



REGULAR TOWN COUNCIL MEETING

Monday, May 1, 2023 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 04/17/2023

Exhibit: Agenda Report Number 4a

Attachments:

- **Agenda Report Number 4a** (Agenda_Report_Number_4a.pdf)

b. SLFRF Annual Report

Exhibit: Agenda Report Number 4b

Attachments:

- **Agenda Report Number 4b** (Agenda_Report_Number_4b.pdf)

c. Brevard County Request to Perform Aerial Mosquito Spraying

Exhibit: Agenda Report Number 4c

Attachments:

- **Agenda Report Number 4c** (Agenda_Report_Number_4c.pdf)

5. ATTORNEY REPORT

6. BCSO REPORT

7. BOARD / COMMITTEE REPORTS

a. T&G Committee

b. Park & Recreation Board

Exhibit: Agenda Report Number 7b

Attachments:

- **Agenda Report Number 7b** (Agenda_Report_Number_7b.pdf)

c. Planning & Zoning Board

Exhibit: Agenda Report Number 7c

Attachments:

- **Agenda Report Number 7c** (Agenda_Report_Number_7c.pdf)

8. STAFF REPORTS

- Manager**
- Town Treasurer**
- Special Projects Manager**
- Public Works Director (Written)**
- Interim Fire Chief**
- Clerk**

9. PUBLIC COMMENTS

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

Five (5) Minute Limit per Speaker

10. PUBLIC HEARINGS / SPECIAL ORDERS

- Request Road Improvement Waiver for the North end of Kramer Lane adjacent to parcel 814. Request by parcel owner Joy Maximin.**

Exhibit: Agenda Report Number 10a

Attachments:

- **Agenda Report Number 10a** (Agenda_Report_Number_10a.pdf)

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

(RECOMMENDATIONS FROM BOARDS, HOA REQUESTS, RESIDENT GRIEVANCES)

12. ACTION ITEMS

ORDINANCES: 0

RESOLUTIONS: 1

MISCELLANEOUS: 0

- Reappoint and extend employment agreement for Special Projects Manager/Treasurer with additional duties. (Resolution 04-2023)**

Mayor Patrick T. Reilly

Exhibit: Agenda Report Number 12a

Attachments:

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

COUNCIL CHAIR MAY EXCUSE ATTORNEY AT THIS TIME

13. DISCUSSION/POSSIBLE ACTION

14. PUBLIC COMMENTS

General Items (Speaker Card Required)

15. REPORTS - MAYOR AND COUNCIL MEMBERS

16. ANNOUNCEMENTS

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

17. ADJOURNMENT

If an individual decides to appeal any decision made by this board with respect to any matter considered at this meeting, a verbatim transcript may be required, and the 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: May 1st, 2023

Prepared By: Richard W. Kohler, Town Clerk

SUBJECT: Approve Minutes of the RTCM of 4/17/2023

BACKGROUND/HISTORY:

Summary of actions at Town Council Meetings

ATTACHMENTS:

- Draft Minutes of RTCM of 4/17/2023

ACTION OPTIONS:

Review

**MALABAR TOWN COUNCIL
REGULAR MEETING MINUTES
April 17th, 2023, 7:30 PM**

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

1. CALL TO ORDER:

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

2. ROLL CALL:

CHAIR:

MAYOR PATRICK T. REILLY

VICE CHAIR:

DAVID SCARDINO

COUNCIL MEMBERS:

MARISA ACQUAVIVA

BRIAN VAIL

JIM CLEVENER

MARY HOFMEISTER

TOWN MANAGER:

MATT STINNETT

TOWN ATTORNEY:

KARL BOHNE

SPECIAL PROJECTS MANAGER:

LISA MORRELL

TOWN CLERK:

RICHARD KOHLER

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

4. CONSENT AGENDA:

4.a. Approve Minutes of 4/03/2023 RTCM

4.b. Dane Contracting Change Order

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

Discussion: None

Vote: All Ayes (5-0).

- 5. ATTORNEY REPORT:** Atty Bohne gave a review of the Conflict Assessment Meeting held between the Town of Malabar and Brevard County on April 10th. There were no new findings. We were able to see that the County has stuck to their previous offers. Atty Bohne states he tried to open the door for incremental steps towards progress, and the County was uninterested. The next meeting will happen on May 1st between the Town Council and the County Commission. It will be held at the First Baptist Church. Atty would like to request a private atty-client strategy session. We will likely have to hire an expert on the matter. The executive meeting would occur at Town Hall, and the attendees would be himself, TM Stinnett, Council, and a Court Reporter. We are hoping to have the meeting next Wednesday during the day. CM Scardino states he will be out of Town. The rest of Council will be available. Atty states CM Scardino can call into the meeting if he is available. CM Scardino asks what kind of expert would we need? Atty states one with a background in Scrub Management. We need to show flaws or issues with their proposal. CM Scardino states he will search for a professional to assist.

Consensus is reached to have an executive session at 10 AM on Wednesday April 26th at Town Hall.

Mayor asked for an update on Painted Acres. Atty Bohne states Atty Noah is working on that, but there has been no progress.

Mayor also asks about the contraction issue. Atty states it will be before Council on June 5th.

6. STAFF REPORTS:

6.a. Town Manager – Matthew Stinnett – TM Stinnett informed Council that staff has been compiling the asset survey for insurance. Our premium is likely going to double next year. BS&A accounting software is hoping to begin implementation, with completion before the end of the fiscal year. We have done a few interviews for Public Works, and they went well. Met with a paving contractor to discuss Rocky Point Road

and other projects around town. Currently, it appears we will be able to complete the project with budgeted funds. The Form 6 Financial Disclosure forms appears to be moving forward. It will likely be effective January 1st, 2024. Chief Foley indicated he will be out for a significant amount of time. Lts. have selected Anthony Giantonio to act as chief in his stead.

6.b. Town Treasurer – Lisa Morrell – States we are halfway through the fiscal year. We have collected most of our revenues in Taxes and will continue to receive state sharing funds. Everything looks good. The Building Department is earning more than we budgeted for. Department budgets are all in line, except for the legal department. There will be an upcoming budget amendment to address that.

CM Vail called for a recess of the meeting to showcase the newest vehicle in the Fire Department's inventory, Burno 299.

6.c. Town Clerk – Richard Kohler – States he has three quick updates.

First, there has been a change to the suggested billing structure of the County's legal ad website, and a flat rate structure be developed. Clerks across the County are compiling ad costs to be reviewed by the County's Communication Department to assist them in developing an appropriate cost.

Also, after the 4/10 Conflict Assessment Meeting, the Trails and Greenways Committee agreed to develop a list of talking points for Council's review before the upcoming joint meeting.

Finally, I wanted to thank the FD for their community outreach. Last month, a family reserved a pavilion for a child's birthday party and contacted Ms. Carmen about the possibility of doing a walk through with the kids. Lt. Borda and Driver Engineer Endicott spent time showing the kids what a fire fighter looks like in full gear, looked around inside the fire truck, and even how to spray the hose. When Staff returned the deposit from the park rental, the applicant stated they intended to donate the \$50.00 back to the FD as a sign of appreciation.

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

Five (5) Minute Limit per Speaker.

Speaker: Drew Thompson, 940 Holloway Trail. He is reporting that the T&GC met and is working to develop talking point for Council to discuss at the upcoming meeting. He strongly recommends going over the proposal in detail. The deeper we go into this, the bigger flaws we find. There are a lot of mistakes in the EELs proposal, and he feels there is a lot of room for compromise. He believes trees can be saved and the County's goals can still be achieved. This will have a large impact on our town, regardless of the outcome. He believes reasonable and realistic requests are being made by the Town. He strongly recommends Council discuss this with him in a one-on-one basis. His goal is to help, and the T&GC is the closest thing to being an expert. He applauds the idea of getting a professional expert. He also implores Council to take the time to review this and take it forward as their own. CM Acquaviva gave her personal memories from the 4/10 meeting, and commended Town Staff and Town Committees for their hard work. There is a lot of work going on behind the scenes. She felt the meeting was very telling of the County's stance on the issue.

Mayor Reilly asks if an expert and Drew's presentation are new information, can we ask for an extension? Atty states the Florida State Statute is very specific, the meeting must take place within 50 days of the request. If this meeting does not get any results, another meeting will take place with a mediator. CM Scardino states we need an Ornithologist (Bird Scientist). SPM Morrell states there are a few similar cases in the past, including North Port and the Archibald Ecology Society. Atty states the FWC has set guidelines, and the EELs program is

treating them as hard fast rules. CM Acquaviva asks if we can advocate for other animals safety, such as the Gopher Tortoise. Mr. Thompson states we have also utilized the numerous woodpeckers in the area around the lake in MSS East. CM Scardino states there are more objectives than saving the Scrub Jay. CM Vail states voters passed the EELs program referendum on the passive recreation aspect. Atty Bohne reminds Council that the nature of the litigation is if the County needs a permit. The litigation does not reference Scrub Jays. We brought that into the mix to use as negotiating. We will likely eventually file a counter claim, but would need a true expert to discuss it.

8. PUBLIC HEARINGS / SPECIAL ORDERS: 0

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

10. ACTION ITEMS:

ORDINANCES for FIRST READING: 0

RESOLUTIONS: 0

MISCELLANEOUS: 2

10.a Review Treasurer Applications

Mayor Reilly begins by stating he believes that neither of the applicants meet the minimum qualifications for further consideration. He asked if there was any recommendations from Council to move forward? None heard.

Mayor Reilly recommends including a Contract for SPM Morrell to perform the duties as SPM and Treasurer. It will be ready for the next meeting.

10.b Surplus FD Equipment

Mayor Reilly asks TM Stinnett to introduce this item. TM Stinnett explains that we have two engines with a litany of issues. One has been posted on GovDeals, and Palm Bay Magnet High School has expressed interest in the other for use in their FD training program. CM Vail states there has been work on them, but one is too far gone to be saved. The one going to the HS still needs work, but most of the maintenance will come from their end. It currently starts, runs, moves, and pumps water. It was in service as recent as 8 years ago.

MOTION: CM Vail/CM Scardino to surplus 299 and 399, with 299 to be sold on GovDeals and 399 to be donated to Palm Bay Magnet High School.

Vote: All Ayes (5-0)

Chair excused the Attorney at this time.

11. DISCUSSION/POSSIBLE ACTION

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

13. REPORTS – MAYOR AND COUNCIL MEMBERS

CM Acquaviva: None

CM Vail: Brush Truck is up and running! A lot of the equipment was repurposed to create it. The work put in amounts to about \$40k. He also informed Council that he is working on the demo of the Huggins House. He requested to be included so that he could grab things for use in the Historical House. It appears dated from 1880-1905. Some of the fireplace will be donated to Deputy Hammer, as the house was his grandfathers. He plans on adding to the historical house, to include a bathroom and extended front porch, all with time specific materials. He commends all of the people involved and thanked them for their contributions.

CM Clevenger: None

CM Hofmeister: None

CM Scardino: None

Mayor Reilly: None

14. ANNOUNCEMENTS: (1) Vacancy on the Planning & Zoning Board; (2) Vacancy on the Parks & Recreation Board; (1) Vacancy on Board of Adjustment.

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

BY: _____
Mayor Patrick T. Reilly, Council Chair

ATTEST:

Richard W. Kohler
Town Clerk

Date Approved: 05/01/2023

DRAFT

TOWN OF MALABAR

COUNCIL MEETING

AGENDA ITEM NO. 4.b

Meeting Date: May 1, 2023

Prepared By: Lisa Morrell, Special Projects Manager

SUBJECT: Special Projects Manager Report – SLFRF Annual Report

The Annual April 2023 Coronavirus State and Local Fiscal Recovery Funds (SLFRF) Project and Expenditure Report submitted to the U.S. Department of Treasury's (Treasury) Portal on April 25, 2023. The Project and Expenditure Reporting is to be used by Coronavirus State and Local Fiscal Recovery Funds (SLFRF) recipients to fulfill the program's reporting obligations and submit data associated with the SLFRF program.

The Town of Malabar is categorized as a Tier 5 recipient (metropolitan city or county with a population below 250,000 residents which was allocated less than \$10 million in SLFRF funding and non-entitlement unit of local government allocated less than \$10 million in SLFRF funding) and must submit an annual report due April 30, 2023. A copy of the report submittal from the online portal entry is attached and shared with James Moore, Inc, the Town's external auditors.

ATTACHMENT(S):

P&E Report-Annual March 2023.PDF

ACTION:

Council acknowledgement of report.

SLFRF Compliance Report - FL0191 - P&E Report - 2023

Report Period : Annual March 2023

Recipient Profile

Recipient Information

Recipient UEI	PJL3ZYM1WNM4
Recipient TIN	591032996
Recipient Legal Entity Name	Malabar Town, FL
Recipient Type	Metro City or County
FAIN	
CFDA No./Assistance Listing	
Recipient Address	2725 Malabar Road
Recipient Address 2	
Recipient Address 3	
Recipient City	Malabar
Recipient State/Territory	FL
Recipient Zip5	32950
Recipient Zip+4	
Recipient Reporting Tier	Tier 5. Metropolitan cities and counties with a population below 250,000 residents that are allocated less than \$10 million in SLFRF funding, and NEUs that are allocated less than \$10 million in SLFRF funding
Base Year Fiscal Year End Date	9/30/2023
Discrepancies Explanation	
Is the Recipient Registered in SAM.Gov?	Yes

Project Overview

Project Name: Park Restroom Facility Touchpoint Upgrades

Project Identification Number	TOM 22-06
Project Expenditure Category	6-Revenue Replacement
Project Expenditure Subcategory	6.1-Provision of Government Services
Status To Completion	Completed 50% or more
Adopted Budget	\$86,900.00
Total Cumulative Obligations	\$86,900.00
Total Cumulative Expenditures	\$13,699.78
Current Period Obligations	\$13,699.78
Current Period Expenditures	\$13,699.78
Project Description	<p>A public solicitation as an Invitation to Bid (ITB) was released on July 25, 2022, as ITB 22-01 Renovation of Malabar Community Restroom Facility, Public Restroom Renovation - Interior Renovation and Exterior Improvement, which sought bids from qualified contractors for the renovation project of an existing structure. The project consists of interior bathroom renovations to include the replacement of existing plumbing fixtures, stall partitions, electrical LED lighting with occupancy sensors, installation of entrance doors, and the replacement of a shingled roof with metal roofing as described in the specification plans. The project purpose is to provide contactless points of sanitary conditions and facility envelope protection. Town Council ITB 22-01 Renovation of Malabar Community Restroom Facility awarded and approved on November 7, 2022.</p>

Project Name: FD Patient Care - LifePak

Project Identification Number	TOM 22-07
Project Expenditure Category	6-Revenue Replacement
Project Expenditure Subcategory	6.1-Provision of Government Services
Status To Completion	Completed
Adopted Budget	\$38,412.94
Total Cumulative Obligations	\$38,412.94
Total Cumulative Expenditures	\$38,412.94
Current Period Obligations	\$38,412.94
Current Period Expenditures	\$38,412.94
	<p>The Fire Department is requesting to purchase Physio-Control LIFEPAK 15 as a lifesaving resource which performs automated defibrillation and monitoring of cardiac or potential cardiac patients. Brevard County Fire Rescue (BCFR) has been using the Physio-Control LIFEPAK 15, since 2016 this device is the preferred</p>

Project Description	<p>defibrillator/ monitor used by BCFR transport units with seamless hand off for patients to area hospitals and direct transmission of the AED collected data from on scene to transport to treatment center and recovery.</p> <p>Additionally, the Town's Medical Physical, Dr. Larisa Dudley, advises positively to the procurement and use of an AED device for more effective and efficient patient care and transfer to the transporting unit.</p> <p>Approved by Town Council on April 18, 2022. Final payment recorded on 1/17/2023.</p>
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Project Name: GPS Field Tracking Asset Tool

Project Identification Number	TOM 22-08
Project Expenditure Category	6-Revenue Replacement
Project Expenditure Subcategory	6.1-Provision of Government Services
Status To Completion	Completed
Adopted Budget	\$5,201.75
Total Cumulative Obligations	\$5,201.75
Total Cumulative Expenditures	\$5,201.75
Current Period Obligations	\$5,201.75
Current Period Expenditures	\$5,201.75
Project Description	<p>Mobile technology tool assists Town Staff to provide global position system (GPS) coordinates record in the field for fixed point assets and elevations necessary to improve tracking and Maintenance of tracked assets, in particular stormwater maintenance activities, designs for improvements and or projects to protect property and life from perils of flood, floodplain administration, and improve resiliency to these risks. Trimble is multifaceted tool can track and maintain records for signal and signs for traffic maintenance tasks. The tool may be integrated into the Arc-GIS, geographical information system.</p> <p>Town Council approved June 20, 2022. Final record of payment on 6/23/2022.</p>

Project Name: FD Electronic Incidents & Patient Records

Project Identification Number	TOM-22-09
Project Expenditure Category	6-Revenue Replacement
Project Expenditure Subcategory	6.1-Provision of Government Services
Status To Completion	Completed
Adopted Budget	\$25,000.00
Total Cumulative Obligations	\$25,000.00
Total Cumulative Expenditures	\$11,009.72
Current Period Obligations	\$11,009.72
Current Period Expenditures	\$11,009.72
	Town Council allocated ARPA funding for the purpose of

Project Description	<p>procuring fire incident reporting software. The Malabar Fire Department has performed research and proposes the procurement of software from ESO Solutions, Inc. The Malabar Fire Department estimates 600 incidents, and the product(s) are priced accordingly with one time setup costs of \$1190.00 and recurring costs for the first year totaling \$6570.00 to commence January 1, 2023. The second and ongoing years will be reduced by \$995.00, with the expectation of a non-renewal of online learning for staff. Staff will have the ability to train and learn unlimited and at their own pace in the initial subscription year. Trained staff will be able to train others and future staff in utilizing the software using the “train the trainer” method. This solution will replace Fire Programs which has an annual cost of \$2672.00 and expires in April 2023, ample time frame to terminate services and reducing the budget line. The general fund will have an aggregate increase to recurring costs after the initial funding year of \$2,903.00.</p> <p>The ARPA funding allocated for this project initiative will cover the initial costs of the solution and the first-year subscription as well as the required hardware. The hardware costs associated with this project totaled \$3,948.80, comprised of a quantity of (4) 2-in-1 Tablet laptops for each shift and quantity of (4) rugged cases with shoulder and hand straps for field mobility. The Department currently has a mobile device that will provide wi-fi coverage for the solution.</p> <p>Approved by Town Council June 6, 2022 Final payment for Software recorded on 8/22/2022. Final payment for Hardware recorded on 7/11/2022.</p>
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Project Name: FD Station & Radio Dispatch Toning

Project Identification Number	TOM-22-10
Project Expenditure Category	6-Revenue Replacement
Project Expenditure Subcategory	6.1-Provision of Government Services
Status To Completion	Completed less than 50%
Adopted Budget	\$18,500.00
Total Cumulative Obligations	\$18,500.00
Total Cumulative Expenditures	\$629.90
Current Period Obligations	\$629.90
Current Period Expenditures	\$629.90
	<p>Town Council allocated all ARPA funds on June 20, 2022. This agenda item is requesting an re-allocation to ARPA funding to fund the installation and implementation of a the legacy Station Alerting System at Malabar Fire Station 99. This system will improve radio calls for service to used an automated alerting system that provides audible tones, followed by an amber lighting system as a visual alert to station personnel, followed by an automated voice with the call details and location, with a final display of information on a monitor output, all within seconds of the dispatch center initiating the programmed button in the computer aided dispatch software.</p>

Project Description	<p>Brevard County Fire Rescue Dispatch Center has recently updated their dispatching system to an automated CAD. Malabar fire is still operating with its original alerting system from the 1980's, which causes delays and issues with our station alerting system. Brevard County Fire Rescue (BCFR) is able to donate a station controller and controller panel, valued at approximately, \$8,000.00, providing a benefit to Malabar Fire Department and BCFR with the co-location agreement of both agencies at Malabar Station 99. The donation of the hardware controller reduces the costs of implementation but does require ancillary programming and installation of the controller components and dispatch software, to be fully operational, by the Town.</p> <p>The Malabar Fire Department has requested a total expenditure of \$18,500. Attached are quotes for services to install and implement the upgraded and donate controller. These expenditures are valid uses of ARPA funds related to public safety/first responder radio communications. Staff is requesting a reduction of funding in the ARPA Roads Improvement Fund for re-allocation to the Station Tone and Alerting System Project.</p> <p>There are additional expenses for this project that include a uninterrupted power supply (UPS), a 40" wall mounted HDMI display, and IT services firewall/security programming required to fulfill the project that will procure through existing approved contracts, estimated to total \$2500.00</p> <p>Town Council approved on September 26, 2022.</p>
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Project Name: Park Improvements

Project Identification Number	TOM-22-13
Project Expenditure Category	6-Revenue Replacement
Project Expenditure Subcategory	6.1-Provision of Government Services
Status To Completion	Not Started
Adopted Budget	\$63,097.53
Total Cumulative Obligations	\$63,097.53
Total Cumulative Expenditures	\$0.00
Current Period Obligations	\$0.00
Current Period Expenditures	\$0.00
Project Description	<p>Maintain and improve outdoor recreational areas to meet the public demand for recreational activities. This project has yet to commence but has been discussed to resurface the existing tennis courts and add pickleball for alternative uses of the improved court surface.</p> <p>Town Council Approved June 20, 2022.</p>

Project Name: Cybersecurity

Project Identification Number	TOM-22-11
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Project Expenditure Category	6-Revenue Replacement
Project Expenditure Subcategory	6.1-Provision of Government Services
Status To Completion	Not Started
Adopted Budget	\$5,000.00
Total Cumulative Obligations	\$5,000.00
Total Cumulative Expenditures	\$0.00
Current Period Obligations	\$0.00
Current Period Expenditures	\$0.00
Project Description	Cybersecurity of public infrastructure and data of the public is a nationwide, statewide, and local priority to protect public data and infrastructure from bad actors that intend to prohibit the delivery of public service and breach and damage public and personal identity information (PII) data stored and maintained by public agencies. The Town is limited in funding priorities of basic services and technology upgrades, initiatives of firewalls, desktop security, employee cybersecurity training are a layered approach to improving cybersecurity. Town Council Approved June 20, 2022.

Project Name: Medical/PPE Supplies

Project Identification Number	TOM-22-12
Project Expenditure Category	6-Revenue Replacement
Project Expenditure Subcategory	6.1-Provision of Government Services
Status To Completion	Not Started
Adopted Budget	\$11,700.00
Total Cumulative Obligations	\$11,700.00
Total Cumulative Expenditures	\$0.00
Current Period Obligations	\$0.00
Current Period Expenditures	\$0.00
Project Description	Allocation reserved for medical or person protective equipment (PPE) as necessary for public or employee distribution. Town Council Approved June 20, 2022.

Project Name: Road Pavement Analysis

Project Identification Number	TOM-22-14
Project Expenditure Category	6-Revenue Replacement
Project Expenditure Subcategory	6.1-Provision of Government Services
Status To Completion	Completed 50% or more
Adopted Budget	\$28,500.00
Total Cumulative Obligations	\$28,500.00
Total Cumulative Expenditures	\$21,472.50
Current Period Obligations	\$21,472.50

Current Period Expenditures	\$21,472.50
Project Description	<p>Town Council directed staff at the June 20, 2022, council meeting approving the ARPA allocations pursuant to the public workshop held on June 13, 2022 to bring forth a proposal of professional services to evaluate the Town's existing paved roadways to provide analysis of the current condition, methods of repaving, and assist Town Council in prioritizing projects and funding based on the evaluation process.</p> <p>Staff contacted EDC, Inc, a Town Council authorized contractor for continuing engineering services on July 7, 2022, to inquire for services. Town staff also researched and reviewed other agency contracts available for road pavement condition analysis and potential costs. Transmap was considered as a potential solution for the project with existing contracts across the State, from Hollywood to Panama City. This company is based in Ohio and provides services using a vehicle equipped with sensors and cameras to collect data and imagery to evaluate roadways. This process is complex and usually is provided to a professional engineer with paving and roadway expertise to review and formulate recommendations for improvement and repaving methods. The Town does not employ such expertise within the current staffing levels.</p> <p>EDC has provided a Professional Services for Surficial Pavement Assessment proposal totaling \$28,500, with two project task order of field work and reporting totaling \$25,500. The proposal includes a not to exceed value of \$3,000 for the firm to present and attend a Council Meeting at the Town's request and discretion. The proposal is limited and defined assessment and is not meant to be interpreted as a Pavement Condition Index (PCI) assessment. PCI Assessments are typically performed on smaller increments (5,000 SF) and would be a significant undertaking for 20 miles of road. This scope is a bit more streamlined with field work and cataloging the pavement condition. Approved by Town Council September 12, 2022. Last partial payment recorded 3/15/2023.</p>

Project Name: Roadway Projects

Project Identification Number	TOM-22-15
Project Expenditure Category	6-Revenue Replacement
Project Expenditure Subcategory	6.1-Provision of Government Services
Status To Completion	Not Started
Adopted Budget	\$300,510.00
Total Cumulative Obligations	\$300,510.00
Total Cumulative Expenditures	\$0.00
Current Period Obligations	\$0.00
Current Period Expenditures	\$0.00
	Streets and Roads are a core service of the Town's operation. Funding allocated in this project will consists of Town

Project Description	Council's priorities derived from Project# 22-14 Road Analysis to improve maintenance of existing paved roadways. Approved by Town Council June 20, 2022.
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Project Name: Stormwater Projects

Project Identification Number	TOM-22-16
Project Expenditure Category	6-Revenue Replacement
Project Expenditure Subcategory	6.1-Provision of Government Services
Status To Completion	Not Started
Adopted Budget	\$310,511.00
Total Cumulative Obligations	\$310,511.00
Total Cumulative Expenditures	\$0.00
Current Period Obligations	\$0.00
Current Period Expenditures	\$0.00
Project Description	Stormwater management is an essential department and fund to prevent perils of flooding within the Town of Malabar. It is critical to prevent and protect flooding for residents, businesses, and visitors during an event or series of events where water management impedes traffic, emergency services, sanitation, and any public service and access by constituents. The allocation is to positively impact funds available to achieve stormwater projects identified in the master plan and approved by Town Council. Allocation approved by Town Council on June 20, 2022.

Project Name: Water Expansion

Project Identification Number	TOM-22-17
Project Expenditure Category	6-Revenue Replacement
Project Expenditure Subcategory	6.1-Provision of Government Services
Status To Completion	Completed less than 50%
Adopted Budget	\$329,011.00
Total Cumulative Obligations	\$329,011.00
Total Cumulative Expenditures	\$0.00
Current Period Obligations	\$0.00
Current Period Expenditures	\$0.00
Project Description	The Town of Malabar is served by another agency to supply public water services through an agreement. Expansion of water services is at the expense of the Town or Building Developer under certain circumstances. The Town of Malabar does operate their own fire service department and relies upon tanks to port water for structure or brush fires via a tanker tender and brush truck. This project is to extend a public water supply from the closest hydrant, approx. 1.5 miles to the Fire Department for fire services. Town Council approved June 20, 2022.

Project Name: Digitize Public Records

Project Identification Number	TOM-22-01
Project Expenditure Category	6-Revenue Replacement
Project Expenditure Subcategory	6.1-Provision of Government Services
Status To Completion	Completed
Adopted Budget	\$21,808.25
Total Cumulative Obligations	\$21,808.25
Total Cumulative Expenditures	\$13,615.19
Current Period Obligations	\$13,615.19
Current Period Expenditures	\$13,615.19
Project Description	<p>MCCi, is an awarded and contractor for Document and Records Retention of contract #11-26 by National Cooperative Purchasing Alliance (NCPA). MCCi has provided a master service agreement to perform two large task orders. One task order is to provide and implement the electronic database and software components of Laserfiche Document Imaging software. Laserfiche is a software application and database used by many government agencies nationwide and will also be retained to securely host and store public records in an internet cloud-based solution and become the Town’s central electronic repository for public records, after scanning. Town staff will be trained and equipped with hardware and software tools to scan paper documents received, create electronic documents, and electronically retrieve historically stored paper documents without leaving their workstation. In this manner, the use of SLRFR funds is eligible for the project to prevent and reduce points of contact and improve general government services using the approved standard allowance method for expending these funds. The second task of the project will expedite back scanning services for Agendas, Minutes, Resolutions, Ordinances, Financial Records, and Building Permits.</p> <p>Town Council Approval Date: March 7, 2022. Implementation and subscription services completed and live on 2/21/2023 with payment recorded on 3/23/2023.</p>

Project Name: Town Clerk Back Scanning

Project Identification Number	TOM-22-01a
Project Expenditure Category	6-Revenue Replacement
Project Expenditure Subcategory	6.1-Provision of Government Services
Status To Completion	Not Started
Adopted Budget	\$15,470.90
Total Cumulative Obligations	\$15,470.90
Total Cumulative Expenditures	\$0.00
Current Period Obligations	\$0.00
Current Period Expenditures	\$0.00
	Town Clerk records for back scanning to include agendas,

Project Description	minutes, financial information (payments, receivables, budgets, payroll, etc), ordinances, and resolutions. Town Council Approval Date: March 7, 2022.
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Project Name: Building Back Scanning

Project Identification Number	TOM-22-01b
Project Expenditure Category	6-Revenue Replacement
Project Expenditure Subcategory	6.1-Provision of Government Services
Status To Completion	Completed less than 50%
Adopted Budget	\$25,216.95
Total Cumulative Obligations	\$25,216.95
Total Cumulative Expenditures	\$0.00
Current Period Obligations	\$0.00
Current Period Expenditures	\$0.00
Project Description	Scanning of stored paper building permits and plan records for back scanning per parcel ID issued by the Town. These qualify as for SLRFR funds use to minimize touchpoints and in-person contact of multiple contractors, plan reviewers, review and permitting staff, and property owners. Town Council Approval Date: March 7, 2022.

Project Name: Digital Public Information Sign

Project Identification Number	TOM-22-02
Project Expenditure Category	6-Revenue Replacement
Project Expenditure Subcategory	6.1-Provision of Government Services
Status To Completion	Completed
Adopted Budget	\$37,225.00
Total Cumulative Obligations	\$37,225.00
Total Cumulative Expenditures	\$37,225.00
Current Period Obligations	\$37,225.00
Current Period Expenditures	\$37,225.00
Project Description	Replacement of static letter sign to dynamic electronic public information sign on Malabar Road (SR-514) to inform the public of emergency notifications, events, and public meetings. Town Council Approval Date: March 7, 2022 Final payment recorded 4/29/2022.

Project Name: Digital Public Information Sign-Electrical

Project Identification Number	TOM-22-02a
Project Expenditure Category	6-Revenue Replacement
Project Expenditure Subcategory	6.1-Provision of Government Services
Status To Completion	Completed
Adopted Budget	\$1,017.00

Total Cumulative Obligations	\$1,017.00
Total Cumulative Expenditures	\$1,017.00
Current Period Obligations	\$1,017.00
Current Period Expenditures	\$1,017.00
Project Description	Electrical services required connection and surge protect for Digital Public Information Sign for Project 22-02. Electrical service upgrades and surge were required to commission and utilize the sign for public information engagement and communication to Town Announcements & Emergencies. Final payment recorded on 6/29/2022

Project Name: FD 911 Radios

Project Identification Number	TOM-22-03
Project Expenditure Category	6-Revenue Replacement
Project Expenditure Subcategory	6.1-Provision of Government Services
Status To Completion	Completed
Adopted Budget	\$127,160.27
Total Cumulative Obligations	\$127,160.27
Total Cumulative Expenditures	\$127,024.27
Current Period Obligations	\$127,024.27
Current Period Expenditures	\$127,024.27
Project Description	Brevard County Emergency Management owns the Public Safety Radio system in Brevard County. Emergency Management has announced that they will convert the current Public Radio System from analog to P25 Phase II in 2025. In preparing customers for the P25 conversion, Communications International, Inc. (CII) has reviewed the Town of Malabar Fire Department's inventory and has prepared a quote for radio replacements that are guaranteed to operate on today's systems as well as the planned P25 Phase II in 2025 upgrades. In review of the Town of Malabar inventory, all the radios that are currently being used by public safety and command personnel have met their "end of support" and do not carry the ability to be P25 ready. Malabar Fire Department receives radio dispatch services through Brevard County by interlocal agreement(s) and provides emergency response services through mutual aid agreement(s). The Town of Malabar has elected for the standard allowance methodology for recovery of revenue losses for funding receives through Coronavirus State & Local Fiscal Recovery Funds (SLRFR); additionally emergency operations centers & emergency response equipment (e.g., emergency response radio systems) are eligible uses for Responding to the Public Health Emergency under the Final Rule published by the U.S. Treasury. Town Council Approval Date: March 21, 2022 Final payment recorded on 9/1/2022.

Project Name: COVID-19 FD DCON

Project Identification Number	TOM-22-04
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Project Expenditure Category	6-Revenue Replacement
Project Expenditure Subcategory	6.1-Provision of Government Services
Status To Completion	Completed
Adopted Budget	\$800.00
Total Cumulative Obligations	\$800.00
Total Cumulative Expenditures	\$800.00
Current Period Obligations	\$0.00
Current Period Expenditures	\$0.00
Project Description	12-17-2021, a positive COVID-19 case provided contact tracing occurring at the Town's Fire Department which is densely occupied for 24-hour shifts. A local cleaning service provided facility cleaning of all sleeping and operational quarters of the facility. Final payment recorded on 3/30/2022.

Project Name: Special Projects Manager 50% Salary & Benefits

Project Identification Number	TOM-22-05
Project Expenditure Category	6-Revenue Replacement
Project Expenditure Subcategory	6.1-Provision of Government Services
Status To Completion	Completed 50% or more
Adopted Budget	\$143,896.42
Total Cumulative Obligations	\$143,896.42
Total Cumulative Expenditures	\$114,605.00
Current Period Obligations	\$114,604.56
Current Period Expenditures	\$114,604.56
Project Description	Town Council discussed and approved retaining the current Interim Town Manger as a Special projects manager to assist the Town Council with various activities for improvement and efficiencies; ex. ARPA, grant, grant opportunities and application submittals, economic development, code of ordinance updates, charter review activities, information technology enhancements for improve flow performance of limited staff, and legislative priorities. To date, the estimated timeframe for the Town Manager return is between November 2021 and January 2022. To keep continuity of operations and in process projects (ex. playground, solid waste, ARPA, Hunter Lane Improvements); suggest extending the existing contract with new salary and benefits to retain the Interim Town Manger until the return of the Town Manager. At that time the Interim Town Manager will transition to a Town Council report with no supervisory duties as the Special Projects Manager for the remainder of the contract, no more than the 2-year contract termination date of September 30, 2023. Funding 50% General Fund, 50% SLFRF funding for grant administration and reporting requirements. Town Council Approval Date: August 16, 2021

Project Name: FTE Software

Project Identification Number	TOM-22-05a
Project Expenditure Category	6-Revenue Replacement
Project Expenditure Subcategory	6.1-Provision of Government Services
Status To Completion	Completed
Adopted Budget	\$279.99
Total Cumulative Obligations	\$279.99
Total Cumulative Expenditures	\$279.99
Current Period Obligations	\$279.99
Current Period Expenditures	\$279.99
Project Description	Microsoft Vizio Software License for Special Projects Manager Position for currently identified project TOM-22-06 Park Restroom Touchpoints Remodel. The Restroom Facility required floor plans and submittal package in the development of the competitive purchase solicitation. The software purchased was utilized in the procurement process and development of an invitation to bid package for public published purchasing bid opportunity. Final Payment was recorded on 4/8/2022.

Report

Revenue Replacement

Is your jurisdiction electing to use the standard allowance of up to \$10 million, not to exceed your total award allocation, for identifying revenue loss?	Yes
Revenue Loss Due to Covid-19 Public Health Emergency	\$1,595,219.00
Were Fiscal Recovery Funds used to make a deposit into a pension fund?	No
Please provide an explanation of how revenue replacement funds were allocated to government services	<p>On January 24, 2022, the Town Council held a public workshop presented by Special Projects Manager, Lisa Morrell, to discuss the US Treasury's Final Rule and potential project allocations. Discussions focused on the key changes of the rule (ex. Lost revenue, Economic Impacts, Premium Pay, Waster/Serwe/Broadband Infrastructure), as well, as certain restrictions of the ARP/SLFRF funds. Staff presented a list of potential projects that focused on touchpoints, first responder medical equipment, ppe supplies, improved outdoor recreation, technology solutions to better serve the public now and in the future for continuity of operations to the general public. Town Council, in a public forum, was unified on the projects and allocation estimates totaling \$558,307 and directed staff to bring forth the items on future agendas with more detail for approval by Town Council. To date, staff has allocated \$300,926.57 with elected official approval and has expended \$29,349.52 for the first annual reporting period 3/1/2021 through 3/31/2022. The Town of Malabar has a total allocation of \$1,595,219.00, during the February 3, 2022 Town Council Meeting, the standard allowance method for lost public sector revenue was approved. Town Council will revisit the remaining ~\$1,036,913 funds for additional projects presented at the first workshop for major infrastructure: Road Paving, Stormwater, Water Services, Facility Improvements as the council would like more time for public input on such a large investment from the constituents. There is a discussion item on the April 18, 2022 agenda for larger infrastructure projects.</p> <p>Updated all allocations and approved by Town Council as of June 20, 2022 at a regular town council meeting and published on the TONw's website with monthly updates within Town Council meetings and agenda packets.</p>

Overview

Total Obligations	\$1,595,219.00
Total Expenditures	\$384,993.04
Total Adopted Budget	\$1,595,219.00
Total Number of Projects	21
Total Number of Subawards	0
Total Number of Expenditures	0

Certification

Authorized Representative Name	Lisa Morrell
Authorized Representative Telephone	(321) 727-7764
Authorized Representative Title	Special Projects Manager
Authorized Representative Email	lmorrell@townofmalabar.org
Submission Date	4/24/2023 2:11 PM

TOWN OF MALABAR

REGULAR TOWN COUNCIL MEETING

AGENDA ITEM NO: 4.c

Meeting Date: May 1st, 2023

Prepared By: Richard W. Kohler, Town Clerk

SUBJECT: Brevard County Request to Perform Aerial Mosquito Spraying

BACKGROUND/HISTORY:

The Brevard County Mosquito Control sent a letter to Town Hall on 04/17/2023 requesting prior written approval from the Town Manager or other appropriate official or governing body before they continue perform aerial pesticide operations over the Town. This agreement will last until May 31, 2026.

ATTACHMENTS:

- Letter from Brevard County Mosquito Control
- Draft letter in response, affirming the use of aerial pesticide operation over the Town of Malabar.

ACTION:

- Action on request for approval of aerial treatment in Malabar.



TOWN OF MALABAR

APR 17 2023

RECEIVED

Brevard County Mosquito Control

800 Perimeter Rd
Titusville, FL 32780

BOARD OF COUNTY COMMISSIONERS

April 10, 2023

Mr. Patrick T. Reilly
Mayor, Malabar
2725 Malabar Rd.
Malabar, FL 32950-4427

RE: Approval of Aerial Treatment Operations for Mosquito Control

Dear Mr. Reilly:

Brevard County Mosquito Control is mandated per Florida Statute to maintain mosquito populations and mosquito-borne diseases at safe and comfortable levels for residents within all Brevard County jurisdictions. In doing so, we employ an integrated environmental approach which utilizes water level management techniques in salt marsh breeding areas (i.e., mosquito impoundments), fish stocking, waste tire disposal, and even public education. Our scientists and technicians trap, count, and identify mosquitoes as well as monitor for mosquito-borne diseases throughout the County every week. These data, in turn, help us plan our daytime biopesticide treatments and nighttime chemical spray applications more selectively and comprehensively when population levels meet or exceed state thresholds. Such treatments are conducted via ground vehicles and aircraft. Nighttime chemical spraying is literally our last resort, once all of these other aforementioned means are exhausted.

In order for us to conduct aerial pesticide operations over a political subdivision, the Federal Aviation Administration (FAA), under Federal Aviation Regulations Chapter 137.51 (b) (1), requires prior written approval from the City Manager or other appropriate official or governing body. Rest assured, all pesticides used by

Brevard County Mosquito Control are tested and approved by the US Environmental Protection Agency (EPA), and all pesticide applicators on staff are licensed through the FL Department of Agriculture and Consumer Services (FDACS) per Florida Statute. Aerial treatments are critical means of combating the spread of important diseases like eastern equine encephalitis, West Nile virus, Zika virus, dengue fever, and others which have historically been detected in our region.

In essence, in order for us to effectively provide the level of public health protection and comfort that our taxpayers expect, aircraft must be operated over your area, and your written approval is required. **A brief authorization letter is therefore requested to continue allowing aerial Mosquito Control operations over your area. With your approval, aerial coverage will be effective through the next renewal date of May 31, 2026, 12:00:00. Fortunately, your position within your political subdivision allows you to grant this permission under FAA regulations.**

As always, approval of this request and your continued cooperation is greatly appreciated. I would be happy to answer any questions or explain more about our operation. Enclosed is a sample approval letter for your convenience. Please don't hesitate to contact me at joseph.faella@brevardfl.gov or 321-264-5032.

Sincerely,



Joseph Faella, Department Director
Brevard County Mosquito Control

Enclosure: Sample Permission Letter from Municipality



BOARD OF COUNTY COMMISSIONERS

April 5, 2023

Joseph Faella, Director
Brevard County Mosquito Control
800 Perimeter Rd.
Titusville, FL 32780

RE: Approval of Aerial Treatment Operations for Mosquito Control

Dear Mr. Faella:

Please accept this notice of approval to continue aircraft operations as needed over the City of [blank] for the control of mosquitoes, effective immediately, until the next renewal date of May 31, 2026, 12:00:00. This approval letter is hereby submitted per the Federal Aviation Administration (FAA) requirement of Federal Aviation Regulations Chapter 137.51(b)(1), which states written approval must be obtained from the appropriate official or governing body of a political subdivision over which aircraft operations are conducted.

Sincerely,

Jane Doe
[Title]
[City or Town]



May 1st,2023

Joseph Faella, Director
Brevard County Mosquito Control
800 Perimeter Rd.
Titusville, FL 32780

RE: Approval of Aerial Treatment Operations for Mosquito Control

Dear Mr. Faella:

Please accept this notice of approval to continue aircraft operations as needed over the Town of Malabar for the control of mosquitoes, effective immediately, until the next renewal date of May 31, 2026, 12:00:00. This approval letter is hereby submitted per the Federal Aviation Administration (FAA) requirement of Federal Aviation Regulations Chapter 137.51(b)(1), which states written approval must be obtained from the appropriate official or governing body of a political subdivision over which aircraft operations are conducted.

Sincerely,

Matthew Stinnett
Town Manager
Town of Malabar

TOWN OF MALABAR

REGULAR TOWN COUNCIL MEETING

AGENDA ITEM NO: 7.b
Meeting Date: May 1st, 2023

Prepared By: Richard W. Kohler, Town Clerk

SUBJECT: Parks & Recreation Board

BACKGROUND/HISTORY:

Due to a lack of quorum, the Parks & Recreation Board was unable to meet last month. However, Staff has received an updated quote for a pavilion at Eschenberg Park, and Staff plans to have a full proposal ready for the Board's review at their May meeting.

ATTACHMENTS:

- None

ACTION:

- None

TOWN OF MALABAR

REGULAR TOWN COUNCIL MEETING

AGENDA ITEM NO: 7.C
Meeting Date: May 1st, 2023

Prepared By: Richard W. Kohler, Town Clerk

SUBJECT: Planning & Zoning Board Update

BACKGROUND/HISTORY:

Planning and Zoning Board Secretary Sherear has provided an update on the Board accomplishments of the last 2 months.

ATTACHMENTS:

- Memo from P&Z Secretary Sherear.

ACTION:

- None.

TOWN OF MALABAR

MEMORANDUM

Date: April 25, 2023, 23-BDM-050

To: Richard Kohler, Town Clerk
Town Council

From: Denine M. Sherear, Building Department Manager ~~DS~~

Ref: Recent discussions at the Planning & Zoning (P&Z Board) Meetings
For March 2023.

The Planning and Zoning Board cancelled the March 8, 2023, meeting and the recent discussion at the March 22, 2023, meeting is Amending the Land Development Code, Article VI "Conditional Use and Special Exception Use Criteria". It is recommended and suggested that the PZ Board Members submit documents to the Board Secretary to define and clarify the Conditional Use and Land Development.

This discussion was recommended by Mayor Patrick Reilly. The PZ Board is going to review and work on this "Discussion" and bring suggestions and comments back to the next meeting, tentatively set for April 12, 2023, at 6:00PM, which was cancelled. No comments were submitted to the Board Secretary.

The Board 's next meeting is April 26, 2023, at 6:00PM.

TOWN OF MALABAR

REGULAR TOWN COUNCIL MEETING

AGENDA ITEM NO: 10.a

Meeting Date: May 1st, 2023

Prepared By: Richard W. Kohler, Town Clerk

SUBJECT: Request Road Improvement Waiver for the North end of Kramer Lane adjacent to parcel 814. Request by parcel owner Joy Maximin.

BACKGROUND/HISTORY:

The applicant purchased the 20-acre lot at the northern end of Kramer Lane. She has since split 2 parcels for future development and is requesting a waiver of the requirement to extend Kramer Lane to the furthest extent of the parcel to be developed.

Kramer Lane is currently approved and accepted 1,322' north from Benjamin Lane, and the northern terminus of the road is at the southern corner of the applicant's lot.

The applicant is requesting to be allowed to use the existing driveway for her property to also be the driveway for potential development, and to forego the road improvement of Kramer Lane.

ATTACHMENTS:

- Application for Waiver to Road Improvement Requirements.
- Legal Ad published 04/13/2023 in Florida Today.
- Legal notice to property owners along Kramer Lane.
- Chapter 13, Malabar Code of Ordinance, Section 13-38.
- BCPAO Property Information and Maps.
- Survey of property submitted by Owner.

ACTION:

- Action on Request for Waiver of Road Improvement Requirements.



**AGENDA ITEM REQUEST FORM
MALABAR TOWN COUNCIL**

TOWN OF MALABAR

MAR 14 2023

RECEIVED

Please mail completed form to:

Town of Malabar
2725 Malabar Road
Malabar, Florida 32950

NAME: Joy MAXIMIN

ADDRESS: 3040 KRAMER LANE

MALABAR, FL 32950

TELEPHONE: 954-817-0770 CELL

(Home)

(Business)

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

ROAD IMPROVEMENT WAIVER APPLICATION

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

[Empty box for summarizing information]

Please state desired action by Town Council.

[Empty box for stating desired action]

Signed: 

Date: _____

TOWN OF MALABAR
2725 Malabar Road
Malabar, FL 32950
Tel. 321-727-7764 x 14

TOWN OF MALABAR

MAR 14 2023

RECEIVED

RIGHT OF WAY (ROW)
ROAD IMPROVEMENT WAIVER APPLICATION

This application is separate and in addition to the Road Improvement Application that must be completed, with required attachments, and returned to the Town Clerk's office.

Name of Applicant(s) Joy MAXIMIN Tel: 954-817-0770

Mailing Address: 3040 KRAMER LAKE MALABAR Email: JoyMAXIMIN2015@yahoo.com

Name of Owner if other than Applicant: _____ Tel: _____

Legal description of property covered by application:

Township 29, Range 37, Section 12, Parcel 00, Road ROW Name _____

Property Address: 3040 KRAMER LAKE MALABAR Zoning classification AG/RR-65

Existing Special Conditions or Conditional Uses Previously Granted: N/A

Required ROW dedicated ____ / will be dedicated ____ prior to hearing per Section 13-39 of Road Improvement Code in Chapter 13 of Malabar Code of Ordinances.

Reason for waiver request (state specific hardship or attach correspondence, drawings, etc.).

Required attachments:

- Hearing fee of \$300.00 for Residential and \$1,500.00 for Commercial, which includes advertising, administrative time, legal noticing and mailing.
- Proof of ownership of abutting parcel
- Survey to include Site layout depicting the right-of-way (ROW), roadway width and length subject to waiver request and parcel owned by applicant
- List of property owners (with tax parcel numbers) abutting the road right-of-way involved in the waiver request as shown in the records of the County Property Appraiser. This "Radius" package is available from the Brevard County Planning and Zoning GIS Section located at the Viera government center, in Building A, Room 114, phone 321-633-2060. There is a fee for this package.

Joy Maximin
Applicant(s)

3/14/23
Date

TOWN OF MALABAR

MAR 14 2023

RECEIVED

Joy Maximin
3040 Kramer Lane,
Malabar, Fl. 32950

Mayor and Council,

I am hereby requesting a road waiver for the subject property. Please take my special circumstances highlighted below, into account as you make your decision in granting this waiver.

I am the owner of the private parcel comprising of approximately 20 acres of land. My intention for this property is solely for myself and my family to be able to live together. We are a close-knit family comprising of four generations and desire to live within close proximity to care for and provide familial support to aging family members and assist in the raising of our grandchildren. This is extremely important to our family and is of great value to us. With this intent, we need to build an additional home as our family has increased in number. The parcel is completely fenced and separated from any public thoroughfare or access.

Prior to purchasing the property, I confirmed with the Town of Malabar, the requirements to build an additional home. I was advised that the lot on which I intend to build must be a minimum of 1.5 acres and the access to the home to be built, must be comparable or better than Kramer Lane, which is an unpaved gravel road that continues to my existing home. I had not catered for the construction of an additional road given the information that I received. We proceeded with a contract to build and we would be in default of the contract, if we are further delayed by the construction of a road. This would result in a major financial loss if we were to default on the builder's contract.

Chapter 13, Malabar Code of Ordinances, Section 13-38(c) makes provision for roadway improvement waivers. I hereby request that the Council consider the conditions set forth below from the Code and consider my circumstances favorably for a waiver to allow the use of the existing access to the property in its current geometric form. I cite sections 1 and 3 from the chapter as it pertains to my situation.

1 (iii). This waiver is not injurious or detrimental to the public welfare; This is for private use by my family. Emergency vehicles have recently entered and existed the property with ease. Further, similar allowances have been made for neighboring properties without causing undue construction burdens.

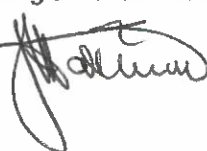
1 (iv). Given there is an existing access, the requested construction of a road or a cul-de-sac is burdensome and unnecessary. The waiver to be granted is the minimum waiver that will make possible the reasonable use of the land.

3(ii). Our special circumstances also include the fact that *"There exists no dedicated public right of way immediately abutting and beyond the furthest boundary of the lot of record for which the lot applies"*.

3 (iv). The property immediately abutting and beyond the furthest boundary of the lot of record for which the waiver applies already has existing accepted access through the use of another public or private right of way. I will provide a right-of-way to the town for access to the 1.5 acre parcel being created for the new residence.

I sincerely appreciate your favorable support as my family and I look to reside and retire in the Town and make a meaningful contribution to Malabar's future. Thank you for your kind consideration.

Respectfully,
Joy Maximin

 3/14/2023

Where the property is not owned by the applicant, a notarized letter must be attached giving the consent of the owner/owners to the applicant to proceed with request for waiver.

Please complete only one of the following:

1) I, _____, being first duly sworn, depose and say that I, _____, am the legal representative of the Owner or Lessee of the property described, which is the subject matter of this application; that all of the answers to the questions in said application, and all data and matter attached to and made a part of said application are honest and true to the best of my knowledge and belief.

Signature of Applicant(s) _____ Date _____

Sworn and acknowledged before me by means of ___ physical presence or ___ online notarization, this ___ day of _____, 20___ by _____.

Notary Seal _____ Signature of Notary Public _____

Notary Public, State of Florida
Commission No. _____ My Commission Expires _____.

Personally Known _____ OR Produced Identification _____ Type: _____

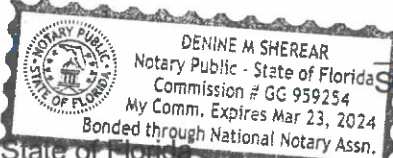
-----OR-----

2) I, Joy MAXIMIN, being first duly sworn, depose and say that I, _____, am the Owner of the property described, which is the subject matter of this application; that all of the answers to the questions in said application, and all data and matter attached to and made a part of said application are honest and true to the best of my knowledge and belief.

Joy Maximin _____ 3/14/2023
Signature of Applicant(s) _____ Date _____

Sworn and subscribed before me by means of physical presence or ___ online notarization, this 14 day of MARCH, 2023 by JOY MARIA MAXIMIN.

Notary Seal _____ Denise M. Sherear
Signature of Notary Public _____



Notary Public, State of Florida
Commission No. 66 959 254 My Commission Expires MAR 23 2024

Personally Known OR Produced Identification Type: _____

Welcome to Town of Malabar, Florida Online Payment Center

Payment to:

Town of Malabar, Florida

2725 Malabar Road

Malabar, FL 32950

USA

3217277764

dsherear@townofmalabar.org

*Old Fee

\$300.00

Payments through this website are made to Town of Malabar, Florida through iWorQ.com's (iworq.com) payment manager and ltransact.com's (ltransact.com) secure payment processing.

Refund Policy (http://www.iworq.net/iworq/WebPay/RefundPolicy.asp?aid=1556)	Privacy Policy (http://www.iworq.net/iworq/WebPay/PrivacyPolicy.asp?aid=1556)
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A Daily Publication By:



TOWN OF MALABAR

APR 17 2023

RECEIVED

TOWN OF MALABAR
2725 MALABAR RD

MALABAR, FL, 32950

STATE OF WISCONSIN COUNTY OF BROWN:

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

Notice Public Hearing

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

04/13/2023

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

Sworn to and Subscribed before me this 13th of April 2023, by legal clerk who is personally known to me

Affiant

Nancy Heyrman
Notary State of Wisconsin County of Brown
5.15.23

My commission expires
Publication Cost: \$103.49
Ad No: 0005662506
Customer No: BRE-6TO207
This is not an invoice

of Affidavits 1

AD#5662506 4/13/2023
TOWN OF MALABAR
NOTICE OF PUBLIC HEARING

The Malabar Town Council, Brevard County, Florida will convene in the Town Hall, 2725 Malabar Road, Malabar, Florida on Monday, May 1st, 2023, at 7:30pm, or as soon thereafter as the matter can be heard, for a public hearing on the following topic:

A request by property owners of parcel 29-37-12-00-753 for a waiver from the road improvement requirements of the Town.

ROAD IMPROVEMENT WAIVER REQUEST
A REQUEST FOR A WAIVER TO THE ROAD IMPROVEMENT REQUIREMENTS IN CHAPTER 13 OF THE MALABAR CODE OF ORDINANCE REGARDING THE NORTH END OF KRAMER LANE. REQUEST BY JOY MAXIMIM, OWNER OF PARCEL 753 IN SECTION 12, TOWNSHIP 29, RANGE 37.

If you receive this notice then you are listed as an owner of property, as shown in the records of the Brevard County Property Appraiser's office, along the Right-of-Way of which the waiver is requested. This notice is provided as required by the Malabar Code, Chapter 13, Section 13-38. You are invited to attend or submit your comments before the meeting to the Town Clerk at TownClerk@TownofMalabar.org.

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

NANCY HEYRMAN
Notary Public
State of Wisconsin

TOWN OF MALABAR
NOTICE OF PUBLIC HEARING

The Malabar Town Council, Brevard County, Florida will convene in the Town Hall, 2725 Malabar Road, Malabar, Florida on Monday, **May 1st, 2023, at 7:30pm**, or as soon thereafter as the matter can be heard, for a public hearing on the following topic:

A request by property owners of parcel 29-37-12-00-753 for a waiver from the road improvement requirements of the Town.

ROAD IMPROVEMENT WAIVER REQUEST

A REQUEST FOR A WAIVER TO THE ROAD IMPROVEMENT REQUIREMENTS IN CHAPTER 13 OF THE MALABAR CODE OF ORDINANCE REGARDING THE NORTH END OF KRAMER LANE. REQUEST BY JOY MAXIMIM, OWNER OF PARCEL 753 IN SECTION 12, TOWNSHIP 29, RANGE 37.

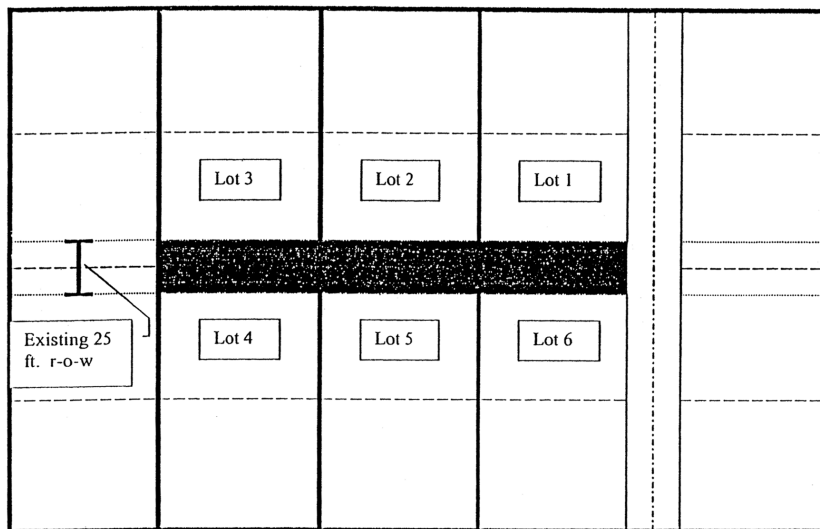
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Copies of the request and the Code pertaining to this are available in the Clerk's office for review, 2725 Malabar Road, Malabar, Florida, during regular business hours. All interested parties may email comments to townclerk@townofmalabar.org or mail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

<u>Parcel #</u>	<u>Name</u>	<u>Mailing Address</u>
29-37-12-00-771	BARNES, BOBBY R; BARNES, LORRIE M	PO BOX 501048 MALABAR FL 32950
29-37-12-00-790	DOHERTY, VICTOR J; DOHERTY, DIANE DI NOME	3255 KRAMER LN MALABAR FL 32950
29-37-12-00-799	MAURER, THOMAS E SR	PO BOX 28511 AUSTIN TX 78755
29-37-12-00-788	PURDEN, MARION RENEE	3195 KRAMER LN MALABAR FL 32950
29-37-12-00-792	NIEVES, CARLOS; NIEVES, CAROLINA M	3165 KRAMER LANE MALABAR FL 32950
29-37-12-00-806	MOCCIA, JOSEPH; MOCCIA, ROBERTA L	3135 KRAMER LN MALABAR FL 32950
29-37-12-00-798	MOCCIA, JOSEPH; MOCCIA, ROBERTA L	3135 KRAMER LN MALABAR FL 32950
29-37-12-00-791	MOCCIA, JOSEPH; MOCCIA, ROBERTA L	3135 KRAMER LN MALABAR FL 32950
29-37-12-00-805	AMANIE INC	8195 N MILITARY TRL WEST PALM BEACH FL 33410
29-37-12-00-797	CIMINO, CHRIS	16890 127TH DR N JUPITER FL 33478
29-37-12-00-804	ADDINGTON, ERIC W	5145 SAWGRASS AVE MERRITT ISLAND FL 32953
29-37-12-00-787	LOUIS, JEAN; LOUIS, ANNE MARIE	6996 NW 4TH CT MARGATE FL 33063
29-37-12-00-780	KERMANI, SASAN	1394 ABSAROKA LN MALABAR FL 32950
29-37-12-00-753	MAXIMIN, JOY	3040 KRAMER LN MALABAR FL 32950
29-37-12-00-754.1	DWYER, JOSEPH E	3110 KRAMER LN MALABAR FL 32950
29-37-12-00-754.2	PORTER, MEILI VIERA; PORTER, DANIEL	620 CECELIA AVE SE PALM BAY FL 32909
29-37-12-00-754	ALFRED K LEVY JR & CAROL O LEVY REVOCABLE TRUST	2060 BENJAMIN RD MALABAR FL 32950

- (a) As a precondition for the issuance for any permit for a new residence or new commercial structure on property that abuts an unimproved right-of-way or unaccepted local street/road within the Town of Malabar, Brevard County, Florida, the owner of the property for which such permit is requested must provide for the improvement of the local street/road from which a person will obtain primary ingress and egress to and from such property from the nearest improved and accepted road continuously in the most direct route (or route otherwise approved by the town) on public rights-of-way through and including the furthest boundary of the lot of record on which the principal structure is to be constructed. Furthermore, as a precondition for the issuance for any permit for an existing or new residence or commercial structure or an existing residence or commercial structure which has been destroyed by fire or natural disaster on property within the Town of Malabar, the owner of the property for which such permit is requested must dedicate right-of-way to the Town of Malabar in accordance with section 13-39.

Illustration #1



(Illustration No. 1 only depicts the length or distance for which the right-of-way must be improved if the owner of Lot No. 4 requests a boundary permit or other development order).

In determining whether any parcel "abuts" such unaccepted local street/road for purposes of this chapter, any property that lies contiguous to an existing unimproved local street/road or right-of-way and which is intended to be used as ingress and egress to said property, shall be deemed to abut the unimproved local street/road or right-of-way.

- (b) Ownership of contiguous lots.

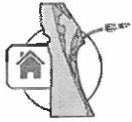
- (1) In the event that such owner owns more than one (1) lot of record on the same local street/road and if such lots are contiguous, such local street/road shall be completed only through the furthest boundary of the lot on which the principal structure is to be wholly constructed.
- (2) However, should such principal structure not be located wholly on one (1) lot, or should the owner desire to construct accessory uses, ponds or outbuildings (accessory to the principal structure) on the contiguous lot, then the local street/road shall be improved through the furthest boundary on which such accessory building to be constructed.

- (c) *Waiver*. The town council may grant a waiver to the provisions of section 13-38 (a), (b)(1) and (2).

- (1) The below stated procedures shall in all respects be utilized for consideration of a waiver to subsection (a), (b)(1) and (2). In order to authorize a waiver under this section the town council must find the following:
 - a. That special conditions and circumstances exist and that the presence of which would make complying with section 13-38(a), (b)(1) or (2) unreasonable. Financial or economic reasons, conditions or circumstances shall not be grounds for a waiver under this section;
 - b. The special conditions and circumstances are not caused in any way by the owner or applicant;
 - c. That such waiver will not be injurious or detrimental to the public welfare;
 - d. That the waiver granted is the minimum waiver that will make possible the reasonable use of the land;
 - e.

As a condition to the issuance of a waiver the owner of the property for which such waiver is granted shall dedicate the right of way required by [section 13-39](#) of the Code, if no such public right of way exists at the time of the granting of a waiver authorized herein, through the furthest boundary of the lot of record on which a principal structure or accessory structure is to be constructed.

- (2) The owner of the property for which such waiver is granted shall also execute an agreement in recordable form with the town that binds the owner and his/her successors in interest of the property for which such waiver is granted to pay for the completion of the entire width of the right of way as it existed on the date the waiver is granted by the town council through the furthest boundary of the lot of record on which a principal structure or accessory structure is constructed in the event the road is completed by another. The agreement shall provide, in part, that should the owner of the property for which the waiver was granted fail to pay for the completion of the entire width of the right of way through the furthest boundary of the lot of record when it is constructed by another then the town may reimburse the person who completed the road portion through the furthest boundary of the lot of record of the owner who was granted the waiver and the Town shall be entitled to record a lien against the property for which such a waiver was granted for the cost of the reimbursement and/or the town may withhold the issuance of any future building permit, development order or development permit, for the property for which such waiver is granted.
- (3) By way of example, and not by way of limitation, "special circumstances" may include:
 - a. Environmental conditions, and restrictions exist which prohibit any disturbance of such area and make it impossible to complete the road to the furthest extent of the property; [for example where mitigation is not possible]; or
 - b. There exists no dedicated public right of way immediately abutting and beyond the furthest boundary of the lot of record for which the waiver applies; or
 - c. The property immediately abutting and beyond furthest boundary of the lot of record for which the waiver applies is owned by a governmental agency and is designated as conservation or environmentally sensitive land; or
 - d. The property immediately abutting and beyond the furthest boundary of the lot of record for which the waiver applies already has existing accepted access through the use of another public or private right of way
- (4) Town council may impose additional reasonable conditions and safe-guards that it deems appropriate;
- (5) The town council may prescribe a reasonable time limit within which the action for which the waiver is required shall be begun or completed or both.
- (6) The decision of the town council regarding a request for a waiver is final and no reconsideration, rehearing or further appeal to the Town is available.
- (7) Application process: Any person owning an interest in any real property may apply to the town council for a waiver hereunder. The application shall be accompanied by a fee established from time to time by the town council. The application shall be in such form as provided by the town, and shall contain the following information:
 - a. The name of the owner of the particular real property shall be included.
 - b. If the applicant is other than all the owners of the particular property, written consent signed by all owners of the particular real property shall be attached.
 - c. The application shall contain the legal description of the particular real property, accompanied by a certified survey of that portion of the map maintained by the property appraiser reflecting the boundaries of the particular real property.
 - d. The application shall contain the current zoning classification, and any specified conditions or conditional use designation as recorded on the official zoning maps.
- (8) Public hearing; notice upon receipt of an executed application pursuant to this section, the town clerk forthwith schedule a hearing on the application before the town council. Notice of the time and place of the public hearing shall be given to the applicant at least fifteen (15) days prior to the public hearing. Notice of the time and place of the public hearing on the application shall be mailed, at least fifteen (15) days prior to the public hearing, to all affected property owners abutting the road right of way in question. Such notice shall contain the name of the applicant, the legal description of the affected property, and that the owner of the affected property desires a waiver to [section 13-38\(b\)\(1\)](#) or (2). In addition, a notice containing such information shall be posted at town hall and on the town's website.



Brevard County Property Appraiser

Titusville • Viera • Melbourne • Palm Bay

Phone: (321) 264-6700
<https://www.bcpao.us>

PROPERTY DETAILS

Account	2931965
Owners	MAXIMIN, JOY
Mailing Address	3040 KRAMER LN MALABAR FL 32950
Site Address	3040 KRAMER LN MALABAR FL 32950
Parcel ID	29-37-12-00-753
Property Use	6110 - GRAZING LAND - SOIL CAPABILITY CLASS II - WITH RES
Exemptions	HEX1 - HOMESTEAD FIRST HEX2 - HOMESTEAD ADDITIONAL
Taxing District	34Z0 - MALABAR
Total Acres	16.41
Subdivision	--
Site Code	0001 - NO OTHER CODE APPL.
Plat Book/Page	0000/0000
Land Description	LOT 13 OF PB 1 PG 165 EXC ORB 5894 PG 1514, N 255 FT OF S 315 FT OF E 287 FT LOT 13 OF PB 1 PG 165, N 255 FT OF S 825 FT OF E 287 FT LOT 13 OF PB 1 PG 165, TOGETHER WITH THE E 25 FT OF N 255 FT OF S 315 FT OF E 287 FT LOT 13 OF PB 1 PG 165 & N 255 FT OF S 825 FT OF E 287 FT LOT 13 OF PB 1 PG 165



VALUE SUMMARY

Category	2022	2021	2020
Market Value	\$993,080	\$734,020	\$656,400
Agricultural Land Value	\$5,600	\$0	\$4,420
Assessed Value Non-School	\$777,050	\$734,020	\$284,990
Assessed Value School	\$777,050	\$734,020	\$284,990
Homestead Exemption	\$25,000	\$0	\$25,000
Additional Homestead	\$25,000	\$0	\$25,000
Other Exemptions	\$0	\$0	\$5,000
Taxable Value Non-School	\$727,050	\$734,020	\$229,990
Taxable Value School	\$752,050	\$734,020	\$254,990

SALES/TRANSFERS

Date	Price	Type	Instrument
12/17/2020	\$975,000	WD	9012/0228
08/10/2015	--	QC	7430/0673
11/15/2013	--	QC	7018/0489
02/23/2004	\$175,000	WD	5207/3235
02/23/2004	--	WD	5207/3236
05/01/1998	--	QC	3905/0187
02/28/1973	\$2,300	WD	1318/0090
07/30/1972	--	WD	1272/0128
03/30/1962	--	WD	0572/0877
08/30/1923	--	WD	1272/0126

BUILDINGS

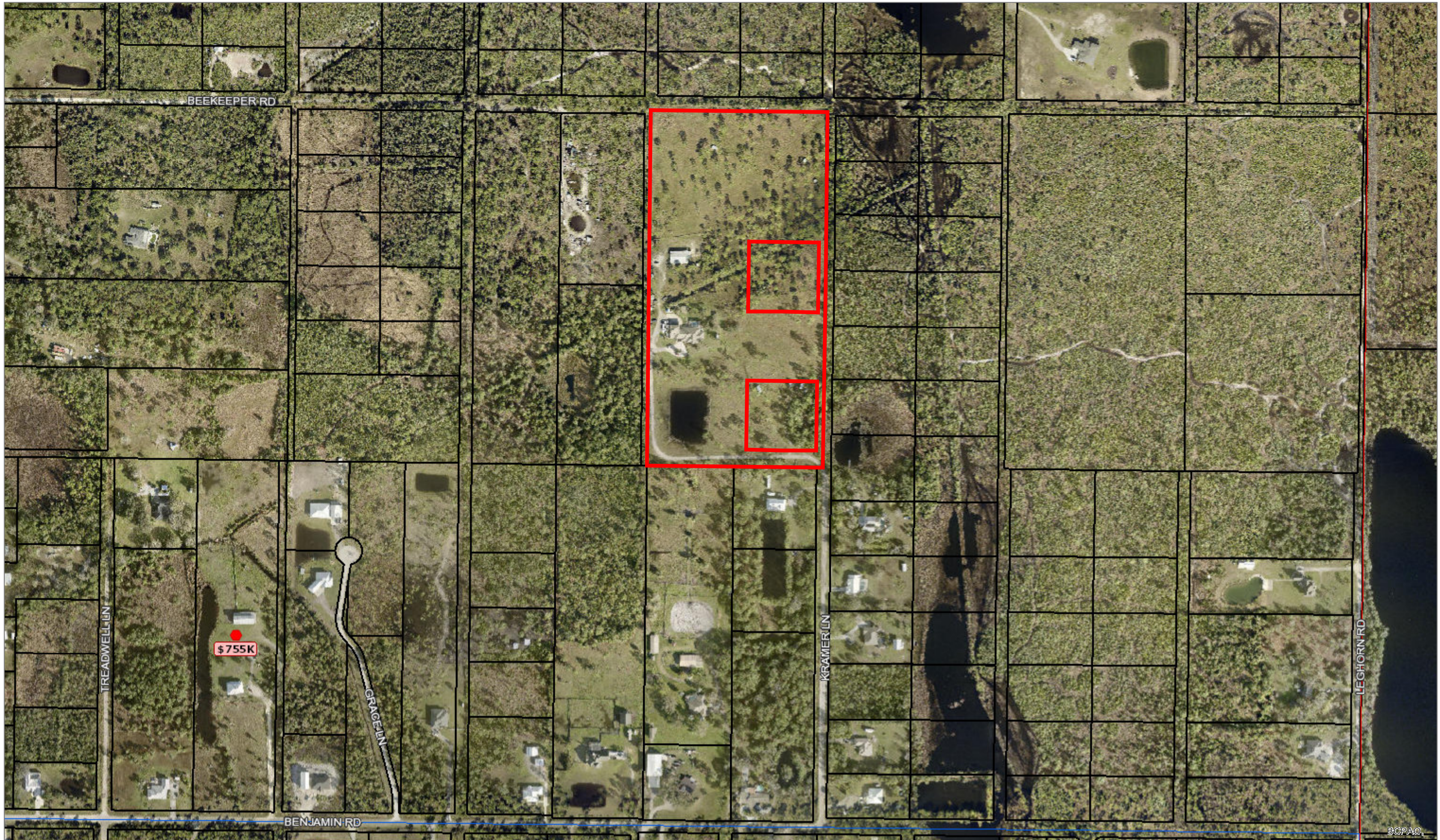
PROPERTY DATA CARD #1

Building Use: 0110 - SINGLE FAMILY RESIDENCE

Materials	Details
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Exterior Wall:	STUCCO , HRDYBRD SIDING	Year Built	2008
Frame:	MASNRYCONC , WOOD FRAME	Story Height	10
Roof:	ENAMEL METAL	Floors	2
Roof Structure:	HIP/GABLE	Residential Units	1
		Commercial Units	0

Sub-Areas		Extra Features	
Base Area (1st)	3,584	Pool - Residential	1
Base Area (2nd)	655	Outbuilding	56
Carport	504	Patio - Concrete	198
Garage	868	All Screen - 1 Story	1,075
Open Porch	44	Pole Barn	375
Open Porch	313	Pole Barn	120
Open Porch	695	Paving - Stone	640
Screen Porch	288	Spa - Residential Attached	1
Total Base Area	4,239	Covered Patio	352
Total Sub Area	6,951	Pole Barn	2,925
		Pole Barn	120

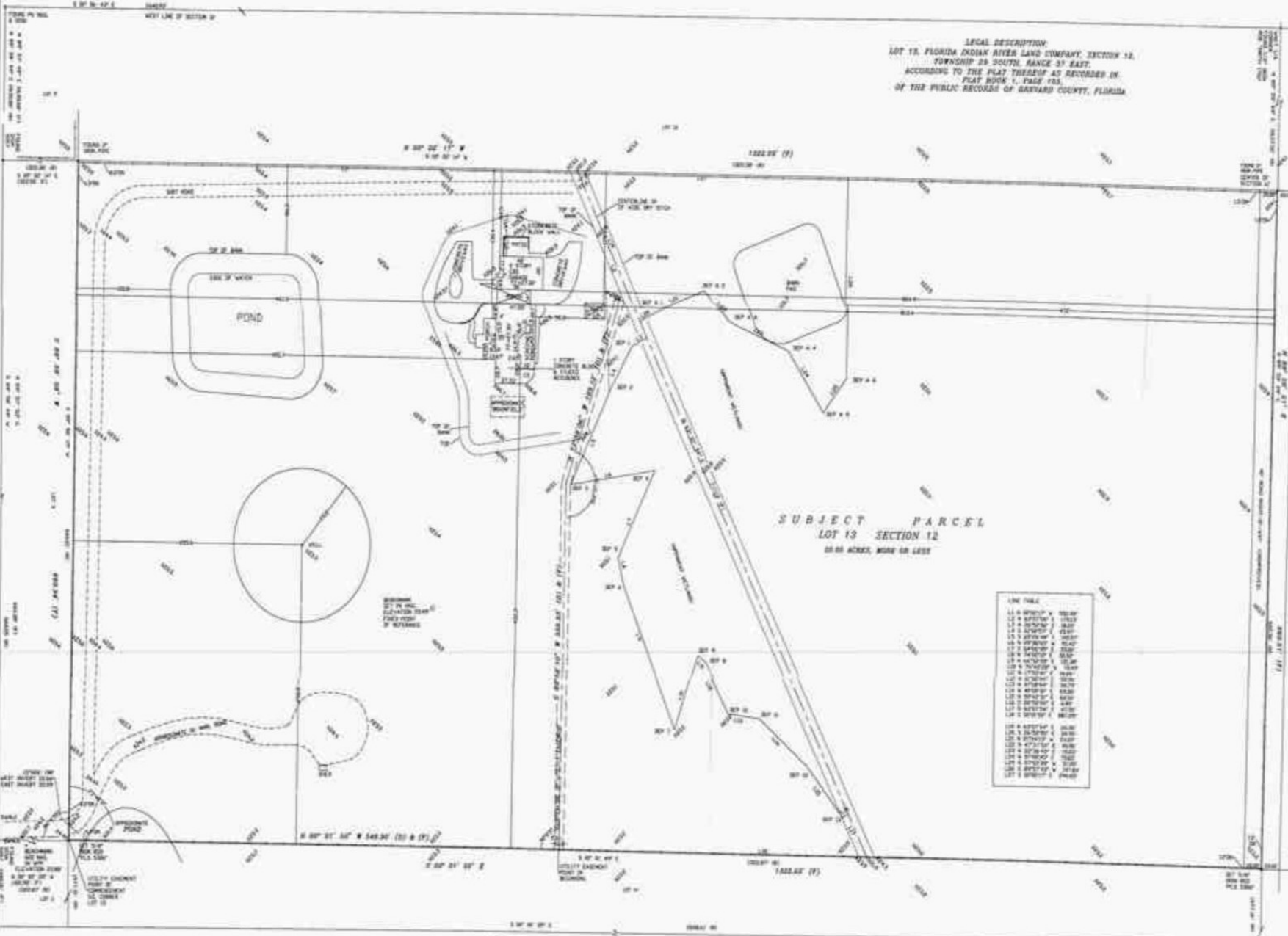


All BCPAO maps and/or map applications are maintained for assessment and illustrative purposes only and do not represent surveys, plats, or any other legal instrument. Likewise, measurement and location tools are for assessment and illustrative purposes only and do not necessarily reflect real-world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

MAP OF BOUNDARY SURVEY & FINAL SURVEY

CERTIFIED TO MARK IRVING

LEGAL DESCRIPTION:
 LOT 12, FLORIDA INDIAN RIVER LAND COMPANY, SECTION 12,
 TOWNSHIP 28 SOUTH, RANGE 27 EAST,
 ACCORDING TO THE PLAT THEREOF AS RECORDED IN
 PLAT BOOK 1, PAGE 175,
 OF THE PUBLIC RECORDS OF BAYARD COUNTY, FLORIDA.



SUBJECT PARCEL
 LOT 12 SECTION 12
 60.00 ACRES, MORE OR LESS

LINE FILE	
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NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL NOTARY SEAL OF A FLORIDA LICENSED SURVEYOR & MAPPER

STATEMENT OF THE SURVEYOR: I, MARK IRVING, LICENSED SURVEYOR AND MAPPER, COUNTY OF BAYARD, STATE OF FLORIDA, DO HEREBY CERTIFY THAT I AM A LICENSED SURVEYOR AND MAPPER AND THAT I HAVE PERSONALLY CONDUCTED THE SURVEY AND MAP HEREON SET FORTH AND THAT I AM A MEMBER IN GOOD STANDING OF THE FLORIDA SURVEYORS AND MAPPERS ASSOCIATION.

STATEMENT OF THE CLIENT: I, _____, DO HEREBY CERTIFY THAT I AM THE OWNER OF THE LAND DESCRIBED HEREIN AND THAT I HAVE AUTHORIZED THE SURVEYOR AND MAPPER TO CONDUCT THE SURVEY AND MAP HEREON SET FORTH.

NOTE:
 1. ALL TIES TO ADJACENT RECORDS ARE SHOWN BY A DASHED LINE.
 2. DIMENSIONS ARE AS SHOWN UNLESS OTHERWISE NOTED.
 3. ALL IMPROVEMENTS SURVEYED OR LOCATED SHALL BE SHOWN BY A DASHED LINE.
 4. DIMENSIONS ARE AS SHOWN UNLESS OTHERWISE NOTED.
 5. DIMENSIONS ARE AS SHOWN UNLESS OTHERWISE NOTED.

41. PROPERTY LIES IN TOWNSHIP 28 SOUTH, RANGE 27 EAST, SECTION 12, TOWNSHIP 28 SOUTH, RANGE 27 EAST, BAYARD COUNTY, FLORIDA.
 42. ELEVATION DATA WAS OBTAINED FROM THE CITY OF PALM BEACH.
 43. ELEVATION DATA WAS OBTAINED FROM THE CITY OF PALM BEACH.
 44. ELEVATION DATA WAS OBTAINED FROM THE CITY OF PALM BEACH.
 45. ELEVATION DATA WAS OBTAINED FROM THE CITY OF PALM BEACH.

46. ELEVATION DATA WAS OBTAINED FROM THE CITY OF PALM BEACH.
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 54. ELEVATION DATA WAS OBTAINED FROM THE CITY OF PALM BEACH.
 55. ELEVATION DATA WAS OBTAINED FROM THE CITY OF PALM BEACH.

Geotech Surveying, Inc.
 2417 Quincey Ave.
 Palm Bay, Florida 32909
 321-223-7322 Fax 321-223-2888
 FLORIDA LICENSED SURVEYOR & MAPPER (BAYARD COUNTY)

44-28-13

TOWN OF MALABAR

COUNCIL MEETING

Agenda Report: **12.a**
Meeting Date: May 01, 2023

Prepared By: Richard Kohler, Town Clerk

SUBJECT: Reappoint and extend employment agreement for Special Projects Manager/Treasurer with additional duties. (Mayor Patrick T. Reilly)

BACKGROUND:

The extension of the employment agreement would provide authorization to reappoint Lisa Morrell as the Special Projects Manager for a term of two fiscal years, beginning October 1, 2023, reporting directly to the Town Council.

The employed personnel's position would continue to perform at a high-level of responsibilities and administrative work to provide project oversight on a variety of complex Town operations. Additionally, the duties of the unfilled Treasurer position have been assigned to this position to continue fulfilling the vacancy of these tasks, which have been tentatively assigned presently by Town Council during the search for a viable Treasurer candidate for the past six months.

This is an additional executive employment position separate from the Town Manager and Town Clerk, of whom also report directly to Town Council. The daily operations are served by Town Management. During active military duties and assignment, The Special Projects Manager/Treasurer may be designated to serve in the capacity of Town Manager in addition to the duties designated as Special Projects Manager/Treasurer.

The employment contract defines the annual employee compensation of \$100,000.00 in salary plus health, dental and vision coverage paid by the Town. No additional salary compensation is required nor requested for the commencement or term of the agreement. The personnel costs shall be allocated to the General Fund within the Legislative Department 511 as 100%, effective October 1, 2023 and will no longer be split 50% between the Legislative 511 and 525, Disaster Relief (SLFRF/ARPA) funds.

The contract has been modified from the previous resolution 07-2021 to capture the new duties.

FINANCIAL IMPACT:

The fiscal year 2023-2024 Budget will include 100% Salary and Benefits for the Special Projects Manager/Treasurer in the General Fund, allocated to the Legislative Department Budget (511).

ATTACHMENT(S):

Special Projects Manager/Treasurer Employment Agreement (Resolution 04-2023)

MOTION:

Motion to approve Resolution 04-2023 to reappoint and extend the Special Projects Manager/Treasurer employment contract for Lisa Morrell for a term of two years, beginning October 1, 2023, for execution.

Motion to approve the conclusion of the search for a Treasurer applicant.

RESOLUTION 04-2023

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE RE-APPOINTMENT OF LISA MORRELL AS THE MALABAR SPECIAL PROJECTS MANAGER/TREASURER; PROVIDING FOR ADDITIONAL DUTIES; PROVIDING FOR A TERM; PROVIDING FOR REMUNERATION AND BENEFITS; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Malabar Town Council has determined the benefit of hiring Lisa Morrell as the Malabar Special Projects Manager/Treasurer to improve various projects and assist with operations currently underway or planned in conjunction with the Town Manager and Town Clerk; administer the financial services and activities for the Town, and new projects to benefit and improve the overall condition of the Town for a two-year period beginning on October 1, 2023; and

WHEREAS, Malabar Town Council request to fulfill the vacant position of Treasurer for financial administration of public monies and Town financial fund(s) reporting; and

WHEREAS, Malabar Town Council has been notified that the current Town Manager serves as an active military duty member, the Special Projects Manager/Treasurer may serve in the capacity of Interim Town Manger as designated by the Town Manager or Town Council during active military deployments.

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 re-appointment of Lisa Morrell as the Malabar Special Projects Manager/Treasurer to begin on October 1, 2023 for two-years as described in Exhibit "A".

Section 2. The Town Council I of Malabar, Brevard County, Florida, hereby authorizes and directs the contract for these services to be executed.

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 Dave Scardino
Council Member Mary Hofmeister

This Resolution was then declared to be duly passed and adopted this 1st day of May 2023.

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

Exhibit "A" of Reso 04-2023 Contract for Special Projects
Manager/Treasurer

**EMPLOYMENT AGREEMENT FOR SPECIAL PROJECT
MANAGER/TREASURER**

THIS AGREEMENT made and entered into on the 1st^h day of May, 2023, by and between the Town of Malabar, Florida, a municipal corporation of the State of Florida, Brevard County (hereafter the "Employer"), and Lisa Morrell (hereafter the "Employee").

WITNESSETH:

WHEREAS, Employer desires to employ the services of said Employee as Special Projects Manager/Treasurer for an additional period of two (2) years beginning October 1, 2023; and,

WHEREAS, it is the desire of the Town Council to provide certain salary and benefits, to establish certain expectations of employment, and to set working conditions of said Employee; and

WHEREAS, Employee desires to accept employment as Special Projects Manager/Treasurer of the Town of Malabar.

ARTICLE I - Term of Employment

1.01 The Town employs Employee, and Employee has accepted employment with Town upon the conditions set forth herein for a two-year term beginning October 1, 2023.

ARTICLE II - Employee's Duties

2.01 The Employee is hereby continued to be employed as the Special Projects Manager/Treasurer of the Town of Malabar; Florida as discussed at the Council meeting on March 17, 2023. Such assignments will be bulleted here:

- Treasurer duties as specified in the job description:
 - Develop, plan, and implement Department Goals and Objectives; establish and administer policies and procedures for financial operations.
 - Responsible for all accounting and financial management functions of the Town, including investments and banking.
 - Responsible for payroll.
 - Assists in preparation of the Annual Financial Budget with the Town Manager.
 - Reviews monthly and quarterly financial assessments of Annual Budget.

- Oversees all grant functions, applications, reporting and close-outs.
 - Responsible for all Accounts Receivable funds and accounting and oversees Accounts Payable.
 - Economic Recovery and Development Projects.
 - Administers and oversees the State and Local Financial Recovery Fund (SLFRF/ARPA) for compliance, allocation, and project management for completion.
 - Malabar Community Park Restroom Facility Renovation.
 - Malabar Fire Department Station Toning.
 - Cybersecurity.
 - Medical/PPE, as necessary.
 - Park Improvements.
 - City water expansion to Malabar Fire Department.
 - Road Resurfacing funding as identified in Surficial Pavement Plan.
 - Stormwater funding as identified in Master Plan.
 - Charter Review and Update, as desired by Town Council.
 - Coordinates and consults with Town Council and Town Staff for Town Code revisions and updates, as directed.
 - Research, propose, and administer grant funding opportunities as desired by Town Council.
 - Collaborates with the Town Clerk for public information and continuity of legislative actions and tasks.
 - Collaborates with the Town Manager for continuity of operational needs, assignment and supervision as designated by Town Council.
- 2.02 In addition to the assignments specified in 2.01 the Town Employee with the title of Special Projects Manager/Treasurer may be designated to act as the Interim Town Manager by the Town Manager or Town Council.
- 2.03 The employee agrees to perform these duties to the best of her ability, and to perform those duties in a manner consistent with the best interests of the Town and in a professional and ethical manner.
- 2.04 The Employee shall devote substantially all of her productive time, ability, and attention to the business of the Town, both during normal business hours and outside normal business hours as the business of the Town may require, such as attending Council, Board and Committee meetings. To that end, it is agreed, that as compensation for time spent on Town business during non-business hours, the Employee shall be entitled to take compensatory time off as they shall deem appropriate during normal business hours within same pay period. This compensatory time off shall have no cash value as outlined in the Employee Manual. The employee shall not be involved in non-employee connected business for remuneration without approval of the Town Council.

**ARTICLE III -
Compensation**

- 3.01 The Town agrees to pay Employee for their services rendered an annual base salary of \$100,000.00, payable in installments at the same time as other employees of the Town are paid. The Employee shall be required to keep a time sheet and submit it to the Clerk each pay period to track regular, vacation, sick and compensatory time off.
- 3.02 The Town shall not at any time during the term of the Agreement reduce the salary, compensation, or other financial benefits of Employee.

ARTICLE IV - Employee Benefits

- 4.01 The employee shall be entitled to participate in any Employee benefit plan established by the Town. This includes Health, Dental, Vision insurance for family coverage paid 100% by the Town; a Life insurance policy equal to (1X) the annual wages; and Short-term and Long-term Leave provided to all full-time employees at Town's expense.
- 4.02 The Town agrees to pay the required contribution for Regular Class of the Employer portion for inclusion in the Florida Retirement System. The employee shall be required to pay the employee portion just as other Town employees.
- 4.03 The employee shall annually accrue sick leave on the same basis and at the same rate as other Town employees and is held to the same limits per the Employee Manual. The employee may participate in any refunding program for sick leave offered to other employees.
- 4.04 The employee will earn 18 days of vacation annually, accrued at 1-1/2 days per month. The Employee shall be required to take five consecutive days off each year per the Employee Manual. The Employee shall obtain Town Council approval of the taking of vacation time by the Employee.
- 4.05 The Town hereby agrees to budget for and to pay the travel and subsistence expenses for travel outside Brevard County of the employee for official travel, meetings, conferences and seminars to adequately pursue the necessary official and other functions for the Town, based on the miles recorded for Town business on a an Employer provided mileage log similar to what other employees complete based on Florida Statutes limits as currently set at .445 cents per mile and as defined in Florida Statutes 112.012, including but not limited to the Annual Conferences of the Florida League of Cities, GFOA, FCCMA and such other national, regional, state and local government organization groups and committees thereof which Employee serves as a member.
- The Town also agrees to budget and to pay for the registration fees of Employee for short courses, institutes and seminars that are necessary for their professional development and for the good of the Town.
 - The Town shall pay 100% of the Employee's annual professional organizational dues.
- 4.06 The Town shall defend, save harmless and indemnify Employee *pursuant to F.S. 111.07 and 111.071*. The Town shall be required to provide independent legal

representation at the Town's expense to the Employee for any matter for which this indemnity shall apply. Legal representation, provided by the Town for Employee, shall extend until a final determination of the legal action including any appellate proceedings. Employee recognizes that the Town shall have the right to compromise and settle any claim or suit. Such payments shall continue beyond Employee's service to the Employer as long as litigation is pending.

ARTICLE V - Termination, Severance Pay, and Suspension

- 5.01 In the event employment of Employee is terminated at the pleasure of the Town or for any reason other than those set forth in paragraph 5.02 of this article, the Employee shall receive a lump sum cash payment equal to two (2) months aggregate salary computed as of the time of termination. The employee shall also receive full pay for unused vacation and accrued sick leave up to the caps provided in the Employee Manual.
- 5.02 In the event Employee is terminated for cause then the Town shall have no obligation to pay aggregate future salary but shall pay accumulated vacation above up to the caps provided in the Employee Manual. For purposes herein the Term "for cause" shall mean the grounds for removal from office in *F.S. 112.51*, misconduct as defined in *F.S. 443.036 (29)* and for misfeasance or malfeasance, or the conviction of any crime involving dishonesty, or the conviction of any crime designated as a felony under the laws of the jurisdiction imposing the penalty, breach of this Agreement, violation of the Town Charter, code of ordinances, resolutions and rules or employment policies of the town. For purposes of this section the term "conviction" shall mean a plea of no contest, a plea or adjudication of guilt or withholding guilt, or any plea involving entry into or participation in any diversion program. The Town Council may terminate the Employee without full pay and benefits at any time during the term of this Agreement based upon the grounds in this section, but only if after a public hearing a majority of the Council (3 members) votes to terminate Employee, "for cause", provided; however, that Employee shall have been given written notice setting forth any charges at least 10 days prior to such hearing.
- 5.03 In the event Employee voluntarily resigns their position with the Town, then Employee shall give the Town thirty (30) days written notice in advance, unless the parties otherwise agree. The employee will be entitled to full pay for all accumulated vacation and accrued sick leave at their then-current salary up to the caps as set forth in the Employee Manual. The employee shall be entitled to compensation for work performed before the effective date of their resignation.
- 5.04 Suspension: The Town Council may suspend the Employee without full pay and benefits at any time during the term of this Agreement, but only if after a public hearing a majority of the Council (3 members) votes to suspend Employee, "for cause", as defined in section 5.02 above, provided; however, that Employee shall have been given written notice setting forth any charges at least 10 days prior to such hearing.
- 5.05 Disability: If Employee is permanently disabled or is otherwise unable to perform their duties because of sickness, accident, injury, mental incapacity or health for a period of four successive weeks beyond any accrued sick leave, The Town shall have the option to terminate this Agreement, subject to the severance pay requirements of Section 5.01. Nothing herein is intended to override the provisions of the Family Medical Leave Act.

ARTICLE VI - General Provisions

- 6.01 The text herein shall constitute the entire Agreement between the parties along with a copy of the current Employee Manual. This Agreement shall be binding upon and inure to the benefit of the Employee heirs at law and executors of Employee.
- 6.02 This Agreement shall become effective on the date of its approval by the Town Council.
- 6.03 If any provision, or any portion thereof, contained in this Agreement is held unconstitutional, invalid or unenforceable the remainder of the Agreement or portion thereof, shall be deemed severable, shall not be affected and shall remain in full force and effect.

IN WITNESS WHEREOF, this Agreement has been entered into the day and year first written above.

Witness

Lisa Morrell,
Special Projects Manager/Treasurer

Witness

THE TOWN OF MALABAR

By: _____
Mayor Patrick T. Reilly, Council Chair

ATTEST:

Richard W. Kohler, Town Clerk