



REGULAR TOWN COUNCIL MEETING

Monday, June 20, 2022 at 7:30 pm

1. CALL TO ORDER, PRAYER AND PLEDGE
2. ROLL CALL
3. APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES
4. CONSENT AGENDA

- a. Approve Minutes of RTCM 06/06/2022

Exhibit: Agenda Report Number 4a

Attachments:

- **Agenda Report Number 4a** (Agenda_Report_Number_4a.pdf)

- b. Approve Minutes of ARP Workshop of 06/13/2022

Exhibit: Agenda Report Number 4b

Attachments:

- **Agenda Report Number 4b** (Agenda_Report_Number_4b.pdf)

5. ATTORNEY REPORT
6. STAFF REPORTS
 - a. Manager
 - b. Clerk
7. PUBLIC COMMENTS

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

Five (5) Minute Limit per Speaker

8. PUBLIC HEARINGS: 2

- a. **Vacate Request for 125-foot portion of right-of-way north from Passaic Avenue (Resolution 12-2022)**

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

Exhibit: Agenda Report Number 8a

Attachments:

- **Agenda Report Number 8a** (Agenda_Report_Number_8a.pdf)

b. Multiple Vacate Requests within Section 11, Melbourne Heights SD, within Section "E" (Resolution 13-2022)

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

Exhibit: Agenda Report Number 8b

Attachments:

- **Agenda Report Number 8b** (Agenda_Report_Number_8b.pdf)

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

(RECOMMENDATIONS FROM BOARDS, HOA REQUESTS, RESIDENT GRIEVANCES)

a. Trails and Greenways Committee Recommendation

Request for Funding for Signs

Exhibit: Agenda Report Number 9a

Attachments:

- **Agenda Report Number 9a** (Agenda_Report_Number_9a.pdf)

10. ACTION ITEMS

ORDINANCES: 0

RESOLUTIONS: 1

MISCELLANEOUS: 3

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

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

Exhibit: Agenda Report Number 10a

Attachments:

- **Agenda Report Number 10a** (Agenda_Report_Number_10a.pdf)

b. Special Assessment for Road Paving: Rivet Lane

Exhibit: Agenda Report Number 10b

Attachments:

- **Agenda Report Number 10b** (Agenda_Report_Number_10b.pdf)

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

Exhibit: Agenda Report Number 10c

Attachments:

- **Agenda Report Number 10c** (Agenda_Report_Number_10c.pdf)

d. Obligating and Allocating SLFRF Funding to specific Projects and Capital Projects per Workshop 06/13/2022

Exhibit: Agenda Report Number 10d

Attachments:

- **Agenda Report Number 10d** (Agenda_Report_Number_10d.pdf)

COUNCIL CHAIR MAY EXCUSE ATTORNEY AT THIS TIME

11. DISCUSSION/POSSIBLE ACTION

12. PUBLIC COMMENTS

General Items (Speaker Card Required)

13. REPORTS - MAYOR AND COUNCIL MEMBERS

14. ANNOUNCEMENTS

15. ADJOURNMENT

If an individual decides to appeal any decision made by this board with respect to any matter considered at this meeting, a verbatim transcript may be required, and the individual may need to ensure that a verbatim transcript of the proceedings is made (Florida Statute 286.0105).

The Town does not provide this service. In compliance with F.S. 86.26 and the Americans with Disabilities Act (ADA), anyone who needs a special accommodation for this meeting should contact the Town's ADA Coordinator at 321-727-7764 at least 48 hours in advance of this meeting.

TOWN OF MALABAR

COUNCIL MEETING

AGENDA ITEM NO: 4.a.

Meeting Date: June 20, 2022

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

SUBJECT: Meeting Minutes

BACKGROUND/HISTORY:

Summary of Council actions at the Town Council Regular Meeting Minutes

ATTACHMENTS:

- Draft Minutes of RTCM of 6/06/2022
- Draft Minutes of ARP WS meeting of 6/13/2022

ACTION OPTIONS:

Council Action on Consent Agenda

**MALABAR TOWN COUNCIL
REGULAR MEETING MINUTES
JUNE 06, 2022, 7:30 PM**

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

1. CALL TO ORDER:

Council Vice Chair, Steve Rivet called meeting to order at 7:30 pm. CM Vail led P&P.

2. ROLL CALL:

CHAIR:	MAYOR PATRICK T. REILLY, excused
VICE CHAIR / ACTING CHAIR:	STEVE RIVET
COUNCIL MEMBERS:	MARISA ACQUAVIVA
	BRIAN VAIL
	DAVID SCARDINO
	MARY HOFMEISTER, excused
	MATT STINNETT
TOWN MANAGER:	LISA MORRELL
SPECIAL PROJECTS MANAGER:	KARL BOHNE
TOWN ATTORNEY:	DEBBY FRANKLIN
TOWN CLERK/TREASURER:	

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

5. CONSENT AGENDA:

4.a. RTCM Minutes of 5/16/2022

4.b. Amendment #2 to FDEP Revolving Fund Loan Agreement SW051400

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

5. ATTORNEY REPORT: none

6. BCSO— Presentation on FY 2020/2021 audit – by JMCO presented by Zach Chalifour, Partner, went through the PowerPoint presentation. Summary is that it was clean report. It is typical of small municipalities to have challenges to meet the multiple Government Accounting Standards Plan (G.A.S.B.). Malabar is in a very strong position. Significant comment – in the third report goes to the Florida Auditor General and is related to Bldg Dept activity as it is supposed to support its own operations. A couple years ago the State put in a cap on the amount the municipalities could collect before a rebate process is required. This cap is based on surplus restricted revenues from BD fees collected over the previous four years. The comment is a reminder as it was last year that these monies need to be expended. He noted that staff had reported that there is a plan to spend those overages on contracted professional plan review, inspections, and activities. The last report is required to be in compliance with F.S.

Summary of Fund balance - reserves – very healthy balance. Very consistent. He then made the same disclaimer that he has done in previous years. The GASB rule # requires Purely theoretical number. Ongoing obligation is paid by the town -town will never have to cut a check.

7. BOARD / COMMITTEE REPORTS:

7.a. T&G Committee: Chair Drew Thompson – sent email

7.b. Park & Recreation Board: Chair Eric Bienvenu – not present

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

8. STAFF REPORTS:

8.a. Town Manager – Two things – replaced sidewalk out front with a new product called Flexipave and had the Brook Hollow SD HOA inspect it while they held their recent meeting at Town Hall. The plan is to use this flexible material to correct the sidewalk issues they are experiencing in Brook Hollow.

The other update is the ditch north of Stillwater Preserve SD – the Public Works Dept was able to get in there last week and clean it out and clear the blockages and got the water to drain. It has never looked better and invited Council to go out and look at it. It was done before all this recent rain, so it was also perfect timing.

8.b. Special Projects Manager – written - one update on electronic sign: the electrical panel has been received and should be installed and the project completed mid-week next week.

8.c. Fire Chief – written

8.d. PW Director - written

8.e. Clerk – All of Council should have received their Form 1 last week. It is an annual requirement and must be completed and submitted to the Brevard County Elections office by July 1 or fines will be assessed by the Division of Ethics. Richard and I participated in the annual TRIM webinar to refresh us on process we will begin next month on the setting of millage, advertising and reporting requirements. The two dates we have verified as in no conflict with the County or School Board PH on millage and budget (Mon, Sept 12 and Mon, Sept 26). CM Acquaviva has already noted that she will miss one of those mtgs, but we need to have the other four present for the vote.

9. PUBLIC COMMENTS: Comments at this point may address items NOT on the Agenda. Comments related to subsequent Agenda Items may be made as those items come up. Public comments do not require a Council response. (Speaker Card is Required) **Five (5) Minute Limit per Speaker.**

10. PUBLIC HEARINGS: 1 (tabled from RTCM 5/16/2022 will require motion)

10.a. Applicant Mr. Martinez requests Road Waiver to Build short - Prosperity Ln The request is to improve Prosperity Lane to the Town standards from the existing terminus to a point approximately 275 feet north to a point in front of his parcel and requesting a waiver to postpone the improvement of the remaining 125 feet until such time as the parcel to his north develops.

Exhibit:

Agenda Report No. 10.a

Vice-Chair asked for a motion to remove from table.

MOTION: CM Vail / CM Scardino to remove from table. Vote: All Ayes.

Mr. Martinez called to podium. Had his son appear and speak for him. He is hoping to build just to the DW – also clearing the lot while building the road. Son explained that the entire package had been submitted with the soil tests, engineering, surveying; all of that has been done.

Vice Chair / Acting Chair Rivet opened PH: none

Vice Chair / Acting Chair Rivet closed PH.

CM Vail asked applicant if was able to get an estimate from contractor on building the road short vs. to the end of his property; he would think it would be minimal considering the overall mobilization and construction cost. CM Scardino asked if he had the wetland studies done. Yes, all of that was submitted. CM Acquaviva said the Code requires the road be built to the end of the parcel. Atty Bohne reminded Council that the economics is not grounds to request a Waiver to build the road short. CM Vail said the point is his question was that the improvement cost would be minimal with all the other prep and set up costs. CM Vail then explained the road improvement payback process that will apply to him. Once he has improved the entire footage, he will be entitled to a “road payback” from the parcel owners to the south and opposite his parcel before they can get a building permit.

Vice-Chair Acting Chair Rivet asked staff: Clerk stated as reported in the agenda report.

Vice-Chair Acting Chair Rivet asked for a motion in the affirmative

MOTION: CM NONE / CM NONE to approve the waiver. Vote: N/A as no CM made the motion.

Request is denied.

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

**12. ACTION ITEMS:
ORDINANCES for FIRST READING: 0
RESOLUTIONS: 2**

12.a. Acceptance of Audit on FY 2020/2021 (Reso 14-2022)

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING ACCEPTANCE OF THE ANNUAL AUDIT REPORT PROVIDED FOR FISCAL YEAR 2020/2021 BY THE AUDIT FIRM OF JAMES MOORE AND CO., CPA; AND PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 12.a.

Resolution read by title only.

MOTION: CM Acquaviva / CM Vail to adopt Reso 14-2022.

Discussion: none

ROLLCALL VOTE: CM Acquaviva, Aye; CM Vail, Aye; CM Rivet, Aye; CM Scardino, Aye; CM Hofmeister, Excused. Motion carried 4 to 0.

12.b. Recognize the Florida League of Cities Legislative Affairs Team (Reso 11-2022)

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA COMMENDING THE FLORIDA LEAGUE OF CITIES (FLC) AND THE LEGISLATIVE AFFAIRS TEAM FOR THEIR HARD WORK REPRESENTING FLORIDA'S MUNICIPALITIES DURING THE 2022 FLORIDA LEGISLATIVE SESSION.

Exhibit: Agenda Report No. 12.b.

Resolution read by title only.

MOTION: CM Vail / CM Acquaviva to adopt Reso 11-2022.

Chair asked for staff comment: tremendous job they did in reviewing summarizing and communicating with municipalities on over 3K bills submitted during the regular session.

Discussion: none

ROLLCALL VOTE: CM Acquaviva, Aye; CM Vail, Aye; CM Rivet, Aye; CM Scardino, Aye; CM Hofmeister, Excused. Motion carried 4 to 0.

MISCELLANEOUS: 1

12.c. Announcement of Clerk's Upcoming Retirement and Plan for Continuity

Exhibit: Agenda Report No. 12.c.

Vice Chair Rivet asked Clerk to present. Franklin stated that the agenda report summarizes the job duties covered and the need from Council on action for staff. The Charter was amended many years ago to allow Council to separate the Clerk and Treasurer positions. The suggested motions would provide direction on how to advertise for one or two separate positions. The job description for Clerk exists but one would need to be created for the Treasurer. Also, with the direction from Council staff will know how to advertise the opening. Richard will be attending the FACC Summer Conference later this month to get his last remaining educational points to earn his certification. CM Scardino – we need to review the pay rates. Franklin said we can get copies of salary studies from the FLC on similar sized communities. We can also get sample job descriptions from them.

MOTION: CM Vail / CM Scardino to direct staff to advertise for two positions – Clerk and Finance.

Vote: All Ayes.

Council consensus to direct staff to also reach out of CAPs program and get salaries for these positions from nearby and similarly sized cities. Atty Bohne said they just went through this in IHB with the departure of their City Mgr. and Council may also want to consider a "transitional period" with Franklin. SPM Morrell stated with the FRS retirement notice requirements they may also want to keep in mind Franklin would have to revise the date before they submit the final paperwork.

She also stated that during the budget discussion, they need to budget the money for two positions and the post-employment benefits.

Vice-Chair Rivet Excuses Attorney

13. DISCUSSION / POSSIBLE ACTION: 1

13.a. Workshop set for 6/13/2022 at 7:30pm for American Rescue Plan

Exhibit: Agenda Report No. 13.a.

CM Acquaviva and Mayor will be out.

13.b. Request for Food Truck Event at Malabar Community Park 6/26/2022

Exhibit: Agenda Report No. 13.b.

Mr. Philibert as a business owner. Resident of Palm Bay. Part of the Food Truck Assc. Operates all over the County. It is a Jamaican and do a lot of events. Usually with Parks and Rec Depts. In Titusville, Melbourne and now Palm Bay as of last Thursday's Council meeting. Usually once per month. Mayor of Melb is very supportive and they do it there every month. Partner with the Town. The cities can do the planning and management, trash receptacles. Not for financial gain. The Malabar Community Park. Space Coast Flight Sports Assc (SCFSA) is the partner for the June 26, event in Malabar. One of the Board members spoke about their organization. They have used our ballfield this past season. For that first year we got over 100 kids. Looking for a way to utilize the park. Initially did out of pocket but starting with Town financial assistance. Tried to get another port-a-pot out there. Encourage kids to play sports. Strive to create a community not a sports assn. Providing good background checks and provide good coaches. They partner with other worthy 501C3 organizations. The vendors we have are donating back that is how we fund. June 26 to partner to do once a month. The Fire Insp is free because it is a Town event. Residents moving into the Town. Here to get you guys on board. The Malabar / Palm Bay Food Truck Rally. With your permission, to advertise on the electronic sign.

Vice Chair / Acting Chair Rivet – asked applicant to restate what his requests are for this meeting. Mr. Philibert stated the use of the MCP was already approved for that date. His request tonight is for the partnership with the Town and going forward some assistance in waiving fees for Parks and Rec user fees, fire insp fees, assistance with trash receptacles, and the advertising on the electronic sign. Possible Town addition of a second port-a-let.

Consensus of Council to allow this first event and see how it plays out. They will have a better view of the impact on the MCP. Also will need to consider the other users of the park amenities.

14. PUBLIC COMMENTS: General Items (Speaker Card Required) (5 minutes limit)

15. REPORTS – MAYOR AND COUNCIL MEMBERS

CM Acquaviva: She has received a list of items that a resident in Country Cove SD wants Council to correct/repair/improve and she will share it with staff since she won't be at 6/13 meeting.

CM Vail: Asked if the Budget WS set for 6/27 is still good with everyone.

CM Rivet: Wanted to rave about the Waste Pro – extremely happy with the service. CM Scardino, Vail and Acquaviva agree. CM Scardino says they should be sent a thank-you note. CM Acquaviva said the transition for WM to Waste Pro seemed to be a seamless process. SPM Morrell thanked Council and said she also was very pleased with the process.

CM Hofmeister: excused

CM Scardino: Stated Council should know what the costs would be for a BCSO detail. Consensus to get costs. Franklin said they have used C.O.P.S. program for other events.

Mayor Reilly: excused

16. **ADJOURNMENT:** There being no further business to discuss and without objection, the meeting was adjourned at 8:47P.M.

BY: _____
Vice-Chair Steve Rivet

ATTEST:

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

Date Approved: 06/20/2022

DRAFT

**MALABAR TOWN COUNCIL
SLFRF WORKSHOP MEETING MINUTES
JUNE 13, 2022, 7:30 PM**

This meeting of the Malabar Town Council was held at Town Hall at 2725 Malabar Road and was called to order by Vice-Chair/Acting Chair Steve Rivet.

1. CALL TO ORDER:

Council Chair, Mayor Patrick T. Reilly called meeting to order at 7:40 pm. Acting Chair Rivet led P&P.

2. ROLL CALL:

CHAIR:

MAYOR PATRICK T. REILLY, excused

VICE CHAIR: ACTING CHAIR

STEVE RIVET

COUNCIL MEMBERS:

MARISA ACQUAVIVA, excused

BRIAN VAIL

DAVID SCARDINO

MARY HOFMEISTER

MATT STINNETT

LISA MORRELL

DEBBY FRANKLIN

TOWN MANAGER:

SPECIAL PROJECTS MANAGER

TOWN CLERK/TREASURER:

3. WORKSHOP ACTION ITEMS:

3.a. American Rescue Plan Act: Coronavirus State & Local Fiscal Recovery Funds (SLFRF)

Acting Chair Steve Rivet asked SPM Lisa to proceed. She went through the Power Point she created to bring Council current on items discussed and prioritized at the 1/24/2022 Special Meeting.

First payment (tranche) was received from the State on 10/1/2021. The second tranche of equal amount will be received around 10/1/2022. Two annual payments equaling the total allotment of 1,595,220.00 million to make historic financial impact for Malabar. Other larger cities received 10M, 20M, 30M, but for Malabar 1.6M is huge.

Council had consensus on the suggested allocation and expenditures from the 1/24/2022 Special Meeting and she has proceeded from that with that understanding that Council can delete, modify, or add to this list throughout the year, but this gave SPM something to get started on.

Update on Projects Council Listed and have been Allocated

- Digital signage on Malabar Road. It was warranted and allows remote messaging. Timely update of Town meeting notices, emergency messaging, alerts to residents. Completed.
- Document Imaging - Contracts with MCCi for scanning of back building department records, back financial and permanent Council actions, and future training of staff for digitized public records storage to greatly reduce paper; underway. There will be a recurring annual cost.
- Public restroom upgrades. 50K to update equipment for public health - more touchless.
- LifePaks have been ordered – not received yet
- Field Asset Tracking – GPS enabled – ordered last Friday for \$5200 saving 13K

SPM reiterated the approved guidelines for the use of the funds: Fiscal Recovery Plan (revenue replacement), Public Benefit (preparation for future health events, benefit health/safety of public), Capital Improvement Projects (expand water, address stormwater projects, road improvements)

List of good ideas discussed on 1/24/2022:

- Malabar Community Park additional improvements – 200K
- Cyber security – 20K

- EMS reporting software for patient care info to be transferred to transporting agency and hospital – 25K
 - PPE and Medical supplies – 25K
- 374 K running total for these

Eligible expenses: keep those related to recovery, revenue replacement, prevention & care of future incidents. This will also require a single audit because it is federal receipts in excess of 750K and that will itself have a cost.

Stormwater

She stated that Council had voiced interest in expending the funds on Stormwater Projects and the Master Plan had provided for five or six potential projects in various areas ranging in costs from 250K – 2mil.

Expansion of Public Water Supply

Expand waterline from Corey to Malabar Community Park – appx 1800' – 290K-360K to the fire hydrant. Then it would be Town's expense from the fire hydrant to the Fire Department. Another consideration is that the extension would have to lie in a dedicated easement or potential future ROW outside the proposed need by FDOT for road widening. A Developer's Agreement will also be required.

Road Paving / Resurfacing

Road paving – she went over recent similar road paving on similar distances in another community. There are different types of road repairs, thin lift overlay, full depth reclamation or full reconstruction. The example was estimated at 6Mil and came in at over 8Mil. She then showed the breakdown of costs for the items involved in road resurfacing and the percentage of each such as mobilization and striping. They are a significant percentage of the cost.

CM Scardino asked if her estimates addressed the current inflation – was that considered? She recognized the current 8.6 inflation rate as of May but there are a lot of unknowns. These are only the engineering estimates she has been provided on recent projects early in 2022.

Acting Fire Chief Joseph Hooker asked if the funds could be used for a matching grant. SPM Lisa said perhaps but not if it is a federal grant.

Council then discussed encouraging economic development with the waterline expansion along the commercial corridor of Malabar Road and/or US1.

SPM Lisa said there is an issue of fire protection by fire wells and/or tanks can be found lacking due to "stale" water.

Council then discussed the continuing recurring costs for some of these improvements. She explained the example of recurring costs on the ongoing software upgrade for Laserfiche scanning capability.

Council then went over the road paving estimate. She explained the need for a road maintenance program – which Malabar does not have but should. She stated that page 20 describes the road program that needs to be set. Also, once you do the improvement, you have to maintain it. CM Vail asked about the increased ad valorem – SPM Lisa explained the difference in value improvement. Road paving does not increase the value of the individual house on a street. Once a house sells for an increased amount because it is now on a paved road, we may get more in taxes.

The last page of PP – she went over the overview. She is looking for direction.

Acting Chair Rivet asked each CM to provide input. Started with CM Scardino.

CM Scardino – develop/encourage Economic Development of commercial areas along Malabar Road by bringing public waterline to Fire Dept. He then asked if SPM had gotten an estimate to take it to US1. SPM Lisa explained the requirement to pay an annual rental for a perpetual easement for waterline to go under the tracks. He also supports a stormwater project.

CM Hofmeister – agrees with bringing water to the FD. Commercial businesses are going to bring increased tax revenues. Also supports some towards stormwater.

CM Vail – agrees but be careful with SW projects provided in the master plan recommendations and stated as an example the Marie Street piping project – the ditch does flow.

CM Scardino was thinking more of several maintenance type projects. He thinks the bigger SW projects will require a bond issue. TM Matt has some alternatives SW projects that will come in less being worked on and gave as an example the connecting from Raulerson Lane to bypass the ditches on private land.

CM Rivet – water to the FD to encourage development. Also wants to support quality of life benefits for the residents such as road surfacing or resurfacing for the residents. Less expenditures going forward with PW maintenance.

On page 6, they agreed to reduce or eliminate several projects:

E-signature Solutions – remove
 Technology Equipment – reduced to 5K
 Streaming - remove
 PPE – lower – 12.5K
 Park improvements – lower to 100K

Original estimated allocations were 374,380 and have been reduced by 196,880 leaving an available balance of 177,500 for allocations to capital projects listed on page 7.

Consensus to spend approximately a third of the remainder on roads, water expansion and the projects allocated and discussed.

SPM Lisa has gotten the information she needs to update the priorities and will have an item on the 6/20 agenda for Council to review and vote on.

Some discussion on information we gained from FLC bond and bank loan programs. More information at the Budget WS on the 27th.

4. **ADJOURNMENT:** There being no further business to discuss and without objection, the meeting was adjourned at 8:43 P.M.

BY: _____
 Vice Chair Steve Rivet, Acting Chair

ATTEST:

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

Date Approved: 06/20/2022

**TOWN OF MALABAR
COUNCIL MEETING**

**AGENDA ITEM NO: 8.a.
Meeting Date: June 20, 2022**

Prepared By: Debby Franklin, Town Clerk/Treasurer

SUBJECT: Public Hearing – Vacate Platted 50 Foot (50’) ROW Dividing Parcels in Section 6, west of Highway 1 and north of Passaic Avenue (Reso 12-2022)

BACKGROUND/HISTORY:

The applicants are the property owners and residents at 3040 Passaic Avenue. They have recently bought the 2.3-acre triangle parcel that abuts their northern boundary. They plan to join that parcel with their property on Passaic.

The Gierling family live at 3020 Passaic Avenue to the applicant’s west. They support the request to vacate the small section of right-of-way that separates their two properties. Their letter of support is attached.

If the vacate is approved each of these property owners would gain 25 feet of ROW for this section. I have attached a diagram to show the split. The section of ROW under consideration in this request would serve no public purpose.

Town Council recently adopted Ord 2021-15 providing specific direction to staff on how to handle these types of requests. It has been legally advertised in Florida Today, the adjacent property owners within 500 feet have been sent notices of this meeting. A resolution has been drafted and reviewed by the Town Attorney, and if the vacate is granted the resolution will be recorded with Brevard County Clerk of Courts and a subsequent legal ad will published.

Staff requests Council approve this resolution vacating the 125-foot section of 50-foot-wide ROW north of Passaic Avenue.

FINANCIAL IMPACT:

Financial obligations to legal notice the public, obtain a radius package, and conduct a public hearing. If approved, a subsequent legal ad will be run to alert public to the abandonment of this section of “platted right-of-way”. Notices to all property owners were also mailed out via USPS. These costs are covered by the application fee.

ATTACHMENTS:

- Resolution 12-2022
- Application package
- Map of area and specific parcels
- Copy of legal notices

ACTION OPTIONS:

Council action on the request and Resolution 12-2022

RESOLUTION 12-2022

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

WHEREAS, Malabar Town Council has received a request to consider the vacate of a small section of platted right-of-way in Section 6 west of Highway 1 and north of Passaic Ave; and

WHEREAS, Malabar Town Council has the legislative authority to vacate rights-of-way after a public hearing process, if determined that it does not serve a public purpose.

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

Section 1. The Town Council of Malabar, Brevard County, Florida, hereby approves the vacate of the 50-foot by 125-foot right-of-way that abuts 3020 and 3040 Passaic Avenue as it serves no public purpose.

Section 2. The Town Council of Malabar, Brevard County, Florida, hereby authorizes and directs the Town Clerk to run the legal ad of this adopted resolution after recording with the Clerk of Court and send copies to all utility companies serving south Brevard County.

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

Section 4. This resolution shall take effect immediately upon adoption.

This Resolution was moved for adoption by Council Member _____ and a second by Council Member _____ and the vote was as follows:

Council Member Marisa Acquaviva	_____
Council Member Brian Vail	_____
Council Member Steve Rivet	_____
Council Member David Scardino	_____
Council Member Mary Hofmeister	_____

This Resolution was then declared to be duly passed and adopted this 20th day of June 2022.

TOWN OF MALABAR

(seal)

By: _____
Mayor Patrick T. Reilly, Council Chair

ATTEST:

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

Approved as to form and content:

Karl W. Bohne, Jr., Town Attorney

APR 27 2022

RECEIVED

3040 Passaic Avenue
Malabar, FL 32950

April 19, 2022

Subject: Town of Malabar Right of Way Vacate Application

Dear Members of the Malabar Town Council:

Petition

We write to request the Town Council vacate and abandon the public right-of-way between the properties of 3040 Passaic Avenue (tax parcel 29-38-06-03-D-16) owned by Kevin and Mary Kay Trowbridge and 3020 Passaic Avenue (tax parcel 29-38-06-00-11) owned by David and Diane Gierling. The vacated area would be split evenly between the Trowbridges and the Gierlings.

A map illustrating this site is attached to the application.

Rationale

To date this right-of-way is not physically open for it dead-ends on to tax parcel 29-38-06-00-81.1.

Description of Right-of-Way

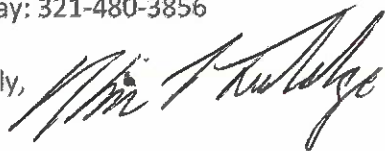
Currently, the right-of-way is hard packed to within 10 feet of tax parcel 29-38-06-00-81.1.

If you have any questions, please contact us at

Kevin: 321-258-4835

Mary Kay: 321-480-3856

Sincerely,



Kevin and Mary Kay Trowbridge

cc: David and Diane Gierling

TOWN OF MALABAR

APR 27 2022

RECEIVED



TOWN OF MALABAR
2725 MALABAR ROAD
MALABAR, FLORIDA 32950-4427
3321-727-7764

PETITION FOR VACATING OF RIGHT-OF-WAY

Before completing this application, please refer to the attached.

- Petition for vacating right-of-way procedure
- Ordinance 01-06

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

Name of Applicant(s) Kevin + Mary Kay Trowbridge Telephone # 321-258-4835

Mailing Address PO Box 500309, Malabar, FL 32950

Reason for Request To date this right-of-way between the properties 3040 Passaic Ave and 3020 Passaic Ave, Malabar, FL, has not been used actively as a road because it dead ends onto tax parcel 29-38-06-00-81. This year Kevin + Mary Kay Trowbridge purchased the 2.1 acres of the forementioned property.

A map illustrating the right-of-way and adjacent properties is included with this application

Fees: \$425.00, which includes advertising, administrative time, mailing and initial review by staff, Town Engineer and Town Attorney. Any additional costs shall be paid by the applicant.

Mary Kay Trowbridge 4/27/22
[Signature] 4/27/22
Signature of Applicant(s) Date

APR 27 2022

RECEIVED



TOWN OF MALABAR
RIGHT OF WAY VACATE APPLICATION

Applicant: Kevin + Mary Kay Trowbridge		Date:	
Mailing Address:	Po Box 500309	Malabar	FL 32950
Telephone:	321-258-4835	Email Address:	Trowbridgemarykay@gmail.com
Property Address:	3040 PASSAIC AVE, Malabar, FL 32950		
Section:	Township: MALABAR	Range:	Lot: Block: D

Description of ROW to be vacated (ie. Width, length, adjacent parcel IDs):
 Unnamed public right-of-way, PB 4, p. 68. (not physically open)
 length 125.0 (P) 124.77 (M); width 50'

Petition / Reason for Request:

Petition: Request to town council to vacate and abandon the public right-of-way between the properties of 3040 Passaic Ave (tax parcel 29-38-06-03-D-16) owned by Mary Kay + Kevin Trowbridge and 3020 Passaic Ave (tax parcel 29-38-06-00-11) owned by David + Diane Gierling. A map illustrating this site is attached.

Rationale: To date this right-of-way has not been used as a road (i.e., not physically open) for it runs/dead ends into tax parcel 29-38-06-00-81.1. Kevin + Mary Kay Trowbridge recently purchased 29-38-06-00-81.1.

Description: Currently, the right-of-way is hard-packed with gravel up to approximately 10 feet of the entrance to the 29-38-06-00-81.1 property.

Attach the following:

1. Signed and Sealed survey showing right-of-way to be vacated.
2. Map showing the general area with minor collector and local lanes identified and subject area highlighted.
3. Fee of \$425.00 shall accompany the application and petition.

pd 4/27/2022
 rec. 7/19/2022
 PK7

Applicant Signature: <i>Mary Kay Trowbridge</i>	Date Signed: 4/27/22
---	----------------------

TOWN OF MALABAR

APR 27 2022

RECEIVED

TOWN OF MALABAR
PETITION TO VACATE

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, _____, being first duly sworn, depose and say that I, _____, 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.

Applicant Date

Applicant Date

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

NOTARY PUBLIC
STATE OF FLORIDA

Commission No.: _____ My Commission Expires: _____.

I, Kevin + Mary Kay Trowbridge, being first duly sworn, depose and say that I, Kevin + Mary Kay Trowbridge, 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.

Kevin + Mary Kay Trowbridge
Applicant

27 APR 2022
Date

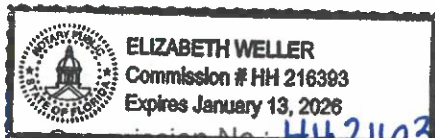
Mary Kay Trowbridge
Applicant

4/27/22
Date

Sworn and subscribed before me this 27 day of April, 2022.

NOTARY PUBLIC
STATE OF FLORIDA

Elizabeth Weller



Commission No.: HH 216393 My Commission Expires

January 13 2026

APR 27 2022

RECEIVED

3020 Passaic Avenue
Malabar, FL 32950

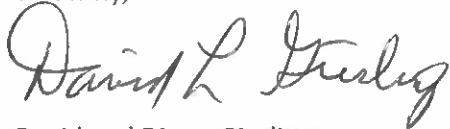
April 19, 2022

Subject: Town of Malabar Right of Way Vacate Application

Dear Members of the Malabar Town Council:

We, David and Diane Gierling, own 3020 Passaic Ave (tax parcel 29-38-06-00-11), next door to Kevin and Mary Kay Trowbridge who own 3040 Passaic Ave (tax parcel 29-38-06-03-D-16). We understand that Kevin and Mary Kay Trowbridge are petitioning the Town of Malabar to vacate the public right-of-way that lies between our properties. This right-of-way is not physically open and dead ends to tax parcel 29-38-06-00-81.1 which Kevin and Mary Kay also own. The vacated area would be split evenly between us and the Trowbridges. We fully support Kevin and Mary Kay Trowbridge's petition to vacate the right-of-way.

Sincerely,



David and Diane Gierling



cc: Kevin and Mary Kay Trowbridge

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

To: brelegals@gannett.com

May 23, 2022

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

Please place the following legal ad one time on Thursday, May 26, 2022. 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 HEARING**

The Malabar Town Council, Brevard County, Florida will convene in the Town Hall, 2725 Malabar Road, Malabar, Florida on Monday, **June 20, 2022 at 7:30pm**, or as soon thereafter as the matter can be heard, for a public hearing on the following topic:

The request by the adjacent and abutting property owner to vacate the northern 125 foot portion of the 50 foot wide right-of-way located between 3020 Passaic and 3040 Passaic Avenue. The vacate process must be approved by Council adopting a Resolution at this meeting. This platted right-of-way serves no public purpose and has never been used for road purposes. The Town of Malabar Council has the authority to vacate this right-of-way after a public hearing and notification to property owners with 500 feet.

If you received this notice then you are listed as an owner of property, as shown in the records of Brevard County Property Appraiser's office, within 500' of the requested road vacate request. This Notice is provided as required by Malabar Ordinance 2021-15. You are invited to attend or submit your comments before the meeting to the Town clerk at townclerk@townofmalabar.org

Copies of the request and the Code pertaining to this 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 this meeting of the Town Council with respect to these topics. Persons with disabilities needing assistance to participate in any of these proceedings should contact the Clerk's Office, ADA Coordinator, 48 hours in advance of the meeting at 321-727-7764. Debby Franklin, CMC, Town Clerk/Treasurer



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

Customer: TOWN OF MALABAR

Address: 2725 MALABAR RD
MALABAR FL 32950
USA

Ad No.: 0005272272

Pymt Method: Invoice

Net Amt: \$85.58

Run Times: 1

No. of Affidavits: 1

Run Dates: 05/26/22

Text of Ad:

AD#5272272 5/26/2022
TOWN OF MALABAR

**NOTICE OF
PUBLIC HEARING**

The Malabar Town Council, Brevard County, Florida will convene in the Town Hall, 2725 Malabar Road, Malabar, Florida on Monday, June 20, 2022 at 7:30pm, or as soon thereafter as the matter can be heard, for a public hearing on the following topic:

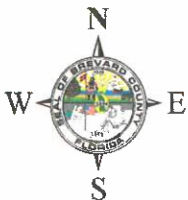
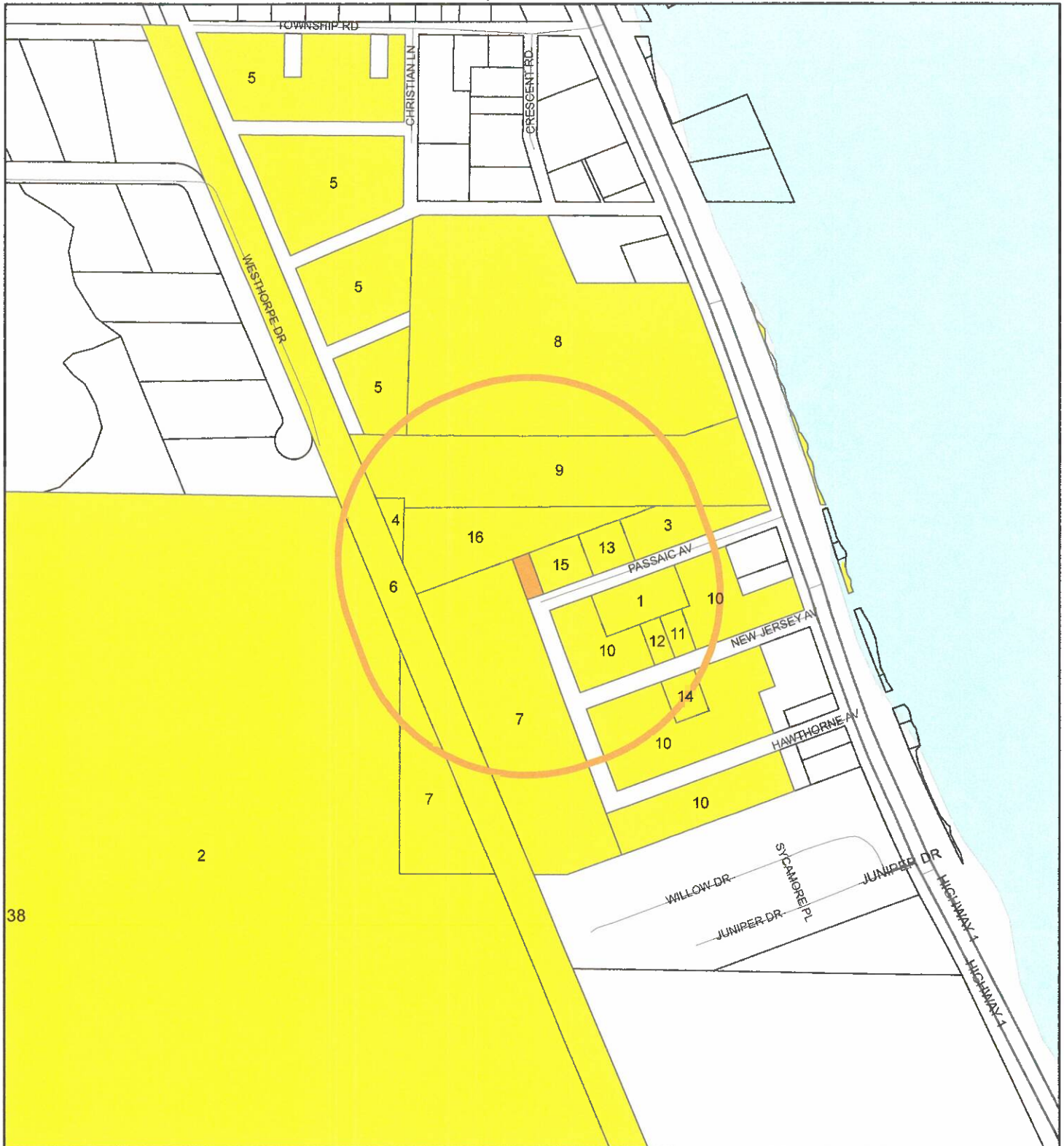
The request by the adjacent and abutting property owner to vacate the northern 125 foot portion of the 50 foot wide right-of-way located between 3020 Passaic and 3040 Passaic Avenue. The vacate process must be approved by Council adopting a Resolution at this meeting. This platted right-of-way serves no public purpose and has never been used for road purposes. The Town of Malabar Council has the authority to vacate this right-of-way after a public hearing and notification to property owners with 500 feet.

Copies of the request and the Code pertaining to this 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 this meeting of the Town Council with respect to these topics. Persons with disabilities needing assistance to participate in any of these proceedings should contact the Clerk's Office, ADA Coordinator, 48 hours in advance of the meeting at 321-727-7764. Debby Franklin, CMC, Town Clerk/Treasurer

RADIUS MAP

RW VACATION OF A PORTION OF UNNAMED ROAD ADJACENT TO PASSAIC AVENUE, MALABAR

passaic500







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: 5/2/2022

-  Buffer
-  Subject Property
-  Notify Property
-  Parcels

passaic500
Page1

FRANKLIN, Debby
Town of Malabar

BERKLEY, STEWARD L
BERKLEY, DAWN E
252 STAR RIDGE ROAD
HOPE ID 83836-

CABLE, SUSAN S
3090 PASSAIC AV
MALABAR FL 32950-

COASTAL JEWEL LLC
6221 WALDEN WAY
C/O CYNTHIA SKORA FINE
MADISON WI 53719-1518

FLORIDA EAST COAST RAILWAY LLC
7150 PHILIPS HWY
JACKSONVILLE FL 32256-6802

GIERLING, DAVID L
GIERLING, DIANE L
3020 PASSAIC AVE
MALABAR FL 32950-

JUNG-LIN CHEN & SHU-CHING
CHEN REVOCABLE LIVING TRUST
5165 S US HIGHWAY 1
GRANT FL 32949-2004

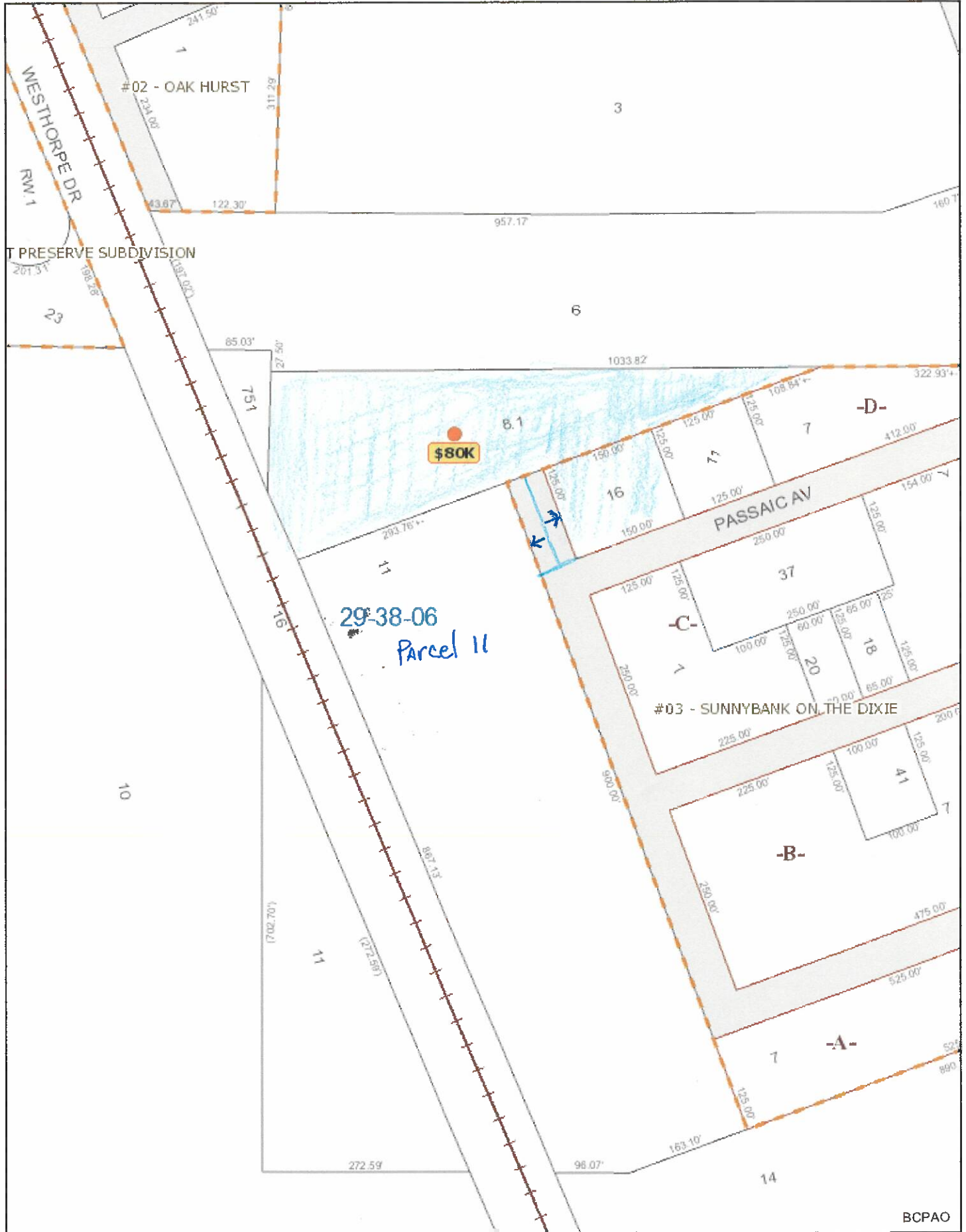
JUNG-LIN CHEN & SHU-CHING
CHEN REVOCABLE TRUST
1896 S US HIGHWAY 1
MALABAR FL 32950-4421

MARIE F MCCARTY LIVING TRUST
540 GREENFIELD DR
MAUMEE OH 43537-2354

REYNOLDS, CAROLYN
REYNOLDS, JOSEPH C
2135 CYPRESS LAKE DR
GRANT FL 32949-

SAUNDERS, RAYMOND R
SAUNDERS, SUSAN JANE
3065 NEW JERSEY AVE
MALABAR FL 32950-

TROWBRIDGE, KEVIN
TROWBRIDGE, MARY KAY
PO BOX 500309
MALABAR FL 32950-0309



**TOWN OF MALABAR
COUNCIL MEETING**

**AGENDA ITEM NO: 8.b.
Meeting Date: June 20, 2022**

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

SUBJECT: Public Hearing – Multiple Vacate Requests within Section 11, Melbourne Heights subdivision (SD) Section “E” east of Corey Road (Reso 13-2022)

BACKGROUND/HISTORY:

The co-applicants are the property owners and residents at 1455 and 1505 Delaware Avenue. They have an unimproved platted 50-foot wide ROW between (abutting) their parcels known as Nassau Street they would request vacated. Their parcels' southern property lines also abut the unimproved platted 50-foot wide ROW known as Georgia Avenue they request vacated. In addition, the applicant at 1455 Delaware Avenue also requests the ROW to the west of his parcel known as Ginseng Street be partially vacated to prevent future development of a road.

The Town has vacated multiple portions of ROW in this area because of the way Melbourne Heights was platted. Each of these 50 one-acre parcels was created with a platted ROW on every side. Malabar Council has approved multiple ROW vacates over the years. I have attached the map showing the ROWs previously vacated and the ones under consideration at this public hearing.

The attached memo to the TM and BD Mgr provide the historical information regarding previous vacates.

Staff supports the request for the vacate of the 50-foot Nassau Street ROW and the vacate of Georgia Avenue ROW as indicated on map.

Staff could not support a request to vacate only half of a platted ROW as that would put the Town in the position of creating a conforming ROW. Staff would support Council action to vacate the entire 50-foot portion of Ginseng Street between 1455 and 1405 since a similar portion of that same ROW has previously been vacated in the northern part of Melbourne Heights. Development in the future would not be hindered in any way as all other parcels would have access from Benjamin Road.

FINANCIAL IMPACT: These costs are covered by the application fee.

ATTACHMENTS:

Memo providing historical information with map showing requested vacates

Resolution 13-2022 – approving two of the three vacates – ***could be modified to include Ginseng Street between 1455 and 1405 Delaware Avenue.***

Two (2) Application packages

Map of area and specific parcels

Copy of legal ad and notice to surrounding properties

ACTION OPTIONS:

Council action on the requests and Resolution 13-2022

TOWN OF MALABAR

MEMORANDUM

Date: May 24, 2022, 2022-TC/T-021
To: TM Matt Stinnett; BD Mgr. Denine Sherear
From: Debby K. Franklin, C.M.C., Town Clerk/Treasurer
Ref: Comments re: Requests to Vacate Rights-of-Way within Melbourne Heights SD, Section "E" specifically:

- a 25' portion of Ginseng Street abutting the west side of Parcel 38
- the full 50' ROW known as Georgia Avenue abutting the south side of Parcels 38 & 39
- the full 50' ROW known as Nassau Street abutting Parcel 38 & Parcel 39

Reviewing the requests currently under consideration, it is necessary for me to provide some historical input. The previous vacate requests that were approved by Council were done in 2002 and 2005, primarily due to requests from the owners of multiple adjoining lots. Since that time, many of those owners have further developed their properties to encroach into rights of way not previously vacated.

Benjamin Road full right-of-way width serves as the southern boundary for the Town of Malabar and is platted across the full width of the Town. Brevard County Board of County Commissioners adopted Resolution 1999-202 conveying the southern half of the rights-of-way to the Town of Malabar in 1999, giving the full right-of-way authority to the Town of Malabar. At the Babcock Street intersection, it is known as Osage Street and is improved for about 1,300 feet. At the Weber Road intersection, it is known as Reese Road and is improved about 600 feet west of Weber Road. At the intersection of Corey Road, it is known as Benjamin Road but is only improved on the east side of Corey Road for about 3,400 feet. This platted ROW is classified as a minor collector like Atz and Hall Roads but has not been developed as such on any section of the accepted roadways.

There are ten (10) north / south platted ROW within Melbourne Heights SD Section "E" running north from Benjamin Road and seven (7) of them have had portions vacated. There are six (6) east / west platted ROW within Melbourne Heights SD Section "E" running east / west and two (2) of them have had portions vacated. Of the remaining, there are many environmental challenges facing the development of most of the parcels west of the Feveroot Street ROW.

In planning for future roadway needs, I would propose support of utilizing the existing approved Moss Rose Avenue and the existing approved Delaware Avenue for access from Corey Road.

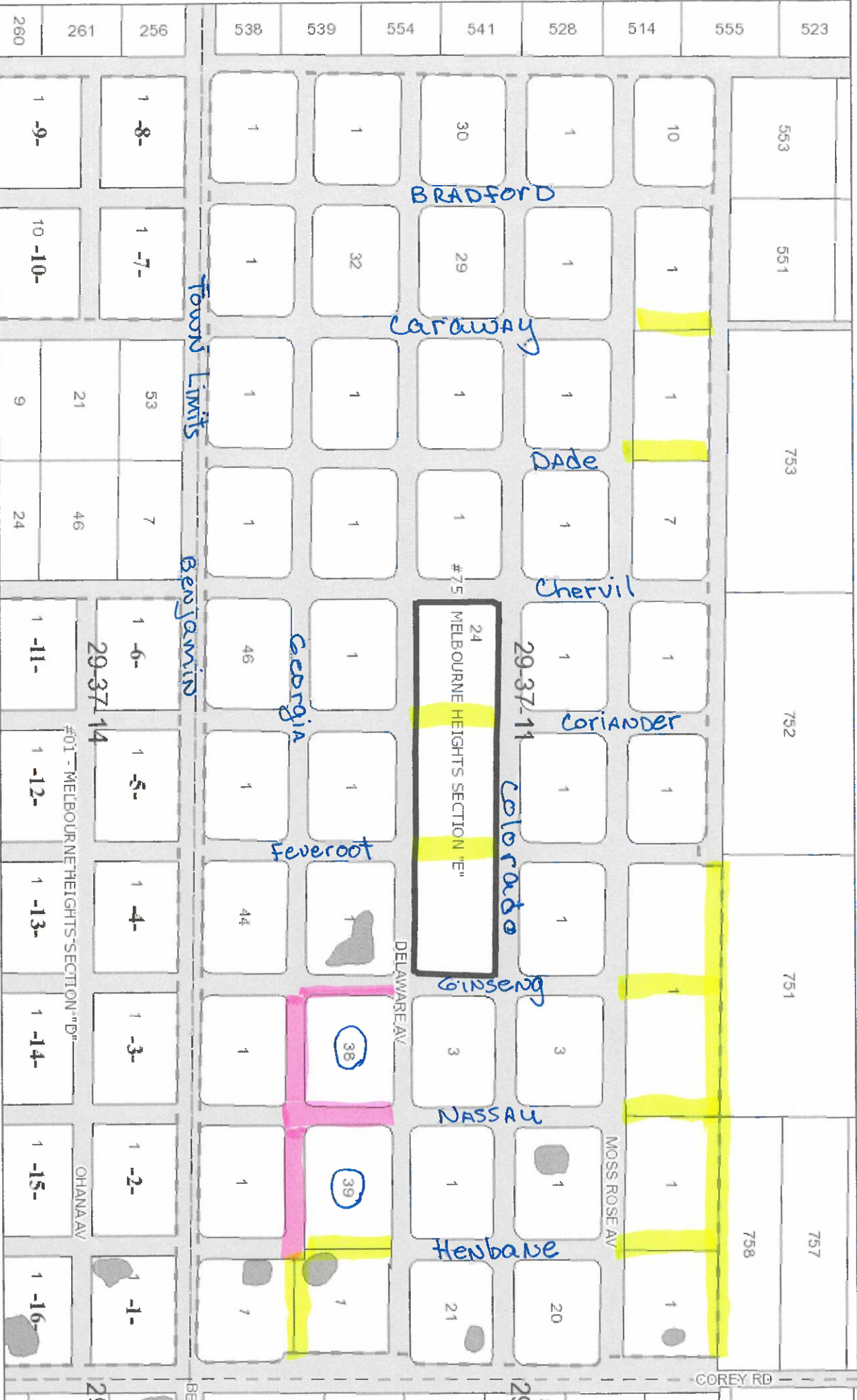
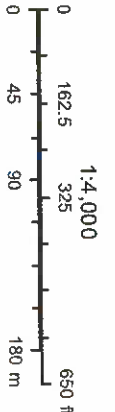
Remaining parcels in this area could be accessed by future improvement of Benjamin Road (west of Corey Road) Chervil, Dade, and Caraway to the north / south.

Based on this roadway plan I would propose that Council consider the future development of this area by permitting ROW vacates of Nassau Street because the owners on both sides have requested it and another portion of that ROW has already been vacated. I would also suggest support to vacate the ROW known as Georgia Avenue abutting these parcels since the ROW has already been vacated to the east connecting to Corey Road.

I could recommend approving a 50-foot vacate of Ginsberg Street ROW for the portion abutting 1455 and 1405 Delaware but not a 25-foot (partial) vacate.

Attachment: Plat map of Section 11 showing the affected ROW under consideration.

 = Previously VACATED
 = Current Request



All BCPAO maps and/or map applications are maintained for assessment and illustrative purposes only and do not represent surveys, plats, or any other legal instrument. Likewise, measurement and location to assessment and illustrative purposes only and do not necessarily reflect real-world conditions. Due to the nature of Geographic Information Systems (GIS) and cadastral mapping, map layers may not precisely not represent precise location, shape, and/or legal boundaries. Only a Florida-licensed surveyor can determine legally-relevant property boundaries, elevation, distance, area, and/or location in Florida.

Map created May 24, 2022 (map data dates may vary)

RESOLUTION 13-2022

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

WHEREAS, Malabar Town Council has received a request to consider multiple right-of-way vacates within the Melbourne Heights Subdivision in Section "E" in Section 11 of the southern portion of Malabar west of Corey Road; and

WHEREAS, Malabar Town Council has considered approval of two of the three requests as submitted and approval of the third if it encompasses the entire 50-foot width; and

WHEREAS, Malabar Town Council has the legislative authority to vacate rights-of-way after a public hearing process, if determined that it does not serve a public purpose.

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

Section 1. The Town Council of Malabar, Brevard County, Florida, hereby declares the above recitals are true and correct.

Section 2. The Town Council of Malabar, Brevard County, Florida, hereby approves the vacate of the 50-foot by 200-foot right-of-way known as Nassau Street that abuts 1455 and 1505 Delaware Avenue; the 660-foot right-of-way known as Georgia Avenue that abuts the southern portion of 1455 and 1505 Delaware Avenue and the intersection of Georgia and Nassau; and the 50-foot by 200-foot right-of-way known as Ginseng Street that abuts 1455 and 1405 Delaware Avenue.

Section 3. The Town Council of Malabar, Brevard County, Florida, hereby authorizes and directs the Town Clerk to run the legal ad of this adopted resolution after recording with the Clerk of Court and send copies to all utility companies serving south Brevard County.

Section 4. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

Section 5. This resolution shall take effect immediately upon adoption.

This Resolution was moved for adoption by Council Member _____ and a second by Council Member _____ and the vote was as follows:

Council Member Marisa Acquaviva _____

Council Member Brian Vail _____

Council Member Steve Rivet _____

Council Member David Scardino _____

Council Member Mary Hofmeister _____

This Resolution was then declared to be duly passed and adopted this 20th day of June 2022.

TOWN OF MALABAR

(seal)

By: _____
Mayor Patrick T. Reilly, Council Chair

ATTEST:

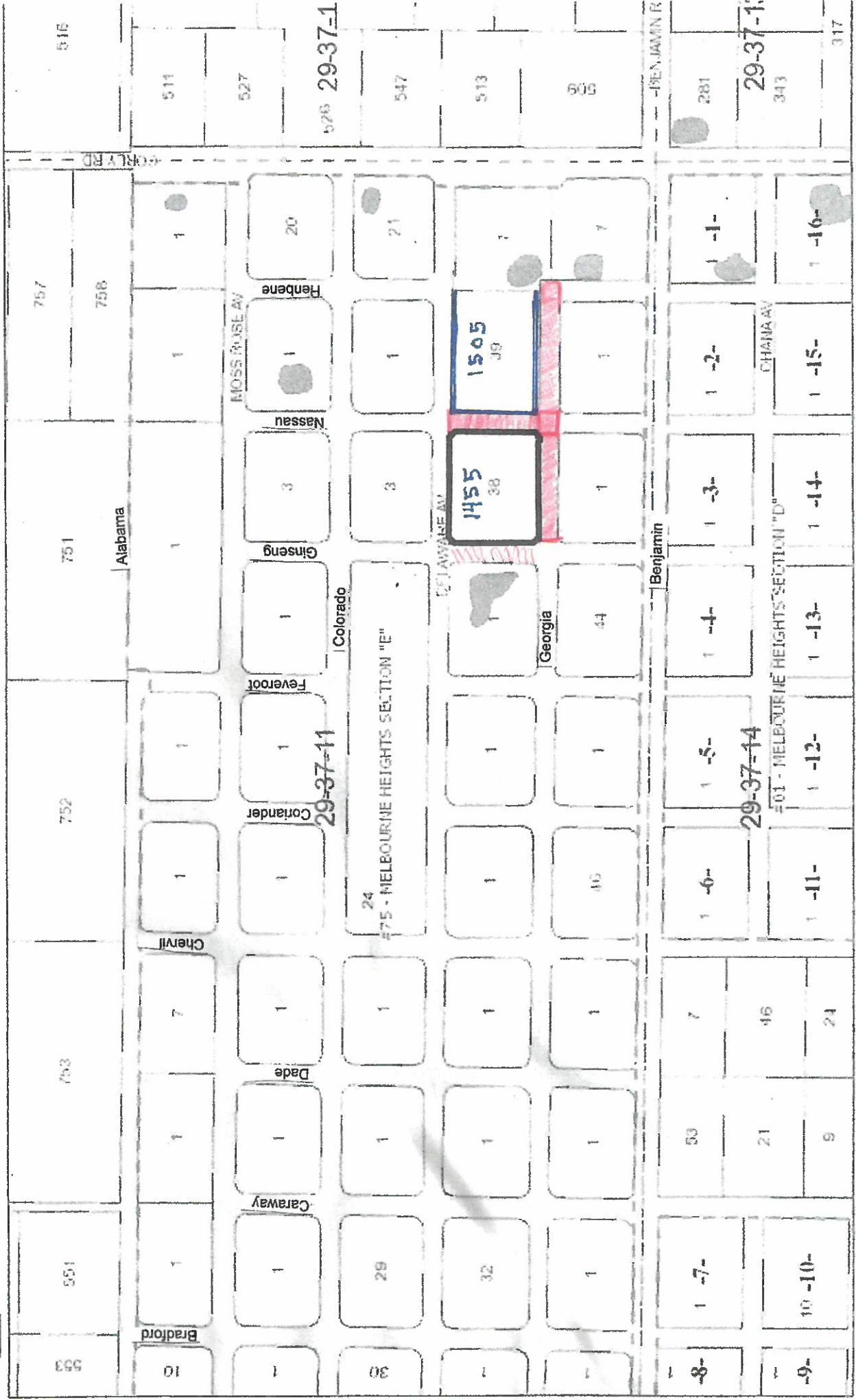
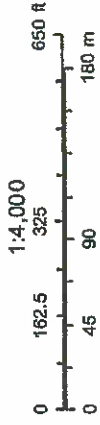
Debby K. Franklin, C.M.C.
Town Clerk/Treasurer

Approved as to form and content:

Karl W. Bohne, Jr., Town Attorney



Exhibit "A" of Resolution 13-2022



All BCPAO maps and/or map applications are maintained for assessment and illustrative purposes only and do not represent surveys, plats, or any other legal instrument. Likewise, measurement and location to assessment and illustrative purposes only and do not necessarily reflect real-world conditions. Due to the nature of Geographic Information Systems (GIS) and cadastral mapping, map layers may not precisely not represent precise location, shape, and/or legal boundaries. Only a Florida-licensed surveyor can determine legally-relevant property boundaries, elevation, distance, area, and/or location in Florida.



TOWN OF MALABAR
RIGHT OF WAY VACATE APPLICATION

OCT 4 2021 10:41:18

Applicant: WILLIAM HELLER Date: 10/4/2021
Mailing Address: 1455 DELAWARE AVE MALABAR FL 32950
(Street) (City) (State) (Zip)
Telephone: (321) 223-8124 Email: MRBILL33000@yahoo.com
Property Address: 1455 DELAWARE AVE MALABAR
Section: 29 Township: 37 Range: 11 Lot: 75 Block: 38

Description of ROW to be vacated (ie. Width, length, adjacent parcel IDs):
NASSAU ST 25ft, GEORGIA AVE 25ft, MANATEE ST 25ft
164 FT LONG 229 FT LONG 164 FT LONG

Petition / Reason for Request: ADJACENT PARCEL ID # 29-37-11-75-39
29-37-11-75-43-1
29-37-11-75-37-1

TO ADD TO MY PROPERTY AND TO STOP ANY RIGHT AWAYS FROM
BEING OPENED ON AND OFF DELAWARE AVE A 15 FT DIRT ROAD.
ALL THE RIGHT AWAYS NOW ARE OVERTGROWN WITH BRUSH AND
MATURE TREES AS ALL OF MY PROPERTY IS NOT CLEARED.
I WAS TOLD SOME 21 YEARS AGO OF NON EXISTENT ROADS
ADJUTING MY PROPERTY AND I ASK TOWN TO VACATE THEM SO
I COULD EXPAND MY PROPERTY, BUT NEVER GOT AROUND TO
DO SO.

Attach the following:

1. Signed and sealed survey showing right-of-way to be vacated.
2. Radius package of 500 feet from parcel adjacent to subject ROW. This is ordered from and paid to Brevard County Planning and Zoning GIS Department (321-633-2060)
3. Map showing the general area with minor collector and local lanes identified and subject area highlighted.
4. Fee of \$425.00 shall accompany the application and petition.

Applicant Signature: Willi Heller Date: 10/4/21



TOWN OF MALABAR RIGHT OF WAY VACATE APPLICATION

Applicant: Shannon Moriarty Date: 10-5-2021

Mailing Address: 1505 Delaware Ave Malabar, FL 32950
(Street) (City) (State) (Zip)

Telephone: (321) 243-5951 Email: Fri+Zbr20@gmail.com

Property Address: 1505 Delaware Ave. Malabar, FL 32950

Section: 29 Township: 37 Range: 11 Lot: 75 Block: 39

Description of ROW to be vacated (ie. Width, length, adjacent parcel IDs: _____)

West - Nassau Street 25 Ft, Georgia Ave. 25 Ft -> South

164 Ft Long Parcel ID: 280.54 Ft Long

Petition / Reason for Request: 29-37-11-75-38 sim 29-37-11-75-42-1

Petition/Reason for Request: _____

I am requesting this ROW Vacate primarily to maintain community road patterns in our area. All roads run in an east-to-west pattern in this area, and by vacating this ROW this would ensure this standard is followed by any future development. Moss Rose Ave. runs east to west, Delaware Ave. runs east to west, and Benjamin Ave. runs east to west. Delaware Ave. is a narrow dirt road and is not classified as a collector road. Should the ROW to the west of my property ever be opened for a road or private driveway, all of the traffic from the lots to the south and west of my property would spill out on to Delaware Ave, a road that is inadequate to handle this additional traffic. Benjamin Ave. to the south of my property would be more than adequate to handle this additional traffic as well as grant access to the vacant properties to the south and west of my property. The ROW to the south of my property is a dead end and has no practical use. The ROW to the west of my property is overgrown with bushes and mature trees and has no practical application. If the town is to vacate these two right of ways, NO property is adversely affected and NO property is land locked. Parcels to the south and west of my property can be accessed via Benjamin Ave. This request would add to my property; however, this request is primarily to ensure compatible development for this area of town, maintaining community road patterns in this area of town, minimizing disturbances to all established residences along Delaware Ave. and maintaining south and west property owner access along a more size appropriate ROW to the south (Benjamin Ave.).

Town Does this

1. Signed and sealed survey showing right-of-way to be vacated. - *Sent via Email*
2. Radius package of 500 feet from parcel adjacent to subject ROW. This is ordered from and paid to Brevard County Planning and Zoning GIS Department (321-633-2060)
3. Map showing the general area with minor collector and local lanes identified and subject area highlighted.
4. Fee of \$425.00 shall accompany the application and petition.

Applicant Signature: [Signature] Date: 10-5-2021

Att 7
File 7



MALABAR

SCALE: 1"=200'

UPDATED 10/19/89 FJK
UPDATED 2/16/88
UP DATE 2/11/85 E

BREVARD COUNTY, FLORIDA	DRAWN: 7/16/63 WCH, MV	REVISED: 7/3/80 W.J.S.
APPRAISER'S PLAT	CHECKED:	CHECKED: 7/11/80 M.T.B.
COMMISSIONER DISTRICT 3	REDRAWN: 5/22/75 R.V.W	
	CHECKED: MT8. 10/27/75	

SC.ALE: 1"=200'
AERIAL REF. 1975
R/W CHANGES SINCE REVISION = R1

Benjamin's Rd is a minor collector & requires 70' ROW

Multiple lots are owned by same owner,
Right-of-Ways are previously vacated,

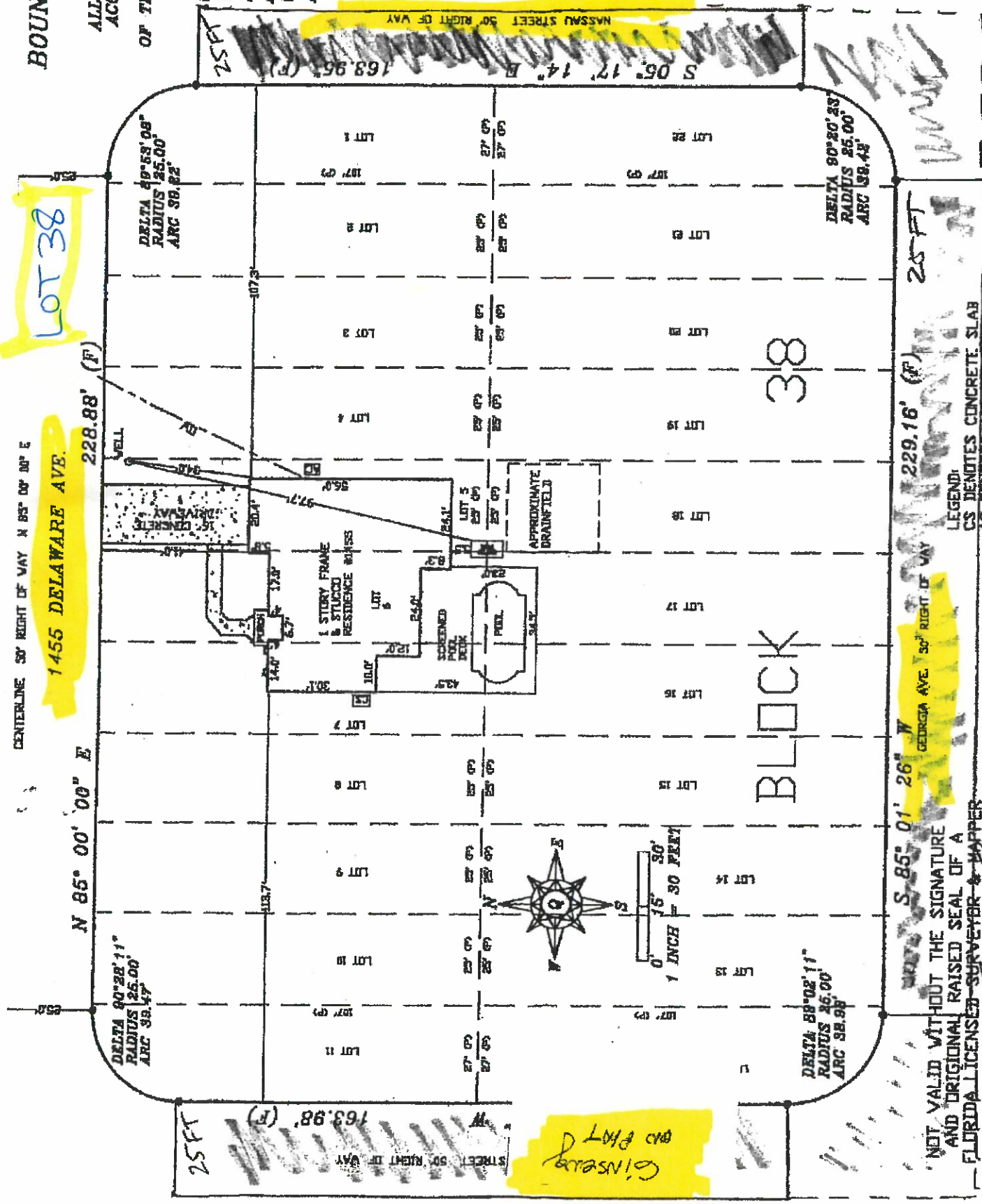
CENTERLINE 30' RIGHT OF WAY N 85° 00' 00" E
 1455 DELAWARE AVE.

BOUNDARY ANI
 LA
 ALL OF BLOCK 38
 ACCORDING TO T1
 PL
 OF THE PUBLIC RE

CERTIFIED I
 WILLIAM M.
 STEWART T1
 ALLIANCE T1
 CHASE MANE
 IT'S SUCCES

NOTE
 1.0 N1
 2.0 D
 3.0 N
 4.0 B1
 5.0 P1
 6.0 P1
 7.0 M1
 8.0 C

Get
 Landc
 1378
 Paltr
 321-
 FLOE
 4/4/
 17a1



LEGEND:
 CS DENOTES CONCRETE SLAB
 AC DENOTES AIR CONDITIONER ON CS
 OV DENOTES OVERHEAD WIRE
 (P) DENOTES PLAT
 (F) DENOTES FIELD
 O DENOTES FOUND 1/2" IRON ROD "LANE"

NOT VALID WITHOUT THE SIGNATURE
 AND ORIGINAL RAISED SEAL OF A
 FLORIDA LICENSED SURVEYOR & MAPPER
 Stephen W. Quesnel, P.L.S.
 Florida Licensed Surveyor and Mapper #5306

1505 Lot 39 1505 Delaware

BOUNDARY SURVEY

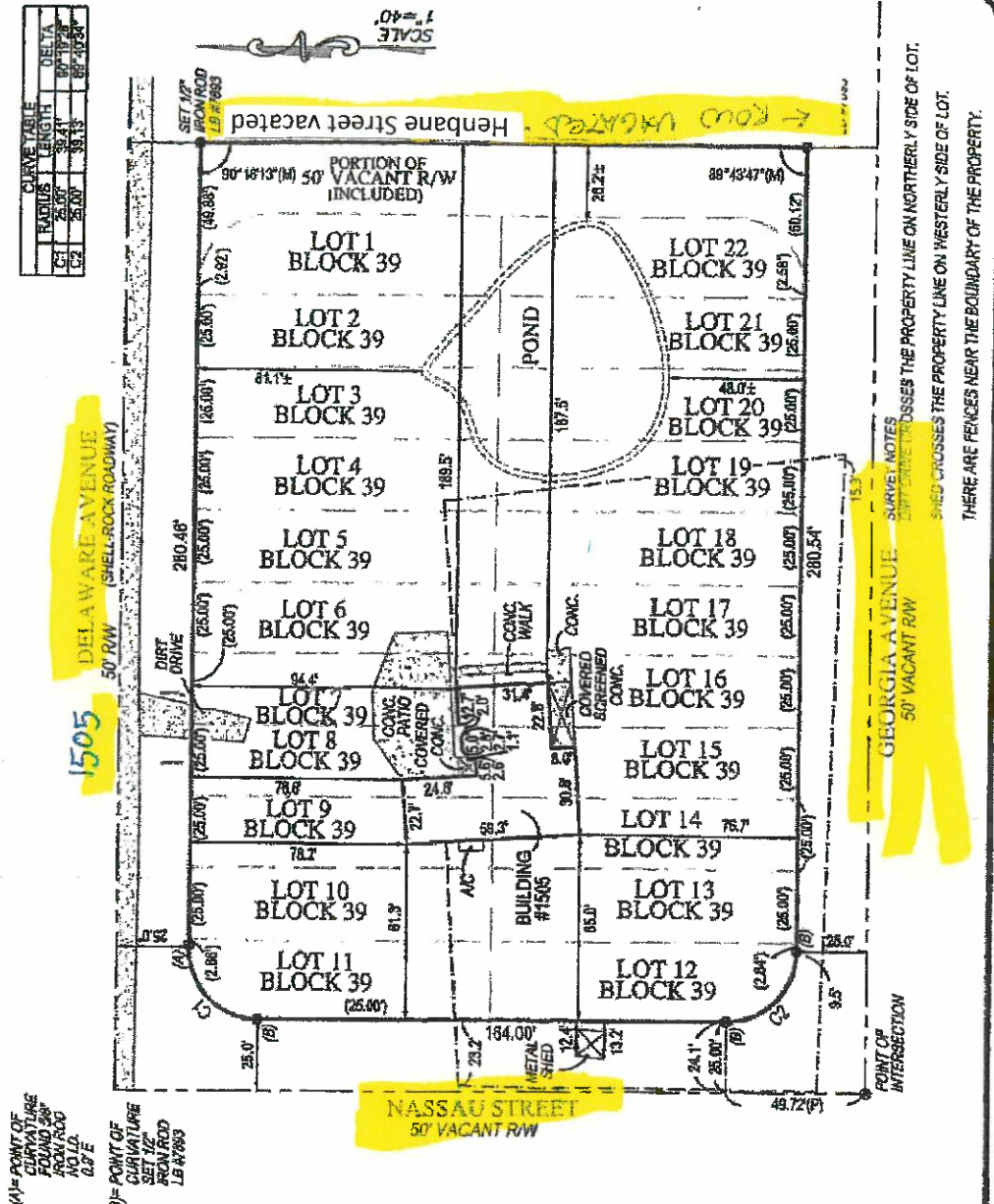
PAGE 1 OF 1

TARGET SURVEYING, LLC

6250 N. MILITARY TRAIL, SUITE 102
WEST PALM BEACH, FL 33407
PHONE (561) 640-4830
STATEWIDE FACSIMILE (800) 226-4807
WEBSITE: <http://www.target-surveying.com>

Kenneth Osborne
Diploma Awarded by Florida
Surveyors Association
Date: 2012-04-12 (2012)
Professional Surveyor and Mapper #1415

SURVEYORS CERTIFICATE
I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS A TRUE
AND CORRECT REPRESENTATION OF A SURVEY PREPARED
UNDER MY DIRECTION, NOT VALID WITHOUT A RAISED
EMBOSSED SEAL AND SIGNATURE
Kenneth Osborne



(A) - POINT OF CURVATURE AROUND 280' RADIUS
SET 127' FROM ROAD

(B) - POINT OF CURVATURE AROUND 280' RADIUS
SET 127' FROM ROAD

LEGAL DESCRIPTION:
ALL THE BLOCKS IN THE PLAT IN THE HEIGHTS SECTION 16,
ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT
BOOK 4, PAGE 81, OF THE
PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

CERTIFIED TO:
SP HOMES LLC, A FLORIDA LIMITED LIABILITY COMPANY;
GAMWELL TITLE, LEE/BAWKEN PARTNERSHIP; WESTOOR;
LAND TITLE INSURANCE COMPANY

COMMUNITY NUMBER: 1202K
PARCEL: 0177
SUBPARCEL: 0
FLOOD ZONE: X
FIELD WORK: 1/22/21

PROPERTY ADDRESS:
1505 DELAWARE AVENUE
PALM BEACH, FL 33480

SURVEY NUMBER: 27476
CLIENT FILE NUMBER: FL2041123

SYMBOL DESCRIPTIONS:

- = CONCRETE
 - = IRON PIPE
 - = PROPERTY CORNER
 - = UTILITY BOX
 - = UTILITY POLE
 - = WATER METER
 - = WELL
 - = METAL FENCE
 - = WOOD FENCE
- ABBREVIATION DESCRIPTION:**
- AC = ANGLE
 - AD = ADJUSTMENT
 - CD = CENTRAL ANGLE
 - LD = LENGTH
 - LB = LASSERED BUSINESS
 - MA V.D. = NORTH AMERICAN VERTICAL DATUM
 - MG V.D. = NATIONAL GEODETIC VERTICAL DATUM
 - OV = OVERSIGHT
 - P.C. = POINT OF CURVATURE
 - P.A. = POINT OF ANGLE
 - P.R.C. = POINT OF REVERSE CURVE
 - PSM = PROFESSIONAL SURVEYOR/MAPPER
 - P.T. = POINT OF TANGENCY
 - R = RADIAL
 - R.V. = RIGHT OF WAY

GENERAL NOTES:

1. LEGAL DESCRIPTION PROVIDED BY OTHERS
2. THE LANDS SHOWN HEREON ARE NOT RESTRICTED FOR EASEMENTS OR OTHER RECORDS
3. UNDEVELOPED PORTIONS OF PLOTS ARE FOUND TO BE DELIVERED UNLESS OTHERWISE NOTED
4. WALLS ARE TO BE TO THE FACE OF THE WALL AND ARE NOT TO BE TO THE CENTERLINE UNLESS OTHERWISE NOTED
5. ONLY VISIBLE EMBOSSED SEALS ARE LOCATED

REVISIONS:

1. DIMENSIONS SHOWN HEREON ARE BY IT AND UNLESS OTHERWISE NOTED
2. FENCE OWNERSHIP NOT DETERMINED
3. ALL DIMENSIONS ARE BASED ON N.T.S. 1489 DATUM UNLESS OTHERWISE NOTED
4. ALL DIMENSIONS ARE TO THE FACE OF THE WALL AND ARE NOT TO BE TO THE CENTERLINE UNLESS OTHERWISE NOTED
5. ALL DIMENSIONS ARE TO BE TO THE FACE OF THE WALL AND ARE NOT TO BE TO THE CENTERLINE UNLESS OTHERWISE NOTED
6. ONLY VISIBLE EMBOSSED SEALS ARE LOCATED

CHAVE TABLE	DELTA
RADIUS	LENGTH
25.00'	38.41'
25.00'	38.41'
25.00'	38.41'

SCALE 1"=40'

SET 127' FROM ROAD

127' 0.00'

127' 0.00'

127' 0.00'

127' 0.00'

127' 0.00'

127' 0.00'

127' 0.00'

127' 0.00'

127' 0.00'

127' 0.00'

127' 0.00'

127' 0.00'

127' 0.00'

127' 0.00'

127' 0.00'

127' 0.00'

127' 0.00'



TOWN OF MALABAR
2725 MALABAR RD

MALABAR, FL, 32950

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

Notice Public Hearing

as published in **FLORIDA TODAY** in the issue(s) dated: or by publication on the newspaper's website, if authorized, on

05/26/2022

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

Sworn to and Subscribed before me this 26th of May 2022, by legal clerk who is personally known to me

Affiant

Nancy Heyrman
Notary State of Wisconsin County of Brown
5.15.23

My commission expires
Publication Cost: \$91.56
Ad No: 0005275624
Customer No: BRE-6TO207
This is not an invoice
of Affidavits 2

AD#5275624, 5/26/2022
TOWN OF MALABAR
NOTICE OF
PUBLIC HEARING
The Malabar Town Council Brevard County, Florida will convene in the Town Hall, 2725 Malabar Road, Malabar, Florida on Monday, June 20, 2022 at 7:30pm, or as soon thereafter as the matter can be heard, for a public hearing on the following topic:
A request by property owners to vacate of the fifty (50) foot wide unimproved platted right of way known as Nassau Street that runs approximately 700 feet between 1455 Delaware and 1505 Delaware Avenue; providing for the vacate of the fifty (50) foot wide unimproved platted right-of-way known as Georgia Avenue that runs approximately 660 feet abutting the southern portion of 1455 and 1505 Delaware Avenue and the 50-foot right-of-way known as Nassau Avenue between the two parcels; authorizing the town Clerk to run a legal advertisement of the adopted resolution if the vacate is approved. The Town of Malabar Council has the authority to vacate these rights-of-way after a public hearing and notification to property owners with 500 feet.
Copies of the request and the Code pertaining to this 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 this meeting of the Town Council with respect to these topics. Persons with disabilities needing assistance to participate in any of these proceedings should contact the Clerk's Office, ADA Coordinator, 48 hours in advance of the meeting at 321-727-7764. Debby Franklin, CMC, Town Clerk/Treasurer

NANCY HEYRMAN
Notary Public
State of Wisconsin

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

To: brelegals@gannett.com

May 24, 2022

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

Please place the following legal ad one time on Thursday, May 26, 2022. 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 HEARING**

The Malabar Town Council, Brevard County, Florida will convene in the Town Hall, 2725 Malabar Road, Malabar, Florida on Monday, **June 20, 2022 at 7:30pm**, or as soon thereafter as the matter can be heard, for a public hearing on the following topic:

A request by property owners to vacate of the fifty (50) foot wide unimproved platted right of way known as Nassau Street that runs approximately 200 feet between 1455 Delaware and 1505 Delaware Avenue; providing for the vacate of the fifty (50) foot wide unimproved platted right-of-way known as Georgia Avenue that runs approximately 660 feet abutting the southern portion of 1455 and 1505 Delaware Avenue and the 50-foot right-of-way known as Nassau Avenue between the two parcels; authorizing the Town Clerk to run a legal advertisement of the adopted resolution if the vacate is approved. The Town of Malabar Council has the authority to vacate these rights-of-way after a public hearing and notification to property owners with 500 feet.

If you received this notice then you are listed as an owner of property, as shown in the records of Brevard County Property Appraiser's office, within 500' of the requested road vacate request. This Notice is provided as required by Malabar Ordinance 2021-15. You are invited to attend or submit your comments before the meeting to the Town clerk at townclerk@townofmalabar.org

Copies of the request and the Code pertaining to this 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 this meeting of the Town Council with respect to these topics. Persons with disabilities needing assistance to participate in any of these proceedings should contact the Clerk's Office, ADA Coordinator, 48 hours in advance of the meeting at 321-727-7764. Debby Franklin, CMC, Town Clerk/Treasurer

FRANKLIN, Debby
Town of Malabar
1505 Delaware

AGER, CLIFFORD J
AGER, CHARLENE
1505 MOSS ROSE AVE
MALABAR FL 32950-3708

AMARA, KEVIN
AMARA, CINDY M
1405 DELAWARE AVE
MALABAR FL 32950-

BELL, RICHARD E
BELL, DEANA MARIE COOPER
3205 COREY RD
MALABAR FL 32950-

BRUTUS, JEAN SR
BRUTUS, MYRNA
3305 COREY RD
MALABAR FL 32950-4002

CLERC, CANDRIN
2157 SMATHERS CIR S
MELBOURNE FL 32935-3147

CLERC, JEAN-YVES
CLERC, DENISE
144 CAPTIVA CT
MELBOURNE BEACH FL 32951-3482

FLORIN, CHRISTOPHER
VALENTINE-FLORIN, LAUREN
3175 COREY RD
MALABAR FL 32950-

HELLER, WILLIAM M
HELLER, LISA
1455 DELAWARE AVE
MALABAR FL 32950-3702

JEAN, PARNEL
PIERRE-JEAN, FABIENNE
3285 COREY RD
MALABAR FL 32950-3836

LEEDY, DORIS M
2635 SMITH LN
MALABAR FL 32950-3511

MALABAR LAND TRUST #1
2885 SANFORD SW AVE SW, #29859
GRANDVILLE MI 49418-1342

MASSEY, GREGORY Y
MASSEY, MICHELLE E
1455 MOSS ROSE AVE
MALABAR FL 32950-3708

MORIARTY, SHANNON M
1505 DELAWARE AVE
MALABAR FL 32950-3807

NELSON, WILLIAM K
NELSON, TINA J
3190 COREY RD
MALABAR FL 32950-3808

PICORNELL, FRANCISCO J
PICORNELL, PATRICIA M TRUSTEES
1500 DELAWARE AVE
MALABAR FL 32950-3800

PRIMAVERA, LARRY D
PRIMAVERA, CAROL A
1400 DELAWARE AVE
MALABAR FL 32950-3701

RINCONES, RALPH A JR
WHITE, LINDA A
PO BOX 896
S ORLEANS MA 02662-

ROSE, DONALD N
3150 COREY RD
MALABAR FL 32950-

VITALIANO, DOUGLAS L
VITALIANO, KIMBERLEY L
1500 OHANA AVE
GRANT FL 32950-

VITALIANO, WILLIAM J
VITALIANO, BEVERLY ANN
3280 COREY RD
MALABAR FL 32950-

WOODLEY, BOBBY
WOODLEY, KAYLIE
3250 COREY RD
MALABAR FL 32950-3835

HELLER, William

1455 Delaware

AGER, CLIFFORD J
AGER, CHARLENE
1505 MOSS ROSE AVE
MALABAR FL 32950-3708

AMARA, KEVIN
AMARA, CINDY M
1405 DELAWARE AVE
MALABAR FL 32950-

AMARA, KEVIN M
AMARA, CINDY M
1405 DELAWARE AVE
MALABAR FL 32950-

CLERC, CANDRIN
2157 SMATHERS CIR S
MELBOURNE FL 32935-3147

CLERC, JEAN-YVES
CLERC, DENISE
144 CAPTIVA CT
MELBOURNE BEACH FL 32951-3482

GANZER, ALBERT A
GANZER, JOSPEHINE M
2412 SALTSMAN RD
ERIE PA 16510-

HELLER, WILLIAM M
HELLER, LISA
1455 DELAWARE AVE
MALABAR FL 32950-3702

MALABAR LAND TRUST #1
2885 SANFORD SW AVE SW, #29859
GRANDVILLE MI 49418-1342

MASSEY, GREGORY Y
MASSEY, MICHELLE E
1455 MOSS ROSE AVE
MALABAR FL 32950-3708

MORIARTY, SHANNON M
1505 DELAWARE AVE
MALABAR FL 32950-3807

NELSON, WILLIAM K
NELSON, TINA J
3190 COREY RD
MALABAR FL 32950-3808

PICORNELL, FRANCISCO J
PICORNELL, PATRICIA M TRUSTEES
1500 DELAWARE AVE
MALABAR FL 32950-3800

PRIMAVERA, LARRY D
PRIMAVERA, CAROL A
1400 DELAWARE AVE
MALABAR FL 32950-

PRIMAVERA, LARRY D
PRIMAVERA, CAROL A
1400 DELAWARE AVE
MALABAR FL 32950-3701

SUNSCAPE EAST INC
13417 W HILLSBOROUGH AVE
TAMPA FL 33635-

VITALIANO, DOUGLAS L
VITALIANO, KIMBERLEY L
1500 OHANA AVE
GRANT FL 32950-

VITALIANO, WILLIAM J
VITALIANO, BEVERLY ANN
3280 COREY RD
MALABAR FL 32950-

WOODLEY, BOBBY
WOODLEY, KAYLIE
3250 COREY RD
MALABAR FL 32950-3835



TOWN OF MALABAR

REGULAR TOWN COUNCIL MEETING

AGENDA ITEM NO: **9.a**
Meeting Date: **June 20th, 2022**

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

SUBJECT: Trails and Greenways Committee Recommendation

BACKGROUND/HISTORY:

- a. On June 13, 2022, the Trails and Greenways Committee voted unanimously to recommend that Council approve Staff resources and funding to procure quotes for multiple blade signs.
- b. Considering the recent closure of the Malabar Scrub Sanctuary, usage in Malabar's Cameron Preserve has greatly increased.
- c. Malabar Trails and Greenways Committee believes that Malabar should promote the knowledge of who owns and operates the Cameron Preserve by adding additional signage to all trail entrances.
- d. The Committee also feels it is important to add additional directional and wayfinding signs to assist new trail users in navigating the trail system.
- e. Initial Staff research has priced the requested signs at under \$2,500.00.

ATTACHMENTS:

- a. Memo 2022-DTC/T-9
- b. Draft Minutes of the June 13th, 2022, Trails and Greenways Committee Meeting
- c. Agenda Item Number 7b from the June 13th, 2022, Trails and Greenways Committee Meeting providing additional detail about the requested signs.

ACTION OPTIONS:

- a. Request Approval of request, and direction to staff to seek quotes.

TOWN OF MALABAR

MEMORANDUM

Date: June 14, 2022 2022-DTC/T-9
To: Town Clerk and Town Manager
CC: Mayor Reilly and Town Council
From: Richard W. Kohler, Deputy Town Clerk/Treasurer
Ref: Trails and Greenways Committee Recommendation

At the June 13th Trails and Greenways Committee Meeting, the Committee made the following motion:

Committee Member Wilbur moves to recommend Council provide funding and Staff resources to procure quotes for multiple blade signs. Seconded by Committee Member Waite. Motion Carries (5-0) All Ayes

The Committee has been discussing upgrading their existing, as well as adding new signs to the Cameron Preserve, especially considering its recent higher use. The Committee agreed to place signs at every trail entrance to the preserve, as well as several directional wayfinding signs at major trail intersections. Please see the attached minutes and agenda report from the 6/13/2022 for exact placement, size, and design aspects of the project. With Council direction, staff will request quotes from vendors. Initial research for Blade signs showed an estimated cost of under \$2,500.00.

MALABAR TRAILS AND GREENWAYS COMMITTEE REGULAR MEETING
June 13th, 2022, 6:00 PM

This meeting of the Malabar Trails and Greenways Committee was held at Town Hall at 2725 Malabar Road.

1. CALL TO ORDER, PRAYER AND PLEDGE:

Meeting called to order at 6:02 P.M. Prayer and Pledge led by Chair Thompson.

2. ROLL CALL:

CHAIR:	DREW THOMPSON
VICE-CHAIR:	MURRAY HANN - EXCUSED
BOARD MEMBERS:	ANNELIE HARVEY - EXCUSED
	BOB WILBUR
	DANIEL WAITE
ALTERNATES:	MARK BRITT
	MIKE SCHOOLFIELD
GRANT/VALKARIA LIASON:	CRAIG SMITH
BOARD SECRETARY:	RICHARD KOHLER

3. Additions/Deletions/Changes- Secretary Kohler requested that Mr. Schoolfield read his Oath of Office. With no objections, Mr. Schoolfield read and signed his Oath of Office. Mr. Schoolfield thanked the Committee for accepting him.

Chair Thompson stated how pleased he is that the Committee is a diverse spectrum of Malabar Residents.

4. CONSENT AGENDA

4.a. Regular Trails and Greenways Committee Mtg Minutes of 4/11/2022

Motion to accept 04/11/2022 as amended by Wilbur/Waite

All Ayes: Carried 5-0.

5. PUBLIC COMMENTS:

6. ACTION ITEMS: NONE

7. DISCUSSION

a. Trail, Kiosk and Firebreak Conditions

Secretary Kohler states that there has been reports of trees blocking trails, but the Trail Crew has been quick to correct these issues. Chair Thompson thanked the BMBA and the trail crew. Liaison Smith stated that Saturday the 25th, the BMBA would like to do a trail workday. They will track and turn in a volunteer sign in sheet. Committee consensus is that would be fine.

b. Signage Update

Chair is unsure how many of the maps we will need, but he has drafted directional signs for approval tonight. The Cameron Preserve signs will be smaller than the existing ENT signs. They will be placed at all trail entrances into the Cameron Preserve. CM Waite asks if the Town Logo can be included without the white box? Secretary Kohler states that the design will be subject to change with implementation, but the overall design will stay the same. Chair then discussed where he felt the signs should be placed, using the map included in the agenda packet.

CM Waite suggests changing the color of the green trail sign to a color-blind neutral color. Chair suggests using black and white color with the color spelled out. Chair then discussed the map updated by VC Hann. Liaison Smith states it looks excellent. CM Wilbur suggests including an arrow pointing to the Eagles Nest Trailhead, as well as adding a QR code. CM Britt asked why the EELs logo is on the map? Chair explained that the EELs program gave us the original aerial photography, but that does make it look like they did this work. We will work to rephrase this portion before production. Chair suggests staging a photo op with horses, bikes and pedestrians crossing Malabar Road at Marie Street. CM Schoolfield asks if the "No Motorized Vehicles" would restrict One-Wheels? Liaison Smith explained the technical difference between a one-wheel and a motorized vehicle. He then explains that the BMBA had a rough transition with the E-Bikes and One-Wheels. They have begun to integrate well, and have conformed to the general rules. Long story short, it will likely be impossible to keep them out of the trails.

c. Eagles Nest Trailhead

Secretary Kohler informed the Committee that the Town will provide dirt once they have procured a sifter to sort the dirt. CM Wilbur states existing dirt should be sufficient. Chair Thompson states that Council Member Vail offered some equipment as well.

d. IMBA Trail Accelerator Grant

Secretary Kohler informed the Committee of the potential for this Grant, and his hopes that the Committee will work to draft the proposal. Chair Thompson suggests focusing on the "Zig-Zag Trail" from Corey Rd to the Al Tuttle Trail. Consensus is to pursue the Zig-Zag Trail for this grant.

e. Next Field Event - TBD

8 O'clock AM on Saturday June 25th at the Swallow-Tailed Kite Trailhead.

8. OLD/NEW BUSINESS

a. Board Member Comments:

- Liaison Smith thanked the Committee for its time.
- Chair Thompson suggested contacting the Manager of the Malabar Harris Plant.

b. Staff Reports:

c. New Business:

- Next Regular Meeting- July 11th, 2022

9. ADJOURN

There being no further business to discuss;

MOTION WILBUR/BRITT to adjourn. Vote: All Ayes. The meeting adjourned 7:19 PM.

BY:

Drew Thompson Chair

7/11/2022

Date Approved: as presented:

Richard W. Kohler, Board Secretary

TOWN OF MALABAR

TRAILS AND GREENWAYS COMMITTEE MEETING

AGENDA ITEM NO: 7.b
Meeting Date: June 13th, 2022

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

SUBJECT: Signage Update

BACKGROUND/HISTORY:

- a. The Trails and Greenway's Committee has been discussing updating the signs in and around the Malabar Greenways.
- b. At the April meeting, Chair Thompson took direction from the Committee to begin work drafting the signs, while Vice-Chair Hann took direction to complete the updating of the area map.
- c. Both accomplished their tasks, and the Draft Maps and Signs are included in this agenda report.

ATTACHMENTS:

- a. Draft Signs

ACTION OPTIONS:

- a. Discussion/Request for Malabar Staff to develop an Invitation to Bid to produce the signs.

T&GC

Additional Signage for Cameron Preserve

**Being considered due to high public dependency during BCC and/or
EEL Pgm barricade periods when public is excluded from MSS**

Sign A



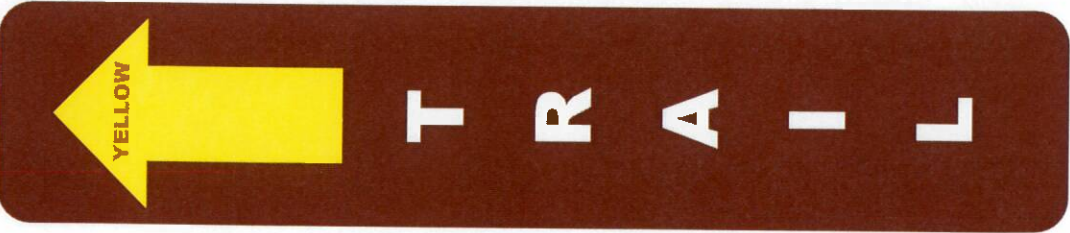
Sign A

30" x 16"

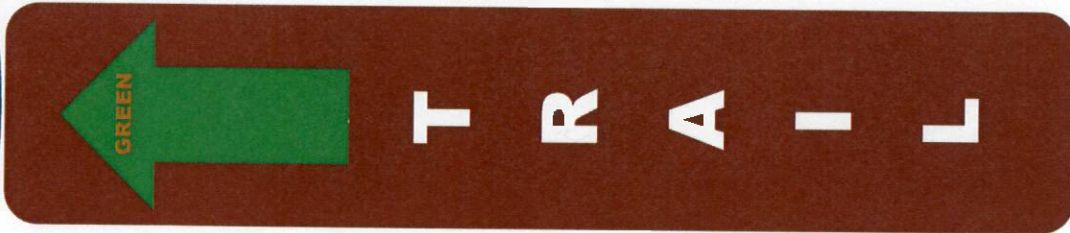
Total = 8

(8) To be posted by T&GC at trail access points north of Cameron Preserve and at access points with MSS E & W

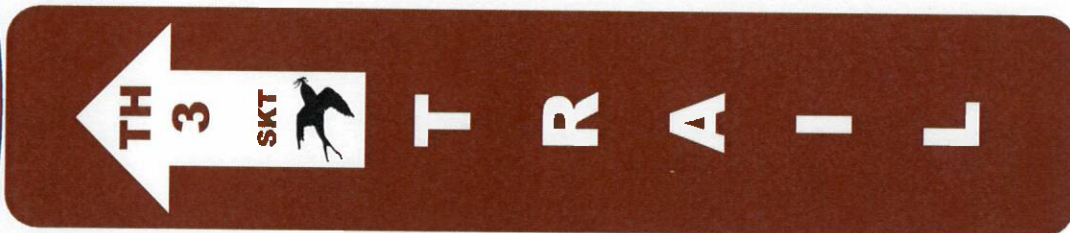
Sign B



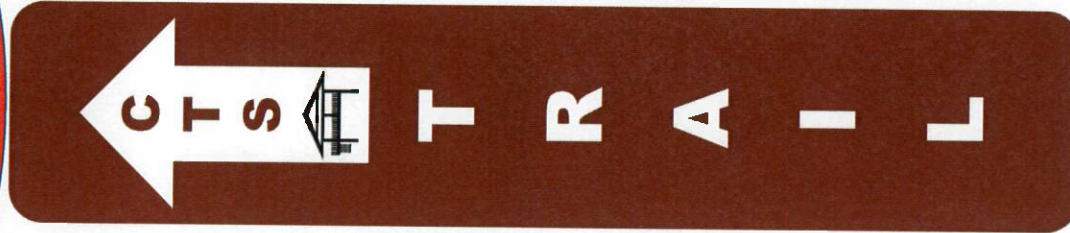
Sign C



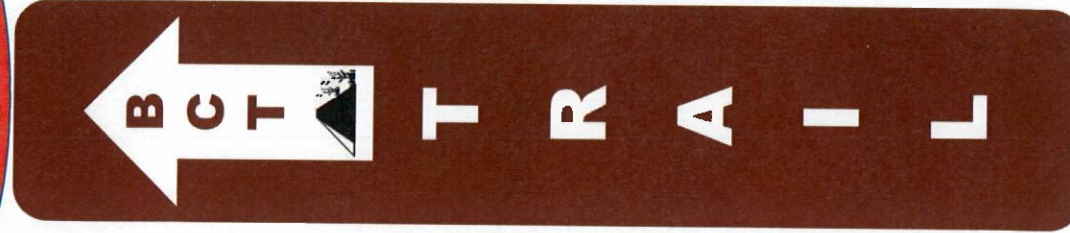
Sign D



Sign E



Sign F



Signs B - F

6" x 32"

Total = 28

Sign - Qty:

B = 9

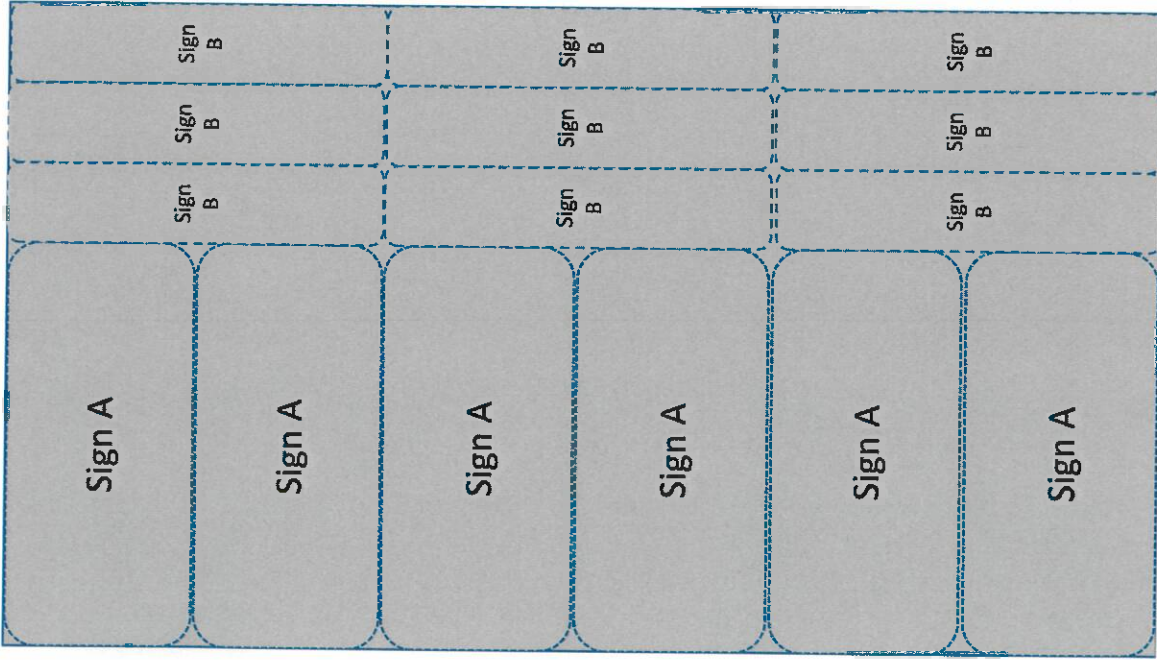
C = 6

D = 4

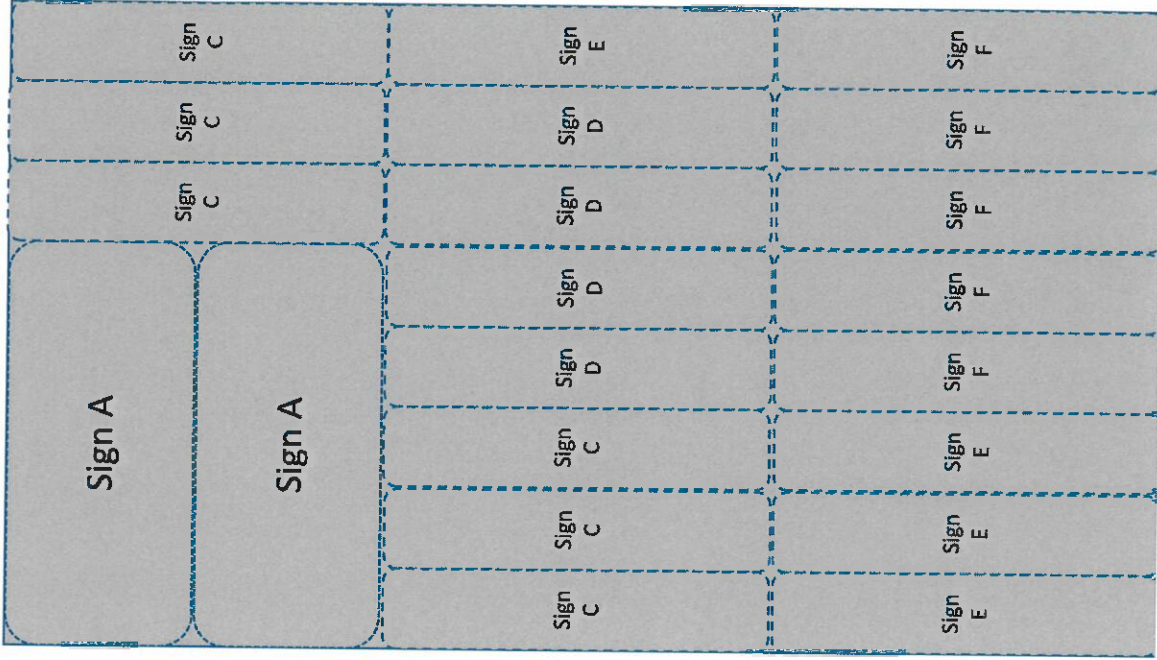
E = 4

F = 5

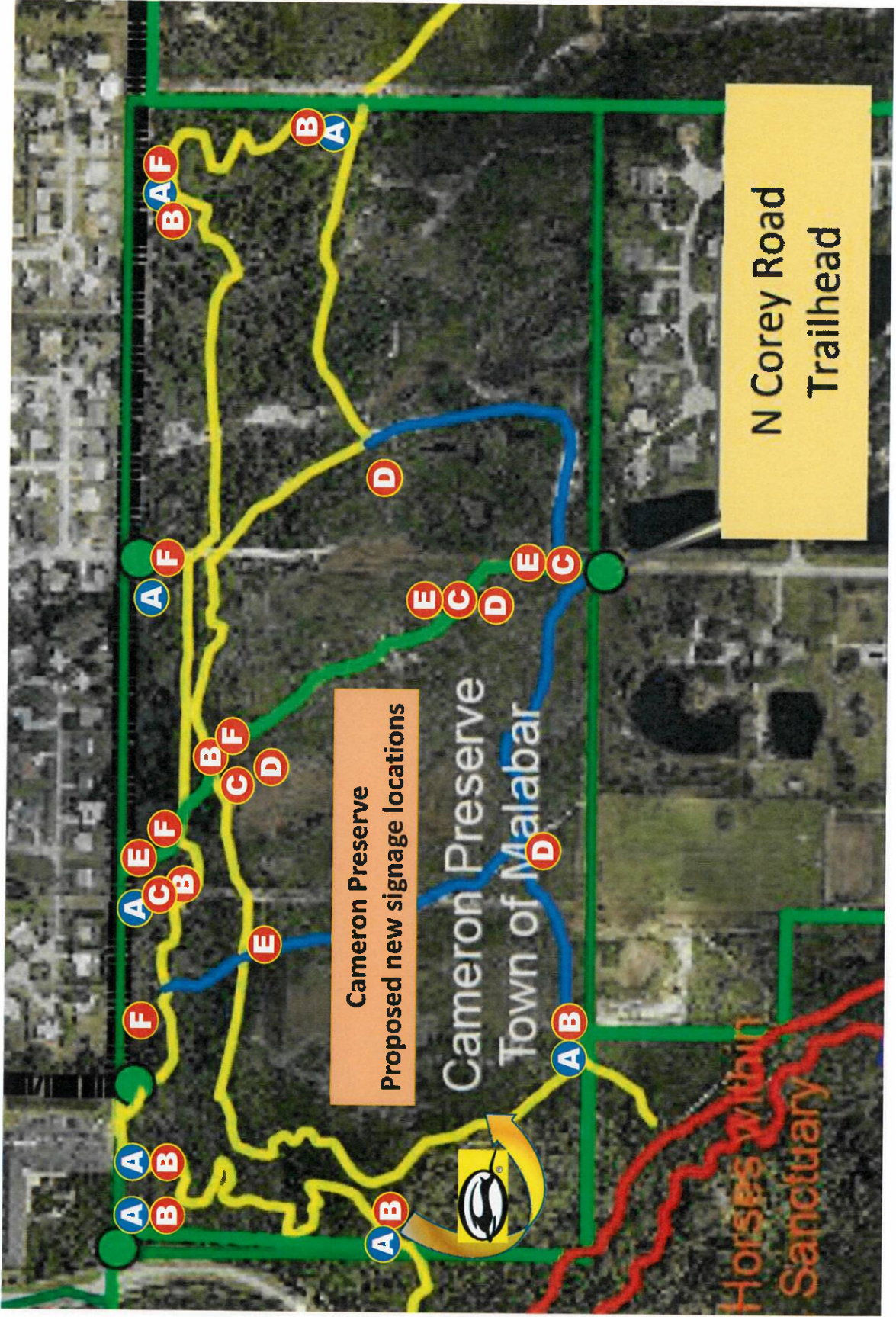
Sign A
30" x 16"



Need
2
4' x 8'
Sign
Panels



Signs B - F
6" x 32"



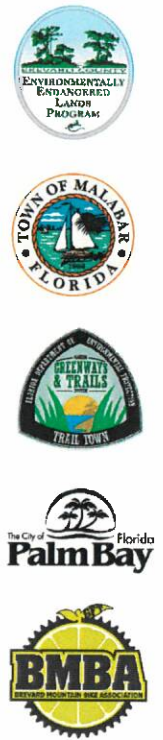
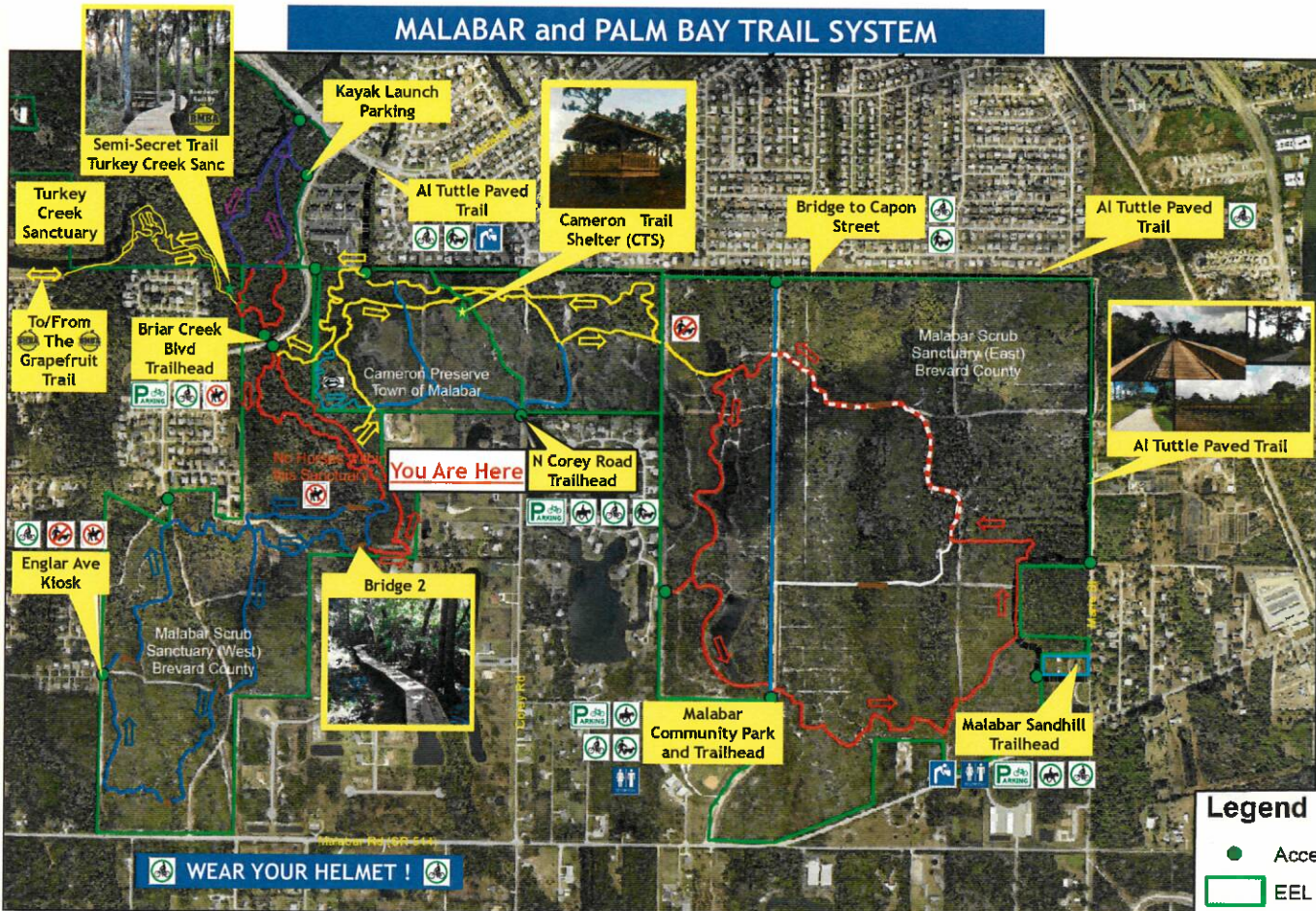
N Corey Road
Trailhead

Cameron Preserve
Proposed new signage locations

Cameron Preserve
Town of Malabar

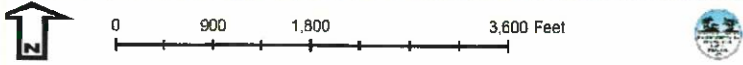
Horses Within
Sanctuary

MALABAR and PALM BAY TRAIL SYSTEM



Legend

- Access Points
- ▭ EEL Managed Boundary
- ▭ Cameron Preserve
- ▬ Paved Trail



Area map provided by the Brevard County EEL Program



Visit Malabar Trailhead

VTP
Town of Malabar
Trails & Greenways
Committee (7606)

Write you to visit Malabar's Trail System
"See back of card for our virtual trailhead
with maps, area info, and volunteer events"

T&G meets monthly 6 PM 1st Sun of Term
Holds 2720 Malabar Rd. Malabar, FL 32950

BMBA + **TRAILFORKS**

At www.hidesbmga.org

Browse Brevard Trails | View Photos
View/Submit Trail Statuses & Videos

Trail Maps

We truly believe the best way to find your way around the trails is with the Trailforks app (available to your phone's app store). Not interested in the app? Scan the QR code to the right to see this region's map on Trailforks.com

- Thank you for visiting MALABAR Trails!
- These trails are maintained by the Malabar Trails and Greenways Committee. If you would like to get involved, please call the Town of Malabar at (321) 727-7764, or go to our Virtual Trailhead <http://malabartrails.org/>
- **USE THIS TRAIL SYSTEM AT YOUR OWN RISK.** The property owner is indemnified from liability by Florida Statute 316.0085
- Trails in this system are considered Medium (blue) difficulty. Expect sandy areas, roots, and moderate drops. Trails may have trees down, or be blocked by debris at any time. Trail conditions can change at any time, so it is up to the trail user to keep themselves safe
- The trail user is responsible for their own safety. Use trails at your own risk.
- **DO NOT MODIFY TRAIL SURFACE**
- **NO motorized vehicles of any kind**, except ADA exceptions
- **HELMETS ARE REQUIRED TO RIDE HERE**
- Dogs are allowed, on leash, in Malabar's Cameron preserve only (see Map)
- Horses allowed in Cameron Preserve and Malabar East, but not Malabar West
- This trail system utilizes one-way and two-way trails. Most of the complex, narrow trails are "one way", and it is best to travel that way for safety. Bikes: Please adhere to one way designation
 - "One Way" is the Preferred Direction of Travel. If You Choose to Travel Opposite the Preferred Direction, be vigilant and yield the ROW to the preferred direction

Trail Name: Description / Features	Where on Map ?
AI Tuttle Trail: The AI Tuttle Trail is Bi-Directional, and a paved, multi-user trail. Expect walkers, runners, bicycles, equestrians. The AI Tuttle Trail runs predominately East – West, and goes all the way from Port Malabar BML to the Malabar Sandhill Trailhead on Marie Street (near Malabar Road). Bridge to Capon Street in Palm Bay, & one large bridge over a depression marsh. Excellent wildlife viewing on the Canal, connects to Malabar Park via an abandoned concrete road.	Black Dashed line – North boundary of off-road trail system, & to Malabar Road
Red & Purple Trail (West): These are the best (and most difficult) of the mountain biking trails in Palm Bay and EELP Malabar West Sanctuary. Better known as "Ho Chi Minh" (Purple) and "Dead Bike" (Red), these are the core of the traditional mountain bike trails. Excellent views of Turkey Creek and the Turkey Creek flood plain. Dry year round, even in high rain season. Most trails are marked one way. No horses on these trails, please.	Purple and Red Line – North West section of map

Trail Name: Description / Features	Where on Map ?
Blue Trail (West): This loop is connected to Red Trail via two long, narrow bridges, which cross the Turkey Creek flood plain. Blue is a challenging trail that has wet sections during the high rain season. Much of this area is in scrub habitat restoration, but shade has been left near the trail sections.	Blue Line – South West section of map
Yellow Trail East (Cameron): Yellow Trail East is One-Way, and runs predominately East, toward EELP Malabar East Sanctuary, and the trails that lead to Malabar's Sandhill Trailhead. Trail is marked with Yellow Diamonds, with arrows and "E" to indicate East. Cameron Trail Shelter is on the Green Trail, and visible from Yellow East	Yellow Line – In Cameron Preserve, Center of Map
Yellow Trail West (Cameron): Yellow Trail West is One-Way, and runs predominately West, toward EELP Malabar West Sanctuary, and the Red & Purple trails near Turkey Creek. Yellow West includes some very twisty, shaded single-track. Trail is marked with Yellow Diamonds, with arrows and "W" to indicate West.	Yellow Line – In Cameron Preserve, Center of Map
Green Trail (Cameron): The Green Trail is Bi-Directional, and runs predominately North – South, connecting the N. Corey Road Trailhead to the AI Tuttle Trail (Paved). It is generally easy. Generally dry even in high rain season. The Cameron Trail Shelter (CTS) is on this trail, near the intersection with Yellow-East	Green Line – In Cameron Preserve, Center of Map
Blue Diamond Trail (Cameron): The Blue Trail is Bi-directional, and runs predominately East – West, and serves as a local connector to other trails in Cameron Preserve. This trail is rocky and difficult, and also known as "The Route of All Evil" trail. Excellent views of depression marsh. Fun & scenic for more experienced trail users.	Blue Line – In Cameron Preserve. Marked with Blue Diamonds. Center of Map
Red Trail (East): This loop-trail is in Brevard County EELP Sanctuary Malabar East. Views of Scrub habitat, lakes, & depression marshes. Crosses the Malabar Woods Road, an abandoned concrete road in the center of Malabar East Sanctuary. Connects to AI Tuttle Trail and Malabar Sandhill trailhead in the East.	Red Line – In East Section of Map
Semi-Secret Trail (Turkey Creek Sanctuary): This trail connects "Ho Chi Minh" (Purple) trail to the South bank of the C1 canal, and from there you can go further west to the Grapefruit Trails (GFT). Classic deep woods single-track with boardwalks at each end. (East) boardwalk has an observation bench area, and excellent views of Turkey Creek	Yellow line – In farthest East section of map. 2.1-way trails shown as single line on map
Impala Trail (Cameron Preserve): This trail connects Yellow West with Yellow East, staying entirely within Malabar's Cameron Preserve. Twisty, fast, classic deep woods single-track. 1962 Chevy Impala on trail.	Bright Blue Line- Just to the Left of the Cameron Preserve label

TOWN OF MALABAR

COUNCIL MEETING

AGENDA ITEM NO: 10.a.

Meeting Date: June 20, 2022

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

SUBJECT: Repeal Resolution 26-2013 related to positions reporting to Council (Reso 15-2022)

BACKGROUND/HISTORY:

With the direction of Council to provide for two separate positions Clerk and Treasurer and provide job descriptions, it is appropriate to repeal earlier records that now conflict.

ATTACHMENTS:

- Resolution 15-2022

ACTION OPTIONS:

Council Action on Reso 15-2022

RESOLUTION 15-2022

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

WHEREAS, Resolution 26-2013 was created to provide for the roles and responsibilities of the Town Administrator and Town Clerk in 2013 and is no longer valid as Council has determined the position of Clerk/Treasurer should be split into two separate positions and the position of Town Administrator was previously adopted by Ordinance 2003-15 and has been amended further in Ordinance 2019-15 to change the title to Town Manager; and

WHEREAS, at the direction of Malabar Town Council at their meeting on June 6, 2022, Staff has created separate job descriptions for the Clerk and Treasurer that will be approved with an employment contract for each position; and

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

Section 1. The Town Council of Malabar, Brevard County, Florida, declares the above recitals are true and correct.

Section 2. The Town Council of Malabar, Brevard County, Florida, hereby repeals in its entirety Resolution 26-2013.

Section 3. This Resolution shall take effect 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 Marisa Acquaviva	_____
Council Member Brian Vail	_____
Council Member Steve Rivet	_____
Council Member David Scardino	_____
Council Member Mary Hofmeister	_____

This Resolution was then declared to be duly passed and adopted this 20th day of June 2022.

TOWN OF MALABAR

By:

Mayor Patrick T. Reilly,
Council Chair

ATTEST:

Debby K. Franklin, CMC
Town Clerk/Treasurer

(seal)

Approved as to Form and Content:

Karl W. Bohne, Jr., Town Attorney

TOWN OF MALABAR

COUNCIL MEETING

AGENDA ITEM NO: 10b
Meeting Date: June 20, 2022

Prepared By: Matt Stinnett, Town Manager

SUBJECT: Rivet Lane Paving – Engineer’s Estimate

BACKGROUND/HISTORY:

The Town contracted EDC to provide a design and engineers estimate for the paving of Rivet Lane. Included in this estimate are several tasks that would be required in preparation for pavement including clearing, road base, alignment, and stormwater improvements.

Given the limited right-of-way and stormwater needs in this area there is a significant amount of preparatory work that will need to be accomplished prior to asphalt installation. The engineering estimate is intended to provide an informed cost scenario. The estimate makes several assumptions and relies on FDOT price indices to establish a potential cost estimate. It is management’s opinion that some of the preparatory work needed can be done internally using Public Works staff, equipment, and materials reducing the overall out-of-pocket cost but a majority of the work will need to be contracted.

Road base work for this project is estimated assuming that the existing mix of material on the current dirt road is unusable and would require total excavation, disposal, and installation of new base rock and stabilized subgrade. Geo technical surveys and final construction needs could impact these numbers significantly. Mobilization, and contingency are separately assumed and priced as \$23,464 and \$27,559 respectively.

In addition to the work described in the engineers estimate, additional easements or dedication covering the historical/natural channel to the east of the ROW would be required accommodate the designed lane width and provide sufficient shoulder and stormwater management. This would impact four parcels, one of which the Town is separately pursuing foreclosure on for unpaid code enforcement liens.

The next step in accordance with the Town’s code is to notify the petitioners of their cost share portion and allow 30 days for them to request exclusion from the original petition. However, the Town’s current budget does not have sufficient funding to support this project based on the engineering estimate, a budget amendment or deferral for inclusion in next year’s budget would be required to pursue bids should the petitioners be agreeable to the allocated cost share.

ATTACHMENTS:

Engineer’s Cost Estimate – Rivet Lane Project # 21-501
Satellite view of project area.

FINANCIAL IMPACT:

None at this time.

ACTION OPTIONS:

Discussion and direction on budgeting.

ENGINEER'S COST ESTIMATE - RIVET LANE

(for Town of Malabar purposes only)

Client: Town of Malabar, c/o Matt Stinnett
Project Name: Rivet Lane Improvements

Date: June 3, 2022
EDC Project #: 21-501

GENERAL SITE WORK	UNIT	ESTIMATED QUANTITY	UNIT PRICE		CONTRACT
			(Per FDOT Cost	Indices)	
Mobilization (assumed 10%)	LS	1	23,464.00		23,464.00
Earthwork (Fill for Ex Ditch)	CY	375	15.00		5,625.00
Clearing / Striping	AC	0.31	31,337.22		9,714.54
Demolition/Disposal Ex Dirt and Rock					
Road Surface	SY	1,798	30.23		54,353.54
Demolition & Disposal Ex Driveway	SY	169	30.23		5,108.87
Dewatering (If needed)	LS	1	3,000.00		3,000.00
Erosion and Sediment Controls (silt fence, turbidity curtain, stabilization, etc)	LS	1	3,750.00		3,750.00
Geotech Testing (Densities/Compaction)	LS	1	15,000.00		15,000.00
Surveying and As-Builts	LS	1	15,000.00		15,000.00
Sodding	SY	842	3.52		2,963.84
GENERAL SITE WORK SUB TOTAL					137,979.79

DRAINAGE	UNIT	ESTIMATED QUANTITY	UNIT PRICE	CONTRACT
48" CMP	LF	6	359.54	2,157.24
18" CMP	LF	17	127.99	2,175.83
Concrete Heawall	EA	1	6,900.00	6,900.00
Mitered End Section (18")	EA	6	1,555.23	9,331.38
Adjust to Ex 18" HDPE Culverts	LF	97	127.99	12,415.03
Grouting of Existing Culverts	CY	11	210.14	2,296.83
DRAINAGE SUB TOTAL				35,276.31

ROADWAY IMPROVEMENTS	UNIT	ESTIMATED QUANTITY	UNIT PRICE	CONTRACT
1.5" Type SP-9.5 Asphalt	TN	196	127.33	24,956.68
8" Base Rock (optional group 6)	SY	2,449	17.64	43,200.36
12" Stabilized Sub-Grade	SY	2,578	9.82	25,315.96
Signing and Striping	LS	1	6,500.00	6,500.00
4" Concrete Driveway Aprons	SY	44	53.72	2,363.68
ROADWAY IMPROVEMENTS SUB TOTAL				102,336.68

Does Not Include:

- * Permitting Fees
- * Monument Signs
- * Fencing
- * Record Drawings/As-built Survey
- * Engineering/Consulting Costs
- * Private Communication Utilities (Phone, Cable, Internet, etc)
- * Geotechnical Engineering/Density Testing
- * Electrical Wiring (assumes FPUA will provide)
- * Construction Staking or Survey
- * Water and Sewer Utilities

SUB TOTAL	275,592.78
CONTINGENCY (10%)	27,559.28
TOTAL \$	303,152.06

Prepared By: David C. Baggett, P.E.
Professional Engineer's Name

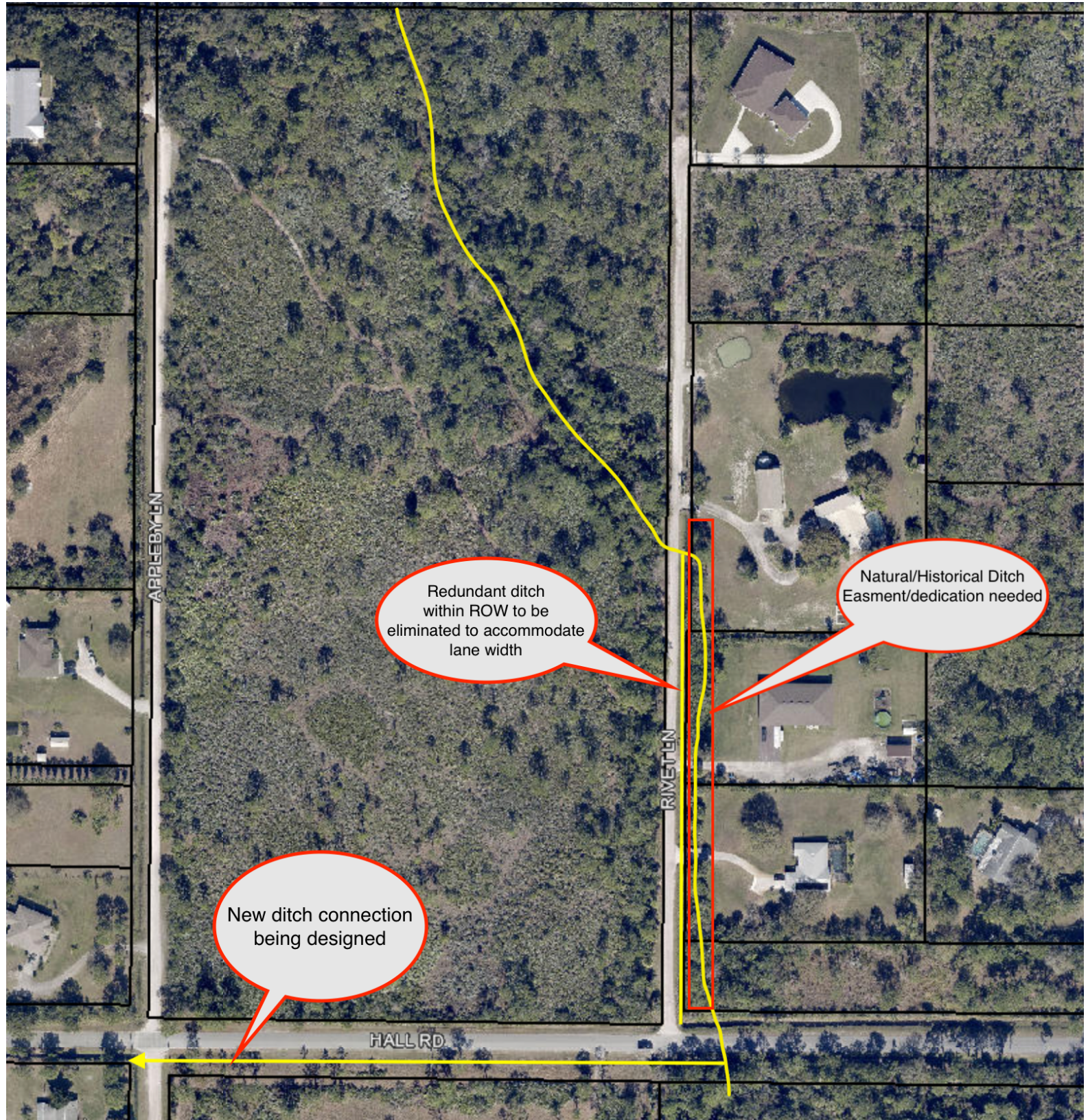


Digitally signed
by David C
Baggett, P.E.
Date: 2022.06.03
18:25:05 -04'00'

81375
P.E. No.

6/3/2022
Date

ENGINEERING DESIGN & CONSTRUCTION, INC
CIVIL ENGINEERS & SURVEYORS SPECIALIZING IN LAND DEVELOPMENT



Redundant ditch within ROW to be eliminated to accommodate lane width

Natural/Historical Ditch Easment/dedication needed

New ditch connection being designed

APPLEBY LN

RIVINGTON

HALL RD

TOWN OF MALABAR

COUNCIL MEETING

AGENDA ITEM NO: 10.c.

Meeting Date: June 20, 2022

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

SUBJECT: Town Clerk and Treasurer Job Descriptions and Salary Ranges for Recruitment from RTCM 06/06/2022

BACKGROUND/HISTORY:

Following the announcement of retirement of the Town Clerk/Treasurer, Debby Franklin, that will occur on September 30, 2022, at the Regular Town Council Meeting on June 6, 2022; Council determined to split the job duties into 2 positions reporting to Town Council and directed staff to update the job description for Town Clerk and Treasurer with a researched salary range for posting and recruitment.

Attached to this agenda report are two updated position descriptions for Town Council approval for recruitment for the upcoming vacancy. Each description includes essential duties and responsibilities, and qualifications for applications that will be screened by the Town Clerk to be forwarded for Town Council for review after the closing date. A recruitment timeframe of 30 days is proposed for interested and qualified applicants to submit resumes to the Town Clerk.

The following procedures are proposed for Town Council consideration to recruit, evaluate, and select and negotiate a contract for employment for the ideal candidate for Town Clerk and Treasurer upcoming vacancy.

Each member of Town Council will receive the pre-qualified candidate applications to rank independently and submit their individual ranking to the Town Clerk. Town Council will also be provided with those applicants that were deemed un-qualified by the Town Clerk. Council may include those, at their discretion, for ranking and future council meeting discussion and determination of a short list for the next steps.

Each councilmember will be provided a ranking sheet to score each applicant and submit their ranking sheet to the Town Clerk/Treasurer. The Town Clerk will aggregate the individual council member's rankings for a final tabulation and provide to Town Council. Town Council will review the tabulation for discussion to determine a final ranking of a short list of candidates to determine the top ranked candidates will be contacted to attend a Special Town Council Meeting for the interview/presentation process. This process will also be scored and tabulation to determine the final candidate for Town Council to appoint a member of council to negotiate a final employment contract for approval by Town Council at a future meeting.

FINANCIAL IMPACT:

Retiring Town Clerk/Treasurer current salary is \$66,950 with post-employment payout of accruals totaling \$20,601.60

Salaries and positions for Town Clerk and Finance Manager positions were obtained from other municipalities within Brevard to determine the salary range in each position description, \$55-\$77K. Each position is managerial and non-exempt and will be eligible for full time employee benefits.

ATTACHMENTS:

- Town Clerk Position Description
- Treasurer Position Description
- Salary Survey Results

ACTION OPTIONS:

Motion(s) for Town Council:

Motion to approve the position descriptions and salary range for positing and recruitment with posting period of 30 days with various professional associations, Government Jobs, and Town's Website.

Or as directed and discussed by Town Council.



TOWN OF MALABAR

Town Clerk

Position Description

Non-Exempt

Salary Range \$59,437 - \$77,274

A Charter Officer of the Town, appointed by and responsible to the Town Council. Receives policy direction from the Town Council. As member of the Town's Senior Management, is responsible for all activities related to the Town Council, Records Management, Legislative Actions, Supervising Elections. A final employment contract shall be executed by Town Council

ESSENTIAL DUTIES & RESPONSIBILITIES:

The following duties are normal for this position. They are not to be construed as exclusive or all-inclusive. Further description of details follows this section.

- I. Develop, plan and implement department goals and objectives; establish and administer policies and procedures.
- II. Exercises direct supervision over assigned management, supervisory, technical, and clerical personnel.
- III. Supervises staff within the Clerk's Office.
- IV. Attests all contracts, bonds and other instruments as may be prescribed by law.
- V. Assists with the information technology (IT) functions of the Town.

General:

- A. Must be able to manage and organize workload independently and comply with all Local, State and Federal requirements.
- B. Supervisor skills required to oversee and manage direct reports.
- C. Must possess the aptitude or knowledge of governmental software packages related to records management and public meetings and minutes.

Clerk:

1. Serves as Clerk to the Town Council. Responds to Council direction in a timely manner. Attends Council meetings and workshops or assigns subordinate to act as a clerk. Reports Council actions to staff.
2. Prepares preliminary and final Council agendas and collects appropriate material for Council packets. Copies final packets and prepares packets for distribution.
3. Prepares proclamations and certificates of appreciation.
4. Oversees the road improvement process, accepted street list and road payback files.
5. Supervises the maintenance of all official records, minutes, resolutions, and ordinances. Supervises operation of records retention, archives, and microfilming.
6. Writes and/or prepares ordinances and resolutions according to protocol.
7. Oversees procedures for codification of Town Ordinances and Town Charter. Reviews all supplements after codification and prior to distribution, for accuracy and correctness.
8. Prepares and publishes all legal notices as required by law.
9. Attests to and/or supervises the recording of all official documents.
10. Verifies all travel requests for attendance at conferences, seminars, etc. for employees, management, and Council.
11. Oversees membership status of boards and committees to ensure compliance with code, processes vacancies and applications.
12. Responsible for bi-annual SCLC dinner in January as the host municipality.
13. Performs research and preparation of correspondence/responses for Town Council as requested and/or needed.

14. Responsible for various duties including scheduling monthly meetings, publishing monthly calendar, running errands, supervision of community service workers and volunteers working in the Clerk's Department.
15. Signs and review Business Tax Receipts; sends out renewals and keeps monthly reports on active BTRs.
16. Custodian of Town Seal.
17. Attests and signs agreements and documents.
18. Answer phone and route calls, respond to calls as necessary.
19. Public Relations and Community Outreach via various distribution methods to include the website, print material, and digital media.
20. Update and maintain procedures on Town Clerk related duties.
21. Serves as Chief Election Officer of the Town. Prepares and distributes candidate packets, qualifies candidates, prepares ballots, prepares advertisements, coordinates with Brevard County Supervisor of Elections.
22. Coordinates the filing of original financial disclosure forms.
23. Interacts with various groups and individuals, including employees, Town Manager, Town Attorney, news media, sales representatives, members of the Town Council and other Board members, as well as local, state, and federal officials.
24. Designee for disaster preparedness, response, and recovery

Technology:

25. Must have a solid working knowledge of Microsoft Office 365.
26. Be capable of performing general office maintenance.
27. Coordinator as the primary contact for information technology support.

Additional:

- Must be able to read and write English.
- Must be able to lift boxes up to 30 lbs.
- Possess a valid Florida Driver's License with reliable personal vehicle to perform business related travel, as required, with reimbursement.
- Available to perform evening meetings on various nights as directed by Town Council or necessary to perform the duties of Town Clerk.

Education & Experience:

Minimum of three (3) years of management experience, preferably in local government and possess or significantly completed the process as a Certified Municipal Clerk (CMC) certification, and/or local government experience preferred.



TOWN OF MALABAR

Treasurer

Position Description
Non-Exempt
Salary Range \$56,680 - \$76,539

A Charter Officer of the Town, appointed by and responsible to the Town Council. Receives policy direction from the Town Council. As member of the Town's Senior Management, is responsible for all activities related to the Town Council and all Accounting and Financial Management Functions. A final employment contract shall be executed by Town Council.

ESSENTIAL DUTIES & RESPONSIBILITIES:

The following duties are normal for this position. They are not to be construed as exclusive or all-inclusive. Further description of details follows this section.

- I. Develop, plan, and implement departmental goals and objectives.
- II. Establish and administer policies and procedures for financial operations.
- III. Responsible for all accounting and financial management functions of the Town, including investments and banking.
- IV. Responsible for payroll.
- V. Assists in preparation of the Annual Financial Budget with the Town Manager.
- VI. Reviews monthly and quarterly financial assessments of Annual Budget.
- VII. Prepares for and assists with the independent audit on an annual basis.
- VIII. Oversees all grant functions, applications, reporting and close-outs.
- IX. Responsible for all Accounts Receivable funds and accounting and oversees Accounts Payable.

General:

- A. Must be able to operate independently of supervision and organize work product to comply with all Local, State and Federal requirements.
- B. Must be able to prioritize complex task(s) to meet schedule deadlines for reporting.
- C. Possess the aptitude to maintain transparent and accurate financial operations.

Finances:

1. Responsible for managing and understanding all facets of Town finances including general ledger, accounts payable, revenues (tax and other), accounts receivable, payroll, building permits, local, state, and federal grants, code enforcement fines, liens, loans, bonds, millage (TRIM), budgets for all departments, and non-ad valorem assessments.
2. Responsible for maintaining proper timetable for TRIM (Truth in Millage), must file all documents in a timely manner and follow appropriate advertising requirements. Responsible for proper execution of procedure in relation to non-ad valorem assessment(s).
3. Responsible for the collection and security of Town monies and receipts. Verifies, reviews, and counter-signs accounts payable checks. Custodian of petty cash.
4. Responsible for transmitting all financial information to accountant monthly and reviewing the general ledger that is prepared.
5. Plans and organizes investments and cash management programs.
6. Preparation of Department budget and forecasting financial needs to cover liabilities.
7. Prepares pre-audit documentation and assists auditors with annual financial audit.
8. Prepares monthly, quarterly, and yearly reports for various Local, State and Federal agencies, files all report(s) in a timely manner.
9. Supervises and verifies payroll. countersigns check(s), distributes payroll, and meets payroll tax deposit requirements. Prepares payroll reports including quarterly state and federal payroll reports.

10. Responsible for monthly reporting and submitting FRS retirement payments in a timely manner.
11. Supervises and verifies grant disbursements and grant reimbursement requests.
12. Keeps abreast of changing laws that directly, or indirectly, affect the Town.
13. Interacts with various groups and individuals, including employees, Town Manager, Town Attorney, Town Clerk, members of the Town Council and other Board members, as well as Local, State, and Federal officials.
14. Designee for disaster preparedness, response, and recovery.

Technology:

15. Must be proficient in technology and skilled using Office 365 Suite and web-based government software solutions.
16. Requires advance knowledge in accounting software packages, preferably Intuit QuickBooks Online.
17. Be capable of performing general office and equipment maintenance.

Additional:

- Must be able to communicate effectively in English with constituents and Town Council verbally, written memorandums, and/or oral presentations.
- Must be able to lift boxes up to 30 lbs.
- Possess a valid Florida Driver's License and personal vehicle for reimbursable business travel as needed by the Town.
- Availability to attend public meetings, workshops, or other governmental agency meetings as directed by Town Council; frequently occur after-hours.

Education & Experience:

A qualified candidate will possess a minimum of three (3) years of experience in a financial position, preferably in a government setting and possess a bachelor's degree in finance or similar area of study; or the equivalent of an associate degree in finance, and a Certified Public Finance Officer, and minimum of five (5) years of experience in a financial position, preferably in a government setting.

Position Title	Malabar			Cape Canaveral			West Melbourne			Melbourne			Cocoa Beach			
	Current	Low	High	Median	Low	High	Median	Low	High	Median	Low	High	Median	Low	High	Median
Finance Director	N/A	\$60,320	\$93,600	\$76,960	\$83,834	\$134,135	\$108,985	\$93,814	\$157,608	\$125,711	\$70,140	\$123,332	\$96,736	\$41,012	\$72,128	\$56,570
Accountant	N/A	\$52,000	\$74,880	\$63,440	\$46,575	\$72,192	\$59,384	\$38,334	\$63,251	\$50,793	\$41,012	\$72,128	\$56,570	\$41,012	\$72,128	\$56,570
Financial & Procurement Analyst	N/A	\$47,840	72,800	\$60,320	\$35,867	\$55,594	\$45,731	\$46,443	\$77,096	\$61,770	\$54,961	\$96,642	\$75,802	\$54,961	\$96,642	\$75,802
City Clerk	\$66,950	\$60,320	\$93,600	\$76,960	\$66,550	\$103,153	\$84,852	\$71,243	\$118,977	\$95,110	\$63,616	\$111,689	\$87,653	\$63,616	\$111,689	\$87,653

Position Title	Malabar			Indianlantic			Indian Harbour Beach			Rockledge			Satellite Beach			
	Current	Low	High	Median	Low	High	Median	Low	High	Median	Low	High	Median	Low	High	Median
Finance Director	N/A	\$53,662	\$80,508	\$67,085	\$65,406	\$107,631	\$86,519	\$63,000	\$108,000	\$85,500	\$68,413	\$106,723	\$87,568	\$39,999	\$62,398	\$51,199
Accountant	N/A				\$46,483	\$76,806	\$61,645	\$37,440	\$62,400	\$49,920	\$39,999	\$62,398	\$51,199	\$39,999	\$62,398	\$51,199
Financial & Procurement Analyst	N/A							\$30,160	\$52,000	\$41,080						
City Clerk	\$66,950	\$47,549	\$71,325	\$59,437	59,325	\$91,726	\$75,526	\$50,000	\$86,000	\$68,000	\$62,052	\$96,801	\$79,427	\$62,052	\$96,801	\$79,427

Position Title	Malabar			Grant-Valkaria			Survey Median			Proposed Range			
	Current	Low	High	Median	Low	High	Median	Low	High	Median	Low	High	Median
Finance Director	N/A	\$66,798	\$66,798	\$66,798	\$67,085	\$125,711	\$96,398	\$56,680	\$96,398	\$76,539	\$56,680	\$96,398	\$76,539
Accountant	N/A				\$49,920	\$63,440	\$56,680	\$49,920	\$63,440	\$56,680	\$49,920	\$63,440	\$56,680
Financial & Procurement Analyst	N/A				\$41,080	\$75,802	\$58,441	\$41,080	\$75,802	\$58,441	\$41,080	\$75,802	\$58,441
City Clerk	\$66,950	\$66,798	\$66,798	\$66,798	\$59,437	\$95,110	\$77,274	\$59,437	\$95,110	\$77,274	\$59,437	\$95,110	\$77,274

TOWN OF MALABAR

COUNCIL MEETING

AGENDA ITEM NO: 10.d.

Meeting Date: June 20, 2022

Prepared By: Lisa Morrell, Special Projects Manager

SUBJECT: Obligating and Allocating SLFRF Funding to specific Projects and Capital Projects per Workshop 06/13/2022

BACKGROUND/HISTORY:

As discussed at the June 13th workshop, Town Council was presented an update to the approved and obligated project list, a list of identified potential projects allocated, and consideration of remaining funds for major infrastructure projects for discussion in a presentation entitled: American Rescue Plan Act Workshop: Coronavirus State & Local Fiscal Funds (SLFRF)

Council discussed and amended projects allocated, referred to as "good ideas" as follows:

<i>Projects Allocated</i>	<i>Original</i>	<i>Amended</i>
Public Restroom Touchless Upgrades	\$50,000	\$50,000
E-Signature Solution	\$15,000	\$0.00
Technology Equipment for Cybersecurity &	\$20,000	\$5,000
Streaming and Broadcasting Public Meetings	\$35,000	\$0.00
Fire incident/EMS software for reporting and response, preplans and annual inspections with corresponding in-field hardware	\$25,000	\$25,000
Medical & PPE Supplies	\$25,000	\$12,500
Field Asset Tracking Instruments – GPS Enabled	\$4,380	\$4,380
Recreation Improvements to Parks	\$200,000	\$100,000
Subtotal	\$374,380	\$196,880

The amendments to the aforementioned Project Allocations totals a reduction of \$177,500. Town Council request those reductions be reallocated to Major Infrastructure Projects funding, presented as \$809,532, has been allocating at total of \$987,032. Town Council also directed staff to allocated in thirds to road paving, stormwater, water line expansion.

<i>Major Infrastructure Funding 6/13/2022</i>	<i>\$987,032</i>
Road Paving	\$329,010
Stormwater	\$329,011
Water Services	\$329,011
Facility Improvements/Construction	

Town Council provided direction to staff for project priorities and town resources shall be derived in the workshop discussion that shall be provided in future at future council meetings to:

Formalize funding of specific projects for stormwater, task orders in progress by SAI.

Engage and develop planning to extend water from Corey Road to the Fire Station to provide hydrant service and two meters for the future phase of internal expansion to the Fire Department and the Park Bathrooms.

Per the discussion of road paving, future discussions are required to establish and prioritize roadways for paving, direction to allocate funding.

FINANCIAL IMPACT:

ATTACHMENTS:

ACTION OPTIONS:

Motion to approve the funding allocations of project list and major infrastructure to provide for quality-of-life improvements for constituents and economic development investments for the recovery plan as provisioned as eligible uses from the Coronavirus State & Local Fiscal Funds (SLFRF) under the standard allowance.