



REGULAR TOWN COUNCIL MEETING

Monday, April 15, 2024 at 7:30 pm

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

- a. Approve Minutes of 04/01/2024

Exhibit: Agenda Report Number 4.a.

Attachments:

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

5. PROCLAMATIONS: 2

- a. Government Finance Professional Week

Exhibit: Agenda Report Number 5.a.

Attachments:

- **Agenda Report Number 5.a.** (Government_Finance_Professionals_Week_2024.pdf)

- b. Thanking the Palm House for its Generous Donation

Exhibit: Agenda Report Number 5.b.

Attachments:

- **Agenda Report Number 5.b.** (Palm_House_Appreciation.pdf)

6. ATTORNEY REPORT

7. STAFF REPORTS

- a. Manager - Verbal Report

- b. Clerk

Exhibit: Agenda Report Number 7.b.

Attachments:

- **Agenda Report Number 7.b.** (Agenda_Report_Number_7.b..pdf)

- c. Treasurer

Exhibit: Agenda Report Number 7.c.

Attachments:

- **Agenda Report Number 7.c.** (Agenda_Report_Number_7.c..pdf)

d. Fire Chief

Exhibit: Agenda Report Number 7.d.

Attachments:

- **Agenda Report Number 7.d.** (Agenda_Report_Number_7.d..pdf)

e. Public Works Director

Exhibit: Agenda Report Number 7.e.

Attachments:

- **Agenda Report Number 7.e.** (Agenda_Report_Number_7.e..pdf)

f. Building Department

Exhibit: Agenda Report Number 7.f.

Attachments:

- **Agenda Report Number 7.f.** (Agenda_Report_Number_7.f..pdf)

8. PUBLIC COMMENTS

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

Five (5) Minute Limit per Speaker

9. PUBLIC HEARINGS / SPECIAL ORDERS

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

(RECOMMENDATIONS FROM BOARDS, HOA REQUESTS, RESIDENT GRIEVANCES)

a. Trails and Greenways Committee Purchase Recommendation

Exhibit: Agenda Report Number 10.a.

Attachments:

- **Agenda Report Number 10.a.** (Agenda_Report_Number_10.a..pdf)

11. ACTION ITEMS

ORDINANCES: 2

RESOLUTIONS: 2

MISCELLANEOUS: 0

- a. First Reading - Amend Town of Malabar Code Section 1-5.6, Accessory Buildings, to Allow Shipping Containers for Storage Only (Ordinance 2024-02)**

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; AMENDING THE TOWN'S LAND DEVELOPMENT CODE; AMENDING ARTICLE V, GENERAL PROVISIONS; AMENDING SECTION 1-5.6, ACCESSORY BUILDINGS; ADDING SUBSECTION E, "CARGO CONTAINERS FOR PERMANENT STORAGE"; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE.

Exhibit: Agenda Report Number 11.a.

Attachments:

- **Agenda Report Number 11.a.** (Agenda_Report_Number_11.a..pdf)

b. First Reading - Referendum Question for November 5, 2024 Election: Municipal Services Taxing Unit (MSTU) (Ordinance 2024-03)

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY FLORIDA; CALLING AND SCHEDULING A PERIODIC ELECTION TO DETERMINE IF THE TOWN SHOULD CONTINUE TO PARTICIPATE IN THE BREVARD COUNTY MUNICIPAL SERVICE TAXING UNIT (MSTU) FOR LAW ENFORCEMENT; PROVIDING FOR THE MANNER IN WHICH SUCH ELECTION SHALL BE CONDUCTED; ESTABLISHING THE FORM OF THE BALLOT FOR SUCH ELECTION; PROVIDING REPEAL AND AN EFFECTIVE DATE.

Exhibit: Agenda Report Number 11.b.

Attachments:

- **Agenda Report Number 11.b.** (Agenda_Report_Number_11.b..pdf)

c. Appoint Meghan Wolfgram as a Regular Member to the Planning and Zoning Board (Resolution 05-2024)

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

Exhibit: Agenda Report Number 11.c.

Attachments:

- **Agenda Report Number 11.c.** (Agenda_Report_Number_11.c..pdf)

d. Appoint Anne Vliengenthart as an Alternate Member to the Planning and Zoning Board (Resolution 06-2024)

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

Exhibit: Agenda Report Number 11.d.

Attachments:

- **Agenda Report Number 11.d.** (Agenda_Report_Number_11.d..pdf)

COUNCIL CHAIR MAY EXCUSE ATTORNEY AT THIS TIME

12. DISCUSSION/POSSIBLE ACTION

a. Town Council and Mayoral 2024 Election Qualifying

Exhibit: Agenda Report Number 12.a.

Attachments:

- **Agenda Report Number 12.a.** (Agenda_Report_Number_12.a..pdf)

b. Select Dates for TRIM Public Hearings

Exhibit: Agenda Report Number 12.b.

Attachments:

- **Agenda Report Number 12.b.** (Agenda_Report_Number_12.b..pdf)

c. Discussion - Review LDC Table 1-3.3(A) Size and Dimensions Table

Exhibit: Agenda Report Number 12.c.

Attachments:

- **Agenda Report Number 12.c.** (Agenda_Report_Number_12.c..pdf)

13. PUBLIC COMMENTS

General Items (Speaker Card Required)

14. REPORTS - MAYOR AND COUNCIL MEMBERS

15. ANNOUNCEMENTS

(2) Vacancies on the Trails and Greenways Committee; (2) Vacancies on the Parks and Recreation Board, (2) Vacancy on the Planning and Zoning Board; and (2) Vacancy on the Board of Adjustment.

16. ADJOURNMENT

If an individual decides to appeal any decision made by this board with respect to any matter considered at this meeting, a verbatim transcript may be required, and the individual may need to ensure that a verbatim transcript of the proceedings is made (Florida Statute 286.0105).

The Town does not provide this service. In compliance with F.S. 86.26 and the Americans with Disabilities Act (ADA), anyone who needs a special accommodation for this meeting should contact the Town's ADA Coordinator at 321-727-7764 at least 48 hours in advance of this meeting.

TOWN OF MALABAR

Regular Town Council Meeting

AGENDA ITEM NO: 4.a.

Meeting Date: April 1st, 2024

Prepared By: Richard W. Kohler, Town Clerk

SUBJECT: Approve Minutes of 4/01/2024 RTCM Minutes

BACKGROUND/HISTORY:

Summary of actions at Town Council Meetings

ATTACHMENTS:

- Draft Minutes of the RTCM of 4/01/2024

ACTION OPTIONS:

Review

**MALABAR TOWN COUNCIL
REGULAR MEETING MINUTES
April 1st, 2024, 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 - EXCUSED

JIM CLEVINGER

MARY HOFMEISTER

TOWN ATTORNEY:

KARL BOHNE - EXCUSED

TOWN MANAGER:

LISA MORRELL

TOWN CLERK:

RICHARD KOHLER- EXCUSED

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

4. CONSENT AGENDA:

4.a. Approve Minutes of 3/18/2024 RTCM

Exhibit: Agenda Report Number 4.a.

MOTION: CM Scardino/CM Acquaviva to approve Consent Agenda as presented.

Vote: All Ayes (4-0).

5. ATTORNEY REPORT: None

6. BCSO REPORT: None

7. BOARD REPORTS

7.a. Trails and Greenways Committee

Exhibit: Agenda Report Number 7.a.

7.b. Parks and Recreation Board

Exhibit: Agenda Report Number 7.b.

7.c. Planning and Zoning Board

Exhibit: Agenda Report Number 7.c.

8. STAFF REPORTS:

8.a. Town Manager – TM Morrell began by stating message boards for Rocky Point Road Restoration arrived, property owners on Rocky Point received mailed notices of the project along with notices of any docks or private amenities along the shoreline for removal by the owners at their own expense, the webpage for the project is available on the Town's website and shared on social media. Today, staff completed the request for extension for FEMA reimbursement assistance.

8.b. Town Clerk – Excused

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):

10. PUBLIC HEARINGS/SPECIAL ORDERS: 1

10.a. SECOND READING - Amending Chapter 6, Section 6-1 of the Code of Ordinance to include the 2023 8th Edition of the Florida Building Code (Ordinance 2024-01)

Exhibit: Agenda Report Number 10.a.

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

Ordinance read by Title Only.

Staff Comments: TM Morrell states this is the second and final reading of this Ordinance. It passed its first reading unanimously, and all required legal advertisements have been run.

MOTION: CM Scardino /CM Hofmeister to approve Ordinance 2024-01.

Discussion: None

ROLL CALL VOTE: CM Scardino, Aye; CM Hofmeister, Aye; CM Acquaviva, Aye; CM Vail, Excused; CM Clevenger, Aye. Motion Carries 4-0.

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

12. ACTION ITEMS:

RESOLUTIONS: 0

MISCELLANEOUS: 1

10.a. Fire Department Deputy Chief Position

Exhibit: Agenda Report Number 10.a.

Staff Comments: TM Morrell provided an email from Chief Foley listing some of the items that the Deputy Chief would provide transition and continued assistance as a volunteer Deputy Chief. CM Hofmeister reviewed the list and stated most were complete. TM Morrell Advised on the status. Chief Foley was called to the podium to address the council and stated this would be helpful to the department and assist his transition since his absence and the departure of Gianantonio to another agency yet would continue to volunteer with MFD. It would provide more time for the Chief and Gianantonio to collaborate.

MOTION: CM Scardino /CM Acquaviva to approve the addition of a Deputy Chief position for the Malabar Fire Department.

Discussion: Discussion among council appreciated Gianantonio for his service as Interim and retaining him as a volunteer Deputy Chief would be good for the department.

Vote: Motion Carries 4-0

13. DISCUSSION/POSSIBLE ACTION: 1

13.a. Amend Town of Malabar Code 1-5-6 Accessory Buildings to Allow Shipping Containers for Storage Only

Exhibit: Agenda Report Number 13.a.

Staff: TM Morrell reviewed the item as an addition to the code as permanent storage and the eight items that were discussed and approved by P&Z.

MOTION: CM Hofmeister/CM Scardino to approve changes to the Town of Malabar Code of Ordinances, Land Development Code, Article V - GENERAL PROVISIONS, Section 1-5.6. -

Accessory buildings by adding Item E, entitled Cargo Containers for Permanent Storage and advise council of any comments by the board and/or members.

Discussion: CM Acquaviva inquired about a foundation, TM Morrell concurred and followed up with a permit is required per the Florida Building Code for the placement and need to Building Official to review plans for the permitting process. Discussion of slab or footers, reiterated building permit, strapping required, and those would be reviewed by the official. Discussion of how often these are used; Mayor and CM Clevenger provided affirmation from their neighboring properties that they are used quite a bit for storage in Malabar. Town Council advised and directed staff to move forward with the amendment with a review by the Town Attorney for a future public hearing and legal advertisement as necessary.

VOTE: ALL AYES (4-0)

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

At the close of the gavel for adjournment, Gerlad Paradis, from the audience asked to speak. No Speaker card was submitted; the Mayor invited the gentlemen to speak at the podium. Mr. Paradis addressed council regarding his stop workorder at 2415 Malabar Road, distributed black and white photos of the land disturbance, and continued to explain the root rake process where he disagrees with the Town's Land Clearing permit requirements. Mayor explained the Town's code and method between rotary/brushing and use of an excavator. TM Morrell advised of email correspondences with the speaker regarding the Town's FDEP NPDES MS4 Phase II permit disturbing 1 acre or more and the Town's code disturbing 1,000 square feet of land for the reasons a stop workorder was issued on the property as well as the request to waive the permit process and fees. CM Clevenger asked the speaker if he put up silt fence, and the response was no. Town Councilmembers affirmed the permit requirements unanimously. The speaker left the podium and the meeting hall in displeasure.

15. REPORTS – MAYOR AND COUNCIL MEMBERS

CM Acquaviva: None

CM Vail: Excused

CM Clevenger: None

CM Scardino: None

CM Hofmeister: None

Mayor Reilly: None

16. ANNOUNCEMENTS: (2) Vacancy on the Planning & Zoning Board; (2) Vacancies on the Parks and Recreation Board; (2) Vacancy on the Board of Adjustment; (2) Vacancy on the Trails and Greenways Committee.

17. ADJOURNMENT: There being no further business to discuss and without objection, the meeting was adjourned at 8:05 P.M.

BY: _____
Mayor Patrick T. Reilly, Council Chair

ATTEST:

Richard W. Kohler
Town Clerk

Date Approved: 04/15/2024

Official
Proclamation

Town of Malabar

Florida

Government Finance Professionals Week

April 22nd to April 26th 2024.

WHEREAS, The Florida Government Finance Officers Association is a professional association founded in 1937 and serves more than 3,300 professionals from state, county and city governments, school districts, colleges and universities, special districts and private firms; and

WHEREAS, the FGFOA is dedicated to being your professional resource by providing opportunities through education, networking, leadership and information; and

WHEREAS, this Government Finance Professionals Week, sponsored by the FGFOA and all of its member governmental organizations, is a weeklong series of activities aimed at recognizing government finance professionals and the vital services that they provide to our state and our community; and

WHEREAS, during this week, government finance professionals throughout the State of Florida will be acknowledged for their hard work, dedication and leadership.

NOW, THEREFORE, I, Patrick T. Reilly, Mayor of the Town of Malabar, by virtue of the authority vested in me by the laws of the Town of Malabar, Brevard County, and the State of Florida, do hereby proclaim the fourth week of April 2024 as "Government Finance Professionals Week" and to further extend appreciation to our Town's Finance Professional, Town Treasurer Makayla Austin, and to all Government Finance Professionals for the vital services they perform and their exemplary dedication to the communities they represent.

Town of Malabar Florida

Patrick T. Reilly

Town of Malabar, Mayor

ATTEST:

Richard Kohler

Town of Malabar, Town Clerk

Official

Proclamation

Town of Malabar, Florida

Thanking the Palm House for its Generous Donation

WHEREAS, The Palm House is a registered business within the Town of Malabar; and

WHEREAS, the single Robellini Palm Tree planted in front to Malabar Town Hall had died; and

WHEREAS, the owner of the Palm House, Mr. Doug Proctor, a long-term Malabar Resident, offered to donate a replacement tree for the area; and

WHEREAS, on Friday, April 5th, 2024, employees from the Palm House arrived at Town Hall to remove the old single Robellini Palm, and installed a new triple Robellini Palm Tree free of charge; and

WHEREAS, Mr. Proctor has also indicated his intent to donate 2 additional coconut trees to add shade to the rear patio area of Town Hall; and

WHEREAS, Town Staff appreciates the increased shade and aesthetic appearance of their place of work; and

WHEREAS, Town Council wishes to express its thanks and appreciation to the Palm House and Mr. Proctor for their civic minded generosity.

NOW, THEREFORE, I, Patrick T. Reilly, Mayor of the Town of Malabar, by virtue of the authority vested in me by the laws of the Town of Malabar, Brevard County, and the State of Florida, do hereby proclaim Monday, April 22, 2024 as Earth Day and urge our Malabar residents to join us in planting a tree in an effort to help protect and preserve our environment for present and future generations.

Town of Malabar Florida

Patrick T. Reilly

Town of Malabar, Mayor

ATTEST:

Richard Kohler

Town of Malabar, Town Clerk

TOWN OF MALABAR

REGULAR TOWN COUNCIL MEETING

AGENDA ITEM NO: 7.b.

Meeting Date: April 15th, 2024

Prepared By: Richard W. Kohler, Town Clerk

SUBJECT: Town Clerk

BACKGROUND/HISTORY:

On April 6th, the Town of Malabar participated in the 2024 Keep Brevard Beautiful Trash Bash. 15 volunteers located and removed garbage and trash from Town owned Parks and Rights-of-Ways from 8 AM to 12 PM, with collection sites at Malabar Community Park and the corner of Atz and Corey Road. The event was a resounding success with over 1,000 lbs of Trash collected, and met the requirements listed in the Town's NPDES permit.

On April 9th, Staff attended a Fiscal Year 27 Florida Department of Transportation (FDOT) Project Update meeting. Staff was informed that the FDOT has two planned projects in Malabar in Fiscal Year 27, the resurfacing of Malabar Road (SR-514) from Babcock Street to US Highway 1, and the resurfacing of the South Bound side of US Highway 1 from Rocky Point Road to Malabar Road.

ATTACHMENTS:

- Photos taken during Trash Bash

ACTION:

- None.











MALABAR
FIRE RESCUE

DRIVER
ENGINEER

K&B
keep it right

DO IT
RIGHT
K&B
keep it right
LOWE'S



WASTE MANAGEMENT DEPT.
 Judge Fran Jamieson Way
 Fl. 32940-6602

Town Of Malabar
 2725 MALABAR ROAD
 Malabar FL 32950

SITE	TICKET	GRID		WEIGHMASTER	
021	04084632	1		Christina	
DATE IN	DATE OUT	TIME IN	TIME OUT	VEHICLE	RO
04/09/24	04/09/24	13:43	14:04	11977	
REFERENCE			ORIGIN		

1 GROSS WT 16540 LB
 L TARE WT 15520 LB
 EIGHT 1020 LB

Inbound Ticket

QTY.	UNIT	DESCRIPTION	RATE	EXTENSION	FEE	TO
0.51	TON	Solid Waste Billable	32.620	16.64	0.00	

NET AM
TENDE
CHAI
CHEC

SIGNATURE _____

TOWN OF MALABAR

REGULAR TOWN COUNCIL MEETING

AGENDA ITEM NO: 7.C

Meeting Date: April 15th, 2024

Prepared By: **Makayla Austin, Town Treasurer**

SUBJECT: Treasurer Report

The Treasurer report provides a monthly financial report through March 31, 2024 (unaudited), completing six months, or 50%, of the fiscal year.

Revenue generated throughout the period totaled: **\$ 2,418,958.48.**

- General Fund: \$ 1,097,852.19.
- Building Fund (322.1000): \$205,000 or 57.16% collection of the fiscal budget.
- Land Use Permits (329.5000): \$9,015.00 or 60.1% collection of the fiscal year budget.
- Beautification Trust Fund (329-5010), established for tree removal permits, totals \$1,400 fiscal year to date.
- Paving Assessment (349.2000): \$10,135.30 or 101.35% collection of the fiscal budget.

Notable expenses:

- Departmental Expenses for the reporting period totaled, **\$ 1,514,077.19.**
- 500.1100 (Executive Salary: Town Manager) will need a budget amendment to reflect Lisa's current salary.
- ARPA spending totals \$61,307.36 so far for FY24 leaving \$745,694.64.
- Payments for the Rocky Point project will be paid on the first of the month following each completed month of work on the shoreline. Payments should start 1 May 2024 until completion.

The current financial outlook for the fiscal year to date period, October 1, 2023 to March 31, 2024, representing 50% of the fiscal year (unaudited), is stable. Our revenues are trending appropriately with most around 50% collection. Expenditures are trending fiscally appropriate as none of the departments are currently forecasted to be overbudget.

ATTACHMENTS:

BudgetVSActual Report thru March 31, 2024 (Unaudited) - PDF

04/15/2024

STATEMENT OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCE - BUDGET AND ACTUAL
Period Ending 03/31/2024
ADJUSTMENTS COMPILED BY: GASB34 ADJUSTMENT FILE

GL #	Description	ORIGINAL	FINAL	ACTUAL AMOUNTS	VARIANCE WITH FINAL BUDGET +(-)
Fund: 001 GENERAL FUND					
REVENUES					
Unclassified					
001-000-311.0000	AD VALOREM TAXES	1,643,077.00	1,643,077.00	1,415,149.75	(227,927.25)
001-000-312.4300	LOCAL OPTION GAS TAX	107,759.00	107,759.00	55,366.53	(52,392.47)
001-000-314.1000	UTILITY TAX - ELECTRICITY	350,000.00	350,000.00	116,079.61	(233,920.39)
001-000-314.4000	UTILITY TAX - GAS	15,000.00	15,000.00	7,078.48	(7,921.52)
001-000-315.2000	COMMUNICATIONS SERVICE T/	115,198.00	115,198.00	58,555.71	(56,642.29)
001-000-316.1000	BUSINESS TAX RECEIPTS - MAL/	19,250.00	19,250.00	14,922.82	(4,327.18)
001-000-316.2000	BUSINESS TAX RECEIPTS - BRE/	700.00	700.00	1,174.60	474.60
001-000-322.0000	BUILDING PERMITS	205,000.00	205,000.00	117,177.57	(87,822.43)
001-000-323.1000	FRANCHISE FEE - ELECTRICITY	260,000.00	260,000.00	190,548.23	(69,451.77)
001-000-323.3000	FRANCHISE FEE - WATER	8,000.00	8,000.00	3,434.58	(4,565.42)
001-000-323.7000	FRANCHISE FEE - SOLID WASTE	35,000.00	35,000.00	19,657.76	(15,342.24)
001-000-325.1000	SW ASSESSEMENT	133,107.00	133,107.00	193,768.98	60,661.98
001-000-325.2000	TIFT ALLOCATION REQUEST	66,000.00	66,000.00		(66,000.00)
001-000-329.5000	OPSA LAND USE	15,000.00	15,000.00	9,015.00	(5,985.00)
001-000-329.5010	BEAUTIFICATION TRUST FUND	5,000.00	5,000.00	1,400.00	(3,600.00)
001-000-334.1000	STATE GRANT	25,730.00	25,730.00	13,570.20	(12,159.80)
001-000-335.1250	STATE REVENUE SHARING	109,190.00	109,190.00	53,486.88	(55,703.12)
001-000-335.1400	STATE REVENUE SHARING - MO	2,600.00	2,600.00	1,733.48	(866.52)
001-000-335.1500	STATE REVENUE SHARING - ALC	1,400.00	1,400.00		(1,400.00)
001-000-335.1800	STATE REV SHARING-LOCAL GC	215,140.00	215,140.00	105,796.38	(109,343.62)
001-000-335.1900	STATE REVENUE SHARING - OTI	5,500.00	5,500.00		(5,500.00)
001-000-335.2100	STATE REVENUE SHARING - FIR	990.00	990.00		(990.00)
001-000-349.0000	SPECIAL EVENT REVENUE	3,000.00	3,000.00	1,025.00	(1,975.00)
001-000-349.1000	BACKGROUND CHECK	200.00	200.00	60.00	(140.00)
001-000-349.2000	PAVING ASSESSMENT	10,000.00	10,000.00	10,135.30	135.30
001-000-349.3000	GOLF CART REGISTRATION	250.00	250.00	50.00	(200.00)
001-000-349.4000	LIEN SEARCHES	5,000.00	5,000.00	2,050.00	(2,950.00)
001-000-351.0000	FINES/FORFEITURE	500.00	500.00	70.74	(429.26)
001-000-361.1000	INTEREST EARNINGS	10,000.00	10,000.00		(10,000.00)

001-000-361.1010	CELL TOWER LEASE INTEREST	10,855.00	10,855.00	4,346.73	(6,508.27)
001-000-362.0000	CELL TOWER LEASE PRINCIPAL	18,095.00	18,095.00	7,728.27	(10,366.73)
001-000-365.0000	SALE OF SURPLUS MATERIAL	15,000.00	15,000.00	10.00	(14,990.00)
001-000-366.0000	DONATIONS	100.00	100.00		(100.00)
001-000-369.9000	MISCELLANEOUS REVENUE	500.00	500.00	12,354.88	11,854.88
001-000-369.9100	INSURANCE REFUND - FMIT	0.00	0.00	3,211.00	3,211.00
001-000-389.9000	PARK & REC FUNDS	45,160.00	45,160.00		(45,160.00)
001-000-389.9520	USE & OF BD RESTRICTED FUNI	131,499.00	131,499.00		(131,499.00)
001-000-389.9530	USE & OF GF FUND BALANCE	563,983.00	563,983.00		(563,983.00)
001-000-389.9860	SLFR & RESTRICTED FUNDING	806,902.00	806,902.00		(806,902.00)
Unclassified		4,959,685.00	4,959,685.00	2,418,958.48	(2,540,726.52)

Total REVENUES		4,959,685.00	4,959,685.00	2,418,958.48	(2,540,726.52)
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EXPENDITURES

Unclassified

001-511-500.1100	EXECUTIVE SALARIES	57,750.00	57,750.00		57,750.00
001-511-500.1200	REGULAR SALARIES & WAGES	40,000.00	40,000.00	46,539.26	(6,539.26)
001-511-500.1400	OVERTIME	1,000.00	1,000.00		1,000.00
001-511-500.2100	FICA	7,554.00	7,554.00	3,330.08	4,223.92
001-511-500.2200	RETIREMENT CONTRIBUTIONS	25,363.00	25,363.00	12,206.89	13,156.11
001-511-500.2300	EMPLOYEE BENEFITS	37,864.00	37,864.00	15,099.22	22,764.78
001-511-500.3114	CONTRACTED SERVICES - SC	2,500.00	2,500.00	101.47	2,398.53
001-511-500.4000	TRAVEL & PER DIEM	1,500.00	1,500.00	901.40	598.60
001-511-500.4010	TRAVEL & PER DIEM - COUNCIL	1,500.00	1,500.00	150.00	1,350.00
001-511-500.4020	TRAVEL & PER DIEM - CLERK	1,000.00	1,000.00	619.66	380.34
001-511-500.4200	POSTAGE & FREIGHT	1,000.00	1,000.00	203.85	796.15
001-511-500.4500	INSURANCE	350.00	350.00	381.00	(31.00)
001-511-500.4700	PRINTING & LEGAL ADS	5,000.00	5,000.00	2,646.90	2,353.10
001-511-500.4800	PROMOTIONAL ACTIVITIES	500.00	500.00	128.96	371.04
001-511-500.5200	OPERATING SUPPLIES	1,000.00	1,000.00	39.55	960.45
001-511-500.5400	BOOKS, SUBSCRIPTION, MEMB	1,500.00	1,500.00	913.86	586.14
001-511-500.5500	TRAINING, SEMINARS, REGISTR	3,000.00	3,000.00	962.00	2,038.00
001-512-500.1100	EXECUTIVE SALARIES	90,300.00	90,300.00	66,926.59	23,373.41
001-512-500.1200	REGULAR SALARIES & WAGES	65,000.00	65,000.00	27,500.02	37,499.98
001-512-500.2100	FICA	11,880.00	11,880.00	7,209.25	4,670.75
001-512-500.2200	RETIREMENT CONTRIBUTIONS	39,992.00	39,992.00	24,605.29	15,386.71
001-512-500.2300	EMPLOYEE BENEFITS	18,652.00	18,652.00	14,281.27	4,370.73
001-512-500.4000	TRAVEL & PER DIEM	3,600.00	3,600.00	70.00	3,530.00
001-512-500.5400	BOOKS, SUBSCRIPTION, MEMB	400.00	400.00	300.00	100.00

001-513-500.1110	EXECUTIVE SALARIES - TREASU	100,000.00	100,000.00	23,139.20	76,860.80
001-513-500.2100	FICA	7,650.00	7,650.00	1,770.15	5,879.85
001-513-500.2200	RETIREMENT CONTRIBUTIONS	13,570.00	13,570.00	3,139.98	10,430.02
001-513-500.2300	EMPLOYEE BENEFITS	29,795.00	29,795.00	3,724.32	26,070.68
001-513-500.3200	AUDITING	22,000.00	22,000.00	3,500.00	18,500.00
001-513-500.5400	BOOKS, SUBSCRIPTION, MEMB	500.00	500.00	774.00	(274.00)
001-513-500.5500	TRAINING, SEMINARS, REGISTR	500.00	500.00	35.00	465.00
001-514-500.3100	PROFESSIONAL SERVICES	50,000.00	50,000.00	13,497.75	36,502.25
001-514-500.3110	OTHER SERVICES - EMPLOYMEI	5,000.00	5,000.00	487.50	4,512.50
001-514-500.3120	PROF SRVS - EXTERNAL LEGAL	10,000.00	10,000.00	14,039.00	(4,039.00)
001-515-500.3100	PROFESSIONAL SERVICES	3,500.00	3,500.00		3,500.00
001-519-500.2300	EMPLOYEE BENEFITS	4,041.00	4,041.00	3,262.48	778.52
001-519-500.2310	OEB LIABILITIES	15,000.00	15,000.00		15,000.00
001-519-500.2400	WORKERS' COMPENSATION	59,157.00	59,157.00	44,385.99	14,771.01
001-519-500.2410	AD&D AND FFCD PREMIUM	900.00	900.00		900.00
001-519-500.3106	PROFESSIONAL SERVICES - CO	10,000.00	10,000.00	781.11	9,218.89
001-519-500.3110	OTHER SERVICES - EMPLOYMEI	330.00	330.00	586.44	(256.44)
001-519-500.3402	OTHER SERVICES - PEST/HERBI	6,800.00	6,800.00	2,760.83	4,039.17
001-519-500.3403	OTHER SERVICES - FACILITY	5,000.00	5,000.00	4,596.30	403.70
001-519-500.3404	OTHER SERVICES - JANITORIAL	4,620.00	4,620.00	2,490.00	2,130.00
001-519-500.4000	TRAVEL & PER DIEM	1,500.00	1,500.00		1,500.00
001-519-500.4100	COMMUNICATION SERVICES	9,000.00	9,000.00	2,372.94	6,627.06
001-519-500.4120	COMMUNICATION SERVICES - C	3,500.00	3,500.00	946.30	2,553.70
001-519-500.4300	UTILITIES - ELECTRIC	17,000.00	17,000.00	8,540.19	8,459.81
001-519-500.4400	RENTALS & LEASES	9,000.00	9,000.00	5,697.42	3,302.58
001-519-500.4501	INSURANCE - PROPERTY & LIAB	95,672.00	95,672.00	68,034.56	27,637.44
001-519-500.4600	REPAIRS & MAINTENANCE	4,000.00	4,000.00	1,207.05	2,792.95
001-519-500.4620	SOFTWARE MAINTENANCE	25,000.00	25,000.00	24,621.55	378.45
001-519-500.4700	PRINTING & LEGAL ADS	1,800.00	1,800.00	714.73	1,085.27
001-519-500.4900	OTHER CURRENT OBLIGATIONS	3,000.00	3,000.00	5,564.58	(2,564.58)
001-519-500.4920	CONTINGENCY	7,000.00	7,000.00		7,000.00
001-519-500.5100	OFFICE SUPPLIES	1,500.00	1,500.00		1,500.00
001-519-500.5200	OPERATING SUPPLIES	6,000.00	6,000.00	7,786.08	(1,786.08)
001-519-500.5400	BOOKS, SUBSCRIPTION, MEMB	1,000.00	1,000.00		1,000.00
001-519-500.5500	TRAINING, SEMINARS, REGISTR	4,152.00	4,152.00	19.98	4,132.02
001-522-500.1100	EXECUTIVE SALARIES	55,910.00	55,910.00	19,569.52	36,340.48
001-522-500.1200	REGULAR SALARIES & WAGES	273,269.00	273,269.00	152,701.60	120,567.40
001-522-500.1210	PART TIME SALARIES AND WAGI	21,425.00	21,425.00		21,425.00
001-522-500.1300	HOLIDAY PAY	8,500.00	8,500.00	7,429.20	1,070.80
001-522-500.1400	OVERTIME	8,000.00	8,000.00	5,100.02	2,899.98

001-522-500.1500	SPECIAL PAY	7,500.00	7,500.00	2,620.00	4,880.00
001-522-500.2100	FICA	28,657.00	28,657.00	12,715.40	15,941.60
001-522-500.2200	RETIREMENT CONTRIBUTIONS	122,840.00	122,840.00	57,475.08	65,364.92
001-522-500.2300	EMPLOYEE BENEFITS	104,183.00	104,183.00	49,629.62	54,553.38
001-522-500.3104	PROFESSIONAL SERVICES - ME	15,262.00	15,262.00	16,641.00	(1,379.00)
001-522-500.3401	OTHER SERVICES - COUNTY	28,122.00	28,122.00	13,372.20	14,749.80
001-522-500.4600	REPAIRS & MAINTENANCE	25,000.00	25,000.00	12,434.20	12,565.80
001-522-500.4610	REPAIRS & MAINTENANCE - RAI	1,500.00	1,500.00	87.84	1,412.16
001-522-500.4620	SOFTWARE MAINTENANCE	7,500.00	7,500.00		7,500.00
001-522-500.4800	PROMOTIONAL ACTIVITIES	950.00	950.00		950.00
001-522-500.5100	OFFICE SUPPLIES	700.00	700.00		700.00
001-522-500.5200	OPERATING SUPPLIES	22,200.00	22,200.00	8,636.37	13,563.63
001-522-500.5201	OPERATING SUPPLIES - FUEL	12,000.00	12,000.00	3,678.77	8,321.23
001-522-500.5400	BOOKS, SUBSCRIPTION, MEMB	500.00	500.00		500.00
001-522-500.5500	TRAINING, SEMINARS, REGISTR	3,000.00	3,000.00		3,000.00
001-522-500.6400	MACHINERY & EQUIPMENT	199,696.00	199,696.00	59,696.00	140,000.00
001-522-500.8000	GRANTS	32,230.00	32,230.00		32,230.00
001-524-500.1200	REGULAR SALARIES & WAGES	90,000.00	90,000.00	36,536.45	53,463.55
001-524-500.1210	PART TIME SALARIES AND WAGI	8,906.00	8,906.00		8,906.00
001-524-500.1400	OVERTIME	2,000.00	2,000.00	558.89	1,441.11
001-524-500.2100	FICA	7,719.00	7,719.00	2,809.04	4,909.96
001-524-500.2200	RETIREMENT CONTRIBUTIONS	13,693.00	13,693.00	5,033.82	8,659.18
001-524-500.2300	EMPLOYEE BENEFITS	19,073.00	19,073.00	6,697.54	12,375.46
001-524-500.2400	WORKERS' COMPENSATION	6,178.00	6,178.00	4,931.79	1,246.21
001-524-500.3102	PROFESSIONAL SERVICES - LEC	10,000.00	10,000.00	787.50	9,212.50
001-524-500.3103	PROF SRVS - BLDG OFFICIAL, P	95,000.00	95,000.00	45,094.25	49,905.75
001-524-500.3105	PROFESSIONAL SERVICES - ENI	15,000.00	15,000.00	7,140.00	7,860.00
001-524-500.3402	OTHER SERVICES - PEST/HERBI	500.00	500.00	145.99	354.01
001-524-500.3403	OTHER SERVICES - FACILITY	1,000.00	1,000.00		1,000.00
001-524-500.3404	OTHER SERVICES - JANITORIAL	800.00	800.00	430.00	370.00
001-524-500.4000	TRAVEL & PER DIEM	1,000.00	1,000.00		1,000.00
001-524-500.4100	COMMUNICATION SERVICES	4,000.00	4,000.00	971.29	3,028.71
001-524-500.4300	UTILITIES - ELECTRIC	1,500.00	1,500.00	901.43	598.57
001-524-500.4400	RENTALS & LEASES	4,000.00	4,000.00	2,623.68	1,376.32
001-524-500.4501	INSURANCE - PROPERTY & LIAB	10,630.00	10,630.00	12,044.66	(1,414.66)
001-524-500.4620	SOFTWARE MAINTENANCE	8,000.00	8,000.00	3,704.00	4,296.00
001-524-500.4700	PRINTING & LEGAL ADS	3,000.00	3,000.00	857.64	2,142.36
001-524-500.4900	OTHER CURRENT OBLIGATIONS	5,000.00	5,000.00	3,616.34	1,383.66
001-524-500.5100	OFFICE SUPPLIES	3,000.00	3,000.00		3,000.00
001-524-500.5200	OPERATING SUPPLIES	1,500.00	1,500.00	1,018.29	481.71

001-524-500.5500	TRAINING, SEMINARS, REGISTR	1,000.00	1,000.00	1,952.14	(952.14)
001-524-500.6400	MACHINERY & EQUIPMENT	24,000.00	24,000.00		24,000.00
001-525-500.2300	EMPLOYEE BENEFITS	0.00	0.00	(62.70)	62.70
001-525-500.3010	PA ROCKY POINT	543,292.00	543,292.00	10,380.00	532,912.00
001-525-500.3020	AMERICAN RELIEF PLAN ACT/SI	806,902.00	806,902.00	61,207.36	745,694.64
001-538-500.3113	CONTRACTED SERVICES - ENGI	15,000.00	15,000.00		15,000.00
001-538-500.3118	CONTRACTED SERVICES - ROW	10,000.00	10,000.00		10,000.00
001-538-500.3405	ILA ADMINISTRATIVE PROIGRAN	10,750.00	10,750.00	22,874.65	(12,124.65)
001-538-500.4601	SW MAINTENANCE OPERATION	15,000.00	15,000.00	9,113.00	5,887.00
001-538-500.4910	SW PROJECTS	21,687.00	21,687.00	12,664.97	9,022.03
001-538-500.6300	INFRASTRUCTURE	50,000.00	50,000.00		50,000.00
001-538-500.7100	SRF LOAN PAYMENT	10,670.00	10,670.00	5,198.52	5,471.48
001-541-500.1100	EXECUTIVE SALARIES	50,000.00	50,000.00	24,903.01	25,096.99
001-541-500.1200	REGULAR SALARIES & WAGES	158,080.00	158,080.00	54,485.81	103,594.19
001-541-500.1400	OVERTIME	2,000.00	2,000.00	418.67	1,581.33
001-541-500.2100	FICA	16,071.00	16,071.00	5,924.75	10,146.25
001-541-500.2200	RETIREMENT CONTRIBUTIONS	28,508.00	28,508.00	10,538.98	17,969.02
001-541-500.2300	EMPLOYEE BENEFITS	46,630.00	46,630.00	14,738.36	31,891.64
001-541-500.4000	TRAVEL & PER DIEM	500.00	500.00		500.00
001-541-500.4300	UTILITIES - ELECTRIC	11,700.00	11,700.00	6,828.86	4,871.14
001-541-500.4400	RENTALS & LEASES	1,500.00	1,500.00	3,505.00	(2,005.00)
001-541-500.4600	REPAIRS & MAINTENANCE	25,000.00	25,000.00	11,159.39	13,840.61
001-541-500.4612	REPAIRS & MAINTENANCE - RR	4,000.00	4,000.00	3,934.00	66.00
001-541-500.5200	OPERATING SUPPLIES	7,000.00	7,000.00	2,169.18	4,830.82
001-541-500.5201	OPERATING SUPPLIES - FUEL	18,000.00	18,000.00	8,685.97	9,314.03
001-541-500.5300	ROAD MATERIALS & SUPPLIES	25,000.00	25,000.00	25,908.11	(908.11)
001-541-500.6300	INFRASTRUCTURE	66,000.00	66,000.00		66,000.00
001-541-500.6500	CONSTRUCTION IN PROGRESS	664,000.00	664,000.00	155,000.00	509,000.00
001-572-500.4400	RENTALS & LEASES	2,600.00	2,600.00	1,200.00	1,400.00
001-572-500.4600	REPAIRS & MAINTENANCE	15,000.00	15,000.00	5,969.23	9,030.77
001-572-500.4930	OPERATING (T&G_PARK)	10,000.00	10,000.00	247.29	9,752.71
001-572-500.5200	OPERATING SUPPLIES	5,000.00	5,000.00	179.77	4,820.23
001-572-500.6300	INFRASTRUCTURE	45,160.00	45,160.00	22,535.62	22,624.38
001-574-500.4800	PROMOTIONAL ACTIVITIES	3,500.00	3,500.00	1,135.88	2,364.12
Unclassified		4,959,685.00	4,959,685.00	1,514,077.19	3,445,607.81
Total EXPENDITURES		4,959,685.00	4,959,685.00	1,514,077.19	3,445,607.81
Excess (deficiency) of Rev. vs. E		0.00	0.00	904,881.29	904,881.29

Net Change in Fund Balances	0.00	0.00	904,881.29	904,881.29
BEG. FUND BALANCE - ALL FUN	2,039,111.02	2,039,111.02	2,039,111.02	2,039,111.02
END FUND BALANCE - ALL FUN	2,039,111.02	2,039,111.02	2,943,992.31	2,943,992.31

TOWN OF MALABAR FIRE DEPARTMENT

Quarterly Report

TURNING DATA INTO
INFORMATION TO GAIN
INSIGHTS INTO OPERATIONAL
AND STRATEGIC CHALLENGES.

Fiscal Year 2024

January - March



The following report reflects the operations of Malabar Fire Department for this quarter. The dedicated personnel of the fire department serve with excellence and integrity to answer all calls for service within the Town of Malabar and surrounding communities. All members are working collaboratively to ensure that the fire department is operating efficiently and effectively.

It is the intent of the Malabar Fire Department to perform the selfless duties of the fire service with the goal of identifying any weaknesses and building upon strengthening those weaknesses with thoughtful ideas utilizing discussions and data analysis.

The department's current goals are to continue revamping the department wide SOGs to ensure guidance is offered for the various administrative and operational business for the personnel. To date the department has introduced **38 SOGs** that have been either revised or developed. Each member of the department is assigned a group of SOGs to develop or revise, that fall within their areas of responsibility (Lt. Hooker – 5 SOGs, Lt. Borda – 4 SOGs, Lt. Strickland – 3 SOGs, Lt. Riley – 4 SOGs, DE Braun – 2 SOGs, DE Phang – 4 SOGs, DE Endicott – 5 SOGs, DE Gianantonio – 6 SOGs). The department is also developing an operational objective manual to outline risk assessment and critical task assignment for the various emergencies faced by the fire service. This will help facilitate additional training scenarios to ensure there is alignment with national standards for operational readiness.

Accomplishments

All department personnel were assigned an Area of Responsibility to allow delegation of tasks regarding fire department operations. Each member was briefed on the expectations of their assigned area and provided with the necessary budget information involving their responsible assignment. We have revamped our daily checkoff schedule to outline both apparatus and station detail objectives. This was accomplished by Lt. Strickland and DE Phang as part of their areas of responsibility.

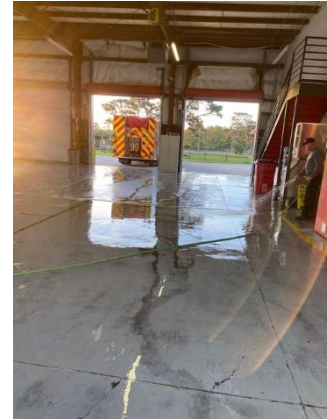
Department members are near completion of annual hose testing. This is accomplished annually at the beginning of the year to ensure our firefighting hose can maintain the suggested flow demands during operations.

Malabar Fire Department applied for three grants this quarter. The Forestry matching grant is for PPE. The Florida Department of Health 90/10 Rural matching grant is for a Lucas Chest Compression Device. The last grant was through Motorola Solutions, but due to the high volume of submittals, we were not able to secure this grant. Malabar Fire Department will continue to try to acquire grant funding for much needed equipment.

The department had submitted surplus equipment for sale on the SAM Gov Deals site. Most of the equipment was sold. These much-needed funds will help to maintain the fleet of apparatus and other safety items for the department.



Each day your fire department is working to move the organization in a forward direction. The dedicated members of Malabar Fire Department continually make improvements in processes and operations so that the services we provide can be beneficial for the community.



Crews prepared the station for the S-330 Task Force/Strike Team Leader course being presented by the Division of Forestry.



Malabar says goodbye to SQ99. This unit was recently sold on Gov Deals. It will serve the volunteer fire department in Missouri proudly. The funding from this sale will be instrumental in maintaining the current fleet to be safe and compliant.

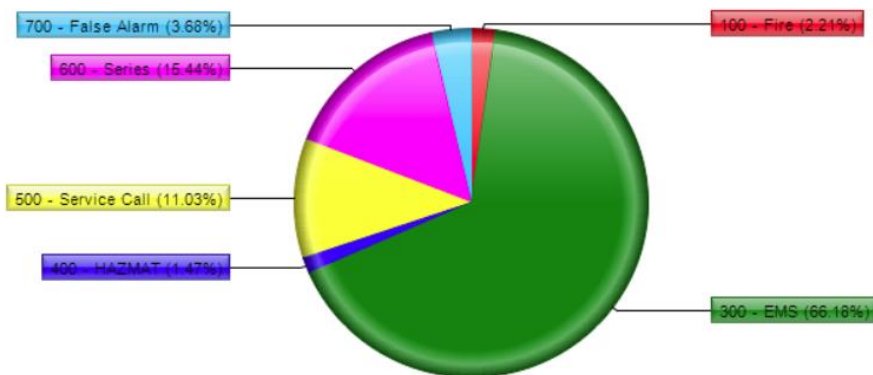


CALLS FOR SERVICE

Each fire department is responsible for planning and managing its operations so that firefighters can perform their roles of fire control and fire prevention most effectively and efficiently. The availability of accurate information about fires and all other incidents is vital in achieving maximum performance. Patterns that emerge from the analysis of incident data can help the department focus on current problems, predict future problems in the community, and measure the department's performance. (excerpt from National Incident Fire Reporting System reference guide)

Every call we respond to provides data points in which we can measure our performance and identify any response issues that are under our control and can be further evaluated for developing ways to improve our service delivery or any anomalies in which we need to recognize and further evaluate with specific data sets. The transparency of our service revolves around our response data and our measurements of actions delivered on an emergency scene. It is Malabar Fire Department's intent to analyze all data sets and strategically and thoughtfully develop solutions to enhance our service delivery to the community. The following is our incident type response data from the past quarter.

Incident Types	January	February	March
Fire – Structure/Vehicle	3	0	0
Fire – Brush	0	0	0
EMS	33	16	39
Hazardous Condition	1	1	0
Service Calls	7	3	6
Good Intent Calls	7	7	5
Fire Alarms	1	1	3
Special Incident	0	0	0
Monthly Total	52	27	53



Call Comparison from Previous Year's Quarter

The following shows the comparison of increases or decreases in call volume from the previous year's quarter to the current year's quarter. The fire department discontinued the practice of initiating an incident number for every fire pre-plan and checking individual hydrants at the beginning of 2023. This comparison reflects increases in call volume even without the inclusion of the activities stated previously.

Month	2023	2024	% Comparison
January	37	52	41% Increase
February	44	27	38% Decrease
March	48	53	10% Increase

Using the ESO report writing system, we can review previous call information to acquire data points for trending analysis. Future data collection helps provide useful information on performance measures and operational deficiencies. This data collection will help in developing operational changes in deployment and staffing.

In **2024 first quarter**, Malabar Fire Department responded to **132** calls for service. Comparing this number to **2023 first quarter (129)** calls for service, you will find that there was a **2% increase** in call volume for the fire department. Increases in call volume will continue to be monitored throughout the year to begin tracking trends and additional response deployment needs for service delivery.

Personnel Hours

This reflects the members' total time (in hours) on emergency responses. This does not include the hours of training spent every month.

Personnel	Total Time
BORDA, SEAN	34.00
BRAUN, FRITZ	28.00
Combs, Chad	13.00
ENDICOTT, ROBERT	41.00
GIANANTONIO, ANTHONY	32.00
HOOKER, JOSEPH	23.00
KELLEY, JEREMY	9.00
PHANG, DAVID	35.00
REID, COLTON	9.00
Rettberg, Kristen	11.00
RILEY, KEVIN	40.00
Simpson, John	9.00
Smith, Cris	1.00
SMOLENSKI, MICHAEL	3.00
STRICKLAND, RICHARD	40.00



SIGNIFICANT INCIDENTS

Malabar fire department personnel are ready for responses 24-hours a day/7-days a week. In this past quarter our responses included auto-aid assistance to Palm Bay and Barefoot Bay.

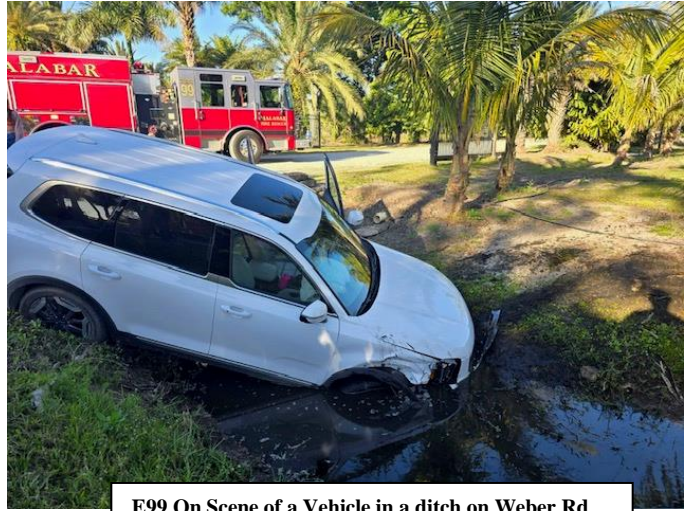
As we respond to each incident, we also reflect and perform an after-action review to ensure we identify any issues that we consider a weakness and develop a plan to become stronger in our abilities to serve the community.



Vehicle Fire that extended to a structure on Duncil. E99 and Palm Bay units responded. Extinguishment of the car fire halted extension to the structure.



E99 response to a Jeep rollover into a ditch.



E99 On Scene of a Vehicle in a ditch on Weber Rd



E99 crew working at a two-vehicle crash at Foundation Park and Babcock.

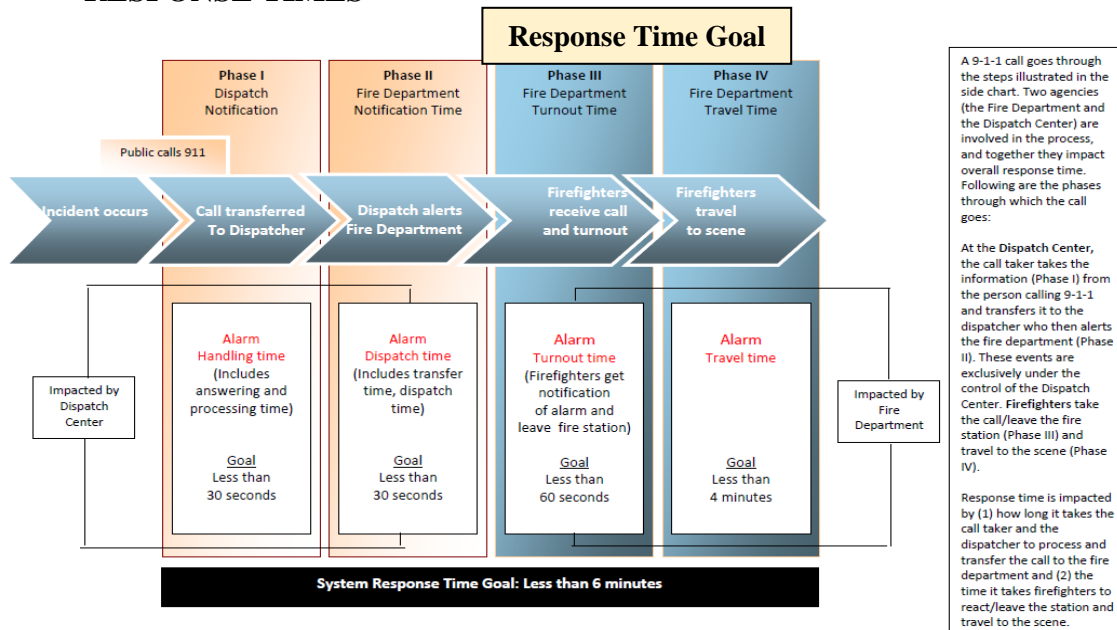




Response to a buried propane tank that broke the surface after significant rain. E99 crew worked to assess for any leaking from the tank. Crews' shutdown the valves from the tank leading into the house. Scene turned over to the gas company.



RESPONSE TIMES



Response Times for Malabar Fire Department

Turnout Time (Average): **1 minute 39 seconds**

Travel Time (Average): **6 minutes 30 seconds**

Total Response Time: **8 minutes 09 seconds**

Average On Scene Time (mm:ss): **20 Minutes 55 Seconds** (EMS Responses)

Total Personnel Hours on Calls: **328**

The response times noted above are performance measures that help determine if we can find better ways to get onto the engine and get out of the station for our response in a quicker time. The response is dependent on many factors such as distance to location, units assigned (cross staffing) and traffic on the road. These do include auto-aid responses to Barefoot Bay, Grant-Valkaria, and Palm Bay.

Total On Scene Time per Unit

Apparatus	January	February	March	Total Minutes	Total Hours
E99	1,075.18	609.22	994.20	2,678.60	44.64
T99	26.97	10.68	7.4	45.05	0.75
MALF1	0	0	0	0.00	0.00
B299	0	0	0	0.00	0.00
B99	0	0	0	0.00	0.00
SQ99	0	0	0	0.00	0.00
Totals	1,102.15	619.90	1,001.60	2,723.65	45.39



FLEET REPORT

Maintenance and Repairs

Unit	PM Due Date	Status	Notes
Fire 1		In Service	
E99		In Service	Awaiting schedule from 10-8/Sanford for Paint.
E299		In Service	Received new tires and other minor maintenance from Palm Bay Fleet
T99		In Service	
B99		Out of Service	New Pump being installed by Palm Bay Fleet.
B299		In Service	
Light Tower		Out of Service	This unit was transferred to Public Works. (see below)

Fuel Usage

Unit	Brevard Fuel Card ID#	Gallons	Cost
Fire 1	330-0136	91.5 gallons	\$273.18
E99	330-0034	130.9 gallons	\$472.49
E299	Utilize Station Diesel	100.7 gallons	\$346.04
T99	330-0435	33.7 gallons	\$119.30
B99	Utilize Station Diesel/Unleaded		
B299	Utilize Station Diesel/Unleaded		
Station (Diesel)	999-0035		
Station (Unleaded)	330-0299		

This fuel log does not include March due to delay in reporting from Brevard County

In March, the fire department assisted public works with a culvert cleanout located at Atz and Weber. This assistance ensures the structural integrity is maintained for the drain system in the town. Working collaboratively with public works forges a strong working relationship with our town partners.

The fire department also donated a Light Tower to Public Works for their operations.



TRAINING

Malabar Fire Department hosted a Radio Operator Weather Resource Training. The participants held a classroom exercise going over the benefits of radio operations during various weather events. Malabar Fire Department provided the training room and A/V equipment for this training.



Division of Forestry S-330 Task Force/Strike Team Leader Class

Department members participated in a free course offered by the Division of Forestry on being a Task Force/Strike Team Leader. Participants were run through various scenarios and activities involving administrative paperwork and guiding field operations during a large-scale incident. There was final scenario and exam for course completion. Malabar Fire Department had **8** personnel attending the program. Thank you to the Division of Forestry Instructors that gave a great course over two days.



Attending this course were **8** participants from various departments. There were 3 attendees from Palm Bay Fire Rescue, 1 from Melbourne Fire Department, 1 from Volusia County Fire Rescue, 2 from Indian River County Fire Department, and 1 from the Division of Forestry.



In-House Training

Malabar Fire Department continues to conduct in-house training evolutions as a requirement for ISO training. This quarter involved Extrication training. Personnel worked various tactical scenarios to simulate extricating a victim from a vehicle crash. Crews Utilized the E-Draulic battery operated extrication tools which is safer and more efficient to use in these types of incidents.





Malabar personnel participated in assisting Plam Bay Fire Rescue with live fire training scenarios.

PUBLIC EDUCATION

This quarter, Malabar Fire Department personnel facilitated multiple Tours at the fire station and at other locations. Malabar fire personnel also attended the funeral service for former Malabar Fire Chief Joseph “Joe” Gianantonio.

Malabar Fire Department personnel attended the funeral service for former Malabar Fire Chief Joseph Gianantonio in January.





D-Shift crew had a walk in Station tour where a mother and her child was shown the various tools on the engine and other apparatus.

Malabar Fire Department personnel continue to promote public education and fire safety topics to our citizens and visitors. Through our outreach events, we deliver safety messages and provide a lasting impression on the children we teach by engaging through interactive tours and providing materials that help deliver our fire safety message.



Crews surprised parents and children at a birthday party. The kids were shown the fire engine and even pulled some fire hoses.



AROUND THE STATION NEWS



Interim Fire Chief Gianantonio and Firefighter Rettberg participated in the Survive First 5K held annually in January in Downtown Cocoa Village supporting Mental Health Awareness for First Responders. This year Chief Gianantonio placed 3rd in his age group. Great job to FF Rettberg and Chief Gio.



A new addition to the Crane Family that frequents the fire station.



STRATEGIC GOALS

Maintain excellent services to the citizens with a focus on our turnout times and response times. Malabar Fire Department personnel are given weekly reports identifying turnout times and response times. Automatic-Aid and response that require dual staffing of units creates a longer response time which is included in the weekly reports. We discuss ways to reduce our turnout time, which is controlled by our actions of getting out of the station in a timely manner. This time is measured by our report writing system and can be measured based on the time of the day. If a call is received at the night period, then personnel must descend the stairs in a safe manner. This creates a delay in turnout.

We will continue the leadership book review assignment to build upon leadership theories and concepts that will benefit all employees of the department for continual professional development.

Continue reviewing, revising, and developing SOGs for the organization. All employees are participating in this endeavor to ensure that the SOGs align with the department operations and staffing.

Continue to review our State Safety Inspection recommendations to ensure we are documenting and aligning with the guidelines for the safety of our personnel.

Work on providing short-term and long-term strategic plans for the fire department.

Malabar personnel borrowed a flow meter from Palm Bay Fire Rescue to get accurate gallon and pressure readings from the pumping apparatus to gain a detailed reference flow sheet for all active Driver/Engineers. This will help develop standardized flow pressures for the pre-connected hose lines for quicker and accurate firefighting attack flow pressures.

Department personnel will begin the annual performance appraisal process starting in May. This will be the second year the department has conducted a formalized evaluation process for its career staff. Many development opportunities exist through these appraisal sessions.



Town Of Malabar Public Works



Quarterly Report
January - March 2024



2024 Projects

Weir street project

Public Works is installing approximately 700 feet of 18-inch ADS culvert pipe for drainage issues and building a road through the project which will include swales to tie the project together upon completion.



Culvert Clean outs

Public Works cleaning culverts of debris to help water-flow and proper drainage in the town.

We attach a tire to a chain and pull it through culvert to free of debris.



Canal Repair

In the case of a wash-out, we installed concrete boulders to restrict the washout and erosion. We then capped this repair off with several loads of dirt. Another layer of concrete boulders was then added on top as a cap for this to prevent future issues. The canal banks were graded to place seed for a grass covering. This fix will help with erosion in the future.



Normal Activities Monthly

The Public works Department maintains all the parks by keeping them stocked properly and repairing any necessary issues that are identified. We also paint over graffiti where it shows up to keep a professional appearance for citizens. We replace any defective items such as toilet paper holders, mirrors, soap dispensers, and any door functionality. Park water fountains are refilled weekly to make sure fresh water is available. We mow all the park grass, rights of way and four-way stops, and slope mow the ditches and canals.

There have been a few issues with road signs being taken down and left on the ground. This included Stop Signs where it was an immediate safety issue. We go out and make sure the signs are found or replaced and re-installed properly on an emergency basis. There is always a need for removal of Roadkill that can cause accidents.



Public Relations

During our Daily operations, we are always in contact with the residents and children.

We aim to please the community through quality work and great relations and dialog with them.

Either a residents complaint or praise down to kids who are amazed at the equipment we run.

We do our best to serve the town at the highest level possible.



2024 2nd Quarter Goals

After completion of the Weir St Project, our goal is to focus on drainage through out the town, such as culvert cleaning and ditch repair. Also, we are gearing up for our rigorous summer mowing schedule. Public Works on top of mowing will be grading roads and keeping continuous checks for safety at parks to prevent children from being hurt and keep the parks clean and sanitary.

TOWN OF MALABAR

BUILDING DEPARTMENT -Quarterly Report

January – March 2024

Prepared By: Denine Sherear, Building Department Manager

Through: Lisa Morrell, Town Manager

The Town of Malabar building department now has a new employee, Lindsey Wilson. She fills the new full-time position as Permit Clerk as of December 6, 2023. Lindsey has been a great addition to the building department learning the process of permit intake applications, necessary permit requirements for the basic permits, answering inquiries via email and telephone as well as assisting walk-in customers. Lindsey has great customer service skills.

She has attended the online training for Iworqs Building Permits Module, the software program utilized for processing permits, inspections, additional forms, and data required for each type. She has also begun the Permit Technician Certification process with online training.

Denine Sherear has also begun the certification process with participation in the permit technician training. As the Town's Building Manager, Denine will be attending the Florida Principles and Practices certification. This test is provided through the Florida Department of Business & Professional Regulation for those involved with the Administration of Building Departments, Code Enforcement Personnel, or Similar Department Managers.

With two full time employees, we envision and are striving to process permits and inspections more efficiently by utilizing the new customer online permit portal online, available on the Town's website at www.townofmalabar.org, by navigation to the Departments, Building, Permits and Forms, or a directly at <https://www.townofmalabar.org/building-department/pages/building-permits-forms>

Property Owners and Contractors may review and update existing permit applications and apply for new permits online via the online portal. The site provides details of activity to include status, inspections, inspection results, costs/fees, and internal notes, and plans. Those with open permits may utilize this portal to make inspection requests. If you have more questions, staff has added information to the Malabar FAQs page. Staff is available Monday through Friday for phone call or email inquiries for more details or assistance. The Town's professional services, Building Official and Inspections, Plan Reviewers, and Engineers also have access and utilize this portal to access permit submittals for review and permitting electronically.

The Building Department announced the Town of Malabar no longer accepts emailed applications. Furthermore, as of May 1st, 2024, paper applications will no longer be accepted for submission as most plans are created electronically and may be uploaded more efficiently by using the online portal system. Paper applications may be submitted yet those shall be scanned electronically and inputted manually for review and require additional processing time.

Building Department Statistics:

The building department processed approximately 176 permits in this quarter and 365 inspections. Staff as presently working on four (4) commercial site plans for the Town of Malabar. Those have been identified as Hay Direct on Malabar Road, Expansion at Citgo on US1, Malabar Square in Office Institutional on Malabar Road, and Storage of America on West Railroad and Center Street.

CAP government is the contractor for Building Professional services performing all inspections, building permitting reviews, site plan reviews, stop works, and fire plan review. CAP has regularly scheduled hours with the Town and can be requested as needed for any unscheduled activities.

The Town of Malabar has adopted the new Building Codes, which are Florida Building Codes (FBC) 2023 8th edition. These are updated every three (3) years, along with any other codes needed for updates.

TOWN OF MALABAR

REGULAR TOWN COUNCIL MEETING

AGENDA ITEM NO: 10.a.

Meeting Date: April 15th, 2024

Prepared By: Richard W. Kohler, Town Clerk

SUBJECT: Trails and Greenways Committee Purchase Recommendation

BACKGROUND/HISTORY:

At the April 8th Trails and Greenways Committee Meeting, the Committee recommended unanimously the purchase of 21 additional signs for installation around the Cameron Preserve with the following motion:

MOTION: CM Cameron/CM Wilbur to recommend the purchase of \$434.14 of signs for the Cameron Preserve.

Discussion: Chair requests the Town install the Welcome Sign, and the Committee install the Boundary Signs.

Vote: All Ayes (4-0)

20 of the requested signs are "Boundary Cameron Preserve" signs to be installed along the western and southern boundary of the Cameron Preserve. The remaining sign would replace the "Welcome to Malabar" and "No Outlet" signs along Briar Creek Blvd. The City of Palm Bay has a "No Outlet" sign on Briar Creek Blvd, making the one in Malabar redundant. The new sign will welcome visitors to Malabar and highlight the entrance to the Cameron Preserve 100 feet to the east. The Committee has requested the Public Works Department install the "Welcome" sign, and the Committee will install the "Boundary" signs.

FINANCIAL IMPACT:

- \$434.14 from account 572.4930 (T&G/Parks)

ATTACHMENTS:

- Quote from Brevard County Traffic Operations \$434.14
- Tentative Draft of area with new sign.
- DRAFT 4.8.24 Trails and Greenways Committee Minutes

ACTION:

- Motion to approve recommended purchase of 21 signs for \$434.14 from Brevard County Traffic Operations.



BOARD OF COUNTY COMMISSIONERS

TRAFFIC OPERATIONS
580 MANOR DR
MERRITT ISLAND, FL 32952

Inter-Office Memo

DATE: March 13, 2024

TO: Richard Kohler, Town of Malabar

FROM: Tangela Copeland, Secretary

SUBJECT: Quote for sign order

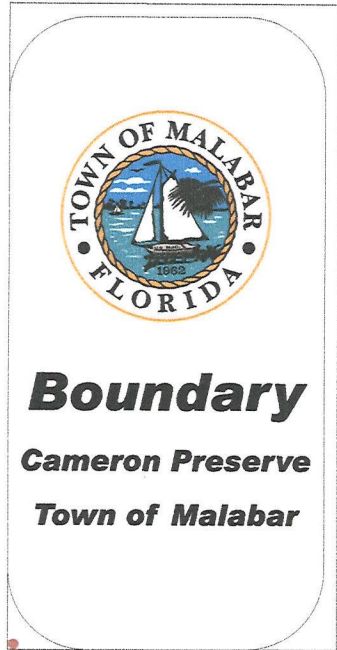
QUA	SIZE	DESCRIPTION	UNIT	TOTAL
20	6" X 12"	High Intensity Signs	\$20.00	\$400.00
1	24" X 12"	High Intensity Signs	\$34.14	\$34.14
Total Quote				\$434.14

Feel free to contact me if you have any questions.

QTY 20

6 in

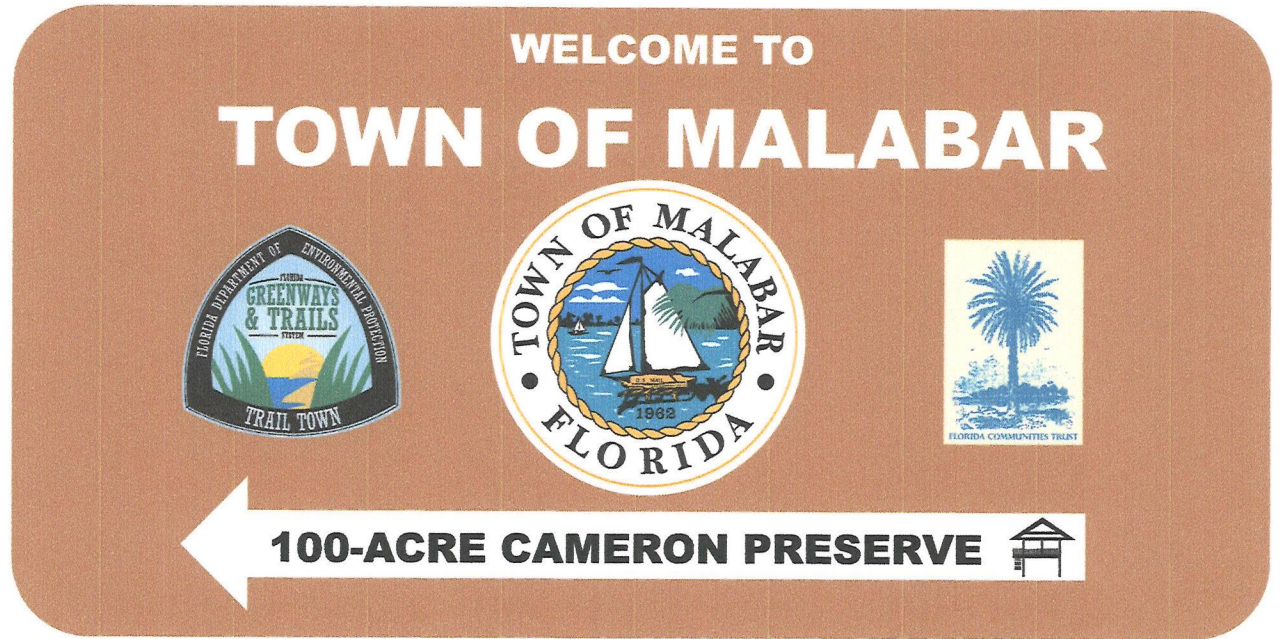
12 in



QTY 1

24 in

12 in



Customer: Richard Kohler

Company: Town of Malabar

Address: 2725 Malabar Road

City: Malabar State/ZIP: FL 32950

Phone: 321.443.0909

Designed By: Danielle

FABRICATOR USE ONLY		
BACKING	VINYL	LAM.
1500 EG	2000 EC	2000
6500 HIP	1170 3M	1170
3900 HIP	7725 BLK	1160
4083 FYG		8981



Traffic Operations
2905 Pineda Cswy
Melbourne, FL 32940
321.455.1440

Job No.: _____ Date: 3/13/2024 7:31:38 AM

Order Date: 3/13/24 Due Date: _____ Approved On: _____

Sign Dimensions: _____ Approved By: Tangelia

Comments: _____

O:\Traffic\Sign Fabrication\JOBS\Town of Malabar

Current Town Sign on Briar Creek Blvd



Proposed Town
Sign with
Cameron Preserve
Highlight



MALABAR TRAILS AND GREENWAYS COMMITTEE REGULAR MEETING MINUTES
April 8th, 2024, 6:00 PM

This meeting of the Malabar Trails and Greenways Committee was held at Town Hall at 2725 Malabar Road.

1. CALL TO ORDER, PRAYER AND PLEDGE:

Meeting called to order at 6:03 P.M. Prayer and Pledge led by Chair Thompson.

2. ROLL CALL:

CHAIR:	DREW THOMPSON
VICE-CHAIR:	MURRAY HANN - EXCUSED
BOARD MEMBERS:	BOB WILBUR BARBARA CAMERON MARK GUNTER
GRANT/VALKARIA LIASON:	CRAIG SMITH
BOARD SECRETARY:	RICHARD KOHLER
TOWN EMPLOYEE:	JUDY SCHULTZ

- 3. Additions/Deletions/Changes-** Clerk Kohler requests item 7.c. be moved to above 7.a., as Staff Member Schultz wishes to present her item. Without objection, the agenda was amended as requested.

4. CONSENT AGENDA

4.a. Regular Trails and Greenways Committee Mtg Minutes of 3/12/2024.

Motion to approve the consent agenda as amended by CM Gunter/CM Cameron.

Discussion: Chair Thompson found one spelling error.

All Ayes: Carried 4-0.

- 5. PUBLIC COMMENTS:** None.

- 6. ACTION ITEMS:** None.

7. DISCUSSION

a. Trail, Kiosk and Firebreak Conditions

Clerk Kohler states he was able to ride all of the trails north of Malabar Road, and all are open without obstruction. The area is generally dry and moving quickly. Chair states VC Hann was able to install some of the remaining Kiosk signs, including the Sandhill Trailhead and the Capon Street Bridge. Liaison Smith states he has seen more people in the Preserve acting dangerously, including drinking and smoking after hours. He requested they clean up after themselves. CM Gunter states he saw a large family respectfully using the CTS. Liaison Smith suggests performing a monthly clean up of the area. CM Wilbur suggests getting a Boy Scout troop to do it.

b. MSS Restoration Plan Observations and Concerns

Chair asks if there are any concerns about the project. Clerk Kohler provided a brief explanation of VC Hann's MOU request. Chair also stated he received a distressed phone call from former Member Britt with concerns about the project right behind Country Cove. CM Gunter also reports that there is a baby Eagle in the next in MSS.

c. Cameron Preserve (Moved to before item 7.a.)

Clerk Kohler introduced Town Employee Judy Schultz to the Committee. Ms. Schultz requested to create a draft Trail Walkthrough Video. She documented her walk along the Green Trail from the Swallow-Tailed Kite Trailhead to the Al Tuttle Trail, highlighting trail features, signs and the Cameron Trail Shelter. Staff is requesting

comments or suggestions from the Committee before it is presented to Council. If the Committee likes the presentation, Staff can continue to record these types of videos. Chair Thompson states the Committees goal is to provide access to everyone, even the handicapped. Liaison Smith suggests including a video from a horse riders' perspective. Chair also suggests utilizing a drone for greater coverage. The Committee thanked Ms. Judy, and stated they feel this is exactly what they were hoping to see. Ms. Schultz states she was inspired by the City of Sebastian doing a similar project. Chair suggests providing a map embedded with videos. He also suggests doing a landscaped version. Ms. Schultz also suggests using these videos for social media outreach and using the landscape videos for more in depth versions. CM Wilbur suggests using a drone to do an overall arial shot before entering the trail. Liaison Smith suggests using portrait for social media and landscape for the website. Clerk suggests filming a secondary video on the Impala Trail, using landscape and having the camera first, to use as a comparison at the next meeting. Consensus is reached to submit a second video for review at the May meeting. Chair thanks Ms. Schultz and Mr. Kohler for their efforts. Chair requests this become a standing agenda item for regular meetings. He hopes to expand on this at future meetings.

Clerk Kohler also indicated staff was able to get a quote from the Brevard County Traffic Operations center for the requested signs in the Cameron Preserve.

MOTION: CM Cameron/CM Wilbur to recommend the purchase of \$434.14 of signs for the Cameron Preserve.

Chair requests the Town install the Welcome Sign, and the Committee install the Boundary Signs.

Vote: All Ayes (4-0)

d. Eagles Nest Trailhead

Clerk states that the Fire Department has been in contact with Heidekruger Well Drillers and have confirmed the connection scope and size. Fire Chief Foley was able to find an adapter that met his requirements. It has been sent to the contractor for inclusion in the final quote. The April 5th trail day was canceled.

e. Next Field Event – TBD

Chair states that we should reschedule the work event for the ENT fence. Consensus is reached to have a trail day at 9 AM on Friday May 3rd, 2024. Chair requests Clerk Kohler send a call list to the members.

8. OLD/NEW BUSINESS

a. Board Member Comments: CM Cameron asks Chair Thompson if he has access to the old scrap books from the Committee. Chair Thompson provides a brief history of the Trails Committee and its initial inception. CM Gunter asks if the Parks Board is still in danger of joining the Trails Committee. Clerk states the Parks Board is at full regular membership. CM Wilbur once again requests the NW corner of Marie and Malabar be better maintained. He also requests we remove the zoning change signs. CM Gunter requests more information on the crossing improvements at that area. Chair states he will request information at BPTAC. Chair asks if we can request the Town change the zoning designation from Institutional. He fears there may be negative actions in place and would like to protect the area from FI Statute 253.0134 which allows conservation land to be changed and developed. CM Wilbur states the sanctuaries are being restored in a similar manner to preparation of development. He fears a solar farm, a corrections center, or a landfill. Clerk Kohler states he will have an agenda item to discuss this at our next meeting, and request TM Morrell attend.

b. Staff Reports: None.

- c. **Next Scheduled Meeting:** Secretary Kohler informed the Committee that the next meeting is scheduled for May 13. CM Cameron states she may be absent for that meeting.

9. ADJOURN

There being no further business to discuss;

MOTION: CM Cameron/CM Gunter to adjourn. Vote: All Ayes. The meeting adjourned 7:55 PM.

BY:

 Drew Thompson, Chair

5/13/2024

Date Approved: as presented:

 Richard W. Kohler, Board Secretary

DRAFT

TOWN OF MALABAR

REGULAR TOWN COUNIL MEETING

AGENDA ITEM NO: 11.a.
Meeting Date: April 15, 2024

Prepared By: Richard W. Kohler, Town Clerk

SUBJECT: FIRST READING - Amend Town of Malabar Code Section 1-5.6 Accessory Buildings to Allow Shipping Containers for Storage Only (Ordinance 2024-02)

BACKGROUND/HISTORY:

On 4/1/2024 The Town Council considered the advisement of Planning and Zoning board regarding amending the Town code for restrictions and or permitted uses of cargo/shipping containers for building structure as permitted by the Florida Building Code.

The majority of the Town Council directed staff to provide amendments to restrict the use of shipping containers as a dwelling or inhabitation yet allow the item for permanent storage.

The Town of Malabar is seeking final approval of changes to the Land Development Code, Article V - GENERAL PROVISIONS, Section 1-5.6. - Accessory buildings adding Item E, entitled Cargo Containers for Permanent Storage:

E. Cargo Containers for Permanent Storage

Definition of *Cargo Container*: The term "Cargo Container" shall mean any container, structure, box, cylinder, or crate made of any material temporarily or permanently affixed to real property, normally used for freight and includes, but not limited to, freight containers, shipping containers, conex box, sea van, dry box, commercially available temporary storage containers, pods, without a chassis and/or wheels underneath that is enclosed or capable of being enclosed on all sides, top and bottom, that is stored, placed, located or put on any real property within the Town for the purpose of storing personal property, construction material, trash, refuse, garbage, debris, or other material or matter. Railroad cars, truck trailers roll-off dumpsters and vehicles shall not be permitted as Cargo Containers under this section.

Cargo containers are permitted to be used as permanent storage in accordance with the following:

1. All cargo containers shall comply with the Florida Building Code, Florida Fire Prevention Code, and shall require a building permit.
2. Cargo containers shall be permitted in accordance with the following:
 - a. As a temporary use in any land use district in conjunction with an authorized construction project and shall be removed upon completion of the project unless properly permitted to remain as permanent storage in accordance with this section. All such containers located pursuant to this subsection shall not be located in any required set-backs.

b. Non-residential and bonafide agricultural properties are permitted to have one cargo container per five acres of agricultural tax-exempt acres of land.

c. Cargo containers located on a residentially developed lot land use district, that is adjacent to residentially developed lots or structures shall be buffered and opaquely screened from the adjacent off-site residential lot or structure. Additionally, they shall maintain a minimum setback of 15 feet.

3. In the instance where more than one cargo container, as outlined in this section, is allowed they shall not be stacked.
4. All cargo containers shall be placed in either the side or rear yard and meet accessory structure setbacks for the applicable land use district or the setback as outlined in condition #2 above, whichever is more restrictive.
5. Cargo containers shall not be located within any drainage easements.
6. Cargo containers shall not occupy any required off-street parking spaces, vehicular accesses or drive aisles, pedestrian facilities or landscape areas for the site.
7. Cargo containers shall not be permitted to have signage of any type.
8. Cargo containers shall not be used for habitation and Cargo containers shall not be modified or retrofitted for habitation.

On March 13, 2024, the Planning & Zoning Board unanimously approved the amendment with revisions, which have been included.

Town Attorney Bohne has reviewed the Ordinance, and most of his recommended changes are included. Attorney Bohne also suggested including item 9 stating:

“Cargo containers shall not be plumbed nor shall they be equipped with electricity.”

If Council desired, Staff will include item 9 in the final reading of the Ordinance.

FINANCIAL IMPACT:

Building Permit Required with adopted Fee Schedule

ATTACHMENTS:

- Ordinance 2024-02
- Proposed amendments to Land Development Code, Article V - GENERAL PROVISIONS, Section 1-5.6. - Accessory buildings
- 20240313 P&Z Minutes, Item 7.a

ACTION OPTIONS:

Motion to approve the First Reading of Ordinance 2024-02.

ORDINANCE 2024-02

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; AMENDING THE TOWN'S LAND DEVELOPMENT CODE; AMENDING ARTICLE V, GENERAL PROVISIONS; AMENDING SECTION 1-5.6, ACCESSORY BUILDINGS; ADDING SUBSECTION E, "CARGO CONTAINERS FOR PERMANENT STORAGE"; PROVIDING FOR A DEFINITION OF A CARGO CONTAINER; PROVIDING FOR CONDITIONS AND RESTRICTIONS REGARDING CARGO CONTAINERS; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the Town of Malabar is seeking to restrict the use of Cargo Containers in Town;
and

WHEREAS, a local government agency has the authority to amend their Zoning Codes to better accommodate the needs of the municipality; and

WHEREAS, on March 13th 2024, the Malabar Planning and Zoning Board held a publicly advertised meeting to discuss and recommend such amendments to the Town Code; and

WHEREAS, Town Council has determined that the proposed amendments serve the public health, safety and welfare of the citizens of the Town of Malabar, Florida.

NOW THEREFORE BE IT ORDAINED by the Town Council for the Town of Malabar, Brevard County, Florida:

SECTION 1. Article V, Section 1-5.6, of the Town Land Development Code is hereby amended to provide additional subsection "E", which shall read as follows:

E. Cargo Containers for Permanent Storage

Definition of *Cargo Container*: The term "Cargo Container" shall mean any container, structure, box, cylinder, or crate made of any material temporarily or permanently affixed to real property, normally used for freight and includes, but not limited to, freight containers, shipping containers, conex box, sea van, dry box, commercially available temporary storage containers, pods, without a chassis and/or wheels underneath that is enclosed or capable of being enclosed on all sides, top and bottom, that is stored, placed, located or put on any real property within the Town for the purpose of storing personal property, construction material, trash, refuse, garbage, debris, or other material or matter. Railroad cars, truck trailers roll-off dumpsters and vehicles shall not be permitted as Cargo Containers under this section.

Cargo containers are permitted to be used as permanent storage in accordance with the following:

1. All cargo containers shall comply with the Florida Building Code, Florida Fire Prevention Code, and shall require a building permit.
2. Cargo containers shall be permitted in accordance with the following:
 - a. As a temporary use in any land use district in conjunction with an authorized construction project and shall be removed upon completion of the project unless properly permitted to remain as permanent storage in accordance with this section. All such containers located pursuant to this subsection shall not be located in any required set-backs.
 - b. Non-residential and bonafide agricultural properties are permitted to have one cargo container per five acres of agricultural tax-exempt acres of land.
 - c. Cargo containers located on a residentially developed lot land use district, that is adjacent to residentially developed lots or structures shall be buffered and opaquely screened from the adjacent off-site residential lot or structure. Additionally, they shall maintain a minimum setback of 15 feet.
3. In the instance where more than one cargo container, as outlined in this section, is allowed they shall not be stacked.
4. All cargo containers shall be placed in either the side or rear yard and meet accessory structure setbacks for the applicable land use district or the setback as outlined in condition #2 above, whichever is more restrictive.
5. Cargo containers shall not be located within any drainage easements.
6. Cargo containers shall not occupy any required off-street parking spaces, vehicular accesses or drive aisles, pedestrian facilities or landscape areas for the site.
7. Cargo containers shall not be permitted to have signage of any type.
8. Cargo containers shall not be used for habitation and Cargo containers shall not be modified or retrofitted for habitation.

SECTION 2. Severability. If any provisions of this ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional, such invalid or unconstitutional portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the other portions of this ordinance, provided the remaining portions effectuate the purpose and intent of this ordinance.

SECTION 3. Conflicting Provisions. In the case of a direct conflict between any provisions of this ordinance and a portion or provision of any other appropriate federal, state, or town law, rule, code or regulations, the more restrictive shall apply.

SECTION 4. Inclusion in Code. It is intention of the Town Council that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the Town of Malabar.

SECTION 5. Effective Date. This Ordinance shall take effect immediately after the adoption of this Ordinance.

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

Council Member Marisa Acquaviva	_____
Council Member Brian Vail	_____
Council Member Jim Clevenger	_____
Council Member David Scardino	_____
Council Member Mary Hofmeister	_____

This ordinance was then declared duly passed and adopted this __ day of _____ 2024.

TOWN OF MALABAR

Mayor Patrick T. Reilly, Council Chair

ATTEST:

Richard W. Kohler, Town Clerk

(seal)

Approved for Legal Sufficiency:

Karl Bohne, Jr, Town Attorney

First Reading: _____

Vote: to .

Second Reading: _____

Vote: to .

Section 1-5.6. - Accessory buildings.

- A. *Presence of Principal Building Required.* No accessory building shall be constructed upon a lot until the construction of a principal building has been issued a certificate of occupancy and no accessory building shall be used unless the principal building is in use. No structure which has been constructed as a principal use for the housing of animals or for agricultural purposes shall be used as a residence.
- B. *Prohibited in Required Yard.* No accessory building or structure shall be located in any required yard area.
- C. *General Regulations of Accessory Building.* No mobile homes, travel trailers, or old cars shall be permitted as an accessory structure. No accessory structure shall be built without a permit first being issued by the Building Official expressly authorizing the accessory structure. If the Building Official is in doubt as to the type of added accessory structure or whether a proposed accessory use is a duly authorized accessory use or structure within the district in which it is proposed, then the Building Official shall forward the issue to the Planning and Zoning Board and the Town Council for action.
- D. *Standards for Temporary Storage Units.*
 - 1. Temporary Storage Unit is defined and typically utilized for the temporary storage of personal belongings only, as part of the process of household moving and/or part of a household intent to store items offsite at a commercial storage location. This definition does not include storage units authorized by the Florida Building Code pursuant to F.S. § 553.73.
 - 2. Temporary storage units are permitted as follows:
 - (a) Permitted in Residential Areas: Any land zones RR-65, RS-10, RS-15, RS-21, RM-4, RM6, R-MH, R/LC, and PUD designated for single family and multiple family uses
 - (b) Size: Temporary storage units, shall not exceed nine (9) feet in height, ten (10) feet in width, and 24 feet in length.
 - (c) Location: temporary storage units are allowed in any required setback and shall not be placed in any public or private right-of-way or easement and shall not be in such a manner to create any visual obstruction for any motor vehicle operator's view of other motor vehicles, bicycles, or pedestrians upon entering or exiting rights-of-way.
 - (d) Time frame: Temporary storage units are allowed in residential districts for a period not exceeding 14 days in a calendar year and no more than two times a calendar year.
 - (e) The temporary storage unit shall not be utilized for the following:
 - i. Storage of live animals.
 - ii. Utilized for human habitation.
 - iii. Storage of hazardous or flammable materials.
 - iv. Advertising is prohibited on the temporary storage unit except for the name and phone number of the vendor of the unit.
 - v. Storage of trash, junk ,debris, garbage, construction debris or material or refuse.

3. The Town Manager, or designee, may grant one (1) extension to the time limit established in subsection (1) above with written request by the property owner demonstrating good cause. For purposes herein, "good cause" shall mean an act of God, or some unforeseen circumstance or event which has caused a need to extend the use of the temporary storage container at the present location. No extension shall be longer than the time period which was previously approved by the Town.
4. Exemptions. The above regulations shall not apply to temporary storage units that are placed for construction purposes in connection with a valid building permit or during any period of declared weather emergency by federal, state, or local official action.
The provisions of this Ordinance shall not apply to any container which is placed on real property within the Town that is otherwise authorized by the Town's garbage and trash franchise agreement.
5. Violations and provisions for schedule of fines will follow the Town of Malabar Code of Ordinances, Land Development Code, Article XII entitled Administrative Procedures for land development and code enforcement.

E. Cargo Containers for Permanent Storage

Definition of Cargo Container: The term "Cargo Container" shall mean any container, structure, box, cylinder, or crate made of any material temporarily or permanently affixed to real property, normally used for freight and includes, but not limited to, freight containers, shipping containers, conex box, sea van, dry box, commercially available temporary storage containers, pods, without a chassis and/or wheels underneath that is enclosed or capable of being enclosed on all sides, top and bottom, that is stored, placed, located or put on any real property within the Town for the purpose of storing personal property, construction material, trash, refuse, garbage, debris, or other material or matter. Railroad cars, truck trailers roll-off dumpsters and vehicles shall not be permitted as Cargo Containers under this section.

Cargo containers are permitted to be used as permanent storage in accordance with the following:

1. All cargo containers shall comply with the Florida Building Code, Florida Fire Prevention Code, and shall require a building permit.

2. Cargo containers shall be permitted in accordance with the following:

a. As a temporary use in any land use district in conjunction with an authorized construction project and shall be removed upon completion of the project unless properly permitted to remain as permanent storage in accordance with this section. All such containers located pursuant to this subsection shall not be located in any required set-backs.

b. Non-residential and bonafide agricultural properties are permitted to have one cargo container per five acres of agricultural tax-exempt acres of land.

c. Cargo containers located on a residentially developed lot land use district, that is adjacent to residentially developed lots or structures shall be buffered and opaquely screened from the adjacent off-site residential lot or structure. Additionally, they shall maintain a minimum setback of 15 feet.

3. In the instance where more than one cargo container, as outlined in this section, is allowed they shall not be stacked.

4. All cargo containers shall be placed in either the side or rear yard and meet accessory structure setbacks for the applicable land use district or the setback as outlined in condition #2 above, whichever is more restrictive.

5. Cargo containers shall not be located within any drainage easements.

6. Cargo containers shall not occupy any required off-street parking spaces, vehicular accesses or drive aisles, pedestrian facilities or landscape areas for the site.

7. Cargo containers shall not be permitted to have signage of any type.

8. Cargo containers shall not be used for habitation and Cargo containers shall not be modified or retrofitted for habitation.

MALABAR PLANNING AND ZONING BOARD REGULAR MEETING MINUTES
March 13, 2024, 6:00 PM

This meeting of the Malabar Planning and Zoning was held at Town Hall at 2725 Malabar Road.

1. CALL TO ORDER, PRAYER, AND PLEDGE:

Meeting called to order at 6:00 P.M. Prayer and Pledge led by Chair Dial.

2. ROLL CALL:

CHAIR:	DOUG DIAL
VICE-CHAIR:	LIZ RITTER
BOARD MEMBERS:	SUSAN SHORTMAN
	DAVE TAYLOR - ABSENT
	MEGHAN WOLFGRAM
	ALTERNATE: VACANT,
	ALTERNATE: VACANT

BOARD SECRETARY:	LAUREN HAMILTON
TOWN CLERK:	RICHARD KOHLER
TOWN MANAGER:	LISA MORRELL

3. APPROVAL OF AGENDA: None.

4. CONSENT AGENDA:

- 4.a. Approval of Minutes of 03/23/2022**
Exhibit: Agenda Report Number 4.a

- 4.b. Approval of Minutes of 09/14/2022**
Exhibit: Agenda Report Number 4.b

- 4.c. Approval of Minutes of 11/15/2022**
Exhibit: Agenda Report Number 4.c

- 4.d. Approval of Minutes of 01/10/2024**
Exhibit: Agenda Report Number 4.d

MOTION: Member Shortman/VC Ritter to approve the Consent Agenda as presented.

VOTE: All Ayes (4-0)

5. PUBLIC COMMENTS: 0

6. PUBLIC HEARING: 0

7. ACTION ITEMS: 1

7.a. Amend Town of Malabar Code 1-5.6 Accessory Buildings to allow Shipping Containers for Storage Only

Exhibit: Agenda Report Number 7.a

Staff Comments: Chair Dial asked TM Morrell to speak on this item. TM Morrell states that the Town Council has made this request and is seeking advisement from the Board. She states the intent is to not allow shipping containers as a dwelling, and only as permanent storage.

VC Ritter requests future agendas have page numbers. She states that item 2b permits 1 cargo unit per 5 acres of agricultural tax-exempt land. Then it says with no minimum acreage to be required which is contradictory. She requests that the no minimum acreage to be required should be eliminated. She states 2c has the same issue and recommends removing the no minimum acreage requirement. Member Shortman believes all properties should be able to have one regardless of acreage. Member Wolfram states the language is too vague. TM Morrell states this item is open for interpretation. VC Ritter reiterates her request to remove the minimum requirement. Member Shortman states she believes we should limit the minimum lot size they are allowed on. Member Wolfram suggests the Board determine the Town's intent on this action, and then finish the minor changes after. TM Morrell states this is purely for advisement. VC Ritter notes that item 4 requires a buffer and setbacks but does not provide any restrictions on how many containers a resident could have. Member Shortman states she believes that if it is in the backyard, buffered, and meets the required setbacks, why should we restrict this? Chair Dial asks if the buffer language is covered in a separate portion of the code. TM Morrell states it is. Chair Dial asks if there are restrictions on how many containers per acre for residential properties? TM Morrell states the number is not at this time, and requests the Board provide a number if they wish to limit it. VC Ritter reiterates her opinion that there should be a limit in residential areas. TM Morrell suggests requiring the buffer and screen to be opaque. VC Ritter states she feels that would ease her objections. Member Wolfram asks if there would be a conflict on the height of the fences or hedges? TM Morrell states it would not. Member Wolfram states if an applicant must screen them and meet all other requirements, she doesn't have an issue with this. Chair Dial asks if restricting the number of containers on Agricultural and non-residential properties, why are we not restricting them in residential? TM Morrell states it is mostly an enforcement issue. Member Wolfram asks if this will create an issue for our local businesses? She uses the example of Malabar Feed. TM Morrell states these are intended to be containers for permanent storage, with no wheels or axels. Chair Dial asks if the Board would like to add a limit to number 4 or do we agree it's self-regulating? VC Ritter states she feels as long as the property owner is using the opaque screening, she has no issues. Member Wolfram asks if an agricultural property would be required to get a permit? TM Morrell states it would be regulated under the Florida Building Code and would still need a building permit. Chair Dial asks if any board members have final comments? Member Wolfram states she feels 2b and 2c should be the same. Member Shortman agrees, and suggests the code be consistent. VC Ritter states she feels the Town should restrict use to properties an acre or more. TM Morrell suggests combining 2b and 2c and including a restriction of 1 unit per acre. Consensus is reached to combine 2b and 2c and strike "no minimum acreage being required", opaque screening, and meeting all side and rear yard setbacks. VC Ritter asks how the fees are calculated? TM Morrell states the fee schedule is adopted by Council.

MOTION: VC RITTER /MEMBER WOLFRAM to approve changes to the Town of Malabar Code of Ordinance, Land Development Code, Article V – GENERAL PROVISIONS, Section 1-5.6, Accessory Buildings, by adding item "E", entitled Cargo Containers for Permanent Storage, and to advise Council of any comments by the board members.

VOTE: All Ayes. Motion Carries 4-0.

8. DISCUSSION/POSSIBLE ACTION: 1

8.a Discussion – Review LDC Table 1-3.3 Size and Dimension Table

Staff Comments: Chair Dial asked TM Morrell for comment. TM Morrell states that there has been a lot of discussion of this item. We are not looking for a motion at this time. She has made a few changes to the format and included the section “Without Central Wastewater”. She states outside of replacing that section, there were not many changes. She also cleaned up a few of the footers. The Maximum Building Coverage will also be included as percentages. She is requesting direction on the minimum living square footage for RM-4. VC Ritter states a lot of this information will be determined by setbacks. TM Morrell asks if there should be allowances of single-family residences in RM-4 and RM-6. Member Wolfram asks if multiple single-family structures can be built in these zoning districts as long as they meet the 1500 sf minimum. TM Morrell states that is what we are here to decide. Chair Dial asks what the easiest way to simplify this table? TM Morrell states that we could find a minimum square footage. VC Ritter suggests including 1500 sq ft as the minimum square footage of RM-4, RM-6 and R/LC. TM Morrell states she can bring back how many parcels this will affect. Member Wolfram agrees to setting a minimum of 1500 sq ft for all three. VC Ritter also recommends using the same setbacks in RM-4 and RM-6. Members Shortman and Wolfram agree. VC Ritter also suggests making the bedroom size requirements match as well. TM Morrell states the only difference with these changes will be the maximum units per acre. TM Morrell suggests she will review the past minutes to determine why the sf per bedroom distinction exists currently. Member Wolfram states she believes this will work. TM Morrell asks the Board to review this Table before their next meeting and provide more feedback at that time. VC Ritter requests the minimum sq ft in RM-4 and RM-6 be swapped, as RM-4 will have more room. Member Wolfram states it should be consistent and how little do they want to allow. Member Wolfram asks if the code would limit efficiency building? TM Morrell states no. VC Ritter suggests using the RM-4 numbers for RM-6 and R/LC. Chair Dial agrees. TM Morrell states an overall review of the table would be appreciated. Chair Dial asks if there any other areas Staff would like the Board to review? TM Morrell Commercial Development area. Chair Dial thanks TM Morrell for the improvements to the table. TM Morrell to edit the table with revisions discussed to present at the next meeting along with the data of the number of parcels in all zoning districts.

9. ADDITIONAL ITEMS FOR FUTURE MEETINGS: TM Morrell says there are (4) site plans on deck for P&Z review, none of which are ready yet. Chair Dial requests if the Board would be interested in discussing forward thinking in our Code, 10-years, 30-years from now. Perhaps a workshop that staff could also attend with the P&Z Board. TM Morrell states that is an excellent idea, and we have some Comprehensive Plan Amendments coming forward.

10. PUBLIC COMMENTS

11. OLD BUSINESS/NEW BUSINESS

11.a. Old Business: Clerk Kohler states that the Planning and Zoning Board will be required to file a Form 1 Financial Disclosure Form, not a Form 6. The major change this year is that the forms MUST be submitted online by July 1 directly to the Commission of Ethics. Staff cannot be a repository for the Forms. Chair Dial requests Staff to send a link to the site.

11.b. New Business: Board Member Comments:

Member Wolfgram states in light of the Form 1 requirement, her friend will be happy to serve the board as an alternate and will attend the next meeting. Clerk Kohler will reach back out to the alternate member.

VC Ritter asked if we're doing a Spring Fest or Fall Fest this year. Clerk Kohler advises that we are planning a Fall Fest for October 19.

Chair Dial asks if a vendor was selected for Rocky Point? TM Morrell advises yes. We were out there today. We are waiting for their insurance information and once that is received, we'll issue the Notice to Proceed.

Chair Dial asks what the projected completion date is for the US 1 construction. TM Morrell states that the approved plans can be viewed at www.cflroads.com/project/447092-1. Clerk Kohler states the website has an estimated completion date of Fall 2025.

Member Shortman asks about the PW loader? TM Morrell states the loader is covered under warranty and we're being provided with a loaner.

VC Ritter asks if the Board would be willing to move the meeting time to 6:30. Member Shortman states no.

12. ADJOURNMENT

There being no further business to discuss, the meeting adjourned 7:37 P.M.

BY:

Doug Dial, Chair

Lauren Hamilton, Board Secretary

Date Approved: as presented.

TOWN OF MALABAR

REGULAR TOWN COUNCIL MEETING

AGENDA ITEM NO: 11.b.

Meeting Date: April 15th, 2024

Prepared By: Richard W. Kohler, Town Clerk

**SUBJECT: First Reading – Referendum Question for November 5, 2024 Election:
Municipal Services Taxing Unit (MSTU) (Ordinance 2024-03)**

BACKGROUND/HISTORY:

In 2007, the Town Council adopted Ordinance 2007-05 joining the Brevard County Law Enforcement Municipal Services Taxing Unit (MSTU). MSTU taxes have been levied for law enforcement services since November of 2008. In the past, votes for the MSTU have been recorded as follows:

<u>YEAR</u>	<u>% for MSTU</u>	<u>% against MSTU</u>
2008	84.31 %	15.69%
2010	82.92 %	17.08 %
2012	84.02 %	15.97 %
2014	78.53 %	21.47 %
2016	88.43 %	11.57 %
2018	87.5 %	12.4 %
2020	88.4 %	11.6 %
2022	88.81 %	11.19 %

Upon adoption of Ordinance 2007-06, Town Code requires the voters to decide via referendum every two years if the Town will continue to participate in the MSTU program. The Sheriff has attended meetings in the past to provide information on what law enforcement services are provided by the general fund, and what services are provided by the MSTU. The MSTU Tax levy provides additional revenue to fund the patrol and response operations in our Town.

Both the Supervisor of Election's Office and the Brevard County Sheriff's Office have been informed of the Town's intent to hold this referendum during the 2024 general election.

FINANCIAL IMPACT:

- None for the Town – tax paid by residents

ATTACHMENTS:

- Ordinance 2024-03

ACTION:

- Motion to approve the first reading of Ordinance 2024-03.

ORDINANCE 2024-03

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY FLORIDA; CALLING AND SCHEDULING A PERIODIC ELECTION TO DETERMINE IF THE TOWN SHOULD CONTINUE TO PARTICIPATE IN THE BREVARD COUNTY MUNICIPAL SERVICE TAXING UNIT (MSTU) FOR LAW ENFORCEMENT; PROVIDING FOR THE MANNER IN WHICH SUCH ELECTION SHALL BE CONDUCTED; ESTABLISHING THE FORM OF THE BALLOT FOR SUCH ELECTION; PROVIDING REPEAL AND AN EFFECTIVE DATE.

WHEREAS, Florida Statutes, 101.161 provides for the procedures to submit a public measure to a vote of the electors of a municipality and Malabar has followed that procedure in the 2008, 2010, 2012, 2014, 2016, 2018, 2020, and 2022 elections with respect to participation in the Brevard County MSTU for Law Enforcement; and

WHEREAS, In 2014, the Town Council recommended that the question to electors related to continuing participation in the Brevard County Law Enforcement MSTU be amended before being submitted for a vote of the electors to include the financial impact information of the MSTU to the Town's residents; and,

WHEREAS, The Town Council in 2016 directed that the question relating to continued participation in the Brevard County MSTU for Law Enforcement be simplified as it was prior to 2014; and,

NOW THEREFORE, BE IT ORDAINED by the Town Council for the Town of Malabar, Brevard County, Florida:

SECTION 1. A referendum election is hereby called and scheduled to be held concurrent with the general election in November 2024, to determine whether the Town of Malabar shall continue participation in the Brevard County MSTU for Law Enforcement as more particularly described in **EXHIBIT A** (attached to this Ordinance) shall be approved by a majority of the votes cast in such election in which the qualified electors residing in the Town shall participate. Such referendum election shall be held and conducted in a manner prescribed by law for all general elections. The place for voting in such referendum election shall be one of the two usual places, based on Precinct, for voting in the Town in the general election to be held in November 2024.

SECTION 2. The ballot to be used at such referendum election shall contain a statement of the proposed subject matter of the question and shall provide facilities for qualified electors to vote for or against continued participation in the Brevard County Law Enforcement MSTU.

SECTION 3. The Town Clerk is hereby authorized and directed to instruct the Supervisor of Elections of Brevard County to include the above-described question on the ballot for the general election to be held on the 5th day of November 2024.

SECTION 4. Notice of the said referendum election in substantially the form shown in **EXHIBIT B** (attached) to this Ordinance shall be published two times in a newspaper of general circulation according to the laws of the State of Florida. The first publication shall be during the fifth week prior to the week in which the referendum election is to be held and the second publication shall be during the third week prior to the week in which the referendum election is to be held. A minimum of five copies of this Ordinance shall be kept on file in the office of the Town Clerk for public inspection upon demand during normal business hours.

Section 5. If continued participation in the Brevard County Law Enforcement MSTU is not approved by the majority of the votes cast in such referendum election the Town Council shall repeal Ordinance No. 2007-05.

Section 6. All Ordinance or Resolutions inconsistent or in conflict with this Ordinance are repealed.

Section 7. This Ordinance shall become effective five (5) business days after its adoption.

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

Council Member Marisa Acquaviva	_____
Council Member Brian Vail	_____
Council Member Jim Clevenger	_____

Council Member David Scardino
Council Member Mary Hofmeister

This ordinance was then declared duly passed and adopted this ___ day of _____ 2024.

TOWN OF MALABAR

Mayor Patrick T. Reilly, Council Chair

ATTEST:

Richard W. Kohler, Town Clerk

(seal)

Approved for Legal Sufficiency:

Karl Bohne, Jr, Town Attorney

First Reading: _____

Vote: to .

Second Reading: _____

Vote: to .

“Exhibit A”

Ballot 2024

Town of Malabar, Florida

Question 1. Continued participation in the Brevard County Law Enforcement MSTU.

Shall the Town continue to participate in the Brevard County Law Enforcement MSTU?

Yes

No

Instruction to voters: If you are in favor of continuing the MSTU with Brevard County Law Enforcement Patrol Services, mark the space to the left of the word “Yes”. If you are not in favor of continuing the MSTU with Brevard County Law Enforcement Patrol Services, mark the space to the left of the word “No”.

“Exhibit B”

**NOTICE OF REFERENDUM ELECTION
TOWN OF MALABAR, FLORIDA**

Public notice is hereby given that on November 5, 2024; the issue of whether the Town of Malabar shall continue participation in the Brevard County Law Enforcement MSTU will appear on the election ballot as a referendum question.

The Town Council of the Town of Malabar has adopted an Ordinance calling the said election on the follow question:

Question 1. Shall the Town continue to participate in the Brevard County Law Enforcement MSTU?

The places of voting shall be the First Baptist Church of Malabar, 1665 Malabar Road for Precincts 301 and 328 and Elohim Christian Church, Inc., 2170 Malabar Road, for Precincts 325, 326, and 327 for voting in the Town of Malabar during the general election scheduled on November 5, 2024 and the polls shall be open from 7:00 AM to 7:00 PM on the said date. All duly qualified electors residing within the Town of Malabar shall be entitled to participate and vote in said referendum election.

The ballot containing the question to be submitted to the electors shall be in substantially the following form:

**2024 Ballot
Town of Malabar, Florida**

Question 1. Continued Participation in the Brevard County Law Enforcement MSTU

Shall the Town continue to participate in the Brevard County Law Enforcement MSTU?

___ Yes

___ No

Instruction to voters: If you are in favor of continuing the MSTU with Brevard County Law Enforcement Patrol Services, mark the space to the left of the word “Yes”. If you are not in favor of continuing the MSTU with Brevard County Law Enforcement Patrol Services, mark the space to the left of the word “No”.

“Exhibit B”

For further information regarding this referendum election, contact the Town Clerk of the Town of Malabar. A minimum of five (5) copies of this Ordinance are on file at the office of the Town Clerk at Town Hall, 2725 Malabar Road, Malabar, Florida, 32950, and are available for inspection upon request during normal business hours.

TOWN OF MALABAR

REGULAR TOWN COUNCIL MEETING

AGENDA ITEM NO: 11.C.

Meeting Date: April 15th, 2024

Prepared By: Richard W. Kohler, Town Clerk

SUBJECT: Appoint Meghan Wolfgram as a Regular Member to the Planning and Zoning Board (Resolution 05-2024)

BACKGROUND/HISTORY:

Following the resignation of a Board Member, the Planning and Zoning Board currently has four (4) regular members, and one (1) alternate member. Staff is requesting Ms. Wolfgram, the current alternate member, be elevated to a regular member. Ms. Wolfgram has confirmed her intent and availability to serve a new 3-year term.

ATTACHMENTS:

- Resolution 05-2024

ACTION:

- Motion to approve Resolution 05-2024.

RESOLUTION 05-2024

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

WHEREAS, Malabar Town Council has been notified of an opening on the Planning & Zoning Board; and

WHEREAS, Malabar Town Council desires to fill this opening by appointment.

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 approves the appointment of Meghan Wolfgram as a regular member of the Planning & Zoning Board for a three- year term.

Section 2. The Town Council of Malabar, Brevard County, Florida, hereby authorizes and directs the Town Clerk to notify the member, the Board Chair and the Board Secretary of this appointment.

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

Section 4. This resolution shall take effect immediately upon adoption.

This Resolution was moved for adoption by Council Member _____.
This motion was seconded by Council Member _____ and, upon being put to vote, 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 15th day of April, 2024.

TOWN OF MALABAR
By:

Mayor Patrick T. Reilly, Council Chair

ATTEST:

(Seal)

Richard W. Kohler
Town Clerk

Approved as to form and content:

Karl W. Bohne, Jr., Town Attorney

TOWN OF MALABAR

REGULAR TOWN COUNCIL MEETING

AGENDA ITEM NO: 11.d.

Meeting Date: April 15th, 2024

Prepared By: Richard W. Kohler, Town Clerk

SUBJECT: Appoint Anne Vliegenthart as an Alternate Member to the Planning and Zoning Board (Resolution 06-2024)

BACKGROUND/HISTORY:

Ms. Anne Vliegenthart, a Malabar resident, submitted an application to Town Staff to join the Planning and Zoning Board as an alternate member. Ms. Vliegenthart has submitted all of the required paperwork, meets the minimum requirements for Board Membership, and has already attended multiple Board Meeting as a member of the audience.

ATTACHMENTS:

- Resolution 06-2024
- Ms. Vliegenthart's Application Packet

ACTION:

- Motion to approve Resolution 06-2024.

RESOLUTION 06-2024

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

WHEREAS, Malabar Town Council has been notified of vacancies on the Planning and Zoning Board; and

WHEREAS, Malabar Town Council desires to fill this opening by appointment.

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 approves the appointment of Anne Vliegenthart as an alternate member of the Planning and Zoning Board for a three-year term.

Section 2. The Town Council of Malabar, Brevard County, Florida, hereby authorizes and directs the Town Clerk to notify the members, the Board Chair and the Board Secretary of this appointment.

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

Section 4. This resolution shall take effect immediately upon adoption.

This Resolution was moved for adoption by Council Member _____ and seconded 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 15th day of April 2024.

TOWN OF MALABAR

By: _____

Mayor Patrick T. Reilly, Council Chair

ATTEST:

Richard W. Kohler
Town Clerk

(Seal)

Approved as to form and content:

Karl W. Bohne, Jr., Town Attorney

JAN 10 2023

Town of Malabar

RECEIVED

Volunteer Committee/Board Application

Planning & Zoning Advisory Board Application

The Planning and Zoning Board is hereby established and shall consist of five (5) seats and two (2) alternate-seats. The Planning and Zoning Board is advisory in nature. Members of the Board shall hold no other Town office. The affirmative vote of a majority of the regular and alternate board members present and voting (maximum of five votes) shall be necessary for the adoption of any motion. The Planning and Zoning Board deals with land use issues such as site plans, conditional uses, special exceptions, residential subdivision developments, plats, re-plats and zoning change requests. They also review and compile updates for the Comprehensive Plan and present to Council. They shall also draft land development code to conform to changes adopted by Council to the Comprehensive Plan. They shall annually prepare a Capital Improvement Projects list to submit to Council. Some of the issues that the Board considers will be quasi-judicial and staff will alert them to those situations.

1. Name: Anne Vliegenthart Phone: (321) 266-448
 2. Home Address: 630 Hall Road, Malabar, FL 32950
 3. Email Address: vliegenthart@gmail.com
 4. Are you a resident of the Town: Yes No
 5. How long have you been a resident of the Town of Malabar: since 2017
 6. Are you currently involved with any other organization of the Town: Yes No
- If yes, which organization: _____

Town of Malabar 2725 Malabar Road Malabar, Florida 32950
 Phone: 321-727-7763 ~ Fax 321-722-2234 ~ Email: townclerk@townofmalabar.org
 Website: www.townofmalabar.org

TOWN OF MALABAR

APPLICATION FOR APPOINTMENT TO BOARD/COMMITTEE

NOTE: Florida's Public Records Law, Chapter 119, Florida Statutes states, "It is the policy of this state that all state, county, and municipal records shall at all times be open for a personal inspection by any person." Your application when filed will become a public record and subject to the above statute. In addition, any appointed member of a board of any political subdivision (except members of solely advisory bodies) and all members of bodies exercising planning, zoning or natural resources responsibilities are required to file a financial disclosure form within 30 days after appointment and annually thereafter for the duration of the appointment as required by F.S. Chap. 112.

NAME: Anne Vliegenthart TELEPHONE: (321) 266-4418
ADDRESS: 630 Hall Road, Malabar, FL 32950
EMAIL:

RESIDENT OF TOWN FOR 12 MONTHS OR LONGER: [X] YES [] NO

OCCUPATION: (If retired, please indicate former occupation or profession.)
Financial Advisor

PROFESSIONAL AND/OR COMMUNITY ACTIVITIES:

ADDITIONAL INFORMATION/REFERENCES:

Please select the Board that you would like to serve on by indicating first choice & second choice:

- Board of Adjustment
Parks & Recreation
Planning & Zoning
Trails & Greenways

Per Town Code, Council shall require removal of members after 3 successive absences.

Signature of Applicant
Date 1/10/24

Please return this form to: Town Clerk
Town of Malabar
2725 Malabar Road
Malabar, FL 32950-4427
Email: townclerk@townofmalabar.org

Note: If you need more information concerning the duties of these Boards, please contact the Town Clerk. Please attach a copy of your resume to this application. You will be notified of the date of the Town Council Meeting that your application will be considered for appointment. You will need to plan to attend the Council Meeting.


Applicant Certification

By completing this application with the Town of Malabar and placing my signature below, I do hereby acknowledge the following:

- This application, when completed and filed with the Office of the Town Clerk, is a PUBLIC RECORD UNDER Chapter 119, Florida Statute, and is open to public inspection.
- I am responsible for keeping the information on this form current and that any changes or updates will be provided to the Office of the Town Clerk.
- I acknowledge that I am a resident of the Town of Malabar.
- I consent to filing the Statement of Financial Interest as required by Chapter 112, Florida Statutes.
- If appointed to a Committee or Board, I acknowledge that it is my obligation and duty to comply with the following:
 - Malabar Code of Conduct
 - Code of Ethics for Public Officials (F.S., Chapter 112, Part III)
 - Florida Sunshine Law (F.S., Chapter 286)

I understand the responsibilities associated with being a Committee or Board member and I will have adequate time to serve on this Committee or Board.

The information provided on this form is true and correct and consent is hereby given to the Town Council or its designated representative to verify any and/or all the information provided.



Signature

1/10/24

Date



TOWN OF MALABAR

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

Town of Malabar Board Member Code of Conduct

(Malabar Code Chap 2. – Code of Conduct) In addition to adhering to the requirements of State Law, any person appointed to serve as a Member of a Town Board or Committee shall commit to the following Code of Conduct by written affirmation, which shall remain on file with the Town Clerk, as follows:

I affirm that the proper Statutory and Town Charter role of Members of appointed Town Boards and Committees, as with any Member of an appointed government body, is to act collectively, not individually, to apply the Town's governing policies, and that the Town Administrator and Staff administer such policies.

I understand that an appointed Board or Committee Member does not manage the affairs of the Town. I will not intrude into daily operations or spheres of responsibility designated by Florida Statutes, Town Code, and Town Charter to the Town Administrator as the Chief Executive Officer; or undermine the Town Administrator's lawful authority. Further, I understand that the Town Administrator is responsible for administering the policy direction established by a majority vote of the Town Council and not the individual wishes of Board or Committee Members.

I will represent the interests of the entire Town when making decisions and will rely upon available facts and my independent judgment. In my capacity as an appointed Board or Committee Member, I will avoid conflicts of interest and avoid using my official position for personal, professional, or partisan gain.

I will demonstrate dignity, respect, and courtesy toward those whom I am in contact with in my capacity as an appointed Board or Committee Member. I will refrain from intimidation and ridicule of fellow Board or Committee Members, Town Council Members, Town Administrator, Town Attorney, Staff, citizens of the Town, and those conducting business with the Town.

In my capacity as an appointed Board or Committee Member, I will refrain from inappropriate language including statements that are malicious, threatening, slanderous, disparaging, mean-spirited, vulgar or abusive. All disagreements, concerns or criticisms shall be framed in language that is in keeping with the dignity and professionalism of an appointed official and the honor of my respective Town Board or Committee.

I will focus on solving problems. I will maintain appropriate decorum and professional demeanor in the conduct of Town business and work cooperatively and conscientiously with others as I request or receive information, examine data or weigh alternatives in the decision-making process.

I will demonstrate patience and refrain from demanding, interruptive access to Staff or immediate responses or services when requesting information that requires significant Staff time in research, preparation or analysis or that will result in Staff neglect of urgent duties. Such requests will be made through the Town Administrator for scheduling and prioritizing through consensus of my respective Town Board or Committee.

I will devote adequate time for preparation prior to my respective Town Board or Committee meetings and as much as possible, I will be in attendance at such meetings and all other scheduled events where my participation is required.

I will respect diversity and encourage the open expression of divergent ideas and opinions from fellow Board or Committee Members, Town Council Members, Town Administrator, Town Attorney, Staff, citizens of Malabar. I will listen actively and objectively to others' concerns or constructive criticisms.

I will refrain from any individual action that could compromise lawfully authorized decisions of the Town or the integrity of the Town and my fellow Board or Committee Members. I will delineate clearly for any audience whether I am acting or speaking as an individual citizen or in my capacity as a Town Board or Committee Member.

I will maintain the confidentiality of privileged information and will abide by all laws of the State applicable to my conduct as a Board or Committee Member, including but not limited to the Government in the Sunshine Law, the Florida Code of Ethics for Public Officers, and Town Rules of Procedure and Codes of Conduct.

I will promote constructive relations in a positive climate with all Members of the Town Council, Town employees, Town Attorney, and Town contractors and consultants consistent with my role as a Board or Committee Member, as a means to enhance the productivity and morale of the Town. I will support the Town Administrator's decision to employ the most qualified persons for Staff positions. I will recognize the bona fide achievements of the Town Council, Town Administrator, Staff, Town Attorney, Town contractors and consultants, business partners, and others sharing in, and striving to achieve, the Town's mission.

I will enhance my knowledge and ability to contribute value to the Town as a Board or Committee Member by keeping abreast of issues and trends that could affect the Town through reading, continuing education and training. I will study policies and issues affecting the Town, and will attend training programs if required by the Town. My continuing goal will be to improve my performance as a Board or Committee Member.

I will value and assist my fellow Board or Committee Members by exchanging ideas, concerns, and knowledge through lawful means of communication. I will help build positive community support for the Town's mission and the policies established by the Town Council.

I will support and advocate for my beliefs, but will remain open to understanding the views of others. I recognize that I share in the responsibility for all Town decisions that my respective Board makes and will accept the will of the majority.

As a Board or Committee Member, I will always hold the best interests of the citizens of the Town and the public health, safety and welfare of the community in the highest regard. I will seek to provide appropriate leadership that nurtures and motivates Town citizens to be stakeholders in the affairs and achievements of the Town.

I will be accountable to the Town Council for violations of this Code of Conduct.



Signature

11/10/24

Date

Anne Viiegenthart

Print Name



Witness

TOWN OF MALABAR

REGULAR TOWN COUNCIL MEETING

AGENDA ITEM NO: 12.a.

Meeting Date: April 15th, 2024

Prepared By: Richard W. Kohler, Town Clerk

SUBJECT: Town Council and Mayoral 2024 Election Qualifying

BACKGROUND/HISTORY:

On November 5th, 2024, the Town of Malabar will hold municipal elections for the Mayor, as well as Council Members of Districts 1, 2 & 3. The Town Code dictates that Town Council qualify all candidates during a Qualifying Period, which is to take place no less than 84 days and not more than 98 days prior to the date of the election. This year, Council and Mayor Qualifying will take place from 8:30 AM on Tuesday July 30th, until 4:30 PM on Tuesday August 13th.

This year, Incumbents Mayor Reilly and Council Member Vail are at the end of their term limits and will not be available to run for their respective seats again. Council Members Acquaviva and Clevenger both are eligible to run again.

Requirements to qualify are as follows:

Mayor:

- Registered Voter in Town of Malabar.
- At least 30 years of age.
- Shall have resided in Malabar for at least 1 year prior to the date of qualifying.
- Signatures of at least 15 qualified electors from within Malabar collected during the qualifying period.

Town Council:

- Registered Voter in Town of Malabar.
- Shall have resided in the district they wish to represent for at least 6 months prior to the date of qualifying.
- Signatures of at least 15 qualified electors from within the voting district they wish to represent.

ATTACHMENTS:

- 2024 Qualifying Packets

ACTION:

- None.

Town of Malabar Qualifying Process



These documents are required to qualify as a candidate for elected office in the Town of Malabar. The first step necessary to qualify is to turn in a DSDE9 form into the Town Clerk. Once this form is filed, the candidate will be considered "declared", given the Council Member or Mayor Candidate Qualifying Petition, and may begin campaign activities. Campaign activities may include but are not limited to accepting donations, buying signs, and during the acceptable time, gathering signatures. Candidate qualifying signatures must be gathered after filing the DSDE9 with the Clerk's Office, and between July 30th and August 13th. ANY SIGNATURES GATHERED BEFORE OR AFTER THESE DATES WILL BE VOID. Once the signatures required are gathered, turn the Council Member or Mayor Candidate Qualifying Petition into the Town Clerk. Once submitted, the Clerk's Office will provide the remainder of the forms for completion before 4:30 PM on August 13th. If you have any questions, please call Town Hall at (321)-727-7764.

Council Member & Mayor Candidate Qualifying Packet Forms – 2024 Checklist and Directions

FORMS TO BE COMPLETED PRIOR TO GETTING SIGNATURES:

- Appointment of Campaign Treasurer (DS-DE 9) – MUST BE DONE PRIOR TO OBTAINING SIGNATURES ON PETITION. Campaign Treasurer must be a registered voter. If you are appointing yourself as the Campaign Treasurer, you must fill in your own name in item 11, and complete items 18 through 24, and sign items 26 & 27.
- Council Member Qualifying Petition – 15 signatures from registered voters that live within your District.

FORMS TO BE READ AND COMPLETED PRIOR TO QUALIFYING

- Statement of Candidate – Fill out and sign; it states that you have been provided an email copy of F.S. 106 and the website (<https://www.flsenate.gov/Laws/Statutes/2020/Chapter106/All>) for Florida Statute 106. You have ten (10) days after your appointment of a Campaign Treasurer to submit this form. Failure to do so may result in a fine up to \$1,000.00. (Form DS-DE 84)
- Candidate Oath Nonpartisan Office – On this form, provide your name as you would like it to appear on the ballot. Includes phonetic spelling of last name. (Form DS-DE 302NP)
- Sworn Statement of Candidate – This is a Town of Malabar form, to be submitted to the Town Clerk.
- Form 6 Statement of Financial Interests and Instructions – Fill out and submit.

TREASURER REPORTS

- 2024 Campaign Treasurer’s Report Due Dates – Even if you are NOT running a paid campaign, you MUST fill out the DS-DE 12, 13 and 14 by the due dates.
- Campaign Treasurer’s Report/Itemized Contributions/Itemized Expenditures (DS-DE 12, 13 & 14) – Used to report all funds collected and expended during reporting phases.
- Waiver of Report – Used if no funds are collected or expended during the reporting phase. (DS-DE 87)

GUIDES PROVIDED FOR INFORMATION

- Guide for Acquisition of Registered Voter Information
- Guide to Sunshine Amendments – Florida Commission of Ethics – Available on website: www.ethics.state.fl.us – also guide on laws related to gifts, and how to register a complaint.

I HAVE RECEIVED THE ABOVE ITEMS FROM THE TOWN CLERK’S OFFICE.

Signature of Candidate

Date



2725 Malabar Road
Malabar, FL 32950

Tel: 321-727-7764

Fax: 321-727-7779

Mayor Sworn Statement 2024

Before me, an officer authorized to administer oaths, personally appeared _____ to me well known ____, OR produced identification _____, who being sworn that he/she is a qualified elector of the Town of Malabar, Brevard County, Florida, and that he/she is qualified under the Town Charter of the Town of Malabar, Florida, and the Florida Statutes to hold the office of Mayor of the Town of Malabar, Florida, for which he/she desires to be elected/appointed. Said qualifications are as follows, to wit:

- He/She is thirty (30) years of age or older.
- He/She is not presently adjudicated mentally incompetent under the laws of any state.
- He/She has never been convicted of a felony without having his/her civil rights restored.
- He/She has registered to vote in Brevard County, Florida.
- He/She is now and has been for at least one (1) year consecutively and immediately prior to this date, a resident of the Town of Malabar, Brevard County, Florida.
- He/She is **willing to serve if elected/appointed.**

Signature of Candidate

Address

Occupation: _____

Sworn to and subscribed before me this _____ day of _____, 2024.

(Signature of Notary Public - State of Florida)

(Print, Type, or Stamp Commissioned name of Notary Public)

Personally Known ____ OR Produced Identification ____:

Type of Identification Produced : _____



Office of Mayor candidate qualifying Petition

I, _____ am a Candidate for the position of Mayor in the 2024 General Election and I agree to serve if I am elected. I am a qualified voter in the State of Florida and I have resided in the Town of Malabar for at least one (1) year immediately preceding my qualifications herein. Qualification period is July 30, 2024 at 8:30 a.m. through August 13, 2024 at 4:30 p.m.

Signature of Candidate

Date Circulation Begun

We, the undersigned electors in the Town of Malabar, Florida, living in the Town of Malabar, respectfully request that the name of _____ be placed on the ballot for the Non-Partisan position of Mayor in the General Election.

Table with 4 columns: Electors (signature), Name PRINTED, Street Address, Date. Row 1: Malabar, FL, 32950

I, _____ Petition Circulator, state that I circulated the foregoing petition, that said petition was signed by each elector in my presence, and said signatures are genuine signatures of the respective electors.

Signature of Circulator

Sworn to and subscribed before me this _____ day of _____, 2024.

(Signature of Qualifying Officer)



2725 Malabar Road
Malabar, FL 32950

Tel: 321-727-7764

Fax: 321-727-7779

Council Member Sworn Statement 2024

Before me, an officer authorized to administer oaths, personally appeared _____ to me well known ____, OR produced identification _____, who being sworn that he/she is a qualified elector of the Town of Malabar, Brevard County, Florida, and that he/she is qualified under the Town Charter of the Town of Malabar, Florida, and the Florida Statutes to hold the office of **COUNCIL MEMBER District 1** ; **District 2** ; **District 3** of the Town of Malabar, Florida, for which he/she desires to be elected/appointed. Said qualifications are as follows, to wit:

- He/She is eighteen (18) years of age or older.
- He/She is not presently adjudicated mentally incompetent under the laws of any state.
- He/She has never been convicted of a felony without having his/her civil rights restored.
- He/She has registered to vote in Brevard County, Florida.
- He/She is now and has been for at least six (6) months consecutively and immediately prior to this date, a resident of the Town of Malabar, Brevard County, Florida within the District the candidate is running.
- He/She is **willing to serve if elected/appointed.**

Signature of Candidate

Address

Occupation: _____

Sworn to and subscribed before me this _____ day of _____, 2024.

(Signature of Notary Public - State of Florida)

(Print, Type, or Stamp Commissioned name of Notary Public)

Personally Known ____ OR Produced Identification ____:

Type of Identification Produced : _____



COUNCIL MEMBER CANDIDATE QUALIFYING PETITION
PLEASE INDICATE WHICH DISTRICT WITH AN "X"

I, _____ am a Candidate for the position of Council Member **District 1** ; **District 2** ; or **District 3** ; (select one) in the 2024 General Election and I agree to serve if I am elected. I am a qualified voter in the State of Florida and I have resided in the Town of Malabar for at least six (6) months immediately preceding my qualifications herein. Qualification period is July 30, 2024 at 8:30 a.m. through August 13, 2024 at 4:30 p.m.

Signature of Candidate

Date Circulation Begun

We, the undersigned electors in the Town of Malabar, Florida, living in: **District 1 (Precinct 325)**____; **District 2 (Precinct 326)** ____ or **District 3 (Precinct 327)**____; respectfully request that the name of _____ be placed on the ballot for the *Non-Partisan* position of Council Member District 1____; 2____; or 3____ in the General Election.

	<u>Electors (signature)</u>	<u>Name PRINTED</u>	<u>Street Address</u>	<u>Date</u>
1.	_____	_____	Malabar, FL, 32950	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____
7.	_____	_____	_____	_____
8.	_____	_____	_____	_____
9.	_____	_____	_____	_____
10.	_____	_____	_____	_____
11.	_____	_____	_____	_____
12.	_____	_____	_____	_____
13.	_____	_____	_____	_____
14.	_____	_____	_____	_____
15.	_____	_____	_____	_____
16.	_____	_____	_____	_____
17.	_____	_____	_____	_____
18.	_____	_____	_____	_____
19.	_____	_____	_____	_____
20.	_____	_____	_____	_____

I, _____ Petition Circulator, state that I circulated the foregoing petition, that said petition was signed by each elector in my presence, and said signatures are genuine signatures of the respective electors.

Signature of Circulator

Sworn to and subscribed before me this _____ day of _____, 2024.

(Signature of Qualifying Officer)

TOWN OF MALABAR

REGULAR TOWN COUNCIL MEETING

AGENDA ITEM NO: 12.b.

Meeting Date: April 15th, 2024

Prepared By: Richard W. Kohler, Town Clerk

SUBJECT: Select Dates for TRIM Public Hearings

BACKGROUND/HISTORY:

An important step in the budget process is setting the dates for the TRIM Public Hearings. In accordance with the requirements of Florida Statutes, Chapter 200.065, notice is given concerning the dates of the scheduled public hearings on the ad valorem tax rates and budgets of the Brevard County School Board and the Brevard County Board of County Commissioners for the fiscal year beginning October 1, 2024. Their TRIM Hearing dates are as follows:

Brevard County Commissioners:
Tuesday September 10, 2024
Tuesday September 24, 2024
Brevard School District
Thursday July 25, 2024
Thursday September 5, 2024

Also for consideration, Labor Day is celebrated on the first Monday of September (09/02/2024), and Council traditionally rescheduled the first meeting of September.

Staff recommends having the September RTCMs on the second and fourth Mondays of the month:

1st Public Hearing – Monday September 9, 2024.
2nd Public Hearing – Monday September 23, 2024.

Staff also recommends that the TRIM Public Hearings be held separately from the RTCMs. Public Hearings would begin at 7 PM, and RTCMs would begin at 7:30 PM.

ATTACHMENTS:

- Email showing BPS and BOCC Public Hearing Dates
- Tentative September 2024 Calendar

ACTION:

- Motion to approve recommended TRIM Public Hearing Dates, and an amended September RTCM Schedule.

From: [Lisa Morrell](#)
To: [Richard Kohler](#); [Makayla Austin](#)
Cc: [Laven Hamilton](#)
Subject: FY24/25 Budget Dates - 90CC * BPS hearing dates
Date: Tuesday, April 2, 2024 11:08:20 AM

Brevard County Board of County Commissioners	9/24/2024		5:30 PM	Commission Chambers <i>Final Public Budget Hearing</i>	Meeting details	Not available	Not available	Not available	Not available	Not available
Brevard County Board of County Commissioners	9/17/2024		9:00 AM	Commission Chambers <i>Regular</i>	Meeting details	Not available	Not available	Not available	Not available	Not available
Brevard County Board of County Commissioners	9/10/2024		5:30 PM	Commission Chambers <i>1st Public Budget Hearing</i>						

July 25, 2024 (Thursday) Regular School Board Meeting and Tentative Public Budget Hearing – 5:30 p.m.

September 5, 2024 (Thursday) Regular School Board Meeting and Final Public Budget Hearing – 5:30 p.m.

Suggesting The Town schedule the following budget hearing dates with council meetings for September 2024, 9/2 is Labor Day – a holiday.

Monday 9/9/24 7:00 pm 1st Public Budget Hearing, 7:30 RTCM
 Monday 9/23/24 7:00 pm Final Budget Hearing, 7:30 RTCM

Thank you,

Lisa Morrell
 Town Manager
 Town of Malabar
 321-768-9120 (direct)
 321-272-3340 (cell)
 321-727-7764 (main)
www.townofmalabar.org

2024 SEPTEMBER

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
1	2 Labor Day Town Hall Closed	3	4	5 Brevard Public School Public Hearing #2	6	7
8	9 Malabar Public Hearing #1 7:00 PM Malabar RTCM #1 7:30 PM	10 Brevard County Commission Public Hearing #1	11 Planning and Zoning Board Meeting 6:00 PM	12	13	14
15	16 Trails and Greenways Committee Meeting 6:00 PM	17	18 Parks and Recreation Board Meeting 5:00 PM	19	20	21
22	23 Malabar Public Hearing #2 7:00 PM Malabar RTCM #2 7:30 PM	24	25 Planning and Zoning Board Meeting 6:00 PM	26	27	28
29	30					

TOWN OF MALABAR

REGULAR TOWN COUNCIL MEETING

AGENDA ITEM NO: 12.c.
Meeting Date: April 15th, 2024

Prepared By: Lisa Morrell, Town Manager

SUBJECT: Discussion – Review LDC Table 1-3.3 Size and Dimensions Table

BACKGROUND/HISTORY:

The Town of Malabar as the applicant for proposing textual amendments to Malabar, Florida - Code of Ordinances LAND DEVELOPMENT CODE Article III - DISTRICT PROVISIONS Section 1-3.3. - Size and dimension criteria, specifically Table 1-3.3 (A). Planning and Zoning has completed the review and advise Town Council to approve the proposed textual amendments to ensure clarity and interpretation of the code.

Staff discussed with Planning and Zoning Board members to update and revise Land Development Code, Table 1-3.3, Size and Dimensions. A parcel count affected by potential changes are as follows: R/LC (123 parcels), RM-4 (zero (0) parcels), RM-6 (33 parcels); provided as underlined additions. A short subject matter reference has been added to the list of ordinance amendments from 1992 – 2021. July 12, 2004, ordinance 04-08, repeals Maximum Density without Central Water & Wastewater by Town Council members; the minutes are included as an attachment for reference.

Section 1-3.3 and or Table 1-3.3 (A) has been revised with the following ordinance history, where staff has researched and notated table omissions of the column pertaining to Maximum Density without Central Water & Wastewater:

Ord. No. 92-8, § 1(B), (D), (J), 8-18-92; RS-21 Setbacks

Ord. No. 94-4, § 4, 4-3-95; R/LC Established

Ord. No. 96-1, § 1, 3-4-96; - column included. RS-21 – Increase Impervious

Ord. No. 97-5, § 1, 3-17-97; - not applicable to amendment to table. CL – Floor Area Ratio (FAR)

Ord. No. 02-03, § 1, 8-5-02; - not applicable to amendment to table. Waivers to Setbacks

Ord. No. 03-02, § 1, 2-24-03; - - not applicable to amendment to table. Impervious Surface Ratio (ISR)

Ord. No. 04-08, §§ 1, 2, 7-12-04; - not applicable to amendment to table. Maximum Density without Central Water & Wastewater Repealed. 1.5-20 Editor's note— Ordinance No. 04-08, § 3, adopted July 12, 2004, repealed § 1-5.20 in its entirety. Formerly, such section pertained to residential structures on lots less than one acre in area and derived from Ord. No. 90-5, 4-17-90.

Ord. No. 06-05, § 1, 2-6-06; - not applicable to amendment to table. Height

Ord. No. 06-16, §§ 1, 2, 10-2-06; - not applicable to amendment to table. Maximum Building Coverage (MBC)

Ord. No. 19-02, § 2, 3-4-19; - not applicable to amendment to table. RR-65 Setbacks

Ord. No. 19-03, § 2, 3-4-19; - not applicable to amendment to table. Roads – Text Updates

Ord. No. 2021-02, § 3, 5-3-21; – column omitted on recording. R/LC- Maximum Building Coverage (MBC)

Ord. No. 2021-09, §§ 4, 5, 8-16-21) – column omitted on recording. RVP Established.

Staff has provided the board with some changes for consideration, not strikethrough text is subject to deletion, underline text is for additions. As a Reference the changes to the document are as follows:

- Repopulated omitted column header, Maximum Density without Central Water & Wastewater, and numeric data to all zoning districts.
- Under Multiple Family Residential Development section, removed Single Family for zoning code RM-4.

- Under Multiple Family Residential Development section, removed, Single Family, for zoning code RM-6. A healthy discussion ensued with the P&Z board to include that RR65 requirements could be applicable and the application the subdivision code for three of more parcel splits for additional single-family lots, the board rested on multi-family zoning and single family is not he intent of the code, application for re-zoning.
- Deleted Minimum Site from the numeric entry of Minimum Lot header, as duplicative, for RM-4 & RM-6.
- Revised Multiple Family to Multi-Family in RM-4, RM-6, R/LC for table cell character count.
- Under Mixed Use Development, added clarification of the zoning code to full description Residential / Light Commercial.
- R/LC added 1500 to Single Family, reference RR-65 as similar type of land use as a district and added 1500 to square feet, as it was blank.
- Separated Table for Zoning Districts; OI, CL, CG, IND, INS, to revise column header from Minimum Lot to Minium Floor Area. Deleted Minimum Floor Area from the numeric data cell for the same districts, as duplicative.
- Footnotes in the table reformatted as superscript font.
- Updated RM-6 and R/LC minimum square feet of living space to the equivalent of RM-4; Single Family is updated to reflect the same of RR-65.

The final format and textual amendments to the table shall occur after the review and approval, the attached table is formatted for review and discussion purposes only.

Staff requests a discussion and review from Town Council as the amendments have been approved by the Planning and Zoning Board members for the necessity to further amend the text of Code of Ordinances LAND DEVELOPMENT CODE Article III - DISTRICT PROVISIONS Section 1-3.1 – Purpose and intent of Districts. Final may include any of the table data in written form, whereas the table would be more useful as an exhibit of the code, if directed by the majority of council members.

FINANCIAL IMPACT:

ATTACHMENTS:

Land Development Code, Article III, Section 1-3.3, Table 1-3.3 (A), revisions.
Minutes of the RTCM of 7/12/2004

ACTION OPTIONS:

Discussion only by the council. Consider revisions and advise of any changes, additions, deletions, for the next regularly scheduled Town Council and Legal Advertisement.

Section 1-3.3. - Size and dimension criteria.

A. *Minimum Lot or Site Requirements for All Uses.* Table 1-3.3(A) incorporates required size and dimension regulations which shall be applicable within each respective zoning district, except for Recreational Vehicle Park District, which is specifically described within Section 1-3.3, Item G. All developments shall have a total land area sufficient to satisfy all standards stipulated within the land development code, including but not limited to:

- Setback requirements;
- Open space, buffers, and landscaping;
- Surface water management;
- Water and wastewater services;
- Access, internal circulation and off-street parking;
- Wetland protection; and
- Soil erosion and sedimentation control standards.

Conventional single family lots shall be required pursuant to square footage requirements stipulated in Table 1-3.3(A). Similarly, more intense development within multiple family residential districts and other specified nonresidential districts shall maintain sites having minimum acreage requirements stipulated in Table 1-3.3(A).

TABLE 1-3.3(A). SIZE AND DIMENSION REGULATIONS

Zoning District	Minimum Lot ⁽¹⁾			Maximum Height (feet /stories)	Minimum Living Area (sq. ft.)	Setback ⁽²⁾				Maximum Impervious Surface Ratio (%)	Maximum Building Coverage (%)	Minimum Open Space (%)	Maximum Density w/ Central Water & Wastewater (units per acre)	Maximum Density w/o Central Water & Wastewater (units per acre)
	Size (sq. ft.)	Width (ft.)	Depth (ft.)			Front (ft)	Rear (ft)	Side (ft) (I)	Side (ft) (C)					
Rural Residential Development														
RR-65	65,340	150	250	35/3	1,500	40	30	30	30	20	N/A	80	0.66	<u>0.66</u>

Zoning District	Minimum Lot ⁽¹⁾			Maximum Height (feet /stories)	Minimum Living Area (sq. ft.)	Setback ⁽²⁾				Maximum Impervious Surface Ratio (%)	Maximum Building Coverage (%)	Minimum Open Space (%)	Maximum Density w/ Central Water & Wastewater (units per acre)	Maximum Density w/o Central Water & Wastewater (units per acre)
	Size (sq. ft.)	Width (ft.)	Depth (ft.)			Front (ft)	Rear (ft)	Side (ft) (I)	Side (ft) (C)					
Traditional Single Family Residential Development														
RS-21	21,780	120	150	35/3	1,800	35	20	15	15	35	N/A	65	2.00	<u>1.00</u>
RS-15	15,000	100	120	35/3	1,500	30	20	15	15	45	N/A	55	2.00	<u>1.00</u>
RS-10	10,000	75	100	35/3	1,200	25	20	10	10	50	N/A	50	4.00	<u>1.00</u>
Multiple Family Residential Development														
RM-4	5 Acres	200	200	35/3	Single-Family 1500:	60	40	40	40	50	N/A	50	4.00	4.00
RM-4	5 Acres Minimum Site	200	200	35/3	Multi-Family: 1 Bedroom: <u>900</u> 2 Bedroom: <u>1,100</u> 3 Bedroom: <u>1,300</u> Each Additional Bedroom: <u>120</u>	60	40	40	40	50	N/A	50	4.00	<u>1.00</u>
RM-6	5 Acres Minimum Site	200	200	35/3	Single-Family 1500:	25	20	10	10	50	N/A	50	6.00	4.00
RM-6	5 Acres Minimum Site	200	200	35/3	Multi-Family: 1 Bedroom: <u>900</u> 2 Bedroom: <u>1,100</u> 3 Bedroom: <u>1,300</u> Each Additional Bedroom: <u>120</u>	60	40	40	40	50	N/A	50	6.00	<u>1.00</u>

Zoning District	Minimum Lot ⁽¹⁾			Maximum Height (feet /stories)	Minimum Living Area (sq. ft.)	Setback ⁽²⁾				Maximum Impervious Surface Ratio (%)	Maximum Building Coverage (%)	Minimum Open Space (%)	Maximum Density w/ Central Water & Wastewater (units per acre)	Maximum Density w/o Central Water & Wastewater (units per acre)
	Size (sq. ft.)	Width (ft.)	Depth (ft.)			Front (ft)	Rear (ft)	Side (ft) (I)	Side (ft) (C)					
Mixed Use Development – Residential / Light Commercial														
R/LC	20,000	100	150	35/3	Single Family: <u>1,500</u>	25	20	10	10	50	N/A	50	4	<u>2.00</u>
					Multi-Family: 1 Bedroom: <u>900</u> 2 Bedroom: <u>1100</u> 3 Bedroom: <u>1300</u> Each Additional Bedroom: <u>120</u>	50	25	10 ⁴	20	65	N/A	35	6	<u>2.00</u>
					Commercial: 900						<u>20</u>			
Mobile Home Residential Development														
R-MH	Site: 5 Acres Lot: 7,000					10	8	8	10	50	N/A	50	6.00	<u>1.00</u>

Zoning District	Minimum Lot ⁽¹⁾			Maximum Height (feet /stories)	Minimum Floor Area (sq. ft.)	Setback ⁽²⁾				Maximum Impervious Surface Ratio (%)	Maximum Building Coverage (%)	Minimum Open Space (%)	Maximum Density w/ Central Water & Wastewater (units per acre)	Maximum Density w/o Central Water & Wastewater (units per acre)
	Size (sq. ft.)	Width (ft.)	Depth (ft.)			Front (ft)	Rear (ft)	Side (ft) (I)	Side (ft) (C)					
Office Development -Office Institutional														
OI	20,000	100	150	35/3	Minimum Floor Area: 1,000	35/60	25	20	25	65	20	35	N/A	<u>N/A</u>

Zoning District	Minimum Lot ⁽¹⁾			Maximum Height (feet /stories)	Minimum Floor Area (sq. ft.)	Setback ⁽²⁾				Maximum Impervious Surface Ratio (%)	Maximum Building Coverage (%)	Minimum Open Space (%)	Maximum Density w/ Central Water & Wastewater (units per acre)	Maximum Density w/o Central Water & Wastewater (units per acre)
	Size (sq. ft.)	Width (ft.)	Depth (ft.)			Front (ft)	Rear (ft)	Side (ft) (I)	Side (ft) (C)					
Commercial Development – Commercial Limited / Commercial General														
CL	20,000	100	150	35/3	Minimum Floor Area: 900 Min. Area: 900 Max. Area 4,000	50	25	10 ⁴ 15 ³	20	65	<u>20</u>	35	N/A	<u>N/A</u>
CG	20,000	100	150	35/3	Minimum Floor Area: 1,200 Minimum Hotel/Motel Unit Area: 300 Each Unit	50	25	20 ⁴ 15 ³	30	65	<u>20</u>	35	N/A	<u>N/A</u>
Industrial Development														
IND	20,000	100	150	35/3	Minimum Floor Area: 1,200	50 100 ⁵	25 100 ⁵	20 100 ⁵	30 100 ⁵	70	<u>42</u>	30	N/A	<u>N/A</u>
Institutional Development														
INS	20,000	100	150	35/3	Minimum Floor Area: 1,200	50	25	20	30	60	<u>20</u> <u>10⁶</u>	40	N/A	<u>N/A</u>
Coastal Preservation														
CP	No Size or Dimension Standards Adopted													

- ¹ Minimum size sites and lots include one-half of adjacent public right-of-way.
- ² Minimum setbacks determined from the existing right-of-way line where the yard abuts a public street pursuant to the above cited standards or from the center of the right-of-way pursuant to Table 1-3.3(E) whichever is most restrictive.
- ³ Setback where rear lot line abuts an alley.
- ⁴ Setback shall be greater where side property line abuts a district requiring a larger setback on the abutting yard. In such case the more restrictive abutting setback shall apply.
- ⁵ Where any yard of industrial zoned property abuts a residential district, the building setback for such yard shall be 100 feet.
- ⁶ Recreation activities maximum FAR shall be .10.
- ⁷ In RR-65 Zoning, side and rear setback may be reduced for accessory structures to equal the height of the accessory structure but under no condition be reduced to less than 15 feet. If the height of the accessory structure height is 20 feet, the side and rear setbacks for that building would be 20 feet.

B. *Area requirements for uses not served by central water and wastewater services.* All proposed development within areas not served by central water and wastewater services shall comply with the septic permitting requirements of Brevard County.

C. *Impervious Surface Requirements (/SR) for All Uses.* The term "impervious surface" is defined as that portion of the land which is covered by buildings, pavement, or other cover through which water cannot penetrate. The impervious surface ratio requirement controls the intensity of development, by restricting the amount of the land covered by any type of impervious surface.

1. *Calculation of /SR.* The impervious surface ratio (ISR) is calculated for the gross site by dividing the total impervious surface by the gross site area. Water bodies are impervious but shall not be included as such in the ISR calculation.

Cluster development or other site design alternatives may result in individual lots exceeding the ISR, while other lots may be devoted entirely to open space. The Town may require, as a condition of approval, deed restrictions or covenants which guarantee the maintenance of such open space in perpetuity. The ISR requirement shall not be bypassed or reduced. However, the intent is to allow maximum flexibility through calculating ISR on the gross site, and not on a lot-by-lot basis.

2. *Use of Porous Material.* Porous concrete, asphalt, porous turf block, or similar materials may be used subject to approval of the Town Engineer.
3. *Compliance with /SR Stipulated in Table 1-3.3(A).* All proposed development shall comply with the standards given in the table of impervious surface ratios in Table 1-3.3(A).

Where a proposed development is donating or dedicating land based on a plan approved by the Town, the gross site before dedication or donation shall be used to calculate ISR. This does not relieve the applicant from providing all required on-site buffers, landscaping, stormwater management areas, setbacks, and other required project amenities.

D. *Maximum Building Coverage*. The term "maximum building coverage" is defined as a measurement of the intensity of development on a site. For purposes of this Code, maximum building coverage (MBC) is used to regulate nonresidential development.

1. *Calculation of MBC*. The MBC is the relationship between the total building coverage on a site and the gross site area. The MBC is calculated by adding together the total building coverage of a site and dividing this total by the gross site area. See figure 1-3.3(0) for a graphic illustration of this concept.

All proposed nonresidential development shall comply with the MBC requirements stipulated in Table 1-3.3(A) for the zoning district in which the development is located.

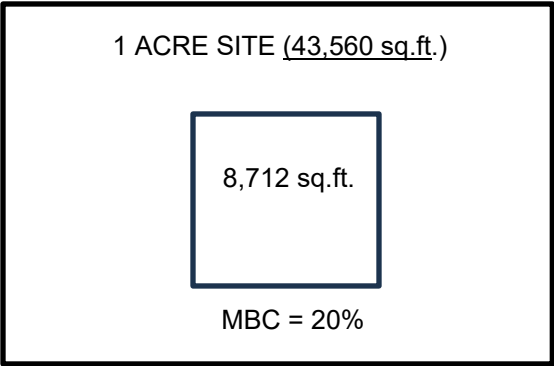


FIGURE 1-3.3(0). MAXIMUM BUILDING COVERAGE ILLUSTRATION

Maximum building coverage for a MBC of 0.20 = 8,712 sq. ft.

MBC	=	<u>Total Building Coverage</u>
		Total Lot Area

E. *Principal Structure Setbacks*. Table 1-3.3(A) provides building setbacks for all zoning districts. In addition to these setbacks the required minimum setback shall be measured from the centerline of the right-of-way as in Table 1-3.3(E).

TABLE 1-3.3(E). PRINCIPAL STRUCTURE SETBACKS FROM CENTERLINE OF THOROUGHFARES

Transportation Facility	Building Setback (feet)
Arterial Roadways (150 feet R/W)	100
US 1 Highway	
Malabar Road (SR 514)	
Babcock Street (SR 507)	
Major Collector Streets (100 feet R/W)	85
Corey Road	
Weber Road	
Marie Street	
Jordan Blvd.	
Local Streets (50-60 feet R/W)	65
Minor Collector Streets (70 feet R/W)	75
Atz Blvd.	
Hall Road	
Old Mission Road	
Benjamin (Reese) Road	

- F. *Minimum Distance Between Principal Buildings.* The minimum distance between principal buildings shall be twenty (20) feet. The distance shall be measured at the narrowest space between buildings and shall not include roof overhang.
- G. *Recreational Vehicle Park Zoning District.* Recreational vehicle park zoning district shall be to locate and establish areas within the Town which are deemed to be uniquely suited for the development and maintenance of recreational vehicle activities, i.e., travel trailers, motor homes, camping tents, and trailers occupied as temporary living quarters; to designate those uses and services deemed appropriate and proper for location and development within the zoning district; and to establish such development standards and provisions as are appropriate to ensure proper development and functioning of uses within the district consistent with F.S. Ch. 513 entitled Mobile Home and Recreational Vehicle Parks, as well as Chapter 64E-15, Florida Administrative Code, as amended from time to time.
- (1) Principal uses and structures:
- a) Travel trailers, recreational vehicles, motor homes, camping tents and other vehicles with sleeping accommodations.
 - b) Management offices and residence (a mobile home may be allowed for a manager's residence only).
- (2) Accessory uses include:
- a) Grocery store.
 - b) Bottled/Metered gas sales.
 - c) Laundry facilities.
 - d) Recreational facilities such as playgrounds, picnic areas, swimming pools, game courts, and recreation hall.
 - e) Public utility equipment and facilities.
- (3) Conditional uses:
- a) Marina and boat rental including bait, fishing, and sports accessories sales serving guests of the park and/or the general public.
- (4) Design standards for recreational vehicle parks.
- a) Minimum size: five (5) acres.
 - b) Maximum density: fifteen (15) travel trailer/R.V. sites per gross acre of land. This shall also apply to any tent camping areas.
 - c) Streets and parking:
 - 1. Direct access to the recreational vehicle park shall be from an arterial roadway. The administrative office of the park shall be so located as to assure that no recreational vehicles are parked in the right-of-way during the check-in process or while waiting for others to be checked in.
 - 2. Width of streets. Streets or driveways in a recreational vehicle park shall be private and shall have the following widths:
 - (a) A one-way street/drive shall be at least twelve (12) feet in width.
 - (b) A two-way street/drive shall be at least twenty-four (24) feet in width.

3. Street surfacing. All roads or driveways shall be paved meeting town standards.
 4. Road curves. All road curves shall have a minimum turning radius of fifty (50) feet. All cul-de-sacs shall have a maximum length of five hundred (500) feet and terminate in a turning circle having a minimum radius of fifty (50) feet.
 5. Parking. Each R.V. / travel trailer site shall have off-street parking pads for both recreational vehicles and for towing vehicles. The pads shall be composed of a stabilized material meeting town standards to accommodate the size of the vehicle and be composition of materials examples: asphalt, cement, gravel, pavers, or LID methods (pervious asphalt, pervious concrete, etc.)
- d) Buffer strips. A twenty-five (25) foot minimum yard setback shall be provided from all exterior property lines and rights-of-way for the rear and sides of the property and a minimum of fifty (50) foot for roadway frontage of the property. The recreational vehicle park shall be entirely enclosed, exclusive of driveways, at its external boundaries by a solid wall, wood or PVC fence, or evergreen hedge not less than six (6) feet in height. The buffer strip shall be separate from recreational areas, streets, driveways, travel trailer sites (R.V. sites) and utility sites but may be utilized for stormwater drainage and retention purposes. The provisions for buffer strips may be waived or reduced by the Town Council taking into consideration the use of abutting properties. Furthermore, any portion of the property which fronts a public right-of-way will not be required to be enclosed along such right-of-way.
- e) Recreational areas. A minimum of ten percent (10%) of the total land area of a travel trailer park shall be devoted to one (1) or more common use areas for recreational activity. In addition, for every travel trailer and tent site, there shall be allocated an additional one hundred (100) square feet of land for recreational activity.
1. However, this requirement is not necessary when the proposed development is a density of ten (10) sites per gross acre or less. Such recreational areas shall be exclusive of recreational vehicle sites, buffer strips, street right-of-way and storage areas; however, the periphery of such areas may contain utility sites, and other nonrecreational service buildings, the area of which will be subtracted from the computed "recreational area." Recreational areas shall be easily accessible to all park users and management. Although the required space for recreational usage may be met through more than one (1) recreational site, the minimum size of any such area shall be ten thousand (10,000) square feet. Provision for all common open space and the construction of recreational facilities which are shown on the site plan shall proceed at an equivalent, or greater, rate as the construction of individual recreational vehicle sites.
- f) Tent camping. Areas may be set aside for tent camping in accordance with all provisions of this section, except:
1. There shall be a stabilized pad on the site for parking of the transportation vehicle.
 2. Tent camping may be permitted on a travel trailer site.
- g) Design requirements for recreational vehicle site.
1. Minimum size.
 - a. Back-in parking sites shall have a minimum area of one thousand five hundred (1,500) square feet with a minimum width of thirty (30) feet and a minimum length of fifty (50) feet

- b. Drive-through parking sites shall have a minimum area of one thousand two hundred (1,200) square feet with minimum width of twenty (20) feet and a minimum length of sixty (60) feet. Consensus was to remove these sections.
 2. Access. Each R.V. site shall abut on at least one (1) street or driveway within the boundaries of the travel trailer park and access to the site shall be only from such an internal street or driveway.
 3. Setback requirements. No part of a travel trailer placed on a travel trailer site shall be closer than five (5) feet to any site line and ten (10) feet to any street or driveway.
 4. Appurtenances. Temporary appurtenances, such as cabanas and awnings, may be erected on a travel trailer site as long as such appurtenances do not violate the setback requirements as set forth in this section and as long as such appurtenances are capable of being dismantled and stored within four (4) hours.
- h) Provisions of service in recreational vehicle parks.
 1. Service buildings. All service buildings shall comply with the building code and regulations concerning buildings, electrical installations, plumbing and sanitation systems. Service building are intended to accommodate the servicing equipment used for the park maintenance and are not intended to service any recreational vehicle, trailer, camper or equipment of a park guest. No major service or repair of a recreational vehicle shall occur on the park site. For the purposes of this section the term "major service or repair" shall mean any service or repairs to a recreational vehicle which is anticipated to take more than 4 (four) hours to accomplish.
 2. Water supply. An adequate supply of water shall be provided in accordance with the regulatory agencies, Department of Environmental Protection and/or the Department of Health.
 3. Sewage disposal.
 - a. All sewage disposal facilities shall be provided in accordance with the regulatory agencies, Department of Environmental Protection and/or the Department of Health.
 - b. At least one (1) sanitary dumping station shall be provided in every travel trailer park. Such station shall be readily accessible and well- lighted. The following schedule shall be used in determining additional dumping stations based on the number of sites which are not connected individually to sewer lines: for every fifty (50) sites or fractional part thereof, beyond the first (50) sites, one (1) sanitary dumping station shall be provided.
 - c. At least one (1) central bathhouse-restroom facility shall be located within three hundred (300) feet of all camping units which are either not supplied with sewer connections or not capable of utilizing such connections (e.g., tents, camper trailers). Any dispersed bathhouse- restroom facility provided to meet the distance requirement of three hundred (300) feet shall have at least two (2) of each of the following fixtures for men and women: Toilets, urinals, lavatories and showers. Recreational areas shall be located within three hundred (300) feet of a bathhouse-restroom facility.

d. The minimum number of bath and toilet facilities shall be determined by the latest adopted Florida Building Code.

4. Lighting. All entrances, exits, streets, and service buildings shall be well lighted during the hours of darkness. Site Lighting shall conform to the Town's adopted Land Development Code, Article V. - General Provisions, Section 1-5.28 entitles Site Lighting. All recreational facilities which are to be utilized during the hours of darkness shall be adequately lighted to ensure the safety of all users of such facilities.
 5. Electricity. All requirements of the National Electrical Code as contained referenced in Malabar Code of Ordinances Chapter 6 must be met.
 6. Service and utility lines. All service utility lines in a travel trailer park shall be installed underground and at a minimum depth of eighteen (18) inches.
 7. Fire protection. The park shall be subject to the rules and regulations of State Statute, State Fire Code, and Malabar Code.
 8. Fuel supply and storage. All installations and tanks furnishing and/or storing any type of gaseous fuels to be used by the occupants of the park shall comply with the Fire Prevention Code of the National Fire Prevention Association, as adopted.
 9. Storage. Outdoor storage of travel trailers is permitted that such storage takes place within an area especially set aside for such use.
 10. Signs. Those signs necessary for directional or safety purposes are permitted. All other signs as per the sign regulations set forth in Article XIX of this code of ordinances.
- i) Development site plan review. As part of the supplementary data required to complete an application for a public hearing for a Recreational Vehicle Park development, a scaled and dimensioned plot or site plan of the development shall be submitted as part of such site plan application pursuant to Article VII (if the site plan is greater than eleven (11) inches by seventeen (17) inches, two (2) copies are needed, as well as a digital copy); and if the application is approved, the Recreational Vehicle Park shall be built in accordance with such a plan. The site plan shall include, but not be limited to, location of all R.V. sites, service areas, drives, streets, signs, buildings, parking, recreational space, setbacks, public utility locations and any other pertinent information. Site plan approval is limited to one (1) year by the Town Council. The provisions of Section 1-7.5 shall apply.
- j) Prohibited uses and Structures. All other uses and structures not specifically or provisionally permitted herein.

(Ord. No. 92-8, § 1(B), (D), U), 8-18-92; Ord. No. 94-4, § 4, 4-3-95; Ord. No. 96-1, § 1, 3-4-96; Ord. No. 97-5, § 1, 3-17-97; Ord. No. 02-03, § 1, 8-5-02; Ord. No. 03-02, §

1, 2-24-03; Ord. No. 04-08, §§ 1, 2, 7-12-04; Ord. No. 06-05, § 1, 2-6-06; Ord. No. 06-16, §§ 1, 2, 10-2-06; Ord. No. 19-02, § 2, 3-4-19; Ord. No. 19-03, § 2, 3-4-19; Ord.

No. 2021-02, § 3, 5-3-21; Ord. No. 2021-09, §§ 4, 5, 8-16-21)

MALABAR TOWN COUNCIL REGULAR MEETING
JULY 12, 2004 7:30 PM

This meeting of the Malabar Town Council was held at Town Hall at 2725 Malabar Road. The meeting was called to order at 7:30 pm by the Chair, Bobbi Moccia. The prayer and pledge were led by Mr. Rivet.

<u>ROLL CALL:</u>	MAYOR:	PHILLIP CREWS - EXCUSED
	CHAIR:	BOBBI MOCCIA
	VICE-CHAIR:	STEVE RIVET
	COUNCIL MEMBERS:	JANE HAVET - EXCUSED
		BRIAN HUNTER
		BOB ROSSMAN
	ADMINISTRATOR:	ED BOOTH
	ATTORNEY:	KARL BOHNE
	CLERK:	SUSAN KABANA

ADDITIONS AND DELETIONS TO AGENDA

Kabana – add Hans Kemmler, Park Board Chair, under Reports. Bohne – reminder that item 1 under public hearing has already had public comment and it needs to be taken off the table.

MOTION: Rivet/Rossman to approve agenda. VOTE: All aye.

CONSENT AGENDA:

MOTION: Rossman/Hunter to approve. VOTE: All aye.

Council Minutes 6/21/04.

PRESENTATION:BRAD SMITH OF BRAD SMITH AND ASSOCIATES, REGARDING BEAUTIFICATION GRANT ALONG US1

Brad Smith – the project is moving along, is here to present the concept. The medians in Malabar run from the Yellow Dog Café to Township Road. Smith has designed a project that will not create a lot of maintenance. Passes out sketches to Council, the idea is to keep the views open, use open tree types and palms, and use low growing native flowers and grasses. Discussion. Visibility and safety is very important and DOT has strict requirements. Width of the lawn mower is to be taken into consideration. Council is concerned about the visibility and they like palms trees. They would like to see the town sign moved to the median, Smith will talk to DOT. Moccia – notes that this is a 100% grant.

REPORTS:

ATTORNEY

Nothing at this time.

ADMINISTRATOR

Booth – after the last meeting he took a look at the attorney's letter and the allegation by a citizen named in the letter. Booth talked to both the mortgagee or the mortgagor and verified that situations took place as stated in the attorney's letter. States that it would take months to put together an investigation regarding this issue and by that time the issue should be resolved by other means.

Last Friday Booth met with a developer who has the backing to put in water and sewer along US1. Booth showed some overheads of the developments the developer has built, they are neat and well done. There will be a request to develop at a taller height per story. There is some concern about our code not being inline with the State Uniform Building Code. Council would like our code to reflect this. Hunter – is concerned about the ultimate height. Booth – we will be 3 floors maximum, Council agrees with this.

Booth has a request from the building department – how many mobile businesses can be on a single lot? Would like Council to think about this. There are many businesses on the corner of US1 and Malabar Road.

Regarding Brook Hollow and Briar Creek Blvd. Their only exit is the ROW on Briar Creek (going north) and if there is a fire there then there is no way out. States that we cannot give away the ROW to the south. It would have to be used in case of an emergency, if it was not available the citizens could be trapped if there was a fire at the north end.

Needs Council to direct the attorney to write a contract for Booth.

A. STOP SIGNS ON COREY ROAD

The stop signs have been ordered and they will go in at Atz. They have also ordered rumble strips. There will be advance notice of the placement of the signs.

B. PALM BAY'S REQUEST FOR BERRI PATCH SEWER IMPACT FEES

When Berri Patch was built the owners of Berri Patch went directly to Palm Bay and negotiated for sewer and now Palm Bay wants to be paid for sewer impact fees. Berri Patch is going to have to pay the impact fee. He would contact Council if an agreement cannot be reached.

PARK BOARD CHAIR

Hans Kemmler – discussion of the playground equipment for Malabar Community Park. States that because they would like to piggy-back the State they are not trying to circumvent the bidding process. Shows overheads of the playground equipment with a shade cover. Asks Council if the Park Board should budget for the cover. Council – yes. Kemmler – will approach the Park Board with this. What about lighting? Council – would rather have the covered playground than the lighting.

Booth – hands Council a letter he received today from the EELs. Booth will write a rebuttal.

CLERK

Will be on vacation July 18 to August 1st. Can we cancel the second meeting in July if there is nothing urgent? Council – yes.

PUBLIC HEARINGS:

1. FINAL READING: ORDINANCE 04-02, PERTAINING TO NUISANCES

MOTION: Rivet/Rossman to take off the table. VOTE: All aye.

MOTION: Rivet/Rossman to approve. VOTE: Aye – Rivet, Moccia, Hunter, Rossman.

2. FINAL READING: ORDINANCE 2004-08, PERTAINING TO MAXIMUM DENSITY WITHOUT CENTRAL WATER AND WASTEWATER (SEPTIC)

MOTION: Rossman to approve by unanimous consent. Chair approved without objection.

Moccia read:

ORDINANCE NO. 2004-08

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; RELATING TO LAND DEVELOPMENT; AMENDING ARTICLE III OF THE MALABAR LAND DEVELOPMENT CODE; AMENDING TABLE 1-3.3(A) BY REMOVING ALL REFERENCES TO THAT PORTION OF TABLE 1-3.3(A) RELATING TO MAXIMUM DENSITY WITHOUT CENTRAL WATER AND WASTE WATER; AMENDING SECTION 1-3.3(B) PROVIDING THAT ALL PROPOSED DEVELOPMENT WITHIN AREAS NOT SERVED BY CENTRAL WATER AND WASTEWATER SERVICES MUST COMPLY WITH THE SEPTIC PERMITTING REQUIREMENTS OF BREVARD COUNTY; REPEALING SECTION 1-5.20 OF ARTICLE V OF THE MALABAR LAND DEVELOPMENT CODE; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

Moccia – opened the public hearing.

Tom Eschenberg – doesn't really understand this ordinance. It appears that we are backing off our more restrictive ordinance to begin using the County ordinance. Would like to know: what caused this? and what are the County requirements?

Cindy Zindel – Council needs to think about what would happen if this density was realized, what would happen to the infrastructure. If you are to increase the density then the comp plan would have to be reviewed.

Moccia – closed the public hearing.

Booth – we are not the agency allowed to give permits on this, nor are we the inspecting agency, therefore, since we have no control over this, then it should not be in our ordinance. As far as density, it is controlled by the zoning. Discussion of the safety of having water available.

MOTION: Rivet/Rossman to approve. VOTE: Aye: Rivet, Moccia, Hunter, Rossman.

3. FINAL READING: ORDINANCE 2004-05, PERTAINING TO ADMINISTRATIVE LOT SPLITS

MOTION: Rossman to approve by unanimous consent. Chair approved without objection.

Moccia read: ORDINANCE 2004-05

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, REPEALING ORDINANCE 00-11 ADMINISTRATIVE LOT SPLITS; PERTAINING TO ARTICLE XVI SECTION 1-16.1(C) OF THE LAND DEVELOPMENT CODE; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Bohne – reminds Council that this was recommended by himself and another attorney to be unconstitutional.

Moccia opened the public hearing and asked for public comment, being none she closed the public hearing.

MOTION: Rivet/Hunter to approve. Aye: Rivet, Moccia, Hunter, Rossman.

DISCUSSION ITEM:

1. PROPOSED INTER-LOCAL AGREEMENT WITH BREVARD COUNTY REGARDING BUILDING AND CONSTRUCTION LICENSE ENFORCEMENT

MOTION: Rossman/Rivet to table. VOTE: All aye.

2. PROPOSED CONTRACT WITH MALABAR VOLUNTEER FIRE DEPT. INC.

Rossman – does not like the word 'adequate', and the term of the contract is for a period of time that is too long. He does not want children in the fire station after 9pm. Wants more approval for staff to be there later than 11pm. Does not see the Town having the ability to take corrective measures listed in this agreement. Bohne – that will have to be in the Standards or Policies and Procedures.

Hunter – how will the budget be recommended? Bohne – it is recommended by the Chief, not the corporation. Hunter – would like to see Council approval for expenditure of Town funds. The number of 'firemen required' is listed at 18, where does that number come from?

McClelland – that is what it takes to man the fire trucks. Hunter – are we putting a small band aid on a big problem? Bohne – 18 is the minimum, 25 is what is the normal requirement.

Discussion. Hunter – would like the minimum number of fire fighters worked on. Moccia – this is a draft and will all have to be worked on.

Booth – notes that Council will receive the feasibility study on August 2nd.

ACTION ITEMS:

1. FORM DR420, CERTIFICATE OF TAXABLE VALUE

Booth – is recommending an increase of 4.99 cents, it will be used for fire protection and help decrease homeowner insurance rates, this based on a proposed budget.

MOTION: Rossman/Hunter to use 9.9% of the rolled-back rate. VOTE: All aye.

Rivet – wants more information on the insurance rates.

2. SCHEDULE MEETING DATES FOR THE FOLLOWING:**A. BUDGET WORKSHOP**August 17th, 7:30pm.**B. TOWN MEETINGS REGARDING ANNEXATION**August 23rd and 31st.**C. SEPTEMBER COUNCIL MEETINGS**

September 13th and September 27th. Kabana – September 13th cannot be changed because it is what will be written on the proposed tax statements received by the citizens.

REPORTS: MAYOR, COUNCIL

- Hunter – the City of Palm Bay was very prompt in helping with the fire last Saturday. The damage to the Cameron Preserve is very bad. The Jordan Scrub is quiet but the pile of debris is growing and needs to be removed.
- Rossman – asks about the proposed EELs purchase.
- Rossman – Florida Stormwater letter – are we on top of this? Booth – yes.
- Rossman – there is only one way into and out of the proposed Stillwater Preserve, it needs two. Discussion of the lining up of the entrances.
- Rivet – nothing at this time.
- Moccia – thanks the Fire Department.

PUBLIC COMMENTS: GENERAL ITEMS

- Steve Gentile – has letters to give to the Council regarding his issue. Reads a letter regarding horse training and raising. Bohne – some of what Gentile had initially intended did not follow with agriculture use, it was ecotourism. Gentile – but this does not apply to horses. Bohne – disagrees.
- Steve Gentile – there is very fast traffic along the north end of Corey Road, many of them live in Country Cove, it is very dangerous and suggests a letter to the homeowners association. Rossman – the homeowners association is aware of this and the people who do this have been told that they will be cited for this.
- Steve Gentile – has had 4 episodes of vandalism on his property at the north end of Corey Road. He has re-fenced and it has been cut three times. Also, he paid to have irrigation plumbed and it was finished last night, it will allow for irrigation against fire at 200 gallons per minute, and today he went out there and the plumbing had been smashed. He has filed with the sheriff.
- Withers – can we have our property taxed earlier? Bohne – no it is driven by Statute.
- McClelland – former Council Member Ernie Whitt passed away. Kabana – Council will be sending flowers.

ADJOURNMENT

Meeting adjourned at 9:27 pm.

BY:



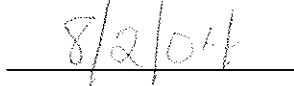
Chair Bobbi Moccia

ATTEST:



Susan Kabana, CMC
Town Clerk/Treasurer

DATE:



8/2/04