



# REGULAR TOWN COUNCIL MEETING

Monday, May 6, 2024 at 7:30 pm

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

**a. Approve Minutes of 04/15/2024**

Exhibit: Agenda Report Number 4.a.

**Attachments:**

- **Agenda Report Number 4.a.** (Agenda\_Report\_Number\_4.a..pdf)

**b. Surplus of Municipal Owned Property (Vehicles)**

Exhibit: Agenda Report Number 4.b.

**Attachments:**

- **Agenda Report Number 4.b.** (Agenda\_Report\_Number\_4.b..pdf)

**c. Surplus of Municipal Owned Property (Electronics)**

Exhibit: Agenda Report Number 4.c.

**Attachments:**

- **Agenda Report Number 4.c.** (Agenda\_Report\_Number\_4.c..pdf)

**5. PROCLAMATIONS/PRESENTATIONS: 4**

**a. Audit Presentation**

Presentation of the 2022/2023 Fiscal Year Financial Audit by JMCO

Exhibit: Agenda Report Number 5.a.

**Attachments:**

- **Agenda Report Number 5.a.** (Agenda\_Report\_Number\_5.a..pdf)

**b. 2024 Lung Cancer Action Week**

Exhibit: Agenda Report Number 5.b.

**Attachments:**

- **Agenda Report Number 5.b.** (2024\_Lung\_Cancer\_Week.pdf)

---

**c. 2024 Municipal Clerk Week**

Exhibit: Agenda Report Number 5.c.

**Attachments:**

- **Exhibit: Agenda Report Number 5.c.** (2024\_Municipal\_Clerk\_Week.pdf)

**d. Developing New Shoreline Techniques - Marine Resource Council (MRC)**

Presented by Mara Skadden of Marine Resource Council

Exhibit: Agenda Report Number 5.d.

**Attachments:**

- **Agenda Report Number 5.d.** (Agenda\_Report\_Number\_5.d..pdf)

**6. ATTORNEY REPORT**

**7. BCSO REPORT**

**8. BOARD / COMMITTEE REPORTS**

**a. Trails & Greenways Committee**

Exhibit: Agenda Report Number 8.a.

**Attachments:**

- **Agenda Report Number 8.a.** (Agenda\_Report\_Number\_8.a..pdf)

**b. Park & Recreation Board**

**Attachments:**

- **Agenda Report Number 8.b.** (Agenda\_Report\_Number\_8.b..pdf)

**c. Planning & Zoning Board**

Exhibit: Agenda Report Number 8.c.

**Attachments:**

- **Agenda Report Number 8.c.** (Agenda\_Report\_Number\_8.c..pdf)

**9. STAFF REPORTS**

**a. Manager**

Exhibit: Agenda Report Number 9.a.

**Attachments:**

- **Agenda Report Number 9.a.** (Agenda\_Report\_Number\_9.a..pdf)

**b. Clerk**

Exhibit: Agenda Report Number 9.b.

**Attachments:**

- **Agenda Report Number 9.b.** (Agenda\_Report\_Number\_9.b..pdf)

## 10. PUBLIC COMMENTS

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

### *Five (5) Minute Limit per Speaker*

## 11. PUBLIC HEARINGS: 2

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

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

Exhibit: Agenda Report Number 11.a.

#### **Attachments:**

- **Agenda Report Number 11.a.** (Agenda\_Report\_Number\_11.a..pdf)

### **b. SECOND READING - Referendum Question for November 5, 2024 Election: Municipal Services Taxing Unit (MSTU) (Ordinance 2024-03)**

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

Exhibit: Agenda Report Number 11.b.

#### **Attachments:**

- **Agenda Report Number 11.b.** (Agenda\_Report\_Number\_11.b..pdf)

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

(RECOMMENDATIONS FROM BOARDS, HOA REQUESTS, RESIDENT GRIEVANCES)

## 13. ACTION ITEMS

ORDINANCES: 0

RESOLUTIONS: 3

MISCELLANEOUS: 0

### **a. Acceptance of a Temporary Easement for Prosperity Lane (Resolution 07-2024)**

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR A TEMPORARY EASEMENT AGREEMENT ALONG THE PROSPERITY LANE RIGHT OF WAY IN SECTION 10, TOWNSHIP 29, RANGE 37; PROVIDING FOR THE SUNSET AND TERMINATION OF THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report Number 13.a.

#### **Attachments:**

- **Agenda Report Number 13.a.** (Agenda\_Report\_Number\_13.a..pdf)

---

**b. Acceptance of a Statewide Mutual Aid Agreement (Resolution 08-2024)**

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR FINDINGS; PROVIDING FOR THE ADOPTION OF A NEW STATEWIDE MUTUAL AID AGREEMENT WITH THE FLORIDA DIVISION OF EMERGENCY MANAGEMENT IN COMPLIANCE WITH CHAPTER 252 OF THE FLORIDA EMERGENCY MANAGEMENT ACT; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report Number 13.b.

**Attachments:**

- **Agenda Report Number 13.b.** (Agenda\_Report\_Number\_13.b..pdf)

**c. Acceptance of the Fiscal Year 2022/2023 Financial Audit (Resolution 09-2024)**

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE ACCEPTANCE OF THE ANNUAL AUDIT REPORT PROVIDED FOR THE FISCAL YEAR 2022-2023 BY THE AUDIT FIRM JAMES MOORE AND CO.; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report Number 13.c.

**Attachments:**

- **Agenda Report Number 13.c.** (Agenda\_Report\_Number\_13.c..pdf)

COUNCIL CHAIR MAY EXCUSE ATTORNEY AT THIS TIME

**14. DISCUSSION/POSSIBLE ACTION**

**a. Fire Department Travel to Lake City Forestry Complex**

Exhibit: Agenda Report Number 14.a.

**Attachments:**

- **Agenda Report Number 14.a.** (Agenda\_Report\_Number\_14.a..pdf)

**15. PUBLIC COMMENTS**

General Items (Speaker Card Required)

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

**17. ANNOUNCEMENTS**

(2) Vacancies on the Trails and Greenways Committee; (2) Vacancies on the Parks and Recreation Board, (1) Vacancy on the Planning and Zoning Board; and (2) Vacancies on the Board of Adjustment.

**18. ADJOURNMENT**

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

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



# TOWN OF MALABAR

## Regular Town Council Meeting

**AGENDA ITEM NO: 4.a.**

**Meeting Date: May 6<sup>th</sup>, 2024**

Prepared By: Richard W. Kohler, Town Clerk

---

**SUBJECT: Approve Minutes of 4/15/2024 RTCM Minutes**

---

**BACKGROUND/HISTORY:**

Summary of actions at Town Council Meetings

**ATTACHMENTS:**

- Draft Minutes of the RTCM of 4/15/2024

**ACTION OPTIONS:**

Review

**MALABAR TOWN COUNCIL  
REGULAR MEETING MINUTES  
April 15<sup>th</sup>, 2024, 7:30 PM**

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

**1. CALL TO ORDER:**

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

**2. ROLL CALL:**

CHAIR:

MAYOR PATRICK T. REILLY

VICE CHAIR:

DAVID SCARDINO

COUNCIL MEMBERS:

MARISA ACQUAVIVA

BRIAN VAIL

JIM CLEVENGER

MARY HOFMEISTER - EXCUSED

TOWN ATTORNEY:

KARL BOHNE

TOWN MANAGER:

LISA MORRELL

TOWN CLERK:

RICHARD KOHLER

For the record, Town Treasurer Makayla Austin, Public Works Director Bobby Johns, Building Department Manager Denine Sherear, and BCSO South Precinct Commander Little are also in attendance.

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

**4. CONSENT AGENDA:**

**4.a. Approve Minutes of 4/01/2024 RTCM**

Exhibit: Agenda Report Number 4.a.

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

**Vote: All Ayes (4-0).**

**5. PROCLAMATIONS: 2**

**5.a. Government Finance Professionals Week**

Exhibit: Agenda Report Number 5.a.

Mayor Reilly requested the Town Treasurer come to the podium. He then read the Proclamation into the record, and thanked Ms. Austin for her service.

**5.b. Thanking the Palm House for its Generous Donation**

Exhibit: Agenda Report Number 5.b.

Mayor Reilly requested Mr. Doug Proctor, owner of the Palm House, to come to the podium. He then read the Proclamation into the record, and thanked Mr. Proctor for the donation.

**6. ATTORNEY REPORT:** Attorney Bohne states the 2 suits pending for Form 6 litigation are moving slowly, particularly the State case. The Federal case is moving quickly, with a preliminary injunction hearing scheduled for April 22<sup>nd</sup>. If the injunction is entered the Form 6 requirement will be on hold. Mayor Reilly asks about the status of the ALF case. Attorney states the briefs have been filed, and the appellate court is looking to make a judgement if oral arguments will be granted.

**7. STAFF REPORTS**

**7.a. Manager**

TM Morrell began by stating that Rocky Point repairs are underway. She was able to meet the contractor on site, and they are hoping to complete the project before hurricane season. They are ordering the rock and beginning the prep work soon. Staff has received feedback from residents of the area and are working to mitigate any issues. The Weir Allen and Gilmore Street project is on hold while we wait for custom parts from our supplier. Rocky Point repaving is being discussed with VA Paving, in hopes to time the two projects to work together. The SLFR audit is due in the next 15 days. Staff has also filed for our FEMA extension. She also thanked the Staff for their assistance and attitude.

**7.b. Clerk**

Exhibit: Agenda Report Number 7.b.

Clerk Kohler states the Town participated in the 2024 Trash Bash. 15 volunteers collected over 1,00lbs of trash from Town Parks and Rights-of-ways. Staff also attended an April 9<sup>th</sup> FDOT FY 27 project update. The FDOT is planning 2 projects in Malabar, the resurfacing of SR 514 from Babcock Street to US 1, and the resurfacing of the South Bound lanes of US 1 from Rocky Point to Malabar Road. Staff has also prepared an article for the Palm Bay Chamber of Commerce Membership Directory. A draft has been provided to you tonight for review. Please provide Staff with any comments.

**7.c. Treasurer**

Exhibit: Agenda Report Number 7.c.

Treasurer Austin states that we are about halfway through our fiscal year. The Town has brought in about 2.4 million in revenue. They are on track with where we expected to be. Our income is about 1.5 million. No department is currently trending to be over budget. A Budget adjustment will be required to cover TMs contract.

**7.d. Fire Chief - Written**

Exhibit: Agenda Report Number 7.d.

**7.e. Public Works Director**

Exhibit: Agenda Report Number 7.e.

PW Director Johns provides Council with a description of successful ditch cleaning.

**7.f. Building Department**

Exhibit: Agenda Report Number 7.f.

BD Director Sherear states the Building Department has expanded, adding Ms. Lindsey Wilson as a permit technician. They have taken permitting classes together and work well together. The department has seen a lot of roofing permits, and currently has 4 site plans in review. Mayor Reilly asks what percentage of developers bring their own inspectors. Sherear states it is a very limited number, only 2 use their own inspectors.

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

**9. PUBLIC HEARINGS/SPECIAL ORDERS: 0**

**10. UNFINISHED BUSINESS/GENERAL ORDERS MAY INCLUDE ITEMS DIRECTLY RELATED TO TOWN APPOINTED BOARDS/COMMITTEES: 1**

**10.a. Trails and Greenways Committee Purchase Recommendation**

Exhibit: Agenda Report Number 10.a.



Staff Comments: Clerk Kohler states that at their 4/8/2024 meeting, the Trails and Greenways Committee recommended the purchase of 21 additional signs to be installed in and around the Cameron Preserve. 20 of the signs will be Cameron Preserve Boundary signs, to be installed along the south and western unfenced boundary of the preserve, and the remaining sign will replace the "Welcome to Malabar" and "No Outlet" signs along Briar Creek Blvd. The Committee has requested the Public Works Staff install the Welcome sign, and that the Committee volunteers install the Boundary signs.

**MOTION: CM Scardino/CM Vail to approve the recommended purchase of 21 signs for \$434.14 from Brevard County Traffic Operations.**

Discussion: CM Acquaviva asks if there will be too many signs in the area. Clerk Kohler explained the rationale behind the Boundary Signs. CM Vail states he supports this. CM Acquaviva states she supports it as well, and hopes they protect the trees.

**VOTE: ALL AYES (5-0)**

## 11. ACTION ITEMS:

**ORDINANCES FOR FIRST READING: 2**

**RESOLUTIONS: 2**

**MISCELLANEOUS: 0**

### 11.a. FIRST READING – Amend Town of Malabar Code Section 1-5.6 Accessory Buildings to Allow Shipping Containers for Storage Only (Ordinance 2024-02)

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

Exhibit: Agenda Report Number 11.a.

Clerk read by title only.

Staff Comments: TM Morrell states this has been back and forth from Council and Planning and Zoning. This Ordinance does not allow it for habitation and provides additional requirements. Clerk Kohler states if this First Reading is passed tonight, Staff will legally advertise for the Final Hearing at the May 6<sup>th</sup> RTCM.

**MOTION: CM Scardino/CM Acquaviva to approve the First Reading of Ordinance 2024-02.**

Discussion: CM Scardino asks if these are prone to uplift in a hurricane. CM Vail states they may roll, but they should be strapped down.

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

### 11.b. FIRST READING – Referendum Question for November 5, 2024, Election: Municipal Services Taxing Unit (MSTU) (Ordinance 2024-03)

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

Exhibit: Agenda Report Number 11.b.

Clerk read by title only.

Staff Comments: BCSO Commander Little states that all responses in Malabar fall under the MSTU. He wanted to come and introduce himself as the South Precinct Commander, in charge

of our area. Clerk Kohler states that the Town of Malabar has followed this procedure every two years as directed by Ordinance 2007-05 since 2008. Town Staff has notified both the Brevard Supervisor of Elections, and the Brevard County Sherriff's Office of our intent to hold this referendum. Clerk Kohler states if this First Reading is passed tonight, Staff will legally advertise for the Final Hearing at the May 6<sup>th</sup> RTCM.

**MOTION: CM Vail/CM Scardino to approve the First Reading of Ordinance 2024-03.**

Discussion: CM Vail states he is very happy with the service provided. He also provided some history as to why we hold the referendum every two years. CM Acquaviva reiterates that we appreciate their service. She is concerned that with how often it is on the ballot, it may confuse some residents, but she understands why we do it. Mayor Reilly states it has gone to vote 8 times and has passed at an average of 86%.

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

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

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

Clerk read by title only.

Staff Comments: Clerk Kohler states that this Resolution will appoint Ms. Wolfgram as a regular member. After a member resigned in November, the Board only had 4 regular members. Ms. Wolfgram has indicated her interest in beginning a new 3-year term.

**MOTION: CM Acquaviva/CM Scardino to approve Resolution 05-2024.**

Discussion: CM Acquaviva states she supports Ms. Wolfgram and appreciates her fresh perspective.

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

**11.d. Appoint Anne Vliegenthart as an Alternate Member of the Planning and Zoning Board (Resolution 06-2024)**

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

Clerk read by title only.

Staff Comments: Clerk Kohler states that this resolution will appoint Ms. Vliegenthart as an alternate member on the Planning and Zoning Board. She has completed all of the required paperwork and meets all of the minimum requirements for Board membership. She has also attended several Planning and Zoning Board meetings to familiarize herself with their processes.

**MOTION: CM Vail/CM Scardino to approve Resolution 06-2024.**

Discussion: None.

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

**12. DISCUSSION/POSSIBLE ACTION: 3**

**12.a. Town Council and Mayoral 2024 Election Qualifying**

Exhibit: Agenda Report Number 12.a.

Staff Comments: Clerk Kohler states he wanted to publicly provide this information to Council. The 2024 election is fast approaching, and this year 4 of the 6 elected officials of the Town will be up for election. Council Member Districts 1-3 and the Mayor will be elected at the November 5<sup>th</sup>, 2024, election. Included in the agenda packet are the requirements for eligibility for all positions, information on the Town's qualifying process, a paperwork checklist, sworn statements for both Mayoral and Council candidates and qualifying petitions for both offices. Unless Council has any recommended changes to the documents and information, no further action is required. Mayor Reilly reiterated the importance of correct forms.

### **12.b. Select Dates for TRIM Public Hearings**

Exhibit: Agenda Report Number 12.b.

Staff Comments: Clerk Kohler states that an important step in the annual TRIM process is selecting the dates for our TRIM public hearings. State Statutes require the Town to hold its TRIM public hearings on dates when the County Government and the School Board are not holding theirs, so that concerned residents would be able to speak at all TRIM hearings that affect them. Staff has compiled the meeting dates for both of those organizations, and is recommending Monday September 9, and Monday September 23 for the Town's public hearings. Staff is also recommending that the TRIM public hearings be held as a separate meeting, scheduled at 7 PM prior to the 7:30 RTCMs.

**MOTION: CM Scardino/CM Vail to approve the recommended TRIM Public Hearing dates, and an amended September RTCM schedule.**

Discussion: CM Acquaviva states those dates work for her. CM Vail states he can attend. Mayor Reilly states he will be unavailable for the 9/9/24 meeting. TM Morrell also requests Council provide any vacation dates over the summer to the clerk to assist in planning the budget workshops.

**VOTE: ALL AYES (4-0)**

### **12.c. Discussion – Review Land Development Code Table 1-3.3(A) Size and Dimensions Table**

Exhibit: Agenda Report Number 12.c.

Staff Comments: TM Morrell states that this has been recommended by Planning and Zoning. The wastewater column was removed by Council in 2006. We have added that column back in as it was last in the code. The table was also amended by making all decimals and percentages show as percentages, commas added in numbers over 1,000, and the single-family requirements removed from multifamily zoning districts RM-4 and RM-6. If someone wishes to build a single-family home in multifamily zoning districts, they should request a rezoning. With Council approval, staff will draft an Ordinance for future approval.

**MOTION: CM Scardino/CM Vail to direct Staff to prepare this as Ordinance 2024-04 to be heard for First Reading at the May 6<sup>th</sup> RTCM.**

Discussion: Mayor requests the floor area ratio from the code be included in the table. TM Morrell states this will be in the verbiage of the Ordinance. CM Acquaviva asks if we still need it? Mayor Reilly states the current language does make more sense. CM Acquaviva agrees being direct in the code is very important. TM Morrell states it is best to not leave anything ambiguous. Mayor states that RM-6 is only currently on US 1, and to get the higher density, they would have to bring water and sewer down from the Yellow Dog.

**VOTE: ALL AYES (4-0)**

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

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

**CM Acquaviva:** She thanked the Departments for their reports. She felt the charts were great, and hopes they continue using them in the future.

**CM Vail:** He is moving forward with the Historical House and will be meeting an engineer to discuss it tomorrow.

**CM Clevenger:** None

**CM Scardino:** None

**CM Hofmeister:** Excused

**Mayor Reilly:** He thanked Treasurer Austin for her presentation.

16. **ANNOUNCEMENTS:** (1) Vacancy on the Planning & Zoning Board; (2) Vacancies on the Parks and Recreation Board; (2) Vacancies on the Board of Adjustment; (2) Vacancies on the Trails and Greenways Committee.
17. **ADJOURNMENT:** There being no further business to discuss and without objection, the meeting was adjourned at 8:27 P.M.

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

ATTEST:

\_\_\_\_\_  
Richard W. Kohler  
Town Clerk

Date Approved: 05/06/2024 .

DRAFT

# TOWN OF MALABAR

## COUNCIL MEETING

**AGENDA ITEM NO: 4.b**  
Meeting Date: May 6<sup>th</sup>, 2024

Prepared By: Lisa Morrell, Town Manager

---

**SUBJECT: Surplus of Municipal Owned Property (Vehicles)**

---

### BACKGROUND/HISTORY:

In accordance with Florida State Statute Chapter 274.05 entitled TANGIBLE PERSONAL PROPERTY OWNED BY LOCAL GOVERNMENTS, staff is requesting Town council to classify the attached list of staff identified surplus equipment of the Town of Malabar deemed as surplus property for disposal through public sale.

Town Staff will publicly offer the property for sale through Gov Deals, an Auctioneer Service and Related Products contract number R100601 with Omnia Partners National Cooperative Purchase Contract vendor.

#### **Auction ID PW-24-01:**

John Deere Tractor, Model JD 6105e with Samurai 22' Boom serial # 1P06105EEH0010085 and 60" Grass flail gear, Serial # BGF60G-B171809 purchased from Everglades Equipment Group delivered on August 18, 2017, approved by Town Council on June 5, 2017 in the amount of \$139,9688.40.

An Alamo Ditcher Head attachment assembly was purchased November 1, 2018, was purchased for this specific vehicle in the amount of \$12,68.44, and is slated to be sold with the unit.

All connections from the Tractor and Boom were severed during maintenance operations in early 2023 and the unit was towed back to the Public Works Yard. The cost to repair or remove the equipment was determined to be cost prohibitive, whereas a new Slope Mower was purchased as a replacement. Research shows a potential revenue upwards of \$55,000.





**Auction ID PW-24-02:**

2005 Ford F250, VIN 1FTSW2OP15EB90028, purchased from an individual, Jason Hobbs, on October 8, 2010, \$14,400 with 88,000 miles. The vehicle currently has over 126,000 miles, damage to the driver's side door frame, driver's seat is torn, and inoperable air conditioning. Online Appraisal provides an estimated revenue of \$3700 and reduces the Town's capital asset inventory, maintenance, and insurance costs.

At the March 4, 2024, RTCM, The Fire Department was approved to surplus Wildland Fire Apparatus Converted Military Unit, 1989 M817 5-Ton military 6x6, VIN# NL00B2C13310523, the item did not reach the reserve price. Since that time, Public Works is requesting to transfer the asset to the Public Works vehicle inventory to use as a water truck for roads and Town maintained culvert maintenance.

**ATTACHMENTS:**

**FINANCIAL IMPACT:**

Estimated Surplus Revenue, \$53,600  
GL Account Number 001.365.0000

**ACTION OPTIONS:**

Motion to surplus the attached list of government property as surplus for sale and donation per FSS. 274.05 using Gov Deals.

# TOWN OF MALABAR

## COUNCIL MEETING

**AGENDA ITEM NO: 4.c**  
Meeting Date: May 6, 2024

Prepared By: Lisa Morrell, Town Manager

---

**SUBJECT: Surplus of Municipal Owned Property (Electronics)**

---

### BACKGROUND/HISTORY:

In accordance with Florida State Statute Chapter 274.05 entitled TANGIBLE PERSONAL PROPERTY OWNED BY LOCAL GOVERNMENTS, staff is requesting Town council to classify the attached list of staff identified surplus equipment of the Town of Malabar deemed as surplus property for disposal through public sale.

Town Staff will publicly offer the property for sale through GovDeals, an Auctioneer Service and Related Products contract number R100601 with Omnia Partners National Cooperative Purchase Contract vendor.

### Auction ID IT-24-01 (Lot 1)

Make	Model	Serial Number	Description
Fellowes	Pulsar+ 300	CRC 50068 / 160422 VB 0023552	Office Comb Binder and supplies
Memorex, Maxell, Sony, Office Depot	N/A	N/A	Various Blank DVD-R, CDRW, CD-R, and Avery 5698 Matte White CD laser labels
HP	LaserJet Pro M402n	PHBHF24364	Printer with cord
HP	Pagewide Pro 477DW		Printer with cord
HP	972A Cyan		Cyan ink cartridge
HP	ProDesk 400G1	MXL5232D78	Desktop PC Tower
HP Scotch	ProDesk 400G1 TL 901	MXL5232D58 0807016963 0108167986	Desktop PC Tower Thermal Laminator

### ATTACHMENTS:

Photographs

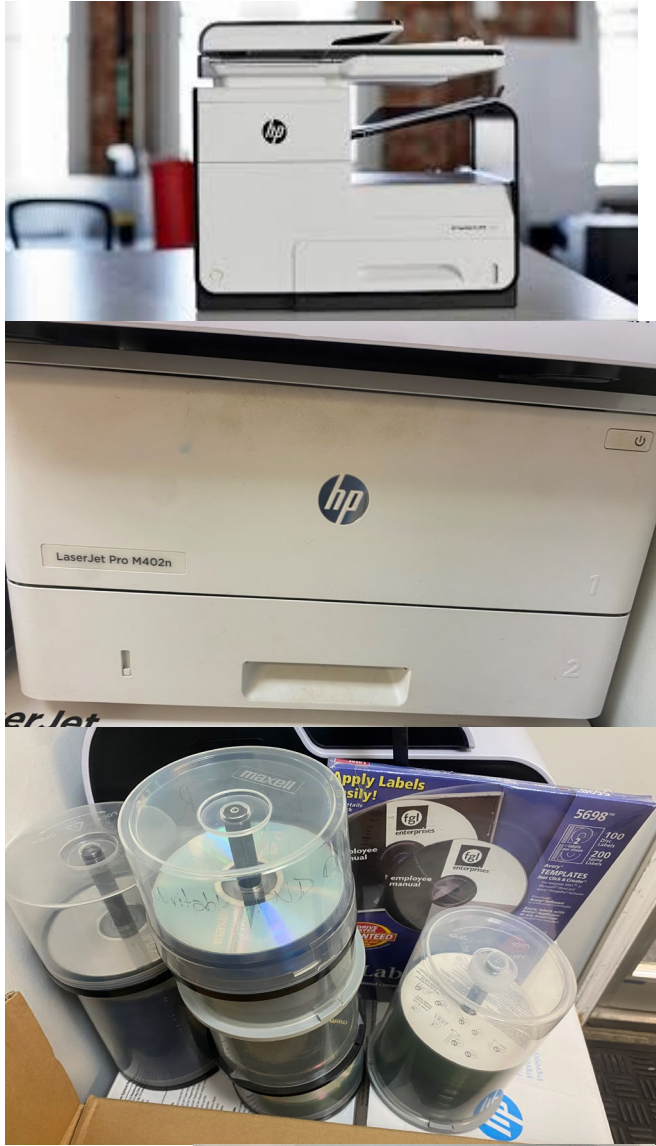
### FINANCIAL IMPACT:

No direct expenses other than staff time to prepare lot for auction and pickup with winning bidder; all surplus sale proceeds will return to the fund where originally purchased.

### ACTION OPTIONS:

Motion to surplus the attached list of government property as surplus for sale and donation per FSS. 274.05 using GovDeals.





# Town of Malabar

Annual Audit for the Year Ended  
September 30, 2023

Presented by:  
Zach Chalifour, CPA

 JAMES  
MOORE  
888-387-6851  
[www.jmco.com](http://www.jmco.com)



# Auditors' Reports

- **Independent Auditors' Report** (pages 1-3)
  - Qualified Opinion due to GASB 75 (OPEB)
- **Independent Auditors' Report on Internal Control and Compliance – Government Auditing Standards** (pages 33-34)
  - 2 Material Weaknesses – Reconciliation of Account Balances/Audit Adjustments; and Accruals, Bank Investment Account Reconciliations
- **Independent Auditors' Management Letter Required by Chapter 10.550, Rules of the Auditor General Report** (pages 35-37)
  - 1 Other Recommendation: Building Department Fund Balance
- **Independent Accountants' Examination Report** (page 38)
  - Town in compliance with state statutes over investment activity/policies

# General Fund (Page 11)

<u>Fund Balance</u>	<u>9/30/2023</u>	<u>9/30/2022</u>	<u>9/30/2021</u>	<u>9/30/2020</u>
Nonspendable	\$ -0-	\$ 4,302	\$ 29,223	\$ 177
Restricted	372,689	301,480	230,060	204,741
Committed	107,472	38,258	-0-	29,800
Assigned	609,143	93,529	154,442	180,385
Unassigned	1,980,955	1,650,615	1,366,885	1,291,616
<b>Total</b>	<b>\$ 3,070,259</b>	<b>\$ 2,088,184</b>	<b>\$ 1,780,610</b>	<b>\$ 1,706,719</b>

## General Fund (continued)

Total Assigned/Unassigned Fund Balance	\$ 2,590,098
2023 Expenditures and Transfers Out	\$ 2,992,745
Assigned/Unassigned Fund Balance as a percentage of Expenditures:	86.5%
Prior Year %	72.4%
GFOA Minimum Recommendation (2 Months)	16.7%

# Other Highlights

- Long-term debt
  - \$241,278 repayment on financed acquisitions; \$3,900 SRF loan payments
- ARPA
  - \$720,470 reported as unearned revenue due to limited expenses in FY23
  - \$557,369 ARPA expenditures during FY23
- Net Pension Liability – recorded in financial statements
  - Governmental Activities: \$1,624,126 net pension liability (allocated from FRS)
  - Overall impact of pension liability
  - All Town contributions made



**QUESTIONS**

*Official*  
*Proclamation*  
*Town of Malabar,*  
*Florida*

**Designating the Second Week in May as “Lung Cancer Action Week”**

**WHEREAS**, the Lung Force Initiative celebrates 10 years of progress to defeat Lung Cancer in 2024; and

**WHEREAS**, The American Lung Association celebrates 120 years of impact in 2024; and

**WHEREAS**, about every two minutes, a person in the U.S. is diagnosed with lung cancer; and

**WHEREAS**, lung cancer is the leading cause of cancer deaths; and

**WHEREAS**, lung cancer screening saves lives, and advocacy and increased awareness will result in more high-risk individuals getting screened; and

**WHEREAS**, public support for research funding will result in new treatments and better methods of early detection; and

**WHEREAS**, Lung Force is a national initiative led by the American Lung Association, to defeat lung cancer.

**NOW, THEREFORE**, I, Patrick T. Reilly, Mayor of the Town of Malabar, by virtue of the authority vested in me by the laws of Brevard County and the State of Florida, do hereby proclaim the second week of May as Lung Cancer Action Week through out the Town of Malabar, and encourage all residents of Malabar to learn more about lung cancer, risk factors and early detection and take action.

Town of Malabar Florida

\_\_\_\_\_  
Patrick T. Reilly  
Town of Malabar, Mayor

ATTEST:

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



*Official*  
*Proclamation*

*Town of Malabar,*

*Florida*

**55th ANNUAL PROFESSIONAL MUNICIPAL CLERKS WEEK**  
**May 5 - 11, 2024**

**WHEREAS**, The Office of the Professional Municipal Clerk, a time honored and vital part of local government exists throughout the world; and

**WHEREAS**, The Office of the Professional Municipal Clerk is the oldest among public servants; and

**WHEREAS**, The Office of the Professional Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels; and

**WHEREAS**, Professional Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

**WHEREAS**, The Professional Municipal Clerk serves as the information center on functions of local government and community; and

**WHEREAS**, Professional Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Professional Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations; and

**WHEREAS**, It is most appropriate that we recognize the accomplishments of the Office of the Professional Municipal Clerk.

**NOW, THEREFORE**, I, Patrick T. Reilly, Mayor of the Town of Malabar, by virtue of the authority vested in me by the laws of Brevard County and the State of Florida, do hereby proclaim the week of May 5<sup>th</sup> through 11<sup>th</sup> 2024 as Professional Municipal Clerks Week, and further extend appreciation to our Professional Municipal Clerk, Richard Kohler, and to all Professional Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Town of Malabar Florida

\_\_\_\_\_  
Patrick T. Reilly  
Town of Malabar, Mayor  
*ATTEST:*

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

# Developing New Shoreline Protection Techniques

Mara Skadden, M.S.

Director of Science for the Marine Resources Council

3275 Dixie Hwy NE, Palm Bay, FL 32905 • 321.725.7775

Science + Education + Advocacy

# Who is the Marine Resources Council?

- MRC was founded in 1983 by Florida Tech professors and is a 501 c(3) organization devoted to protecting and restoring the Indian River Lagoon (IRL) through sound science
- SEA Change

3275 Dixie Hwy NE, Palm Bay, FL 32905 • 321.725.7775

Science + Education + Advocacy

# Shoreline Development in Florida

Land use changes from the growing population and urbanization in Florida and throughout the world have altered coastal ecosystems.

Along Florida's coasts, many habitats have been altered or removed to accommodate booming population growth.



# Shoreline Hardening Stabilization Techniques

## Seawalls & Bulkheads

- Long-term solution against flooding and storms
- Expensive
- Causes beaches to disappear
- Bottom scouring
- Not recommended by FDEP or NEP
- Can change the gradual sloping profile to a right-angle
  - Eliminates intertidal habitat
- No filtration of runoff from land to estuary
- No fish and wildlife habitat
- Blocks migratory pathways for plants and animals

# Living Shoreline Restoration

- Nature-based solutions to shoreline erosion and tidal flooding
- 3 categories
  - Natural living shorelines
  - Hybrid living shorelines
  - Structural living shorelines



**Living Shorelines**



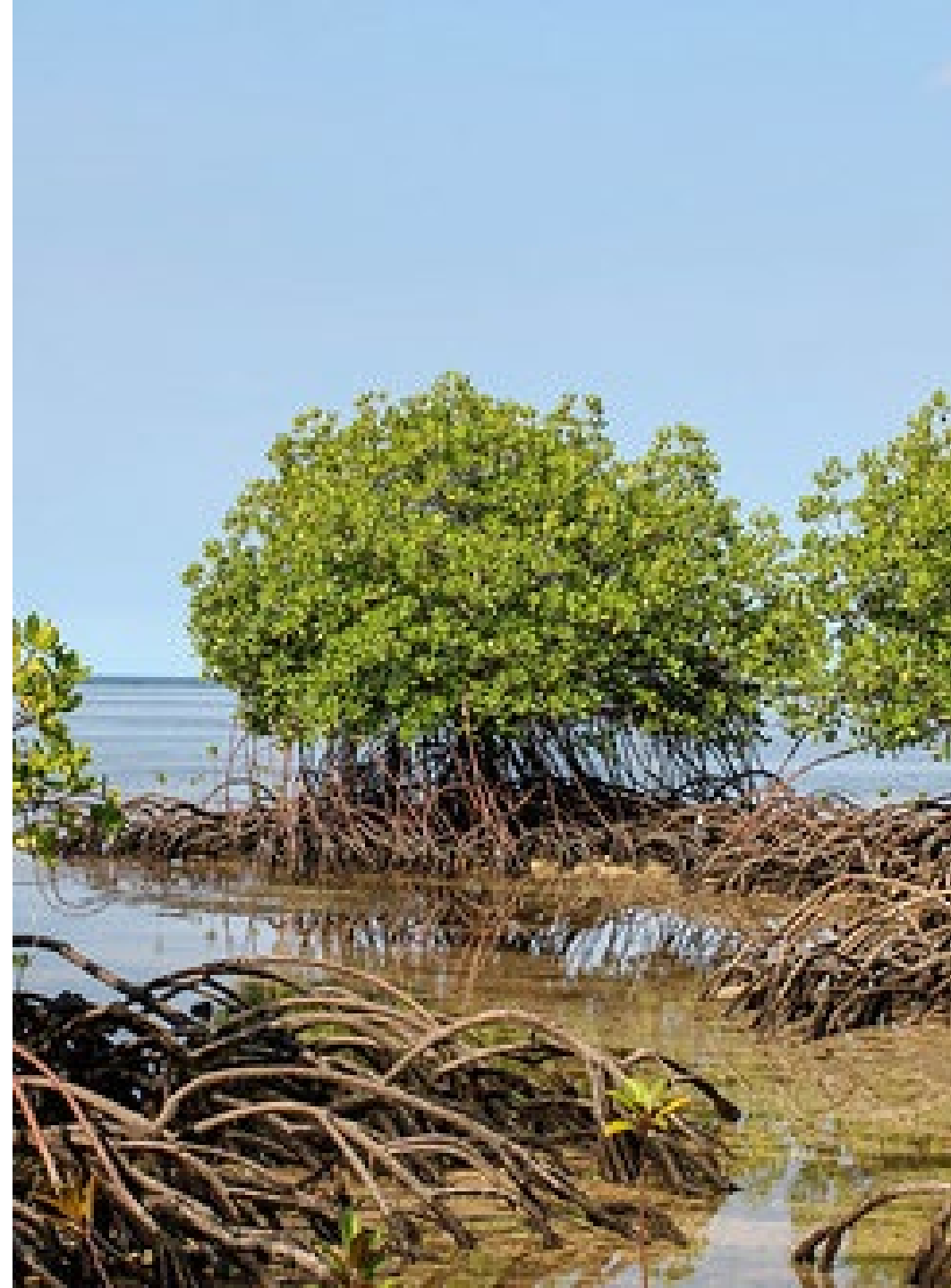
**Partial Living Shoreline**



**No Living Shoreline**

# Mangroves

- Habitat for thousands of species at all levels of marine and forest food webs
- Breeding grounds for fish, shrimp, crabs, and other shellfish
  - 75% of commercially caught fish depend on mangroves
- Absorb 70-90% of wave energy
- Filters of nitrates and phosphates
- Natural carbon sinks
- Reduce erosion– build shorelines





# 2024 Reef Arch Hybrid Deployment

- **Problem:** Eroding shoreline, bluff destabilization, unhealthy shoreline
- **Solution:** Hybrid living shoreline with structural breakwater and native vegetation planting
- Deployed 37 Reef Arch modules in late March 2024
- Mangrove planting in late June 2024

# 2024 Reef Arch Hybrid Deployment

- Ease of permitting
- No heavy machinery or barge
- Deployed in 4 days with small crew

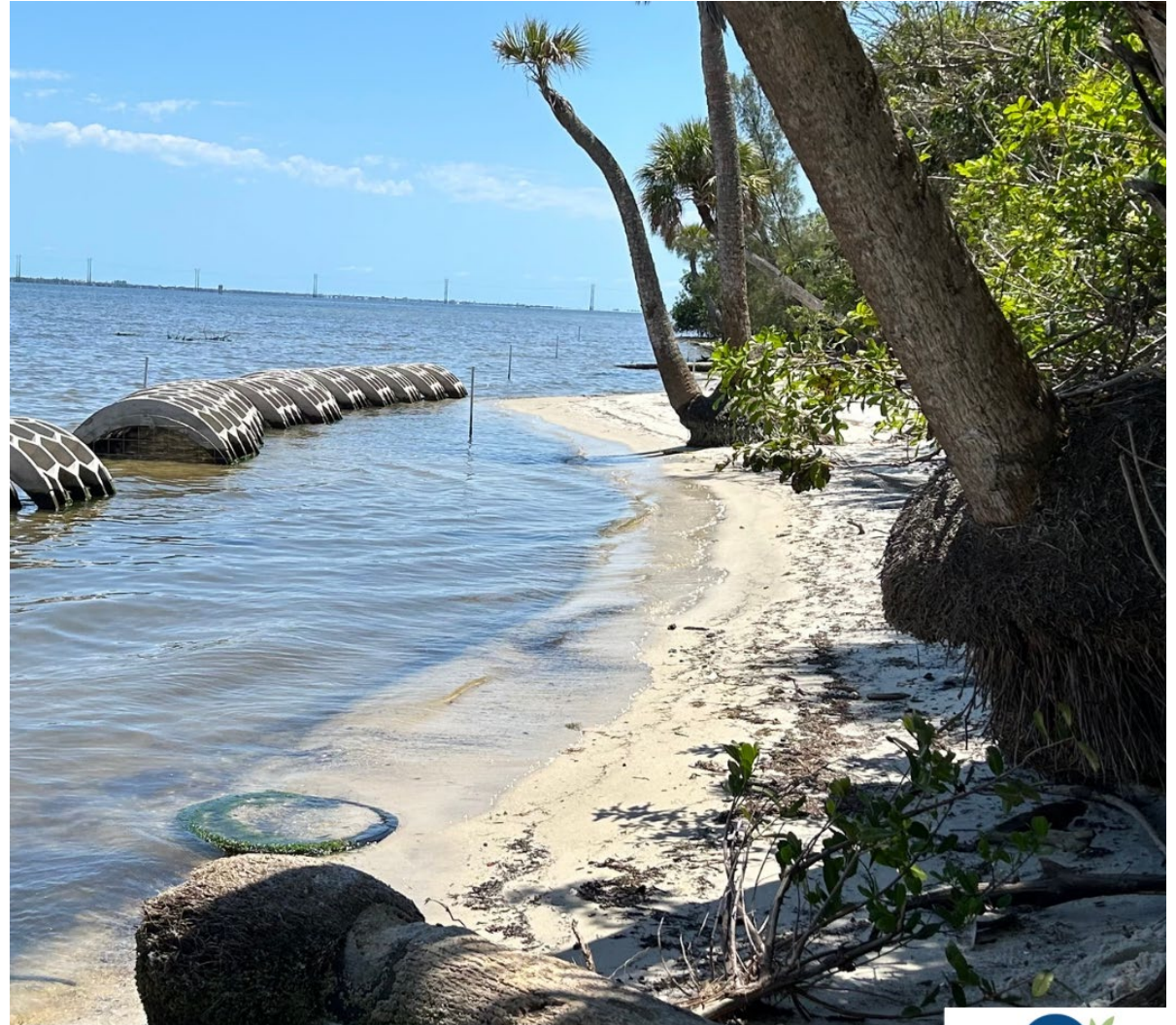








**Before Reef Arch**



**After Reef Arch**



# Thank you!

3275 Dixie Hwy NE, Palm Bay, FL 32905 • 321.725.7775

Science + Education + Advocacy

# TOWN OF MALABAR

## REGULAR TOWN COUNCIL MEETING

**AGENDA ITEM NO: 8.a**

**Meeting Date: May 6<sup>th</sup>, 2024**

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

---

**SUBJECT:** Trails and Greenways Committee Report

---

### **BACKGROUND/HISTORY:**

The Trails and Greenways Committee met on April 8<sup>th</sup>. At their meeting they approved minutes and discussed:

- Trail, Kiosk and Firebreak conditions
- MSS Restoration Observations
- Cameron Preserve Update
  - o Including the first video of the Trail Walkthrough Series (Green Trail to CTS)
  - o Second video created (Impala Trail)
- Eagles Nest Trailhead Update
- Next Field Event schedule for May 3<sup>rd</sup> to complete the Eagles Nest Trailhead Fence.
- Board Member Comments
  - o CM Wilbur requests action on increased crossing signals, signs or crosswalks for Marie Street and Malabar Road
  - o Chair Thompson requests the Town consider changing the Zoning Designation of the Nature Preserves in Town from Institutional to a new Conservation designation. He specially noted Florida Statute 253.0341 as the reason for his request.
    - F.S. 253.0341 provides for the surplus of State-owned lands.

### **ATTACHMENTS:**

- a. [Link to the First Trail Walkthrough Video](#)

### **ACTION OPTIONS:**

- a. Direct Staff if they should investigate creating a new Zoning Designation for Conservation property in the Town of Malabar.

# TOWN OF MALABAR

## REGULAR TOWN COUNCIL MEETING

**AGENDA ITEM NO: 8.b**

**Meeting Date: May 6<sup>th</sup>, 2024**

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

---

**SUBJECT: Parks and Recreation Board Report**

---

### **BACKGROUND/HISTORY:**

The Parks and Recreation Board met on April 17<sup>th</sup>. At their meeting they approved the minutes and continued to plan the October 19<sup>th</sup>, 2024, Trunk'or'Treat FallFest. The event will include:

- Hayrides (Provided by Public Works)
- Costume and Pumpkin Carving Contest
  - o Parks and Recreation Board has requested Council assistance in contest judging.
    - Board has indicated they wish to have the winner selected from current attendees. (no registration required)
    - Costume Contest winner picked at 6.
    - Pumpkin Carving Contest winner picked at 6:30.
- Trunk'or'Treat area
- Food Trucks
- Small Kids Zone
- Small Batch of event shirts for sale (30 total)

The Board also discussed the status of existing park facilities. They made the following recommendations:

- Removal of Fire Pit from Sandhill Trailhead.
- Removal of old and deteriorating picnic benches from Sandhill Trailhead.
- Stain remaining picnic benches to protect from weather.
- Transfer one bench from Sandhill Trailhead to Eschenberg Park (under new pavilion)
- Chair Kemmler noted that several of the metal features in Malabar Community Park are showing signs of rusting.
  - o Staff is seeking quotes on Sandblasting the following items at Malabar Community Park:
    - Metal Supports of the Sunshade covering the Playground.
    - Metal Supports of the 6 smaller pavilions around the parking lot and playground.
    - Metal Structure of the Tire Swing.
    - Metal Parking Bollards in main Parking Lot.
  - o Staff has met with 3 contractors requesting quotes, and will provide the quotes in budget discussions.

Additionally, the pavilion at Eschenberg Park was completed.

### **ATTACHMENTS:**

- a. Picture of the new Eschenberg Park Pavilion

### **ACTION OPTIONS:**

- a. Provide direction to Staff and the Parks and Recreation Board if Council is willing to participate as Judges in the FallFest Contests.



Purchased through the Florida  
Communities Trust Preservation  
2000 Program in cooperation  
with the Town of Malabar and  
dedicated for public use as a  
passive natural resource-based  
recreation site—acquired in 1999

TOWN OF MALABAR  
NATURE CENTER

In Memory of Those  
Who Served Malabar



# TOWN OF MALABAR

## REGULAR TOWN COUNCIL MEETING

AGENDA ITEM NO: **8.C**  
Meeting Date: May 6<sup>th</sup>, 2024

Prepared By: Richard W. Kohler, Town Clerk

---

**SUBJECT:** Planning and Zoning Board Report

---

### **BACKGROUND/HISTORY:**

The Planning and Zoning Board has not met since their last report to Council. Their next meeting is scheduled for Wednesday May 8<sup>th</sup>.

### **ATTACHMENTS:**

- a. None

### **ACTION OPTIONS:**

- a. None

# TOWN OF MALABAR

## COUNCIL MEETING

### Agenda Report Number 9.a.

Meeting Date: May 6<sup>th</sup>, 2024

Prepared By: Lisa Morrell, Town Manager

---

#### SUBJECT: Special Projects - SLFRF Compliance Submission & Update

---

#### Annual State & Local Fiscal Recovery Funds Compliance Reports Submission

The annual compliance project and expenditures report was due April 30, 2024. The annual report and project status has been updated and submitted to the United States Treasury portal for State & Local Fiscal Recovery Funds (SLFRF), formerly referred to as American Rescue Plan Act (ARPA).

A summary of attached full report of the project status and expenditures utilized through March 31, 2024, are listed in the following table. The Town has elected to use these funders under the Revenue Replacement (06) as a Provision of Government Services (61) as a Non-entitlement Unit (NEU) with funding with less than \$10 million and a set allocation of \$1,595,000.

Name	Project Identification	Total Obligations	Total Expenditures	Q1_2024 Expenditures	Completion Status
Digitize Public Records	TOM-22-01	\$ 13,615.19	\$ 13,615.19	\$ -	Completed
Town Clerk Back Scanning	TOM-22-01a	\$ 15,470.90	\$ -	\$ -	Completed less than 50
Building Back Scanning	TOM-22-01b	\$ -	\$ -	\$ -	Cancelled
Digital Public Information Sign	TOM-22-02	\$ 37,225.00	\$ 37,225.00	\$ -	Completed
Digital Public Information Sign-Electrical	TOM-22-02a	\$ 1,017.00	\$ 1,017.00	\$ -	Completed
FD 911 Radios	TOM-22-03	\$ 127,024.27	\$127,024.27	\$ -	Completed
COVID-19 FD DCON	TOM-22-04	\$ 800.00	\$ 800.00	\$ -	Completed
Special Projects Manager 50% Salary & Benefits	TOM-22-05	\$ 135,022.50	\$135,022.50	\$ 20,417.50	Completed
FTE Software	TOM-22-05a	\$ 279.99	\$ 279.99	\$ -	Completed
Park Restroom Facility Touchpoint Upgrades	TOM 22-06	\$ 87,411.78	\$ 87,411.78	\$ 74,411.78	Completed
FD Patient Care - LifePak	TOM 22-07	\$ 38,412.94	\$ 38,412.94	\$ 38,412.94	Completed
GPS Field Tracking Asset Tool	TOM 22-08	\$ 5,201.75	\$ 5,201.75	\$ -	Completed
FD Electronic Incidents Patient Records	TOM-22-09	\$ 11,009.72	\$ 11,009.72	\$ -	Completed

FD Station Radio Dispatch Toning	TOM-22-10	\$ 17,971.05	\$ 17,971.05	\$ 17,971.05	Completed
Cybersecurity	TOM-22-11	\$ -	\$ -	\$ -	Cancelled
Medical/PPE Supplies	TOM-22-12	\$ 8,193.06	\$ -	\$ -	Completed less than 50
Park Improvements	TOM-22-13	\$ 47,847.23	\$ 21,239.56	\$ 21,239.56	Completed 50 or more
Road Pavement Analysis	TOM-22-14	\$ 29,925.00	\$ 29,925.00	\$ 8,452.50	Completed
Roadway Projects	TOM-22-15	\$ 379,269.62	\$379,269.62	\$379,269.62	Completed
Stormwater Projects	TOM-22-16	\$ 310,511.00	\$ -	\$ -	Completed less than 50
Water Expansion	TOM-22-17	\$ 329,011.00	\$ -	\$ -	Completed less than 50

**\$1,595,219.00**      **\$905,425.37**      **\$560,174.95**

**ATTACHMENTS:**

P&E Report-Annual March 2024.PDF

**FISCAL IMPACT:**

\$560,74.95 Remaining in obligated funds.

**ACTION:**

Motion to approve the Annual 2024 SLFRF P&E Report though March 2024.

**SLFRF Compliance Report - FL0191 - P&E Report - 2024**  
**Report Period : Annual March 2024**

---

**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
Adopted Budget	\$87,411.78
Total Cumulative Obligations	\$87,411.78
Total Cumulative Expenditures	\$87,411.78
Current Period Obligations	\$0.00
Current Period Expenditures	\$74,411.78
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	\$0.00
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>
---------------------	--

**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	\$0.00
Current Period Expenditures	\$0.00
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	\$11,009.72
Total Cumulative Obligations	\$11,009.72
Total Cumulative Expenditures	\$11,009.72
Current Period Obligations	\$0.00
Current Period Expenditures	\$0.00
	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>
---------------------	---

**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
Adopted Budget	\$17,971.05
Total Cumulative Obligations	\$17,971.05
Total Cumulative Expenditures	\$17,971.05
Current Period Obligations	\$0.00
Current Period Expenditures	\$17,971.05
	<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>
---------------------	---

**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	Completed 50% or more
Adopted Budget	\$47,847.23
Total Cumulative Obligations	\$47,847.23
Total Cumulative Expenditures	\$21,239.56
Current Period Obligations	\$26,607.67
Current Period Expenditures	\$21,239.56
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. 3/15/2024 Tennis &amp; Basketball Courts Resurfacing Project, \$21,239.56.</p>

**Project Name: Cybersecurity**

---

Project Identification Number	TOM-22-11
Project Expenditure Category	6-Revenue Replacement
Project Expenditure Subcategory	6.1-Provision of Government Services
Status To Completion	Cancelled
Adopted Budget	\$0.00
Total Cumulative Obligations	\$0.00
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	Completed less than 50%
Adopted Budget	\$8,193.06
Total Cumulative Obligations	\$8,193.06
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
Adopted Budget	\$29,925.00
Total Cumulative Obligations	\$29,925.00
Total Cumulative Expenditures	\$29,925.00

Current Period Obligations	\$0.00
Current Period Expenditures	\$8,452.50
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	Completed
Adopted Budget	\$379,269.62
Total Cumulative Obligations	\$379,269.62
Total Cumulative Expenditures	\$379,269.62
Current Period Obligations	\$0.00
Current Period Expenditures	\$379,269.62
	Streets and Roads are a core service of the Town's operation.

Project Description	Funding allocated in this project will consists of Town Council's priorities derived from Project# 22-14 Road Analysis to improve maintenance of existing paved roadways. Approved by Town Council June 20, 2022. 23/24 Weber Road Resurfacing & Striping.
---------------------	--

**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	Completed less than 50%
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. PBUD Task Order 24-05-IS PB Town Council approval 3/21/2024.

**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	\$13,615.19
Total Cumulative Obligations	\$13,615.19
Total Cumulative Expenditures	\$13,615.19
Current Period Obligations	\$0.00
Current Period Expenditures	\$0.00
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	Completed less than 50%
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
Project Description	Town Clerk records for back scanning to include agendas, minutes, financial information (payments, receivables, budgets, payroll, etc), ordinances, and resolutions. Town Council Approval Date: March 7, 2022.

**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	Cancelled
Adopted Budget	\$0.00
Total Cumulative Obligations	\$0.00
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	\$0.00
Current Period Expenditures	\$0.00
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	\$0.00
Current Period Expenditures	\$0.00
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	\$127,024.27
Total Cumulative Obligations	\$127,024.27
Total Cumulative Expenditures	\$127,024.27
Current Period Obligations	\$0.00
Current Period Expenditures	\$0.00
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
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
Adopted Budget	\$135,022.50
Total Cumulative Obligations	\$135,022.50
Total Cumulative Expenditures	\$135,022.50
Current Period Obligations	\$0.00
Current Period Expenditures	\$20,417.50
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	\$0.00
Current Period Expenditures	\$0.00
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. 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	\$905,425.37
Total Adopted Budget	\$1,595,219.00
Total Number of Projects	21
Total Number of Subawards	0
Total Number of Expenditures	0

Have you expended \$750,000 or more in federal award funds during your most recently completed fiscal year?	No
---	----

## Certification

Authorized Representative Name	Lisa Morrell
Authorized Representative Telephone	(321) 727-7764
Authorized Representative Title	Special Projects Manager
Authorized Representative Email	<a href="mailto:lmorrell@townofmalabar.org">lmorrell@townofmalabar.org</a>
Submission Date	4/29/2024 5:02 PM

# TOWN OF MALABAR

## REGULAR TOWN COUNCIL MEETING

**AGENDA ITEM NO: 9.b.**

Meeting Date: May 6<sup>th</sup>, 2024

Prepared By: Richard W. Kohler, Town Clerk

---

**SUBJECT:** Town Clerk

---

### **BACKGROUND/HISTORY:**

The Town Clerk has created a spreadsheet to track all Road Paybacks due throughout the Town. This process was previously maintained in a three-ring binder kept in the Clerk's office. This document has been shared with the rest of Staff to make verifying any paybacks required easier. The Clerk will begin recording these payback requirements as liens on the properties, as directed by Ordinance 2021-13, ensuring that the payback requirement appears on any lien search completed for the property. A PDF Version of the document is attached to this agenda report.

Staff has also continued sending delinquent notices to BTR holders who have not paid their 2023/2024 renewal dues. There are currently 11 local businesses operating with an expired BTR, and 14 insurance agencies. The insurance agencies have been reported to the Florida League of Cities for attempted collection.

Staff has also drafted Ordinance 2024-04, amending Table 1-3.3(A), as directed by Council at the April 15th RTCM. During review of the Ordinance, Staff found a conflict with the suggested changes and the Town's Comprehensive Plan. Staff plans on having the item prepared as a discussion item for the May 20th RTCM.

### **ATTACHMENTS:**

- Road Payback Master Sheet

### **ACTION:**

- None.

<b>Certified Cost</b>	\$ 186,174.80
<b>Footage</b>	1322.56
<b>Cost per Foot</b>	\$ 70.37
<b>Builder Name</b>	Christopher Hampson
<b>Payback Address</b>	1975 Atz Road
<b>Accepted By</b>	Resolution 03-2024
<b>Accepted Date</b>	3/18/2024

Parcel #	Address	Status	Footage	Payback	Total Due	To Builder	To Town	Notes
29-37-12-00-29	2015 Atz Road	Occupied	365	Unpaid	\$ 25,685.05	\$ 25,419.20	\$ 256.85	To be paid if developed with a connection to Candy Lane
29-37-12-00-65	None	Vacant	200	Unpaid	\$ 14,074.00	\$ 13,933.26	\$ 140.74	To be paid prior to any permits
29-37-12-00-74	None	Vacant	200	Paid	N/A	\$ 13,933.26	\$ 140.74	Paid by Check #152 on 3/19/2024
29-37-12-00-73	None	Vacant	200	Paid	N/A	\$ 13,933.26	\$ 140.74	Paid by Check #152 on 3/19/2024
29-37-12-00-75	None	Vacant	200	Unpaid	\$ 14,074.00	\$ 13,933.26	\$ 140.74	To be paid prior to any permits
29-37-12-00-27	2705 Candy Lane	Occupied	200	Grandfathered	N/A	N/A	N/A	Home built prior to road.
29-37-12-00-257	2700 Candy Lane	Occupied	200	Grandfathered	N/A	N/A	N/A	Private agreement with Road Builder prior to build
29-37-12-00-250	1975 Atz Road	Occupied	900	Builder	N/A	N/A	N/A	Provided promisory notes of payment for two future lot splits. Included with Resolution 03-2024.

<b>Certified Cost</b>	\$	5,150.00
<b>Footage</b>	400x50	
<b>Cost per Foot</b>	\$	6.44
<b>Builder Name</b>	Robert K. Reese	
<b>Payback Address</b>	550 Reese Road	

Parcel #	Address	Status	Footage	Payback	Total Due	To Builder	To Town	Notes
29-37-10-00-83	2735 Hard Way Lane	Occupied	200	Paid	N/A	N/A	N/A	N/A
29-37-10-00-73	2740 Hard Way Lane	Occupied	200	Paid	N/A	N/A	N/A	N/A
29-37-10-00-13	2770 Hard Way Lane	Occupied	200	Paid	N/A	N/A	N/A	N/A
29-37-10-00-21	2825 Hard Way Lane	Occupied	200	Unpaid	\$ 1,288.00	\$ 1,238.00	\$ 50.00	This lot was joined with the parcel south of it. It currently has a barn on it. If a home is ever developed here, payback will be required.

<b>Certified Cost</b>	\$ 18,870.00
<b>Footage</b>	400x50
<b>Cost per Foot</b>	\$ 23.59
<b>Builder Name</b>	Jimmy Messer
<b>Payback Address</b>	PO BOX 425 Sharpes 3216320074
<b>Accepted Date</b>	11/06/2006 RTCM

Parcel #	Address	Status	Footage	Payback	Total Due	To Builder	To Town	Notes
29-37-01-00-823	2225 Howell Lane	Occupied	200	Builder	N/A	N/A	N/A	N/A
29-37-01-00-775	2230 Howell Lane	Improved	200	Grandfathered	N/A	N/A	N/A	Home Built in 1982
29-37-01-00-861	2200 Howell Lane	Occupied	200	Grandfathered	N/A	N/A	N/A	Home Built in 1984
29-37-01-00-829	2215 Howell Lane	Vacant	200	Unpaid	\$ 4,718.00	\$ 4,668.00	\$ 50.00	Road Payback required prior to BP issues

<b>Certified Cost</b>	N/A
<b>Footage</b>	Complete Road Paved
<b>Cost per Foot</b>	\$ 11.82
<b>Builder Name</b>	Town of Malabar
<b>Payback Address</b>	Town of Malabar
<b>Resolution</b>	Reso 10-2020

Parcel #	Address	Status	Footage	Payback	Amount Still Due	Amount Paid	Notes
29-37-01-00-522	2310 Hunter Lane	Occupied	56	Paid	\$ -	\$ 661.92	Paid 10/25/2021
29-37-01-00-537	None	Vacant	56	Unpaid	\$ 661.92	\$ -	N/A
29-37-01-00-581	2340 Hunter Lane	Occupied	200	Paid	\$ -	\$ 2,364.00	Paid 02/25/2022
29-37-01-00-586	2345 Hunter Lane	Occupied	285.5	Unpaid	\$ 3,374.61	\$ -	N/A
29-37-01-00-580	2360 Hunter Lane	Occupied	200	Unpaid	\$ 2,364.00	\$ -	N/A
29-37-01-00-581	2475 Hunter Lane	Occupied	495.83	Unpaid	\$ 5,860.71	\$ -	N/A
29-37-01-00-567	2420 Hunter Lane	Occupied	193.32	Partial	\$ 1,985.04	\$ 300.00	200 paid 8/28/20; 200 paid 11/2/21; 100 paid 2/15/2022
29-37-01-00-562	2460 Hunter Lane	Occupied	132.22	Unpaid	\$ 1,562.84	\$ -	N/A
29-37-01-00-543	2470 Hunter Lane	Occupied	132.22	Paid	\$ -	\$ 1,562.84	Paid 2/25/2022
29-37-01-00-519	2480 Hunter Lane	Occupied	229.44	Paid	\$ -	\$ 2,711.98	Paid 2/14/2022



<b>Certified Cost</b>	\$ 12,530.00
<b>Footage</b>	1409x50
<b>Cost per Foot</b>	\$ 4.45
<b>Builder Name</b>	John Robertson
<b>Payback Address</b>	829 Angelico Rd, Palm Bay
<b>Accepted Date</b>	1991? Unknown in Binder

Parcel #	Address	Status	Footage	Payback	Amount Due	To Builder	To Town	Notes
29-37-12-00-327	2690 Hunter Lane	Occupied	200	Builder	N/A	N/A	N/A	Road Builder
29-37-12-00-296	2665 Hunter Lane	Occupied	200	Paid	N/A	\$ 839.00	\$ 50.00	Payment Specifics not Shown
29-37-12-00-321	None	Vacant	200	Unpaid	\$ 890.00	\$ 840.00	\$ 50.00	Payment Required prior to any permits.
29-37-12-00-324	2635 Hunter Lane	Occupied	400	Paid	N/A	\$ 1,678.00	\$ 50.00	Payment Specifics not Shown
29-37-12-00-331	2600 Hunter Lane	Occupied	200	Paid	N/A	\$ 839.00	\$ 50.00	Paid 8/23/2021, Check #1666
29-37-12-00-280	None	Vacant	200	Paid	N/A	\$ 839.00	\$ 50.00	Paid 9/26/2006, Check #2131
29-37-12-00-308	2565 Hunter Lane	Vacant	200	Unpaid	\$ 890.00	\$ 840.00	\$ 50.00	Payment Required prior to any permits.
29-37-12-00-322	2560 Hunter Lane	Occupied	200	Paid	N/A	\$ 444.50	\$ 25.00	Agreement with property owner and TM 2005
29-37-12-00-261	1925 Atz Road	Occupied	365	None at this Time	\$ 1,624.25	\$ 1,574.25	\$ 50.00	Access from Atz Road. If they create an access on Hunter, Payback will be required.
29-37-12-00-323	2520 Hunter Lane	Occupied	165	Paid	N/A	\$ 684.00	\$ 50.00	Payment Specifics not Shown

<b>Certified Cost</b>	\$ 7,268.26
<b>Footage</b>	306
<b>Cost per Foot</b>	\$ 11.88
<b>Builder Name</b>	Kurt Parker
<b>Payback Address</b>	2545 Johnston Ave
<b>Accepted Date</b>	2/24/2003

Parcel #	Address	Status	Footage	Payback	Amount Due	To Builder	To Town	Notes
28-38-31-26-4-8	2570 Johnston Ave	Occupied	120	Paid	N/A	\$ 1,375.60	\$ 50.00	Paid on 8/4/17; Check #223
28-38-31-26-4-1	None	Vacant	120	Unpaid	\$ 1,425.60	\$ 1,375.60	\$ 50.00	Payment required prior to any permits.
28-38-31-54-2-8	2545 Johnston Ave	Occupied	306	Road Builder	N/A	N/A	N/A	Road Builder

<b>Certified Cost</b>	\$	31,021.00
<b>Footage</b>	1303x50	
<b>Cost per Foot</b>	\$	11.91
<b>Builder Name</b>	Phillip and Barbara Kramer	
<b>Payback Address</b>	2735 Laura Baugh Drive, Melbs	
<b>Accepted Date</b>	5/25/1995	

Parcel #	Address	Status	Footage	Payback	Amount Due	To Builder	To Town	Notes
29-37-12-00-754	2060 Benjamin Lane	Occupied	N/A	N/A	N/A	N/A	N/A	Access from Benjamin Road. If subdivided or access gained from Kramer, Payback will be due
29-37-12-00-754.2	None	Vacant	302.5	Paid	N/A	\$ 3,600.86	\$ 50.00	Paid 8/9/2000; Check #7390
29-37-12-00-754.1	3110 Kramer Lane	Occupied	302.5	Paid	N/A	\$ 3,600.61	\$ 50.00	Paid 8/28/2000
29-37-12-00-798	None	Vacant	175	Unpaid	\$ 2,084.25	\$ 2,034.25	\$ 50.00	Will require payback if built as SFR or new driveway added.
29-37-12-00-806	3135 Kramer Lane	Occupied	200	Paid	N/A	\$ 2,331.00	\$ 50.00	Payment Specifics not Shown
29-37-12-00-792	3165 Kramer Lane	Occupied	200	Paid	N/A	\$ 2,331.00	\$ 50.00	Payment Specifics not Shown
29-37-12-00-788	3195 Kramer Lane	Occupied	200	Paid	N/A	\$ 2,331.00	\$ 50.00	Payment Specifics not Shown
29-37-12-00-799	None	Vacant	200	Unpaid	\$ 2,382.00	\$ 2,332.00	\$ 50.00	Will require payment before any permits.
29-37-12-00-790	3255 Kramer Lane	Occupied	200	Paid	N/A	\$ 2,331.00	\$ 50.00	Payment Specifics not Shown
29-37-12-00-771	3285 Kramer Lane	Occupied	165	Paid	N/A	\$ 1,914.00	\$ 50.00	Paid 10/14/2004; Check #170

<b>Certified Cost</b>	\$ 29,436.99
<b>Footage</b>	600x50
<b>Cost per Foot</b>	\$ 24.53
<b>Builder Name</b>	Tim & Kim Borer
<b>Payback Address</b>	3190 Leghorn Lane
<b>Accepted Date</b>	8/7/2003

Moved

Parcel #	Address	Status	Footage	Payback	Amount Due	To Builder	To Town	Notes
29-37-12-00-758	3190 Leghorn Lane	Occupied	Builder	Builder	N/A	N/A	N/A	N/A
29-37-12-00-762	3230 Leghorn Lane	Improved	400	Grandfathered	N/A	N/A	N/A	Built home in 1981, joined 2 lots
29-38-07-00-501	None	Vacant	600	Unpaid	\$ 14,718.00	\$ 14,570.82	\$ 147.17	Payback required with any development

<b>Certified Cost</b>	\$ 32,213.00
<b>Footage</b>	400x50
<b>Cost per Foot</b>	\$ 40.27
<b>Builder Name</b>	Zibailo
<b>Payback Address</b>	3115 Lett Lane
<b>Accepted Date</b>	7/5/2001

Moved

Parcel #	Address	Status	Footage	Payback	Amount Due	To Builder	To Town	Notes
29-37-10-00-523	3105 Lett Lane	Occupied	200	Paid	N/A	\$ 7,725.00	\$ 78.00	Payment record not included
29-37-10-00-522	3115 Lett Lane	Occupied	200	Builder	N/A	N/A	N/A	Payment record not included
29-37-10-00-551	None	Vacant	200	Unpaid	\$ 8,054.00	\$ 7,973.46	\$ 80.54	Payback required with any development
29-37-10-00-519	None	Vacant	200	Unpaid	\$ 8,054.00	\$ 7,973.46	\$ 80.54	Payback required with any development

<b>Certified Cost</b>	\$ 42,314.00	
<b>Footage</b>	450x50	
<b>Cost per Foot</b>	\$ 47.02	
<b>Builder Name</b>	Horn	
<b>Payback Address</b>	3115 Lett Lane	Moved
<b>Accepted Date</b>	8/6/2012	321-288-6210

Parcel #	Address	Status	Footage	Payback	Total Due	To Builder	To Town	Notes
29-37-10-00-520	None	Vacant	200	Builder	N/A	N/A	N/A	Built Road but never developed a home
29-37-10-00-559	3135 Lett Lane	Occupied	200	Builder	N/A	N/A	N/A	Built Road but never developed a home
29-37-10-00-543	None	Vacant	50	Unpaid	\$ 2,351.00	\$ 2,301.00	\$ 50.00	Payback required with any development
29-37-10-00-527	None	Vacant	50	Unpaid	\$ 2,351.00	\$ 2,301.00	\$ 50.00	Payback required with any development
29-37-10-00-529	3130 Lett Lane	Vacant	200	Paid	N/A	\$ 9,309.96	\$ 94.04	Paid by CC on 10/17/2023
29-37-10-00-567	3120 Lett Lane	Vacant	200	Unpaid	\$ 9,404.00	\$ 9,309.96	\$ 94.04	Payback required with any development

<b>Certified Cost</b>	\$ 10,144.12
<b>Footage</b>	200x50
<b>Cost per Foot</b>	\$ 25.36
<b>Builder Name</b>	Mick Portlock
<b>Payback Address</b>	2590 Macdonald Lane
<b>Accepted Date</b>	10/20/2003

Moved

Parcel #	Address	Status	Footage	Payback	Amount Due	To Builder	To Town	Notes
29-37-11-00-275	2590 MacDonald Lane	Occupied	200	Road Builder	N/A	N/A	N/A	Their back lot will require a road if split.
29-37-11-00-42	None	Vacant	200	Unpaid	\$ 5,072.06	\$ 4,971.84	\$ 50.22	Payment required prior to any permits.

<b>Certified Cost</b>	\$ 121,145.00
<b>Footage</b>	1610
<b>Cost per Foot</b>	\$ 37.62
<b>Builder Name</b>	Chairles & Marianne Brownfield
<b>Payback Address</b>	2740 Matthews Lane
<b>Accepted Date</b>	3/17/2008

Parcel #	Address	Status	Footage	Payback	Amount Due	To Builder	To Town	Notes	TOTAL PAID	BALANCE DUE
29-37-11-00-45	1415 Atz Road	Occupied	365	In Progress	\$ 13,731.30	\$ 13,593.99	\$ 137.31	Payment Plan made with TM Stinnett on 4/27/2023. 2 payments Made; \$731.30 in 10/23 and \$1,000.00 in 4/24.	\$ 1,731.30	\$ 12,000.00
29-37-11-00-28	2585 Matthews Lane	Occupied	200	Paid	N/A	\$ 7,448.76	\$ 75.24	\$12,000.00 Still due as of 4/17/2024. \$1,000.00 payments expected annually on 4/5 until debt paid off completely		
29-37-11-00-50	None	Vacant	200	Unpaid	\$ 7,524.00	\$ 7,448.76	\$ 75.24	Payment Specifics not Shown		
29-37-11-00-51	None	Vacant	200	Unpaid	\$ 7,524.00	\$ 7,448.76	\$ 75.24	Payment Required prior to any permits		
29-37-11-00-19	Protected	Occupied	200	Paid	N/A	\$ 7,448.76	\$ 75.24	Payment Required prior to any permits		
29-37-11-00-18	None	Vacant	200	Unpaid	\$ 7,524.00	\$ 7,488.76	\$ 75.24	Paid 8/25/2011 by Check #1417		
29-37-11-00-15	2745 Matthews Lane	Occupied	50	Paid	N/A	\$ 1,831.00	\$ 50.00	Payment Required prior to any permits		
29-37-11-00-6	2740 Matthews Lane	Occupied	150	Road Builder	N/A	N/A	N/A	Payment Specifics not Shown, Variance Notated		
29-37-11-00-5	2720 Matthews Lane	Occupied	150	Paid	N/A	\$ 5,586.57	\$ 56.43	Road Builder		
29-37-11-00-27	2690 Matthews Lane	Occupied	264	Paid	N/A	\$ 9,832.36	\$ 99.32	Paid 11/7/2012 by Check #0100		
29-37-11-00-22	None	Vacant	250	Paid	N/A	\$ 9,310.95	\$ 94.05	Paid 8/11/2021 by Check #2136		
29-37-11-00-12	2620 Matthews Lane	Occupied	200	Grandfathered	N/A	N/A	N/A	Paid 5/28/2020 by Check #1124		
29-37-11-00-33	2580 Matthews Lane	Occupied	200	Paid	N/A	\$ 7,448.76	\$ 75.46	House built in 1984		
29-37-11-00-14	2555 Russell Lane	Occupied	200	Unpaid	\$ 7,524.00	\$ 7,448.76	\$ 75.24	Paid 2/14/2013 by Check # 7746		
								Address accesses from Russell Lane. If Driveway added to Matthews, Payment required.		



<b>Certified Cost</b>	\$ 18,040.00
<b>Footage</b>	903
<b>Cost per Foot</b>	\$ 9.99
<b>Builder Name</b>	Ruth Diamico
<b>Payback Address</b>	3200 Prosperity Lane
<b>Accepted Date</b>	2006

Moved

Parcel #	Address	Status	Footage	Payback	Amount Due	To Builder	To Town	Notes
29-37-10-00-564	None	Vacant	300	Unpaid	\$ 2,997.00	\$ 2,947.00	\$ 50.00	Payment required prior to development if accessing Prosperity. Survey Required to determine exact frontage length.
29-37-10-00-536	None	Vacant	200	Unpaid	\$ 1,998.00	\$ 1,948.00	\$ 50.00	Payment required prior to development.
29-37-10-00-506	3220 Prosperity Lane	Occupied	200	No Record	Unknown	Unknown	Unknown	Property developed. No Payment records included in binder. *****
29-37-10-00-541	3200 Prosperity Lane	Occupied	200	Builder	N/A	N/A	N/A	Road Builder
29-37-10-00-507	3211 Prosperity Lane	Occupied	903	Paid	N/A	\$ 8,929.80	\$ 90.20	Paid 4/23/2021 by Check #2933 *****

<b>Certified Cost</b>	\$	38,395.89
<b>Footage</b>		460
<b>Cost per Foot</b>	\$	83.47
<b>Builder Name</b>	Chris & Nicole Wilkerson	
<b>Payback Address</b>	1915 Rivet Lane	
<b>Accepted Date</b>		5/3/2021

Parcel #	Address	Status	Footage	Payback	Amount Due	To Builder	To Town	Notes
29-37-01-00-261	None	Vacant	200	Unpaid	\$ 16,894.00	\$ 16,527.06	\$ 166.94	Payment required prior to development if accessing Prosperity. Survey Required to determine exact footage length.
29-37-01-00-268	1915 Rivet Lane	Occupied	60	Builder	N/A	N/A	N/A	Road Builder
29-37-01-00-288	2005 Rivet Lane	Occupied	200	Grandfathered	N/A	N/A	N/A	Home built prior to road extension. Will require payment if new entrance to Rivet Lane is added.

<b>Certified Cost</b>	\$	18,015.00
<b>Footage</b>	525X50	
<b>Cost per Foot</b>	\$	17.16
<b>Builder Name</b>	Ed & Debbie Kishinski	
<b>Payback Address</b>	2470 Ski Lane	
<b>Accepted Date</b>	7/5/2021	

Parcel #	Address	Status	Footage	Payback	Amount Due	To Builder	To Town	Notes
29-37-02-00-587	2470 Ski Lane	Occupied	224.1	Builder	N/A	N/A	N/A	Road Builder
29-37-02-00-586	2450 Ski Lane	Occupied	300	Builder	N/A	N/A	N/A	Original builder of home was related to Road Builder. Private Agreement.
29-37-02-00-574	920 Atz Road	Occupied	300	Unpaid	\$ 5,148.00	\$ 5,096.52	\$ 51.48	Property will owe payback if they seek to gain access from Ski Lane.
29-37-02-00-521	2420 Duncil Lane	Vacant	190	Unpaid	\$ 3,260.40	\$ 2,558.00	\$ 702.00	Property will owe payback if they seek to gain access from Ski Lane. Additional payback due to Town because additional engineering fees were absorbed by the Town.

<b>Certified Cost</b>	\$ 8,049.22
<b>Footage</b>	125x50
<b>Cost per Foot</b>	\$ 32.20
<b>Builder Name</b>	Pang Family
<b>Payback Address</b>	2575 Smith Lane
<b>Accepted Date</b>	7/5/2021

Parcel #	Address	Status	Footage	Payback	Amount Due	To Builder	To Town	Notes
29-37-12-00-61	2575 Smith Lane	Occupied	125	Builder	N/A	N/A	N/A	Road Builder
29-37-12-00-36	2225 Atz Road	Occupied	125	Unpaid	\$ 4,025.00	\$ 3,975.00	\$ 50.00	Property will owe payback if they seek to gain access from Smith Lane.

<b>Certified Cost</b>	\$ 15,054.49
<b>Footage</b>	200x50
<b>Cost per Foot</b>	\$ 37.64
<b>Builder Name</b>	Buddy Chdwick
<b>Payback Address</b>	2750 Smith Lane
<b>Accepted Date</b>	11/17/2023

Parcel #	Address	Status	Footage	Payback	Amount Due	To Builder	To Town	Notes
29-37-12-00-103	2750 Smith Lane	Occupied	200	Builder	N/A	N/A	N/A	Road Builder
29-37-12-00-56	2755 Smith Lane	Occupied	200	Paid	N/A	\$ 7,477.25	\$ 50.00	Paid 8/23/2004 by Check #43734

<b>Certified Cost</b>	\$	13,024.00
<b>Footage</b>	400x50	
<b>Cost per Foot</b>	\$	16.28
<b>Builder Name</b>	Doris Leedy	
<b>Payback Address</b>	2635 Smith Lane	
<b>Accepted Date</b>	5/6/1996	

Parcel #	Address	Status	Footage	Payback	Amount Due	To Builder	To Town	Notes
29-37-12-00-86	None	Vacant	200	Unpaid	\$ 3,256.00	\$ 3,206.00	\$ 50.00	Payment required prior to development.
29-37-12-00-32	2635 Smith Lane	Occupied	200	Builder	N/A	N/A	N/A	Road Builder
29-37-12-00-36	2225 Atz Road	Occupied	50	Unpaid	814	764	50	Payment required ONLY if parcel accesses Smith Ln in the 50 feet cpnstructed by Ms. Leedy.
29-37-12-00-37	2640 Smith Lane	Occupied	350	Paid	N/A	5479.65	55.35	Paid by Check #41308

<b>Certified Cost</b>	\$	22,088.68
<b>Footage</b>	644x50	
<b>Cost per Foot</b>	\$	17.15
<b>Builder Name</b>	Brian Vail	
<b>Payback Address</b>	2700 Smith Lane	
<b>Accepted Date</b>	3/19/2021	

Parcel #	Address	Status	Footage	Payback	Amount Due	To Builder	To Town	Notes
29-37-12-00-34	None	Occupied	200	Paid	N/A	\$ 3,380.00	\$ 50.00	Paid 4/25/2006 by Check #4063
29-37-12-00-99	None	Vacant	244	Unpaid	\$ 4,184.60	\$ 4,134.60	\$ 50.00	Payment required prior to development. Additional Paving Assessment Due as well.
29-37-12-00-18	2705 Smith Lane	Occupied	200	Paid	N/A	\$ 3,380.00	\$ 50.00	Paid 10/04/2001 by Check #0502
29-37-12-00-39	2700 Smith Lane	Occupied	322	Builder	N/A	N/A	N/A	Road Builder
29-37-12-00-37	2640 Smith Lane	Occupied	322	Unpaid	\$ 5,522.30	\$ 5,467.08	\$ 55.22	Payment required ONLY if parcel accesses Smith Ln in the 322 feet constructed by Mr. Vail.

<b>Certified Cost</b>	\$ 16,172.18
<b>Footage</b>	400x50
<b>Cost per Foot</b>	\$ 20.22
<b>Builder Name</b>	Fisher (89%)/Thoe(11%)
<b>Payback Address</b>	Fisher 2080 Atz Road (89%) Thoe 2850 Waring Lane (11%)
<b>Accepted Date</b>	3/19/2021

Parcel #	Address	Status	Footage	Payback	Amount Due	To Builder	To Town	Notes
29-37-11-00-330	2850 Waring Lane	Occupied	200	Builder	N/A	N/A	N/A	Road Builder
29-37-11-00-304	2855 Waring Lane	Occupied	400	Builder	N/A	N/A	N/A	If the lot is split and the northern half is developed, Payback is required prior to issuance of any permits.
29-37-11-00-266	2800 Waring Lane	Occupied	200	Paid	N/A	\$ 3,993.00	\$ 50.00	Payment Specifics not Shown



# TOWN OF MALABAR

## REGULAR TOWN COUNIL MEETING

**AGENDA ITEM NO: 11.a.**

**Meeting Date: May 6, 2024**

Prepared By: Richard W. Kohler, Town Clerk

---

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

---

### **BACKGROUND/HISTORY:**

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

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

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

#### **E. Cargo Containers for Permanent Storage**

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

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

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

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

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

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

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

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

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

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

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

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

On April 15, 2024, Town Council approved the First Reading of this Ordinance. Staff has legally advertised the Public Hearing.

**FINANCIAL IMPACT:**

Building Permit Required with adopted Fee Schedule

**ATTACHMENTS:**

- Ordinance 2024-02
- Proposed amendments to Land Development Code, Article V - GENERAL PROVISIONS, Section 1-5.6. - Accessory buildings
- Legal Advertisement of Ordinance 2024-02

**ACTION OPTIONS:**

Motion to approve the Second and Final Reading of Ordinance 2024-02.

## ORDINANCE 2024-02

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

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

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

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

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

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

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

### E. Cargo Containers for Permanent Storage

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

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

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

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

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

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

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

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

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

This ordinance was then declared duly passed and adopted this \_\_ day of \_\_\_\_\_ 2024.

**TOWN OF MALABAR**

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

**ATTEST:**

\_\_\_\_\_  
Richard W. Kohler, Town Clerk

(seal)

Approved for Legal Sufficiency:

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

First Reading: 04/15/2024  
Second Reading: 05/06/2024

Vote: 4 to 0.  
Vote: to .

### **Section 1-5.6. - Accessory buildings.**

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

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

*E. Cargo Containers for Permanent Storage*

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

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

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

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

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

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

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

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

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

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

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



APR 24 2024

RECEIVED



Florida  
GANNETT

PO Box 631244 Cincinnati, OH 45263-1244

**AFFIDAVIT OF PUBLICATION**

Richard W. Kohler  
Town Of Malabar  
2725 Malabar Rd  
Malabar FL 32950-4427

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the 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 Govt Public Notices, was published on the publicly accessible website of Brevard County, Florida, or in a newspaper by print in the issues of, on:

04/19/2024

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 04/19/2024

*[Handwritten signature]*

Legal Clerk

*[Handwritten signature: Nancy Heyrman]*  
Notary, State of WI, County of Brown  
5.15.27

My commission expires

Publication Cost: \$99.36  
Order No: 10082584 # of Copies:  
Customer No: 1127265 1  
PO #: 2024-02

**THIS IS NOT AN INVOICE!**

*Please do not use this form for payment remittance.*

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 6, 2024, at 7:30pm, or as soon thereafter as the matter can be heard, for a public hearing on the following topic:

ORDINANCE 2024-02  
AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; AMENDING THE TOWN'S LAND DEVELOPMENT CODE; AMENDING ARTICLE V, GENERAL PROVISIONS; AMENDING SECTION 1-5.6, ACCESSORY BUILDINGS; ADDING SUBSECTION E, "CARGO CONTAINERS FOR PERMANENT STORAGE"; PROVIDING FOR A DEFINITION OF A CARGO CONTAINER; PROVIDING FOR CONDITIONS AND RESTRICTIONS REGARDING CARGO CONTAINERS; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE. Copies of the Code pertaining to this are available in the Clerk's office for review, 2725 Malabar Road, Malabar, Florida, during regular business hours. All interested parties may email comments to townclerk@townofmalabar.org or mail comments to 2725 Malabar Road, Malabar, FL 32950 or appear and be heard at this meeting of the Town Council with respect to these topics. Persons with disabilities needing assistance to participate in any of these proceedings should contact the Clerk's Office, ADA Coordinator, 48 hours in advance of the meeting at 321-727-7764. Richard Kohler, Town Clerk.

# TOWN OF MALABAR

## REGULAR TOWN COUNCIL MEETING

**AGENDA ITEM NO: 11.b.**

Meeting Date: May 6<sup>th</sup>, 2024

Prepared By: Richard W. Kohler, Town Clerk

---

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

---

### **BACKGROUND/HISTORY:**

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

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

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

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

On April 15, 2024, Town Council approved the First Reading of this Ordinance. Staff has legally advertised the Public Hearing.

### **FINANCIAL IMPACT:**

- None for the Town – tax paid by residents

### **ATTACHMENTS:**

- Ordinance 2024-03
- Legal Advertisement of Ordinance 2024-03

### **ACTION:**

- Motion to approve the Second and Final reading of Ordinance 2024-03.

## **ORDINANCE 2024-03**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Council Member David Scardino  
Council Member Mary Hofmeister

\_\_\_\_\_  
\_\_\_\_\_

This ordinance was then declared duly passed and adopted this \_\_ day of \_\_\_\_\_ 2024.

**TOWN OF MALABAR**

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

**ATTEST:**

\_\_\_\_\_  
Richard W. Kohler, Town Clerk

(seal)

Approved for Legal Sufficiency:

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

First Reading: 4/15/2024

Vote: 4 to 0.

Second Reading: \_\_\_\_\_

Vote: to .

**“Exhibit A”**

**Ballot 2024**

**Town of Malabar, Florida**

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

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

Yes

No

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

**“Exhibit B”**

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

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

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

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

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

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

**2024 Ballot  
Town of Malabar, Florida**

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

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

Yes

No

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

**“Exhibit B”**

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



APR 24 2024

RECEIVED

PO Box 631244 Cincinnati, OH 45263-1244



**AFFIDAVIT OF PUBLICATION**

Richard W. Kohler  
Town Of Malabar  
2725 Malabar Rd  
Malabar FL 32950-4427

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the 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 Govt Public Notices, was published on the publicly accessible website of Brevard County, Florida, or in a newspaper by print in the issues of, on:

04/19/2024

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 04/19/2024

Legal Clerk

*Nancy Heyrman*  
\_\_\_\_\_  
Notary, State of WI, County of Brown

5.15.27

My commission expires

Publication Cost: \$97.29  
Order No: 10082598 # of Copies:  
Customer No: 1127265 1  
PO #: 2024-03

**THIS IS NOT AN INVOICE!**

*Please do not use this form for payment remittance.*

**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 6, 2024, at 7:30pm, or as soon thereafter as the matter can be heard, for a public hearing on the following topic:

ORDINANCE 2024-03  
AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY FLORIDA; CALLING AND SCHEDULING A PERIODIC ELECTION TO DETERMINE IF THE TOWN SHOULD CONTINUE TO PARTICIPATE IN THE BREVARD COUNTY MUNICIPAL SERVICE TAXING UNIT (MSTU) FOR LAW ENFORCEMENT; PROVIDING FOR THE MANNER IN WHICH SUCH ELECTION SHALL BE CONDUCTED; ESTABLISHING THE FORM OF THE BALLOT FOR SUCH ELECTION; PROVIDING REPEAL AND AN EFFECTIVE DATE.

Copies of 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

## REGULAR TOWN COUNCIL MEETING

**AGENDA ITEM NO: 13.a.**

Meeting Date: May 6<sup>th</sup>, 2024

Prepared By: Richard W. Kohler, Town Clerk

---

**SUBJECT: Acceptance of a Temporary Easement for Prosperity Lane (Resolution 07-2024)**

---

### **BACKGROUND/HISTORY:**

Applicants Javier Martinez and Alondra Cardenas, 3160 Prosperity Lane, are hoping to improve Prosperity Lane 377' north of its current terminus. The Town has requested a temporary easement be granted to create a cul-de-sac at the new terminus. The easement shall sunset upon the northern extension of Prosperity Lane. The Easement Agreement is included in this Resolution as Exhibit "A" and the legal description of the easement area is included in this Resolution as Exhibit "B".

The Town Engineer Morris Smith and the Town Attorney Karl Bohne have reviewed the agreements and agree that they meet the Town's requirements.

### **ATTACHMENTS:**

- Resolution 07-2024
- Site Construction Plans for Unpaved Road Extension of Prosperity Lane
- Survey of Temporary Easement to be granted.
- Approved Civil Plans for Prosperity Lane

### **ACTION:**

- Motion to approve Resolution 07-2024.

**RESOLUTION 07-2024**

**A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR A TEMPORARY EASEMENT AGREEMENT ALONG THE PROSPERITY LANE RIGHT OF WAY IN SECTION 10, TOWNSHIP 29, RANGE 37; PROVIDING FOR THE SUNSET AND TERMINATION OF THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Malabar is a Florida municipal corporation organized and existing under Florida law; and

**WHEREAS**, the Town of Malabar is seeking to have a westerly offset cul-de-sac constructed at the newly existing northern terminus of Prosperity Lane; and

**WHEREAS**, the Town of Malabar wishes to have said cul-de-sac moved to the north as Prosperity Lane is extended further north; and

**WHEREAS**, the Temporary Easement Agreement has been inspected by the Town Engineer and is determined to meet the required standards.

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

**Section 1. Findings:** The above "WHEREAS" statements are true and correct.

**Section 2.** That a certified copy of this Resolution shall be delivered to the Clerk of Court of Brevard County, Florida.

**Section 3.** The Town of Malabar accepts the Prosperity Lane Temporary Easement attached to this Resolution as "Exhibit A."

**Section 4.** The Town of Malabar accepts the legal description of the Prosperity Lane Temporary Easement attached to this Resolution as "Exhibit B."

**Section 5.** This Resolution shall take effect immediately upon its adoption. This Resolution was moved for adoption by Council Member \_\_\_\_\_. This motion was seconded by Council Member \_\_\_\_\_ and, upon being put to vote, the vote was as follows:

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

This Resolution was then declared to be duly passed and adopted this \_\_\_th day of \_\_\_\_\_ 2024.

**TOWN OF MALABAR**

By: \_\_\_\_\_

Mayor Patrick T. Reilly, Council Chair

(Seal)

ATTEST:

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

Approved as to Form and Content:

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

# “Exhibit A”

## **PROSPERITY LANE TEMPORARY EASEMENT AGREEMENT**

**THIS TEMPORARY EASEMENT** is given this \_\_\_\_\_ day of \_\_\_\_\_, between **Javier Martinez and Alondra Cardenas**, property owners, whose address is 3160 PROSPERITY LN MALABAR FL 32950, party of the first part, hereinafter referred to as "Grantor," and **The Town of Malabar**, a municipal corporation organized under the laws of the State of Florida and situated in Brevard County, Florida, 2725 Malabar Road, Malabar, FL 32950, party of the second part, hereinafter referred to as "Grantee,"

### **WITNESSETH**

**WHEREAS**, Grantor is the fee simple owner of certain lands situated in Brevard County, Florida, and more specifically described in Exhibit "B" attached hereto and incorporated herein (the "Property"), with an address of 3160 PROSPERITY LN MALABAR FL 32950; and

**WHEREAS**, Grantor has agreed to grant and convey to Grantee, a temporary non-exclusive access easement over, on, under, upon, and across the Property for the specific and limited purposes set forth herein.

**NOW, THEREFORE**, in consideration of the mutual covenants, promises, terms and conditions set forth herein, together with other good and valuable consideration provided to Grantor, the adequacy and receipt of which are hereby acknowledged, Grantor hereby voluntarily grants, creates, conveys, and establishes a temporary easement for and in favor of Grantee upon the Property described on Exhibit "B" which shall run with the land and be binding upon the Grantor, and shall remain in full force and effect for the duration provided below.

The scope, nature, and character of this Easement shall be as follows:

1. Recitals. The recitals herein are true and correct and are hereby incorporated into and made a part of this Easement.
2. Purpose. It is the purpose of this Easement to grant a temporary non-exclusive access easement over, on, under, upon, and across the Property at all times in order for Grantee to perform all acts necessary to ensure fulfillment of all requirements of the Town of Malabar, all of which Grantee shall be authorized to perform at its sole expense in its sole discretion. The Town's staff, contractors, agents and workmen are permitted through, along and over the said temporary easement for the purpose of maintaining the temporary cul-de-sac, with their materials, machinery, or equipment thereto until such time as this northerly extension of Prosperity Lane is accepted by the Town and it is useable. This public ingress/egress easement shall automatically expire over this parcel at the point in time when the temporary easement is relocated north to accommodate the construction of the temporary cul-del-sac for the future extension of

Prosperity Lane, north of this present location. The temporary easement shall Sunset when the future extension of Prosperity has been constructed and accepted by the Town of Malabar.

3. Dedication. Right of access by the general public to any portion of the Property is conveyed by this Easement.

4. Liability. Grantee’s liability is limited as provided in Subsection 704.05 and Section 768.28, F.S. Additionally, Grantee shall be responsible for any costs or liabilities related to the operation, upkeep, or maintenance of this Easement.

5. Duration. This Easement shall sunset and terminate upon the future northern extension beyond the newly accepted northern terminus of the Prosperity Lane Right-of-Way as depicted in that certain Right of Way Dedication recorded on \_\_\_\_\_, 2024 and at ORB \_\_\_ PG\_\_\_ of the Public Records of Brevard County, Florida. This Easement may be amended, altered, released or revoked only by written agreement between the parties hereto or their heirs, assigns or successors-in-interest, which shall be filed in the public records in Brevard County, Florida.

Signed, Sealed and Delivered in the presence of:

\_\_\_\_\_

Witness

Address: \_\_\_\_\_

\_\_\_\_\_

Grantor Signature: Javier Martinez

\_\_\_\_\_

Witness

Address: \_\_\_\_\_

State of Florida  
County of Brevard

Sworn to (or affirmed) and subscribed before me by means of Physical Presence or Online Notarization, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by Javier Martinez.

\_\_\_\_\_  
(Signature of Notary Public – State of Florida)

\_\_\_\_\_  
(Name of Notary Public - State of Florida)

Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_

Type of Identification Produced: \_\_\_\_\_

## **“Exhibit B”**

### **PROSPERITY LANE – Temporary Construction and Ingress/Egress Easement**

The owner shall grant a Temporary Construction and Public Ingress/Egress Easement over the portion of Lot 7, Section 10, Township 29 South, Range 37 East, Plat of Florida Indian River Land Company, according to the Map or Plat Thereof, as Recorded in Plat Book 1, Page 165, of the Public Records of Brevard County, Florida, Being More Particularly Described as Follows:

Commence at the Southeast Corner of said Lot 7, thence North 0°01'17" West along the East Line of said Lot 7, a distance of 1320.02 feet to the Northeast Corner of said Lot 7; thence North 89°55'59" West along the North Line of said Lot 7, a distance of 25.00 feet to the Westerly Right of Way Line of Prosperity Lane a 50 foot Right of Way and the Point of Beginning; thence South 0°01'17" East along said Westerly Right of Way Line, a distance of 72.00 feet; thence North 89°55'59" West, a distance of 34.00 feet; thence North 0°01'17" West, a distance of 72.00 feet to the North Line of said Lot 7; thence South 89°55'59" East along said North Line, a distance of 34.00 feet to the Point of Beginning.



# SKETCH & DESCRIPTION

SECTION 10, TOWNSHIP 29 SOUTH, RANGE 37 EAST  
(NOT A BOUNDARY SURVEY)

SHEET 1 OF 2  
NOT VALID WITHOUT THE  
SKETCH ON SHEET 2 OF 2

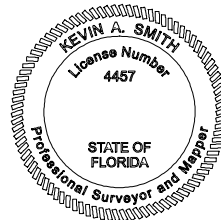
## LEGAL DESCRIPTION:

A TEMPORARY ROAD EASEMENT BEING A PORTION OF LOT 7, SECTION 10, TOWNSHIP 29 SOUTH, RANGE 37 EAST, PLAT OF FLORIDA INDIAN RIVER LAND COMPANY, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 165, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID LOT 7, THENCE NORTH 0°01'17" WEST ALONG THE EAST LINE OF SAID LOT 7, A DISTANCE OF 1320.02 FEET TO THE NORTHEAST CORNER OF SAID LOT 7; THENCE NORTH 89°55'59" WEST ALONG THE NORTH LINE OF SAID LOT 7, A DISTANCE OF 25.00 FEET TO THE WESTERLY RIGHT OF WAY LINE OF PROSPERITY LANE A 50 FOOT RIGHT OF WAY AND THE POINT OF BEGINNING; THENCE SOUTH 0°01'17" EAST ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 72.00 FEET; THENCE NORTH 89°55'59" WEST, A DISTANCE OF 34.00 FEET; THENCE NORTH 0°01'17" WEST, A DISTANCE OF 72.00 FEET TO THE NORTH LINE OF SAID LOT 7; THENCE SOUTH 89°55'59" EAST ALONG SAID NORTH LINE, A DISTANCE OF 34.00 FEET TO THE POINT OF BEGINNING.

## SURVEYORS NOTES:

1. SEE BOUNDARY SURVEY



PREPARED BY:



1350 MALABAR ROAD S.E., SUITE 1, PALM BAY, FLORIDA 32907  
Phone (321)724-2940 Fax(321)951-4879  
E-MAIL: SMITHSURVEYINGFL @ GMAIL.COM

KEVIN A. SMITH - FLORIDA CERTIFICATE NO. 4457  
(NOT VALID UNLESS SIGNED AND SEALED)

PREPARED FOR: JAVIER MARTINEZ; ALONDRA ISELA CARDENAS; TOWN OF MALABAR

DRAWN BY: A. TEJADA

CHECKED BY: KAS

DRAWING NO. 23-1264

SECTION 10

DATE: OCT. 9, 2023

SHEET 1 OF 2

JOB NO. 23-1546

TOWNSHIP 29 SOUTH  
RANGE 37 EAST

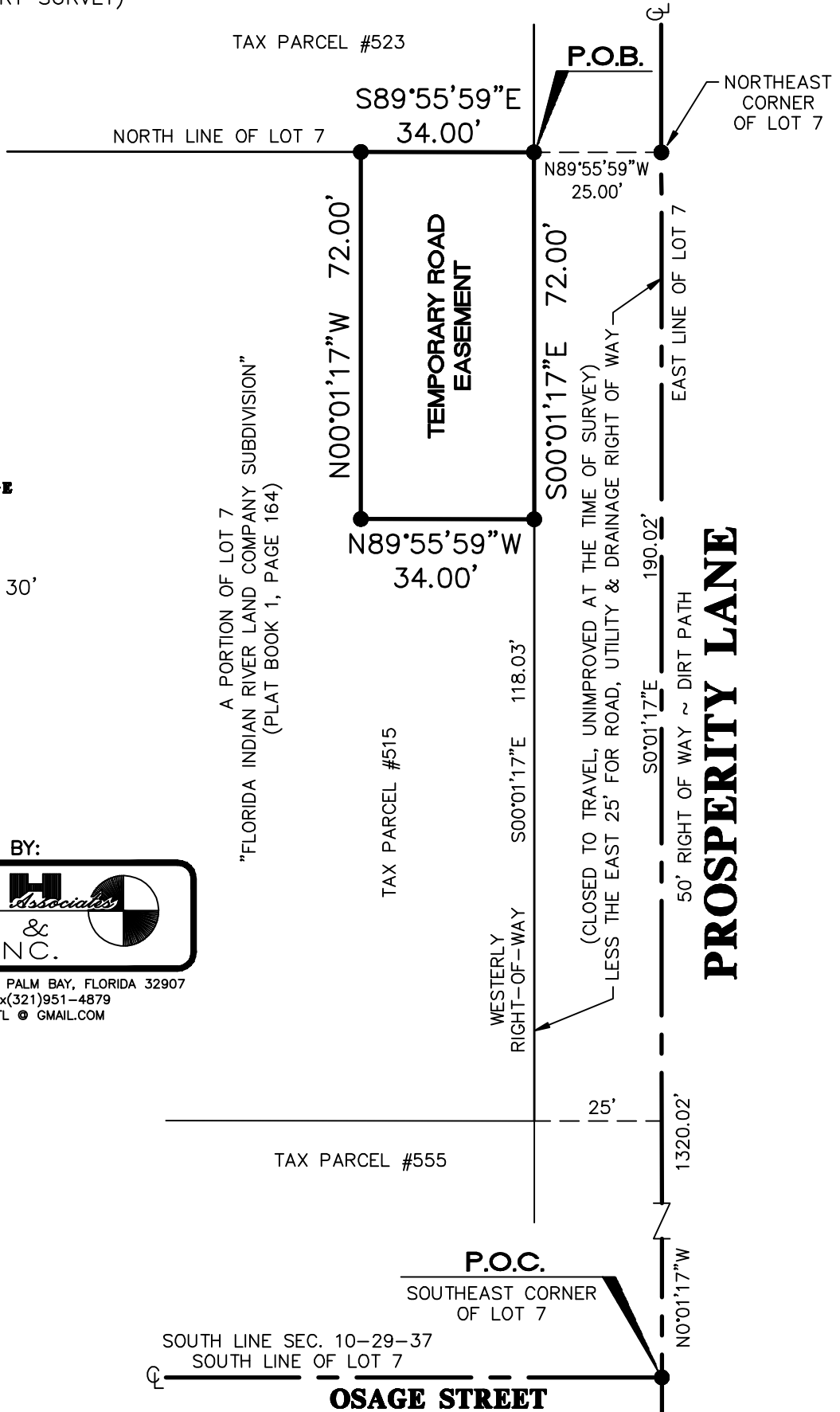
# SKETCH & DESCRIPTION

SECTION 10, TOWNSHIP 29 SOUTH, RANGE 37 EAST  
(NOT A BOUNDARY SURVEY)

SHEET 2 OF 2  
NOT VALID WITHOUT THE LEGAL  
DESCRIPTION ON SHEET 1 OF 2



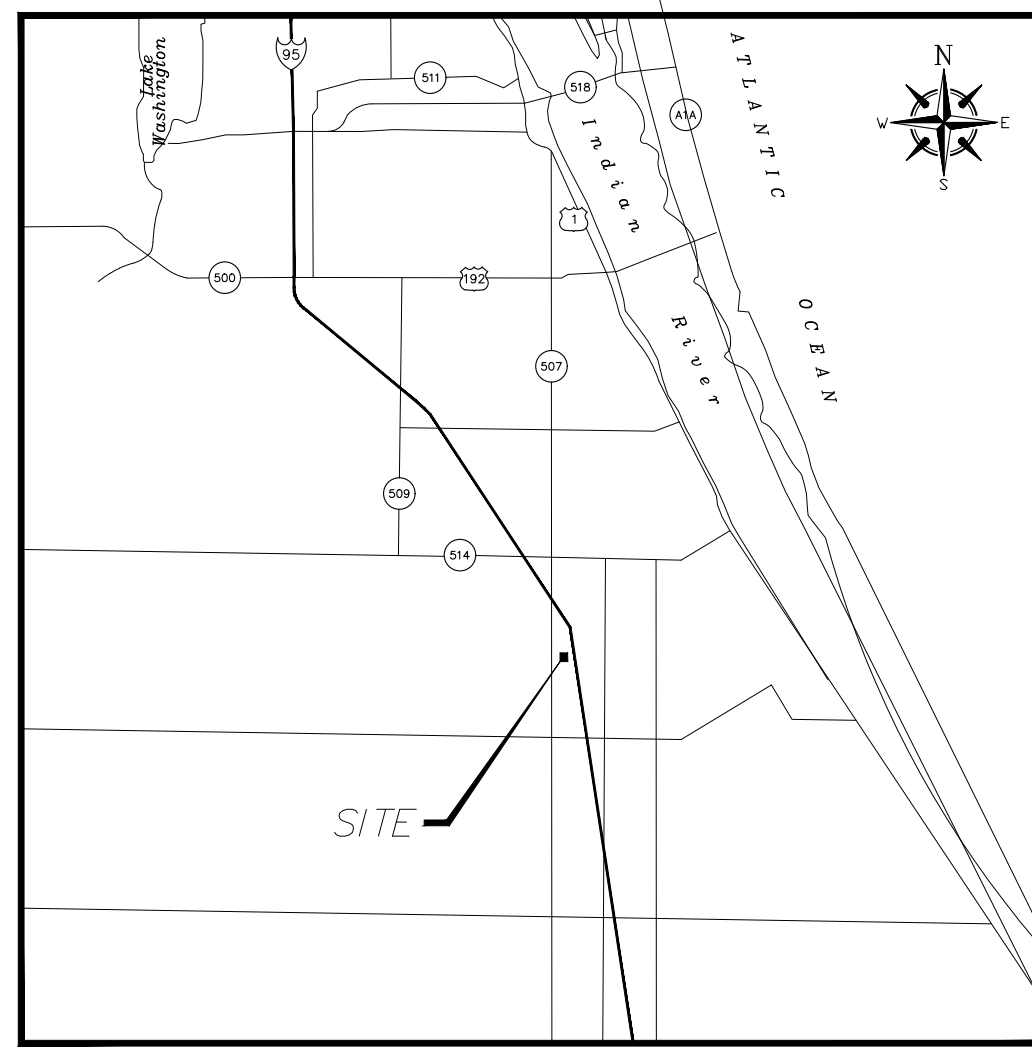
SCALE: 1" = 30'



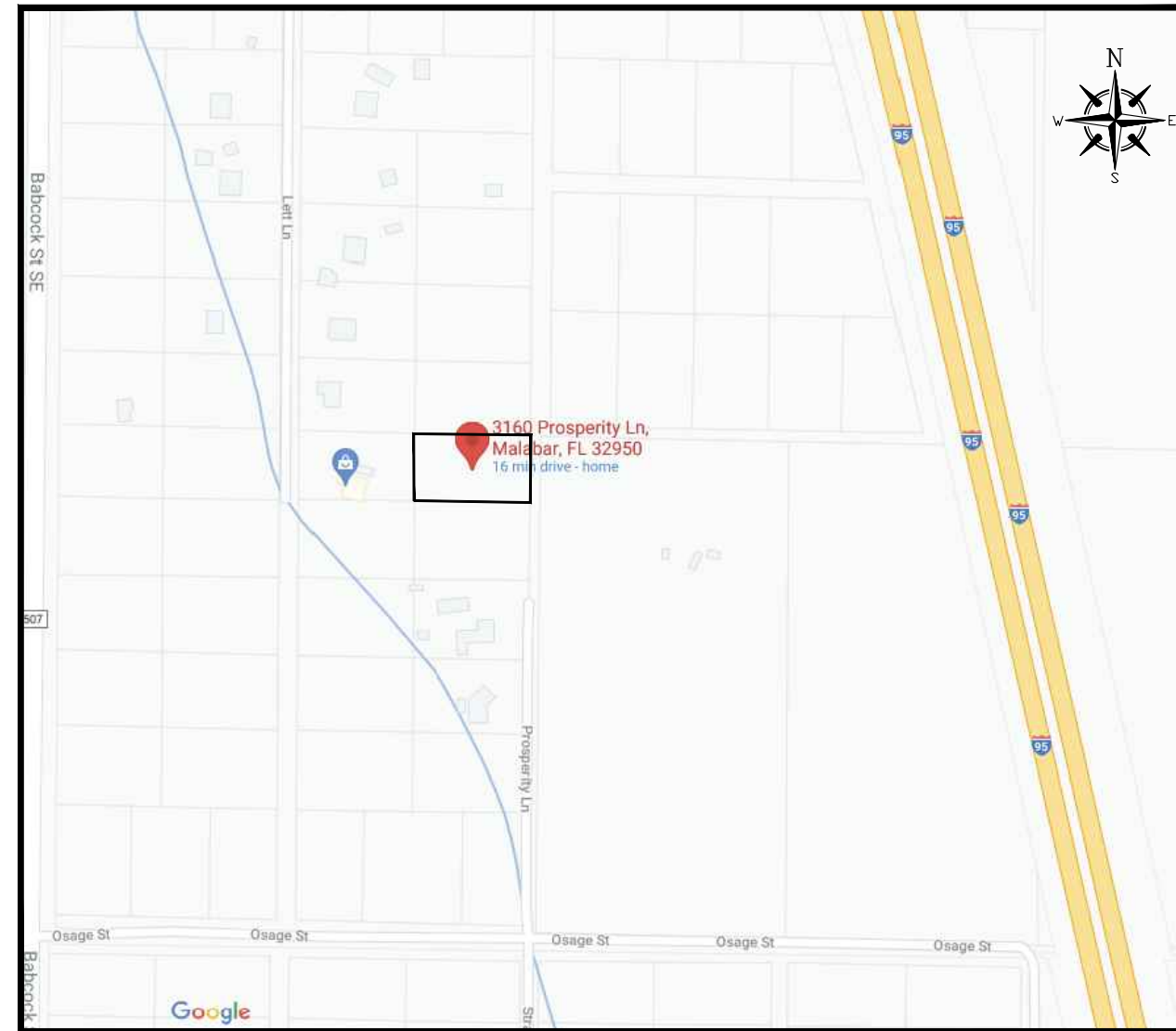
PREPARED BY:



1350 MALABAR ROAD S.E., SUITE 1, PALM BAY, FLORIDA 32907  
Phone (321)724-2940 Fax(321)951-4879  
E-MAIL: SMITHSURVEYINGFL @ GMAIL.COM



Location Map



SECTION 10, TWP. 29 S., RNG. 37 E.  
Vicinity Map

# SITE CONSTRUCTION PLANS FOR Unpaved Road Extension PROSPERITY LANE

TOWN OF MALABAR, BREVARD COUNTY, FLORIDA  
SECTION 10, TOWNSHIP 29 SOUTH, RANGE 37 EAST

## SHEET INDEX

- COVER SHEET
- PRE-DEVELOPMENT PLAN
- UNPAVED ROAD PLAN
- DETAILS

### EROSION AND SEDIMENT CONTROL REQUIREMENTS:

- SEDIMENT BASINS AND TRAPS, PERIMETER DIKES, SEDIMENT BARRIERS AND OTHER MEASURES INTENDED TO TRAP SEDIMENT SHALL BE CONSTRUCTED AS A FIRST STEP IN ANY LAND-DISTURBING ACTIVITY AND SHALL BE MADE FUNCTIONAL BEFORE UPSLOPE LAND DISTURBANCE TAKES PLACE.
- ALL SEDIMENT CONTROL MEASURES ARE TO BE ADJUSTED TO MEET FIELD CONDITIONS AT THE TIME OF CONSTRUCTION AND BE CONSTRUCTED PRIOR TO ANY GRADING OR DISTURBANCE OF EXISTING SURFACE MATERIAL ON BALANCE OF SITE. PERIMETER SEDIMENT BARRIERS SHALL BE CONSTRUCTED TO PREVENT SEDIMENT OR TRASH FROM FLOWING OR FLOATING ON TO ADJACENT PROPERTIES.
- PERMANENT OR TEMPORARY SOIL STABILIZATION SHALL BE APPLIED TO DENUDED AREAS WITHIN SEVEN DAYS AFTER FINAL GRADE IS REACHED ON ANY PORTION OF THE SITE. TEMPORARY SOIL STABILIZATION SHALL BE APPLIED WITHIN SEVEN DAYS TO DENUDED AREAS THAT MAY NOT BE AT FINAL GRADE BUT WILL REMAIN UNDISTURBED FOR LONGER THAN 30 DAYS. PERMANENT STABILIZATION SHALL BE APPLIED TO AREAS THAT ARE TO BE LEFT UNDISTURBED FOR MORE THAN ONE YEAR.
- DURING CONSTRUCTION OF THE PROJECT, SOIL STOCK PILES SHALL BE STABILIZED OR PROTECTED WITH SEDIMENT TRAPPING MEASURES. THE APPLICANT IS RESPONSIBLE FOR THE TEMPORARY PROTECTION AND PERMANENT STABILIZATION OF ALL SOIL STOCKPILES ON SITE AS WELL AS SOIL INTENTIONALLY TRANSPORTED FROM THE PROJECT SITE.
- A PERMANENT VEGETATIVE COVER SHALL BE ESTABLISHED ON DENUDED AREAS NOT OTHERWISE PERMANENTLY STABILIZED. PERMANENT VEGETATION SHALL NOT BE CONSIDERED ESTABLISHED UNTIL A GROUND COVER IS ACHIEVED THAT, IN THE OPINION OF THE REVIEWER, IS UNIFORM, MATURE ENOUGH TO SURVIVE AND WILL INHIBIT EROSION.
- STABILIZATION MEASURES SHALL BE APPLIED TO EARTHEN STRUCTURES SUCH AS DAMS, DIKES AND DIVERSIONS IMMEDIATELY AFTER INSTALLATION.
- SURFACE RUNOFF FROM DISTURBED AREAS THAT IS COMPRISED OF FLOW FROM DRAINAGE AREAS GREATER THAN OR EQUAL TO THREE ACRES SHALL BE CONTROLLED BY A SEDIMENT BASIN. THE SEDIMENT BASIN SHALL BE DESIGNED AND CONSTRUCTED TO ACCOMMODATE THE ANTICIPATED SEDIMENT LOADING FROM THE LAND-DISTURBING ACTIVITY. THE OUTFALL DEVICE OR SYSTEM DESIGN SHALL TAKE INTO ACCOUNT THE TOTAL DRAINAGE AREA FLOWING THROUGH THE DISTURBED AREA TO BE SERVED BY THE BASIN.
- AFTER ANY SIGNIFICANT RAINFALL, SEDIMENT CONTROL STRUCTURES WILL BE INSPECTED FOR INTEGRITY. ANY DAMAGED DEVICES SHALL BE CORRECTED IMMEDIATELY.
- CONCENTRATED RUNOFF SHALL NOT FLOW DOWN CUT OR FILL SLOPES UNLESS CONTAINED WITHIN AN ADEQUATE TEMPORARY OR PERMANENT CHANNEL, FLUME OR SLOPE DRAIN STRUCTURE.
- WHENEVER WATER SEEPS FROM A SLOPE FACE, ADEQUATE DRAINAGE OR OTHER PROTECTION SHALL BE PROVIDED.
- SEDIMENT WILL BE PREVENTED FROM ENTERING ANY STORM DRAIN SYSTEM, DITCH, OR CHANNEL. ALL STORM SEWER INLETS THAT ARE MADE OPERABLE DURING CONSTRUCTION SHALL BE PROTECTED SO THAT SEDIMENT-LADEN WATER CANNOT ENTER THE CONVEYANCE SYSTEM WITHOUT FIRST BEING FILTERED OR OTHERWISE TREATED TO REMOVE SEDIMENT.
- BEFORE TEMPORARY OR NEWLY CONSTRUCTED STORMWATER CONVEYANCE CHANNELS ARE MADE OPERATIONAL, ADEQUATE OUTLET PROTECTION AND ANY REQUIRED TEMPORARY OR PERMANENT CHANNEL LINING SHALL BE INSTALLED IN BOTH THE CONVEYANCE CHANNEL AND RECEIVING CHANNEL.
- WHEN WORK IN A LIVE WATERCOURSE IS PERFORMED, PRECAUTIONS SHALL BE TAKEN TO MINIMIZE ENCROACHMENT, CONTROL SEDIMENT TRANSPORT AND STABILIZE THE WORK AREA TO THE GREATEST EXTENT POSSIBLE DURING CONSTRUCTION. NON-ERODIBLE MATERIAL SHALL BE USED FOR THE CONSTRUCTION OF CAUSEWAYS AND COFFERDAMS. EARTHEN FILL MAY BE USED FOR THESE STRUCTURES IF ARMORED BY NON-ERODIBLE COVER MATERIALS.
- WHEN A LIVE WATERCOURSE MUST BE CROSSED BY CONSTRUCTION VEHICLES, A TEMPORARY STREAM CROSSING CONSTRUCTED OF NON-ERODIBLE MATERIAL SHALL BE PROVIDED.
- THE BED AND BANKS OF A WATERCOURSE SHALL BE STABILIZED IMMEDIATELY AFTER WORK IN THE WATERCOURSE IS COMPLETED.
- PERIODIC INSPECTION AND MAINTENANCE OF ALL SEDIMENT CONTROL STRUCTURES MUST BE PROVIDED TO ENSURE INTENDED PURPOSE IS ACCOMPLISHED. THE DEVELOPER, OWNER, AND/OR CONTRACTOR SHALL BE CONTINUALLY RESPONSIBLE FOR ALL SEDIMENT LEAVING THE PROPERTY. SEDIMENT CONTROL MEASURES SHALL BE IN WORKING CONDITION AT THE END OF EACH WORKING DAY.
- UNDERGROUND UTILITY LINES SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING STANDARDS IN ADDITION TO OTHER APPLICABLE CRITERIA:
  - NO MORE THAN 500 LINEAR FEET OF TRENCH MAY BE OPENED AT ONE TIME.
  - EXCAVATED MATERIAL SHALL BE PLACED ON THE UPHILL SIDE OF TRENCHES.
  - EFFLUENT FROM DEWATERING OPERATIONS SHALL BE FILTERED OR PASSED THROUGH AN APPROVED SEDIMENT TRAPPING DEVICE, OR BOTH, AND DISCHARGED IN A MANNER THAT DOES NOT ADVERSELY AFFECT FLOWING STREAMS OR OFF-SITE PROPERTY.
  - RESTALLATION SHALL BE ACCOMPLISHED IN ACCORDANCE WITH THESE REGULATIONS.
- WHERE CONSTRUCTION VEHICLE ACCESS ROUTES INTERSECT PAVED PUBLIC ROADS, PROVISIONS SHALL BE MADE TO MINIMIZE THE TRANSPORT OF SEDIMENT BY TRACKING ONTO THE PAVED SURFACE. WHERE SEDIMENT IS TRANSPORTED ONTO A PUBLIC ROAD SURFACE WITH CURBS AND GUTTERS, THE ROAD SHALL BE CLEANED THOROUGHLY AT THE END OF EACH DAY. SEDIMENT SHALL BE REMOVED FROM THE ROADS BY SHOVELING OR SWEEPING AND TRANSPORTED TO A SEDIMENT CONTROL DISPOSAL AREA. STREET WASHING SHALL BE ALLOWED ONLY AFTER SEDIMENT IS REMOVED IN THIS MANNER. THIS PROVISION SHALL APPLY TO INDIVIDUAL SUBDIVISION LOTS AS WELL AS TO LARGER LAND-DISTURBING ACTIVITIES.
- ALL TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES SHALL BE REMOVED WITHIN 30 DAYS AFTER FINAL SITE STABILIZATION OR AFTER THE TEMPORARY MEASURES ARE NO LONGER NEEDED, IN THE OPINION OF THE REVIEWER. DISTURBED SOIL AREAS RESULTING FROM THE DISPOSITION OF TEMPORARY MEASURES SHALL BE PERMANENTLY STABILIZED TO PREVENT FURTHER EROSION AND SEDIMENTATION.
- PROPERTIES AND WATERWAYS DOWNSTREAM FROM CONSTRUCTION SITES SHALL BE PROTECTED FROM SEDIMENT DEPOSITION AND EROSION.
- PHASED PROJECTS SHOULD BE CLEARED IN CONJUNCTION WITH CONSTRUCTION OF EACH PHASE.
- EROSION CONTROL DESIGN AND CONSTRUCTION SHALL FOLLOW THE REQUIREMENTS IN INDEX NOS. 101, 102, AND 103 OF FOOT ROADWAY AND TRAFFIC DESIGN STANDARDS.
- TOWN OF MALABAR MAY APPROVE MODIFICATIONS OR ALTERNATE PLANS TO THESE EROSION CONTROL CRITERIA DUE TO SITE SPECIFIC CONDITIONS.

### ROADWAY, EARTHWORK, AND DRAINAGE NOTES:

- THE CONTRACTOR SHALL CLEAR AND GRUB ALL AREAS OF CONSTRUCTION UNLESS OTHERWISE INDICATED, REMOVING TREES, STUMPS, ROOTS, MUCK, AND ALL OTHER UNSUITABLE MATERIAL.
- THE CONTRACTOR SHALL SUBMIT SHOP DRAWINGS FOR ALL STORM DRAINAGE STRUCTURES TO THE ENGINEER OF RECORD AND TOWN OF MALABAR FOR REVIEW AND APPROVAL, PRIOR TO ORDERING MATERIALS.
- TRAFFIC CONTROL ON ALL STATE, AND COUNTY RIGHTS OF WAY SHALL MEET THE REQUIREMENTS OF THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (US DOT/FHWA) AND THE REQUIREMENTS OF THE STATE AND ANY LOCAL AGENCY HAVING JURISDICTION.
- ALL ROADWAY, DRAINAGE, AND CONSTRUCTION, MATERIALS, AND WORKMANSHIP SHALL BE IN ACCORDANCE WITH THE TYPICAL PAVEMENT SECTION AS DEPICTED ON THE PLANS AND THE LATEST REVISION OF THE FLORIDA DEPARTMENT OF TRANSPORTATION'S "STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION".
- ALL CONCRETE DRAINAGE STRUCTURES SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST REVISION OF THE FLORIDA DEPARTMENT OF TRANSPORTATION "ROADWAY AND TRAFFIC DESIGN STANDARDS".
- WHERE NEW PAVEMENT MEETS EXISTING PAVEMENT, THE CONTRACTOR SHALL SAW CUT THE EXISTING PAVEMENT FOR A SMOOTH AND STRAIGHT JOINT AND MATCH THE EXISTING PAVEMENT ELEVATION WITH THE PROPOSED PAVEMENT.
- ALL CONCRETE USED IN CONSTRUCTION SHALL ATTAIN A MINIMUM COMPRESSIVE STRENGTH OF 3,000 PSI IN 28 DAYS.
- THE CONTRACTOR SHALL GRADE THE SITE TO THE ELEVATIONS INDICATED ON THE PLANS AND SHALL REGRADE SLOPES UNTIL A HEALTHY STAND OF GRASS IS FIRMLY ESTABLISHED.
- THE CONTRACTOR SHALL UTILIZE METHODS TO CONTROL SURFACE WATER DURING DEWATERING AND ROADWAY PREPARATION, INCLUDING TEMPORARY SWALES, BERMS, ETC., TO MINIMIZE THE IMPACT OF RAIN DELAYS ON THE PROJECT SCHEDULE.
- THE CONTRACTOR SHALL COMPLY WITH TOWN OF MALABAR LAND DEVELOPMENT CODE IN REGARDS TO EROSION AND SEDIMENTATION CONTROL WITHIN THE COUNTY RIGHTS-OF-WAY.
- SOD ALL SLOPES GREATER THAN 5:1. WHERE SLOPES ARE 2:1 OR STEEPER THE SOD SHALL BE PINNED.
- ALL DISTURBED AREAS ARE TO BE PROTECTED WITH EITHER SOD OR SEED AND MULCH INCLUDING THE RESIDENTIAL LOT AREAS. THE AREAS SHALL BE SEED & MULCHED WITHIN 30 DAYS AFTER FINISHED GRADING, OR PRIOR TO REQUESTING FINAL INSPECTION FROM ENGINEERING INSPECTION. IF EMERGENT VEGETATION COVERAGE EXCEEDS 80% OVER THE LOT AREAS (ONLY) AT THE TIME OF INSPECTION, THAN THESE AREAS SHALL NOT BE REQUIRED TO BE SEEDED & MULCHED.
- ALL TRAFFIC SIGNS TO BE MOUNTED AT STANDARD HEIGHT; MINIMUM 7 FT FROM FINISH GRADE TO BOTTOM OF SIGN.
- REGARDLESS OF PRIVATE OR PUBLIC DEDICATION, THERE SHALL BE NO UTILITY CONNECTIONS, METER BOXES, OR VALVE BOXES IN EXISTING OR PROPOSED SIDEWALK OR DRIVEWAY AREAS.

### GENERAL NOTES

- THE CONTRACTOR SHALL FURNISH ALL MATERIAL AND LABOR REQUIRED TO CONSTRUCT THE IMPROVEMENTS AS SHOWN AND DESCRIBED ON THESE PLANS IN CONFORMANCE WITH TOWN OF MALABAR'S CODES, SPECIFICATIONS AND REQUIREMENTS. HE SHALL VISIT THE SITE PRIOR TO BIDDING TO DETERMINE EXISTING CONDITIONS. HE SHALL CLEAR AND GRUB ALL RIGHT-OF-WAYS, TRACTS AND EASEMENTS UNLESS OTHERWISE INDICATED, REMOVING TREES, STUMPS, ROOTS, MUCK AND ALL OTHER DELETERIOUS MATERIAL.
- THE EXACT LOCATIONS OF EXISTING UTILITIES ARE UNKNOWN. THE CONTRACTOR SHALL FIELD VERIFY THE EXACT LOCATION OF ALL EXISTING UTILITIES PRIOR TO BIDDING BY NOTIFYING THE UTILITY COMPANY TO LOCATE THEIR UTILITIES OR BY FIELD VERIFICATION. HE SHALL BE RESPONSIBLE TO REPAIR ANY DAMAGED UTILITY RESULTING FROM HIS CONSTRUCTION AT HIS OWN EXPENSE.
- THE CONTRACTOR SHALL BE RESPONSIBLE TO OBTAIN ALL REQUIRED CONSTRUCTION PERMITS AND BONDS PRIOR TO CONSTRUCTION.
- TOPOGRAPHIC INFORMATION OBTAINED FROM SURVEY PREPARED BY WILLIAM J. SUITER LAND SURVEYING, JOB NUMBER 14-234, DATED 9-12-2014. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR TOPOGRAPHIC INACCURACIES SHOWN HEREON.
- ALL TRAFFIC SIGNS SHALL BE MOUNTED A MIN. 7 FT. IN HEIGHT AND SHALL BE IN ACCORDANCE WITH M.U.T.C.D. STANDARDS.
- ANY DISCREPANCIES ON THE DRAWINGS SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER BEFORE COMMENCING WORK. NO FIELD CHANGES OR DEVIATIONS FROM DESIGN SHALL BE MADE WITHOUT PRIOR WRITTEN APPROVAL OF THE ENGINEER. WHEN PROPOSED IMPROVEMENTS CONFLICTS WITH EXISTING UTILITIES, THE CONTRACTOR SHALL BE RESPONSIBLE TO ADJUST THE UTILITIES UNDER THE GUIDANCE OF THE APPROPRIATE UTILITY OWNER.
- THE CONTRACTOR SHALL CONTACT ALL APPLICABLE UTILITY OWNERS AT LEAST 48 HOURS IN ADVANCE OF CONSTRUCTION OPERATIONS.
- COPIES OF ALL REQUIRED TEST RESULTS ARE TO BE SENT TO THE APPROPRIATE CITY/COUNTY SITE INSPECTOR AND THE ENGINEER OF RECORD DIRECTLY FROM THE TESTING AGENCY.
- THE CONTRACTOR SHALL BE RESPONSIBLE TO SUBMIT TO THE ENGINEER OF RECORD AS-BUILT SURVEYS DEPICTING THE LOCATION OF ALL CONSTRUCTED IMPROVEMENTS TO BE CERTIFIED BY A FLORIDA REGISTERED LAND SURVEYOR, OF SUFFICIENT DETAIL AS REQUIRED BY ALL PERMITTING AGENCIES HAVING JURISDICTION OVER THE WORK.
- THE CONTRACTOR SHALL CONTROL TURBID RUNOFF FROM THE PROJECT BY ROUGH EXCAVATING THE PROPOSED STORMWATER MANAGEMENT AREA(S) IMMEDIATELY FOLLOWING THE CLEARING AND GRUBBING OPERATIONS. ALL DEWATERING DISCHARGE SHALL BE DIRECTED TO THESE AREA(S) FOR SETTLING PRIOR TO DISCHARGE OFF-SITE. SHOULD ANY DEWATERING QUANTITY OR RATE EXCEED THE THRESHOLDS DESCRIBED IN 40C-2 F.A.C., THE CONTRACTOR SHALL OBTAIN A CONSUMPTIVE USE PERMIT FROM THE SJRWMD.
- THE CONTRACTOR SHALL INSTALL WATER QUALITY CONTROL DEVICES, AS DESIGNATED ON THESE PLANS. THE CONTRACTOR SHALL RECEIVE THE ENGINEER'S APPROVAL OF THE INSTALLATION, PRIOR TO ANY OTHER SITE CONSTRUCTION.
- ALL EROSION CONTROL/WATER QUALITY DEVICES SHALL BE IN ACCORDANCE WITH STANDARD PLANS FOR ROAD CONSTRUCTION INDEX 570-001 AND 570-010. THE ENTRANCE OF ALL INLETS SHALL HAVE EITHER BALED HAY OR FILTER FABRIC SILT PROTECTION. SILT FENCES AND/OR TURBIDITY BARRIERS SHALL BE INSTALLED AT ALL OFF-SITE DISCHARGE OUTLET STRUCTURES. ALL EROSION CONTROL/WATER QUALITY DEVICES SHALL BE LEFT IN PLACE UNTIL THE DISTURBED SITE IS COMPLETELY STABILIZED AND/OR VEGETATED.
- THE CONTRACTOR SHALL MAINTAIN ADEQUATE SOIL MOISTURE TO PREVENT WIND GENERATED SOIL EROSION.

### EROSION CONTROL/WATER QUALITY REQUIREMENTS:

- THE CONTRACTOR MUST SELECT, IMPLEMENT, AND OPERATE ALL EROSION AND SEDIMENT CONTROL MEASURES REQUIRED TO RETAIN SEDIMENT ON-SITE AND TO PREVENT VIOLATIONS OF WATER QUALITY STANDARD AS SPECIFIED IN CHAPTERS 17-301, 17-302, AND 17-4, F.A.C. THE PERMITEE IS ENCOURAGED TO USE APPROPRIATE BEST MANAGEMENT PRACTICES FOR EROSION AND SEDIMENT CONTROL AS DESCRIBED IN THE FLORIDA LAND DEVELOPMENT MANUAL: A GUIDE TO SOUND LAND AND WATER MANAGEMENT (FDER, 1988).

**TEIMOURI & Associates, Inc.**  
Consulting Engineers  
32 East New Haven Avenue  
Melbourne, Florida 32901  
Email: wteimouri@teimouri.com

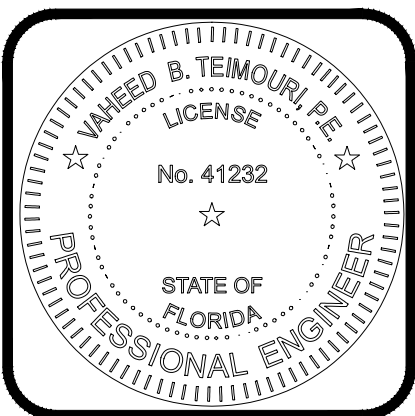


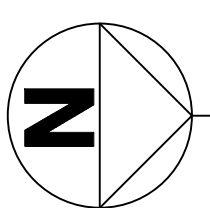
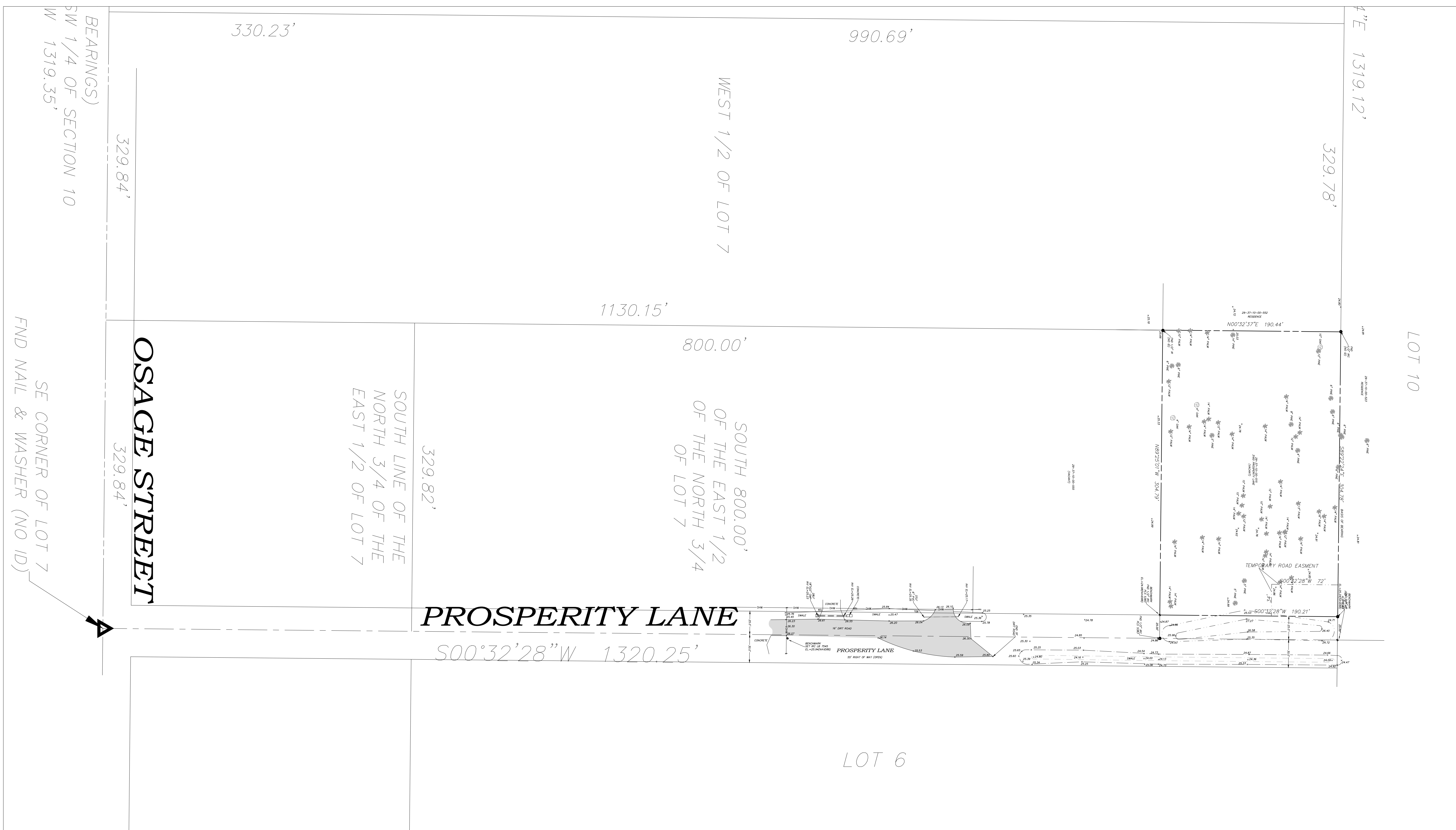
CERTIFICATE OF AUTHORIZATION # 932893

NO.	DATE	REVISIONS

**PROSPERITY LANE**  
 COVER SHEET  
 PREPARED FOR:  
 JAVIER MARTINEZ & ALONDRA ISELA CARDENAS  
 3160 PROSPERITY LANE, MALABAR, FLORIDA 32950

PROJECT NO:	2021-128
FILE NO:	2021128C1a
DESIGNED BY:	VB
DRAWN BY:	VB
CHECKED BY:	VB
DATE:	9-1-2012
DRAWING NO:	C-1
SHEET	1 OF 4





**PRE-DEVELOPMENT PLAN**

SCALE: 1"= 50'

LEGAL DESCRIPTION:  
 TRACT 180, DESCRIBED AS FOLLOWS:  
 THE EAST 1/2 OF THE NORTH 3/4, LESS THE SOUTH 800 FEET THEREOF OF LOT 7, SECTION 10, TOWNSHIP 29 SOUTH, RANGE 37 EAST, PLAT OF FLORIDA INDIAN RIVER LAND COMPANY, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 165, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LESS THE EAST 25 FEET FOR ROAD, UTILITY AND DRAINAGE RIGHT OF WAY

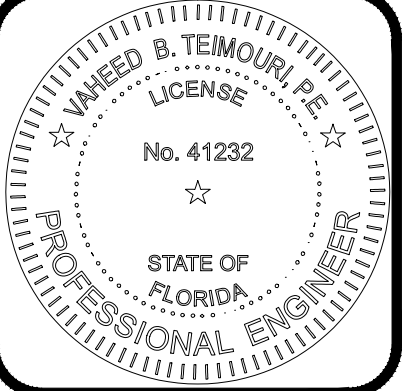
**TEIMOURI & Associates, Inc.**  
 Consulting Engineers  
 32 East New Haven Avenue  
 Melbourne, Florida 32901  
 Email: info@teimouri.com  
 321-728-6392  
 CERTIFICATE OF AUTHORIZATION # 32283

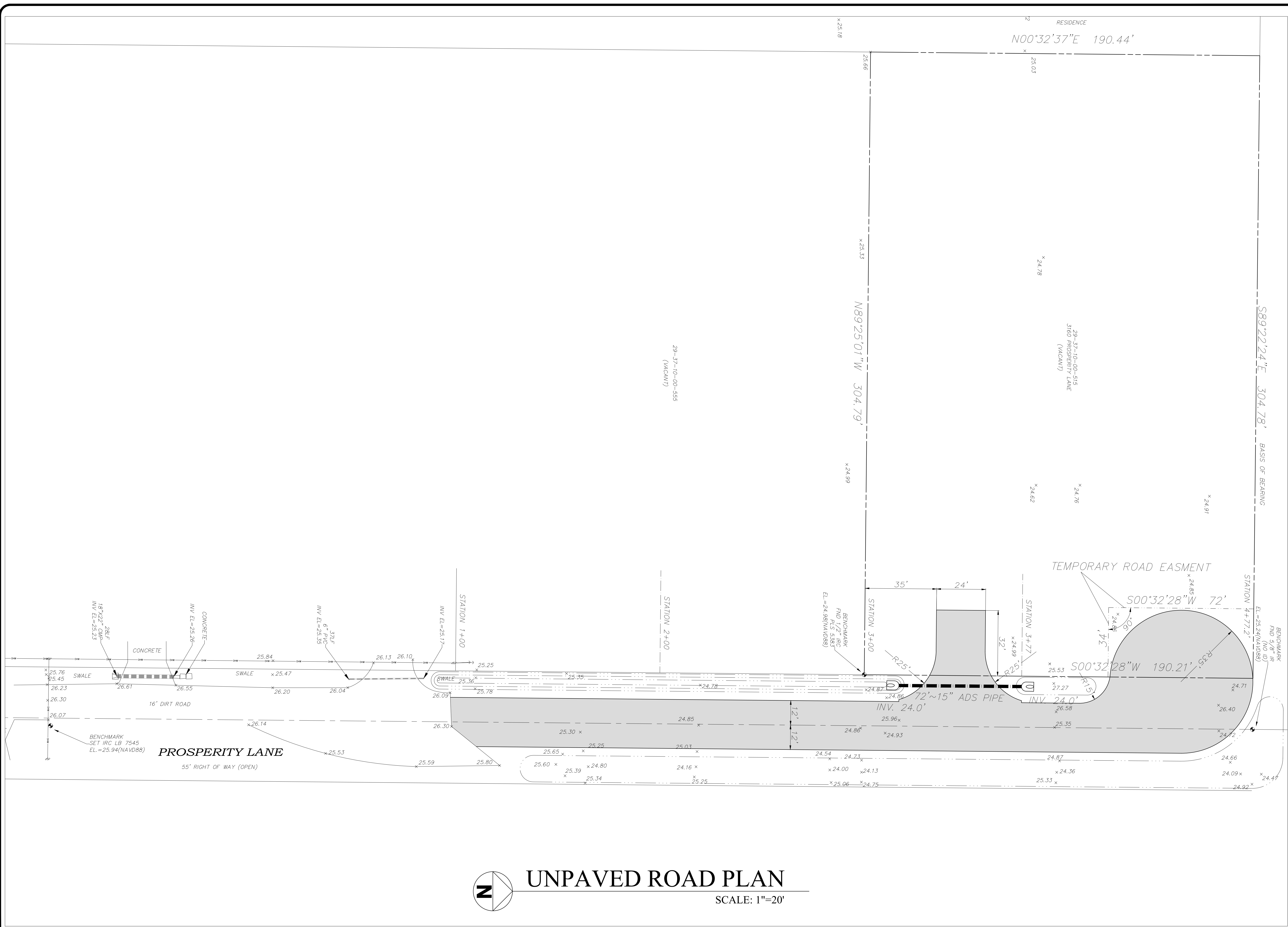
NO.	DATE	REVISIONS

**PROSPERITY LANE**  
 PRE-DEVELOPMENT PLAN

PREPARED FOR:  
 JAVIER MARTINEZ & ALONDRA ISELA CARDENAS  
 3160 PROSPERITY LANE, MALABAR, FLORIDA 32950

PROJECT NO: 2021-128  
 FILE NO: 2021128C1a  
 DESIGNED BY: VBT  
 DRAWN BY: VBT  
 CHECKED BY:  
 DATE: 9-1-2012  
 DRAWING NO:  
**C-2**  
 SHEET 2 OF 4





**TEIMOURI & Associates, Inc.**  
*Consulting Engineers*  
 32 East New Haven Avenue  
 Melbourne, Florida 32901  
 Email: vteimouri@teimouri.com  
 Website: www.teimouri.com  
 CERTIFICATE OF AUTHORIZATION # 32293



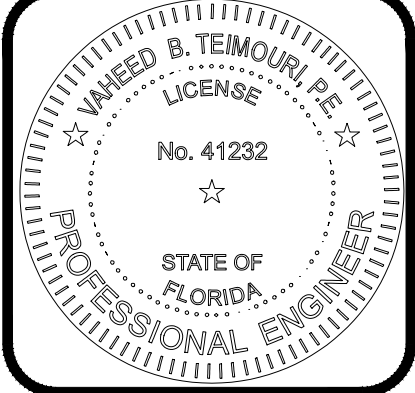
NO.	DATE	REVISIONS

**PROSPERITY LANE**  
 UNPAVED ROAD

PREPARED FOR:  
 JAVIER MARTINEZ & ALONDRA ISELA CARDENAS  
 3160 PROSPERITY LANE, MALABAR, FLORIDA 32960

PROJECT NO: 2021-128  
 FILE NO: 2021128C1a  
 DESIGNED BY: VBT  
 DRAWN BY: VBT  
 CHECKED BY:  
 DATE: 9-1-2012  
 DRAWING NO:

**C-3**  
 SHEET 3 OF 4



**UNPAVED ROAD PLAN**  
 SCALE: 1"=20'



**Owner:**

Javier Martinez & Alondra Isela Cardenas  
3160 Prosperity Lane, Malabar, Florida 32950

**General statement:**

The planned construction is to construct 277' of unpaved road with roadside swale for stormwater management system on the existing 55' unimproved right of way. This road will be constructed in accordance with the unpaved road Ordinance and requirements of Town of Malabar.

All areas surrounding this road is zoned "X". The project lies within flood zone "X" per flood insurance rate map # 12009C0680G, dated March 17, 2014.

**Drainage Calculations**

Total Drainage area = 20,746 sf  
Impervious area = 10,300 sf  
Pervious area = 10,466 sf  
Total drainage area = 20,746 sf

**Required Retention Volume:**

(20,746 sf X 1/12 ft) = 1,728 cf  
or  
(10,300sf X 1.25/12 ft) + (20,746 sf x 0.5/12) = 1,937 cf

**Pollutant Loading Analysis:**

Pre-development loading; from table 11.7-3 of Applicant Handbook, Forests, Type D soil; Loading Rate= 0.070 Kg/ac-yr  
Post-development loading; from table 11.7-3 of Applicant Handbook, Highway Max 50% Impervious, Type D soil;

Loading Rate= 0.871 Kg/ac-yr

Required Removal Efficiency = (0.871-0.07) / 0.871 x 100% = 92 %

From table 11.7-29, 2.0" of treatment volume is needed

(20,746 sf X 2.0/12 ft) = 3,458 cf (2.0" of treatment)

Required retention = 3,458 cf

The retention pond is shallow swales on east & west of the road from bottom elevation of 24.1' which is the existing grade swale on the east side of the road.

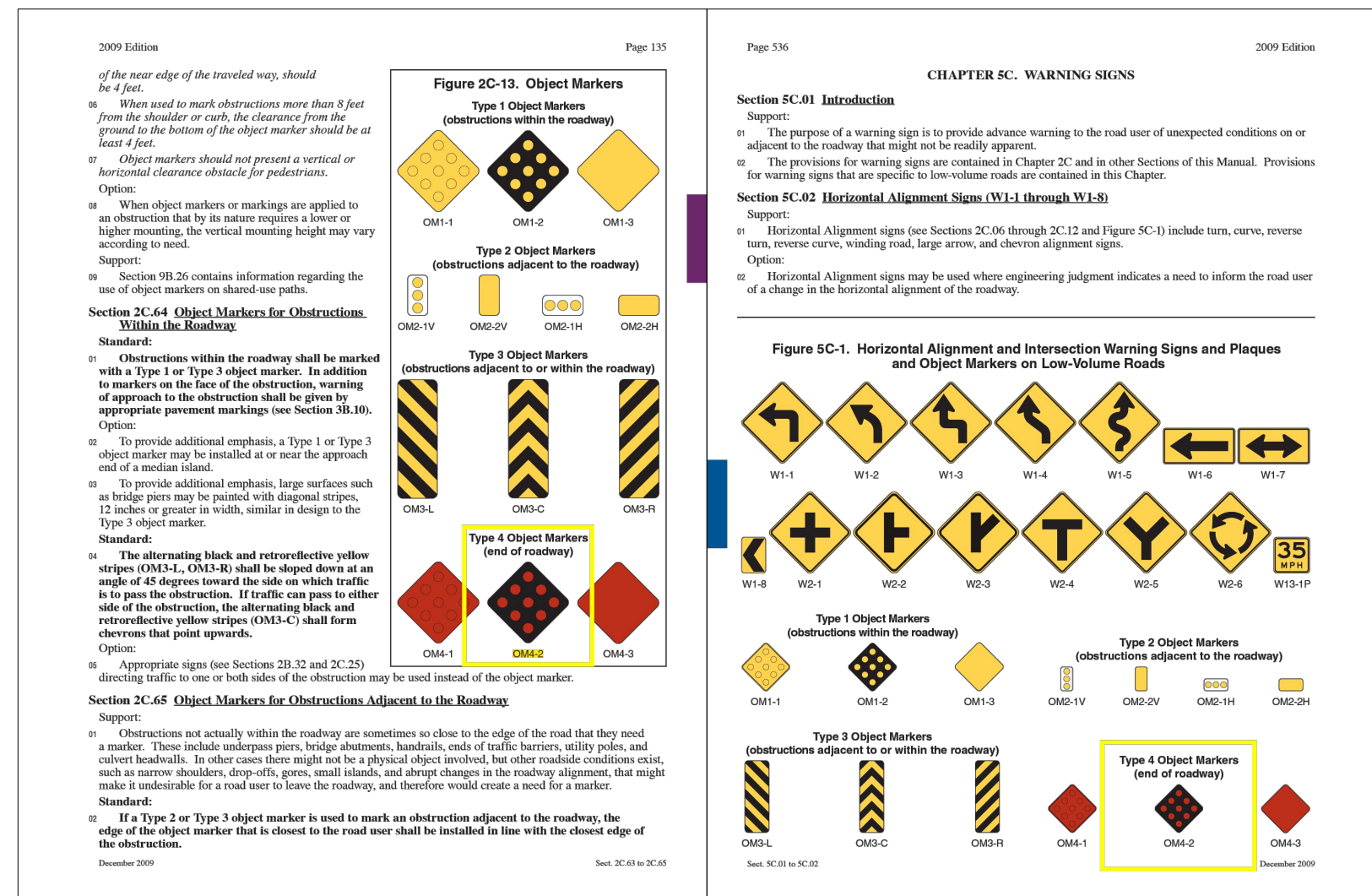
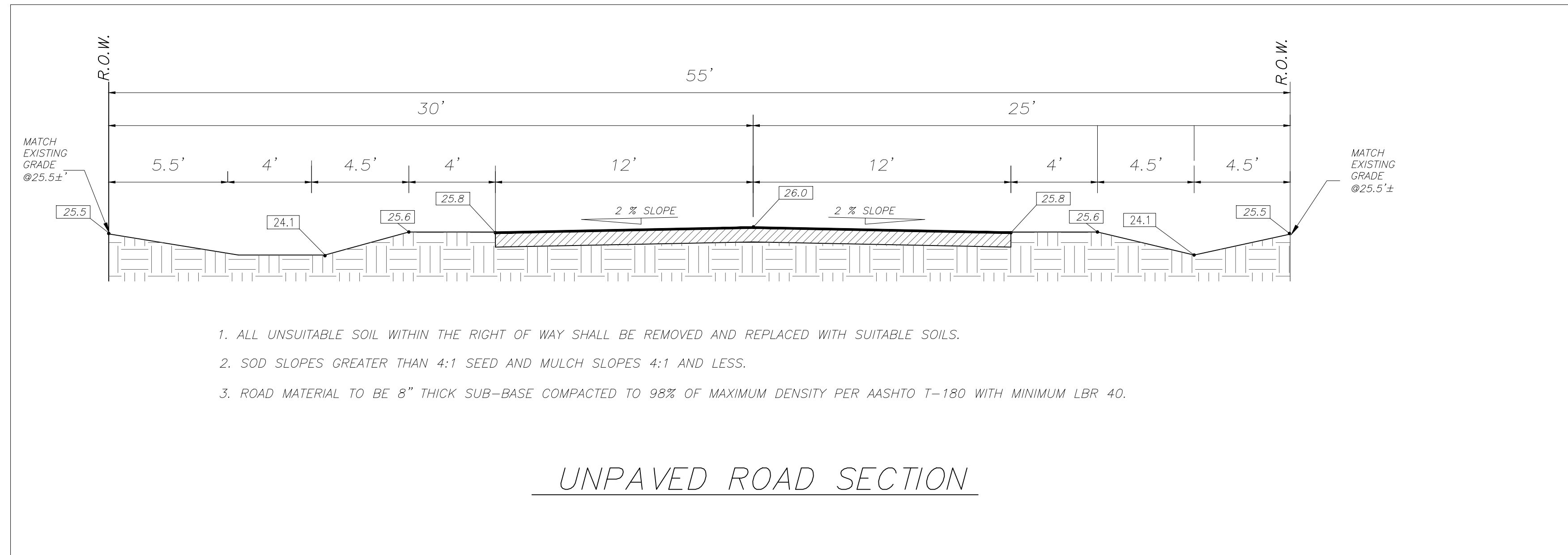
Total Volume of swale = 7,200 CF

**Provided retention volume = 7,200 cf @ 25.6' (4" of treatment)**

**Recovery time for treatment volume (based on the method in SJRWMD hand book)**

Retention Volume, cf = 7,200  
Retention Elevation, ft = 25.6  
Area of Retention Bottom, sf = 1480  
Bottom Elevation = 24.1  
Seasonal High Water = 23.8  
Horizontal Permeability, ft/hr = 1.65  
Vertical Permeability, ft/hr = 1.45  
Impermeable Layer, ft = 10  
Porosity = 0.2  
Vu = A<sub>v</sub> f h<sub>b</sub> = 89  
hv = 1.5  
hu = 0.06  
Kvu = 0.97  
Id = 0.48  
t<sub>sat</sub> = f h<sub>b</sub> / I<sub>d</sub> = 0.12

Remaining volume = 7111  
Remaining volume elev. = 25.6  
h<sub>c</sub> = h<sub>b</sub> = 0.3  
h<sub>2</sub> = 1.5  
H<sub>T</sub> = h<sub>b</sub> + h<sub>2</sub> = 1.8  
F<sub>y</sub> = h<sub>c</sub> / H<sub>T</sub> = 0.17  
L = 700  
W = 10  
Fx = 0.2  
H = 13.8  
D = H + h<sub>c</sub> / 2 = 13.95  
t = W<sup>2</sup> / 4 K<sub>H</sub> D F<sub>x</sub><sup>2</sup> = 27.15  
T = 27.28



- WHERE YOU NEW ROADWAY BEGINS, INSTALL ONE (1) "NO OUTLET" SIGN, W14-2 ON THE RIGHT HAND SIDE OF THE ROADWAY, 4 FEET FROM THE EDGE OF THE DRIVING SURFACE.
- AT THE END OF THE NORTH BOUND LANE INSTALL TWO (2) "OM4-2" TYPE 4 OBJECT MARKERS, EQUALLY SPACED.
- ALL SIGNS TO BE PRISMATIC, HIGH REFLECTIVITY PANELS.

**TEIMOURI & ASSOCIATES, Inc.**  
Consulting Engineers  
32 East New Haven Avenue  
Melbourne, Florida 32901  
Email: [jahmed@teimouri.com](mailto:jahmed@teimouri.com)  
CERTIFICATE OF AUTHORIZATION # 32293

NO.	DATE	REVISIONS

**PROSPERITY LANE**  
UNPAVED ROAD  
PREPARED FOR:  
JAVIER MARTINEZ & ALONDRA ISELA CARDENAS  
3160 PROSPERITY LANE, MALABAR, FLORIDA 32950

PROJECT NO: 2021-128  
FILE NO: 2021128C1a  
DESIGNED BY: VBT  
DRAWN BY: VBT  
CHECKED BY:  
DATE: 9-1-2012  
DRAWING NO: C-4  
SHEET 4 OF 4

# TOWN OF MALABAR

## REGULAR TOWN COUNCIL MEETING

**AGENDA ITEM NO: 13.b.**

Meeting Date: May 6<sup>th</sup>, 2024

Prepared By: Richard W. Kohler, Town Clerk

---

**SUBJECT: Acceptance of a Statewide Mutual Aid Agreement (Resolution 08-2024)**

---

### **BACKGROUND/HISTORY:**

The Florida Department of Emergency Management has updated the Statewide Mutual Aid Agreement (SMAA). They are requesting all current signatories to adopt and submit the newest version. They are requesting all documents be adopted and returned to them by July 1<sup>st</sup>. This document clarifies and ensures that the Town may request State assistance in the event of an emergency. The document also allows the Town to be requested to give Mutual Aid to agencies outside of Malabar as requested by the State.

Town Attorney Karl Bohne has reviewed this Resolution.

### **ATTACHMENTS:**

- Resolution 08-2024

### **ACTION:**

- Motion to approve Resolution 08-2024.

## RESOLUTION 08-2024

**A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR FINDINGS; PROVIDING FOR THE ADOPTION OF A NEW STATEWIDE MUTUAL AID AGREEMENT WITH THE FLORIDA DIVISION OF EMERGENCY MANAGEMENT IN COMPLIANCE WITH CHAPTER 252 OF THE FLORIDA EMERGENCY MANAGEMENT ACT; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, The Emergency Management Act, chapter 252, Florida Statutes, provides each local government of the state the authority to develop and enter into mutual aid agreements within the state for reciprocal emergency aid in case of emergencies too extensive to be dealt with unassisted, and through such agreements ensure the timely reimbursement of costs incurred by the local governments which render such assistance; and

**WHEREAS**, the statutes also authorize the State to coordinate the provision of any equipment, services, or facilities owned or organized by the State or its political subdivisions for use in the affected area upon the request of the duly constituted authority of the area; and

**WHEREAS**, this Resolution authorizes the request, provision, and receipt of interjurisdictional mutual assistance in accordance with the Emergency Management Act, Chapter 252, among political subdivisions within the State and authorizes the adoption of the Statewide Mutual Aid Agreement which is attached hereto.

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

**Section 1.** The above findings are true and correct and are incorporated herein.

**Section 2.** In order to maximize the prompt, full and effective use of resources of all participating governments in the event of an emergency or disaster we hereby adopt the Statewide Mutual Aid Agreement which is attached hereto and incorporated by reference.

**Section 3.** The Town Council of Malabar, Brevard County, Florida, hereby authorizes and directs this agreement to be signed by the Mayor and adopted by the Town of Malabar.

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

**Section 5.** This Resolution shall take effect immediately upon its adoption.



This Resolution was moved for adoption by Council Member \_\_\_\_\_. This motion was seconded by Council Member \_\_\_\_\_ and, upon being put to vote, the vote was as follows:

Council Member Marisa Acquaviva \_\_\_\_\_

Council Member Brian Vail \_\_\_\_\_

Council Member Jim Clevenger \_\_\_\_\_

Council Member David Scardino \_\_\_\_\_

Council Member Mary Hofmeister \_\_\_\_\_

This Resolution was then declared to be duly passed and adopted this \_\_\_\_<sup>th</sup> day of \_\_\_\_\_ 2024.

**TOWN OF MALABAR**

By: \_\_\_\_\_

Mayor Patrick T. Reilly, Council Chair

(Seal)

ATTEST:

\_\_\_\_\_

Richard W, Kohler

Town Clerk

Approved as to Form and Content:

\_\_\_\_\_

Karl Bohne Jr., Town Attorney



# STATE OF FLORIDA DIVISION OF EMERGENCY MANAGEMENT



Ron DeSantis, Governor

Kevin Guthrie, Executive Director

## **STATEWIDE MUTUAL AID AGREEMENT - 2023**

This Agreement is an acknowledgment of receipt by the Florida Division of Emergency Management (“the Division”) and the local government (“Participating Party”) signing this Agreement. Execution of this agreement replaces all previous iterations and is active until a new agreement is drafted and requested by The Division.

This Agreement is based on the existence of the following conditions:

- A. The State of Florida is vulnerable to a wide range of emergencies and disasters that are likely to cause the disruption of essential services and the destruction of the infrastructure needed to deliver those services.
- B. Such emergencies and disasters often exceed the emergency response and recovery capabilities of any one county or local government.
- C. Such incidents may also give rise to unusual and unanticipated physical and technical needs which a local government cannot meet with existing resources, but that other local governments within the State of Florida may be able to provide.
- D. The Emergency Management Act, chapter 252, *Florida Statutes*, provides each local government of the state the authority to develop and enter into mutual aid agreements within the state for reciprocal emergency aid in case of emergencies too extensive to be dealt with unassisted, and through such agreements ensure the timely reimbursement of costs incurred by the local governments which render such assistance.
- E. Pursuant to chapter 252.32, *Florida Statutes*, the Division renders mutual aid among the political subdivisions of the state to carry out emergency management functions and responsibilities.
- F. Pursuant to chapter 252, *Florida Statutes*, the Division has the authority to coordinate and direct emergency management assistance between local governments and concentrate available resources where needed.

Based on the existence of the foregoing conditions, the Parties agree to the following articles:

### **ARTICLE I: DEFINITIONS**

As used in this Agreement, the following expressions shall have the following meanings:

- A. The “Agreement” is this Agreement, which shall be referred to as the Statewide Mutual Aid Agreement (“SMAA”).



# STATE OF FLORIDA DIVISION OF EMERGENCY MANAGEMENT



Ron DeSantis, Governor

Kevin Guthrie, Executive Director

- B. The “Division” is the Florida Division of Emergency Management.
- C. A “Requesting Party” to this Agreement is a Participating Party who requests assistance under this agreement.
- D. An “Assisting Party” to this Agreement is a Participating Party who provides assistance to a Requesting Party under this agreement.
- E. The “Period of Assistance” is the time during which an Assisting Party renders assistance to a Requesting Party under this agreement and includes the time necessary for the resources and personnel of the Assisting Party to travel to the place specified by the Requesting Party and the time necessary to return to their place of origin.
- F. A “Mission” is a documented emergency response activity performed during a Period of Assistance, usually in reference to one operational function or activity.
- G. A “local government” is any educational district, special district, or any entity that is a “local governmental entity” within the meaning of section 11.45(1)(g), *Florida Statutes*.
- H. An “educational district” is any school district within the meaning of section 1001.30, *Florida Statutes*, and any Florida College System Institution or State University within the meaning of section 1000.21, *Florida Statutes*.
- I. A “special district” is any local or regional governmental entity which is an independent special district within the meaning of section 189.012(3), *Florida Statutes*, established by local, special, or general act, or by rule, ordinance, resolution, or interlocal agreement.
- J. A “tribal council” is the respective governing bodies of the Seminole Tribe of Florida and Miccosukee Tribe of Indians recognized as special improvement district by section 285.18(1), *Florida Statutes*.
- K. An “interlocal agreement” is any agreement between local governments within the meaning of section 163.01(3)(a), *Florida Statutes*.
- L. A “Resource Support Agreement” as used in this Agreement refers to a supplemental agreement of support between a Requesting Party and an Assisting Party.
- M. “Proof of work” as used in this Agreement refers to original and authentic documentation of a single individual or group of individuals’ emergency response activity at a tactical level.



# STATE OF FLORIDA DIVISION OF EMERGENCY MANAGEMENT



Ron DeSantis, Governor

Kevin Guthrie, Executive Director

- N. "Proof of payment" as used in this Agreement refers to original and authentic documentation of an emergency response expenditure made by an Assisting Party.
- O. A "Reimbursement Package" as used in this Agreement refers to a full account of mission response documentation supported by proof of work and proof of payment.
- P. Any expressions not assigned definitions elsewhere in this Agreement shall have the definitions assigned them by the Emergency Management Act, Chapter 252, *Florida Statutes*.

## ARTICLE II: APPLICABILITY OF THE AGREEMENT

Any Participating Party, including the Division, may request assistance under this Agreement for a "major disaster" or "catastrophic disaster" as defined in section 252.34, *Florida Statutes*, minor disasters, and other such emergencies as lawfully determined by a Participating Party.

## ARTICLE III: INVOCATION OF THE AGREEMENT

In the event of an emergency or anticipated emergency, a Participating Party may request assistance under this Agreement from any other Participating Party or the Division if, in the judgement of the Requesting Party, its own resources are inadequate to meet the needs of the emergency or disaster.

- A. Any request for assistance under this Agreement may be oral, but within five (5) calendar days must be confirmed in writing by the Requesting Party. All requests for assistance under this Agreement shall be transmitted by the Requesting Party to another Participating Party or the Division. If the Requesting Party transmits its request for Assistance directly to a Participating Party other than the Division, the Requesting Party and Assisting Party shall keep the Division advised of their activities.
- B. The Division shall relay any requests for assistance under this Agreement to such other Participating Parties as it may deem appropriate and coordinate the activities of the Assisting Parties to ensure timely assistance to the Requesting Party. All such activities shall be carried out in accordance with the State's Comprehensive Emergency Management Plan.

## ARTICLE IV: RESPONSIBILITIES OF REQUESTING PARTIES

To the extent practicable, all Requesting Parties shall provide the following information to their respective county emergency management agency, the Division, and the intended Assisting Party or Parties. In providing such information, Requesting Parties should utilize Section I of the



# STATE OF FLORIDA DIVISION OF EMERGENCY MANAGEMENT



Ron DeSantis, Governor

Kevin Guthrie, Executive Director

Resource Support Agreement (RSA) Form, available via the [Division approved documents SharePoint site](#)<sup>1</sup>.

- A. A description of the Mission to be performed by the Assisting Party;
- B. A description of the resources and capabilities needed to complete the Mission successfully;
- C. The location, date, and time personnel and resources from the Assisting Party should arrive at the incident site, staging area, facility, or other location designated by the Requesting Party;
- D. A description of the health, safety, and working conditions expected for deploying personnel;
- E. Lodging and meal availability;
- F. Any logistical requirements;
- G. A description of any location or facility outside the territorial jurisdiction of the Requesting Party needed to stage incoming resources and personnel;
- H. The location date, and time for personnel of the Requesting Party to meet and receive the personnel and equipment of the Assisting Party; and
- I. A technical description of any communications equipment needed to ensure effective information sharing between the Requesting Party, any Assisting Parties, and all relevant responding entities.

## ARTICLE V: RESPONSIBILITIES OF ASSISTING PARTIES

Each Party shall render assistance under this Agreement to any Requesting Party to the extent practicable that its personnel, equipment, resources, and capabilities can render assistance. If upon receiving a request for assistance under this Agreement a Party determines that it has the capacity to render some or all of such assistance, it shall provide the following information without delay to the Requesting Party, the Division, and the Assisting Party's County emergency management agency. In providing such information, the Assisting Party should utilize the Section II of the Resource Support Agreement (RSA) Form, available via the [Division approved documents SharePoint site](#).

<sup>1</sup> FDEM approved documents such as activity logs and mutual aid forms can be found at:  
[https://portal.floridadisaster.org/projects/FROC/FROC\\_Documents/Forms/AllItems.aspx?View=%7B6F3CF7BD%2DC0A4%2D4BE2%2DB809%2DC8009D7D0686%7D](https://portal.floridadisaster.org/projects/FROC/FROC_Documents/Forms/AllItems.aspx?View=%7B6F3CF7BD%2DC0A4%2D4BE2%2DB809%2DC8009D7D0686%7D)



# STATE OF FLORIDA DIVISION OF EMERGENCY MANAGEMENT



Ron DeSantis, Governor

Kevin Guthrie, Executive Director

- A. A description of the personnel, equipment, supplies, services and capabilities it has available, together with a description of the qualifications of any skilled personnel;
- B. An estimate of the time such personnel, equipment, supplies, and services will continue to be available;
- C. An estimate of the time it will take to deliver such personnel, equipment, supplies, and services to the location(s) specified by the Requesting Party;
- D. A technical description of any communications and telecommunications equipment available for timely communications with the Requesting Party and other Assisting Parties;
- E. The names and contact information of all personnel whom the Assisting Party has designated as team leaders or supervisors; and
- F. An estimated cost for the provision of assistance.

## ARTICLE VI: RENDITION OF ASSISTANCE

The Requesting Party shall afford the emergency response personnel of all Assisting Parties, while operating within the jurisdictional boundaries of the Requesting Party, the same powers, duties, rights, and privileges, except that of arrest unless specifically authorized by the Requesting Party, as are afforded the equivalent emergency response personnel of the Requesting Party. Emergency response personnel of the Assisting Party will remain under the command and control of the Assisting Party, but during the Period of Assistance, the resources and responding personnel of the Assisting Party will perform response activities under the operational and tactical control of the Requesting Party.

- A. Unless otherwise agreed upon between the Requesting and Assisting Party, the Requesting Party shall be responsible for providing food, water, and shelter to the personnel of the Assisting Party. For Missions performed in areas where there are insufficient resources to support responding personnel and equipment throughout the Period of Assistance, the Assisting Party shall, to the fullest extent practicable, provide their emergency response personnel with the equipment, fuel, supplies, and technical resources necessary to make them self-sufficient throughout the Period of Assistance. When requesting assistance, the Requesting Party may specify that Assisting Parties send only self-sufficient personnel and resources but must specify the length of time self-sufficiency should be maintained.



# STATE OF FLORIDA DIVISION OF EMERGENCY MANAGEMENT



Ron DeSantis, Governor

Kevin Guthrie, Executive Director

- B. Unless the Requesting Party has specified the contrary, it shall, to the fullest extent practicable, coordinate all communications between its personnel and the responding personnel of the Assisting Parties, and shall determine and share the frequencies and other technical specifications of all communications equipment to be used, as appropriate, with the deployed personnel of the Assisting Parties.
- C. Personnel of the Assisting Party who render assistance under this Agreement shall receive the usual wages, salaries, and other compensation as are normally afforded to personnel for emergency response activities within their home jurisdiction, and shall have all the immunities, rights, interests, and privileges applicable to their normal employment. If personnel of the Assisting Party hold local licenses or certifications limited to the jurisdiction of issue, then the Requesting Party shall recognize and honor those licenses or certifications for the duration of the Period of Assistance.

## ARTICLE VII: REIMBURSEMENT

After the Period of Assistance has ended, the Assisting Party shall have 45 days to develop a full reimbursement package for services rendered and resources supplied during the Period of Assistance. All expenses claimed to the Requesting Party must have been incurred in direct response to the emergency as requested by the Requesting Party and must be supported by proof of work and proof of payment.

To guide the proper documentation and accountability of expenses, the Assisting Party should utilize the Claim Summary Form, available via the [Division approved documents SharePoint site](#) as a guide and summary of expense to collect information to then be formally submitted for review by the Requesting Party.

To receive reimbursement for assistance provided under this agreement, the Assisting Party shall provide, at a minimum, the following supporting documentation to the Requesting Party unless otherwise agreed upon between the Requesting and Assisting Parties:

- A. A complete and authentic description of expenses incurred by the Assisting Party during the Period of Assistance;
- B. Copy of a current and valid Internal Revenue Service W-9 Form;
- C. Copies of all relevant payment and travel policies in effect during the Period of Assistance;
- D. Daily personnel activity logs demonstrating emergency response activities performed for all time claimed (for FDEM reimbursement Division approved activity logs will be required for personnel activity claims);



# STATE OF FLORIDA DIVISION OF EMERGENCY MANAGEMENT



Ron DeSantis, Governor

Kevin Guthrie, Executive Director

- E. Official payroll and travel reimbursement records for all claimed personnel expenses;
- F. Neat and comprehensive fringe benefit calculations for each position class or category of claimed personnel;
- G. Written justification for all additional expenses/purchases incurred during the Period of Assistance;
- H. Proof of payment for additional/miscellaneous expenses incurred during the Period of Assistance
- I. Equipment activity logs demonstrating equipment use and operation in support of emergency response activities for all time claimed (for FDEM reimbursement Division approved forms will be required for equipment activity claims);
- J. Proof of reimbursement to all employees who incurred emergency response expenses with personal money;
- K. Justification for equipment repair expenses; and
- L. Copies of any applicable supporting agreements or contracts with justification.

If a dispute or disagreement regarding the eligibility of any expense arises, the Requesting Party, Assisting Party, or the Division may elect binding arbitration. If binding arbitration is elected, the Parties must select as an arbitrator any elected official of another Participating Party, or any other official of another Participating Party whose normal duties include emergency management, and the other Participating Party shall also select such an official as an arbitrator, and the arbitrators thus chosen shall select another such official as a third arbitrator.

The three (3) arbitrators shall convene by teleconference or videoconference within thirty (30) calendar days to consider any documents and any statements or arguments by the Division, the Requesting Party, or the Assisting Party concerning the protest, and shall render a decision in writing not later than ten (10) business days after the close of the hearing. The decision of a majority of the arbitrators shall bind the parties and shall be final.

If the Participating Parties do not elect binding arbitration, this agreement and any disputes arising thereunder shall be governed by the laws of the State of Florida and venue shall be in Leon County, Florida. Nothing in this Agreement shall be construed to create an employer-employee relationship or a partnership or joint venture between the participating parties. Furthermore, nothing contained herein shall constitute a waiver by either Party of its sovereign immunity or the provisions of section 768.28, Florida Statutes. Nothing herein shall be construed as consent by either Party to be sued by third parties.





# STATE OF FLORIDA DIVISION OF EMERGENCY MANAGEMENT



Ron DeSantis, Governor

Kevin Guthrie, Executive Director

## ARTICLE VIII: COST ELIGIBLE FOR REIMBURSEMENT

The costs incurred by the Assisting Party under this Agreement shall be reimbursed as needed to make the Assisting Party whole to the fullest extent practicable.

- A. Employees of the Assisting Party who render assistance under this Agreement shall be entitled to receive from the Assisting Party all their usual wages, salaries, and any and all other compensation for mobilization, hours worked, and demobilization. Such compensation shall include any and all contributions for insurance and retirement, and such employees shall continue to accumulate seniority at the usual rate. As between the employees and the Assisting Party, the employees shall have all the duties, responsibilities, immunities, rights, interests, and privileges incident to their usual employment. The Requesting Party shall reimburse the Assisting Party for these costs of employment.
- B. The costs of equipment supplied by the Assisting Party shall be reimbursed at the rental rate established in FEMA's Schedule of Equipment, or at any other rental rate agreed to by the Requesting Party. In order to be eligible for reimbursement, equipment must be in actual operation performing eligible work. The labor costs of the operator are not included in the rates and should be approved separately from equipment costs. The Assisting Party shall pay for fuels, other consumable supplies, and repairs to its equipment as needed to keep the equipment in a state of operational readiness. Rent for the equipment shall be deemed to include the cost of fuel and other consumable supplies, maintenance, service, repairs, and ordinary wear and tear. With the consent of the Assisting Party, the Requesting Party may provide fuels, consumable supplies, maintenance, and repair services for such equipment at the site. In that event, the Requesting Party may deduct the actual costs of such fuels, consumable supplies, maintenance, and services from the total costs otherwise payable to the Assisting Party. If the equipment is damaged while in use under this Agreement and the Assisting Party receives payment for such damage under any contract of insurance, the Requesting Party may deduct such payment from any item or items billed by the Assisting Party for any of the costs for such damage that may otherwise be payable.
- C. The Requesting Party shall pay the total costs for the use and consumption of any and all consumable supplies delivered by the Assisting Party for the Requesting Party under this Agreement. In the case of perishable supplies, consumption shall be deemed to include normal deterioration, spoilage, and damage notwithstanding the exercise of reasonable care in its storage and use. Supplies remaining unused shall be returned to the Assisting Party in usable condition upon the close of the Period of Assistance, and the Requesting Party may deduct the cost of such returned supplies from the total costs billed by the Assisting Party for such supplies. If the Assisting Party agrees, the Requesting Party may also replace any and all used consumable supplies with like



# STATE OF FLORIDA DIVISION OF EMERGENCY MANAGEMENT



Ron DeSantis, Governor

Kevin Guthrie, Executive Director

supplies in usable condition and of like grade, quality and quantity within the time allowed for reimbursement under this Agreement.

- D. The Assisting Party shall keep records to document all assistance rendered under this Agreement. Such records shall present information sufficient to meet the audit requirements specified in the regulations of FEMA and any applicable circulars issued by the State of Florida. Upon reasonable notice, the Assisting Party shall make its records available the Requesting Party for inspection or duplication between 8:00 a.m. and 5:00 p.m. on all weekdays, except for official holidays.

## ARTICLE IX: INSURANCE

Each Participating Party shall determine for itself what insurance to procure, if any. With the exceptions in this Article, nothing in this Agreement shall be construed to require any Participating Party to procure insurance.

- A. Each Participating Party shall procure employers' insurance meeting the requirements of the Workers' Compensation Act, as amended, affording coverage for any of its employees who may be injured while performing any activities under the authority of this Agreement, and shall be provided to each Participating Party.
- B. Participating Parties may elects additional insurance affording liability coverage for any activities that may be performed under the authority of this Agreement .
- C. Subject to the limits of such liability insurance as any Participating Party may elect to procure, nothing in this Agreement shall be construed to waive, in whole or in part, any immunity any Participating Party may have in any judicial or quasi-judicial proceeding.
- D. Each Participating Party which renders assistance under this Agreement shall be deemed to stand in the relation of an independent contractor to all other Participating Parties and shall not be deemed to be the agent of any other Participating Party.
- E. Nothing in this Agreement shall be construed to relieve any Participating Party of liability for its own conduct and that of its employees.
- F. Nothing in this Agreement shall be construed to obligate any Participating Party to indemnify any other Participating Party from liability to third parties.



# STATE OF FLORIDA DIVISION OF EMERGENCY MANAGEMENT



Ron DeSantis, Governor

Kevin Guthrie, Executive Director

## ARTICLE X: GENERAL REQUIREMENTS

Notwithstanding anything to the contrary elsewhere in this Agreement, all Participating Parties shall be subject to the following requirements in the performance of this Agreement:

- A. All Participating Parties shall allow public access to all documents, papers, letters, or other materials subject to the requirements of the Public Records Act, as amended, and made or received by any Participating Party in conjunction with this Agreement.
- B. No Participating Party may hire employees in violation of the employment restrictions in the Immigration and Nationality Act, as amended.
- C. No costs reimbursed under this Agreement may be used directly or indirectly to influence legislation or any other official action by the Legislature of the State of Florida or any of its agencies.
- D. Any communication to the Division under this Agreement shall be sent via either email, the Division of Emergency Managements Enterprise System (DEMES), or mail to the Response Bureau, Florida Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.
- E. Any communication to a Participating Party shall be sent to the official or officials specified by that Participating Party. For the purpose of this section, any such communication may be sent by the U.S. Mail, e-mail, or other electronic platforms.

## ARTICLE XI: EFFECTS OF AGREEMENT

Upon its execution by a Participating Party, this Agreement shall have the following effect with respect to that Participating Party:

- A. The execution of this Agreement by any Participating Party which is a signatory to the Statewide Mutual Aid Agreement of 1994 shall terminate the rights, interests, duties, responsibilities, and obligations of that Participating Party under the Statewide Mutual Aid Agreement of 1994, but such termination shall not affect the liability of the Participating Party for the reimbursement of any costs due under the Statewide Mutual Aid Agreement of 1994, regardless of whether such costs are billed or unbilled.
- B. The execution of this Agreement by any Participating Party which is a signatory to the Public Works Mutual Aid Agreement shall terminate the rights, interests, duties, responsibilities and obligations of that Participating Party under the Public Works Mutual Aid Agreement, but such termination shall not affect the liability of the Participating Party for the reimbursement of any costs due under the Public Works Mutual Aid Agreement,



# STATE OF FLORIDA DIVISION OF EMERGENCY MANAGEMENT



Ron DeSantis, Governor

Kevin Guthrie, Executive Director

regardless of whether such costs are billed or unbilled.

- C. Upon the activation of this Agreement by the Requesting Party, this Agreement shall supersede any other existing agreement between it and any Assisting Party to the extent that the former may be inconsistent with the latter.
- D. Upon its execution by any Participating Party, this Agreement will continue in effect for one (1) year from its date of execution by that Participating Party, and it shall automatically renew each year after its execution, unless within sixty (60) calendar days before the renewal date the Participating Party notifies the Division, in writing, of its intent to withdraw from the Agreement.
- E. The Division shall transmit any amendment to this Agreement by sending the amendment to all Participating Parties not later than five (5) business days after its execution by the Division. Such amendment shall take effect not later than sixty (60) calendar days after the date of its execution by the Division and shall then be binding on all Participating Parties. Notwithstanding the preceding sentence, any Participating Party who objects to the amendment may withdraw from the Agreement by notifying the Division in writing of its intent to do so within that time in accordance with section E of this Article.
- F. A Participating Party may rescind this Agreement at will after providing the other Participating Party a written SMAA withdrawal notice. Such notice shall be provided at least 30 days prior to the date of withdrawal. This 30-day withdrawal notice must be: written, signed by an appropriate authority, duly authorized on the official letterhead of the Participating Party, and must be sent via email, the Division of Emergency Managements Enterprise System (DEMES), or certified mail.

## ARTICLE XII: INTERPRETATION AND APPLICATION OF AGREEMENT

The interpretation and application of this Agreement shall be governed by the following conditions:

- A. The obligations and conditions resting upon the Participating Parties under this Agreement are not independent, but dependent.
- B. Time shall be of the essence of this Agreement, and of the performance of all conditions, obligations, duties, responsibilities, and promises under it.
- C. This Agreement states all the conditions, obligations, duties, responsibilities, and promises of the Participating Parties with respect to the subject of this Agreement, and there are no conditions, obligations, duties, responsibilities, or promises other than those expressed in this Agreement.



# STATE OF FLORIDA DIVISION OF EMERGENCY MANAGEMENT



Ron DeSantis, Governor

Kevin Guthrie, Executive Director

- D. If any sentence, clause, phrase, or other portion of this Agreement is ruled unenforceable or invalid, every other sentence, clause, phrase, or other portion of the Agreement shall remain in full force and effect, it being the intent of the Division and the other Participating Parties that every portion of the Agreement shall be severable from every other portion to the fullest extent practicable. The Division reserves the right, at its sole and absolute discretion, to change, modify, add, or remove portions of any sentence, clause, phrase, or other portion of this Agreement that conflicts with state law, regulation, or policy. If the change is minor, the Division will notify the Participating Party of the change and such changes will become effective immediately; therefore, please check these terms periodically for changes. If the change is substantive, the Participating Parties may be required to execute the Agreement with the adopted changes. Any continued or subsequent use of this Agreement following the posting of minor changes to this Agreement shall signify implied acceptance of such changes.
- E. The waiver of any obligation or condition in this Agreement by a Participating Party shall not be construed as a waiver of any other obligation or condition in this Agreement.

***NOTE: This iteration of the State of Florida Statewide Mutual Aid Agreement will replace all previous versions.***

*The Division shall provide reimbursement to Assisting Parties in accordance with the terms and conditions set forth in this Article for missions performed at the direct request of the Division. Division reimbursement eligible expenses must be in direct response to the emergency as requested by the State of Florida. All required cost estimations and claims must be executed through the DEMES Mutual Aid Portal and assisting agencies must use all required [FDEM forms](#) for documentation and cost verification. If a Requesting Party has not forwarded a request through the Division, or if an Assisting Party has rendered assistance without being requested to do so by the Division, the Division shall not be liable for the costs of any such assistance.*

*FDEM reserves the right to deny individual reimbursement requests if deemed to not be in direct response to the incident for which asset was requested.*

**IN WITNESS WHEREOF**, the Parties have duly executed this Agreement on the date specified below:



# STATE OF FLORIDA DIVISION OF EMERGENCY MANAGEMENT



Ron DeSantis, Governor

Kevin Guthrie, Executive Director

## FOR ADOPTION BY A CITY

STATE OF FLORIDA  
DIVISION OF EMERGENCY MANAGEMENT

By: \_\_\_\_\_ Date: \_\_\_\_\_

Kevin Guthrie, Executive Director or  
Ian Guidicelli, Authorized Designee

\_\_\_\_\_

ATTEST:  
CITY CLERK

CITY OF \_\_\_\_\_  
STATE OF FLORIDA

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

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

Approved as to Form:

By: \_\_\_\_\_

City Attorney



# STATE OF FLORIDA DIVISION OF EMERGENCY MANAGEMENT



Ron DeSantis, *Governor*

Kevin Guthrie, *Executive Director*

## **STATEWIDE MUTUAL AID AGREEMENT – SAMPLE ATTACHMENT** **Encompassed Entities**

This notice is an acknowledgment of an amendment to the 2023 SMAA by the Florida Division of Emergency Management (“the Division”) which allows parent entities to include individual departments and subdivisions, within their authority, to be listed as SMAA designees eligible for SMAA request and assistance procedures.

By our authority and adoption of the attached 2023 Statewide Mutual Aid agreement, as the parent entity, the following departments and subdivisions will be included as SMAA signatories for all asset request, assistance, and applicable reimbursement processes:

*All entities listed herein will still require access to the DEMES Mutual Aid System for FDEM Reimbursement process requirements.*

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

# TOWN OF MALABAR

## REGULAR TOWN COUNCIL MEETING

**AGENDA ITEM NO: 13.C.**

Meeting Date: May 6<sup>th</sup>, 2024

Prepared By: Richard W. Kohler, Town Clerk

---

**SUBJECT: Acceptance of the Fiscal Year 2022/2023 Financial Audit (Resolution 09-2024)**

---

### **BACKGROUND/HISTORY:**

James Moore and Co. have completed the financial audit for the 2022/2023 Fiscal Year. The audit process began in October of last year and continued through April of this year. James Moore & Co have completed the last 5 fiscal audits of the Town.

Staff provided all requested information to the audit team including financial documents, processes, testing and historical documents.

Once the Audit is accepted by Council, it will be placed on the website and sent to the State to meet the deadline of June 30, 2024.

### **ATTACHMENTS:**

- Resolution 09-2024

### **ACTION:**

- Motion to approve Resolution 09-2024.



**RESOLUTION 09-2024**

**A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE ACCEPTANCE OF THE ANNUAL AUDIT REPORT PROVIDED FOR THE FISCAL YEAR 2022-2023 BY THE AUDIT FIRM JAMES MOORE AND CO.; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Chapter 281.39 of the Florida Statutes requires that an independent certified public accountant audit the annual financial statements of municipalities; and

**WHEREAS**, an annual audit was conducted by James Moore and Co., from October 2023 to May 2024 and all areas of the Town operations were tested; and

**WHEREAS**, a copy of such Audit Report is attached as Exhibit “A” to this Resolution; and

**WHEREAS**, the Town Council is satisfied that the Audit Report accurately reflects the financial condition of the Town’s finances for the Fiscal Year ending September 30, 2023.

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

**Section 1.** The above findings are true and correct and are incorporated herein.

**Section 2.** The Town Council of Malabar, Brevard County, Florida, hereby ratifies, confirms, and certifies the Annual Audit report for the Fiscal Year of 2022/2023 attached to this Resolution and identified as Exhibit “A”.

**Section 3.** That a certified copy of this Resolution shall be delivered with the Audit Report to the State Auditor General per Auditor General Rule 10-558(3).

**Section 4.** This Resolution shall take effect immediately upon its adoption.

This Resolution was moved for adoption by Council Member \_\_\_\_\_. This motion was seconded by Council Member \_\_\_\_\_ and, upon being put to vote, the vote was as follows:

Council Member Marisa Acquaviva \_\_\_\_\_  
Council Member Brian Vail \_\_\_\_\_  
Council Member Jim Clevenger \_\_\_\_\_

Council Member David Scardino \_\_\_\_\_

Council Member Mary Hofmeister \_\_\_\_\_

This Resolution was then declared to be duly passed and adopted this \_\_\_\_<sup>th</sup> day of \_\_\_\_\_  
2024.

**TOWN OF MALABAR**

By: \_\_\_\_\_

Mayor Patrick T. Reilly, Council Chair

(Seal)

ATTEST:

\_\_\_\_\_

Richard W, Kohler

Town Clerk

Approved as to Form and Content:

\_\_\_\_\_

Karl Bohne Jr., Town Attorney

**Exhibit "A" of Resolution 09-2024**

**TOWN OF MALABAR, FLORIDA**

**FINANCIAL STATEMENTS**

**SEPTEMBER 30, 2023**



**TOWN COUNCIL**

***(AS OF FINANCIAL STATEMENT DATE)***

*Patrick Reilly, Mayor*

*Brian Vail*

*Jim Clevenger*

*Mary Hofmeister*

*David Scardino*

*Marisa Acquaviva*

**TOWN MANAGER**

*Lisa Morrell*

**TOWN CLERK**

*Richard Kohler*

**TOWN OF MALABAR, FLORIDA  
TABLE OF CONTENTS  
SEPTEMBER 30, 2023**

**Financial Section**

Independent Auditors’ Report.....	1 - 3
Management’s Discussion and Analysis.....	4 - 8
Basic Financial Statements	
Government-wide Financial Statements	
Statement of Net Position.....	9
Statement of Activities.....	10
Fund Financial Statements	
Balance Sheet—Governmental Funds.....	11
Reconciliation of the Balance Sheet – Governmental Funds to the Statement of Net Position.....	12
Statement of Revenues, Expenditures and Changes in Fund Balances—Governmental Funds.....	13
Reconciliation of the Statement of Revenues, Expenditures and Changes in Fund Balances of Governmental Funds to the Statement of Activities.....	14
Statement of Revenues, Expenditures and Changes in Fund Balances – Budget and Actual – General Fund.....	15
Notes to Financial Statements.....	16 - 30
Required Supplementary Information	
Schedule of Proportionate Share of Net Pension Liability – FRS/HIS.....	31
Schedule of Contributions – FRS/HIS.....	32

**Compliance Section**

Independent Auditors’ Report on Internal Control over Financial Reporting and On Compliance and Other Matters Based on an Audit of Financial Statements in Accordance with <i>Government Auditing Standards</i> .....	33 - 34
Independent Auditors’ Management Letter Required by Chapter 10.550, Rules of the State of Florida Office of the Auditor General.....	35 - 37
Independent Accountants’ Examination Report.....	38
Management’s Response to Findings and Recommendations.....	39 - 40



## INDEPENDENT AUDITORS' REPORT

To the Honorable Mayor and Town Council,  
Town of Malabar, Florida:

### **Report on the Audit of the Financial Statements**

#### ***Opinions***

We have audited the financial statements of the governmental activities and general fund of the Town of Malabar, Florida, (the Town), as of and for the year ended September 30, 2023, and the related notes to the financial statements, which collectively comprise the Town's basic financial statements as listed in the table of contents.

#### ***Unmodified Opinion on General Fund***

In our opinion, the accompanying financial statements present fairly, in all material respects, the respective financial position of the General Fund for the Town, as of September 30, 2023, and the respective changes in financial position and budgetary comparison information for the year then ended in accordance with accounting principles generally accepted in the United States of America.

#### ***Qualified Opinion on Governmental Activities***

In our opinion, except for the effects, if any, of the matter described in the *Basis for Qualified Opinion on Governmental Activities* section, the financial statements referred to above present fairly, in all material respects, the respective financial position of the General Fund and governmental activities of the Town of Malabar, Florida as of September 30, 2023, and the respective changes in financial position thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

#### ***Basis for Opinions***

We conducted our audit in accordance with auditing standards generally accepted in the United States of America (GAAS) and the standards applicable to financial audits contained in *Government Auditing Standards* (GAS), issued by the Comptroller General of the United States. Our responsibilities under those standards are further described in the Auditors' Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the Town and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

### ***Basis for Qualified Opinion on Governmental Activities***

As discussed in Note (9) to the financial statements, the Town has not implemented the provisions of GASB Statement No. 75, *Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions*. Accounting principles generally accepted in the United States of America require the recording of an obligation for postemployment benefits other than pensions, which would increase liabilities, decrease net position, and change the expenses in governmental activities. The amount by which this departure from accounting principles generally accepted in the United States of America on the governmental activities has not been determined.

### ***Responsibilities of Management for the Financial Statements***

The Town's management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Town's ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

### ***Auditors' Responsibilities for the Audit of the Financial Statements***

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditors' report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS and GAS will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with GAAS and GAS, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Town's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Town's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control–related matters that we identified during the audit.


***Required Supplementary Information***

Accounting principles generally accepted in the United States of America require that the management’s discussion and analysis and required supplementary information, as listed in the table of contents, be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management’s responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Management has omitted the schedule of changes in the Town’s total OPEB liability and related ratios that accounting principles generally accepted in the United States of America require to be presented to supplement the basic financial statements. Such missing information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. Our opinions on the basic financial statements are not affected by this missing information.

***Other Reporting Required by Government Auditing Standards***

In accordance with *Government Auditing Standards*, we have also issued our report dated April 29, 2024, on our consideration of the Town’s internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Town’s internal control over financial reporting and compliance.



Daytona Beach, Florida  
April 29, 2024

## **Town of Malabar, Florida Management's Discussion and Analysis**

As management of the Town of Malabar, Florida (the Town), we offer readers of the Town's financial statements this narrative overview and analysis of the financial activities of the Town for the fiscal year ended September 30, 2023.

### **Financial Highlights**

- The assets of the Town exceeded its liabilities at the close of the 2023 fiscal year by \$5,425,283 (net position). Of this amount, \$3,705,251 is net investment in capital assets while restricted net position is \$372,689. \$1,347,343 (unrestricted net position) may be used to meet the government's ongoing obligations to citizens and creditors.
- The total net position increased \$1,416,878 from the previous year.
- As of the close of fiscal year 2023, the Town's general fund reported no nonspendable balance, and ending fund balance of \$3,070,259, an increase of \$982,075 in comparison with the prior year. While \$372,689 represents the portion restricted by outside parties, \$609,143 is assigned for subsequent year expenditures, and \$2,088,427 of the governmental funds balance is available for spending at the government's discretion (unassigned fund balance).
- At the end of the 2023 fiscal year, unassigned fund balance for the general fund was \$1,980,955 or 66.19% of total general fund expenditures.
- The Town's financed acquisitions decreased by \$241,278 during the 2023 fiscal year due to ongoing payments on financed purchase agreements.
- The Town also experienced a gain on investment earnings in the current year of \$42,252 after a loss on investment earnings of (\$40,709) in the prior year. Investment assets are accounted for at fair value. In a rising interest rate environment, the spot price of certain bonds and securities will increase as reflected in the positive investment earnings number. Near term loss in value is the result of exposure to interest rate risk but will remain unrealized with the principal protected if these assets are held to maturity.

### **Overview of the Financial Statements**

This discussion and analysis is intended to serve as an introduction to the Town's basic financial statements. The Town's basic financial statements comprise three components: 1) government-wide financial statements, 2) fund financial statements, and 3) notes to the financial statements. This report also contains other supplementary information in addition to the basic financial statements themselves.

#### Government-wide financial statements

The government-wide financial statements are designed to provide readers with a broad overview of the Town's finances, in a manner similar to a private-sector business.

The statement of net position presents information on all of the Town's assets and liabilities, with the difference between the two reported as net position. Over time, increases or decreases in net position may serve as a useful indicator of whether the financial position of the Town is improving or deteriorating.

The statement of activities presents information showing how the government's net position changed during the most recent fiscal year. All changes in net position are reported as soon as the underlying event giving rise to the change occurs, regardless of the timing of related cash flows.



Thus, revenues and expenses are reported in this statement for some items that will only result in cash flows in future fiscal periods (e.g., uncollected taxes and earned but unused vacation leave). The governmental activities of the Town include general government, public safety, physical environment, and recreation. The government-wide financial statements can be found on pages 9-10 of this report.

### Fund financial statements

A fund is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The Town, like other state and local governments, uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements. The Town's only fund is the General Fund (a governmental fund).

### Governmental funds

Governmental funds are used to account for essentially the same functions reported as governmental activities in the government-wide financial statements. However, unlike the government-wide financial statements, governmental fund financial statements focus on near-term inflows and outflows of spendable resources, as well as on balances of spendable resources available at the end of the fiscal year. Such information may be useful in evaluating a government's near-term financing requirements.

Because the focus of governmental funds is narrower than that of the government-wide financial statements, it is useful to compare the information presented for governmental funds with similar information presented for governmental activities in the government-wide financial statements. By doing so, readers may better understand the long-term impact of the government's near-term financing decisions. Both the governmental fund balance sheet and the governmental fund statement of revenues, expenditures, and changes in fund balances provide a reconciliation to facilitate this comparison between governmental funds and governmental activities.

The Town maintained one individual governmental fund subsequent to the transfer of the stormwater fund into the general fund on October 1, 2013. Information is presented in the governmental funds balance sheet and in the governmental funds statement of revenues, expenditures, and changes in fund balance for the general fund.

The Town adopts an annual appropriated budget for its General Fund. A budgetary comparison statement has been provided for the general fund to demonstrate compliance with this budget. The basic governmental fund financial statements can be found on pages 11-15 of this report.

### Notes to the financial statements

The notes provide additional information that is essential to a full understanding of the data provided in the government-wide and fund financial statements. The notes to the financial statements can be found on pages 16-30 of this report.

### Other information

In addition to the basic financial statements and accompanying notes, this report also presents certain required supplementary information concerning the Town's progress in funding its obligation to provide pension benefits and other post-employment benefits to its employees. Required supplementary information can be found on pages 31-32 of this report.

## Government-wide Financial Analysis

The following is a summary of the Town's governmental activities net position for each of the past two years:

### TOWN OF MALABAR, FLORIDA'S NET POSITION

	<u>Governmental Activities</u>		<u>\$</u>	<u>%</u>
	<u>September 30,</u>			
	<u>2023</u>	<u>2022</u>	<u>Change</u>	<u>Change</u>
<b>ASSETS</b>				
Current	\$ 4,035,160	\$ 3,510,503	\$ 524,657	14.9%
Noncurrent	330,480	348,575	\$ (18,095)	-5.2%
Capital assets, net	4,077,534	3,651,908	425,626	11.7%
Total assets	<u>8,443,174</u>	<u>7,510,986</u>	<u>932,188</u>	<u>21.4%</u>
<b>DEFERRED OUTFLOWS OF RESOURCES</b>	<u>\$ 444,334</u>	<u>\$ 422,900</u>	<u>\$ 21,434</u>	<u>5.1%</u>
<b>LIABILITIES</b>				
Current liabilities	\$ 1,068,170	\$ 1,557,236	\$ (489,066)	-31.4%
Long-term liabilities	1,992,187	1,928,090	64,097	3.3%
Total liabilities	<u>\$ 3,060,357</u>	<u>\$ 3,485,326</u>	<u>\$ (424,969)</u>	<u>-28.1%</u>
<b>DEFERRED INFLOWS OF RESOURCES</b>	<u>\$ 401,868</u>	<u>\$ 440,155</u>	<u>\$ (38,287)</u>	<u>-8.7%</u>
<b>NET POSITION</b>				
Net investment in capital assets	\$ 3,705,251	\$ 3,049,809	\$ 655,442	21.5%
Restricted	372,689	301,480	71,209	23.6%
Unrestricted	1,347,343	657,116	690,227	105.0%
Total net position	<u>\$ 5,425,283</u>	<u>\$ 4,008,405</u>	<u>\$ 1,416,878</u>	<u>150.1%</u>

As noted earlier, net position may serve over time as a useful indicator of a government's financial position. In the case of the Town, assets exceeded liabilities and deferred inflows by \$5,425,283 at the close of the 2023 fiscal year. The largest portion of the Town's net position (\$3,705,251 or 76.1%) reflects its investment in capital assets (e.g., land, buildings, machinery and equipment, infrastructure and improvements), less any related debt used to acquire those assets that are still outstanding. The Town uses these capital assets to provide services to citizens; consequently, these assets are not available for future spending. Although the Town's net investment in capital assets is reported net of related debt, it should be noted that the resources needed to repay this debt must be provided from other sources, since the capital assets themselves cannot be used to liquidate these liabilities.

Of the remaining net position, \$372,689 represents resources that are subject to external restrictions on how they may be used. The remaining balance of the net position which represents amounts available to meet the Town's ongoing obligations to citizens and creditors at the discretion of the Commission is \$1,347,343 for the 2023 fiscal year.

At the end of the current fiscal year, the Town is able to report positive balances in the three categories of net position for the government as a whole.

The following is a summary of the changes in the Town's governmental activities net position for each of the past two years:

**TOWN OF MALABAR, FLORIDA  
CHANGES IN NET POSITION**

	<b>Governmental Activities</b>		<b>\$ Change</b>	<b>% Change</b>
	<b>September 30,</b>			
	<b>2023</b>	<b>2022</b>		
<b>Revenues</b>				
Program revenues				
Charges for services	\$ 486,991	\$ 444,268	\$ 42,723	9.6%
Operating grants	181,259	123,408	57,851	46.9%
Capital grants	581,886	317,380	264,506	83.3%
General revenues				
Property taxes	1,497,830	730,451	767,379	105.1%
Sales and use taxes	222,224	217,741	4,483	2.1%
Utility taxes	379,639	346,814	32,825	9.5%
Franchise and utility taxes	316,484	297,890	18,594	6.2%
Communications service taxes	113,896	107,716	6,180	5.7%
Intergovernmental shared revenue - non-program	127,885	120,134	7,751	6.5%
Investment earnings	42,252	(40,709)	82,961	-203.8%
Gain on sale of assets	-	49,239	(49,239)	-100.0%
Miscellaneous revenues	9,092	897	8,195	913.6%
<b>Total revenues</b>	<b>3,959,438</b>	<b>2,715,229</b>	<b>1,244,209</b>	<b>45.8%</b>
<b>Expenses</b>				
General government	1,049,931	953,622	96,309	10.1%
Public safety	915,047	828,074	86,973	10.5%
Physical environment	117,681	128,818	(11,137)	-8.6%
Transportation	360,434	357,901	2,533	0.7%
Culture and recreation	94,881	108,421	(13,540)	-12.5%
Interest on long-term debt	4,586	13,452	(8,866)	-65.9%
<b>Total expenses</b>	<b>2,542,560</b>	<b>2,390,288</b>	<b>152,272</b>	<b>6.4%</b>
<b>Change in net position</b>	<b>1,416,878</b>	<b>324,941</b>	<b>1,091,937</b>	<b>336.0%</b>
<b>Net position, beginning of year</b>	<b>4,008,405</b>	<b>3,683,464</b>	<b>324,941</b>	<b>8.8%</b>
<b>Net position, end of year</b>	<b>\$ 5,425,283</b>	<b>\$ 4,008,405</b>	<b>\$ 1,416,878</b>	<b>35.3%</b>

Governmental activities

Governmental activities increased the Town's net position by \$1,416,878. This amount is primarily attributable to ARPA revenue recognized in the current year of \$581,886.

- The Town's total revenues related to governmental activities increased by \$1,244,209 from the prior year. Factors that contributed to an increase in revenues are an increase in ARPA revenue recognized in the current year of \$581,886, an increase in property taxes of \$767,379 and an increase for investment gains in the current year of \$42,252.
- Expenses related to governmental activities increased by \$152,272 from the prior year. This is related primarily to an increase in general government expenditures of \$96,309 and public safety expenditures of \$86,973, largely from expenditures related to ARPA expenditures considered capital outlay in FY23 and FY22 expenditures related to general government.

## Financial Analysis of the Government's Funds

As noted earlier, the Town uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements.

### Governmental funds

The focus of the Town's governmental funds is to provide information on near-term inflows, outflows, and balances of spendable resources. Such information is useful in assessing the Town's financing requirements. In particular, unassigned fund balance may serve as a useful measure of a government's net resources available for spending at the end of the fiscal year.

As of the end of the current fiscal year, the Town's governmental funds reported an ending fund balance of \$3,070,259, an increase of \$982,075 in comparison with the prior year.

The general fund is the chief operating fund of the Town. At the end of the current fiscal year, unassigned fund balance of the general fund was \$2,088,427. As a measure of the general fund's liquidity, it may be useful to compare the unassigned fund balance to total fund expenditures. Unassigned fund balance represents approximately 66.19% of total general fund expenditures.

### **General Fund Budgetary Highlights**

The following information is presented to assist the reader in comparing actual results with budgetary amounts.

General fund revenues were \$863,316 more than budgeted amounts primarily due to intergovernmental revenues being under budget by \$631,017 due to more ARPA revenue being recognized in the current year than originally budgeted. Expenditures were \$3,975,880 less than budget primarily due to favorable variances in contingency expenditures related to ARPA funding that were delayed (approximately \$766,567), in transportation expenditures from projects that were delayed (approximately \$2,799,983).

Budgetary comparisons between the final budget and actual results can be found on page 15 of this report.

### **Capital Asset and Debt Administration**

**Capital assets.** The Town's investment in capital assets for its governmental activities as of September 30, 2023, amounts to \$4,077,534 (net of accumulated depreciation). This investment in capital assets includes land, buildings and systems, improvements, machinery and equipment, park facilities and roads. Additional information on the Town's capital assets can be found in Note (5) on page 23 of this report.

**Long-term debt.** The following items comprise the Town's long-term debt (excluding the net pension liability) as of September 30, 2023:

Financed Acquisitions	\$ 186,203
Clean Water State Revolving Fund loan	186,080
Compensated absences	99,533
Total	<u>\$ 471,816</u>

The Town's long-term liabilities increased by \$208,545 during the current fiscal year. This increase was attributable primarily to an increase in the net pension liability. Additional information on the Town's long-term liabilities can be found in Note (6), on page 24 of this report.

### **Requests for Information**

This financial report is designed to provide a general overview of the Town's finances for all those with an interest in the government's finances. Questions concerning any of the information provided in this report or requests for additional financial information should be addressed to Makayla Austin, Town Treasurer, Town of Malabar, Florida.

**TOWN OF MALABAR, FLORIDA**  
**STATEMENT OF NET POSITION - GOVERNMENTAL ACTIVITIES**  
**SEPTEMBER 30, 2023**

**ASSETS**

Cash and cash equivalents	\$ 2,592,194
Investments	1,162,009
Receivables, net	146,734
Due from other governments	68,589
Leases receivable	349,109
Investments	47,005
Capital assets:	
Non-depreciable capital assets	2,116,745
Other capital assets, net of accumulated depreciation	1,960,789
Total assets	<u>\$ 8,443,174</u>

**DEFERRED OUTFLOWS OF RESOURCES**

Deferred outflows related to pensions	<u>\$ 444,334</u>
---------------------------------------	-------------------

**LIABILITIES**

Accounts payable and accrued liabilities	\$ 160,844
Unearned revenue	798,172
Accrued interest payable	5,399
Noncurrent liabilities:	
Due within one year:	
Bonds and notes payable	9,260
Leases payable	44,729
Compensated absences	49,766
Due in more than one year:	
Bonds and notes payable	176,820
Leases payable	141,474
Compensated absences	49,767
Net pension liability	1,624,126
Total liabilities	<u>\$ 3,060,357</u>

**DEFERRED INFLOWS OF RESOURCES**

Deferred inflows related to leases	\$ 336,365
Deferred inflows related to pensions	65,503
Total deferred inflows of resources	<u>\$ 401,868</u>

**NET POSITION**

Net investment in capital assets	\$ 3,705,251
Restricted for:	
Building department	372,689
Unrestricted	1,347,343
Total net position	<u>\$ 5,425,283</u>

The accompanying notes to financial statements are an integral part of this statement.

**TOWN OF MALABAR, FLORIDA  
STATEMENT OF ACTIVITIES  
FOR THE YEAR ENDED SEPTEMBER 30, 2023**

<u>Functions/Programs</u>	<u>Expenses</u>	<u>Program Revenues</u>			<u>Net (Expense) Revenue and Changes in Net Position</u>
		<u>Charges for Services</u>	<u>Operating Grants and Contributions</u>	<u>Capital Grants and Contributions</u>	
Governmental activities:					
General government	\$ 1,049,931	\$ 354,761	\$ -	\$ 581,886	\$ (113,284)
Public safety	915,047	-	-	-	(915,047)
Physical environment	117,681	132,230	43,405	-	57,954
Transportation	360,434	-	137,854	-	(222,580)
Culture and recreation	94,881	-	-	-	(94,881)
Interest on long-term debt	4,586	-	-	-	(4,586)
Total governmental activities	<u>\$ 2,542,560</u>	<u>\$ 486,991</u>	<u>\$ 181,259</u>	<u>\$ 581,886</u>	<u>(1,292,424)</u>
General revenues:					
Property taxes					1,497,830
Sales and use taxes					222,224
Utility taxes					379,639
Franchise and utility taxes					316,484
Communications service taxes					113,896
Intergovernmental shared revenue - non-program					127,885
Investment earnings (loss)					42,252
Miscellaneous revenues					9,092
Total general revenues					<u>2,709,302</u>
Change in net position					1,416,878
Net position - beginning					4,008,405
Net position - ending					<u>\$ 5,425,283</u>

The accompanying notes to financial statements are an integral part of this statement.

**TOWN OF MALABAR, FLORIDA  
BALANCE SHEET  
GOVERNMENTAL FUNDS  
SEPTEMBER 30, 2023**

	<b>General Fund</b>
<b>ASSETS</b>	
Cash and cash equivalents	\$ 2,592,194
Investments	1,209,014
Receivables, net	146,734
Due from other governments	68,589
Leases receivable	349,109
Total assets	\$ 4,365,640
<b>LIABILITIES</b>	
Accounts payable and accrued liabilities	\$ 160,844
Unearned revenues	798,172
Total liabilities	959,016
<b>DEFERRED INFLOWS OF RESOURCES</b>	
Deferred inflows related to leases	336,365
<b>FUND BALANCE</b>	
Restricted:	
Building department	372,689
Committed:	
Stormwater	107,472
Assigned:	
Subsequent year's budget	609,143
Unassigned	1,980,955
Total fund balances	3,070,259
<b>Total liabilities and fund balance</b>	<b>\$ 4,365,640</b>

The accompanying notes to financial statements are an integral part of this statement.

**TOWN OF MALABAR, FLORIDA**  
**RECONCILIATION OF THE BALANCE SHEET OF GOVERNMENTAL FUNDS**  
**TO THE STATEMENT OF NET POSITION**  
**SEPTEMBER 30, 2023**

<b>Fund balances - total governmental funds</b>		\$ 3,070,259
Amounts reported for governmental activities in the statement of net position are different because:		
Capital assets used in governmental activities are not financial resources and, therefore, are not reported in the funds		
Total governmental capital assets	7,903,459	
Less: accumulated depreciation	<u>(3,825,925)</u>	4,077,534
On the governmental fund statements, a net pension liability is not recorded until an amount is due and payable and the pension plan's fiduciary net position is not sufficient for payment of those benefits (no such liability exists at the end of the current fiscal year). On the Statement of Net Position, the Town's net pension liability of the defined benefit pension plans is reported as a noncurrent liability. Additionally, deferred outflows and deferred inflows related to pensions are also reported.		
Net pension liability	(1,624,126)	
Deferred outflows related to pensions	444,334	
Deferred inflows related to pensions	<u>(65,503)</u>	(1,245,295)
Long-term liabilities, including bonds payable and notes payable, are not due and payable in the current period and, therefore, are not reported in the funds. These liabilities and other long-term liabilities consist of the following:		
Bonds and notes payable	(186,080)	
Leases payable	(186,203)	
Accrued interest payable	(5,399)	
Compensated absences	<u>(99,533)</u>	(477,215)
<b>Net position of governmental activities</b>		<u><u>\$ 5,425,283</u></u>

The accompanying notes to financial statements are an integral part of this statement.



**TOWN OF MALABAR, FLORIDA**  
**STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE**  
**GOVERNMENTAL FUNDS**  
**FOR THE YEAR ENDED SEPTEMBER 30, 2023**

	<b>General Fund</b>
<b>Revenues</b>	
Taxes and fees	\$ 2,374,581
Licenses, permits, and assessments	737,039
Intergovernmental	753,176
Charges for services	31,911
Fines and forfeitures	502
Investment income (loss)	53,137
Miscellaneous	8,059
Total revenues	3,958,405
<b>Expenditures</b>	
Current:	
General government	657,636
Public safety	1,045,607
Physical environment	46,921
Transportation	291,299
Culture and recreation	13,396
Capital outlay	675,450
Debt service:	
Principal	245,198
Interest and fiscal charges	17,238
Total expenditures	2,992,745
<b>Excess (deficiency) of revenues over expenditures</b>	965,660
<b>Other financing sources (uses)</b>	
Proceeds from sale of capital assets	1,033
Issuance of debt	15,382
Total other financing sources (uses)	16,415
<b>Net change in fund balance</b>	982,075
<b>Fund balance, beginning of year</b>	2,088,184
<b>Fund balance, end of year</b>	\$ 3,070,259

The accompanying notes to financial statements are an integral part of this statement.

**TOWN OF MALABAR, FLORIDA  
RECONCILIATION OF THE STATEMENT OF REVENUES, EXPENDITURES,  
AND CHANGES IN FUND BALANCES OF GOVERNMENTAL FUNDS  
TO THE STATEMENT OF ACTIVITIES  
FOR THE YEAR ENDED SEPTEMBER 30, 2023**

<b>Net change in fund balances - total governmental funds</b>	<b>\$ 982,075</b>
Differences in amounts reported for governmental activities in the statement of activities are:	
Governmental funds report capital outlays as expenditures. However, in the statement of activities, the cost of those assets is depreciated over their estimated useful lives.	
Capital outlay expenditures	675,450
Depreciation expense	(249,824)
Bond and loan proceeds are reported as financing sources in the governmental funds. However, the issuance of debt is reported as long-term debt payable in the statement of net position. Repayment of bond and note principal is an expenditure in the governmental funds, but the repayment of debt principal reduces long-term liabilities in the statement of net position. These amounts are as follows:	
Proceeds from issuance of long-term debt	(15,382)
Principal repayment of general long-term debt	241,278
Governmental funds report contributions to defined benefit pension plans as expenditures. However, in the Statement of Activities, the amount contributed to defined benefit pension plans reduces future net pension liability. Also included in pension expense in the Statement of Activities are amounts required to be amortized.	
Change in net pension liability and deferred inflows/outflows related to pensions	(247,507)
Under the modified accrual basis of accounting used in the governmental funds, expenditures are not recognized for transactions that are not normally paid with expendable available financial resources. In the statement of activities, however, which is presented on the accrual basis, expenses and liabilities are reported regardless of when financial resources are available. These adjustments are as follows:	
Change in accrued interest on long-term debt	12,652
Change in compensated absences liability	18,136
<b>Change in net position of governmental activities</b>	<b><u>\$ 1,416,878</u></b>

The accompanying notes to financial statements are an integral part of this statement.

**TOWN OF MALABAR, FLORIDA**  
**STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE**  
**BUDGET AND ACTUAL - GENERAL FUND**  
**FOR THE YEAR ENDED SEPTEMBER 30, 2023**

	<u>Budgeted Amounts</u>		<u>Actual</u>	<u>Variance with</u>
	<u>Original</u>	<u>Final</u>		<u>Final Budget -</u>
				<u>Positive</u>
				<u>(Negative)</u>
<b>Revenues</b>				
Taxes	\$ 2,248,021	\$ 2,248,021	\$ 2,374,581	\$ 126,560
Licenses, permits, and assessments	613,901	613,901	737,039	123,138
Intergovernmental	122,159	122,159	753,176	631,017
Charges for services	43,823	43,823	31,911	(11,912)
Fines and forfeitures	500	500	502	2
Investment income (loss)	13,885	13,885	53,137	39,252
Miscellaneous	52,800	52,800	8,059	(44,741)
Total revenues	<u>3,095,089</u>	<u>3,095,089</u>	<u>3,958,405</u>	<u>863,316</u>
<b>Expenditures</b>				
Current:				
General Government:				
Legislative	190,049	190,049	175,746	14,303
Executive	123,605	123,605	126,507	(2,902)
Finance	135,307	135,307	70,831	64,476
Legal	60,000	60,000	82,749	(22,749)
Comprehensive planning	1,500	1,500	1,488	12
Contingency and other	456,425	456,425	264,090	192,335
Public Safety:				
Fire	779,102	779,102	705,554	73,548
Protective services	234,390	234,390	196,564	37,826
Disaster relief	1,462,003	1,462,003	695,436	766,567
Physical environment	285,784	285,784	56,351	229,433
Transportation	3,133,260	3,133,260	333,277	2,799,983
Parks and recreation	96,860	96,860	21,716	75,144
Debt Service:				
Principal	10,340	10,340	245,198	(234,858)
Interest and fiscal charges	-	-	17,238	(17,238)
Total expenditures	<u>6,968,625</u>	<u>6,968,625</u>	<u>2,992,745</u>	<u>3,975,880</u>
<b>Excess (deficiency) of revenues over (under) expenditures</b>	<u>(3,873,536)</u>	<u>(3,873,536)</u>	<u>965,660</u>	<u>4,839,196</u>
<b>Other financing sources (uses)</b>				
Proceeds from sale of capital assets	2,500	2,500	1,033	(1,467)
Issuance of debt	2,107,000	2,107,000	15,382	(2,091,618)
Total other financing sources (uses)	<u>2,109,500</u>	<u>2,109,500</u>	<u>16,415</u>	<u>(2,093,085)</u>
<b>Net change in fund balance</b>	<u>(1,764,036)</u>	<u>(1,764,036)</u>	<u>982,075</u>	<u>2,746,111</u>
<b>Fund balance, beginning of year</b>	2,088,184	2,088,184	2,088,184	-
<b>Fund balance, end of year</b>	<u>\$ 324,148</u>	<u>\$ 324,148</u>	<u>\$ 3,070,259</u>	<u>\$ 2,746,111</u>

The accompanying notes to financial statements are an integral part of this statement.

**TOWN OF MALABAR, FLORIDA**  
**NOTES TO FINANCIAL STATEMENTS**  
**SEPTEMBER 30, 2023**

(1) **Summary of Significant Accounting Policies:**

The financial statements of the Town of Malabar, Florida (the Town), have been prepared in accordance with accounting principles generally accepted in the United States of America as applicable to governmental units. The Governmental Accounting Standards Board (GASB) is the accepted body for promulgating governmental accounting and financial reporting principles. The following is a summary of the Town's significant accounting policies:

(a) **Reporting entity**—The Town of Malabar, Florida (the Town) was incorporated on December 19, 1962, under general law by referendum of voters on December 1, 1962, following Chapter 29576 of the laws of Florida. The Town operates under a strong council form of government and provides the following services as authorized by its charter: public safety, roads and streets, sanitation, health and social services, culture, recreation, stormwater, improvements, planning and zoning, and general administrative services.

The accompanying financial statements present the financial position and results of operations of the applicable funds governed by the Town, the reporting entity of government for which the Town Council is considered to be financially accountable. In evaluating the Town as a reporting entity, management has addressed all potential component units that may or may not fall within the Town's oversight and control, and thus, be included in the Town's financial statements. No such entities or component units have been identified.

(b) **Government-wide and fund financial statements**—The basic financial statements include both government-wide (based on the Town as a whole) and fund financial statements. Both the government-wide and fund financial statements (within the basic financial statements) categorize primary activities as either governmental or business-type. In the government-wide statement of net position, the governmental activities are presented on a consolidated basis and are reflected, on a full accrual, economic resource basis, which incorporates long term assets and receivables as well as long term debt and obligations. The Town has no business-type activities.

The government-wide statement of activities reflects both the gross and net costs per functional category (public safety, physical environment, etc.), which are otherwise being supported by general government revenues (property, sales taxes, certain intergovernmental revenues, etc.). The statement of activities reduces gross expenses (including depreciation) by the related program revenues, operating and capital grants. The program revenues must be directly associated with the function or a business-type activity. The operating grants include operating-specific and discretionary (either operating or capital) grants while the capital grants column reflects capital-specific grants.

The net cost (by function) is normally covered by general revenue (property, sales taxes, intergovernmental revenues, interest income, etc.). This government-wide focus is more on the sustainability of the Town as an entity and the change in aggregate financial position resulting from the activities of the fiscal period. The fund financial statements emphasize the major funds of the Town.

**TOWN OF MALABAR, FLORIDA**  
**NOTES TO FINANCIAL STATEMENTS**  
**SEPTEMBER 30, 2023**

(1) **Summary of Significant Accounting Policies:** (Continued)

The governmental funds financial statements are presented on a current financial resource and modified accrual basis of accounting. This is the manner in which these funds are normally budgeted. This presentation is deemed most appropriate to demonstrate legal compliance and demonstrate how the Town's actual experience conforms to the budgeted fiscal plan. Since the governmental fund statements are presented on a different measurement focus and basis of accounting than the government-wide statement, a reconciliation is presented on the page following the Governmental Funds – Balance Sheet and the Governmental Funds – Statement of Revenues, Expenditures, and Changes in Fund Balances, which briefly explains the adjustments necessary to transform the fund-based financial statements into the government-wide presentation.

(c) **Measurement focus and basis of accounting**—The government-wide financial statements are reported using the *economic resources measurement focus* and the *accrual basis of accounting*, as are the fiduciary fund financial statements. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Property taxes are recognized as revenues in the year for which they are levied. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

Governmental fund financial statements are reported using *the current financial resources measurement focus* and the *modified accrual basis of accounting*. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the government considers revenues to be available if they are collected within 60 days of the end of the current fiscal period.

Expenditures generally are recorded when a liability is incurred, as under accrual accounting. However, debt service expenditures, as well as expenditures related to compensated absences and pensions, are recorded only when payment is due.

Taxes, intergovernmental revenue, licenses and permits, charges for services, and interest associated with the current fiscal period are all considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met. All other revenue items are considered to be measurable and available only when cash is received by the government.

(d) **Financial statement presentation**—The financial transactions of the Town are recorded in individual funds. Each fund is accounted for by providing a separate set of self-balancing accounts that comprises its assets, deferred outflows, liabilities, deferred inflows, fund equity, revenues and expenditures/expenses. The various funds are reported by generic classification within the financial statements.

The GASB Codification sets forth minimum criteria (percentage of the assets, liabilities, revenues or expenditures/expenses of all funds combined) for the determination of major funds.

The Town reports the following major governmental fund:

The **General Fund** is the government's primary operating fund. It accounts for all financial resources of the general government as well as the proceeds received in non-ad valorem collection for stormwater maintenance.

**TOWN OF MALABAR, FLORIDA**  
**NOTES TO FINANCIAL STATEMENTS**  
**SEPTEMBER 30, 2023**

(1) **Summary of Significant Accounting Policies:** (Continued)

(e) **Budgets and budgetary accounting**—Annual budgets for all governmental funds were adopted in compliance with Florida law. The basis on which the budgets are prepared is consistent with the basis of accounting utilized by the various fund types. The governmental funds' budgets are prepared on the modified accrual basis of accounting. The Town uses the following procedures in establishing the budgetary data reflected in the accompanying financial statements:

- i. Prior to August 1st, the Town Manager submits a preliminary budget to the Town Council for the ensuing fiscal year.
- ii. Public hearings are held to obtain taxpayer comments.
- iii. Budget workshop sessions are scheduled by the Town Council, as needed.
- iv. A general summary of the budget and notice of public hearing is published in a local newspaper.
- v. Prior to October 1<sup>st</sup>, the budget is legally enacted through passage of an ordinance.
- vi. The Town Council, by ordinance, may make supplemental appropriations in excess of those estimated for the year up to the amount of available revenue. Prior to the end of the fiscal year, supplemental appropriations are made for unanticipated spending requirements by the Council.
- vii. The Town Manager may make transfers within a department as long as the total budget for the department is not increased. Transfers of appropriations between departments require the approval of the Council. The Town's Ordinance establishes the level at which expenditures may not exceed appropriations at the fund level.
- viii. Every appropriation lapses at the close of the fiscal year.

The budgets for governmental funds that were either adopted or amended during the year by the Town Council were prepared using the modified accrual basis of accounting in accordance with generally accepted accounting principles. Each of the Town's governmental funds have legally adopted budgets.

(f) **Deposits and investments**—The Town's cash and cash equivalents are considered to be cash on hand, demand deposits, and short-term investments with original maturities of three months or less from the date of acquisition.

Investments are recorded at fair value in accordance with the GASB Codification. Accordingly, the change in fair value of investments is recognized as an increase or decrease to investment assets and investment income.

(g) **Receivables**—Management has determined that no allowance for doubtful accounts is required for the general fund receivables or amounts due from other governments.

(h) **Leases receivable**—When engaged in long-term leasing activity as the lessor, the Town recognizes a lease receivable and a deferred inflow of resources in the government-wide and governmental fund financial statements. At the commencement of a lease, the Town initially measures the lease receivable at the present value of payments expected to be received during the lease term. Subsequently, the lease receivable is reduced by the principal portion of lease payments received. The deferred inflow of resources is initially measured as the initial amount of the lease receivable, adjusted for lease payments received at or before the lease commencement date. Subsequently, the deferred inflow of resources is recognized as revenue over the life of the lease term.

**TOWN OF MALABAR, FLORIDA**  
**NOTES TO FINANCIAL STATEMENTS**  
**SEPTEMBER 30, 2023**

(1) **Summary of Significant Accounting Policies:** (Continued)

Key estimates and judgments include how the Town determines (1) the discount rate it uses to discount the expected lease receipts to present value, (2) lease term, and (3) lease receipts.

- The Town uses its estimated incremental borrowing rate as the discount rate for leases.
- The lease term includes the noncancelable period of the lease. Lease receipts included in the measurement of the lease receivable is composed of fixed payments from the lessee.
- The Town monitors changes in circumstances that would require a remeasurement of its lease and will remeasure the lease receivable and deferred inflows of resources if certain changes occur that are expected to significantly affect the amount of the lease receivable.

(i) **Capital assets**—Capital assets include property, plant, equipment and infrastructure assets. The terms general capital assets and general infrastructure assets relate only to the assets associated with governmental activities, whereas the terms capital assets and infrastructure assets relate to all such assets belonging to the Town.

Capital assets are defined by the Town as assets with an initial individual cost of \$5,000 or more and an estimated useful life of more than one year. Such assets are recorded at historical cost, if purchased or constructed. Contributed assets, including donations and easements or other intangible rights of use, are recorded at acquisition value as of the date received. Additions, improvements, and other capital outlays that significantly extend the useful life of an asset are only capitalized if they meet the dollar threshold above for capitalization. Maintenance and repairs of capital assets are charged to operating expenses.

Depreciation is reported for the primary government using the straight-line method calculated on a service-life basis to amortize the cost of the asset over their estimated economic useful lives, which are as follows:

Assets	Years
Buildings and improvements	5 – 39 years
Machinery and equipment	5 – 15 years
Infrastructure	7 – 20 years

(j) **Compensated absences**—It is the Town’s policy to permit employees to accumulate earned but unused vacation and sick pay benefits. All vacation and a portion of sick pay is accrued when incurred in the government-wide financial statements. A liability for these amounts is reported in governmental funds only if they have matured, for example, as a result of employee resignations and retirements.

(k) **Deferred outflows/inflows of resources**—In addition to assets, the statement of financial position will, if required, report a separate section for deferred outflows of resources. This separate financial statement element, deferred outflows of resources, represents a consumption of net position that applies to a future period(s) and so will not be recognized as an outflow of resources (expense/expenditure) until then. Currently, the only item in this category consisted of deferred amounts related to pension, as discussed further in Note (7).

In addition to liabilities, the statement of financial position will sometimes report a separate section for deferred inflows of resources. This separate financial statement element, deferred inflows of resources, represents an acquisition of net position or fund balance that applies to future period(s) and so will not be recognized as an inflow of resources (revenue) until that time. Currently, the two items in this category are deferred inflows of resources related to pensions, as discussed further in Note (7), and deferred amounts related to leases, as discussed further in Note (4).

**TOWN OF MALABAR, FLORIDA**  
**NOTES TO FINANCIAL STATEMENTS**  
**SEPTEMBER 30, 2023**

(1) **Summary of Significant Accounting Policies:** (Continued)

(l) **Fund balance**—In the fund financial statements, governmental funds report fund balance classifications that comprise a hierarchy based primarily on the extent to which the Town is bound to honor constraints on the specific purposes for which amounts in those funds can be spent. Those classifications are as follows:

*Nonspendable* – The nonspendable fund balance classification includes amounts that cannot be spent because they are either (a) not in spendable form or (b) legally or contractually required to be maintained intact. The “not in spendable form” criterion includes items that are not expected to be converted to cash such as inventories and prepaid amounts. It also includes the long-term amount of loans and notes receivable, as well as property held for sale unless the use of the proceeds from the collection of those receivables or from the sale of those properties is restricted, committed, or assigned.

*Restricted* – Fund balance is reported as restricted when constraints placed on the use of resources are either externally imposed by creditors (such as through debt covenants), grantors, contributors, or laws or regulations of other governments or imposed by law through constitutional provisions or enabling legislation (i.e. when the government assesses, levies, charges, or otherwise mandates payment of resources from external resource providers) and includes a legally enforceable requirement that those resources be used only for the specific purposes stipulated in the legislation.

*Committed* – Fund balance amounts that can only be used for specific purposes pursuant to constraints imposed by ordinance of the Town Council are reported as committed fund balance. Those committed amounts cannot be used for any other purpose unless the Town removes or changes the specified use by taking the same type of action it employed to previously commit those amounts.

*Assigned* – Fund balance amounts that are constrained by the government's intent to be used for specific purposes, but are neither restricted nor committed, are reported as assigned fund balance, except for stabilization arrangements. Assignments can be made by the Town Council or the Town Manager.

*Unassigned* – Unassigned fund balance is the residual classification for the general fund. This classification represents fund balance that has not been assigned to other funds and that has not been restricted, committed, or assigned to specific purposes within the general fund.

For spendable resources, is the Town’s policy to use its resources in the following order as needed to fund expenses: restricted, committed, assigned, unrestricted.

(m) **Property taxes**— Property tax revenues are recognized when levied, to the extent that they result in current receivables. Details of the property tax calendar are presented below:

Lien date	January 1
Levy date	October 1
Discount periods	November – February
No discount period	March
Delinquent date	April 1

(n) **Net position flow assumption**—Sometimes the Town will fund outlays for a particular purpose from both restricted and unrestricted resources. In order to determine amounts reported as restricted and unrestricted net position, it is the Town’s policy to consider restricted net position to have been used before unrestricted net position is applied.



**TOWN OF MALABAR, FLORIDA**  
**NOTES TO FINANCIAL STATEMENTS**  
**SEPTEMBER 30, 2023**

(1) **Summary of Significant Accounting Policies:** (Continued)

(o) **Use of estimates**—Management uses estimates and assumptions in preparing financial statements in accordance with generally accepted accounting principles. Those estimates and assumptions affect the reported amounts of assets and liabilities, the disclosure of contingent assets and liabilities, and the reported revenue and expenses. Actual results could vary from the estimates assumed in preparing the financial statements.

(2) **Reconciliation of Government-Wide and Fund Financial Statement:**

(a) **Explanation of certain differences between the governmental fund balance sheet and the government-wide statement of net position**—Following the governmental fund balance sheet is a reconciliation between fund balance – total governmental funds and net position – governmental activities as reported in the government-wide statement of net position. A detailed explanation of these differences is provided in this reconciliation.

(b) **Explanation of certain differences between the governmental fund statement of revenues, expenditures, and changes in fund balances and the government-wide statement of activities**—Following the governmental fund statement of revenues, expenditures, and changes in fund balances, there is a reconciliation between net changes in fund balances - total governmental funds and changes in net position of governmental activities as reported in the government-wide statement of activities. A detailed explanation of these differences is provided in this reconciliation.

(3) **Deposits and Investments:**

(a) **Deposits**—All of the Town’s deposits are held in qualified public depositories pursuant to Chapter 280, Florida Statutes and, accordingly, are entirely insured by Federal Depository Insurance or collateralized pursuant to the *Florida Security for Public Deposits Act*.

(b) **Investments**—The general investments are governed by the Town’s Investment Policy and by Florida Statutes. The Town’s investment policy authorizes investments in the Florida Local Government Surplus Funds Trust Fund, Securities and Exchange Commission registered money market funds, interest-bearing time deposits or savings accounts in qualified public depositories, direct obligations of the U.S. Treasury, federal agencies and instrumentalities, securities in registered management-type investment companies or investment trusts, and other investments authorized by law or ordinance for a county, municipality, school district, or special district.

The Town invests temporarily idle resources in mutual funds and the Local Government Investment Pool (State Pool). The State Pool is administered by the Florida State Board of Administration (SBA), who provides regulatory oversight.

Florida Prime Investment Pool (Florida PRIME) is similar to money market funds in which units are owned in the fund rather than the underlying investments. These investments are reported at amortized cost and meet the requirements of GASB Statement No. 31, as amended by GASB Statement No. 79, *Certain External Investment Pools and Pool Participants*, which establishes criteria for an external investment pool to qualify for making the election to measure all of its investments at amortized cost for financial reporting purposes. There is no limitation or restrictions on withdrawals from Florida PRIME; although in the occurrence of an event that has a material impact on liquidity or operations of the trust fund, the funds’ executive director may limit contributions to or withdrawals from the trust fund for a period of 48 hours.

**TOWN OF MALABAR, FLORIDA**  
**NOTES TO FINANCIAL STATEMENTS**  
**SEPTEMBER 30, 2023**

(3) **Deposits and Investments:** (Continued)

The Town is exposed to the following risks associated with its non-pension investment portfolio:

**Credit risk**—The risk that an issuer or other counterparty to an investment will not fulfill its obligations. Investment in state or local government debt must be rated at least AA by Moody’s or Standard & Poor’s.

**Interest rate risk**—The risk that changes in interest rates will adversely affect the fair value of an investment. Per the Town’s investment policy, interest rate risk will be minimized by structuring investments so that maturities meet the cash requirements and by investing operating funds in shorter-term investments.

The Town’s investment policy does not formally address the risks noted above.

The Town’s investments consisted of the following at September 30, 2023:

<u>Investment Type</u>	<u>Amount</u>	<u>Weighted Average Maturity</u>	<u>Credit Risk</u>	<u>Fair Value Level</u>
Florida PRIME Mortgage Backed Securities - Fixed Income	\$ 47,005 <u>1,162,009</u>	35 days 2.5 years	AAAm (S&P) NR	n/a Level 2
Total	<u>\$ 1,209,014</u>			

(4) **Accounts Receivable:**

***Accounts Receivable and Due from Other Governments***

At September 30, 2023, the Town’s accounts receivables consist of \$146,734, all of which was included in the general fund and governmental activities. In addition to accounts receivable, the Town also recorded \$68,589 in due from other governments at September 30, 2023. There was no allowance for doubtful accounts at September 30, 2023.

***Leases Receivable***

In 2019, the Town entered into a lease agreement with Crown Castle Towers 09, LLC (Crown) for the leasing and use of land for construction of a cellular tower in Brevard County, which may be renegotiated and renewed at the request of the Town Council or Crown at any time, provided any amendments are in writing and executed by both parties. Based on the terms of the agreement, the initial lease began on March 28, 2019, and is scheduled to expire on May 1, 2039. Annual rentals under the lease agreement include minimum monthly payments of \$2,415 until May 1, 2039.

A summary of the Town’s activity surrounding leases receivable as of and for the year ending September 30, 2023, is as follows:

	<u>General Fund</u>
Lease Revenue	\$ 23,941
Interest Revenue	10,885
Leases Receivable	349,109
Deferred Inflows	336,365

**TOWN OF MALABAR, FLORIDA**  
**NOTES TO FINANCIAL STATEMENTS**  
**SEPTEMBER 30, 2023**

(5) **Capital Assets:**

Capital asset activity for the fiscal year ended September 30, 2023, is as follows:

	<u>Beginning Balance</u>	<u>Increases</u>	<u>Decreases</u>	<u>Ending Balance</u>
Governmental activities:				
Capital assets, not being depreciated –				
Land	\$ 1,877,726	\$ 25,000	\$ -	\$ 1,902,726
Construction in progress	204,589	9,430	-	214,019
Total capital assets, not being depreciated	<u>2,082,315</u>	<u>34,430</u>	<u>-</u>	<u>2,116,745</u>
Capital assets, being depreciated –				
Buildings and improvements	1,083,981	87,815	-	1,171,796
Equipment	2,981,882	144,413	-	3,126,295
Infrastructure	1,079,831	408,792	-	1,488,623
Total capital assets, being depreciated	<u>5,145,694</u>	<u>641,020</u>	<u>-</u>	<u>5,786,714</u>
Less: accumulated depreciation	<u>(3,576,101)</u>	<u>(249,824)</u>	<u>-</u>	<u>(3,825,925)</u>
Total capital assets, being depreciated, net	<u>1,569,593</u>	<u>391,196</u>	<u>-</u>	<u>1,960,789</u>
Governmental activities capital assets, net	<u>\$ 3,651,908</u>	<u>\$ 425,626</u>	<u>\$ -</u>	<u>\$ 4,077,534</u>

Depreciation expense was charged to functions/programs as follows:

Governmental activities:	
General government	\$ 109,094
Public safety	12,929
Cultural and recreational	10,644
Physical environment	48,022
Transportation	69,135
Total depreciation expense - governmental activities	<u>\$ 249,824</u>

**TOWN OF MALABAR, FLORIDA**  
**NOTES TO FINANCIAL STATEMENTS**  
**SEPTEMBER 30, 2023**

**(6) Long-Term Debt:**

For the fiscal year ended September 30, 2023, a summary of the long-term liability transactions for the Town is as follows:

	<u>Beginning Balance</u>	<u>Additions</u>	<u>Deletions</u>	<u>Ending Balance</u>	<u>Due Within One Year</u>
<b>Governmental activities:</b>					
Financed acquisitions	\$ 427,481	\$ -	\$ (241,278)	\$ 186,203	\$ 44,729
Clean Water State Revolving Fund	174,618	15,382	(3,920)	186,080	9,260
Compensated absences	117,669	69,631	(87,767)	99,533	49,766
Governmental activities – Total long-term liabilities	<u>\$ 719,768</u>	<u>\$ 85,013</u>	<u>\$ (332,965)</u>	<u>\$ 471,816</u>	<u>\$ 103,755</u>

The Town added a new state revolving fund (SRF) loan during fiscal year 2021 with a year-end balance payable of \$186,080 as of September 30, 2023 based on current year expenditures for drawdowns. A repayment schedule was finalized and payments are due in August and September beginning August 15, 2023.

Annual debt service requirements to maturity for the Town’s SRF loan payable are as follows:

<u>Year Ending September 30,</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2024	\$ 9,260	\$ 1,137	\$ 10,397
2025	9,318	1,079	10,397
2026	9,375	1,022	10,397
2027	9,434	963	10,397
2028	9,492	905	10,397
2029-2033	48,353	3,633	51,986
2034-2038	49,872	2,113	51,985
2039-2040	40,976	578	41,554
Total	<u>\$ 186,080</u>	<u>\$ 11,430</u>	<u>\$ 197,510</u>

Annual debt service requirements to maturity for the Town’s financed purchases are as follows:

<u>Year Ending</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2024	\$ 44,729	\$ 4,967	\$ 49,696
2025	45,922	3,774	49,696
2026	47,147	2,549	49,696
2027	48,405	1,291	49,696
Total	<u>\$ 186,203</u>	<u>\$ 12,581</u>	<u>\$ 198,784</u>

**TOWN OF MALABAR, FLORIDA**  
**NOTES TO FINANCIAL STATEMENTS**  
**SEPTEMBER 30, 2023**

**(7) Florida Retirement System:**

**Plan Description and Administration**

The Town participates in the Florida Retirement System (FRS), a multiple-employer, cost-sharing defined benefit public employee retirement system which covers all of the Town's full-time employees. The System is administered by the State of Florida, Department of Administration, Division of Retirement to provide retirement and survivor benefits to participating public employees. Provisions relating to the FRS are established by Chapters 121 and 122, Florida Statutes; Chapter 112, Part IV, Florida Statutes; Chapter 238, Florida Statutes; and FRS Rules, Chapter 60S, Florida Administrative Code; wherein eligibility, contributions, and benefits are defined and described in detail. The FRS is a single retirement system administered by the Department of Management Services, Division of Retirement, and consists of two cost-sharing, multiple-employer retirement plans and other nonintegrated programs. These include a defined-benefit pension plan (Plan), with a Deferred Retirement Option Program (DROP), and a defined-contribution plan, referred to as the FRS Investment Plan (Investment Plan).

In addition, all regular employees of the Town are eligible to enroll as members of the Retiree Health Insurance Subsidy (HIS) Program. The HIS is a cost-sharing, multiple-employer defined benefit pension plan established and administered in accordance with section 112.363, Florida Statutes. The benefit is a monthly payment to assist retirees of the state-administered retirement systems in paying their health insurance costs. For the fiscal year ended September 30, 2023, eligible retirees and beneficiaries received a monthly HIS payment equal to the number of years of service credited at retirement multiplied by \$7.50. The minimum payment is \$45 and the maximum payment is \$225 per month, pursuant to section 112.363, Florida Statutes. To be eligible to receive a HIS benefit, a retiree under one of the state-administered retirement systems must provide proof of eligible health insurance coverage, which can include Medicare.

**Benefits Provided and Employees Covered**

Employees enrolled in the Plan prior to July 1, 2011, vest at six years of creditable service and employees enrolled in the Plan on or after July 1, 2011, vest at eight years of creditable service. All vested members, enrolled prior to July 1, 2011, are eligible for normal retirement benefits at age 62 or at any age after 30 years of service. All members enrolled in the Plan on or after July 1, 2011, once vested, are eligible for normal retirement benefits at age 65 or any time after 33 years of creditable service. Members of both Plans may include up to 4 years of credit for military service toward creditable service. The Plan also includes an early retirement provision; however, there is a benefit reduction for each year a member retires before his or her normal retirement date. The Plan provides retirement, disability, death benefits, and annual cost-of-living adjustments. Benefits under the Plan are computed on the basis of age and/or years of service, average final compensation, and service credit. Credit for each year of service is expressed as a percentage of the average final compensation. For members initially enrolled before July 1, 2011, the average final compensation is the average of the five highest fiscal years' earnings; for members initially enrolled on or after July 1, 2011, the average final compensation is the average of the eight highest fiscal years' earnings. The total percentage value of the benefit received is determined by calculating the total value of all service, which is based on the retirement plan and/or class to which the member belonged when the service credit was earned.

DROP, subject to provisions of Section 121.091, Florida Statutes, permits employees eligible for normal retirement under the Plan to defer receipt of monthly benefit payments while continuing employment with an FRS employer. An employee may participate in DROP for a period not to exceed 60 months after electing to participate, except that certain instructional personnel may participate for up to 96 months. During the period of DROP participation, deferred monthly benefits are held in the FRS Trust Fund and accrue interest.

**TOWN OF MALABAR, FLORIDA**  
**NOTES TO FINANCIAL STATEMENTS**  
**SEPTEMBER 30, 2023**

(7) **Florida Retirement System:** (Continued)

Employees may elect to participate in the Investment Plan in lieu of the FRS defined-benefit plan. Employer and employee contributions are defined by law, but the ultimate benefit depends in part on the performance of investment funds. The Investment Plan is funded by employer and employee contributions that are based on salary and membership class (Regular, DROP, etc.). Contributions are directed to individual member accounts, and the individual members allocate contributions and account balances among various approved investment choices. Employees in the Investment Plan vest at one year of service.

**Financial Statements**

Financial statements and other supplementary information of the FRS are included in the State's Comprehensive Annual Financial Report, which is available from the Florida Department of Financial Services, Bureau of Financial Reporting Statewide Financial Reporting Section by mail at 200 E. Gaines Street, Tallahassee, Florida 32399-0364; by telephone at (850) 413-5511; or at the Department's Web site ([www.myfloridacfo.com](http://www.myfloridacfo.com)). An annual report on the FRS, which includes its financial statements, required supplementary information, actuarial report, and other relevant information, is available from:

Florida Department of Management Services  
 Division of Retirement, Research and Education Services  
 P.O. Box 9000  
 Tallahassee, FL 32315-9000  
 850-488-5706 or toll free at 877-377-1737

**Contributions**

The Town participates in certain classes of FRS membership. Each class had descriptions and contribution rates in effect during the year ended September 30, 2023, as follows (contribution rates are in agreement with the actuarially determined rates):

FRS Membership Plan & Class	Through June 30, 2023	After June 30, 2023
Regular Class	11.91%	13.57%
Senior Management	31.57%	34.52%
Special Risk	27.83%	32.67%

Current-year employer HIS contributions were made at a rate of 1.66% of covered payroll through June 30, 2023, and 2.00% thereafter, which is included in the above rates.

For the plan year ended June 30, 2023, actual contributions made for Town employees participating in FRS and HIS were as follows:

Town Contributions – FRS	\$ 156,729
Town Contributions – HIS	13,500
Employee Contributions – FRS	24,398

**TOWN OF MALABAR, FLORIDA**  
**NOTES TO FINANCIAL STATEMENTS**  
**SEPTEMBER 30, 2023**

(7) **Florida Retirement System:** (Continued)

**Net Pension Liability, Pension Expense, and Deferred Outflows and Inflows of Resources Related to Pensions**

At September 30, 2023, the entity reported a net pension liability related to FRS and HIS as follows:

<u>Plan</u>	<u>Net Pension Liability</u>
FRS	\$ 1,298,199
HIS	325,927
Total	<u>\$ 1,624,126</u>

The net pension liability was measured as of June 30, 2023, and the total pension liability used to calculate the net pension liability was determined by an actuarial valuation as of that date. The employer proportion of the net pension liability was based on a projection of the organization's long-term share of contributions to the pension plan relative to the projected contributions of all participating governmental entities, as actuarially determined. At June 30, 2023 and 2022, the organization's proportionate share of the FRS and HIS net pension liabilities were as follows:

<u>Plan</u>	<u>2023</u>	<u>2022</u>
FRS	0.003257972%	0.003008131%
HIS	0.002052266%	0.002091966%

For the plan year ended June 30, 2023, pension expense was recognized related to the FRS and HIS plans as follows:

FRS	\$ 296,625
HIS	128,948
Total	<u>\$ 425,573</u>

*Deferred outflows/inflows related to pensions:*

At September 30, 2023, the Town reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

	<u>FRS</u>		<u>HIS</u>	
	<u>Deferred Outflows of Resources</u>	<u>Deferred Inflows of Resources</u>	<u>Deferred Outflows of Resources</u>	<u>Deferred Inflows of Resources</u>
Differences between expected and actual experience	\$ 121,890	\$ -	\$ 4,771	\$ (765)
Changes of assumptions	84,627	-	8,569	(28,243)
Net difference between projected and actual investment earnings	54,216	-	168	-
Change in proportionate share	93,940	(31,277)	26,083	(5,218)
Contributions subsequent to measurement date	45,849	-	4,221	-
Total	<u>\$ 400,522</u>	<u>\$ (31,277)</u>	<u>\$ 43,812</u>	<u>\$ (34,226)</u>

**TOWN OF MALABAR, FLORIDA**  
**NOTES TO FINANCIAL STATEMENTS**  
**SEPTEMBER 30, 2023**

(7) **Florida Retirement System:** (Continued)

The above amounts for deferred outflows of resources for contributions related to pensions resulting from Town contributions subsequent to the measurement date and will be recognized as a reduction of the net pension liability in the year ended September 30, 2023. Other amounts reported as deferred outflows and deferred inflows of resources related to pensions being amortized for a period of greater than one year will be recognized in pension expense in succeeding years as follows:

	FRS	HIS	Total
2024	\$ 59,643	\$ 3,644	\$ 63,287
2025	3,239	4,082	7,321
2026	218,278	2,488	220,766
2027	32,421	(2,238)	30,183
2028	9,815	(2,177)	7,638
Thereafter	-	(434)	(434)
	\$ 323,396	\$ 5,365	\$ 328,761

*Actuarial assumptions:*

The actuarial assumptions for both defined benefit plans are reviewed annually by the Florida Retirement System Actuarial Assumptions Conference. The FRS has a valuation performed annually. The HIS Program has a valuation performed biennially that is updated for GASB reporting in the year a valuation is not performed. The most recent experience study for the FRS was completed in 2023 for the period July 1, 2013, through June 30, 2018. Because HIS is funded on a pay-as-you-go basis, no experience study has been completed.

The total pension liability for each of the defined benefit plans was determined by an actuarial valuation, using the entry age normal actuarial cost method. Inflation increases for both plans is assumed at 2.40%. Payroll growth, including inflation, for both plans is assumed at 3.25%. Both the discount rate and the long-term expected rate of return used for FRS investments is 6.70%. This rate is consistent with the prior year rate of 6.70%. The plan's fiduciary net position was projected to be available to make all projected future benefit payments of current active and inactive employees. Therefore, the discount rate for calculating the total pension liability is equal to the long-term expected rate of return. Because HIS Program uses a pay-as-you-go funding structure, a municipal bond rate of 3.65% was used to determine the total pension for the program. This rate increased from the prior year rate, which was 3.54%. Mortality assumptions for both plans were based on the PUB-2010 base table varies by member category and sex, projected generationally with Scale MP-2018 details.

*Long-term expected rate of return:*

To develop an analytical basis for the selection of the long-term expected rate of return assumption, in October 2023, the FRS Actuarial Assumptions conference reviewed long-term assumptions developed by both Milliman's capital market assumptions team and by a capital market assumptions team from Aon Hewitt Investment Consulting, which consults to the Florida State Board of Administration. The table below shows Milliman's assumptions for each of the asset classes in which the plan was invested at that time based on the long-term target asset allocation. The allocation policy's description of each asset class was used to map the target allocation to the asset classes shown below. Each asset class assumption is based on a consistent set of underlying assumptions, and includes an adjustment for the inflation assumption. These assumptions are not based on historical returns, but instead are based on a forward-looking capital market economic model.



**TOWN OF MALABAR, FLORIDA**  
**NOTES TO FINANCIAL STATEMENTS**  
**SEPTEMBER 30, 2023**

(7) **Florida Retirement System:** (Continued)

Asset Class	Target Allocation	Long-Term Arithmetic Expected Rate of Return
Cash	1.0%	2.9%
Fixed income	19.8%	4.5%
Global equities	54.0%	8.7%
Real estate	10.3%	7.6%
Private equity	11.1%	11.9%
Strategic investments	3.8%	6.3%
Total	100.0%	

*Sensitivity of the net pension liability to changes in the discount rate:*

The following presents the proportionate shares of the FRS and HIS net pension liability of the Town calculated using the current discount rates, as well as what the Town’s net pension liability would be if it were calculated using a discount rate that is 1% lower or 1% higher than the current rate:

Plan	Current Discount Rate	NPL with 1% Decrease	NPL at Current Discount Rate	NPL with 1% Increase
FRS	6.70%	\$ 2,217,588	\$ 1,298,199	\$ 529,020
HIS	3.65%	371,832	325,927	287,875

(8) **Risk Management:**

The Town is exposed to various risks of loss related to torts; theft of, damage to and destruction of assets; errors and omissions; and natural disasters for which the Town carries commercial insurance. Settled claims have not exceeded this commercial coverage in any of the past three fiscal years. There were no significant reductions in coverage from the prior year.

The Town is engaged in routine litigation incidental to the conduct of its municipal affairs. In the opinion of the Town’s legal counsel, no legal proceedings are pending which would have a material adverse effect on the financial position or results of operations of the Town.

(9) **Other Post-Employment Benefits (OPEB):**

The Town provides other postemployment benefits (OPEB) to its employees by providing retirees the option to continue to pay for health insurance in the Town’s plan upon retirement at their own cost.

The Town has not implemented the provisions of GASB Statement No. 75, *Accounting and Financial Reporting by Employers for Postemployment Benefits Other Than Pensions*. Statement No. 75 establishes standards for the measurement, recognition, and display of OPEB expense/expenditures and related liabilities, note disclosures, and required supplementary information.

**TOWN OF MALABAR, FLORIDA**  
**NOTES TO FINANCIAL STATEMENTS**  
**SEPTEMBER 30, 2023**

(10) **Commitments and Contingencies:**

The Town is engaged in various liability claims incidental to the conduct of its general government operations at September 30, 2023. The outcomes of established claims are included in these financial statements. In the opinion of the Town's legal counsel, no legal proceedings are pending or threatened against the Town which are not covered by applicable insurance which would inhibit its ability to perform its operations or materially affect its financial condition.

(11) **Subsequent Events:**

The Town completed the purchase of a new tanker pumper on 12/15/23. The balance is due in May 2025 for \$500,000. The Town also completed a loan agreement with Webster Bank for \$3,500,000 with bi-annual payments required for a road repaving project.

(12) **Recent Accounting Pronouncements:**

The Governmental Accounting Standards Board ("GASB") has issued several pronouncements that have effective dates that may impact future financial statements. Listed below are pronouncements with required implementation dates effective for subsequent fiscal years that have not yet been implemented.

Management has not currently determined what, if any, impact implementation of the following will have on the Town's financial statements:

GASB issued Statement No. 101, *Compensated Absences*, in June 2022. GASB Statement No. 101 amends various provisions regarding the calculation methodology and required disclosures related to the liability for compensated absences. The provisions for GASB 101 are effective for fiscal years beginning after December 15, 2023.

GASB issued Statement No. 102, *Certain Risk Disclosures*, in December 2023. GASB Statement No. 102 amends GASB Statement No. 62 regarding the disclosure of a government's vulnerability to risks related to certain concentrations and constraints that limit its ability to acquire resources or control spending. The provisions for GASB 102 are effective for fiscal years beginning after June 15, 2024.

# TOWN OF MALABAR

## REGULAR TOWN COUNCIL MEETING

AGENDA ITEM NO: **14.a.**

Meeting Date: May 6, 2024

Prepared By: Lisa Morrell, Town Manager

---

**SUBJECT: Fire Department Travel to Lake City Forestry Complex**

---

### **BACKGROUND/HISTORY:**

The Malabar Fire Department is seeking the use of a Town vehicle and fuel to travel to Lake City Forestry Complex located at 137 SE Forestry Cir, Lake City, FL 32025 on May 29, 2024. The purpose of this travel is to survey surplus vehicles for a potential/future Brush Truck build. The employees to attend include the Town Manager, Lisa Morrell, LT. Hooker, and driver/engineer F. Braun.

### **FINANCIAL IMPACT:**

### **ATTACHMENTS:**

None.

### **ACTION OPTIONS:**

Discussion/Potential Action.