



REGULAR TOWN COUNCIL MEETING

Monday, November 21, 2022 at 7:30 pm

1. **CALL TO ORDER, PRAYER AND PLEDGE**
2. **ROLL CALL**
3. **APPOINT CHAIR AND VICE-CHAIR**

Exhibit: Agenda Report Number 3

Attachments:

- **Agenda Report Number 3** (Agenda_Report_3.pdf)

4. **SUNSHINE LAWS REVIEW**

Exhibit: Agenda Report Number 4

Attachments:

- **Agenda Report Number 4** (Agenda_Report_Number_4.pdf)

5. **APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES**
6. **CONSENT AGENDA**

- a. **Approve Minutes of 11/07/2022 and 11/10/2022**

Exhibit: Agenda Report Number 6a

Attachments:

- **Agenda Report Number 6a** (Agenda_Report_Number_6a.pdf)

7. **STAFF REPORTS**

- a. **Manager**
- b. **Clerk**

8. **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

9. **PUBLIC HEARINGS / SPECIAL ORDERS**

- a. **FY 21/22 Final Budget Amendment (Ordinance 2022-10) - 2nd Reading**

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PERTAINING TO A BUDGET AMENDMENT IN THE FISCAL YEAR 2021/2022 TO PROVIDE FOR ACTUAL REVENUES RECEIVED;

PROVIDING FOR THE UNSPENT BUDGETED FUNDS DUE TO REDUCED EXPENDITURES; PROVIDING DIRECTION TO DELEGATE SUCH EXCESS FUNDS TO DESIGNATED RESTRICTED RESERVES FOR BUILDING DEPARTMENT USE, STORMWATER USE; PROVIDING THE REALLOCATION OF UNSPENT MONIES BETWEEN DEPARTMENTS TO BALANCE THE EXPENDITURES; PROVIDING REMAINING EXCESS FUNDS TO RESERVES ON DEPOSIT; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report Number 9a

Attachments:

- **Agenda Report Number 9a** (Agenda_Report_Number_9a.pdf)

**b. Vacate Request within Section 11, Melbourne Heights subdivision (SD)
Section "E" east of Corey Road (Resolution 29-2022)**

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE VACATE OF ONE FIFTY (50) FOOT-WIDE UNIMPROVED PLATTED RIGHT-OF-WAY BISECTING PARCEL 29-37-11-75-18-3 IN SECTION "E" MORE SPECIFICALLY KNOWN AS COLORADO AVENUE AS DESCRIBED HEREIN; AUTHORIZING THE TOWN CLERK TO RUN A LEGAL ADVERTISEMENT OF THIS ADOPTED RESOLUTION; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report Number 9b

Attachments:

- **Agenda Report Number 9b** (Agenda_Report_Number_9b.pdf)

**10. UNFINISHED BUSINESS/GENERAL ORDERS MAY INCLUDE ITEMS DIRECTLY
RELATED TO RESIDENTS PRESENT AT MEETING**

(RECOMMENDATIONS FROM BOARDS, HOA REQUESTS, RESIDENT GRIEVANCES)

11. ACTION ITEMS

ORDINANCES:0

RESOLUTIONS:1

MISCELLANEOUS:6

a. Adopting the Goal of "Vision Zero" (Resolution 27-2022)

Exhibit: Agenda Report Number 11a

Attachments:

- **Agenda Report Number 11a** (Agenda_Report_Number_11a.pdf)

b. Council Direction of Treasurer Reposting

Exhibit: Agenda Report Number 11b

Attachments:

- **Agenda Report Number 11b** (Agenda_Report_Number_11b.pdf)

c. Councilmember Bill Reviewer Exemption

Exhibit: Agenda Report Number 11c

Attachments:

- **Agenda Report Number 11c** (Agenda_Report_Number_11c.pdf)

d. Select Bill Reviewer for 2022/2023

Exhibit: Agenda Report Number 11d

Attachments:

- **Agenda Report Number 11d** (Agenda_Report_Number_11d.pdf)

e. Select Check Signer for 2022/2023

Exhibit: Agenda Report Number 11e

Attachments:

- **Agenda Report Number 11e** (Agenda_Report_Number_11e.pdf)

f. Select Space Coast League of Cities (SCLC) Delegate for 2022/2023

Exhibit: Agenda Report Number 11f

Attachments:

- **Agenda Report Number 11f** (Agenda_Report_Number_11f.pdf)

g. Select Representative to the TPO/TAC Board for 2022/2023

Exhibit: Agenda Report Number 11g

Attachments:

- **Agenda Report Number 11g** (Agenda_Report_Number_11g.pdf)

COUNCIL CHAIR MAY EXCUSE ATTORNEY AT THIS TIME

12. DISCUSSION/POSSIBLE ACTION

a. Discuss Restricting Increased Revenues to a Streets and Roads Fund

Exhibit: Agenda Report Number 12a

Attachments:

- **Agenda Report Number 12a** (Agenda_Report_Number_12a.pdf)

13. PUBLIC COMMENTS

General Items (Speaker Card Required)

14. REPORTS - MAYOR AND COUNCIL MEMBERS

15. ANNOUNCEMENTS

(2) Vacancies on the Parks and Recreation Board, (1) vacancy on the Planning and Zoning Board, and (1) vacancy on the Board of Adjustment

16. 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 ensure 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. 86.26 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.

Contact: Richard Kohler (townclerk@townofmalabar.org 321-727-7764) | Agenda published on 11/16/2022 at 4:15 PM

TOWN OF MALABAR

TOWN COUNCIL

AGENDA ITEM NO: 3.
Meeting Date: November 21, 2022

Prepared By: Richard W. Kohler, Town Clerk

SUBJECT: Nominate Chair and Vice Chair

BACKGROUND/HISTORY:

The Town Charter provides that the selection of the Chair and Vice-Chair is done annually at the first regular Council meeting after the election. It also provides that it should only be done if there is a full Council present.

In 1995 the Charter was changed to allow the Mayor to also be considered as candidate for Chair. Prior to that, the Chair was selected from the Council Members only. The Chair approves the meeting agenda and presides over the meetings.

FINANCIAL IMPACT:

N/A

ATTACHMENTS:

none

ACTION OPTIONS:

Nomination and Selection of the Chair and Vice-Chair for 2022/2023.

MEMORANDUM

To: Town council

From: Karl W. Bohne, Jr.

Date: November 21, 2022

Re: Sunshine Law/Public Records Law/Quasi-Judicial Proceedings/Voting Conflicts

I. The Florida Sunshine Law is contained in Chapter 286 of the Florida Statutes.

A. What public agencies are covered by the Sunshine Law?

The courts have expressed a view that the legislature intended to extend the application of the Sunshine Law so as to bind every board or commission of the state or of any county or political subdivision over which it has dominion and control. This means that the Sunshine Law is applicable to any government at the municipal as well as the state and county levels. The Sunshine Law applies to the Town Council.

Section 286.011, F.S., provides in pertinent part:

(1) All meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, except as otherwise provided in the Constitution, at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting.

1. What is meeting subject to the Sunshine Law?

The Sunshine Law extends to the **discussions** and **deliberations** as well as the formal action taken by a public board or commission. There is no requirement that a quorum be present for a meeting of members of a public board or commission to be subject to the Sunshine Law.

Instead, the law is applicable to any gathering, whether formal or casual, of two or more members of the same board or commission to discuss some matter on which foreseeable action will be taken by the board or commission. The Sunshine Law covers every thought, affirmative act and the entire decision making process. *Times Publishing Company v.*

Williams, 222 So. 2d 470, 473 (Fla. 2d DCA 1969), disapproved in part on other grounds, *Neu v. Miami Herald Publishing Company*, 462 So. 2d 821 (Fla. 1985)

2. Can the Sunshine Law apply to a single individual or a situation where two members are not actually present?

While ordinarily Florida Statutes 286.011 is applicable to two or more members of the same board or commission, certain factual situations have arisen where the presence of two individuals may not always be necessary in order for a violation of law to occur. Courts have expressed a view that the Statute should be construed so as to frustrate all evasive devices. *City of Miami Beach v. Berns*, 245 So. 2d 38 (Fla. 1971); *Blackford v. School Board of Orange County*, 375 So. 2d 578 (Fla. 5th DCA 1979); *Wolfson v. State*, 344 So. 2d 611 (Fla. 2d DCA 1977) and *Canney v. Board of Public Instruction of Alachua County*, 278 So. 2d 260, 264 (Fla. 1973)

In one case, the use of memoranda to conduct city business was held to be subject to the Sunshine Law. A member of a city commission initiated a memorandum reflecting his thoughts on a given subject, and appended to this memo a writing space for other members to concur or disapprove in the position taken. The originator of the memorandum then placed it in a receptacle at the offices of the public body. It was determined that this was a violation of the Sunshine Law and constituted a meeting between two or more members. *Inf. Op. to Blair*, May 29, 1973. And see *Leach-Wells v. City of Bradenton*, 734 So. 2d 1168, 1171 (Fla. 2d DCA 1999)

A meeting between individuals who are members of different boards is not subject to the Sunshine Law unless one or more of the individuals has been delegated the authority to act on behalf of his respective board. For example, an individual town council member may meet privately with an individual member of the planning and zoning board to discuss town issues. Since two or more members of either board are not present, there was is violation because no delegation of the decision making authority had been made and neither member was not acting as a liaison between members of the respective boards. *AGO 92-79. Accord Inf. Op. to Batchelor*, May 27, 1982. See also, 72-158. Cf. *AGO 71-295*, cautioning that “[p]ublic bodies should avoid secret meetings, from which the public and the press are effectively excluded, preceding official meetings, even though such secret meetings are held ostensibly for purely social purposes only and with the understanding that the members of the public body will, in good faith, attempt to avoid any discussion of official business.

Additionally the use of non-members as liaisons between board members

of the same board is a violation of the Sunshine Law. These generally create *de facto* meetings in violation of the sunshine law. *See AGO 74-47 (city manager is not a member of the city council and thus may meet with individual council members; however, the manager may not act as a liaison for board members by circulating information and thoughts of individual council members). See also Inf. Op. to Goren, October 28, 2009 (while individual city commissioners may seek advice or information from staff, city should be cognizant of the potential that commissioners seeking clarification by follow-up with staff when staff responses are provided to all commissioners could be considered to have participated in a de facto meeting of the commissioners by using staff as a conduit between commissioners).*

B. To what agency actions or activities is the Sunshine Law directed?

1. Does the term “meeting” include such things as briefing sessions, workshop meetings, informal discussions and other meetings of the public body where no formal vote is taken?

The answer to this question is “yes”. The law is applicable to any gathering where the members deal with some matter on which foreseeable actions will be taken by the board. The attorney general has determined that gatherings such as workshop meetings, conference sessions or meetings, conciliation conferences, fact finding decisions, executive work sessions, and courtesy meetings are all subject to the commands of the Sunshine Law. Additionally, the law is applicable to all deliberations of the public body..

C. May public officials meet together at luncheon meetings, social gatherings, and inspection trips?

Luncheon meetings, social gatherings and the like would not be subject to the Sunshine Law merely because of the presence of two or more members of a board or commission IF there was no discussion among the public officials relating to public business or foreseeable action which would be taken by the board. *AGO 92-79. Accord Inf. Op. to Batchelor, May 27, 1982. See also, 72-158.*

1. Are telephone conversations within the scope of the Sunshine Law?

Telephone conversations between members of a public body are illegal if the conversation is held to discuss public business in a place inaccessible to members of the public and press for the specific purpose of avoiding

public scrutiny. *See State v. Childers, No. 02-21939-MMC; 02-21940-MMB (Escambia Co. Ct. June 5, 2003), per curiam affirmed, 886 So. 2d 229 (Fla. 1st DCA 2004) (private telephone conversation during which two county commissioners and the supervisor of elections discussed redistricting violated the Sunshine Law).*

2. Are the uses of computers and other electronic medium subject to the Sunshine Law?

The use of computers or in any case any type of electronic medium, emails twitter, Facebook, Twitter, etc., to carry out public business, by members of a public board or commission to communicate amongst themselves on issues pending before the board is subject to the Sunshine Law. *See AGO 89-39*

3. Are consultations with legal counsel subject to the Sunshine Law?

(a) A governmental body may meet in private with its attorney to discuss pending litigation to which the entity is presently a party for a court or administrative agency, provided that the following conditions are met:

- i. The entity's attorney shall advise the entity at a public meeting that he desires advice concerning litigation.
- ii. The subject matter of the meeting shall be confined to settlement negotiations or strategy sessions related to litigation expenditures.
- iii. The entire session shall be recorded by a certified court reporter. Thereafter, the court reporter's notes shall be fully transcribed and filed with the entity's clerk within a reasonable time after the meeting.
- iv. The entity shall give reasonable public notice of the time and date of the attorney/client session and the names of persons who will be attending the session.
- v. The transcript shall be made part of the public records upon conclusion of the litigation. *See Section 286.011(8), Florida Statutes*

4. Inaudible discussions.

A violation of the sunshine law may occur if, during the meeting or during a recess, board members discuss issues before the board in a manner not generally audible to the public attending the meeting. Discussions of public business which are audible to a select few at the dais may violate the openness requirements of the law. *In AGO 71-159, the Attorney General's Office advised that discussions of public business which are audible only to "a select few" who are at the table with the board members may violate the "openness" requirement of the law. Cf. Citizens for Sunshine, Inc. v. City of Sarasota, No. 2010CA4387NC (Fla. 12th Cir. Ct. February 27, 2012) (two members of a civil service board violated the Sunshine Law when they held a private discussion concerning a pending employment appeal during a recess of a board meeting).*

With that in mind inaudible discussions before, during and after a meeting between board members discussing issues before the board would be problematic.

D. Appearance at Council meeting via telephone

Based on several Attorney General Opinions a Council member who is unable to attend a Council Meeting due to illness or physical disability or with a finding of extra-ordinary circumstances by the respective board may do so via telephone and may also cast a vote via telephone. It has been determined that an absence due to illness or physical disability is an "extraordinary circumstance" which justifies such attendance via telephone. But those are not the only 2 circumstances which constitute extra-ordinary circumstances. The attendance via telephone cannot be used to establish a quorum. So there must be a quorum present (in our case 3 members). If the quorum is present then the telephone appearance is acceptable. The Council member appearing by phone must be able to hear the meeting and must be able to be heard by the public. The minutes must reflect that the Council member is appearing via telephone due to illness or physical disability or other extra-ordinary circumstances, as the case may be. *AGO 03-41, AGO 94-55. And see AGO s 92-44 (participation and voting by ill county commissioner), and 02-82 (physically-disabled city advisory committee members participating and voting by electronic means).*

E. Curing Violations

It has long been held that Sunshine law violations can be cured by independent, final action done completely in the sunshine. However, such meetings must be more than a perfunctory or ceremonial ratification. Based on numerous cases discussing the ability to cure a violation it has been the thought that if you "cure"

the matter the violation no longer exists.

When a violation of the sunshine law occurs the act taken is void. The “act” can be cured at a subsequent meeting. The curing of the act does not absolve the public body of its responsibility for violating the sunshine law. The “cure” merely is a way to salvage a void act by reconsidering it in the sunshine. This seems to mean that the criminal and non-criminal sanctions may still apply to the violators. *Anderson v. City of St. Pete Beach*, 161 So.3d 548, 553-554 (Fla. 2d DCA 2014), noting that “even when an illicit action is ‘cured’ it does not absolve a public body of its responsibility for violating the Sunshine Law in the first instance; it simply provides a way to salvage a void act by reconsidering it in Sunshine”).

II. Florida’s Public Records Law is contained in Chapter 119 of the Florida Statutes.

A. Materials of Public Records

In 119.011(1) of the Florida Statutes defines Public Records to include all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.

Therefore, any material regardless of form which is used to perpetuate or communicate or formalize knowledge and is received by an agency or individual council member in connection with official business is a public record. *Shevin v. Byron, Harless, Schaffer, Reid and Associates, Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

Any documentation an individual member receives from any source and the documentation is for the purpose of communicating public business this document must be a public record and given to the clerk of the Town. This applies to records received by a member at Town hall or anywhere else. So long as the record is intended to communicate official business it must be maintained as a public record.

Any communication that can be saved in a hard format would also be a public record. This includes emails, twitter messages, texted messages, Facebook postings, or any similar type of communications. The fact that you may have received such a communication on a private account does not exempt it from being a public record. If the contact relates to public business then it is a public record. Purely private matters are not public records. The term “public record” is not limited to traditional written documents. As the statutory definition states, “tapes, photographs, films, sound recordings, data processing software, or

other material, regardless of the physical form, characteristics, or means of transmission” can all constitute public records. *And see National Collegiate Athletic Association v. Associated Press*, 18 So. 3d 1201 (Fla. 1st DCA 2009), *review denied*, 37 So. 3d 848 (Fla. 2010) (“public records law is not limited to paper documents but applies, as well, to documents that exist only in digital form”). *Cf. Church of Scientology Flag Service Org., Inc. v. Wood*, No. 97-688CI-07 (Fla. 6th Cir. Ct. February 27, 1997) (physical specimens relating to an autopsy are not public records because in order to constitute a “public record” for purposes of Ch. 119, “the record itself must be susceptible of some form of copying . . .”).

Information stored in a public agency's computer "is as much a public record as a written page in a book or a tabulation in a file stored in a filing cabinet" *Seigle v. Barry*, 422 So. 2d 63, 65 (Fla. 4th DCA 1982), *review denied*, 431 So. 2d 988 (Fla. 1983). *And see National Collegiate Athletic Association v. Associated Press*, 18 So. 3d 1201 (Fla. 1st DCA 2009), *review denied*, 37 So. 3d 848 (Fla. 2010) (public records law is not limited to paper documents but applies to documents that exist only in digital form); AGO 98-54 (application and disciplinary reports maintained in a computer system operated by a national securities dealers association which are received electronically by state agency for use in licensing and regulating securities dealers doing business in Florida are public records); AGO 91-61 (agency must provide copy of computer disk in response to Ch. 119 request); and AGO 85-03 (computer tape subject to disclosure).

"E-mail" messages made or received by agency employees in connection with official business are public records and subject to disclosure in the absence of an exemption.

The nature of information--that is, that it is electronically generated and transferred--has been determined not to alter its character as a public record under the Public Records Act. Thus, the e-mail communication of factual background information and position papers from one official to another is a public record and should be retained in accordance with the retention schedule for other records relating to performance of the agency's functions and formulation of policy. *Id.* Similarly, e-mails sent by city commissioners in connection with the transaction of official business are public records subject to disclosure even though the e-mails contain undisclosed or blind recipients and their e-mail addresses.

The Florida Supreme Court has ruled that private e-mail stored in government computers does not automatically become a public record by virtue of that storage. "Just as an agency cannot circumvent the Public Records Act by allowing a private entity to maintain physical custody of documents that fall within the definition of 'public records,' . . . private documents cannot be deemed public records solely by virtue of their placement on an agency- owned computer." The Court cautioned, however, that the case before it did not involve e-mails "that

may have been isolated by a government employee whose job required him or her to locate employee misuse of government computers." *State v. City of Clearwater*, 863 So. 2d 149, 151 (Fla. 2003)

III. Quasi Judicial Proceedings

The Town Council will be asked on occasions, to decide matters that come before it as a quasi-judicial body. The council sits as the Judge of the evidence and makes its determination based on competent substantial evidence. An example of matters that are considered as quasi-judicial, include, but are not limited to, site plan decisions, subdivision plat decisions, permitting decisions, special exceptions, certain rezonings, etc.

The evidence that meets this standard is more than mere opinion. It must be fact based opinion. This usually comes in the form of expert testimony. Unsupported opinions do not rise to the level of competent substantial evidence. Put another way, opinions that are not based on facts are generally not regarded as competent substantial evidence.

Furthermore, as a fact finding body you must abide by certain rules. You cannot prejudge a matter. You must hear all the evidence before you came to a conclusion. You should refrain from ex parte communication. This means you should refrain from viewing property, talking to witnesses, or receiving documents outside the public hearing. If you are presented with an ex parte communication such communication should be revealed and disclosed at the beginning of the quasi-judicial hearing. This gives all interested parties notice of the communication and a chance to further inquire.

Your decision must be based on what the code states. You must refrain from interjecting your opinions on the wisdom of what a code prescribes. Your opinions are irrelevant. Furthermore, the opinions of others on the wisdom of a code are equally irrelevant. Ambiguities in a code must be interpreted in favor of a property owner and construed against the Town.

IV. Voting Conflicts

A voting conflict arises when an official is called upon to vote on:

any measure which would inure to his or her special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained, or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer. Such public officer shall, prior to the vote being taken, publicly state to the assembly the nature of the officer's interest in the matter from which

he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

If a voting conflict exists and the appointed local official will not participate in the measure then the official must:

- a. Abstain from voting;
- b. Before the vote, publically state the nature of the conflict; and
- c. Within 15 days of the vote, file a voting conflict memorandum.

If the official desires to participate in the discussions then the official must:

- a. Abstain;
- b. File the voting conflict memorandum prior to the meeting in which case a copy must be provided to the other members and it must be read at the next meeting after the filing; or
- c. If the disclosure is not made prior to the meeting or the conflict was unknown prior to the meeting; the official must make the disclosure prior to participating followed by the memorandum within 15 days after the disclosure which shall be given to the other members and read at the next meeting.

If you are faced with a situation that involved a quasi-judicial matter and you are so biased that you can not be fair an objective you should abstain from voting. This is not a true voting conflict under Florida's Voting conflict law but it is a matter of Due Process for an applicant. As I previously stated an applicant who presents a quasi-judicial matter to the Council is entitled to have the matter reviewed by a fair and impartial council. If a council member is biased against a matter then they should not vote on it.

TOWN OF MALABAR

Regular Town Council Meeting

AGENDA ITEM NO: 6.a
Meeting Date: November 21, 2022

Prepared By: Richard W. Kohler, Town Clerk

SUBJECT: Approve Minutes of the RTCM of 11/07/2022 and 11/10/2022

BACKGROUND/HISTORY:

Summary of actions at Town Council Meetings

ATTACHMENTS:

- Draft Minutes of RTCM of 11/07/2022
- Draft Minutes of STCM of 11/10/2022

ACTION OPTIONS:

Review

**MALABAR TOWN COUNCIL
REGULAR MEETING MINUTES
November 7th, 2022, 7:30 PM**

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

1. CALL TO ORDER:

Council Chair Mayor Patrick T. Reilly called meeting to order at 7:30 pm. CM Rivet led P&P.

2. ROLL CALL:

CHAIR:

MAYOR PATRICK T. REILLY

VICE CHAIR:

STEVE RIVET

COUNCIL MEMBERS:

MARISA ACQUAVIVA

BRIAN VAIL

DAVID SCARDINO

MARY HOFMEISTER

TOWN MANAGER:

MATT STINNETT

TOWN ATTORNEY:

KARL BOHNE-Via Phone

SPECIAL PROJECTS MANAGER:

LISA MORRELL

TOWN CLERK:

RICHARD KOHLER

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

4. CONSENT AGENDA:

4.a. Approve Minutes of 10/17/2022 RTCM

4.b. Consideration to Award – ITB 22-01 Renovation of Malabar Community Park Restroom Facility

MOTION: CM Vail / CM Acquaviva to approve Consent Agenda. Vote: All Ayes (5-0).

5. ATTORNEY REPORT: Closing statements for the Painted Acres case are due Thursday, November 10th.

6. BSCO REPORT:

7. Board/Committee Reports:

7.a. T&G Committee – Written report provided.

7.b. Parks and Recreation Board - None

7.c. Planning and Zoning Board - None

8. STAFF REPORTS:

8.a. Town Manager – Matthew Stinnett – Several complaints about the waste pick up, and we have communicated it to Waste Pro. They stated they will work this week to get the remainder before Nicole hits. We have been working the Sherriff's Office to deal with homeless and vagrancy in our parks. Rivet Lane plans should be ready by the end of the month. He has provided Council with some information on the Public Works salaries. Chief Foley will be back to work on Monday.

CM Acquaviva asked if applicants require a CDL for Public Works. TM explains that a CDL would be ideal. HEO will operate the big equipment, while the medium will mostly drive the dump truck, requiring a Class B CDL.

8.b. Special Projects Manager – Lisa Morrell – Provided Written Report (Attached to minutes)

8.c. Town Clerk – Richard Kohler – Reminded to everyone that tomorrow, November 8th is election day, and encouraged everyone to vote. Also reminded Council of the 7 PM meeting this Thursday, November 10th to confirm the results of this year's election. Additionally, tomorrow we will be posting the position of Deputy Clerk/Treasurer to Government Jobs .com

8.d. Acting Fire Chief Joseph Hooker – None

8.e. Public Works Director – Written Report

9. PUBLIC COMMENTS: Comments at this point may address items NOT on the Agenda. Comments related to subsequent Agenda Items may be made as those items come up. Public comments do not require a Council response. (Speaker Card is Required)
Five (5) Minute Limit per Speaker.

10. PUBLIC HEARINGS / SPECIAL ORDERS: 1

10.a. PUBLIC HEARING – Multiple Vacate Requests within Section 11, Melbourne Heights Subdivision (SD) Section “E” east of Corey Road. (Resolution 19-2022)

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; PROVIDING FOR THE VACATE OF THREE FIFTY (50) FOOT-WIDE UNIMPROVED PLATTED RIGHTS-OF-WAY ABUTTING PARCELS 29-37-11-75-22-1 AND 29-37-11-75-19-1 IN SECTION “E” MORE SPECIFICALLY KNOWN AS HENBANE STREET, NASSAU STREET AND COLORADO AVENUE AND DESCRIBED HEREIN; AUTHORIZING THE TOWN CLERK TO RUN A LEGAL ADVERTISEMENT OF THIS ADOPTED RESOLUTION; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report Number 10a

Resolution read by title only.

Chair called on Applicants to speak.:

Cliff Ager, 1505 Moss Rose, is looking to remove the ROW around their house for personal use, citing that the properties around him have been granted vacates as well.

Pat Picornell, 1500 Delaware Ave, is looking to have land Vacated. It will create no land locked properties and would fit in with other vacates in the area.

Chair asked for staff comments.

PH Open: Fritz Braun, 1505 Delaware Ave, here to support the request. **Greg Massey, 1455 Moss Rose,** here to support the request.

PH Closed.

MOTION: CM Vail / CM Scardino to adopt Resolution 19-2022.

Discussion: Mayor asked TM to explain that there is still access to the western properties. TM Confirms.

ROLL CALL VOTE: CM Rivet, Aye; CM Scardino, Aye; CM Hofmeister, Aye; CM Acquaviva, Aye; CM Vail, Aye. Motion carried 5-0.

11. UNFINISHED BUSINESS/GENERAL ORDERS MAY INCLUDE ITEMS DIRECTLY RELATED TO TOWN APPOINTED BOARDS/COMMITTEES: 0

12. ACTION ITEMS:

ORDINANCES for FIRST READING: 1

RESOLUTIONS: 1

MISCELLANEOUS: 0

12.a. 1st READING - Fiscal Year 2021-2022 Budget Amendment (Ordinance 2022-10)

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PERTAINING TO A BUDGET AMENDMENT IN THE FISCAL YEAR 2021/2022 TO PROVIDE FOR ACTUAL REVENUES RECEIVED; PROVIDING FOR THE UNSPENT BUDGETED FUNDS DUE TO REDUCED EXPENDITURES; PROVIDING DIRECTION TO DELEGATE SUCH EXCESS FUNDS TO DESIGNATED RESTRICTED RESERVES FOR BUILDING DEPARTMENT USE, STORMWATER USE; PROVIDE FOR THE DEPOSIT INTO RESERVES FOR VEHICLE REPLACEMENTS AS BUDGETED IN THE FIRE AND STREETS AND ROADS DEPARTMENTS AND PAVING RESERVES; PROVIDING THE SHIFTING OF UNSPENT MONIES BETWEEN DEPARTMENTS TO BALANCE THE EXPENDITURES; PROVIDING REMAINING EXCESS FUNDS TO RESERVES ON DEPOSIT; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report Number 12a

Ordinance read by title only.

Chair asks for Staff comments. SPM Morrell stated that this was an expanded budget due to ARPA. We are cleaning up the budget and will show what remains for fund balance. This is the first reading. There may be some changes before the next reading, but not much.

MOTION: CM Rivet / CM Hofmeister to adopt Ordinance 2022-10 (1st Reading).

Discussion: None

Roll Call Vote: CM Scardino, Aye; CM Hofmeister, Aye; CM Acquaviva, Aye; CM Vail, Aye; CM Rivet, Aye. Motion Carries 5-0.

RESOLUTIONS: 1**12.b. Appoint Meghan Wolfgram to the Planning and Zoning Board (Resolution 28-2022)**

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; PROVIDING FOR THE APPOINTMENT OF MEGHAN WOLFGRAM TO THE MALABAR PLANNING AND ZONING BOARD AS AN ALTERNATE MEMBER; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HERE WITH; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report Number 12b

Staff Comments:

Motion: CM Hofmeister/ CM Acquaviva to approve Resolution 28-2022.

Discussion: None

Roll Call Vote: CM Hofmeister, Aye; CM Acquaviva, Aye; CM Vail, Aye; CM Rivet, Aye; CM Scardino, Aye. Motion Carries 5-0.

13. DISCUSSION/POSSIBLE ACTION**13.a. Contract Negotiations Treasurer Virginia Raftery****Exhibit: Agenda Report Number 13a**

Discussion: Mayor explained that someone from Council will need to negotiate a contract with the applicant. CM Scardino volunteers.

Motion: CM Scardino/ CM Hofmeister to appoint Council Member Scardino to negotiate an employment contract with Virginia Raftery.

Discussion:

Vote: All Ayes (5-0)

13.b. Town of Malabar Lobbyist Status – Mayor Reilly**Exhibit: Agenda Report Number 13b**

Discussion: Mayor explained that he brought this forward so that it could close. TM Stinnett provided a final report. Does Council wish to pursue this any further? CM Scardino states he believes we will spend more money trying to recoup the 5k. Atty agrees.

13.c Create a restricted fund for Streets and Roads – CM Scardino**Exhibit: Agenda Report Number 13c**

Discussion: CM Scardino explained that he wishes to protect the additional revenues gathered from the tax increase. He wants to protect from future Councils misusing those funds. He suggests a resolution that sets parameters for when it is used. Mayor asks SPM Morrell is we can create a unique line item for this? SPM Morrell states there is already line item in the budget designated for it, but we can create additional protections. CM Acquaviva states she supports it. CM Scardino states it will require a future Council would have to tell the residents and vote to change this. CM Vail states he told residents the majority of the tax increase will improve roads. He supports it. CM Acquaviva reiterates her support. CM Hofmeister states it will hold future Councils accountable. CM Rivet states he supports it because it makes it easier for residents to see where their money goes. SPM

Morrell states we should see revenues soon, but we likely have a few months before it starts coming in.

MOTION: CM Scardino /CM Rivet to direct Staff to draft a resolution restricting the spending of increased funds. All Ayes (5-0)

Mayor Reilly states he wishes to create a committee to investigate and tier our roads for repair, and he suggests CM Rivet to be the head. CM Acquaviva asks how that would work? Mayor states that he will work with Staff and the engineering firm to provide recommendations to Council. CM Vail reiterates that this would be paving related only. TM Stinnett suggests creating a committee with himself, the engineer and CM Rivet.

Chair excuses Attorney

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

15. REPORTS – MAYOR AND COUNCIL MEMBERS

CM Acquaviva: Thanked Steve for all his years of service. She has learned a lot and has a lot of respect for him.

CM Vail: Stated he has served with Steve on and off since 2002. We have always worked well together, and he appreciates all his dedication to our Town.

CM Rivet: States it has been an honor and excellent learning experience. He has developed an incredible appreciation to all the people he has been connected to with the Town. Thanks everyone for the years of good memories.

CM Hofmeister: Thanked Steve for all his years of service. He is a huge asset to our community.

CM Scardino: Thanked Steve for his years of service. Asked about Thursday Nights meeting. Staff stated we will monitor the issue but are not expecting to have reason to delay.

Mayor Reilly: Thanked Steve for his years of service. It has been a pleasure to work with you. Mayor also presented staff with a certificate of appreciation for being a member of the Palm Bay Chamber of Commerce for 25 years. He also noted a comment from Citizens for spotted lantern flies. Mayor also states that he has heard complaints from Council not answering emails and phone calls from residents. Not stating names, just wanted to make Council aware.

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

15. ADJOURNMENT: There being no further business to discuss and without objection, the meeting was adjourned at 8:12 P.M.

BY: _____
Mayor Patrick T. Reilly, Council Chair

ATTEST:

Richard Kohler
Town Clerk

Date Approved: 11/21/2022

**MALABAR TOWN COUNCIL SPECIAL MEETING
NOVEMBER 10, 2022, 7:00 PM**

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

1. CALL TO ORDER:

The meeting was called to order at 7:00 pm by Mayor Reilly. The P&P was led by Mayor Reilly.

2. ROLL CALL:

COUNCIL CHAIR
VICE-CHAIR:
COUNCIL MEMBERS:

MAYOR PATRICK T. REILLY
STEVE RIVET
MARISA ACQUAVIVA
BRIAN VAIL
DAVID SCARDINO
MARY HOFMEISTER
MATTHEW STINNETT
RICHARD KOHLER

TOWN MANAGER:
TOWN CLERK:

3. CERTIFY THE UNOFFICIAL ELECTION RESULTS

There were no candidates on the ballot for this election as Districts 1, 2 and 3 were unchallenged. District 1 incumbent CM Marisa Acquaviva will be sworn in to serve her second consecutive two-year term. District 2 incumbent CM Brian Vail was unopposed and will be sworn in to serve his third consecutive two-year term. District 3 CM elect Jim Clevenger ran unopposed and will be sworn in to serve his first two-year term.

This year's election also included two Town of Malabar referendum questions with the following results:

- a. Malabar – Continued Participation in the Brevard County Law Enforcement Municipal Service Taxing Unit.
 - a. Yes – 88.81% (1,301 votes)
 - b. No – 11.19% (164 votes)
- b. Malabar – Non-binding Referendum Ballot Question 2022 (Increase Milage rate to 5.0)
 - a. Yes – 24.86% (363 votes)
 - b. No – 75.14% (1,097 votes)

CM Vail /CM Scardino Motion to accept unofficial election results. 5-0 (All Ayes)

4. SWEAR IN COUNCIL

Mayor Reilly thanks CM Rivet for his eighteen combined years of public service to the community.

Mayor Reilly then asked CM Rivet to step down to the podium and presented him with a Certificate of Appreciation.

Mayor Reilly then asked Jim Clevenger to the podium to read the Oath and take his seat on the dais. Mayor Reilly then asked CM Acquaviva to come to the podium and raise her right hand and read the Oath. Mayor Reilly then asked CM Vail to come to the podium and raise his right hand and read the Oath.

Mayor Reilly then asked Former Town Clerk/Treasurer Ms. Debby Franklin to come to the podium and presented her with a plaque thanking her for her years of service to the Town of Malabar.

CM Acquaviva thanked Ms. Franklin for her service, and her inspiration.

CM Hofmeister thanked Franklin for her service, and for being the Face of Malabar for so many years.

Mayor thanked Mr. Clevenger for volunteering to serve his community.

5. ADJOURNMENT

Without objection, Chair adjourned the meeting at 7:08 PM.

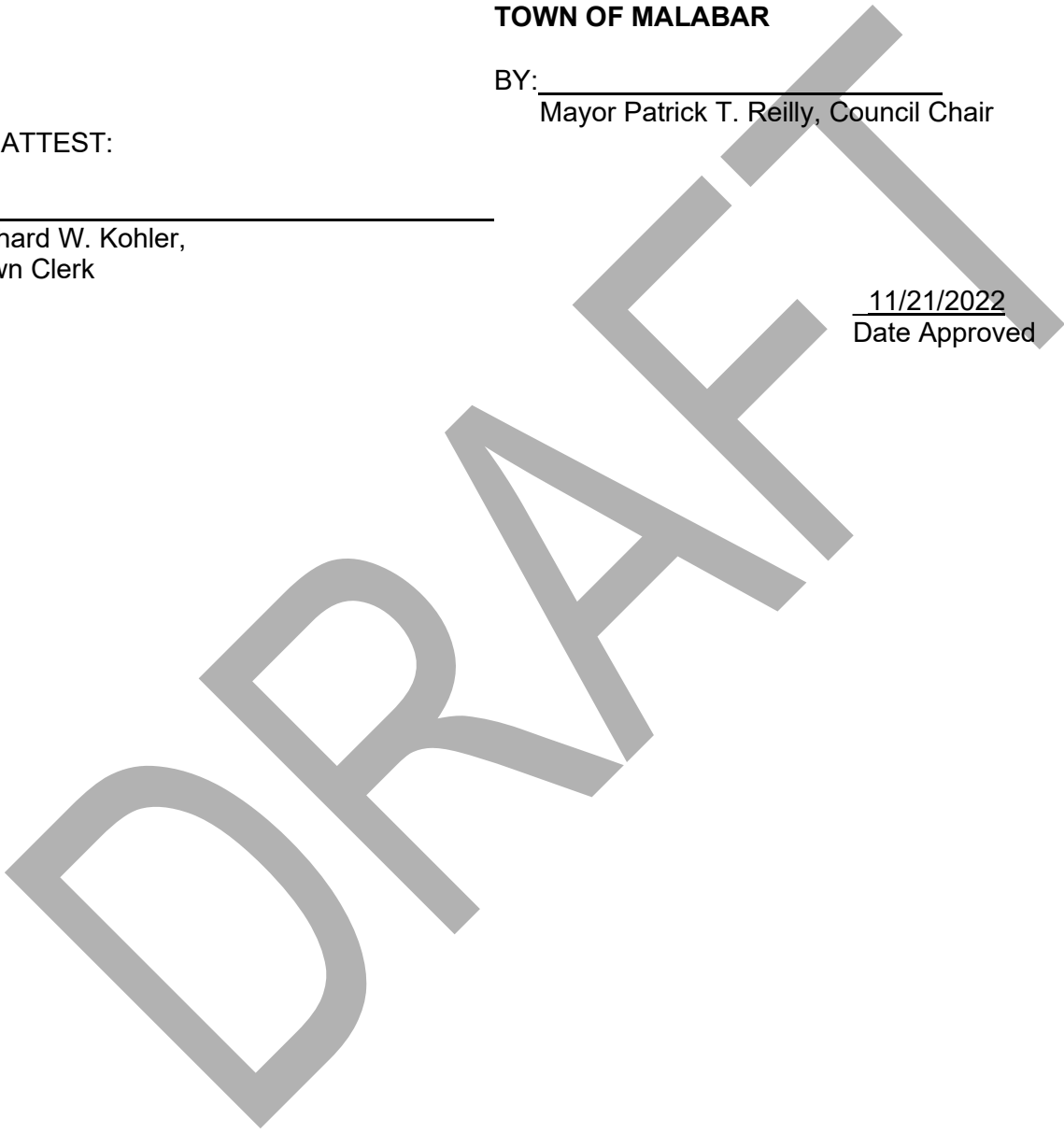
TOWN OF MALABAR

BY: _____
Mayor Patrick T. Reilly, Council Chair

ATTEST:

Richard W. Kohler,
Town Clerk

11/21/2022
Date Approved



TOWN OF MALABAR

COUNCIL MEETING

AGENDA ITEM NO: 9.a.

Meeting Date: November 21, 2022

Prepared By: Lisa Morrell, Special Projects Manager, Interim Treasurer

SUBJECT: FY 21/22 Final Budget Amendment (Ordinance 2022-10) – 2nd Reading

BACKGROUND/HISTORY:

It is within normal governmental accounting practices to perform necessary year-end budgetary amendments up to 60 days after the close of the fiscal year.

Historically, staff used a Budget Amendment Ordinance to reflect the shift of budgeted funds from one department to another. We have an internal process to track when we reallocate funds within each department. This final FY22 Budget Amendment #5 is used to close out the fiscal year 2021/2022.

As of September 30, 2020, overall expenditures for the amended fiscal year 2021/2022 budgeted funds totaled \$4,136,534. Total expenditures for all funds totaled \$2,432,010.68. The overall budget, which includes General Fund, American Rescue Plan Act Fund, Building Fund, and Stormwater funds, ends with an unexpended balance of 1,557,117.27. The following amounts separate the allocations of fund balance for these four fund balances, representing the differences in revenues and expenditures per the table attached.

A majority of the year end fund balance was due from the United States Treasury revenue allocation of The American Rescue Plan Act (ARPA), now termed at the State and Local Fiscal Recovery Fund (SLFRF), totaling 1,595,219. All SLFRF funds have been allocated to projects to be completed by 2026 using the standard allowance deduction approved by Town Council this past fiscal year.

Some revenue sources exceeded the budgeted expectation of receipt of funds for the Town's total operating budget. Those notable sources, exceeding revenues budgets by 10%, were Utility Gas Tax, Building Permits, Electric – Franchise Fee, Water – Franchise Fee, State Revenue Sharing, BTR – Brevard County, Special Events, Golf Cart Registration, Fines/Forfeiture, and Sale of Surplus Materials. Revenues that trended downward, up to 70% than budgeted, were Background Checks, Paving Assessment receivables, Interest, Donations, Insurances rebate, and miscellaneous revenue, and Debt Proceeds (SRF reimbursement).

In the approved FY21/22 budget, the Town had planned to use Fund Balances from TIFT, Building, and Stormwater Funds; these fund balances were not utilized as planned; funds remain in each fund balance.

Staff has requested a final reimbursement to Florida Department of Environmental Protection, for the balance of the loan for payments to the contractor for the Stormwater Master Plan, it will occur in FY23; hence there were no funds received in FY22.

The building department budget had allocated to use \$64,722.00 of fund reserves on deposit to expend for the services of a Building Department Official/Inspection; the executed contract was unfilled by the contractor, Safe built, due to a lack of human resources available to serve the Town. The Town was able to utilize another contractor for these services beginning in July 2022, the building fund will decrease with these expenses in FY23.

The Town budgeted funds for potential road paving and improvement projects, those projects will not be realized until FY23, fund balance was not utilized nor requested from TIFT as budgeted. Additional general fund revenues received and not restricted will go into reserves.

Stormwater funds budgeted for projects that were not completed in this fiscal year will be directed back into the restricted reserves account for stormwater projects.

Expenditures overall attributed to the general fund departments were within or below their budgeted allocation for personnel and operational expenses. However, Legal services experienced a significant increase due to land use cases in litigation, contributing the department's year end account to exceed the budgeted \$60,000 by \$40,429. Legal expenses totaled \$100,030 for the fiscal year.

Streets and Roads and Parks budget had reduced expenditures due to unfilled positions throughout the fiscal year, contributing \$38,000 to the deficit of the legal expenses. Parks budget included at \$20,000 expense for replacement mowers, that was not expended due to manufacturer engine shortages last year: also contributing to the overall deficit in general fund expenses for legal services.

Separation of employees during the fiscal year in Streets and Roads and Parks, with final payouts of Other Employee Benefits and Personnel Wages, were absorbed within the budget allocations.

Additionally, The General Fund will have positive fund balance for reserves to be deposited totaling \$130,738.44, these are attributed to staff being fiscally responsible to contribute to a balanced and within budget allocations while and maintaining Town operations.

No funds are necessary to be utilized from unrestricted General Fund reserves on deposit to balance the 21/22 budget.

This ordinance will be legally advertised for a Public Hearing to be held at the next meeting for the second reading on 11/21/2022.

FINANCIAL IMPACT:

Amend the final budget from \$3,338,915 to \$4,136,534.00 as stated in the ordinance
Re-allocate department fund balance savings to Legal Services and General Government accounts exceeding their budget expenses, totaling \$42,716.

Direct funds as stated in the ordinance to specific restricted and unrestricted funds on deposit

ATTACHMENTS:

Ordinance 2020-12

Table of deposits for Restricted and Unrestricted Fund Balances

FY21/22 Year End Budget Report

ACTION OPTIONS: Action on 2nd reading of Ordinance 2020-12

ORDINANCE 2022-10

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PERTAINING TO A BUDGET AMENDMENT IN THE FISCAL YEAR 2021/2022 TO PROVIDE FOR ACTUAL REVENUES RECEIVED; PROVIDING FOR THE UNSPENT BUDGETED FUNDS DUE TO REDUCED EXPENDITURES; PROVIDING DIRECTION TO DELEGATE SUCH EXCESS FUNDS TO DESIGNATED RESTRICTED RESERVES FOR BUILDING DEPARTMENT USE, STORMWATER USE; PROVIDING THE REALLOCATION OF UNSPENT MONIES BETWEEN DEPARTMENTS TO BALANCE THE EXPENDITURES; PROVIDING REMAINING EXCESS FUNDS TO RESERVES ON DEPOSIT; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council has directed that staff prepare a budget amendment to recognize additional revenues received over budgeted amounts and the reduced expenditures from the budgeted expenditures.

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

SECTION 1. Total Revenues.

Total received from revenues in the 2021/2021 Fund 001 General Fund be amended from \$3,338,915 to \$4,136,534.00 to reflect the increased revenues of the second tranche for American Rescue Plan Act; funds arrived early and were anticipated in the next fiscal year. Fiscal year 2021/2022 closed with actual revenues received totaling 3,989,489.

An overall increased total of \$171,240 was received for the fiscal year; less the use of fund balances for revenue accounts 001-389. The majority revenue reduction receipts occurred in the Solid Waste Franchise, Land Use, State Mobile Home Tax & Beverage Licenses, Paving Assessment Payments, Lien Searches, Interests, Donations, funding sources. Whereas notable increases of revenues occurred in Utility Taxes, Building Permits, Electric Franchise Fees, State Revenue Costs Sharing, 1/2 Cent Sales Tax, Special Event Revenue, and sale of Town Surplus fund sources.

SECTION 2. Total Disbursements.

Total disbursements in the 2021/2022 Fund 001 General Fund be amended from \$3,338,915 to 4,136,534.00 which will provide disbursements into reserves and designated in the approved budget and remaining surplus, \$1,557,478.01 into the indicated reserve accounts on deposit:

\$1,277,838.88 to 001-525 Emergency/Disaster Fund (Project Allocated)
\$ 110,643.44 to Restricted Building Department Reserves (diff. of Revenue & Expenses)
\$ 38,257.25 to Restricted Storm Water Reserves (diff. of Revenue & Expenses)
\$ 130,738.44 to Unrestricted Reserves on Deposit

SECTION 3. Funding Source.

The funds for this Budget Amendment to the FY 2021/2022 budget are from the approved budget allocations, the fiscal budget planned to use fund balances from TIFT, Building Services, and Stormwater, remain unused in the past fiscal year whereas \$318,275 will return to their respective fund balances.

\$16,000 to Debt Proceeds 389.5000 (Stormwater Contractual Services).
\$147,833 to TIFT 389.9020 (Road Paving Improvements).
\$64,722 to BD Restricted Fund Balance 389.9520 (Building Official Services).
\$89,720 to SW Fund Balance (Infrastructure Projects).

SECTION 4. Conflict.

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

SECTION 5.

This ordinance shall become effective immediately upon its adoption after the second reading and public hearing.

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

Council Member Marisa Acquaviva	_____
Council Member Brian Vail	_____
Council Member Steve Rivet	_____
Council Member David Scardino	_____
Council Member Mary Hoffmeister	_____

This ordinance was then declared to be duly passed and adopted this 21st day of November 2022.

TOWN OF MALABAR

By

Mayor Patrick T. Reilly, Council Chair

First Reading: 11/07/2022 Approved 5 to 0

Second Reading: 11/21/2022

ATTEST:

Richard W. Kohler,
Town Clerk

(Seal)

Approved as to Form and Content:

Karl W. Bohne, Jr.,
Town Attorney

Table of deposits for Restricted and Unrestricted Fund Balances

Unexpended Balance Total			\$1,557,478.01
GL Account	Revenue	Expenses	FY22 Fund Balance
331.6300			
	<u>\$1,595,219.00</u>		
525.1100 - 3999		<u>\$(317,380.12)</u>	
ARPA Fund Balance Allocation:			\$1,277,838.88
Building Fund Balance Allocation:			\$110,643.44
GL Account	Revenues	Expenses	FY22 Fund Balance
322.1000	\$233,901.50		
329.5000	<u>\$ 6,850.00</u>		
522.1100 - 6999		<u>\$(130,108.06)</u>	
Building Fund Balance Allocation:			\$110,643.44
GL Account	Revenues	Expenses	FY22 Fund Balance
363.1000	\$123,540.65		
538.1100 - 6999		<u>\$(85,283.40)</u>	
Stormwater Fund Balance Allocation:			\$38,257.25
Non-General Fund Balance Totals			\$1,426,739.57
FY22 General Fund Balance			\$130,738.44
Total			<u>\$1,557,478.01</u>



Town of Malabar

BA #5 Final FY22: FY_2021_2022 - FY22 P&L

October 2021 - September 2022

	TOTAL			
	ACTUAL	BUDGET	OVER BUDGET	% OF BUDGET
Income				
47900 Revenue				
001-311.1000 Ad Valorem Taxes	730,450.98	725,988.00	4,462.98	100.61 %
001-312.4100 Local Option Gas Tax	121,225.09	122,729.00	-1,503.91	98.77 %
001-314.1000 Utility Tax - Electricity	314,109.65	310,296.00	3,813.65	101.23 %
001-314.4000 Utility Tax - Gas	17,345.40	13,265.00	4,080.40	130.76 %
001-315.1000 Communications Service Tax	105,746.64	104,613.00	1,133.64	101.08 %
001-316.1000 BTR - Malabar	20,026.47	20,000.00	26.47	100.13 %
001-322.1000 Building Permits	233,901.50	171,220.00	62,681.50	136.61 %
001-323.1000 Electric - Franchise Fee	253,344.08	210,000.00	43,344.08	120.64 %
001-323.3000 Water - Franchise Fee	7,761.74	6,818.00	943.74	113.84 %
001-323.7000 Solid Waste - Franchise Fee	34,763.89	37,000.00	-2,236.11	93.96 %
001-329.5000 - OPSA Land Use	6,850.00	7,000.00	-150.00	97.86 %
001-331.5100 SLFRF Allotment		1,595,219.00	-1,595,219.00	
001-331.6300 ARPA (deleted)	1,595,219.00		1,595,219.00	
001-335.1250 State Revenue Sharing	116,539.58	90,757.00	25,782.58	128.41 %
001-335.1400 State Mobile Home Tax	2,126.44	2,951.00	-824.56	72.06 %
001-335.1500 State Alcoholic Beverage Licenses	1,468.32	1,700.00	-231.68	86.37 %
001-335.1800 State Local Gov't 1/2 Cent Sales Tax	199,960.81	184,355.00	15,605.81	108.47 %
001-335.4900 Other General Gov't - Traffic Signal Maintenance		8,036.00	-8,036.00	
001-338.2000 BTR - Brevard County	1,951.39	1,100.00	851.39	177.40 %
001-349.2000 Cell Tower Lease	28,980.00	28,980.00	0.00	100.00 %
001-349.5000 Special Event Revenue	4,080.00	1,000.00	3,080.00	408.00 %
001-349.7010 Background Check	180.00	600.00	-420.00	30.00 %
001-349.8000 Paving Assessment	8,382.04	26,442.00	-18,059.96	31.70 %
001-349.8010 Golf Cart Registration	300.00	200.00	100.00	150.00 %
001-349.9000 Lien Searches	6,350.00	7,500.00	-1,150.00	84.67 %
001-351.5000 Fines/Forfeiture	3,362.91	400.00	2,962.91	840.73 %
001-361.1000 Interest	386.13	3,000.00	-2,613.87	12.87 %
001-363.1000 SW Assessment	123,540.65	128,780.00	-5,239.35	95.93 %
001-365.1000 Sales of Surplus Materials	49,239.00	5,000.00	44,239.00	984.78 %
001-366.1000 Donations FD/GF	1,000.00	1,500.00	-500.00	66.67 %
001-369.3000 Insurance Refund - FMIT	731.00	1,500.00	-769.00	48.73 %
001-369.9000 Misc. Revenues	165.98	300.00	-134.02	55.33 %
001-389.5000 Debt Proceeds		16,000.00	-16,000.00	
001-389.9020 Use of TIFT Funding		147,833.00	-147,833.00	
001-389.9520 Use of BD Restricted Fund Balance		64,722.00	-64,722.00	
001-389.9540 Use of SW Fund Balance		89,720.00	-89,720.00	
Total 47900 Revenue	3,989,488.69	4,136,524.00	-147,035.31	96.45 %
Total Income	\$3,989,488.69	\$4,136,524.00	\$ -147,035.31	96.45 %



Town of Malabar

BA #5 Final FY22: FY_2021_2022 - FY22 P&L

October 2021 - September 2022

	TOTAL			
	ACTUAL	BUDGET	OVER BUDGET	% OF BUDGET
GROSS PROFIT	\$3,989,488.69	\$4,136,524.00	\$ -147,035.31	96.45 %
Expenses				
66000 Payroll Expenses	0.00		0.00	
Taxes	0.00		0.00	
Wages	0.00		0.00	
Total 66000 Payroll Expenses	0.00		0.00	
B Legislative				
001-511.110 Spec Projs Mgr	49,809.58	50,000.00	-190.42	99.62 %
001-511.2100 FICA taxes	3,654.44	3,825.00	-170.56	95.54 %
001-511.2200 FRS	5,171.97	5,410.00	-238.03	95.60 %
001-511.2300 Employee Benefits	0.00		0.00	
001-511.3400 Contract Svcs - SC	16,408.27	14,600.00	1,808.27	112.39 %
001-511.4000 Mayor Travel	3,295.07	1,500.00	1,795.07	219.67 %
001-511.4010 Council Travel	497.00	3,500.00	-3,003.00	14.20 %
001-511.4100 Postage & PR	973.74	1,000.00	-26.26	97.37 %
001-511.5200 Operating Supplies	1,418.10	1,499.00	-80.90	94.60 %
Total B Legislative	81,228.17	81,334.00	-105.83	99.87 %
C Executive				
001-512.1100 Executive TM	47,258.81	53,002.00	-5,743.19	89.16 %
001-512.1110 Town Manager (ITM)	0.00		0.00	
001-512.1300 Exec Salary no FRS	0.00		0.00	
001-512.2100 FICA Taxes	3,712.84	4,055.00	-342.16	91.56 %
001-512.2200 Retire. Cont.-FRS	38,300.52	34,616.00	3,684.52	110.64 %
001-512.2300 Employee Benefits	0.00		0.00	
001-512.4000 Travel Per Diem	3,370.00	2,500.00	870.00	134.80 %
Total C Executive	92,642.17	94,173.00	-1,530.83	98.37 %
D Finance & Administration				
001-513.1100 Clerk	64,975.91	66,950.00	-1,974.09	97.05 %
001-513.1100 Clerk/Treasurer	2,575.20		2,575.20	
001-513.1200 Dep Clerk/Treasurer	1,491.87		1,491.87	
001-513.1200 Deputy Clerk	34,944.56	37,117.00	-2,172.44	94.15 %
001-513.1210 Admin Asst	9,605.59	23,567.00	-13,961.41	40.76 %
001-513.1400 Overtime	2,658.16	1,000.00	1,658.16	265.82 %
001-513.2100 FICA Taxes	8,491.71	9,764.00	-1,272.29	86.97 %
001-513.2200 Retire. Contr. FRS	25,115.55	25,988.00	-872.45	96.64 %
001-513.2300 Employee Benefits	0.00		0.00	
001-513.3100 Election Expense		350.00	-350.00	
001-513.3210 Auditing	20,500.00	21,500.00	-1,000.00	95.35 %
001-513.4000 Travel Per Diem	2,303.80	5,000.00	-2,696.20	46.08 %
001-513.4900 Other Curr. Ob	6,025.65	5,000.00	1,025.65	120.51 %



Town of Malabar

BA #5 Final FY22: FY_2021_2022 - FY22 P&L

October 2021 - September 2022

	TOTAL			
	ACTUAL	BUDGET	OVER BUDGET	% OF BUDGET
001-513.5200 Operating Supplies	1,245.21	1,500.00	-254.79	83.01 %
Total D Finance & Administration	179,933.21	197,736.00	-17,802.79	91.00 %
E Legal				
001-514.3100 Prof. Services	100,029.49	60,000.00	40,029.49	166.72 %
Total E Legal	100,029.49	60,000.00	40,029.49	166.72 %
F Comprehensive Planning				
001-515.3100 Prof. Services		3,500.00	-3,500.00	
Total F Comprehensive Planning		3,500.00	-3,500.00	
G General Government				
001-519.2300 Employee Benefits	179,393.41	162,897.00	16,496.41	110.13 %
001-519.2330 OEB Liabilities	6,506.75	21,200.00	-14,693.25	30.69 %
001-519.2400 Worker's Compensation	40,835.00	40,835.00	0.00	100.00 %
001-519.2410 AD&D and FFCD Premium	933.00	933.00	0.00	100.00 %
001-519.3100 Eng Cont. Services	0.00		0.00	
001-519.3400 Contractual Svs - Pest Control	2,070.25	2,200.00	-129.75	94.10 %
001-519.3420 Contractual Svs - IT/Web	16,812.69	15,000.00	1,812.69	112.08 %
001-519.3440 Contractual Svs - Engineering	11,812.87		11,812.87	
001-519.3460 Contractual Svs - Cleaning	5,320.00	4,620.00	700.00	115.15 %
001-519.4000 Travel, Train, Per Diem	1,000.00	7,080.00	-6,080.00	14.12 %
001-519.4100 Comm & Freight-Tele/ISP	11,623.81	12,650.00	-1,026.19	91.89 %
001-519.4300 Utilities-Electric	16,163.26	10,150.00	6,013.26	159.24 %
001-519.4400 Rentals & Leases	12,506.77	12,700.00	-193.23	98.48 %
001-519.4500 Insurance- Property Liability	45,416.50	50,000.00	-4,583.50	90.83 %
001-519.4600 Repairs & Mtnc	8,664.84	10,000.00	-1,335.16	86.65 %
001-519.4900 Other Current Charges & Obligation	5,334.06	5,000.00	334.06	106.68 %
001-519.4920 Contingency	948.00	5,973.00	-5,025.00	15.87 %
001-519.5200 Operating Supplies	8,258.62	9,000.00	-741.38	91.76 %
001-519.5400 Memberships/Subscriptions	200.00	1,000.00	-800.00	20.00 %
Employee Benefits	0.00		0.00	
Total G General Government	373,799.83	371,238.00	2,561.83	100.69 %
H Fire Control				
001-522.1100 Exec-Fire Chief	1,861.60		1,861.60	
001-522.1100 Executive - Fire Chief	34,314.34	48,410.00	-14,095.66	70.88 %
001-522.1200 Regular Salaries	255,159.20	247,981.00	7,178.20	102.89 %
001-522.1300 Holiday Pay	10,572.65	8,000.00	2,572.65	132.16 %
001-522.1400 Overtime Pay	6,418.03	5,000.00	1,418.03	128.36 %
001-522.1500 Special Pay	1,115.00		1,115.00	
001-522.1500 Special Pay - Vol. FF	2,230.77	7,500.00	-5,269.23	29.74 %
001-522.2100 FICA Taxes	22,355.76	23,248.00	-892.24	96.16 %
001-522.2200 Retirement Contribution - FRS	82,136.28	74,407.00	7,729.28	110.39 %



Town of Malabar

BA #5 Final FY22: FY_2021_2022 - FY22 P&L

October 2021 - September 2022

	TOTAL			
	ACTUAL	BUDGET	OVER BUDGET	% OF BUDGET
001-522.2300 Employee Benefits	0.00		0.00	
001-522.2400 Workers Comp.	0.00		0.00	
001-522.3100 Contractual Svs - Med Director & Testing	11,388.77	12,500.00	-1,111.23	91.11 %
001-522.3420 Contractual Svs - IT/Web	2,672.00	1,150.00	1,522.00	232.35 %
001-522.3440 Training MVFD Members	1,934.58	3,000.00	-1,065.42	64.49 %
001-522.3470 Contractual Svs - ILA 800 MHz	7,614.00	6,250.00	1,364.00	121.82 %
001-522.3490 Contractual Svs - ILA BCFR Dispatch	9,500.00	9,500.00	0.00	100.00 %
001-522.4100 Com & Frt Phone (deleted)	0.00		0.00	
001-522.4600 Repairs/Maintainence	19,696.22	25,000.00	-5,303.78	78.78 %
001-522.4620 Repairs & Mtnce Radio	3,606.15	1,500.00	2,106.15	240.41 %
001-522.5200 Operating Expenses - Fuel	11,457.32	7,500.00	3,957.32	152.76 %
001-522.5210 Operating Expenses	10,370.51	12,000.00	-1,629.49	86.42 %
001-522.5400 Book/Pub/Subsc/Memberships	450.00	600.00	-150.00	75.00 %
001-522.6300 Lease Purchase E99	49,696.00	49,696.00	0.00	100.00 %
001-522.6400 Machinery & Equipment	6,354.54	20,000.00	-13,645.46	31.77 %
Total H Fire Control	550,903.72	563,242.00	-12,338.28	97.81 %
I Protective Inspections				
001-524.1100 Exec-BO PT	9,945.00	17,280.00	-7,335.00	57.55 %
001-524.1110 Exec ITM	0.00		0.00	
001-524.1200 Regular Salaries	43,779.56	43,260.00	519.56	101.20 %
001-524.1210 Permit Clk	319.82		319.82	
001-524.1210 Permitting Clerk -P/T	8,774.11	25,709.00	-16,934.89	34.13 %
001-524.1400 Overtime	546.00	2,000.00	-1,454.00	27.30 %
001-524.2100 FICA Taxes	4,529.61	5,276.00	-746.39	85.85 %
001-524.2200 Retirement Contribution - FRS	4,680.28	7,462.00	-2,781.72	62.72 %
001-524.2300 Employee Benefits	12,786.87	16,675.00	-3,888.13	76.68 %
001-524.2400 Workers Compensation	5,155.00	5,155.00	0.00	100.00 %
001-524.3100 Professional Svs - Engineering	12,480.00	12,000.00	480.00	104.00 %
001-524.3110 Professional Svs - Planner		2,000.00	-2,000.00	
001-524.3120 Professional Svs - Legal	5,232.16	5,000.00	232.16	104.64 %
001-524.3400 Contractual Svs - Pest Control	532.25	420.00	112.25	126.73 %
001-524.3420 Contractual Svs - IT/Web	8,543.13	7,943.00	600.13	107.56 %
001-524.3440 Contractual Svs - Bldg Official, Plan Review	18,655.65	60,000.00	-41,344.35	31.09 %
001-524.3460 Contractual Svs - Cleaning	620.00	860.00	-240.00	72.09 %
001-524.4000 Travel, Train, Per Diem		500.00	-500.00	
001-524.4100 Communications & Freight, Phone	2,870.24	3,000.00	-129.76	95.67 %
001-524.4300 Utilities Electric	1,596.52	1,200.00	396.52	133.04 %
001-524.4400 Rentals & Leases	4,443.11	4,000.00	443.11	111.08 %
001-524.4500 Insurance - Property Liability	5,140.50	6,854.00	-1,713.50	75.00 %
001-524.4900 Other Current Charges & Obligations	4,619.57	7,148.00	-2,528.43	64.63 %



Town of Malabar

BA #5 Final FY22: FY_2021_2022 - FY22 P&L

October 2021 - September 2022

	TOTAL			
	ACTUAL	BUDGET	OVER BUDGET	% OF BUDGET
001-524.5200 Operating Expenses	-25,141.32	2,200.00	-27,341.32	-1,142.79 %
Total I Protective Inspections	130,108.06	235,942.00	-105,833.94	55.14 %
J Emergency/ Disaster Relief				
001-525.1100 Special Projects Manager	50,121.54	50,000.00	121.54	100.24 %
001-525.2100 FICA	3,653.11	3,825.00	-171.89	95.51 %
001-525.2200 Retirement Contribution - FRS	5,171.30	5,410.00	-238.70	95.59 %
001-525.2300 Employee Benefits	13,815.62	13,071.00	744.62	105.70 %
001-525.3020 American Relief Plan Act/SLFRF	244,618.55	1,522,912.00	-1,278,293.45	16.06 %
Total J Emergency/ Disaster Relief	317,380.12	1,595,218.00	-1,277,837.88	19.90 %
K Flood Control				
001-538.3100 Contractual Svs - Engineering/Design	4,729.20	5,000.00	-270.80	94.58 %
001-538.3110 Contractual Svs - ROW Culvert		50,000.00	-50,000.00	
001-538.3400 ILA Administrative Program	12,113.23	18,000.00	-5,886.77	67.30 %
001-538.4900 - SW Projects	15,397.32	50,000.00	-34,602.68	30.79 %
001-538.6300 Infrastructure Projects	6,079.60	50,000.00	-43,920.40	12.16 %
001-538.6400 Machinery/Equipment	46,964.05	45,500.00	1,464.05	103.22 %
Total K Flood Control	85,283.40	218,500.00	-133,216.60	39.03 %
M Streets & Roads				
001-541.1100 PW Director	50,504.19	51,984.00	-1,479.81	97.15 %
001-541.1100 Streets & Road Dir	1,999.20		1,999.20	
001-541.1200 Reg Sal & Wages	94,100.69	113,526.00	-19,425.31	82.89 %
001-541.1400 Overtime	3,622.42	500.00	3,122.42	724.48 %
001-541.2100 FICA Taxes	10,884.93	12,662.00	-1,777.07	85.97 %
001-541.2200 Retirement Contributions - FRS	15,824.80	17,908.00	-2,083.20	88.37 %
001-541.2300 Employee Benefits (deleted)	0.00		0.00	
001-541.4000 Travel, Training, Per Diem		500.00	-500.00	
001-541.4300 Electric - Street Lights & Signals	10,479.70	11,000.00	-520.30	95.27 %
001-541.4600 Repair & Mtnce - Vehicles	45,336.73	35,000.00	10,336.73	129.53 %
001-541.4610 Repair & Mtnce - Roads	42,482.23	50,000.00	-7,517.77	84.96 %
001-541.4650 Repair & Mtnce RR Signal	3,600.00	3,600.00	0.00	100.00 %
001-541.4900 Other Charges & Obligations	2,659.41	1,000.00	1,659.41	265.94 %
001-541.5200 Operating Supplies - Fuel	24,575.44	12,000.00	12,575.44	204.80 %
001-541.5210 Operating Supplies	7,202.98	7,000.00	202.98	102.90 %
001-541.6400 Machinery & Equipment	37,074.21	37,075.00	-0.79	100.00 %
001-541.6410 Replacement Equipment	100,627.45	99,500.00	1,127.45	101.13 %
001-541.6420 CIP Road Paving	0.00	160,000.00	-160,000.00	0.00 %
Total M Streets & Roads	450,974.38	613,255.00	-162,280.62	73.54 %
N Parks & Recreation				
001-572.1200 Park Supervisor	30,637.98	38,563.00	-7,925.02	79.45 %
001-572.1400 Overtime	180.77	300.00	-119.23	60.26 %



Town of Malabar

BA #5 Final FY22: FY_2021_2022 - FY22 P&L

October 2021 - September 2022

	TOTAL			
	ACTUAL	BUDGET	OVER BUDGET	% OF BUDGET
001-572.2100 FICA Taxes	2,209.43	2,950.00	-740.57	74.90 %
001-572.2200 Retirement Contribution - FRS	2,103.13	4,173.00	-2,069.87	50.40 %
001-572.2300 Employee Benefits	0.00		0.00	
001-572.3400 Cont Serv Pest Con (deleted)	0.00		0.00	
001-572.3460 Contractual Svs - Cleaning	0.00		0.00	
001-572.4400 Rentals & Leases	1,911.68	1,300.00	611.68	147.05 %
001-572.4600 Repairs & Mtnce	23,066.79	18,500.00	4,566.79	124.69 %
001-572.4900 Other Charges & Obligations	600.00	600.00	0.00	100.00 %
001-572.4930 Trails & Greenways	5,746.77	10,000.00	-4,253.23	57.47 %
001-572.6400 Machinery & Equipment		20,000.00	-20,000.00	
Total N Parks & Recreation	66,456.55	96,386.00	-29,929.45	68.95 %
O Special Events				
001-574.4800 Fall/SpringFest Event	3,271.58	6,000.00	-2,728.42	54.53 %
Total O Special Events	3,271.58	6,000.00	-2,728.42	54.53 %
Purchases	0.00		0.00	
Reimbursements	0.00		0.00	
Total Expenses	\$2,432,010.68	\$4,136,524.00	\$ -1,704,513.32	58.79 %
NET OPERATING INCOME	\$1,557,478.01	\$0.00	\$1,557,478.01	0.00%
NET INCOME	\$1,557,478.01	\$0.00	\$1,557,478.01	0.00%

TOWN OF MALABAR

REGULAR TOWN COUNCIL MEETING

AGENDA ITEM NO: **9.b**

Meeting Date: November 21st, 2022

Prepared By: Richard W. Kohler, Town Clerk

**SUBJECT: Vacate Request within Section 11, Melbourne Heights subdivision (SD)
Section "E" east of Corey Road (Resolution 29-2022)**

BACKGROUND/HISTORY:

- a. On October 11th, Mr. Massey, the property owner and resident of 1455 Moss Rose Ave, submitted a vacate request for the following three (3) unimproved platted rights-of-ways:
 - A 50-foot by 450-foot right-of-way known as Nassau Street (Granted in Resolution 19-2022).
 - A 50-foot by 300-foot right-of-way known as Colorado Ave that bisects parcel 10-3 between Nassau Street and Ginseng Street.
 - A 50-foot by 450-foot right-of-way known as Ginseng Street.
 - i. Staff is recommending this request be denied, as it would restrict access to the properties west of this lot.)
- b. The Town has vacated multiple portions of ROW in this area because of the way Melbourne Heights was platted. Each of these 50 one-acre parcels was created with a platted ROW on every side. Malabar Council has approved multiple ROW vacates over the years.

ATTACHMENTS:

- a. Resolution 29-2022 – Approving the vacate
- b. Application package from Mr. Massey
- c. Map of area with applicant's parcels labeled and the ROW requested to be vacated
- d. Copy of legal ad and notice to surrounding properties

ACTION OPTIONS:

- a. Approve Resolution 29-2022

RESOLUTION 29-2022

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE VACATE OF ONE FIFTY (50) FOOT-WIDE UNIMPROVED PLATTED RIGHT-OF-WAY BISECTING PARCEL 29-37-11-75-18-3 IN SECTION “E” MORE SPECIFICALLY KNOWN AS COLORADO AVENUE AS DESCRIBED HEREIN; AUTHORIZING THE TOWN CLERK TO RUN A LEGAL ADVERTISEMENT OF THIS ADOPTED RESOLUTION; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Malabar Town Council has received two requests to vacate multiple rights-of-way within the Melbourne Heights Subdivision in Section “E” in Section 11 of the southern portion of Malabar, west of Corey Road; and

WHEREAS, Malabar Town Council has previously granted right-of-way vacates in this area after public hearings and a determination that no public purpose is served by maintaining them.

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

Section 1. The Town Council of Malabar, Brevard County, Florida, hereby declares the above recitals are true and correct.

Section 2. The Town Council of Malabar, Brevard County, Florida, hereby provides further details of the vacates approved in this Resolution and depicted on the attached **Exhibit “A”**:

- a 50-foot by 300-foot right-of-way known as Colorado Ave that bisects parcel 10-3 between Nassau Street and Ginseng Street, with parcel 18-3 gaining the complete section;

Section 3. The Town Council of Malabar, Brevard County, Florida, hereby authorizes and directs the Town Clerk to record this resolution, run the legal ad as required by the code and forward to the Brevard County Property Appraiser’s Office.

Section 4. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

Section 5. This resolution shall take effect immediately upon adoption.

This Resolution was moved for adoption by Council Member _____ and a second by Council Member _____ and the vote was as follows:

Council Member Marisa Acquaviva	_____
Council Member Brian Vail	_____
Council Member Steve Rivet	_____
Council Member David Scardino	_____
Council Member Mary Hofmeister	_____

This Resolution was then declared to be duly passed and adopted this 21st day of November 2022.

TOWN OF MALABAR

(seal)

By: _____
Mayor Patrick T. Reilly, Council Chair

ATTEST:

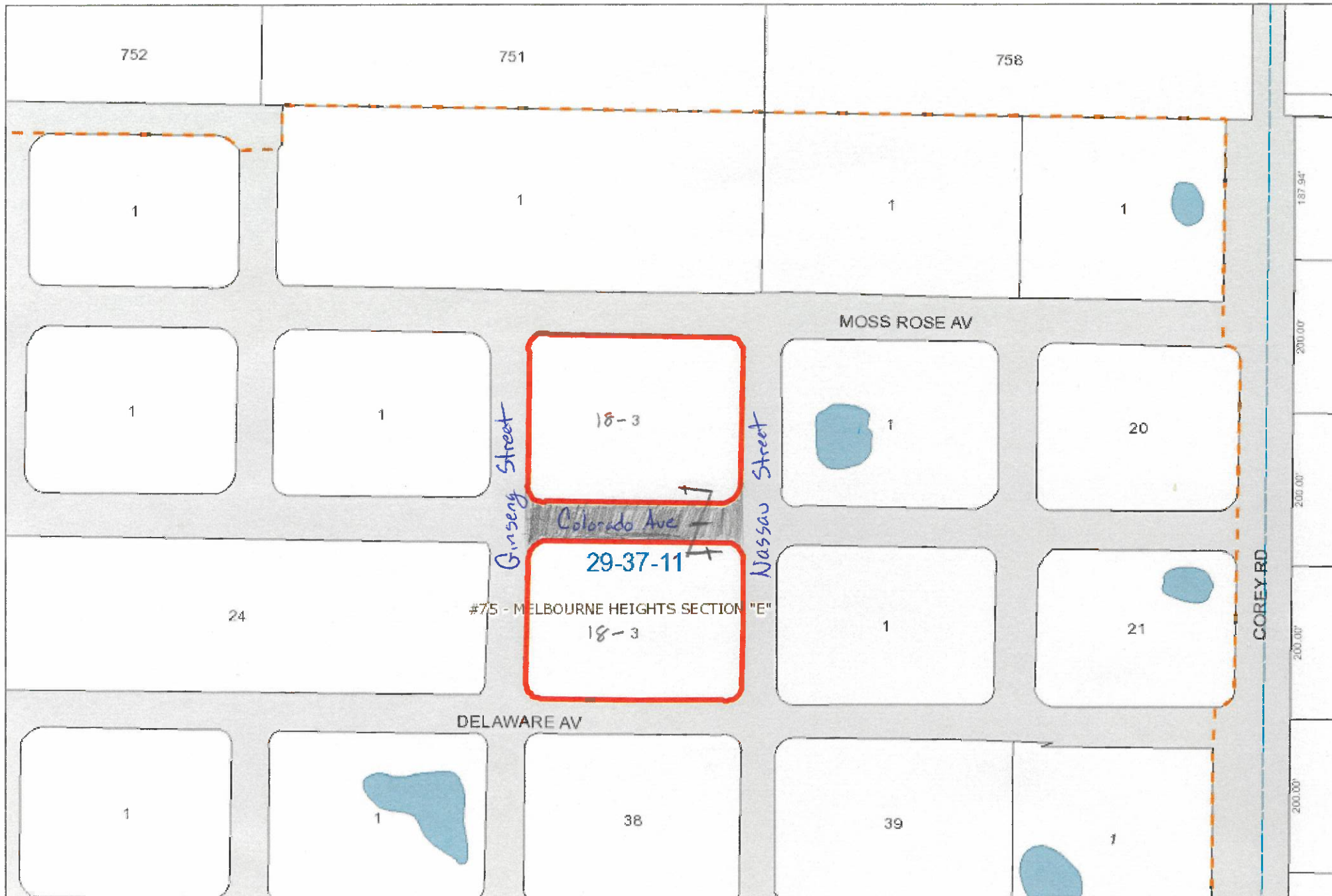
Richard W. Kohler,
Town Clerk

Approved as to form and content:

Karl W. Bohne, Jr., Town Attorney

Attach Exhibit "A"

Resolution 29-2022 Exhibit "A"



OCT 11 2022

RECEIVED



TOWN OF MALABAR
RIGHT OF WAY VACATE APPLICATION

Applicant: Gregory Y. Massey Date: 09/22/2022
Mailing Address: 1455 Moss Rose Ave. Malabar FL 32950 ✓
(Street) (City) (State) (Zip)
Telephone: (407) 879-8479 Email: Gregorymassey@yahoo.com
Property Address: 1455 Moss Rose Ave. Malabar FL 32950
Section: 11 Township: 29 Range: 37 Lot: 3 Block: 18 & 23

Description of ROW to be vacated (ie. Width, length, adjacent parcel IDs: _____)

West: 478' x 25' (29-37-11-75-24 + 29-37-11-75-17-1)
East: 478' x 25' (29-37-11-75-19-1 + 29-37-11-75-22-1)
Middle of Lot 3 / Block 18 & 23: 278' x 50'
Petition / Reason for Request:

Melbourne Heights consists of ROW's on all four sides of each property. The grid system has long served no purpose in this rural setting with low density per acre and large LOT sizes.
Approving this VACATE is consistent the community established road patterns, of east to west running road off of Corey rd. Numerous VACATE requests in our vicinity have been approved over the years by Town of Malabar Councils in Brevard County.
Examples: 29-37-11-75-40-1, 29-37-11-75-39, & 29-37-11-75-38 have all VACATED ROWs.
Since moving to the area in 2016, we have grown to love the calmness of the country lifestyle, and indeed would like to VACATE the above ROWs west, east, and inbetween our property.

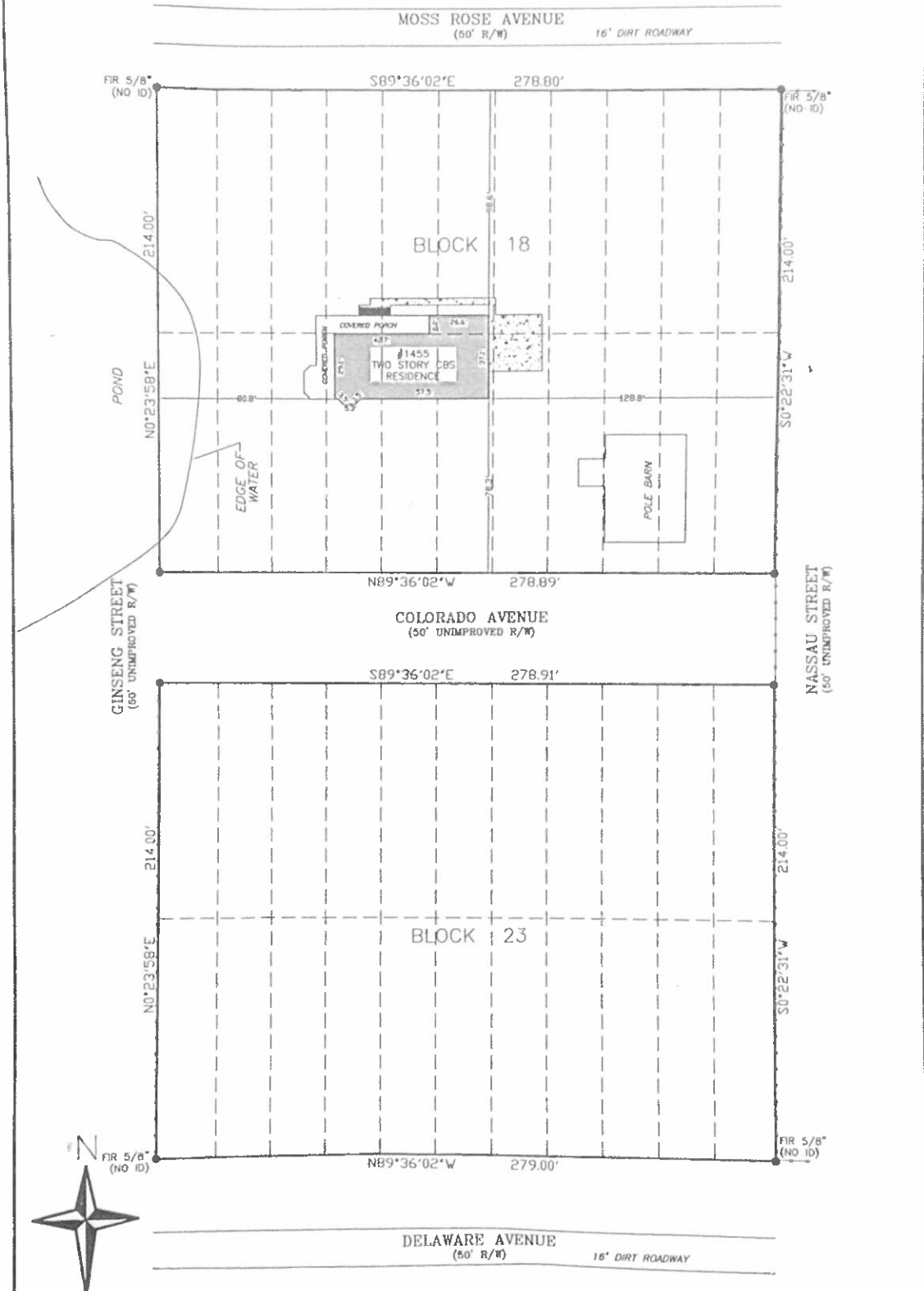
Attach the following:

- Signed and sealed survey showing right-of-way to be vacated.
- Radius package of 500 feet from parcel adjacent to subject ROW. This is ordered from and paid to Brevard County Planning and Zoning GIS Department (321-633-2060)
- Map showing the general area with minor collector and local lanes identified and subject area highlighted.
- Fee of \$425.00 shall accompany the application and petition.

Town Does this

Applicant Signature: Gregory Y. Massey Date: 09-23-22

SHEET 1 OF 2 (SURVEY SKETCH) SURVEY NOT COMPLETE WITHOUT ALL SHEETS
 MAP OF BOUNDARY SURVEY PREPARED FOR GREGORY AND MICHELLE MASSEY



NOTES:
 PROPERTY APPEARS TO BE SERVICED BY PUBLIC UTILITIES
 ALL BEARINGS AND DISTANCES SHOWN ARE RECORDED AND MEASURED, UNLESS OTHERWISE SHOWN
 P.U. & D.E. = PUBLIC UTILITY AND DRAINAGE BASEMENT
 BEARINGS ARE BASED UPON THE RECORD BEARING FOR THE SOUTHERLY RIGHT OF WAY LINE OF MOSS ROSE AVENUE

JOB # 1610 037	REVISION
FIELD DATE 10/19/2016	REVISION
DRAWN BY MWS	REVISION
REVISION	REVISION

Know It Now, Inc.
 PROFESSIONAL SURVEYING AND MAPPING
 5220 US HIGHWAY 1, #140 VERO BEACH, FL 32967
 Phone (772) 925-2250

FLORIDA BUSINESS CERTIFICATE OF AUTHORIZATION NUMBER LB 6912

LEGAL DESCRIPTION:
 LOTS 1 THROUGH 22, BLOCK 18, AND ALL OF BLOCK 23,
 MELBOURNE HEIGHTS SECTION "E", ACCORDING TO THE
 MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 4,
 PAGE 52, OF THE PUBLIC RECORDS OF BREVARD COUNTY,
 FLORIDA.

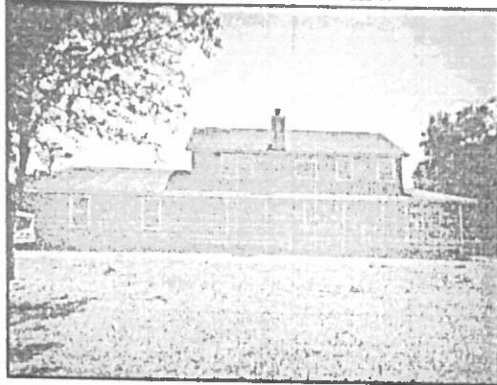
JOB NUMBER: 1610-037

FIELD WORK DATE: 10/19/2016

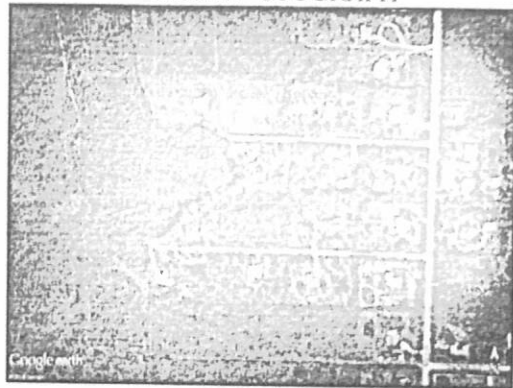
PROPERTY ADDRESS:
 1455 MOSS ROSE AVENUE, MALABAR, FL 32950

FLOOD INFORMATION:
 PANEL NUMBER: 12009C0677G
 FIRM DATE: MARCH 17, 2014
 FLOOD ZONE: X
 BASE FLOOD ELEVATION: NA

PROPERTY FRONT VIEW



AERIAL PHOTOGRAPH



SURVEYOR'S LEGEND

A/C = AIR CONDITIONING
 BB = BEARING BASIS
 BFP = BACKFLOW PREVENTER
 BLDG = BUILDING
 BLK = BLOCK
 BM = BENCHMARK
 C = CURVE
 CATV = CABLE T.V. RISER
 CB = CATCH BASIN
 CL = CENTERLINE
 CLP = CHAIN LINK FENCE
 CLP = CONCRETE LIGHT POLE
 CONC = CONCRETE
 CP = CONTROL POINT
 CPP = CONCRETE POWER POLE
 D = DEED
 DF = DRAINFIELD
 ELEV = ELEVATION
 EM = ELECTRIC METER
 EOW = EDGE OF WATER
 EP = EDGE OF PAVEMENT
 F = FIELD
 FCM = FOUND CONCRETE MONUMENT
 FDH = FOUND DRILL HOLE

FF = FINISHED FLOOR ELEVATION
 FIP = FOUND IRON PIPE
 FIPC = FOUND IRON PIPE AND CAP
 FIR = FOUND IRON ROD
 FIRC = FOUND IRON ROD AND CAP
 FN = FOUND NAIL
 FN&D = FOUND NAIL AND DISC
 FND = FOUND
 FPK = FOUND PK NAIL
 FPKD = FOUND PK NAIL AND DISC
 FRNSPK = FOUND RAILROAD SPIKE
 GAR = GARAGE
 HYD = FIRE HYDRANT
 ID = IDENTIFICATION
 L = LENGTH
 LB = LICENSED BUSINESS
 LS = LICENSED SURVEYOR
 M = MEASURED
 MB = MAP BOOK
 MES = MITERED END SECTION
 MH = MANHOLE
 MLP = METAL LIGHT POLE
 OHW = OVERHEAD WIRES
 P = PLAT
 PB = PLAT BOOK
 PC = POINT OF CURVATURE

PC = POINT OF COMPOUND CURVATURE
 PCP = PERMANENT CONTROL POINT
 POB = POINT OF BEGINNING
 POC = POINT OF COMMENCEMENT
 PP = POOL PUMP
 PRC = POINT OF REVERSE CURVATURE
 PRM = PERMANENT REFERENCE MONUMENT
 PT = POINT OF TANGENCY
 R = RADIUS
 RNG = RANGE
 R/W = RIGHT OF WAY
 S = SURVEY
 SEC = SECTION
 SIR = SET IRON ROD AND CAP
 SPKD = SET PK NAIL AND DISC
 SV = SEWER VALVE
 TEM = TEMPORARY BENCHMARK
 TOB = TOP OF BANK
 TWP = TOWNSHIP
 TR = TELEPHONE RISER
 TYP = TYPICAL
 WIT = WITNESS
 WLP = WOOD LIGHT POLE
 WM = WATER METER
 WPP = WOOD POWER POLE
 WV = WATER VALVE

LINETYPES

————— = BOUNDARY LINE
 ———— = STRUCTURE LINE
 - - - - - = CENTERLINE
 - - - - - = EASEMENT LINE
 ○ — ○ — ○ = FENCE LINE

SURVEYOR'S NOTES

1. THIS SURVEY DOES NOT DETERMINE OR INDICATE LAND OWNERSHIP.
2. THE SURVEYOR DID NOT RESEARCH OR ABSTRACT THE LAND RECORDS FOR RIGHTS-OF-WAY, EASEMENTS, RESERVATIONS, DEED RESTRICTIONS, ZONING REGULATIONS, SETBACKS, LAND USE PLAN DESIGNATIONS, ADJOINING DEEDS, LIENS, MURPHY ACT RIGHTS-OF-WAY, AREAS OF LOCAL CONCERN, OR OTHER SIMILAR JURISDICTIONAL DETERMINATIONS. TO THE EXTENT THAT THIS TYPE OF INFORMATION IS SHOWN, IT IS SHOWN SOLELY ON THE BASIS OF INFORMATION PROVIDED BY THE CLIENT OR INFORMATION OTHERWISE KNOWN TO THE SURVEYOR AND MAY NOT BE COMPLETE.
3. UNDERGROUND UTILITIES, BUILDING FOUNDATIONS, AND OTHER UNDERGROUND FIXED IMPROVEMENTS WERE NOT LOCATED, UNLESS OTHERWISE INDICATED. TO THE EXTENT THAT THIS TYPE OF INFORMATION IS SHOWN, IT IS SHOWN SOLELY ON THE BASIS OF SURFACE INDICATIONS OBSERVED BY THE SURVEYOR AND MAY NOT BE COMPLETE.
4. JURISDICTIONAL WETLANDS AND ENDANGERED OR THREATENED SPECIES HABITAT, IF ANY, THAT MAY EXIST ON OR AROUND THE SURVEY SITE WERE NOT DETERMINED OR LOCATED.
5. THE SURVEY DATE IS THE FIELD DATE SHOWN IN THE TITLE BLOCK, NOT THE SIGNATURE DATE.
6. THIS SURVEY MAP OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ELECTRONIC OR ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
7. FENCES SHOWN ON SURVEY ARE FOR ILLUSTRATIVE PURPOSES ONLY. FENCE TIES SHOWN ARE RELATIVE TO THE CENTER OF SAID FENCE. THE SURVEYOR WILL NOT BE RESPONSIBLE FOR DAMAGES RESULTING FROM THE REMOVAL AND/OR CHANGES TO ANY FENCES UNLESS THE SURVEY WAS PROVIDED SPECIFICALLY FOR FENCE LOCATION PURPOSES.

SURVEYOR'S SIGNATURE

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OR ELECTRONIC SEAL OF THE FLORIDA LICENSED SURVEYOR BELOW. THE SURVEYOR HEREBY CERTIFIES THAT THE ELECTRONIC SIGNATURE AND SEAL HEREON MEETS PROCEDURES SET FORTH IN CHAPTER 53-17.062 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.025, FLORIDA STATUTES. THE SURVEYOR HEREBY CERTIFIES THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS FOR SURVEYS, SET FORTH BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS IN CHAPTER 53-17.051 AND 53-17.052 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.



10/27/2016
 DATE

BILL HYATT
 SURVEYOR AND MAPPER #4636
 STATE OF FLORIDA

CERTIFIED TO:

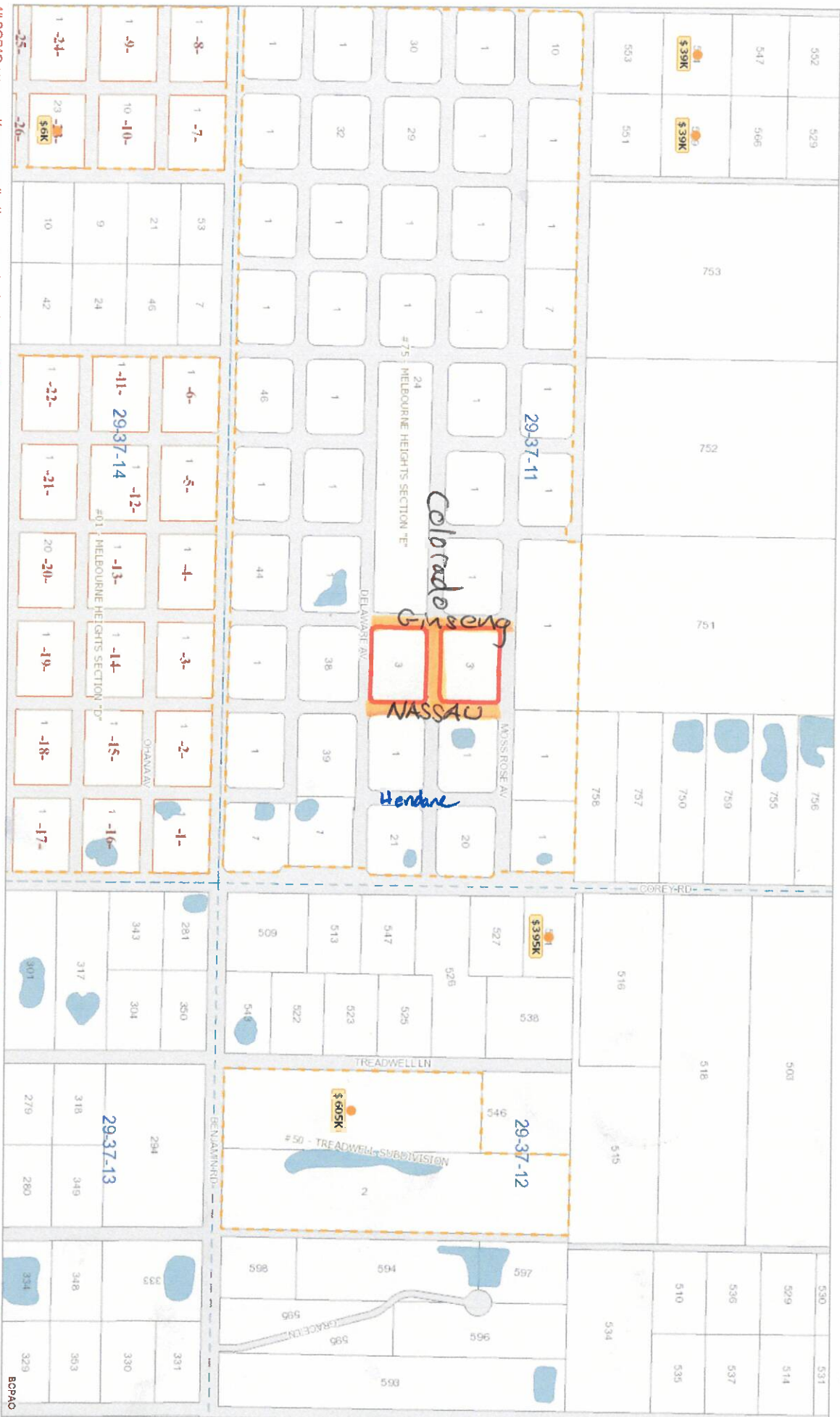
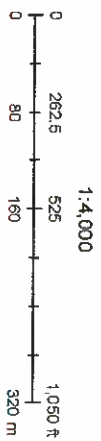
GREGORY MASSEY
 MICHELLE MASSEY

Know It Now, Inc.

PROFESSIONAL SURVEYING AND MAPPING

5220 US HIGHWAY 1, #140 VERO BEACH, FL 32967
 Phone (772) 925-2250

Account # 2960909



All BCPAO maps and/or map applications are maintained for assessment and illustrative purposes only and do not represent surveys, plats, or any other legal instrument. Likewise, measurement and location tools are for assessment and illustrative purposes only and do not necessarily reflect real-world conditions. Due to the nature of Geographic Information Systems (GIS) and cadastral mapping, map layers may not precisely align and may not represent precise location, shape, and/or legal boundaries. Only a Florida-licensed surveyor can determine legally-relevant property boundaries, elevation, distance, area, and/or location in Florida.

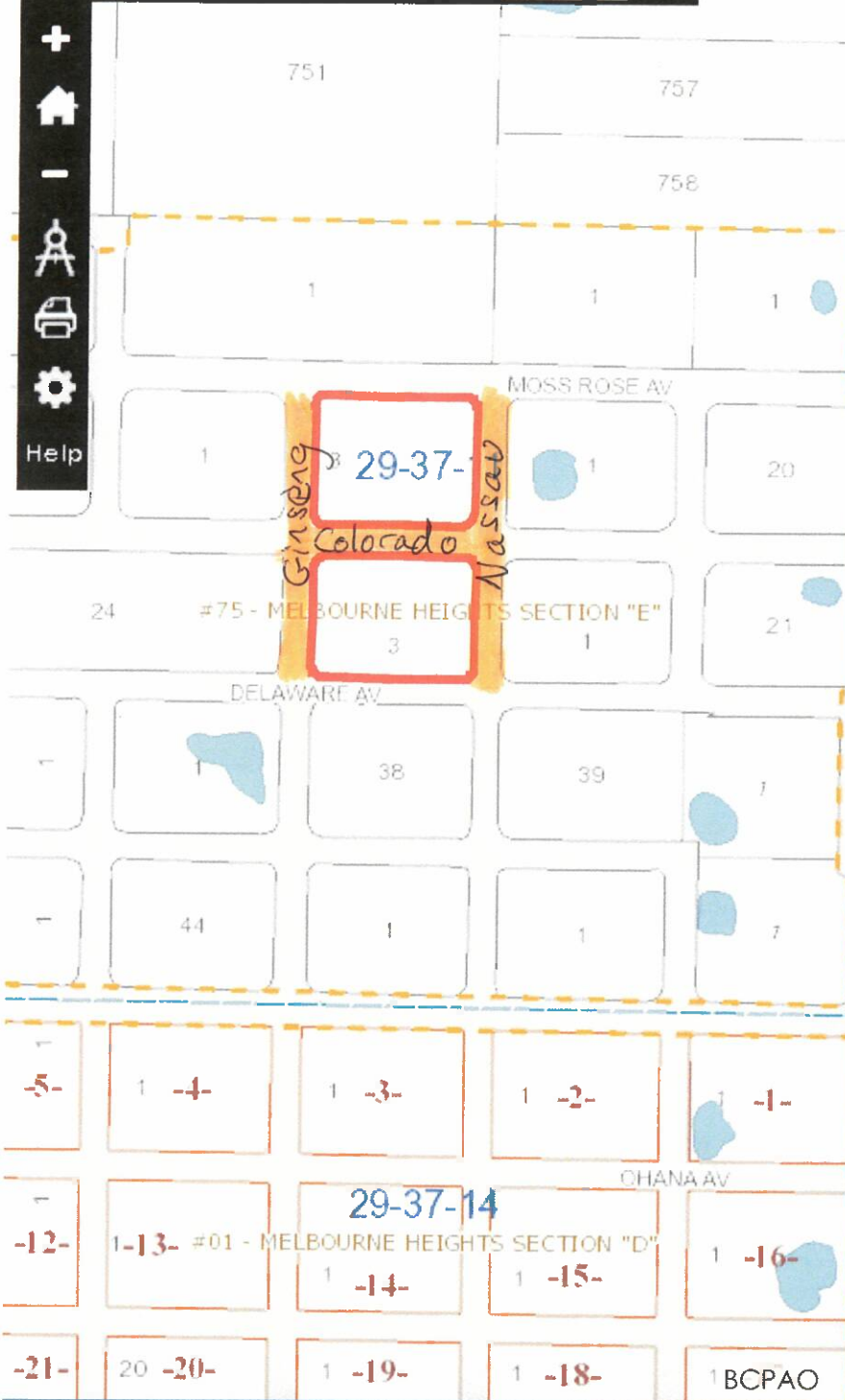
Map created September 22, 2022 (map data dates may vary)



1455 moss rose ave. Malabar fl Go!



Help



Show Aerial Map

Sales

- 2022
- 2021
- 2020
- 2019
- 2018

LEGEND



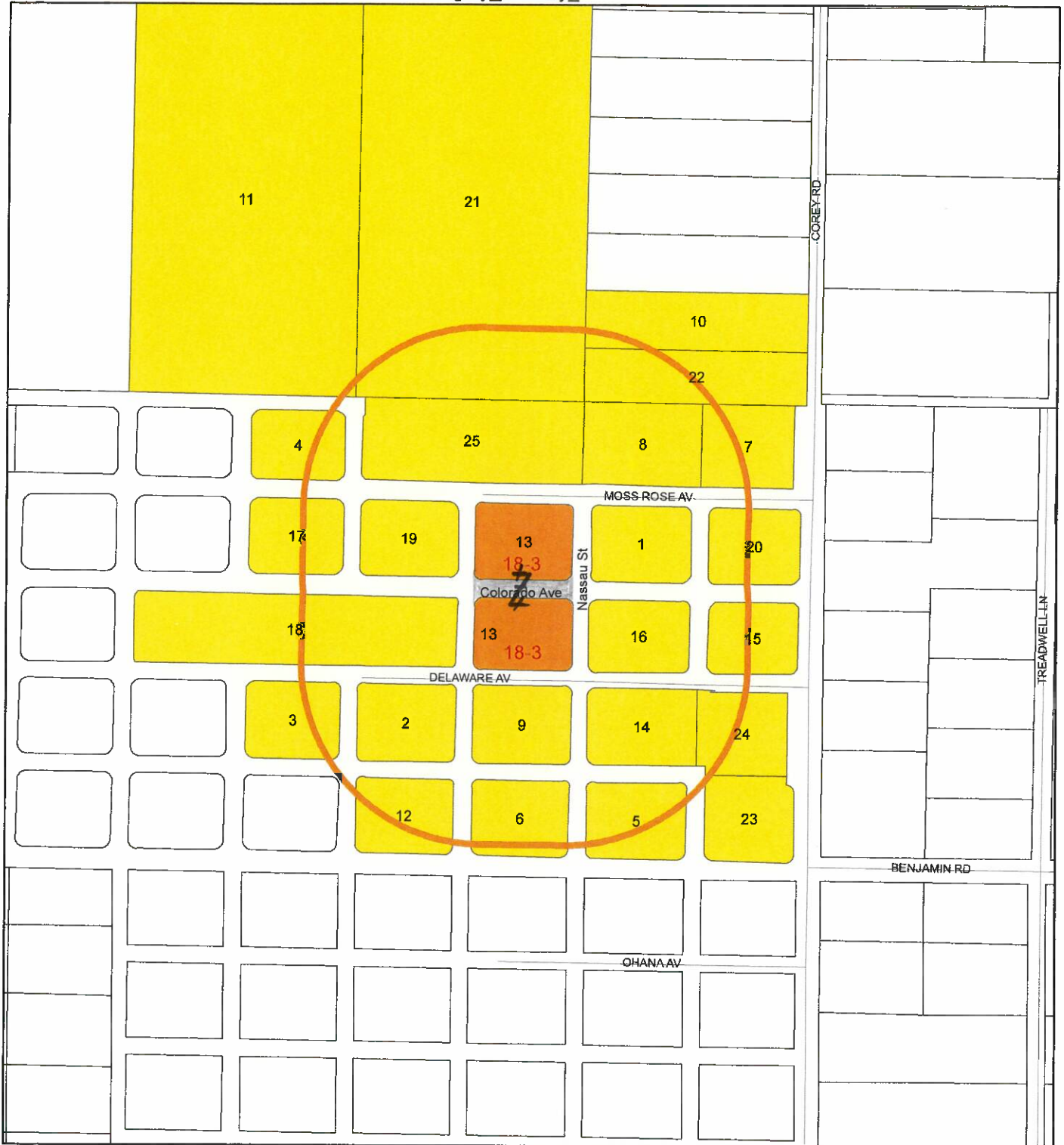
Account: 2960909 Parcel ID: 29-37-11-75-18-3
 Sale: 11/10/2016 \$357,500
 BCPAO Market Value: \$470,500
 Owners: MASSEY, GREGORY Y; MASSEY, MICHELLE E
 Address: 1455 MOSS ROSE AVE MALABAR FL 32950

Zoom | Clear | Details | EagleView | Hide Info

BCPAODana Blickley, CFA, Brevard County Property Appraiser | Instructions | Disclaimer

RADIUS MAP

MASSEY, GREGORY Y
Gregory_Massey_2960909







1:4,800 or 1 inch = 400 feet

Buffer Distance: 500 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 10/31/2022

-  Buffer
-  Subject Property
-  Notify Property
-  Parcels

AGER, CLIFFORD J
AGER, CHARLENE
1505 MOSS ROSE AVE
MALABAR FL 32950-3708

AMARA, KEVIN
AMARA, CINDY M
1405 DELAWARE AVE
MALABAR FL 32950-

AMARA, KEVIN M
AMARA, CINDY M
1405 DELAWARE AVE
MALABAR FL 32950-

CHIN-A-YOUNG, ANTHONY L
CHIN-A-YOUNG, MICHELLE S TRUSTEES
13700 SW 26TH ST
DAVIE FL 33325-6621

CLERC, CANDRIN
2157 SMATHERS CIR S
MELBOURNE FL 32935-3147

CLERC, JEAN-YVES
CLERC, DENISE
144 CAPTIVA CT
MELBOURNE BEACH FL 32951-3482

COOLIS, LINDA A
3120 COREY RD
MALABAR FL 32950-3833

HARWOOD, LEE M
HARWOOD, KATHERINE A
1500 MOSS ROSE AVE
MALABAR FL 32950-

HELLER, WILLIAM M
HELLER, LISA
1455 DELAWARE AVE
MALABAR FL 32950-3702

JAMES KENNETH NULL & PATRICIA
A NULL JOINT REVOCABLE LIVING TRUST
3060 COREY RD
MALABAR FL 32950-3831

JK LAND TRUST LLC TRUSTEE
1270 N WICKHAM RD STE 16-301
MELBOURNE FL 32935-

MALABAR LAND TRUST #1
2885 SANFORD SW AVE SW, #29859
GRANDVILLE MI 49418-1342

MASSEY, GREGORY Y
MASSEY, MICHELLE E
1455 MOSS ROSE AVE
MALABAR FL 32950-3708

MORIARTY, SHANNON M
1505 DELAWARE AVE
MALABAR FL 32950-3807

NELSON, WILLIAM K
NELSON, TINA J
3190 COREY RD
MALABAR FL 32950-3808

PICORNELL, FRANCISCO J
PICORNELL, PATRICIA M TRUSTEES
1500 DELAWARE AVE
MALABAR FL 32950-3800

PRIMAVERA, LARRY D
PRIMAVERA, CAROLA
1400 DELAWARE AVE
MALABAR FL 32950-

PRIMAVERA, LARRY D
PRIMAVERA, CAROLA
1400 DELAWARE AVE
MALABAR FL 32950-3701

ROSE, DONALD N
3150 COREY RD
MALABAR FL 32950-

THOMAS, CHRISTOPHER B
THOMAS, STACEY I
299 LACHINE SW ST SW
PALM BAY FL 32908-1319

VAN FLEET, ELLSWORTH
3080 COREY RD
MALABAR FL 32950-3831

VITALIANO, WILLIAM J
VITALIANO, BEVERLY ANN
3280 COREY RD
MALABAR FL 32950-

WOODLEY, BOBBY
WOODLEY, KAYLIE
3250 COREY RD
MALABAR FL 32950-3835

YANTZ, DENNIS J
YANTZ, BARBARA A
1430 MOSS ROSE AVE
MALABAR FL 32950-



**Classified Ad Receipt
(For Info Only - NOT A BILL)**

Customer: TOWN OF MALABAR
Address: 2725 MALABAR RD
MALABAR FL 32950
USA

Ad No.: 0005472611
Pymt Method Invoice
Net Amount 101.50

Run Times: 1

No. of Affidavits: 1

Run Dates: 11/03/22

Text of Ad:

Ad#5472611 11/3/2022
TOWN OF MALABAR
NOTICE OF
PUBLIC HEARING

The Malabar Town Council, Brevard County, Florida will convene in the Town Hall, 2725 Malabar Road, Malabar, Florida on Monday, **November 21, 2022, at 7:30pm**, or as soon thereafter as the matter can be heard, for a public hearing on the following topic:

A request by property owners of parcel 29-37-11-75-18-3 to vacate one fifty (50) foot wide unimproved platted rights-of-way bisecting their parcel, specifically known Colorado Avenue, and further described as:

a 50-foot by 300-foot right-of-way known as Colorado Ave that bisects parcel 10-3 between Nassau Street and Ginseng Street, with parcel 18-3 gaining the complete section;

The Town of Malabar Council has the authority to vacate these rights-of-way after a legally noticed public hearing and notification to property owners with 500 feet per Chapter 13, Article II, Section 13-26 of the Malabar Code of Ordinances. If the resolution is adopted vacating these rights-of-way, then the Code authorizes the Town Clerk to run a legal advertisement of the adopted resolution.

Copies of the request and the Code pertaining to this are available in the Clerk's office for review, 2725 Malabar Road, Malabar, Florida, during regular business hours. All interested parties may email comments to townclerk@townofmalabar.org or mail comments to 2725 Malabar Road, Malabar, FL 32950 or appear and be heard at this meeting of the Town Council with respect to these topics. Persons with disabilities needing assistance to participate in any of these proceedings should contact the Clerk's Office, ADA Coordinator, 48 hours in advance of the meeting at 321-727-7764. Richard Kohler, Town Clerk.

TOWN OF MALABAR

REGULAR TOWN COUNCIL MEETING

AGENDA ITEM NO: 11.a
Meeting Date: November 21st, 2022

Prepared By: Richard W. Kohler, Town Clerk

SUBJECT: Adopting the Goal of "Vision Zero" (Resolution 27-2022)

BACKGROUND/HISTORY:

- a. Staff has been contacted by the Space Coast Transportation Planning Organization (SCTPO), requesting Town Council adopt the Vision Zero.
- b. Vision Zero is a goal stating that no loss of life due to traffic accidents is acceptable and provides collaborative efforts to improve transportation decision making.
- c. All but two municipalities in Brevard County (Malabar and Melbourne Village) have supported this program.
- d. There are no financial costs for the Town associated with this program.
- e. The Vision Zero Safety Committee meets every 3 months for 2 hours at a time, for a total of 8 hours of staff time annually.
- f. Adoption of this Resolution may be used as leverage to get increased FDOT attention to our main roads, as a majority of Malabar's fatalities occur on State Roads 514 and US 1.
- g. An unofficial study by TPO Staff showed that 76% of traffic fatalities in Brevard County occur on US 1.

ATTACHMENTS:

- a. Resolution 27-2022
- b. Graphic showing the communities which have supported this program.

ACTION OPTIONS:

- a. Adopt Resolution 27-2022

RESOLUTION NO. 27-2022

A RESOLUTION OF THE TOWN OF
BREVARD COUNTY, FLORIDA, ADOPTING THE GOAL
OF VISION ZERO, ADVOCATING THAT NO LOSS OF
LIFE IS ACCEPTABLE ON OUR TOWN STREETS;
PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR
ADOPTION.

WHEREAS, the growth and vitality of our city requires safe and reliable
transportation systems; and

WHEREAS, the life and health of Town of _____ residents are
our utmost priority; and

WHEREAS, Vision Zero is the concept that there is no acceptable number of traffic
deaths and serious injuries on our roadways; and

WHEREAS, the Town of _____ recognizes that no one should die or
be seriously injured while traveling on our Town streets; and

WHEREAS, people walking and bicycling represent a disproportionate number of
these fatalities; and

WHEREAS, driver behavior, including speeding, distracted driving and drunk driving,
are significant contributing factors to this loss of life; and

WHEREAS, the Space Coast Transportation Planning Organization adopted a
resolution endorsing Vision Zero to achieve zero traffic deaths and severe injuries; and

WHEREAS, the Florida Department of Transportation has formally adopted "Target Zero"
its own version of the national vision, "Towards Zero Deaths."

BE IT RESOLVED BY THE TOWN OF _____, FLORIDA:

SECTION 1. That the Town Council hereby supports and adopts the goal of Vision
Zero -that no loss of life is acceptable on our city streets.

SECTION 2. That the Town Council hereby supports and will provide Town staff to participate
in a countywide or multi-jurisdictional Vision Zero Safety Committee comprised of members

of organizations and agencies with expertise in transportation, enforcement, education, public health, emergency response, equity, transit, biking, walking, vehicles and freight, who will work together for the development and implementation of a Vision Zero Safety Action Plan.

SECTION 3. That this resolution shall become effective immediately upon its adoption in accordance with the Charter of the Town of

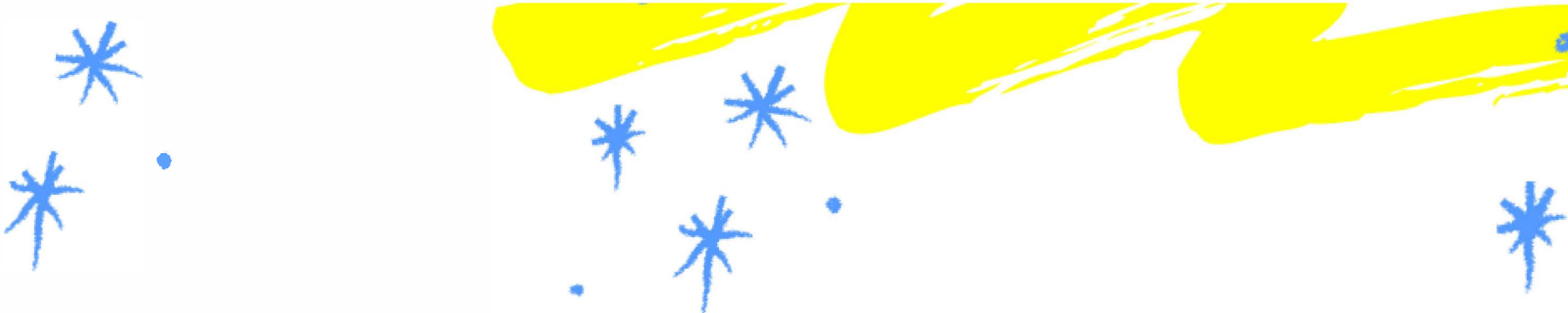
SECTION 4. That this resolution was duly adopted at a regular meeting of the Town Council on the day of .

By: _____

ATTEST:

(CITY SEAL)

Resolution No.



VISION ZERO MUNICIPALITIES & PARTNERS



Town of
Indian Lake
Florida



Palm Shores
Florida



#TrafficDeathsEndHere



TOWN OF MALABAR

REGULAR TOWN COUNCIL MEETING

AGENDA ITEM NO: 11.b
Meeting Date: November 21st, 2022

Prepared By: Richard W. Kohler, Town Clerk

SUBJECT: Council Direction of Treasurer Reposting

BACKGROUND/HISTORY:

- a. At the 10/17/2022 RTCM, Council voted to negotiate an employment contract to hire Ms. Raftery as the Town Treasurer.
- b. On 11/11/2022, Ms. Raftery informed Town Staff she would be unable to fill the position.

ATTACHMENTS:

- a. None

ACTION OPTIONS:

- a. Direct Staff to repost the position for 60 days starting 11/22/2022, providing regular updates on the applications received at each RTCM until the posting closes on 01/21/2023.
- b. Direct Staff to rank applicants and provide Council a ranked list at the 01/23/2023 RTCM.
- c. Reaffirm CM Scardino as the contract negotiator for the position.

TOWN OF MALABAR

COUNCIL MEETING

AGENDA ITEM NO: 11.C
Meeting Date: November 21, 2022

Prepared By: Lisa Morrell, Special Projects Manager, Interim Treasurer

SUBJECT: Councilmember Bill Reviewer Exemption

BACKGROUND/HISTORY:

Staff requests an exclusion of routing to the Council Member prior to payment, which have been identified as recurring monthly operating expenses or less than \$500 and previously approved by Town Council action utilizing a contract. The table below depicts the vendor and the spend that would be excluded from the bill reviewer process to expedite the processing of required payments to certain vendors utilizing methods of Electronic Fund Transfer (EFT) and or Procurement Card (P-card). A final procurement card statement will be routed for the bill reviewer each month.

Vendor/Purpose	Monthly	General Ledger
AT&T (FirstNet)	\$180	519.4100
Aramark	\$300	541.5200
CIT-MFP Lease	\$433	519.4400, 524.4400
Communications Authority	\$650	519.4100, 524.4100
Culligan (Water Treatment)	\$272	519.5200, 524.5200
Culligan (Water Service)	\$180	519.4400
Dex	\$318.82	519.4400, 524.4400
Easy Ice	\$148.35	519.4400
Ecor	\$630/60 day Svs	572.4600
FPL	\$2000	519.4300, 524.4300, 541.4300
	\$400	
Intuit	\$400	519.3420
Orkin	\$400	519.3400, 524.3420, 572.3400
Palm Bay Chamber	\$360	511.4000
RunSmarterIT	\$650	519.4100, 524.4100
Spectrum	\$219.96	519.4100, 524.4100
Storage Rentals of America	\$665	519.4400, 524.4400
Verizon	\$125	519.4100

A monthly financial report will be provided to council each month for revenues and expenditures balances (unaudited). Department managers and purchases adhere to the procurement code and policy as adopted by Town Council. Town Manager enforces all Town codes, reviews, and approves purchases from departments per the code.

FINANCIAL IMPACT: None

ATTACHMENTS: None

ACTION OPTIONS: Motion to approve bill reviewer of monthly recurring contractual service invoices or vendors approved through Town Council action for payment through electronic fund transfer or procurement card methods.

TOWN OF MALABAR

Town Council

AGENDA ITEM NO: 11.d
Meeting Date: November 21, 2022

Prepared By: Richard W. Kohler, Town Clerk

SUBJECT: Select Bill Reviewer for 2022/2023

BACKGROUND/HISTORY:

- a. Each year at the first regular meeting following the election Council selects a Council Member to review all the bills before payment is made. The bill reviewer has been CM David Scardino.

ATTACHMENTS:

- a. None

ACTION OPTIONS:

- a. Action

TOWN OF MALABAR

Town Council

AGENDA ITEM NO: 11.e
Meeting Date: November 21, 2022

Prepared By: Richard W. Kohler, Town Clerk

SUBJECT: Select Check Signer for 2022/2023

BACKGROUND/HISTORY:

- a. Each year at the first regular meeting following the election Council selects a Council Member to be a signatory on the operating bank account. Currently, the Council Signatory is CM Acquaviva.

ATTACHMENTS:

- a. None

ACTION OPTIONS:

- a. Action
-

TOWN OF MALABAR

Town Council

AGENDA ITEM NO: 11.f
Meeting Date: November 21, 2022

Prepared By: Richard W. Kohler, Deputy Town Clerk/Treasurer

SUBJECT: Select Space Coast League of Cities (SCLC) Delegate for 2022/2023

BACKGROUND/HISTORY:

- a. Each year at the first regular meeting following the election Council selects a Council Member to be the voting delegate to attend the monthly Board and General dinner meetings of the SCLC.
- b. The current delegate is Mayor Reilly.
- c. Council should also select an alternate delegate to attend and vote when necessary.

ATTACHMENTS:

- a. None

ACTION OPTIONS:

- a. Action

TOWN OF MALABAR

Town Council

AGENDA ITEM NO: 11.g
Meeting Date: November 21, 2022

Prepared By: Richard W. Kohler, Town Clerk

SUBJECT: Select Representative to the TPO/TAC Board for 2022/2023

BACKGROUND/HISTORY:

- a. Each year at the first regular meeting following the election Council selects a member to be the Malabar Representative. The current Town Representative is TM Matt Stinnett.
- b. Council should also select an alternate representative to attend and vote when necessary. The current alternate representative is Mayor Reilly.

ATTACHMENTS:

- a. None

ACTION OPTIONS:

- a. Action

TOWN OF MALABAR

REGULAR TOWN COUNCIL MEETING

AGENDA ITEM NO: **12.a**
Meeting Date: November 21st, 2022

Prepared By: Richard W. Kohler, Town Clerk

SUBJECT: Discuss Restricting Increased Revenues to a Streets and Roads Fund

BACKGROUND/HISTORY:

- a. This year, the Town of Malabar increased its milage rate to 4.5001, an increase of 2.0102, or about \$543,278.00 in collectable ad valorem taxes.
- b. In the 2022/2023 FY, Council has adopted \$843,802.00 from both ARPA Funds and the increased Ad Valorem revenue to line item 541.6420, or C.I.P. Road Paving. As a CIP fund, it would require two (2) public hearings, legal advertisement, and a budget amendment to reduce the funds in that line item.
- c. SPM/Interim Treasurer Morrell has provided figures that show options on how to dedicate future funds, including options for dedicating a set portion of the milage rate, or a set dollar amount.

ATTACHMENTS:

- a. SPM/Interim Treasurer Morrell's Report

ACTION OPTIONS:

- a. Discussion/Direction

FY22 Adopted Budget Values						
Year	1 Mill of FY22	Millage Revenue Generated			Adj. 96% Budget	
FY22	\$	343,540,014	1.0000	\$	343,540	\$ 329,798
FY22	\$	343,540,014	4.5001	\$	1,545,964	\$ 1,484,127
FY22 Road Allocation	\$	343,540,014	1.6473	\$	565,913	\$ 543,278

Resolution for FY22/23 Budget Values						
FY22	FY22 Road Funding	Road Revenue			FY 22 Budget	
Rev: 389.5000	\$	2,107,000				
Exp: 541.6420	\$	2,650,292	1.6473	\$	543,292	\$ 543,292
SLFRF Allocation	\$	329,010				
SLFRF Road	\$	(28,500)		\$	300,510	\$ 300,510
PValue/Millage	\$	343,540,014	1.6473	\$	543,278	\$ 843,802

Resolution for FY23/24 Budget based on Millage Allocation						
Year	FY22 Dedicating Funds /Mils	Millage Revenue Split	Revenue Generated			
FY22 Operating	\$	343,540,014	2.8528	\$	980,051	\$ 940,849
FY22 Road Fund	\$	343,540,014	1.6473	\$	565,913	\$ 543,277
			4.5001	\$	1,545,964	\$ 1,484,127

"Additional Millage" Calculations = Unbalanced FY22 Adopted Budget						
Year	FY21 to FY22 Revenue	Millage Ad Valorem	Additional Revenue			
FY22	\$	343,540,014	4.5001	\$	1,545,964	\$ 1,484,127
FY21	\$	304,073,181	2.4899	\$	757,112	\$ 726,828
				\$	788,852	\$ 757,298
				FY22 Shortfall	\$	(245,560)

Year	FY21 to FY22 Millage Difference	Millage Revenue Split	Additional Revenue			
FY21	\$	304,073,181	2.4899	\$	757,112	\$ 726,827
FY22	\$	343,540,014	2.0102	\$	690,584	\$ 662,961
			4.5001	\$	1,447,696	\$ 1,389,788
						Unbalanced FY22 Adopted Budget

Year	FY22 Max Millage v Unanimous	Millage Revenue Split	Additional Revenue			
FY22	\$	343,540,014	4.5001	\$	1,545,964	\$ 1,484,127
FY22	\$	343,540,014	2.3948	\$	822,710	\$ 789,801
FY22	\$	343,540,014	2.1053	\$	723,255	\$ 694,326
						Unbalanced FY22 Adopted Budget