



REGULAR TOWN COUNCIL MEETING

Monday, March 2, 2020 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. Regular Town Council Meeting Minutes of 02/03/2020
Exhibit: Agenda Report Number 4a

Attachments:

- Agenda Report Number 4a (TownCouncilMinutes0203_2020draft_sw.pdf)

- b. Create a Road Improvement Waiver Application Fee of \$300.00
Exhibit: Agenda Report Number 4b

Attachments:

- Agenda Report Number 4b (4b_sw.pdf)

- c. Proclamation Naming March Irish American Heritage Month
Exhibit: Agenda Report Number 4c

Attachments:

- Agenda Report Number 4c (4c_sw.pdf)

5. ATTORNEY REPORT
6. BCSO REPORT
7. BOARD / COMMITTEE REPORTS
 - a. T&G Committee
 - b. Park & Recreation Board
 - c. Planning & Zoning Board
8. STAFF REPORTS

- a. **Town Manager**
- b. **Public Works Director**
- c. **Town Planner**

Exhibit: Agenda Report Number 8c

Attachments:

- o **Agenda Report Number 8c (8c_sw.pdf)**

- d. **Fire Chief**
- e. **Town 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 (3)

a. Ordinance 2020-02 - Amend Article III, District Provisions, Table 1-3.2

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE AMENDMENT TO TABLE 1-3.2 IN ARTICLE III OF THE LAND DEVELOPMENT CODE, PROVIDING FOR FINDINGS; PROVIDING FOR TRADES AND SERVICES IN COMMERCIAL GENERAL (CG) ZONING TO BE A PERMITTED USE INSTEAD OF A CONDITIONAL USE AND PROVIDING FOR THE ADDITION OF GARDEN AND PINE STREETS TO THE FOOTNOTE WHERE THESE USES ARE ALLOWED; PROVIDING FOR CODIFICATION AND REPEAL OF ORDINANCES OR PART OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report Number 10a

Attachments:

- o **Agenda Report Number 10a (10a_sw.pdf)**

b. Action on Road Improvement Waiver Request - Rivet Lane

A REQUEST FOR A WAIVER TO THE ROAD IMPROVEMENT REQUIREMENTS IN CHAPTER 13 OF THE MALABAR CODE OF ORDINANCE REGARDING THE NORTH END OF RIVET LANE IN SECTION 01, TOWNSHIP 29 AND RANGE 37 WITHIN THE TOWN OF MALABAR. REQUEST BY CHRIS AND NICOLE WILKERSON TO BUILD THE ROAD SHORT.

Exhibit: Agenda Report Number 10b

Attachments:

- Agenda Report Number 10b (10b_sw.pdf)

c. Action on Notice - Reconsider Appointment of Charles Ryan to Board of Adjustment

ANY MEMBER MAY BE REMOVED FROM OFFICE FOR CAUSE BY COUNCIL BY WRITTEN CHARGE AND PUBLIC HEARING.

Exhibit: Agenda Report Number 10c

Attachments:

- Agenda Report Number 10c (10c_sw.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

RESOLUTIONS: (2)

a. Amend Administrative Fees adding Road Improvement Waiver Application Fee (Resolution 02-2020)

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PERTAINING TO THE AMENDMENT OF ADMINISTRATIVE AND PERMIT FEES REQUIRED TO BE ESTABLISHED BY VARIOUS ORDINANCES OF THE TOWN OF MALABAR; PROVIDING FOR AN APPLICATION FEE TO NAME A NEW STREET OR RENAMING AN EXISTING STREET; PROVIDING FOR AN APPLICATION FEE WHEN REQUESTING A LAND USE DECISION AND/OR ACTION NOT OTHERWISE COVERED BY THE ADMINISTRATIVE FEE SCHEDULE WITH REGARDS TO LAND DEVELOPMENT MATTERS; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report Number 12a

Attachments:

- Agenda Report Number 12a (12a_sw.pdf)

b. Adopt Resolution 03-2020 Supporting the 2020 Census

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, SUPPORTING THE 2020 CENSUS; PROVIDING FOR COMMITMENT TO SUPPORT THE GOALS AND IDEALS OF THE 2020 CENSUS; COMMITTING TO ENCOURAGE PARTICIPATION BY CITIZENS AND ASSISTANCE TO CENSUS TAKERS; AND PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Rport Number 12b

Attachments:

- [Agenda Report Number 12b \(12b_sw.pdf\)](#)

c. Adopt Resolution 04-2020 Authorizing Loan Application

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING THE LOAN APPLICATION; AUTHORIZING THE LOAN AGREEMENT; ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

Exhibit: Agenda Report Number 12c

Attachments:

- [Agenda Report Number 12c \(12c_sw.pdf\)](#)

COUNCIL CHAIR MAY EXCUSE ATTORNEY AT THIS TIME

13. DISCUSSION/POSSIBLE ACTION

a. Amend Code to Provide for Outside Storage in Commercial General (CG)

14. PUBLIC COMMENTS

General Items (Speaker Card Required)

15. REPORTS - MAYOR AND COUNCIL MEMBERS

16. ANNOUNCEMENTS

(1) Vacancy on the Parks and Recreation Board; (2) Vacancies on the Trails and Greenways Committee

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.

MALABAR TOWN COUNCIL REGULAR MEETING MINUTES

FEBRUARY 03, 2020

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 the meeting to order at 7:30 pm. CM Vail led P&P.

2. ROLL CALL:

CHAIR:

MAYOR PATRICK T. REILLY

VICE CHAIR:

STEVE RIVET

COUNCIL MEMBERS:

GRANT BALL

BRIAN VAIL

DAVID SCARDINO

DANNY WHITE

MATT STINNETT

KARL BOHNE, excused

DEBBY FRANKLIN

TOWN MANAGER: (TM)

TOWN ATTORNEY:

TOWN CLERK/TREASURER:

Clerk said for the record the PW Director Tom Miliore and Fire Chief Mike Foley were also present.

At this time the Mayor recognized the Town Manager Matt Stinnett on his recent completion of the Master's Program in Public Administration.

3. APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES: Chair added an 11.b. cancelling the 2nd mtg in Feb due to Presidents Day.

4. CONSENT AGENDA:

4.a. Regular Town Council Mtg Minutes of 1/14/2019

4.b. Workshop Council Mtg Minutes of 1/27/2019

4.c. Approve Selection and Recommendation Committee for RFQ 20-03

4.d. Approve Quote for Building Dept Upgrade

MOTION: CM Vail / CM Ball to approve consent agenda. **VOTE:** All Ayes.

5. ATTORNEY REPORT: not present

6. BCSO REPORT: not present

7. BOARD / COMMITTEE REPORTS:

7.a. Drew Thompson, Chair, T&G Com: had a brief report. He attended a meeting at the City of Palm Bay with City Manager Lisa Morrell, TM Matt Stinnett and TA Jason Mahaney of Grant Valkaria to discuss the seven connecting trail projects within the community. To pursue federal funding they would need a Local Agency Programming (L.A.P.) certified person and were hoping Palm Bay or the County had one. Space Coast TPO first said three of the seven projects could be supported. Looking for connections to the paved sections of trails. Palm Bay was interested in helping on the project connection from the south shore of Tillman to their bicycle trail.

7.b. Eric Bienvenu, Chair Park & Rec Board: not present

7.c. Wayne Abare, Chair, P&Z Board: not present

8. STAFF REPORTS:

8.a. MANAGER: Nothing .

8.b. PW DIRECTOR: PW Director Miliore gave annual report for regular work assignments completed in the calendar year 2019. The January activities were submitted in a written report. CM Vail thanked him for cutting edges on Hall Road. CM White said good job on cleaning up road corners. CM Rivet asked about spoil material from ditches - Dir. Miliore said many residents ask for it but most goes to yard.

8.c. FIRE CHIEF: Gave brief report.

8.d. CLERK: Pancake Breakfast February 8.

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**

Susan Shortman – spoke on a variety of topics: meeting not posted until 5pm, workshop mentioned citizen trust, reallocating resources of the Town, railroad offer to build a new town hall and meetings with large groups should be moved to another location.

10. PUBLIC HEARING / SECOND READING: 1

10.a. Ord 2020-01 - Amend Chapter 13 of Code to Provide for Waivers

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, ADDING A NEW SECTION 13-38(c) RELATING TO WAIVERS AUTHORIZED BY THE TOWN COUNCIL; ESTABLISHING GROUNDS FOR A WAIVER; PROVIDING FOR CODIFICATION, SEVERABILITY AND CONFLICTS; PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 10.a.

Ord read by title only.

PH open – none

PH closed

MOTION: CM Vail / CM Rivet to adopt Ord 2020-01 as submitted.

Discussion: CM Vail asked about fee. Franklin will have Fee Reso on next agenda.

Rollcall VOTE: CM Ball, Aye; CM Vail, Aye; CM Rivet, Aye; CM Scardino, Aye; CM White, Aye.
Motion carried 5 to 0.

11. UNFINISHED BUSINESS/GENERAL ORDERS:

11.a. Approve Temporary Trailer at 2295 McCain Lane

Exhibit: Agenda Report No. 11.a.

MOTION: CM Rivet / CM Ball to approve temporary trailer. **VOTE:** All Ayes.

11.b. Cancel the 2nd mtg in Feb due to Federal holiday

MOTION: CM White / CM Vail to approve cancelling the 2/17/20 mtg. **VOTE:** All Ayes.

12. ACTION ITEMS: ORDINANCES FOR FIRST READING: 1

Ord read by title only.

12.a. Ord 2020-02 - Amend Art III Table 1-3.2

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE AMENDMENT TO TABLE 1-3.2 IN ARTICLE III OF THE LAND DEVELOPMENT CODE, PROVIDING FOR FINDINGS; PROVIDING FOR TRADES AND SERVICES IN COMMERCIAL GENERAL (CG) ZONING TO BE A PERMITTED USE INSTEAD OF A CONDITIONAL USE AND PROVIDING FOR THE ADDITION OF GARDEN AND PINE STREETS TO THE FOOTNOTE WHERE THESE USES ARE ALLOWED; PROVIDING FOR CODIFICATION AND REPEAL OF ORDINANCES OR PART OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 12.a.

MOTION: CM Rivet / CM White to approve first reading of Ord 2020-02 as submitted.

Discussion: none

Rollcall VOTE: CM Ball, Aye; CM Vail, Aye; CM Rivet, Aye; CM Scardino, Aye; CM White, Aye.
Motion carried 5 to 0.

Route to P&Z Board for courtesy review.

RESOLUTIONS: 0

MISCELLANEOUS: 0

13. DISCUSSION/POSSIBLE ACTION: 0

14. PUBLIC COMMENTS: General Items (Speaker Card Required) none:

15. REPORTS – MAYOR AND COUNCIL MEMBERS

CM Ball: Asked TM on status of removing foliage from riverside.

CM Vail: 12-15 Volunteers did lots of work on historic building last weekend. Discussion on others on property.

CM Rivet: Boats are back on the property on Hall between Rivet and Rays. Asked TM to follow up.

CM White: Asked TM about RR offer of a new town hall. TM said they did not make that offer to us. He Met with RR staff and Town brought up the potential for a stop. They are not interested in making any stops until they are up and running. He did research on paper as part of his undergraduate work.

CM Scardino: Nothing

Mayor: Nothing

16. ANNOUNCEMENTS: Openings on Bd of Adjustment, T&G, P&Z and Park and Rec Bds.

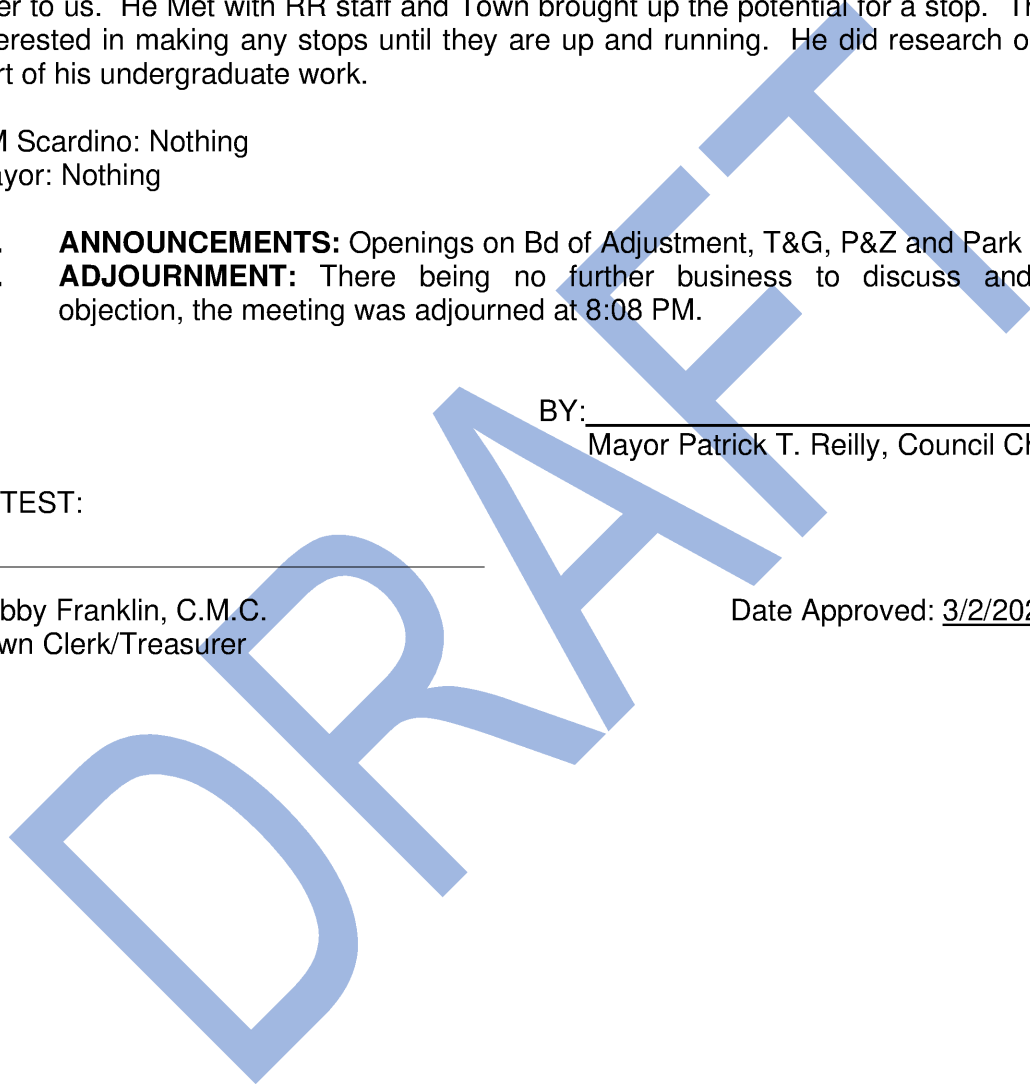
17. ADJOURNMENT: There being no further business to discuss and without objection, the meeting was adjourned at 8:08 PM.

BY: _____
Mayor Patrick T. Reilly, Council Chair

ATTEST:

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

Date Approved: 3/2/2020



TOWN OF MALABAR

MEMORANDUM

Date: February 24, 2020

2020-TC/T-011

To: Honorable Mayor Reilly and Town Council

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

Ref: Fee for Road Improvement Waiver Applications

Council has considered and approved of a waiver process to be used when applicants have unique situations that don't conform to the Malabar Road Improvement requirements. We received an application before the fee resolution could be formally approved by Council.

I considered the administrative time necessary to handle such a request, and the cost to legally advertise for a public hearing and informed the applicant that the fee would be \$300.00 to cover our costs.

As a housekeeping measure, I am requesting Council approve this fee under the Consent Agenda. The formal Fee Resolution, as amended with the new fees is on the agenda for reading by title only and a rollcall vote later in the meeting.

Agenda Report
4.c.

Irish American Heritage Month

WHEREAS, by 1776 nearly 300,000 Irish nationals had emigrated to the American colonies and played a crucial role in America's War for Independence; and

WHEREAS, Irish Americans helped to fashion a system of government for our young Nation; and

WHEREAS, in 1943, The Sullivan brothers made the ultimate sacrifice for democracy and freedom in the world and later had the Destroyer USS Sullivan Commissioned in their memory, and

WHEREAS, eighteen Presidents have proudly proclaimed their Irish American heritage; and

WHEREAS, Irish born Commodore John Barry was recognized by the United States Congress in September of 2002 as the "First Flag Officer of the United States Navy"; and

WHEREAS, in 1872 Captain Oliver Perry achieved his major naval victory in the Battle of Lake Erie ; and

WHEREAS, the Irish first came to Spanish "La Florida" in the 1500s – first as missionaries and mercenary soldiers and then as planters, traders, businessmen, doctors and administrators; and

WHEREAS, three of the Spanish Governors of "La Florida" were actually Irish military officers; and

WHEREAS, Governors and Mayors of 37 states have or will designate March of this year as, "Irish American Heritage Month", and

WHEREAS, Andrew Jackson, whose family came from County Antrim, served as Florida's military governor following its acquisition by the United States, and

WHEREAS, Irish Americans, since America's inception, have provided and continue to provide leadership and service to this nation's political, business and religious establishments; and

WHEREAS, it is fitting and proper to celebrate the rich cultural heritage and the many valuable contributions of the Irish Americans.

NOW, THEREFORE, be it resolved, by the Town Council of the Town of Malabar, that the month of March is proclaimed "IRISH AMERICAN HERITAGE MONTH".

March 2, 2020

Town of Malabar Florida

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

ATTEST:

Debby Franklin
Debby Franklin
Town Clerk/Treasurer



**TOWN OF MALABAR
AGENDA ITEM REPORT**

AGENDA ITEM NO: 8.c.
Meeting Date: February 3, 2020

Prepared By: Matthew Stinnett, Town Manager

SUBJECT: Approve Recommendation from Selection / Negotiation Committee (SNC) regarding Stormwater Asset Management Master Planning

BACKGROUND/HISTORY:

As a part of the process required to select an engineering firm to conduct a stormwater asset inventory and master plan, a request for qualifications (RFQ) was announced and seven firms responded.

The selection and negotiation committee (SNC) conducted two meetings. The first meeting short listed five firms for additional presentation and follow up interview questions at the second meeting.

The shortlisted firms were then scored and ranked:

Firm Name	Total Points
Singhofen & Associates Inc. (SAI)	450
Engineering, Design & Construction Inc. (EDC)	432
Kimley-Horn	431.5
Inwood Consulting Engineers, Inc.	421.5
B.S.E. Consultants	415.5

The SNC has made the recommendation to select Singhofen & Associates (SAI) to conduct the Stormwater Asset Inventory and Master Plan. Additionally, the SNC recommends continuing service contracts with SAI, EDC and Kimley-Horn to provide project design and construction consulting services for the capital improvement projects produced by the master plan.

ATTACHMENT:

Agendas from 2/12, 2/27/20
Ranking Sheet

ACTION OPTIONS:

Action on SNC Recommendation

TOWN OF MALABAR

REQUEST FOR QUALIFICATIONS STORMWATER ASSET MANAGEMENT MASTER PLANNING PROJECT SELECTION / NEGOTIATION COMMITTEE MEETING

THURSDAY, FEBRUARY 27, 2020 AT 8:20 AM

MALABAR TOWN HALL COUNCIL CHAMBERS
2725 MALABAR ROAD
MALABAR, FLORIDA

AGENDA

- A. CALL TO ORDER / ROLL CALL
- B. ACTION:
 - 1. **Presentation and Interviews – This portion will be closed per Florida Statutes**
 - 8:30 – 9:10 B.S.E. Consultants
 - 9:15 – 9:55 Inwood Consulting Engineers, Inc.
 - 10:00 - 10:40 Kimley Horn
 - 10:50 – 11:30 EDC, Engineer, Design & Const Inc.
 - 11:35 – 12:15 Singhofen and Associates
 - 2. **Conclude Evaluation, Scoring and Ranking – This portion will be open**
- C. ADJOURNMENT

In compliance with the Americans with Disabilities Act (ADA), anyone who needs a special accommodation for this meeting should contact the Town Clerk at 727-7764 at least 48 hours in advance of this meeting.

TOWN OF MALABAR

REQUEST FOR QUALIFICATIONS STORMWATER ASSET MANAGEMENT MASTER PLANNING PROJECT SELECTION / NEGOTIATION COMMITTEE MEETING

WEDNESDAY, FEBRUARY 12, 2020 AT 9:30 AM

MALABAR TOWN HALL COUNCIL CHAMBERS
2725 MALABAR ROAD
MALABAR, FLORIDA

AGENDA

A. CALL TO ORDER

B. APPOINTMENT OF COMMITTEE CHAIR

C. ROLL CALL

D. ACTION:

1. Review submittals by bidders to Request for Qualifications (RFQ) advertised on DemandStar until bid closing on 1/29/2020 at 3PM. Seven (7) submittals were received.

Request for Qualifications for Stormwater Asset Management Master Planning and Design. One sealed package was received on 1/28/2020 and 6 other sealed packages were received on 1/29/2020 before 3:00PM deadline.

The Committee will review the packages for compliance with RFQ directives, determine next meeting date, discuss time frame to allow applicants to present and answer questions. Next meeting will also review ratings assigned by committee members during their individual review of submittals.

- WRMA, Water Resources, 601 21st Street, Ste 300, Vero Beach, FL 32960
- MilCor Group Inc., 725 SE Port St. Lucie Blvd., #104, Port St. Lucie, FL 34984
- Kimley Horn, 189 South Orange Ave., Ste 1000, Orlando, FL 32801
- Inwood Consulting Engineers, 3000 Dovera Drive, Ste 200, Oviedo, FL 32765
- BSE Consultants, Inc., 312 S. Harbor City Blvd., Ste 4, Melbourne, FL 32901
- Singhofen and Associates, 11723 Orpington St., Ste 100, Orlando, FL 32817
- EDC, Engineer, Design & Const Inc., 10250 SW Village Parkway Ste 201, Port St. Lucie, FL 34987

E. ADJOURNMENT

In compliance with the Americans with Disabilities Act (ADA), anyone who needs a special accommodation for this meeting should contact the Town Clerk at 727-7764 at least 48 hours in advance of this meeting.

Date:	A	B	C			
<p>Town of Malabar Selection Committee RFQ - No. 20-03</p> <p>Interview Date: 2/27/20</p> <p>Clerk: Debby Franklin</p> <p>Town Manager: Matt Stinnett</p>	Qualifications of Firm and Professional Personnel	Prior/Current Performance on Projects	DBE/MBE Certification	TOTAL	RANKING	Notes
B.S.E Consultants Inc.				0		
Inwood Consulting Engineers, Inc				0		
Kimley-Horn				0		
Engineering Design Consultants, Inc				0		
Singhofen & Associates Inc. / WGI / Applied Ecology				0		
<p>SNC Committee Members: Jennifer Spagnoli, Melbourne Utilities Engineer Mike McCabe, Melbourne-Tillman Water Control District Jeff Repolti, Brevard Cty Dept of Natural Resources Engineer Roger Walter, Town of Malabar Resident Tod Mowery, Town Planner</p>						
						le:

**TOWN OF MALABAR
AGENDA ITEM REPORT**

AGENDA ITEM NO: 10.a.
Meeting Date: February 3, 2020

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

SUBJECT: Amend Art III Table 1-3.2 Second Reading of Ord 2020-02

BACKGROUND/HISTORY:

This was discussed at the January Council meeting and Council directed an ordinance be drafted to make the amendments to the Code to allow trades and services as a Permitted use instead of Conditional use and to add Garden and Pine Streets to the footnote where use uses may occur. The first reading was held on February 3, 2020.

It was routed to P&Z and that Board discussed it and issued a memo supporting Council adoption of this ordinance.

It was legally advertised and is ready for the public hearing and second reading.

ATTACHMENT:

Ordinance 2020-02
Memo from PZ Board

ACTION OPTIONS:

Action on second reading

ORDINANCE 2020-02

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE AMENDMENT TO TABLE 1-3.2 IN ARTICLE III OF THE LAND DEVELOPMENT CODE, PROVIDING FOR FINDINGS; PROVIDING FOR TRADES AND SERVICES IN COMMERCIAL GENERAL (CG) ZONING TO BE A PERMITTED USE INSTEAD OF A CONDITIONAL USE AND PROVIDING FOR THE ADDITION OF GARDEN AND PINE STREETS TO THE FOOTNOTE WHERE THESE USES ARE ALLOWED; PROVIDING FOR CODIFICATION AND REPEAL OF ORDINANCES OR PART OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The Town Council has determined it should amend the regulations to provide for trades and services within commercial general zoning as provided in Table 1-3.2 within the District Provisions of the Land Development Code.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, THAT:

Section 1. Table 1-3.2 Land Use by Districts in Article III of the Land Development Code is hereby amended to read:

"Table 1-3.2 Land Use by District

Use	<u>RR-65</u>	RS-21	RS-15	RS-10	RM-4	R-M-6	R-MH	OI	C L	CG	R/L C	IN D	CP
Trades and Skilled Services										<u>E</u> <u>P</u>		P	

..."

Section 2. Table 1-3.2 Land Use by Districts in Article III of the Land Development Code is hereby amended to provide for addition to footnote "*" That provides for the following language:

"* = These uses are permitted only on sites abutting Babcock Street, US 1, West Railroad Avenue, Garden Street and Pine Street.

Section 3. Codification.

It is the intention of the Town Council of the Town of Malabar, Brevard County, Florida, that Article III, District Provisions, Table 1-3.2 be codified into the next supplement update of the Land Development Code of the Town of Malabar, Florida.

Section 4. Severability.

In the event a court of competent jurisdiction shall hold or determine that any part of this ordinance is invalid or unconstitutional, the remainder of the ordinance shall not be affected, and it shall be presumed that the Town Council of the Town of Malabar did not intend to enact such invalid or unconstitutional provision. It shall further be assumed that the Town Council would have enacted the remainder of this ordinance without said invalid or unconstitutional provision, thereby causing said remainder to remain in full force and effect.

Section 5. Conflicts.

All ordinances or parts thereof in conflict herewith are hereby repealed to the extent of such conflict with this Ordinance.

Section 6. Effective Date.

This ordinance shall take effect immediately upon its adoption.

This ordinance was moved for adoption by Council Member _____ . This motion was seconded by Council Member _____ , and being put to a vote, the vote was as follows:

- Council Member 1 Grant Ball _____
- Council Member 2 Brian Vail _____
- Council Member 3 Steve Rivet _____
- Council Member 4 David Scardino _____
- Council Member 5 Danny White _____

This Ordinance will be declared duly passed and adopted this _____, 2020.

TOWN OF MALABAR

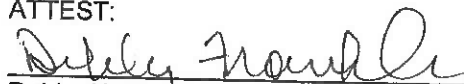
By:

Mayor Patrick T. Reilly, Council Chair

1st Reading: 2/3/2020
2nd Reading: _____

(seal)

ATTEST:



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

Approved as to Legal Sufficiency:

Karl W. Bohne, Jr., Town Attorney

TOWN OF MALABAR

MEMORANDUM

Date: February 24, 2020

20-BDM-010

To: Town Council
Debby Franklin, Town Clerk/Treasurer

From: PZ Board
Denine M. Sherear, Building Department Manager DS

Ref: Review & Make Recommendation to Council on Ordinance 2020-02 providing an amendment to Table 1-3.2 in Article III changing the *Trades and Services* use from *Conditional* to *Permitted* in Commercial General (CG) and adding Garden and Pine Streets to the footnote.

At the Planning and Zoning Meeting of 02/12/2020 the Board discussed the Action Item Proposed by Council of Ordinance 2020-02. After a brief discussion amongst the Board, Chair, Wayne Abare and PZ Board Members made the following Motion:

Motion: Foster / Hofmeister Recommend to Council Ordinance 2020-02 providing an amendment to Table 1-3.2 in Article III changing the Trades and Services use from Conditional to Permitted in Commercial General (CG) and adding Garden and Pine Streets to the footnote.

Roll Call: Foster; Aye, Abare; Aye, Dial; Aye, Ritter; Aye, Hofmeister; Aye

Motion: passed 5 to 0

**TOWN OF MALABAR
AGENDA ITEM REPORT**

AGENDA ITEM NO: 10.b.
Meeting Date: February 03, 2020

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

SUBJECT: Action on Road Improvement Waiver Request – Rivet Lane

BACKGROUND/HISTORY:

Ord 2020-01 was adopted to provide a waiver process for applicants to follow when dealing with the requirements for road improvements. It gives Council authority to grant "waivers" to the strict requirements.

In this case, only the property owners on the east side of Rivet Lane ever dedicated right-of-way for road purposes. There are currently three homes, all on the east side of the lane. The applicant proposes to improve the road in a similar fashion to what is in existence far enough north to gain access to their lot and develop their home.

The travelway currently is 11 feet. The Code requires 18 feet. They are requesting a waiver of 3 feet so they can build a 15-foot wide roadway.

They will improve approximately 425 feet of the road from its current terminus north far enough in front of their lot 4 (parcel 268) to construct their driveway. The road right-of-way ceases at the north end of their parcel. It would serve no public purpose to require the applicant to develop a road that dead ends at the end of their parcel.

They are requesting a waiver to the requirement of '*developing the road to the furthest point of the parcel to be developed*' - a waiver to the improvement requirement for approximately 175 feet in front of lot 4.

The applicant will use the guidelines developed by the Town Engineer to improve the roadway within the existing right-of-way.

ATTACHMENT:

Waiver application – Rivet Lane

ACTION OPTIONS:

Action on waiver request

Brevard County Property Appraiser



February 25, 2020

To Be improved

0
1
0

2848
Eigh

For

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

TOWN OF MALABAR

FEB 07 2020

RECEIVED

RIGHT OF WAY (ROW)
ROAD IMPROVEMENT WAIVER APPLICATION

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

Name of Applicant(s) Chris & Nicole Wilkerson Tel: 314-560-6683
Mailing Address: 3063 Forest Creek Dr. Melbourne, FL 32901 Email: cnwilkerson08@gmail.com

Name of Owner if other than Applicant: _____ Tel: 8

Legal description of property covered by application:

Township 29, Range 37, Section 01, Parcel 268, Road ROW Name Rivet Lane

Property Address: NONE ASSIGNED Zoning classification 0009

Existing Special Conditions or Conditional Uses Previously Granted: NONE

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

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

Our property is the last on the ROW. There is privately owned property behind us, past the end of ROW. ~~There is no need~~ to develop 200-ft. of a road that goes nowhere. Also, Rivet Lane has functioned as an 11-ft. wide road for almost 40 years. We are asking to be able to improve our section of road as 15 feet wide instead of 18 ft. wide and be able to stop the road improvement 15 feet past the start of our parcel.

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

Cluide R. Walker 2/7/20
Applicant(s) Date

FEB 07 2020

RECEIVED

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

Please complete only one of the following:

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

Signature of Applicant(s) _____ Date _____

Sworn and subscribed before me this _____ day of _____, 20____ by _____

Notary Seal

Signature of Notary Public _____

Notary Public, State of Florida

Commission No. _____ My Commission Expires _____

Personally Known _____ OR Produced Identification _____ Type: _____

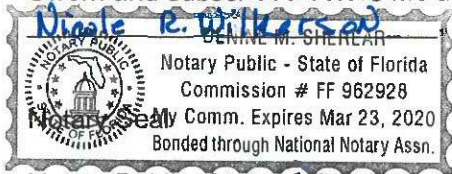
-----OR-----

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

Nicole R. Wilkerson
Signature of Applicant(s)
Nicole R. Wilkerson

2/7/20
Date

Sworn and subscribed before me this 7 day of February, 2020 by _____



Dominic M. Sherwood
Signature of Notary Public

Notary Public, State of Florida

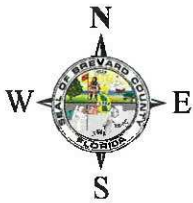
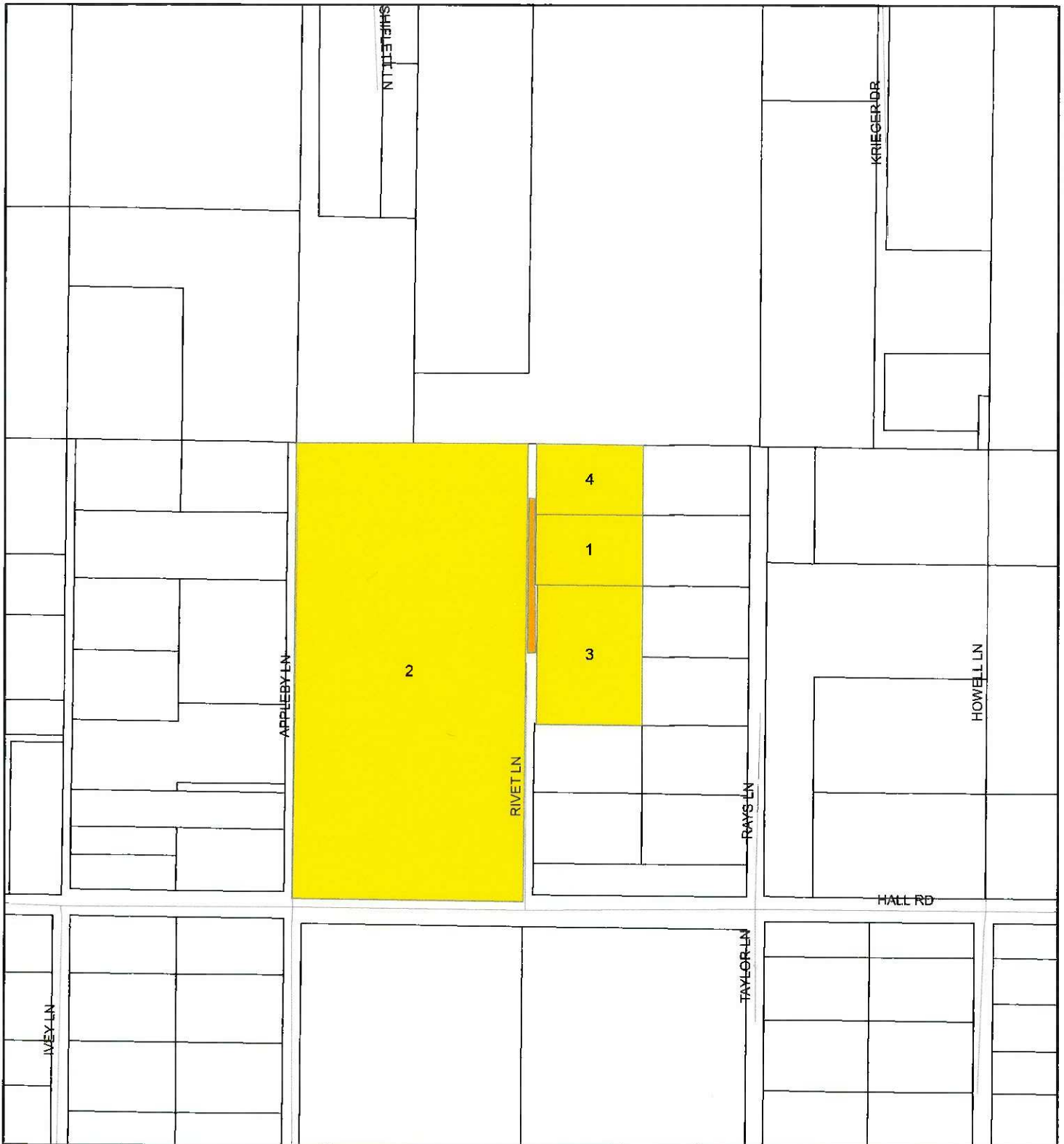
Commission No. FF962928 My Commission Expires MAR 23, 2020

Personally Known _____ OR Produced Identification Type: FL DL

RADIUS MAP

NICOLE WILKERSON

wilkerson15







1:4,800 or 1 inch = 400 feet

Buffer Distance: 15 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: 2/6/2020

-  Buffer
-  Subject Property
-  Notify Property
-  Parcels

**TOWN OF MALABAR
AGENDA ITEM REPORT**

**AGENDA ITEM NO: 10.c.
Meeting Date: March 2, 2020**

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

SUBJECT: Action on Notice – Reconsider Appointment of Charles Ryan to Board of Adjustment

BACKGROUND/HISTORY:

Charles "Bud" Ryan was appointed to fill an opening on the Board of Adjustment (BOA) at the RTCM of 11/18/19 with Reso 22-2019.

ATTACHMENT:
Notice of Charge

ACTION OPTIONS:
Action on Notice



2725 Malabar Road
Malabar, FL 32950
321-727-7764 (Office) 321-727-9997 (Fax)
www.townofmalabar.org

February 19, 2020

Certified Mail: #7012 0470 0001 7595 545649

Charles Ryan
1823 Howell Lane
Malabar, FL 32950

Notice of Hearing

Mr. Ryan:

Council will consider taking action on your recent appointment to the Board of Adjustment per Resolution 22-2019, dated November 18, 2019, at their regular Town Council meeting of March 2, 2020.

Since the Board of Adjustment is a quasi-judicial board, impartial and unbiased hearings are imperative. Your recent behavior has raised the question on your ability to be impartial and unbiased.

Malabar Town Code, Section 2-211, subsection (a) states that "... all appointments are within the sole and absolute discretion of the Town Council."

Malabar Town Code, Section 2-211, subsection (b) states that "... any member may be removed from office for cause by the Town Council upon written charge and public hearing."

The charge is as follows:

- On January 7, 2020 you were driving a vehicle with a passenger and stopped at 905 Highway 1, Malabar, Florida. Your passenger, Dawn Danielson, was trespassed by Brevard County Sheriff's Department for an incident on that property, the location of the Yellow Dog Café on that date.
- On January 8, 2020, you were trespassed by Brevard County Sheriff's Department for doing a burnout in your vehicle on the new asphalt at that same business.

It is alleged that Mr. Ryan committed an act or acts of malfeasance, misfeasance and/or violated the Town's Code of Conduct.

a. Code of Conduct provides, in part:

i. I will avoid conflicts of interest and avoid using my official position for personal, professional, or partisan gain.

ii. I will demonstrate dignity, respect, and courtesy toward those whom I am in contact with in my capacity as an appointed board or committee member. I will refrain from

intimidation and ridicule of fellow board or committee members, town council members, town administrator, town attorney, staff, citizens of the town, members of the public, vendors of the town and those conducting business with the town.

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

iv. I will respect diversity and encourage the open expression of divergent ideas and opinions from fellow board or committee members, town council members, town administrator, town attorney, staff, citizens of the town, members of the public, vendors of the town and those conducting business with the town.

v. I will refrain from any individual action that could compromise lawfully authorized decisions of the town or the integrity of the town and my fellow board or committee members. I will delineate clearly for any audience whether I am acting or speaking as an individual citizen or in my capacity as a town board or committee member.

vi. I will abide by all laws of the state applicable to my conduct as a member of the town council, including, but not limited to, the government in the Sunshine Law, the Florida Public Records Law, the Florida Code of Ethics for Public Officers, and town rules of procedure and codes of conduct.

vii. I will be accountable to the Town Council for violations of this code of conduct.

Applicant Certification

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

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

- Malabar Code of Conduct
- Code of Ethics for Public Officials (F.S., Chapter 112, Part III)
- Florida Sunshine Law (F.S., Chapter 286)

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

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

C. Ryan
Signature

11/19/19
Date

**TOWN OF MALABAR
AGENDA ITEM REPORT**

AGENDA ITEM NO: 12.a.
Meeting Date: March 03, 2019

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

SUBJECT: Approve Resolution 02-2020 Amending Administrative Fees

BACKGROUND/HISTORY:

Council approved the ordinance that provided applicants with a method to apply for a Road Improvement Waiver. The process still requires notification of adjacent property owners and a legal advertisement before a Public Hearing is scheduled so there are costs involved for the Town.

The Administrative Fee Resolution now includes a \$300.00 fee for a residential application and a \$1,500.00 fee for a commercial application.

ATTACHMENTS:

Resolution 02-2020

ACTION OPTIONS:

Approve Reso 02-2020.

RESOLUTION 02-2020

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PERTAINING TO THE AMENDMENT OF ADMINISTRATIVE AND PERMIT FEES REQUIRED TO BE ESTABLISHED BY VARIOUS ORDINANCES OF THE TOWN OF MALABAR; PROVIDING FOR AN APPLICATION FEE TO NAME A NEW STREET OR RENAMING AN EXISTING STREET; PROVIDING FOR AN APPLICATION FEE WHEN REQUESTING A LAND USE DECISIONS AND/OR ACTION NOT OTHERWISE COVERED BY THE ADMINISTRATIVE FEE SCHEDULE WITH REGARDS TO LAND DEVELOPMENT MATTERS; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Malabar's Code of Ordinances requires assessment of various administrative and permit fees; and

WHEREAS, the Town of Malabar's Ordinances and Land Development Code require that the Town Council for the Town of Malabar impose said administrative fees; and

WHEREAS, the Town Council of the Town of Malabar has determined that a revision to the administrative fee schedule is appropriate to update fees to cover the actual costs of professional review, administrative time, legal advertising and mailing costs for notices.

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

SECTION 1. ADMINISTRATIVE FEES. The Town of Malabar does hereby revise administrative fees in accordance with the Town of Malabar's Code of Ordinance and Land Development Code to more accurately reflect the actual costs in 2019.

A.

Conditional Use Permit Application	\$175.00 plus site plan review fee
Contractor Registration Fee:	\$40.00
Culvert Permit:	\$100.00 plus actual engineering
Development Agreement:	\$500.00
Dirt Road Construction Application:	Street Length up to 200 feet - \$800.00
	Street Length up to 400 feet - \$825.00
	Street Length up to 600 feet - \$890.00
	Street Length up to 800 feet - \$930.00
	Street Length up to 1000 feet -
	\$1010.00
	Street Length up to 1200 feet -
	\$1080.00 Street Length up to 1400 feet
	- \$1120.00
Final Plat S/D Review:	\$1,200.00
Future Land Use Map Designation Change:	\$300.00 plus rezoning fee
Golf Cart Registration	One time fee and no renewal fee

Land Clearing:	\$100.00 for the 1st acre plus \$10.00 per additional acre or portion thereof
Planned Unit Development (PUD) review:	\$900.00 plus \$40.00 per acre
Planned Unit Development (PUD) final:	\$900.00 plus \$40.00 per acre
Pond Permit:	Engineering costs only for ponds <1/4 acre; \$25.00 per 1000 sq. ft. of pond area for ponds over 1/4 acre in size plus engineering costs
Pre-Construction Conference for S/D or Commercial Development	\$300.00
Preliminary Plat S/D Review	\$1,500.00
Request for Council Action on an Item not specifically provided for in the administrative fee schedule regarding matters of land development	\$300.00
Residential lot fill permits:	\$100.00
Rezoning Request: Commercial	\$1,500.00 for the 1st acre plus \$10.00 per each additional acre or portion thereof
Rezoning Request: Residential	\$625.00 for the 1st acre plus \$10.00 per each additional acre or portion thereof
<u>Road Improvement Waiver Application - Commercial Purposes</u>	\$1,500.00
<u>Road Improvement Waiver Application - Residential Purposes</u>	\$300.00
Road Naming / Renaming Requests:	\$50.00
Road Vacate and Abandonment Requests:	\$425.00
Site Plan minor modification	\$150.00
Site Plan Pre-Application Conference (mandatory): except SFR	\$500.00
Site Plan Review:	\$900.00 for 1st acre plus \$50 for each additional acre or portion of acre \$175.00 plus site plan review fee
Special Exception:	
Subdivision S/D or Commercial Development Pre-Application Conference (mandatory)	\$1,500.00
Tree Removal – Multiple	\$150.00 plus mitigation
Tree Removal - Type IV Permit - dead, diseased or in fire buffer	No Charge
Variance Request to Board of Adjustment: Commercial	\$1,750.00
Variance Request to Board of Adjustment: Residential	\$800.00
Written zoning verification or for the availability of Town Services	\$50.00

B. No permit, certificate, or other related document, and no inspections, public notice, or other action shall be instituted until such fees, costs, and charges have been paid. When in accordance with Town codes, a fee is paid, and registration submitted, there shall be no return or rebate of any funds so received, regardless of the Town's determination in the subject matter. All fees, costs, and charges shall be, upon collection, deposited in the appropriate fund of the Town.

SECTION 2. CONFLICTS. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict with this resolution.

SECTION 3. SEVERABILITY. In the event a court of competent jurisdiction shall hold or determine that any part of this resolution is invalid or unconstitutional, the remainder of the resolution shall not be affected, and it shall be presumed that the Town Council of the Town of Malabar did not intend to enact such invalid or unconstitutional provision. It shall further be assumed that the Town Council would have enacted the remainder of this resolution without said invalid or unconstitutional provision, thereby causing said remainder to remain in full force and effect.

SECTION 4. EFFECTIVE DATE. This Resolution shall take effect immediately upon passage.

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 Grant Ball ____

Council Member Brian Vail ____

Council Member Steve Rivet ____

Council Member David Scardino ____

Council Member Danny White ____

This Resolution was then declared to be duly passed and adopted this _____nd day March 2020.

TOWN OF MALABAR

By:

ATTEST:

Mayor Patrick T. Reilly, Council Chair

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

(seal)

Approved as to Form and Content:

Karl W. Bohne, Jr.,
Town Attorney

**TOWN OF MALABAR
AGENDA ITEM REPORT**

AGENDA ITEM NO: 12.b.
Meeting Date: March 03, 2019

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

SUBJECT: Adopt Resolution 03-2020 Supporting Complete Count 2020

BACKGROUND/HISTORY:

Council is asked to support the ten-year census process. Encourage your neighbors in the community to participate. The formula for State revenues is based on population. Due to the recession, we actually lost population and just started regaining it in 2010. This count will be a true indication of how much we have grown.

Staff will attend the next Complete County Committee meeting later this week.

ATTACHMENTS:

Resolution 03-2020
Informational sheets from the Census
Email from Complete Count Committee

ACTION OPTIONS:

Approve Reso 03-2020.

RESOLUTION 03-2020

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, SUPPORTING THE 2020 CENSUS; PROVIDING FOR COMMITMENT TO SUPPORT THE GOALS AND IDEALS OF THE 2020 CENSUS; COMMITTING TO ENCOURAGE PARTICIPATION BY CITIZENS AND ASSISTANCE TO CENSUS TAKERS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the U.S. Census Bureau is required by the U.S. Constitution to conduct a count of the population, and provides a historic opportunity to help shape the foundation of our society and play an active role in American democracy; and

WHEREAS, Malabar is committed to ensuring every resident is counted; and

WHEREAS, federal and state funding is allocated to communities, and decisions are made on matters of national and local importance based, in part, on census data and housing; and

WHEREAS, census data helps determine how many seats each state will have in the U.S. House of Representatives and is necessary for an accurate and fair redistricting of state legislative seats, county and city councils, and voting districts; and

WHEREAS, information and data from the 2020 Census and American Community Survey are vital tools for economic development and increased employment; and

WHEREAS, the information collected by the Census is confidential and protected by law; and

WHEREAS, a united voice from business, government, community-based and faith-based organizations, educators, media and others will enable the 2020 Census message to reach more of our citizens.

NOW, THEREFORE, BE IT RESOLVED that the Town of Malabar Council does hereby commit to partnering with the United States Census Bureau, and will:

1. Support the goals and ideals for the 2020 Census and will disseminate 2020 Census information.
2. Encourage all County residents to participate in events and initiatives that will raise the overall awareness of the 2020 Census and increase participation.
3. Support census takers as they help our County complete an accurate count.
4. Strive to achieve a complete and accurate count of all persons within our borders.

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 Grant Ball _____

Council Member Brian Vail _____

Council Member Steve Rivet _____

Council Member David Scardino _____

Council Member Danny White _____

This Resolution was then declared to be duly passed and adopted this 2nd day March 2020.

TOWN OF MALABAR

By:

ATTEST:

Mayor Patrick T. Reilly, Council Chair

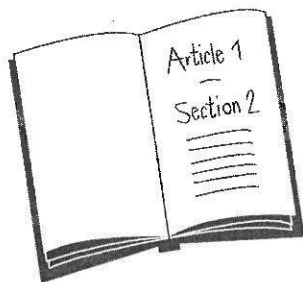
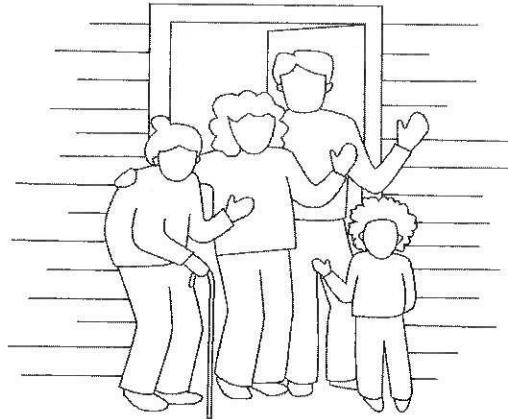
Debby Franklin, C.M.C.
Town Clerk/Treasurer

CENSUS 101: WHAT YOU NEED TO KNOW

The 2020 Census is closer than you think!
Here's a quick refresher of what it is and why it's essential that everyone is counted.

Everyone counts.

The census counts every person living in the United States once, only once, and in the right place.

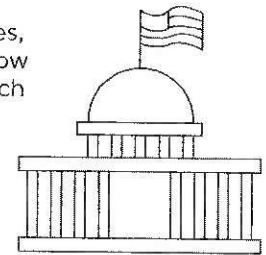


It's in the Constitution.

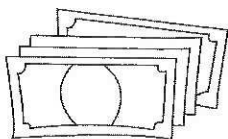
The U.S. Constitution mandates that everyone in the country be counted every 10 years. The first census was in 1790.

It's about fair representation.

Every 10 years, the results of the census are used to reapportion the House of Representatives, determining how many seats each state gets.

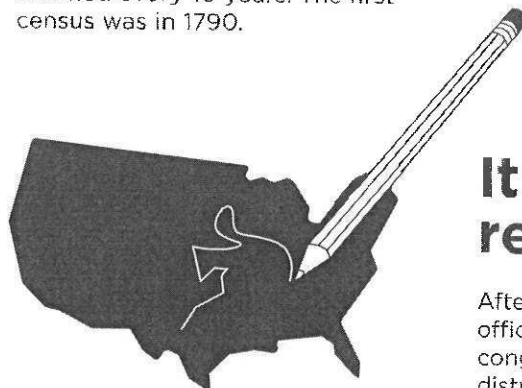


It's about \$675 billion.



The distribution of more than \$675 billion in federal funds, grants, and support to states, counties, and communities are based on census data.

That money is spent on schools, hospitals, roads, public works, and other vital programs.

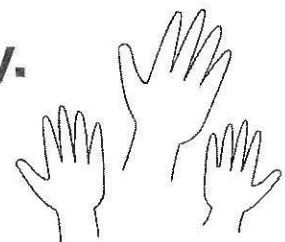


It's about redistricting.

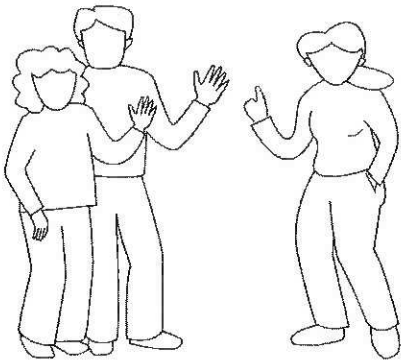
After each decade's census, state officials redraw the boundaries of the congressional and state legislative districts in their states to account for population shifts.

Taking part is your civic duty.

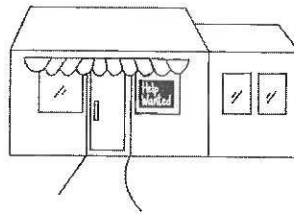
Completing the census is mandatory: it's a way to participate in our democracy and say "I COUNT!"



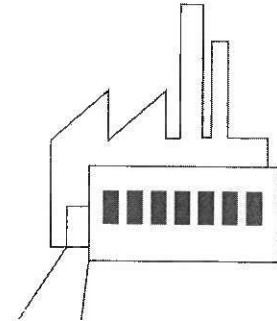
Census data are being used all around you.



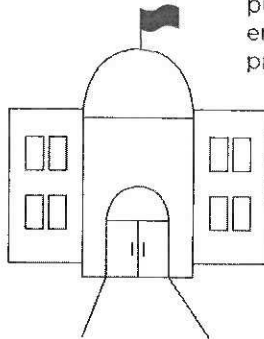
Residents use the census to support community initiatives involving legislation, quality-of-life, and consumer advocacy.



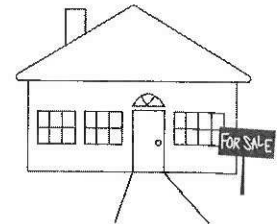
Businesses use census data to decide where to build factories, offices, and stores, which create jobs.



Local governments use the census for public safety and emergency preparedness.



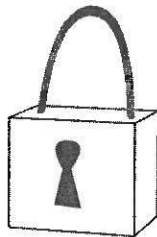
Real estate developers use the census to build new homes and revitalize old neighborhoods.



Your privacy is protected.

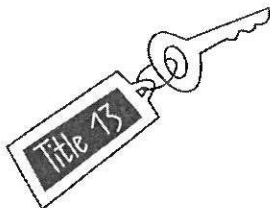
It's against the law for the Census Bureau to publicly release your responses in any way that could identify you or your household.

By law, your responses cannot be used against you and can only be used to produce statistics.



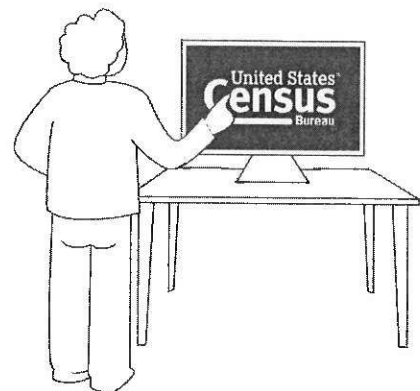
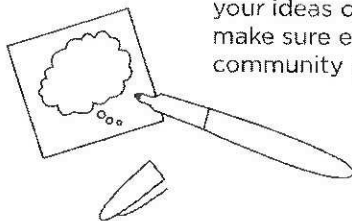
2020 will be easier than ever.

In 2020, you will be able to respond to the census online.



You can help.

You are the expert—we need your ideas on the best way to make sure everyone in your community gets counted.



United States[®]
Census
Bureau

FIND OUT HOW TO HELP AT
[2020CENSUS.GOV/PARTNERS](https://2020census.gov/partners)

United States[®]
Census
2020

2020 Census: Make sure Malabar is part of the Complete Count

Amanda Wilhelm <amanda@brevardcounts.org>

Mon 2/24/2020 2:51 PM

To: Matt Stinnett <TownManager@townofmalabar.org>

Cc: Debby Franklin <townclerk@townofmalabar.org>; Pat Reilly <mayor@townofmalabar.org>; Rob Rains <rrains@uwbrevard.org>; 'Wayne Price' <Wayne.Price@schfbrevard.org>; Steve Crisafulli (steve@stevecrisafulli.com) <steve@stevecrisafulli.com>; 'Mike Haridopolos' <mike@mhflorida.com>

 1 attachments (74 KB)

2020CensusResolutionBrevardCounty.docx;

Dear Mr. Stinnett:

My name is Amanda Wilhelm, and I have been hired by the United Way of Brevard and Space Coast Health Foundation to assist them with their 2020 Census outreach. We are writing you on behalf of Mike Haridopolos, former president of the Florida State Senate, and Steve Crisafulli, former Speaker of the Florida House of Representatives, Brevard County's chairmen for the Complete Count Committee for the 2020 Census. They are both hard at work in Tallahassee for the legislative session, so we would like to appeal to you on their behalf.

As a leader of our community you undoubtedly understand how critical it is that we engage all of our citizens to complete the census and inform them how crucial each and every person's participation is so the more than \$675 billion federal dollars at play can be appropriately allocated to our county and improve our healthcare, education, transportation, infrastructure, etc.

We are asking for your assistance in spreading this message by passing a census resolution at your next council meeting to impart on your town's citizens how important the census truly is. I have attached to this email a sample resolution for your reference. Additionally, would you be willing to include verbiage on your website or in your mailings and allow us to place signage in your offices? If so, would you be able to give us an idea of the type and quantities of materials you would like?

Lastly, we encourage you to appoint representatives to sit on our Brevard Complete Count Committee for the 2020 Census to keep updated with the latest information and to provide input from your perspective. The next meeting will be held at the Space Coast Health Foundation Center for Collaboration at 2-3 p.m. Thursday, March 5.

Brevard Complete County Committee members Matt Reed, assistant superintendent of Brevard Public Schools, and Don Walker, Brevard County communications director, are leading communications efforts throughout the county but need your support to further disseminate the message.

Mike and Steve, along with us, sincerely appreciate any assistance you can provide our committee, and we look forward to working with your town to make this decade's census a great success.

Amanda Wilhelm, Esq. / 2020 Census Correct Count Brevard Project Manager

Sponsored by United Way of Brevard / Space Coast Health Foundation

1100 Rockledge Blvd, Rockledge, FL 32955 / cell: 954.850.2582

/ <https://www.facebook.com/CorrectCountBrevardCoalition2020/>

**TOWN OF MALABAR
AGENDA ITEM REPORT**

AGENDA ITEM NO: 12.c.
Meeting Date: March 03, 2019

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

SUBJECT: Adopt Resolution 04-2020 Authorizing Loan Application

BACKGROUND/HISTORY:

Council is asked to authorize the application for funding by the Florida Department of Environmental Protection Agency Revolving Loan Program in order get State funding in the next cycle to pay for the Master Plan. Council had approved going forward for these funds in the current budget for the estimated cost of \$190,000.00.

The *Notice to Affected Parties* document I sent out separately identifies Malabar as an applicant. We intend to pledge the revenues from the Storm Water Utility to repay this loan if and when required. As explained in the original presentation, many times these revolving loans by DEP are "forgiven" before repayment is due.

In order to meet the deadline requirements, we must submit this resolution and a legal statement from the Town Attorney that we have the authority to increase the non-ad valorem rates per Florida Statute 197 as we did in 2017.

ATTACHMENTS:

Resolution 04-2020

ACTION OPTIONS:

Approve Reso 04-2020.

RESOLUTION 04-2020

A RESOLUTION OF TOWN OF MALABAR, FLORIDA, RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING THE LOAN APPLICATION; AUTHORIZING THE LOAN AGREEMENT; ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.”

WHEREAS, Florida Statutes provide for loans to local government agencies to finance the construction of wastewater treatment facilities; and

WHEREAS, Florida Administrative Code rules require authorization to apply for loans, to establish pledged revenues, to designate an authorized representative; to provide assurances of compliance with loan program requirements; and to enter into a loan agreement; and

WHEREAS, the State Revolving Fund loan priority list designates Project No. CWSRF 05140 as eligible for available funding; and

WHEREAS; the Town of Malabar, Florida, intends to enter into a loan agreement with the Department of Environmental Protection under the State Revolving Fund for project financing.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MALAAR, FLORIDA, AS FOLLOWS:

SECTION I. The foregoing findings are incorporated herein by reference and made a part hereof.

SECTION II. The Town of Malabar, Florida, is authorized to apply for a loan to finance the Project.

SECTION III. The revenues pledged for the repayment of the loan are the Malabar Stormwater Utility revenues. There are no senior liens.

SECTION IV. The Town Manager is hereby designated as the authorized representative to provide the assurances and commitments required by the loan application.

SECTION V. The *Mayor* is hereby designated as the authorized representative to execute the loan agreement which will become a binding obligation in accordance with its terms when signed by both parties. The *Mayor* is authorized to represent the Town in carrying out the Town's responsibilities under the loan agreement. The *Mayor* is authorized to delegate responsibility to appropriate Town staff to carry out technical, financial, and administrative activities associated with the loan agreement.

SECTION VI. The legal authority for borrowing monies to construct this Project is 166.111, Florida Statutes.

SECTION VII. All resolutions or part of Resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION VIII. If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

SECTION IX. This Resolution shall become effective immediately upon its passage and 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 Grant Ball	_____
Council Member Brian Vail	_____
Council Member Steve Rivet	_____
Council Member David Scardino	_____
Council Member Danny White	_____

This Resolution was then declared to be duly passed and adopted this 2nd day March 2020.

TOWN OF MALABAR
By:

ATTEST:

Mayor Patrick T. Reilly, Council Chair

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

Approved as to Form and Content:

Karl W. Bohne, Jr.,
Town Attorney