

**TOWN  
OF  
MALABAR**  
AGENDA PACKET

June 20, 2016

Council Meeting  
7:30 PM

**REGULAR TOWN COUNCIL MEETING  
MONDAY JUNE 20, 2016 at 7:30 PM  
COUNCIL CHAMBERS, 2725 MALABAR ROAD, MALABAR, FLORIDA**

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**AGENDA**

- A. **CALL TO ORDER: PRAYER AND PLEDGE**
- B. **ROLL CALL**
- C. **APPROVAL OF AGENDA – ADDITIONS / DELETIONS / CHANGES:**
- D. **APPROVAL OF MINUTES:**
  - 1. **Regular Council Mtg of 6/6/16**
    - Exhibit: Agenda Report No. 1
    - Recommendation: Request Approval
- E. **ATTORNEY REPORT:**
- F. **STAFF REPORTS: ADMINISTRATOR: CLERK:**
- 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/SPECIAL ORDERS: NONE**
- I. **UNFINISHED BUSINESS/GENERAL ORDERS: NONE**
- J. **ACTION ITEMS:**
  - ORDINANCES FOR FIRST READING: 1:**
  - 2. **Referendum Question for Ballot – Single District Voting (Ord 2016-01)**  
AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY FLORIDA; REPEALING ORDINANCE 2014-09; CALLING AND SCHEDULING A PERIODIC ELECTION TO DETERMINE IF THE TOWN SHOULD CONTINUE TO PARTICIPATE IN THE BREVARD COUNTY MUNICIPAL SERVICE TAXING UNIT (MSTU) FOR LAW ENFORCEMENT; CALLING AND SCHEDULING A PERIODIC ELECTION TO DETERMINE IF THE TOWN SHOULD AMEND THE CHARTER, SECTION 2.02 TO CHANGE THE CURRENT WAY TOWN COUNCIL MEMBERS ARE ELECTED FROM “AT-LARGE” TO BEING ELECTED BY DISTRICT; PROVIDING FOR THE MANNER IN WHICH SUCH ELECTION SHALL BE CONDUCTED; ESTABLISHING THE FORM OF THE BALLOT FOR SUCH ELECTION; PROVIDING AN EFFECTIVE DATE.
    - Exhibit: Agenda Report No. 2
    - Recommendation: Request Action on 1<sup>st</sup> Reading
- RESOLUTIONS: 1:**
- 3. **Repeal of Conflicting resolutions re: Council Procedures (Reso 05-2016)**  
A RESOLUTION TO REPEAL PRIOR RESOLUTIONS PERTAINING TO COUNCIL PROCEDURES AND ADMINISTRATION TO INCLUDE BUT NOT BE LIMITED TO RESOLUTION 07-2014, RESOLUTION 30-2013, RESOLUTION 11-2012, RESOLUTION 104-2011, RESOLUTION 01-2009, RESOLUTION 13-2008, RESOLUTION 04-2007, RESOLUTION 5-97, AND OTHERS THAT MAY MEET THIS CRITERIA PRIOR TO RESOLUTION 04-2016.
  - Exhibit: Agenda Report No. 3
  - Recommendation: Request Action on Reso 05-2016

**MISCELLANEOUS: 2**

**4. Repeal Section 13.38 of Chapter 13 re: Street Improvement Requirements**

**Exhibit:** Agenda Report No. 4

**Recommendation:** Request Council Direction re: Code Amendment

**5. Revise Meeting Date for 1<sup>st</sup> Mtg in July**

**Exhibit:** Agenda Report No. 5

**Recommendation:** Select Alternate Meeting Date for 7/4/16

**6. Review of TA Purchasing Policy**

**Exhibit:** Agenda Report No. 6

**Recommendation:** Direction to Adopt by resolution

COUNCIL CHAIR MAY EXCUSE ATTORNEY AT THIS TIME

**K. DISCUSSION/POSSIBLE ACTION:**

**7. Limit Corey and Weber Roads to Local Traffic Only (CM Korn)**

**8. Repeal SW Assessment (CM Krieger)**

**L. PUBLIC COMMENTS: General Items (Speaker Card Required)**

**M. REPORTS / ITEMS FOR NEXT AGENDA– COUNCIL MEMBERS, MAYOR, STAFF**

**N. ANNOUNCEMENTS:**

(2) Vacancies on the Board of Adjustment;

(3) Vacancies on the Park and Recreation Board;

(1) Vacancy on the Planning & Zoning Board

**O. 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: June 20, 2016**

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

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**SUBJECT: Approval of Minutes**

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**BACKGROUND/HISTORY:**

Attached are the summary minutes for the following meetings:

- Regular Town Council Meeting – 6/6/2016

**ATTACHMENTS:**

Draft Minutes of the following meeting:

- Regular Town Council Meeting – 6/6/2016

**ACTION OPTIONS:**

The Town Clerk requests approval of the minutes.

**MALABAR TOWN COUNCIL REGULAR MEETING**  
**June 6, 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 7:35 pm by Council Chair Mayor Phil Crews. CM Vail led the prayer and pledge.

**B.     ROLL CALL:**

COUNCIL CHAIR:	Mayor PHIL CREWS
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 was also present.

**C.     APPROVE AGENDA - ADDITIONS/DELETIONS/CHANGES – none.**

**D.     APPROVE MINUTES –**

**1.     Regular Council Mtg of 5/16/16**

**Exhibit:**                      Agenda Report No. 1

**Recommendation:**        Request Approval

**MOTION:** CM Kohler / CM Vail to approve RTCM 5/16/16 as submitted. Discussion: none

**VOTE:** All Ayes.

**E.     SHERIFF'S REPORT:**

Deputy Donosi said it was a quiet month. Mostly had vehicle crashes; 30 this month. 2 thefts and 4 burglaries. 12 suspicious vehicles; 13 suspicious persons, 1 attempted suicide, 3 disturbances. He stated that next month a Lt will be here. CM Krieger asked about written report. TA said that Council specifically asked for an in person report.

**F.     ATTORNEY REPORT:** none – CM Krieger asked about status. TA asked about statute of limitations.

**G.     STAFF REPORTS: ADMINISTRATOR:**

TA briefed Council – Gradall is broken down; technician was supposed to be here today but was no show.

1) south end of Marie, North end of Corey.

2) cleared culverts and ditches as much as possible in storm prep.

3) re: folder in front of each CM with a preliminary report on purchasing – take it home and look it over and mark it up and hand it back in and then we can draft a resolution and get it to attorney.

4) contract has been let for septic for ADA. Health Dept. is swamped and Pence will be submitting it by week end. Project should be complete within 6 weeks.

5) Went to seminar re: crisis mgnt. Go to town website and you will get updates on your smart phone. Some of the comments on social sites have not been correct. It does not benefit anyone. At seminar, they were told to join all these social media sites. He doesn't agree.

CM Korn said he will read comments during his report. He said his wife had noticed all the work the PW has been doing. Someone came up to her at local restaurant and thanked her for work PW has been doing. Someone stopped him at Home Depot and said same thing to him.

**CLERK:** Have not received anything from Council or Boards for newsletter. New article complementing the PW with photo and equipment.

TA said drainage issues are from the 1920's. He has found road elevations and contour maps and this information is absolutely necessary before any shovel is put in the ground.

**FIRE CHIEF:**

Month of May review: He read from his report. 41 calls for the month of May. 36 active FF and 10 support services. 10,261 hours of volunteer's x 23/hr. – basically that is what you are saving. Through Forestry they got a cascade system. VFA grant.

DOF vehicle 72K value and then will be brought up to speed. Any questions. None

**BOARDS:**

P&Z Vice Chair Liz Ritter – waiting on information to come in from 5-year plan.

Park Bd Chair Hans Kemmler – doing work at Disc Golf Park – fixed T-pad

Standing committee for SpringFest and have three members – report to Park Board or Council it doesn't matter. Meeting once a month. 3<sup>rd</sup> Thursday of month for meeting. Mayor said events committee and they want to report directly to council. Mayor told them that would be a council decision. CM Korn said his recommendation to be a subcommittee of Parks and Rec. Mayor added that as a standing committee they can use outsiders. CM Vail said what are their plans for Huggins Park. CM Korn said it is a wonderful piece of land very well maintained property. CM Vail said add article in newsletter. CM Kohler added it could be a dog park. Add to next Park and Rec agenda.

T&G Chair Drew Thompson said they would like to do what they did at north end of Corey at Marie Street at south end by Atz Road. He asked why there is a no trespassing sign there. Would like to have the sign removed. The committee could then do a meandering trail heading east through Jordan Blvd. Simply allow some access to Jordan Scrub. If Council approves, it would be a temporary use until Atz connects to Marie Street. Talk about it at council and get back to them.

On another front – USNG – GIS for signage and mapping so someone's smart phone everyone is talking about using SCTPO – Bike Trail Advisory Com BTAC. Murry Hann is actually the Chair. That is the forum that gives suggestions to TPO for consideration and funding.

Their emphasis is connecting with other communities. CM Vail asked about integrating G-V and Malabar on similar projects. Their committee is looking at working on Maries St ROW at south end (Leghorn) but there is a problem with wetlands. Talking to EELs and / or getting easement from Harris Corp. CM Korn asked about Leghorn. He hadn't been there in years. Would wooden bridge on Al Tuttle trail be what he means. Yes. But that was a EELs project.

Mayor Crews referred to some county property at south end that county offered us for parks but we declined. CM Kohler suggested he contact BMBA for volunteer help. Drew mentioned their improved website.

CM Krieger asked about cycle tracks – re: funding. The last meeting of TPO they discussed a paved 2-way cycle track. One of the roads up in Titusville was actually dedicating the ROW.

Palm Bay is dedicating a new park on east side of Babcock Street. Olin Johnson. CM Kohler said it is already a trail but it is not official.

**H. 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.**

- I. PUBLIC HEARINGS/SPECIAL ORDERS: 0**
- J. UNFINISHED BUSINESS/GENERAL ORDERS: 0**
- K. ACTION ITEMS: ORDINANCES FOR FIRST READING: 0**  
**ORDINANCES FOR FIRST READING: 0;**  
**RESOLUTIONS:**

**2. Resolution Repealing** Prior Resos re: Council Procedures (Reso 05-2016) A RESOLUTION TO REPEAL PRIOR RESOLUTIONS PERTAINING TO COUNCIL PROCEDURES AND ADMINISTRATION TO INCLUDE BUT NOT BE LIMITED TO RESOLUTION 07-2014, RESOLUTION 30-2013, RESOLUTION 11-2012, RESOLUTION 104-2011, RESOLUTION 01-2009, RESOLUTION 13-2008, RESOLUTION 04-2007, RESOLUTION 5-97, AND OTHERS THAT MAY MEET THIS CRITERIA PRIOR TO RESOLUTION 04-2016.

**Exhibit:** Agenda Report No. 2  
**Recommendation:** Request Action

MOTION: CM Vail / CM Krieger to approve Reso 05-2016. Discussion: Some confusion over the question of whether that left any resolution in place to provide guidelines.

MOTION: CM Vail / CM Krieger to table until confusion is clarified.

**3. Resolution Expressing Malabar's Position** re: SR514 Widening (Reso 06-2016) 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. 3  
**Recommendation:** Request Action

MOTION: CM Vail / Krieger to approve Reso 06-2016

Discussion: CM Vail – summed up his constituent's ideas. CM Krieger said he presented the reso at the last meeting and the reso in package was changed and had additional stuff by Doug. He handed out revised reso with his comments in italics. Line throughs and underlines are shown.

Krieger said they should get the intersections improved first and take the traffic signals out of the resolution. Chair asked if he wanted to amend the motion. CM Krieger wants to amend the reso to take out the lights. Utilize land on north side. Did not implement – last line has italics. Under findings – use. He doesn't envision the discussion

Motion is to replace pg. 1 with new pg. 1. Krieger and Ball. Krieger said this is a sharp stick in the eye. Where is this going. More has to be done but this is a start. First do the two intersections.

MOTION: CM Krieger / Ball to approve Reso 06-2016 with new page 1.

CM Korn agrees with 80-90% of what CM Krieger has said. But we need to get their attention. The presentation they gave to us at last meeting was a scam. My suggestion to them is honor your promise on 2014 to improve intersections and reduce speed. After you have done that in good faith. CM Krieger thinks this reso will do that.

CM Vail asked about funding. CM Krieger said he went to the meetings at the hospital it was their interpretation to improve the intersections was a done deal.

CM Ball said he supports Krieger's reso but still thinks traffic lights are necessary. TA agrees with Krieger but had talked to the BCSO MSTU deputies and they felt the traffic lights were needed. The turn lanes will cause more accidents. Also with the high speed the Chief said it is hard to get rescue vehicles. He spoke with the FDOT and they said tell him what they really want. We need a reso that is unified.

CM Vail said he went through the same thing in front of his shop. It was 2-lane. Since they widened there are more T-bone accidents. Overall and exposure to it, during high traffic times, it is worse.

Voting on amendment first: take lights out. CM Ball said his concern is  
CM Ball, Aye; CM Vail, Aye; CM Krieger, Aye; CM Korn, Aye; CM Kohler, Aye. Motion carried 5 to 0.

Voting on Reso: approve as amended - replacing pg. 1.  
CM Ball, Aye; CM Vail, Aye; CM Krieger, Aye; CM Korn, Aye; CM Kohler, Aye. Motion carried 5 to 0.

#### MISCELLANEOUS:

#### 4. Malabar's Position on All Aboard Florida High Speed Passenger Rail

**Exhibit:** Agenda Report No. 4

**Recommendation:** Request Action

MOTION: CM Krieger / CM Kohler to table this item as there is no urgency. Krieger/Kohler.  
Vote: All Aye. TA said DEP has raised new questions so there is a delay.

#### 5. Direction on Cell Tower Land Lease

**Exhibit:** Agenda Report No. 5

**Recommendation:** Request Action

Motion:

Discussion. TA currently have a lease with Crown Castle. They have come to us near the end of the 5-year multiple renewals.

Option: larger amount – if they added new carrier and we get nothing.

Option 2: lesser amount but if they get new carrier we get 200 each.

Right now we get a smaller amount monthly and it just goes into the general fund. CM Vail said what is the amortization schedule. TA said in 10 years. Also if technology changes

MOTION: CM Korn / CM Vail to take the larger amount now.

Discussion: CM Korn believes that the technology is changing so fast and the satellites will be replacing towers.

CM Ball said he doesn't have a problem with onetime payment. CM Vail said what kind of interest. 2 basis points. TA has investigated some investments for government funds. CM Krieger said the towers are going to be around for a long time and why aren't we looking at other cell tower vendors.

Mrs. Ritter, Orange Avenue asked what are we doing to replace the monthly amount? CM Vail said that getting the reserves built back up is more important. He has been asking about this for a long time. If they have been pulling from reserves to meet budget, then it is a double shortfall. CM Krieger said there is more information we want. CM Korn asked if TA



would he be comfortable going back to them and request a higher number. TA said he looked at the internet. What we are receiving from Crown Castle is consistent with other vendors are paying.

Vote: Ayes, 0; Nay, 5.

- 6. Referendum Question re: Single District Voting**  
**Exhibit:** Agenda Report No. 6  
**Recommendation:** Request Action

MOTION: Vail / Ball to direct staff to prepare an ordinance to put question on ballot.

Vote: All Ayes.

Consensus to change language on MSTU question to use the 2012 language.

COUNCIL CHAIR MAY EXCUSE ATTORNEY AT THIS TIME 9:20pm.

**L. DISCUSSION/POSSIBLE ACTION:**

- 7. Discuss Policy re: "Purchasing" & "Piggy-backing"**  
**Exhibit:** Agenda Report No. 7  
**Recommendation:** Discussion

CM Krieger: is there some proposed language. Yes, price points, different issue. Put on next agenda if council gets feedback from Council. TA said it is pretty straight forward.

CM Vail said re: Chap 13 allowing variances. Not looking for decision tonight. He thinks they should do away with it or change it to make it applicable to the person that got the variance. It is the price of admission. He built 644' of road. We have enough problems with short roads. At some point we are already dealing with problems in the future. Chair asked CM Vail to prepare a motion for the next meeting.

**M. PUBLIC COMMENTS: General Items (Speaker Card Required)**

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

CM Krieger drove by and saw a bunch of cars. It seems to him that it should go to all the boards before it goes to BOA. First it is supposed to go to P&Z and Council. CM Korn said BOA out ranks all other boards and council.

CM Vail said there was mechanism in place to save him 15K. Put something on mowing in newsletter and ideas for Huggins Park.

CM Krieger said he didn't know about the BOA meeting. Nothing on door, in window box or at PO.

CM Korn said Dr. Ireland didn't build short – Ed Booth allowed him. Franklin said yes there is an Order and there was a BOA and it was recorded and she will provide copies.

CM Kohler - nothing

CM Ball for next agenda put on Events Committee for decision. Mayor's recommendation would be to be part of Park and Recreation. CM Ball said the teen council.

CM Korn put on next agenda about limiting vehicular traffic on Weber and Corey. No through traffic. Brought this up before and spoke to GV Mayor and one of their council members. Please put on next agenda for discussion.

Chair said a standing committee is /is not required to comply to sunshine. Get ruling from Attorney.

CM Korn read letter into record. Copy attached. Re: next door. CM Kohler if you look at any social site there is always going to be nay sayers.

TA said most of the people putting stuff on social media usually eventually make a fool of themselves. CM Korn said just they seem to be trying to tear the town down. CM Kohler said take it with a grain of sand.

CM Krieger would like the budget to actuals in Excel on a monthly basis. Sewage franchise agreement. CM Krieger said they don't want Palm Bay to force people onto sewer. Chair said it is already in contract. CM Vail said he did say he wanted to put it in writing. Chair said read the contract.

CM Krieger wants to have discussion item for next agenda – SW assessment (non-ad-valorum) change or not to have it at all. For discussion.

**O. ANNOUNCEMENTS:**

- (2) Vacancies on the Board of Adjustment;
- (3) Vacancies on the Park and Recreation Board;
- (1) Vacancy on the Planning & Zoning Board

**P. ADJOURNMENT:**

There being no further business to discuss, Chair stated without objection the meeting is adjourned. The meeting adjourned at 9:55 PM.

BY: \_\_\_\_\_  
Mayor Phil Crews, Council Chair

(seal)

ATTEST:

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

Date Approved: \_\_\_\_\_/2016

**TOWN OF MALABAR  
AGENDA ITEM REPORT**

**AGENDA ITEM NO: 2**  
**Meeting Date: June 20, 2016**

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

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**SUBJECT: Referendum Questions for November 8, 2016 Election: MSTU & Single District  
Voting (Ord 2016-01)**

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**BACKGROUND/HISTORY:**

Council requested at the June 6, 2016 meeting the Attorney to draft the MSTU question that we put to the voters every two years using the ballot language from 2012. They also directed him to add another question regarding single district voting changing the language in the Charter, Section 2.02.

**FINANCIAL IMPACT:**

**ATTACHMENTS:**

Ordinance 2016-01 for 1<sup>st</sup> Reading

**ACTION OPTIONS:** Council Approval of 1<sup>st</sup> Reading of Ordinance 2016-01.

ORDINANCE 2016- 0\

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY FLORIDA; REPEALING ORDINANCE 2014-09; CALLING AND SCHEDULING A PERIODIC ELECTION TO DETERMINE IF THE TOWN SHOULD CONTINUE TO PARTICIPATE IN THE BREVARD COUNTY MUNICIPAL SERVICE TAXING UNIT (MSTU) FOR LAW ENFORCEMENT; CALLING AND SCHEDULING A PERIODIC ELECTION TO DETERMINE IF THE TOWN SHOULD AMEND THE CHARTER, SECTION 2.02 TO CHANGE THE CURRENT WAY TOWN COUNCIL MEMBERS ARE ELECTED FROM "AT-LARGE" TO BEING ELECTED BY DISTRICT; PROVIDING FOR THE MANNER IN WHICH SUCH ELECTION SHALL BE CONDUCTED; ESTABLISHING THE FORM OF THE BALLOT FOR SUCH ELECTION; PROVIDING AN EFFECTIVE DATE.

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

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

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

**WHEREAS**, The Town Council has recommended that a referendum question be submitted to the electors of the Town to determine if the Town Charter should be amended to change from "at-large" voting to district voting as more particularly described herein.

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

• • • • •

**SECTION 1.** Ordinance 2014-09 is hereby repealed.

**SECTION 2.**

A referendum election is hereby called and scheduled to be held concurrent with the general election in November, 2016, to determine whether the Town of Malabar shall continue participation in the Brevard County MSTU for Law Enforcement and a referendum election is also hereby called and scheduled to be held concurrent with the general election in November, 2016, to determine whether the Town of Malabar should adopt an amendment to the Town Charter, section 2.02 relating to how Town Council members are elected, as more particularly described in Exhibit A, shall be approved by a majority of the votes cast in such election in which the qualified electors residing in the Town shall participate. Such referendum election

shall be held and conducted in a manner prescribed by law for all general elections. The place for voting in such referendum election shall be the usual place for voting in the Town in the general election to be held in November, 2016.

**SECTION 3.**

The ballot to be used at such referendum election shall contain a statement of the proposed subject matter of the question and shall provide facilities for qualified electors to vote for or against continued participation in the Brevard County Law Enforcement MSTU and an amendment to Section 2.02 of the Town Charter relating to a change from "at-large" voting to district voting in two (2) separate ballot questions.

**Ballot 2016  
Town of Malabar, Florida**

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

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

Yes  
 No

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

**Question 2. Amendment to section 2.02 of the Charter relating to the election of the town council members**

Shall Section 2.02 of the Charter be amended to change how the town council members are elected from "at-large" to being elected from the district in which the candidate resides?

Yes  
 No

Instruction to voters: If you are in favor of the adoption of the foregoing amendment to the Charter mark the space to the left of the word "YES". If you are not in favor of the adoption of the foregoing amendment to the Charter, mark the space to the left of the word "NO".

**SECTION 4.**

The Town Clerk is hereby authorized and directed to instruct the Supervisor of Elections of Brevard County to include the above-described questions on the ballot for the general election to be held on the \_\_\_ day of November, 2016.

**Section 5.**

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

**Section 6.**

If continued participation in the Brevard County Law Enforcement MSTU is not approved by a majority of the votes cast in such referendum election the Town Council shall repeal Ordinance No. 2007-05. If the amendment to the Town Charter described in Question No. 2, hereinabove is approved by the electors of the Town, then such amendment shall take effect with the general election of the Town at which such referendum was approved.

**SECTION 7.**

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

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

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

This Resolution was then declared duly passed and adopted this \_\_\_\_ day of \_\_\_\_\_, 2016.

Town of Malabar

\_\_\_\_\_  
Mayor Phil Crews, Council Chair

ATTEST:

\_\_\_\_\_  
Debby K. Franklin  
Town Clerk/Treasure (Seal)

Approved as to Form and Content

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

**EXHIBIT A**  
**Town of Malabar Language of Proposed Charter Changes**  
(In all cases, words crossed out with ~~strike through~~ are to be deleted  
and words underlined are to be added.)

**REFERENDUM QUESTION:**

1. Shall Section 2.02 of the Town Charter be amended as follows:

**“Sec. 2.02. - Composition.**

The Town Council Members shall be elected from five (5) separate districts to the election of Town Council members, who shall reside in five (5) separate districts, ~~but and are~~ who shall be elected at large by the voters of the district where the candidate for Town Council resides. The Town shall also elect a mayor who is elected at large.

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

Public notice is hereby given that on November \_\_\_\_, 2016; the issue of whether the Town of Malabar shall continue participation in the Brevard County Law Enforcement MSTU and whether Section 2.02 of the Charter shall be amended will be submitted to the qualified electors of the Town of Malabar and will appear on the same election ballot as a referendum on that date as one separate ballot question.

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

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

**Question 2.** Shall Section 2.02 of the Charter be amended to change how the town council members are elected from "at-large" to being elected from the district in which the candidate resides?

The places of voting shall be the usual places of voting in the Town of Malabar during the general election scheduled on November \_\_\_\_, 2016 and the polls shall be open from 7:00 a.m. to 7:00 p.m. on the said date. All duly qualified electors residing within the Town of Malabar shall be entitled to participate and vote in said referendum election.

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

**2016 Ballot**  
**Town of Malabar, Florida**

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

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

Yes  
 No

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



**Question 2. Amendment to section 2.02 of the Charter relating to the election of the town council members**

Shall Section 2.02 of the Charter be amended to change how the town council members are elected from "at-large" to being elected from the district in which the candidate resides?

Yes  
 No

Instruction to voters: If you are in favor of the adoption of the foregoing amendment to the Charter mark the space to the left of the word "YES". If you are not in favor of the adoption of the foregoing amendment to the Charter, mark the space to the left of the word "NO".

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

**TOWN OF MALABAR  
AGENDA ITEM REPORT**

**AGENDA ITEM NO: 3**  
**Meeting Date: June 20, 2016**

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

---

**SUBJECT: Resolution Repealing Prior resolutions re: Council Procedures (Reso 05-2016)**

---

**BACKGROUND/HISTORY:**

Council voted on a motion to repeal the resolutions pertaining to Council procedures that were in place prior to March of 2016. CM Krieger made this recommendation since there have been so many resolutions approved over the years dealing with council procedures and it was not completely clear if all the prior ones had been repealed. The Attorney advised that this must be done with a resolution.

On March 21, 2016 Council adopted Reso 04-2016 that updated the council procedures. It is just a coincidence that the next number assigned to a resolution is "5".

By adopting this resolution, you are NOT repealing all Council procedures.

**FINANCIAL IMPACT:** none

**ATTACHMENTS:**

Reso 05-2016

**ACTION OPTIONS:** Adoption of Reso 05-2016

RESOLUTION 05-2016

A RESOLUTION TO REPEAL PRIOR RESOLUTIONS PERTAINING TO COUNCIL PROCEDURES AND ADMINISTRATION TO INCLUDE BUT NOT BE LIMITED TO RESOLUTION 07-2014, RESOLUTION 30-2013, RESOLUTION 11-2012, RESOLUTION 104-2011, RESOLUTION 01-2009, RESOLUTION 13-2008, RESOLUTION 04-2007, RESOLUTION 5-97, AND OTHERS THAT MAY MEET THIS CRITERIA PRIOR TO RESOLUTION 04-2016.

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

SECTION 1.

Malabar Town Council directs that Resolution 07-2014 and any/all other resolutions prior to Resolution 07-2014 pertaining to council procedures and administration.

SECTION 2. Effective Date. This Resolution shall take effect immediately upon its adoption.

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

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

This Resolution was then declared to be duly passed and adopted this 20th day of June, 2016.

By: TOWN OF MALABAR

\_\_\_\_\_  
Mayor Phil Crews, 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: June 20, 2016**

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

---

**SUBJECT: Repeal Section 13-38 (c ) re: variances to road improvement process**

---

**BACKGROUND/HISTORY:**

There has been interest to change or repeal this section of the code.

Staff is well versed in the prerequisites to developing a parcel in Malabar. We not only provide the applications and checklists, we provide the sections of applicable code to guide them.

When a property owner has requested information on special exceptions or variances to our code we have also provided those sections of the code dealing with variances.

Staff respectfully requests that the code be changed if Council no longer wants to provide that as an alternative method to develop their property.

**ATTACHMENTS:**

Section 13-38 (c ) of Chapter 13, Street Improvement

**ACTION OPTIONS:**

Staff requests direction.

(2) However, should such principal structure not be located wholly on one (1) lot, or should the owner desire to construct accessory uses, ponds or outbuildings (accessory to the principal structure) on the contiguous lot, then the local street/road shall be improved through the furthest boundary on which such accessory building to be constructed.

(c) The board of adjustment may only grant a variance to the requirements of subsection (b)(1) and (2). Notwithstanding the authority granted to the board of adjustment in section 1-12 of the Town of Malabar Land Development code the below stated procedures shall in all respects be utilized for a variance to subsection (b)(1) and (2). In order to authorize a variance under this section the board of adjustment must find the following:

- (1) That special conditions and circumstances exist and that the presence of which would make complying with subsection 13-38(b)(1) or (2) unreasonable. Financial or economic reasons, conditions or circumstances shall not be grounds for a variance under this section;
  - (2) The special conditions and circumstances are not caused in any way by the owner or applicant;
  - (3) That such variances will not be injurious or detrimental to the public welfare;
  - (4) That the variance granted is the minimum variance that will make possible the reasonable use of the land;
  - (5) As a condition to the issuance of a variance the owner of the property shall dedicate the right of way required by section 13-39 of the code through the furthest boundary of the lot of record on which a principal structure or accessory structure is to be constructed. The owner shall also execute an agreement in recordable form with the town that binds the owner and his/her successors in interest to pay for the proportionate share of completion of the road through the furthest boundary of the lot of record on which a principal structure or accessory structure is constructed in the event the road is completed by another. The board of adjustment may impose additional reasonable conditions and safeguards that it deems appropriate;
  - (6) The board of adjustment may prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed or both.
- (Ord. No. 01-01, § 1-3, 2-5-01; Ord. No. 03-01, § 2, 2-24-03; Ord. No. 03-05, § 1, 6-16-03; Ord. No. 07-11, § 1, 7-16-07; Ord. No. 08-07, § 1, 6-16-08)

**Sec. 13-39. Precondition to issuance of building permit--Dedication of sufficient right-of-way.**

Except as provided for in section 13-39.1, as a precondition for the issuance of any building permit for a permitted structure on property that abuts an unimproved or unaccepted right-of-way within the Town of Malabar, Brevard County, Florida, the owner of the property

**TOWN OF MALABAR  
AGENDA ITEM REPORT**

**AGENDA ITEM NO: 5**  
**Meeting Date: June 20, 2016**

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

---

**SUBJECT: Revise Council Meeting Date due to July 4<sup>th</sup> Holiday**

---

**BACKGROUND/HISTORY:**

The first Monday in July this year is July 4, Independence Day. Since this is a federal holiday, I would ask Council to select an alternative date.

**ATTACHMENTS:**

July Calendar

**ACTION OPTIONS:**

Staff requests direction.



**TOWN OF MALABAR  
AGENDA ITEM REPORT**

**AGENDA ITEM NO: 6  
Meeting Date: June 20, 2016**

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

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**SUBJECT: TA Purchasing Policy**

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**BACKGROUND/HISTORY:**

The TA handed this out at the June 6 meeting and requested comments back. As of June 15, 2016 I have received no comments to include in this packet.

**ATTACHMENTS:**

Purchasing Policy

**ACTION OPTIONS:**

Staff requests direction.



# PROPOSED PURCHASING GUIDELINES

05/12/2016

## NON PIGGYBACK PURCHASES

\$0.00 to \$1,000.00

1. No purchase order required for purchases between \$0.00 and \$1,000.00 unless the item or service being purchased required definition as to size, color, application or other custom feature that requires delineation. In this case a completely filled out purchase order with all of the pertinent requirements as is necessary in order to conclude a transaction, including those listed below in section 2.

No purchase orders are to be issued “after the fact” i.e.: items purchased and then a purchase order issued for the purchase. Exceptions to this would include an emergency that would affect safety of a resident or employee or cause a catastrophic occurrence.

After the fact invoices will not be honored by the Town. Violation of this policy shall be cause for disciplinary action to the offender up to and including termination.

\$1,000.01 to \$10,000.00

2. Purchases of \$1,000.01 to \$10,000.00 shall identify the requestor and the justification for said request for purchase. Town Council shall approve any purchase amount over \$5,000.00 unless said item or service is specifically called out in the Town Annual Budget, in which case prior approval is deemed in place.

The Purchase Order/Contract shall include the following as they apply to the item or service being purchased :

Complete Specifications and or Outline of Work Required

Vendor/Contractor Requirements

Insurance – if required for service

Valid License – if required for service

Length of Time for Proposal Validity

Delivery/Completion Time.

Town of Malabar purchase documents take precedence over all other vendor documents in their entirety.

FOB Point. Note: In most cases the preferred FOB point is Town of Malabar. (freight damage)

Exclusions

Terms and Conditions Waiver of Lien upon Acceptance and Payment – if required for service.

Acknowledgment copy of the purchase order / Contract to be signed by the vendor and returned to the Town as notification and acceptance of the P.O./Contract.

\$10,000.01 and up.

3. Purchases of \$10,001.00 and above require public call for bid in a recognized publication and Town Council Majority approval prior to making an award for the issuance of any purchase order or contract. In addition all of the requirements listed in section 2 must be part of any purchase order or contract.

## **PIGGYBACK CONTRACTS**

- I. Piggybacking is the ability of one governmental agency to avail itself of the purchasing power of other governmental agencies when like services, products or equipment are required. This will reduce costs due to the elimination of writing specifications, advertising for bids, bid evaluation and the economy of scale. In certain instances this process of combining purchases with other governmental agencies may be of value to the Town of Malabar.
- II. In order for Malabar to utilize combined purchasing the following conditions must be met:
  - a. The requirement to purchase must be the same or similar to the purchase being made by a sister organization.
  - b. The Town of Malabar must obtain at least one check bid prior to making any commitment to becoming a party to a given piggyback contract.
  - c. The Town of Malabar must have access to all original bid documents prior to becoming a party to a combined or piggyback contract.
  - d. The Malabar Town Council must approve in advance all piggybacking purchases.

The foregoing is an outline of generally accepted purchasing practices. Please review the above and make any changes and or comments as you see fit.

Please be prepared to discuss this package at the next RTCM and return your marked up copy of this package. We will combine any or all changes that are consistent with good purchasing practices as they apply to governmental purchasing and the Town of Malabar. This document will be reviewed by our attorney for a final resolution.

Thank you for your assistance.

Doug

## **Example of Recent Contract**


1. Design
2. List of prospective contractors
3. Request for proposal and specifications
4. Bid review sheet
5. Contract/ purchase order
6. Proposal from winning vendor
7. Proposals from non-winning vendors
8. Thank you letter to competing vendors.

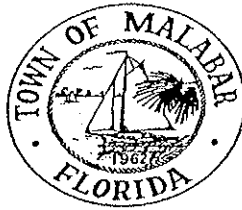
Sand Hill Trailhead Septic System  
Water Requirements

	A	B	C	D	E	F	G
1	Estimated daily usage	Usage/ gal.	Total	Total Hrs.	Total gals.		
2							
3	Water closet --						
4	100 flushes per hour						
5	total of 2 fixtures	1.5	100	1	150		
6							
7							
8	Hand Wash						
9	100 washes per hour						
10	total of 2 fixtures	1	100	1	100		
11							
12							
13	Sub Total				250		
14							
15							
16	Contingency usage						
17	percentage of planned usage		10		25		
18							
19							
20	Total black and grey						
21	water to septic system				275	gallons	
22							
23		400					
24	Recommended system design size: <del>8000</del> gallons per day.						
25							
26							
27	Note: this figure also represents the total daily water requirement from the well.						
28	The well pump, accumulator tank and water treatment system should be sized accordingly.						
29							
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47							
48							

# SEPTIC COMPANIES

The list of SEPTIC companies contacted for the Trail Head 1400 Marie Street:

Company Name	Contact Person	Initial Contact Date	Phone Number	Bids Amount
<b>ABS Plumbing Septic</b> Notes: 4/12/2016 emailed specs.	John Moran & Trish Email : <a href="mailto:absseptic@aol.com">absseptic@aol.com</a>	4/11/2016	321-676-8927 (o) 321-951-9140 (c)	
<b>Pence Septic Systems</b> Appointment:  Notes:	Lynn (Mr.) 3160 Dixie Hwy Palm Bay, FL 32905	4/11/2016	321-723-6107 (o)	
<b>Billy Curry Septic</b> Notes: Called office on 4/12/2016 Mr. Curry will call back and set appointment	Mr. Curry 6249 Babcock Street SE Palm Bay, FL 32909	4/12/2016	321-725-2699	
<b>SOS Septic</b> Appointment: Notes: 4/12/2016 Crystal said Bill Buchman will call back	2791 Palm Drive NE Palm Bay FL 32909	4/12/2016	321-951-7335	



2725 Malabar Road  
Malabar, FL 32950  
321.727.7764 (Office) 321.722.2234 (Fax)  
www.townofmalabar.org

Friday, April 08, 2016

## REQUEST for PROPOSAL – SEPTIC SYSTEM

Bid Date Close—12:00 noon , May 6<sup>th</sup>, 2016

Septic system for ADA restroom at Town of Malabar Sand Hill Trail Head Trails & Greenways Area.

Please contact Administrator at Malabar Town Hall, 321-727-7764 for appointment to inspect site.

1. Design criteria to be based on F.A.C. system size determinations 64E-6.008 and anticipated daily flushes of 100 occurrences.
2. A 10% up rating to be used for all calculations.
3. All elements of system to clearly spelled out as to size and capacity.
4. Contractor to be responsible to determine suitability of soils and percolation of same.
5. All elements necessary to said system to be itemized in proposal and priced accordingly.
6. Square footage of drain field to be clearly called out
7. All soils necessary to drain field to be provided by contractor and cost to be included in proposal.
8. Permits for work provided by contractor.
9. Electrical hookups by others.
10. Certificate of Insurance required prior to commencement of work
11. Valid Contractors license required prior to commencement of work
12. Terms Conditions and project length must be clearly stated in the body of the proposal.
13. Proposals must be valid for 45 days from date of proposal.

For any questions please contact either Douglas Hoyt or J. Morris Smith P.E. at the Town of Malabar.

This project is fully funded and will be let to the lowest and best bidder within 2 weeks of close of bid. All bidders will be notified as to final disposition.

Thank you in advance for your consideration.

Douglas C. Hoyt  
Town Administrator  
Town of Malabar  
dhoyt@townofmalabar.org

Restrooms

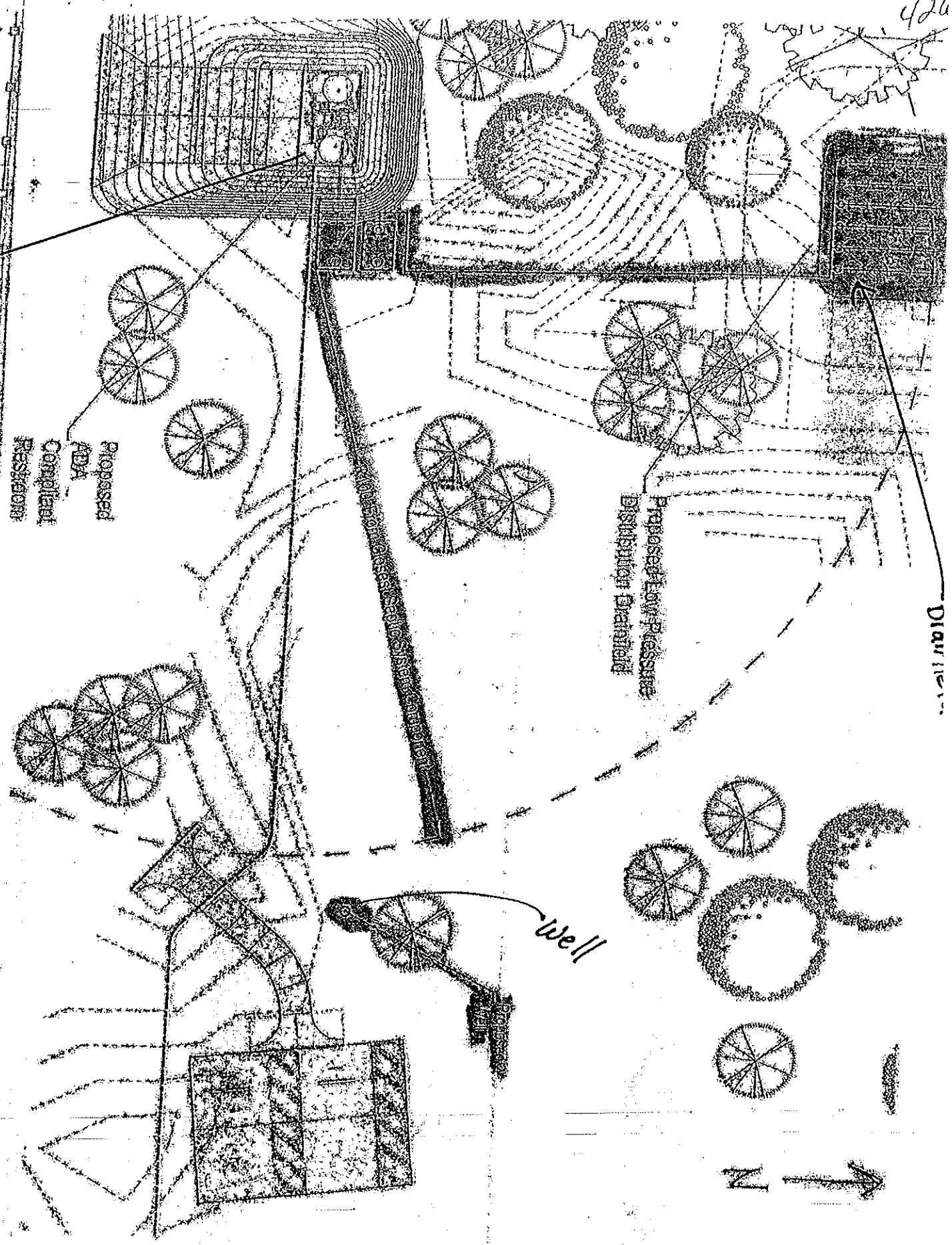
Proposed ADA  
Compliant  
Restroom

Proposed Low-Pressure  
Distribution Mainfield

Well

Diagrams

Scale: 1" = 20'





	A	B	C	D	E	F	G	H	I	J	K	L	M	N
1	Vendor	Tank	Lift	H.P.	Drain Field	Permit	Bid Total	Sand/loads	\$/load	Total	Grass	\$	Warranty	Total
2		1200 g	900g	1/2 hp	735 sq ft	?	11,650	10	\$300.00	\$3,000.00	No		2 yr	\$10,575.00
3	Pence Septic Systems	1200 g	900g	1/2 hp	735 sq ft	?	\$7,575.00	10	\$300.00	\$3,000.00	No		2 yr	\$10,575.00
4														
5			500g											
6	Billy Curry Septic	1050 g	400g	1/4 hp	700 sq ft	yes	\$10,400.00	10	4		No		?	
7														
8														
9	ABS Plumbing & Drain	1050 g	2	2	675 sq ft	3	\$20,959.50	18 inc	450		opt	\$1,150.00	5 yr lim.	\$22,109.50
10						yes								
11														
12	SOS Septic or Sewer	1200 g	750 g	1/2 hp	734 sq ft	inc.	\$14,578.00	12 inc.			opt.	\$750.00	?	\$15,328.00
13														
14														
15														
16														
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① The mound has to be stabilized. Sod or Hydro-seeding

② Is the pump tank & pumps included?

③ Permit required.

④ Need cost of sand.

Pump Tank for comm 600 gal  
1200 for septic

M/TH/5

BUSIA 400 \$ 78 / project

# Town of Malabar

2725 Malabar Road, Malabar, FL 32950  
 Phone: 321-727-7764 • Fax: 321-722-2234  
 www.townofmalabar.org

PURCHASE ORDER **No** 3690

VENDOR NAME: Pence Septic Systems  
 3160 Dixie Hwy. N.E.  
 VENDOR ADDRESS: Palm Bay, FL 32905

SHIP TO: Sand Hill Trail Head Trails Area  
 1400 Marie St.  
 Malabar, FL 32950

Mail Invoice to: **Town of Malabar**  
 2725 Malabar Road  
 Malabar, FL 32950  
 email:

Vendor Person to contact regarding this order: Doria Crespino

Telephone No.: 321 723 6107

Fax No.: 321 723 6856

Email: doria@pencecompanies.com

Item No.	Quan.	Unit	Description	Unit Cost	Total	Account	
						Budget Code	Amount
			One septic system for ADA restroom in accordances with specifications contained in "Request for Proposal dated April 08/2016 (copy attached) and Pence Septic Systems proposal dated May 3/2016, (copy attached) Vendor fully responsible for design, permitting, necessary components for system, soils up to ten (10) 18 yd. truck loads of sand. Note: sand in excess of ten loads to be billed at \$300.00 per 18 yd. load. Plumbing, Electrical, Mound Stabilization and final Grade and Sod are n part of this contract and are to be supplied by others. Warranty period to be two years (2) from completion date excluding failure du misuse or abuse. Certificate of insurance and copy of valid contractors license to be furnished to purchaser prior to commencemen work. A waiver of Lien to be furnished at the time of final payment. Time is of the essence in executing this contract and anticipated completion date is six weeks (6) after contract date of May 25th, 2016. Contract and Malabar Town specifications take precedence over all other documents. Payment terms: 90% upon notification of completion and 10% retainage to be paid upon acceptance of project by Town official not to exceed 45 days after notification of completion.				Septic System"

State or County Contract No. \_\_\_\_\_

Fixed Asset # \_\_\_\_\_


Delivery Instructions:

NOTES: Tax I.D. #85-8012529717C-3

**APPROVAL OF PURCHASING PROCEDURE:**

Requestor \_\_\_\_\_ Date: \_\_\_\_\_  
 Certified as to available funds and budget account

Town Treasurer \_\_\_\_\_ Date: \_\_\_\_\_

Approved:  \_\_\_\_\_ Date: 5-25-16  
 Town Administrator: \_\_\_\_\_ Date: \_\_\_\_\_

Vendor Order Cont. #: \_\_\_\_\_

Vendor Account #: \_\_\_\_\_

**IMPORTANT:** All persons, firms or corporations doing business with the Town of Malabar are hereby notified that all purchases in excess of \$100.00 must be covered by this formal purchase order, and the Town disclains responsibility for payment of any charges for purchases which are not so covered. No official, department head, or employee is empowered to vary for foregoing. Purchase orders must be issued prior to delivery of goods or services. See reverse side for general conditions to this Purchase Order.

Pence Septic Systems  
3160 Dixie Hwy. N.E.  
Palm Bay, Fl 32905  
(321) 723-6107  
FAX (321) 723-6856  
SA0890132

May 3, 2016

Town of Malabar

1400 Marie Street (Park)  
Malabar

### PROPOSAL

We hereby submit specifications and estimates for: (Before Permitting)

1200 Gallon baffled tank with filter  
735 Sq. Ft. drain field  
Single pump system (includes 900 gallon pump pit, ½ hp pump, and piping and high water alarm)  
EHS Permit  
Sand 10 loads at 18 cubic yards ea.

**Total: \$11,165.00**

Please Note That The Following Are Not Included Above But Will Be Billed As Needed:  
Sand as needed over the 10 loads included above \$300.00/18 cu. yd. load.

Please Note The Following Are Not Included: Plumbing, Electrical, Mound Stabilization Final Grade or Sod.

This bid is being given without the benefit of a permit. If permit specifications differ from above, this proposal will be adjusted accordingly.

**2 Year Warranty** (excludes failure due to misuse and/or abuse)

Signed acceptance of this proposal is necessary prior to the commencement of work. Payment is due upon completion of work. In the event it becomes necessary to institute action for the collection of amount of any unpaid balance; owner agrees to pay all costs of collection including all legal and attorney's fees.

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. All agreements contingent upon strikes, accidents or delays which are beyond our control. This proposal is subject to acceptance within 30 days and is void thereafter at the option of the undersigned.

Authorized Signature  
\_\_\_\_\_

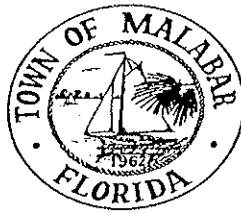
### Acceptance of Proposal

The above prices, specifications and conditions are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined.

Printed Name: \_\_\_\_\_

Accepted By: \_\_\_\_\_

Date: \_\_\_\_\_



2725 Malabar Road  
Malabar, FL 32950  
321.727.7764 (Office) 321.722.2234 (Fax)  
www.townofmalabar.org

Friday, April 08, 2016

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Douglas C. Hoyt  
Town Administrator  
Town of Malabar  
dhoyt@townofmalabar.org

Restrooms

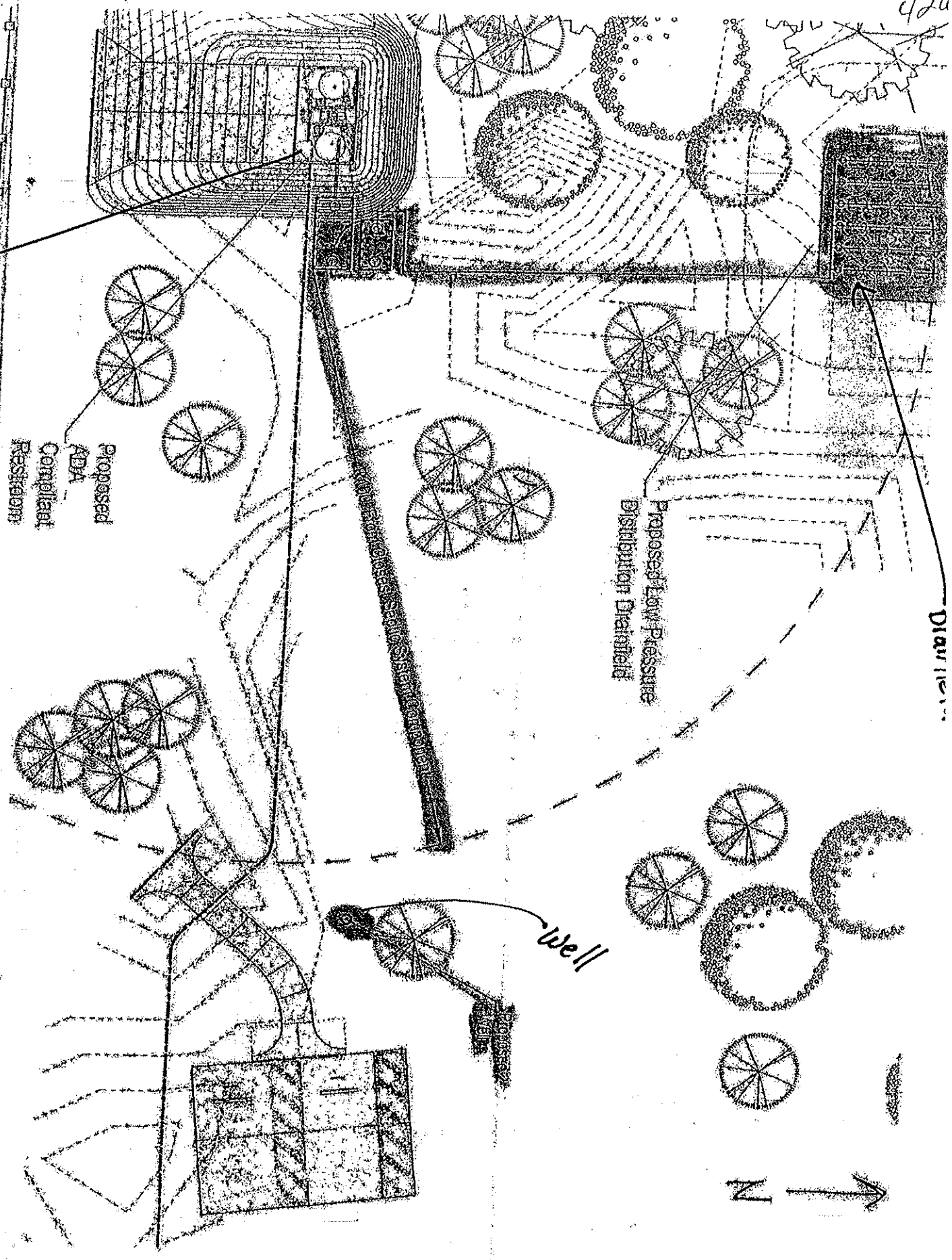
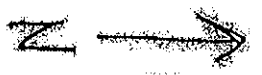
Proposed ADA  
Compliant  
Restrooms

Proposed Low Pressure  
Distribution Drainfield

Well

Drawings

Scale: 1" = 20'



## Douglas C. Hoyt

---

**From:** william buchman <sosbillonsite@gmail.com>  
**Sent:** Wednesday, May 04, 2016 3:15 PM  
**To:** Douglas C. Hoyt  
**Subject:** Sand Hill septic  
**Attachments:** Town of Malabar Bid 05-05-2016.pdf; System sheets.pdf

Douglas thanks For the opportunity any questions please let me know.

Bill Buchman 321-288-3301  
SOS Septic or Sewer  
[SOSBillOnsite@Gmail.com](mailto:SOSBillOnsite@Gmail.com)



Virus-free. [www.avast.com](http://www.avast.com)



# S.O.S. SEPTIC

2791 PALM DRIVE N.E.  
PALM BAY, FL 32905

Please Send all mail to:  
PO Box 60598, Palm Bay, FL 32906-0598

Proposal Submitted To: Douglas Hoyt 321-727-7764 Date: 05-04-2106

Name: Town of Malabar

Job Name: Sand Hill Trail Head

Street: 2725 Malabar Rd

City: Town of Malabar

State; FL 32950

Sanitary Survey

Town of Malabar

Design, Permit submittal including DOH Fees ✓

New Septic Tank installed 1200gal. ST 750gal. PT ✓

Lift station, (1) Goulds cast Iron sewage pump ½ HP, wet well,  
Audio Visual alarm

(2) 120 volt 20 amp power supply required by Town of Malabar

(3) Tuff-Tite 12" x 24" D Risers for future service access, back flow  
preventer compression type to allow pump change out without  
compromise of force main conduit. ✓

✓ Mount PVC watertight junction box for electrical connections,  
complete installation. With conduit to simplify service of  
equipment

Drain field for 440 gallon per day system 100 people + 10 %

---

PHONE: 321-951-7335  
FAX: 321-951-0705



# S.O.S. SEPTIC

2791 PALM DRIVE N.E.  
PALM BAY, FL 32905

Please Send all mail to:  
PO Box 60598, Palm Bay, FL 32906-0598

Chamber system with septic filter installed, excavation of all unsuitable soils cost. 10,378.00

Installations of clean drain field sand (12 Truckloads 18 yards ea. to assure longevity of system @ 325.00 ea.) ( 2 Truckloads of Sandy fill to cover @ 150.00 ea.) Cover and finish grade after installation and inspection cost. 4200.00

Installation of 2000 sq. ft. of Bahia sod required to stabilize mound cost 750.00

**Total cost \$ 15,328.00**

We hereby propose to furnish labor and materials - in accordance with the above specifications, for the sum off: fifteen thousand three hundred and twenty eight Terms: %50 in advance before start up, 50% upon inspection. All material is to be as specified. All work is to be completed in a workmanlike manner according to standard practices. All work will meet or exceed county codes. Any obstacles, damages, alternations or deviations which must be repaired, altered, or removed to perform this work will be handled on a time and material basis and may become an additional charge over and above the price of this contract. We will however make an attempt to notify owner/ agent to obtain written and/or verbal approval. Since it may not be cost effective to stop production, it is the responsibility of the owner/agent to be available to assure timely approvals to proceed. If you or your agent is not available the field supervisor will make the decisions necessary to facilitate or complete this work in a timely manner with necessary modifications. This proposal is subject to acceptance within ~~30~~ <sup>10</sup> days and may be void thereafter at the option of the undersigned. Final payment is subject to A Finance Charge of 1-1/2% per month (18% per annum) if not paid in 10 days, plus reasonable attorney fees, plus any and all other costs of collection, including damages to S.O.S.

Customer Signature

Date

SOS Septic or Sewer

05-04-2016

PHONE: 321-951-7335  
FAX: 321-951-0705



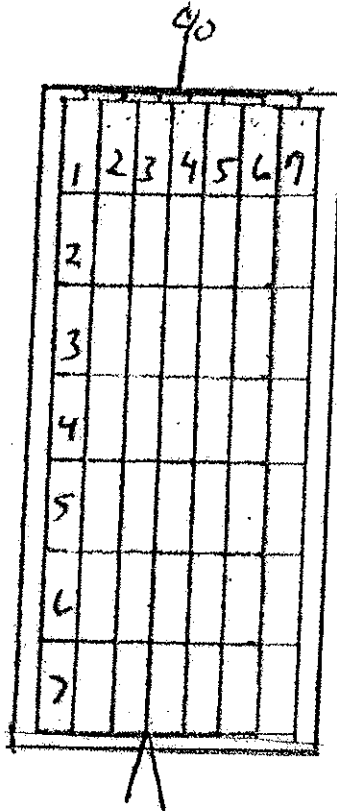
100 people x 4 gallons per Day = 400 gpd

400 x 10% = 440 GPD

440 gpd ÷ 60 = 734#  
Bed

734 ÷ 15# per = 49

7W x 7L = 49 chambers



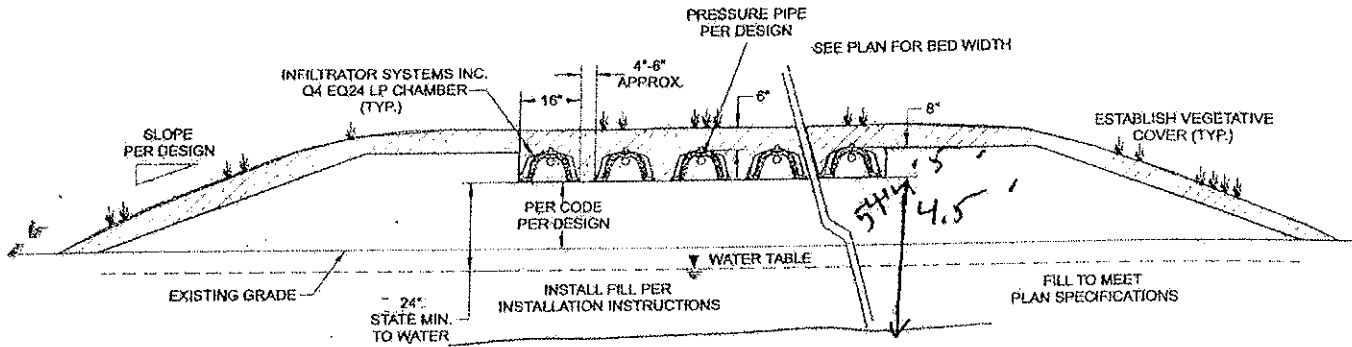
17 ft  
Pickout 17 x 37 = 629

ADS  
ARC 24

4" Separation between  
all chambers

12TL

CROSS-SECTION  
(not to scale)



5' x

## Douglas C. Hoyt

---

**From:** Michelle Nunn <michelle.nunn@absseptic.com>  
**Sent:** Wednesday, April 27, 2016 11:25 AM  
**To:** Douglas C. Hoyt  
**Cc:** 'ABS Septic'  
**Subject:** ABS Proposal  
**Attachments:** Town of Malabar Proposal.docx

Doug,

Attached is your drain field proposal. Call me with any questions.

This includes the two new concrete tanks, the pump floats and alarm, the permitting, the drain field, 18 loads of sand. Whatever sand we do not use you will be credited back every load we don't use at the final payment - \$375 per load.

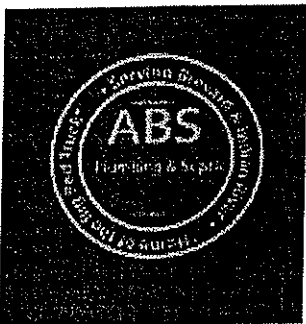
Also I did not add the mound stabilization which is the sod and installing the sod. I put the price in the proposal but it is not added to the total because it is optional. If you would like us to go ahead and do the mound stabilization which means putting the sod in I can change the proposal and go ahead and add it in. Let me know.

Please look this over and call me if any questions. Once we get the deposit we apply for the permit. It takes about 2-4 weeks for the permit and then once we receive the permit we install it and at the end is when we ask for the final payment.

Thanks again.

Best Regards,

*Michelle L. Nunn*  
Office Manager/Bookkeeper  
michelle.nunn@absseptic.com  
office 321-676-8927  
fax 321-837-3664  
cell 321-506-3242



**ABS Plumbing & Drain Cleaning LLC**  
**ABS Septic**  
*"All Your Septic and Sewage Needs"*  
**(321)-951-9140**

Date: 4/27/2016

2814 S. Harbor City Blvd

Melbourne, FL 32901

Fax: 321-837-3664

Submit To:	Project Name:
Town Of Malabar (Denine)	DRAIN FIELD REPLACEMENT – 675 SQ. FT.
1140 Marie St	
Malabar, FL 32950	
Phone: 321-727-7764 Fax:	Email: dhoyt@townofmalabar.org

We hereby propose the following specifications for a New or Replacement Drain field per Chapter 64E-6 State requirements.

Tank – Install 1050 Concrete Gallon Tank and 300 Gallon Concrete Tank	<u>\$2057.00</u>
Pump – Septic Pump with float and alarm box	<u>\$1590.00</u>
Drain field - Install a 675sq.ft Drain field	<u>\$4387.50</u>
Permit – Submit for EHD septic permit & include all inspection cost	<u>\$ 675.00</u>
Haul off of old Drain field or Dig out – \$225.00 per load as necessary	<u>as needed</u>
New or Re-piping to Tanks – Include piping to new tank	<u>included</u>
Replacement Sand –include 18 loads of sand any add 'l sand will be \$450.00 per load	<u>\$6750.00</u>
Well Tap - Well tap for one week, if runs over a week will be addt'l charge	<u>\$5500.00</u>

Optional: MOUND STABILIZATION - The total below does not include this mound stabilization charge, if you wish to have the sod installed for you we can add this amount for you.

✓ PALLETS OF SOD – LABOR AND MATERIALS: **\$1150.00**

Backfill and Rough Grading only unless specify and purchase the sod installation.

A 5 Year Limited Warranty is always included

If this estimate is being given without a permit and the specifications change this estimate will be adjusted accordingly. If unique site conditions exist such as high water table, stump removal, dewatering or work not in these proposal additional charges may apply. We cannot be responsible to concrete driveways or sidewalks. Heavy equipment can cause cracks and repairs will be the owner's responsibility. We charge extra to reinstall fences and repair unmarked irrigation. All local utilities will be marked before work begins.

**WE PROPOSE to furnish material and labor in accordance with the specifications, for the sum of: \$20,959.50**

Payment to be made as follows: 50% (\$10,479.75) to start work remaining balance upon completion

Authorized ABS PLUMBING & DRAIN

All Material is guaranteed to be as specified our warranty for a period of five year aft extra cost will become an additional cha during the course of the job or addition All elements of this agreement are cont additional labor which may be requirec You the buyer may cancel this tra Cancellation must be in writing. Please also be aware that administration fee.

SEPTIC Signature: \_\_\_\_\_  
*PUMPING  
HOLE FOR  
TANK*  
*DRY*

proposal may be withdrawn by us if not accepted within 30 days.  
 in a professional manner according to standard practices and includes  
 Any alteration or deviation from the above specifications involving  
 to include, but not limited to concealed defects that are uncovered  
 in warranty does not include pump outs or filter cleaning, if needed.  
 beyond our control. This estimate does not include material or  
 ight of the third business day after the date of this transaction.  
 lations are subject to a 20% restocking fee and an

ACCEPTANCE OF ESTIMATE The above prices, specifications and conditions are satisfactory and are hereby accepted.  
 You are authorized to do the work as specified. Payment will be made as outlined above. If payment is not received as per above, interest will accrue at the rate of 1.5% per month on the outstanding balance. In addition, if collection action becomes necessary, the undersigned acknowledges and agrees that he/she will be responsible for paying all attorneys' fees and cost incurred by the contractor in collecting the outstanding balance regardless of whether it becomes necessary to seek court intervention.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**TOWN OF MALABAR  
AGENDA ITEM REPORT**

**AGENDA ITEM NO: 7**  
**Meeting Date: June 20, 2016**

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

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**SUBJECT: Limiting Corey & Weber to Local Traffic Only (CM Korn)**

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**BACKGROUND/HISTORY:**

CM Korn brought this up at a council meeting a few years ago but no action was taken at the time.

**ATTACHMENTS:**

Email from CM Korn

**ACTION OPTIONS:**

Staff requests direction.

## Debby Franklin

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**From:** dickkorn <dickkorn@bellsouth.net>  
**Date:** Friday, May 27, 2016 12:32 PM  
**To:** 'Phil Crews'  
**Cc:** Douglas C. Hoyt; Debby Franklin  
**Subject:** Local Traffic agenda request

Mayor Crews:

When I first came on Council a few years Ago I proposed limiting Corey and eber Roads to local traffic only as opposed to through traffic between Malabar Rd and Valkaria Road. I spoke individually with 2 of the G/V council members and they liked the idea. Our discussion went nowhere because of the questions like "should this be for trucks only" and "is this legal" and "who will enforce it"

In lieu of this, I began the discussion concerning turn lanes off Weber and Corey roads at Malabar Rd. Given the problems we are having with FDOT, I would again propose a discussion leading to action to limit the traffic on these two roads beginning with the agenda for the next Town Council meeting. We can do so legally on that part of the roads that are ours and G/V can do so on theirs and it will work. We pay the BSO to enforce our laws and the limiting of traffic will decrease thee likelihood of motor vehicle accidents and loss of life and limb. This would also lead to decreased maintainence costs for these roads .

Dick KOrn  
Malabar Town Council  
District 4

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This email has been checked for viruses by Avast antivirus software.  
<https://www.avast.com/antivirus>

**TOWN OF MALABAR  
AGENDA ITEM REPORT**

**AGENDA ITEM NO: 8  
Meeting Date: June 20, 2016**

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

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**SUBJECT: Discuss the Non-Ad-Valorum (storm water) assessment currently collected  
– propose possible change to rates or eliminate (CM Krieger)**

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**BACKGROUND/HISTORY:**

CM Krieger requested this at the last meeting.

**ATTACHMENTS:**

Malabar Resolution from 2000 setting the rates that are still in effect.

**ACTION OPTIONS:**

Staff requests direction.

RESOLUTION 8-00

**A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, IMPOSING AN ANNUAL STORMWATER UTILITY ASSESSMENT BEGINNING OCTOBER 1, 2000, AGAINST ALL REAL PROPERTY WITHIN THE TOWN LIMITS OF MALABAR, BREVARD COUNTY, FLORIDA; PROVIDING FOR CLASSIFICATIONS OF PROPERTY; PROVIDING CERTIFICATION OF ANNUAL STORMWATER UTILITY ASSESSMENT ROLL; PROVIDING AN EFFECTIVE DATE.**

WHEREAS, pursuant to Section 15-104 of the Code of Ordinances, Town of Malabar, Florida, 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 15-104 of the Code of Ordinances, Town of Malabar, provides that on or before the fifteenth day of September the Town Council of Malabar shall hold a public hearing to adopt a rate resolution for the purpose of imposing said schedule of annual stormwater utility fees or assessments [this Rate Resolution shall stay in effect until such time as a change in the Stormwater Utility Fee or Assessment is proposed], after proper notice and publication; and

WHEREAS, prior to September 15, 2000, 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, Exhibit "A" of this Resolution provides a Schedule of Rates and Classifications specifying the amount and calculation of annual stormwater utility fee or assessment



imposed within the Town for the fiscal year beginning October 1, 2000; and

**WHEREAS**, the Town Council is satisfied that the annual Stormwater Utility Assessment Roll has been prepared in conformity with the Schedule of Rates and Classifications.

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

**Section 1**

The Town Council of Malabar, Florida does hereby adopt the Schedule of Rates and Classifications attached hereto as Exhibit "A" for all property located within the Town of Malabar.

**Section 2**

It is intended by the Town Council of Malabar, Florida, that this Resolution constitutes the rate resolution specified in Section 15-104 of the Code of Ordinances of the Town.

**Section 3**

The Town Council of Malabar, Brevard County, Florida, hereby ratifies, confirms, and certifies that the annual Stormwater Utility Assessment Roll for fiscal year beginning October 1, 2000, is in conformity with the Schedule or Rates adopted by the Town Council.

**Section 4**

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

**Section 5**

Those stormwater utility assessments imposed during fiscal year beginning October 1, 2000, shall be billed by the Town of Malabar or its authorized representative, pursuant to the provisions of Section 15-104 and 15-106 of the Code of Ordinances, Town of Malabar, and shall be due and payable on November 1 of each year, pursuant to law.

Section 6

If any section, subsection, sentence, clause, phrase or portion of this rate resolution is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holdings shall not affect the validity of the remaining portions of this rate resolution.

Section 7

This Resolution shall take effect immediately upon its adoption.

This Resolution was moved for adoption by Council Member DETWILER.

The motion was seconded by Council Member RITTER and, upon being put to a vote, the vote was as follows:

Council member Elizabeth Ritter	<u>AYE</u>
Council member Charlene Horton	<u>AYE</u>
Council member John Detwiler	<u>AYE</u>
Council member Tom Eschenberg	<u>AYE</u>
Council member Henry Dekker	<u>NAY</u>

This Resolution was then declared to be duly passed and adopted this 7<sup>th</sup> day of August, 2000.

ATTEST:

Susan Kabana  
Susan Kabana, CMC  
Town Clerk/Treasurer

TOWN OF MALABAR

BY:

Phillip R Crews  
Mayor Phillip R. Crews, Chair

(seal)

**EXHIBIT A**

SCHEDULE OF RATES AND CLASSIFICATIONS FOR ANNUAL STORMWATER UTILITY ASSESSMENT FOR COUNTY FISCAL YEAR BEGINNING OCTOBER 1, 2000. (See Tables for land use categories)

**BILLING CLASSIFICATIONS:**

A- Agricultural: Any property without structures which is used for agricultural pursuits, and is designated as agricultural on the Brevard County Property Appraiser's records.

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.

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.

M- Multifamily Dwelling: Any property, designated as a trailer park, or upon which is located any building or structure, consisting of more than one dwelling unit, each designed for occupancy for one family.

B- Condominium: Any parcel identifying an individual condominium or townhouse unit.

E- Commercial: Any lot or parcel upon which is located any structure or facility designed for business related uses (other than as a single family dwelling unit).

I- Industrial: Any lot or parcel upon which there is a structure or building for use as productive enterprises and/or manufacturing activities.

T- Vacant Natural: Any lot or parcel which is unaltered, contains no structures, and has not been designated as Agricultural (A) or Non-Billable (N). These parcels may be determined on a case by case basis.

V- Vacant Altered: Any lot or parcel which contains no structures, is not designated as Agricultural (A) or Non-Billable (N), and has been modified from its natural state. These parcels will be determined on a case by case basis.

Y- Vacant Improved: Any lot or parcel which is not designated as agricultural or non-billable, and has been either graded, cleared, compacted and/or excessively landscaped.

N- Non-Billable: Those parcels or lots which are right of way, State or Federal lands or properties designated by the Stormwater Utility to receive an assessment through other means than the Tax Notice.

H- All Else: Any lot or parcel which has not been classified under one of the above billing classes due to its unique land use. The assessment for these parcels will be calculated individually.

**RATES:**

**\$36 per ERU per year**

**An 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.**

The following is a list of the terms used in the rate calculation formulas given below:

- G = gross area of parcel in sq. feet.
- I = impervious area of parcel in sq. feet
- M = mitigation factor with a range of 0.1 to 1, 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 use only
- 0.40 = infiltration factor for agricultural land use cover for good soil condition
- 0.60 = average runoff coefficient for open space for average soil condition

A- Agricultural

$$\# \text{ ERU's} = \frac{G \times 0.03 \times 0.4}{2500 \text{ sq. feet}}$$

$$\text{Billing} = \# \text{ ERU's} \times \$36 \times M$$

**S- Single Family Dwelling**

$$\text{Billing} = 1 \text{ ERU} \times \$36 \times M$$

**D- Multiple Single Family Dwelling Units**

$$\text{Billing} = 1 \text{ ERU} \times N \times \$36 \times M$$

**M- Multifamily Dwelling**

$$\text{Billing} = 1 \text{ ERU} \times 0.50 \times N \times \$36 \times M$$

**B- Condominium**

The billing amount is calculated for each unit as a fraction of an ERU.

$$\text{Billing} = 1 \text{ ERU} \times 0.50 \times \$36 \times M$$

**E- Commercial**

$$NI = I \times 1.25$$

$$\# \text{ ERU's Commercial} = \frac{[(NI - I) \times 0.2] + (I \times 0.9)}{2500 \text{ sq. ft.}}$$

$$\# \text{ ERU's Vacant Altered} = \frac{(G - NI) \times 0.03 \times 0.40}{2500 \text{ sq. ft.}}$$

$$\text{Billing} = (\# \text{ ERU's Commercial} + \# \text{ ERU's Vacant Altered}) \times \$36 \times M$$

**I- Industrial**

$$NI = I \times 1.25$$

$$\# \text{ ERU's Commercial} = \frac{[(NI - I) \times 0.2] + (I \times 0.9)}{2500 \text{ sq. ft.}}$$

$$\# \text{ ERU's Vacant Improved} = \frac{(G - NI) \times 0.03 \times 0.60}{2500 \text{ sq. ft.}}$$

$$\text{Billing} = (\# \text{ERU's Commercial} + \# \text{ERU's Vacant Improved}) \times \$36 \times M$$

T- Vacant Natural

No bills generated for these land uses

V- Vacant Altered

$$\# \text{ ERU's} = \frac{G \times 0.03 \times 0.4}{2500 \text{ sq. feet}}$$

$$\text{Billing} = \# \text{ ERU's} \times \$36 \times M$$

Y- Vacant Improved

$$\text{ERU's} = \frac{(G \times 0.03 \times 0.60) + (I \times 0.9)}{2500 \text{ sq. ft.}}$$

$$\text{Billing} = \# \text{ ERU's} \times \$36 \times M$$

N- Non-Billable

No bills generated for these land uses.

H- All Else

The assessments for the parcels that fall under this category will be determined on an individual basis. One of the formulas provided will be used to calculate the assessment for each parcel according to its land use.

For any of the above categories - if a mitigation credit is granted then the number of ERU's will be multiplied by a factor ranging from 0.1 to 1.0 to arrive at the mitigated number of ERU's.

For any of the above categories (except Non-Billable and Vacant), the minimum billing is set at \$2.35 per parcel.