

**TOWN OF MALABAR
TOWN COUNCIL MEETING
MONDAY FEBRUARY 1, 2016
7:30 PM
2725 MALABAR ROAD
MALABAR, FLORIDA**

AGENDA

- A.** CALL TO ORDER, PRAYER AND PLEDGE
- B.** ROLL CALL
- C.** APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES:
- D. APPROVAL OF THE MINUTES:**
- 1. Regular Council Mtg of 1/04/16**
- Exhibit:** Agenda Report No. 1
- Recommendation:** Request Approval
- E. SHERIFF'S REPORT:**
- F. ATTORNEY REPORT:**
- G. 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.**
- H. PUBLIC HEARINGS: 0**
- I. ITEMS DIRECTLY RELATED TO RESIDENTS PRESENT AT MEETING (RECOMMENDATIONS FROM BOARDS/COMMITTEE; RESIDENT GRIEVANCES; HOA REQUESTS)**
- 2. Agenda Request** Beer to be donated (CM Ball)
- Exhibit:** Agenda Report 2
- Recommendation:** Request Action
- J. ACTION ITEMS:**
- ORDINANCES FOR FIRST READING: 0**
- RESOLUTIONS: 2**
- 3. RESOLUTION 02-2016 - A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR AMENDMENT TO RESOLUTION 04-2011, PROVING FOR A REVISED FEE SCHEDULE; PROVIDING FOR THE REPEAL OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**
- Exhibit:** Agenda Report 3
- Recommendation:** Adoption of Reso 02-2016
- 4. RESOLUTION 03-2016 - A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE APPOINTMENT OF JENNIFER BIENVENU TO THE MALABAR PARKS & RECREATION BOARD AS A REGULAR MEMBER FOR A THREE YEAR TERM; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.**
- Exhibit:** Agenda Report 4
- Recommendation:** Adoption of Reso 03-2016

MISCELLANEOUS:

5. Set workshop to review each map for future land use
6. Set workshop to revisit RLC regulations
7. Set due date for each department to provide inventory of assets
8. Start discussion on policy to dispose of surplus property
9. Start discussion on materials needed to start a budget process
10. Set workshop to replace second meeting of the month if needed

Council Chair May Excuse Attorney at this Time

K. BOARD & COMMITTEE MONTHLY STATUS REPORTS:

L. DISCUSSION/POSSIBLE ACTION:

**M. STAFF REPORTS:
ADMINISTRATOR:**

CLERK:

N. REPORTS – MAYOR AND COUNCIL MEMBERS

O. PUBLIC COMMENTS: General Items (Speaker Card Required)

P. ANNOUNCEMENTS:
(2) Vacancies on the Board of Adjustment;
(4) Vacancies on the Park and Recreation Board;
(1) Vacancy on the Planning & Zoning Board

Q. 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 insure 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
AGENDA ITEM REPORT**

AGENDA ITEM NO: 1
Meeting Date: February 1, 2016

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

SUBJECT: Approval of Minutes

BACKGROUND/HISTORY:

Attached are the summary minutes for the following meetings:

- Regular Town Council Meeting – 1/04/2016

ATTACHMENTS:

Draft Minutes of the following meeting:

- Regular Town Council Meeting – 1/04/2016

ACTION OPTIONS:

The Town Clerk requests approval of the minutes.

MALABAR TOWN COUNCIL REGULAR MEETING
January 4, 2016 7:30 PM

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

A. CALL TO ORDER:

The meeting was called to order at 7:30 pm by Council Chair Mayor Carl Beatty. CM Ball led the prayer and pledge.

B. ROLL CALL:

COUNCIL CHAIR:	MAYOR CARL BEATTY
VICE-CHAIR:	BRIAN VAIL
COUNCIL MEMBERS:	GRANT BALL
	DON KRIEGER
	DICK KORN
	RICHARD KOHLER
TOWN ADMINISTRATOR:	DOUGLAS HOYT
TOWN ATTORNEY:	KARL BOHNE
TOWN CLERK/TREASURER:	DEBBY FRANKLIN

For the Record, the Fire Chief Christopher Robinson and multiple members of the FD are also present.

C. APPROVE AGENDA - ADDITIONS/DELETIONS/CHANGES –

Mayor corrected the number of the resolution; face sheet said 27-2015 and is actually 01-2016. No other changes; agenda is approved.

D. APPROVE MINUTES – Meeting of 12/07/15

1. **Approval of Minutes** Regular Council Minutes – 12/07/15
- Exhibit:** Agenda Report No. 1
- Recommendation:** Request Approval of Minutes

MOTION: CM Vail / CM Ball moved to approve the minutes from December 7, 2015 as submitted. Discussion: none. **VOTE:** All Ayes.

- E. SHERIFF’S REPORT:** Mayor said Deputy was here and must have gotten called out.
- F. ATTORNEY REPORT:** none

- G. 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.**

H. PUBLIC HEARINGS: 0

I. ITEMS DIRECTLY RELATED TO RESIDENTS PRESENT AT MEETING (RECOMMENDATIONS FROM BOARDS/COMMITTEE; RESIDENT GRIEVANCES; HOA REQUESTS)

2. **Agenda Request from Resident Jeff McKnight re: Malabar Volunteer Fire Department Budget**

Exhibit:	Agenda Report 2
Recommendation:	Request Action

Speaker Cards: done after presentation.

Mr. McKnight does his PP presentation with handout (attached to minutes). He started presentation with statement that this is not against FD; he has had several conversations with Chief. Chief told him it would cost 1.2 million to get station up to standards. They discussed the way the budget is prepared each year and McKnight said Council was not given all the information.

Wayne Abare, 2530 Rocky Pt. Road. Wants to give the big picture. When he was on Council he was tasked with doing study on FD expenses. He found that for half the time the FD was empty. He brought that to council and they decided to fund a Lt 24/7. That cost us 147K a year. He asked Council for a special assessment to cover this additional expenditure; it was not supported. He was only 1 of 5 votes. He suggested raising millage to cover the additional expense; no they did not want to increase millage.

Chief Robinson – (packet attached to minutes) Stated the 1.2 Million Mr. McKnight referred to is what it would cost the Town by going to the County.

G-V pays 55.00 plus 177.87 below the line for a 232.87 total. A comparable property in Malabar pays just over 100.00. And there is nothing below the line (on tax bill) or fire assessment fee.

Re: the Abare report – if you contract with the county you will triple or quadruple the costs you are paying now. He explained how the county charges the rates. In 2006 show an increase in property values. The fire assessment fee is set by the county commission and it could be any amount 10% or 1000% with no input from voters.

He referenced the packet sent out earlier today. The assessment has been unchanged since 2008. The County has been forced to take from 2.3 mil from their reserves. County said they have to increase the fire assessment by 11% with a 3.4% increase annually thereafter.

With the County Fire Services budget number of 69 million they still have delayed expenditures for the new EOC building. EMS writes off millions in unpaid medical bills. Ongoing pay increases 400K; over a million in 15/16.

He understands fiscal responsibility. He looked at the gear some of the FF were using. It was 10-15 years old; he is looking to provide that the FF work with safe equipment. He has built an organization that is as good as or better than the county. County has said they do not want our fire station. They will run from GV and get auto-serve with Palm Bay. We are always looking for volunteers. In other departments they are volunteer funded somehow by county. When he came on he was told you do not have an open checkbook. Fiscal responsibility starts with the seated council. The information in his packet will prove that the costs if we go to county will be 1.2mil. There are no inflated costs, no smoke and mirrors. Where is balance forward coming from? Not fiscally responsibility.

Chief said FF are certified either as FF2, paramedic, or EMTs and provide basic life support (BLS) until transport arrives. The Malabar FF are often utilized by County which has an ALS rated service. If you want to question what is being done, come to FD and see and talk to him. He with the help of his department have improved the services provided to the residents in this community. The residents are not coming forward as volunteers. The volunteers they have are saving the town over 400K; 2014 it was 424K saved.

He related the possibility of going to the county. Malabar's average response time is 4-5 minutes and for brush fires and medical calls, and in most cases, rapid intervention solves the problem. They do not sit at station with feet up on the desk. If County station 87 gets toned out, they have one person on the tender, one on the engine, and one in truck.

Chief said there are only a handful of people that are disgruntled. CM Korn said the homework he has done, the bunker gear had not been brought up to date. TA (at the time) said money was tight or not available. Chief and his staff applied for 50/50 grants from Forestry to get proper bunker gear and hose. CM Korn stated the responsibility this man has taken on is incredible. He is amazed with what Chief has accomplished. The paid FF supplement the volunteers.

Chief explained how the grant process works. They asked for 463K for a new engine last year. The same vehicle this year is quoted at 476K. When he asked why they didn't make the rank, he was told because we have such a small population.

The ISO rating is a factor insurance companies use to determine premiums and Malabar has a very good rating. That may not be the case if the County is running calls from G-V. Chief stated these ladies and gentlemen are your Fire Dept. He asked residents to take more interest. Applause

3. Recommendation from Planning & Zoning Board re: Removing CUP from Residential Zoning for Churches

Exhibit: Agenda Report 3

Recommendation: Request Action

Speaker Cards: Wayne Abare, has been on the P&Z Board since leaving Council. There are five voting members and the presentation, Pat Reilly is the Chair. Abare stated as the code is currently written, churches can be in all residential zones as a conditional use. He related a recent request of the Board by this pastor who wanted to convert a house (single family) to a church. All five members were against it. They asked what about AC? Where are you going to park those people's vehicles? They convinced that pastor he would be better served in another zoning. He actually brought this topic up after that request and asked the Board to take the "C" out of the residential zones. He said this would save time for everyone.

Mr. Reilly does his presentation with handout. The P&Z Board felt that churches in Residential Zoning Districts would not be a good fit and would like to recommend that Table 1-3.2 be amended to eliminate "C" for churches in residential areas. Four reasons they want to do this:

- 1) Wednesday eve and Sun services – would be like party time 2 x weeks.
- 2) Parking for 50 people; some residential zones are as small as 1000sf.
- 3) Septic installed for single family would not be adequate for large groups
- 4) Allowing a Conditional Use in a Residential Zoning gives the false impression that Churches are allowed in the residential neighborhoods. They see this as a commercial use, not Residential use.

CM Krieger questioned the minimum acreage. Atty said to use the phrase "places of worship – not just churches".

CM Korn asked about the prayer meeting, men's club meeting, that would not be affected. Correct said the Attorney. Those places would still pay taxes.

MOTION: CM Korn / CM Vail to approve removing of "C" from residential zonings in Article III, District Provisions, Table 1-1.1(A).

VOTE: 4 Ayes; 1 Nay (Krieger).

4. Agenda Request from Resident Wayne Abare: Reject Proposed Non-motorized Boat Launching Area north of Rocky Point Road

Exhibit: Agenda Report 4

Recommendation: Request Action

Mr. Abare went through presentation. He had submitted disc with pictures of multiple access points just south of Malabar town limit that already provide launching of non-motorized and motorized recreational equipment. Clerk could not find pictures at the time. (Note: they were found later and attached to the minutes.)

Speakers Card:

Jerry Kikla, Rocky Pt Road, said the signs were put up by town after a petition went around by Charlene Horton (CM) to get the "no trespassing" signs and also two street lights back then. Since learning of the canoe launching idea, there were concerns by the neighbors in Coquina, so they got 54 signatures against this. He said the "no trespass" signs never were enforced.

CM Vail said it would not be for motor boats, no trailers, this is the concept that is being discussed. Kikla, who enforces this now? CM Vail said Malabar doesn't have control over the area but with a lease they would.

CM Korn is concerned that no one from the Park Board was here. Was there anyone from this group at the last P&R meeting? He would like to see them all get together and establish an authority and get signage, have an agreement that this area will be under the control of Malabar. Let's explore that at a later meeting.

Kathleen Pitts, 2660 Rocky Pt Rd, reiterated what Jerry Kikla just said. As she understands that CP zoning classification, only residential boat docks are permitted. She thinks Council and the Board is overlooking this. If it just gets approved to put in a canoe launch area, as Mayor Beatty said, *sometimes Malabar "just does stuff"*. DEP and USACE (US Army Corp of Engineers) would both have to approve any change in use. Only one use in CP – residential docks (after primary structure)

She has lived there over 30 years; her dock has been destroyed 3 times. Had to restore her frontage after storms. The people illegally using the northern piece have disturbed and eroded the property to the point that in future storms, more harm will come to their properties.

Annie Lee Harvey, 2445 Quarterman Lane, long time resident, enjoys the many recreational areas we have. If G&T would keep it under control; they would have the authority to keep the property safe and not become an eyesore. She would support having an access to the river in Town

James Mountjoy, talked about the crime; launching pad for thieving. Staging area for crime in the neighborhood. It is a launching pad for kayaking and parasailing in a commercial venture. There are multiple better suited locations just 500' past the southern end of Rocky Pt Road. This is the last priority for BCSO. Mr. Alexander owns first lot and he will lose value on his property if this goes forward. He can see this property from his house. He sees the homeless living in the woods now. They have a shopping cart they keep in the woods. He asked Council to concentrate on the FD and spend time there instead of cramming this down the throats of this neighborhood. They don't want it.

Shout out to CM Vail by Jenny Mountjoy, Patty Dial, Vice Pres, Linda Sanderson, Pres, they were concerned when they heard about this. One reason they love Malabar, they have more than 10 times of recreational land compared to other cities. They do have concerns about this for now and also for what it may become. If they wander out, they don't have to worry about them getting mowed down. They see it being used not just officially. There are also safety concerns re: the dangers to residents pulling out onto US1. She said there are many good alternatives nearby. The petitions say boat launch but they clarified while taking the petitions stated that it was non-motorized and still got 54 signatures.

Sara Morrison, 3445 Huggins, Pres of RPHOA, she sent everyone an email this morning. She volunteers at Merritt Island Refuge. She picks up trash there. There is so much trash from boaters. They have monofilament bins, recycle bins, garbage cans and yet they are still picking up trash and it rolls back down into the river. She is also concerned with erosion, water quality of the IRL, concerned about safety. Also the restroom facilities; attracting people to a very small piece of land. She is very concerned about the degradation of that land. There will be trailers; there are now, canoes, seadoos, cars and trailers parked down and along US1.

Bob Wilbur, 2500 Glatter Road, member of T&G past member of P&Z. Tried to get grant in past, no willing sellers and instead got the 100 acre Cameron Preserve. They would legitimize what has been illegitimized. They would put signage, and bring in BSO to enforce the rules. As far as being CP they entire area excluding Sen Nelson property. If you surveyed the residents of the town not on the river, they would be crying out for access. Same with scouts. By legitimatizing this, you will have the same result they have found in the other areas.

By establishing this they would be creating a blueway/greenway connection and see how many more grants may be available.

Skip Hard, Hard Lane, just skis being stolen, island parties, homeless. This is not the town's responsibility; would be if the town takes it over.

Drew Thompson, 940 Holloway Trail, asked to be last speaker. This is a proposal only. Where we are as a town. We need the volunteer committee to continue. Concerned, that a small special interest group could influence a council vote before all the facts are in. He stated if they want to continue to function as a democracy they must listen to all. Most of the town lives west of US1, it is council's fiduciary duty to consider the desires of the whole town. We are not talking about launching seadoos, alcohol, etc. If it was a Malabar project, benefitting the entire town, using the support of the HOA. If you let petitions influence judgement before the research is even done, you will lose your volunteers. Malabar should be allowed to have a place in town to launch a non-motorized.

Tom Eschenberg Park was developed, they have increased its usage and have never had a problem. Get involved. Learn together. Let's assume that people are basically good.

CM Vail, this is conceptual; FDOT said they are very busy. There will not be any voting on this tonight. Many people are knee-jerking. We are struggling with our budget now and we certainly are not going to spend needed money for a pet project. Council has directed the T&G to do a cost analysis of what the annual maintenance costs would be. He said has been sitting in this room since 1992; either up on the dais or out in the audience. CM Vail said citizen participation lacks in this Town. Use the Town's website and stay informed. He suggested they turn off the TV and check out what is going on in Town.

CM Kohler, democracy only works when the people participate. He would support getting more information on this but also would want to hear from the other residents of the town.

Mayor said he wants to weigh in on this. If we get the 99 year lease, it could be a passive (bird watching) activity. He said 30 years ago he was sitting up here as Mayor and someone wanted a rezoning to commercial. The neighbors did not want it. Council approved the rezoning and he vetoed that ordinance. He is not saying he is against this. It is not cast in stone for that use. Get involved. Korn – or attend their meetings.

CM Ball said they all got a letter from Coastal Jewel LLC talking need to get approval from HOA in area. We are really early in the process of determining what can be done. There is a boat on our town seal. It looks like the only piece of land where we can get access. Suggested they all wait and see what the State says. They have to work together.

Krieger, people are good and bad, put control on Malabar, capturing the land for 99 years seems like a good plan.

Attorney said this use may not even be allowed per our Comp Plan.

Mr. Jeff McKnight said Council never discussed his topic after his presentation.

CM Vail said he submitted a lot of material just before the meeting and none of them have had a chance to review. There is a lot of information and he wants to go over it before proceeding.

CM Korn also said he hadn't had time to review. CM Krieger said we are going to schedule a workshop later in meeting and they should include this topic.

CM Kohler said that both topics deserve separate workshops.

J. ACTION ITEMS:

ORDINANCES FOR FIRST READING: 0

RESOLUTIONS: 1

5. RESOLUTION 01-2016 - A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR REVISION OF BUILDING, FENCE, ROOFING, ELECTRICAL, PLUMBING, GAS, MECHANICAL, SWIMMING POOL, FIRE PROTECTION SYSTEMS, SIGNS, IRRIGATION SYSTEMS PERMIT FEES; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report 5

Recommendation: Adoption of Reso 01-2016

Reso read by title only.

MOTION: CM Vail / CM Kohler moved to approve Reso 01-2016.

Discussion: CM Korn asked about the "incomplete" and "draft" status.

MOTION: CM Ball / CM Krieger to table. So they can consider all this and have adequate time to go over packet. **Vote:** All Ayes

TA explained the reason for the need. Existing residents should not have to pay for new construction. That is what is happening now.

MISCELLANEOUS:

6. Set Workshop Date for Council & Rep from P&Z re: FLUM & R/LC

Exhibit: Agenda Report No. 6

Recommendation: Request Action

The date of Jan 25 was selected for the WS on FLUM&R/LC. Mayor said we won't need Atty.

7. Action on 2nd Meeting Dates in Jan & Feb Due to Federal Holidays (CM Korn)

Exhibit: Agenda Report No. 7

Recommendation: Request Action

MOTION: CM Korn / CM Vail to leave these months with only one (1) regular council meeting each. Discussion: none. **VOTE:** All Ayes.

COUNCIL CHAIR MAY EXCUSE ATTORNEY AT THIS TIME

K. BOARD & COMMITTEE MONTHLY STATUS REPORTS:

P&Z Board Chair – 3 things church, CUP, ALF ord update, 500' radius. Board would like to add for other issues. Also talked about increasing 500 to 1000 for some topics.

T&G Chair Drew Thompson, 12/14/15 had meeting, remind Board has sent a letter to both Coquina Point and Rocky Pt HOA. He will resend to old emails. Went over the ADA plans

L. DISCUSSION/POSSIBLE ACTION:

MOTION: CM Korn / CM Vail to extend for ten (10) minutes. **VOTE:** All Ayes

M. STAFF REPORTS:

ADMINISTRATOR: Discussed the email addresses – he will be following up with each. ADA restroom water specifications; will be able to bring project in on budget. Also stated they are losing key employees to other agencies.

Budget- In 2005 the budget was 1,900,000.00. Now it is 1,326,810 adjusted for inflation. In order to keep up with expenditures in just the Building Dept changes have to be made. He will get the rest of fees other cities charge. The agenda packet shows town has lost a good deal of money. He will bring this back before them. We cannot use the Building Dept as a revenue source but it is supposed to at least operate at a net/net. We have lost over 500K. When people come in they comment that we have the cheapest permit fees. We need to increase them so the residents living in Malabar are not paying for the new residents and developers coming to Malabar.

CLERK: Cut-off for Newsletter Articles 1/8/16; Cindi has submitted letter of resignation Effective 1/8/16.

N. REPORTS – MAYOR AND COUNCIL MEMBERS

1)CM Ball -

2)CM Vail – FD he is pleased and wants Council to support that. They put their hearts and souls in this. He should have said it earlier. Got the best bang for the buck; level of commitment. Doug stated FD has been extremely helpful.. CM Korn said we got a lot

Vail said if you want to communicate with him, send it to his email CMDist2@

3)CM Krieger – Minutes of the raindrop meeting. Inventory and maintenance. He is going to be looking at that and bringing that up again. Weber and Hall Road, lines were cut. What was the story. Was there a request, are there any costs involved.

4)CM Korn – teen council won a video and they want to present the ceremonial check and show the video. Teen Council will then provide music. He is working.

There were two lies on today's posting on Next Door,

Apparently there were a lot of guns given for Xmas. The wildlife commission has more authority and ther should be no discharge in residential area. Ball wants a copy of the law.

5)CM Kohler - nothing

Mayor/Chair - nothing

O. PUBLIC COMMENTS: General Items (Speaker Card Required)

P. ANNOUNCEMENTS:

(1) Vacancies on the Board of Adjustment;

(4) Vacancies on the Park and Recreation Board;

(1) Vacancy on the Planning & Zoning Board

Q. ADJOURNMENT:

There being no further business to discuss, Chair asked for a motion.

MOTION: CM Vail / CM Korn to adjourn. **VOTE:** All Ayes. The meeting adjourned at 10:39PM.

BY: _____
Mayor Carl A. Beatty, Council Chair

(seal)

ATTEST:

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

Date Approved: 02/01/16

DRAFT

TOWN OF MALABAR

AGENDA ITEM REPORT

AGENDA ITEM NO: 2
Meeting Date: February 1, 2016

Prepared By: Debby Franklin, CMC, Town Clerk/Treasurer

SUBJECT: Request to Provide Donation of Beer for SpringFest

BACKGROUND/HISTORY:

CM Ball asked for this to be on agenda. This item came up after the last two year's post event briefings. The insurance rider required when the Town sells beer at our event costs \$1,400.00.

After talking with the insurance representative last year, the additional coverage was required because the Town was selling the beer.

We posed the hypothetical if we gave the beer away would there still be a requirement for the added insurance. We also posed the scenario of others – not town personnel – providing the beer and giving it away for a suggested donation.

I have sent these questions to our carrier to get solid answers in writing.

ATTACHMENTS:

none

ACTION OPTIONS:

Direction to Staff

TOWN OF MALABAR

AGENDA ITEM REPORT

AGENDA ITEM NO: 3
Meeting Date: February 1, 2016

Prepared By: Debby Franklin, CMC, Town Clerk/Treasurer

SUBJECT: Request to Increase Building Permit Fees (Reso 02-2016)

BACKGROUND/HISTORY:

This Reso would provide for increased fees for building permits *for new construction (residential & commercial) only* to offset the cost of operations/losses within the Building Department. Although the Building Department is not supposed to be a revenue generating department, it is supposed to charge adequate fees to cover the expenditures within that department. This includes overhead, salaries, training, equipment, etc.

The Town Administrator will speak to this at the meeting.

ATTACHMENTS:

Reso 02-2016

Schedule showing current fees charged by other cities and Malabar for same permits with column at end showing the proposed rates for Malabar

Spreadsheet showing last ten years of income vs. expenditures in Building Department

ACTION OPTIONS:

Staff recommends approval of Reso 02-2016

RESOLUTION NO. 02-2016

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR AMENDMENT TO RESOLUTION 04-2011 PROVIDING FOR NEW BUILDING OR DEVELOPMENT ORDER PERMIT RATES FOR RESIDENTIAL AND COMMERCIAL CONSTRUCTION; PROVIDING FOR THE REPEAL OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, before an applicant can obtain a permit as prescribed in the Town of Malabar Building Code, the appropriate fees must be paid; and

WHEREAS, these fees have been determined to be necessary and sufficient to compensate for the time and expense of processing the various permits; and

WHEREAS, the intent of this increase is to have the building permit fees cover the majority of the Building Department's expenses associated with permitting and inspecting new construction thereby not burdening existing taxpayers; and

WHEREAS, after a review of the current building permit fees the Malabar Town Council has determined that a rate adjustment is appropriate at this time.

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

SECTION 1. That the following fees are hereby established for building, fence, roofing, electric, plumbing, gas, mechanical, swimming pool, fire protection system, sign and irrigation system permits in the Town of Malabar.

BUILDING PERMITS:

For any work requiring a building permit as prescribed in the Town of Malabar Building Code the following cost of said permits shall be based on the following:

(1) For the purpose of determining the building permit fee, the estimated **value** cost of construction shall be determined by the Building Official using Florida Building Code formulas.

(2) Permit fees are as follows:

~~— a. Base permit fee — \$30.00 plus:~~

~~— b. Inspection fee(s) shall be computed based on the following table:~~

<u>Estimated Value of Construction</u>	<u>Fee – Inspection Fee</u>
\$ 2,500.00 1,000.00 and less	\$60.00 (\$30.00 base fee + \$30.00 for inspection)
\$ 2,500.01 1,001.00 to \$50,000.00 <u>AND UP</u>	\$ 30.00 for the first \$ 1000.00 plus \$7.00 for each additional thousand or fraction thereof, up to and including \$ 50,000.00
\$ 50,001.00 to \$100,000.00	\$260.00 for the first \$ 50,000.00 plus \$ 4.00 for each additional thousand or fraction thereof, up to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$ 460.00 for the first \$100,000.00 plus \$ 3.00 for each additional thousand or fraction thereof, up to and including \$500,000.00
\$500,001.00 and up	\$ 1660.00 for the first \$500,000.00 plus \$ 2.00 for each additional thousand or fraction thereof.

(3) Additional fees:

- a. Moving a building or structure - \$100.00
- b. Demolition of any building or structure - \$ 50.00.
- c. Mobile home setup - \$ 100.00.
- d. ~~Construction of any parking lot where no building construction is permitted in association with the parking lot construction – \$75.00.~~

(4) Plan Review Fees:

- a. Building Construction: when valuation of the construction exceeds ~~one thousand dollars (\$1000.00)~~ twenty five hundred dollars (\$2,500.00) plan review fee equal to fifty (50) per cent of the building permit fee established above shall be charged.
- b. All building construction *EXCEPT single-family and duplex dwellings*: when the valuation of the construction exceeds ~~one thousand dollars (\$1000.00)~~, twenty-five hundred dollars (\$2,500.00), in addition to the fee established in 4(a) above, an additional plan checking fee shall be charged equal to twenty-five (25) per cent of the building permit fee established above for the life safety plan review

pursuant to Florida Statute 633.

- c. If plans for a single project have received two (2) plan reviews and the plans are not approved for construction, an additional plan checking fee equal to one half (1/2) of the original plan checking fee shall be paid before any further plan review is done. This fee shall be applied for each subsequent review for the project.
 - d. Placement of temporary construction trailer - \$ 40.00.
 - e. Placement of temporary mobile home or RV while constructing home is limited to a period of six (6) months and requires a \$500.00 **refundable** cash bond.
 - f. Review/verification to re-issue copy of approved building plans - ~~\$30.00~~ ^{\$} 50.00.
- (5) Double Fee: pursuant to Town of Malabar Code of Ordinances, Chap. 6, Sec. 6-7, when work which requires a permit is started without first obtaining a permit, the fee specified for such permit shall be doubled or ~~\$120.00~~ 50, whichever is greater. The payment of such double fee shall not relieve any person from fully complying with the requirements of the Florida Building Code 2010 Ed. or from any other code or ordinance of the Town. The Town shall also have the right to pursue any other actions or penalties prescribed by law.
- (6) Re-inspection Fee: in the event it becomes necessary to make a re-inspection, due to improper work or permitted work not being ready, the contractor shall pay a re-inspection fee of thirty dollars (\$30.00) for the first inspection, fifty dollars (\$50.00) for the second inspection and one hundred dollars (\$100.00) for each additional re-inspection thereafter.

FENCE PERMITS:

~~For any work requiring a fence permit the cost of said permit shall be based on the following:~~

- ~~(1) Base permit fee \$30.00 plus:~~
- ~~(2) For the purpose of establishing a permit fee the fee shall be based on the estimated construction cost of the fence and calculated as prescribed above for a building permit.~~
- ~~(3) Double Fee: pursuant to Town of Malabar Code of Ordinances, Chap. 6, Sec. 6-7, when work which requires a permit is started without first obtaining a permit, the fee specified for such permit shall be doubled or \$50, whichever is greater. The payment of such double fee shall not relieve any person from fully complying with the requirements of the Florida Building Code 2001 Ed. or from any other code or ordinance of the Town. The Town shall also have the right to pursue any~~ (4) Re-inspection Fee: in the event it becomes necessary to make a re-inspection, due to improper work or permitted work not being ready, the contractor shall pay a re-inspection fee of thirty dollars (\$30.00) for the first inspection, fifty dollars (\$50.00) for

~~the second inspection and one hundred dollars (\$100.00) for each additional re-inspection thereafter.~~

ROOFING PERMITS:

For any work requiring a roofing permit, the cost of said permit shall be based on the following:

- ~~(1) Base permit fee—\$30.00 plus:~~
- ~~(2) Permit fee shall be based on estimated construction cost of roof and calculated as prescribed above for a building permit.~~
- ~~(3) Double Fee: pursuant to Town of Malabar Code of Ordinances, Chap. 6, Sec. 6-7, when work which requires a permit is started without first obtaining a permit, the fee specified for such permit shall be doubled or \$50, whichever is greater. The payment of such double fee shall not relieve any person from fully complying with the requirements of the Florida Building Code 2001 Ed. or from any other code or ordinance of the Town. The Town shall also have the right to pursue any other actions or penalties prescribed by law.~~
- ~~(4) Re-inspection Fee: in the event it becomes necessary to make a re-inspection, due to improper work or permitted work not being ready, the contractor shall pay a re-inspection fee of thirty dollars (\$30.00) for the first inspection, fifty dollars (\$50.00) for the second inspection and one hundred dollars (\$100.00) for each additional re-inspection~~

ELECTRIC PERMITS:

For any work requiring an electric permit the cost of said permits shall be as prescribed below:

- ~~(1) Base permit fee—\$30.00 plus:~~
- ~~(2) Inspection fee for new construction (including rough and final wiring) shall be _____ based on the size of the main service and shall be equal to \$0.35 times the _____ amperage of the main.~~
- ~~(3) Inspection fee for service change-outs shall be equal to \$0.10 times the size of the main service.~~
- ~~(4) Inspection fee for additions, alterations, or remodeling of an existing electrical _____ system shall be equal to \$0.10 times the size of the main service plus:~~
 - ~~_____ \$2.50—1 to 5 outlets and/or fixtures~~
 - ~~_____ \$0.20 each—more than 5 fixtures and/or outlets~~
 - ~~_____ \$0.50 each—220 volt outlet~~
 - ~~_____ \$2.50—motors less than 5-brake horsepower~~
 - ~~_____ \$5.00—motors 5-brake horsepower or more~~
 - ~~_____ \$10.00—wiring heater or air conditioner~~
- ~~(3) Double Fee: pursuant to Town of Malabar Code of Ordinances, Chap. 6, Sec. 6-7, when work which requires a permit is started without first obtaining a permit, the fee specified for such permit shall be doubled or \$50.00, whichever is greater. The payment of such double fee shall not relieve any person from fully complying with the requirements of the Florida Building Code 2001 Ed., or from any other code or ordinance of the Town. The Town shall also have the right to pursue any other actions or penalties prescribed by law.~~

~~(4) Re-inspection Fee: in the event it becomes necessary to make a re-inspection, due to improper work or permitted work not being ready, the contractor shall pay a re-inspection fee of thirty dollars (\$30.00) for the first inspection, fifty dollars (\$50.00) for the second inspection and one hundred dollars (\$100.00) for each additional re-inspection thereafter.~~

PLUMBING PERMITS:

~~For any work requiring a plumbing permit the cost of said permits shall be as prescribed below:~~

- ~~(1) Base permit fee \$30.00 plus~~
- ~~(2) Inspection of plumbing shown in table below:~~

Sewer connection	\$ 10.00
For each septic tank, cesspool, seepage pit or drainfield	\$ 10.00
For each plumbing fixture	\$ 2.50
For each water heater	\$ 5.00
For installation, alteration or repair of water heater	\$ 5.00
For installation, alteration or repair of drainage or vent piping	\$ 5.00

~~(3) Double Fee: pursuant to Town of Malabar Code of Ordinances, Chap. 6, Sec. 6-7, when work which requires a permit is started without first obtaining a permit, the fee specified for such permit shall be doubled or \$50.00 whichever is greater. The payment of such double fee shall not relieve any person from fully complying with the requirements of the Florida Plumbing Code 2001 Ed. or from any other code or ordinance of the Town. The Town shall also have the right to pursue any other actions or penalties prescribed by law.~~

~~(4) Re-inspection Fee: in the event it becomes necessary to make a re-inspection, due to improper work or permitted work not being ready, the contractor shall pay a re-inspection fee of thirty dollars (\$30.00) for the first inspection, fifty (\$50.00) for the second inspection and one hundred (\$100.00) for each additional re-inspection thereafter.~~

GAS PERMITS:

~~For any work requiring a gas permit the cost of said permit shall be as prescribed below:~~

- ~~(1) Base permit fee \$30.00 plus:~~
- ~~(2) Inspection Fee consumer's gas piping at one location (including both rough and~~

- ~~— final piping inspection) shall be \$30.00 for one (1) to four (4) outlets, inclusive, and \$2.50 for each additional outlet over four (4) outlets.~~
- ~~(3) Inspection Fee— conversion burners, floor furnaces, boilers, or central heating or air conditioning units shall be \$30.00 for one (1) unit and \$5.00 for each additional unit.~~
- ~~(4) Inspection Fee— vented wall furnaces and water heaters— \$30.00 for one (1) unit and \$2.50 for each additional unit.~~
- ~~(5) Double Fee: pursuant to Town of Malabar Code of Ordinances, Chap. 6, Sec. 6-7, when work which requires a permit is started without first obtaining a permit, the fee specified for such permit shall be doubled or \$50.00, whichever is greater. The payment of such double fee shall not relieve any person from fully complying with the requirements of the Florida Fuel Gas Code 2001 Ed. or from any other code or ordinance of the Town. The Town shall also have the right to pursue any other actions or penalties prescribed by law.~~
- ~~(6) Re-inspection Fee: in the event it becomes necessary to make a re-inspection, due to improper work or permitted work not being ready, the contractor shall pay a re-inspection fee of thirty dollars (\$30.00) for the first inspection, fifty (\$50.00) for the second inspection and one hundred (\$100.00) for each additional re-inspection thereafter.~~

MECHANICAL PERMITS:

For any work requiring a mechanical permit the cost of said permits shall be as prescribed below:

- ~~(1) Base fee permit— \$30.00 plus:~~
- ~~(2) Inspection Fee— heating, ventilating, air conditioning ductwork, refrigeration systems— \$30.00/ first \$1,000 or fraction thereof, of valuation of installation plus \$5.00/each additional \$1,000 or fraction thereof.~~
- ~~(3) Inspection Fee— repairs, alterations and additions to existing system— \$30.00/first \$1000.00, or fraction thereof, of valuation of the permitted work plus \$5.00/each additional \$1000.00, or fraction thereof.~~
- ~~(4) Inspection Fee— Boilers:~~

Under 33,000 BTU	\$5.00
33,000 BTU to 165,000 BTU	\$10.00
Over 165,000 BTU to 330,000 BTU	\$15.00
Over 330,000 BTU to 1,165,000 BTU	\$20.00
Over 1,165,000 BTU to 3,330,000 BTU	\$25.00
Over 3,330,000 BTU	\$35.00

- ~~(5) Double Fee: pursuant to Town of Malabar Code of Ordinances, Chap. 6, Sec. 6-7,~~

~~when work which requires a permit is started without first obtaining a permit, the fee specified for such permit shall be doubled or \$50.00, whichever is greater. The payment of such double fee shall not relieve any person from fully complying with the requirements of the Florida Mechanical Code 2001 Ed. or from any other code or ordinance of the Town. The Town shall also have the right to pursue any other actions or penalties prescribed by law.~~

- ~~(6) Re-inspection Fee: in the event it becomes necessary to make a re-inspection, due to improper work or permitted work not being ready, the contractor shall pay a re-inspection fee of thirty dollars (\$30.00) for the first inspection, fifty (\$50.00) for the second inspection and one hundred (\$100.00) for each additional re-inspection thereafter.~~

SWIMMING POOL PERMITS:

~~For any work requiring a swimming pool permit, the cost of said permit shall be as prescribed below:~~

- ~~(1) Basic permit fee — \$30.00 plus:~~
- ~~(2) Establishing permit fee — based on the estimated cost of construction of the Swimming pool and calculated as noted in the table listed under Building Permits.~~
- ~~(3) Double Fee: pursuant to Town of Malabar Code of Ordinances, Chap. 6, Sec. 6-7, when work which requires a permit is started without first obtaining a permit, the fee specified for such permit shall be doubled or \$50, whichever is greater. The payment of such double fee shall not relieve any person from fully complying with the requirements of the Florida Building Code 2001 Ed. and Swimming Pool Code or from any other code or ordinance of the Town. The Town shall also have the right to pursue any other actions or penalties as prescribed by law.~~
- ~~(4) Re-inspection Fee: in the event it becomes necessary to make a re-inspection, due to improper work or permitted work not being ready, the contractor shall pay a re-inspection fee of thirty dollars (\$30.00) for the first inspection, fifty (\$50.00) for the second inspection and one hundred (\$100.00) for each additional re-inspection thereafter.~~

SIGN PERMITS:

~~For any work requiring a sign permit, the cost of said permits shall be as prescribed below:~~

- ~~(1) Basic permit fee — \$30.00 plus:~~
- ~~(2) Inspection fee — signs shall be calculated at one dollar \$1.00/per sq. ft of sign area. This calculation shall be based on the largest sign area in the case of a sign with more than one face. Minimum: \$30.00.~~
- ~~(3) Double Fee: pursuant to Town of Malabar Code of Ordinances, Chap. 6, Sec. 6-7, when work which requires a permit is started without first obtaining a permit, the fee specified for such permit shall be doubled or \$50.00, whichever is greater. The payment of such double fee shall not relieve any person from fully complying with the requirements of the Florida Building Code 2001 Ed. or from any other code or ordinance of the Town. The Town shall also have the right to pursue any other actions or penalties prescribed by law.~~
- ~~(4) Re-inspection Fee: in the event it becomes necessary to make a re-inspection, due to improper work or permitted work not being ready, the contractor shall pay~~

~~a re-inspection fee of thirty dollars (\$30.00) for the first inspection, fifty (\$50.00) for the second inspection and one hundred (\$100.00) for each additional re-inspection thereafter.~~

IRRIGATION SYSTEM PERMITS:

~~For the installation of any irrigation system, the cost of the permit shall be as prescribed below:~~

- ~~(1) Basic permit fee \$30.00 plus:~~
- ~~(2) Inspection fee all irrigation systems \$30.00~~
- ~~(3) Double Fee: pursuant to Town of Malabar Code of Ordinances, Chap. 6, Sec. 6-7, when work which requires a permit is started without first obtaining a permit, the fee specified for such permit shall be doubled or \$50.00, whichever is greater. The payment of such double fee shall not relieve any person from fully complying with the requirements of the Florida Plumbing Code 2001 Ed., Florida Plumbing Code 2001 Ed., or from any other code or ordinance of the Town. The Town shall also have the right to pursue any other actions or penalties prescribed by law.~~
- ~~(4) Re-inspection Fee: in the event it becomes necessary to make a re-inspection, due to improper work or permitted work not being ready, the contractor shall pay a re-inspection fee of thirty dollars (\$30.00) for the first inspection, fifty (\$50.00) for the second inspection and one hundred (\$100.00) for each additional re-inspection thereafter.~~

SECTION 2. Conflict.

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

SECTION 3. Effective Date

This Resolution shall take effect immediately upon passage.

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

Council Member Grant Ball	_____
Council Member Brian Vail	_____
Council Member Don Krieger	_____
Council Member Dick Korn	_____
Council Member Richard Kohler	_____

This Resolution was then declared to be duly passed and adopted this _____ day of _____, 2016.

ATTEST:

By: _____
Mayor Carl Beatty, Council Chair

Debby K. Franklin, CMC
Town Clerk/Treasurer

(seal)

TOWN OF MALABAR

AGENDA ITEM REPORT

AGENDA ITEM NO: 4
Meeting Date: February 1, 2016

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

SUBJECT: Appointment of Jennifer Bienvenu to Regular Member position on the Parks & Recreation Board (Reso 03-2016)

BACKGROUND/HISTORY:

Ms. Bienvenu would like to join this Board. She attended their last meeting on 1/20/16 and was very well received.

ATTACHMENTS:

Resolution 03-2016
Application

ACTION OPTIONS:

Staff requests approval of Reso 03-2016.

RESOLUTION 03-2016

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE APPOINTMENT OF JENNIFER BIENVENU TO THE MALABAR PARKS & RECREATION BOARD AS A REGULAR MEMBER FOR A THREE YEAR TERM; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Malabar Town Council has four (4) seats open on their Parks & Recreation Board; and

WHEREAS, Malabar Town Council desires to make this appointment.

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 appointment of Jennifer Bienvenu as a regular member of the Parks and Recreation Board for a three year term.

Section 2. The Town Council of Malabar, Brevard County, Florida, hereby authorizes and directs the Town Clerk to notify the member, the Board Chair and the Board Secretary of this appointment.

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

Section 4. This resolution shall take effect upon adoption by Council.

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

Council Member Grant Ball	_____
Council Member Brian Vail	_____
Council Member Don Krieger	_____
Council Member Dick Korn	_____
Council Member Marisa Acquaviva	_____

This Resolution was then declared to be duly passed and adopted this 1st day of February, 2016.

TOWN OF MALABAR

By: _____

Mayor Carl A. Beatty, Council Chair

ATTEST:

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

(seal)

Approved as to form and content:

Karl W. Bohne, Jr.
Town Attorney

TOWN OF MALABAR

APPLICATION FOR APPOINTMENT TO BOARD/COMMITTEE

NOTE: Florida's Public Records Law, Chapter 119, Florida Statutes states, "It is the policy of this state that all state, county, and municipal records shall at all times be open for a personal inspection by any person." Your application when filed will become a public record and subject to the above statute. In addition, any appointed member of a board of any political subdivision (except members of solely advisory bodies) and all members of bodies exercising planning, zoning or natural resources responsibilities are required to file a financial disclosure form within 30 days after appointment and annually thereafter for the duration of the appointment as required by F.S. Chap. 112.

NAME: Jennifer Bienvenu TELEPHONE: 321-432-6857
ADDRESS: 2480 Rocky Point Rd Malabar FL 32950
EMAIL: jennifer.bienvenu1@gmail.com

RESIDENT OF TOWN FOR 12 MONTHS OR LONGER: [] YES [] NO

OCCUPATION: (If retired, please indicate former occupation or profession.)

VP Supply Chain, Arvon Parts

PROFESSIONAL AND/OR COMMUNITY ACTIVITIES:

Junior League of South Brevard

ADDITIONAL INFORMATION/REFERENCES:

Please select the Board that you would like to serve on by indicating first choice & second choice:

Board of Adjustment Planning & Zoning
 Parks & Recreation Trails & Greenways

Per Town Code, Council shall require removal of members after 3 successive absences.

Jennifer B

Signature of Applicant

1-20-16

Date

Please return this form to: Town Clerk
Town of Malabar
2725 Malabar Road
Malabar, FL 32950-4427
Email: townclerk@townofmalabar.org

Note: If you need more information concerning the duties of these Boards, please contact the Town Clerk. Please attach a copy of your resume to this application. You will be notified of the date of the Town Council Meeting that your application will be considered for appointment. You will need to plan to attend the Council Meeting.

TOWN OF MALABAR

AGENDA ITEM REPORT

AGENDA ITEM NO: 5, 6, 7, 8, 9, 10

Meeting Date: February 1, 2016

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

SUBJECT: Miscellaneous Items

5. Set workshop to review each map for future land use
6. Set workshop to revisit RLC regulations
7. Set due date for each department to provide inventory of assets
8. Start discussion on policy to dispose of surplus property
9. Start discussion on materials needed to start a budget process
10. Set workshop to replace second meeting of the month if needed

BACKGROUND/HISTORY:

5. Set workshop to review each map for future land use
6. Set workshop to revisit RLC regulations
7. Set due date for each department to provide inventory of assets
8. Start discussion on policy to dispose of surplus property
9. Start discussion on materials needed to start a budget process
10. Set workshop to replace second meeting of the month if needed

ATTACHMENTS:

- none

ACTION OPTIONS:

Direction to staff

FEBRUARY 2016

TOWN OF MALABAR – 2725 MALABAR ROAD, MALABAR, FL 32950
 (321) 727-7764 (O) (321) 727-9997 (F) EMAIL: TOWNCLERK@TOWNOFMALABAR.ORG

SUN	MON	TUE	WED	THU	FRI	SAT
	1 TOWN COUNCIL 7:30 PM	2	3	4	5 SPRINGFEST COMMITTEE 9:00 AM	6
7	8 T&G 6:00 PM SCLC DINNER	9	10 P&Z 7:30 PM	11	12	13
14	15 TOWN HALL CLOSED Presidents Day	16 TEEN COUNCIL 7:00 PM	17 PARK BOARD 7:30 PM	18	19 SPRINGFEST COMMITTEE 9:00 AM	20
21	22	23	24 P&Z 7:30 PM	25	26	27
28	29					