



REGULAR TOWN COUNCIL MEETING

Thursday, September 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 of 08/17/2020
Exhibit: Agenda Report Number 4a

Attachments:

- Agenda Report Number 4a (Agenda_Report_Number_4a.pdf)

- b. Appoint Interim Town Manager Lisa Morrell as TPO/TAC Representative
5. ATTORNEY REPORT
6. BCSO REPORT
7. BOARD / COMMITTEE REPORTS
 - a. T&G Committee
 - b. Park & Recreation Board
 - c. Planning & Zoning Board
8. STAFF REPORTS
 - a. Town Manager
 - b. Bill Barrett
Malabar Lobbyist
 - c. Public Works Director
Written Report
 - d. Fire Chief
 - e. Town Clerk
9. PUBLIC COMMENTS

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

Five (5) Minute Limit per Speaker

10. PUBLIC HEARINGS : 4
 - a. Request from Representative of Property Owner to Amend Zoning to be Consistent with the Current FLUM (Ordinance 2020-09)

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; AMENDING THE ZONING MAP TO MATCH THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN FOR THE 1.97+/- ACRE SITE LOCATED AT THE NW CORNER OF MALABAR ROAD AND MARIE STREET, ALSO KNOWN AS PARCEL 762 IN SECTION 36, TOWNSHIP 28, AND RANGE 37, MALABAR, FLORIDA FROM COMMERCIAL LIMITED (CL) TO COMMERCIAL GENERAL (CG); PROVIDING FOR AMENDMENT TO THE TOWN ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report Number 10a(1) and Agenda Report Number 10a(2)

Attachments:

- Agenda Report Number 10a(1) (Agenda_Report_Number_10a_1_.pdf)
- Agenda Report Number 10a(2) (Agenda_Report_Number_10a_2_.pdf)

b. Storm Water Assessment Roll for Collection for FY 2020/2021 (Resolution 13-2020)

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING CERTIFICATION OF ANNUAL STORM WATER UTILITY ASSESSMENT ROLL FOR FY 2020/2021; ADOPTING AN ANNUAL BUDGET FOR THE TOWN'S STORM WATER UTILITY; PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report Number 10b

Attachments:

- Agenda Report Number 10b (Agenda_Report_Number_10b.pdf)

c. First Reading: Approve Millage Levy Rate for FY 2020-2021 (Ordinance 2020-10)

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, ADOPTING THE MILLAGE RATE OF 2.3800 FOR THE LEVY OF AD VALOREM TAX WITHIN THE TOWN FOR THE PERIOD FROM OCTOBER 1, 2020 THROUGH SEPTEMBER 30, 2021, AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report Number 10c

Attachments:

- Agenda Report Number 10c (Agenda_Report_Number_10c.pdf)

d. First Reading: Approve Budget for FY 2020-2021 (Ordinance 2020-11)

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; ADOPTING THE BUDGET OF \$2,350,633 FOR THE FISCAL PERIOD FROM OCTOBER 1, 2020 THROUGH SEPTEMBER 30, 2021; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report Number 10d

Attachments:

- Agenda Report Number 10d (Agenda_Report_Number_10d.pdf)

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

(RECOMMENDATIONS FROM BOARDS, HOA REQUESTS, RESIDENT GRIEVANCES)

a. Appeal Denial of Home BTR in RR-65 - Endless Summer AC LLC

APPLICANT APPEALS DENIAL OF HOME BUSINESS FOR AC CONTRACTOR AT 400 HALL ROAD.

Exhibit: Agenda Report Number 11a(1) and Agenda Report Number 11a(2)

Attachments:

- Agenda Report Number 11a(1) (Agenda_Report_Number_11a_1_.pdf)

12. ACTION ITEMS

ORDINANCES:0

RESOLUTIONS:0

MISCELLANEOUS:0

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 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.

TOWN OF MALABAR

COUNCIL MEETING

AGENDA ITEM NO: 4.

Meeting Date: September 03, 2020

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

SUBJECT: 4. Consent Agenda

BACKGROUND/HISTORY:

- a. Town Council Regular Meeting Minutes – 8/17/2020
- b. Appoint Interim Town Manager Lisa Morrell as TPO/TAC Representative

ATTACHMENTS:

- a. Draft Minutes of 8/17/2020

ACTION OPTIONS:

Council Action on Consent Agenda

**MALABAR TOWN COUNCIL REGULAR MEETING MINUTES
AUGUST 17, 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
	MATT STINNETT
	KARL BOHNE
	DEBBY FRANKLIN

TOWN MANAGER: (TM)

TOWN ATTORNEY:

TOWN CLERK/TREASURER:

3. APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES: Mayor added vote on Budget WS for next Monday – cancel or not.

4. CONSENT AGENDA:

4.a. Regular Town Council Mtg Minutes of 8/03/2020

4.b. Council WS Minutes of 8/10/2020

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

5. ATTORNEY REPORT: nothing

6. STAFF REPORTS:

6.a. **MANAGER:** TM Hunter Lane TIFT funding for approval. TPO/TAC mtg on the 8th. SW master plan moving along – 15% sb halfway done by end of year. Lobbyist is helping with revolving fund. He also attended the last P&Z mtg with great discussion for planning in the town's future and what our vision is. May be interest in doing joint WS in future to get on same page. Mayor asked about Lisa getting up to speed.

6.b. **CLERK:** nothing

7. PUBLIC COMMENTS: Comments at this point may address items NOT on the Agenda. Comments related to subsequent Agenda Items may be made as those items come up. (Speaker Card is Required) Five (5) Minute Limit

8. PUBLIC HEARINGS: 1

8.a. 2nd Reading: Amend Zoning Map to Match FLUM: 2525 Malabar Rd (Ord 2020-07)

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; AMENDING THE ZONING MAP TO MATCH THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN FOR THE 4.72+/- ACRE SITE LOCATED AT 2525 MALABAR ROAD, ALSO KNOWN AS PARCEL B-4 IN SNEDEKERS SUBDIVISION IN SECTION 31, TOWNSHIP 28 AND RANGE 38, MALABAR, FLORIDA FROM RURAL RESIDENTIAL (RR-65) AND OFFICE INSTITUTIONAL (OI) TO RESIDENTIAL/LIMITED COMMERCIAL (R/LC); PROVIDING FOR AMENDMENT TO THE TOWN ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: **Agenda Report No. 8.a.**

Ord is read by title only. Open Public Hearing: none. Closed Public Hearing.

MOTION: CM Vail / CM Ball to adopt Ord 2020-07. Discussion: none.

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

9. UNFINISHED BUSINESS/GENERAL ORDERS MAY INCLUDE ITEMS DIRECTLY RELATED TO RESIDENTS PRESENT AT MEETING (RECOMMENDATIONS FROM BOARDS, HOA REQUESTS, RESIDENT GRIEVANCES)

10. ACTION ITEMS: ORDINANCES for FIRST READING: 0

RESOLUTIONS: 1**10.a. Renew Audit Engagement for James Moore CPA (Reso 13-2020)**

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR COUNCIL APPROVAL OF THE RENEWAL ENGAGEMENT FOR AUDIT SERVICES BY JAMES MOORE, CPA FOR THE TOWN OF MALABAR FOR FISCAL YEARS ENDING SEPTEMBER 30 2021, 2022, 2023; PROVIDING FOR ADMINISTRATION AND FEES; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 10.a.

Reso is read by title only.

Mayor asked TM. We have worked with them for the last three years and are through the learning curve. CM Rivet asked about the renewal limit. Franklin said we can renew for one more 3-year term.

MOTION: CM Rivet / CM Ball to adopt Reso 13-2020. 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: 1**10.b. Approval of "Qualified" Candidates for 2020 Election**

Exhibit: Agenda Report No. 10.b.

MOTION: CM Ball / CM White to Qualify the Candidates. Discussion: none. **VOTE:** All Ayes.

10.c. Mayor's added item – Mayor said after the last Budget workshop, Council was satisfied with the budget presented by TM. CM White was not at that meeting. CM White said he had discussed the draft budget with TM before the last workshop and was ok with it. He is in complete agreement. Approval was given to cancel the next budget workshop set for 8/24/20.

11. DISCUSSION/POSSIBLE ACTION: 0

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

13. REPORTS – MAYOR AND COUNCIL MEMBERS

CM Ball: Spoke about difficulty to get anyone interested to pick up candidate package and get involved – it was so hard. Consider this when someone comes in and complains. Each HOA should be sending a representative to each Council meeting.

CM Vail: nothing

CM Rivet: nothing

CM White: He can remember his first mtg on Council – a dispute over a loose bull on someone's property. There was a proposed change in livestock regulations and people were out the door. He also volunteered to help gather elevation measurements over a couple of weekends and that was later brought up as an accusation that he was starting a drainage committee without proper selection. It is the stuff that is said to them without substance.

CM Scardino: Suggested having event that brings people out together.

Mayor: Remember to vote tomorrow if you haven't already.

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

15. ADJOURNMENT: There being no further business to discuss and without objection, the meeting was adjourned at 7:48 P.M.

BY: _____
Mayor Patrick T. Reilly, Council Chair

ATTEST:

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

Date Approved: 09/03/2020

TOWN OF MALABAR

COUNCIL MEETING

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

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

SUBJECT: Agent for the Property Owner Requests a Zoning Map Amendment for the 1.97+/- acre site located at the NW corner of Malabar Road and Marie Street, also known as parcel 762 in section 36, township 28 and range 37, Malabar, Florida from Commercial Limited (CL) to Commercial General (CG). (Ord 2020-09)

BACKGROUND/HISTORY:

This was heard as a Public Hearing at P&Z on August 26, 2020. **They voted 5 to 0 to recommend Council approve this rezoning request to be consistent with the FLUM.**

This Council meeting is also a Public Hearing on the request for the zoning change. The method to accomplish this is done using an ordinance. Florida Statute provides the requirement for the second reading of the ordinance to also be at a Public Hearing. If this request is approved tonight, the ordinance 2020-09 will be advertised for a second reading on September 17, 2020.

The current zoning is Commercial Limited (CL). The buyer desires to develop the land and before he can proceed the Zoning must be consistent with the Land Use designation on the FLUM. The applicant mailed out his own flyer to the property owners listed in the radius package and has provided a rendering of what he would like to build.

The Town recently adopted an amended Future Land Use Map (FLUM) that changed the entire parcel to the Commercial General (CG).

This is a zoning map amendment only. There is no request to change the FLUM.

ATTACHMENTS:

Application package
Copy of Notice Applicant mailed to surrounding properties
Rendering of proposed development
Ordinance 2020-09
Legal Advertisement for Florida Today and Notices to property owners based on radius package

ACTION OPTIONS:

Council Action on Rezoning Request and first Reading of Ordinance 2020-09

TOWN OF MALABAR
2725 Malabar Road, Malabar, Florida 32950
(321) 727-7764 – Telephone
(321) 727-9997 - Fax

Date: 7/13/2020

No. 20-08-2020

APPLICATION FOR LAND USE AMENDMENT AND ZONING CHANGE

Before completing this application, please refer to the attached:

TOWN OF MALABAR

- General Information
- Section 1-12.5 - Procedures for Adopting, Supplementing or Amending the Land Development Code
- Florida Statutes, Chapter 166.041(c)
- Article III - District Provisions

RECEIVED

This application must be completed, with required attachments listed below, and returned to the Town Clerk's office.

Name of Applicant(s): Timothy A. Reynolds Telephone #: 321-223-9979

Mailing Address: 1071 Port Malabar Blvd, Suite 109, Palm Bay, FL 32905

Legal description of property covered by application:

Township: 28 Range: 37 East Section: 36

Lot/Block: n/a Parcel Subdivision: n/a

Other Legal: See attached Legal Description

Property Address: n/a

- Current and Proposed Comprehensive Plan Land Use Map Designation. The current and proposed Comprehensive Plan Land Use Map designation for the subject property shall be identified: Current: Commercial Limited Proposed: Commercial General
- Current and Proposed Zoning. The current and proposed zoning for the subject property shall be identified: Current: Commercial Limited Proposed: Commercial General
- Existing and Proposed Use. The existing and proposed use of the subject property shall be stated: Current: Vacant Land Proposed: Commercial General

Fees:

- Rezoning - \$625.00 for first acre plus \$10 for each additional acre, which includes administrative time and mailing. Any advertising or additional costs* shall be paid by the applicant for Residential.
 - Land Use Charges - \$300 which includes administrative time and mailing. Any advertising or additional costs* shall be paid by the applicant for Residential.
 - Rezoning & Land Use Charges - \$1500.00 for first acre plus \$10 for each additional acre, which includes administrative time and mailing. Any advertising or additional costs* shall be paid by the applicant for Commercial.
- (*Additional costs may include, but are not limited to engineering fees, attorney fees, etc.)

Required Attachments:

- Completed application, including Disclosure of Ownership (Pages 1 & 2)
- Fee of \$ 1510.00 in check or money order payable to *Town of Malabar*. We do not accept cash or credit cards. \$635.00
- Radius package from Brevard County P&Z GIS Department providing a list of names and addresses of property owners and legal descriptions of all property within 500 feet of the boundaries of the property covered by this application. The source of this list must be the most current records maintained by the Brevard County Tax Appraiser's Office. (321-633-2060)

7/17/2020
Pd ck # 7298
\$635.00

Signature of Applicant

Signature of Applicant

TOWN OF MALABAR
APPLICATION FOR LAND USE AMENDMENT AND ZONING CHANGE

Where the property is not owned by the applicant, a letter/letters must be attached giving the notarized consent of the owner/owners to the applicant to request a rezoning review of the property.

Please complete only one of the following:

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

Timothy A. Reynolds
Applicant

7/14/20
Date

Applicant

Date

TOWN OF MALABAR

JUL 17 2020

RECEIVED

Sworn and subscribed before me this 14th day of July, 2020.

NOTARY PUBLIC
STATE OF FLORIDA



Commission No. GG338674 My Commission Expires: 9/23/23

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

~~Applicant~~

~~Date~~

~~Applicant~~

~~Date~~

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

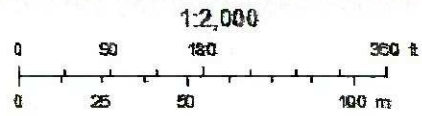
~~NOTARY PUBLIC
STATE OF FLORIDA~~

~~Commission No.: _____ My Commission Expires: _____~~

Brevard County Property Appraiser



August 11, 2020



2246850

For illustration only. Not a survey. Map layers may not precisely align.
© BCPAO 2013

Timothy A. Reynolds
3870 Garvin Lake Drive
Palm Bay, FL 32905
14 July 2020

TOWN OF MALABAR

JUL 17 2020

RECEIVED

Town of Malabar
2725 Malabar Road
Malabar, FL 32950

Subject: Rezoning of property on NW corner of Malabar Rd and Marie Street from CL to CG

Dear Sir or Madam,

In accordance with the future land use, we respectfully submit this application for a zoning change of the property described as follows from Commercial Limited to Commercial General.

SURVEYOR'S DESCRIPTION:

A part of the Southeast 1/4 of the Southeast 1/4 of Section 36, Township 28 South, Range 37 East, Brevard County, Florida, being more particularly described as follows:

Commencing at the Southeast corner of aforesaid Section 36, Township 28 South, Range 37 East, run N0°35'32"E along the East line of said Section 36 a distance of 1,306.40 feet; thence N89°40'29"W a distance of 15.00 feet to the West Right-of-Way Line of Marie Street, said point also being the Northeast corner of Lots 29-30 as shown on the plat of INDIAN RIVER FRUIT AND TRUCK LANDS AT MALABAR, FLORIDA, as recorded in Plat Book 2, Page 95, Public Records of Brevard County, Florida, said point also being the POINT OF BEGINNING of the herein described parcel; thence run S0°35'32"W parallel with the east line of aforesaid Section 36 a distance of 111.47 feet to the Northerly Right-of-Way Line of Malabar Road (State Road No. 514); thence S67°59'40"W along said Northerly Right-of-Way Line a distance of 469.83 feet to the West line of Property described in Official Records Book 2316, Page 2394, Public Records of Brevard County, Florida; thence N0°35'32"E parallel with aforesaid East line of Section 36 a distance of 289.81 feet to the North line of aforesaid Lots 29-30; thence S89°40'29"E along said North line a distance of 433.35 feet to the Point of Beginning.

Contains 1.996 Acres, more or less.

The planned use is to build a 5,000 sqft +/- 20% stand-alone facility that will house the Wild Manta, LLC Design Headquarters. Wild Manta, LLC is a family business 100% owned by my family and performs software development and component engineering. Our main activity is office work using standard computers, development, simulation and design tools along with a small prototyping lab. We have an employee base of approximately 10 employees with minimal secondary traffic.

In order to support this Application, we respectfully submit the completed application, check for payment of fees, survey, excerpt from purchase contract showing authority for requesting zoning change, as well as the Radius package from Brevard County P&A GIS Department.

Sincerely,

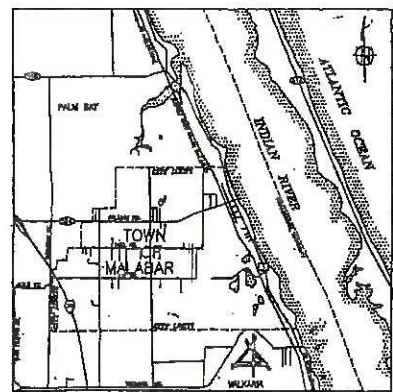
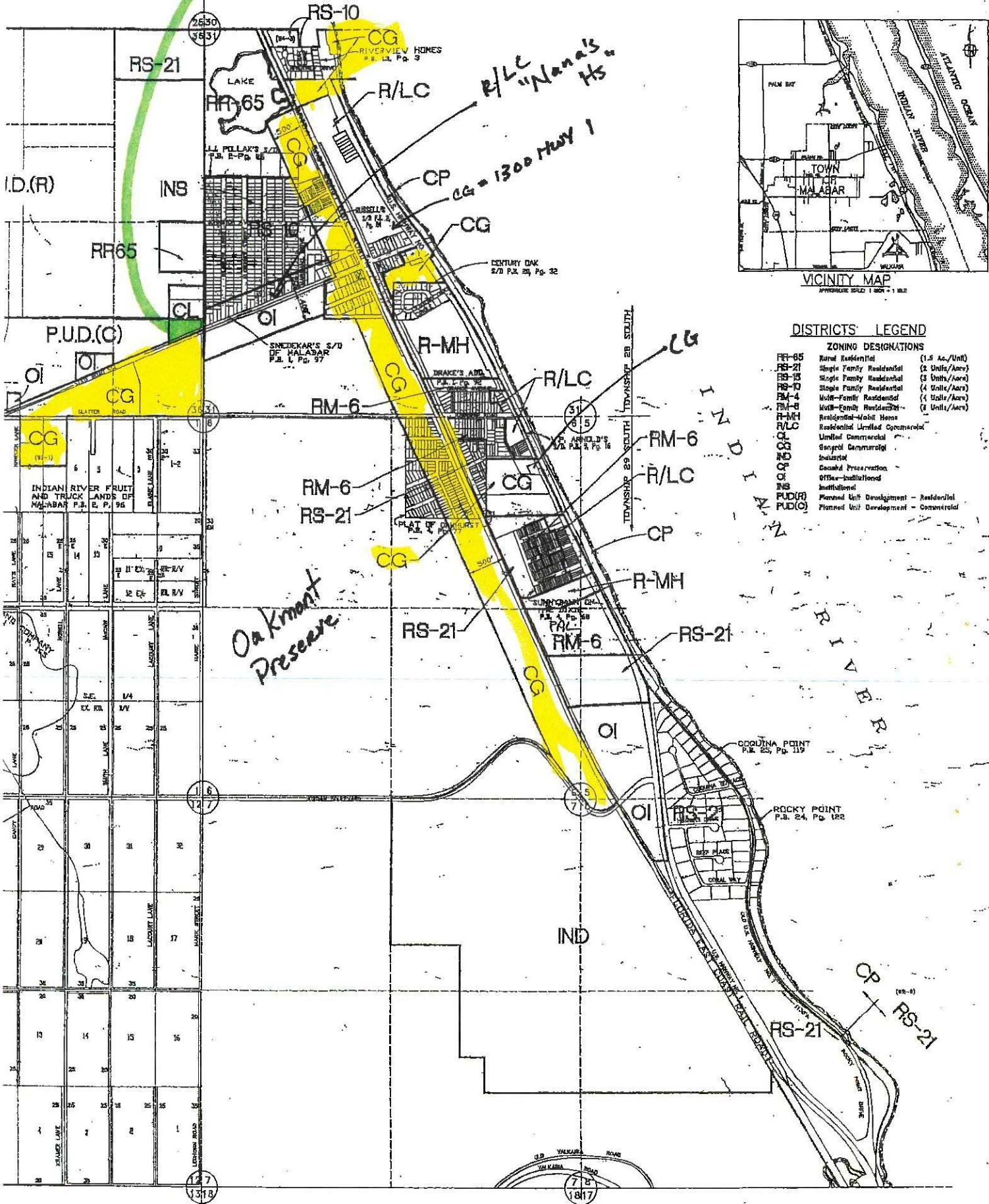


Timothy A. Reynolds
3870 Garvin Lake Drive

PROPERTY LOCATION

own cov 50'

RANGE 37 EAST RANGE 38 EAST



DISTRICTS' LEGEND

ZONING DESIGNATIONS

RF-65	Rural Residential	(1.5 Ac./Unit)
RS-21	Single Family Residential	(2 Units/Acre)
RS-10	Single Family Residential	(3 Units/Acre)
RS-15	Single Family Residential	(4 Units/Acre)
RM-4	Multi-Family Residential	(4 Units/Acre)
RM-6	Multi-Family Residential	(3 Units/Acre)
R-MH	Residential-Mobile Homes	
R/LC	Residential Limited Commercial	
CG	General Commercial	
CP	Industrial	
INS	Conservation	
IND	Office-Industrial	
PUD(R)	Institutional	
PUD(C)	Planned Unit Development - Residential	
	Planned Unit Development - Commercial	

TOWN ZONING MAP

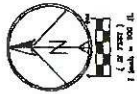
RANGE 37 EAST RANGE 38 EAST



TOWN OF MALABAR FUTURE LAND USE MAP

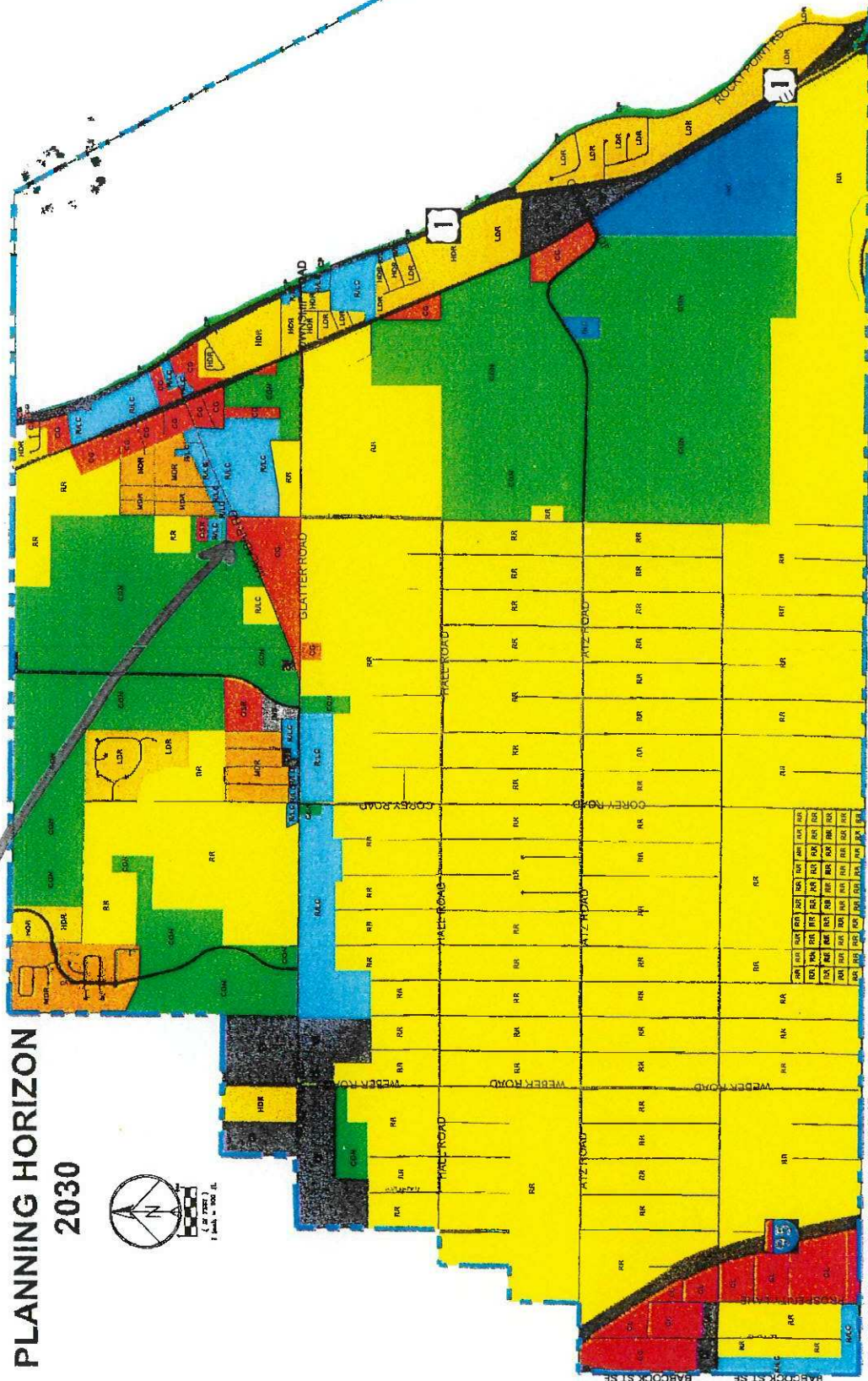
Property location

**PLANNING HORIZON
2030**



LAND USE DESIGNATIONS	
[Color swatch]	RESIDENTIAL LIMITED COMMERCIAL (RLC)
[Color swatch]	HIGH DENSITY RESIDENTIAL-LIMITED PER ACRE (HRD)
[Color swatch]	MEDIUM DENSITY RESIDENTIAL-LIMITED PER ACRE (MDR)
[Color swatch]	LOW DENSITY RESIDENTIAL-LIMITED PER ACRE (LDR)
[Color swatch]	MUNICIPAL RESIDENTIAL-1 UNDER PER ACRE (MR1)
[Color swatch]	COMMERCIAL GENERAL (CG)
[Color swatch]	COMMERCIAL LIMITED (CL)
[Color swatch]	INDUSTRIAL (IR)
[Color swatch]	OFFICE/INSTITUTIONAL (OI)
[Color swatch]	RESTORATION (RS)
[Color swatch]	OPEN SPACE AND RECREATION (OSR)
[Color swatch]	MULTI-FAMILY RESIDENTIAL OR OTHER SPECIAL (MFR)
[Color swatch]	CONSERVATION (CO)
[Color swatch]	RECREATIONAL SERVICES (RS)
[Color swatch]	PUD (RESIDENTIAL OR COMMERCIAL)
[Color swatch]	COUNTY PRESERVE (CP)
[Color swatch]	RAILROAD
[Color swatch]	STATE ROAD 1 (US HIGHWAY)

THIS IS NO COUNTY THAT THIS IS THE OFFICIAL PLAN MAP
ADOPTED AS PART OF THE ORDINANCE NO. 2019-04
OF THE TOWN OF MALABAR, FLORIDA.



BREVARD COUNTY, FLORIDA
PRINTED DATE: 06/26/2019 10:41



TOWN OF MALABAR

AUG 03 2020

RECEIVED

Dear Malabar Resident,

You may have noticed the signs for re-zoning that recently were placed on the property on the North-West corner of Malabar Road and Marie Street. The re-zoning we requested is to change the property from Commercial Limited to Commercial General to align with the Town of Malabar future land use plan. Following the re-zoning, it is our intent to build and re-locate the corporate headquarters of Wild Manta, LLC to the Town of Malabar. Wild Manta is a family owned and operated professional software, electrical, and mechanical engineering design and development company that specializes in innovative applied research in the areas of marine systems, precision geolocation, remote sensors, and imaging. Our primary model for operations is office work using standard computers, design and simulation software and electronics. We are not a manufacturer, assembly/repair station nor do we work with hazardous materials. Typical office hours are 8am-5pm M-F with a staff of approximately 10 employees. We are 100% US Owned and operated as a privately held entity.

The planned structure will be approximately 5,000 sqft and will complement the rural wooded nature of the area with a blend of the Malabar Vernacular style and tasteful landscaping. We are still working with the developer on the precise elevation and site plan, but our goal is to make the new Wild Manta facility a showplace along Malabar Road of which the entire community can be proud. We are keenly aware of the prominent position this property plays in establishing the character of the intersection and look forward to working with the community.

Feel free to contact us if you have any questions. We look forward to re-locating our corporate headquarters to Malabar, Florida and would appreciate your support in this re-zoning request.

Respectfully,

Tim Reynolds
 Wild Manta, LLC
 321-676-8606



NOTICE OF PUBLIC HEARINGS

CASE NO. ZC-08-2020

The Public Hearings will be conducted at the Town of Malabar Council Chambers, 2725 Malabar Road, Malabar, FL 32950

Planning and Zoning Board Meeting:
Wednesday, August 26, 2020 @ 7:00 pm

Town Council Meeting:
Thursday, September 3, 2020 @ 7:30 pm

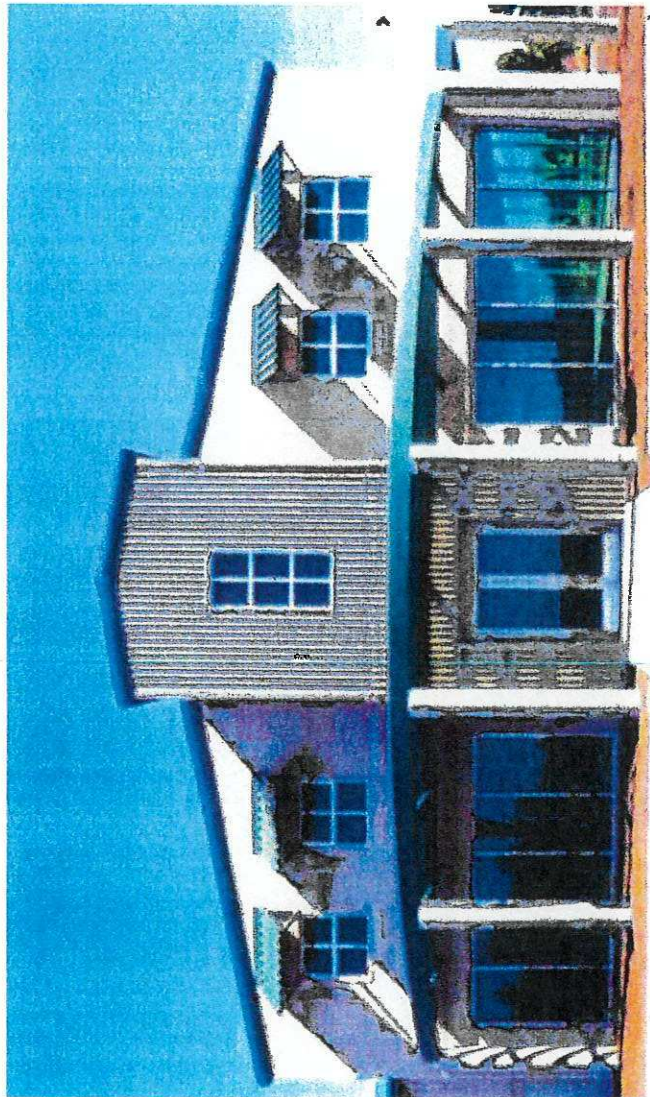
APPLICANT: Timothy A. Reynolds

REQUEST: ZONING CHANGE FROM CL TO CG

LOCATION: PARCEL ID # 28-37-38-00-782, NW CORNER OF MARIE STREET MALABAR ROAD, MALABAR FLORIDA

This re-zoning application may be inspected by the public at the Town Clerk's Office between the hours of 8:30AM and 5:00PM weekdays. Interested persons are encouraged to appear at these hearings and provide comments regarding the proposed ordinances. 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, Town Clerk.

**FOR MORE INFORMATION
CONTACT THE BUILDING DEPARTMENT
AT (321) 727-7764 X 14**



ORDINANCE 2020-09

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; AMENDING THE ZONING MAP TO MATCH THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN FOR THE 1.97+/- ACRE SITE LOCATED AT THE NW CORNER OF MALABAR ROAD AND MARIE STREET, ALSO KNOWN AS PARCEL 762 IN SECTION 36, TOWNSHIP 28 AND RANGE 37, MALABAR, FLORIDA FROM COMMERCIAL LIMITED (CL) TO COMMERCIAL GENERAL (CG); PROVIDING FOR AMENDMENT TO THE TOWN ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE.

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

Section 1. The Town Council has considered the request from Timothy A. Reynolds, the proposed buyer acting with authority from the property owner, the Shepard family and the recommendation of the Planning and Zoning Board and approves the Zoning change for the property described below to be consistent with the Future Land Use Map designation of *Commercial General (CG)*:

*Parcel 762 in Township 28, Range 37, Section 36, Malabar, Brevard County, Florida.
This property is located at the NW corner of Marie Street and Malabar Road and consists of 1.97 acres +/-.*

Section 2. The Town Clerk is hereby authorized and directed to cause the revision to the Official Town Zoning Map as referenced in Article II of the Land Development Code to show the zoning change set forth above.

Section 3. The effective date of this ordinance shall be six (6) days following adoption by Council.

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 will become effective and considered adopted by the Malabar Town Council six business days from the date of adoption at second reading.

BY:

(seal)

TOWN OF MALABAR

Mayor Patrick T. Reilly, Council Chair



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

To: brelegals@gannett.com

July 21, 2020

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

Please place the following legal ad one time on Thursday, August 13, 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 Town of Malabar's Planning and Zoning Board shall conduct a Public Hearing on Wednesday August 26, 2020 at 7:00 PM to consider a request from the representative of the property owner for a Zoning Map change from Commercial Limited (CL) to Commercial General (CG) to match the current Future Land Use Map Designation for a 1.97+/- acre site located at the NW corner of Marie Street and Malabar Road, Parcel ID 28-37-36-00-762. The applicant is Timothy A. Reynolds, agent for the Property Owner.

The Malabar Town Council, Brevard County, Florida will convene in the Town Hall, 2725 Malabar Road, Malabar, Florida on Thursday, September 3, 2020 at 7:30 PM or as soon thereafter as the matter can be heard, to conduct a public hearing on the same request and to consider the recommendation from the Planning and Zoning Board. The Zoning Change is incorporated into Ordinance 2020-09.

Copies of this document are available in the Clerk's office for review, 2725 Malabar Road, Malabar, Florida, during regular business hours. *All interested parties may email comments to townclerk@townofmalabar.org or mail comments to 2725 Malabar Road, Malabar, FL 32950 or appear and be heard at these meetings of the Planning and Zoning Board and Town Council with respect to this topic.*

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.



NOTICE OF PUBLIC HEARINGS

CASE NO. ZC- 08 -2020

The Public Hearings will be conducted at the Town of Malabar Council Chambers, 2725 Malabar Road, Malabar, FL 32950

Planning and Zoning Board Meeting:
Wednesday, **August 26**, 2020 @ 7:00 pm

Town Council Meeting:
Thursday, **September 3**, 2020 @ 7:30 pm

APPLICANT: Timothy A. Reynolds

REQUEST: ZONING CHANGE FROM CL TO CG

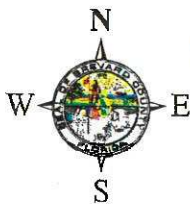
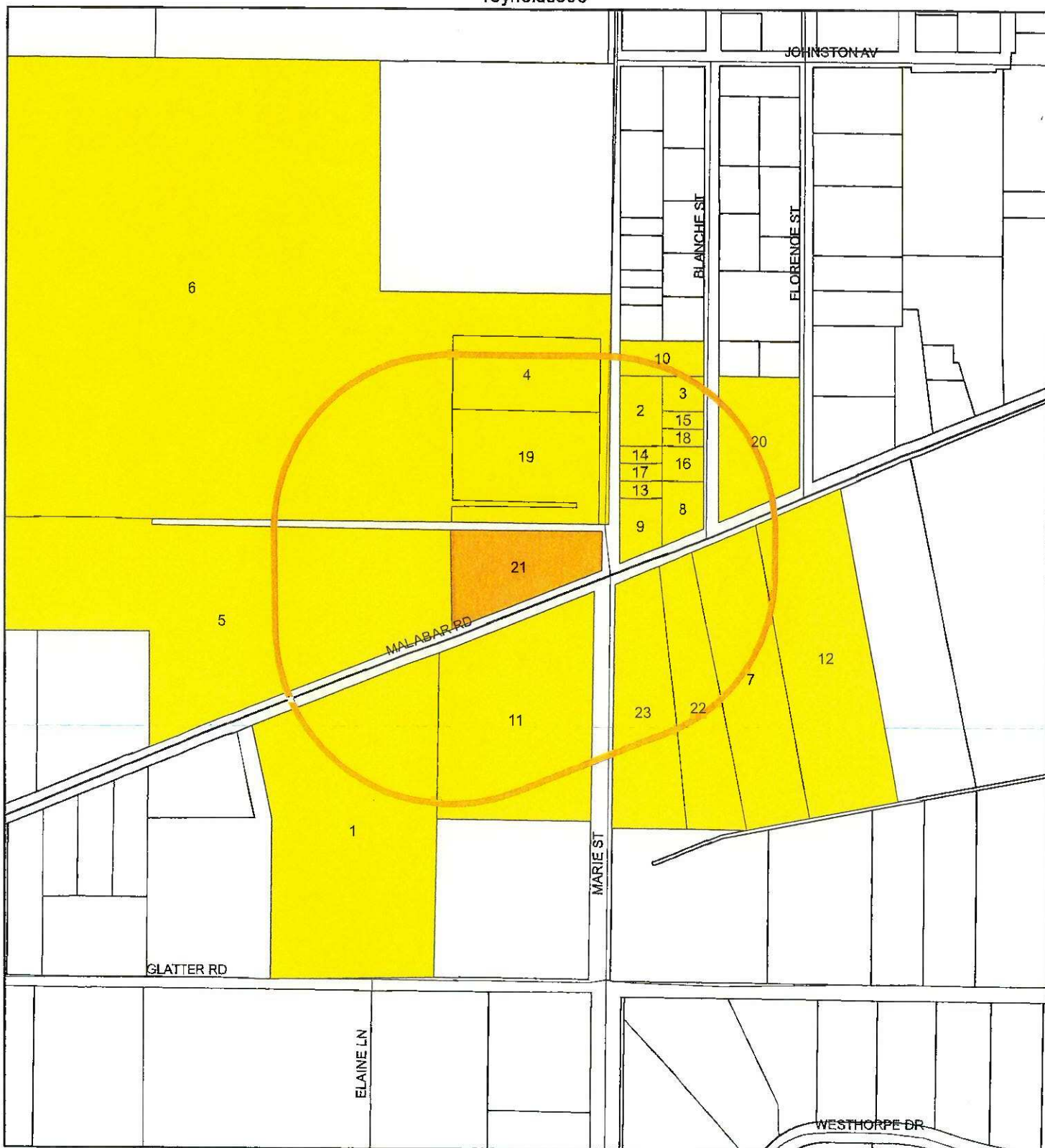
LOCATION: PARCEL ID # 28-37-36-00-762, NW CORNER OF MARIE STREET MALABAR ROAD, MALABAR FLORIDA

This re-zoning application may be inspected by the public at the Town Clerk's Office between the hours of 8:30AM and 5:00PM weekdays. Interested persons are encouraged to appear at these hearings and provide comments regarding the proposed ordinances. 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, Town Clerk.

FOR MORE INFORMATION
CONTACT THE BUILDING DEPARTMENT
AT (321) 727-7764 X 14

RADIUS MAP

REYNOLDS, TIM
reynolds500



TOWN OF MALABAR

AUG 05 2020

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1:4,800 or 1 inch = 400 feet

Buffer Distance: 500 feet

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

Produced by BoCC - GIS Date: 7/13/2020

- Buffer
- Subject Property
- Notify Property
- Parcels

BUFF_ID|TAXID|PARCELID|OWNER1|OWNER2|MAIL1|MAIL2|CITY_STATE_ZIP5_ZIP4
 1|2862244|28 3736-00-769|ADAMS, KENNETH G TRUSTEE||PO BOX 500790||MALABAR FL
 32950-0790
 2|2851149|28 3831-54-5-4|DAVIS, LAURANCE H III||1475 MARIE ST||MALABAR FL 32950-
 3|2851168|28 3831-54-5-44|DAVIS, LAURANCE III|DAVIS, GLORIA|1475 MARIE ST||MALABAR
 FL 32950-
 4|2846305|28 3736-00-752|FLORIDA, STATE OF||C/O FL DEPT OF ENVIRONMENTAL |PROT MAIL
 S|3900 COMMONWEALTH BLVD|TALLAHASSEE FL 32399-3000
 5|2846307|28 3736-00-754|FLORIDA, STATE OF (IITF)||C/O FL DEPT/ENVIRN PROTECT|3900
 COMMONWEALT BLVD MS 115|TALLAHASSEE FL 32399-3000
 6|2846290|28 3736-00-500|FLORIDA, STATE OF (IITF)|DIVISION OF STATE LANDS|C/O FL
 DEPT OF ENVIRON PROT|3900 COMMONWEALTH BLVD - MS 115|TALLAHASSEE FL 32399-3000
 7|2851069|28 3831-54-B-1.02|GRINDLEY, JOEL||130 POINSETTA ST||INDIALANTIC FL
 32903-2537
 8|2851172|28 3831-54-5-50|HANCOCK, JAMES H, JR||PO BOX 500391||MALABAR FL 32950-0391
 9|2851173|28 3831-54-5-52|HIEBERT, GERALD ROBERT||170 PARK AVE||SATELLITE BEACH FL
 32937-3015
 10|2851150|28 3831-54-5-8|HOSSEINIAN, SHAABAN|PARSA, PARVIN|1437 MARIE ST||MALABAR
 FL 32950-
 11|3017138|28 3736-00-770|KENNETH G ADAMS TRUST||P O BOX 500790||MALABAR FL 32950-
 12|2851070|28 3831-54-B-3|MAHONEY, MARK D|MAHONEY, LAURA|2475 MALABAR RD||MALABAR FL
 32950-
 13|2851146|28 3831-54-5-1|MARSHALL, TIMOTHY W|MARSHALL, JACQUELINE|3795 BURTON
 RD||MALABAR FL 32950-
 14|2851148|28 3831-54-5-3|MARSHALL, TIMOTHY W|MARSHALL, JACQUELINE|3795 BURTON
 RD||MALABAR FL 32950-
 15|2851169|28 3831-54-5-46|MARSHALL, TIMOTHY W|MARSHALL, JACQUELINE|3795 BURTON
 RD||MALABAR FL 32950-
 16|2851171|28 3831-54-5-48|MARSHALL, TIMOTHY W|MARSHALL, JACQUELINE|3795 BURTON
 RD||MALABAR FL 32950-
 17|2851147|28 3831-54-5-2|MARSHALL, TIMOTHY W|MARSHALL, JACQUELINE|3795 BURTON
 RD||MALABAR FL 32950-
 18|2851170|28 3831-54-5-47|MARSHALL, TIMOTHY W|MARSHALL, JACQUELINE|3795 BURTON
 RD||MALABAR FL 32950-
 19|2846306|28 3736-00-753|MURDOCH, THOMAS E|MURDOCH, JOANNE S|3543 INDIAN RIVER
 DR||COCOA FL 32926-8701
 20|2851127|28 3831-54-4-1|PROCTOR, DOUGLAS K||5792 DE SOTO ROAD||LAKE WORTH FL
 33463-
 21|2846316|28 3736-00-762|SHEPHARD, JAMES |SHEPHARD, EVELYN|2105 BIGNONIA
 ST||MELBOURNE FL 32901-5983
 22|2851068|28 3831-54-B-1.01|SLATE PROPERTY MANAGEMENT LLC||7790 INDUSTRIAL
 RD||MELBOURNE FL 32904-1631
 23|2851067|28 3831-54-B-1|SLATE PROPERTY MANAGEMENT LLC||7790 INDUSTRIAL
 RD||MELBOURNE FL 32904-1631

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15

REYNOLDS, Susan

ADAMS, KENNETH G TRUSTEE
PO BOX 500790
MALABAR FL 32950-0790

DAVIS, LAURANCE H III
1475 MARIE ST
MALABAR FL 32950-

DAVIS, LAURANCE III
DAVIS, GLORIA
1475 MARIE ST
MALABAR FL 32950-

~~FLORIDA, STATE OF
C/O FL DEPT OF ENVIRONMENTAL
PROT MAIL S
3900 COMMONWEALTH BLVD
TALLAHASSEE FL 32399-3000~~

FLORIDA, STATE OF (IITF)
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~~FLORIDA, STATE OF (IITF)
DIVISION OF STATE LANDS
C/O FL DEPT OF ENVIRON PROT
3900 COMMONWEALTH BLVD - MS 115
TALLAHASSEE FL 32399-3000~~

GRINDLEY, JOEL
130 POINSETTA ST
INDIALANTIC FL 32903-2537

HANCOCK, JAMES H, JR
PO BOX 500391
MALABAR FL 32950-0391

HIEBERT, GERALD ROBERT
170 PARK AVE
SATELLITE BEACH FL 32937-3015

HOSSEINIAN, SHAABAN
PARSA, PARVIN
1437 MARIE ST
MALABAR FL 32950-

KENNETH G ADAMS TRUST
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MALABAR FL 32950-

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MAHONEY, LAURA
2475 MALABAR RD
MALABAR FL 32950-

MARSHALL, TIMOTHY W
MARSHALL, JACQUELINE
3795 BURTON RD
MALABAR FL 32950-

MURDOCH, THOMAS E
MURDOCH, JOANNE S
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7790 INDUSTRIAL RD
MELBOURNE FL 32904-1631

TOWN OF MALABAR

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TOWN OF MALABAR

COUNCIL MEETING

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

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

SUBJECT: Certification of Assessment Roll and Approve Assessment (Reso 13-2020)

BACKGROUND/HISTORY:

The certification of the assessment roll for stormwater and the estimated amount to be assessed must be approved by Council prior to the collection by the Tax Collector. The certification of the assessment roll and the estimated amount must be approved before Malabar holds the public hearings on the overall budget.

FINANCIAL IMPACT:

\$128,923.54 from 1690 parcels as provided by the Property Appraiser's Office

ATTACHMENTS:

Resolution 13-2020

ACTION OPTIONS:

Action on Resolution 13-2020 Certifying the Assessment Roll and amount.

RESOLUTION 13-2020

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING CERTIFICATION OF ANNUAL STORMWATER UTILITY ASSESSMENT ROLL; ADOPTING AN ANNUAL BUDGET FOR THE TOWN'S STORMWATER UTILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on August 17, 2017, the Town Council held a public hearing and adopted a stepped increase for the calculation of the annual stormwater utility assessment roll for the operation and maintenance of the Town's Stormwater Management Program for the fiscal year beginning October 1, 2020; and

WHEREAS, an annual assessment roll has been prepared by Brevard County, a summary of which is attached to and made part of this Resolution by reference and labeled Exhibit "A"; and

WHEREAS, a copy of such Annual Stormwater Utility Assessment Roll has been sent to the Brevard County Tax Collector for collection in the same manner as ad valorem taxes are collected; and

WHEREAS, the Town Council is satisfied that the annual Stormwater Utility Assessment Roll has been prepared for fiscal year beginning October 1, 2020 in conformity with the Schedule of Rates adopted by the Town Council on August 4, 2017 and incorporating the rate increase in the per ERU from \$52.00 to \$64.00 per ERU (Equivalent Residential Unit).

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

Section 1. Findings: The above "WHEREAS" statements are true and correct.

Section 2. Those stormwater utility assessments imposed during fiscal year beginning October 1, 2020, shall be billed by the Town of Malabar or its authorized representative, pursuant to the provisions of Section 13.5-8 of the Code of Ordinances, Town of Malabar, and shall be due and payable on November 1st of each year, pursuant to law.

Section 4. That a certified copy of this Resolution shall be delivered to the Tax Collector of Brevard County, Florida along with the executed DR-408A.

Section 5. This Resolution shall take effect immediately upon its adoption. This Resolution was moved for adoption by Council Member _____ . This motion was seconded by Council Member _____ and, upon being put to vote, the vote was as follows:

Council Member 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 3rdth day of September 2020.

TOWN OF MALABAR
By:

(seal)

Mayor Patrick T. Reilly,
Council Chair

ATTEST:

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

Approved as to Form and Content:

Karl Bohne, Jr., Town Attorney

Exhibit "A"

2020 Totals for Stormwater Billing of Non-Ad Valorum Collections



2020 Totals for Stormwater Billing

City Code	Count	District - City	Billing Amount
Z	1,690	Malabar	\$128,923.54
	Total: 1,690		\$128,923.54

TOWN OF MALABAR

COUNCIL MEETING

AGENDA ITEM NO: 10.c.
Meeting Date: September 03, 2020

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

SUBJECT: Setting Millage for Fiscal Year 2020 / 2021 (Ord 2020-10)

BACKGROUND/HISTORY:

The Florida Statutes lay out the requirements for local governments on how the annual budget process is approved by each governing body. The process requires the following steps:

1. Announce the FY 2020 / 2021 proposed millage of 2.3800 to levy on property values
2. State this is an increase of 10.00% over the rolled back rate of 2.1627
3. The final millage rate of 2.3800 is to fund the expenses commencing October 1, 2020 and ending September 30, 2021.

The Malabar Town Manager submitted a balanced budget with a ten percent increase over the rolled back rate in order to fund the operational costs of the Town, provide for funding for vehicle replacement and continue the dirt road and storm water projects begun in previous year.

FINANCIAL IMPACT:

Council directed the millage be set at 2.3800

ATTACHMENTS:

- Ord. No. 2020-10

ACTION OPTIONS:

Action on the first Reading of Ord 2020-10

ORDINANCE 2020-10

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, ADOPTING THE MILLAGE RATE OF 2.3800 FOR THE LEVY OF AD VALOREM TAX WITHIN THE TOWN FOR THE PERIOD FROM OCTOBER 1, 2020 THROUGH SEPTEMBER 30, 2021, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, public hearings as prescribed by Florida Statutes have been duly held in accordance with the laws of the State of Florida;

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

SECTION 1. The Town Council, in regular session duly assembled adopted the millage rate of 2.3800, to be levied for the General Fund upon all real and tangible personal property located within the boundaries of the Town of Malabar taxing authority.

SECTION 2. The final levy of 2.3800 mills will result in a 10.00% increase to the rolled back rate of 2.1527.

SECTION 3. This final millage rate of 2.3800 is to fund the general fund expenses for the fiscal year commencing October 1, 2020 and ending September 30, 2021.

SECTION 4. This ordinance shall become effective October 1, 2020 upon its adoption after the second public hearing.

This ordinance was moved for adoption by Council Member _____ and 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 17th day of September 2020.

TOWN OF MALABAR

By: _____
Mayor Patrick T. Reilly, Council Chair

ATTEST:

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

(seal)

First Reading: 09/03/20 Vote to _____
Second Reading: 09/17/20

TOWN OF MALABAR

COUNCIL MEETING

AGENDA ITEM NO: 10.d.
Meeting Date: September 03, 2020

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

SUBJECT: Budget for Fiscal Year 2020 / 2021 – Ord 2020-11

BACKGROUND/HISTORY:

The TRIM Notice mailed to all property owners in mid-August lists the dates and times for the first Public Hearings on the tentative millages and budgets for all agencies taxing property owners to provide them the opportunity to attend and be heard. This meeting date was selected by Malabar Council for that notice.

Council consensus during the budget workshop process was to:

- Commit budgeted funds to reserves for vehicle replacement.
- Commit budgeted funds to reserves for road resurfacing
- Provide pay increase as noted in the budget
- Provide funds for continued maintenance of Malabar Community Park
- Continue to Develop Long Range Plans for Funding Capital Improvements

Council will take final action on the Budget Ordinance on September 17, 2020.

FINANCIAL IMPACT:

As stated in attached budget documents

ATTACHMENTS:

- Ord 2020-11 setting FY 2019/2020 Budget

ACTION OPTIONS:

Action on First Reading of Ord 2020-11.

ORDINANCE 2020-11

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA ADOPTING THE BUDGET OF \$2,350,633.00 FOR THE FOR THE FISCAL PERIOD FROM OCTOBER 1, 2020 THROUGH SEPTEMBER 30, 2021; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Malabar has set forth the appropriations and revenue estimates for the budget for the period from October 1, 2020 through September 30, 2021; and in accordance with the laws of the State of Florida;

WHEREAS, The Town Council has held Public Hearings as required by F.S. 200.065.

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

SECTION 1. The Town Council, in regular session duly assembled adopt the Fiscal Year 2020/2021 Budget of \$2,355,633.00 consisting of \$2,121,557.00 for General Fund expenditures and \$234,076.00 in approved expenditures for Stormwater projects funded through non-ad valorem fees and DEP financing.

SECTION 2. This budget may be amended during the year if necessary, by ordinance.

SECTION 3. This ordinance shall become effective on October 1, 2020 upon its adoption after the second reading and public hearing.

This ordinance was moved for adoption by Council Member _____ and 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 17th day of September 2020.

TOWN OF MALABAR

Mayor Patrick T. Reilly, Council Chair

ATTEST:

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

(seal)

First Reading: 09/03/2020 Vote to _____
Second Reading: 09/17/2020

TOWN OF MALABAR

COUNCIL MEETING

AGENDA ITEM NO: 11.a.

Meeting Date: September 03, 2020

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

SUBJECT: Appeal Denial of Home BTR in RR-65 – Endless Summer AC LLC

BACKGROUND/HISTORY:

Council adopted the Home Business ordinance in the Malabar Code in 1983. It provides 13 regulations for compliance. The Home occupation regulations are attached with the 13 rules. The applicant submitted a Home Business application which was reviewed by staff with these findings:

Conflicts with Rule #1 and Rule #6:

Applicant stated they would be utilizing an accessory structure for their AC business

Applicant stated she lived at 400 Hall and the license holder lived in Palm Bay

Applicant stated they hire labors and are required to carry Workers Comp

Staff sought the opinion of the Town Attorney and he stated the Malabar Home BTR is intended for the proprietor with no employees that does only office work from home and conducts all business at the customers site. Also, the application was in the name of an LLC which is inconsistent with the BTR requirement for a home occupation. An LLC does not occupy a home. Individual persons occupy homes and as such this BTR application for a Home Business is inconsistent with the intent of the ordinance

Staff suggested the applicant could apply for a Commercial BTR by renting a storage unit in a commercially zoned area in Town. Or they could appeal the denial.

Chapter 14: Sec. 14-39. - Disagreement as to classification; right of appeal.

If there is a disagreement between the applicant and the Town on the question of proper classification for any person or business for which a business tax receipt is issued or to be issued under this article, the building inspector shall decide the proper classification with the right of the applicant to appeal the decision of the Town Council, whose decision upon the point shall be final.

ATTACHMENTS:

- Agenda Request Form
- Denial letter
- Article V, Section 1-5.25 Home Occupations
- F.S. 205
- Applicant's original application package for a Home BTR

ACTION OPTIONS:

Action on Denial and Direction to Staff

EXHIBIT "A"

RTCM Date: 9/3/20

AGENDA ITEM REQUEST FORM
MALABAR TOWN COUNCIL

Please submit the completed form to the Clerk's Office:

Town of Malabar
2725 Malabar Road
Malabar, Florida 32950

NAME: William J Ford / Nanna K. Brenner
ADDRESS: 400 Hall Rd
Malabar, FL 32950
TELEPHONE: 321-480-0872 321-720-2262
(Home) (Business)

Please state the item you wish to have placed on the Town Council Agenda: Agenda Request
Forms are not permitted for campaign purposes.

Home Business Tax Receipt for
Endless Summer A/C

Please summarize pertinent information concerning your request Agenda item and attach applicable documents:

We are 2 individuals that are in business
as an LLC to protect our personal assets.
We do all the business admin paperwork at
home and go to our customers to service,
repair or replace their A/C systems.

Please state desired action by Town Council :

We like to have our Home Business
Tax Receipt approved.

Signed: [Signature]
Date: 8-23-20



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

August 19, 2020

Mr. William Jody Ford
400 Hall Road
Malabar, FL 32950

RE: Proposed Home Business Tax Receipt - Denied

Dear Sir:

The application package you provided shows the use of an accessory structure for your intended business. The 13 regulations pertaining to Home BTRs are intended to maintain the Rural Residential character of the community. It is intended for those family businesses that do their scheduling, billing and ordering from a "home office" and only utilize the residential dwelling for such operations. Accessory structures are not appropriate for conducting a home occupation. Home occupations must occur entirely within the dwelling.

The Town Attorney has provided us this guidance and said the intended use of Home BTRs is for individuals and not intended for LLC or corporations. Your application indicates that the requested home occupation will be conducted by an LLC and not by individuals.

If you wish to appeal this denial, you may request to appear before Council at an upcoming meeting and attest that your business complies with the Home Business regulations.

As an alternative, you could rent a storage unit in a commercially zoned area of Malabar and use that as your business location.

Sincerely,

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

cc: Town Attorney

ArtV

GENERAL PROVISIONS

§ 1-5.25

Section 1-5.25. Home occupations.

Within the RR-65, RS-21, RS-15, RS-10, RM-4, RM-6, and R-MH districts, a home occupation shall be regulated through the issuance of a home occupation Business Tax Receipt. A home occupation shall be subject to all applicable Town Business Tax Receipts and other business taxes. Each applicant shall submit to the Town Clerk a sworn application on a standard form furnished by the Town Clerk with a fee determined by resolution of the Town Council. The applicant shall also submit with the application a recent photograph of the residence showing the entire front yard and all driveways and carports, if any. The application form shall include but not be limited to the following information:

- Name of applicant;
- Location of residence wherein the home occupation, if approved, will be conducted;
- Total floor area of the first floor of the residence;
- Area of room or rooms to be utilized in the conduct of the home occupation;
- A sketch showing the floor plan and the area thereof to be utilized for the conduct of the home occupation;
- The nature of the home occupation sought to be approved;
- The days and hours of operation;
- A recent photo of the dwelling showing the entire front yard, all driveways, and carports.

If the information contained therein is in compliance with the provisions or the intent of this Section, the Town may, in its discretion, issue a Business Tax Receipt for such home occupation. Any home occupation Business Tax Receipt may be revoked by the Council at any time it has been determined that the home occupation has become a public nuisance or no longer is in compliance with this Section.

All home occupations shall comply with the following regulations:

1. **Place of Operation and Participants:** A home occupation shall be carried on entirely within a dwelling. Only members of the family permanently living therein shall participate in the home occupation.
2. **No Product to be Offered for Sale.** No commodities or products shall be offered for sale from the premises.
3. **Restriction on Commercial Vehicles.** No more than one commercial vehicle, having a maximum weight of one ton may be kept on the premises or parked overnight on the premises.
4. **Restriction on Use.** The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character thereof.
5. **Appearance of Structure and Signage.** Within a rural residential or residential zoning district, there shall be no change in the outside appearance of the building or premises,

or other visible evidence of the conduct of such home occupation and there shall be no signage, other than signage required by Florida Statute. There shall be no display that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling.

6. No Home Occupation Activity Within Accessory Building. No home occupation shall be conducted in any accessory building.
7. Restriction on Home Occupation Square Footage. No home occupation shall occupy more than twenty-five (25) percent of the first floor area of the residence, exclusive of the area of any open porch or attached garage or similar space not suited or intended for occupancy as living quarters.
- No duly permitted residential structural additions to the dwelling nor any attached enclosed residential conversions shall be considered as floor area until two (2) years after the completion date thereof.
8. Traffic Generation and Off-Street Parking. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood. Parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
9. Use of Equipment, Including Power Motors. No motor power other than electric motors shall be used in conjunction with such home occupations. The total horsepower of such motors shall not exceed three (3) horsepower, or one (1) horsepower for any single motor.
10. Nuisance Impacts Regulated. In addition, no equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuation in line voltage off the premises.
11. Restriction on Number of Customers Serviced At Any One Time. Services shall be performed for no more than four (4) persons on the premises at any one time.
12. Prohibited Uses. Occupations which generate greater volumes of traffic than would normally be generated in a residential district are prohibited. The following shall not be interpreted to be home occupations:
- Beauty shops and barber shops.
 - Public dining or tea room facilities.
 - Child care facilities accommodating five (5) or more children.
 - Funeral homes.
 - Gift shops.
 - Massage parlors.

GENERAL PROVISIONS

§ 1-5.27

- Nursing homes, group homes and adult congregate living facilities.
 - Medical laboratories.
 - Outdoor repair or storage.
 - Rental of any equipment or items.
 - Veterinary hospitals.
 - Similar uses not strictly in compliance with the provisions of this section.
 - Any commercial, industrial, or commercial agricultural use as defined in Section 1-2.6, excepting specific office activities duly approved by the Town Council.
13. Failure to continuously comply with all provisions of this subsection shall be grounds for revocation of the home occupation Business Tax Receipt by the Town Council.
(Ord. No. 92-8, § 1(A), 8-18-92; Ord. No. 08-01, § 3, 3-3-08)
- Cross reference**—Licenses and business regulations, ch. 10.
-

2019 Florida Statutes:

Business Tax Receipts:

205.042 Levy; municipalities.—The governing body of an incorporated municipality may levy, by appropriate resolution or ordinance, a business tax for the privilege of engaging in or managing any business, profession, or occupation within its jurisdiction. However, the governing body must first give at least 14 days' public notice between the first and last reading of the resolution or ordinance by publishing the notice in a newspaper of general circulation within its jurisdiction as defined by law. The notice must contain the proposed classifications and rates applicable to the business tax. The business tax may be levied on:

(1) Any person who maintains a permanent business location or branch office within the municipality, for the privilege of engaging in or managing any business within its jurisdiction.

(2) Any person who maintains a permanent business location or branch office within the municipality, for the privilege of engaging in or managing any profession or occupation within its jurisdiction.

(3) Any person who does not qualify under subsection (1) or subsection (2) and who transacts any business or engages in any occupation or profession in interstate commerce, if the business tax is not prohibited by s. 8, Art. I of the United States Constitution.

History.—s. 1, ch. 72-306; s. 1, ch. 73-144; s. 4, ch. 93-180; s. 7, ch. 2006-152.



AUG 17 2020 14:32

MALABAR HOME BUSINESS TAX RECEIPT APPLICATION

Office of the Town Clerk
(321) 727-7764 x 12

2725 Malabar Road
Malabar, FL 32950-4427

DATE RECEIVED 8/17/20 CLERK Dorothy
(Applicant to complete this section -- Please type or print legibly)

APPLICANT'S NAME Nanna Klaassen Brenner
SOCIAL SECURITY NUMBER _____ OR
FED. EMPLOYER ID. NUMBER 45-5264171
BUSINESS OWNER'S NAME William Jody Ford TELEPHONE _____
(If different than applicant)

HOME ADDRESS 400 Hall Rd
(No. & Street) (P.O. Box)
Malabar FL 32950
(City) (State) (Zip)

BUSINESS NAME Endless Summer A/C, LLC TELEPHONE 321-720-2262

MAILING ADDRESS 400 Hall Rd Malabar FL 32950
(No. & Street) (City) (State) (Zip)

TYPE OF BUSINESS APPLYING FOR (PROVIDE A BRIEF DESCRIPTION OF BUSINESS ACTIVITY)
HVAC install, repair, maintenance

Hours of Operation: _____

APPLICANT'S SIGNATURE [Signature] DATE 08-14-20

Do Not Write Below This Line

BUILDING OFFICIAL: THIS APPLICATION IS [] IS NOT [] IN COMPLIANCE WITH ORDINANCE #87-5
SPECIAL LIMITATIONS / RESTRICTIONS ASSIGNED BY THE TOWN OF MALABAR:

BUILDING DEPT. APPROVAL [] YES [] NO SIGNATURE _____ DATE _____
OCCUPATIONAL CLASS NO. _____ FEE \$50.00 BTR NO. ASSIGNED: _____
DATE APPLICANT CONTACTED _____ DATE LIC ISSUED _____ [] CASH [] CHECK # _____

TOWN OF MALABAR
HOME BUSINESS TAX CERTIFICATE LICENSE – PART II
REQUIREMENTS FOR HOME OCCUPATIONS – ORDINANCE 90-5, SECTION 1-5.25

APPLICANT: PLEASE READ ALL REQUIREMENTS. THEN INITIAL EACH LINE NEXT TO ITEMS 1 THROUGH 13 AND SIGN AT BOTTOM ON REVERSE SIDE AS APPLICANT. RETURN THE SIGNED COPY WITH YOUR APPLICATION AND REQUIRED ATTACHMENTS. KEEP THE OTHER COPY FOR YOUR REFERENCE.

TOWN OF MALABAR

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The following requirements **MUST BE MET IN FULL:**

Section 1-5.25. Home occupations:

Within the RR-65, RS-21, RS-15, RS-10, RM-4, RM-6, and R-MH districts, a home occupation shall be regulated through the issuance of a home occupation permit. A home occupation shall be subject to all applicable Town occupational licenses and other business taxes. Each applicant shall submit to the Town Clerk a sworn application on a standard form furnished by the Town Clerk with a fee determined by resolution of the Town Council. The applicant shall also submit with the application a recent photograph of the residence showing the entire front yard and all driveways and carports, if any. The application form shall include but not be limited to the following information:

- Name of applicant;
- Location of residence wherein the home occupation, if approved, will be conducted;
- Total floor area of the first floor of the residence;
- Area of room or rooms to be utilized in the conduct of the home occupation;
- A sketch showing the floor plan and the area thereof to be utilized for the conduct of the home occupation;
- The nature of the home occupation sought to be approved;
- The days and hour of operation;
- A recent photo of the dwelling showing the entire front yard, all driveways and carports.

If the information contained therein is in compliance with the provisions or the intent of this Section, the Town may, in its direction [discretion], issue a permit for such home occupation. Any home occupation permit may be revoked by the Council at any time it has been determined that the home occupation has become a public nuisance or no longer is in compliance with this Section.

All home occupations shall comply with the following regulations:

- NB 1. Place of Operation and Participants: A home occupation shall be carried on entirely within a dwelling. Only members of the family permanently living therein shall participate in the home occupation.
- NB 2. No Product to be Offered for Sale. No commodities or products shall be offered for sale from the premises.
- NB 3. Restriction on Commercial Vehicles. No more than one commercial vehicle, having a maximum weight of one ton may be kept on the premises or parked overnight on the premises.
- NB 4. Restriction on Use. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character thereon.
- NB 5. Appearance of Structure and Signage. Within a rural residential or residential zoning district, there shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation and there shall be no signage, other than signage required by Florida Statute. There shall be no display that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling.
- NB 6. No Home Occupation Activity Within Accessory Building. No home occupation shall be conducted in any accessory building.

AK 7. Restriction on Home Occupation Square Footage. No home occupation shall occupy more than twenty-five (25) percent of the first floor area of the residence, exclusive of the area of any open porch or attached garage or similar space not suited or intended for occupancy as living quarters. No duly permitted residential structural additions to the dwelling nor any attached enclosed residential conversions shall be considered as floor area until two (2) years after the completion date thereof.

AK 8. Traffic Generation and Off-Street Parking. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood. Parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.

AK 9. Use of Equipment, Including Power Motors. No motor power other than electric motors shall be used in conjunction with such home occupations. The total horsepower of such motors shall not exceed three (3) horsepower, or one (1) horsepower for any single motor.

AK 10. Nuisance Impacts Regulated. In addition, no equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuation in line voltage off the premises.

AK 11. Restriction on Number of Customers Served At Any One Time. Services shall be performed for no more than four (4) persons on the premises at any one time.

AK 12. Prohibited Uses. Occupations which generate greater volumes of traffic than would normally be generated in a residential district are prohibited. The following shall not be interpreted to be home occupations:

- Beauty shops and barber shops
- Public dining or tea room facilities
- Child care facilities accommodating five (5) or more children
- Funeral homes
- Gift shops
- Massage parlors
- Nursing homes, group homes and adult congregate living facilities
- Medical laboratories
- Outdoor repair or storage
- Rental of any equipment or items
- Veterinary hospitals
- Similar uses not strictly in compliance with the provisions of this section
- Any commercial, industrial, or commercial agricultural use as defined in Section 1-2.6, excepting specific office activities duly approved by the Town Council.

AK 13. Failure to continuously comply with all provisions of this subsection shall be grounds for revocation of the home occupation permit by the Town Council.

I hereby swear that the foregoing information given is true and that I have read and understand the requirements of Ordinance 9-5, Section 1-5.25

AK
Signature of Applicant

08-19-20
Date

Clerk or Designee

Date

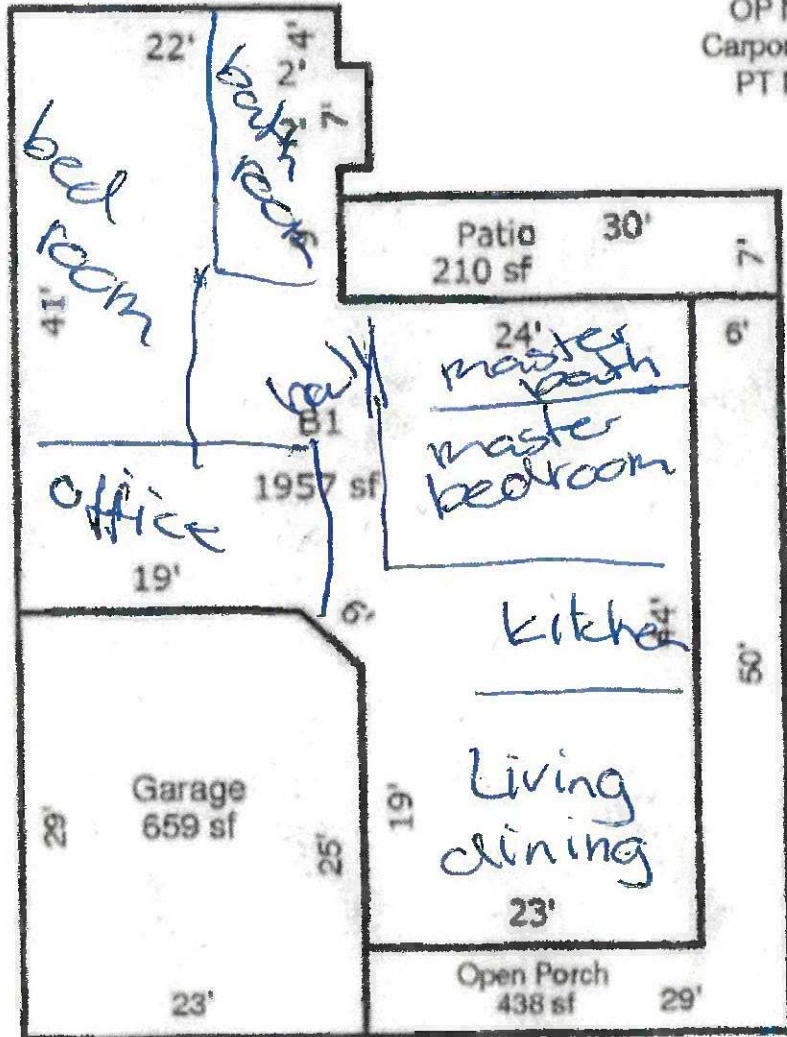
(Pass thru HOL II)

TOWN OF MALABAR

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OB NV
OP NV
Carpport NV
PT NV



400 HALL RD MAP

AUG 17 2020 14:32



01/16/2020



Ron DeSantis, Governor

Halsey Beshears, Secretary



AUG 19 2020

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STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
CONSTRUCTION INDUSTRY LICENSING BOARD

THE CLASS B AIR CONDITIONING CONTRACTOR HEREIN HAS REGISTERED UNDER THE PROVISIONS OF CHAPTER 489, FLORIDA STATUTES

FORD, WILLIAM JODY
ENDLESS SUMMER AIR CONDITIONING LLC
1521 CHARLES BLVD NE
PALM BAY FL 32907

LICENSE NUMBER: RA13067499

EXPIRATION DATE: AUGUST 31, 2021

Always verify licenses online at MyFloridaLicense.com



Do not alter this document in any form.

This is your license. It is unlawful for anyone other than the licensee to use this document.



**BREVARD COUNTY PLANNING AND DEVELOPMENT DEPARTMENT
LICENSING REGULATION AND ENFORCEMENT**

2725 Judge Fran Jamieson Way, Building A-114
Viera FL 32940
www.brevardfl.gov/PlanningDev

Phone: (321) 633-2058
Fax: (321) 690-6878
Email: contractorlicensing@brevardfl.gov

CERTIFICATE OF COMPETENCY LICENSE

LICENSE NO.: 12-HV-CL-00003

THIS CERTIFIES THAT:

WILLIAM JODY FORD

ENDLESS SUMMER AIR CONDITIONING LLC

HAS QUALIFIED AS A:

HARV LIMITED CONTRACTOR

THIS CERTIFICATE IS ISSUED FOR

BREVARD COUNTY, FLORIDA, ON AUGUST 31, 2012

LICENSE STATUS: ACTIVE

**BUD CRISAFULLI
CHAIRMAN, BREVARD COUNTY CONTRACTOR LICENSING BOARD**

**DENISE CAMPAGNA
SECRETARY, BREVARD COUNTY CONTRACTOR LICENSING BOARD**

*"THIS IS NOT A BUSINESS TAX RECEIPT"
PLEASE VERIFY ALL INFORMATION FOR ACCURACY*



**BREVARD COUNTY
CONTRACTOR LICENSING BOARD
CERTIFICATE OF COMPETENCY LICENSE**

LICENSE NO.: 12-HV-CL-00003 EXP. DATE: 8/31/2021 STATUS: ACTIVE

HARV LIMITED CONTRACTOR

**WILLIAM JODY FORD
ENDLESS SUMMER AIR CONDITIONING LLC
1521 CHARLES BLVD NE
PALM BAY, FL 32907**

**IMPORTANT!
THIS IS YOUR CERTIFICATE OF COMPETENCY
DISPLAY AS REQUIRED BY LAW
UNDER BREVARD COUNTY ORDINANCE
CHAPTER 22, ARTICLE VI**

Verify CONTRACTOR is in Good Standing.
www.brevardfl.gov/PlanningDev
Select Find a Licensed Contractor
Validation not available for Master or Journeyman.



Department of State / Division of Corporations / Search Records / Search by Entity Name /

Detail by Entity Name

Florida Limited Liability Company
ENDLESS SUMMER AIR CONDITIONING LLC

Filing Information

Document Number	L12000063605
FEI/EIN Number	45-5264171
Date Filed	05/10/2012
Effective Date	05/10/2012
State	FL
Status	ACTIVE
Last Event	LC AMENDMENT
Event Date Filed	05/23/2012
Event Effective Date	NONE

Principal Address

1521 CHARLES BLVD.
PALM BAY, FL 32907

Mailing Address

1521 CHARLES BLVD.
PALM BAY, FL 32907

Registered Agent Name & Address

FORD, WILLIAM J
1521 CHARLES BLVD.
PALM BAY, FL 32907

Authorized Person(s) Detail

Name & Address

Title MGR

BRENNER, NANNA K
1521 CHARLES BLVD.
PALM BAY, FL 32907

Title MGR

FORD, WILLIAM JODY
1521 CHARLES BLVD. NE
PALM BAY, FL 32907

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Annual Reports

Report Year	Filed Date
2018	02/18/2018
2019	02/26/2019
2020	03/14/2020

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