



# REGULAR TOWN COUNCIL MEETING

Monday, March 6, 2023 at 7:30 pm

1. CALL TO ORDER, PRAYER AND PLEDGE
2. ROLL CALL
3. APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES
4. PROCLAMATIONS/PRESENTATIONS

- a. Irish American Heritage Month

Exhibit: Agenda Report Number 4a

**Attachments:**

- **Agenda Report Number 4a** (Irish\_American\_Heritage\_Month\_2023.pdf)

- b. American Red Cross Month

Exhibit: Agenda Report Number 4b

**Attachments:**

- **Agenda Report Number 4b** (2023\_Red\_Cross\_proclamation.pdf)

5. CONSENT AGENDA

- a. Approve Minutes of 02/06/2023

Exhibit: Agenda Report Number 5a

**Attachments:**

- **Agenda Report Number 5a** (Agenda\_Report\_Number\_5a.pdf)

6. ATTORNEY REPORT

7. BCSO REPORT

8. BOARD / COMMITTEE REPORTS

- a. T&G Committee

- b. Park & Recreation Board

Exhibit: Agenda Report Number 8b

**Attachments:**

- **Agenda Report Number 8b** (Agenda\_Report\_Number\_8b.pdf)

- c. Planning & Zoning Board

Exhibit: Agenda Report Number 8c

**Attachments:**

- **Agenda Report Number 8c** (Agenda\_Report\_Number\_8c.pdf)

**9. STAFF REPORTS**

**a. Manager**

**b. Treasurer**

Exhibit: Agenda Report Number 9b

**Attachments:**

- **Agenda Report Number 9b** (Agenda\_Report\_Number\_9b.pdf)

**c. Special Projects Manager**

Exhibit: Agenda Report Number 9c

**Attachments:**

- **Agenda Report Number 9c** (Agenda\_Report\_Number\_9c.pdf)

**d. Fire Chief**

**e. Public Works Director**

Written Report

Exhibit: Agenda Report Number 9e

**Attachments:**

- **Agenda Report Number 9e** (Agenda\_Report\_Number\_9e.pdf)

**f. Clerk**

Exhibit: Agenda Report Number 9f

**Attachments:**

- **Agenda Report Number 9f** (Agenda\_Report\_Number\_9f.pdf)

**10. 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*

**11. PUBLIC HEARINGS / SPECIAL ORDERS**

**a. Vacate Correction Resolution 02-2023**

Exhibit: Agenda Report Number 11a

**Attachments:**

- **Agenda Report Number 11a** (Agenda\_Report\_Number\_11a.pdf)

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

(RECOMMENDATIONS FROM BOARDS, HOA REQUESTS, RESIDENT GRIEVANCES)

**13. ACTION ITEMS**

ORDINANCES: 0

RESOLUTIONS: 0

MISCELLANEOUS: 2

**a. Direction on Park Reservation Policy**

Exhibit: Agenda Report Number 13a

**Attachments:**

- **Agenda Report Number 13a** (Agenda\_Report\_Number\_13a.pdf)

**b. Organization Chart and Town Hall Expansion**

Exhibit: Agenda Report Number 13b

**Attachments:**

- **Agenda Report Number 13b** (Agenda\_Report\_Number\_13b.pdf)

COUNCIL CHAIR MAY EXCUSE ATTORNEY AT THIS TIME

**14. DISCUSSION/POSSIBLE ACTION**

**15. PUBLIC COMMENTS**

General Items (Speaker Card Required)

**16. REPORTS - MAYOR AND COUNCIL MEMBERS**

**17. ANNOUNCEMENTS**

(2) Vacancies on the Parks and Recreation Board, (1) Vacancy on the Planning and Zoning Board

**18. 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.

*Official*

## *Proclamation*

*Town of Malabar,*

*Florida*

### **Irish American Heritage Month**

**WHEREAS**, in March, when communities all across the country celebrate St. Patrick's Day, our Nation honors the rich heritage of the millions of Americans who trace their lineage to Ireland; and

**WHEREAS**, five signers of the Declaration of Independence were of Irish descent and three signers were Irish born; and

**WHEREAS**, Irish Americans helped to fashion system of government for our young Nation; and

**WHEREAS**, twenty-three Presidents have proudly proclaimed their Irish American heritage; and

**WHEREAS**, Irish born Commodore John Barry was recognized by the United States Congress in September of 2002 as the "First Flag Officer of the United States Navy", and

**WHEREAS**, in 1942, The Sullivan brothers made the ultimate sacrifice for democracy and freedom in the world and later had the Destroyer USS Sullivan Commissioned in their memory, and

**WHEREAS**, the Irish first came to Spanish "La Florida" in the 1500s – first as missionaries and mercenary soldiers and then as planers, traders, businessmen, doctors, and administrators; and

**WHEREAS**; three of the Spanish Governors of "La Florida" were actually Irish military officers, and

**WHEREAS**; FR. Richard Arthur, an Irish-born priest from Limerick who was appointed parish priest for St. Augustine in 1597 and ecclesiastical judge of "La Florida," established the first public school in America and opened it to both boys and girls of all races; and

**WHEREAS**, Irish American, since America's inception, have provided and continue to provide leadership and service to this nation's political, business and religious establishments; and

**WHEREAS**, it is fitting and proper to celebrate the rich cultural heritage and the many valuable contributions of the Irish Americans.

**NOW, THEREFORE**, be it resolved, by the Town Council of the Town of Malabar, that the month of March is proclaimed "IRISH AMERICAN HERITAGE MONTH"

**IN WITNESS WHEREOF**, I have hereunto set my hand this 6<sup>th</sup> day of March 2023, and of the Town of Malabar.

Town of Malabar Florida

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Patrick T. Reilly

Town of Malabar, Mayor

*ATTEST:*

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Richard Kohler

Town of Malabar, Town Clerk

*Official*

## *Proclamation*

*Town of Malabar,*

*Florida*

### **AMERICAN RED CROSS MONTH, 2023**

**WHEREAS**, during American Red Cross Month in March, we celebrate the humanitarian spirit of the Town of Malabar and reaffirm our commitment to help ensure no one faces a crisis alone.

**WHEREAS**, caring for one another is at the heart of our community and exemplified by the people of Malabar, whose simple acts of kindness through the Red Cross provide help and hope in people's most difficult moments — continuing the lifesaving legacy of Clara Barton, who founded the organization more than 140 years ago to prevent and alleviate human suffering.

**WHEREAS**, every day, these ordinary individuals lend a helping hand to make an extraordinary difference for neighbors in need — whether it's providing emergency shelter, food and comfort for families displaced by home fires and other disasters; donating lifesaving blood for cancer patients, accident victims, and people with sickle cell disease and other life-threatening conditions; supporting military members and veterans, along with their families and caregivers, through the unique challenges of service; using vital skills like first aid and CPR to help others survive medical emergencies; or delivering international humanitarian aid and reconnecting loved ones separated by crises around the world.

**WHEREAS**, their support, volunteerism and generous donations are critical to our community's resilience. We hereby recognize this month of March in honor of all those who fulfill Clara Barton's noble words, "You must never think of anything except the need and how to meet it," and ask everyone to join in this commitment.

**NOW, THEREFORE**, I, Patrick T. Reilly, Mayor of the Town of Malabar, by virtue of the authority vested in me by the laws of Brevard County and the State of Florida, do hereby proclaim March 2023 as Red Cross Month. I encourage all citizens of Malabar to reach out and support its humanitarian mission.

**IN WITNESS WHEREOF**, I have hereunto set my hand this 6<sup>th</sup> day of March 2023, and of the Town of Malabar.

Town of Malabar Florida

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Patrick T. Reilly  
Town of Malabar, Mayor

*ATTEST:*

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Richard Kohler/Town Clerk

# TOWN OF MALABAR

## Regular Town Council Meeting

**AGENDA ITEM NO: 5.a**  
**Meeting Date: March 6<sup>th</sup>, 2023**

Prepared By: Richard W. Kohler, Town Clerk

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**SUBJECT: Approve Minutes of the RTCM of 2/06/2023**

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**BACKGROUND/HISTORY:**

Summary of actions at Town Council Meetings

**ATTACHMENTS:**

- Draft Minutes of RTCM of 2/06/2023

**ACTION OPTIONS:**

Review

**MALABAR TOWN COUNCIL  
REGULAR MEETING MINUTES  
February 6<sup>th</sup>, 2023, 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 Acquaviva led P&P.

**2. ROLL CALL:**

|                           |                         |
|---------------------------|-------------------------|
| CHAIR:                    | MAYOR PATRICK T. REILLY |
| VICE CHAIR:               | DAVID SCARDINO          |
| COUNCIL MEMBERS:          | MARISA ACQUAVIVA        |
|                           | BRIAN VAIL              |
|                           | JIM CLEVINGER           |
|                           | MARY HOFMEISTER         |
| TOWN MANAGER:             | MATT STINNETT           |
| TOWN ATTORNEY:            | KARL BOHNE              |
| SPECIAL PROJECTS MANAGER: | LISA MORRELL            |
| TOWN CLERK:               | RICHARD KOHLER          |

- 3. APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES:** Mayor requests to delete Agenda Item Number 13.b, as Mr. Towne has withdrawn his application. All Ayes (5-0)

**4. CONSENT AGENDA:**

**4.a. Approve Minutes of 1/09/2023 RTCM**

**4.b. 2023 Holiday Schedule - Revision**

**MOTION:** CM Scardino/ CM Vail to approve Consent Agenda.

**Discussion:** Mayor Reilly noted an error on the first line of the minutes. Clerk confirmed it has been corrected.

**Vote:** All Ayes (5-0).

- 5. ATTORNEY REPORT:** Atty Bohne stated that the Faber property is up for sale. He will be attending the sale on behalf of the Town. There are about \$1500 in taxes, \$93000 in Code Enforcement, \$8000 in attorney fees, other assorted costs of about \$2000, totaling about \$104,000. Property is maybe worth \$50k. What does Council want him to do? He will start with a \$100 bid, but if there is competitive bidding, he needs to know the limit. CM Scardino asks what other bidders will do? Attorney states they will likely try to lowball it. The Town will be responsible for paying the dock stamps. BCPAO has the property listed at a \$25k value, market is about \$50k. CM Acquaviva states if the bid gets higher than us, the bid comes back to us. Attorney states yes. CM Scardino states he believes we should bid up to \$50k on it. Mayor states the Board of Adjustments has allowed people to build on these lots, and it is three times as large as many Palm Bay lots. CM Hofmeister asks TM Stinnett if we have the money for this? Attorney reminds her we don't pay for the property.

**MOTION:** CM Scardino/CM Vail move to authorize Attorney to bid up to \$35k on the Faber property.

**Vote:** All Ayes. (5-0)

- 6. BSCO REPORT:** None

**7. Board/Committee Reports:**

**7.a. T&G Committee – Chair Drew Thompson** requested to give a brief presentation on the SCTPO opportunities involved in the South Brevard Trails Master Plan. (Available upon request)

**7.b. Parks and Recreation Board** – Written Report.

**7.c. Planning and Zoning Board** – Written Report.

**8. STAFF REPORTS:**

**8.a. Town Manager – Matthew Stinnett** – TM Stinnett informed Council that there has been progress with FEMA on Rocky Point Road. There was a meeting last week, and a site meeting scheduled for tomorrow. Our engineering firm has produced some useful information for the project as well. The road assessment should be submitted to us by February 17<sup>th</sup>. The TAC meeting was mostly housekeeping. The new Public Works truck should be delivered in March. He also wanted to provide a thank you to PW Director Miliore for repairing the Briar Creek Blvd Bridge.

**8.b. Special Projects Manager – Lisa Morrell** – Written report included in agenda. Provided Council with a progress matrix on the ARPA projects. The Laserfische project has completed training. Parks bathroom roof has been completed. We have received the LifePack last week. Station toning at the FD is almost complete. The last remaining funds are major projects like the road assessment, stormwater, water service expansion and bathroom restoration. We are all allocated, but not all spent.

**8.c. Town Treasurer – Lisa Morrell** - Written report included in agenda. Mrs. Morrell states the budget is progressing nicely. The gas tax was considerably high, and we will keep an eye on it to see if it continues.

**8.d. Public Works Director** – Written Report included in agenda.

**8.e. Fire Chief – Mike Foley** – Written Report provided to Council.

**8.f. Town Clerk – Richard Kohler** – Written report included in agenda. Provided updated numbers in BTR portion, 14 paid a total of \$2,537.50. Also informed Council he has been elected as the President of the Brevard County City Clerk's Association (BCCCA).

**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.**

**Speaker:** None

**10. PUBLIC HEARINGS / SPECIAL ORDERS:**

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

**12. ACTION ITEMS:**

**ORDINANCES for FIRST READING: 0**

**RESOLUTIONS: 0**

**MISCELLANEOUS: 2**

**12.a. Allen Street ROW Maintenance.**

Chair asked TM Stinnett to introduce this item. TM Stinnett stated that this street is not currently on the accepted roads list, but we have done sporadic service to it in the past. It does not carry much traffic, but the stormwater issues are prevalent. He would like to see it added to the list for maintenance. The area is fully developed, so there will be no future road building. Mayor asks if this is a resident or staff request? TM states both. CM Acquaviva states she met with the homeowners in the area. We can't do a major project here but providing maintenance would assist the residents. CM Scardino states people sometimes get confused and that the water table changing can affect where the water stands. CM Vail states the area has been an issue for years, and there are existing systems in the area that can help the residents. The project would be done in house, and we wouldn't need any new equipment. CM Clevenger states after a good rain the road disappears. Mayor asks if the road is up to the Town's specifications? TM states no. CM Scardino suggests the residents should bear the responsibility. TM Stinnett states there is no future development, so the road will not be improved by a private citizen. CM Vail states we could classify it as an alleyway. CM Hofmeister suggests signing the road as one way. CM Vail states the road has been signed as closed and people



still use it. CM Clevenger states there is currently nowhere for the water to go, so we need a swale if the road is accepted or not.

**MOTION:** CM Vail/CM Acquaviva move to accept Allen Street as an approved road for ROW maintenance.

**Discussion:** Mayor asks if we have a cost to bring it to Town standards? TM states he does not, but he isn't planning a big project.

**Vote: All Ayes (5-0)**

#### **12.b. Cancel Second Meeting in February due to President's Day.**

**Discussion:** None

**MOTION:** CM Scardino/CM Acquaviva move to cancel the second meeting in February.

**Vote: All Ayes (5-0)**

### **13. DISCUSSION/POSSIBLE ACTION**

#### **13.a. Lett Lane Extension Encroachment Agreement**

Chair asked for staff comments. TM Stinnett gives a brief overview of the issue. An applicant has applied to extend Lett Lane. The application has passed through the review, and the Florida Gas Transmission provided us with an Encroachment Agreement, naming the Town liable for issues created by the builder. Attorney Bohne states that there are three easements across the Lett Lane ROW. As it stands today, the gas company would have to fix their issues and replace the road to the condition it was in. This agreement would change that. The Town would become the contracted party for the road improvement. The Gas Company will not work with residents, because it is our road. This also shifts the burden to all repair work done in the ROW to their equipment. How do we proceed? He suggests possibly bonding off the improvements, but that is a short-term solution. CM Scardino states they are out there digging now. CM Vail equates it to the Railroad. Attorney Bohne states it is similar. CM Acquaviva asks if the applicant has heard this news? TM states the permit is ready for release pending this agreement. CM Scardino states the liability is too high. Attorney states due to it being a contracted liability, our insurance may not cover it. Mayor asks if we can amend the agreement and make them a counteroffer. Attorney states he can, but it would be substantial changes and the gas company has no reason to agree to it. Mayor asks if we deny this are restricting someone's ability to access their property? Attorney states under normal situations, we should be able to proceed, but if the improvement effects their gas line, or the gas line is damaged, the Town would be liable. It seems to him that this is an opportunity to shift the burden of liability in that area. He states there is nothing to compel us to sign this. We may be able to just approve the permit. CM Acquaviva states the residents knew the gas line was there when they bought the property. Attorney states they can not stop us from improving the ROW. TM Stinnett states the resident shared their plans with the gas company on their own. Attorney states he will review the prior easements and inform us if he finds any changes. Our actions will not affect their utilities. CM Vail states typically the utility usually pays for the repair. CM Acquaviva states she is uncomfortable moving on this without further research. Mayor states the area is zoned CL, do we know what they are building? TM states they have not submitted plans. CM Vail states a potential alternative is to find another route to Babcock St. Attorney states he will research the easements and bring back alternative options.

**Chair excused the Attorney at this time.**

#### **13.b. Review of Treasurer Applicant, Mr. Towne.**

Removed from agenda due to Mr. Towne withdrawing his application.

#### **13.c. Extension of Special Projects Manager Morrell's Contract.**

Chair asked CM Scardino to introduce this item. CM Scardino states we should either get Ms. Morrell help or hire her firmly in the Treasurer's role. TM Stinnett states we have had a great challenge finding a qualified Treasurer. CM Vail proposes a part time position for the Treasurer, and an Assistant Town Manager. Lisa can accomplish all these duties, and the Town can benefit from her staying. With the current staff we have, they are well versed in the issues at hand and Ms. Morrell can take on the TM

position when Matt is unavailable. She can assist in IT, communications, and project management. This group is used to filling many roles. He believes it will keep together a good team. CM Acquaviva states staffing has been an issue. We separated the Clerk and Treasurer position, and promoted the Deputy Clerk to Town Clerk, and we have a Special Projects Manager. In the midst of this hunt for the Treasurer, the Clerk hired a Deputy. We gave 10% raises and have added several new positions. We are now talking about not having a Treasurer and keeping Ms. Morrell on in this position. The Deputy Clerk's position could have been more money for a Treasurer. CM Hofmeister states she came to Town Hall before the Holidays and was informed that there was a new hire. She was unhappy with that. The Mayor provided Council with a copy of the Organizational Chart, showing that only the Clerk, Treasurer, Town Manager and Attorney answer directly to Council. The rest of staff are hired by department heads to fill needs budgeted by Council. CM Hofmeister asked when is the probation period over for the Town Clerk, is it business or calendar days? She would like for there to be reviews from staff. She has heard from residents that Malabar have a lot of people on staff compared to Grant Valkaria. She believes staff acts independently without oversight. The Mayor states what she is describing sounds like micro managing. CM Vail states that protocol was followed for the hiring of the Deputy Clerk. Staff announced to Council that they were doing interviews, and that they had hired a Deputy. There was no direction given to staff beforehand to bring any hires forward for approval. Mayor states he agrees. CM Acquaviva states there is no micromanaging here. In the past, Ms. Franklin brought an applicant forward. Just because something is in the budget, it doesn't mean it's ready to spend. CM Vail states it was in the approved budget. CM Acquaviva states she would have appreciated a heads up. She feels there should be better communication. We created a Treasurer position in the Charter. She wants to help the Clerk and feels he has improved communication since she spoke to him. Do we want to hire a Treasurer?

**MOTION: CM Scardino/CM Vail moves to extend Lisa's contract, rewrite her job description, and discontinue the ads for Treasurer.**

**Discussion:** CM Hofmeister asks if this is something Ms. Morrell is interested in? Ms. Morrell states she will speak after Council discussion. CM Vail states he would like to not extend the contract but create a permanent position. CM Scardino agrees to amend his motion to include CM Vail's suggestion.

**AMENDED MOTION: CM Scardino/CM Vail move to create a permanent position for Ms. Morrell.**

CM Acquaviva states she disagrees with the overall actions. We doubled taxes to improve roads, and we are putting a large portion to salary. It is our decision, because it is the tax payers money. CM Vail states the increase is 100% for roads, and we are not spending the increased taxes on wages. CM Acquaviva states the Clerk is here to serve us, and she feels taken advantage of. CM Vail states there must have been a lack of communication both ways. We should have let staff know if we wanted to review this hire. CM Hofmeister states SPM Morrell emailed Council every applicant that applied for the Treasurer position. CM Vail states that happened because the Treasurer reports to and is hired by Council, and a Deputy Clerk does not. CM Acquaviva states the Clerk was still under probation when this hire was completed. CM Hofmeister asks if any of Council saw the resumes of the applicants? CM Vail states they did not, nor should they have.

Mayor Reilly reminded Council there is a motion on the floor. CM Acquaviva and CM Hofmeister requested to hear from SPM Morrell. SPM Morrell states she wanted to hear from Council about what they would like the position to be. She would like to know so that she can plan her future. She states she does not love finance, but she would do the position. She would suggest that Council talk to the Town Manager. CM Vail states we have seen a huge improvement in IT and communications, CM Scardino adds economic development. SPM Morrell states it has been a pleasure to serve here, she is happy to continue to serve, but needs to know if the position would fulfil her passion. She states her passion is to work with all departments across the Town and making improvements. She would like to see a prioritized list from Council to see if it fits her needs. CM Scardino states we can offer her position and still negotiate her duties. TM Stinnett suggests Council give direction for Staff to create a job proposal. He would like input from Council on this.

**AMENDED MOTION: CM Scardino/CM Vail moves to research a job description and title to fit the needs of the Town.** CM Acquaviva states she wants to know where Ms. Morrell is in her projects.

CM Vail states she reported her progress today. CM Acquaviva states she was talking about the non-ARPA projects and feel disrespected with the lack of communication.

**Vote: (5-0)**

**13.d. Assistance in Treasurer's office.**

Agenda item discussed above.

**13.e. Town Clerk Communication.**

Chair asked CM Acquaviva to introduce the item. CM Acquaviva states she did discuss this with Staff when the issue came up. We previously split the Treasurer and Clerk position. She understands the Clerk could hire a Deputy but would have appreciated a heads up. She also feels Town Hall was understaffed over the holiday. She feels butts in seats are an important part of the job and would like to see better attendance. She also does not think that a Deputy Clerk should not have been hired before a Treasurer. She states she feels misled, as this agenda had a treasurer applicant, and an item to make Ms. Morrell the Treasurer; did we ever intend to interview the applicant? Clerk Kohler explains that agenda items 13.c and 13.d were requested by CM Scardino after the last meeting. After that request, Mr. Towne submitted his application. Both were placed on the agenda to comply with Council requests. CM Hofmeister asks if the Treasurer position is still posted. SPM Morrell states it will remain posted until it is filled, or Council directs us to remove it. CM Hofmeister reiterates that keeping an open line of communication is key. CM Acquaviva states communication goes both ways. Feel free to text or call her with any updates, as she isn't always around her computer. CM Scardino states he regularly comes to Town Hall and asks staff what is going on, and suggests everyone do the same. CM Acquaviva and Hofmeister state they come to Town Hall regularly.

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

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

**CM Acquaviva:** Congratulated CM Hofmeister for running a Marathon yesterday! She also wanted to state she believes we all work well together.

**CM Vail:** None

**CM Clevenger:** None

**CM Hofmeister:** None

**CM Scardino:** None

**Mayor Reilly:** None

**14. ANNOUNCEMENTS:** (1) Vacancy on the Planning & Zoning Board; (2) 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 9:20 P.M.

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

ATTEST:

\_\_\_\_\_  
Richard Kohler  
Town Clerk

Date Approved: \_\_\_\_\_

# TOWN OF MALABAR

## REGULAR TOWN COUNCIL MEETING

**AGENDA ITEM NO: 8.b**  
**Meeting Date: March 6, 2023**

**Prepared By: Richard W. Kohler, Town Clerk**

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**SUBJECT: Parks and Recreation Board Update**

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### **BACKGROUND/HISTORY:**

The Parks and Recreation Board suggested using the funds gained through the return of Fern Creek Park to purchase a Pavilion for Eschenberg Park, replacing a 40 foot long foot bridge in the Disc Golf Sanctuary, and Plant/Wildlife identification signs. Staff is working on a proposal to present them at their next meeting.

There are currently 2 alternate positions open on the Board.

### **ATTACHMENTS:**

None

### **ACTION:**

None

# TOWN OF MALABAR

## REGULAR TOWN COUNCIL MEETING

**AGENDA ITEM NO: 8.C**  
Meeting Date: March 6, 2023

Prepared By: Richard W. Kohler, Town Clerk

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**SUBJECT: Planning and Zoning Board Update**

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### **BACKGROUND/HISTORY:**

Planning and Zoning Board Chair Wayne Abare provided Staff with the following report for the month of January 2023:

“The January P&Z meetings were focus on adding Limited Manufacturing Activities and Limited Manufacturing Services to our **LAND DEVELOPMENT CODE SECTION 1-2.6 LAND CLASSIFICATIONS. Permitted (P) will be limited to CG and Conditional (C) to CL and RLC. See brief summary below:**

**Limited Manufacturing Activities.** This land use classification is intended to accommodate small, limited item shops with limited inventory serving a specialized market with customized service demand-and which are to be conducted in a fully enclosed building.

**Limited Manufacturing Services,** Services such as Customer & Call Support; Low Impact Machinery &/or Electronic Device Repair.

*Our final review was held on February 8th. P&Z board unanimously agreed on the latest revisions and a Motion was made and passed to send on to Malabar Staff for final review and then on to Council for approval.*

Wayne Abare P&Z Chairman.”

### **ATTACHMENTS:**

None

### **ACTION:**

None

# TOWN OF MALABAR

## COUNCIL MEETING

**Treasurer Staff Report**  
**Meeting Date: March 6, 2023**

**Prepared By: Lisa Morrell, Special Projects Manager**

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**SUBJECT: Treasurer Monthly Financial Report – February 28, 2023**

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The Treasurer report provides a monthly financial report through February 28, 2023, unaudited, completing four months, or 33%, of the fiscal year.

Revenue generated for the period totaled: \$ 2,170,438.

- General Fund: \$ 1,940,737
- Building Fund (322.1000): \$109,958 or 58% collection of the fiscal budget.
- Land Use Permits (329.5000): \$7835 or 98% collection of the fiscal budget.
- Storm water Fund (363.1000): \$111,908 or 85% collection of the fiscal budget.

A sub revenue account was created to track the Tree Protection, Beautification Trust Fund (329.5010) per the Town's code for revenues associated with land clearing and tree removal permits applications. These fees were previously allocated to Land Use permitting (329-5000).

Notable Revenue Trends:

- Ad Valorem Taxes – Monthly allocation trending downward with December as the peak collection period.
- Local Option Gas Tax: allocation normalized from last month's communication.
- Special Event Revenue: park usage trending upward with reservations.
- Paving Assessment: no payments from recorded property liens fiscal year to date.

Departmental Expenses for the reporting period totaled, \$1,269,543.

Notable expenses:

- Litigation Expenses (514.3100), \$56,318 expended, or 98% of the fiscal year budget. A future budget amendment to increase the funding for continued legal services for the current fiscal year.
- Other Employee Benefits (519.2330), \$28,665, 114% utilization represent payment of accrual balances upon employment separation. A budget amendment increasing this line may be necessary; staff has identified personnel savings within the current budget to reallocate with a year end budget amendment.

The current financial outlook for the fiscal year to date period, October 1, 2022 to February 28, 2023, representing 33% of the fiscal year, is stable. During this period the revenue accounts have an aggregate collection rate of 31% while total department expenses have an aggregate of 18% expended in this period. An unaudited net balance closes the period with \$900,895.00 unexpended.

Attachment(s):

Budget to Actuals: FY23 (UNAUDITED) October 1, 2022 - March 1, 2023.PDF  
Florida Power and Light 2023 Bill Projection



# Town of Malabar

Budget to Actuals: FY23 (UNAUDITED)

October 1, 2022 - March 1, 2023

|   | TOTAL        |              |               |             |
|---|--------------|--------------|---------------|-------------|
|   | ACTUAL       | BUDGET       | OVER BUDGET   | % OF BUDGET |
| <b>Income</b>   |              |              |               |             |
| 47900 Revenue   |              |              |               |             |
| 001-311.1000 Ad Valorem Taxes                                 | 1,354,057.23 | 1,484,127.00 | -130,069.77   | 91.24 %     |
| 001-312.4100 Local Option Gas Tax                             | 46,346.82    | 99,500.00    | -53,153.18    | 46.58 %     |
| 001-314.1000 Utility Tax - Electricity                        | 149,032.82   | 330,000.00   | -180,967.18   | 45.16 %     |
| 001-314.4000 Utility Tax - Gas                                | 6,236.06     | 14,000.00    | -7,763.94     | 44.54 %     |
| 001-315.1000 Communications Service Tax                       | 56,369.77    | 107,457.00   | -51,087.23    | 52.46 %     |
| 001-316.1000 BTR - Malabar                                    | 18,488.00    | 20,000.00    | -1,512.00     | 92.44 %     |
| 001-322.1000 Building Permits                                 | 109,988.29   | 190,000.00   | -80,011.71    | 57.89 %     |
| 001-323.1000 Electric - Franchise Fee                         | 111,410.11   | 240,000.00   | -128,589.89   | 46.42 %     |
| 001-323.3000 Water - Franchise Fee                            | 3,243.80     | 6,900.00     | -3,656.20     | 47.01 %     |
| 001-323.7000 Solid Waste - Franchise Fee                      | 15,045.05    | 37,000.00    | -21,954.95    | 40.66 %     |
| 001-329.5000 - OPSA Land Use                                  | 7,010.00     | 8,000.00     | -990.00       | 87.63 %     |
| 001-329.5010 - Beautification Trust Fund                      | 795.00       |              | 795.00        |             |
| 001-331.5100 SLFRF Allotment                                  | 1,928.61     |              | 1,928.61      |             |
| 001-335.1250 State Revenue Sharing                            | 46,004.22    | 95,865.00    | -49,860.78    | 47.99 %     |
| 001-335.1400 State Mobile Home Tax                            | 1,737.87     | 3,000.00     | -1,262.13     | 57.93 %     |
| 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             | 89,925.42    | 191,837.00   | -101,911.58   | 46.88 %     |
| 001-335.2100 State FF Education Supplemental Payment          |              | 4,800.00     | -4,800.00     |             |
| 001-335.4900 Other General Gov't - Traffic Signal Maintenance | 8,067.51     | 5,500.00     | 2,567.51      | 146.68 %    |
| 001-338.2000 BTR - Brevard County                             | 517.50       | 1,100.00     | -582.50       | 47.05 %     |
| 001-349.2000 Cell Tower Lease (deleted)                       | 0.00         |              | 0.00          |             |
| 001-349.5000 Special Event Revenue                            | 2,405.00     | 3,000.00     | -595.00       | 80.17 %     |
| 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                           | 100.00       | 300.00       | -200.00       | 33.33 %     |
| 001-349.9000 Lien Searches                                    | 1,200.00     | 6,000.00     | -4,800.00     | 20.00 %     |
| 001-351.5000 Fines/Forfeiture                                 | 348.18       | 500.00       | -151.82       | 69.64 %     |
| 001-361.1000 Interest   | 43.03        | 3,000.00     | -2,956.97     | 1.43 %      |
| 001-361.1010 Cell Tower Lease Interest Only                   | 4,611.63     | 10,885.00    | -6,273.37     | 42.37 %     |
| 001-363.1000 SW Assessment                                    | 111,907.96   | 132,001.00   | -20,093.04    | 84.78 %     |
| 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                                  | 100.00       | 1,000.00     | -900.00       | 10.00 %     |
| 001-369.3000 Insurance Refund - FMIT                          | 0.00         | 1,500.00     | -1,500.00     | 0.00 %      |
| 001-369.9000 Misc. Revenues                                   | 672.92       | 300.00       | 372.92        | 224.31 %    |
| 001-383.1000 Cell Tower Lease Principal Only                  | 7,463.37     | 18,095.00    | -10,631.63    | 41.25 %     |
| 001-389.3000 VFA State Grant                                  |              | 11,294.00    | -11,294.00    |             |
| 001-389.5000 Debt Proceeds                                    | 15,382.00    | 2,107,000.00 | -2,091,618.00 | 0.73 %      |
| 001-389.9000 Parks Rec Funds                                  |              | 45,160.00    | -45,160.00    |             |

|  | TOTAL                 |                       |                         |                |
|--|-----------------------|-----------------------|-------------------------|----------------|
|  | ACTUAL                | BUDGET                | OVER BUDGET             | % OF BUDGET    |
| 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             |                |
| 001-389.9560 SLFRF Restricted Funding          |                       | 1,462,004.00          | -1,462,004.00           |                |
| <b>Total 47900 Revenue</b>                     | <b>2,170,438.17</b>   | <b>6,968,625.00</b>   | <b>-4,798,186.83</b>    | <b>31.15 %</b> |
| <b>Total Income</b>                            | <b>\$2,170,438.17</b> | <b>\$6,968,625.00</b> | <b>\$ -4,798,186.83</b> | <b>31.15 %</b> |
| <b>GROSS PROFIT</b>                            | <b>\$2,170,438.17</b> | <b>\$6,968,625.00</b> | <b>\$ -4,798,186.83</b> | <b>31.15 %</b> |
| Expenses                                       |                       |                       |                         |                |
| B Legislative                                  |                       |                       |                         |                |
| 001-511.110 Spec Projs Mgr                     | 30,771.20             |                       | 30,771.20               |                |
| 001-511.1100 Spec. Projects Mgr                | -5,339.76             | 50,000.00             | -55,339.76              | -10.68 %       |
| 001-511.2100 FICA taxes                        | 2,059.73              | 3,825.00              | -1,765.27               | 53.85 %        |
| 001-511.2200 FRS                               | 3,206.80              | 5,955.00              | -2,748.20               | 53.85 %        |
| 001-511.2300 Employee Benefits                 | 7,358.69              | 16,919.00             | -9,560.31               | 43.49 %        |
| 001-511.3400 Contract Svcs - SC                | 2,983.08              | 14,600.00             | -11,616.92              | 20.43 %        |
| 001-511.4000 Mayor Travel                      | 1,350.99              | 1,500.00              | -149.01                 | 90.07 %        |
| 001-511.4010 Council Travel                    |                       | 3,500.00              | -3,500.00               |                |
| 001-511.4100 Postage & PR                      | 427.63                | 1,000.00              | -572.37                 | 42.76 %        |
| 001-511.5200 Operating Supplies                | 118.50                | 1,500.00              | -1,381.50               | 7.90 %         |
| <b>Total B Legislative</b>                     | <b>42,936.86</b>      | <b>98,799.00</b>      | <b>-55,862.14</b>       | <b>43.46 %</b> |
| C Executive                                    |                       |                       |                         |                |
| 001-512.1100 Executive TM                      | 35,572.40             | 86,000.00             | -50,427.60              | 41.36 %        |
| 001-512.2100 FICA Taxes                        | 2,645.36              | 6,855.00              | -4,209.64               | 38.59 %        |
| 001-512.2200 Retire. Cont.-FRS                 | 10,916.90             | 27,150.00             | -16,233.10              | 40.21 %        |
| 001-512.4000 Travel Per Diem                   | 358.00                | 3,600.00              | -3,242.00               | 9.94 %         |
| <b>Total C Executive</b>                       | <b>49,492.66</b>      | <b>123,605.00</b>     | <b>-74,112.34</b>       | <b>40.04 %</b> |
| D Finance & Administration                     |                       |                       |                         |                |
| 001-513.1100 Clerk                             | 21,799.78             | 55,000.00             | -33,200.22              | 39.64 %        |
| 001-513.1100 Clerk/Treasurer                   | 849.84                |                       | 849.84                  |                |
| 001-513.1110 Treasurer                         |                       | 65,000.00             | -65,000.00              |                |
| 001-513.1200 Dep Clerk/Treasurer(10/17/22)     |                       | 34,900.00             | -34,900.00              |                |
| 001-513.1200 Dep Clerk/Tresurer                | 4,235.10              |                       | 4,235.10                |                |
| 001-513.1400 Overtime                          |                       | 1,000.00              | -1,000.00               |                |
| 001-513.2100 FICA Taxes                        | 2,020.96              | 11,926.00             | -9,905.04               | 16.95 %        |
| 001-513.2200 Retire. Contr. FRS                | 7,714.54              | 29,381.00             | -21,666.46              | 26.26 %        |
| 001-513.3100 Election Expense                  | 345.15                | 350.00                | -4.85                   | 98.61 %        |
| 001-513.3210 Auditing                          | 3,000.00              | 22,000.00             | -19,000.00              | 13.64 %        |
| 001-513.4000 Travel Per Diem                   | 15.00                 |                       | 15.00                   |                |
| 001-513.4900 Other Curr. Ob                    | 3,002.39              | 7,000.00              | -3,997.61               | 42.89 %        |
| 001-513.6400 Machinery & Equip                 | 16,050.00             | 51,000.00             | -34,950.00              | 31.47 %        |
| <b>Total D Finance &amp; Administration</b>    | <b>59,032.76</b>      | <b>277,557.00</b>     | <b>-218,524.24</b>      | <b>21.27 %</b> |
| E Legal  |                       |                       |                         |                |
| 001-514.3100 Prof. Services                    | 56,317.61             | 60,000.00             | -3,682.39               | 93.86 %        |
| <b>Total E Legal</b>                           | <b>56,317.61</b>      | <b>60,000.00</b>      | <b>-3,682.39</b>        | <b>93.86 %</b> |
| F Comprehensive Planning                       |                       |                       |                         |                |
| 001-515.3100 Prof. Services                    |                       | 1,500.00              | -1,500.00               |                |
| <b>Total F Comprehensive Planning</b>          |                       | <b>1,500.00</b>       | <b>-1,500.00</b>        |                |



|   | TOTAL             |                   |                    |                |
|---|-------------------|-------------------|--------------------|----------------|
|   | ACTUAL            | BUDGET            | OVER BUDGET        | % OF BUDGET    |
| <b>G General Government</b>                           |                   |                   |                    |                |
| 001-519.2300 Employee Benefits                        | 59,705.08         | 169,580.00        | -109,874.92        | 35.21 %        |
| 001-519.2330 OEB Liabilities                          | 28,665.39         | 25,194.00         | 3,471.39           | 113.78 %       |
| 001-519.2400 Worker's Compensation                    | 21,059.07         | 42,980.00         | -21,920.93         | 49.00 %        |
| 001-519.2410 AD&D and FFCD Premium                    | 825.00            | 950.00            | -125.00            | 86.84 %        |
| 001-519.3400 Contractual Svs - Pest Control           | 1,349.25          | 3,000.00          | -1,650.75          | 44.98 %        |
| 001-519.3420 Contractual Svs - IT/Web                 | 12,295.48         | 16,000.00         | -3,704.52          | 76.85 %        |
| 001-519.3440 Contractual Svs - Engineering            | 262.50            | 10,000.00         | -9,737.50          | 2.63 %         |
| 001-519.3460 Contractual Svs - Cleaning               | 1,916.00          | 4,620.00          | -2,704.00          | 41.47 %        |
| 001-519.4000 Travel, Train, Per Diem                  | 289.00            | 5,000.00          | -4,711.00          | 5.78 %         |
| 001-519.4100 Comm & Freight-Tele/ISP                  | 3,426.71          | 12,650.00         | -9,223.29          | 27.09 %        |
| 001-519.4300 Utilities-Electric                       | 5,871.67          | 14,000.00         | -8,128.33          | 41.94 %        |
| 001-519.4400 Rentals & Leases                         | 5,221.42          | 12,700.00         | -7,478.58          | 41.11 %        |
| 001-519.4500 Insurance- Property Liability            | 23,463.77         | 56,077.00         | -32,613.23         | 41.84 %        |
| 001-519.4600 Repairs & Mtnc                           | 249.96            | 10,000.00         | -9,750.04          | 2.50 %         |
| 001-519.4900 Other Current Charges & Obligation       | 1,934.58          | 5,000.00          | -3,065.42          | 38.69 %        |
| 001-519.4920 Contingency                              |                   | 7,674.00          | -7,674.00          |                |
| 001-519.5200 Operating Supplies                       | 3,292.88          | 9,000.00          | -5,707.12          | 36.59 %        |
| 001-519.5400 Memberships/Subscriptions                | 300.00            | 1,000.00          | -700.00            | 30.00 %        |
| <b>Total G General Government</b>                     | <b>170,127.76</b> | <b>405,425.00</b> | <b>-235,297.24</b> | <b>41.96 %</b> |
| <b>H Fire Control</b>                                 |                   |                   |                    |                |
| 001-522.1100 Executive - Fire Chief                   | 14,115.04         | 53,251.00         | -39,135.96         | 26.51 %        |
| 001-522.1200 Regular Salaries                         | 123,258.98        | 277,023.00        | -153,764.02        | 44.49 %        |
| 001-522.1300 Holiday Pay                              | 3,952.13          | 9,000.00          | -5,047.87          | 43.91 %        |
| 001-522.1400 Overtime Pay                             | 1,712.02          | 6,000.00          | -4,287.98          | 28.53 %        |
| 001-522.1500 Special Pay - Vol. FF                    | 2,014.00          | 4,000.00          | -1,986.00          | 50.35 %        |
| 001-522.2100 FICA Taxes                               | 10,756.36         | 25,353.00         | -14,596.64         | 42.43 %        |
| 001-522.2200 Retirement Contribution - FRS            | 39,596.07         | 96,090.00         | -56,493.93         | 41.21 %        |
| 001-522.3100 Contractual Svs - Med Director & Testing | 7,700.00          | 12,500.00         | -4,800.00          | 61.60 %        |
| 001-522.3420 Contractual Svs - IT/Web                 | 2,726.90          | 8,000.00          | -5,273.10          | 34.09 %        |
| 001-522.3440 Training MVFD Members                    | 30.00             | 3,000.00          | -2,970.00          | 1.00 %         |
| 001-522.3470 Contractual Svs - ILA 800 MHz            |                   | 7,000.00          | -7,000.00          |                |
| 001-522.3490 Contractual Svs - ILA BCFR Dispatch      |                   | 9,500.00          | -9,500.00          |                |
| 001-522.4600 Repairs/Maintainence                     | 4,991.60          | 20,000.00         | -15,008.40         | 24.96 %        |
| 001-522.4620 Repairs & Mtnc Radio                     | 613.99            | 1,500.00          | -886.01            | 40.93 %        |
| 001-522.4800 Promotion Activity                       | 145.00            |                   | 145.00             |                |
| 001-522.5200 Operating Expenses - Fuel                | 2,980.38          | 12,000.00         | -9,019.62          | 24.84 %        |
| 001-522.5210 Operating Expenses                       | 6,042.63          | 12,000.00         | -5,957.37          | 50.36 %        |
| 001-522.5400 Book/Pub/Subsc/Memberships               | 400.00            | 600.00            | -200.00            | 66.67 %        |
| 001-522.6300 Lease Purchase E99                       | 49,696.00         | 49,696.00         | 0.00               | 100.00 %       |
| 001-522.6400 Machinery & Equipment                    |                   | 150,000.00        | -150,000.00        |                |
| 001-522.8300 Grants                                   |                   | 22,589.00         | -22,589.00         |                |
| <b>Total H Fire Control</b>                           | <b>270,731.10</b> | <b>779,102.00</b> | <b>-508,370.90</b> | <b>34.75 %</b> |
| <b>I Protective Inspections</b>                       |                   |                   |                    |                |
| 001-524.1200 Regular Salaries                         | 18,784.48         | 47,586.00         | -28,801.52         | 39.47 %        |
| 001-524.1210 Permitting Clerk -P/T                    | 3,846.91          | 11,000.00         | -7,153.09          | 34.97 %        |
| 001-524.1400 Overtime                                 | 214.50            | 1,500.00          | -1,285.50          | 14.30 %        |
| 001-524.2100 FICA Taxes                               | 1,381.89          | 4,597.00          | -3,215.11          | 30.06 %        |
| 001-524.2200 Retirement Contribution - FRS            | 1,416.25          | 7,156.00          | -5,739.75          | 19.79 %        |

|   | TOTAL             |                     |                      |                |
|---|-------------------|---------------------|----------------------|----------------|
|   | ACTUAL            | BUDGET              | OVER BUDGET          | % OF BUDGET    |
| 001-524.2300 Employee Benefits                            | 3,678.42          | 9,332.00            | -5,653.58            | 39.42 %        |
| 001-524.2400 Workers Compensation                         | 3,008.44          | 5,155.00            | -2,146.56            | 58.36 %        |
| 001-524.3100 Professional Svs - Engineering               | 3,060.00          | 12,000.00           | -8,940.00            | 25.50 %        |
| 001-524.3110 Professional Svs - Planner                   |                   | 2,000.00            | -2,000.00            |                |
| 001-524.3120 Professional Svs - Legal                     | 367.50            | 5,000.00            | -4,632.50            | 7.35 %         |
| 001-524.3400 Contractual Svs - Pest Control               | 182.25            | 450.00              | -267.75              | 40.50 %        |
| 001-524.3420 Contractual Svs - IT/Web                     | 4,758.47          | 8,500.00            | -3,741.53            | 55.98 %        |
| 001-524.3440 Contractual Svs - Bldg Official, Plan Review | 16,532.72         | 95,000.00           | -78,467.28           | 17.40 %        |
| 001-524.3460 Contractual Svs - Cleaning                   | 224.00            | 960.00              | -736.00              | 23.33 %        |
| 001-524.4100 Communications & Freight, Phone              | 1,000.20          | 3,000.00            | -1,999.80            | 33.34 %        |
| 001-524.4300 Utilities Electric                           | 396.10            | 1,300.00            | -903.90              | 30.47 %        |
| 001-524.4400 Rentals & Leases                             | 2,223.61          | 4,000.00            | -1,776.39            | 55.59 %        |
| 001-524.4500 Insurance - Property Liability               | 3,409.05          | 6,854.00            | -3,444.95            | 49.74 %        |
| 001-524.4900 Other Current Charges & Obligations          | 1,482.05          | 5,000.00            | -3,517.95            | 29.64 %        |
| 001-524.5200 Operating Expenses                           | 525.04            | 1,500.00            | -974.96              | 35.00 %        |
| 001-524.6400 Machinery & Equipment                        |                   | 2,500.00            | -2,500.00            |                |
| <b>Total I Protective Inspections</b>                     | <b>66,491.88</b>  | <b>234,390.00</b>   | <b>-167,898.12</b>   | <b>28.37 %</b> |
| J Emergency/ Disaster Relief                              |                   |                     |                      |                |
| 001-525-3010 Disaster Debris                              | 3,447.63          |                     | 3,447.63             |                |
| 001-525.1100 Special Projects Manager                     | 14,039.36         | 50,000.00           | -35,960.64           | 28.08 %        |
| 001-525.2100 FICA   | 1,029.88          | 3,825.00            | -2,795.12            | 26.92 %        |
| 001-525.2200 Retirement Contribution - FRS                | 1,374.30          | 5,955.00            | -4,580.70            | 23.08 %        |
| 001-525.2300 Employee Benefits                            | 7,358.62          | 16,919.00           | -9,560.38            | 43.49 %        |
| 001-525.3020 American Relief Plan Act/SLFRF               | 166,053.38        | 1,385,304.00        | -1,219,250.62        | 11.99 %        |
| <b>Total J Emergency/ Disaster Relief</b>                 | <b>193,303.17</b> | <b>1,462,003.00</b> | <b>-1,268,699.83</b> | <b>13.22 %</b> |
| K Flood Control   |                   |                     |                      |                |
| 001-538.3100 Contractual Svs - Engineering/Design         | 4,168.50          | 30,000.00           | -25,831.50           | 13.90 %        |
| 001-538.3110 Contractual Svs - ROW Culvert                | 1,300.00          | 20,000.00           | -18,700.00           | 6.50 %         |
| 001-538.3400 ILA Administrative Program                   | 631.44            | 11,000.00           | -10,368.56           | 5.74 %         |
| 001-538.4900 - SW Projects                                | 2,615.98          | 57,440.00           | -54,824.02           | 4.55 %         |
| 001-538.6300 Infrastructure Projects                      | 6,273.76          |                     | 6,273.76             |                |
| 001-538.6400 Machinery/Equipment                          | 168,968.88        | 167,344.00          | 1,624.88             | 100.97 %       |
| 001-538.7100 SRF Loan Payment                             |                   | 10,340.00           | -10,340.00           |                |
| <b>Total K Flood Control</b>                              | <b>183,958.56</b> | <b>296,124.00</b>   | <b>-112,165.44</b>   | <b>62.12 %</b> |
| M Streets & Roads   |                   |                     |                      |                |
| 001-541.1100 PW Director                                  | 22,651.76         | 57,182.00           | -34,530.24           | 39.61 %        |
| 001-541.1200 Reg Sal & Wages                              | 23,843.71         | 116,729.00          | -92,885.29           | 20.43 %        |
| 001-541.1400 Overtime                                     | 2,466.42          | 8,000.00            | -5,533.58            | 30.83 %        |
| 001-541.2100 FICA Taxes                                   | 3,567.66          | 13,916.00           | -10,348.34           | 25.64 %        |
| 001-541.2200 Retirement Contributions - FRS               | 4,691.46          | 21,666.00           | -16,974.54           | 21.65 %        |
| 001-541.4000 Travel, Training, Per Diem                   |                   | 500.00              | -500.00              |                |
| 001-541.4300 Electric - Street Lights & Signals           | 3,568.23          | 11,000.00           | -7,431.77            | 32.44 %        |
| 001-541.4600 Repair & Mtnce - Vehicles                    | 4,029.11          | 35,000.00           | -30,970.89           | 11.51 %        |
| 001-541.4610 Repair & Mtnce - Roads                       | 5,912.18          | 50,000.00           | -44,087.82           | 11.82 %        |
| 001-541.4650 Repair & Mtnce RR Signal                     | 3,934.00          | 3,600.00            | 334.00               | 109.28 %       |
| 001-541.4900 Other Charges & Obligations                  | 25.00             | 1,000.00            | -975.00              | 2.50 %         |
| 001-541.5200 Operating Supplies - Fuel                    | 3,163.53          | 25,000.00           | -21,836.47           | 12.65 %        |
| 001-541.5210 Operating Supplies                           | 1,302.63          | 7,000.00            | -5,697.37            | 18.61 %        |
| 001-541.6300 TIFT Projects                                |                   | 50,000.00           | -50,000.00           |                |

|  | TOTAL                 |                       |                         |                |
|--|-----------------------|-----------------------|-------------------------|----------------|
|  | ACTUAL                | BUDGET                | OVER BUDGET             | % OF BUDGET    |
| 001-541.6400 Machinery & Equipment       | 37,074.21             | 37,075.00             | -0.79                   | 100.00 %       |
| 001-541.6410 Replacement Equipment       | 48,515.00             | 45,300.00             | 3,215.00                | 107.10 %       |
| 001-541.6420 CIP Road Paving             |                       | 2,650,292.00          | -2,650,292.00           |                |
| <b>Total M Streets &amp; Roads</b>       | <b>164,744.90</b>     | <b>3,133,260.00</b>   | <b>-2,968,515.10</b>    | <b>5.26 %</b>  |
| N Parks & Recreation                     |                       |                       |                         |                |
| 001-572.4400 Rentals & Leases            | 800.00                | 2,600.00              | -1,800.00               | 30.77 %        |
| 001-572.4600 Repairs & Mtnc              | 2,500.01              | 15,000.00             | -12,499.99              | 16.67 %        |
| 001-572.4900 Other Charges & Obligations |                       | 600.00                | -600.00                 |                |
| 001-572.4930 Trails & Greenways          |                       | 10,000.00             | -10,000.00              |                |
| 001-572.6400 Machinery & Equipment       | 8,320.00              | 20,000.00             | -11,680.00              | 41.60 %        |
| 001-572.6410 Infrastructure - FCT        |                       | 45,160.00             | -45,160.00              |                |
| <b>Total N Parks &amp; Recreation</b>    | <b>11,620.01</b>      | <b>93,360.00</b>      | <b>-81,739.99</b>       | <b>12.45 %</b> |
| O Special Events                         |                       |                       |                         |                |
| 001-574.4800 Fall/SpringFest Event       | 785.90                | 3,500.00              | -2,714.10               | 22.45 %        |
| <b>Total O Special Events</b>            | <b>785.90</b>         | <b>3,500.00</b>       | <b>-2,714.10</b>        | <b>22.45 %</b> |
| Purchases                                | 0.00                  |                       | 0.00                    |                |
| <b>Total Expenses</b>                    | <b>\$1,269,543.17</b> | <b>\$6,968,625.00</b> | <b>\$ -5,699,081.83</b> | <b>18.22 %</b> |
| NET OPERATING INCOME                     | <b>\$900,895.00</b>   | <b>\$0.00</b>         | <b>\$900,895.00</b>     | <b>0.00%</b>   |
| NET INCOME                               | <b>\$900,895.00</b>   | <b>\$0.00</b>         | <b>\$900,895.00</b>     | <b>0.00%</b>   |

# Town of Malabar 2023 Bill Projection

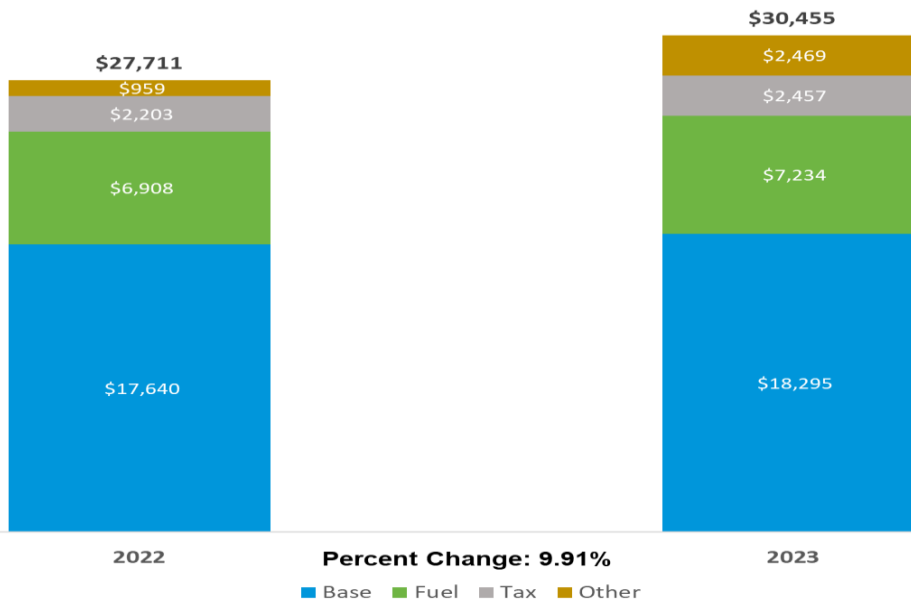
## FPL proposes plan to recover costs of increased fuel and hurricane response

FPL filed a proposal with the Florida Public Service Commission to adjust customer rates to recover costs associated with two hurricane restorations and the volatility of natural gas prices during 2022. Rather than recouping unrecovered 2022 fuel costs over a customary 12-month period, FPL plans to reduce the impact on customer bills by recovering them through the end of 2024. Partially offsetting these higher fuel costs, FPL plans to decrease its projected 2023 fuel factor by about \$1 billion during the final nine months of this year due to a sharp drop in projected natural gas prices. Pending approval, storm costs would be recovered over 12 months to reduce the risk of compounding costs if there are additional hurricanes or severe weather events in 2023.

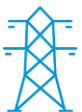
We want you to understand what goes into your bill, what we're doing and what actions you can consider to help minimize the increased costs. In the graphic below, the bar on the left shows your electricity cost last year under FPL's 2022 rates. The bar on the right is your projected cost for 2023 if you use the same amount of electricity under currently approved rates for January, February and March, and the PSC approves FPL's proposal for new rates to take effect in April.

We are committed to providing you with electric service that is clean, affordable and reliable, and we're working to minimize the impact of these higher costs for you.

### TOWN OF MALABAR



## FPL is modernizing our energy grid and power plant fleet, building resiliency and reducing the impact of fuel on your bill



### Storm resiliency

Continuous investments in **grid resiliency and hardening**, successfully reduce restoration costs and outage times during major storms.



### Plant efficiency

More efficient plants use **less natural gas** to generate power



### Solar panels

Installing **30 million solar panels by 2025**—five years ahead of schedule—which use no fuel.



# TOWN OF MALABAR

## COUNCIL MEETING

**SPM Staff Report**  
Meeting Date: **March 6, 2023**

Prepared By: Lisa Morrell, Special Projects Manager

**SUBJECT: SLFRF/ARPA Project Completion Status Matrix**

| Project #     | Project Title                    | Status     | Allocation            | Expended 1/24/23     | Balance               | RTCM Approval    |
|---------------|----------------------------------|------------|-----------------------|----------------------|-----------------------|------------------|
| <b>22-01</b>  | <b>Digital Public Records</b>    | <b>60%</b> | <b>\$ 62,496.10</b>   | <b>\$ 40,549.06</b>  | <b>\$ 22,037.04</b>   | <b>3/7/2022</b>  |
| Task A        | Laserfiche Software              | 100%       |                       | \$21,808.25          | \$ -                  |                  |
| Task B        | Digitizing Paper Records         | 20%        |                       | \$18,740.81          | \$ 22,037.04          |                  |
| 22-02         | Digital Public Information Sign  | 100%       | \$ 38,242.00          | \$ 38,242.00         | \$ -                  | 3/7/2022         |
| 22-03         | FD 911 Radios                    | 100%       | \$ 127,160.27         | \$ 127,160.27        | \$ -                  | 3/21/2022        |
| 22-05         | SPM FY22*                        | 71%        | \$ 143,896.42         | \$ 95,616.38*        | \$ 48,280.04          | 8/16/2021        |
| <b>22-06</b>  | <b>Park Restroom TouchPoints</b> | <b>20%</b> | <b>\$ 86,900.00</b>   | <b>\$ -</b>          | <b>\$ 73,900.00</b>   | <b>11/7/2022</b> |
| Task A        | Roof Replacement                 | 100%       |                       | \$ 13,000.00         | \$ -                  |                  |
| Task B        | Interior Renovations             | 0%         |                       |                      | \$ 73,900.00          |                  |
| 22-07         | Life-Pak                         | 100%       | \$ 38,412.94          | \$ 38,412.94         | \$ -                  | 4/18/2022        |
| 22-08         | Trimble                          | 100%       | \$ 4,380.00           | \$ 5,201.75          | \$ (821.75)           | 6/20/2022        |
| 22-09         | ESO - Incidents/Patient          | 100%       | \$ 25,000.00          | \$ 11,009.60         | \$ 13,990.40          | 8/1/2022         |
| 22-10         | FD Station Toning                | 70%        | \$ 18,500.00          | \$ 408.12            | \$ 18,091.88          | 9/26/2022        |
| 22-11         | Cybersecurity                    | 0%         | \$ 5,000.00           | \$ -                 | \$ 5,000.00           | 6/20/2022        |
| <b>22-12</b>  | <b>Medical / PPE</b>             | <b>0%</b>  | <b>\$ 12,500.00</b>   | <b>\$ 800.00</b>     | <b>\$ 11,700.00</b>   | <b>6/20/2022</b> |
| 22-04         | COVID-19 FD DCON                 | 100%       | \$ -                  | \$ 800.00            | \$ -                  | 3/30/2022        |
| 22-13         | Park Improvements                | 0%         | \$ 64,199.27          | \$ -                 | \$ 64,199.27          | 6/20/2022        |
| 22-14         | Road Analysis                    | 60%        | \$ 28,500.00          | \$ 13,755.00         | \$ 14,745.00          | 9/12/2022        |
| 22-15         | Road                             | 0%         | \$ 300,510.00         | \$ -                 | \$ 272,010.00         | 6/20/2022        |
| 22-16         | SWU                              | 0%         | \$ 310,511.00         | \$ -                 | \$ 310,511.00         | 9/26/2022        |
| 22-17         | Water                            | 1%         | \$ 329,011.00         | \$ -                 | \$ 329,011.00         | 6/20/2022        |
| <b>Totals</b> |                                  |            | <b>\$1,595,219.00</b> | <b>\$ 384,065.12</b> | <b>\$1,211,153.88</b> |                  |

| FY23 | Additional Revenue        | Status | Allocation         | Expended 1/24/23 | Balance | RTCM Approval |
|------|---------------------------|--------|--------------------|------------------|---------|---------------|
|      | RS-SFRF 12/22             |        | \$ 1,773.48        |                  |         |               |
|      | RS-SFRF-2 2/27            |        | \$ 155.13          |                  |         |               |
|      | <b>Unallocated Totals</b> |        | <b>\$ 1,928.61</b> |                  |         |               |

# TOWN OF MALABAR

## REGULAR TOWN COUNCIL MEETING

AGENDA ITEM NO: - .e  
A Y Y h b j ' 8 U n y . ' A U r W ' \* h z & \$ & '

Prepared By: Richard W. Kohler, Town Clerk

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**SUBJECT:** Public Works Director – Written Report

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**BACKGROUND/HISTORY:**

Traditionally, at the first meeting of each month, the Department Heads give a brief report of accomplishments achieved in the past month. Public Works Director Tom Miliore has submitted the following report for the Month of February 2023.

**ATTACHMENTS:**

7 2023 Public Works Report

**ACTION:**

None

# **February 2023 Public Works Report**

## **Equipment Update**

- Picked up Road Saw and Jackhammer.

**See attached pages for all Mowing, Road Grading and Slope Mowing accomplishments for the month.**

## **Streets & Roads Jobs**

- Brook Hollow Bridge Repair
  - Cut concrete for pouring.
  - Installed Metal Plates.
  - Patched Roadway.
  - Repaired Cement Sidewalk.

## **Parks and Recreation**

- Clean up Bathroom at Malabar Community Park.
- Clean up/Trim trees around pond in Malabar Community Park.

## **General Duties**

- Clean up Storage Yard on Marie Street.
- Remove Trees, Brush and Palm Trees along Allen and Weir.
- Repair Headwall Washout on Glatter Road.
- Install new Catch Basin Grate at Rocky Point.
- Pour new Catch Basin floor.

## Mowing & Weed Eating Checklist Feb 2023

| Sanitation     | 6-Feb | 13-Feb | 20-Feb | 28-Feb |
|----------------|-------|--------|--------|--------|
| Soccer Field   |       |        |        |        |
| Baseball Field |       |        |        |        |
| Drag Infield   |       |        |        |        |

### Town Property

|                      |  |  |  |  |
|----------------------|--|--|--|--|
| Malabar Park         |  |  |  |  |
| Fire Department      |  |  |  |  |
| Disc Park            |  |  |  |  |
| Trail Park           |  |  |  |  |
| Eschenberg Park      |  |  |  |  |
| Public Works Yard    |  |  |  |  |
| Marie St. Yard       |  |  |  |  |
| Town Hall/ S. RR Ave |  |  |  |  |

### Town ROWs

|                                     |  |  |  |  |
|-------------------------------------|--|--|--|--|
| Rocky Point Rd North & South        |  |  |  |  |
| Briar Creek Blvd & Bridge           |  |  |  |  |
| Corey Rd North End                  |  |  |  |  |
| Marie St South East Side            |  |  |  |  |
| Marie St North West To Johnsnton    |  |  |  |  |
| Glatter Rd @ Malabar Rd             |  |  |  |  |
| Glatter Rd East to RR               |  |  |  |  |
| Data Managment                      |  |  |  |  |
| Marie St Trail North and South Side |  |  |  |  |
| Quaterman & Atz Rd                  |  |  |  |  |
| Booth & Lette Intersection North    |  |  |  |  |
| Richard Rd Tillman Canal            |  |  |  |  |

### Bus Stops

|                     |  |  |  |  |
|---------------------|--|--|--|--|
| Atz & Corey         |  |  |  |  |
| Weber & Old Mission |  |  |  |  |
| Lacourt & Hall      |  |  |  |  |
| LaCourt & Atz       |  |  |  |  |
| Hall & Corey        |  |  |  |  |

### Main Intersections (All Paved Roads w/ Stop sign, 50 Ft Each Direction)

|              |  |  |  |  |
|--------------|--|--|--|--|
| Corey & Hall |  |  |  |  |
| Corey & Atz  |  |  |  |  |
| Weber & Hall |  |  |  |  |
| Weber & Atz  |  |  |  |  |



## Road Grading: Feb 2023

| Road Name         | Date          | Machine Used     | Loads           | Materials | Comments |
|-------------------|---------------|------------------|-----------------|-----------|----------|
| Fins Lane         | 8-Feb         | Grader           |                 |           |          |
| Hunter Lane South | 8-Feb         | Grader           |                 |           |          |
| Matthews Lane     | 8-Feb         | Grader           |                 |           |          |
| Elaine Lane       | 9-Feb         | Grader           |                 |           |          |
| Weir Street       | 11-Feb        | Grader           |                 |           |          |
| Gilmore Street    | 11-Feb        | Grader           |                 |           |          |
| Allen Street      | 11-Feb        | Grader           |                 |           |          |
| Pine Street       | 11-Feb        | Grader           |                 |           |          |
| Garden Street     | 11-Feb        | Grader           |                 |           |          |
| Quarterman Lane   | 15-Feb        | Grader           |                 |           |          |
| Gatorway Lane     | 15-Feb        | Grader           |                 |           |          |
| Centre Street     | 23-Feb        | Grader           |                 |           |          |
| Pine Street       | 23-Feb        | Grader           |                 |           |          |
| Garden Street     | 23-Feb        | Grader           |                 |           |          |
| <b>TOTALS</b>     | <b>5 Days</b> | <b>1 Machine</b> | <b>14 Roads</b> |           |          |

## Slope Mowing / Flat Mowing Month of: February 2023

| Date      | Road Name           | Ditch Side (N, S, E, W) | Grass | Brush | Ditcher |
|-----------|---------------------|-------------------------|-------|-------|---------|
| 2/1/2023  | Hall Road (West)    | North/South             | X     |       |         |
| 2/10/2023 | Atz Road (East)     | North                   | X     |       |         |
| 2/2/2023  | Weir Street         | East/West               | X     | X     |         |
| 2/3/2023  | Gilmore Street      | East                    | X     | X     |         |
| 2/13/2023 | Howell Lane (North) | East/West               | X     | X     |         |
| 2/14/2023 | Howell Lane (South) | East/West               | X     | X     |         |
| 2/14/2023 | Taylor Lane         | East/West               | X     | X     |         |
| 2/14/2023 | Rivet Lane          | East/West               | X     | X     |         |
| 2/17/2023 | Gilmore Street      | East/West               | X     | X     |         |
| 2/17/2023 | Allen Street        | North                   | X     | X     |         |
|           |                     |                         |       |       |         |
|           |                     |                         |       |       |         |
|           |                     |                         |       |       |         |
|           |                     |                         |       |       |         |
|           |                     |                         |       |       |         |
|           |                     |                         |       |       |         |
|           |                     |                         |       |       |         |

**Totals**

**Roads Serviced: 10**

**Days Worked: 7**

**Pieces of Equipment Used: 2**

# TOWN OF MALABAR

## REGULAR TOWN COUNCIL MEETING

**AGENDA ITEM NO: 9.f**  
Meeting Date: March 6, 2023

Prepared By: Richard W. Kohler, Town Clerk

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**SUBJECT:** Town Clerk

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**BACKGROUND/HISTORY:**

During the last month, the Deputy Town Clerk was terminated under her probation period. I have discussed the needs of my office with the Town Manager and will not hire any employees until we have reached a resolution on the overall staffing needs of Town Hall.

Also, I attended the University of Wisconsin-Green Bay's 2023 Civic and Public Affairs Master Academy, an online training series that covered a diverse array of topic that effect Municipal Clerks over 4 days of online learning.

Next Monday is the Space Coast League of Cities Dinner, co-hosted by Malabar and Grant-Valkaria. We look forward to a well-attended event and are always pleased to work closely with our neighboring communities.

**ATTACHMENTS:**

None

**ACTION:**

None

# TOWN OF MALABAR

## REGULAR TOWN COUNCIL MEETING

**AGENDA ITEM NO: 11.a**  
Meeting Date: March 6, 2023

Prepared By: Richard W. Kohler, Town Clerk

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**SUBJECT: Vacate Correction Resolution 02-2023**

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### **BACKGROUND/HISTORY:**

During the month of February, it was brought to Staff's attention that the dimensions of Resolution 19-2022 did not properly account for all requested vacates, leaving small areas unaccounted for. This Resolution has the correct information regarding the three vacate requests.

### **ATTACHMENTS:**

- a. Resolution 02-2023
- b. Florida Today Legal Advertisement Run 02/16/2023.
- c. Legal Mailer sent in Radius Package.

### **ACTION:**

Discussion

## RESOLUTION 02-2023

**A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, AMENDING RESOLUTION 19-2022; CORRECTING ERRORS IN THE DESCRIPTION OF THE AMOUNT OF RIGHT-OF-WAY BEING VACATED; 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.**

**WHEREAS**, on November 7<sup>th</sup>, 2022, Malabar Town Council approved Resolution 19-2022 approving the vacate of three unimproved Rights-of Ways; and

**WHEREAS**, Resolution 19-2022 has been found to contain inaccuracies regarding the description of the amount of right-of-way being vacated; and

**WHEREAS**, it is necessary to adopt this Resolution 02-2023 to correct these inaccuracies.

**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 amends Resolution 19-2022 and hereby corrects the inaccuracies in the description of the amount of right-of-ways being vacated and vacates the following right-of ways as further depicted on the attached **Exhibit "A"**:

- a 50-foot by 225-foot right-of-way known as Henbane Street that abuts parcel 22-1 and 21 between Colorado Ave and Delaware Ave, with each parcel gaining 25 feet by 225 feet;
- a 50-foot by 225-foot right-of-way known as Nassau Street that abuts parcel 22-1 and 18-3 between Colorado Ave and Delaware Ave, with each parcel gaining 25 feet by 225 feet;
- a 50-foot by 280-foot right-of-way known as Colorado Ave that abuts parcel 22-1 and 19-1 between Henbane Street and Nassau Street, with each parcel gaining 25 feet by 280 feet;
- a 50-foot by 225-foot right-of-way known as Henbane Street that abuts parcel 19-1 and 20 between Colorado Ave and Moss Rose Ave, with each parcel gaining 25 feet by 225 feet;
- a 50-foot by 225-foot right-of-way known as Nassau Street that abuts parcel 19-1 and 18-3 between Colorado Ave and Moss Rose Ave, with each parcel gaining 25 feet by 225 feet;

**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 Jim Clevenger \_\_\_\_\_
- Council Member David Scardino \_\_\_\_\_
- Council Member Mary Hofmeister \_\_\_\_\_

This Resolution was then declared to be duly passed and adopted this 6<sup>th</sup> day of March 2023.

**TOWN OF MALABAR**

(seal)

By: \_\_\_\_\_  
Mayor Patrick T. Reilly, Council Chair

ATTEST:

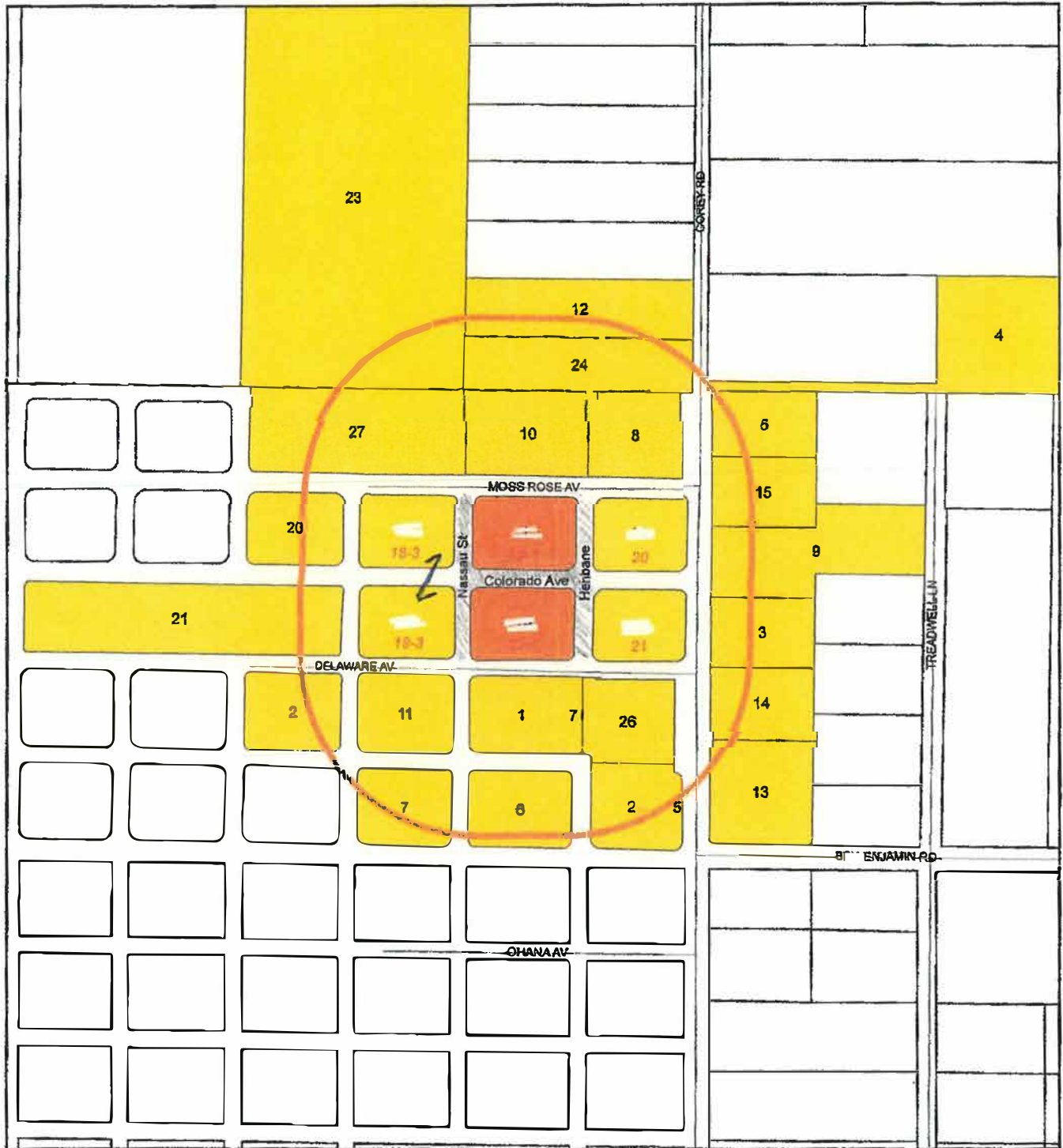
\_\_\_\_\_  
Richard Kohler,  
Town Clerk

Approved as to form and content:

\_\_\_\_\_  
Karl W. Bohne, Jr., Town Attorney

Attach Exhibit "A"

# "Exhibit A"



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: 10/11/2022

— Buffer

■ Subject Property

■ Notify Property

□ Parcels



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

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

**Ad No.:** 0005596718  
**Pymt Method:** Invoice  
**Net Amount:** 159.21

**Run Times:** 1

**No. of Affidavits:** 1

**Run Dates:** 02/16/23

**Text of Ad:**

Ad#5596718 02/16/2023  
**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, March 6, 2023, at 7:30pm, or as soon thereafter as the matter can be heard, for a public hearing on the following topic:

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, AMENDING RESOLUTION 19-2022; CORRECTING ERRORS IN THE DESCRIPTION OF THE AMOUNT OF RIGHT-OF-WAY BEING VACATED; 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:

a 50-foot by 225-foot right-of-way known as Henbane Street that abuts parcel 22-1 and 21 between Colorado Ave and Delaware Ave, with each parcel gaining 25 feet by 225 feet

a 50-foot by 225-foot right-of-way known as Nassau Street that abuts parcel 22-1 and 18-3 between Colorado Ave and Delaware Ave, with each parcel gaining 25 feet by 225 feet

a 50-foot by 280-foot right-of-way known as Colorado Ave that abuts parcel 22-1 and 19-1 between Henbane Street and Nassau Street, with each parcel gaining 25 feet by 280 feet;

a 50-foot by 225-foot right-of-way known as Henbane Street that abuts parcel 19-1 and 20 between Colorado Ave and Moss Rose Ave, with each parcel gaining 25 feet by 225 feet;

a 50-foot by 225-foot right-of-way known as Nassau Street that abuts parcel 19-1 and 18-3 between Colorado Ave and Moss Rose Ave, with each parcel gaining 25 feet by 225 feet.

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](mailto: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

FEB 21 2023

RECEIVED

TOWN OF MALABAR  
2725 MALABAR RD

MALABAR, FL, 32950

STATE OF WISCONSIN COUNTY OF BROWN:  
Before the undersigned authority personally appeared said legal clerk, who on oath says that he or she is a Legal Advertising Representative of the **FLORIDA TODAY**, a daily newspaper published in Brevard County, Florida that the attached copy of advertisement, being a Legal Ad in the matter of

**Notice Public Hearing**

as published in **FLORIDA TODAY** in the issue(s) dated: or by publication on the newspaper's website, if authorized, on

**02/16/2023**

Affiant further says that the said **FLORIDA TODAY** is a newspaper in said Brevard County, Florida and that the said newspaper has heretofore been continuously published in said Brevard County, Florida each day and has been entered as periodicals matter at the post office in **MELBOURNE** in said Brevard County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or coporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 16th of February 2023, by legal clerk who is personally known to me

Affiant

*Nancy Heyrman*  
Notary State of Wisconsin County of Brown  
5.15.23

My commission expires  
Publication Cost: \$159.21  
Ad No: 0005596718  
Customer No: BRE-6TO207  
This is not an invoice

# of Affidavits 1

Ad#5596718 02/16/2023  
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, March 6, 2023, at 7:30pm, or as soon thereafter as the matter can be heard, for a public hearing on the following topic:

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, AMENDING RESOLUTION 19-2022, CORRECTING ERRORS IN THE DESCRIPTION OF THE AMOUNT OF RIGHT-OF-WAY BEING VACATED; 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:

a 50-foot by 225-foot right-of-way known as Henbane Street that abuts parcel 22-1 and 21 between Colorado Ave and Delaware Ave, with each parcel gaining 25 feet by 225 feet

a 50-foot by 225-foot right-of-way known as Nassau Street that abuts parcel 22-1 and 18-3 between Colorado Ave and Delaware Ave, with each parcel gaining 25 feet by 225 feet

a 50-foot by 280-foot right-of-way known as Colorado Ave that abuts parcel 22-1 and 19-1 between Henbane Street and Nassau Street, with each parcel gaining 25 feet by 280 feet;

a 50-foot by 225-foot right-of-way known as Henbane Street that abuts parcel 19-1 and 20 between Colorado Ave and Moss Rose Ave, with each parcel gaining 25 feet by 225 feet;

a 50-foot by 225-foot right-of-way known as Nassau Street that abuts parcel 19-1 and 18-3 between Colorado Ave and Moss Rose Ave, with each parcel gaining 25 feet by 225 feet.

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.

NANCY HEYRMAN  
Notary Public  
State of Wisconsin

Town of Malabar, 2725 Malabar Road, Malabar, FL 32950  
321-727-7764 (Office) 321-727-9997 (Fax) [www.townofmalabar.org](http://www.townofmalabar.org)

To: [brelegals@gannett.com](mailto:brelegals@gannett.com)

February 10, 2023

From: Richard Kohler, Town Clerk, Town of Malabar, Acct # 126287

Please place the following legal ad one time on Thursday, February 16, 2023. Please put the heading in **BOLD** font. Please send proof via email to: [townclerk@townofmalabar.org](mailto:townclerk@townofmalabar.org) and mail ONE affidavit to 2725 Malabar Road, Malabar, FL 32950.

**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, **March 6, 2023, at 7:30pm**, or as soon thereafter as the matter can be heard, for a public hearing on the following topic:

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, AMENDING RESOLUTION 19-2022; CORRECTING ERRORS IN THE DESCRIPTION OF THE AMOUNT OF RIGHT-OF-WAY BEING VACATED; 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:

a 50-foot by 225-foot right-of-way known as Henbane Street that abuts parcel 22-1 and 21 between Colorado Ave and Delaware Ave, with each parcel gaining 25 feet by 225 feet

a 50-foot by 225-foot right-of-way known as Nassau Street that abuts parcel 22-1 and 18-3 between Colorado Ave and Delaware Ave, with each parcel gaining 25 feet by 225 feet

a 50-foot by 280-foot right-of-way known as Colorado Ave that abuts parcel 22-1 and 19-1 between Henbane Street and Nassau Street, with each parcel gaining 25 feet by 280 feet;

a 50-foot by 225-foot right-of-way known as Henbane Street that abuts parcel 19-1 and 20 between Colorado Ave and Moss Rose Ave, with each parcel gaining 25 feet by 225 feet;

a 50-foot by 225-foot right-of-way known as Nassau Street that abuts parcel 19-1 and 18-3 between Colorado Ave and Moss Rose Ave, with each parcel gaining 25 feet by 225 feet.

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](mailto: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: 13.a**  
**Meeting Date: March 6, 2023**

**Prepared By: Richard W. Kohler, Town Clerk**

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**SUBJECT: Direction on Park Reservation Policy**

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### **BACKGROUND/HISTORY:**

In the past few months, Town Staff has received several competing reservations for the soccer field at Malabar Community Park. The Brevard Soccer Alliance and Space Coast Flight both tried to reserve the field for the Spring 2023 season. Malabar Park reservations have always been first come, first serve. As Space Coast Flight submitted their application first, they received the reservation for the spring. Brevard Soccer Alliance has submitted reservations for the Spring of '23, Fall of '23, Spring of '24, Fall of '24, and Spring of '25. The Brevard Soccer Alliance has also requested to reserve either the soccer field for one hour before and after Space Coast Flight, or the Baseball Field. Town Staff has accepted the funds for the Fall '23 reservation and are holding the rest until we receive Council direction.

### **ATTACHMENTS:**

- a. Sections 12.5-20 & 12.5-21 of the Town Code
- b. Space Coast Flight Reservation
- c. Brevard Soccer Alliance Reservations

### **ACTION:**

The Town Code currently does not impose a limit on how far in advance staff can/should accept reservations. With Council's direction, Staff would either:

- a. Approve the Reservations as submitted.
- b. Review the Town Code and suggest changes to get our code on par with other local municipalities.

## Sec. 12.5-20. - Permits.

Permit for special activity—Required. A permit shall be required before any area may be designated as reserved for any special activity. Availability and reservation of a park or recreational facility shall be on a first come first served basis.

The department shall issue a permit when:

- (1) The desired park (or requested portion thereof) or recreational facility has not been reserved for other use at the time requested.
- (2) The applicant has provided a fee as established by resolution of the town council for the activity.
- (3) The applicant has acquired public liability insurance where required by the town.
- (4) The proposed activity or activities will occur in an area designated for such activity or activities.
- (5) The applicant has agreed to indemnify and hold the town harmless in writing for any and all activity of the applicant and/or his guests or invitees.
- (6) The applicant agrees to abide by all the rules set herein.

The town shall deny the permit application if any of the above conditions are not met.

All permits shall be signed by the town manager or his designee.

The town manager or his designee shall notify the applicant whether an applicant's permit is granted or denied and if denied, the reasons for such denial.

The applicant may appeal the refusal of a permit to the town council. The appeal shall be made by the applicant within five (5) days after notification of such refusal by filing a written notice with the town clerk. The town council shall consider the appeal at the next regularly scheduled meeting or within forty-five (45) days of a timely filed notice of appeal, whichever is sooner. If the town council does not meet within forty-five (45) days the permit shall be issued by the town manager or his designees. The town council shall direct the town manager to issue the permit unless the town manager demonstrates that the applicant failed to meet the permit requirements. In the event the town council affirms the denial of the permit, the applicant may immediately request a review by a court of competent jurisdiction subject to the rules and laws governing such application to such court. The denial of a permit because the applicant applied for park or recreational facility has been previously reserved is not a basis for an appeal.

The town manager or his duly authorized designee shall have the authority to revoke any permit upon finding of violation of any rule or regulation contained herein.

(Ord. No. 00-6, § 1, 3-5-01)

## Sec. 12.5-21. - Permit application.

Permit applications shall state: The name and address of the applicants; the name and address of the persons sponsoring the activity; the day and hours for which the permit is desired; the park or portion thereof for which such permit is desired; an estimate of the anticipated attendance; and any other information necessary to make a determination whether a permit shall be issued.

*Reserved*

**TOWN OF MALABAR  
APPLICATION FOR PARK RESERVATION**

**This application is intended to be used for the reservation of a designated area within any Malabar Park, Trail Head or Conservation area provided for the appropriate fee.**

Today's Date: 11 - 10 - 22 Requested Dates & Times: From 02 - 18 - 23 *Deposit + Monthly*  
Park Name: Malabar Community Park To: 05 - 06 - 23  
Group Name: Space Coast Flight Youth Sports Association Estimated Attendance: 200  
Description of Activity: Youth NFL Flag Season Alcohol Served: Yes \_\_\_ No X  
Applicant's Name: Michael Fralin  
Applicant's Address: 1474 Schmitt Ave SW Palm Bay, FL 32908  
Telephone: Day: 402\_7182181 Evening: 402\_7182181 Email: mfralin@sc-flight.org

Permit Categories:  
 Category I Sponsored/Co-sponsored  Category IV - Private  
 Category II Sanctioned  Category V - Free Speech  
 Category III Non-Profit. Tax Exempt No 87-3662356

Fee Permit: \$ \_\_\_\_\_ Deposit Fee: \$ \_\_\_\_\_

- The following activities require proof of insurance:
1. Physical contact sports.
  2. Alcoholic beverage usage.
  3. Sale of food items that has been permitted at functions open to public.
  4. Gatherings that will have amplified music as its primary function.

Liquor Liability Insurance Certificate of Coverage attached: \_\_\_ Yes X No  
General Comp. Liability Insurance Certificate of Coverage attached: X Yes \_\_\_ No

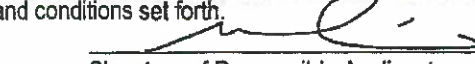

Special Limitations or Conditions:

|   |           |
|---|-----------|
| 1 - No vehicles on the grass anywhere within the park.        | <u>MF</u> |
| 2. No activity on the Soccer Field.                           | _____     |
| 3. No open fires permitted in the Malabar Community Park.     | <u>MF</u> |
| <b>4. NO ACTIVITIES REQUIRING THE USE OF WATER IS ALLOWED</b> | <u>MF</u> |
| (i.e. waterslides of any kind)                                |           |

Park Services Requested:  
Restrooms: Interior lights \_\_\_ Yes \_\_\_ No Exterior lights: \_\_\_ Yes \_\_\_ No Electrical Receptacles \_\_\_ Yes \_\_\_ No  
Main Pavilion: Water: \_\_\_ Yes \_\_\_ No Electrical Receptacles \_\_\_ Yes \_\_\_ No Electrical Boxes 1,2,3,4 \_\_\_ Yes \_\_\_ No

Please be advised that the restrooms will be setup for normal use. It is recommended that groups bring additional toilet paper and hand towels. All refuse not placed in trash cans will be removed from the park by the applicant.

I hereby accept responsibility for any and all damages and clean-up costs for the above referenced park facilities by the above named individual and/or group. By signing below I attest that I have received Malabar Ordinance 00-06 and agree to the terms and conditions set forth.

  
Signature of Responsible Applicant Michael Fralin  
Print Name as signed  
 (Town Manager) **APPROVED** DISAPPROVED Date: 11/17/2022

\*\*\*\*\*  
The park facilities referenced above have been inspected after use. It is recommended that the Deposit Fee be  
RETURNED NOT RETURNED.  
Comments \_\_\_\_\_

\_\_\_\_\_  
(Inspector) (Title) (Date)  
(Rev. 11/18/2020)

# Town of Malabar

Not Reserved

## APPLICATION FOR PARK RESERVATION

This application is intended to be used for the reservation of a designated area within any Malabar Park, Trailhead or Conservation area provided for the appropriate fee.

|                      |            |                   |                        |
|----------------------|------------|-------------------|------------------------|
| <b>Today's Date:</b> | 12/08/2022 | <b>Park Name:</b> | Malabar Community Park |
|----------------------|------------|-------------------|------------------------|

### Reservation Details & Requested Date & Times:

|                                 |   |                          |                |
|---------------------------------|---|--------------------------|----------------|
| Date & Time Start               | 2/1/23 17:00                                  | Date & Time End:         | 5/26/23 08:00  |
| Alcohol Served:                 | NO  | Estimated Attendance:    | 200            |
| Applicant Name:                 | Ryan Van Buren                                | Applicant Contact Phone: | (321) 508-7068 |
| Applicant Address:              | P.O. Box 120125 West Melbourne, FL 32912-0125 |                          |                |
| Applicant Email Address         | president@brevardsoccer.org                   |                          |                |
| Group Name (if applicable)      | Brevard Soccer Alliance-Malabar Soccer Club   |                          |                |
| Reservation Date Contact Phone: | (321) 508-7068                                |                          |                |

### Permit Categories: Please mark 1

|  |                          |               |                          |                 |                                     |            |                          |                |                          |
|--|--------------------------|---------------|--------------------------|-----------------|-------------------------------------|------------|--------------------------|----------------|--------------------------|
| 1: Sponsored                                 | <input type="checkbox"/> | 2: Sanctioned | <input type="checkbox"/> | 3: Non-Profit * | <input checked="" type="checkbox"/> | 4: Private | <input type="checkbox"/> | 5: Free Speech | <input type="checkbox"/> |
| *Please provide Tax Exempt # for Non-Profits |                          |               |                          | 59-3103275      |                                     |            |                          |                |                          |

### The following activities require proof of insurance:

- Physical Contact Sports
- Alcoholic Beverage Usage
- Sale of food items that has been permitted at functions open to the public
- Gatherings that will have amplified music as its primary function


|   |     |                                     |    |                                     |
|---|-----|-------------------------------------|----|-------------------------------------|
| Liquor Liability Insurance Certificate of Coverage Attached:        | Yes | <input type="checkbox"/>            | No | <input checked="" type="checkbox"/> |
| General Comp. Liability Insurance Certificate of Coverage Attached: | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/>            |

### Special Limitations or Conditions:

|  |                        |
|--|------------------------|
| 1. No vehicles on the grass anywhere within the park                         | RVB                    |
| 2. No Activity on the Soccer Field   | Using the soccer field |
| 3. No fires outside the designated fire pits. (Permit required for any burn) | RVB                    |
| 4. NO ACTIVITIES REQUIRING THE USE OF WATER IS ALLOWED                       | RVB                    |

Please be advised that the restrooms will be setup for normal use. It is recommended that groups bring additional toilet paper and hand towels. All refuse not placed in trash cans will be removed from the park by the applicant.

I hereby accept responsibility for any and all damages and clean-up costs for the above referenced park facilities by the above-named individuals and/or group. By signing below, I attest that I have received Malabar Ordinance 00-06 and agree to the terms and conditions set forth.

|   |   |                         |          |                          |        |                          |
|---|---|-------------------------|----------|--------------------------|--------|--------------------------|
|  | Digitally signed by Ryan Van Buren<br>Date: 2022.12.09 10:36:45 -05'00' | Town Manager Signature: |          |                          |        |                          |
| Signature of responsible agent:   |   |                         |          |                          |        |                          |
| Print Name as signed:   | Ryan Van Buren  | Date:                   | Approved | <input type="checkbox"/> | Denied | <input type="checkbox"/> |

### FOR TOWN OFFICIAL USE ONLY

|                     |       |          |                          |              |                          |
|---------------------|-------|----------|--------------------------|--------------|--------------------------|
| Comments:           |       | RETURNED | <input type="checkbox"/> | NOT RETURNED | <input type="checkbox"/> |
| Inspector Signature | Title | Date     |                          |              |                          |



# Town of Malabar

TOWN OF MALABAR

FEB 17 2023

## APPLICATION FOR PARK RESERVATION

RECEIVED

This application is intended to be used for the reservation of a designated area within any Malabar Park, Trailhead or Conservation area provided for the appropriate fee.

|               |            |            |                        |
|---------------|------------|------------|------------------------|
| Today's Date: | 02/16/2023 | Park Name: | Malabar Community Park |
|---------------|------------|------------|------------------------|

### Reservation Details & Requested Date & Times:

|                                 |   |                          |                                |
|---------------------------------|---|--------------------------|--------------------------------|
| Date & Time Start               | 8/21/23 <del>16:00</del> 5 - 7:30             | Date & Time End:         | 11/17/23 <del>16:00</del> 7:30 |
| Alcohol Served:                 | No M-F 5-9-12                                 | Estimated Attendance:    | 200 183 hours                  |
| Applicant Name:                 | Ryan Van Buren                                | Applicant Contact Phone: | (321) 508-7068                 |
| Applicant Address:              | P.O. Box 120125 West Melbourne, FL 32912-0125 |                          |                                |
| Applicant Email Address         | president@brevardsoccer.org                   |                          |                                |
| Group Name (if applicable)      | Brevard Soccer Alliance - Malabar Soccer Club |                          |                                |
| Reservation Date Contact Phone: | (321) 508-7068                                |                          |                                |

### Permit Categories: Please mark 1

|  |                          |               |                          |                 |                                     |            |                          |                |                          |
|--|--------------------------|---------------|--------------------------|-----------------|-------------------------------------|------------|--------------------------|----------------|--------------------------|
| 1: Sponsored                                 | <input type="checkbox"/> | 2: Sanctioned | <input type="checkbox"/> | 3: Non-Profit * | <input checked="" type="checkbox"/> | 4: Private | <input type="checkbox"/> | 5: Free Speech | <input type="checkbox"/> |
| *Please provide Tax Exempt # for Non-Profits |                          | 59-3103275    |                          |                 |                                     |            |                          |                |                          |

### The following activities require proof of insurance:

- Physical Contact Sports
- Alcoholic Beverage Usage
- Sale of food items that has been permitted at functions open to the public
- Gatherings that will have amplified music as its primary function

|   |     |                                     |    |                                     |
|---|-----|-------------------------------------|----|-------------------------------------|
| Liquor Liability Insurance Certificate of Coverage Attached:        | Yes | <input type="checkbox"/>            | No | <input checked="" type="checkbox"/> |
| General Comp. Liability Insurance Certificate of Coverage Attached: | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/>            |

### Special Limitations or Conditions:

### Initial Below

|  |                        |
|--|------------------------|
| 1. No vehicles on the grass anywhere within the park                         | RVB RVB                |
| 2. No Activity on the Soccer Field   | Using the Soccer Field |
| 3. No fires outside the designated fire pits. (Permit required for any burn) | RVB RVB                |
| 4. NO ACTIVITIES REQUIRING THE USE OF WATER IS ALLOWED                       | RVB RVB                |

Please be advised that the restrooms will be setup for normal use. It is recommended that groups bring additional toilet paper and hand towels. All refuse not placed in trash cans will be removed from the park by the applicant.

I hereby accept responsibility for any and all damages and clean-up costs for the above referenced park facilities by the above-named individuals and/or group. By signing below, I attest that I have received Malabar Ordinance 00-06 and agree to the terms and conditions set forth.

|                                      |  |
|--------------------------------------|--|
|                                      |  |
| Signature of responsible agent:      | Town Manager Signature:  |
| Print Name as signed: Ryan Van Buren | Date: 2/17/23 Approved <input checked="" type="checkbox"/> Denied <input type="checkbox"/> |

### FOR TOWN OFFICIAL USE ONLY

|                     |                                   |                                       |
|---------------------|-----------------------------------|---------------------------------------|
| Comments:           | RETURNED <input type="checkbox"/> | NOT RETURNED <input type="checkbox"/> |
| Inspector Signature | Title                             | Date                                  |



# Town of Malabar

TOWN OF MALABAR

FEB 17 2023

## APPLICATION FOR PARK RESERVATION

This application is intended to be used for the reservation of a designated area within any Malabar Park, Trailhead or Conservation area provided for the appropriate fee.

|                      |            |                   |                        |
|----------------------|------------|-------------------|------------------------|
| <b>Today's Date:</b> | 02/16/2023 | <b>Park Name:</b> | Malabar Community Park |
|----------------------|------------|-------------------|------------------------|

### Reservation Details & Requested Date & Times:

|                                 |   |                          |                                      |
|---------------------------------|---|--------------------------|--------------------------------------|
| Date & Time Start               | 2/12/24 16:23 <i>5-7:30</i>                   | Date & Time End:         | 5/24/24 <del>16:23</del> <i>7:30</i> |
| Alcohol Served:                 | No <i>M-F 5-9-12</i>                          | Estimated Attendance:    | 200 <i>229.5 Hours</i>               |
| Applicant Name:                 | Ryan Van Buren                                | Applicant Contact Phone: | (321) 508-7068                       |
| Applicant Address:              | P.O. Box 120125 West Melbourne, FL 32912-0125 |                          |                                      |
| Applicant Email Address         | president@brevardsoccer.org                   |                          |                                      |
| Group Name (if applicable)      | Brevard Soccer Alliance - Malabar Soccer Club |                          |                                      |
| Reservation Date Contact Phone: | (321) 508-7068                                |                          |                                      |

### Permit Categories: Please mark 1

|  |                          |               |                          |                 |                                     |            |                          |                |                          |
|--|--------------------------|---------------|--------------------------|-----------------|-------------------------------------|------------|--------------------------|----------------|--------------------------|
| 1: Sponsored                                 | <input type="checkbox"/> | 2: Sanctioned | <input type="checkbox"/> | 3: Non-Profit * | <input checked="" type="checkbox"/> | 4: Private | <input type="checkbox"/> | 5: Free Speech | <input type="checkbox"/> |
| *Please provide Tax Exempt # for Non-Profits |                          | 59-3103275    |                          |                 |                                     |            |                          |                |                          |

### The following activities require proof of insurance:

- Physical Contact Sports
- Alcoholic Beverage Usage
- Sale of food items that has been permitted at functions open to the public
- Gatherings that will have amplified music as its primary function

|   |     |                                     |    |                                     |
|---|-----|-------------------------------------|----|-------------------------------------|
| Liquor Liability Insurance Certificate of Coverage Attached:        | Yes | <input type="checkbox"/>            | No | <input checked="" type="checkbox"/> |
| General Comp. Liability Insurance Certificate of Coverage Attached: | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/>            |

### Special Limitations or Conditions:

|  |                        |
|--|------------------------|
| 1. No vehicles on the grass anywhere within the park                         | <i>RVB RVB</i>         |
| 2. No Activity on the Soccer Field   | Using the Soccer Field |
| 3. No fires outside the designated fire pits. (Permit required for any burn) | <i>RVB RVB</i>         |
| 4. NO ACTIVITIES REQUIRING THE USE OF WATER IS ALLOWED                       | <i>RVB RVB</i>         |

Please be advised that the restrooms will be setup for normal use. It is recommended that groups bring additional toilet paper and hand towels. All refuse not placed in trash cans will be removed from the park by the applicant.

I hereby accept responsibility for any and all damages and clean-up costs for the above referenced park facilities by the above-named individuals and/or group. By signing below, I attest that I have received Malabar Ordinance 00-06 and agree to the terms and conditions set forth.

|                                      |  |
|--------------------------------------|--|
|                                      | Town Manager Signature:  |
| Print Name as signed: Ryan Van Buren | Date: <i>2/17/23</i> Approved <input type="checkbox"/> Denied <input type="checkbox"/> |

### FOR TOWN OFFICIAL USE ONLY

|                     |          |                          |              |                          |
|---------------------|----------|--------------------------|--------------|--------------------------|
| Comments:           | RETURNED | <input type="checkbox"/> | NOT RETURNED | <input type="checkbox"/> |
| Inspector Signature | Title    | Date                     |              |                          |





# Town of Malabar

TOWN OF MALABAR

FEB 17 2023

## APPLICATION FOR PARK RESERVATION

This application is intended to be used for the reservation of a designated area within any Malabar Park, Trailhead or Conservation area provided for the appropriate fee.

|               |            |            |                        |
|---------------|------------|------------|------------------------|
| Today's Date: | 02/16/2023 | Park Name: | Malabar Community Park |
|---------------|------------|------------|------------------------|

### Reservation Details & Requested Date & Times:

|                                 |   |                          |                                |
|---------------------------------|---|--------------------------|--------------------------------|
| Date & Time Start               | 8/19/24 <del>16:38</del> 5-7:30               | Date & Time End:         | 11/15/24 <del>16:38</del> 7:30 |
| Alcohol Served:                 | No M-F 5-12                                   | Estimated Attendance:    | 200 198.50 hours               |
| Applicant Name:                 | Ryan Van Buren                                | Applicant Contact Phone: | (321) 508-7068                 |
| Applicant Address:              | P.O. Box 120125 West Melbourne, FL 32912-0125 |                          |                                |
| Applicant Email Address         | president@brevardsoccer.org                   |                          |                                |
| Group Name (if applicable)      | Brevard Soccer Alliance - Malabar Soccer Club |                          |                                |
| Reservation Date Contact Phone: | (321) 508-7068                                |                          |                                |

### Permit Categories: Please mark 1

|  |                          |               |                          |                 |                                     |            |                          |                |                          |
|--|--------------------------|---------------|--------------------------|-----------------|-------------------------------------|------------|--------------------------|----------------|--------------------------|
| 1: Sponsored                                 | <input type="checkbox"/> | 2: Sanctioned | <input type="checkbox"/> | 3: Non-Profit * | <input checked="" type="checkbox"/> | 4: Private | <input type="checkbox"/> | 5: Free Speech | <input type="checkbox"/> |
| *Please provide Tax Exempt # for Non-Profits |                          | 59-3103275    |                          |                 |                                     |            |                          |                |                          |

### The following activities require proof of insurance:

1. Physical Contact Sports
2. Alcoholic Beverage Usage
3. Sale of food items that has been permitted at functions open to the public
4. Gatherings that will have amplified music as its primary function

|   |     |                                     |    |                                     |
|---|-----|-------------------------------------|----|-------------------------------------|
| Liquor Liability Insurance Certificate of Coverage Attached:        | Yes | <input type="checkbox"/>            | No | <input checked="" type="checkbox"/> |
| General Comp. Liability Insurance Certificate of Coverage Attached: | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/>            |

### Special Limitations or Conditions:

|  |                        |
|--|------------------------|
| 1. No vehicles on the grass anywhere within the park                         | <i>RVB</i>             |
| 2. No Activity on the Soccer Field   | Using the Soccer Field |
| 3. No fires outside the designated fire pits. (Permit required for any burn) | <i>RVB</i>             |
| 4. NO ACTIVITIES REQUIRING THE USE OF WATER IS ALLOWED                       | <i>RVB</i>             |

### Initial Below

Please be advised that the restrooms will be setup for normal use. It is recommended that groups bring additional toilet paper and hand towels. All refuse not placed in trash cans will be removed from the park by the applicant.

I hereby accept responsibility for any and all damages and clean-up costs for the above referenced park facilities by the above-named individuals and/or group. By signing below, I attest that I have received Malabar Ordinance 00-06 and agree to the terms and conditions set forth.

|                                      |   |
|--------------------------------------|---|
|                                      | Town Manager Signature:   |
| Print Name as signed: Ryan Van Buren | Date: 2/17/23 Approved <input type="checkbox"/> Denied <input type="checkbox"/> |

### FOR TOWN OFFICIAL USE ONLY

|                     |                                   |                                       |
|---------------------|-----------------------------------|---------------------------------------|
| Comments:           | RETURNED <input type="checkbox"/> | NOT RETURNED <input type="checkbox"/> |
| Inspector Signature | Title                             | Date                                  |



# Town of Malabar

TOWN OF MALABAR

FEB 17 2023

## APPLICATION FOR PARK RESERVATION

This application is intended to be used for the reservation of a designated area within any Malabar Park, Trailhead or Conservation area provided for the appropriate fee.

|                      |            |                   |                        |
|----------------------|------------|-------------------|------------------------|
| <b>Today's Date:</b> | 02/16/2023 | <b>Park Name:</b> | Malabar Community Park |
|----------------------|------------|-------------------|------------------------|

### Reservation Details & Requested Date & Times:

|                                 |   |                          |                               |
|---------------------------------|---|--------------------------|-------------------------------|
| Date & Time Start               | 2/10/25 <del>12:28</del> M-F 5-7:30           | Date & Time End:         | 5/23/25 <del>12:28</del> 7:30 |
| Alcohol Served:                 | No 5-9-12                                     | Estimated Attendance:    | 200 229.5 hours               |
| Applicant Name:                 | Ryan Van Buren                                | Applicant Contact Phone: | (321) 508-7068                |
| Applicant Address:              | P.O. Box 120125 West Melbourne, FL 32912-0125 |                          |                               |
| Applicant Email Address         | president@brevardsoccer.org                   |                          |                               |
| Group Name (if applicable)      | Brevard Soccer Alliance - Malabar Soccer Club |                          |                               |
| Reservation Date Contact Phone: | (321) 508-7068                                |                          |                               |

### Permit Categories: Please mark 1

|  |                          |               |                          |                 |                                     |            |                          |                |                          |
|--|--------------------------|---------------|--------------------------|-----------------|-------------------------------------|------------|--------------------------|----------------|--------------------------|
| 1: Sponsored                                 | <input type="checkbox"/> | 2: Sanctioned | <input type="checkbox"/> | 3: Non-Profit * | <input checked="" type="checkbox"/> | 4: Private | <input type="checkbox"/> | 5: Free Speech | <input type="checkbox"/> |
| *Please provide Tax Exempt # for Non-Profits |                          | 59-3103275    |                          |                 |                                     |            |                          |                |                          |

### The following activities require proof of insurance:

- Physical Contact Sports
- Alcoholic Beverage Usage
- Sale of food items that has been permitted at functions open to the public
- Gatherings that will have amplified music as its primary function

|   |     |                                     |    |                                     |
|---|-----|-------------------------------------|----|-------------------------------------|
| Liquor Liability Insurance Certificate of Coverage Attached:        | Yes | <input type="checkbox"/>            | No | <input checked="" type="checkbox"/> |
| General Comp. Liability Insurance Certificate of Coverage Attached: | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/>            |

### Special Limitations or Conditions:

| Special Limitations or Conditions:   | Initial Below          |
|--|------------------------|
| 1. No vehicles on the grass anywhere within the park                         | RVB <i>RVB</i>         |
| 2. No Activity on the Soccer Field   | Using the Soccer Field |
| 3. No fires outside the designated fire pits. (Permit required for any burn) | RVB <i>RVB</i>         |
| 4. NO ACTIVITIES REQUIRING THE USE OF WATER IS ALLOWED                       | RVB <i>RVB</i>         |

Please be advised that the restrooms will be setup for normal use. It is recommended that groups bring additional toilet paper and hand towels. All refuse not placed in trash cans will be removed from the park by the applicant.

I hereby accept responsibility for any and all damages and clean-up costs for the above referenced park facilities by the above-named individuals and/or group. By signing below, I attest that I have received Malabar Ordinance 00-06 and agree to the terms and conditions set forth.

|                                      |   |
|--------------------------------------|---|
|                                      | Town Manager Signature:   |
| Print Name as signed: Ryan Van Buren | Date: 2/17/23 Approved <input type="checkbox"/> Denied <input type="checkbox"/> |

### FOR TOWN OFFICIAL USE ONLY

|                     |                                   |                                       |
|---------------------|-----------------------------------|---------------------------------------|
| Comments:           | RETURNED <input type="checkbox"/> | NOT RETURNED <input type="checkbox"/> |
| Inspector Signature | Title                             | Date                                  |

# TOWN OF MALABAR

## COUNCIL MEETING

**AGENDA ITEM NO: 13 b.**  
**Meeting Date: March 6, 2023.**

**Prepared By: Matthew Stinnett, Town Manager**

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**SUBJECT: Organizational Chart and Town Hall Expansion**

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### **BACKGROUND/HISTORY:**

At the previous RTCM, we had discussion about several issues including the Town's, thus far, unsuccessful attempts at recruiting a Treasurer and Lisa Morrell's contract ending September 30<sup>th</sup>, 2023. Since then, I have taken a holistic look at the Town's administration considering individual input from Council members, customer/resident feedback, and internal staff discussion about immediate, short-term, and long-term issues. The top two concerns that were identified were the need for improved consistency and professionalism in communication with the public and a staffing structure organized to improve the accomplishment of routine administrative tasks while allowing for focused efforts on needed organizational changes and expedited capital improvement projects.

The current organizational chart is relatively flat with the Clerk, Treasurer, Special Projects Manager, Attorney, and Town Manager all reporting directly to Council. This format can create a siloed work environment further compounded by Town Hall's building layout with staff split at separate ends of the building and two public entrances.

As a result, I would recommend that Council consider several changes to the Town's Organizational Chart combined with construction work on Town Hall to facilitate an improvement to the efficiency and effectiveness of our efforts.

#### Town Hall Building

An expansion to the south could be constructed to allow the office space to be centralized. Functionally there would be a single entrance to be staffed minimizing redundant communication or miss-information being provided when someone uses the "wrong door". Funding for the expansion could be significantly, if not entirely, allocated from previously collected building permit fees. The north end of the building could be renovated to significantly increase the seating capacity of the Council Chambers with reallocation of current budgetary savings from staff vacancies.

#### Staffing

Currently the Town Manager has the most extensive and diverse array of tasks and duties. My recommendation would be to create an Assistant Town Manager position reporting to the Town Manager and assign the Treasury function to the Town Manager's Office. In addition, the Deputy Clerk position, Treasurer position, and Special Projects Manager position (partially funded from ARPA through FY2023) would be replaced with future funding allocated for the Assistant Town Manager position, a Receptionist, and a Data Entry Specialist (to assist with bookkeeping and other support services) reporting to the Town Manager's Office. These changes would retain the necessary professional staff to carry out Council direction on higher level tasks while improving service levels associated with various administrative tasks.

Conceptual timeline for implementation:

FY 2023

- Council direction to eliminate Deputy Clerk position and reallocate funding to Town Managers office for Receptionist position. Efforts will be made to seek a candidate with the potential to grow into the Data Entry Specialist role.
- Council direction and allocation of funding for Town Hall expansion/ renovation. Funding available from staff vacancies and building department reserves. Develop plans and seek bids for construction.
- Develop budget for FY 2024, including funding for Assistant Town Manager and Data Entry Specialist.

#### FY 2024

- October 1, 2023, funding available for Assistant Town Manager position.
- October 1, 2023, funding available to promote or hire Data Entry Specialist.
- Construction on Town Hall to be completed.

#### **ATTACHMENTS:**

Organizational Chart Comparison (current vs recommended)  
Town Hall layout conceptual drawing  
Office of the Town Manager (Town Code)  
Town Manager task list examples

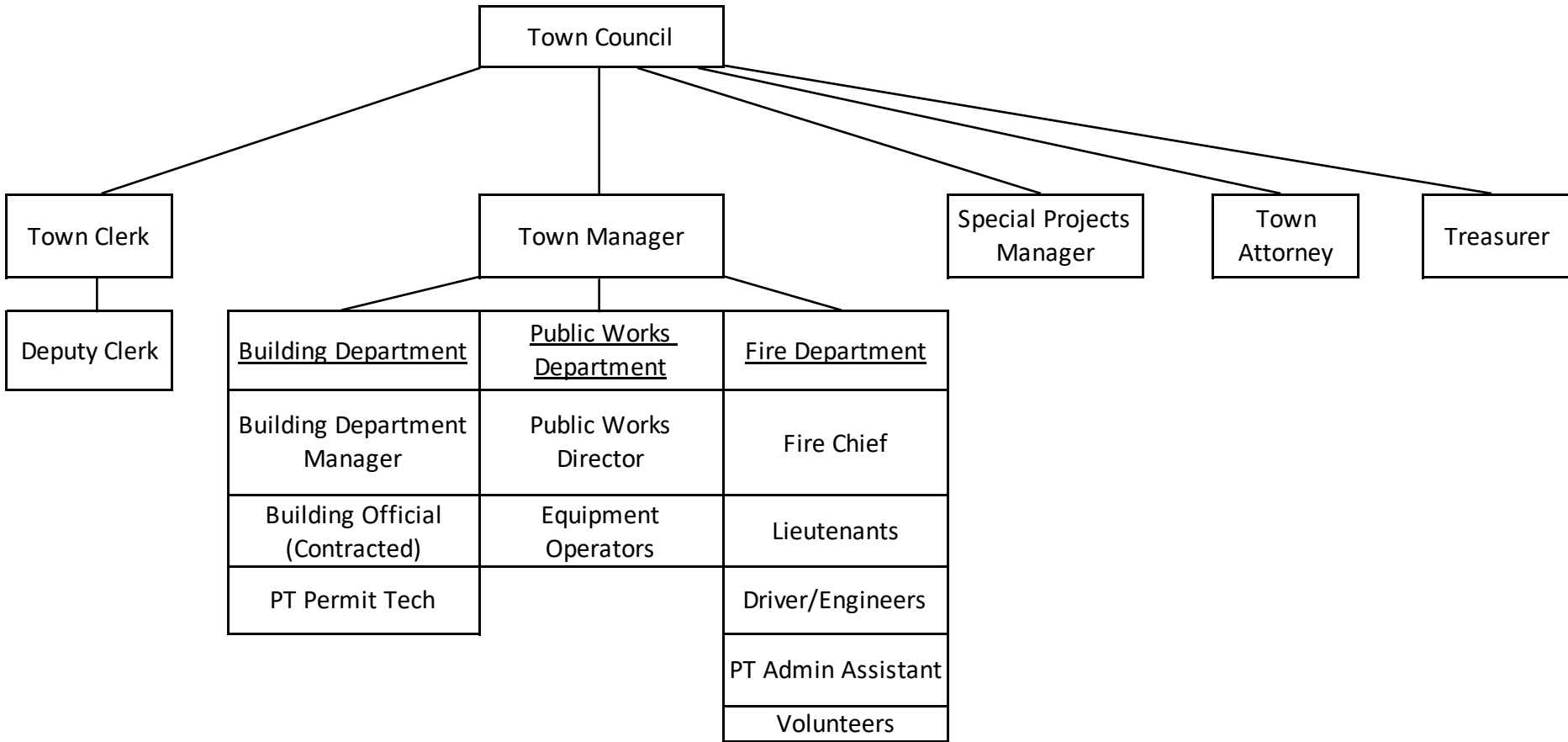
#### **FINANCIAL IMPACT:**

FY 2023 budget for Treasurer (salary, pension, benefits) ~\$81,000  
FY 2023 budget for Deputy Clerk (salary, pension, benefits) ~\$47,000  
Building Department reserves ~\$300,000.

#### **ACTION OPTIONS:**

Discussion, action as directed by Council.

Current Organizational Chart



Town Clerk

Deputy Clerk

Town Manager

| <u>Building Department</u>     | <u>Public Works Department</u> | <u>Fire Department</u> |
|--------------------------------|--------------------------------|------------------------|
| Building Department Manager    | Public Works Director          | Fire Chief             |
| Building Official (Contracted) | Equipment Operators            | Lieutenants            |
| PT Permit Tech                 |                                | Driver/Engineers       |

Special Projects Manager

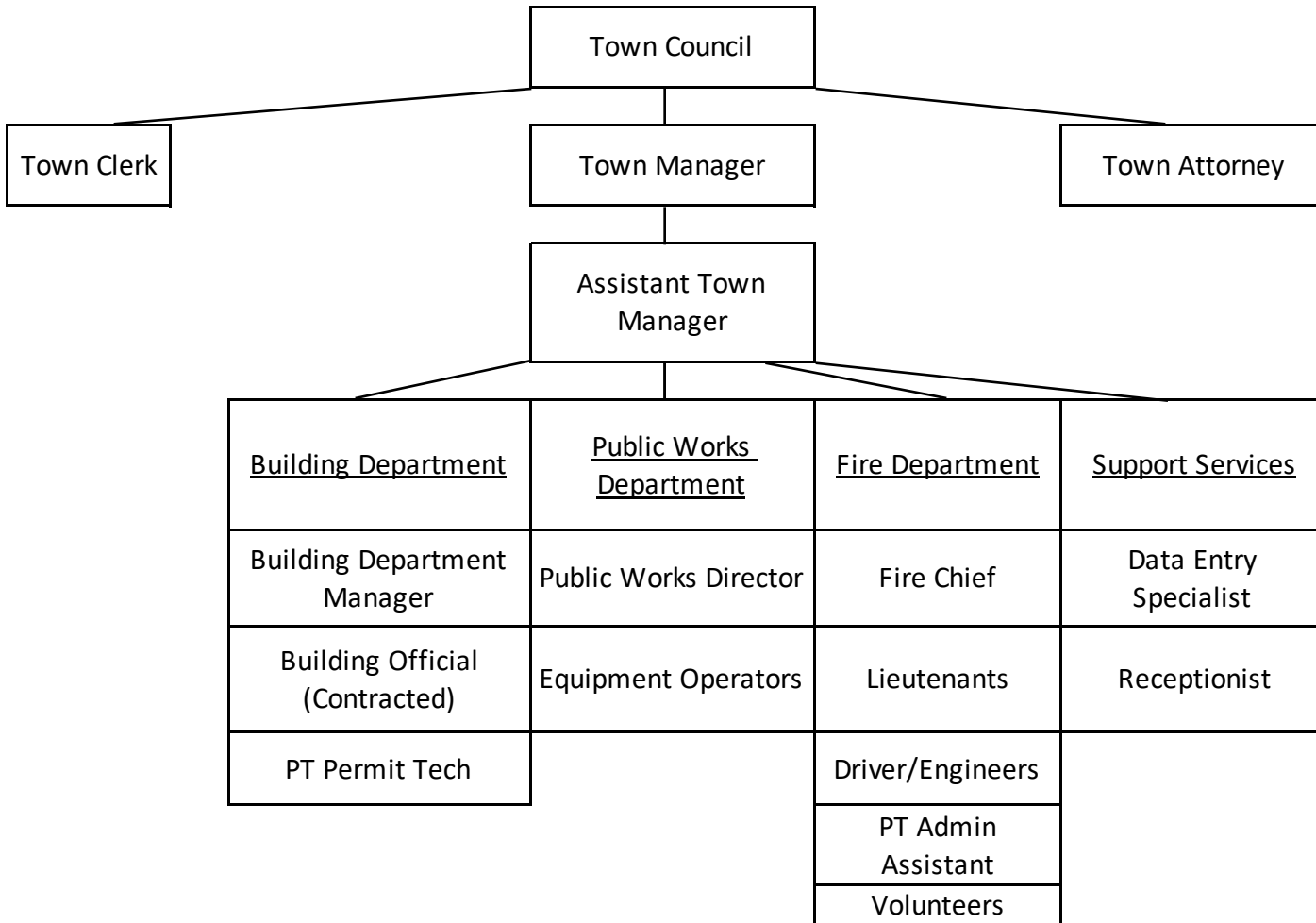
Town Attorney

Treasurer

PT Admin Assistant

Volunteers

Proposed Organizational Chart



Town Council

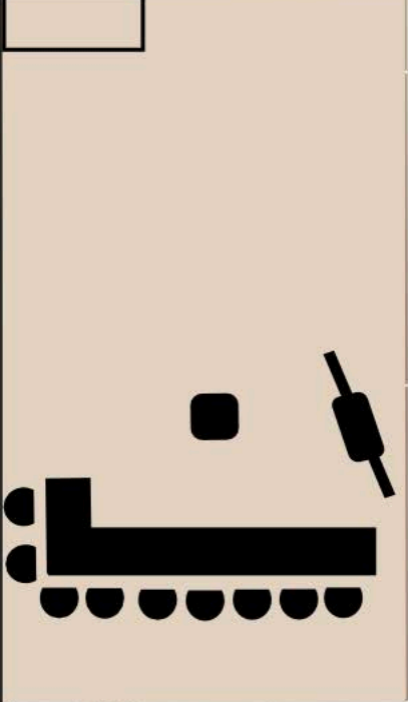
Town Clerk

Town Manager

Town Attorney

Assistant Town Manager

| <u>Building Department</u>     | <u>Public Works Department</u> | <u>Fire Department</u> | <u>Support Services</u> |
|--------------------------------|--------------------------------|------------------------|-------------------------|
| Building Department Manager    | Public Works Director          | Fire Chief             | Data Entry Specialist   |
| Building Official (Contracted) | Equipment Operators            | Lieutenants            | Receptionist            |
| PT Permit Tech                 |                                | Driver/Engineers       |                         |
|                                |                                | PT Admin Assistant     |                         |
|                                |                                | Volunteers             |                         |



**Sec. 2-300. Office of town manager.**

- (a) The town council, by majority vote, shall appoint a town manager for an indefinite term and shall establish his or her compensation of employment by a written contract. The town manager must be a resident of Brevard County.
- (b) The town manager shall serve at the will and pleasure of the council and may be removed by the affirmative vote of a majority of council.
- (c) The town manager, subject to prior approval by the town council, shall designate by letter filed with the town clerk, an acting town manager to perform his or her duties during any temporary absence or disability. If the town manager fails to make such a designation, the town council may appoint an acting town manager. The acting town manager shall be selected from among town employees.
- (d) The town manager shall be responsible to the council for all the administration of town affairs placed in his or her charge by this article for the Town Charter. The town manager shall have the following powers and duties:
  - (1) To hire, and when he or she deems it necessary for the good of the town, suspend or remove any town employees or officers, except those appointment by the council. He or she may authorize the head of any department under his or her direction or supervision to exercise such powers within the department, office or agency.
  - (2) Fix the compensation of town officers and employees within the pay schedules established by the town council.
  - (3) Direct and supervise the administration of all town departments, offices, and agencies, except as otherwise provided by this Charter, ordinances or by law.
  - (4) Attend meetings of town council and participate in discussions, but with no right to vote.
  - (5) See that all laws, provisions of this Charter, ordinances and acts of the town council subject to enforcement by him or her or by officers subject to his or her direction and supervision, are faithfully executed.
  - (6) Prepare and submit the annual budget, budget message, and capital program to the council, together with such other reports concerning town operations as the town council may require; and administer the adopted budget, review of work programs and allotments, make requests for appropriation transfer. He or she shall also perform all functions as purchasing agent or appoint such agent.
  - (7) Submit complete reports on the finances and administrative activities of the town.
  - (8) Keep the council fully advised of the financial condition and future needs of the town and make such recommendations to the council concerning the affairs to the town as he or she deems desirable.
  - (9) Execute contracts on behalf of the town unless the council or Charter provide otherwise.
  - (10) Perform such other duties as are specified in the Charter or as may be required by the council or as may be required by the town's employee manual.
- (e) The town council shall have the power to review any action of the town manager and may direct the town manager in any of his or her actions.
- (f) The town council may enter into a written contract with the town manager so long as said contract is not in conflict with this article.

(Ord. No. 03-15, § 1, 12-1-03; Ord. No. 19-15, § 1, 11-4-19



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- **Sec. 2-400. - Designation of official in case of an emergency.**

(a) *Generally.* It is the intent of the Town to designate the town manager to declare a local state of emergency in the event of a natural or manmade emergency, or the imminent threat thereof, and to authorize certain actions relating thereto, when a quorum of the town council is unable to meet for any reason on an emergency basis.

(b) *Designation.* Pursuant to F.S. Ch. 252, which authorizes the waiver of procedures and formalities otherwise required of political subdivisions to take whatever prudent action is necessary to ensure the health, safety, and welfare of the community in the event of a state of emergency, when a quorum of the town council is unable to meet for any reason on an emergency basis in relation to the nature of the emergency, the town manager, or his/her designee is empowered to declare a local state of emergency whenever he/she shall determine that a natural or manmade disaster or emergency has occurred or that the occurrence or threat of one (1) is imminent and requires immediate and expeditious action.

(c) The town manager shall perform the function of director of emergency management and may designate others to serve in designated capacities. The town manager shall implement, manage, and report to the town council on all actions authorized and taken under the provisions of this chapter. In the absence or inability of the town manager, the mayor shall perform the functions of director of emergency management.

(d) The town manager may appoint a risk and emergency management coordinator whose duties shall include the ongoing planning for and coordination of those actions necessary to comply with national incident management system (NIMS), the Emergency Management Plan of Brevard County and for the creation and maintenance of an effective emergency management response capability.

Below is a demonstrative list of tasks that the Town Manager’s office is either currently responsible for or significantly involved with however, not necessarily all inclusive.

- Contract Management
- Franchise: Public Utility, Solid Waste
- Interlocal Agreements
- Floodplain Management
- Zoning/Land Use/Comp Plan
- Site Plan Review
- Tree/Land Clearing Permits
- Economic Development
- Roadway Improvement Process
- Road Permit Process
- NPDES
- Parks
- Recreation
- Special Events
- Maintenance & Development
- Trailways
- Reservation Park/Public Facility
- Public Relations
  - Events/Park/Town Hall Use
  - Walk in/call in citizen contacts
  - Public Information Efforts
  - HOA engagement
- HR
  - Hiring/Separation
  - Performance/Discipline
  - Development/Training/Certification
  - Employee Benefits
  - Employee Compensation
  - IAFF Union Matters
  - Retirement Plan Admin
  - Safety, Risk, Worker’s Comp
- Grant Management
- Code Enforcement
- Capital Improvement
  - Stormwater Masterplan
- Road Maintenance Masterplan
- Dirt Road Paving
- Vehicles/Equipment
- Water/Sewer Expansion
- Intergovernmental Affairs
  - SCTPO
  - FDOT
  - BPS
  - Vision Zero
  - TIFT
  - SCPMA
  - Brevard County
    - SWU
    - Lagoon Loyal
  - BCSO-MTSU
  - BCFR Interlocal/Collocate
- Legal Coordination
- Information Technology
- Finance:
  - Insurance General, Property, Vehicle, Liability, Life, Worker’s Comp
  - Procurement/Surplus Disposal
  - Payroll
  - Audit
  - Budgeting
  - TRIM
  - Accounting
    - AR
    - AP
  - Debt Management
- Public Works Department
- Fire Department
- Building Department
- Emergency Management
- Civil Engineering