



REGULAR TOWN COUNCIL MEETING

Monday, February 3, 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. **Approve Minutes of Regular Town Council Meeting Minutes of 01/14/2019**
Exhibit: Agenda Report Number 4a

Attachments:

- Agenda Report Number 4a (TownCouncilMinutes0114_2020draft_sw.pdf)

- b. **Approve Minutes of Town Council Workshop of 01/27/2019**
Exhibit: Agenda Report Number 4b

Attachments:

- Agenda Report Number 4b (TownCouncilMinutes0127_2020ws_sw.pdf)

- c. **Approve Selection and Qualification Committee for RFQ 20-03**
Exhibit: Agenda Report Number 4c

Attachments:

- Agenda Report Number 4c (SNC_MEMO_sw.pdf)

- d. **Approve Quote for Building Department Updrages**
Exhibit: Agenda Report Number 4d

Attachments:

- Agenda Report Number 4d (Consent_Agenda_4d_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. Manager
 - b. Public Works Director
 - c. Clerk
 - d. Fire Chief

9. PUBLIC COMMENTS

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

Five (5) Minute Limit per Speaker

10. PUBLIC HEARINGS (1) / SPECIAL ORDERS

a. Ordinance 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 Number 10a

Attachments:

- Agenda Report Number 10a (Agenda_Item_10a_2020013009383622_sw.pdf)

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

(RECOMMENDATIONS FROM BOARDS, HOA REQUESTS, RESIDENT GRIEVANCES)

a. Approve Temporary Trailer at 2295 McCain Lane

Exhibit: Agenda Report Number 11a

Attachments:

- Agenda Report Number 11a (Agenda_Report_11a_sw.pdf)

12. ACTION ITEMS: ORDINANCE FOR FIRST READING: 1

a. Ordinance 2020-02 - Amend Article III, District Provisions, Table 1-3.

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE AMMENDMENT 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 ORDINANCE IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report Number 12a

Attachments:

- Agenda Report Number 12a (Agenda_Item_12a_2020013009392032_sw.pdf)

COUNCIL CHAIR MAY EXCUSE ATTORNEY AT THIS TIME

13. DISCUSSION/POSSIBLE ACTION

14. PUBLIC COMMENTS

General Items (Speaker Card Required)

15. REPORTS - MAYOR AND COUNCIL MEMBERS

16. ANNOUNCEMENTS

(1) Vacancy on the Planning and Zoning 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
JANUARY 14, 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 Scardino 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 Fire Chief Mike Foley was also present.

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

4. CONSENT AGENDA: Town Council Mtg Minutes of 12/2 & 12/5/2019

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

5. ATTORNEY REPORT: not present

6. BCSO REPORT: Lt. Cline not present - Sgt Roberts gave report.

7. BOARD / COMMITTEE REPORTS:

7.a. Drew Thompson, Chair, T&G Com: had a work event – mesh material replaced carpet on trails with 30 volunteers. The ENT trailhead is still a go; plans supported by Oakmont Preserve HOA; have requested line locates before digging; Bob Wilbur is spearheading the culvert install. Getting a fence up ASAP to identify it as closed until it is complete. TPO selected three of the seven projects that had been presented for support.

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: Noted that PW Director will be giving an annual report on accomplishments in 2019 at next RTCM. Then will be going to Tallahassee in late February and meet with Bill Barrett to request funding be tacked onto existing bills.

8.b. PW DIRECTOR: submitted written report.

8.c. FIRE CHIEF: Gave brief report. Pancake Breakfast January 18.

8.d. CLERK: Nothing.

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**

10. PUBLIC HEARINGS/SPECIAL ORDERS: 0

11. UNFINISHED BUSINESS/GENERAL ORDERS:

11.a. Agenda Item Request by Kim Frodge – 2715 Garden St., Commercial General Zoning
Exhibit: Agenda Report No. 11.a.

Kim Frodge introduced herself and thanked Council for their assist over the last eight years while she operated Nanna's House Thrift shoppes in Malabar. She has moved to Babcock

Street and is selling their property on Garden Street. Bill Buckman is the potential buyer, with ASAP. He started S.O.S. in 1995 and sold it in 2005. She is asking to add Garden and Pine Streets in the footnote for trades and services and change the use from conditional to permitted.

MOTION: CM White / CM Vail to have staff draft the amendments into an ordinance and route it to P&Z for a recommendation.

VOTE: All Ayes.

12. ACTION ITEMS: ORDINANCES FOR FIRST READING: 1

Read by title Only.

12.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. 12.a.

MOTION: CM Vail / CM Rivet to approve first reading of Ord 2020-01 as submitted.

Discussion: CM Vail mentioned concern about enforcement and time limits. CM Rivet said Councils would not be granting waivers willie willie. CM Vail also had concern about environmental issues, suggesting added words; properties *that can't be mitigated*. Clarify that it is impossible – take it out or say where for example where *mitigation is not possible*. *Don't create a problem by allowing it. Today's wetlands may not be tomorrows.*

Council consensus to add additional language before second reading.

Rollcall VOTE: CM Ball, Aye; CM Vail, Aye; CM Rivet, Aye; CM Scardino, Aye; CM White, Aye.

Motion carried 5 to 0.

RESOLUTIONS: 1

12.b. Reso to Appoint Member to Planning & Zoning Board (Reso 1-2020) A

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

Exhibit: Agenda Report No. 12.b.

Read by title only.

MOTION: CM Rivet / CM Vail to approve Reso 1-2020.

Rollcall VOTE: CM Ball, Aye; CM Vail, Aye; CM Rivet, Aye; CM Scardino, Aye; CM White, Aye.

Motion carried 5 to 0.

Mayor then swore in Jeff Rinehart.

MISCELLANEOUS: 0

13. DISCUSSION/POSSIBLE ACTION: 0

14. PUBLIC COMMENTS: General Items (Speaker Card Required) 1

Richard Kovach: read from paper.

15. REPORTS – MAYOR AND COUNCIL MEMBERS

CM Ball: is happy to see the meeting happening in Tallahassee. If we can get relief for taxes we are losing in industrial park.

CM Vail: nothing

CM Rivet: regarding Yellow Dog rezoning – Borton’s efforts to annexing to Palm Bay. Decision to deny that is going to blow up in our face. By prohibiting something we don’t like, we may get something we like even less.

CM White: thanked Drew for putting up the other side of the Marie Street trailhead sign. Gave update on the short-term rental bills being considered in Tallahassee and why they should be opposed. CM Ball said he does not see it as a positive. He has problems with any chinks in the home rule power.

CM Scardino: He doesn’t think we can stop it.

Mayor: WS on 1/27 and next RTCM on 2/3/2020.

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 8:30 PM.

BY: _____
Mayor Patrick T. Reilly, Council Chair

ATTEST:

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

Date Approved: 2/3/2020

DRAFT

MALABAR COUNCIL WORKSHOP MEETING
January 27, 2020 7:00 PM

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

A. CALL TO ORDER:

The meeting was called to order at 7:00 pm with P&P led by Chair Mayor Reilly.

B. COUNCIL:

COUNCIL CHAIR:	MAYOR PATRICK T. REILLY
VICE-CHAIR:	STEVE RIVET
COUNCIL MEMBERS:	GRANT BALL
	BRIAN VAIL
	DAVID SCARDINO
	DANNY WHITE
MANAGER:	MATT STINNETT
ATTORNEY:	KARL BOHNE
DEPUTY CLERK:	RICHARD KOHLER
CLERK/TREASURER:	DEBBY FRANKLIN, excused

Deputy Clerk said for the record the Fire Chief Mike Foley was also present.

C. WORKSHOP Continuation of Potential of Impact Fees or Special Assessments

Chair turned over to TM.

Question Council asked was what is the cost benefit – cost to do the study compared to anticipated revenue.

Mayor has 2 questions. Why does Malabar need impact fees, and what areas would Malabar benefit from impact fees?

Town Manager gave a brief description on what impact fees are. Malabar already benefits from a County wide transportation impact fee. Impact fees can not be used for maintenance, only to benefit new residents. Stormwater has been proven to be difficult for impact fees.

Council Member Scardino suggests we use an impact fee to upgrade Town Hall.

Council Member White states that a new resident will not receive a direct impact from a new Town Hall. Just because we would like the extra income, does not mean we can impose impact fees. If there were a justifiable impact fee it would be stormwater.

Council Member Scardino suggests an impact fee for lights in front of the Fire Department.

Council Member Rivet states that is on a state road and is out of our jurisdiction.

Council Member Ball suggests an impact fee for roads, each lot that is developed required 50-100 loads of fill delivered by dump trucks, which impacts the road. Goes on to say the fee for a study is greater than anything we will get in return in 4 years.

Council Member Vail asks what is the criteria for a special assessment?

Council Member Rivet says that also must benefit the people paying for it.

Attorney Bohne describes a failed Palm Bay special assessment from the 1990's. Its very hard to pin point who specifically benefits from these.

Council Member Rivet says if we are going to do a special assessment, lets discuss where it could be used.

Town Manager says we are beginning our stormwater master plan, and we will break it up into small sections in the town. Possibly this could be used as a special assessment. Right now, impact fees don't seem like a good fit for Malabar. In the future, we may be able to easily differentiate specific districts that will benefit from a special assessment. We're trying to attract a wide variety of new building (residential and commercial) and extra fees may drive prospective builders away.

Council Member Rivet states residential development does not pay for itself. Do we want to encourage residential building?

Council Member Scardino asks if when people build here, does it cost us money?

Town Manager says big picture, yes.

Council Member Vail brings up Fire Department, parks and Public Works. As the community grows, these organizations must grow with it.

Town Manager says we are way above our required threshold for parks land in Malabar.

Attorney Bohne says some communities require new building to contribute to a park fund or build their own park area.

Council Member White reminds everyone this is talking about developers, not single builders.

Town Manager says in terms of operational costs, we're in good shape, but in the future, we will see some very expensive Capital Improvement projects.

Attorney Bohne says Palm Shores has no Ad Valorem tax. They operate in the green every year on franchise fees only. However, they do not maintain roads.

Council Member Ball states we receive a very large portion of our income from Florida Power & Light franchise fees.

Town Manager says we get about \$175,000 in stormwater assessment funds, and our Public Works budget is about \$700,000. Stormwater takes up approximately \$400,000 of that. Raising the stormwater utility fee would be much easier than doing a new assessment or an impact fee study. You as a Council can raise that with a vote. Our budget covers our current operational needs, but we will need more income in the future. Maybe an extra fund can pay for a municipal bond to help pay for a capital improvement project.

Council Member Vail asks how many homes are built in Malabar per year, Town Manager says about 20, Council Member Vail says let's assume we get \$1000 per home for an impact fee. That's \$20,000 per year. That's not enough to justify this.

Council Member White says we need to be fair to our long-term residents. We can't add extra fees and taxes to people who have paid the same for years. He suggests we should raise the millage instead.

Council Member Vail said we need to sell it to our residents. They must trust us. Raise the millage for a few years to solve a specific issue, then lower it back to what it is now.

Mayor asked the Attorney to go over his research.

Attorney Bohne says the dual nexus test can be met, but the cost of the study is probably too high.

West Melbourne paid \$79,000 for 4 impact fees. Malabar would be about \$40,000 just for the study. At what point do you start to see a return. His opinion is that the impact fees in Malabar would take a very long time to return our money.

Council Member Scardino says a special assessment for stormwater may be the easiest to sell to the residents, as that's the biggest complaint he hears.

Council Member White says that Malabar is on a flat plain, stormwater will always be an issue.

Attorney likes the idea of a special assessment to pay for specific districts of stormwater. We need to identify the specific capital improvements we want to achieve. We need to be careful on how we impose this.

Council Member Scardino asks how many districts do you envision?

Town Manager says that will be answered by our stormwater master plan.

Council Member Vail asks if we can use any Indian River Lagoon funds? We have a few areas that drain into the Indian River Lagoon.

Town Manager says those funds are more about cleaning water and removing nitrogen from the water.

Council Member Scardino says it sounds like the benefit of impact fees aren't here yet.

Council Member White says he doesn't like special assessments.

Council Member Ball says assessments are paid the same by everyone no matter how much their income is or what their property is valued at. We can do fees based on frontage.

Mayor brings up special assessment for the Fire Department. One third of our budget is the Fire Department. We could do a lot more with our money if we open it up.

Town Manager says there are fire assessment fees across the state.

Council Member White says the only way he would support it would be to put it to a vote of the people.

Town Manager reminds that we're taking out of the same pocket. It'll be an extra fee to all residents.

Council Member Vail suggests a stormwater assessment. We should use this process to fix the real problem.

Council Member White asks how much are we looking for? What is the dollar amount?

Town Manager says we don't have that information yet. This meeting is a more informative and educational setting.

Attorney says a town wide special assessment would be illegal. It would need to be district specific. Council Member Vail asks if we can raise a millage rate over 5 years and then lower it?

Attorney says yes, but it would be very hard to bring it back down. That opens you up for a lawsuit.

Palm Bay had to return millions of dollars from a special assessment gone wrong. Be very careful.

Council Member Rivet, how many impervious square feet do you have? Use that as the basis for an assessment.

Mayor discusses Direct TV class action lawsuit, asks if anyone objects to him putting his name as mayor of Malabar?

None.

Chair Reilly, without objection, adjourned the workshop meeting at 8:06 pm.

BY: _____
Mayor Patrick T. Reilly, Council Chair

(seal)

ATTEST:

Richard Kohler
Deputy Town Clerk/Treasurer

Approved: 2/3/2020

DRAFT

TOWN OF MALABAR

MEMORANDUM

Date: January 29, 2020
To: Honorable Mayor and Council
From: Matthew Stinnett, Town Manager
Ref: Stormwater Master Planning Project

As a part of the request for qualifications (RFQ) process for the Town's stormwater master planning project a selection/negotiation committee (SNC) will evaluate the engineering firm qualification packages and shortlist them. Staff will then negotiate an agreement with the selected firms based on the ranking and submit the proposal to the Town Council for ratification.

The committee will include at a minimum the following members:

Roger Walters, Town of Malabar resident with stormwater engineering experience
Mike McCabe, Melbourne-Tillman engineering
Todd Mowery, Town of Malabar Planner

Two additional members are being sought after from other local government agency partners and will be incorporated if possible, prior to the first SNC meeting scheduled for February 12th at 9:30 AM.



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Agenda
 4.d.

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Quote	Quote Date	Customer Order	Customer	Account Representative	Project
40436	01/29/20	PAYBACK/PLAYERS	AME201	PAMELA OLIVEIRA-JACKSON	

Quote To

MATT STINNETT
 TOWN OF MALABAR
 2725 MALABAR ROAD
 Malabar FL 32950

Ship To

MATT STINNETT
 TOWN OF MALABAR
 2725 MALABAR ROAD
 Malabar FL 32950

Phone +1 (321) 727-7764

Terms CASH ON DELIVERY

Phone +1 (321) 727-7764

Sales Location abi

Line	Quantity	Catalog Number / Description	Unit Price	Extended Amount
<p>QUOTE VALID FOR 30 DAYS. PLEASE SIGN THE QUOTE AND MAIL OR FAX QUOTE AND PURCHASE ORDER TO: AMERICAN BUSINESS INTERIORS 2015 SOUTH WAVERLY PLACE, MELBOURNE, FL 32901 FAX: 321.984.4221 PRICE PER FLORIDA STATE CONTRACT 425-001-12-1 A 3% SERVICE FEE APPLIES TO ALL CREDIT CARD ORDERS</p> <p>RECEIVING, DELIVERY AND INSTALLATION MON-FRI DURING NORMAL BUSINESS HOURS ONLY. ELEVATOR ACCESS REQUIRED; PRODUCT WILL NOT BE STAIR-CARRIED. A 3% SURCHARGE APPLIES TO ALL CREDIT CARD PAYMENTS MADE AFTER DELIVERY OF ORDER. THIS ORDER CAN NOT BE CANCELLED ONCE PRODUCTION HAS STARTED.</p>				
1	9	475412MC STEELCASE PLAYER; CHAIR-LEG BASE, SMOOTH ARMS, CASTERS BACK :5S86 LAPIS FRAME :6205 BLACK SEAT :5S86 LAPIS OPTIONS ** OPTIONS ** BACK OPT *OPT:BACK OPTIONS	144.71	1,302.39

Accepted by _____ Title _____ Date _____



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Quotation

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Quote	Quote Date	Customer Order	Customer	Account Representative	Project
40436	01/29/20	PAYBACK/PLAYERS	AME201	PAMELA OLIVEIRA-JACKSON	

Line	Quantity	Catalog Number / Description	Unit Price	Extended Amount
2	2	CHAIR BK STD:UPH STD BACK SET SEAT OPT *OPT:SEAT OPTIONS STD SEAT STD:UPH STD SEAT SET CASTER *OPT:CASTERS HARD CST STD:HARD CASTERS 475412M STEELCASE PLAYER; CHAIR-LEG BASE, SMOOTH ARMS, GLIDES BACK :5S86 LAPIS FRAME :6205 BLACK SEAT :5S86 LAPIS OPTIONS ** OPTIONS ** BACK OPT *OPT:BACK OPTIONS CHAIR BK STD:UPH STD BACK SET SEAT OPT *OPT:SEAT OPTIONS STD SEAT STD:UPH STD SEAT SET GLIDES *OPT:GLIDES HARD GLD STD:HARD GLIDES	129.00	258.00
3	2	475412M STEELCASE PLAYER; CHAIR-LEG BASE, SMOOTH ARMS, GLIDES BACK :BR23 (TRANS)PRAIRIE FRAME :6205 BLACK SEAT :BR23 (TRANS)PRAIRIE OPTIONS ** OPTIONS ** BACK OPT *OPT:BACK OPTIONS CHAIR BK STD:UPH STD BACK SET SEAT OPT *OPT:SEAT OPTIONS STD SEAT STD:UPH STD SEAT SET GLIDES *OPT:GLIDES HARD GLD STD:HARD GLIDES	157.70	315.40
4	1	TS5ABR2442 STEELCASE BRIDGE, 24D X 42W BASIC :2LAT ACACIA (LPL) TOP-SURF:2LAT ACACIA (LPL) OPTIONS ** OPTIONS ** EDGE *OPT:EDGE PROFILE OPTIONS FLAT STD:FLAT EDGE PROFILE GROMMET *OPT:GROMMET OPTIONS GRMT STD:GROMMET BP OPTS *OPT:BACK PANEL HEIGHT	151.58	151.58

Accepted by _____ Title _____ Date _____



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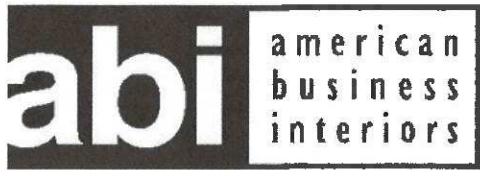
Quotation

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Quote	Quote Date	Customer Order	Customer	Account Representative	Project
40436	01/29/20	PAYBACK/PLAYERS	AME201	PAMELA OLIVEIRA-JACKSON	

Line	Quantity	Catalog Number / Description	Unit Price	Extended Amount
5	1	OPTIONS FULL BP STD:FULL HEIGHT BACK PANEL BP PASS *OPT:BACK PANEL PASS THRU OPT NO PASS STD:NO PASS TS5ABR2448 STEELCASE BRIDGE, 24D X 48W BASIC :2LAT ACACIA (LPL) TOP-SURF:2LAT ACACIA (LPL) OPTIONS ** OPTIONS ** EDGE *OPT:EDGE PROFILE OPTIONS FLAT STD:FLAT EDGE PROFILE GROMMET *OPT:GROMMET OPTIONS GRMT STD:GROMMET BP OPTS *OPT:BACK PANEL HEIGHT OPTIONS FULL BP STD:FULL HEIGHT BACK PANEL BP PASS *OPT:BACK PANEL PASS THRU OPT NO PASS STD:NO PASS	162.58	162.58
6	1	TS5ACS2472L STEELCASE CREDENZA-SINGLE PEDESTAL, LEFT HAND, 24D X 72W BASIC :2LAT ACACIA (LPL) LOCK :9201 POLISHED CHROME TOP-SURF:2LAT ACACIA (LPL) OPTIONS ** OPTIONS ** EDGE *OPT:EDGE PROFILE OPTIONS FLAT STD:FLAT EDGE PROFILE EP OPT *OPT:END PANEL OPTIONS 2FULLEPS STD:TWO FULL END PANELS PED OPTS *OPT:SINGLE PED OPTIONS B/F PED STD:BOX FILE PED PULL OPT *OPT:PULL OPTIONS LEDGEPLT LEDGE PULL PLATINUM BP PASS *OPT:BACK PANEL PASS THRU OPT NO PASS STD:NO PASS	456.71	456.71
7	1	TS5ACS2472R STEELCASE	524.65	524.65

Accepted by _____ Title _____ Date _____



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Quotation

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Quote	Quote Date	Customer Order	Customer	Account Representative	Project
40436	01/29/20	PAYBACK/PLAYERS	AME201	PAMELA OLIVEIRA-JACKSON	

Line	Quantity	Catalog Number / Description	Unit Price	Extended Amount
8	1	CREDENZA-SINGLE PEDESTAL, RIGHT HAND, 24D X 72W BASIC :2LAT ACACIA (LPL) LOCK :9201 POLISHED CHROME TOP-SURF:2LAT ACACIA (LPL) OPTIONS ** OPTIONS ** EDGE *OPT:EDGE PROFILE OPTIONS FLAT STD:FLAT EDGE PROFILE EP OPT *OPT:END PANEL OPTIONS 2FULLEPS STD:TWO FULL END PANELS PED OPTS *OPT:SINGLE PED OPTIONS B/B/F PD BOX BOX FILE PED PULL OPT *OPT:PULL OPTIONS LEDGEPLT LEDGE PULL PLATINUM BP PASS *OPT:BACK PANEL PASS THRU OPT NO PASS STD:NO PASS	785.01	785.01
9	1	TS5ACSB2466B STEELCASE CREDENZA-BUFFET, BOX DRAWERS / DOORS, 24D X 66W BASIC :2LAT ACACIA (LPL) TOP-SURF:2LAT ACACIA (LPL) OPTIONS ** OPTIONS ** EDGE *OPT:EDGE PROFILE OPTIONS FLAT STD:FLAT EDGE PROFILE DOOR OPT *OPT:DOOR OPTIONS NO LOCK STD:DOOR WITHOUT LOCK PULL OPT *OPT:PULL OPTIONS LEDGEPLT LEDGE PULL PLATINUM	358.14	358.14
		TS5ADM3072 STEELCASE WORKSURFACE-D SHAPED, FREESTANDING, MODESTY PANEL, 30D X 72W BASIC :2LAT ACACIA (LPL) LEGS :4799 PLATINUM METALLIC TOP-SURF:2LAT ACACIA (LPL) OPTIONS ** OPTIONS ** EDGE *OPT:EDGE PROFILE OPTIONS FLAT STD:FLAT EDGE PROFILE MOD PNL *OPT:MODESTY PANEL OPTIONS HALF HGT STD:HALF HEIGHT MODESTY PANEL		

Accepted by _____ Title _____ Date _____



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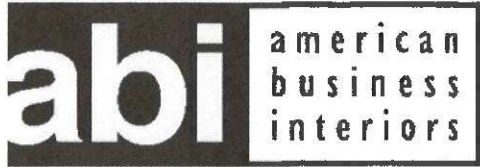
Quotation

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Quote	Quote Date	Customer Order	Customer	Account Representative	Project
40436	01/29/20	PAYBACK/PLAYERS	AME201	PAMELA OLIVEIRA-JACKSON	

Line	Quantity	Catalog Number / Description	Unit Price	Extended Amount
10	1	TS5ALATF4 STEELCASE LATERAL FILE-FREESTANDING, 4 DRAWERS, 20D X 36W X 58H BASIC :2LAT ACACIA (LPL) LOCK :9201 POLISHED CHROME TOP-SURF:2LAT ACACIA (LPL) OPTIONS ** OPTIONS ** EDGE *OPT:EDGE PROFILE OPTIONS FLAT STD:FLAT EDGE PROFILE PULL OPT *OPT:PULL OPTIONS LEDGEPLT LEDGE PULL PLATINUM	871.01	871.01
11	1	TS5AR2442L STEELCASE RETURN-DESK HEIGHT, LEFT HAND, 24D X 42W BASIC :2LAT ACACIA (LPL) LOCK :9201 POLISHED CHROME TOP-SURF:2LAT ACACIA (LPL) OPTIONS ** OPTIONS ** EDGE *OPT:EDGE PROFILE OPTIONS FLAT STD:FLAT EDGE PROFILE GROMMET *OPT:GROMMET OPTIONS GRMT STD:GROMMET PED OPTS *OPT:SINGLE PED OPTIONS BF PED STD:BOX FILE PED PULL OPT PULL OPTIONS LEDGEPLT LEDGE PULL PLATINUM BACK PNL *OPT:BACK PANEL OPTIONS UNIT BP STD:UNIT WIDTH BACK PANEL	311.80	311.80
12	1	TS5ARECDR STEELCASE DESK-RECEPTION, RIGHT HAND, 30D X 72W X 42H BASIC :2LAT ACACIA (LPL) LOCK :9201 POLISHED CHROME TOP-SURF:2LAT ACACIA (LPL) OPTIONS ** OPTIONS ** EDGE *OPT:EDGE PROFILE OPTIONS FLAT STD:FLAT EDGE PROFILE FRONT *OPT:FRONT OPTIONS STRFRONT STD:STRAIGHT FRONT TRANSACTION TOP PED OPTS *OPT:SINGLE PED OPTIONS B/F PED STD:BOX FILE PED PULL OPT *OPT:PULL OPTIONS	658.17	658.17

Accepted by _____ Title _____ Date _____



2015 s waverly place
 melbourne fl 32901
 321.723.5003ph
 321.984.4221fx

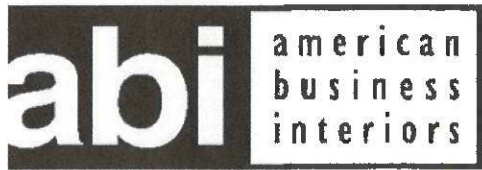
Quotation

Making work environments work better since 1969.

Quote	Quote Date	Customer Order	Customer	Account Representative	Project
40436	01/29/20	PAYBACK/PLAYERS	AME201	PAMELA OLIVEIRA-JACKSON	

Line	Quantity	Catalog Number / Description	Unit Price	Extended Amount
13	3	LEDGEPLT LEDGE PULL PLATINUM TS5ASCL246 STEELCASE CABINET-STORAGE, 2 DRAWER LATERAL FILE, 24D X 36W X 65H BASIC :2LAT ACACIA (LPL) LOCK :9201 POLISHED CHROME TOP-SURF:2LAT ACACIA (LPL) OPTIONS ** OPTIONS ** EDGE *OPT:EDGE PROFILE OPTIONS FLAT STD:FLAT EDGE PROFILE DOOR OPT *OPT:DOOR OPTION LAM NOLK STD:LAMINATE DOOR - NO LOCK PULL OPT *OPT:PULL OPTIONS LEDGEPLT LEDGE PULL PLATINUM	860.80	2,582.40
14	2	TS5ASCL247 STEELCASE CABINET-STORAGE, 2 DRAWER LATERAL FILE, 24D X 36W X 72H BASIC :2LAT ACACIA (LPL) LOCK :9201 POLISHED CHROME TOP-SURF:2LAT ACACIA (LPL) OPTIONS ** OPTIONS ** EDGE *OPT:EDGE PROFILE OPTIONS FLAT STD:FLAT EDGE PROFILE DOOR OPT *OPT:DOOR OPTION ACRYLNOLK ACRYLIC DOOR - NO LOCK PULL OPT *OPT:PULL OPTIONS LEDGEPLT LEDGE PULL PLATINUM	1,121.55	2,243.10
15	3	TS5ASMD72 STEELCASE CABINET-OVERHEAD STORAGE, CREDENZA, 4 DOORS, 16D X 72W X 36H BASIC :2LAT ACACIA (LPL) TOP-SURF:2LAT ACACIA (LPL) OPTIONS ** OPTIONS ** EDGE *OPT:EDGE PROFILE OPTIONS FLAT STD:FLAT EDGE PROFILE DOOR OPT *OPT:DOOR OPTION LAM NOLK STD:LAMINATE DOOR - NO LOCK	492.05	1,476.15
16	1	TS5ASP3072R STEELCASE	534.86	534.86

Accepted by _____ Title _____ Date _____



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 melbourne fl 32901
 321.723.5003ph
 321.984.4221fx

Quotation

Making work environments work better since 1969.

Quote	Quote Date	Customer Order	Customer	Account Representative	Project
40436	01/29/20	PAYBACK/PLAYERS	AME201	PAMELA OLIVEIRA-JACKSON	

Line	Quantity	Catalog Number / Description	Unit Price	Extended Amount
17	1	DESK-SINGLE PEDESTAL, RIGHT HAND, 30D X 72W BASIC :2LAT ACACIA (LPL) LOCK :9201 POLISHED CHROME TOP-SURF:2LAT ACACIA (LPL) OPTIONS ** OPTIONS ** EDGE *OPT:EDGE PROFILE OPTIONS FLAT STD:FLAT EDGE PROFILE PED OPTS *OPT:SINGLE PED OPTIONS B/B/F PD BOX BOX FILE PED PULL OPT *OPT:PULL OPTIONS LEDGEPLT LEDGE PULL PLATINUM EP OPT *OPT:END PANEL OPTIONS 2FULLEPS STD:TWO FULL END PANELS TS5ATB48120 STEELCASE TABLE TOP-BOAT SHAPED, 48D X 120W TOP-SURF:2LAT ACACIA (LPL) OPTIONS ** OPTIONS ** EDGE *OPT:EDGE PROFILE OPTIONS FLAT STD:FLAT EDGE PROFILE POWER *OPT:POWER OPTIONS NO PWR NO POWER	373.46	373.46
18	1	TS5ATB72 STEELCASE TACKBOARD-STRAIGHT, 68 11/16W X 17H TKBD :P541 TWINKLE OPTIONS ** OPTIONS ** FAB DIR *OPT:FABRIC DIRECTION HORZ HORIZONTAL APPLICATION ONLY	168.47	168.47
19	1	TS5ATB72 STEELCASE TACKBOARD-STRAIGHT, 68 11/16W X 17H TKBD :P547 BATH OPTIONS ** OPTIONS ** FAB DIR *OPT:FABRIC DIRECTION HORZ HORIZONTAL APPLICATION ONLY	168.47	168.47
20	3	TS5ATBXS STEELCASE TABLE BASE-X, STEEL, 35D X 35W X 28H BASIC :7207 BLACK	205.38	616.14

Accepted by _____ Title _____ Date _____



2015 s waverly place
 melbourne fl 32901
 321.723.5003ph
 321.984.4221fx

Quotation

Page 8 / 9
 (cont'd)

Making work environments work better since 1969.

Quote	Quote Date	Customer Order	Customer	Account Representative	Project
40436	01/29/20	PAYBACK/PLAYERS	AME201	PAMELA OLIVEIRA-JACKSON	

Line	Quantity	Catalog Number / Description	Unit Price	Extended Amount
21	1	TS5ATET STEELCASE TABLE-END, 22D X 22W X 18H BASIC :2LAT ACACIA (LPL) TOP-SURF:2LAT ACACIA (LPL) OPTIONS ** OPTIONS ** EDGE *OPT:EDGE PROFILE OPTIONS FLAT STD:FLAT EDGE PROFILE	122.52	122.52
22	1	INSTALL AMERICAN RECEIVE, DELIVER & INSTALLATION OF ABOVE PRODUCTS.	1,073.50	1,073.50

QUOTATION TOTALS

Sub Total	15,514.51
NON TAXABLE	0.00
Grand Total	15,514.51

End of Quotation

Accepted by _____ Title _____ Date _____

**TOWN OF MALABAR
AGENDA ITEM REPORT**

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

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

SUBJECT: Amend Chap 13 to Provide for Waivers to Road Imp (Ord 2020-01)

BACKGROUND/HISTORY:

This was approved at first reading on January 14, 2020 and legally advertised on January 23, 2020 for public hearing at second reading on February 3, 2020.

There was Council consensus during discussion on January 14, 2020 to add clarification and enforcement language to ordinance.

ATTACHMENT:

Ordinance 2020-01

ACTION OPTIONS:

Adoption of Ord 2020-01

ORDINANCE NO. 2020-01

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.

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

Section 1. Section 13-38(c) of the Code of Ordinances of the Town of Malabar is hereby added to read as follows:

“(c) Waiver. The Town Council may grant a waiver to the provisions of Section 13-38 (b) (1) and (2).

1. The below stated procedures shall in all respects be utilized for consideration of a waiver to subsection (b)(1) and (2). In order to authorize a waiver under this section the Town Council must find the following:

i. That special conditions and circumstances exist and that the presence of which would make complying with section 13-38 (b) (1) or (2) unreasonable. Financial or economic reasons, conditions or circumstances shall not be grounds for a waiver under this section;

ii. The special conditions and circumstances are not caused in any way by the owner or applicant;

iii. That such waiver will not be injurious or detrimental to the public welfare;

iv. That the waiver granted is the minimum waiver that will make possible the reasonable use of the land;

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

2. The owner of the property for which such waiver is granted shall also execute an agreement in recordable form with the Town that binds the owner and his/her successors in interest of the property for which such waiver is granted to pay for the completion of the entire width of the right of way as it existed on the date the waiver is granted by the Town Council through the furthest boundary of the lot of record on which a principal structure or accessory structure is constructed in the event the road is completed by another. The Agreement shall provide, in part, that should the owner of the property for which the waiver was granted fail to pay for the completion of the entire width of the right of

way through the furthest boundary of the lot of record when it is constructed by another then the Town may reimburse the person who completed the road portion through the furthest boundary of the lot of record of the owner who was granted the waiver and the Town shall be entitled to record a lien against the property for which such a waiver was granted for the cost of the reimbursement and/or the Town may withhold the issuance of any future building permit, development order or development permit, for the property for which such waiver is granted.

3. By way of example, and not by way of limitation, "special circumstances" may include:

i. Environmental conditions, and restrictions exist which prohibit any disturbance of such area and make it impossible to complete the road to the furthest extent of the property; [for example where mitigation is not possible]; or

ii. There exists no dedicated public right of way immediately abutting and beyond the furthest boundary of the lot of record for which the waiver applies; or

iii. The property immediately abutting and beyond furthest boundary of the lot of record for which the waiver applies is owned by a governmental agency and is designated as conservation or environmentally sensitive land; or

iv. The property immediately abutting and beyond the furthest boundary of the lot of record for which the waiver applies already has existing accepted access through the use of another public or private right of way

4. Town Council may impose additional reasonable conditions and safeguards that it deems appropriate;

5. The Town Council may prescribe a reasonable time limit within which the action for which the waiver is required shall be begun or completed or both.

6. The decision of the Town Council regarding a request for a waiver is final and no reconsideration, rehearing or further appeal to the Town is available.

7. Application Process: Any person owning an interest in any real property may apply to the Town Council for a waiver hereunder. The application shall be accompanied by a fee established from time to time by the Town Council. The application shall be in such form as provided by the town, and shall contain the following information:

i. The name of the owner of the particular real property shall be included.

ii. If the applicant is other than all the owners of the particular property, written consent signed by all owners of the particular real property shall be attached.

iii. The application shall contain the legal description of the particular real property, accompanied by a certified survey of that portion of the map maintained by the property appraiser reflecting the boundaries of the particular real property.

iv The application shall contain the current zoning classification, and any specified conditions or conditional use designation as recorded on the official zoning maps.

8. Public Hearing; Notice Upon receipt of an executed application pursuant to this section, the Town Clerk forthwith schedule a hearing on the application before the Town Council. Notice of the time and place of the public hearing shall be given to the applicant at least 15 days prior to the public hearing. Notice of the time and place of the public hearing on the application shall be mailed, at least 15 days prior to the public hearing, to all property owners abutting the road right of way in question. Such notice shall contain the name of the applicant, the legal description of the affected property, and that the owner of the affected property desires a waiver to section 13-38(b)(1) or (2). In addition, a notice containing such information shall be posted at Town Hall and on the Town's website.

Section 2. It is the intention of the Town Council of the Town of Malabar, Brevard County, Florida and it is hereby provided that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Malabar.

Section 3. Should any Section, Clause, or Provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the remaining provisions or parts of this Ordinance.

Section 4. All ordinances or parts thereof in conflict herewith are hereby repealed to the extent of such conflict with this Ordinance.

Section 5. This Ordinance shall become effective immediately upon its adoption.

The foregoing 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 Ordinance was then declared to be duly passed and adopted this ____ day of _____, 2020.

TOWN OF MALABAR

seal

BY: _____
Mayor Patrick T. Reilly, Council Chair

First Reading: 1/14/2020
Second Reading: 2/03/2020

ATTEST

Debby K. Franklin, CMC
Town Clerk/Treasurer

Approved as to form and content:

Karl W. Bohne, Jr.
Town Attorney

A Daily Publication By:



TOWN OF MALABAR

JAN 29 2020

RECEIVED

TOWN OF MALABAR
2725 MALABAR RD

MALABAR, FL, 32950

STATE OF WISCONSIN COUNTY OF BROWN:

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

Notice Public Hearing

as published in **FLORIDA TODAY** in the issue(s) of:

01/23/20

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

Sworn to and Subscribed before me this 23th of January 2020, by legal clerk who is personally known to me

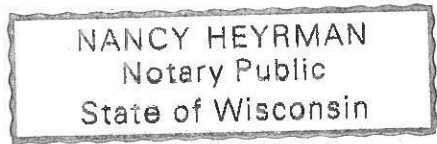
Affiant

Notary State of Wisconsin County of Brown

5.15.23

My commission expires

Publication Cost: \$65.68
Ad No: 0004006647
Customer No: BRE-6TO207
This is not an invoice



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

To: brelegals@gannett.com

January 15, 2020

From: Debby Franklin, Town Clerk, Town of Malabar, Acct # 126287

Please place the following legal ad one time on Thursday, January 23, 2020. Please put the heading in **BOLD** font. Please send proof via email to: townclerk@townofmalabar.org and mail ONE affidavit to 2725 Malabar Road, Malabar, FL 32950.

**TOWN OF MALABAR
NOTICE OF PUBLIC HEARINGS**

The Malabar Town Council, Brevard County, Florida will convene in the Town Hall, 2725 Malabar Road, Malabar, Florida on Monday, **February 3, 2020 at 7:30 PM** or as soon thereafter as the matter can be heard, for a public hearing on the following topics:

ORDINANCE 2020-01 - 2nd Reading

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.

Copies of these documents are available in the Clerk's office for review, 2725 Malabar Road, Malabar, Florida, during regular business hours. All interested parties may appear and be heard at this meeting of the Town Council with respect to these topics. Persons with disabilities needing assistance to participate in any of these proceedings should contact the Clerk's Office, ADA Coordinator, 48 hours in advance of the meeting at 321-727-7764. Debby Franklin, CMC, Town Clerk/Treasurer



**Classified Ad Receipt
(For Info Only - NOT A BILL)**

Customer: TOWN OF MALABAR
Address: 2725 MALABAR RD
MALABAR FL 32950
USA

Ad No.: 0004006647
Pymt Method Invoice
Net Amt: \$65.68

Run Times: 1

No. of Affidavits: 1

Run Dates: 01/23/20

Text of Ad:

AD#4006647 1/23/2020
TOWN OF MALABAR
NOTICE OF PUBLIC HEARINGS
The Malabar Town Council, Brevard County, Florida will convene in the Town Hall, 2725 Malabar Road, Malabar, Florida on Monday, February 3, 2020 at 7:30 PM or as soon thereafter as the matter can be heard, for a public hearing on the following topics:

ORDINANCE 2020-01-2nd Reading
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.

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**TOWN OF MALABAR
AGENDA ITEM REPORT**

AGENDA ITEM NO: 11.a.
Meeting Date: February 03, 2020

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

SUBJECT: Approve temporary Trailer at 2295 McCain Lane – Mark Crosier

BACKGROUND/HISTORY:

Mr. Crosier is building a new single-family residence (SFR) on the last lot on the east side of the approved portion of the road. He has complied with the application requirements and paid the trailer bond which will be refunded once the home is completed, a certificate of occupancy is issued and the trailer is disconnected to the utilities and relocated. The trailer bond is good for a period of six (6) months and may be renewed once by the Building Official.

ATTACHMENT:

Temporary Trailer application & site layout for trailer

ACTION OPTIONS:

Action on request



RTC/M 2/3/2020

2725 Malabar Road
Malabar, Florida 32950-4427
321-727-7764 – Telephone
321-722-2234 – FAX

LOCATION AGREEMENT
TEMPORARY LOCATION OF MOBILE HOME, CAMPER, ETC.

A Travel Trailer may be placed on my property located at 2295 McCain Ln in Malabar, Florida, on a temporary basis, while my home is being built on that property. I agree that the mobile home shall be removed immediately after completion of construction, approximately six months from this date. I also agree to start action on construction of my residence on the property as soon as possible, and be able to show completion or major progress at the end of the six-month period.

In the event the construction is not completed by that date, I will apply to the Town of Malabar for an extension of time. If no progress whatsoever is shown, the Trailer will be removed immediately, and I will forfeit the \$500.00 security bond.

FD \$ 500.00
4/24/2020
ck # 1114

- Proof of Ownership
- Survey or Plot Plan showing location *holding tank*
- Description; means of septic hook-up, water & power
- Reason for mobile home on property - *Building new home*
- Building Permit No. # 510
- Road Permit Application # N/A
- Road Bond: N/A

Signature:

Date: _____

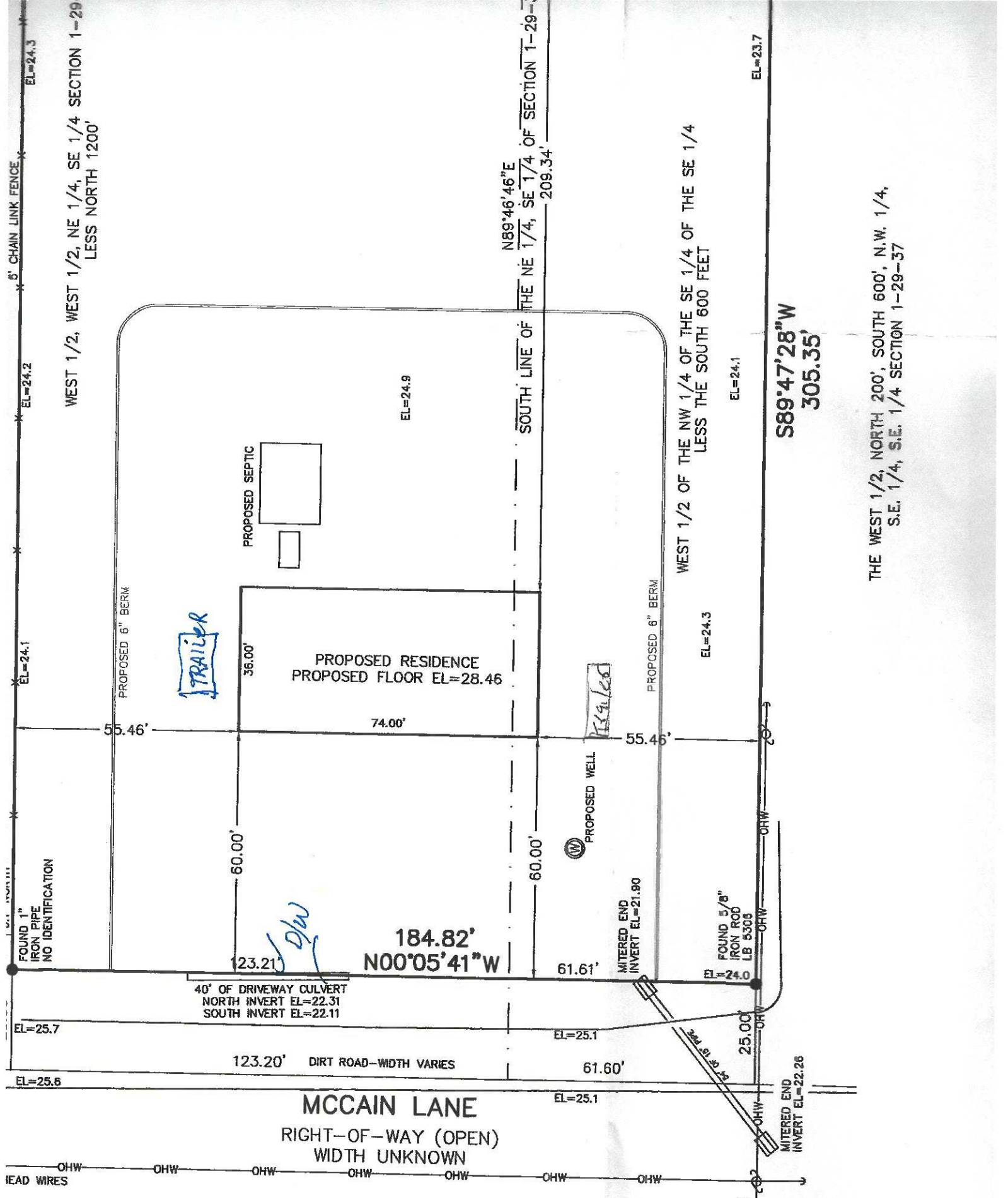
Signature:

[Handwritten Signature]

Date: 1-24-20

Date Accepted: 1-24-2020

Town Clerk: Deborah K. Franklin



BP #570

**TOWN OF MALABAR
AGENDA ITEM REPORT**

AGENDA ITEM NO: 12.a.
Meeting Date: February 3, 2020

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

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

BACKGROUND/HISTORY:

The language in Article II and Article III of the Code would appear to allow the proposed use, but the Table in Article III adds a restriction to *trades and services* not referenced in the narrative. That restriction limits trades and services to a Conditional Use Permit and further requires them to abut only Malabar Road, Babcock Street or West Railroad Avenue.

The property owner requested Council expand on the streets that trades and services are allowed by adding Garden and Pine Streets.

This was discussed at the last Council meeting. Council directed that 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.

This was before P&Z in 2019 but no recommendation was made.

If Council approves the first reading of the ordinance it will be legally advertised for a public hearing. Or Council could direct this ordinance be routed back to P&Z for a review and recommendation before the public hearing.

ATTACHMENT:
Ordinance 2020-02

ACTION OPTIONS:
Direction to staff

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>C</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 to be duly adopted seven days after the regular meeting of the Town of Malabar Town Council on _____, 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