



# REGULAR TOWN COUNCIL MEETING

Monday, June 1, 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**

Regular Town Council Meeting Minutes of 05/04/2020

Exhibit: Agenda Report 4a

**Attachments:**

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

- b. **Resolution 06-2020 Administrative Fees (Private Provider)**

Exhibit: Agenda Report 4b

**Attachments:**

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

- c. **Resurfacing Reef Place by Goodson Paving, Inc.**

Exhibit: Agenda Report 4c

**Attachments:**

- Agenda Report 4c (Agenda\_Report\_4c.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 - Written Report
  - c. Fire Chief - Written Report
  - d. 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 / SPECIAL ORDERS**

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

(RECOMMENDATIONS FROM BOARDS, HOA REQUESTS, RESIDENT GRIEVANCES)

**12. ACTION ITEMS**

ORDINANCES for FIRST READING: 1

RESOLUTIONS: 1

MISCELLANEOUS:

**a. MSTU Question for 2020 Ballot (Ordinance 2020-04)**

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

Exhibit: Agenda Report 12a

**Attachments:**

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

**b. Adopt Resolution 07-2020 Replacing Resolution 04-2020 re: DEP Loan Application**

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, REPEALING IN FULL RESOLUTION 04-2020; RELATING TO THE STATE REVOLVING FUND LOAN AGREEMENT; AUTHORIZING THE LOAN AGREEMENT; ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

Exhibit: Agenda Report 12b

**Attachments:**

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

**c. Approve Stormwater Master Plan and Asset Management Scope of Services by Singhofen and Associates, Inc. (Resolution 08-2020)**

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR COUNCIL APPROVAL OF THE MALABAR STORMWATER MASTER PLAN AND ASSET MANAGEMENT SCOPE OF SERVICES BY SINGHOFEN & ASSOCIATES, INC. (SAI) FOR \$210,123.00 TOTAL PROJECT COSTS THAT INCLUDE THE INITIAL ASSET MANAGEMENT GEODATABASE DEVELOPMENT BY APPLIED ECOLOGY INC. (AEI) FOR \$37,410.00 AND SURVEY WORK BY WGI FOR \$10,000.00; PROVIDING FOR TASKS, DELIVERABLES, SCHEDULES AND PAYMENTS AS DESCRIBED IN EXHIBIT A, THE SCOPE OF SERVICES; PROVIDING FOR ADMINISTRATION AND MANAGEMENT; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report 12c

**Attachments:**

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

COUNCIL CHAIR MAY EXCUSE ATTORNEY AT THIS TIME

**13. DISCUSSION/POSSIBLE ACTION**

**a. Town's Cost-share Percentage when Paving Local Lanes**

Continued from 05/04/2020

Exhibit: Agenda Report 13a

**Attachments:**

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

**14. PUBLIC COMMENTS**

General Items (Speaker Card Required)

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

**16. ANNOUNCEMENTS**

(1) Vacancy on the Parks and Recreation Board; (1) Vacancy on the Board of Adjustments; (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

MAY 04, 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 White 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

TOWN MANAGER: (TM)

MATT STINNETT

TOWN ATTORNEY:

KARL BOHNE

TOWN CLERK/TREASURER:

DEBBY FRANKLIN

**3. APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES: no changes**

**4. CONSENT AGENDA:**

**4.a. Regular Town Council Mtg Minutes of 3/02/2020**

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

**5. ATTORNEY REPORT: nothing**

**6. BCSO REPORT: Lt. Cline presented stats for March and April.**

**7. BOARD / COMMITTEE REPORTS:**

**7.a. Drew Thompson, Chair, T&G Com:** not present – provided email copy of QR code with verbiage for signage for trails.

**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 he is looking for volunteers to clean up fallen trees and debris out of waterway that goes through Stillwater using chainsaws and off-road vehicles. Railroad crossing work at Malabar Road is estimated for June and the FEC will provide a bypass lane. He is working on multiple projects with the SW Engineering firms – they have sent some estimates and he has sent back comments. Plans to have something before Council soon. Mayor asked about FEC work at Jordan Blvd – TM said there is no definitive date due to some engineering issues.

**8.b. PW DIRECTOR:** Written Report

**8.c. FIRE CHIEF:** Written Report

**8.d. CLERK:** In preparation of this meeting staff has encouraged public participation with postings throughout Town via email and none were received up until 7pm. Staff's plan to try and get back on track with meetings. Moving forward with the pre-const meeting for Twin Lakes SD; BOA mtg will be advertised for 5/28/20. Will have two zoning change requests that will be coming before you after hearings at the P&Z Board. Mayor asked about code enforcement hearings. Staff will coordinate with Attorney Bohne to reschedule those CE hearings.

**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: 0**

- 11. **UNFINISHED BUSINESS/GENERAL ORDERS:**
- 12. **ACTION ITEMS: ORDINANCES FOR FIRST READING: 0**

**RESOLUTIONS: 1**

**12.a. Board Appointment (Resolution 05-2020)**

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE APPOINTMENT OF CHRISTIAN SABATINO TO THE MALABAR BOARD OF ADJUSTMENT 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.a.

Reso read by title only.

**MOTION:** CM Rivet / CM Ball to adopt Reso 05-2020 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.

**MISCELLANEOUS: 2**

**12.b. New Board Appointee Given Oath of Office (Mr. Charles Ryan to Board of Adjustment)**

**Exhibit:** Agenda Report No.12.b.

Mr. Ryan read the Oath of Office at podium and signed Oath.

**12.c. Approve Fee Schedule Adjustment When Private Provider is Hired by Permittee**

**Exhibit:** Agenda Report No.12.c.

Discussion: CM Rivet voiced the concern of this allowing the permittee of buying of the inspection results. He doesn't think it should reduce our cost as we would have to review all that is done by private provider. Otherwise, we are giving up a lot of control. CM Ball asked Atty if the 25% was defensible. Atty said if we go to a lesser amount, we should do a study to support. Melbourne has probably already done the study. CM Vail asked how many times we have dealt with this. Isn't worth doing a study if it is for one incident. Atty has only dealt with this once before. Franklin has not dealt with this before. CM Scardino said this is more common on large commercial projects to prevent delays. CM Ball said using a private provider when building a whole subdivision; does not think we will see much of this. Atty said you must have State certification, and such a person would be less likely to put their State license at risk.

**MOTION:** CM Vail / CM Ball to approve fee schedule adjustment as submitted for 25% reduction.

**VOTE:** All Ayes

**13. DISCUSSION/POSSIBLE ACTION: 1**

**13.a. Town's Cost-share percentage when Paving Local Lanes**

**Exhibit:** Agenda Report No.13.a.

Mayor asked Franklin to start out. Franklin referenced past budget workshops and the two most recent road workshops. She referenced the Town's process when residents on a local lane petition to have their road paved. Staff has received a paving estimate and the next step is to send out a letter to the property owners with the "not to exceed" linear foot cost estimate. In order to provide that estimate, Staff must know if the Town intends to share in the paving expense.

Council already supported budgeting for the increased amounts necessary to properly bring the dirt roads up to the standard the original road builder was supposed to have built it to. To encourage residents to petition for an assessment to pave, Council discussed an incentive program that would have the Town pay a portion of the pavement cost.

The cost to bring an accepted road back up to the minimum standards prior to pavement is not part of this calculation.

Franklin asked TM to explain possible funding. TM Stinnett explained how the transportation impact fee (TIFT) money Malabar gets from new construction can be approved to spend. Allocating the TIFT money for use in covering the Town's percentage of the paving cost would be a legitimate expenditure and ultimately a cost savings for the Town. TM is looking at a program for improving the dirt roads. PW currently grades all the roads about four times a year.

CM Vail asked years ago for Towns participation in this. On Smith Lane the Town did participate in the total cost. Smith Lane was improved over a period of decades and as road improvement standards changed, the road was improved differently so some road base differences were discovered. The Town did step up and participate by doing those improvements. Balance maintenance savings with cost of repaving the road. CM Vail is supportive of a 10% or 15% cost share for the paving using the TIFT money.

CM White – the biggest complaint is over drainage. The most recent paving request is Hunter Lane north. Staff got an estimate of 30K for the paving. Also needs to bring it up to standards will cost 10K -12K. How much TIFT can we rely on and how do we budget it. TM stated we have 140K available now. It will take for than 20% - shared TIFT and some from the budget. Put aside 40-50K in our budget for an annual enticement. The best case we get more roads paved – but worst case, it fails, and no one is interested the money stays in the budget.

CM Ball would like to see the roads brought back to the standard to be ready to pave – to make it work in the future for the different kinds of roads. CM Rivet said we are going to save money on maintenance. Quality of life issue – most people would appreciate less dust. Town should encourage .. increase the value of the homes on paved streets.

CM Rivet said what is the standard for paved roads. If we are going to pave a road. CM Ball said we break the road edges with our own equipment. Drainage should also be applied when considering the newly paved road. – set the standard. Provide 30% subsidy to pave the lanes. TM said a 3" pavement does not necessarily last twice as long as a 1.5" paved road.

Some people might like living on a dirt road. Especially if they have horses. It is a community thing. Look at the difference in life expectancy when using 1.5, 2, 2.5 and 3" and whether that is a cost to it. Spend 2x for an extra 5 years is not worth it. Can we work on this with staff until the next mtg.? CM White will work on this until next meeting.

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

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

CM Ball: Where are we on getting the river front foliage trimmed. TM does not have a current update on how to proceed with that. Would we be willing to pay to have that something? He has talked to FDOT to see if they would participate in cost share.

CM Vail: Asked if we could find out the cost to have a BCSO at each meeting. Glad we are getting back to normal.

CM Rivet: Bring up having a BCSO Deputy for every mtg. TM has looked into this and we could have Deputy and it would be the hourly rate for a Deputy. Please think about it.

South Precinct Commander DeSantis was present and asked to speak. He has spoken to the Sheriff and they have already addressed this. The Town of Malabar will not be charged for a BCSO to attend the meeting. They did not want to tie up the patrol duty so they will provide a Deputy to attend the entire meeting and provide for overtime if necessary.

CM White: Nice to be back.

CM Scardino: with hurricane season coming up – is all the drainage cleared. TM said the PW Dept has been working on the west side of Weber from Atz Road south, also Rocky Point area. TM has prioritized these projects. The project that he is looking for volunteers is to clear the creek that runs through Stillwater Preserve SD.

Mayor: Mayors Breakfast has changed date to Oct. So, he has five more months to get more material.

16. **ANNOUNCEMENTS:** Openings on T&G and Park and Rec Bds.

17. **ADJOURNMENT:** There being no further business to discuss and without objection, the meeting was adjourned at 8:30 P.M.

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

ATTEST:

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

Date Approved: 5/18/2020

DRAFT

**RESOLUTION 06-2020**

**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 A 25% REDUCTION TO THE PLAN REVIEW AND INSPECTION FEES ON A BUILDING PERMIT WHEN SUCH SERVICES ARE PROVIDED BY A PRIVATE PROVIDER WHO HAS MET ALL REQUIREMENTS IN FLORIDA STATUTES 553; 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.**

Building Permit Plan Review & Inspections by Private Provider per F.S. 553

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

Land Clearing:

One-time fee and no renewal fee  
\$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

Road Improvement Waiver Application - Commercial  
Purposes

\$1,500.00

Road Improvement Waiver Application - Residential  
Purposes

\$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-App  
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 1st day June 2020.

**TOWN OF MALABAR**

By:

ATTEST:

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

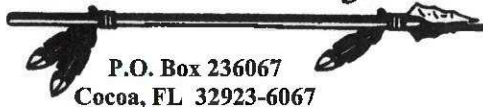
\_\_\_\_\_  
Debby Franklin, C.M.C.  
Town Clerk/Treasurer  
(seal)

Approved as to Form and Content:

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

4.c.

# Goodson Paving, Inc.



P.O. Box 236067  
Cocoa, FL 32923-6067

Telephone: (321) 631-5523 / FAX (321) 639-0497

February 13, 2020

**TO:** Town of Malabar  
**ATTN:** Matt Stinnett  
**FROM:** Chris Brunais  
**RE:** Town of Malabar 2020 (#6812)

## PROPOSAL

### Scope of Work:

This proposal includes roadway improvements for various streets located in the Town of Malabar. This estimate is based on field measured quantities. Payment for these items of work will be made on actual construction quantities.

### Reef Pl.

Clean & Prep	1 LS @ \$250.00	= \$ 250.00
Exc. & New Base 8" Thick	105 SY @ \$46.25	= \$ 4,856.25
Pave w/1.5" SP-9.5 Asphalt	63 TN @ \$200.00	= \$12,600.00

**TOTAL = \$17,706.25**

### Notes:

1. Payment is to be made within 30 days after completion of work. Town of Malabar agrees to pay all costs associated with collection including costs and attorney fees (including those incurred in appellate and bankruptcy proceedings). Past due invoices shall bear interest at 1.5% per month or the highest rate allowable by law, whichever is less.
2. Prices will be honored for 30 days from the date of this proposal.
3. New asphalt pavement takes approximately 60 days to cure. During this period, it is possible for pavement scuffing (i.e. tire marks) to occur as a result of vehicles making hard turns or rapid starting and stopping. This scuffing is more likely to occur in warmer months and will become less visible over time as the pavement lightens in color.

**Exclusions are as follows:**

Fees, Bonds or Permits

Weekend, Holiday, or Night Work

Testing

**APPROVED & ACCEPTED BY:**

**GOODSON PAVING:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

**TOWN OF MALABAR:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

# TOWN OF MALABAR

## COUNCIL MEETING

AGENDA ITEM NO: 12.a.

Meeting Date: June 1, 2020

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

---

**SUBJECT: Referendum Question for November 3, 2020 Election: MSTU (Ord 2020-04)**

---

### BACKGROUND/HISTORY:

Council adopted Ordinance 2007-05 joining the Brevard County Law Enforcement Municipal Services Taxing Unit (MSTU) in June 2007. MSTU taxes were levied for law enforcement services starting in November 2008. The Table below shows the millage rates for each of the years following.

Year	rate	Taxes*	ELECTION RESULTS	
			FOR	/ AGAINST
2008	.9097	\$ 76.90	1290 (84.31%) / 240 (15.69%)	
2009	1.0013	\$ 85.11		
2010	1.1558	\$ 98.24	879 (82.92%) / 181 (17.08%)	
2011	1.3574	\$115.38		
2012	1.3574	\$115.38	1178 (84.02%) / 224 (15.97%)	
2013	1.3378	\$113.71		
2014	1.3000	\$110.50	1046 (78.53%) / 286 (21.47%)	
2015	1.2691	\$107.87		
2016	1.1970	\$101.75	1528 (88.43%) / 200 (11.57%)	
2017	1.1438	\$ 97.22		
2018	1.0925	\$ 92.96	1416 ( 87.5%) / 201 (12.4%)	
2019	1.1142	\$ 94.70	Approved by BCCC	

\*Note: The taxes are based on a Homesteaded Residence Assessed Value of \$85K

After voting to join the MSTU, Council adopted Ordinance 2007-06 that stated that the voters should decide if Malabar remain in the MSTU by putting it on the ballot every two years starting in November 2008.

The Sheriff has attended meetings in the past to explain and provide information on what law enforcement services are provided by the general fund tax such as jail operations, court costs, Canine, Ag and Helicopter Departments and well as Detective services.

The MSTU tax levy provides the additional revenue to fund the patrol and response operations throughout the County.

If approved at first reading the ordinance will be legally advertised for a public hearing and second reading on June 15, 2020.

**FINANCIAL IMPACT:** None for the Town – this is paid by property owners

### ATTACHMENTS:

Ordinance 2020-04 for 2020 ballot language

**ACTION OPTIONS:** Council Approval of 1<sup>st</sup> Reading of Ordinance 2020-04.

ORDINANCE 2020-04

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

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

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

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

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

. . . . .

**SECTION 1.** A referendum election is hereby called and scheduled to be held concurrent with the general election in November 2020, to determine whether the Town of Malabar shall continue participation in the Brevard County MSTU for Law Enforcement as more particularly described in **EXHIBIT A** (attached to this Ordinance) shall be approved by a majority of the votes cast in such election in which the qualified electors residing in the Town shall participate. Such referendum election shall be held and conducted in a manner prescribed by law for all general elections. The place for voting in such referendum election shall be one of the two usual places, based on Precinct, for voting in the Town in the general election to be held in November 2020.

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

**SECTION 3.** The Town Clerk is hereby authorized and directed to instruct the Supervisor of Elections of Brevard County to include the above-described question on the ballot for the general election to be held on the 3rd day of November 2020.

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

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

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

**SECTION 7.**

This Ordinance shall become effective five business days after its adoption.

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

Council Member Grant Ball	_____
Council Member Brian Vail	_____
Council Member Steve Rivet	_____
Council Member David Scardino	_____
Council Member Danny White	_____

This Ordinance was then declared duly passed and adopted this \_\_\_\_ day of \_\_\_\_\_, 2020.

**TOWN OF MALABAR**

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

First Reading: 06/1/2020  
Second Reading: \_\_\_\_\_

ATTEST:

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

(Seal)

Approved as to Form and Content

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

**EXHIBIT A**

**Ballot 2020  
Town of Malabar, Florida**

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

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

Yes  
 No

Instruction to voters: If you are in favor of the continuing the MSTU with Brevard County for Law Enforcement Patrol Services, mark the space to the left of the word "YES". If you are not in favor of continuing the MSTU with Brevard County for Law Enforcement Patrol Services, mark the space to the left of the word "NO".



**Exhibit B**

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

Public notice is hereby given that on November 3, 2020; the issue of whether the Town of Malabar shall continue participation in the Brevard County Law Enforcement MSTU will appear on the election ballot as a referendum question.

The Town Council of the Town of Malabar has adopted an ordinance calling the said election on the following questions:

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

The places of voting shall be the First Baptist Church of Malabar, 1665 Malabar Road for Precincts 301 and 328 and Elohim Christian Church, Inc., 2170 Malabar Road, for Precinct 325, 326 and 327 for voting in the Town of Malabar during the general election scheduled on November 3, 2020 and the polls shall be open from 7:00 a.m. to 7:00 p.m. on the said date. All duly qualified electors residing within the Town of Malabar shall be entitled to participate and vote in said referendum election.

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

**2020 Ballot  
Town of Malabar, Florida**

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

Yes  
 No

Instruction to voters: If you are in favor of the continuing the MSTU with Brevard County for Law Enforcement Patrol Services, mark the space to the left of the word "YES". If you are not in favor of continuing the MSTU with Brevard County for Law Enforcement Patrol Services, mark the space to the left of the word "NO".

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

# TOWN OF MALABAR

## COUNCIL MEETING

**AGENDA ITEM NO: 12.b.**

**Meeting Date: June 01, 2020**

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

---

**SUBJECT: Adopt Resolution 07-2020 Replacing Reso 04-2020 re: DEP Loan Application**

---

### **BACKGROUND/HISTORY:**

Council authorized 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 Stormwater Master Plan. Council had approved going forward for these funds in the current budget for the estimated cost of \$190,000.00.

The adopted resolution 04-2020 pledged the revenues from the non-advalorem stormwater assessment from the Storm Water Utility to repay this loan if and when required. After review, the DEP has requested we pledge the General Fund revenues in order to meet the coverage requirements.

### **ATTACHMENTS:**

Resolution 07-2020

### **ACTION OPTIONS:**

Approve Reso 07-2020.

**RESOLUTION 07-2020**

**A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR COUNCIL APPROVAL OF THE MALABAR STORMWATER MASTER PLAN AND ASSET MANAGEMENT SCOPE OF SERVICES BY SINGHOFEN & ASSOCIATES, INC. (SAI) FOR \$210,123.00 TOTAL PROJECT COSTS THAT INCLUDE THE INITIAL ASSET MANAGEMENT GEODATABASE DEVELOPEMNT BY APPLIED ECOLOGY INC. (AEI) FOR \$37,410.00 AND SURVEY WORK BY WGI FOR \$10,000.00; PROVIDING FOR TASKS, DELIVERABLES, SCHDEULES AND PAYMENTS AS DESCRIBED IN EXHIBIT A, THE SCOPE OF SERVICES; PROVIDING FOR ADMINISTRATION AND MANAGEMENT; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Malabar, Florida, advertised for qualified companies to submit their stormwater master plan experience and capabilities in December 2019 and January 2020. Seven companies submitted their qualifications. The Selection and Negotiation Committee made up of experts in the field and approved by Council reviewed the submittals over the course of several meetings and made a recommendation to Council to select Singhofen and Associated Inc.

**WHEREAS**, the Town Manager has negotiated with Singhofen and Associates Inc. and submits the proposed Scope of Services as Exhibit A for the Town Council to consider.

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

**SECTION I.** The foregoing findings are true and authorizes the Approval of the Malabar Asset Management and Master Plan with Singhofen and Associates, Inc. for a total project lump sum of \$210,123.00.

**SECTION II.** The Town Council approved budgeted funds for this expenditure in the FY 2019/2020 budget with the grant funding assistance of the Florida Department of Environmental Protection.

**SECTION III.** The Town Council directs the Town Manager to proceed with the objectives detailed in the Scope of Services.

**SECTION IV.** This Resolution shall become effective immediately upon its adoption.

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

Council Member 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 1st day June 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

# TOWN OF MALABAR

## COUNCIL MEETING

AGENDA ITEM NO: 12.c.

Meeting Date: June 01, 2020

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

---

**SUBJECT: Approve Stormwater Master Plan and Asset Management Scope of Services by Singhofen and Associates, Inc. (Reso 08-2020)**

---

### **BACKGROUND/HISTORY:**

Council authorized and directed Town Staff to advertise for qualified bidders to submit their qualifications and experiences in developing a Storm Water Master Plan. Council approved the budget with sufficient funds to cover this expenditure.

The Scope of Services included in the resolution provides for the scheduling, projects, deliveries and charges for this project.

### **ATTACHMENTS:**

Resolution 08-2020

### **ACTION OPTIONS:**

Approve Reso 08-2020.

**RESOLUTION 08-2020**

**A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR COUNCIL APPROVAL OF THE MALABAR STORMWATER MASTER PLAN AND ASSET MANAGEMENT SCOPE OF SERVICES BY SINGHOFEN & ASSOCIATES, INC. (SAI) FOR \$210,123.00 TOTAL PROJECT COSTS THAT INCLUDE THE INITIAL ASSET MANAGEMENT GEODATABASE DEVELOPEMNT BY APPLIED ECOLOGY INC. (AEI) FOR \$37,410.00 AND SURVEY WORK BY WGI FOR \$10,000.00; PROVIDING FOR TASKS, DELIVERABLES, SCHDEULES AND PAYMENTS AS DESCRIBED IN EXHIBIT A, THE SCOPE OF SERVICES; PROVIDING FOR ADMINISTRATION AND MANAGEMENT; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Malabar, Florida, advertised for qualified companies to submit their stormwater master plan experience and capabilities in December 2019 and January 2020. Seven companies submitted their qualifications. The Selection and Negotiation Committee made up of experts in the field and approved by Council reviewed the submittals over the course of several meetings and made a recommendation to Council to select Singhofen and Associated Inc.

**WHEREAS**, the Town Manager has negotiated with Singhofen and Associates Inc. and submits the proposed Scope of Services as Exhibit A for the Town Council to consider.

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

**SECTION I.** The foregoing findings are true and authorizes the Approval of the Malabar Asset Management and Master Plan with Singhofen and Associates, Inc. and subcontractors for a total project amount of \$210,123.00.

**SECTION II.** The Town Council approved budgeted funds for this expenditure in the FY 2019/2020 budget with loan proceeds from the State Revolving Fund of the Florida Department of Environmental Protection.

**SECTION III.** The Town Council directs the Town Manager to proceed with the objectives detailed in the Scope of Services.

**SECTION IV.** This Resolution shall become effective immediately upon its adoption.

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

Council Member 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 1st day June 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



## EXHIBIT "A"

## Stormwater Management and Civil Engineering

## Scope of Services Malabar Stormwater Master Plan and Asset Management

May 2020

### 1.0 OBJECTIVE

Singhofen & Associates, Inc. (SAI) is pleased to provide the Town of Malabar (Town) with this proposal to develop a Stormwater Asset Management Plan. The project watershed will expand outside of the Town of Malabar's limits sufficiently to provide model boundary conditions with estimated model extents spanning east from Interstate-95 to the Indian River Lagoon (IRL) and south from the C-1 Canal/Turkey Creek to Grant Road (Figure 1). The project watershed is approximately 24-mi<sup>2</sup>. Drainage throughout the watershed is provided primarily by natural channels and maintained canals with secondary pipe networks in newer subdivisions. The Town has two primary outfalls to the IRL: Turkey Creek, with a portion draining southeast towards Goat Creek

This scope of services defines the effort necessary to develop a stormwater model in ICPR4 that represents the current conditions and can be used to analyze performance of the drainage system, identify level of service issues and support development of drainage improvements to mitigate identified flooding problems. The effort is also to include development of an asset management database to support model developments and infrastructure maintenance efforts. The model will include wetland storage and natural areas as well as developed areas, all represented by 1-dimensional and 2-dimensional model features as necessary to meet the goals of the project.

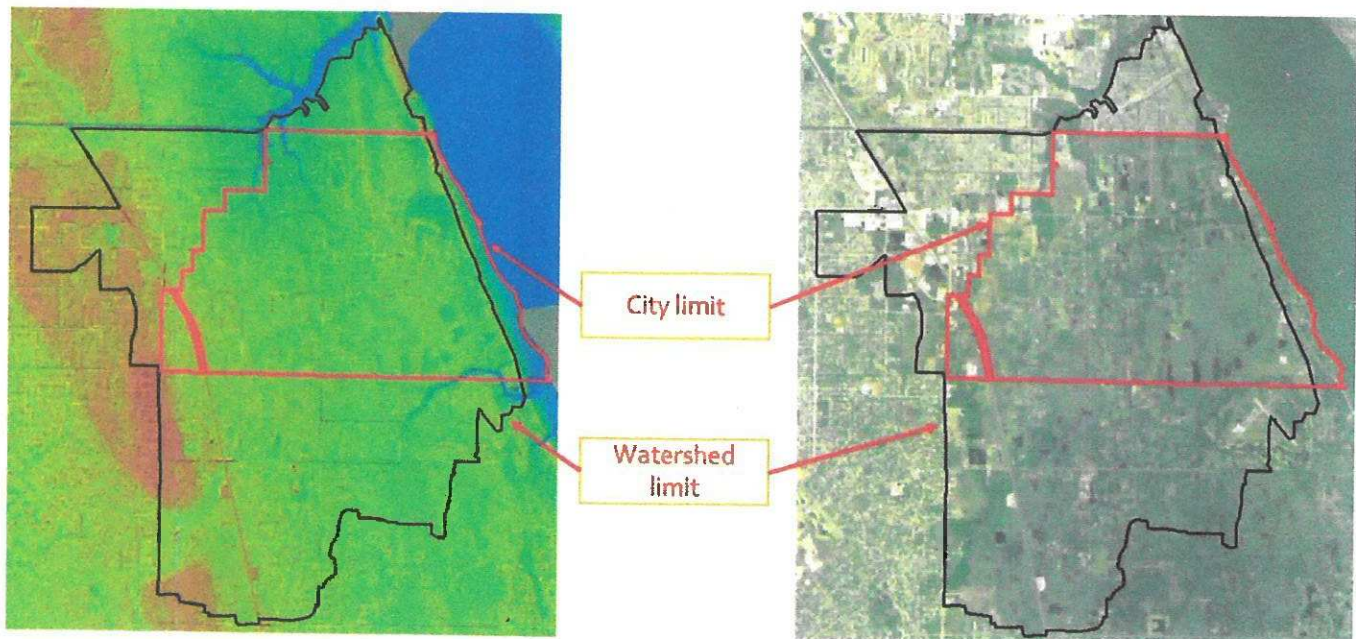


Figure 1. Approximate Sub-Basin Extents



## **2.0 SCOPE OF SERVICES**

SAI shall complete the following tasks as part of the Scope of Services to the Town of Malabar:

### **TASK 1. Data Collection and Review**

**Task 1.1 – Data Collection:** The objective of this task is to gather pertinent data related to the project from the Town and other applicable agencies and local communities. The data collected shall be reviewed to determine the significance of the information relative to defining the project design, hydrologic/hydraulic characteristics, wetlands, and surface water quantity within the project area. The following will be collected and reviewed during this task:

- Infrastructure Data (i.e. maps, structure information, maintenance records); (Town of Malabar)
- Flooding/maintenance concerns/complaints (Town)
- Aerial Imagery (Brevard County, 2019)
- Topographic Information (Brevard County, 2007)
- SWAMP Stormwater Inventory Database (Brevard County)
- ERP Polygons & Digital Data (St. Johns River Water Management District (SJRWMD))
- Additional Record Drawings (Town)
- FEMA Effective H&H Models (Federal Emergency Management Agency (FEMA))
- FEMA Flood Insurance Rate Map (FIRM) & Flood Insurance Studies (FIS) (FEMA)
- Landuse and Soils Data (SJRWMD and NRCS)
- Rainfall Data (NEXRAD, SJRWMD, USGS)
- SWIL Model Treatment Layers (Applied Ecology)
- Historical water levels / known flood elevations (Town)
- Flooding documentation (photos, videos, notes, survey, etc.) (Town)
- Available Existing Stormwater Studies (Town)

SAI will coordinate with the other entities and will only request assistance from the Town if problems arise (i.e. FEMA fees). The information to be requested will include existing model data, available reports, as-built plans, permits, etc. for the extent of the project. Available relevant environmental data including soils, landuse, wetlands, hydrography, etc. will also be collected.

**Task 1.2 – Identification of Topographic Voids and Areas of Development:** SAI will conduct a topographic void evaluation. Using the 2019 aerial imagery provided by Brevard County, the 2007 DEM, Brevard County's SWAMP infrastructure geodatabase, and the ERP layer, SAI will identify areas where the DEM does not describe existing topography. Simultaneous with this effort, SAI will identify ERPs and roadway plans to be incorporated into the watershed model.

SAI conducted a preliminary review of the ERPs in the watershed from the SJRWMD's ERP shapefile. The review identified approximately 184 new ERPs (post-2007) within the watershed.

**Task 1.3 – Field Reconnaissance / Engineering Level Survey:** Based on the collected information, a survey needs list will be developed. The identified survey needs will include locations where field reconnaissance and/or professional level survey will need to be conducted. Field reconnaissance will be required for locations where the available information is suspect or missing measurements. For instance, if two plan sets contradict each other, field reconnaissance and/or engineering level survey will be required to determine which plan set has the correct information. The field reconnaissance efforts will also facilitate the development of the professional survey needs. Two full days of field work (team of two) is assumed for field reconnaissance and engineering level survey efforts.

**Task 1.4 – Professional Survey:** Professional survey may be required for structures whose vertical elevation information is unavailable or unknown or at locations where cross section information is needed. All

professional level survey will be conducted by WGI. The exact number of requiring professional survey is unknown at this time and is dependent on the findings from Tasks 1.1 through 1.4 above. All professional survey will be coordinated with the Town and no survey work will begin until authorized by the Town's project manager.

## **TASK 2. Asset Management Geodatabase Development**

The objective of this task is to develop and populate an asset management geodatabase for the Town's infrastructure using data collected under Task 1. The geodatabase will include spatial references to drainage features throughout the town limits with references to structure data, maintenance data, and pertinent modeling information. Applied Ecology, Inc. (AEI) will develop the asset management geodatabase. The database will include features as prioritized by the Town. Refer to **Attachment 1** for more information on AEI's scope of services. SAI's tasks are outlined below.

**Task 2.1 – Asset Management Geodatabase Coordination:** SAI will coordinate with AEI to develop the Asset Management Geodatabase and ensure a link between the asset geodatabase and the model geodatabase.

## **TASK 3. Stormwater Model Development**

The objective of this task is to develop a Town-wide stormwater master plan model using ICPR4 and associated model geodatabase. The preliminary model developed by SAI will serve as a basis for the model development. Model refinements will be conducted to include additional detail within the Turkey Creek watershed, which comprises much of the Town, and in areas of concern as indicated by the Town.

**Task 3.1 – Model Network Development:** A model geodatabase will be developed using input data from the preliminary ICPR4 model prepared by SAI. The model geodatabase will be in GWISv2.1 (maintained by SWFWMD) for ease of input/export of data between ICPR and GIS. This effort includes only spatial references to model features and basic feature information, such as feature type (i.e. node, basin, link), subtype (i.e. pipe, channel, weir), and model feature name. A "Facility ID" will be included to correlate model features within the Town's jurisdiction to the Infrastructure Database developed under **Task 2**.

This task includes only the spatial placement of features at this time. Parameterization will be completed during a subsequent task. This task also does not include population of data tables or development HEP Network and Hydro Network features associated with the GWIS data structure.

Model features in the Model Geodatabase will be reviewed and additional features added where necessary in the areas identified as new development / new construction development. The model geodatabase will include the following features:

- **ICPR\_NODE:** Nodes will be used to represent ponds that are at a minimum of one (1) acre or located in key depressional areas (i.e. wetlands). Ponds that are less than one acre will be included within the network when part of a larger conveyance system.
- **ICPR\_LINK:** Links will be utilized to provide conveyance between nodes and shall represent channels, pipes, outfall structures, etc. The assumptions and methodology for the development of each link type are as follows:
  - **Channels:** Channel data will come from survey or the 2007 DEM. If appropriate, FEMA channel cross sections may be used in areas where a FEMA effective model is available. SAI will prioritize the channels for which survey needs to be completed.
  - **Pipes:** Pipe information included in the SWAMP geodatabase is assumed to be accurate, except in areas where significant changes are noted from aeriels, terrain, ERPs, or as noted by the Town. Pipe data for new or revised pipes will be captured from the collected construction plans, permits, and the Town's records. The County's SWAMP geodatabase will

override all other sources except for survey. Pipes that are missing invert elevations will be flagged for survey. Pipes that are missing only dimensions will be identified for field verification.

- *Drop Structures*: Drop structures are utilized to represent weir and pipe systems and shall be developed in the same way as pipes.
- *Weirs*: Weir links are separated into two categories: structural and overland flow. Structural weirs represent man-made structures and will be developed in the same way as pipes and drop structures. Overland weirs represent flow over terrain or road crossings. Information for overland weirs will come from the 2007 DEM or, in key locations, survey.
- *Bridges*: Bridge links within the model will be spatial only as all bridge information will be developed within HEC-RAS and imported into the ICPR model as a rating curve. Any bridge links available in the FEMA Effective Models (requested 3/30/2020 from FEMA) will be taken as-is except for areas that have noted significant changes such as road widenings.
- **ICPR\_BASIN**: Arc-Hydro tools will be utilized to develop initial subbasins based on the 2007 DEM. Basins within topographic void areas or areas of new development will be delineated based on terrain data, aerials, plans, and permit information.

**Task 3.2 – 2D Region Development**: A 2D region will be defined to represent areas of 2D overland flow. 2D overland flow features will be added to refine the overland flow mesh based on topographic features as necessary. This will include, but not necessarily be limited to, breakpoints and breaklines, channel features and channel control volumes, and pond nodes and pond control volumes, and 1D interface nodes. Nodes and pond control volumes will be used to represent ponds that are at a minimum of an acre or in key depressional areas (i.e. wetlands). Pond locations that are less than an acre will only be included within the network when the pond is part of a larger conveyance system. This task only includes the spatial placement of nodes and pond control volumes at this time. Parameterization of the nodes will be completed during a different task.

**Task 3.3 – Model Hydraulic and Hydrologic Parameterization**: This task includes the effort to collect the remaining information to generate the ICPR4 model.

- Refine 1D basins based on Data Collection conducted in **Task 1**.
- Update Soils: This includes downloading the 2019 soil features from USDA-NRCS and updating them based on the 2019 aerials. The updated soils will be provided within the deliverables.
- Update Landuse: This includes downloading the 2019 landuse features from SJRWMD and updating them based on the 2019 aerials. The updated landuse will be provided within the deliverables.
- Time of Concentration (TC): This includes calculating the TC values for each developed basin. TC lines will be developed based on the TR-55 methodology and elevations will come from the 2007 LiDAR information obtained from Brevard County. TC lines categorized as “Sheet Flow” will be a maximum of 100-feet. The TC lines and calculations will be provided within the deliverables.
- Runoff Method Parameterization: This includes developing runoff parameters (basin area, runoff method and lookup tables, peak rate factor, etc.) for each developed basin.
- Stage Area Development: This includes developing the stage area relationships for the storage nodes developed. The relationships will be developed using ArcHydro tools and based on the 2007 LiDAR information.
- Initial Stage and Warning Stage Development: This includes developing the initial and warning stages for all the modeled nodes. The warning stages will be set to facilitate the Level of Service analysis to be conducted under a later task.

- **Development of Miscellaneous Hydraulic Parameters:** This task includes developing the miscellaneous hydraulic parameters listed below:
  - Entrance/Exit Loss
  - Manning's Values
  - Solution Algorithm
  - Inlet/Outlet Controls
  - Top/Bottom Clips
- **Development of Boundary Conditions:** This task includes developing the boundary conditions (time-stage or time-flow relationships) for key locations outside of the watershed. Boundary conditions are anticipated to be placed at Turkey Creek and Goat Creek.

#### **TASK 4. Model Setup, Execution, Debug and Stabilization**

Task 4.1 – Generation of the ICPRv4 Model: This task includes the creation of the ICPR4 model by exporting the project GWIS geodatabase to ICPR4.

Task 4.2 – Model Debug and Stabilization: This task includes the setup of model simulations and debug of the model. The following preliminary simulations shall be developed and performed:

- 100-year/24-hr Storm
- No Rainfall

SAI shall also develop level-pool floodplain polygons, with no post processing, for these storm events. Using model results and level-pool floodplains, SAI shall identify and address the following potential issues:

- Continuity Error (preferably less than 2%)
- Inadequate Simulation Time
- Flow Reversals or Sudden Change
- Instability
- Significant Initial Flows
- Node and Cross Section Extrapolations
- Missing Interconnections (glass walls)

Task 4.3 – QC of ICPR4 Model: SAI has developed an ICPR model QC checker that will be utilized. The output of this QC checker, with SAI's response/action taken, will be provided within the deliverables.

Task 4.4 – Update Project Geodatabase: This task includes efforts to update the project geodatabase with the changes that were made to the ICPR model to keep the project geodatabase up to date.

#### **TASK 5. SWMP Model Validation**

Task 5.1 – Model Validation: SAI will validate the SWMP model against known flooding conditions identified by the Town using node max stage results and generated floodplains. Any photographs or measured high water marks from known storm events provided by the Town will be reviewed against the model results to ensure the model predictions are in-line with historical flooding conditions in key problem areas identified by the Town. The model parameters will be reviewed and revised as needed to best represent the watershed. This task does not include full model calibration efforts based on historical storm events and/or gage data.

Task 5.2 – Update Project Geodatabase: This task includes efforts to update the project geodatabase to reflect any changes made to the ICPR model to keep the project geodatabase up to date.

This effort does not include full model calibration/verification efforts using surveyed high-water marks and/or gage data, or review of NEXRAD doppler data.

## **TASK 6. Final Model Execution and Floodplain Development**

Task 6.1 – Model Execution: This task includes the setup and simulation of the design storms below

- 10-year/8-hr Storm
- 100-year/8-hr Storm
- Mean Annual, 2.33-year/24-hr Storm
- 10-year/24-hr Storm
- 25-year/24-hr Storm
- 100-year/24-hr Storm
- 25-year/72-hr Storm
- 100-year/72-hr Storm

Task 6.2 – LOS Floodplain Development: SAI will delineate “level-pool” floodplains using the peak stage results. These mappings will be approximate delineations from GIS raster processing. Significant post-processing clean-up and transitions will not be performed. These floodplains will be utilized to identify potential areas of concern. The simulated storm events that “level-pool” floodplains will be delineated for are as follows:

- Mean Annual, 2.33-year/24-hr Storm
- 10-year/24-hr Storm
- 25-year/24-hr Storm
- 100-year/24-hr Storm

## **TASK 7. Design Solution Development**

Task 7.1 – Conceptual Design Alternative Meeting: A meeting will be held with the Town to go over some conceptual design alternatives that the Town would like evaluated and to determine the desired location of other potential design alternatives based on the LOS analysis. It is anticipated that this meeting will be remote.

Task 7.2 – Design Solution Development and Simulation: Using the existing conditions model, SAI will simulate up to three (3) conceptual design alternatives proposed by the Town. SAI will also develop up to three (3) additional design alternatives to alleviate flooding in the areas discussed during the Conceptual Design Alternative Meeting. Each of these design alternatives will be simulated for the design storms and their results will be compared to existing conditions. The proposed designs shall identify land acquisition, preliminary construction costs, construction constraints, wetland and conservation area impacts, and permit requirements. Development of construction plans is not included under this scope of work; however, a conceptual layout and cost estimate will be developed for each design alternative. Floodplains will also be developed to show the impacts of the drainage improvements.

Task 8.3 – Design Solution Presentation of Results: A meeting will be held with the Town to present the conceptual layouts and results of the design solutions developed, and to answer any questions related to the designs. The designs will be adjusted as needed based on feedback from the Town and summarized in the Summary Memorandum Report included in **Task 9**.

## **TASK 8. Report Documentation**

Task 9.1 - Draft Summary Memorandum Report: The consultant will prepare a draft Stormwater Study Summary Memorandum Report that documents all elements of the stormwater study and presents a summary of the existing conditions model results and LOS analysis. The draft report (PDF) along with ICPR model files will be provided as an electronic deliverable for review and comment by the Town. The report will also summarize conceptual design efforts.

**Task 9.2 - Final Summary Memorandum Report:** The consultant will incorporate the Town's comments and finalize the Report. Results from the conceptual designs will also be incorporated. The consultant will prepare and deliver two (2) bound hard copies and one (1) electronic copy (PDF) of the report and final existing conditions ICPR model files provided on DVD.

**Deliverables:**

- **Draft Summary Memorandum Report (1 electronic copy).**
- **Final Summary Memorandum Report (2 hard copies and 1 electronic copy)**

**TASK 9. Meetings, Coordination, and Project Schedule**

**Public Involvement – Initial Coordination:** This task will involve preparing and sending out questionnaires to the residents throughout the Town. The questionnaire will focus on identifying flooding problems throughout the community. The results of this questionnaire will be used to help validate the model and verify floodplains.

**Public Involvement – Public Meetings:** At the request of the Town, SAI will attend one (1) public meeting to present results of floodplain development and conceptual design alternatives as agreed on by the Town to inform the public and obtain feedback. It is anticipated this meeting will be in an open-house, exhibition-booth style format, rather than a formal presentation and will involve the following efforts:

- **Informational Kiosk Figures:** Preparation of up to four (4) 24"x36" figures mounted on foam board for display at informational kiosks.
- **Staffing:** SAI will provide up to four (4) people for the meeting. SAI personnel will explain the study and proposed conceptual designs, answer questions, and assist residents in finding their property on the figures.
- **Comment Cards:** SAI will prepare and provide forms for the attendees to provide their name, address, and any comments they may have. These comments may be useful to the Town during final design of the alternatives. The Town will be responsible for responding to the individual property owners.

**Project Management, Status Reports and Client updates:** The consultant will coordinate the project team (including internal staff, the Town, and sub-consultants), monitor the project schedule and project budget, hold weekly internal progress meetings, and provide status reports to the Town at a minimum frequency of every two weeks.

**Additional Tasks (Optional)**

**Additional Meetings and Coordination:** Additional meetings not specified in this scope of services will be held at the request of the Town. Any additional meetings will be invoiced on an hourly basis and are not included in the current fee schedule.

**Survey (WGI):** Survey will be performed by SAI **only** at the direction of the Town of Malabar to support the completion of **Tasks 1, 2 & 3**. The survey efforts will be invoiced as direct costs from SAI to the Town of Malabar up to a total value of \$10,000.

### **3.0 COMPENSATION**

The compensation to be paid to the CONSULTANT for providing the services described in the above scope of work shall be on a "Fixed Fee" basis. A detailed breakdown of the CONSULTANT's estimated professional fees (including man-hours and rates) are included as **Attachment 1**.

Item	Cost
SWMP Project Total	\$162,713.00
Asset Management Total (AEI)	\$37,410.00
<b>Project Subtotal</b>	<b>\$200,123.00</b>
Optional Tasks (Survey; WGI)	\$10,000.00
<b>Project Total with Options</b>	<b>\$210,123.00</b>

A preliminary project schedule is included below:

Deliverable	Days from Notice to Proceed
Draft Asset Management Geodatabase <i>Electronic deliverable</i>	90
Initial ICPR4 Model and Draft Summary Memorandum <i>Electronic deliverable</i>	150
Conceptual Design & Design Models <i>Electronic Deliverable</i>	240
Final Deliverables: ICPR4 model & model GDB Asset Management GDB Final Summary Memorandum <i>Hard Copy &amp; Electronic Deliverables</i>	270

The CONSULTANT will submit invoices for work performed during each calendar month showing the current month's percent complete on each task. Invoicing will be accompanied by a brief description of the work effort completed during the billing period.

Should the Town terminate a task or tasks, the Consultant will be compensated for the work performed up to the date of termination.

**Table 1: SAI Fee Quotation Proposal  
Malabar Asset Management and Master Plan**

	Principal / Sr. Project Manager	Program / Project Manager	Sr. Professional Engineer / Scientist	Professional Engineer / Scientist	Staff Engineer / Scientist	Sr. GIS Analyst	GIS Analyst	Intern Engineer / Scientist	Administrative Support	Man Hours By Activity	Cost By Activity
Hourly Rate:	\$ 218.00	\$ 151.00	\$ 185.00	\$ 151.00	\$ 116.00	\$ 120.00	\$ 99.00	\$ 53.00	\$ 75.00		
<b>Task</b>											
<b>1 Data Collection and Review</b>											
Task 1.1 - Data Collection	1	2	0	4	2	0	26	29	0	64	\$ 5,473.00
Task 1.2 - Identification of Topographic Voids	0	1	0	2	0	0	12	24	0	39	\$ 2,913.00
Task 1.3 - Field Reconnaissance / Eng. Level Survey	0	2	0	0	0	4	32	2	2	40	\$ 2,544.00
Task 1.4 - Professional Survey	0	1	0	0	1	2	0	0	0	4	\$ 510.00
<b>Total Data Collection and Review</b>	<b>1</b>	<b>6</b>	<b>0</b>	<b>6</b>	<b>3</b>	<b>2</b>	<b>42</b>	<b>85</b>	<b>2</b>	<b>147</b>	<b>\$ 11,440.00</b>
<b>2 Asset Management Geodatabase Development</b>											
Task 2.1 - Asset Management Geodatabase Coordination	2	8	0	0	0	12	4	0	0	26	\$ 3,480.00
<b>Total Asset Management Geodatabase Development</b>	<b>2</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>12</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>26</b>	<b>\$ 3,480.00</b>
<b>3 Stormwater Model Development</b>											
Task 3.1 - Model Network Development	0	14	0	0	33	8	32	80	0	167	\$ 14,409.00
Task 3.2 - 2D Region Development	0	0	16	16	32	8	24	6	0	102	\$ 12,838.00
Task 3.3 - Model Hydraulic and Hydrologic Parameterization	2	6	2	6	22	0	36	61	0	135	\$ 12,033.00
<b>Total Stormwater Model Development</b>	<b>2</b>	<b>20</b>	<b>18</b>	<b>22</b>	<b>87</b>	<b>16</b>	<b>92</b>	<b>147</b>	<b>0</b>	<b>404</b>	<b>\$ 39,280.00</b>
<b>4 Model Setup, Execution, Debug and Stabilization</b>											
Task 4.1 - Generation of ICPv4 Model using GWIS	0	1	0	2	6	10	16	0	0	35	\$ 3,951.00
Task 4.2 - Model Debug and Stabilization	0	2	8	4	16	4	36	40	0	110	\$ 10,454.00
Task 4.3 - QC of ICPv4 Model	4	8	4	4	12	8	40	0	0	80	\$ 9,772.00
Task 4.4 - Update Project GWIS	0	1	0	0	4	8	4	8	0	23	\$ 2,167.00
<b>Total Model Setup, Execution, Debug and Stabilization</b>	<b>4</b>	<b>12</b>	<b>12</b>	<b>10</b>	<b>38</b>	<b>28</b>	<b>96</b>	<b>48</b>	<b>0</b>	<b>248</b>	<b>\$ 26,344.00</b>
<b>5 SWMP Model Validation</b>											
Task 5.1 - Model Validation	2	2	0	4	12	6	24	0	0	50	\$ 5,866.00
Task 5.2 - Update Project GWIS	0	1	0	0	2	0	2	4	0	9	\$ 798.00
<b>Total SWMP Model Validation</b>	<b>2</b>	<b>3</b>	<b>0</b>	<b>4</b>	<b>14</b>	<b>6</b>	<b>26</b>	<b>4</b>	<b>0</b>	<b>59</b>	<b>\$ 6,665.00</b>
<b>6 Final Model Execution and Floodplain Development</b>											
Task 6.1 - Model Execution	0	4	0	0	12	0	0	0	0	16	\$ 2,032.00
Task 6.2 - Floodplain Development	0	2	0	0	16	16	0	20	0	54	\$ 5,186.00
<b>Total Final Model Execution and Floodplain Development</b>	<b>0</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>28</b>	<b>16</b>	<b>0</b>	<b>20</b>	<b>0</b>	<b>70</b>	<b>\$ 7,218.00</b>
<b>7 Design Solution Development</b>											
Task 7.1 - Conceptual Design Alternative Meeting	0	4	2	0	2	0	0	0	1	9	\$ 1,287.00
Task 7.2 - Design Solution Development	4	6	6	24	48	36	54	30	0	208	\$ 23,480.00
Task 7.3 - Design Solution Presentation of Results	0	2	2	4	12	0	10	20	1	51	\$ 4,829.00
<b>Total Design Solution Development</b>	<b>4</b>	<b>12</b>	<b>10</b>	<b>28</b>	<b>62</b>	<b>36</b>	<b>64</b>	<b>50</b>	<b>2</b>	<b>268</b>	<b>\$ 29,596.00</b>
<b>8 Report Documentation</b>											
Task 8.1 - Draft Summary Memorandum Report	2	2	0	8	40	0	4	32	8	96	\$ 9,398.00
Task 8.2 - Final Summary Memorandum Report	2	2	0	4	20	0	2	16	4	60	\$ 5,068.00
<b>Total Report Documentation</b>	<b>4</b>	<b>4</b>	<b>0</b>	<b>12</b>	<b>60</b>	<b>0</b>	<b>6</b>	<b>48</b>	<b>12</b>	<b>146</b>	<b>\$ 14,466.00</b>
<b>9 Meetings, Coordination, and Project Schedule</b>											
Public Involvement - Public Meetings	2	2	6	10	16	32	0	6	16	90	\$ 10,620.00
Public Involvement - Initial Coordination	1	2	0	8	8	0	0	0	4	23	\$ 2,980.00
PM, Status Reports, Client updates	1	9	0	0	18	0	0	0	18	46	\$ 5,969.00
Project Schedule and updates	0	7	0	6	18	0	0	0	18	49	\$ 5,455.00
<b>Total Meetings, Coordination, and Project Schedule</b>	<b>4</b>	<b>20</b>	<b>6</b>	<b>24</b>	<b>60</b>	<b>32</b>	<b>0</b>	<b>6</b>	<b>56</b>	<b>208</b>	<b>\$ 24,124.00</b>
<b>Total Estimated Labor</b>	<b>23</b>	<b>91</b>	<b>46</b>	<b>106</b>	<b>352</b>	<b>148</b>	<b>330</b>	<b>408</b>	<b>72</b>	<b>1576</b>	<b>\$ 162,813.00</b>
<b>Miscellaneous Direct Reimbursable Expenses</b>											
Printing										=	\$ -
Shipping										=	\$ 100.00
<b>Total Miscellaneous Direct Reimbursable Expenses</b>										=	\$ 100.00
<b>TOTAL SAI LUMP SUM FEE COMPUTATIONS</b>										=	<b>\$ 162,713.00</b>
<b>Subconsultant Fees</b>											
Applied Ecology, Inc. (AEI) - Asset Management Geodatabase Development										=	\$ 37,410.00
<b>Total Subconsultant Fees</b>										=	<b>\$ 37,410.00</b>
<b>TOTAL PROJECT LUMP SUM FEE COMPUTATIONS</b>										=	<b>\$ 200,123.00</b>
<b>Optional Tasks</b>											
WGI - Survey										=	\$ 10,000.00
<b>TOTAL PROJECT LUMP SUM FEE COMPUTATIONS WITH OPTIONS</b>										=	<b>\$ 210,123.00</b>



# TOWN OF MALABAR

## COUNCIL MEETING

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

**Meeting Date: June 01, 2020**

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

---

**SUBJECT: Town's Cost-share Percentage when Paving Local Lanes (con't. from 5/4/20)**

---

### **BACKGROUND/HISTORY:**

Council consensus at the last meeting was to continue to work on this process. CM Danny While offered to work with staff to provide a formula that could be incorporated into the special assessment process.

If the direction is given to staff, we will draft an ordinance to amend Chapter 13 to include the new language explaining the benefit for the incentive process.

Benefit to Malabar is ultimate reduction in road maintenance costs.

### **ATTACHMENTS:**

Memo from CM Danny White  
Portion of Chapter 13, Section 13-52

### **ACTION OPTIONS:**

Direction to Staff

Danny White

May 13,2020

## Ordinance to Subsidize the Paving of Unpaved Lanes

### Background

The Town of Malabar can utilize funds provided by the Brevard County TIFT ( Transportation Impact Fee Trust ) to subsidize a portion of the costs of paving unpaved lanes. The costs of paving these lanes is normally 100% the responsibility of the residents.

Funds from the TIFT can only be used to expand the capacity of transportation. Examples are: Widening a previously paved road, Laying sidewalks, and paving an unpaved road.

Funds from the TIFT unfortunately have a shelf life of approximately 5 years. If not utilized, the funds will be returned to Brevard County.

The Ordinance would read:

The Town of Malabar, using only TIFT funds and only as long as TIFT funds are available, will subsidize the costs of paving an unpaved lane utilizing the following criteria.

1. The residents have satisfied the requirements of Ordinance .....
2. The number of primary homes on the lane multiplied by 4 will provide the percentage of subsidy within the limits set forth in criteria 3 and 4.
3. The minimum subsidy provided will be 30%
4. The maximum subsidy provided will be 50%
5. Examples: 4 homes = 30%, 9 homes = 36%, 19 homes = 50%

owner may file with the town clerk a notice of assignment on a form approved by the town, which notice of assignment shall be recorded by the clerk in the official certified costs records, in which case the clerk shall pay such monies over to the assignee upon reimbursement as set forth hereinabove. Such assignee shall have the same obligation to keep the town clerk informed of any changes of address and the same procedure shall be utilized in the event that reimbursed monies are not deliverable to such assignee, after which time such monies shall be forfeited as described hereinabove. No assignment to such funds may be made to any individual other than a successor in interest to the real property that abuts such street upon which the improvement was made.

(Ord. No. 01-01, § 1-16, 2-5-01)

**Sec. 13-52. Levy of special assessments for street paving, construction or hard surfacing.**

(1) Pursuant to F.S. Ch. 170, the town council may, from time to time, levy special assessments for paving, hard surfacing, and construction of streets, as well as other purposes permitted by F.S. Ch. 170. The town reserves the right to levy such special assessments from time to time.

(2) As an alternative to the provisions of subsection (1) above, upon petition signed by the owners of two-thirds ( $\frac{2}{3}$ ) or greater of the front footage on any street or road requesting the town council to construct, pave, or hard surface such street or road, the town council of the town shall, upon a finding by the council that the petition is in sufficient form, substance and execution, direct town staff to determine the preliminary cost for such construction activity. Within thirty (30) days of notice sent to the owners, via regular mail to the address appearing on the petition, signing the petition of the preliminary determination of such construction cost an owner may notify the town of their desire to be excluded from the petition. If an owner timely requests they be excluded from the petition then their name shall not be considered as joining the petition.

- a. At the expiration of the thirty-day notice period above and if there are enough owners removed from the petition to drop below the two-third ( $\frac{2}{3}$ ) threshold requirement the petition shall be deemed rejected and no further action shall be required.
- b. At the expiration of the thirty-day notice period above and if there are enough owners to meet the two-third ( $\frac{2}{3}$ ) threshold requirement the town council may approve the construction and order a special assessment imposed in accordance with the procedures of F.S. Ch. 170. Notwithstanding any owner whose name is excluded from the petition, if the town council determines to approve the construction and the imposition of the special assessment for such construction, all owners of property benefited from the construction improvement shall be subject to the special assessment.

(3) The form of the petition provided for herein shall be supplied by the town.

(4) Provisions for the pay back of any special assessment imposed pursuant to this section shall be set forth in the resolution required by F.S. Ch. 170. *Reso 15-2012*  
(Ord. No. 01-01, § 1-17, 2-5-01; Ord. No. 12-54, § 1, 7-16-12)