

REGULAR TOWN COUNCIL MEETING

Monday, December 5, 2022 at 7:30 pm

- 1. CALL TO ORDER, PRAYER AND PLEDGE
- 2. ROLL CALL
- 3. APPROVAL OF AGENDA ADDITIONS/DELETIONS/CHANGES
- 4. CONSENT AGENDA
 - a. Approve Minutes of 11/21/2022 RTCM

Exhibit: Agenda Report Number 4a

Attachments:

• Agenda Report Number 4a (Agenda_Report_Number_4a.pdf)

b. Approve 2023 Holiday Schedule

Exhibit: Agenda Report Number 4b

Attachments:

- Agenda Report Number 4b (Agenda_Report_Number_4b.pdf)
- c. Cancel December 19th, 2022 RTCM

Exhibit: Agenda Report Number 4c

Attachments:

• Agenda Report Number 4c (Agenda_Report_Number_4c.pdf)

5. ATTORNEY REPORT

- 6. BCSO REPORT
- 7. BOARD / COMMITTEE REPORTS
 - a. T&G Committee
 - b. Park & Recreation Board
 - c. Planning & Zoning Board
- 8. STAFF REPORTS
 - a. Manager
 - b. Fire Chief
 - c. Special Projects Manager

Exhibit: Agenda Report Number 8c

Attachments:

• Agenda Report Number 8c (Agenda_Report_Number_8c.pdf)

d. Clerk

- e. Public Works Director
- f. Treasurer Monthly Budget Report Unaudited

Exhibit: Agenda Report Number 8f

Attachments:

• Agenda Report Number 8f (Agenda_Report_Number_8f.pdf)

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

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

(RECOMMENDATIONS FROM BOARDS, HOA REQUESTS, RESIDENT GRIEVANCES)

12. ACTION ITEMS ORDINANCES:0

RESOLUTIONS:0

MISCELLANEOUS:2

a. Request by Don Foley to contract or deannex property from the Town of Malabar.

Exhibit: Agenda Report Number 12a

Attachments:

- Agenda Report Number 12a (Agenda_Report_Number_12a.pdf)
- b. Approve Temporary Placement of a Travel Trailer While Constructing SFR at 2060 Howell Lane

Applicant: Debby Butler Exhibit: Agenda Report Number 12b

Attachments:

• Agenda Report Number 12b (Agenda_Report_Number_12b.pdf)

13. DISCUSSION/POSSIBLE ACTION

14. PUBLIC COMMENTS

General Items (Speaker Card Required)

15. REPORTS - MAYOR AND COUNCIL MEMBERS

16. ANNOUNCEMENTS

(1) Vacancies on the Planning and Zoning Board; (2) Vacancies on the Parks and Recreation Board; and (1) Vacancy on the Board of Adjustment

17. 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 invididual 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 11/30/2022 at 4:28 PM

Regular Town Council Meeting

AGENDA ITEM NO: 4.a

Meeting Date: December 5th, 2022

Prepared By: Richard W. Kohler, Town Clerk

SUBJECT: Approve Minutes of the RTCM of 11/21/2022

BACKGROUND/HISTORY:

Summary of actions at Town Council Meetings

ATTACHMENTS:

• Draft Minutes of RTCM of 11/21/2022

ACTION OPTIONS:

Review

MALABAR TOWN COUNCIL REGULAR MEETING MINUTES November 21, 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 Clevenger led P&P. **2. ROLL CALL:**

CHAIR: COUNCIL MEMBERS: MAYOR PATRICK T. REILLY MARISA ACQUAVIVA BRIAN VAIL (EXCUSED) JIM CLEVENGER DAVID SCARDINO MARY HOFMEISTER MATT STINNETT KARL BOHNE RICHARD KOHLER (EXCUSED) LISA MORRELL

TOWN MANAGER: TOWN ATTORNEY: TOWN CLERK: SPECIAL PROJECTS MANAGER:

3. APPOINT CHAIR/VICE-CHAIR

MOTION: <u>CM Acquaviva/CM Scardino to appoint Mayor Reilly as Council Chair</u>. VOTE: All Ayes (4-0)

MOTION: <u>CM Acquaviva /CM Clevenger to appoint CM Scardino as Council Vice Chair.</u> VOTE: All Ayes (4-0)

- 4. SUNSHINE LAWS REVIEW Atty Bohne stated that Judge Polk canceled the hearing on the EELs issue. The Judicial Assistant selected a date in February. On Painted Acres litigation, we have discussed the proposed final judgement. The Judge will then make a ruling in due time. Atty Bohne discussed the information included in the agenda packet in regard to the Sunshine Laws.
- 5. APPROVAL OF AGENDA ADDITIONS/DELETIONS/CHANGES: None
- 6. CONSENT AGENDA:

6.a. Approve Minutes of 11/07/2022 RTCM & 11/10/2022 STCM

MOTION: CM Scardino / CM Acquaviva to approve Consent Agenda. Vote: All Ayes (4-0).

7. STAFF REPORTS:

7.a. Town Manager – Matthew Stinnett – Rocky Point Repairs, Permitting, DEP Restoration (Scardino), FEMA.

7.b. Town Clerk – Richard Kohler – We received the official certified results of the 2022 elections today. The MSTU question passed at 88% yes, 12% no; and the ad-valorem question failed at 34% yes and 66% no. Also informed Council that staff has suggested 6:30 PM on Monday, December 5th at Malabar Community Park for this years Tree Lighting Ceremony. It will be held immediately before the RTCM scheduled for the same night.

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: 2

9.a. FY 21/22 Final 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; REGULAR TOWN COUNCIL MEETING Monday, November 21, 2022 at 7:30 pm 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

Ordinance read by title only.

Chair asked for staff comments. SPM Morrell states there were a few changes from the last reading, but it is as presented in the agenda.

PH Open: None

PH Closed.

MOTION: CM Acquaviva/ CM Scardino to adopt Ordinance 2022-10. Discussion:

ROLL CALL VOTE: <u>CM Acquaviva, Aye; CM Vail, Excused; CM Clevenger, Aye; CM</u> Scardino, Aye; CM Hofmeister, Aye. Motion carried 4-0.

9.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

Resolution read by title only.

Chair called on applicant to speak:

Greg Massey, 1455 Moss Rose Ave. Mr. Massey thanked Council for the opportunity. At the last meeting, Council approved several Vacates in the area. He also requested Ginseng be vacated but was told that was being left as a possible future road.

Atty notes that Ginseng is not referenced in the Vacate. TM states that past Council direction stated it wanted a turn around road. The Clerk removed it at his discretion due to past Council direction. Council directs to readvertise for Ginseng Ave and not charge Mr. Massey additional fees.

Chair asks staff for comments. Staff informs Council that the applicant requested three ROWs to be vacated. One, Nassau Street, was approved last week as part of a previous vacate resolution. Staff is recommending the Town vacate Colorado Ave, as it bisects the applicant's property, and serves no public purpose. Staff is recommending that the vacate request for Ginseng Street be denied, as it would restrict the ability for future development of a road connecting Delaware Ave and Moss Rose Ave.

PH Opened:

PH Closed.

Motion: CM Scardino /CM Acquaviva to adopt Resolution 29-2022.

Discussion: Council directs staff to readvertise for Ginseng with no additional cost to the applicant.

Roll Call Vote: <u>CM Vail, Excused; CM Clevenger, Aye; CM Scardino, Aye; CM Hofmeister,</u> Aye; CM Acquaviva, Aye. Motion Carried 4-0.

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

11. ACTION ITEMS:

ORDINANCES for FIRST READING: 0 RESOLUTIONS: 1 MISCELLANEOUS: 6

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

A RESOLUTION OF THE TOWN OF MALABAR, 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.

Exhibit: Agenda Report Number 11a

SPEAKERS CARD: Drew Thompson, expressed his support for this Resolution. Resolution read by title only.

Chair asks for Staff comments. Ms. Smith of the SCTPO spoke from her presentation. (Handout Presentation, copies)

MOTION: CM Acquaviva / CM Hofmeister to adopt Resolution 27-2022.

Discussion: Cost, no direct costs.

Roll Call Vote: <u>CM Clevenger, Aye; CM Scardino, Aye; CM Hofmeister, Aye; CM Acquaviva,</u> <u>Aye; CM Vail, Excused. Motion Carries 4-0.</u>

11.b. Council Direction of Treasurer Reposting

Exhibit: Agenda Report Number 11b

Staff Comments:

MOTION: <u>CM Scardino/ CM Hofmeister to direct Staff to repost the position for 60 days</u> starting 11/22/2022, providing regular updates on the applications received at each RTCM until the posting closes on 01/21/2023; and to direct Staff to rank applicants and provide Council a ranked list at the 01/23/2023 RTCM; and to reaffirm CM Scardino as the contract negotiator for the position.

Discussion: CM Scardino suggests 90 days. CM Acquaviva agrees. Mayor suggests 60 and readvertise as needed. CM Hofmeister suggests 90 days. CM Scardino agrees with the Mayor, 60 days and then readvertise as needed.

Vote: All Ayes (4-0)

11.c. Council member Bill Reviewer ExemptionExhibit:Agenda Report Number 11c

Staff Comments: SPM Morrell explained that these bills are recurring and on auto pay. This will assist in the bill paying process.

MOTION: <u>CM Scardino</u> /<u>CM Hoffmeister to approve bill reviewer of monthly recurring</u> contractual service invoices or vendors approved though Town Council action for payment through electronic fund transfer or procurement card methods.

Discussion: CM Acquaviva states she supports this as it makes the process easier, and provides an opportunity for some cash back benefits.

Vote: All Ayes (4-0)

11.d. Select Bill Reviewer for 2022/2023.

Exhibit: Agenda Report Number 11d

MOTION: <u>CM Scardino /CM Acquaviva_appoint CM Clevenger as the 2022/2023 Bill Reviewer.</u>

Discussion: CM Clevenger asks what is required, and agrees to come a few minutes early to meetings to review bills.

Vote: All Ayes (4-0)

11.e. Select Check Signed for 2022/2023 Exhibit: Agenda Report Number 11.e MOTION: CM Scardino /CM Hofm<u>eister appoint CM Acquaviva as the 2022/2023 Check</u>

Signer.

Discussion: CM Acquaviva volunteers to continue as the check signer. **Vote**: All Ayes (4-0)

11.f. Select Space Coast League of Cities (SCLC) Delegate for 2022/2023Exhibit:Agenda Report Number 11.f

MOTION: <u>CM_Scardino_/CM_Hofmeister_</u> appoint Mayor Reilly as the 2022/2023 delegate to the SCLC.

Discussion: Mayor states he is willing to continue his service as the delegate. **Vote:** All Ayes (4-0)

MOTION: Mayor /CM _Hofmeister appoint CM Scardino as the alternate 2022/2023 delegate to the SCLC.

Discussion:

Vote: All Ayes (4-0)

11.g. Select Representative to the TPO/TAC Board for 2022/2023 Exhibit: Agenda Report Number 11.g

MOTION: <u>CM Scardino /CM Hofmeister appoint TM Matt Stinnett as the 2022/2023</u> <u>TPO/TAC Representative.</u>

Discussion:

Vote: All Ayes (4-0)

MOTION: CM Scardino/CM Hofmeister appoint Mayor Reilly as the alternate 2022/2023 TPO/TAC Representative.

Discussion:

Vote: All Ayes (4-0)

Chair excuses Attorney

12. DISCUSSION/POSSIBLE ACTION

12.a. Discuss Restricting Increased Revenues to a Streets and Roads Fund Exhibit: Agenda Report Number 12a

Discussion: SPM Morrell begins by explaining that this year's budget is already protected. In the future years, Council should set a Milage rate or \$ amount to set aside each year. It is hard to do this action after the budget has been accepted. It is better to plan for the future in budget workshops. CM Clevenger suggests Council prepare for spending the funds required for fixing Rocky Point Road. Mayor reiterates these are separate funds. SPM Morrell states she will have something to protect these funds developed by the budget season. General discussion ensued about Rocky Point Road, and FEMA reimbursement opportunities.

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

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

CM Acquaviva: None CM Vail: Excused CM Clevenger: None CM Hofmeister: None CM Scardino: None Mayor Reilly: None

- 14. ANNOUNCEMENTS: (1) Vacancy on the Planning & Zoning Board; (1) Vacancy on the Parks & Recreation Board; (1) Vacancy on Board of Adjustment.
- ADJOURNMENT: There being no further business to discuss and without 15. objection, the meeting was adjourned at 8:59 P.M.

	BY:
	Mayor Patrick T. Reilly, Council Chair
ATTEST:	
ATTEST.	
	Date Approved: <u>12/05/2022</u>
Richard Kohler Town Clerk	
	r

REGULAR TOWN COUNCIL MEETING

AGENDA ITEM NO: <u>4.b</u> Meeting Date: December 5th, 2022

Prepared By: Richard W. Kohler, Town Clerk

SUBJECT: 2023 Holiday Schedule

BACKGROUND/HISTORY:

In accordance with the Town of Malabar's Employee Handbook, Section 5. Benefits, item 4. Holidays, the attached schedule of holidays has been created for December 31, 2023 through January 2, 2024.

a. The following are holidays which may be observed by all departments in which certain function can be discontinued without adversely affecting required services to the public. When a holiday falls on a Sunday, the following Monday shall be observed as a holiday.

New Years' Day	Sunday, January 1 st	Observed Monday, January 2 nd	
Martin Luther King Jr.	3 rd Monday of January	Observed Monday, January 16 th	
Memorial Day	Last Monday in May	Observed Monday, May 29 th	
Independence Day	Tuesday, July 4 th	Observed Tuesday, July 4 th	
Labor Day	1 st Monday in Sept.	Observed Monday, September 4 th	
Veteran's Day	Saturday, November 11 th	Observed Friday, November 10 th	
Thanksgiving Day	4 th Thursday in November	Observed Thursday, November 23 rd	
Fri. After Thanksgiving	4 th Friday in November	Observed Friday, November 24 th	
Christmas Day	Monday, December 25 th	Observed Monday, December 25 th	
New Year's Eve	Sunday, December 31 st	Observed Friday, December 29 th	
Floating Holiday (To be approved by department head)			

- b. Work During Holidays: Employees whose work schedules require that they work on designated holidays will be paid holiday pay at time and a half for each holiday worked.
- c. Use of Floating Holiday: An Employee's request to use a floating holiday must be approved by the appropriate Department Head at least three (3) working days prior to the desired time off. If the employee has not used the floating holiday within the calendar year, the floating holiday shall be considered lost and forfeited. During the initial six (6) months of employment, an employee is not entitled to a floating holiday. The floating holiday must be taken as one workday and may be taken only when it does not disrupt the essential services of Department operations.

ATTACHMENTS:

a. None

ACTION:

a. Motion to approve the 2022 Town of Malabar Holiday Schedule

REGULAR TOWN COUNCIL MEETING

AGENDA ITEM NO: <u>4.C</u> Meeting Date: <u>December 5th, 2022</u>

Prepared By: Richard W. Kohler, Town Clerk

SUBJECT: Cancel December 19th, 2022 RTCM

BACKGROUND/HISTORY:

Town Council has annually considered the need for the 2nd meeting in December due to the holidays. Last year's meeting was canceled, but in 2020 we held one because we had several pressing actions that needed Council action. This year we have no pressing business on the calendar for the next meeting. During early January, Staff will provide the annual list of Council meetings, and proposed workshop dates for 2023.

ATTACHMENTS:

None

ACTION:

Council Action Cancelling next meeting.

REGULAR TOWN COUNCIL MEETING

AGENDA ITEM NO: 8C Meeting Date: December 5, 2022

Prepared By: Lisa Morrell, Special Projects Manager

SUBJECT: SPM Annual Update Report for December 5, 2022 Council Meeting

Annual report of completed projects and tasks related to Coronavirus State and Local Fiscal Recovery Funds.

Compliance review and acceptance from United States Treasury for utilization and acceptance of funds. Agreement signed and first tranche of funds received, October 2021.

Published information publicly on the Town's website; the URL is <u>https://www.townofmalabar.org/arp</u>.

April 2022, annual United States Treasury compliance report submitted with election of standard allowance.

Researched and accumulated projects for Town Council acceptance with compliance information. Provided monthly progress updates to Town Council through the public agenda, commenced May 31, 2022.

Projects Completed:

- Auditing: single audit for fiscal year 21/22, not required per Town's Auditor.
- Electronic Sign for public notices and announcements.
- ESO, Inc, Fire Department, electronic Fire Incidents and Patient Reporting.
- Trimble, Stormwater, field asset tool and software repository.
- P25 Radio Upgrade, Fire Department, replaced 24 public safety radios and programming.
- Decontamination cleaning for exposure spread prevention, Fire Department.

Projects in Progress

- Laserfiche, Clerk's Office, Document Imaging (Scanning) and Electronic Central Repository
- Life Pak 15, Fire Department, order 7/7/2022, manufacturing delay of component shortage, estimated arrival in 2023.
- Restroom Remodel, Parks & Recreation, awarded contract 11/7/2022, awaiting contract and commencement.
- Surficial Assessment of Road Pavement Analysis as a service, engineer's report due January 2023.
- Station Toning Upgrade, Fire Department, networking and programming coordination with County Dispatch, estimated time of completion January 2023

Future Projects:

- Cybersecurity Equipment
- Medical & PPE Supplies
- Park Recreation Improvements
- Road Paving
- Stormwater
- Water Expansion Services

Attachment:

June 20, 2022, agenda report 10d. entitled Obligating and Allocating SLFRF Funding to specific Projects and Capital Projects per Workshop 06/13/2022June 20, 2022

COUNCIL MEETING

AGENDA ITEM NO: <u>10.d.</u> Meeting Date: <u>June 20, 2022</u>

Prepared By: Lisa Morrell, Special Projects Manager

SUBJECT: Obligating and Allocating SLFRF Funding to specific Projects and Capital Projects per Workshop 06/13/2022

BACKGROUND/HISTORY:

As discussed at the June 13th workshop, Town Council was presented an update to the approved and obligated project list, a list of identified potential projects allocated, and consideration of remaining funds for major infrastructure projects for discussion in a presentation entitled: American Rescue Plan Act Workshop: Coronavirus State & Local Fiscal Funds (SLFRF)

Council discussed and amended projects allocated, referred to as "good ideas" as follows:

Projects Allocated	Original	Amended
Public Restroom Touchless Upgrades	\$50,000	\$50,000
E-Signature Solution	\$15,000	\$0.00
Technology Equipment for Cybersecurity &	\$20,000	\$5,000
Streaming and Broadcasting Public Meetings	\$35,000	\$0.00
Fire incident/EMS software for reporting and response, preplans and annual inspections with corresponding in-field hardware		\$25,000
Medical & PPE Supplies	\$25,000	\$12,500
Field Asset Tracking Instruments – GPS Enabled	\$4,380	\$5201.75
Recreation Improvements to Parks	\$ 200,000	\$100,000
Subtotal	\$374,380	\$196,880

The amendments to the aforementioned Project Allocations totals a reduction of \$177,500. Town Council request those reductions be reallocated to Major Infrastructure Projects funding, presented as \$809,532, has been allocating at total of \$987,032. Town Council also directed staff to allocated in thirds to road paving, stormwater, water line expansion.

Major Infrastructure Funding 6/13/2022	\$987,032
Road Paving	\$329,010
Stormwater	\$329,011
Water Services	\$329,011
Facility Improvements/Construction	

Town Council provided direction to staff for project priorities and town resources shall be derived in the workshop discussion that shall be provided in future at future council meetings to:

Formalize funding of specific projects for stormwater, task orders in progress by SAI.

Engage and develop planning to extend water from Corey Road to the Fire Station to provide hydrant service and two meters for the future phase of internal expansion to the Fire Department and the Park Bathrooms.

Per the discussion of road paving, future discussions are required to establish and prioritize roadways for paving, direction to allocate funding.

FINANCIAL IMPACT:

ATTACHMENTS:

ACTION OPTIONS:

Motion to approve the funding allocations of project list and major infrastructure to provide for quality-of-life improvements for constituents and economic development investments for the recovery plan as provisioned as eligible uses from the Coronavirus State & Local Fiscal Funds (SLFRF) under the standard allowance.

REGULAR TOWN COUNCIL MEETING

AGENDA ITEM NO: 8.f

Meeting Date: December 5, 2022

Prepared By: Lisa Morrell, Special Projects Manager

SUBJECT: Treasurer Monthly Financial Report – November 30, 2022

Providing a monthly financial report through November 30, 2022, unaudited, completing two months, or 16%, of the fiscal year.

Revenue generated for the period totaled: \$662,542.91

- General Fund: \$555,801.24
- Building Fund (322.1000): \$70,124.37 or 37% collection of the fiscal budget.
- Land Use Permits (329.5000): \$5750.00 or 72% collection of the fiscal budget.
- Storm water Fund (363.1000): \$30,866.30 or 23% collection of the fiscal budget.

Departmental Expenses for the reporting period totaled, \$753,228.54

Notable expenses:

- Loan paid in full, Gradall Excavator (538.6400): \$168,968.88
- Replacement vehicle, on order, for Public Works (541-6410), GMC Sierra 1500: \$48,515.00
- Annual loan payment of Fire Apparatus (522.6300), Engine 99: \$49,696.00
- Litigation Expenses (514.3100), \$31,28515 expended, or 52% of the fiscal year budget.
- Other Employee Benefits (519.2330), \$22,662, payment of accrual balances.
- Parks (572.6400) Purchase Order for Replacement Mower, Kubota Z series: \$8230.00

Attachment(s):

BudgetvsActualsFY_2022_2023-FY23PL Nov 30, 2022.PDF



Town of Malabar

Budget vs. Actuals: FY_2022_2023 - FY23 P&L

October 2022 - September 2023

		Т	OTAL	
	ACTUAL	BUDGET	OVER BUDGET	% OF BUDGET
Income				
47900 Revenue				
001-311.1000 Ad Valorem Taxes	276,730.58	1,484,127.00	-1,207,396.42	18.65 %
001-312.4100 Local Option Gas Tax	14,027.59	99,500.00	-85,472.41	14.10 %
001-314.1000 Utility Tax - Electricity	66,028.05	330,000.00	-263,971.95	20.01 %
001-314.4000 Utility Tax - Gas	1,706.71	14,000.00	-12,293.29	12.19 %
001-315.1000 Communications Service Tax	28,436.84	107,457.00	-79,020.16	26.46 %
001-316.1000 BTR - Malabar	15,508.00	20,000.00	-4,492.00	77.54 %
001-322.1000 Building Permits	70,124.37	190,000.00	-119,875.63	36.91 %
001-323.1000 Electric - Franchise Fee	54,632.49	240,000.00	-185,367.51	22.76 %
001-323.3000 Water - Franchise Fee	1,337.08	6,900.00	-5,562.92	19.38 %
001-323.7000 Solid Waste - Franchise Fee		37,000.00	-37,000.00	
001-329.5000 - OPSA Land Use	5,750.00	8,000.00	-2,250.00	71.88 %
001-335.1250 State Revenue Sharing	23,966.42	95,865.00	-71,898.58	25.00 %
001-335.1400 State Mobile Home Tax	107.75	3,000.00	-2,892.25	3.59 %
001-335.1500 State Alcoholic Beverage Licenses		1,700.00	-1,700.00	
001-335.1800 State Local Gov't 1/2 Cent Sales Tax	34,237.73	191,837.00	-157,599.27	17.85 %
001-335.2100 State FF Education Supplemental Payment		4,800.00	-4,800.00	
001-335.4900 Other General Gov't - Traffic Signal Maintenance		5,500.00	-5,500.00	
001-338.2000 BTR - Brevard County	354.38	1,100.00	-745.62	32.22 %
001-349.2000 Cell Tower Lease	7,245.00	28,980.00	-21,735.00	25.00 %
001-349.5000 Special Event Revenue		3,000.00	-3,000.00	
001-349.7010 Background Check		200.00	-200.00	
001-349.8000 Paving Assessment		16,228.00	-16,228.00	
001-349.8010 Golf Cart Registration		300.00	-300.00	
001-349.9000 Lien Searches	300.00	6,000.00	-5,700.00	5.00 %
001-351.5000 Fines/Forfeiture	148.23	500.00	-351.77	29.65 %
001-361.1000 Interest	10.39	3,000.00	-2,989.61	0.35 %
001-363.1000 SW Assessment	30,866.30	132,001.00	-101,134.70	23.38 %
001-363.2300 TIFT Allocation Request		50,000.00	-50,000.00	
001-365.1000 Sales of Surplus Materials		2,500.00	-2,500.00	
001-366.1000 Donations FD/GF		1,000.00	-1,000.00	
001-369.3000 Insurance Refund - FMIT	0.00	1,500.00	-1,500.00	0.00 %
001-369.9000 Misc. Revenues	261.00	300.00	-39.00	87.00 %
001-389.3000 VFA State Grant		11,294.00	-11,294.00	
001-389.5000 Debt Proceeds	30,764.00	2,107,000.00	-2,076,236.00	1.46 %
001-389.9000 Parks Rec Funds		45,160.00	-45,160.00	
001-389.9520 Use of BD Restricted Fund Balance		44,390.00	-44,390.00	
001-389.9530 Use of GF Fund Balance		48,369.00	-48,369.00	
001-389.9540 Use of SW Fund Balance		164,113.00	-164,113.00	



Town of Malabar

Budget vs. Actuals: FY_2022_2023 - FY23 P&L October 2022 - September 2023

		Т	OTAL	
	ACTUAL	BUDGET	OVER BUDGET	% OF BUDGET
001-389.9560 SLFRF Restricted Funding		1,462,004.00	-1,462,004.00	
Total 47900 Revenue	662,542.91	6,968,625.00	-6,306,082.09	9.51 %
Total Income	\$662,542.91	\$6,968,625.00	\$ -6,306,082.09	9.51 %
GROSS PROFIT	\$662,542.91	\$6,968,625.00	\$ -6,306,082.09	9.51 %
Expenses				
B Legislative	26,378.49	98,799.00	-72,420.51	26.70 %
C Executive	22,790.69	123,605.00	-100,814.31	18.44 %
D Finance & Administration	50,969.84	277,557.00	-226,587.16	18.36 %
E Legal	31,285.15	60,000.00	-28,714.85	52.14 %
F Comprehensive Planning		1,500.00	-1,500.00	
G General Government	118,876.95	405,425.00	-286,548.05	29.32 %
H Fire Control	137,782.85	779,102.00	-641,319.15	17.68 %
I Protective Inspections	29,861.77	234,390.00	-204,528.23	12.74 %
J Emergency/ Disaster Relief	45,391.90	1,462,003.00	-1,416,611.10	3.10 %
K Flood Control	169,468.88	296,124.00	-126,655.12	57.23 %
M Streets & Roads	110,125.57	3,133,260.00	-3,023,134.43	3.51 %
N Parks & Recreation	10,296.45	93,360.00	-83,063.55	11.03 %
O Special Events		3,500.00	-3,500.00	
Total Expenses	\$753,228.54	\$6,968,625.00	\$ -6,215,396.46	10.81 %
NET OPERATING INCOME	\$ -90,685.63	\$0.00	\$ -90,685.63	0.00%
NET INCOME	\$ -90,685.63	\$0.00	\$ -90,685.63	0.00%

REGULAR TOWN COUNCIL MEETING

AGENDA ITEM NO: <u>12.a</u> Meeting Date: December 5th, 2022

Prepared By: Richard W. Kohler, Town Clerk

SUBJECT: Request by Donald Foley to contract or deannex property from the Town of Malabar

BACKGROUND/HISTORY:

A request by Mr. Donald Foley on behalf of the property owners to contract or deannex the properties described in the attached deeds from the Town of Malabar.

F.S. 171.051 governs the process for a contraction or deannexation of property from a municipality. Mr. Donald Foley on behalf of the owner, has requested such a contraction or deannexation. The council is required by statute to immediately undertake a study of the feasibility of such proposal and shall, within 6 months, either initiate proceedings to adopt an ordinance for contraction or deannexation or reject the petition, specifically stating the facts upon which the rejection is based.

The statute does not provide any guidance regarding who conducts the feasibility study; however, the Town Attorney advises that town staff may perform the study taking into consideration the following statutory criteria:

1. Does the area in question meet the criteria for annexation set forth in s. 171.043 (property which fits the requirements of s. 171.043, F.S., may not be excluded from a municipality)

2. If the area proposed to be excluded does not meet the criteria of s. 171.043, but such exclusion would result in a portion of the municipality becoming noncontiguous with the rest of the municipality, then such exclusion shall not be allowed.

Mr. Foley has provided payment, per the Town's Fee Resolution for Requests for Council Action on an item not specifically provided for in the administrative fee schedule regarding matters of land development.

ATTACHMENTS:

- a. Agenda Item Request Form submitted by Mr. Donald Foley requesting deannexation.
- b. Copy of Deed for property.
- c. Map of the area
- d. Copy of F.S. 171.043 Character of the area to be annexed.

ACTION:

a. Motion to direct Staff to undertake a study of the feasibility of such proposal.

OFFICE OF THE TOWN CLERK (321) 727-7764 FAX (321) 722-2234



2725 MALABAR ROAD MALABAR, FLORIDA 32950-4427

AGENDA ITEM REQUEST FORM MALABAR TOWN COUNCIL

Please mail completed form to:

Town of Malabar 2725 Malabar Road Malabar, Florida 32950

NAME:

TOWN OF MALABAR NOV 15 2022 RECEIVED Donald Foley ner Painted ADDRESS: Berr III

TELEPHONE: 321 720-(Home Ve)

(Business)

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

As soon as possible

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

of the Town Officials to allow Refusal, the construction of an assisted living facility under the 2012 Code, (See

Please state desired action by Town Council.

annexation of the 5 acre prope ibed as Tax Folio # 2961453 105-715 Malabar Rd, Malabar, FL De-anexation 2950 Signed: Date:



Serv: 0.00

37.00

#Names: 4

Clerk Of Courts, Brevard County

Scott Ellis

<u>Prepared By and Return to:</u> David M. Presnick, Esquire 96 Willard Street, Suite 302 Cocoa, Florida 32922

WARRANTY DEED

THIS WARRANTY DEED, executed this June 23, 2003, by DONALD E. FOLEY, individually, and as Trustee of the HOLIDAY TRUST DATED NOVEMBER 12, 1989 and VIRGINIA T. FOLEY, individually and as Trustee of the STRAWBERRI TRUST DATED OCTOBER 7, 1993, each as their respective interests may appear, (hereinafter called the "Grantor") to PAINTED ACRE PARTNERSHIP, LLLP, a Florida limited liability limited partnership, whose post office address is 200 Strawberri Lane, Melbourne Beach, Florida 32951, (hereinafter called the "Grantee").

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH: That the Grantor, for and in consideration of the sum of \$10.00 and other valuable consideration, the sufficiency and receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situate in Brevard County, Florida, namely:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY THIS REFERENCE.

Subject to:

- (a) Zoning, restrictions, prohibitions and other requirements imposed by governmental authority;
- (b) Restrictions and matters appearing on the plat or otherwise common to the subdivision;
- (c) Public utility easements of record; and
- (d) Ad valorem taxes and solid waste charge for the year 2002 and subsequent years which are not yet due and payable.

This deed was prepared without a review or examination of the title to the above described property and no opinions or representations are being made either expressly or impliedly by David M. Presnick, Esquire, or Amari & Theriac, P.A.

Grantor herein warrants and represents that neither of them individually nor their spouse nor any member of their family reside upon said property and that said property is not homestead property as defined under Florida Constitution.



OR Book/Page: 4969 / 2613

Together with all tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold the same in fee simple forever.

And the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2002.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

WITNESSES:

Print Name:

Print Name: otto

STATE OF FLORIDA COUNTY OF BREVARD HOLIDAY TRUST DATED NOVEMBER 12, 1989

Donald E. Foley, individually and a Trustee 200 Strawberri Lane Melbourne Beach, Florida 32951

STRAWBERRI TRUST DATED OCTOBER 7, 1993

Virginia T. Foley, individually and as Trustee 200 Strawberri Lane Melbourne Beach, Florida 32951

The foregoing instrument was acknowledged before me this June 23, 2003, by **Donald E.** Foley, individually and as Trustee of the Holiday Trust Dated November 12, 1989 and **Virginia T. Foley**, individually and as Trustee of the Strawberri Trust Dated October 7, 1993, who are personally known to me or \Box have produced as identification.

NOTARY PUBLIC Deborah Pisciotto My Commission CC948627 Expires June 25, 2004

PARCEL 12

Commencing at the Southwest corner of the East 1/2 of the Southeast 1/4 of Section 8, Township 27 South, Range 37 East, Brevard County, Florida; thence run N 02°15'20"E, along the West line of said East 1/2, a distance of 1647.85 feet to the POINT OF BEGINNING of the herein described parcel of land: thence run S 89°10'02" E a distance of 732.99 feet to a point on the West right-of-way line of Avocado Avenue, as now laid out and in use (80 feet total); thence run N 31°20'04"W, along said westerly right-of-way line a distance of 117.88 feet; thence run N 89°10'02"W, a distance of 211.18 feet; thence run N 02°15'20"E, a distance of 50.00 feet; thence run N 89°10'02"W a distance of 456.57 feet to a point on the West line of the East 1/2 of the Southeast 1/4 of said Section 8; thence run S 02°15'20"W along said West line a distance of 150.00 feet, to the POINT OF BEGINNING.

PARCEL 13

A portion of the South 100.0 feet of the North 800.0 feet of Government Lot 3, lying East of State Road A1A, Section 6, Township 30 South, Range 39 East, Brevard County, Florida, and being more particularly described as follows: From the intersection of the North line of above described parcel and the Easterly right of way of said A1A, a 100.0 foot right of way, as presently located, run S 89°04'30" E along the North line of above described parcel; a distance of 185.0 feet to the Point of Beginning of the herein described parcel; thence continue S 89°04'30 E a distance of 297 feet, more or less, to and into the waters of the Atlantic Ocean; thence run Southeasterly in the waters of said Atlantic Ocean a distance of 115 feet, more or less, to the South line of the North 800.0 feet of said Government Lot 3; thence run N 89°04'30" W a distance of 336.3 feet, more or less; thence run N 06°35'19" W distance of 100.87 feet to the Point of Beginning, together with a 20.0 feet ingress and egress easement over the following described parcel: A portion of the South 100.0 feet of the North 800.0 feet of Government Lot 3, lying East of State Road A1A, Section 6, Township 30 south, Range 39 East, Brevard County, Florida, and being more particularly described as follows: From the intersection of the North line of above described parcel and the Easterly right of way of said A1A. a 100.0 foot right of way, as presently located, said point also being the Point of Beginning of the herein described parcel; thence run S 89°04'30" E a distance of 185.0 feet; thence run S 06°35'49" E a distance of 100.87 feet; thence run N 89°04'30" W a distance of 145.0 feet to the Easterly right of way line of said State Road A1A: thence run N 27°05'25" W along said right of way a distance of 113.27 feet to the Point of Beginning. Containing 16,499.553 square feet, and 0.379 acres, more or less, and being subject to a 20.0 foot wide ingress and egress easement over the Northerly 20.0 feet thereof. Containing 22,565.45 square feet, 0.518 acres, more or less, and being subject to easements and rights of ways of record.

PARCEL 14 BERKIN VATCH 3

The West five acres of Lot 1, PIERCE MANGURIAN SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 43, Page 54, Public Records of Brevard County, Florida.





OR Book/Page: 4969 / 2618





\$10K ALLE



The Florida Senate 2012 Florida Statutes

<u>Title XII</u>	Chapter 171	SECTION 043
MUNICIPALITIES	LOCAL GOVERNMENT	Character of the area to be annexed.
	BOUNDARIES	
	Entire Chapter	

171.043 Character of the area to be annexed.— A municipal governing body may propose to annex an area only if it meets the general standards of subsection (1) and the requirements of either subsection (2) or subsection (3).

(1) The total area to be annexed must be contiguous to the municipality's boundaries at the time the annexation proceeding is begun and reasonably compact, and no part of the area shall be included within the boundary of another incorporated municipality.

(2) Part or all of the area to be annexed must be developed for urban purposes. An area developed for urban purposes is defined as any area which meets any one of the following standards:

(a) It has a total resident population equal to at least two persons for each acre of land included within its boundaries;

(b) It has a total resident population equal to at least one person for each acre of land included within its boundaries and is subdivided into lots and tracts so that at least 60 percent of the total number of lots and tracts are 1 acre or less in size; or

(c) It is so developed that at least 60 percent of the total number of lots and tracts in the area at the time of annexation are used for urban purposes, and it is subdivided into lots and tracts so that at least 60 percent of the total acreage, not counting the acreage used at the time of annexation for nonresidential urban purposes, consists of lots and tracts 5 acres or less in size.

(3) In addition to the area developed for urban purposes, a municipal governing body may include in the area to be annexed any area which does not meet the requirements of subsection (2) if such area either:

(a) Lies between the municipal boundary and an area developed for urban purposes, so that the area developed for urban purposes is either not adjacent to the municipal boundary or cannot be served by the municipality without extending services or water or sewer lines through such sparsely developed area; or

(b) Is adjacent, on at least 60 percent of its external boundary, to any combination of the municipal boundary and the boundary of an area or areas developed for urban purposes as defined in subsection (2).

The purpose of this subsection is to permit municipal governing bodies to extend corporate limits to include all nearby areas developed for urban purposes and, where necessary, to include areas which at the time of annexation are not yet developed for urban purposes whose future probable use is urban and which constitute necessary land connections between the municipality and areas developed for urban purposes or between two or more areas developed for urban purposes.

History.-s. 1, ch. 74-190; s. 2, ch. 76-176.

Disclaimer: The information on this system is unverified. The journals or printed bills of the respective chambers should be consulted for official purposes.

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COUNCIL MEETING

AGENDA ITEM NO:<u>12.b</u> Meeting Date: <u>December 5th 2022</u>

Prepared By: Richard W. Kohler., Town Clerk

SUBJECT: Approve Temporary Placement of a Travel Trailer While Constructing SFR at 2060 Howell Lane -Applicant: Mrs. Butler

BACKGROUND/HISTORY:

Malabar Land Development Code Article V, Section 1-5.15 (attached) allows Council to approve the *temporary residential occupancy* in a travel trailer on residential property *"while a new single family home is under construction."* The application requires a \$500.00 bond that is refundable once the home is completed and the trailer ceases to be used for residential use. If the home is not complete within six-months, the applicant may request one extension.

The Building Department handles the issuance of such a temporary permit once sanitation and temporary utility connections have been approved and established.

In RR-65 Zoning, residential occupancy in an RV is prohibited without issuance of a building permit for new home construction and active progress on the home.

The applicant, Mrs. Butler, has submitted all necessary applications for land development and construction of their new home and the building permit has been issued.

FINANCIAL IMPACT:

None - bond is returned once the Certificate of Occupancy is issued and the RV ceases to be used for residential occupancy.

ATTACHMENTS:

Application for Temporary Trailer Proof of Ownership Map of area showing location of Trailer Section 1-5-15 of Town Code

ACTION OPTIONS:

Approval the Temporary Placement of RV while SFR is constructed.



LOCATION AGREEMENT TEMPORARY LOCATION OF MOBILE HOME, CAMPER, ETC.

A <u>Mobile</u> Home may be placed on my property located at <u>AOGO</u> <u>Malabor</u> in Malabar, Florida, on a temporary basis, while my home is being built on that property. I agree that the mobile home shall be removed immediately after completion of construction, approximately six months from this date. I also agree to start action on construction of my residence on the property as soon as possible and be able to show completion or major progress at the end of the six-month period.

In the event the construction is not completed by that date, I will apply to the Town of Malabar for an extension of time. If no progress whatsoever is shown, the <u>Malabar</u> will be removed immediately, and I will forfeit the \$500.00 security bond.

Proof of Ownership

- Survey or Plot Plan showing location
- ✓ Description; means of septic hook-up, water and power
- Reason for mobile home on property SFR Under Construction
- Suilding Permit # 1601

<u>Signature:</u>	Debley Buther	

Date:

Date Accepted:

Town Clerk: Kich W. Mot

Signature:

Date: _

CFN 2020182529, OR BK 8834 Page 1433, Recorded 08/25/2020 at 10:40 AM Scott Ellis, Clerk of Courts, Brevard County Doc. D: \$1119.30

Prepared by: Peninsula Title Services, LLC 4888 Babcock Street NE Palm Bay, Florida 32905 File Number: 20-39920 Parcel ID Number: 29-37-01-00-32

Warranty Deed

Made this <u>1</u> day of August, 2020, A.D. By SUSAN BASKIN a single woman and DARLENE J. WINTER a single woman, hereinafter called the grantor, to DEBBY R. BUTLER, a single woman, whose address is: 760 August Street SE, Palm Bay, Florida 32909, hereinafter called the grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heurs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Brevard County, Florida, viz:

PARCEL 1:

The North 150.0 feet of the East 3/4 of the South 1/2 of the Southwest 1/4 of the Southwest 1/4 of the Northeast 1/4 of Section 1, Township 29 South, Range 37 East, Brevard County, Florida, less and except the East 30 feet for road right of way.

PARCEL 2:

East 3/4 of the South 1/2 of the Southwest 1/4 of the Southwest 1/4 of the Northeast 1/4 of Section 1, Township 29 South, Range 37 East, Brevard County, Florida, less the North 150.0 feet thereof and less the South 35 feet and the East 30 feet for road right of way.

Subject to restrictions, reservations and easements of record, governmental authority, if any and taxes for the year 2020 and subsequent years.

Said property is not the homestead of the Grantor(s) under the laws and constitution of the State of Florida in that neither Grantor(s) or any members of the household of Grantor(s) reside thereon.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances.

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered our presence:

FIRST WITN Printed Name

SECOND WI Printed Name_5

(Seal) SUSAN BASKIN

Address 4424 Whitsett Avenue #304, Studio City, California 91604

(Seal) DARLENE J. WINTE/R

Address 13600 Marina Point Drive Unit 1001, Marina Del Ray, California 90292

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of Callfornia)	
County of Los A	ngeles	_)	
on August Bid	before me,	Ale	do Aldana, Notary Public
Date	Sucar	2.	Here Insert Name and Title of the Officer
personally appeared	Jusan	pas	skin and
	\sum	-+	Name(s) of Signer(s)
	Darlene	<u>J. </u>	Winter

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal,

Signature, Signature of Notary Public

Place Notary Seal Above

OPTIONAL ·

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document	Deed
Document Date:	Number of Pages;
Signer(s) Other Than Named Above:	
Capacity(ies) Claimed by Signer(s) Signer's Name: Corporate Officer - Title(s): Partner - D Limited General Individual Attorney in Fact Trustee G Guardian or Conservator Other: Signer Is Begresenting:	Signer's Name: Corporate Officer — Title(s): Partner — [] Limited [] General Individuat [] Attorney in Fact Trustee [] Guardian or Conservator Cother: Signer is Representing:
Signer Is Representing:	Signer is Representing:

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Portion of Article V of the Malabar Land Development Code

Section 1-5.15. Parking, storage or use of major recreational equipment

Major recreational equipment is defined as including boats and boat trailers, pickup campers or coaches (designed to be mounted on an automotive vehicle), motorized dwellings, collapsible camping trailers or motorized dwellings, tent trailers and the like, and cases or boxes used for transporting recreational equipment whether occupied by such equipment or not.

1. No major recreational equipment shall be parked or stored in any residential front yard in any residential district for more than forty-eight (48) hours during loading or unloading.

2. No such major recreational equipment shall be used for living, sleeping, housekeeping, office, or commercial purposes when parked or stored on a residential lot, or in any location not approved for such use.

3. No such major recreational equipment shall be located within a public right-of-way.

4. If such equipment is a collapsible camping trailer, the trailer shall be stored in a collapsed state.

Mobile homes or other mobile equipment or structures used temporarily in connection with construction, used as a dwelling, office or sales room may be located temporarily in all districts only after the release of a building permit and during the period of construction activity, under a temporary zoning permit, provided however, said trailer must be removed within ten (10) days after completion of construction.