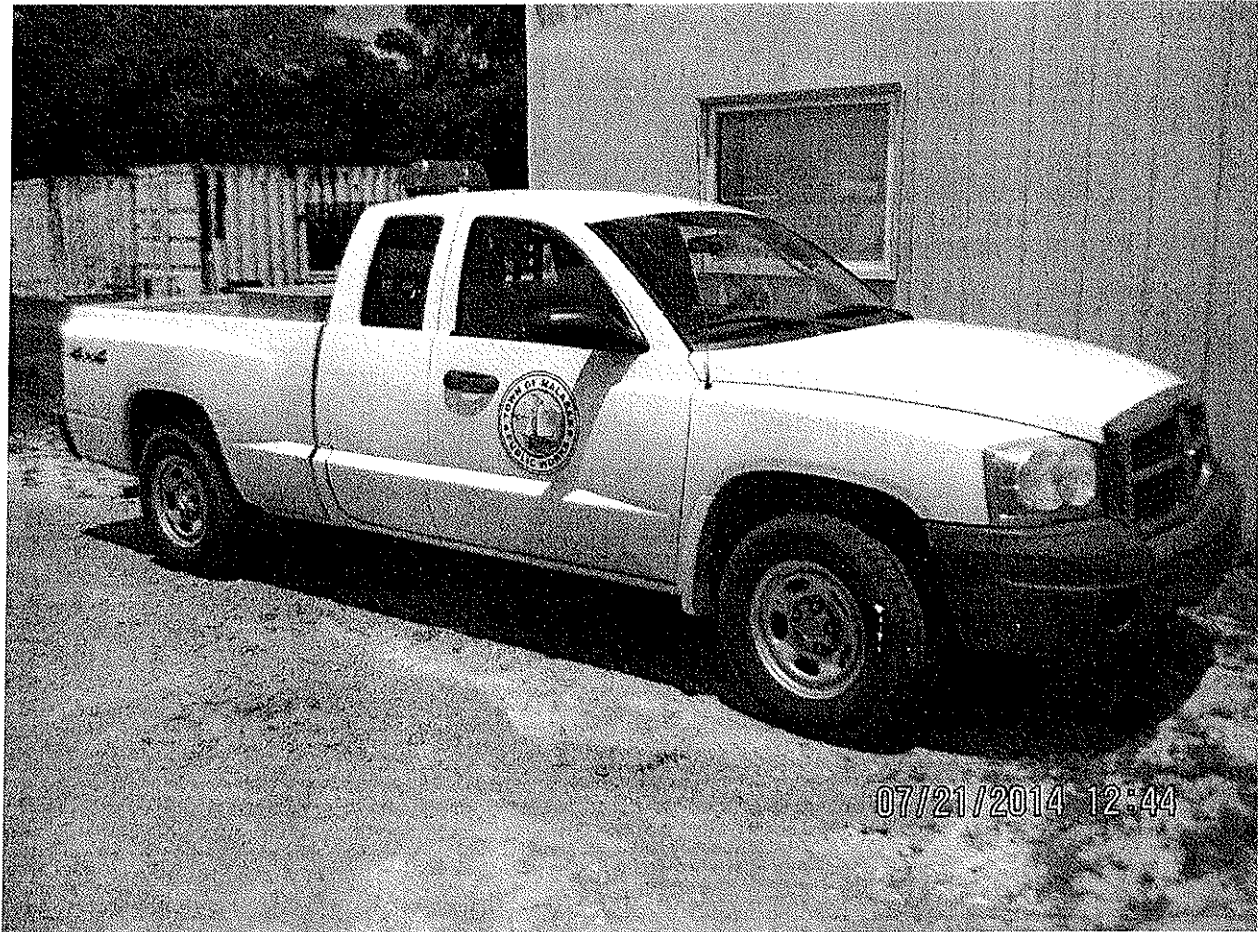


Forklift - Not Working Hours 76

1990?



Ford – Model 250 Year – 2005 Mileage – 104,237
Condition Fair – vehicle has a short bed which hampers its functionality for PW
Life Span Projection – 5 years



Dodge – Model Dakota Year 2005 Mileage - 4000

Good Condition

73156

Life Span Projection – 5 years



Chevy – Model 3500 - 1997

Mileage – 70,483

Fair Condition

73,472

Life Span Projection – 1 -2 years

**TOWN OF MALABAR
5-YEAR CAPITAL IMPROVEMENT PLAN FY 2014/2015**

Capital Improvement	Year - 1 FY 2015	Year - 2 FY 2016	Year - 3 FY 2017	Year - 4 FY 2018	Year - 5 FY 2019	Funding Source
Extend Marie Street to Atz Road			X			TIFTt and Annual Budget
Fire Department Flashing Light			X			TIFT Money
Resurface West Hall	X					Annual Budget
Resurface Old Mission	X					Annual Budget
Surface Glatter Road	X					Annual Budget
Trailhead Restrooms	X					DEP Grant
Artesian Hydrant		X	X	X	X	Annual Budget
Note: Where you see multi-year indications for a project - it means budgeting an amount of funds to be held for that project over the years.						
The Town of Malabar's Capital Improvement Plan (CIP) has a 5-year life span and is formally reviewed annually at budget time. It is important to note that for projects dependent on grant funding, if there is a delay due to a delay in grant award and they are not started in the specific year for CIP listing, such projects are still to be considered as active in the current year and remaining years of the CIP as long as any updates to the CIP do not state otherwise.						

MALABAR TA SELECTION COMMITTEE WORKSHOP MEETING
July 16, 2015 7:30 PM

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

A. CALL TO ORDER:

The meeting was called to order at 7:30 pm by CM Brian Vail who also lead the P&P.

B. COUNCIL:

COUNCIL CHAIR:	MAYOR CARL BEATTY, <i>excused</i>
VICE-CHAIR:	MARISA ACQUAVIVA
COUNCIL MEMBERS:	GRANT BALL
ACTING CHAIR:	BRIAN VAIL
	DON KRIEGER
	DICK KORN
COMMITTEE MEMBERS:	BOB WILBUR, <i>resigned</i>
	JOHN SEYBOLD
	DAVID STACK
	LIZ RITTER
	WAYNE ABARE
	BUD RYAN
	JOE MANCINI
	TOM TAYLOR
	KARLENE CONROY
	PATRICIA FOSTER
	SKIP HARD
	HANS KEMMLER
TOWN CLERK/TREASURER:	DEBBY FRANKLIN

C. WORKSHOP ACTION:

1. Vote on top ten applicants for phone interviewers to contact.

At the workshop of 7/9/15 the consensus was to come prepared with each members top ten applicants.

Every applicant will be voted on but committee members will only vote on their top ten. So each member will have 10 votes (or less if that is all they chose). Several members asked for additional time to narrow their list to ten.

All the applicants will be gone through in an alphabetical order but members are only asked to vote on the ones they picked as the top ten. Those who cannot attend were asked to submit their top ten before this workshop.

Voting commenced with alphabetical order: Franklin tried to capture the show of hands by name of each committee member. (Note: after scoring was sent out to committee, feedback received from members on corrections that needed to be made.) (Hans asked to change one of his choices which Clerk did. He had been out of town when an applicant he supported submitted. The revised tally did not affect the top 12 candidates for telephone interviews)

Tally sheet is part of these minutes.

D. ADJOURNMENT

Vice-Chair Acquaviva said without any further discussion, asked for a motion to adjourn.

MOTION: Patty / Skip moved to adjourn the meeting. VOTE: All Ayes.

This meeting adjourned at 9:00 pm.

BY: _____
Marisa Acquaviva, Council Vice-Chair

ATTEST BY:

Debby K. Franklin, Town Clerk/Treasurer

Date Approved: _____

DRAFT

MALABAR TA SELECTION COMMITTEE WORKSHOP MEETING
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VICE-CHAIR:	MARISA ACQUAVIVA
COUNCIL MEMBERS:	GRANT BALL
ACTING CHAIR:	BRIAN VAIL
	DON KRIEGER
	DICK KORN
COMMITTEE MEMBERS:	BOB WILBUR, <i>resigned</i>
	JOHN SEYBOLD
	DAVID STACK
	LIZ RITTER
	WAYNE ABARE
	BUD RYAN
	JOE MANCINI
	TOM TAYLOR
	KARLENE CONROY
	PATRICIA FOSTER
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TOWN CLERK/TREASURER:	DEBBY FRANKLIN

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MOTION: Patty / Skip moved to adjourn the meeting. VOTE: All Ayes.

This meeting adjourned at 9:00 pm.

BY: _____
Marisa Acquaviva, Council Vice-Chair

ATTEST BY:

Debby K. Franklin, Town Clerk/Treasurer

Date Approved: _____

DRAFT

orig

TOWN OF MALABAR																	
2015 TA SELECTION COMMITTEE APPLICANT RANKING SCHEDULE															7/22/15		
Committee Name	hans	david stack	wayne	Joe	tom	Liz	karlene	bud	skip	patty	grant	brian	don	dick	marisa	totals for Com	totals for TC
Abatemarco, Lisa																0	0
Aiken, Scot																0	0
Anderson, Sue Ann																0	0
Bassett, Elizabeth																0	0
Bieniek, Peter																0	0
Black, Jack							X									1	0
Brown, Joshua	X															2	0
Clark, Eileen			X				X			X					X	3	1
Cordier, Michael																0	0
Daniels, Robert																0	0
Davis, Alan																0	0
Day, Timothy-FL		X	X	X			X		X			X		X	X	5	3
Earl, Jason-FL															X	0	1
Ekberg, Lacey-FL											X					0	1
Ellegood, Alicia-FL																0	0
Farley, John-FL																0	0
Francis, Jr., Robert		X				X	X					X				3	1
Gebbia, Arthur-MS	X															1	0
Hebert, Deborah-FL																0	0
Hewett, Doug-NC		X				X					X					2	1
Hough, Sandy-FL																0	0
Hoyt, Douglas-FL									X			X				1	1
Johnson, Andrew		X			X	X							X			3	1
Kellogg, Robert-FL		X	X	X		X	X			X					X	6	1
Krueger, Debra-FL			X	X	X		X	X		X			X	X		6	3
Kutney, Mark-FL		X	X	X	X	X	X				X	X		X	X	5	4
Lundstrom, Matt																0	0

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TOWN OF MALABAR

	hans	david stack	wayne	joe	tom	Liz	karlene	bud	skip	patty	Grant	Brian	Don	Dick	Marisa	totals for Com	totals for TC
Mayberry, John	x											x	x			1	2
McFarland, Jim																0	0
McKnight, Jeff	x							x	x		x		x			3	3
Mercier, Lynne																0	0
Mihaychuk, Chery																0	0
Miller, Sharon																0	0
Miller, Susan																0	0
Murtaugh, Ronald													x			0	1
Northrup, Victoria		x										x	x			1	2
Paradez, Donald			x													1	0
Pehaim, Bill		x											x	x		1	2
Petty, Steven																0	0
Powers-Severson	x		x	x		x	x									5	0
Ragsdale, Sam												x	x			0	2
Raymond, Thomas				x												1	0
Rosen, Michael																1	0
Saintsing, Eric																0	0
Skinner, David																0	0
Sley, George	x								x							2	0
Smith, James																0	0
Spence, Joe																0	0
Stallings, James																0	0
Stanley, Kenneth																0	0
Stovall, Vincent												x	x			0	2
Taylor, Danny				x		x	x									3	0
Tebo, Stacy			x				x					x				2	1
Thomas, James		x		x		x					x	x				3	2

TOWN OF MALABAR
2015 TA SELECTION COMMITTEE APPLICANT RANKING SCHEDULE

	Hans	David	Wayne	Joe	Tom	Liz	Karlene	Bud	Skip	Patty	Grant	Brian	Don	Dick	Marisa		
NAME																	
Thompson, Andrew	x		x								x	x		x	x	2	4
Tibbs, Larry																0	0
Tucker, Kris																0	0
Villa, Fred															x	0	1
Victor, Mark									x							1	0
Westin, Dan											x					0	1
Whisnant, Angie	x									x						2	0
Whitmire, Tyler						x										1	0
Wilkinson, David	x	x	x	x		x							x		x	5	2
Wuerstle, Margaret	x			x												2	0
Yonce, Sr., William									x							1	0
Vance, Wayne																0	0
TOTALS	10	10	10	10	2	10	10	2	6	4	8	10	5	10	10		

MALABAR TA SELECTION COMMITTEE WORKSHOP MEETING
July 27, 2015 7:30 PM

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

A. CALL TO ORDER:

The meeting was called to order at 7:30 pm by Chair Mayor Beatty. P&P were said by Committee Member Korn.

B. COUNCIL/COMMITTEE:

COUNCIL CHAIR:

VICE-CHAIR:

COUNCIL MEMBERS:

COMMITTEE MEMBERS:

MAYOR CARL BEATTY

MARISA ACQUAVIVA, *excused*

GRANT BALL

BRIAN VAIL

DON KRIEGER

DICK KORN

BOB WILBUR, *resigned*

JOHN SEYBOLD

DAVID STACK, *excused*

LIZ RITTER

WAYNE ABARE

BUD RYAN

JOE MANCINI

TOM TAYLOR

KARLENE CONROY

PATRICIA FOSTER

SKIP HARD

HANS KEMMLER

PHIL CREWS

DEBBY FRANKLIN

PAST MAYOR

TOWN CLERK/TREASURER:

C. WORKSHOP ACTION:

CM Vail stated that the telephone interviews have been done. They will now go over the comments from the two interviewers which have been provided. This should narrow list of candidates for face to face interviews.

Crews had opening thoughts. Calls made in order of ranking. He had about 4 that were in a class of their own. Of those, two applicants were terminated from their last job and their employment history and references should be checked to verify the reasons.

Abare said if we have no intention of paying someone 100K why should we take up their time and ours on a face to face interview? Korn said the initial asking price is not always the final selling price.

The Interviewers went over the questions and their separate comments in the order they were placed in the packet. Those comments are made part of the minutes. Committee comments are in addition to the attachments.

Debra Krueger, both interviewers felt she held back during interview; they don't want to interject at this point.

Mark Kutney – Crews said this is one of the two that was terminated from previous employment. Korn said he was familiar with this area of Green Acres and asked if interviewers asked what he has done since 2014. Crews said no, they stuck to the questions. Crews did state it was important to check the veracity of statement. 100-125K.

Timothy Day – Crews said he was articulate, confident and chatty; he was open and willing to elaborate. He is moving no matter the town's decision; he prefers the Atlantic Coast. 70K in salary, but savings on benefits.

David Wilkinson, Mayor in small town in Indiana – Crews said he was confident, articulate, sincere and personable.

Robert Kellogg Crews said he was confident and sincere but was also terminated from last employment – check job history and references. He asked what three things Malabar wanted to achieve in the next six months. Interviewers did not give answer. Kellogg believes in annual visioning meetings, setting department goals, merit increases based on meeting those goals. Salary negotiable – “we can work something out”

Drew Thompson – Crews said he was confident, articulate, known. He has an impressive resume and education background but felt he would be better suited to health care & IT positions.

Wayne said he is a good man. Bud said but he doesn't live in rural area. Wayne said nobody does Excel as good as him. 100 to 125K. Vail understood him to say he was agreeable to budgeted amount. Crews thought he was pretty clear that he needed 100K-125K as that is what he makes now. They will clarify...

Jeff McKnight – Crews said confident, articulate, chatty. He works in IT for the County. Crews said he is an EE in electrical engineer and would have little trouble commanding his minimum salary as an electrical engineer.

Lisa Powers-Severson, Edwardsville, IL – Crews said this is a similar size town. Crews felt she was less confident and not fully open about how things work in her town or in her roles there. She was also unsure if she got the complete job description but knew what a town manager does. She is not happy with current job, council. Korn said his concern was would she be any happier with us. Vail said she was interested in job due to our climate and access to water. 90K

James Thomas – local, sister lives in Palm Bay so is familiar with area. He is the front man that deals with residents and customer complaints. This Administrator position is a career goal. He thought that is what he was hired for in Titusville, but after he came on the City Manager was fired and those plans never materialized. Liz asked what his title is now. Crews said he is PIO (Primary Information Officer) for EOC. Deals with departments mostly through citizen complaints. Korn said he was at last council meeting. Vail said he had access to “s” drive – Crews explained that he had access to labor laws. He asked about comment made at RTCM of 7/20/15 by CM Krieger about tabling until November. Multiple members made simultaneous comments. Krieger said he know how to win friends and influence people. Salary not a primary motivation.

Liz said she had problem with the telephone interviews were supposed to consist of anyone who scored 4 or higher. Andrew Thomas scored 4 and he is not on the list. Joshua Brown was on in error since his votes were intended for Eileen Clerk. Liz said it would only be fair to stop the process until this person could also be interviewed. Wayne questioned why when the person doesn't have a college degree. Liz said others don't either. Wayne said everyone on the phone interview list has a college degree. Why waste the time? Brain Vail said for whatever reason he was not included they agreed to interview him. Clerk will schedule just like the others.

Eileen Clark – local – when asked about moving to Malabar she said she would consider it. Skip asked what that meant. Vail said they took notes, they did not narrate or interpret. Liz said she lives in Satellite Beach. Korn said former administrator Bill Hall also lived in Satellite Beach. Didn't know if that was a good thing. She is a CGFO. Salary negotiable.

Phil Crews then said he thinks there are 4 or 5 worthy for an interview:

- Kruger
- Kellogg
- Day
- Kutney
- Wilkerson

Korn said to be fair, they should vote to include in phone interview or to exclude. Much discussion among members, Liz said he has had government positions. Mayor said ask the attorney. Brian said Andrew Johnson was an oversight. He proposes they interview him.

Don Krieger said he questions making a list of top five. All members should rank all applicants. Wayne said they should all rank them on their own. Then bring those back to next workshop along with comments from Crews and Vail on the phone interview of Mr. Johnson.

Set up phone interview. Liz said it is the fair thing to do.

Then on the 10th bring the ranking and they can discuss.

D.
Chair Beatty, without any further discussion, asked for a motion to adjourn.

MOTION: Don / Bud moved to adjourn the meeting. VOTE: All Ayes.
This meeting adjourned at 9:25pm.

BY: _____
Mayor Carl Beatty, Council Chair

ATTEST BY:

Debby K. Franklin, Town Clerk/Treasurer

Date Approved: _____

TOWN OF MALABAR

AGENDA ITEM REPORT

AGENDA ITEM NO: 2
Meeting Date: August 3, 2015

Prepared By: Debby Franklin, CMC, Town Clerk/Treasurer

SUBJECT: Off-Street Parking (Ord 2015-03) for First Reading

BACKGROUND/HISTORY:

Council considered the P&Z Board's responses to comments provided by Attorney Bohne at the July 6 meeting and voted 5 to 0 to approve. The Attorney has incorporated these changes and requested one final review at the July 20 meeting and was approved to place on this agenda for first reading 5 to 0.

ATTACHMENTS:

Ordinance 2015-03

ACTION OPTIONS:

Staff requests Approval of 1st Reading of Ord 2015-03

ORDINANCE 2015-03

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, RELATING TO LAND DEVELOPMENT; AMENDING ARTICLE IX RELATING TO PARKING; AMENDING SECTION 1-9.1 APPLICABILITY; AMENDING SECTION 1-9.3, COMPUTATION OF PARKING SPACES; AMENDING SECTION 1-9.5, DESIGN AND SPECIFICATIONS FOR PARKING AND LOADING AREAS; AMENDING ARTICLE XX, DEFINITIONS; PROVIDING FOR SEVERABILITY, REPEAL, CODIFICATION AND AN EFFECTIVE DATE.

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

SECTION 1. Sections 1-9.1, 1-9.3, and 1-9.5 of Article IX of the Land Development Code of the Town are amended in to read as follows:

"Article IX - OFF-STREET PARKING AND INTERNAL TRAFFIC CIRCULATION

Section 1-9.1. - Applicability.

Parking shall be designed to promote traffic and pedestrian safety, and shall be provided in all districts at the time any building or structure is erected, or enlarged, or increased in capacity by a change of use or with the addition of dwelling units, floor area, seats, employees, or other factors determinative of parking demand as stated in this Article IX.

• • •

Section 1-9.3. - Computation of parking spaces.

In computing the number of required parking spaces the following rules shall govern:

1. *Floor Area Calculation.* Floor area means the total gross floor area of a particular use.
2. *Interpretation of Computation with Fractions.* Where fractional spaces result, the number of spaces required shall be construed to be the next whole number.
3. *Requirements for Uses Not Identified.* The parking requirement for any use not specified shall be the same as that required for a use of a similar nature as recognized herein or where not recognized herein, shall be based on criteria published by the American Planning Association or similarly recognized standards of their profession and such standard shall be approved by the Town Council.
4. *Requirements for Mixed Uses.* In the case of mixed uses the parking spaces shall be equal to the sum of the several uses computed separately.
5. *Applicability of Standards to Expanding Uses.* Whenever a building or use is enlarged in floor area, number of dwelling units, seating capacity or in any other manner so as to create a need for a greater number of parking spaces than that existing such spaces shall be provided in accordance with this Section. Any parking deficiency shall be brought into conformity concurrently with the enlargement or change of use.
6. *Location of Off-Street Parking Spaces.* Except as otherwise prescribed for dwelling units, off-street parking spaces required by this section shall be located on the site on

which the main building or use is located. For buildings or uses located in a commercial district, parking spaces may be located not more than five hundred (500) feet from the subject site if approved by the Town Council. Such parking space will be within a commercially zoned district and appropriate legal documents including any required restrictive covenants, necessary to implement conditions imposed by the Town Council shall be filed as an integral part of the approved site plan.

7. Non-Contiguous & Off-Site Parking Spaces are not permitted unless proper engineering and approved safety standards are implemented as approved by the Building Official

7.8. Combined Parking Spaces. The required parking spaces for any number of separate uses may be combined in one (1) lot but the required space assigned to one (1) use may not be assigned to another use at the same time.

• • •

Section 1-9.5. - Design and specifications for parking and loading areas.

- A. *Stalls, Aisles, and Driveways.* Parking stalls shall be ten (10) feet wide by twenty (20) feet long for angle parking; and shall be nine (9) feet wide by twenty-three (23) feet long for parallel parking stalls. Aisle dimensions shall be in accord with standard specifications on file with the Building Official. Angle parking shall be restricted to angles of ninety (90) degrees, sixty (60) degrees, or forty-five (45) degrees. The following criteria are applicable to all parking spaces, excepting single family homes.
1. Each parking stall shall be accessible from an aisle or driveway and designed so that no automobile shall back into a public street in order to exit a parking stall. The internal design of the parking lot shall be designed to facilitate vehicular circulation and avoid conflict between pedestrian and vehicular movements. Internal circulation also shall be designed so as not to create conflict with access into or egress from the site and shall be consistent with the landscape requirements of this Code.
 2. No door or pedestrian entrance at ground level shall open directly upon any driveway or access aisle unless the doorway or pedestrian entrance is at least three feet or more from said driveway or access aisle and appropriate improvements are provided to allow for safe pedestrian access to the door.
 3. All paved parking spaces shall have lines between spaces to indicate individual stalls, and each stall may be required to be equipped with wheel stops if deemed appropriate by the Town Council based on recommendations of the Building Official. ~~Town Staff~~.
 - (a) Wheel stops for stalls adjacent to landscaped strips shall be located two and one half (2½) feet from the front end of the stall to prevent encroachment into required landscaped areas. The front two (2) feet of the stall may be kept as a maintained vegetative ground cover area although no credit will be extended toward the open space requirements of this Code.
 - (b) Wheel stops for stalls not adjacent to landscaped strips shall be located three and one-half (3½) feet from the front end of the stall. The front three (3) feet of the stall may be kept as a maintained vegetative ground cover area although no credit will be extended toward the open space requirements of this Code.
 4. Parking lots with twenty (20) or more spaces may be comprised of a maximum of fifteen (15) percent compact car parking stalls. Such compact car stalls shall be seven

and a half (7½) feet wide by fifteen (15) feet long and marked for use by small vehicles. The markings shall be maintained in perpetuity. The intent is to deter larger cars from using compact car spaces.

5. All publicly maintained and operated parking facilities intended for public use and all businesses, firms, or other persons licensed to do business with the public shall comply with requirements for access established in the Accessibility Requirements Manual published by the Department of Community Affairs, Florida Board of Building Codes and Standards.
- B. *Entries, Exits, Drives and Vehicle Maneuvering Areas.* All uses which are required to provide three or more off-street parking spaces shall have entry and exit ways and drives at least eighteen (18) feet in width to accommodate two-way traffic unless a one-way traffic system is utilized, in which case entry and exit ways and drives shall be at least nine (9) feet in width. In the event a one-way traffic system is utilized, appropriate traffic direction markers shall be installed. The internal circulation system, including drives and maneuvering areas, shall be designed to permit convenient maneuvering of cars and service vehicles into and out of each parking and loading space, and shall be arranged so that no vehicle need back onto a public right-of-way. No occupied parking or loading space shall interfere with access to any other parking or loading space, or with any pedestrian walkway. The design of parking facilities shall also comply with landscape requirements of Article XIII [Article XIV].
- C. *Restricted Use of Off-Street Parking Areas.* All parking areas shall be used for automobile parking only, ~~with no sales, and are not intended for sales, dead storage, non-emergency repair work, dismantling or servicing of any kind.~~ Where lighting is provided, it shall be arranged to reflect away from residential areas and public ways.
- D. *Off-Street Loading Regulations.* The following spaces shall be provided for the uses indicated:
1. Every hospital, institution, hotel, commercial or industrial building or similar use having a floor area in excess of five thousand (5,000) square feet or fraction thereof requiring the receipt or distribution by vehicle of materials and merchandise, shall have at least one permanently maintained off-street loading space for each five thousand (5,000) square feet of gross floor area or fraction thereof.
 2. Retail operations, wholesale operations and industrial operations with a gross floor area of less than ten thousand (10,000) square feet, shall provide sufficient space so as not to hinder the free movements of vehicles and pedestrians over a sidewalk, street or alley.
 3. Each space shall have a direct access to a public right-of-way and shall have the following minimum dimensions:
 - (a) Length: Twenty-five (25) feet; a larger length upward to thirty-five (35) feet may be required upon recommendation by the Town Building Official, ~~the City Engineer and approval of the Planning and Zoning Commission.~~
 - (b) Width: Twelve (12) feet.
 - (c) Height: Fourteen (14) feet & six (6) inches.All subject to site plan approval.

- E. *Surfacing Requirements for Parking and Loading Spaces.* In all zoning districts, surfacing of all off-street parking areas and drives, except within the RR-65 zoning district having single family uses exclusively, shall be as follows:
 - 1. *Nonporous Surfaces.* All parking areas and approaches thereto shall require a minimum surfacing material of four (4) inches reinforced concrete, or six (6) inches of lime rock, after compaction or a comparable material with one (1) inch minimum asphaltic topping except as other [otherwise] provided herein.
 - 2. *Porous Surfaces.* The term "Porous Surface" shall mean any surface, material or technique, which allows for the movement of water through it. Part-time or temporary use such as Church, but not limited to, Park, Fair, and Festival parking. All parking areas must be up to specifications of the Town Engineer, Town Planner, and/or Building Official as to composition, compaction, and drainage/ grade.
- F. *Modifications.* The Town Council may approve modifications to the specifications of Section 1-9.5 upon demonstrated need by the applicant and based on recommendations of the Town Staff and the Planning and Zoning Board. In considering modifications to the specifications required by this Section, the Town Council shall be guided by the current edition of the Architectural Graphic Standards by Ramsey and Sleeper, or an equivalent commonly accepted source of standards.
- G. *Parking Areas not to be reduced in Area.* Area designated for off-street parking or loading in accordance with the requirements of this Code shall not be reduced in area or changed to any other use unless the permitted use which it served is discontinued or modified, except where equivalent parking or loading space is provided and approved pursuant to Article VII ~~III~~ [Article VII] "Site Plan Review."

SECTION 2. Article XX of the Land Development Code of the Town is amended to read as follows:

"Article XX - LANGUAGE AND DEFINITIONS

Section 1-20.2. - Definitions of terms.

Terms not otherwise defined herein shall be interpreted first by reference to the Comprehensive Plan and this Code; secondly, by reference to generally accepted engineering, planning, or other professional terminology if technical; and otherwise according to common usage, unless the context clearly indicates otherwise.

For the purpose of enforcing and administering this Code, the following words shall have the definitions and meanings herein ascribed:

• • •

Motor Vehicle. As defined by Title XXIII Florida Statutes, specifically Chapter 320.01(1) (a) and (b).

• • •

Parking.

Off-Site Parking. Parking which is not on the same location or property as the Business's Building.

Off-Street Parking. Parking which is not on any Roadway or any Right of Way or within any "Right of Way Line".

On-Site Contiguous Parking. Parking which is in the same location and on the same property as the Business's Building and has the same owner(s).

On-Street Parking. Parking which is abutting a Roadway, which is any public path used by vehicle as a way of getting somewhere. ie: Lane, road, Street, Trail, etc.

• • •

Parking Space, Off-Street shall mean a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for three (3) or more automobiles shall have individual spaces marked and shall be so designed, maintained and regulated that no parking or maneuvering incidental to parking shall be on any public street, walkway or alley, and so that any automobile may be parked and unparked without moving another.

For purposes of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated at three hundred (300) square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, improved in a manner appropriate to the circumstances of the case, and in accordance with all ordinances and regulations of the Town.

• • •

Recreational and Landscaped Open Space. Unroofed or screen roofed ornamental landscaped areas and recreational areas which are easily accessible and regularly available to occupants of all dwelling units on the lot wherein the open space is located. Not calculated as open spaces are rooftops, porches, raised decks, parking spaces, driveways, utility and service areas ~~are not calculated as open space.~~

• • •

Swimming Pool. A water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen (18) inches below the level of the surrounding land, or an above-surface ground pool, having a depth of more than thirty (30) inches, designed, used and maintained for swimming and bathing.

Section 3. 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 4. Repeal. All other ordinances or resolutions to the extent that conflict with this ordinance are hereby expressly repealed.

Section 5. Codification. The provisions of this ordinance shall become part of the code of ordinances of the Town of Malabar.

Section 6. This Ordinance shall become effective immediately upon its adoption.

The foregoing Ordinance 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	_____

PASSED AND ADOPTED by the Town Council, Town of Malabar, Brevard County, Florida this _____ day of _____, 20____.

BY:

TOWN OF MALABAR

Mayor Carl A. Beatty
Council Chair

First Reading:
Second Reading:

ATTEST:

By _____

Debby K. Franklin, C.M.C.
Town Clerk/Treasurer
(Seal)

Approved as to form and content:

Karl W. Bohne, Jr., Town Attorney

TOWN OF MALABAR

AGENDA ITEM REPORT

AGENDA ITEM NO: 3
Meeting Date: August 3, 2015

Prepared By: Debby Franklin, Town Clerk/Treasurer

SUBJECT: Consider ILA with Brevard County for E-911 Services

BACKGROUND/HISTORY:

The County has asked us to approve a new Interlocal Agreement. They have made the same request of all the municipalities in Brevard County so everyone is on the same ILA, instead of the current three different agreements.

The Town currently provides the address assignment duties and coordinates with E-911 for accuracy of their database. We require developers to deal directly with E-911 (and pay) for the street naming and address assignment within subdivisions. I sent a letter to the County explaining that and requesting opt out information.

We were then informed that the ILA was revised to provide for municipalities that do their own addressing to not be required to pay the fee. Only those communities that want the County to handle the addressing assignment will pay the fee.

The main focus of their request was to get all municipalities on the same agreement.

FINANCIAL IMPACT:

NONE

ATTACHMENTS:

ILA for Centralized Addressing Authority
Letter from Clerk requesting opt out information
Email from Address Assignment

ACTION OPTIONS:

Staff requests Action

INTERLOCAL AGREEMENT

BETWEEN

BREVARD COUNTY, FLORIDA

AND

THE CITY (TOWN) OF _____, FLORIDA

PROVIDING A CENTRALIZED ADDRESSING AUTHORITY

THIS INTERLOCAL AGREEMENT, entered into this _____ day of _____, by and between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, hereinafter referred to as the "County," and THE CITY/TOWN OF _____, FLORIDA, a municipal corporation created under the Laws of Florida, hereinafter referred to as the "City."

WHEREAS, the purpose of this Interlocal Agreement is to establish a coordinated process for the assignment of addresses throughout the County (both incorporated and unincorporated areas) to provide for an effective countywide Automatic Location Identification Database for the 9-1-1 emergency telephone system;

WHEREAS, the Board of County Commissioners of Brevard County, Florida in regular session on August 21, 1980, issued a letter of intent that allowed Southern Bell Telephone and Telegraph Company (a.k.a. BellSouth/AT&T) to proceed with the implementation of the enhanced emergency telephone system for Brevard County, Florida:

WHEREAS, this emergency telephone system, known as the "Enhanced 911 Telephone System" was implemented in the incorporated and unincorporated areas of Brevard County;

WHEREAS, the County and City have previously entered into various Interlocal Agreements, dated 12/03/81, 03/14/00, and/or 07/24/07, providing for the exchange of information necessary to implement and maintain the emergency telephone system throughout Brevard County;

WHEREAS, the parties wish to replace all current Interlocal Agreements with the various Cities by executing this new agreement;

WHEREAS, the City has the option in this Agreement to handle all addressing responsibilities for the City or to delegate responsibility for assigning addresses to properties within the City's jurisdiction to the County (which includes the responsibility for coordinating with developers and property owners);

yes →

WHEREAS, in order to effectively maintain the accuracy and consistency of the countywide Automatic Location Identification (ALI) Database used with the emergency telephone system and to avoid addressing duplication and confusion, certain address information approved and under the control of the City shall be transmitted to the County and the City hereby authorizes the County to coordinate addressing information; and

WHEREAS, the County and the City have determined that it is in the best interest of the health, safety and welfare of all citizens of and visitors to Brevard County to enter into this Interlocal Agreement.

NOW THEREFORE, it is agreed between the County and the City as follows:

1. **TERM AND RENEWAL:** The Term of this Agreement shall begin on October 1, 2015 and end on September 30, 2020; however, the Agreement shall automatically renew for an additional 5 years unless either party gives the other party at least sixty (60) days advance written notice of its intent to terminate the agreement at the end of the then existing term.

2. **SCOPE OF SERVICES:**

2.1 The City and County hereby agree to mutually cooperate in exchanging information and data in order to allow the County to properly and effectively update the Enhanced 911 ALI Database and the E911 Mapping System which is maintained by Brevard County for Brevard County, Florida, its municipalities and emergency responders, etc.

2.2 The City shall provide the necessary addressing information, as further provided herein, to the County prior to the permanent assignment or change of street names within the City allowing the County to review and provide comment to the City to avoid addressing duplication and confusion in the same geographic/community area.

2.3 The City may request the County, through the E911 Addressing Section (hereafter referred to as the 'Section'), to assume the addressing responsibilities for the City.

(A) Such request shall be submitted in writing to the Brevard County Emergency Management Department, E911 Administration Office, E911 Addressing Section at 2725 Judge Fran Jamieson Way, Suite C201, Viera, Florida 32940.

(B) The County agrees to assume addressing responsibilities for the City, if requested to do so by the City in writing, subject to the City paying the County the annual addressing fee (as billed by the County) and providing all requested information needed by the County to perform the addressing function.

2.4 The parties agree that the structures requiring addresses include:

- Residential structures
- Commercial structures
- Utility equipment/cabinets
- Lift stations
- Docks
- Boat houses
- Communications towers
- Subdivision lighting
- Development fencing/signage/gates
- Development recreational facilities
- Accessory structures (barns, sheds, garage/apartments)

3. ADDRESSING:

3.1 CITY RESPONSIBILITIES (generally):

(A) Submit to the County one copy of each of the following documents for the purpose of proper identification and location of addresses within the E911 ALI Database:

- (i) Any City Ordinance/Resolution currently authorizing/regulating addressing.
- (ii) Any future amendments to such ordinances.
- (iii) Any City Ordinance or regulation relating to Annexation or Detachment of property.
- (iv) Any City Ordinance/Resolution relating to roadway vacating.
- (v) Any correspondence related to numbering or renumbering of private or public streets located within their municipal boundaries.
- (vi) Will notify the City agencies needing access to updated/new addresses of new addresses that have been assigned to individual properties, to newly recorded plats, because of change due to street naming and/or renaming, by owner request or for 911 purposes.

Yes →

3.2 CITY PERFORMS ADDRESSING FUNCTION:

(A) CITY RESPONSIBILITIES:

- (i) Assign and/or change addresses within the City jurisdiction, along with all notification correspondence and provide assistance to all inquiries (phone/email/walk-in customers) made directly to the City or forwarded by the Section.

(ii) Notify all external concerned agencies on the Concerned Agencies List (see paragraph 4.2(B)), in addition to their City internal agencies, of new, updated or changed addresses.

(iii) Submit to the County, or require applicants for street names within the City to submit to the County, prior to any permanent assignment of street names, all subdivision plans and/or site plans regarding development projects within its municipal boundaries.

(iv) Submit to the County for review and comment any and all addresses proposed for assignment by the City in order to avoid addressing discrepancies.

(v) Provide any proposed street names for private or public streets located within the City's municipal boundaries for review and approval by the County.

(vi) Require all private streets located within all mobile home parks, condominium complexes and/or business complexes to be named and proper documents recorded with the Clerk of the Courts.

(vii) Provide the County with copies of any correspondence that propose changes or corrections to the addresses or street names within their municipal boundaries.

(B) COUNTY RESPONSIBILITIES:

(i) County directs all persons who contact the County about any addressing issues within the City to the City.

(ii) The County will notify the City in writing of any discrepancies in the naming or numbering of streets located within their municipal boundaries for the purpose of verification and correction.

3.3 COUNTY PERFORMS ADDRESSING FUNCTION:

DO

(A) CITY RESPONSIBILITIES: In addition to the information to be provided under paragraph 3.1, above, the City will perform as follows:

(i) Provide the Section any and all documents pertinent to new subdivisions, site plans and/or preliminary annexations submitted to the City for review and comment.

(ii) Submit to the Section for review and approval any and all street names submitted for use within said municipal boundaries.

(iii) Submit all newly recorded subdivisions and approved site plans to the Section for addressing.

(B) COUNTY RESPONSIBILITIES:

- (i) Assignment of all addresses to individual properties.
- (ii) Assignment of all addresses to utility equipment.
- (iii) Assignment of all addresses to and within subdivision plats (residential and commercial).
- (iv) Assignment of all addresses to commercial site plans.
- (v) Provide the City and Developers a copy of the recorded subdivision plat and/or approved site plan with addresses indicated thereon, along with an address table, if applicable.
- (vi) Issue any necessary address change and/or verification letters.
- (vii) Conduct site visits as necessary.
- (viii) Produce street naming/renaming (includes resolution, mapping, recording and issuing all necessary correspondence.
- (ix) Respond to all telephone/email/walk-in inquiries received from the City or citizens and perform any necessary research to respond.
- (x) Process submitted annexations completed by City; update County records.
- (xi) Process submitted vacatings completed by City; update County records.
- (xii) Notify all external concerned agencies on the Concerned Agencies List (see paragraph 4.2(B)) needing access to updated/new addresses listed, in addition to the City, of any new addresses that have been assigned to individual properties or to newly recorded plats or are changed due to street naming and/or renaming or by owner request or for 911 purposes. The County will update this agency list from time to time as needed, advise the City of the updates and make this list available on-line through its website.

4. ALI DATABASE and 911 MAPPING SYSTEM:

4.1 CITY RESPONSIBILITIES:

- (A) Cooperate with the maintenance of the E911 ALI Database by providing for the timely updates and corrections of any addressing discrepancies located in the ALI Database or errors located in the mapping system and/or errors located in any Annexation, Detachment or Ordinance submitted by the City.

(B) Respond to the County in writing within ten (10) working days from receipt of written notice (paragraph 4.2(C) below) from the County of any discrepancies in the naming or numbering of streets in the City.

(C) The City agrees to be responsible for any or all errors within the ALI Database System that are not resolved or corrected by the City within the (10) working days from the receipt of notice or within the approved grant extension time frame as provided for below.

(D) Upon correction and recording of any and all City Annexations, Detachments, Ordinances or Resolutions, the City shall provide a recorded copy of the revised document to the County E911 Addressing Section in a timely manner.

4.2 COUNTY RESPONSIBILITIES:

(A) Maintain and update the addresses in the ALI Database System and 911 Mapping System (the Systems) and the County's Property Management System, along with regular updated addressing information to the Property Appraiser and the Supervisor of Elections for use in the records/databases of those offices.

(B) Maintain and revise as needed the "Concerned Agencies List" which includes all agencies/entities needing access to the updated Systems.

(C) Notify the City in writing of any discrepancies the County identifies in the naming or numbering of streets located within the City's municipal boundaries for the purpose of verification and correction in order to avoid duplication and confusion.

(D) Upon written notice from the City indicating an error cannot be resolved within the approved time frame, the Brevard County E911 Addressing Section may grant an extension on a case-by-case basis.

(E) Process annexations and vacatings submitted by the City, including incorporation of address changes into the Systems.

(F) Provide maps and mapping updates to the City on an 'as requested' basis.

5. FEES:

5.1 CITY RESPONSIBILITIES:

(A) Remit an annual 911 Addressing fee to the County by October 1 for the upcoming fiscal year if the City requests the County to assume Addressing responsibilities for the City.

*
N/A

yes

(B) Require the Developer to pay the fee set per address for newly recorded plats for 911 address assignment to the Section in order to defer the administrative cost of this function.

yes

(C) Require the Developer or Citizen to pay fees to the Section should the City request the E911 Addressing Section to provide street naming or renaming or address change notification services.

N/A

(D) All fees provided for herein as set by Resolution shall be made payable to the Brevard County Board of County Commissioners and sent to the attention of:

Brevard County Board of County Commissioners
Attn: E911 Addressing Section
2725 Judge Fran Jamieson Way
Suite C201
Viera, FL 32940

(Any change in the address of the Section shall be made to the City in accordance with paragraph 8.).

yes

(E) Require the Developer to pay said fees directly to the Section at the time address assignment is completed and available for use.

5.2 COUNTY RESPONSIBILITIES:

(A) Adopt fees by Resolution for the services as provided for in Section 5.1 above. The County may revise the fees from time to time.

(B) Notify the City of any proposed change to the annual 911 addressing fee Section 5.1 (A) no less than six months prior to September 30, in order for the City to consider the fee as part of its budgetary process for the next fiscal year.

(C) The County will advise the City from time to time of any changes to fees charged to the City or Developers or citizens for various addressing services provided by the County.

6. MODIFICATIONS TO AGREEMENT: Other than as previously approved, this Agreement, together with any exhibits, task assignments and schedules constitute the entire Agreement between the County and the City and supersedes all prior written or oral understandings. This Agreement and any exhibits, task assignments and schedules may only be amended, supplemented or canceled by a written instrument duly executed by the parties hereto.

7. INDEPENDENT CONTRACTOR: City and County are independent contractors under this Agreement. Services provided by City pursuant to this agreement shall be subject to the supervision of City and services provided by County pursuant to this Agreement shall be subject to the supervision of County.

In providing such services, the City, its officers, employees, or agents are not authorized to and shall not act as officers, employees, or agents of County and the County, its officers, employees, or agents are not authorized to and shall not act as officers, employees, or agents of City. This Agreement shall not constitute or make the parties hereto a partnership or joint venture.

8. NOTICE: Documentation, notices, changes in addresses or representatives of the parties shall be made by providing notice as follows:

To the City/Town:

To the County:

Brevard County Emergency Management Department
E911 Administration Office, E911 Addressing Section
2725 Judge Fran Jamieson Way, Suite C201
Viera, FL 32940

9. GOVERNMENTAL IMMUNITY. The city is a municipality as defined in Section 768.28, Florida Statutes, and agrees to be responsible for acts and omissions of its agents or employees when required by law. Nothing herein is intended to serve as a waiver of sovereign immunity by the City to the extent sovereign immunity may be applicable. Nothing herein shall be construed as consent by the City to be sued by third parties in any matter arising out of this Agreement or any other contract. Likewise, the County is a political subdivision of the State of Florida, as defined in Section 768.28, Florida Statutes, and agrees to be responsible for acts and omissions of its agents or employees when required by law. Nothing herein is intended to serve as a waiver of sovereign immunity by the County to the extent sovereign immunity may be applicable. Nothing herein shall be construed as consent by County to be sued by third parties in any matter arising out of this Agreement.

10. ATTORNEYS FEES/COSTS; NONJURY TRIAL: In the event of litigation to enforce the terms of this agreement, each party shall be responsible for its own costs and attorney's fees. Any trial to enforce or interpret the terms of this agreement should be non-jury.

This Agreement shall be deemed to have been entered into under the provisions of Section 163.01, Florida Statutes, "the Florida Interlocal Cooperation Act of 1969," and shall be effective upon filing with the Clerk of the Circuit Court, Brevard County pursuant to Subsection 11 of said Act.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first above written.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

Scott Ellis, Clerk

Robin Fisher, Chairman
Brevard County Board of County Commissioners

As Approved by the Board on _____

ATTEST:

City/Town of

City/Town Clerk

Mayor or (his/her designee)



TOWN OF MALABAR

2725 MALABAR ROAD • MALABAR, FLORIDA 32950
(321) 727-7764 OFFICE • (321) 722-2234 FAX
www.townofmalabar.com

July 23, 2015

Robin Fisher, Chairman
Brevard County Board of
County Commissioners
2725 Judge Fran Jamieson Way
Viera, Florida 32940

RE: ILA – Centralized Addressing Authority

Dear Ms. Fisher:

An email was sent to Regina with the Address Assignment Department of Brevard County by me on July 17, 2015. In the email, I advised her that this agreement was reviewed with the Assistant to the Building Official as well as the Town Administrator. We do not feel like this agreement would benefit the Town of Malabar.

We establish our own individual addresses for single family homes; the developers work directly with E911 and pay for their own addresses. We have very little development in Malabar and do not propose any new street names.

I asked Regina what the process would be to opt out of the agreement. As of today's date, I have not heard back from her. We are sending this letter to you to advise that the Town of Malabar will not be participating in this agreement.

Sincerely,

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

Debby Franklin

From: Mahaney, Regina R
<Regina.Mahaney@brevardcounty.us>
Sent: Thursday, July 30, 2015 11:22 AM
To: Debby Franklin
Subject: Interlocal Agreement (911 Addressing)
Attachments: Interlocal Agreement (911 Addressing).pdf

Debby,

I have attached the revised copy of the Interlocal Agreement.

As discussed, the following items were recently changed on the (911 Addressing) Interlocal Agreement. See attached.

Page 2:

- Section 1 (Term and Renewal): The shall begin date was changed to October 1, **2015**.

Page 6:

- Section 5.1 City Responsibilities (A): The following was added after the upcoming fiscal year **'if the City requests the County to assume Addressing responsibilities for the City.'**

Page 7:


- Section 5.2 County Responsibilities (B): The timeframe was changed to indicate 'no less than **six months** prior to September 30.....'

If you have any further questions, please let me know.

Respectfully,

Regina R. Mahaney
9-1-1 Database/Addressing Coordinator
Brevard County E9-1-1 Administration
2725 Judge Fran Jamieson Way
Building C201
Viera, FL 32940-6022
Office: (321) 690-6846 Ext. 1
Fax: (321) 690-6842
address.assign@brevardcounty.us

NOTICE: Receiving an address does not guarantee a property is buildable or that any permits can be issued! Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

 Please consider the environment before printing this E-mail.

TOWN OF MALABAR

AGENDA ITEM REPORT

AGENDA ITEM NO: 4
Meeting Date: August 3, 2015

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

SUBJECT: Appoint Town Representative to Replace Administrator at Monthly TAC/CAC meetings in Viera.

BACKGROUND/HISTORY:

I was requested to put this before you for action so the TAC/CAC Board can have it on their September agenda.

FINANCIAL IMPACT:

n/a

ATTACHMENTS:

Email from SCTPO

ACTION:

Staff requests Action

Debby Franklin

From: Maki-Holden, Carol <carol.holden@brevardcounty.us>
Sent: Thursday, July 30, 2015 12:10 PM
To: Debby Franklin
Subject: Space Coast TPO Technical Advisory Committee member

Hi Debby,

Bonilyn Wilbanks informed us at the last TAC/CAC meeting that she is retiring. Do you have a replacement for her TAC member position? I would like to get it on our September agenda for approval if you have one.

Thanks!

Carol Holden
Administrative Assistant
Space Coast Transportation Planning Organization
2725 Judge Fran Jamieson Way, Bldg. B
Melbourne, FL 32940
321-690-6890
[Website](#) [Facebook](#) [Twitter](#) [YouTube](#)
Roads to Rockets...The Sky is NOT the Limit

"Under Florida Law, email addresses are Public Records. If you do not want your e-mail address released in response to public record requests, do not send electronic mail to this entity. Instead, contact this office by phone or in writing."

TOWN OF MALABAR

AGENDA ITEM REPORT

AGENDA ITEM NO: 5
Meeting Date: August 3, 2015

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

SUBJECT: Action on 7/27/15 TA Sel Committee Workshop

BACKGROUND/HISTORY:

At the workshop of July 27, 2015 it was suggested that another applicant that also scored four points be called for an interview. The committee had agreed to put all candidates that had four or more votes on list for phone interviews. His name was overlooked.

It was Committee consensus to have Mayor Crews and CM Vail do the telephone interviews of this applicant as soon as possible and report back to the committee on August 10, 2015.

FINANCIAL IMPACT:

NONE

ATTACHMENTS:

none

ACTION OPTIONS:

Staff requests approval of Workshop Action