



REGULAR TOWN COUNCIL MEETING

Monday, July 18, 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 06/20/2022**

Exhibit: Agenda Report Number 4a

Attachments:

- **Agenda Report Number 4a** (Agenda_Report_Number_4a_7.18.pdf)

- b. **Approve Minutes of Budget Workshop 06/27/2022**

Exhibit: Agenda Report Number 4b

Attachments:

- **Agenda Report Number 4b** (Agenda_Report_Number_4b_7.18.pdf)

5. ATTORNEY REPORT

6. STAFF REPORTS

- a. **Manager**

- b. **Special Projects Manager**

Written Report

Exhibit: Agenda Report Number 6b

Attachments:

- **Agenda Report Number 6b** (Agenda_Report_Number_6b_7.18.pdf)

- c. **Public Works Director**

Written Report

Exhibit: Agenda Report Number 6c

Attachments:

- **Agenda Report Number 6c** (Agenda_Report_Number_6c_7.18.pdf)

- d. **Clerk**

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

a. PRESENTATION - Mr. Rodney Walton of Florida Municipal Loan Council (FMLCO on the Municipal Loan Program)

PowerPoint Presentation

Exhibit: Agenda Report Number 7a

Attachments:

- **Agenda Report Number 7a** (Agenda_Report_Number_7a_7.18.pdf)

8. PUBLIC HEARINGS / SPECIAL ORDERS

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

(RECOMMENDATIONS FROM BOARDS, HOA REQUESTS, RESIDENT GRIEVANCES)

10. ACTION ITEMS

ORDINANCES:0

RESOLUTIONS:0

MISCELLANEOUS:1

a. DR-420 Set Maximum Millage and First Public Hearing Date for Property Appraiser Office to Mail out Truth in Millage Notice (TRIM)

Exhibit: Agenda Report Number 10a

Attachments:

- **Agenda Report Number 10a** (Agenda_Report_Number_10a_7.18.pdf)

COUNCIL CHAIR MAY EXCUSE ATTORNEY AT THIS TIME

11. DISCUSSION/POSSIBLE ACTION

a. Moratorium on Road Paving using the Special Assessment Process

Exhibit: Agenda Report Number 11a

Attachments:

- **Agenda Report Number 11a** (Agenda_Report_Number_11a_7.18.pdf)

12. PUBLIC COMMENTS

General Items (Speaker Card Required)

13. REPORTS - MAYOR AND COUNCIL MEMBERS

14. ANNOUNCEMENTS

(2) Vacancies on the Trails and Greenways Committee

15. 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.

Contact: Debby Franklin (townclerk@townofmalabar.org 321-727-7764) | Agenda published on 07/14/2022 at 11:35 AM

TOWN OF MALABAR

COUNCIL MEETING

AGENDA ITEM NO: 4.a.

Meeting Date: July 18, 2022

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

SUBJECT: Meeting Minutes

BACKGROUND/HISTORY:

Summary of Council actions at the Town Council Regular Meeting Minutes

ATTACHMENTS:

- Draft Minutes of RTCM of 6/20/2022

ACTION OPTIONS:

Council Action on Consent Agenda

**MALABAR TOWN COUNCIL
REGULAR MEETING MINUTES
JUNE 20, 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

TOWN MANAGER:

MATT STINNETT

TOWN SPECIAL PROJECTS MANAGER

LISA MORRELL

TOWN ATTORNEY:

KARL BOHNE

TOWN CLERK/TREASURER:

DEBBY FRANKLIN

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

4. CONSENT AGENDA:

4.a. RTCM Minutes of 6/06/22

4.b. ARP Workshop of 6/13/2022

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

5. ATTORNEY REPORT: nothing

6. STAFF REPORTS:

6.a. Town Manager Matt Stinnett – Reported there had been a delay in Code Enf Hearing due to the Spec Magistrate had personal issue. Hoping to have him back next month.

6.b. Clerk – nothing

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. Vacate Request for 125-foot portion of right-of-way north from Passaic Ave
Chair requested Reso to be read by title only.

(Resolution 12-2022)

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE VACATE OF THE FIFTY (50) FOOT WIDE UNIMPROVED PLATTED RIGHT-OF-WAY THAT RUNS APPROXIMATELY 125 FEET BETWEEN PARCEL 3020 PASSAIC AND 3040 PASSAIC AVENUE; AUTHORIZING THE TOWN CLERK TO RUN A LEGAL ADVERTISEMENT OF THIS ADOPTED RESOLUTION; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

Chair asked the Applicant to podium.

Mr. Trowbridge presented the request. He introduced his wife and pointed to his neighbors in the audience that had written the supporting letter. He went over his recent purchase and their plans for possible use of newly acquired parcel to the north of his home. The ROW vacate request abutted this parcel, but his entire parcel abuts this parcel. He wants to leave it natural for now but in future may build something through the Building Department. The

portion of ROW to be vacated would act as a driveway if it is developed in the future. That way he can get an address through the Building Department after the resolution is recorded.

Chair asked if Council had any questions for applicant. Mayor asked if he was going to unite the two properties. Applicant said no he had not such plans. It would have frontage on the Passaic Road at its terminus for addressing purposes. CM Rivet stated that that was his concern – future possible access. It is no issue.

Chair opened the PH. None. Chair closed the PH.
Chair asked staff – as presented in Agenda Report.

Chair asked for motion to approve vacate

MOTION: CM Rivet / CM Hofmeister to approve vacate with adoption of Reso 12-2022.

Discussion: none

ROLLCALL VOTE: CM Acquaviva, Aye; CM Vail, Aye; CM Rivet, Aye; CM Scardino, Aye; CM Hofmeister, Aye. Motion carried 5 to 0.

8.b. Multiple Vacate Requests within Section 11, Melbourne Heights SD, within Section "E"

Resolution read by title only.

(Resolution 13-2022)

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE VACATE OF THE FIFTY (50) FOOT WIDE UNIMPROVED PLATTED RIGHT-OF-WAY KNOWN AS NASSAU STREET THAT ABUTS 1455 DELAWARE AND 1505 DELAWARE AVENUE FOR APPROXIMATELY 200 FEET; PROVIDING FOR THE VACATE OF THE FIFTY (50) FOOT WIDE UNIMPROVED PLATTED RIGHT-OF-WAY KNOWN AS GEORGIA AVENUE THAT ABUTS THE SOUTHERN PORTION OF 1455 AND 1505 DELAWARE AVENUE AND THE INTERSECTION OF GEORGIA AND NASSAU; PROVIDING FOR THE VACATE OF THE FIFTY (50) FOOT WIDE UNIMPROVED PLATTED RIGHT-OF-WAY KNOWN AS GINSENG STREET THAT ABUTS 1455 AND 1405 DELAWARE AVENUE; AUTHORIZING THE TOWN CLERK TO RUN A LEGAL ADVERTISEMENT OF THIS ADOPTED RESOLUTION; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 8.b.

Chair asked the Applicant/s to podium.

Fritz Braun and Shannon Moriarty, live on Parcel 39, 1505 Delaware Avenue. He explained all the ROW surrounding each parcel in this plat. Explained that they had investigated and found that the requests would not conflict with any future access and as the Clerk had stated the vacation of same would not adversely impact future access.

Mr. Heller stated that they have been at 1455 (Parcel 38) and also request the vacates. He has been there since 1999 and the house had originally been a rental. The people at 1405 Delaware will also be requesting a vacate for the ROW to the west of theirs as they own the next parcel to the west.

Chair opened the PH.

Ms. Pat Picornell of 1500 Delaware, across from Fritz and Shannon. They have a great street and others have had similar vacates approved. She supports the request.

Chair closed the PH

Chair asked staff – Clerk clarified that the third ROW in the vacate request was the 50' wide ROW known as Ginseng between 1455 and 1505 Delaware. Staff could support the entire width, but the request was for only half of the ROW. Staff could not support that request as it

would create a con-complying ROW. The vacate of the entire 50' width was read into the resolution, but she wanted to emphasize the clarification. Chair asked if Council had any questions for applicants. Clerk's comments answered their questions/concerns.

Chair asked for motion to approve vacate.

MOTION: CM Vail / CM Hofmeister to adopt Reso 13-2022 approving the vacates as stated.

Discussion: none

ROLLCALL VOTE: CM Acquaviva, Aye; CM Vail, Aye; CM Rivet, Aye; CM Scardino, Aye; CM Hofmeister, Aye. Motion carried 5 to 0.

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

9.a. Signage for T&G

The request is for signage for various accesses to Cameron Preserve. SPM Lisa explained that these are signs that normally could be approved operationally but the specific types of signage may require going out for bid. These are separate signage requests from the ones that she had advertised the RFP for earlier as approved by Council. These could be purchased through normal signage orders for Town's properties. Chair asked for Council consensus. Council responded in unanimous consent for staff to proceed with getting prices for this signage that will alert the public to Malabar conservation areas.

10. ACTION ITEMS: 4

ORDINANCES FOR FIRST READING: 0

RESOLUTIONS: 1

Chair requested Reso to be read by title only.

10.a. Repeal Resolution 26-2013 related to positions reporting to Council (Reso 15-2022)

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR REPEAL OF RESOLUTION 26-2013 IN ITS ENTIRETY; PROVIDING AN EFFECTIVE DATE.

Exhibit:

Agenda Report No. 10.a.

MOTION: CM Vail / CM Acquaviva to adopt Reso 15-2022. Discussion: housekeeping. Clerk explained that the Clerk/Treasurer position is in Charter. Referendum question years ago approved Council to separate duties of the two positions, both reporting to Council. The Town Administrator position has been approved and included the job description in an ordinance adopted years earlier. Council in 2013 felt there was a need to separate the duties clearly, so Reso 26-2013 was adopted. This is housekeeping item. Ordinance already describes the duties of the TA/TM and the Reso is now outdated since Council directed it to be separated into separate job descriptions.

ROLLCALL VOTE: CM Acquaviva, Aye; CM Vail, Aye; CM Rivet, Aye; CM Scardino, Aye; CM Hofmeister, Aye. Motion carried 5 to 0.

MISCELLANEOUS: 3

10.b. Special Assessment for Paving: Rivet Lane Engineering Cost Estimates

Exhibit:

Agenda Report No. 10.b.

TM Matt led off on this item. He is proposing that Council support the recommendation to continue working on the needed improvements cited in the Engineer's estimate as regular stormwater improvements in the operational budget as stated previously and have the Public Works Department do more work under the adopted budget as well. Once we get some of the preliminary work done, we can update the paving estimate. Gather a little more information and get some updated estimates at that time.

CM Vail supports getting more info – what can be done in house? CM Rivet said there is a lot of stuff that can be done by PW. TM Matt said for example, getting the easement for the drainage ditch would get some of these items off the submitted Engineering estimate. SW projects that the Town needs to do in that area anyway. Consider that many of the costs are related to stormwater. TM Matt said the goal is to get it down to half the amount submitted. CM Rivet said that going forward with paving overall projects – this is a major quality of life improvement for residents. Mayor said that his water on Howell drains to the east side and that water goes that way. CM Rivet said the water was not moving after the recent heavy rain. It has been addressed and identified in the recent SW Master plan findings.

MOTION: CM Vail / CM Scardino to continue working on this process to get the SW parts done in house and other projects within our regular operational budget. Get some density testing on the ROW. Continue with the process. Vote: All Ayes.

10.c. Town Clerk and Treasurer Job Descriptions and Salary Ranges for Recruitment (from RTCM 6/6/2022)

Exhibit:

Agenda Report No. 10.c.

Discussion: Chair asked Clerk to begin. Franklin explained the follow-up from the last meeting and then suggested that the openings could be posted for 30 days and then brought back to Council with what we have received. Chair said Council needs to set the pay range since they can't just post DOQ in the ads.

TM Stinnett suggested they move the salary range up for the advertisement; keep the lower number and raise the higher number. He also suggested that the Deputy assist both the Clerk and the Treasurer.

Need to be flexible and see what we get. SPM Morrell stated the benefits alone add about 40K.

Mayor and CM Hofmeister said lower the price for high and low positions. CM Scardino said he has had to raise his pay and be choosy. CM Acquaviva understands what CM Rivet is saying. CM Vail said W. Melbourne pays Clerk 35K. Chair asked each CM to provide a range:

CM Vail: 45-80

CM Rivet, CM Acquaviva, CM Scardino: 55–86

CM Hofmeister: 56-80

Mary 56 – 80

Dave 55- 86

55 to 86 wins for both positions.

Consensus of Council to approve the advertisements for both the Clerk and Treasurer positions with salary range for both at 55K – 86K for 30 days. Have on agenda for the 1st meeting in August. Vote: All Ayes.

10.d. Obligating and Allocating SLFRF Funding to specific Projects and Capital Projects per Workshop 6/13/2022

Exhibit:

Agenda Report No. 10.d.

SPM Morrell gave the synopsis of the workshop findings.

MOTION: CM Vail / CM Scardino to approve the updated projects and allocations of ARP money per the 6/13/2022 workshop.

Just look at the existing paved streets.

Vote: All Ayes.

CM Rivet asked Atty Bohne – does issue with Special Magistrate affect pursuing the foreclosure on the code enforcement issue on Faber property. Atty said no, it has been published in both the Brevard County and Broward County and he is just waiting for the time to expire.

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: none.

CM Rivet: none.

CM Hofmeister: none

CM Scardino: none

Mayor Reilly: SCLC Board voted for two new representatives on the FLC. Got two new representatives: Sarah Stoeckel of Titusville and Mindy Gibson from Satellite Beach.

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 9:00 P.M.

BY: _____

Mayor Patrick T. Reilly, Council Chair

ATTEST:

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

Date Approved: 07/18/2022

TOWN OF MALABAR

Regular Town Council Meeting

AGENDA ITEM NO: 4.b

Meeting Date: July 18, 2022

Prepared By: Richard W. Kohler, Deputy Town Clerk/Treasurer

SUBJECT: Approve Minutes of 06/27/2022 Budget Workshop

BACKGROUND/HISTORY:

Summary of actions at the 06/27/2022 Town Council Budget Workshop

ATTACHMENTS:

DRAFT 06/27/2022 Budget Workshop Minutes

ACTION OPTIONS:

Discussion

**MALABAR TOWN COUNCIL
TOWN COUNCIL WORKSHOP MINUTES
JUNE 27th, 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. Mayor Reilly 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
	MATT STINNETT
	LISA MORRELL
	RICHARD KOHLER

TOWN MANAGER:

SPECIAL PROJECTS MANAGER:

DEPUTY CLERK/TREASURER:

3. WORKSHOP ACTION:

a. Discussion of Council Priorities (Infrastructure, Operations, Funding)

Mayor asked TM Stinnett to begin. TM Stinnett stated his goal for tonight is to gather Council goals for the next Fiscal Year. Many of the issues we will discuss tonight will take several years to accomplish, and we can discuss how to approach them.

Stormwater is a key issue for the Town. We have \$329k from SLFRF, 300k from reserve, and 128k annually. He discussed several ongoing issues that he believes can be accomplished in the upcoming year without any additional funds. Questions?

CM Scardino asked what the Atz Rd project would cost?

TM Stinnett stated that is one of the ones we are still waiting on a price from SAI, however he doesn't believe it will be too expensive.

CM Scardino asked if there were any projects that would assist the stormwater coming off of I-95?

TM Stinnett stated this project would take place near Marie Street.

CM Scardino asked what project would get the most bang for our buck?

TM Stinnett stated the Atz to Marie project is his highest priority, and the Hall Rd to Rivet Ln is a project we can do in house with our PW staff. Fixing the area between Raulerson and Flashy Lanes is also an achievable project, but it could be more costly. All of these are open drainage.

CM Acquaviva asks if the stated funds will be enough to achieve these goals, and if these projects will show a return for the residents.

TM Stinnett states yes to both. Our Public Works Department can accomplish many of these goals.

CM Vail states that historically the Flashy to Raulerson area floods regularly and should be addressed.

Mayor states the Rivet Lane issue is important. Currently the Stormwater is supposed to flow north and it doesn't.

CM Vail states he has not seen the Atz Marie area flood, but he sees the value to the rest of the Town. He believes when we correct the Linrose culvert, we should connect the ditches to Eva Ln, as it is a deep wide ditch.

TM Stinnett stated the Stormwater Master plan has plans for that area, but it is a more expensive one.

Mayor asked for any other input, hearing none he requested they move on to the next topic.

TM Stinnett states the next big issue is roads. We have saved money from SLFRF, but the issue is much greater than the funds we have available. We have a few paving assessments going on, but there are still open invoices. CM Acquaviva suggested a road survey at the last meeting, and he believes that is a good start. It will sure up our position with the residents and the banks. We can seek out a loan and prioritize ourself, or we can get a professional assessment and use that to get bids and loans to finance it.

CM Vail states that he has been talking about fixing Weber Road for years, and if we let it go any longer it could cost upwards of a million dollars to repair/replace. He would support a professional assessment because it is much more cost effective to fix a road than to replace one.

CM Acquaviva agrees and stated that getting an estimate will help set our priorities on what needs to be done and when. Brook Hollow and Rocky Point are critical roads.

CM Vail states that Corey and Weber could be a joint project with Grant/Valkaria, as the road traverses both towns. The more you do, the less the cost per foot is. Do we have a threshold for what an assessment will cost?

TM Stinnett states we do not. We would go out for bid on it and bring the results back for Council review. Are there any of these issues we want to tackle now?

CM Acquaviva states Brook Hollow has become an issue that should be addressed.

CM Scardino asked about the state of the sidewalks?

TM Stinnett states that there are certain areas that have broken that we are trying to fix operationally.

Mayor suggests talking about the next topic.

TM Stinnett reiterated the efforts to increase the Water Infrastructure.

CM Acquaviva states that developing a Dog Park is a very low priority for her, and she reminded Council that they never approved it. She supports water services to the Fire Department, but not for a dog park.

CM Scardino states most residents in Malabar have large enough yards that a dog park is unnecessary. The other cities that took advantage of the generous donation have smaller lot sizes.

CM Vail states the extension to the Fire Department, Bathrooms and a Drinking Fountain should be priorities. Consensus agrees.

TM Stinnett states that \$100k has been set aside for upgrades like resurfacing the tennis court, and \$50k to remodel the bathroom. DEP has provided \$40,000 for specific purposes such as pavilions. We are pursuing a grant to combat the Cogan Grass. He has also discussed the Cameron Preserve Management Plan with the Florida Forestry Department. Are there any further questions?

TM Stinnett spoke about the personnel portion of the budget. There are a few open positions, and one new position. Are there any changes to the previously discussed numbers? We will see an FRS increase with that. However, we plan on removing the Administrative Assistant position, so the health insurance and other liability costs will stay the same, as it will still be three employees in the front office. Are there any particular targets you would like to set for raises?

CM Vail states he would like to see comparative wages for similar municipalities. Many surrounding Towns pay more than us. CM Acquaviva agrees.

CM Scardino states with inflation being so high, we should at least cover that increase. CM Vail states in the past it has been a 3%. Mayor states he agrees with CM Scardino and we should at least match inflation. He suggests 8-10% increase. We can't ask for our employees to take a pay cut to stay here.

CM Acquaviva states that we should also look at the TM salary. If we are raising the Town Clerk and Finance director, we should raise the TM salary as well. He manages the Town and is highly competent. CM Vail states he was planning on mentioning this as well once we saw the budget, and would like to see comparative numbers from surrounding municipalities.

TM states the FD have scheduled raises in their union contract and they have expressed their satisfaction with that.

CM Vail and Scardino both state we should stick to the contract.

Mayor asked if we have met the state minimum wage requirements?

TM Stinnett states that the FD administrative assistant will need a raise to meet the new wage, but we are aware and addressing it.

CM Vail asked about the Building Department.

TM Stinnett states the current staff plus the new building official are acceptable.

TM Stinnett states the PW roof has sprung leaks in the last few years.

CM Vail asked if the Town has researched roof coating? It isn't as good as a new roof, but it can extend the life. Those style of roof leak regularly but can be patched.

TM Stinnett states that the equipment of the Town is all operational. There was consideration of buying a new Chief vehicle, but it is not a priority. We attempted to buy new mowers, but due to supply shortages we have not received them. We are doing okay with what we have. There may be an increase of legal fees, but we are only at 50% for this year's budget.

Mayor asked when we need to update our Comp Plan?

SPM Morrell states we will make it through the next year, but future planning is a good idea.

TM Stinnett states staff would like to get a new accounting system. Hiring a new finance director will assist in this search.

TM Stinnett states the Town has minimal debt, just the Fire Truck, Gradall and SRF Loan. The Town can seek a bank loan or a bond. The better option would be a bank loan for specific projects.

CM Vail states he would like to see the numbers on this. Annual costs and total interest.

CM Scardino suggests seeking both a 5 and a 10 million dollar loan so we know what they will cost.

TM Stinnett states we can request a loan for 5 million, or we can put together a list of projects and estimates, and request a bond for the exact amount.

CM Scardino states a bond will take 2-3 years to start work, while a loan will begin quickly.

CM Vail states we need money to pay back any loans we get.

CM Scardino suggests a bond, as its time to decide if we fix the roads or bring them back to dirt.

Mayor suggests for research purpose we should seek a 5 and 10 million dollar loan.

TM Stinnett states that the issue with requesting a loan is that we don't have a revenue stream to dedicate to the repayment.

Mayor states he believes Weber and Corey should be the priority projects.

CM Vail states residents should know that less than 10% of their tax bill goes to the Town. Us asking for more money isn't greedy, we need to fix the issues.

TM Stinnett discussed the incoming revenues such as sales tax, ad valorem, and franchise fees. Many of these revenues will be neutral due to inflation and added expenses.

SPM Morrell states we will receive more specific estimates before the end of the budget process. There are many variables that play into these numbers, and we won't know the specifics until a later date.

SPM Morrell then went over the millage rates, and explained that we will have to lower the millage rate to meet the 10% cap. We will have all of this information at a future date, but the property value of the Town has increased by 40M.

Mayor Reilly stated the next budget workshop would take place on 7/25/2022.

4. **ADJOURNMENT:** There being no further business to discuss and without objection, the meeting was adjourned at 8:29 P.M.

BY: _____
Mayor Patrick T. Reilly, Council Chair

ATTEST:

Richard Kohler, Deputy
Town Clerk/Treasurer

Date Approved: 07/18/2022

DRAFT

TOWN OF MALABAR

COUNCIL MEETING

SPM Staff Report 6.b.
Meeting Date: July 18, 2022

Prepared By: Lisa Morrell, Special Projects Manager

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

Updates from the May 31, 2022, staff report has 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.

07/11/2022 – Ongoing, Employee Participation 11% complete

Registered to attend the 2022 FLC Research Symposium Digital Infrastructure: Broadband and Cybersecurity on Wednesday, August 10at Diplomat Beach Resort, Hollywood. No travel cost to the Town.

Fixed Town Facility or Entrance Signage

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).

06/29/2022 – Colors proof, frame, and hardware approved, signs for Malabar Community Park and Disc Gold Sanctuary progress to production queue.

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.

07/7/2022 – MCCi Project team assigned tasks to Town to identify and setup system users and provide (15) State of Florida Record Retention Codes for file setup process.

07/7/2022 – Reviewed and approved the image quality of sample back scanning; the project coordinator will continue to scan files for the Town and periodically send files for intake into the Laserfiche solution.

Financial System Improvements

Staff is researching potential replacements for the financial software solution; an onsite demo will take place on July 20th from BS&A. A price quote will be obtained for consideration in the budgeting purposes for FY22/23.

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 is approaching end-of-life use; this is 50/50 match grant.

5/31/2022 – Delivery of gear will be “as ready”, LT Borda assigned task to retain and inventory, for one point of distribution.

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.”

07/6/2022 – Received a denial letter for April Application.

07/7/2022 – Resubmitted application, award notice expected by October 6, 2022

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).

6/20/2022 Town Council action approved the allocated all funding to standard allowance expenditures and capital infrastructure: Water, Roads, Stormwater.

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.

7/7/2020, lead time has been updated to 32-36 weeks, or 8months for estimated receipt of order.

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.

7/10/2022 – Compiling scope or work and product research specifications as an ITB (Invitation to Bid) for General Contractors and/or trades.

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.

7/6/2022 Procurement Cards received, staff training and review of the procurement card program prior to issuance of a cards to Town Staff.

Pavilion Quote (T&G)

7/8/2022 Researched and provided a quote with state contract for piggyback to Town Manager for requested pavilion by Trails and Greenways Board.

Surficial assessment of Road Pavement Analysis as a service

07/08/2022 Staff has researched two avenues for service and engaged in obtaining pricing proposals for review and recommendation to Town Council for approval, near future, timely with budget process.

TOWN OF MALABAR

Regular Town Council Meeting

AGENDA ITEM NO: 6.C

Meeting Date: July 18, 2022

Prepared By: Richard W. Kohler, Deputy Town Clerk/Treasurer

SUBJECT: Public Works Director Written Report

BACKGROUND/HISTORY:

Summary of actions of the Town of Malabar's Public Works Department for June 2022

ATTACHMENTS:

Public Works Director Written Report

ACTION OPTIONS:

Review

June 2022 Public Works Report

Equipment Update

- Repaired Slope Mower Head (Welder and Bearing)
- Paint Fuel Tank
- Replaced Tires on Ford F-250 Truck at Glenn's Tires
- Picked up Road Grader to Ring Power (CAT)
- Serviced mini-Excavator
- Drop off Sterling Dump Truck at Cumberland International for repairs

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

Streets & Roads Jobs

- Repaired street signs at:
 - Orange Ave. & US 1
 - Weber Rd & Malabar Rd
- Repaired washout on Elaine Ln
- Check Town stormwater systems before Hurricane Season

Parks and Recreation

- Repair Sprinklers at Malabar Community Park
- Replace faucet in bathrooms at Malabar Community Park
- Replace bathroom stall door at Malabar Community Park
- Replace sprinkler well pump at Malabar Community Park
- Repair fence at Malabar Community Park

General Duties

- Installed Flagpole at Town Hall
- Clean up Marie St. Yard
- Patch roof on PW building 1

Mowing & Weed Eating Checklist June 2022

Sanitation	6-6	6-13	6-20	6-27
Soccer Field	6-3	6-10	6-17	6-24/6-29
Baseball Field	6-3	6-10	6-17	6-24/6-29
Drag Infield	6-3	6-10	6-17	6-24/6-29
Town Property				
Malabar Park				6-29
Fire Department	6-3		6/16	
Disc Park	6/2		6-16	
Trail Park		6-10		6-23
Eschenberg Park		6-14		6-28
Huggins Park				
Public Works Yard		6/13		6-22
Marie St. Yard	6/6		6-23	
Town Hall/ S. RR Ave				
Town ROWs				
Rocky Point Rd North & South	6-7			6-27
Briar Creek Blvd & Bridge		6/14		
Corey Rd North End	6/6			6-22
Marie St South East Side		6-14		
Marie St North West To Johnsnton				6-23
Glatter Rd @ Malabar Rd				
Glatter Rd East to RR				
Data Management	6/7			6-27
Marie St Trail North and South Side			6-23	
Quaterman & Atz Rd				
Booth & Lette Intersection North	6/10			
Richard Rd Tillman Canal	6-6			6-28
Bus Stops				
Atz & Corey	6/7			6-28
Weber & Old Mission		6-14		
Lacourt & Hall	6/7			6-28
LaCourt & Atz	6/7			6-28
Hall & Corey	6/7			6-28
Main Intersections (All Paved Roads w/ Stop sign, 50 Ft Each Direction)				
Corey & Hall	6/7			6-28
Corey & Atz	6/7			6-28
Weber & Hall		6-14		
Weber & Atz		6-14		

Road Grading			Month: June 2022		
Road Name	Date	Machine Used	Loads	Materials	Comments
Trailhead Park	6/1	Box Blade			
Nord Street	6/1	Mini Grader			
Johnston Ave	6/1	Mini Grader			
Gatorway Lane	6/1	Mini Grader			
Marie Street South	6/1	Mini Grader			
McCain Lane North & South	6/1	Mini Grader			
Howell Lane North & South	6/1	Mini Grader			
Rivet Lane	6/1	Mini Grader			
Appleby Lane North & South	6/1	Mini Grader			
Oakridge Lane North & South	6/2	Box Blade			
Linrose Lane South	6/2	Box Blade			
Arnold Lane	6/2	Box Blade			
Quarterman Lane	6/2	Box Blade			
Duncil Lane North & South	6/2	Mini Grader			
Isasa Lane	6/2	Mini Grader			
Elaine Lane	6/13	Mini Grader	1	Base	
Marie Street South	6/13	Mini Grader	5	Stabilizer	
Waring Lane South	6/14	Mini Grader	1	Stabilizer	
Matthews Lane	6/14	Mini Grader			
Howell Lane North	6/14	Mini Grader			
Howell Lane South	6/29	Mini Grader			
McCaine Lane North & South	6/29	Mini Grader			

Rivet Lane	6/29	Mini Grader			
Appleby Lane North & South	6/29	Mini Grader			
Ivey Lane	6/29	Mini Grader			
TOTALS	5 Days	2 Machine	7 Loads	2 Material	

Slope Mowing / Flat Mowing June 2022

	Road Name	Date	Ditch Side (N, S, E, W)	Grass	Brush	Ditcher
1	Stillwater Ditch	6/1	North	X	X	
2	Glatter Rd East	6/17	South	X		
3	Glatter Rd West	6/22	South	X		
4	Marie Street South	6/22	East	X		
5	LaCourt Ln	6/23	East/West	X		
6	LaCourt Ln	6/24	West	X		
7	Hall Rd	6/24	North/South	X		
TOTALS		5 Days		1 Machines Used		

Ditch Cleaning

Month: June 2022

Road Name	Date	Start Location	End Location	Side of Road	Loads	Yards	Comments
Stillwater Ditch	6/22	Corey Road	End of Ditch	N/A	12	180	Completed
Hall Road	6/22	Corey Road	End of Road	North	8	120	Completed
Corey Road	6-22	Malabar Road	Hall Road	East	17	255	Completed
Totals	1 Work Day				37 Loads	555 Yards	

TOWN OF MALABAR

COUNCIL MEETING

AGENDA ITEM NO: 7.a.

Meeting Date: July 18, 2022

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

SUBJECT: Power Point Presentation by FMLC – bank loan process

BACKGROUND/HISTORY:

Mr. Rodney Walton of Florida Municipal Loan Council (FMLC) on the Municipal Loan Program

Council directed staff to pursue information on bank loan or bond issue process.



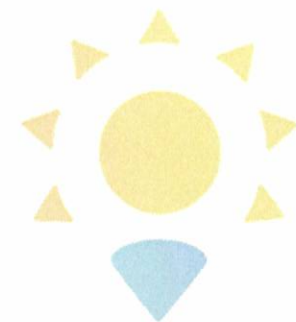
FMLC FLORIDA
MUNICIPAL
LOAN COUNCIL

**MAKING YOUR DOLLARS
DO MORE FOR LOCAL
COMMUNITIES**

FMLC

Overview

- ▶ Created in December 1998 through an interlocal agreement, the Florida Municipal Loan Council allows cities, counties and other governmental entities to finance projects on a cooperative, cost-effective basis in order to benefit from economies of scale associated with larger financings.
- ▶ Governed by a Board of Directors of up to seven elected public officials.



FMLC

Overview Continued

- ▶ **Bond Issue Program** (formerly Fixed-Rate Bond Program) validated up to \$1 billion.
- ▶ **Bank Loan Program** (formerly Competitive Capital Access Program) offers RFP services for bank loans.
- ▶ Previously offered Commercial Paper and Direct Loan Programs.
- ▶ Total in FMLC program loaned to date is \$1.25 billion.



Board of Directors



Isaac Salver
Chairman
Councilmember
Town of Bay Harbor Islands



Leo E. Longworth
Commissioner
City of Bartow



Susan Starkey
Vice Chairman
Vice Mayor
Town of Davie



Frank C. Ortis
Mayor
City of Pembroke Pines



Anne Gerwig
Mayor
Village of Wellington



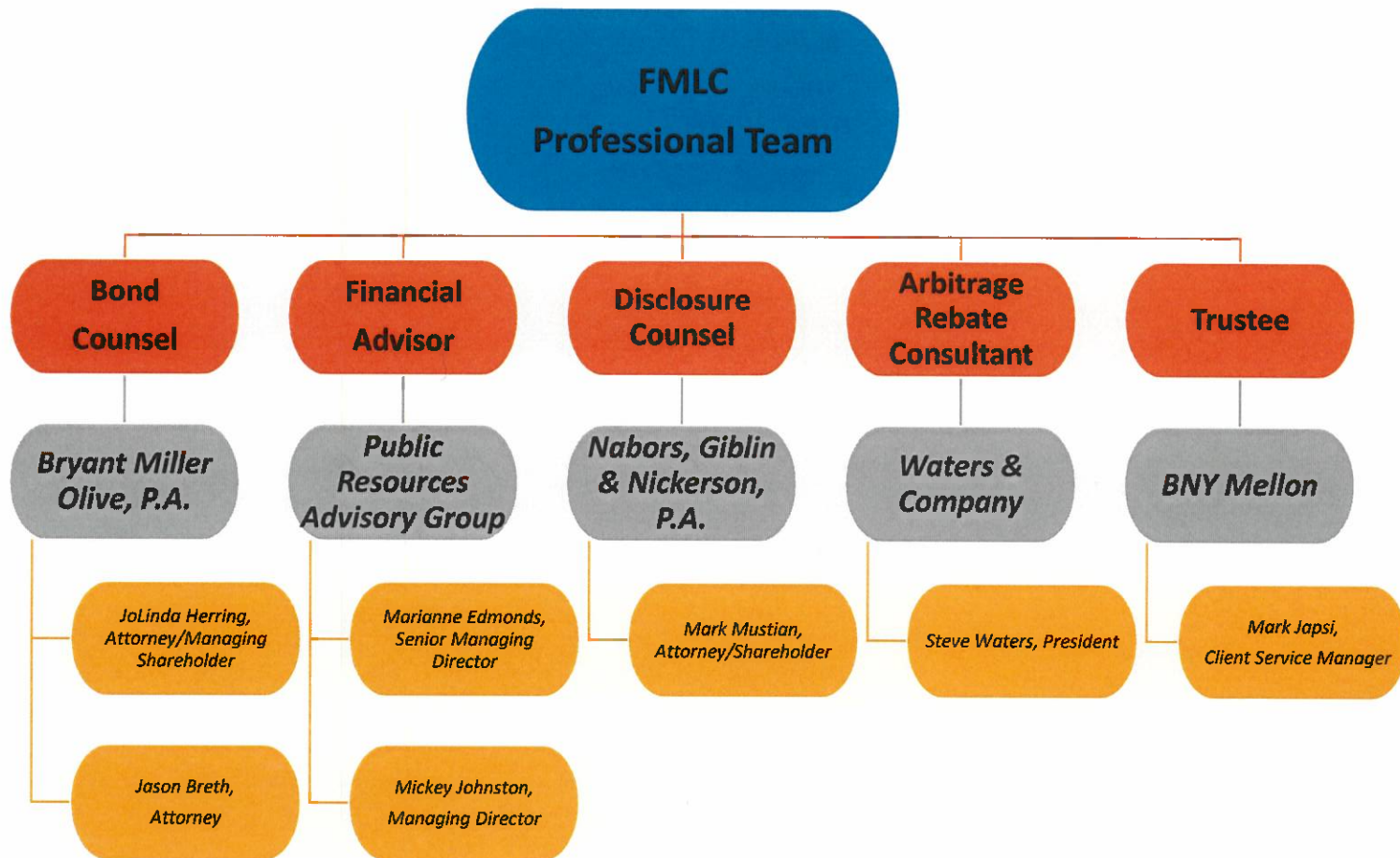
Holly Smith
Mayor
City of Sanibel



Teresa Watkins-Brown
Councilmember
City of Fort Myers



FMLC



FMLC

Bryant Miller Olive, P.A.



JoLinda L. Herring, Attorney/Managing Shareholder
27+ years of experience



Jason Breth, Attorney
16+ years of experience



Public Resources Advisory Group



Marianne Edmonds, Senior Managing Director

17 Years with PRAG

37+ years of experience



Wendell Gaertner, Senior Managing Director

10 years with PRAG

32+ years of experience



Mickey Johnston, Managing Director

5 years with PRAG

15+ years of experience



FMLC

Other Professional Players



Disclosure Counsel: **Nabors, Giblin & Nickerson P.A.**



BNY MELLON

Trustee: **BNY Mellon**

WATERS AND COMPANY, LLC

Arbitrage Consultant: **Waters & Co**



FMLC

FLC Financial Services Staff - FMLC



Paul Shamoun, Director Financial Services



Rodney Walton, Financial Services Account Executive



Dana Anderson, Financial Analyst



Bond Issue Program

The fixed-rate bond program allows cities to use funds for capital improvements, renovations, fixed-asset additions or refinancing existing debt.

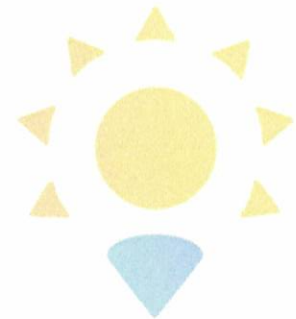
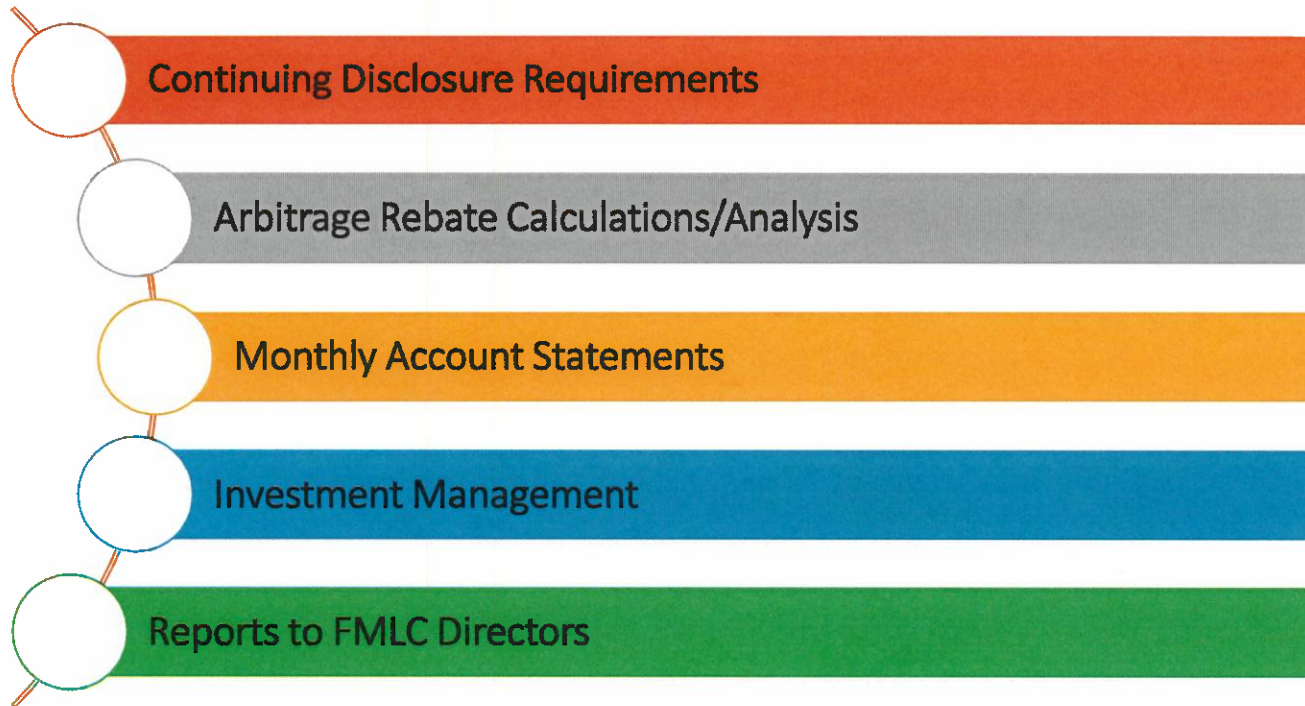
Advantages of the program include:

- ▶ Fixed-rate financing.
- ▶ Individualized terms up to 30 years.
- ▶ Financing for loan amounts greater than \$3 million.
- ▶ Flexible security pledges.
- ▶ Team of professionals (financial advisor, bond counsel, disclosure counsel, arbitrage consultant).
- ▶ Bond Insurance and/or a surety bond may be available.
- ▶ May be pooled with other issuers to reduce costs of issuance.



FMLC

Bond Issue Program Ongoing Administrative Services



Bank Loan Program

Competitive Request for Proposals (RFP) process for identifying and negotiating with banks that are interested in providing financing for new projects and/or loan/bond refinancing.

Advantages of the program include:

- ▶ Tax-exempt and taxable financing available.
- ▶ Individualized terms usually 10, 15 or 20 years.
- ▶ Financing for loan amounts greater than \$1 million.
- ▶ Competitive bank RFP process.
- ▶ Team of professionals (financial advisor, bond counsel).
- ▶ Lower upfront costs.
- ▶ Quick completion.
- ▶ No bond insurance needed.
- ▶ Flexible payment schedules.

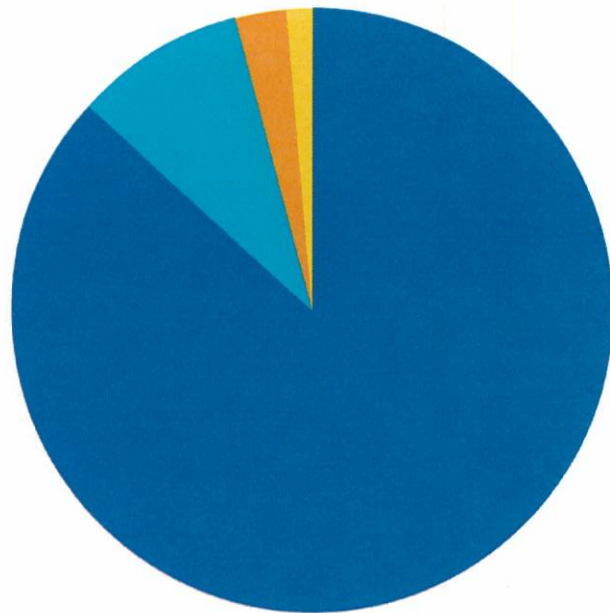


Bank Loan Program Administrative Services

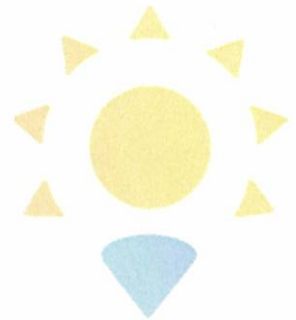


FMLC

Florida Municipal Loan Council
Total Issued: \$1.2 Billion, as of September 30, 2021

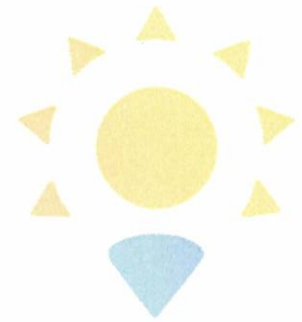
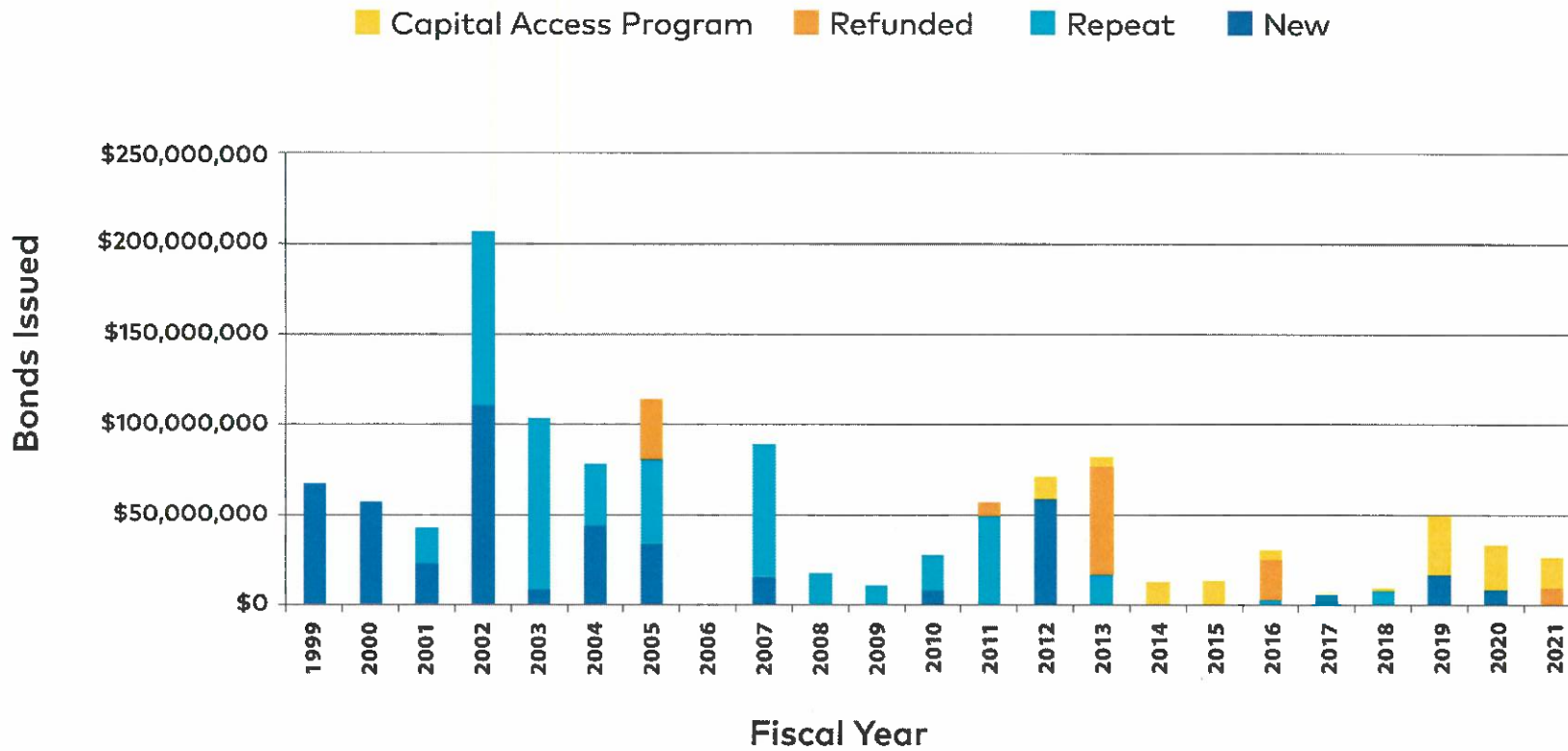


- Fixed Rate (86%) - \$1,033,159,031
- Capital Access Program (10%) - \$125,166,923
- Direct Loan (3%) - \$30,943,786
- Commercial Paper (1%) - \$15,498,000

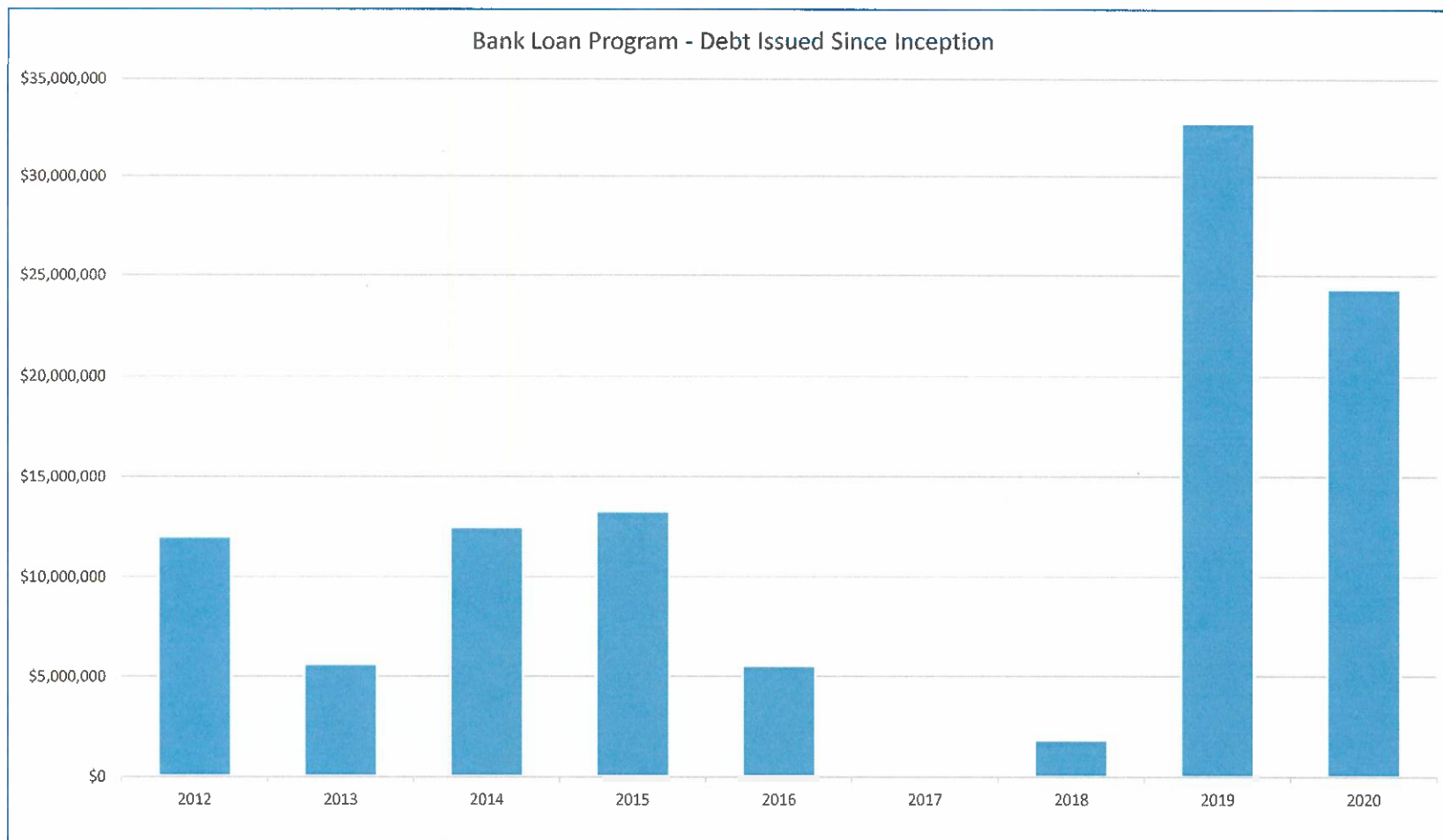


FMLC

Florida Municipal Loan Council
Type of Borrower, FY 1999-2021
As of September 30, 2021



FMLC



Regulatory Changes

The Dodd Frank Act provided for regulation of municipal advisors by Securities and Exchange Commission (SEC) and Municipal Securities Rulemaking Board (MSRB).

- ▶ SEC Final Municipal Advisor Registration became effective on September 18, 2013.

Who is a Municipal Advisor?

Municipal advisor is a person (who is not a municipal entity or an employee of a municipal entity) that provides advice to or on behalf of a municipal entity or obligated person with respect to municipal financial products or the issuance of municipal securities, or that undertakes solicitation of a municipal entity or obligated person.

- ▶ Municipal advisors must register with SEC and MSRB.



FMLC

Regulatory Changes (Continued)

Implications for FMLC

Cannot solicit, give advice or make recommendations regarding municipal financial products or issuance of municipal securities.

Implications for PRAG

- ▶ As a registered municipal advisor, PRAG actions must be compliant with all MSRB rules.
- ▶ Must provide disclosure and have a written engagement in order to give advice or make recommendations.



FMLC

Online Resources



The FMLC was created in December 1998 through an interlocal agreement and is governed by a Board of Directors of up to seven elected public officials. This program was created by local government for local government. Local officials can trust that there is no procurement process needed for this program.

Select a category below to learn more or contact [Rodney Walton](#) at 850.701.3620.

Click [here](#) to view the 2021 Annual Comprehensive Financial Report.



Borrowers

City of Apopka	City of Haines City	City of Oakland Park
City of Aventura	City of Hallandale Beach	City of Oldsmar
City of Auburndale	Harbour Waterway Special District	City of Palatka
City of Avon Park	City of Hialeah	City of Palm Bay
City of Bartow	Town of Indialantic	Village of Palm Springs
Town of Bay Harbor Islands	Town of Indian Shores	Village of Palmetto Bay
City of Belle Isle	Infrastructure Development Partners	City of Parkland
City of Belleair Beach	City of Inverness	Village of Pinecrest
City of Bonita Springs	City of Keystone Heights	City of Plant City
City of Bradenton	Town of Lake Park	City of Port Richey
City of Cape Coral	City of Largo	City of Safety Harbor
City of Dania Beach	City of Lauderdale Lakes	City of Sanibel
City of Deerfield Beach	City of Lighthouse Point	City of Seminole
City of DeFuniak Springs	Town of Longboat Key	City of South Miami
City of Destin	City of Marco Island	Town of Southwest Ranches
City of Eagle Lake	Town of Melbourne Beach	City of St. Augustine Beach
Town of Eatonville	Village of Miami Shores	City of St. Pete Beach
Village of Estero	City of New Smyrna Beach	City of Stuart
City of Fort Myers	City of North Miami	City of Sunny Isles Beach
City of Fort Walton Beach	City of North Miami Beach	City of Valparaiso
Gadsden County	Town of Oakland	Village of Wellington
Village of Golf		City of West Melbourne



Closed Loans

- ▶ As of September 2021, the FMLC has:
 - 138 Bond Issues totaling more than \$1 billion (now called Bond Issue Program)
 - Issued to 65 municipalities/local governments/special districts

- ▶ The FMLC has closed additional loans through the Commercial Paper, Direct Loan and Capital Access Programs which are currently closed
 - Programs open 2007-2013
 - 11 loans totaling nearly \$60 million

- ▶ The FMLC has closed additional loans through the Competitive Capital Access Program (now Bank Loan Program)
 - Started in 2013
 - 25 loans totaling more than \$130 million





Closed Loans in the Last Two Years

Closed Loans

Municipality	Type of Loan	Loan Amount	Projects	Date Closed
City of Sanibel	Bank Loan	\$15 Million	Wastewater plant improvements, Senior Center	June 2020
City of Valparaiso	Bank Loan	\$1.1 Million	Series 2010C Refunding	July 2020
City of Belle Isle	Bank Loan	\$2.6 Million	Purchase of property, stormwater improvements	September 2020
City of Palatka	Bank Loan	\$5.6 Million	Series 2010A Refunding	September 2020
Town of Indian Shores	Bank Loan	\$3.8 Million	Refunding of existing loans	December 2020
Village of Pinecrest	Bank Loan	\$7.9 Million	Revamping Pinecrest Gardens	February 2021
Village of Pinecrest	Bank Loan	\$5.7 Million	Palermo Property/2011 Refunding	July 2021
Village of Palmetto Bay	Bond Issue	\$8.8 Million	Series 2010B Refunding	August 2021
Village of Pinecrest	Bank Loan	\$4.3 Million	Potable Water Assessment	May 2022
TOTAL		\$54.8 Million		



General Market Information - Scenarios

FLORIDA MUNICIPAL LOAN COUNCIL
TOWN OF MALABAR
GENERAL MARKET INFORMATION

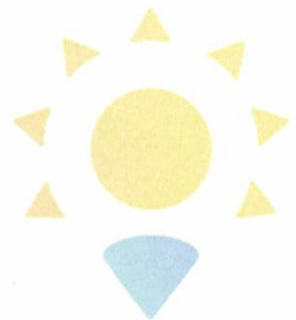
Prepared: July 1, 2022

Loan Amortization	Current Estimated Rates		Add: 50 basis points (0.50%)		Add: 100 basis points (1.00%)	
	15 Year	20 Year	15 Year	20 Year	15 Year	20 Year
<i>\$5 million Loan</i>						
Par Amount	\$ 5,000,000	\$ 5,000,000	\$ 5,000,000	\$ 5,000,000	\$ 5,000,000	\$ 5,000,000
Estimated Interest Rate	3.50%	3.75%	4.00%	4.25%	4.50%	4.75%
Estimated Annual Debt Service	\$ 434,125	\$ 359,810	\$ 449,706	\$ 376,099	\$ 465,569	\$ 392,752
<i>\$10 million Loan</i>						
Par Amount	\$ 10,000,000	\$ 10,000,000	\$ 10,000,000	\$ 10,000,000	\$ 10,000,000	\$ 10,000,000
Estimated Interest Rate	3.55%	3.80%	4.05%	4.30%	4.55%	4.80%
Estimated Annual Debt Service	\$ 871,341	\$ 722,845	\$ 902,558	\$ 755,496	\$ 934,342	\$ 788,875

FMLC

Next Steps

- ▶ Engagement Letter with PRAG
- ▶ Letter of Intent with FMLC
- ▶ Reimbursement Resolution set in place (if currently spending money)
 - Can go back 60 days and appropriate money for the project



**TOWN OF MALABAR
AGENDA ITEM REPORT**

AGENDA ITEM NO: 10.a.
Meeting Date: July 18, 2022

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

SUBJECT: Form DR-420 – Tentative Maximum Millage and Public Hearing Date

BACKGROUND/HISTORY:

This is the first step in the annual *Truth in Millage* process. Council must set the maximum proposed millage they wish to consider during their discussions and set the date for the first public hearing on the proposed millage and budget. This information is then sent to the Property Appraisers office, and they include it on the TRIM Notice that is mailed to every Malabar property owner.

The DR-420MMP is a State provided form that assists Council in calculating the maximum millage permitted by a vote of Council. Brevard County municipalities are limited in the increase permitted in setting the millage if the resulting Ad Valorem proceeds exceed 10% of the Ad Valorem received in the prior year. This is exasperated with the increase in property values Brevard County has experienced.

TM Stinnett has conferred with Atty Bohne to attempt to increase the millage over the cap referenced in the Special Law 74-340 as amended 85-381. The requirements to exceed the limit requires a process that would conflict with the F.S. we must follow to comply with the TRIM process.

To start the budget process, we should set the proposed maximum millage at the highest as it can be reduced during workshops, but it can't be increased without great expense to the Town.

Historically our millage rates in the past years rarely provided more Ad Valorem revenue than 45K to 76K over the previous year. We have discussed adopting an ordinance to put a referendum question to voters to exceed this limit that would then go into effect the following tax year. Council did this in 1986 successfully which provided the funds needed to build the fire station. It was attempted again in 1987 to provide for road improvement but failed.

By August 4, 2022, we must tell the Property Appraiser the following:

- prior year's millage rate (2.4899)
- current years rolled-back rate RBR (2.2565)
- the proposed maximum millage rate to be advertised in the TRIM notice
- the date, time, and meeting place of the first tentative budget hearing of 9/12/2022 at 7:30pm.

FINANCIAL IMPACT: Setting the millage levy for a home with a taxable value of \$85,000.00 after the two 25K homestead exemptions would result in a Malabar property tax bill of:

\$211.64 at this year's rate of 2.4899%
\$191.80 at the rolled back rate (RBR) of 2.2565%
\$210.98 at 2.4822% (the 10% maximum increase allowed per Special Law 74-340)
\$223.92 at 2.6343% (permitted with a 2/3 vote of Council per the DR-420MMP)
\$382.51 at 4.5001% (permitted with a unanimous vote of Council per DR-420MMP)

ATTACHMENTS:

DR-420
DR-420MM-P

ACTION OPTIONS:

Staff seeks Motion to set the Maximum Tentative Millage for the first Public Hearing at 4.5001% and select September 12, 2022 (Monday) as the date for the first Public Hearing.



CERTIFICATION OF TAXABLE VALUE

Reset Form

Print Form

DR-420
R. 5/12
Rule 12D-16.002
Florida Administrative Code
Effective 11/12

Year : 2022	County : BREVARD
Principal Authority : TOWN OF MALABAR	Taxing Authority : TOWN OF MALABAR

SECTION I : COMPLETED BY PROPERTY APPRAISER

1.	Current year taxable value of real property for operating purposes	\$	329,202,641	(1)
2.	Current year taxable value of personal property for operating purposes	\$	10,925,190	(2)
3.	Current year taxable value of centrally assessed property for operating purposes	\$	3,412,183	(3)
4.	Current year gross taxable value for operating purposes <i>(Line 1 plus Line 2 plus Line 3)</i>	\$	343,540,014	(4)
5.	Current year net new taxable value (Add new construction, additions, rehabilitative improvements increasing assessed value by at least 100%, annexations, and tangible personal property value over 115% of the previous year's value. Subtract deletions.)	\$	8,008,652	(5)
6.	Current year adjusted taxable value <i>(Line 4 minus Line 5)</i>	\$	335,531,362	(6)
7.	Prior year FINAL gross taxable value from prior year applicable Form DR-403 series	\$	304,073,181	(7)
8.	Does the taxing authority include tax increment financing areas? If yes, enter number of worksheets (DR-420TIF) attached. If none, enter 0	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	Number 0 (8)
9.	Does the taxing authority levy a voted debt service millage or a millage voted for 2 years or less under s. 9(b), Article VII, State Constitution? If yes, enter the number of DR-420DEBT, <i>Certification of Voted Debt Millage</i> forms attached. If none, enter 0	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	Number 0 (9)

Property Appraiser Certification	I certify the taxable values above are correct to the best of my knowledge.		
SIGN HERE	Signature of Property Appraiser:	Date :	
	Electronically Certified by Property Appraiser	6/28/2022 10:07 AM	

SECTION II : COMPLETED BY TAXING AUTHORITY

If this portion of the form is not completed in FULL your taxing authority will be denied TRIM certification and possibly lose its millage levy privilege for the tax year. If any line is not applicable, enter -0-.

10.	Prior year operating millage levy <i>(If prior year millage was adjusted then use adjusted millage from Form DR-422)</i>		2.4899	per \$1,000 (10)
11.	Prior year ad valorem proceeds <i>(Line 7 multiplied by Line 10, divided by 1,000)</i>	\$	757,112	(11)
12.	Amount, if any, paid or applied in prior year as a consequence of an obligation measured by a dedicated increment value <i>(Sum of either Lines 6c or Line 7a for all DR-420TIF forms)</i>	\$	0	(12)
13.	Adjusted prior year ad valorem proceeds <i>(Line 11 minus Line 12)</i>	\$	757,112	(13)
14.	Dedicated increment value, if any <i>(Sum of either Line 6b or Line 7e for all DR-420TIF forms)</i>	\$	0	(14)
15.	Adjusted current year taxable value <i>(Line 6 minus Line 14)</i>	\$	335,531,362	(15)
16.	Current year rolled-back rate <i>(Line 13 divided by Line 15, multiplied by 1,000)</i>		2.2565	per \$1000 (16)
17.	Current year proposed operating millage rate		4.5001	per \$1000 (17)
18.	Total taxes to be levied at proposed millage rate <i>(Line 17 multiplied by Line 4, divided by 1,000)</i>	\$	1,545,964	(18)

19.	TYPE of principal authority (check one)	<input type="checkbox"/> County	<input type="checkbox"/> Independent Special District	(19)
		<input checked="" type="checkbox"/> Municipality	<input type="checkbox"/> Water Management District	
20.	Applicable taxing authority (check one)	<input checked="" type="checkbox"/> Principal Authority	<input type="checkbox"/> Dependent Special District	(20)
		<input type="checkbox"/> MSTU	<input type="checkbox"/> Water Management District Basin	
21.	Is millage levied in more than one county? (check one)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	(21)

DEPENDENT SPECIAL DISTRICTS AND MSTUs		STOP HERE - SIGN AND SUBMIT
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22.	Enter the total adjusted prior year ad valorem proceeds of the principal authority, all dependent special districts, and MSTUs levying a millage. <i>(The sum of Line 13 from all DR-420 forms)</i>	\$	757,112	(22)
23.	Current year aggregate rolled-back rate <i>(Line 22 divided by Line 15, multiplied by 1,000)</i>		2.2565 per \$1,000	(23)
24.	Current year aggregate rolled-back taxes <i>(Line 4 multiplied by Line 23, divided by 1,000)</i>	\$	775,198	(24)
25.	Enter total of all operating ad valorem taxes proposed to be levied by the principal taxing authority, all dependent districts, and MSTUs, if any. <i>(The sum of Line 18 from all DR-420 forms)</i>	\$	1,545,964	(25)
26.	Current year proposed aggregate millage rate <i>(Line 25 divided by Line 4, multiplied by 1,000)</i>		4.5001 per \$1,000	(26)
27.	Current year proposed rate as a percent change of rolled-back rate <i>(Line 26 divided by Line 23, minus 1, multiplied by 100)</i>		99.43 %	(27)

First public budget hearing	Date :	Time :	Place :
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S I G N H E R E	Taxing Authority Certification		I certify the millages and rates are correct to the best of my knowledge. The millages comply with the provisions of s. 200.065 and the provisions of either s. 200.071 or s. 200.081, F.S.		
	Signature of Chief Administrative Officer :			Date :	
	Title :		Contact Name and Contact Title :		
	Matthew Stinnett		DEBBY K FRANKLIN, TOWN CLERK/TREASURER		
	Mailing Address :		Physical Address :		
2725 MALABAR RD		2725 MALABAR ROAD			
City, State, Zip :		Phone Number :		Fax Number :	
MALABAR, FLORIDA 32950		3217277764		3217279997	



Reset Form

Print Form

MAXIMUM MILLAGE LEVY CALCULATION PRELIMINARY DISCLOSURE

For municipal governments, counties, and special districts

DR-420MM-P
R. 5/12
Rule 12D-16.002
Florida Administrative Code
Effective 11/12

Year: 2022	County: BREVARD
Principal Authority: TOWN OF MALABAR	Taxing Authority: TOWN OF MALABAR
1. Is your taxing authority a municipality or independent special district that has levied ad valorem taxes for less than 5 years?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (1)
IF YES, STOP HERE. SIGN AND SUBMIT. You are not subject to a millage limitation.	
2. Current year rolled-back rate from Current Year Form DR-420, Line 16	2.2565 per \$1,000 (2)
3. Prior year maximum millage rate with a majority vote from 2021 Form DR-420MM, Line 13	2.3500 per \$1,000 (3)
4. Prior year operating millage rate from Current Year Form DR-420, Line 10	2.4899 per \$1,000 (4)
If Line 4 is equal to or greater than Line 3, skip to Line 11. If less, continue to Line 5.	
Adjust rolled-back rate based on prior year majority-vote maximum millage rate	
5. Prior year final gross taxable value from Current Year Form DR-420, Line 7	\$ 0 (5)
6. Prior year maximum ad valorem proceeds with majority vote <i>(Line 3 multiplied by Line 5 divided by 1,000)</i>	\$ 0 (6)
7. Amount, if any, paid or applied in prior year as a consequence of an obligation measured by a dedicated increment value from Current Year Form DR-420 Line 12	\$ 0 (7)
8. Adjusted prior year ad valorem proceeds with majority vote <i>(Line 6 minus Line 7)</i>	\$ 0 (8)
9. Adjusted current year taxable value from Current Year form DR-420 Line 15	\$ 0 (9)
10. Adjusted current year rolled-back rate <i>(Line 8 divided by Line 9, multiplied by 1,000)</i>	0.0000 per \$1,000 (10)
Calculate maximum millage levy	
11. Rolled-back rate to be used for maximum millage levy calculation <i>(Enter Line 10 if adjusted or else enter Line 2)</i>	2.2565 per \$1,000 (11)
12. Adjustment for change in per capita Florida personal income <i>(See Line 12 Instructions)</i>	1.0613 (12)
13. Majority vote maximum millage rate allowed <i>(Line 11 multiplied by Line 12)</i>	2.3948 per \$1,000 (13)
14. Two-thirds vote maximum millage rate allowed <i>(Multiply Line 13 by 1.10)</i>	2.6343 per \$1,000 (14)
15. Current year proposed millage rate	4.5001 per \$1,000 (15)
16. Minimum vote required to levy proposed millage: (Check one) (16)	
<input type="checkbox"/> a. Majority vote of the governing body: Check here if Line 15 is less than or equal to Line 13. The maximum millage rate is equal to the majority vote maximum rate. Enter Line 13 on Line 17.	
<input type="checkbox"/> b. Two-thirds vote of governing body: Check here if Line 15 is less than or equal to Line 14, but greater than Line 13. The maximum millage rate is equal to proposed rate. Enter Line 15 on Line 17.	
<input checked="" type="checkbox"/> c. Unanimous vote of the governing body, or 3/4 vote if nine members or more: Check here if Line 15 is greater than Line 14. The maximum millage rate is equal to the proposed rate. Enter Line 15 on Line 17.	
<input type="checkbox"/> d. Referendum: The maximum millage rate is equal to the proposed rate. Enter Line 15 on Line 17.	
17. The selection on Line 16 allows a maximum millage rate of <i>(Enter rate indicated by choice on Line 16)</i>	4.5001 per \$1,000 (17)
18. Current year gross taxable value from Current Year Form DR-420, Line 4	\$ 343,540,014 (18)

19.	Current year proposed taxes <i>(Line 15 multiplied by Line 18, divided by 1,000)</i>	\$	1,545,964	(19)
20.	Total taxes levied at the maximum millage rate <i>(Line 17 multiplied by Line 18, divided by 1,000)</i>	\$	1,545,964	(20)

DEPENDENT SPECIAL DISTRICTS AND MSTUs		STOP HERE. SIGN AND SUBMIT.
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21.	Enter the current year proposed taxes of all dependent special districts & MSTUs levying a millage. <i>(The sum of all Lines 19 from each district's Form DR-420MM-P)</i>	\$	0	(21)
22.	Total current year proposed taxes <i>(Line 19 plus Line 21)</i>	\$	1,545,964	(22)

Total Maximum Taxes

23.	Enter the taxes at the maximum millage of all dependent special districts & MSTUs levying a millage <i>(The sum of all Lines 20 from each district's Form DR-420MM-P)</i>	\$	0	(23)
24.	Total taxes at maximum millage rate <i>(Line 20 plus Line 23)</i>	\$	1,545,964	(24)

Total Maximum Versus Total Taxes Levied

25.	Are total current year proposed taxes on Line 22 equal to or less than total taxes at the maximum millage rate on Line 24? (Check one)	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	(25)
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S I G N H E R E	Taxing Authority Certification	I certify the millages and rates are correct to the best of my knowledge. The millages comply with the provisions of s. 200.065 and the provisions of either s. 200.071 or s. 200.081, F.S.		
	Signature of Chief Administrative Officer :		Date :	
	Title : Matthew Stinnett	Contact Name and Contact Title : DEBBY K FRANKLIN, TOWN CLERK/TREASURER		
	Mailing Address : 2725 MALABAR RD	Physical Address : 2725 MALABAR ROAD		
	City, State, Zip : MALABAR, FLORIDA 32950	Phone Number : 3217277764	Fax Number : 3217279997	

Complete and submit this form DR-420MM-P, Maximum Millage Levy Calculation-Preliminary Disclosure, to your property appraiser with the form DR-420, Certification of Taxable Value.

TOWN OF MALABAR

COUNCIL MEETING

AGENDA ITEM NO: 11.a.

Meeting Date: July 18, 2022

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

SUBJECT: Moratorium on Road Paving using the Special Assessment Process (CM Scardino)

BACKGROUND/HISTORY:

CM Scardino requested this be on the agenda for discussion. He would like to have Council pursue an ordinance placing a moratorium on the Special Assessment process for paving of accepted streets due to the lack of funding source.

FINANCIAL IMPACT:

CM Scardino said the petitions already received that are interested in getting their roads paved will never be able to be paved with the operational funds in the Town's budget in the realistic future. A dedicated funding source is needed.

ATTACHMENTS:

Draft Ord 2022-08 establishing moratorium – not reviewed by Attorney for this discussion

ORDINANCE NO. 2022-08

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MALABAR, FLORIDA, ESTABLISHING A TEMPORARY MORATORIUM ON THE SPECIAL ASSESSMENT APPROVED BY COUNCIL IN 2020 TO PROVIDE FOR PROPERTY OWNERS TO SUBMIT PETITIONS REQUESTING ACCEPTED DIRT ROADS TO BE PAVED WITH THE TOWN PAYING 40% OF THE PAVING RELATED COSTS; PROVIDING REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, in 2017 the Town Council adopted a process to allow property owners on an improved and accepted dirt lane to request paving of their road using a Special Assessment process and adopted its first Special Assessment for paving of Smith Lane; and

WHEREAS, in 2020 the Town Council has further adopted an ordinance to share in the cost of a portion of the paving as a method to encourage property owners on improved and accepted dirt lanes to Petition to have their road paved; and

WHEREAS, the Town Council desires to establish a temporary moratorium until a funding source is secured.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Town Council of the Town of Malabar, Florida, as follows:

Section 1. Legislative Findings.

That the above recitals are true and correct and are incorporated herein by reference.

Section 2. Intent and Purpose.

The intent and purpose of this Ordinance is to provide the Town of Malabar with the opportunity to review the financial impact of the cost share policy adopted in Ordinance 2020- and investigate funding sources to permit it to proceed.

Section 3. Moratorium Imposed.

The Town council hereby prohibits the acceptance of any further petitions from property owners requesting road paving under the Special Assessment process.

Section 4. Duration of Moratorium.

The moratorium imposed by this ordinance shall be effective upon adoption of this Ordinance and shall remain in effect for a period of for one fiscal year following the final adoption of this Ordinance, unless rescinded sooner. Prior to the expiration of the moratorium, the Town may extend the moratorium for an additional period of time.

Section 5. Ordinance to Be Liberally Construed.

This ordinance shall be liberally construed to carry out its purposes, which are deemed to be in the best interest of the public health, safety, and welfare of the citizens and residents of the Town of Malabar.

Section 6. Severability.

Should any section, phrase, sentence, provision, or portion of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 7. Effective Date

This Ordinance shall take effect immediately upon its final adoption by the Town council.

Section 8. 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 Steve Rivet _____
- Council Member Dave Scardino _____
- Council Member Mary Hofmeister _____

Passed and adopted by the Town Council, Town of Malabar, Brevard County, Florida this ____ day of _____, 2022.

By: TOWN OF MALABAR

Mayor Patrick T. Reilly,
Council Chair

(seal)

1st Reading: _____
2nd Reading: _____

ATTEST:

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

Approved for Legal Sufficiency:

Karl Bohne, Jr.
Town Attorney