



# REGULAR TOWN COUNCIL MEETING

Monday, June 6, 2022 at 7:30 pm

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

- a. Approve Minutes of RTCM 05/16/2022

Exhibit: Agenda Report Number 4a

**Attachments:**

- **Agenda Report Number 4a** (Agenda\_Report\_Number\_4a.pdf)

- b. Amendment #2 to FDEP Revolving Fund Loan Agreement SW051400

Exhibit: Agenda Report Number 4b

**Attachments:**

- **Agenda Report Number 4b** (Agenda\_Report\_Number\_4b.pdf)

5. ATTORNEY REPORT
6. Auditor Presentation by James Moore & Company

Exhibit: Agenda Report Number 6

**Attachments:**

- **Auditor's Report** (Audit\_Presentation.pdf)

7. BOARD / COMMITTEE REPORTS

- a. T&G Committee
  - b. Park & Recreation Board
  - c. Planning & Zoning Board

8. STAFF REPORTS

- a. Manager
  - b. Special Projects Manager

Exhibit: Agenda Report Number 8b

**Attachments:**

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

**c. Fire Chief**

**d. Public Works Director**

Exhibit: Agenda Report Number 8d

**Attachments:**

- **Agenda Report Number 8d** (May\_PW\_Report\_2022.pdf)

**e. Clerk**

**9. PUBLIC COMMENTS**

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

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

**10. PUBLIC HEARINGS: 1**

Tabled from RTCM 5/16/2022; Will require motion for discussion

**a. Applicant Mr. Martinez requests Road Waiver to build short - Prosperity Lane**

The request is to improve Prosperity Lane to the Town standards from the existing terminus to a point approximately 275 feet north to a point in front of his parcel and requesting a waiver to postpone the improvement of the remaining 125 feet until such time as the parcel to his north develops.

Exhibit: Agenda Report Number 10a

**Attachments:**

- **Agenda Report Number 10a** (Agenda\_Report\_Number\_10a.pdf)

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

(RECOMMENDATIONS FROM BOARDS, HOA REQUESTS, RESIDENT GRIEVANCES)

**12. ACTION ITEMS**

ORDINANCES: 0

RESOLUTIONS:2

MISCELLANEOUS:1

**a. Acceptance of Audit on FY 2020/2021 (Resolution 14-2022)**

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; PROVIDING ACCEPTANCE OF THE ANNUAL AUDIT REPORT PROVIDED FOR FISCAL YEAR 2020/2021 BY THE AUDIT FIRM OF JAMES MOORE AND CO., AND PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report Number 12a

**Attachments:**

- **Agenda Report Number 12a** (Agenda\_Report\_Number\_12a.pdf)

**b. Recognize the Florida League of Cities Legislative Affairs Team (Resolution 11-2022)**

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; COMMENDING THE FLORIDA LEAGUE OF CITIES (FLC) AND THE LEGISLATIVE AFFAIRS TEAM FOR THEIR HARD WORK REPRESENTING

**Attachments:**

- **Agenda Report Number 12b** (Agenda\_Report\_Number\_12b.pdf)

**c. Announcement of Clerk's Retirement and Plan for Continuity**

Exhibit: Agenda Report Number 12c

**Attachments:**

- **Agenda Report Number 12c** (Agenda\_Report\_Number\_12c.pdf)

COUNCIL CHAIR MAY EXCUSE ATTORNEY AT THIS TIME

**13. DISCUSSION/POSSIBLE ACTION**

**a. Workshop set for 06/13/2022 at 7:30 PM for American Rescue Plan**

Exhibit: Agenda Report Number 13a

**Attachments:**

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

**b. Request for Food Truck Event at Malabar Community Park 6/26/2022**

Exhibit: Agenda Report Number 13b

**Attachments:**

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

**14. PUBLIC COMMENTS**

General Items (Speaker Card Required)

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

**16. ANNOUNCEMENTS**

One (1) Vacancy on the Planning and Zoning Board

**17. ADJOURNMENT**

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

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



**TOWN OF MALABAR**

**COUNCIL MEETING**

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

**Meeting Date: June 06, 2022**

**Prepared By: Debby Franklin, C.M.C., Town Clerk/Treasurer**

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**SUBJECT: Meeting Minutes**

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**BACKGROUND/HISTORY:**

Summary of Council actions at the Town Council Regular Meeting Minutes

**ATTACHMENTS:**

- Draft Minutes of RTCM Minutes of 5/16/2022

**ACTION OPTIONS:**

Council Action on Consent Agenda

**MALABAR TOWN COUNCIL  
REGULAR MEETING MINUTES  
MAY 16, 2022, 7:30 PM**

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

**1. CALL TO ORDER:**

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

**2. ROLL CALL:**

CHAIR:

MAYOR PATRICK T. REILLY

VICE CHAIR:

STEVE RIVET

COUNCIL MEMBERS:

MARISA ACQUAVIVA

BRIAN VAIL

DAVID SCARDINO

MARY HOFMEISTER, excused

MATT STINNETT

KARL BOHNE

RICHARD KOHLER

TOWN MANAGER:

TOWN ATTORNEY:

DEPUTY CLERK/TREASURER:

- 3. APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES:** TM Stinnett requests Agenda Item 4.c, Acknowledge Approval of VFA 50-50 Grant, be added to the agenda. With no objections, the item is added to the Consent Agenda as item 4.c.

**4. CONSENT AGENDA:**

**4.a. RTCM Minutes of 5/02/22**

**4.b. Trail Accelerator Grant**

**4.c. Acknowledge Approval of VFA 50/50 Grant**

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

- 5. ATTORNEY REPORT:** Relating to the EELs issue, he will motion to abate will be filed this week, then we wait to get a court date. The abatement will force the County to the mediation required by state statute. We're going to have to mediate at some point, why not try now.

**6. STAFF REPORTS:**

**6.a. Town Manager Matt Stinnett –** CM Rivet asked about a land clearing issue, and TM Stinnett indicated it was taken care of.

**6.b. Special Project Manager –** Written report provided.

**6.c. Clerk –** We are concluding the 2020/2021 Fiscal Year Audit and expect a report from the Auditing firm at a meeting in June. Wishes Council a pleasant Memorial Day weekend and reminds them that Town Hall will be closed Monday May 30<sup>th</sup> in observance.

- 7. PUBLIC COMMENTS:** Comments at this point may address items NOT on the Agenda. Comments related to subsequent Agenda Items may be made as those items come up. Public comments do not require a Council response. (Speaker Card is Required)  
**Five (5) Minute Limit per Speaker.**

**8. PUBLIC HEARINGS: 2**

**8.a. 2<sup>nd</sup> Reading of Ordinance 2022-05 re: 11/08/2022 Ballot Referendum Question re: continuing MSTU for BCSO Patrol of Malabar**

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 No. 8.a.**

Ordinance read by title only.

Chair opened the PH. none

Chair closed the PH

Chair asked staff – as presented in Agenda Report.

**MOTION:** CM Rivet/ CM Vail to adopt Ord 2022-05. Discussion: none

**ROLLCALL VOTE:** CM Acquaviva, Aye; CM Vail, Aye; CM Rivet, Aye; CM Scardino, Aye; CM Hofmeister, excused. Motion carried 4 to 0.

**8.b. Waiver Request to Road Improvement Requirements for Prosperity Lane**  
APPLICANT, JAVIER MARTINEZ REQUESTS A WAIVER TO ROAD IMPROVEMENT REQUIREMENT FOR 400 FEET OF PROSPERITY LANE. APPLICANT OWNS PARCEL 29-37-10-00-515 on PROSPERITY LANE, MALABAR. HE DESIRES TO DEVELOP HIS PARCEL BUT THE CURRENT TERMINUS OF THE ACCEPTED PORTION LEAVES 400 FEET UNDER CONSIDERATION FOR THE WAIVER.

**Exhibit:**

**Agenda Report No. 8.b.**

Chair read the item to be considered and asked the applicant to come to the podium and present.

Mr. Martinez – Thanked Council for hearing him tonight. He would like to extend the road and build his family home. There is one lot between him and the end of the road.

CM Vail asks what his goal is because the waiver is to not build a road.

Mr. Martinez states he will build the road to the southern edge of his property.

CM Scardino asks if he is going to extend the road to his lot with a road that conforms to Town standards?

Mr. Martinez states he would like to.

CM Acquaviva asked about the road payback program?

Atty states if he builds a road, it will be available for the road pay back program. The Town Code states he will build it to the furthest extent of his land.

Mr. Martinez states he has the budget to get the road to the middle of his lot.

Atty states that the code explicitly states economical shortcomings can not be the cause for building short. You can grant a waiver if there is a significant condition, but not cost.

CM Vail states we have granted waivers before such as on McCain Lane, but there was no need for drainage or utilities past the lot in that example.

Mayor asks if the lots past the one in question are wetlands? Can the area be developed?

CM Scardino states that he believes there are buildable lots behind this area. He asks the applicant if he has had a wetland study done? Applicant states he has not.

CM Vail states the area looks like a buildable area. The cost to build a road is the cost of admission to the Town.

CM Scardino states an increase of another 100 feet shouldn't be a big cost difference as the contractor has already mobilized.

Mr. Martinez asked about the road payback program.

Council and the Atty explained the process to Mr. Martinez.

Mr. Martinez states he believes he will be able to build the whole road and states he will talk to his contractor.

Atty states the best thing to do would be to table this and let the applicant come back with more information.

CM Vail/CM Scardino motion to table. All Ayes (4-0)

Vote: Ayes, 4; Nays, 0. Motion to table carried.

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

10. ACTION ITEMS:  
ORDINANCES FOR FIRST READING: 0  
RESOLUTIONS: 0  
MISCELLANEOUS: 0

Chair excuses Attorney

11. DISCUSSION / POSSIBLE ACTION: 0

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

13. REPORTS – MAYOR AND COUNCIL MEMBERS

CM Acquaviva: None

CM Vail: Received a phone call from the Tourism and Transit Summit and would like a Town representative. May 26<sup>th</sup>. Is anyone interested? TM Stinnett states he has an invite as well. If Council or Staff can't go, can a board member go? Consensus is yes. He remembers a presentation about how our trails promote tourism in the area. We have a great Trail System and are a Trail Town. We should be represented.

CM Rivet: This summit may be a good opportunity to get our side of the trails issue out.

CM Hofmeister: Excused

CM Scardino: None

Mayor Reilly: Friday is the Mayor's breakfast. He will miss the next meeting, being on vacation.

14. ANNOUNCEMENTS: (1) Vacancy on the Planning & Zoning Board.

15. ADJOURNMENT: There being no further business to discuss and without objection, the meeting was adjourned at 7:53 P.M.

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

ATTEST:

\_\_\_\_\_  
Richard Kohler, Deputy  
Town Clerk/Treasurer

Date Approved: 06/06/2022



# TOWN OF MALABAR

## COUNCIL MEETING

AGENDA ITEM NO: 4.b.

Meeting Date: June 06, 2022

Prepared By: Debby Franklin, C.M.C., Town Clerk/Treasurer

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**SUBJECT: Amendment 2 to State Revolving Fund Loan Agreement SW051400**

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**BACKGROUND/HISTORY:**

This amendment provides for the second extension of the repayment process and period for the \$190,000.00 the Town used for Master Stormwater Planning. The need for a Stormwater Master Plan is a preliminary requirement before any further grant can be applied for.

Amendment 1 approved by Council on 11/1/2021 delayed the repayment start date until August of this year. This provides enough time for Singhofen and Associates to finalize and submit their last items on the Contract.

Amendment 2 will further push out the due date for the first semiannual loan payment in the amount of \$5,170.00 until February 15, 2023. From then forward the payments will be in February and August of each year to complete the repayment of the 20-year loan.

**ATTACHMENTS:**

- Amendment 1

**ACTION OPTIONS:**

Council Action on this item

This Amendment 2 to Loan Agreement SW051400 may be executed in two or more counterparts, any of which shall be regarded as an original and all of which constitute but one and the same instrument.

IN WITNESS WHEREOF, the Department has caused this amendment to the Loan Agreement to be executed on its behalf by the Secretary or Designee and the Local Government has caused this amendment to be executed on its behalf by its Authorized Representative and by its affixed seal. The effective date of this amendment shall be as set forth below by the Department.

for  
**TOWN OF MALABAR**

Patrick T. Reilly  
Mayor

Attest:

Approved as to form and legal sufficiency:

\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Town Attorney



for  
**STATE OF FLORIDA**  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

\_\_\_\_\_  
Secretary or Designee

\_\_\_\_\_  
Date

**STATE REVOLVING FUND  
AMENDMENT 2 TO LOAN AGREEMENT SW051400  
TOWN OF MALABAR**

This amendment is executed by the STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (Department) and the TOWN OF MALABAR, FLORIDA, (Local Government) existing as a local governmental entity under the laws of the State of Florida. Collectively, the Department and the Local Government shall be referred to as "Parties" or individually as "Party".

The Department and the Local Government entered into a State Revolving Fund Loan Agreement, Number SW051400, as amended; and

Loan repayment activities need rescheduling to give the Local Government additional time to complete Planning Activities; and

Certain provisions of the Agreement need revision.

The Parties hereto agree as follows:

1. Unless repayment is further deferred by amendment of the Agreement, Semiannual Loan Payments as set forth in Section 10.05 shall be received by the Department beginning on February 15, 2023, and semiannually thereafter on August 15 and February 15 of each year until all amounts due under the Agreement have been fully paid.

2. The items scheduled under Section 10.07 of the Agreement are rescheduled as follows:

(2) Completion of all Planning Activities is scheduled for August 15, 2022.

(3) Establish the Loan Debt Service Account and begin Monthly Loan Deposits no later than August 15, 2022.

(4) The first Semiannual Loan Payment in the amount of \$5,170 shall be due February 15, 2023.

3. All other terms and provisions of the Loan Agreement shall remain in effect.

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# Town of Malabar, Florida

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Annual Audit for the Year Ended September 30, 2022

Presented by: Zach Chalifour, CPA  
June 6, 2022



# Auditors' Reports

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- **Independent Auditors' Report (pages 1-3)**
  - Qualified Opinion due to GASB 75 (OPEB)
- **Report on Internal Control and Compliance (pages 33-34)**
  - 1 Significant Deficiency – Reconciliation of Account Balances and Accruals
- **Management Letter Required by Chapter 10.550, Rules of the Auditor General (pages 35-37)**
  - 1 Other Recommendation: Building Department Fund Balance
- **Independent Accountants' Examination Report (page 38)**



# General Fund (Page 11)

<u>Fund Balance</u>	<u>9/30/2021</u>	<u>9/30/2020</u>	<u>9/30/2019</u>
Nonspendable	\$ 29,223	\$ 177	\$ -0-
Restricted	230,060	204,741	29,549
Committed	-0-	29,800	3,742
Assigned	154,442	180,385	215,299
Unassigned	<u>1,366,885</u>	<u>1,291,616</u>	<u>1,136,169</u>
Total	<u>\$ 1,780,610</u>	<u>\$ 1,706,719</u>	<u>\$ 1,384,759</u>

# General Fund (Continued)

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Total Assigned/Unassigned Fund Bal.	\$ 1,521,327
CY Expenditures	\$ 2,399,046
Percentage Assigned/Unassigned Fund Balance as a percentage of Expenditures and Transfers out:	63.4%
GFOA Minimum Rec. = 2 Months	At least 16.7%

# Other Highlights

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- Long-term debt
  - \$69,000 repayment on capital leases
  - \$133,000 draw down on new SRF loan
- ARPA
  - No FY21 impact – first tranche received in FY22
- Net pension liability
  - \$463,827 allocated share from Florida Retirement System
  - No budgetary impact; all contributions made



# Questions?

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# TOWN OF MALABAR

## COUNCIL MEETING

SPM Staff Report  
Meeting Date: June 6, 2022

Prepared By: **Lisa Morrell, Special Projects Manager as of May 31, 2022**

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**SUBJECT: SPM Report for May 2, 2022 Council Meeting**

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*Updates from the May 31, 2022 staff report have been provided in bold for each topic with new topics added to the end of the report from the previous reporting period.*

### **Cybersecurity Awareness Program - CS/HB 7055: Cybersecurity**

The Town has initiated distribution of cybersecurity awareness training with 11% of the training material completed by employees. Two new training campaign has been launched called "the Inside Man" which enforces the principles outlined in the Security Awareness Foundation Training modules. The second campaign is Payment Card Industry Data Security Standard. (PCI-DSS) will launch on March 31, 2022.

**05/02/2022 – Ongoing.**

### **Fixed Town Facility or Entrance Signage**

**May 5, 2022**

An RFP was awarded to Southeastern Lighting Solutions to replace (2) two fixed entrance signs: Malabar Community Park and Disc Golf Sanctuary. The contract was executed by both parties on March 22, 2022. A purchase order will be released soon for design, fabrication, installation, delivery, and warranty. Estimate this project will be completed in 90 days short of any delays (ex. Material availability, shipping, and labor shortages).

**05/26/2022 – Colors proof, frame, and hardware approved, signs for Malabar Community Park and Disc Gold Sanctuary progress to production queue.**

### **Electronic Sign (SLFRF Funded) – Electric Panel and Protection Upgrade**

05/02/2022 – A commercially licensed electrical contractor was onsite to verify the existing electrical connection is a dedicated 20 AMP circuit required to be provided by the Town for the sign installation. The contractor also provided a quote to furnish and install an upgraded panel and surge protection for the new sign to included two independent breaker circuits for the two-part, led panel and backlit, sign components for individual operation and timing; as well as an in electrical panel surge protector for the \$37,000 investment. The cost of these services will be executed through SLFRF funding, estimated total is \$1017.00.

**5/24/2022 – Components are awaiting receipt and install, ETA 30-60 days.**

### **Document Imaging and Scanning (SLFRF Funded)**

The contract has been executed by both parties and corresponding purchase orders have been issued with the payment of the annual software subscription license mailed on March 23, 2022. The deposit for the project will be mailed this week. After payments are received by MCCi, The Town will be scheduled for a project kickoff meeting. The Town Clerk staff will begin paper record retention review, pursuant to the Florida record retention schedule and guidelines, of documents to be scanned within the project to reduce the scanning of records that are no longer required to be retained.

05/02/2022 - A preliminary kickoff meeting for the back scanning tasks was held on April 18, 2022 to discuss logistics and timing of scanning paper records in storage as we await a project manager assignment for the central database software installation and configuration.

**5/24/2022 – Contractor has picked up a sample of the back scanning files and staff is proofing and approving the data scans for approved method and criteria for electronic storage and search retrieval.**

**Laserfiche Software implementation kickoff meeting slated for June 7, 2022 with project manager.**

### **Financial System Improvements**

The town recently implemented upgrades to the financial system to the payroll and timekeeping improvements. Over the past weeks, I have been performing migration tasks, of data collection reporting on year-to-date payroll information for the system as well as coordination of employee participation tasks

for enrollment and utilization of electronic paystub and W2 workforce portal and electronic timekeeping for employees to record their daily timesheets for payroll, eliminating paper timecards and paper routing approvals, W2's, and paystub. Paper processes are slated for elimination for pay period starting May 11, 2022; during this time, setup continues through a hybrid pilot time period for employee's process adjustment.

**5/24/2022 Electronic timekeeping complete with continual improvements and review of financial macros for general ledger allocation and accounting purposes.**

#### Grants

I have been enrolled and registered with Ecivis, a Florida League of Cities partner, to receive daily emails regarding new grant announcements and updates. I review these daily and share these with the Town Manager and Departments, highlighting any relevant opportunities.

#### Volunteer Fire Assistance (VFA) Grant

The Malabar Fire Department is requesting to apply for the Volunteer Fire Assistance Grant available from Florida Department of Agriculture and Consumer Service to replace Fire Turnout Gear that has reached its approaching end-of-life use; this is 50/50 match grant.

**5/16/2022 Notice of Award from FDACs.**

**5/17/2022 PO issued to vendor to fulfill order. Vendor has been onsite for measurements; awaiting fabricating for delivery and distribution in "piece meal" due to logistics and supply availability.**

#### Firehouse Subs Grant - Q3 2022

On April 7, 2022 The Fire House Subs quarterly grant portal opened for community public safety equipment grant requests. The Town of Malabar submitted at grant at 9:07 am after the portal opened at 6:00 am to requests financial assistance in procuring air lift bag kits totaling \$14,652.00 quoted by a vendor, Mutual Emergency Services. An email confirmation as received of the submission which only opens to 600 applicants each quarter. Currently awaiting a response to the grant application from Firehouse Subs Foundation, the confirmation states "All applicants will be notified of approval or denial within two months of the quarterly grant application deadline". The website grant portal notice currently states "Q3 2022 grant award notifications, will be emailed prior to July 7, 2022."

**5/24/2022 – Awaiting Grant Approval.**

#### State & Local Fiscal Recovery Fund (SLFRF) formerly American Rescue Plan (ARP)

**5/25/2022 Single Audit alternatives, for expense of \$750,000 or more in one fiscal year, have been distributed to NEU's; Town Staff is consulting with the Town's Auditing Firm for costs to provide a full audit (\$2,000) or the alternative of opinion for expense eligibility (\$1,500).**

**Upcoming: Workshop on June 13, 2022, for discussion of Capital Project Allocations for SLFRF.**

#### Life Pak 15 (SLFRF)

A purchase order has been issued for the cardiac defibrillators and monitors to the contracting vendor, Stryker Medical. To date, upon inquiry, I have not received a confirmation or estimated shipping date for the equipment for Malabar Fire Department.

#### Park Restroom Remodel Plans

Design plans and scope of work are currently underway for vendor solicitation to perform the approved public facilities upgrades for sanitary components to include sinks with integrated facets to include automated soap, water, and drying functions, automated flush toilets, replacement partitions, epoxy coating for the floor, minor electrical upgrades for occupancy sensors with energy efficient LED lighting fixtures, addition of automated doors for open and close schedules, and a re-roof to secure the envelope and upgrades.

**5/10/2022 - Bid Template being configured with Procurement Project.**

**Procurement**

In conjunction with the amended procurement code and purchasing administrative policy; Town staff is also transitioning the of online procurement software from Demand Star to a new vendor, Urban Leap.

**5/24/2022 – In progress conference calls for setup and configuration.**

**Procurement Cards**

The Town had a kick-off conference call on March 23, 2022 to begin the engagement with the State of Florida's Bank of America Purchasing Card to improve the procurement card program, credit card purchases, under the new purchasing ordinance and corresponding administrative policy and procedures for efficiency of purchases, approvals, accountability, and transparency of Town purchases within the established thresholds and credit limits for contactless reporting and staffing resources to meet the needs of day to day operations. A rebate of Town purchasing cards can be achieved annually as a revenue upon meeting the spending threshold of 1,000,000 annually. A rebate will not be achieved in this fiscal year, yet attainable, as a future revenue source.

**5/24/2022 – In progress conference calls for setup and configuration.**

# May 2022 Public Works Report

## Equipment Update

- Repaired Reverse Light on Sterling Dump Truck
- Repaired Rear Door on Sterling Dump Truck
- Replaced Tires on Sterling Dump Truck at Glenn's Tires
- Returned Road Grader to Ring Power (CAT)
- Serviced Ford F-450
- Pick up Parts from John Deere, Kubota and Bearing Shop for Tractors

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

## Streets & Roads Jobs

- Repaired Headwalls on:
  - Lineberry Lane
    - 1 Pallet of Rip-Rap; 1 Pallet of Sod
  - Elaine Lane
    - 1 Pallet of Rip-Rap; ½ Pallet of Sod
    - Also repaired one washout: ½ Pallet of Sod
- Removed Gate on Booth Road
- Install Barricades on Marie Street
- Pick up Stabilizer from Mine (25 Loads)
- Repaired Catch Basin on Rocky Point
- Trim trees on Riverview Drive
- Replaced Signpost on Richards Lane
- Repair Road Shoulders at all Major Intersections

## Parks and Recreation

- Repair Sprinklers at Malabar Community Park

## General Duties

- Prep for New Sidewalk Instillation at Town Hall
- Clean Up Marie Street Yard
- Pick up and Organize 53 Records Boxes from Storage
- Installed Flagpole at Town Hall
- Stencil "Town of Malabar" on 6 Barricades
- Prep PW Shop for EPA inspection

### Mowing & Weed Eating Checklist May 2022

Sanitation	5-2	5-9	5-16	5-27
Soccer Field	5-6	5-13	5-20&23	5/27
Baseball Field	5-6	5-13	5-20&23	5/27
Drag Infield	5-6	5-13	5-20&23	5/27

#### Town Property

Malabar Park				5-20
Fire Department			5/12	
Disc Park			5-11	
Trail Park				5-19
Eschenberg Park			5-10	
Huggins Park				
Public Works Yard				5-16
Marie St. Yard				5-17
Town Hall/ S. RR Ave				5-25

#### Town ROWs

Rocky Point Rd North & South	5-2			
Briar Creek Blvd & Bridge				
Corey Rd North End				5-17
Marie St South East Side				5-17
Marie St North West To Johnsnton			5-9	5-19
Glatter Rd @ Malabar Rd				
Glatter Rd East to RR				
Data Managment				5-24
Marie St Trail North and South Side				5-19
Quaterman & Atz Rd				
Booth & Lette Intersection North				
Richard Rd Tillman Canal				

#### Bus Stops

Atz & Corey				
Weber & Old Mission				
Lacourt & Hall			5-11	
LaCourt & Atz			5-11	
Hall & Corey			5-9	

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

Corey & Hall			5-9	
Corey & Atz			5-10	
Weber & Hall			5-9	
Weber & Atz			5-10	

Road Grading			Month: May 2022		
Road Name	Date	Machine Used	Loads	Materials	Comments
Hunter Lane South	5/9	Mini Grader			
Candy Lane	5/9	Mini Grader			
Kramer Lane	5/9	Mini Grader			
Waring Lane South	5/10	Mini Grader	9	Stabilizer	
Weir Street	5/12	Mini Grader			
Gilmore Street	5/12	Mini Grader			
Sandy Creek Lane	5/12	Mini Grader			
Cason Lane	5/12	Mini Grader			
Kelly Lane	5/12	Mini Grader			
Passaic Ave	5/23	Box Blade			
New Jersey Ave	5/23	Box Blade			
Orange Ave	5/23	Box Blade			
Malabar Community Park	5/23	Box Blade			
<b>TOTALS</b>	<b>4 Days</b>	<b>2 Machine</b>	<b>9 Loads</b>	<b>1 Material</b>	

## Slope Mowing / Flat Mowing May 2022

	Road Name	Date	Ditch Side (N, S, E, W)	Grass	Brush	Ditcher
1	Hunter Lane South	5/2	East/West	X		
2	Billie Lane	5/2	East/West	X		
3	Hunter Lane North	5/2	West	X		
4	Candy Lane	5/2	East/West	X		
5	Smith Lane North	5/2	East	X		
6	Smith Lane South	5/2	East/West	X		
7	Hall Road East	5/3	North/South	X		
8	McCain Lane North & South	5/3	East/West	X		
9	Howell Lane North & South	5/3	East/West	X		
10	Rivet Lane	5/4	East/West	X		
11	Appleby Lane North & South	5/4	East/West	X		
12	Ivey Lane	5/4	East/West	X		
13	Hall Road West	5/5	North/South	X		
14	Isasa Lane	5/5	East/West	X		
15	Duncil Lane South	5/5	East/West	X		
16	Gator Way Lane	5/5	East/West	X		
17	Quarterman Lane	5/5	East/West	X		
<b>TOTALS</b>		<b>3 Days</b>		<b>1 Machines Used</b>		



Ditch Cleaning

Month: May 2022

Road Name	Date	Start Location	End Location	Side of Road	Loads	Yards	Comments
Hall Road	5-22	Corey Road	Weber Road	North	43	645	Completed
Weber Road	5/22	Malabar Road	Hall Road	West	10	150	Completed
<b>Totals</b>	<b>1 Work Day</b>				<b>53 Loads</b>	<b>795 Yards</b>	

**TOWN OF MALABAR  
COUNCIL MEETING**

**AGENDA ITEM NO: 10.a.**

**Meeting Date: June 06, 2022 tabled from 5/16/2022**

**Prepared By: Debby Franklin, C.M.C., Town Clerk/Treasurer**

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**SUBJECT: Public Hearing – con’t. from 5/16/2022 - Request for Road Improvement Waiver for 125 feet by Javier Martinez - Prosperity Lane**

---

**BACKGROUND/HISTORY:**

The applicant, Mr. Martinez submitted a Malabar Road improvement application, with engineering, testing and the application fee in February of 2022 to improve 477 feet of Prosperity Lane from the terminus of the accepted portion. The Building Dept Mgr. requested the Engineer Morris Smith to review the application package and his response on March 2, 2022, was “did applicant get permission to “build short”? The response was no.

Mr. Martinez was then provided a Road Improvement Waiver application which he submitted with the application fee. That is the request that was tabled at the RTCM on 5/16/2022 due to lack of information.

Staff then learned of the earlier submitted application that provided info on his plan to improve the ROW from the terminus to a point approximately 75' in front of his parcel to allow for the driveway curvature. That would leave approximately 125' of ROW that would need improvement at a later point.

***Mr. Martinez's request is to be permitted to improve the portion of Prosperity Lane to the Town's standards for approximately 275 feet with the provision that he will pay for his portion of the remaining 125 feet of roadway at such time at the parcels to his north desire to develop.***

Staff requests Council approval of this request.

**FINANCIAL IMPACT:**

No additional cost beyond application fee

**ATTACHMENTS:**

Application package

Radius Map and map of the area

Notice to paper and Notice to property owners within 500'

**ACTION OPTIONS:**

Action on Request

**TOWN OF MALABAR**  
**MEMORANDUM**

MAY 25 2022 AM 9:15

Date: May 24<sup>th</sup>, 2022  
To: Denine Sherear, Asst. Building Official  
From: Morris Smith, Town Engineer  
Ref: Plan Review – Northerly Extension of Prosperity Lane – Request to Build Short of the North Property Line of Owned Parcel

Memo: 22-CE-06  
Project No.  
Variance No.:

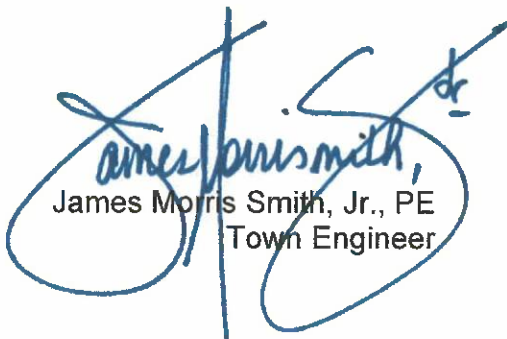
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As per your verbal direction I made a of the Roadway Design plans Prepared by Teimouri and Associates. These plans were originally submitted and reviewed in September 2021. The Town Clerk has requested a Memo to memorialize our review.

My review comments are as follows:

1. The plans as submitted meet or exceed the Civil Engineering requirements for the construction of a new roadway in the Town of Malabar and
2. The application to build a new roadway, does not meet the Town's requirements of constructing the new roadway to the furthest most terminus point of the parcel ownership.

Very Truly Yours,

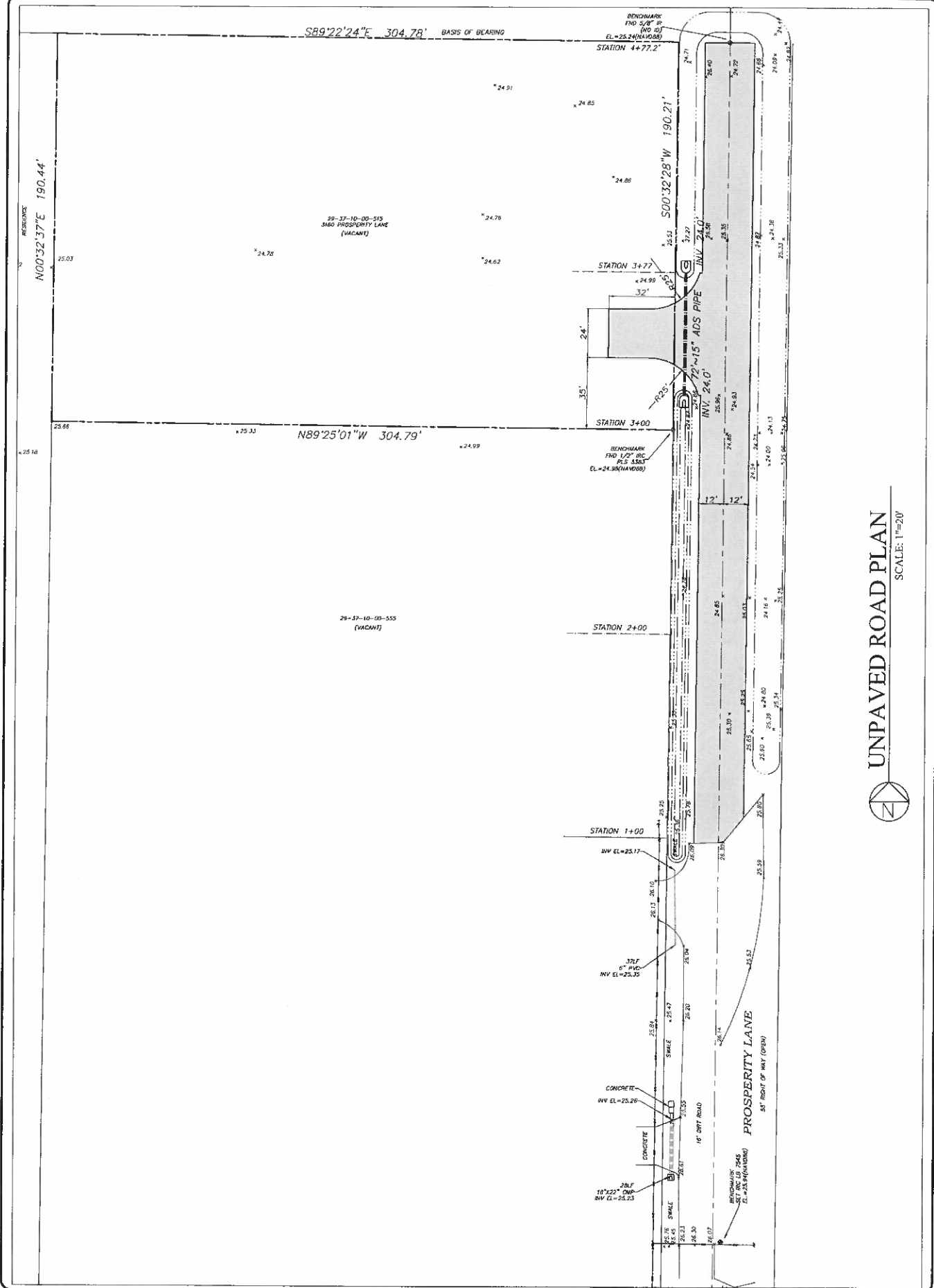
  
James Morris Smith, Jr., PE  
Town Engineer

**TEINHORN & HOEHLER, Inc.**  
 Consulting Engineers  
 22 East New Haven Avenue  
 Meriden, CT 06450  
 203-238-2822  
 Fax: 203-238-2821  
 CERTIFICATE OF AUTHORIZATION # 32283

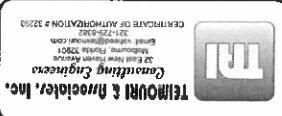
NO.	DATE	REVISIONS

PREPARED FOR:  
**PROSPERITY LANE**  
 UNPAVED ROAD

PROJECT NO: 2011128  
 FILE NO: 201212813  
 DESIGNED BY: VBT  
 DRAWN BY: VBT  
 CHECKED BY: VBT  
 DATE: 8-1-2012  
 DRAWING NO:  
**C-3**  
 SHEET 3 OF 4



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



NO.	DATE	REVISIONS

UNPAVED ROAD  
PROSPERITY LANE  
PREPARED FOR  
JAVIER MARTINEZ & ALCINDA ISABEL CARDENAS  
3150 PROSPERITY LANE, MALABAR FLORIDA 32950

PROJECT NO: 2021-128  
FILE NO: 20212821B  
DESIGNED BY: VBT  
DRAWN BY: VBT  
CHECKED BY: VBT  
DATE: 9-1-2019  
DRAWING NO:  
**C-4**  
SHEET 4 OF 4



**Owner:**  
Javier Martinez & Alcinda Isela Cardenas  
3150 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.

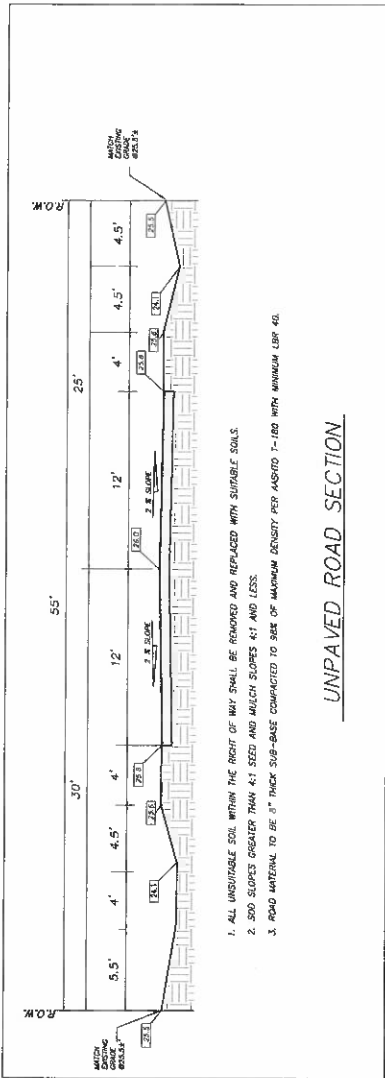
**Drainage Calculations**  
Total Drillage area = 20,746 sf  
Impervious area = 10,300 sf  
Permeable area = 10,446 sf  
Total drainage area = 20,746 sf  
**Required Retention Volume:**  
(20,746 sf X 1/12 ft) = 1,728 CF  
or  
(10,300sf X 1.25/12 ft) + (20,746 sf x 0.5/12) = 1,937 cf

**Pollutant Loading Analysis:**  
Pre-development loading: from table 11.7-3 of Applicant Handbook, Forests, Type D soils: Loading Rates= 0.070 kg/acre-yr  
Post-development loading: from table 11.7-3 of Applicant Handbook, Highway Max 50% Impervious, Type D soil;  
Loading Rate= 0.871 kg/acre-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)**

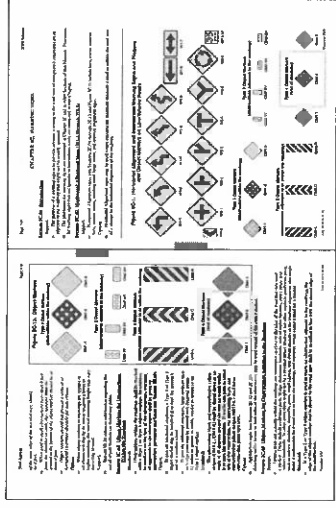
**Recovery time for treatment volume (based on the method in SJRWMD hand book)**

Retention Volume, cf =	7,200
Recovery Elevation, ft =	25.6
Area of Retention Bottom, sf =	1480
Bottom Elevation, ft =	24.1
Seasonal High Water, ft =	23.8
Horizontal Permeability, ft/hr =	1.65
Vertical Permeability, ft/hr =	1.45
Impermeable Layer, ft =	10
Porosity =	0.2
Vu = A <sub>b</sub> f h <sub>s</sub> =	89
hw =	1.5
pu =	0.06
Kvu =	0.97
ld =	0.48
L <sub>ve</sub> = f h <sub>s</sub> / L <sub>v</sub> =	0.12
Remaining volume =	7111
Remaining volume elev. =	25.6
h <sub>1</sub> = h <sub>2</sub> =	0.2
h <sub>1</sub> = h <sub>2</sub> + h <sub>3</sub> =	1.8
F <sub>1</sub> = h <sub>1</sub> / h <sub>1</sub> =	0.17
L =	700
W =	10
Fx =	0.2
H =	13.8
D = H + h <sub>1</sub> / 2	13.95
t = W / 4 K <sub>v</sub> D F <sub>z</sub>	27.15
T =	27.28



UNPAVED ROAD SECTION

- 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 DRAINING 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.

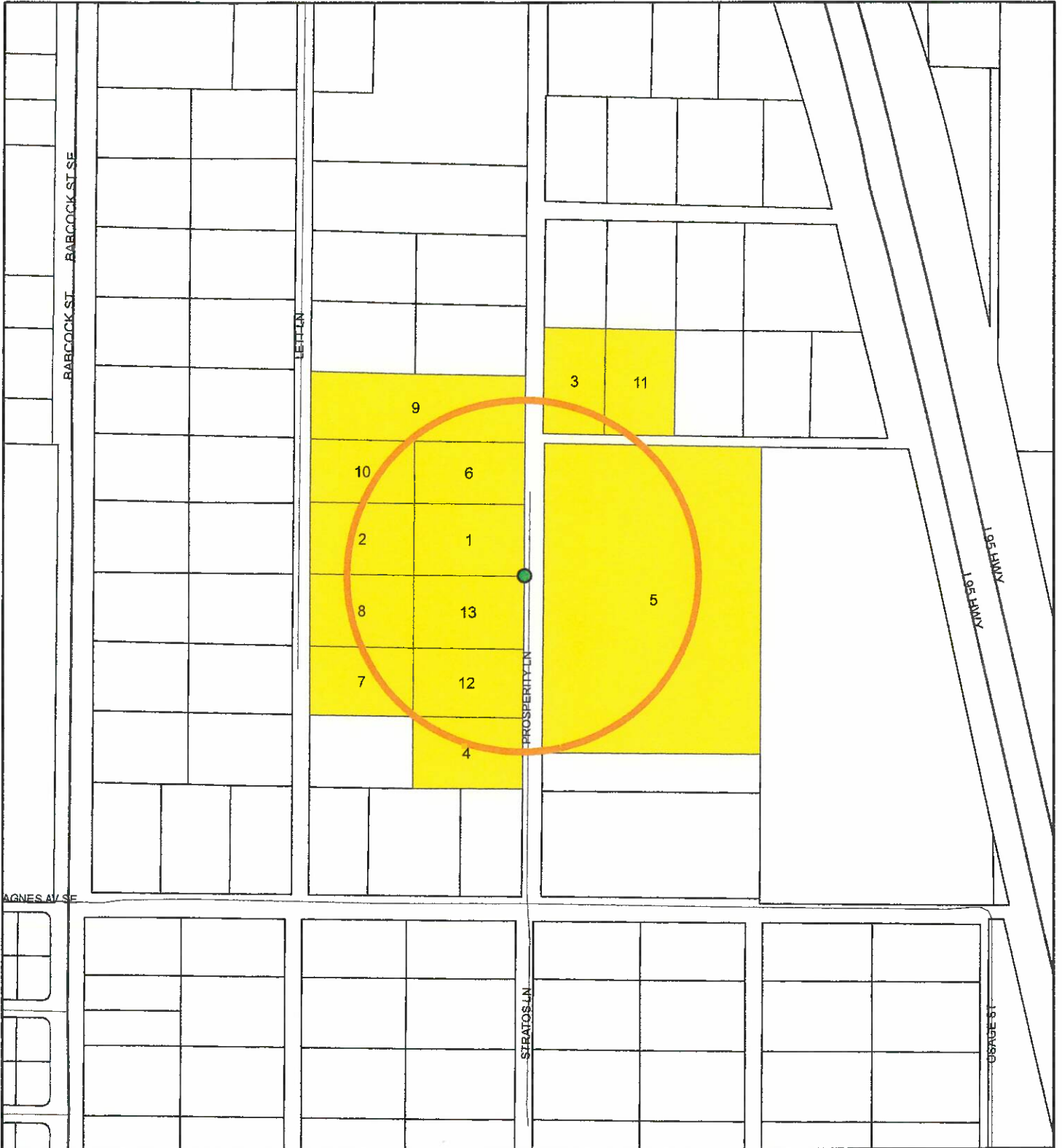


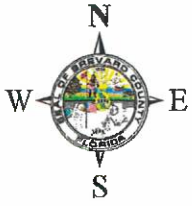


# RADIUS MAP

WAIVER TO THE TOWN OF MALABAR ROAD IMPROVEMENT REQUIREMENT FOR PROSPERITY LN NORTH OF OSAGE ST

prosperitylane500









1:4,800 or 1 inch = 400 feet

Buffer Distance: 500 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 4/6/2022

-  Buffer
-  Subject Property
-  Notify Property
-  Parcels





FRANKLIN, Debby  
Town of Malabar

ANJO OF BREVARD INC  
SMITH, DAVID VERNON  
1251 OLDE BAILEY LN  
WEST MELBOURNE FL 32904-8006

BOLAND REVOCABLE TRUST  
686 ROGER SAYERS CIR  
TUSCALOOSA AL 35401-3227

CAMPBELL, PETER A  
2 LEIGHTON CT  
MELVILLE NY 11747-

FELICIANO, RAMON L  
FELICIANO, GITTA O  
140 RIVIERA DUNES WAY, APT 705  
PALMETTO FL 34221-7117

KAO, VANSARANN  
KAO, SOPHEA  
3211 PROSPERITY LN  
MALABAR FL 32950-5001

MARTINEZ, JAVIER  
CARDENAS, ALONDRA ISELA  
1241 DEEDRA NW ST NW  
PALM BAY FL 32907-6814

MARTINEZ, KIMBERLY  
1081 CABOT NE DR NE  
PALM BAY FL 32905-6018

MITCHELL, JOSHUA D  
3135 LETT LN  
MALABAR FL 32950-

SCARDINO, DAVID M  
SCARDINO, DIANE LYNN  
3105 LETT LN  
MALABAR FL 32950-2001

SEAN FOGARTY & HEATHER FOGARTY  
FAMILY TRUST  
3115 LETT LN  
MALABAR FL 32950-2001

SIMPKINS, TYRONE  
16011 MC KENDREE RD  
BRANDYWINE MD 20613-

TARLO, JOSEPH P  
CLARK, AMY MARIE  
3220 PROSPERITY LN  
MALABAR FL 32950-5001

WESTCOTT, CARL E JR  
WESTCOTT, DOREEN E TRUSTEES  
3200 PROSPERITY LN  
MALABAR FL 32950-5001

# TOWN OF MALABAR

## COUNCIL MEETING

AGENDA ITEM NO: 12.a.

Meeting Date: June 6, 2022

Prepared By: Debby K. Franklin, C.M.C., Town Clerk/Treasurer

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**SUBJECT:** Acceptance of the FY 2020 / 2021 Financial Audit (Reso 14-2022)

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**BACKGROUND/HISTORY:**

The audit process for FY 2020/2021 began in October last year and was completed in May. James Moore & Company has performed the independent audit for the last three years and last August Town Council approved the renewal engagement with the firm for Auditing Services through 2023.

Staff has provided all information requested by the audit team to include 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, 2022.

**FINANCIAL IMPACT:**

N/A

**ATTACHMENTS:**

Resolution 12-2022

FY 2020/2021 Financial Report (previously distributed)

**ACTION OPTIONS:**

Action on Resolution 14-2022 accepting the Audit Report

**RESOLUTION 14-2022**

**A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING ACCEPTANCE OF THE ANNUAL AUDIT REPORT PROVIDED FOR FISCAL YEAR 2020/2021 BY THE AUDIT FIRM OF JAMES MOORE AND COMPANY, CPA; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, an audit was conducted from October 2021 to June 2022, 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 FY ending September 30, 2021.

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

**Section 1.** The Town Council of Malabar, Brevard County, Florida, hereby ratifies, confirms, and certifies the annual audit report for the FY 2020/2021 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 \_\_\_\_\_. 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 Steve Rivet	_____
Council Member David Scardino	_____
Council Member Mary Hofmeister	_____

This Resolution was then declared to be duly passed and adopted this 6th day of June, 2022.

**TOWN OF MALABAR**

By:

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

**ATTEST:**

\_\_\_\_\_  
Debby K. Franklin, CMC  
Town Clerk/Treasurer

(seal)

Approved as to Form and Content:

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

# TOWN OF MALABAR

## COUNCIL MEETING

AGENDA ITEM NO: 12.b.  
Meeting Date: June 06, 2022

Prepared By: Debby K. Franklin, C.M.C., Town Clerk/Treasurer

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**SUBJECT: Commendation to FLC Legislative Affairs Team (Reso 11-2022)**

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**BACKGROUND/HISTORY:**

This resolution is similar to the one we did last year after the 2021 Legislative Session. Several other cities have also done supportive and thankful resolutions for the extraordinary advocacy efforts the FLC Legislative Affairs Team has demonstrated by keeping the cities informed in advance of proposed legislative action on bills going through the process.

The sheer number of bills submitted for consideration (3,685!) to review and summarize and track is phenomenal. Many of the bills that did not pass this year will be debated during next year's session.

That is why it is important that you stay engaged.

**FINANCIAL IMPACT:** none

**ATTACHMENTS:**

Resolution 11-2022

**ACTION OPTIONS:**

Action on Resolution 11-2022

## RESOLUTION 11-2022

### A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA COMMENDING THE FLORIDA LEAGUE OF CITIES (FLC) AND THE LEGISLATIVE AFFAIRS TEAM FOR THEIR HARD WORK REPRESENTING FLORIDA'S MUNICIPALITIES DURING THE 2022 FLORIDA LEGISLATIVE SESSION

**WHEREAS**, the Florida League of Cities, Inc. (FLC) through the leadership of Executive Director, Jeannie Garner provides a myriad of exemplary services to Florida's 411 municipalities; and

**WHEREAS**, one of the critical services is advocacy on behalf of the Florida's municipalities before the Florida Legislature and Florida's Congressional delegation for many of the issues of statewide concern; and

**WHEREAS**, during the 2022 Florida Legislative Session more than 3,685 bills were filed that required review, comments, recommendations and notifications to the municipalities that rely on the FLC Legislative Affairs Team to keep the communications flowing during this 60-day legislative session and the Special Session that followed.

**WHEREAS**, although that many bills were filed, only 285 bills were approved by both chambers and presented to the Governor. Many of those failed bills will be refiled in the 2023 session; and

**WHEREAS**, through the leadership of Executive Director Garner she has retained the finest Legislative Affairs Team to advocate on behalf of Florida's municipalities on countless bills and amendments that were filed impacting our communities in the 2022 Florida Legislative Session; and

**WHEREAS**, in dealing with the ongoing health crisis and despite countless obstacles to advocate on behalf of Florida's municipalities before the Florida Senate and the Florida House of Representatives, the FLC Legislative Affairs Team did a remarkable job championing municipal issues and concerns under extremely difficult conditions.

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Council of Malabar the following:

**Section 1.** The Town of Malabar hereby commends the Florida League of Cities, Inc., Executive Director, Jeannie Garner, and the phenomenal FLC Legislative Affairs Team for the remarkable job championing municipal issues and concerns during a global pandemic and under extremely difficult conditions before the Florida Senate and the Florida House of Representatives.

**Section 2.** The Town of Malabar sends a heartfelt thank you to the FLC Legislative Affairs Team for a job well done in a very difficult legislative session, with such limited access to members of the Florida Legislature, and we thank you for going the extra mile for Florida’s municipalities.

**Section 3.** This resolution shall be forwarded to the municipal members of the Space Coast League of Cities and urged to extend their appreciation to the Florida League of Cities, Executive Director Jeannie Garner, and the FLC Legislative Affairs Team for a job well done.

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

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 Steve Rivet \_\_\_\_\_
- Council Member Dave Scardino \_\_\_\_\_
- Council Member Mary Hofmeister \_\_\_\_\_

This Resolution was then declared to be duly passed and adopted this 6th day of June 2022.

**TOWN OF MALABAR**

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

(seal)

ATTEST:

\_\_\_\_\_  
Debby K. Franklin, C.M.C.  
Town Clerk/Treasurer

Approved as to form and content:

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

# TOWN OF MALABAR

## COUNCIL MEETING

**AGENDA ITEM NO: 12.c.**

**Meeting Date: June 06, 2022**

**Prepared By: Debby Franklin, C.M.C., Town Clerk/Treasurer**

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**SUBJECT: Upcoming Clerk Retirement and Plan for Continuity**

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### **BACKGROUND/HISTORY:**

This announcement has been discussed over the course of the last two years and I am providing a date certain of September 30, 2022, coinciding with the end of the fiscal year. My positions as Town Clerk/Treasurer serves at the pleasure of Town Council and a replacement will need to be appointed by Town Council. I have enjoyed all the opportunities of fulfilling the positions of Deputy Clerk, Town Clerk, Building Dept Clerk, and Building Department Manager, and currently, Town Clerk/Treasurer during my 28 years' service with the Town of Malabar. I have enjoyed all of it and have been proud to serve the residents and the Town Council during that time.

The Malabar Code of Ordinances, Article III, Section 3.03 entitled the Office of the Town Clerk:

*The office of the Town Clerk shall be headed by a Town Clerk appointed by the Council. The salary of the Town Clerk shall be approved by the Council. The Town Clerk shall be under the administrative direction and control of the Town Council. The town clerk shall be the clerk of the council and shall keep the council journal and shall be custodian of ordinances, resolutions and such other official records as the Council may prescribe. The town clerk shall give notice of council meetings to its members and the public and shall keep the minutes of its proceedings which shall be a public record. The town clerk shall attest to contracts, bonds and other instruments as may be prescribed by law. The town clerk shall be the chief elections officer of the town. The town clerk shall have such other duties as prescribed by town council by ordinance, and all other duties at the request and under the direction of the Town Council or any member of the Town Council or the Mayor at the direction of the Town Council. The Town Clerk shall be the Town Treasurer and as such shall be custodian of all monies of the Town. At the discretion of the Town Council the duties of Treasurer signed herein to the Clerk may be delegated to an appointed Treasurer.*

This may be an opportune time for the Town Council to consider discussing the duties and responsibilities of the position of Town Clerk/Treasurer. This position currently covers multiple aspects of Town operations but could be separated to two positions to be to only be focused on the sperate disclpled areas of Town Clerk and Town Finance, per the ordinance.

If the desire of Town Council for the position to remain as the Town Clerk/Treasurer, the ideal candidate sought should be multidisciplined in the duties of a Town Clerk as well as financial accounting of local government as a requirement to benefit The Town due to the small number of personnel, it is necessary to have checks and balances built into the various finance, reporting and period end duties. Additionally, The Town has been advised during annual financial audits contain a lack of timely closure of accounting periods as well as timely review and corrections of necessary journal entries during fiscal year.

The Florida Association of City Clerks (FACC) and the International Institute of Municipal Clerks (IIMC) provide the educational certification for persons wishing to pursue certification as a Municipal Clerk.

The position of Clerk is provided for in the Town Charter and is considered a "Charter Officer". The position Treasurer is currently also part of the Clerk's duties per the Charter. Council has the authority to separate the two positions into separate jobs. Additionally, The FACC offers a Clerks Assistance Program (CAPS). The program consists of retired municipal clerks who aid municipalities on an interim basis and assist them with training and sometimes are involved in the interview process to hire a new municipal clerk. This program helps municipalities who are in a transition time of hiring a municipal clerk and needing someone to fill in until they hire a permanent municipal clerk. More information may be obtained at the direction of Town Council.

Below are key duties and responsibilities encompassed of the current position of Town Clerk/Treasurer:

- To provide non-partisan information and representation of the Town to other agencies and the public on the local government processes, goals, and objectives for the benefit of the Town residents and property owners
- Thorough knowledge of the functions and organization of the Town government.
- Thorough knowledge of the rules of order related to Council meetings and public hearings. Thorough knowledge of the Town's Charter and Code.
- Ability to attend lengthy meetings during evening hours.
- Ability to attend trainings and seminars as related to the duties of Town Clerk.
- Municipal Elections Official thorough knowledge of elections registration processes, procedures, including qualification of candidates, laws, rules, and regulations.
- Thorough knowledge of standard office management practices, procedures, filing systems, equipment, and office assistance techniques; knowledge of business English, spelling, grammar, composition, and arithmetic; skill in the use of a personal computer and ability to research and prepare correspondence including letters, memorandums, reports, ordinances, and resolutions. Ability to operate various office equipment.
- Ability to maintain confidential information and materials.
- Ability to transcribe dictation using recording and transcribing equipment.
- Ability to work independently, with little or no supervision, and under pressure with short deadlines; ability to supervise a clerical staff.
- Provides administrative support and documents and serves as "secretary" to the Council
- Document official actions of Council in the meeting minutes and other official actions
- Provides information to the public as requested on the operations, general information, zoning and permitted uses as well as general information on streets, buildings regs, other jurisdictional agencies, and County and State requirements
- Keeper of the Town Seal
- Receives, reviews, and issues Business Tax Receipts – Home and Commercial in compliance with F.S. 205
- Keeper of official records of the Town, Ordinances, resolutions, titles, contracts, interlocal agreements, grants, assessments, liens, etc.
- Attests all interlocal agreements, contracts, grants, etc. signed by the Town officials
- Provides Public Notice to Public for meeting agendas, public hearings, events, etc.
- Produces, Provides, and submits all required State reports for Highway Finance, Mileage, Population, Building Permits, Re-districting information
- Provides all required information to the County for potential election redistricting, gas tax distribution and other County level agreements
- Supervises Deputy Clerk and Administrative Assistant positions within the Clerk/Treasurer Department



- Handles Accounts Payable, Accounts Receivable, Procurement Process issuing Purchase Orders, and following audit process for invoice approvals
- Handles Payroll bi-weekly for all full and part-time employees
- Handles the "Pay-per-Call" monthly reports/payments for FD volunteers
- Ensures all applicable adopted ordinances are submitted for codification, proofing the documents and authorizing publication.
- Responsible for processing public record requests, responding per public record policy. Receives, processes, and responds to lien search requests.
- Ability to deal tactfully and courteously with other agencies, the public, and employees. • Ability to handle all types of inquiries, questions, and complaints from other agencies and the general public. As well as the ability to deal with hostile and/or irate individuals while remaining calm. Ability to provide follow-up as necessary

Per the direction of The Town Council, the following associations and outlets may be utilized to advertise the position opening: International Institute of Municipal Clerks (IIMC), Florida Association of City Clerks (FACC), Florida City County Management Association (FCCMA), and Florida Government Finance Officers Association (FGFOA). These organizations have members of individuals that are certified as a Municipal Clerk or individuals actively working towards a certification.

**FINANCIAL IMPACT:**

Retiring Town Clerk/Treasurer has post-employment payout of accruals totaling \$20,601.60 Town Council shall prepare a salary range for the advertisement, current salary is \$66,950 or the salaries for two positions of Town Clerk and a finance position. Advertising costs are estimated at \$1,000.

**ATTACHMENTS:**

- Current Town Clerk/Treasurer Job Description

**ACTION OPTIONS:**

Motion(s) for Town Council:

Motion to advertise the position as Town Clerk/Treasurer with current salary range for 30 days with associations provided and Government Jobs, and Town's Website.

Motion to review and revise the current job description, salary range, for the next council meeting consideration, for Town Clerk and a Finance Position.

Motion to engage FACC to provide information pertaining to the Clerks Assistance Program (CAPS), for an interim clerk, date specific.

As directed and discussed by Town Council.

# TOWN OF MALABAR

## Town Clerk/Treasurer

A Charter Officer of the Town, appointed by and responsible to the Town Council. Receives policy direction from the Town Council. As member of the Town's Senior Management, is responsible for all activities related to the Town Council, Records Management, Legislative Actions, Supervising Elections, and all Accounting and Financial Management Functions.

### **ESSENTIAL DUTIES & RESPONSIBILITIES:**

The following duties are normal for this position. They are not to be construed as exclusive or all-inclusive. Further description of details follows this section.

- I. Develop, plan and implement Department Goals and Objectives; establish and administer policies and procedures.
- II. Responsible for all accounting and financial management functions of the Town, including investments and banking.
- III. Responsible for payroll.
- IV. Assists in preparation of the Annual Financial Budget with the Town Administrator.
- V. Reviews monthly and quarterly financial assessments of Annual Budget.
- VI. Prepares for and assists with the independent audit on an annual basis.
- VII. Oversees all grant functions, applications, reporting and close-outs.
- VIII. Responsible for all Accounts Receivable funds and accounting and oversees Accounts Payable.
- IX. Exercises direct supervision over assigned management, supervisory, technical and clerical personnel.
- X. Supervises staff within the Clerk's Office.
- XI. Attests all contracts, bonds and other instruments as may be prescribed by law.
- XII. Assists with the information technology (IT) functions of the Town.

### **General:**

- A. Must be able to head and organize special projects independently and comply with all local, State and federal requirements.
- B. Responsible for all work down by deputy clerk and secretary positions for completeness and accuracy. Overviews work done by other staff.
- C. Must learn and thoroughly understand all in-house proprietary software.

### **Finances:**

1. Responsible for managing and understanding all facets of Town finances including: general ledger, accounts payable, revenues (tax and other), accounts receivable, payroll, building permits, local, state, and federal grants, code enforcement fines, liens, loans, bonds, millage (TRIM), budgets for all departments, and non-ad valorem assessments.
2. Responsible for maintaining proper time table for TRIM (Truth in Millage), must file all documents in a timely manner and follow appropriate advertising requirements. Responsible for proper execution of procedure in relation to non-ad valorem assessment(s).
3. Responsible for the collection and security of Town monies and receipts. Verifies, reviews, and counter-signs accounts payable checks. Custodian of petty cash drawer.

4. Responsible for transmitting all financial information to accountant monthly and reviewing the general ledger that is prepared.
5. Plans and organizes investments and cash management programs.
6. Preparation of Department budget and forecasting financial needs to cover liabilities.
7. Prepares pre-audit papers, assists auditors with yearly audit.
8. Prepares monthly, quarterly, and yearly reports for various local, state and federal agencies. Files all reports in a timely manner.
9. Supervises and verifies payroll. Counter-signs checks, distributes payroll, and meets payroll tax deposit requirements. Prepares payroll reports including quarterly state and federal payroll reports.
10. Responsible for monthly reporting and submitting FRS retirement payments in a timely manner.
11. Supervises and verifies grant disbursements and grant reimbursement requests.
12. Keeps abreast of changing laws that directly, or indirectly, affect the Town.

**Clerk:**

13. Serves as Clerk to the Town Council. Responds to Council direction in a timely manner. Attends Council meetings and workshops or assigns subordinate to act as a clerk. Reports Council actions to staff.
14. Prepares preliminary and final Council agendas and collects appropriate material for Council packets. Copies final packets and prepares packets for distribution.
15. Prepares proclamations and certificates of appreciation.
16. Oversees the road improvement process; accepted street list and road payback files.
17. Supervises the maintenance of all official records, minutes, resolutions, and ordinances. Supervises operation of records retention, archives, and microfilming.
18. Writes and/or prepares ordinances and resolutions according to protocol.
19. Oversees procedures for codification of Town Ordinances and Town Charter. Reviews all supplements after codification and prior to distribution, for accuracy and correctness.
20. Prepares and publishes all legal notices as required by law.
21. Attests to and/or supervises the recording of all official documents.
22. Verifies all travel requests for attendance at conferences, seminars, etc. for employees, management and Council.
23. Oversees membership status of boards and committees to ensure compliance with code; processes vacancies and applications.
24. Responsible for bi-annual SCLC dinner in January when Malabar is host.
25. Does research and preparation of correspondence/responses for Town Council as requested and/or needed.
26. Responsible for various duties including scheduling monthly meetings, publishing monthly calendar, running errands, supervision of community service workers and volunteers working in the Clerk's Department.
27. Signs and review Business Tax Receipts; sends out renewals and keeps monthly reports on active BTRs.
28. Custodian of Town Seal.
29. Attests and signs agreements and documents.
30. Answer phone and route calls, respond to calls as necessary.
31. Editor for the Mail Boat newsletter.

32. Administers Florida State Retirement program and other benefits in Payroll.
33. Update and maintain procedures on Town Clerk related duties.
34. Serves as Chief Election Officer of the Town. Prepares and distributes candidate packets, qualifies candidates, prepares ballots, prepares advertisements, coordinates with Brevard County Supervisor of Elections.
35. Coordinates the filing of original financial disclosure forms.
36. Interacts with various groups and individuals, including employees, Town Administrator, Town Attorney, news media, sales representatives, members of the Town Council and other Board members, as well as local, state, and federal officials.
37. Department head for hurricane/disaster preparedness.

**Technology:**

38. Must have a solid working knowledge of Microsoft desktop tools such as Word and Excel.
39. Be capable of performing general maintenance.
40. Must learn and thoroughly understand all accounting software.
41. Is the first contact for computer software / hardware / server related problems.
42. Assists and aids employees with computer related problems.
43. Performs preventative maintenance on network server.
44. Stays informed of new technology / software.

**Additional:**

Must be able to read and write English. Must be able to lift boxes up to 30 lbs. Have a valid Florida Drivers License. Have own car to run errands (reimbursable). Work evening meetings on various nights. Work weekends if necessary.

**Education & Experience:**

Minimum of three (3) years supervisory experience in Accounting and/or Associates Degree in Finance. Certified Municipal Clerk (CMC) certification and/or local government experience preferred.

# TOWN OF MALABAR

## COUNCIL MEETING

AGENDA ITEM NO: 13.a.

Meeting Date: June 06, 2022

Prepared By: Debby Franklin, C.M.C., Town Clerk/Treasurer

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**SUBJECT:** Upcoming Meeting Reminder

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**BACKGROUND/HISTORY:**

Workshop to discuss State and Local Fiscal Recovery Funds

**ATTACHMENTS:**

- Draft Agenda Face Sheet 6/13/2022 at 7:30pm

**ACTION OPTIONS:**

No Council Action Required

# TOWN OF MALABAR

## COUNCIL MEETING

### AGENDA ITEM NO: 13.b.

Meeting Date: June 6, 2022

Prepared By: Debby K. Franklin, C.M.C., Town Clerk/Treasurer

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**SUBJECT: Request by Mr. Kamal Philibert for a Food Truck Event at Malabar Community Park on June 26, 2022.**

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#### **BACKGROUND/HISTORY:**

Mr. Philibert came in two weeks ago and talked to staff about the Food Truck events he participates in with Melbourne and the City of Palm Bay. He was recently at Malabar Community Park and thought the park would be a terrific place for a similar event. He had participated in the Community Market that Ms. Annalie Harvey had spearheaded.

He has submitted an application for a Special Event on June 26, 2022. Typically these events are approved administratively but his request for the Town to consider a partnership in future events is why this is being brought before Council. If it is successful, he would like the Town to consider sponsoring such an event on a regular basis.

Staff has explained to him the lack of staff and small operating budget of the Town. Another consideration is if/when this event occurs use of the soccer field and ballfield will be limited or impossible due to the sheer number of vendors, food trucks and cars in the car show.

Staff thinks the food truck event would be a nice periodic event but is concerned with the limited number of parking spaces, port-a-lets and staff for clean-up.

#### **FINANCIAL IMPACT:**

None for the Town at this time

#### **ATTACHMENTS:**

Email with introduction by Mr. Kamal Philibert  
Application  
Sketch of the layout

#### **ACTION OPTIONS:**

Action on Request

Debby Franklin

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**From:** KAMAL PHILIBERT <philibertkitchen@gmail.com>  
**Sent:** Thursday, May 26, 2022 7:11 AM  
**To:** Debby Franklin  
**Subject:** Re: Malabar  
**Attachments:** 28FD98F9-A61C-43F0-B3F6-B9E629454439.jpeg

MAY 26 2022 AM 10:19

Kamal Philibert  
510 Nackman Rd  
Palm Bay, Florida 32909

Dear Sir/Madam,

To whom it may concern, I am writing to you as an attempt to bring our city together. The goal is to unify the community of Palm Bay and Malabar and its residents. We are looking to conduct more events such as rallies that include food trucks, live music, and attractions for the kids. These will include fundraising to gather donations to go towards our youth, cancer research, and many other foundations. I hope that with your approval, we can work together to bring this vision to life. I have numerous ideas for you to consider in order to make this a reality. If I am able to do so, I would like to attend a city council meeting to further discuss my plans with you and gather some insight. There is much potential and opportunities, especially to our new residents coming to town. With your support, we can bring some positivity and notoriety to our cities and their growing population.

CEO- Kamal Philibert

On Wed, May 25, 2022 at 6:40 PM Debby Franklin <[townclerk@townofmalabar.org](mailto:townclerk@townofmalabar.org)> wrote:

Just as information – Richard is leaving town tonight and will not be back until early next week. Please send any documents, application, site plan and the introduction letter you said you would provide to me so I can include it in the agenda item for June 6, 2022.

Also, we have received the insurance from the hippies food truck so that is all but one that have submitted.

Thanks

Debby K. Franklin, CMC

Town Clerk/Treasurer

Town of Malabar

2725 Malabar Road

Malabar, FL 32950



2725 Malabar Road  
Malabar, Florida 32950-4427  
321-727-7764 - Telephone  
321-727-9997 - FAX

### SPECIAL ACTIVITY APPLICATION

#### ACTIVITY TYPE

- Block Party
- Carnival or Circus
- Concert or Festival
- Foot Race/Bike Race/Walk-a-thon
- Other (describe) Food Truck
- market and festival

#### EQUIPMENT

- Alcoholic Beverage Use
- Balloon or Banner
- Food Preparation
- Sound Amplification
- Temporary Electrical
- Temporary Restrooms
- Temporary Signs
- Temporary Structure
- Tent

FEE FOR SPECIAL ACTIVITY IS: \$100.00

ACTIVITY NAME: Palm Bay Food Truck Festival

Applicant (person): Kamal Philibert

Organization/Sponsor (if applicable):

The Organization / Sponsor is (Check one)  Profit  Non-profit

Address: 510 Nacksman Rd. Palm Bay, FL 32909

Telephone: 321-720-2242 (Please list the telephone number where we may contact you during the day. If we are unable to contact you, the permit may be delayed).

Date of event: 06/26/2022

Time of event: 1-6pm

Location of event/ street address (A site plan must be attached):

Malabar Community Park

\*Please note: If the applicant / sponsor listed is not local, complete the following:

Local contact person: Kamal Philibert Phone: 321-704-6225

Address: 510 Nacksman Rd. Palm Bay, FL 32909



Description of event: First food truck rally and fundraising  
festivals. Includes live music, great food, bounce house,  
and face painting. There will also be a car show.

If you are requesting Town assistance with your event, please describe: Restrooms,  
planning management

Describe any temporary structures planned for use during event: Yellow cones, caution  
tape

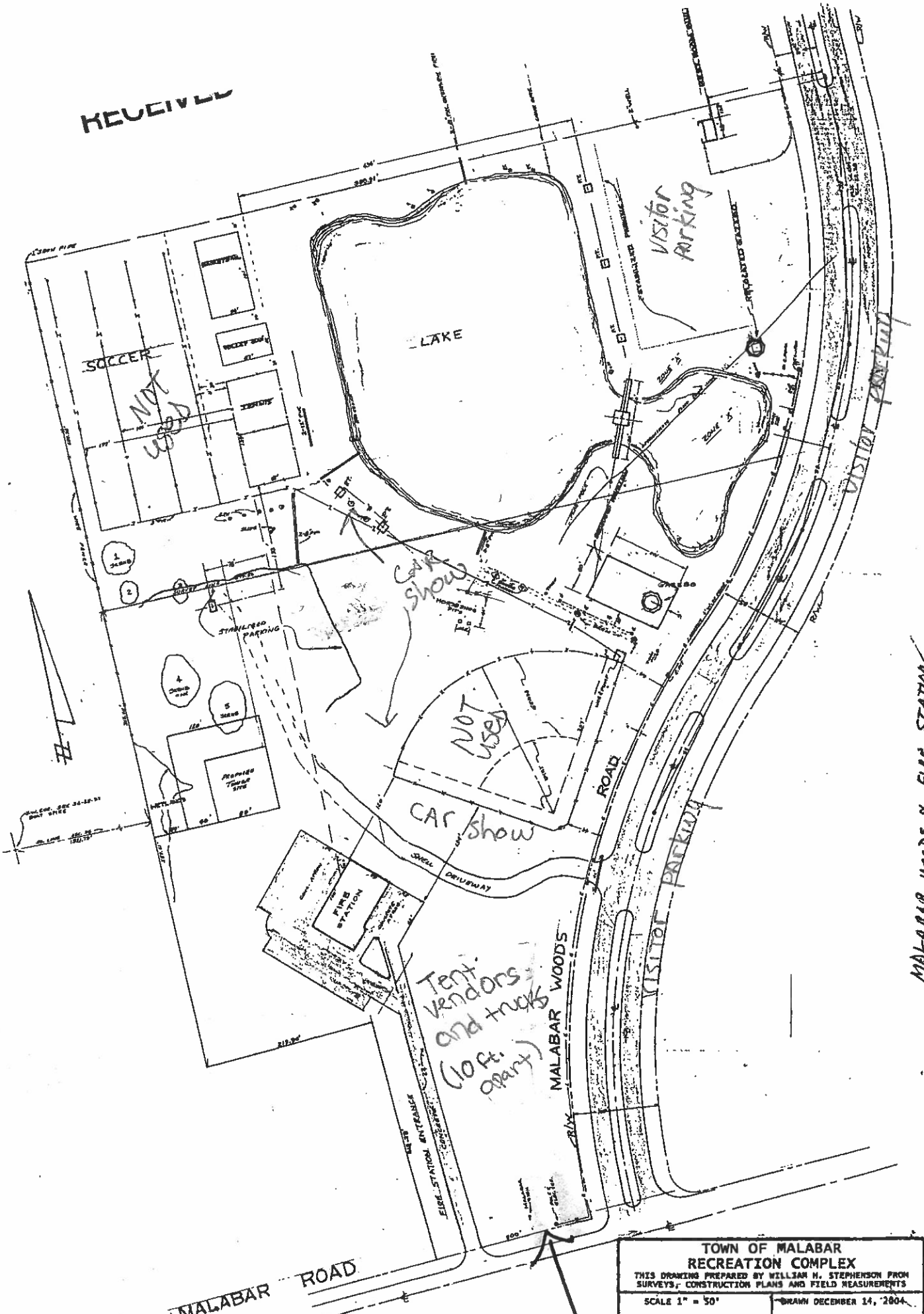
If sound amplification is associated with this event, I agree to monitor the sound level so that it remains within the limits of the Town Code. If valid noise complaints are received, I agree to reduce that noise to a satisfactory level. Further, I understand that if reducing the noise does not control citizen's complaints, the source of the noise will be terminated.

Signature of applicant: K. Phillbert

Date: 05/26/2022

The space below may be used for your site plan.

RECEIVED



MALABAR WOODS & FIRE STATION

TOWN OF MALABAR  
 RECREATION COMPLEX  
 THIS DRAWING PREPARED BY WILLIAM H. STEPHENSON FROM  
 SURVEYS, CONSTRUCTION PLANS AND FIELD MEASUREMENTS  
 SCALE 1" = 50' DRAWN DECEMBER 14, 2004