



TOWN OF MALABAR

AGENDA PACKET

April 17, 2017

Council Meeting
7:30 PM

**TOWN OF MALABAR
REGULAR TOWN COUNCIL MEETING
MONDAY, APRIL 17, 2017
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 Town Council Meeting Minutes 4/03/17**
Council Workshop Meeting Minutes 4/04/17
Exhibit: Agenda Report No. 1
Recommendation: Request Approval
- E. ATTORNEY REPORT:**
- F. STAFF REPORTS: ADMINISTRATOR, CLERK, FIRE CHIEF:**
- 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) Three (3) Minute Limit per Speaker.
- H. PUBLIC HEARINGS/SPECIAL ORDERS: UNFINISHED BUSINESS/GENERAL ORDERS**

ORDINANCES FOR FIRST READING: 1

2. Ordinance 2017-04: Redistricting Malabar Council Districts

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR AMENDMENT TO CHAPTER SEVEN, ELECTIONS, OF THE CODE OF ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 2

Recommendation: Request Approval of 1st Reading of Ord 2017-04

RESOLUTIONS: 3

(2 Tabled Resolutions re: SR-514)

3. RESOLUTION 06-2017

(Tabled on 3/20/17 to this certain date & will require motion to remove from table.)

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, REQUESTING A REDUCTION OF SPEED TO 45 MPH ON STATE ROAD 514 ALSO KNOWN AS MALABAR ROAD FROM THE WEST END OF THE JURISDICTIONAL BOUNDARY EAST TO MARIE STREET; REQUESTING EXPEDITED INTERSECTION IMPROVEMENTS AT COREY AND WEBER ROADS TO INCLUDE TRAFFIC SIGNALS; SOLICITING SUPPORT FROM OTHER COMMUNITIES AND AGENCIES IN THIS REQUEST TO FLORIDA DEPARTMENT OF TRANSPORTATION; PROVIDING FOR DISTRIBUTION OF REQUEST; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 3

Recommendation: Request Action

4. RESOLUTION 11-2017

(Tabled on 4/03/17 after TPO Presentation & will require motion to remove from table.)

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PERTAINING TO A REQUEST FROM THE FLORIDA TRANSPORTATION PLANNING ORGANIZATION TO RECOMMEND A CONCEPT FOR THE WIDENING ON SR 514, MALABAR ROAD FROM THE WESTERN BOUNDARIES OF THE TOWN TO U. S. 1 (STATE ROAD 5) IN THE TOWN OF MALABAR; PROVIDING FOR DISTRIBUTION OF REQUEST; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 4

Recommendation: Request Action

5. RESOLUTION 03-2017 – Intent to Increase Storm Water Fee

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; PROVIDING FOR FINDINGS; PROVIDING FOR AN INCREASE IN THE STORMWATER NON ADVALORUM ASSESSMENT FROM \$36.00 PER ERU SET IN FY 2000 TO \$_____ PER ERU FOR THE TAX YEAR 2017 AND A FURTHER INCREASE TO \$_____ PER ERU FOR THE TAX YEAR 2018; PROVIDING FOR CLASSIFICATIONS OF PROPERTY; PROVIDING FOR CERTIFICATION OF ANNUAL STORMWATER UTILITY ASSESSMENT ROLL; ADOPTING THE UNIFORM AD VALOREM METHOD OF COLLECTION; PROVIDING FOR MASS MAIL OUT NOTIFICATION OF PUBLIC HEARING TO TAKE PLACE AT THE COUNCIL MEETING OF JUNE 19, 2017; PROVIDING FOR A COPY OF THE RESOLUTION TO BE DELIVERED TO THE BREVARD COUNTY TAX COLLECTOR; PROVIDING FOR REPEAL OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 5

Recommendation: Request Approval of Resolution to Move Forward with Public Notices

MISCELLANEOUS: 1

6. Reconsider TPO/TAC Delegate (Mayor)

Exhibit: Agenda Report No. 6

Recommendation: Request Action

I. DISCUSSION / POSSIBLE ACTION: 1

7. Updates to Capital Improvement Plan Projects (C.I.P.) Due Annually Prior to Budget Workshops

Exhibit: Agenda Report No. 7

Recommendation: Request Direction to Staff

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

K. REPORTS – MAYOR AND COUNCIL MEMBERS

L. ANNOUNCEMENTS:

(1) Vacancy on the Board of Adjustment; (2) Vacancies on the Park and Recreation Board.

(1) Vacancy on the Trails & Greenways

M. 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
AGENDA ITEM REPORT**

AGENDA ITEM NO: 1
Meeting Date: April 17, 2017

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 -- 4/03/2017
- WS minutes 4/04/2017

It was determined during the last year that the minutes should be a brief summary of what occurred in the meeting. This was confirmed again at the November 21, 2016 meeting. For specific details, audio of the meetings are available.

ATTACHMENTS:

Draft Minutes of the 04/03/2017 and WS minutes of 4/04/2017 meetings

ACTION OPTIONS:

The Town Clerk requests approval of the minutes.

MALABAR TOWN COUNCIL REGULAR MEETING MINUTES

April 3, 2017 7:30 PM

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

A. CALL TO ORDER:

Chair, Mayor Patrick T. Reilly called the meeting to order at 7:30 pm. CM Mahoney led the prayer and pledge.

B. ROLL CALL:

CHAIR:	MAYOR PATRICK T. REILLY
VICE CHAIR:	STEVE RIVET
COUNCIL MEMBERS:	GRANT BALL
	LAURA MAHONEY
	DICK KORN
	RICHARD KOHLER
TOWN ADMINISTRATOR:	DOUGLAS HOYT
TOWN ATTORNEY:	KARL BOHNE
TOWN CLERK/TREASURER:	DEBBY FRANKLIN

For the record, Fire Chief Leonard Thomassen was also in attendance.

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

D. APPROVAL OF THE MINUTES:

1. Regular Town Council Meeting Minutes 3/20/17

Workshop Meeting Minutes: 3/27/17

Exhibit: Agenda Report No. 1

Recommendation: Request Approval

MOTION: CM Rivet / CM Kohler to approve RTCM minutes of 3/20/17.

Discussion: CM Mahoney, pg 2, ok; pg 3, clarification, redistricting is moving forward. Get clarification. Verify It should be what was said at meeting. CM Rivet, if that is not Lori Scott stated that it should be in the minutes. Pg 4, half way down page, the motion to reconsider, CM Ball was the Nay and she voted Aye. (Note: Clerk went back and listened and CM Ball voted Nay).

CM Korn asked to put on for a future Discussion Item the method he has previously mentioned regarding changes to the minutes.

On pg 7 the last 3rd of page, CM Mahoney stated that the minutes are lacking that she provided the COIs and the positive things Troop 37 has done. She would like that wording added. Chair said the minutes are to reflect what was said.

Vote: All Ayes as amended.

MOTION: CM Ball / CM Rivet to approve Council workshop minutes of 3/27/17.

Discussion: CM Mahoney questioned the "Note" on the 1st page clarifying the Labor Attorney's comments during the meeting – Clerk said yes they came later and his email is attached to the minutes as the record copy. It did come later, after the meeting.

Vote: All Ayes.

E. BCSO REPORT: none

F. ATTORNEY REPORT: Atty said the legislature adopted statutory language dealing with public records to change the word "shall" to "may" regarding awarding attorney fees when public records charges are taken to court. He gave ex of robot PRR and requestor to sue and get attorney's fees. This will cut down on number of lawsuits being filed.

G. SCTPO and FDOT Presentation by Aitkens Engineering on latest proposal:

Presentation: Victor Potect with Aitkens Eng. introduced himself and Lance LeCuir and FDOT rep Jazlyn Heywood re: SR514 recent work on corridor. Thanked Council for allowing this. He then went over the power point presentation (attached) and stated they will also present Malabar's recommendation on the April 17 Science Committee of EELp. Presentation attached to minutes.

By adding intersection capacity- fatalities are reduced by 90% with roundabouts and they are used not just in suburban and used in rural roadways. On a 2 lane, rural facility there is not a lot of buildup. Added multi-use trail on north side of SR-514 and requires a 104' width. Key segment was to zoom in on the shifted acquisition to the north to not impact Disc Golf Park.

From Marie Street to Hwy 1 with turn lanes. Lowering the design speed to 35mph. Bike lane on both sides. They have curb and gutter on both sides and piping. ROW here is 87 feet.

From Railroad to Hwy 1 the presentation showed a sample rendering. The funding for design scenario is set for 2020. ROW acquisition not funded yet.

The intersection improvements for safety are approved and are funded for construction and will be let for const in 2019.

Next steps: presentations:

April – EEL science

May – EEL

July - Brevard County Commission

ARC – State level re: EEL

SEID - State Environmental Impact Docs

PH – public hearings

FDOT - approval

This is the standard process

Would like resolution in support of their proposal. The maintenance of the trail over time would need a commitment from the Town. This support is important for EEL to know, for ARC to know, and for the County Commission to know that Malabar supports this presentation.

CM Korn is very uncomfortable with the presentation – the curb and gutter is out of character; and the 4 lanes to 2 lanes to 3 lanes. The turn lanes coming off Malabar are left only? Yes. CM Korn is familiar with the roundabouts that are used in Southside Broward County. There are also a lot in Virginia, NY and Mass. Given the type of traffic on Malabar Road, he does not think they are suitable for roundabouts on this road. CM Korn listed several concerns regarding the presentation.

Mr. Protect then responded to his concerns: the 3-lane section – same as before – more developed section. Less ROW acquisition is necessary. It fits the capacity needs in that section. It will provide more ROW to allow for traffic entering Hwy 1 or leaving Hwy 1. The 3-lane section is only 2 lanes with turn lane area. Limits the impact.

CM Ball asked him about design speed of 55 for bikes and cars. From Weber to Corey. Your concern is heard. There is a bend before the roundabouts. It will be posted at a lower speed.

CM Mahoney, did they consider the multi-modal for just the one section instead of the sidewalks on both sides. They don't connect to anything else. Like Viera is set up with a large distance between the road and the pedestrians and trail users.

Victor said the sidewalks will go down to Babcock St. The bike users don't like using sidewalks.

CM Rivet asked about the speeds Victor said the roundabouts will have a lower speed – design speed of 35mph then back up to 50 but when posted it is usually lower.

TA asked about tractor semis using roundabouts. Yes, they are ok.

Mayor asked about the traffic projections on how many vehicles would continue thru to the east, and what percentage would do a right turn to Corey Road. Victor was given the traffic projections but he did not have them with him. The through traffic if it was too high the roundabout would not function. Mayor thought it would cause a backup if a good percentage did not drop off at Corey. Gave example of two lanes going into it and if the driver realizes he must

Lance said they don't over build it (inaudible). Traffic studies show significant drop off heading east after Weber and Corey Roads.

CM Korn asked about the design speed higher but the posted signs would be lower. Yes. CM Korn said they have been asking for 45mph and have been ignored. Now presenting a roundabout with 50 mph.

CM Korn asked if FDOT was listening; there was a lady in the audience went around with a petition. Victor said they have listened and they are listening now. Looking at the last resolution, you will see they have listened. They do take Town desires into their consideration. Chair thanked them for presentation.

H. BOARDS/COMITTEES REPORTS

Drew Thompson, T&G Committee Chair: Stated he had previously reported on the construction of the shade structure in the Cameron Preserve. Their Committee would like formal action by Council to formally name it the "Cameron Trail Shelter". Chair suggested the Committee formalize the request and ask for Council action for a future RTCM. Drew said the Committee appreciates Council help and support with this project and wanted to publicly thank two local businesses – Bob Wilbur and Brushbusters and Reasonable Auto for their dedication and support of this project. Also, thanked Council as the Town now has links from website to the malabartrails.org and another links.

Hans Kemmler, Park and Recreation Board, nothing

Liz Ritter, P&Z Board - nothing

J. STAFF REPORTS: ADMINISTRATOR: CLERK: FIRE CHIEF

TA: Easement document has been prepared for DD Ranch and he has given it to Atty Bohne to review.

TC: Nothing

FC: Gave overview – report is attached. Still have 36 volunteers. EVOC – in house class. Forestry grant has been applied for. IOS rating is still at 4 – 10. New Brush truck has been painted and should be in service in May. Applied for grant for Scot Packs. Passed their audit and are 100% in compliance. Nice boost on the grant schedule. Good feedback from residents.

Speaker: Jim Roulston Malabar Road. Would like a copy of the report that goes to State, so he can see the breakdown of types of calls and number of man-hours per call. He would like to see a better breakdown. Breakdown per calls. Chief said half of the reports on medical have names and conditions and releasing would be against Hippa. As far as hours per call, the Chief can do it but it will be broken up. Chief will do his very best to get that for the council. He does the total man hours. 42 calls 63 man hours. Each call lasted about one hour. Atty said the PRR is made thru Clerks office of if it takes time then they are entitled to charge for it. The FD Chief does not have to create a report.

K. 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) Three (3) Minute Limit per Speaker.

- L. PUBLIC HEARINGS/SPECIAL ORDERS: 0**
M. UNFINISHED BUSINESS/GENERAL ORDERS
ORDINANCES FOR FIRST READING: 0

RESOLUTIONS: 1

2. RESO 11-2017 – read by title only.

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PERTAINING TO A REQUEST FROM THE FLORIDA TRANSPORTATION PLANNING ORGANIZATION TO RECOMMEND A CONCEPT FOR THE WIDENING ON SR 514, MALABAR ROAD FROM THE WESTERN BOUNDARIES OF THE TOWN TO U. S. 1 (STATE ROAD 5) IN THE TOWN OF MALABAR; PROVIDING FOR DISTRIBUTION OF REQUEST; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 2

Recommendation: Request Approval

Speakers Cards from Public: Karen Moser, 1775 Atz Road, had some of the same concerns of the changing of the number of lanes. Down by hospital it is 3 lanes. If you do that please be very careful and use reflectors. She has seen roundabouts and they work very well. The ones that are large are good in southern Spain. Viera is kind of small and can be very annoying. Keep it visible.

She likes the bike and walk trails as well as they are all linked up. If they are not connected they are more dangerous than having none. She does support having the Town maintain them. She doesn't oppose the idea in principle. Do it right.

George Foster, 1205 Malabar Road, his property has been impacted as MUCH or more than any other. He has worked with the County and FDOT and people in this room. Move the road north in to the EELs property. Brevard Clerk of Court said they had surplus. The road has been moved north to save his house. He knows it is not a done deal. What he sees of project, he supports and would like Council to give their support. There are some people here that have worked with him and he thanks them.

MOTION: CM Korn / CM Rivet to deny Reso 11-2017.

Discussion: CM Korn referenced the A, B, C, sections of the resolution and said he can go along with A, but can't go along with B or C. He seems to recall that FDOT requires the consideration first of roundabouts before considering traffic signals.

CM Rivet said the roundabouts are new to him as well. He would like to know if the residents would support this.

CM Ball has issue with suddenly we have roundabouts being presented. Moving the road ROW to the north he supports. However, they have never discussed roundabouts and they have never come to us before.

CM Mahoney, this is the first time she saw it and would like to get more feedback from residents before she votes on this.

MOTION: CM Rivet / CM Mahoney to table. All Ayes. Put this on future agenda. CM Korn asked when it comes off the table, would the pending motion (motion to deny) be before them. Attorney said it should be dealt with soon. Chair said on next agenda. Staff was directed to put the presentation and the resolution 11-2017 marked as DRAFT to solicit input from residents between now and next meeting. (Note: information placed on website the following day.) Attorney stated they would need more information regarding

roundabouts, it is not going to come from discussions at Council; they need someone with the expertise to present. Mayor asked how to accomplish that. TA said if Council could give list of questions and concerns he would try and get additional information and material they could put on the website. Chair asked if the funding was going to go away May 1? TA said no. Chair said for Council to get their questions to staff so they can forward them off and at the next meeting they can discuss this again.

COUNCIL CHAIR MAY EXCUSE ATTORNEY AT THIS TIME

N. DISCUSSION/POSSIBLE ACTION: 1

3. **Policy to be used for Communications with Town Staff and Town Attorney**
Exhibit: Agenda Report No. 3
Recommendation: Discussion and Direction

Mayor said members of current Council and past Councils have contacted the attorney on items that could have been answered by staff. Create a policy to mandate that all questions be directed to Clerk and if she can't answer then she will delegate and then if no answer then it is sent to lawyer. CM Ball said that he doesn't want to be told he cannot contact the lawyer. Mayor is trying to limit the amount of money spent.

CM Korn picks up on what CM Ball said. If someone monopolizes the attorney's budget, he understands what the Mayor is saying. He will ask staff first and then he will inform staff that he is going to contact the atty. Let's be careful about saying you can't contact. They take a lot of abuse as Council Members. We need to protect ourselves with legal advice. Grant Ball said he may have an issue with staff and not want to bring it to them.

Mayor said there should be a written policy.

CM Rivet said the goal is to reduce the costs – he supports a policy that would limit when appropriate.

CM Ball may have a sunshine violation or ethics question he doesn't want to tell anyone.

CM Ball does support a policy; not a prohibition.

CM Mahoney said they are not subject to staff. They are subject to residents. She asked Karl Bohne. Stay with the Charter. We are the representatives. Most city governments have access to the legal department.

CM Rivet supports a policy. CM Kohler thinks a policy would keep the Atty fees down. Recommend that it go through staff but not make it a mandate.

CM Korn said all work together for the betterment of the Town. CM Korn always talks to staff before contacting the Atty. But can't mandate it.

TA suggested. Have Clerk to contact other cities re: contacting their attorneys. Give us a broader view of what we can do. Not want to restrict council or anyone else's ability to contact the attorney. He looks at the legal bills every month and maybe. Mayor said it needs to be written.

CM Mahoney wants the Attorney to report. Ask him to break it down. Find out the truth.

CM Korn said they have done this since before the last election. Ask him not to clump. Most over our citizens are against the frivolous charges.

CM Vail, Smith Lane, when you come in as a Council Member or Board Member, check your feelings at the door. Your job is to do the best for the Town and check feelings at door.

Mayor asked staff to check with other cities and then they can put it on for a future meeting.

CM Ball ask him to do a more accurate job of breaking it down.

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

P. REPORTS – MAYOR AND COUNCIL MEMBERS

Dist 1. Concerned with roundabouts – they have taken their time to give us presentations. If we keep stopping the process, there is a concern that ed. From what they have said here, the last couple of pages.

Dist 2: CM Mahoney wanted to report in Dec it was offered to do some redistricting. She called Lori Scott, she didn't want to presume. You must always keep your numbers up; Should have used. Should have considered the financial impact before we made the choice on the amendment. Let the public used. Could have shopped around. Ditches – talked about getting started.

Dist 3: Disinterested 3rd party. Every resident has some. Dispassionate 3rd party would be.

Dist 4: Condition of the soccer field. Re-districting would need to be done by a professional. The financial impact is very little. CM Korn also asked about the grills at the little pavilions.

Dist 5: A roundabout may look better than stop lights to keep with the rural character.

Mayor: Mayor loves roundabouts – they work in Ireland. He loves them if they are done right. Mayor has updated the maps and added where the homes are on the maps for the next workshop.

Q. ANNOUNCEMENTS:

(1) Vacancy on the Board of Adjustment; (2) Vacancies on the Park and Recreation Board; (1) Vacancy on the Trails & Greenways

R. ADJOURNMENT:

There being no further business to discuss and without objection, the meeting was adjourned by the Chair at 9:15 P.M.

BY: _____
Mayor Patrick T. Reilly, Council Chair

ATTEST:

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

Date Approved: 4/17/2017

(seal)

MALABAR COUNCIL REDISTRICTING WORKSHOP MEETING

April 4, 2017

1:30 PM

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

A. CALL TO ORDER:

The meeting was called to order at 1:30 pm by Chair Mayor Reilly. Prayer & Pledge were said by Council Chair, Mayor Patrick T. Reilly.

B. COUNCIL/COMMITTEE:

COUNCIL CHAIR:

MAYOR PATRICK REILLY

VICE-CHAIR:

STEVE RIVET

COUNCIL MEMBERS:

GRANT BALL

LAURA MAHONEY

DICK KORN

RICHARD KOHLER

ADMINISTRATOR

DOUG HOYT

CLERK/TREASURER:

DEBBY FRANKLIN

DEPUTY CLERK/TREASURER

MATT STINNETT

C. WORKSHOP ACTION: REDISTRICTING DISCUSSION

Clerk introduced Mr. Ken Tozier, GISP, International Computer Works, Inc. from Temple Terrace, Florida, recommended by Mr. Tim Bobanic of the Brevard Supervisor of Elections office.

Mr. Tozier gave history of his office and his expertise.

He also explained how the Census blocks are used to track population within a municipality. Starting in December of this year we can provide input to the Supervisor of Elections on how we want the Census blocks to be more detailed, more granular to accomplish the redistribution of the population during future exercises like this. Have the opportunity to redesign census blocks. Malabar has 60 blocks.

When you redistrict you want more granular information. Have ability to draw the lines. Working with 10% deviation from highest to lowest. If the census blocks. He referenced PL 94.171. Same data that legislature uses to redistrict. Required by Fed govt for Senate district. Tricked down to state and county and school board. That data was gathered commencing 4/1/2010, then tabulated it and then attribute it to the census blocks so until in late 2010 they completed that process. Now 1st qtr of 2017, the Bldg Dept was able to provide information from 1/1/2011 and found 28 households and then staff called and got the population of that household. Added those pop numbers to census data.

Footnote 1: RVs could still be part of population.

Mayor asked why population is used and not registered voters. Mr. Tozier stated that the Legislative body has the responsibility to care for all residents from cradle to grave. Short answer is that is why the law is written.

Mayor asked about variance allowed is strictly 10% or 56 population. Mr. Tozier stated yes, that was the variance allowed. The House and Senate can only be within .5 of one percent.

CM Korn said his impression was they were going to meet individually. Mr. Tozier provided time for that if any Council Member felt the need. CM Korn said what was important to him was that the people that live in his district are similar in lifestyle.

A great deal of work went into this. Mr. Tozier demonstrated how the various census blocks could be selected and added to or removed from districts with the resulting population calculations. Deputy

Clerk/Treasurer Matt Stinnett worked with Mr. Tozier on various modifications before the workshop and what you have is a further revision to Plan B showing no variance of more than 51 people.

Mayor said he spent a great deal of time in reviewing the briefing paper and the two preliminary maps. He also did some redistributions. He sent his questions via email to staff to forward on to Mr. Tozer.

CM Mahoney asked if there was any consideration to put this in the Charter. She said Malabar is made up of different perspectives. Have responsibility to our preamble. CM Rivet said they should be attempting to set up commonalities and not create divisions. That is a terrible idea. Mayor said this was going to further divide.

Mayor said this is very close. CM Korn said a lot of work went into this. CM Rivet asked if everyone could live with this. Yes. Straw vote: all in favor. Will be on agenda for action on April 17. Purple will become 5 and blue will become 3. Mr. Tozier will change.

Adjourned at 2:30PM.

BY: _____
Mayor Patrick T. Reilly, Council Chair

(seal)

ATTEST:

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

Approved: RTCM 4/17//2017

**TOWN OF MALABAR
AGENDA ITEM REPORT**

AGENDA ITEM NO: 2
Meeting Date: April 17, 2017

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

SUBJECT: Ordinance 2017-04 New District Lines for five new precincts

BACKGROUND/HISTORY:

A workshop was held on April 4 to go over the proposed changes to redistribute the population into five equal districts with no deviation of more than 10%.

This was accomplished using an outside vendor recommended by the Brevard County Election Office.

There was unanimous consensus on the new lines at the end of the workshop. Once Council approves the ordinance then they will be sent to the Election Office for the precincts to be incorporated.

FINANCIAL IMPACT: \$1,551.00 to date for vendor. Increased Election costs unknown at this time.

ATTACHMENTS:

- Ordinance 2017-04 with Exhibit "A" (new map)

ACTION OPTIONS: Council Approval of 1st Reading of Ord 2017-04

ORDINANCE NO: 2017-04

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR AMENDMENT TO CHAPTER SEVEN, SECTION 7.5, ELECTIONS, OF THE CODE OF ORDINANCES; PROVIDING FOR THE NOVEMBER 8, 2016 ELECTION RESULTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Malabar Council currently has five Council Districts, with each member of the Town Council voted for "at large" by all Electors in the Town of Malabar; and

WHEREAS, the Approval of the 2016 Referendum question asking voters if they wanted each Council Member to be selected by only those Electors within that District requires modification of those district lines to create five districts which are equally proportioned; and

WHEREAS, the Town of Malabar utilized the services of International Computer Works, Incorporated, a vendor recommended by the Brevard Elections Office, to reapportion the five Districts with no larger population variance than 56 persons; and

WHEREAS, Council held a legally noticed workshop with this Vendor on April 4, 2017 using the population tabulated during the Decennial United States Census of 2010 and updated further by Building Department Records; and

WHEREAS, it is the desire of the Town Council of the Town of Malabar to create five districts which are equally proportioned for representation on the Town Council.

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

SECTION 1. Chapter 7, Section 7-2(b) of the Malabar Code of Ordinances shall be revised to read as follows:

"(1) District 1. Comprised of areas in the following Township 28S, Range 38E, Sections 31; and Township 29S, Range 38, Sections 6 and 5; and Township 28S, Range 37E, Sections 35 and 36. Further the District includes all the following Census Blocks:

120090652311000, 120090652311001, 120090652311003, 120090652311004,
120090652311005, 120090652311006, 120090652311008, 120090652311015,
120090652313000, 120090652313001, 120090652313004, 120090652313005,
120090652313011, 120090652311006, 120090652313014, 120090652313030,
120090652313031.

(2) District 2. Comprised of areas in the following Township 29S, Range 38E and Sections: 5, 6, 7 and 8; Township 28S, Range 38E Section 31 and Township 29S, Range 37E and Section 12. Further the District includes all the following Census Blocks:

120090652312014, 120090652313002, 120090652313003, 120090652313009
120090652313010, 120090652313012, 120090652313015, 120090652313016
120090652313018, 120090652313019, 120090652313032, 120090652313033
120090652313034, 120090652313035, 120090652313036, 120090652313037
120090652313038, 120090652313041.

- (3) District 3. Comprised of areas in the following Township 28S, Range 37E, Sections: 34, 35 and 36; Township 29S, Range 37E, Sections 1 and 2.

Further, the District includes all the following Census Blocks:

120090652023014, 120090652311002, 120090652311007, 120090652311009
120090652311010, 120090652311011, 120090652311012, 120090652311013
120090652311014, 120090652311016, 120090652311019, 120090652311020
120090652313013.

- (4) District 4. Comprised of Township 29S, Range 37E, all of Section 10 and those portions of Sections 2 and 3 that lie within the town limits. Further, the District includes all the following Census Blocks.

120090652311017, 120090652311018, 120090652311022, 120090652311030,
120090652311031, 120090652311032, 120090652311033, 120090652311034,
120090652311036, 120090652311041, 120090652311042.

- (5) District 5. Comprised of portions of Township 29S, Range 37E and portions of Sections 1 and 2. Further, the District includes all the following Census Blocks.

120090652311021 and 120090652313017.

SECTION 2. Chapter 7, Section 7-5, Basis of Reapportionment, of the Malabar Code of Ordinances shall be revised to read as follows:

~~The representative districts within the Town of Malabar shall be determined in accordance with the population of the Town of Malabar as determined by the 2000 United States Census.~~

~~Pursuant to the provisions of the Town Charter, there shall remain five districts within the Town of Malabar. No districts shall deviate, in population, by more than ten (10) percent, from any other district.~~

“Following adoption of Ordinance 2017-04, the future representative districts within the Town of Malabar shall be verified and reapportioned in accordance with the results of the Decennial United States Census tabulation that is released the following year.”

Pursuant to the provisions of the Town Charter, there shall remain five districts within the Town of Malabar. No districts shall deviate, in population, by more than ten (10) percent, from any other district.”

SECTION 3. Chapter 7, Section 7-6, District designation, of the Malabar Code of Ordinances shall be revised to read as follows:

“The Town of Malabar hereby designates new boundaries for Districts 1 through 5 in the Town of Malabar. Each district is hereby reapportioned as set forth in Exhibit “A” attached hereto and for all purposes, incorporated as part of this ~~chapter ordinance~~.”

SECTION 4. Chapter 7, Section 7-7, Population determination, shall be revised to read as follows”

“District 1 through 5 of this ~~chapter ordinance~~ have been determined in accordance with the data provided to the Town of Malabar in the 2000 United States Census 2010 Decennial United States Census as updated with Building Permitting Certificates of Occupancies issued between April 1, 2010 and 3/10/2017.”

~~For the purpose of determining compliance with subsection 1 of this ordinance, the 2000 United States Census data shall be deemed to accurately reflect the population distribution throughout the Town of Malabar and is the sole purpose for determining the districts as established by section 7-2 of this chapter.~~

Future updates to Exhibit "A" will use the most recent Decennial United States Census tabulation and Building Permitting Certificates of Occupancies if more than one year has passed since the Census.

SECTION 5. Codification.

It is the intention of the Town Council of the Town of Malabar, Brevard County, Florida, that the provisions of this Ordinance shall be made part of the Code of Ordinances of the Town of Malabar, Florida; that the sections of this Ordinance may be re-numbered or re-lettered to accomplish such intention; and the word "ordinance" may be changed to "Section," "Article" or other appropriate designations.

SECTION 6. Severability.

In the event a court of competent jurisdiction shall hold or determine that any part of this ordinance is invalid or unconstitutional, the remainder of the ordinance shall not be affected and it shall be presumed that the Town Council of the Town of Malabar did not intend to enact such invalid or unconstitutional provision. It shall further be assumed that the Town Council would have enacted the remainder of this ordinance without said invalid or unconstitutional provision, thereby causing said remainder to remain in full force and effect.

SECTION 7. Conflicts.

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

SECTION 8. Effective Date.

This ordinance shall take effect immediately upon its adoption.

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

- Council Member Dist 1 Grant Ball _____
- Council Member Dist 2 Laura Mahoney _____
- Council Member Dist 3 Steve Rivet _____
- Council Member Dist 4 Dick Korn _____
- Council Member Dist 5 Richard Kohler _____

This Ordinance will be declared to be duly adopted seven days after the regular meeting of the Town of Malabar Town Council on May 1st, 2017.

TOWN OF MALABAR

Mayor Patrick T. Reilly, Council Chair

(seal)

ATTEST:

Debby K. Franklin, C.M.C.

Town Clerk/Treasurer

Approved as to Legal Sufficiency:

Karl W. Bohne, Jr., Town Attorney

Referendum Approved 11/8/2016

Workshop 4/4/17

Ord 1st Reading: 4/17/17

Ord 2nd Reading 5/01/17

Veto Period: 4/17/2017 thru 5/07/2017

Final Adoption: 5/08/2017

**TOWN OF MALABAR
AGENDA ITEM REPORT**

AGENDA ITEM NO: 3
Meeting Date: April 17, 2017

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

SUBJECT: Tabled Resolution 06-2017 re: SR-514 Widening

BACKGROUND/HISTORY:

This was tabled at the RTCM of 3/20/17 until this meeting.

At the RTCM on 4/3/17 a different proposal was shown to Council with a separate resolution.

Clerk's direction was to place this on the April 17, 2017 agenda. If there is no desire by Council to remove from the table then that particular resolution is done.

FINANCIAL IMPACT: none

ATTACHMENTS:

- Reso 06-2017

ACTION OPTIONS: Council Motion to remove from Table.
Council Action on Reso 06-2017

RESOLUTION 06-2017

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, REQUESTING A REDUCTION OF SPEED TO 45 MPH ON STATE ROAD 514 ALSO KNOWN AS MALABAR ROAD FROM THE WEST END OF THE JURISDICTIONAL BOUNDARY EAST TO MARIE STREET; REQUESTING EXPEDITED INTERSECTION IMPROVEMENTS AT COREY AND WEBER ROADS TO INCLUDE TRAFFIC SIGNALS; SOLICITING SUPPORT FROM OTHER COMMUNITIES AND AGENCIES IN THIS REQUEST TO FLORIDA DEPARTMENT OF TRANSPORTATION; PROVIDING FOR DISTRIBUTION OF REQUEST; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, SR 514 Malabar Road is a State Road that intersects the Town of Malabar from Highway 1 westward to the Town limits; and,

WHEREAS, SR 514 Malabar Road from US Highway 1 to Babcock Street (in Palm Bay) is approximately three and a half miles of which three miles is within the jurisdiction of the Town of Malabar; and,

WHEREAS, SR 514 Malabar Road is used as a major collector and evacuation route and is used anytime there is an incident on I-95 requiring alternative routing; and

WHEREAS, SR 514 Malabar Road will require unique design in the widening to avoid negative effects on future commercial growth and the active disc golf course; and

WHEREAS, Such design must include reducing the speed to 45 mph between Marie Street west to the Town boundary; reducing the severity of curve as well as incorporating a multimodal paved path on the north side of SR 514; and

WHEREAS, FDOT has acknowledged since the 1980's the need to widen and improve SR 514, Malabar Road, within Malabar jurisdiction and the Town has requested assistance from FDOT in writing since 2004 expressing a need for reduced speed and traffic signals and the Town is on record for requesting expedited priority for the intersection improvements at Corey and Weber Roads to improve traffic flow and alleviate current dangerous conditions.

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

SECTION 1. Findings:

The whereas statements are true and correct.

SECTION 2. Distribution:

The Town Clerk is directed to send copies of this resolution to FDOT, the City of Palm Bay, Town of Grant-Valkaria, Brevard County, and the Space Coast League of Cities and solicit support for our request to FDOT.

SECTION 3. Severability.

The provisions of this Resolution are declared to be severable and if any section, sentence, clause or phrase of this Resolution shall, for any reason, be held to be invalid

or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Resolution but shall remain in effect, it being the legislative intent that this Resolution shall stand notwithstanding the invalidity of any part.

SECTION 4. Conflict.

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

SECTION 5. 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 Laura Mahoney	_____
Council Member Steve Rivet	_____
Council Member Dick Korn	_____
Council Member Richard Kohler	_____

This Resolution was then declared to be duly passed and adopted this 17th day of April, 2017.

By: TOWN OF MALABAR

Mayor Patrick T. Reilly, Council Chair

ATTEST:

Debby K. Franklin
Town Clerk/Treasurer

(seal)

Approved for Legal Sufficiency:

Karl Bohne, Jr., Town Attorney

**TOWN OF MALABAR
AGENDA ITEM REPORT**

AGENDA ITEM NO: 4
Meeting Date: April 17, 2017

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

SUBJECT: Tabled Resolution 11-2017 Supporting the TPO/TAC Plan for SR514

BACKGROUND/HISTORY:

There was a motion and second to deny this resolution at the last meeting. Then it was subsequently tabled to this meeting date. Council wanted more information about roundabouts.

Council was to provide Administrator their questions and concerns. Then Administrator would get expertise answers.

Staff was also directed to put the presentation on the Town's website along with the DRAFT resolution 11-2017 and request input. The proposed plan and DRAFT resolution was placed on the Town's website after the last meeting.

I have requested legal direction about procedure once motion to remove from table is approved. CM Korn had asked if the pending motion (motion to deny) would then be before council.

FINANCIAL IMPACT: none

ATTACHMENTS:

- Reso 11-2016

ACTION OPTIONS: Council Motion to remove from Table.
Council Action on Reso 11-2017

RE: Malabar April 3 meeting

kbohne@fla-lawyers.com

Wed 4/12/2017 12:53 PM

To: Debby Franklin <townclerk@townofmalabar.org>;

Here is how I treated this. I think the motion to table in effect tabled the motion to Deny. So if there is a motion to remove from the table it is removing the motion to deny from the table and that means the motion to deny is up for discussion.

Karl W. Bohne, Jr.
Schillinger & Coleman, P.A.
1311 Bedford Drive
Melbourne, FL 32940
[321-255-3737](tel:321-255-3737) Telephone
[321-255-3141](tel:321-255-3141) Facsimile
Office Hours:

8:30 a.m. to 5:00 p.m. Monday thru Thursday

8:30 a.m. to 12 Noon on Friday

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From: Debby Franklin [mailto:townclerk@townofmalabar.org]

Sent: Wednesday, April 12, 2017 12:23 PM**To:** 'Karl Bohne' <kbohne@fla-lawyers.com>**Subject:** Malabar April 3 meeting

Karl, at the last council meeting CM Korn made a motion to deny support of the TPO presentation. It was subsequently 2nd.

Then there was a motion to table to the next meeting.

CM Korn asked that when the motion is made to remove from table, would the pending motion (motion to deny) be before them.

I don't know the answer.

Debby K. Franklin

Certified Municipal Clerk

Town Clerk Treasurer

townclerk@townofmalabar.org

Town of Malabar
2725 Malabar Road
Malabar, FL 32950

www.TownofMalabar.com

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RESO 11-2017

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PERTAINING TO A REQUEST FROM THE FLORIDA TRANSPORTATION PLANNING ORGANIZATION TO RECOMMEND A CONCEPT FOR THE WIDENING ON SR 514, MALABAR ROAD FROM THE WESTERN BOUNDARIES OF THE TOWN TO U. S. 1 (STATE ROAD 5) IN THE TOWN OF MALABAR; PROVIDING FOR DISTRIBUTION OF REQUEST; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Malabar Road is a State Road that intersects the Town of Malabar from east to west at Township lines 28 and 29 in South Brevard County; and,

WHEREAS, SR 514 Malabar Road from US Highway 1 to Babcock Street (in Palm Bay) is approximately three and a half miles of which three miles is within the jurisdiction of the Town of Malabar; and,

WHEREAS, The Florida Department of Transportation has asked their input for the recommended concepts including a four lane alternative and two lane alternative at the RTCM of April 3, 2017 and,

WHEREAS, the recommended alternatives support the Town's desired goals to limit impacts to private property and the Disc Golf Park by utilizing lands within the Malabar Scrub Sanctuary for improvements to Malabar Road and,

WHEREAS, the recommended alternative between Corey Road and Marie Street includes a paved, multi-use trail on the north side of Malabar Road.

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

SECTION 1. Findings:

1. The Town of Malabar supports the recommended alternatives and alignments of Malabar Road, including updated sections from Weber Road to Marie Street, as follows:
 - a. Weber Road to Corey Road: Four-lane suburban typical section that features two (2) vehicular lanes in each direction of travel, a bike lane in each direction of travel, and a sidewalk on both sides; and,
 - b. Corey Road to Marie Street: Two-lane rural typical section that features one (1) vehicular lane in each direction of travel, paved seven (7)-foot shoulders on both sides, and a multi-use trail on the north side.
 - c. Roundabouts at the intersections of Malabar Road with Weber Road and Corey Road.
2. The Town of Malabar supports the use of a paved multi-use trail on the north side of the improved Malabar Road from Malabar Woods Boulevard to Marie Street to enhance multimodal use and connectivity among public facilities and parks.
3. The Town of Malabar will provide ongoing maintenance to the paved multi-use trail on the north side of Malabar Road from Malabar Woods Boulevard to Marie Street.

SECTION 2. Severability.

SECTION 3. Conflict.

SECTION 4. Effective Date

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

Council Member Grant Ball
Council Member Laura Mahoney
Council Member Steve Rivet
Council Member Dick Korn
Council Member Richard Kohler)

This Resolution was then declared to be duly passed and adopted this 17th day of April, 2017

By TOWN OF MALABAR

Mayor Patrick T. Reilly, Council Chair

ATTEST:

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

(seal)

Approved for Legal Sufficiency:

Karl Bohne, Jr., Town Attorney

TOWN OF MALABAR

AGENDA ITEM REPORT

AGENDA ITEM NO: 5

Workshop Meeting Date: April 17, 2017

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

SUBJECT: Council Approval of Reso 03-2017 to Proceed with SW fee Increase Process

BACKGROUND/HISTORY:

The Town Council has provided for a Stormwater fee since 2000, but has not been consistent in budgeting for appropriate stormwater projects. In 2014, Council reviewed and prioritized a series of stormwater projects that would provide the "most bang for the buck" as submitted by the Town Engineer. Only one project was completed and two others started.

Since that time, two additional stormwater projects have been proposed to Council with their support to proceed. Both will require stormwater monies. There are 1,681 billable parcels within Malabar. Exhibit "A" defines each type of parcel and how it is calculated. Malabar rate is \$36.00 now per ERU and it has never been increased since it was adopted 17 years ago. We currently budget 70,000.00 for this tax.

This tax is calculated by the Brevard County Tax Office based on information provided by the Brevard County Natural Resources Department that calculates the rates, issues credits based on the eligible stormwater systems and collects the tax and distributes the portion to the Town. For these services the County retains ten percent (10%) of the tax. This is far more economical than for Malabar to hire staff to perform these tasks. The Department of Natural Resources also does data collection and public education for the benefit of the Town and the IRL. They also assist the Town with the required reporting to the State and compliance with our NPDES (National Pollution Elimination Discharge System) permit.

Staff would ask Council approve the increases from the list below:

FINANCIAL IMPACT:

Increasing to 42.00 per ERU will provide \$ 83,731.00 in SW funding – 10% = 75,358.00

Increasing to 46.00 per ERU will provide \$ 92,697.00 in SW funding – 10% = 83,427.00

Increasing to 52.00 per ERU will provide \$102,307.00 in SW funding – 10% = 92,076.00

Increasing to 64.00 per ERU will provide \$124,601.00 in SW funding – 10% = 112,141.00

Please Note: the numbers above reflect the total collection.

The budgeted amount would reduce each by 10%.

ATTACHMENTS:

Resolution 03-2017 with Exhibit "A"

Information from Brevard County

ACTION OPTIONS:

Staff requests Approval so that Notices can be prepared for mailing.

RESOLUTION 03-2017

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; PROVIDING FOR FINDINGS; PROVIDING FOR AN INCREASE IN THE STORMWATER NON ADVALORUM ASSESSMENT FROM \$36.00 PER ERU SET IN FY 2000 TO \$_____ PER ERU FOR THE TAX YEAR 2017 AND A FURTHER INCREASE TO \$_____ PER ERU FOR THE TAX YEAR 2018; PROVIDING FOR CLASSIFICATIONS OF PROPERTY; PROVIDING FOR CERTIFICATION OF ANNUAL STORMWATER UTILITY ASSESSMENT ROLL; ADOPTING THE UNIFORM AD VALOREM METHOD OF COLLECTION; PROVIDING FOR MASS MAIL OUT NOTIFICATION OF PUBLIC HEARING TO TAKE PLACE AT THE COUNCIL MEETING OF JUNE 19, 2017; PROVIDING FOR A COPY OF THE RESOLUTION TO BE DELIVERED TO THE BREVARD COUNTY TAX COLLECTOR; PROVIDING FOR REPEAL OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Malabar Council began assessing a non-advalorum stormwater utility fee in 2000 and has not increased it since that time; and

WHEREAS, pursuant to Section 13.5-6 of the Code of Ordinances of the Town, the Town Council is authorized to adopt a rate resolution for the purposes of imposing a stormwater utility fee or assessment upon the owners of all real property located within the Town; and

WHEREAS, Section 197.3632, Florida Statutes and Section 13.5-6 of the Code of Ordinances of the Town, provides that on or before the fifteenth day of September of any year, the Town Council shall hold a public hearing to adopt a rate resolution for the purpose of imposing said schedule of annual stormwater utility fees or assessment, after proper notice and publication as necessary; and

WHEREAS, the Town of Malabar Council began budgeting for stormwater management projects that would begin the process of putting the stormwater drainage plan within the Town's rights-of-way where they can be properly maintained by the Town and this increase will assist in the required funding of such projects; and

WHEREAS, prior to September 15, 2017, the Town Council will hold a public hearing to adopt a budget for the operation and maintenance of the Town's stormwater management program for the ensuing fiscal year, and this rate resolution adopted by the Town Council provides sufficient revenues to fund the budget adopted for the operation and maintenance of the Town's stormwater management program; and

WHEREAS, this Resolution provides a Schedule of Stormwater Assessments and Classifications specifying the amount and calculation of annual stormwater utility fee and assessment imposed within the Town for the fiscal year beginning October 1, 2017; and

WHEREAS, the proposed new rates are similar to the rates approved by Brevard County when they proposed rate increases in 2014; and

WHEREAS, upon adoption of this resolution, the Town of Malabar Council will hold a public hearing after mailing out notices as required under state law when proposing a stormwater utility fee rate increase; and

WHEREAS, the Town Council is satisfied that the annual Stormwater Utility Assessment Roll has been prepared in conformity with the said Schedule of Stormwater Assessments and Classifications; and

WHEREAS, the Town of Malabar Council will take public comment on the proposed increase at this public hearing scheduled for June 19, 2017.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Malabar, Brevard County, Florida, that:

SECTION 1. Findings. The above "Whereas" statements are true and correct and incorporated herein.

SECTION 2. Schedule.

1. The Malabar Council adopts the Schedule of Stormwater Assessments and Classifications, attached hereto as Exhibit A, for Stormwater Benefit Areas within the Town of Malabar.
2. The Malabar Council hereby adopts stormwater utility fees incorporating the rate of \$_____ per ERU per year in the calculation formulas set forth in Exhibit A. The rate increase to \$_____ per ERU per year shall be implemented in phases over a two-year period as follows:
 - a. FY 2017-2018 \$_____ per ERU per year
 - b. FY 2018-2019 \$_____ per ERU per year

SECTION 3. It is intended by the Town Council that this Resolution constitutes the rate resolution specified in Section 13.5-6 of the Code of Ordinances of the Town.

SECTION 4. The Town Council hereby ratifies, confirms, and certifies that the annual Stormwater Utility Assessment Roll for the fiscal year beginning October 1, 2017 is in conformity with the Schedule of Rates adopted by the town Council.

SECTION 5. A certified copy of this rate resolution shall be delivered to the Brevard County Tax Collector.

SECTION 6. Those stormwater utility assessments imposed during the fiscal year beginning October 1, 2017, shall be billed by the Town or its authorized representative, pursuant to the provisions of Chapter 13.5 of the Code of Ordinances of the Town and shall be due and payable on November 1 of each year, pursuant to law.

SECTION 7. The Town Council adopts the uniform ad valorem method for the levy, collection and enforcement of non-ad valorem assessments pursuant to section 197. 3632, Florida Statutes.

SECTION 8. The Clerk is hereby directed to provide mail out notice of the public hearing to take place at the council meeting of June 19, 2017.

SECTION 9. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

SECTION 10. Effective Date.

This Resolution shall not take effect until after the Public Hearing set for June 19, 2017.

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 Laura Mahoney	_____
Council Member Steve Rivet	_____
Council Member Dick Korn	_____
Council Member Richard Kohler	_____

This Resolution was then declared to be duly passed and adopted this 17th day of April, 2017.

By: TOWN OF MALABAR

Mayor Patrick T. Reilly, Council Chair

ATTEST:

Debby K. Franklin
Town Clerk/Treasurer

(seal)

Approved for Legal Sufficiency:

EXHIBIT A**SCHEDULE OF CLASSIFICATIONS AND CALCULATIONS FOR ANNUAL STORMWATER UTILITY ASSESSMENT ROLL FOR COUNTY FISCAL YEAR BEGINNING OCTOBER 1, 2014.**

BILLING CLASSIFICATIONS		
A	Agricultural	Any property which is used for commercial agricultural pursuits, and is designated as commercial agricultural on the Brevard County Property Appraiser's records.
B	Condominium and Manufactured Housing	Any property identifying an individual condominium or townhouse unit or any property upon which is located a manufactured home.
D	Multiple Single Family Dwelling Units	Any property upon which is located more than one building or structure, each of which is designed and constructed for, and capable for use as a residence for one family.
E	Commercial	Any lot or parcel upon which is located any structure or facility designed for business related uses.
I	Industrial	Any lot or parcel upon which there is a structure or building for use as productive enterprises and/or manufacturing activities.
M	Multifamily Dwelling	Any property upon which is located any building or structure, consisting of more than one dwelling unit, each designed for occupancy for one family.
N	Non-Billable	Those parcels or lots which are right of way, local Government-Owned lands or properties not billable by state, and local laws.
R	Mixed Use Residential	Any lot or parcel which contains more than one use, including one or more Single family dwellings in conjunction with more than one multi-family unit, each unit being assessed at its corresponding billing class ERU calculation.
S	Single Family Dwelling	Any property upon which is located any building or structure designed or constructed for, and capable for use as a residence for one family and is erected on a separate lot or parcel.

BILLING CLASSIFICATIONS	
V Vacant Altered	Any lot or parcel that contains no structures, is not designated as Agricultural (A) or, Non-Billable (N), and has been modified from its natural state, including lots within platted subdivided areas.
Y Vacant Improved	Any lot or parcel which is not designated as Agricultural (A) or Non-Billable (N), and has been either graded, cleared, compacted and/or excessively landscaped.

LAND USE Bill Class Formulas

One ERU, or Equivalent Residential Unit, for the purpose of calculating service charge rates has been determined through engineering analysis to be 2,500 square feet of effective impervious area.

List of terms used in the rate calculation formulas

TERM	DEFINITION
G	Gross Area of Parcel in Square Feet
I	Impervious Area of Parcel in Square Feet
M	Mitigation Factor with a range of 0.2 to 1.0 and an increment of 0.01
N	Number of Dwelling Units or Hook-Ups
NI	Adjustment Factor for Alteration of Pervious Surfaces
0.20	Pervious Factor Coefficient
0.90	Impervious Factor Coefficient
0.03	Pervious Factor Coefficient for Agricultural, Vacant Altered, Industrial Use Only
0.40	Infiltration Factor for Agricultural Land Use Cover for Good Soil Conditions (same question as prevs)
0.60	Average Runoff Coefficient for Open Space for Average Soil Conditions
DF	Melbourne Tillman Drain Fee
RATE	Per ERU. This is set by the taxing authority. (County or city with inter-local agreement)
Billing	Stormwater assessment amount

BILL CLASS		CALCULATION FORMULA
A	Agricultural (same as Vacant Altered)	# ERU's = $G \times 0.03 \times 0.4 / 2,500$ sq. ft. Billing = [#ERU's x RATE x M] – DF
B	Condominium	Billing = [1 ERU x .50 x RATE x M] - DF
D	Multiple Single Family Dwelling Units	Billing = [1 ERU x N x RATE x M] - DF <i>(If number units is unavailable this defaults to calculating with 2.)</i>
E	Commercial	NI = $I \times 1.25$ # ERU's Commercial = $\{ [(NI - I) \times 0.2] + (I \times 0.9) \} / 2,500$ sq. ft. # ERU's Vacant Altered = $[(G - NI) \times 0.03 \times 0.40] / 2,500$ sq. ft. <i>(If Vacant Altered LT 0 then this defaults to 0)</i> Billing = [{(# ERU's Commercial x RATE) + (# ERU's Vacant Altered x RATE)} x M] – DF
I	Industrial	NI = $I \times 1.25$ # ERU's Commercial = $\{ [(NI - I) \times 0.2] + (I \times 0.9) \} / 2,500$ sq. ft. # ERU's Vacant Improved = $[(G - NI) \times 0.03 \times 0.60] / 2,500$ sq. ft. <i>(If Vacant Improved LT 0 then this defaults to 0)</i> Billing = [{(# ERU's Commercial x RATE) + (# ERU's Vacant Improved x RATE)} x M] - DF
M	Multifamily Dwelling	Billing = [1 ERU x 0.50 x N x RATE x M] – DF
N	Non Billable	Billing = 0. No bills generated for these land uses
R	Mixed Use Residential	Billing = [(Sum of S, M, B, D ERUs) x RATE x M] - DF <i>Sum explained – Mixed Use Residential accounts will have more than one structure on the account. To each individual structure the Property Appraiser Office assigns a number of units and a use code. Each use code has a calculation factor of either 0.5 or 1.0. An amount for each structure is computed by multiplying the number of units times the calculation factor</i>

BILL CLASS		CALCULATION FORMULA
		<i>times the rate. The sum of these amounts for the account is then used in the Bill Class R calculation.</i>
S	Single Family Dwelling	Billing = [1 ERU x RATE x M] - DF
T	Vacant Natural	Billing = 0. No bills generated for these land uses
V	Vacant Altered (same as agricultural)	# ERU's = $G \times 0.03 \times 0.4 / 2,500 \text{ sq. ft.}$
		Billing = [#ERU's x RATE x M] - DF
Y	Vacant Improved	# ERU's = $[(G \times 0.03 \times 0.4) + (I \times 0.9)] / 2,500 \text{ sq. ft.}$
		Billing = [#ERU's x RATE x M] - DF
	Minimum Bill Amount	The minimum billing is set at \$2.35 per parcel

**TOWN OF MALABAR
AGENDA ITEM REPORT**

AGENDA ITEM NO: 6
Meeting Date: April 17, 2017

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

SUBJECT: Reconsider TPO/TAC Delegate (Mayor)

BACKGROUND/HISTORY:

The Mayor requested this be placed on the agenda. In the past this position has been held by a staff member or an elected official that would report back to Council regularly.

The Deputy Clerk/Treasurer has offered to fill this position if called upon. He previously presented a paper on the High Speed rail project and also worked on both the package sent to the Governor regarding the SR-514 issues and the IRL Clean water project.

FINANCIAL IMPACT: none

ATTACHMENTS:

- Most recent Agenda for the TPO/TAC

ACTION OPTIONS: Council Action




**SPACE COAST TRANSPORTATION PLANNING ORGANIZATION
TECHNICAL/CITIZENS ADVISORY COMMITTEES
MEETING / AGENDA NOTICE**

DATE: Monday, April 10, 2017

TIME: 9:30 a.m.

LOCATION: Brevard County Government Center
2725 Judge Fran Jamieson Way, Viera
Building C, 2nd Floor, Space Coast Room

 **Wireless Access Available**
Network Name: wirelessguest
No Password Required

TAC Chairman Scott Morgan - CAC Chairman Philip Weinberg Presiding

AGENDA

1. Call to Order of the Space Coast Transportation Planning Organization Technical and Citizens Advisory Committees
2. Approval of Minutes – February 6, 2017 *(page 1)*
3. Space Coast Transportation Planning Organization (TPO) Actions *(page 7)*
4. Bicycle Pedestrian/Trails Advisory Committee (BPTAC) *(page 13)*
5. Regional Coordination Report *(page 17)*
6. Transportation Disadvantaged Local Coordinating Board (TDLCB) Report *(page 21)*
7. Approval RE: WO 17-01H, Cost Estimate for Traffic Management Center (TMC) Design *(page 22)*
8. Approval RE: SCTPO Intergovernmental Coordination and Review (ICAR) Agreement *(page 23)*
9. Staff Report: Space Coast TPO Orientation *(page 36)*
10. Local Government Report *(page 69)*
11. Florida Department of Transportation Report *(page 87)*
12. Public Comment
13. Adjourn

Glossary of Terms – Final Page

Next meeting dates, times and places:

TPO Board – April 13, 2017, 9:00 a.m., Florida Room, Bldg. C 3rd Floor
TAC/CAC – May 8, 2017, 9:30 a.m., Space Coast Room, Bldg. C, 2nd Floor
BPTAC – May 22, 2017, 5:30 p.m., Space Coast Room, Bldg. C, 2nd Floor



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**TOWN OF MALABAR
AGENDA ITEM REPORT**

AGENDA ITEM NO: 7
Meeting Date: April 17, 2017

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

SUBJECT: Updates to Capital Improvement Plan projects

BACKGROUND/HISTORY:

The P&Z Board is currently reviewing this. As this is a requirement of the Comp Plan to review and update annually with a forecast out of 5-year projects and their funding sources.

Once they have finalized their action and made a recommendation to Council, Council should hold a workshop to develop a realistic plan that would incorporate the needed improvements.

FINANCIAL IMPACT: none at this time

ATTACHMENTS:

- Last two years of CIP projects and their funding sources
- General information from the Government Finance Officers Assc on Common Projects included in a C.I.P.

ACTION OPTIONS: Council Information

MALABAR 5-YEAR CAPITAL IMPROVEMENT PLAN

CAPITAL IMPROVEMENT	YEAR 1 FY2016	YEAR 2 FY2017	YEAR 3 FY2018	YEAR 4 FY2019	YEAR 5 FY2020	FUNDING SOURCE	STATUS
EXTEND MARIE TO ATZ			X			TIFT AND ANNUAL BUDGET	
FIRE DEPT FLASHING LIGHT			X			ANNUAL BUDGET	
RESURFACE WEST HALL			X			ANNUAL BUDGET	
RESURFACE WEST ATZ		X				ANNUAL BUDGET	
RESURFACE OLD MISSION			X			ANNUAL BUDGET	
TRAILHEAD RESTROOMS	X					GRANT / ANNUAL BUDGET	COMPLETE
PAVE EVA LANE		X				ANNUAL BUDGET	
SW COREY RD PROJECT		X				ANNUAL BUDGET	
IMPROVE QUARTERMAN		X				ANNUAL BUDGET	
ARTESIAN HYDRANT		X	X	X	X	ANNUAL BUDGET	

The Town of Malabar Capital Improvement Plan (CIP) has a five year life span and is formally reviewed annually at budget time.

Department, physically verified/confirmed by all departments), the completion of an asset maintenance and replacement schedule submitted by each operating department requesting capital items to be included in the budget, and a project time-table containing project requests for future needs.

The Finance Department will then consolidate all requests filed by all departments under the CIP by completing a prescribed financial analysis of historical revenues and expenditures to evaluate all CIP proposals, and at the same time correlate these proposals to pre-approved documents and ordinances (e.g., for compliance with the approved Comprehensive Plan). Priority rankings of proposed CIP projects are determined through special meetings among executive members of the local government.

Common Projects Included in the CIP

Under the classification of Infrastructure, the most commonly proposed CIPs would be: roads, sewers, storm sewers, sidewalks, bridges, curb and gutter, street lights, and other utilities that the local government owns and operates. Projects that fall under the Buildings category would be: administration buildings, libraries, museums, treatment plants, civic centers, and public swimming pools. Under Equipment would be: fire trucks, police cruisers, generators, and IT equipment. Land would include: parks, gardens, tree nurseries, waterfronts, and industrial park land.

Funding Capital Projects

Funding for capital projects could come from various sources, including the general fund or general revenue, grants (possibly with matching requirements), debt proceeds (general obligation or revenue bonds), special taxes or assessments, or impact or user fees.

References

GASB 34:

<http://www.journalofaccountancy.com/Issues/2001/Nov/ImplementGasbNo34.htm>

GASB Priorities: <http://www.muninetguide.com/articles/pensionsprivatizationmunicipalbankruptcy-top-303.php>

GFOA Economic Development and Capital Planning:

http://www.gfoa.org/index.php?option=com_content&task=view&id=123&Itemid=133

State of Minnesota Department of Management & Budget:

<http://www.mmb.state.mn.us/capbudget>