

**TOWN OF MALABAR
REGULAR TOWN COUNCIL MEETING
MONDAY, OCTOBER 15, 2018
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. CONSENT AGENDA:**
 - 1. Approve Regular Town Council Mtg Minutes of 10/01/2018**
 - Exhibit:** Agenda Report No. 1
 - Recommendation:** Approve Minutes
- 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: 0**
- I. UNFINISHED BUSINESS/GENERAL ORDERS MAY INCLUDE ITEMS DIRECTLY RELATED TO RESIDENTS PRESENT AT MEETING (RECOMMENDATIONS FROM BOARDS, HOA REQUESTS, RESIDENT GRIEVANCES)**

ACTION ITEMS:

RESOLUTIONS: 7

- 2. Reso 11-2018 Drew Thompson, T&G Committee**

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE APPOINTMENT OF ANDREW "DREW" THOMPSON TO THE MALABAR TRAILS & GREENWAYS COMMITTEE AS A REGULAR MEMBER; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.

 - Exhibit:** Agenda Report No. 2
 - Recommendation:** Approve Resolution 11-2018
- 3. Reso 12-2018 Bob Wilbur, T&G Committee**

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE APPOINTMENT OF ROBERT "BOB" WILBUR TO THE MALABAR TRAILS & GREENWAYS COMMITTEE AS A REGULAR MEMBER; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.

 - Exhibit:** Agenda Report No. 3
 - Recommendation:** Approve Resolution 12-2018
- 4. Reso 13-2018 Annelie Harvey, T&G Committee**

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE APPOINTMENT OF ANNELIE HARVEY TO THE MALABAR TRAILS & GREENWAYS COMMITTEE AS A REGULAR MEMBER; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HERewith;

PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 4
Recommendation: Approve Resolution 13-2018

5. **Reso 14-2018 Vickie Thomas, Park & Recreation Board**
A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE APPOINTMENT OF VICKIE THOMAS TO THE MALABAR PARKS AND RECREATION BOARD AS A REGULAR MEMBER; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 5
Recommendation: Approve Resolution 14-2018

6. **Reso 15-2018 Doug Dial, Planning and Zoning Board**
A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE APPOINTMENT OF DOUG DIAL TO THE MALABAR PLANNING AND ZONING BOARD AS A REGULAR MEMBER; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 6
Recommendation: Approve Resolution 15-2018

7. **Reso 16-2018 Doug Hoyt, new to Planning and Zoning Board**
A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE APPOINTMENT OF DOUG HOYT TO THE MALABAR PLANNING AND ZONING BOARD AS A REGULAR MEMBER; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 7
Recommendation: Approve Resolution 16-2018

8. **Reso 17-2018 Approving a Three-year Interlocal Agreement with Brevard County for Administration of the Malabar Stormwater Program**
A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR COUNCIL APPROVAL OF A THREE-YEAR INTERLOCAL AGREEMENT WITH BREVARD COUNTY FOR STORMWATER PROGRAM ADMINISTRATION AND MANAGEMENT; PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 8
Recommendation: Approve Resolution 17-2018

MISCELLANEOUS:

COUNCIL CHAIR MAY EXCUSE ATTORNEY AT THIS TIME

J. DISCUSSION/POSSIBLE ACTION:

9. **Coastal Preservation Land Use Along Indian River Lagoon**
Exhibit: Agenda Report No. 9
Recommendation: Discussion and Direction to Staff

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

L. REPORTS – MAYOR AND COUNCIL MEMBERS

M. ANNOUNCEMENTS:

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

N. 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: October 15, 2018

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

SUBJECT: Approval of Minutes

BACKGROUND/HISTORY:

Attached are the summary minutes for the following meeting(s):

- Regular Town Council Meeting – 10/01/2018

The minutes are the official record of the actions taken by the Council.

ATTACHMENTS:

Draft Minutes of 10/01/18

ACTION OPTIONS:

The Town Clerk requests approval of the minutes.

MALABAR TOWN COUNCIL REGULAR MEETING MINUTES

OCTOBER 01, 2018

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 Reilly called the meeting to order at 7:30 pm. CM Rivet led P&P.

B. ROLL CALL:

CHAIR:

MAYOR PATRICK T. REILLY

VICE CHAIR:

STEVE RIVET

COUNCIL MEMBERS:

GRANT BALL

LAURA MAHONEY

DICK KORN

DANNY WHITE

DOUGLAS HOYT

KARL BOHNE

DEBBY FRANKLIN

TOWN ADMINISTRATOR:

TOWN ATTORNEY:

TOWN CLERK/TREASURER:

Fire Chief also present.

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

D. CONSENT AGENDA:

1. Regular Town Council Meeting Minutes 9/17/18

Exhibit: Agenda Report No. 1

Recommendation: Request Approval

MOTION: CM Rivet / CM Ball to approve the 9/17/18 minutes with clarification requested by CM Korn on pg. 2 mid-page. **Vote:** Ayes, 4; Nay, 1 (CM Mahoney).

Discussion: pg. 2, in the middle it reads that the TA violated F.S. 112. Make it clear that there was no violation.

CM Mahoney said the minutes are too lengthy and don't include all the dialog. CM White argued the same point 9 months ago. There is legitimate. Say what was the topic of discussion. It went nowhere. Change the minutes to be very brief. State the motion, 2nd and vote. Include none of the "he said, she said."

MOTION: CM Mahoney / CM White to reduce the minutes in the future to motion, 2nd, and vote. **Vote:** All Ayes.

E. PRESENTATION: Malabar Road Project by Daryl and Christina Slate

They are asking for land use and zoning change for the first two parcels. They need CG for a larger footprint.

F. ATTORNEY REPORT: none

G. BCSO REPORT: not present

H. BOARD / COMMITTEE REPORTS:

Drew Thompson, Chair, T&G Com: gave report on Trail Town designation

Eric Bienvenu, Chair Park & Rec Board: Not present

Liz Ritter, Chair, P&Z Board: gave report on Board progress on sign ordinance

I. STAFF REPORTS:

ADMINISTRATOR: nothing

PW DIRECTOR: Tom Miliore – postponed until 10/15

CLERK: We have done the second issue in last Friday's Hometown News. Also, have received a request to put an article in an upcoming MailBoat to ask for tree donations for the Malabar Community Park playground. Unless there are any objections it will be placed in the issue that goes out before the holidays.

FIRE CHIEF: Starting new FY off good. Just received a 33K grant with no match. Trying for a training tower. Also have two more for drones. Starting this year. Got Medical Director letter to continue the BLS.

CM Mahoney asked about negotiations. Chief believed the negotiations were compete.

CM Rivet how much money did he bring in last year. \$220K in grant and only spent 20K.

J. 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.** Speaker card:

Card: Lisa Alford, 2545 Johnston Ave. Asked why Huggins Park isn't it being cared for. Franklin stated Council voted that Huggins Park is surplus and would sell it but until we are compliant with the State we can't change the land use designation and zoning to residential. TA also said we have enough public land for 30,000 population.

K. PUBLIC HEARINGS/SPECIAL ORDERS:

Mayor passes gavel and came down to podium and went through the Comprehensive Plan Amendment that is to be transmitted to the State.

Mayor went through Power Point and explained the changes for Conservation and expanded RLC

2. Approve Ord 2018-06 providing for Transmittal of Large Scale Comprehensive Plan Amendment 2018-01 to the Florida Department of Economic Opportunity and other Reviewing Agencies

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; AUTHORIZING TRANSMITTAL OF THE PROPOSED COMPREHENSIVE PLAN LARGE SCALE AMENDMENT (LSA) NO. 2018-01 TEXT AND MAP PERTAINING TO THE FUTURE LAND USE, TRANSPORTATION, PUBLIC FACILITIES AND COASTAL MANAGEMENT ELEMENTS TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY, THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, THE FLORIDA DEPARTMENT OF TRANSPORTATION, THE EAST CENTRAL FLORIDA REGIONAL PLANNING ORGANIZATION AND THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT FOR A 30 DAY REVIEW; PROVIDING FOR SUBSEQUENT ADOPTION AND INCORPORATION INTO THE COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

Exhibit:

Agenda Report No. 2

Recommendation:

Approve Ord 2018-06

Passed gavel back to Mayor.

Chair directed Ord to be read by title only.

Chair opened PH: Speakers:

Brian Vail, 2700 Smith Lane: He disagreed with the 660' depth; it should follow the parcel depth

Roberta Lautenberg. One of 15 residences on Malabar Road. Objected to language that residences are deemed inappropriate along Malabar.

David Scardino, 3105 Lett Lane. Came with 12 others from the area. They oppose the commercial in their area.

Lisa Alford, Johnston Ave. They like the rural and want to keep it.

Shawn Porter, Lett Lane, they bought the house on Lett Lane because it is a dead-end lane. Now his house will back up to the CG.

Scott Lurken, 700 Hall Road, thanked council for their service. Bought here 10 years ago. The notification to come to see the conclusions they have made. He would expect a notification at the beginning of the process.

Liz Ritter. She would welcome them to get on a board. Notice did go out in the Mailboat. Liz said they did the R/LC for small parcels with homes along Hwy 1. Liz said "OI" you can't live in that zoning. Liz then stated that RLC 1-2.2.5 of Comp Plan should be interpreted as "residential" not commercial. Franklin said no further change to the Comp Plan could be made without direction of Council. The section she references is in the adopted 2010 Comp Plan. The Mayor

said the commercial is more restrictive. She stated that it should be "residential". Liz stated another issue is the 4000sf footprint vs. .20 coverage. The Land Development Code refers to .20 coverage. Mayor said the reason the 4000 they didn't want huge buildings that was the reasoning. Attorney stated that the .20 coverage was to be removed from the Land Development Code because of the conflict. The legal opinion ruled that the intent was to allow the maximum footprint to be 4000sf.

Chair closed PH:

Chair asked for motion.

MOTION: CM Korn / CM Rivet to approve Ord 2018-06 to allow transmittal to the State for 30-day review. Attorney said the land use map only changes the future land use designation. Future changes considered on a case by case basis.

Discussion: CM Mahoney suggested adding wording to the ordinance that none of the proposed land use changes will prevent the current use from continuing.

Franklin gave the synopsis of changes. No zoning is changing. CM Ball we have they been working on this for the last two years. He worked on this five years ago on P&Z. This is one of the problems. They try and do the best they can for the Town.

ROLL CALL Vote: CM Ball, Aye; CM Mahoney, Aye; CM Rivet, Aye; CM Korn, Aye; CM White, Aye. Motion carried 5 to 0.

L. UNFINISHED BUSINESS/GENERAL ORDERS

M. ACTION ITEMS: none
RESOLUTIONS: none
MISCELLANEOUS: none

COUNCIL CHAIR MAY EXCUSE ATTORNEY AT THIS TIME

N. DISCUSSION/POSSIBLE ACTION:

3. Update on Memorial for Mayor Carl Beatty

MOTION: Korn / Ball to approve sign as depicted. **Vote:** All Ayes.

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

P. REPORTS – MAYOR AND COUNCIL MEMBERS

CM Ball: Set a date to do a PW workshop where we get a plan and show how we are progressing. When is it normally done. If we had a plan and we did workshops twice a year. Here is the whiteboard these are the critical projects. CM Rivet said he had been talking with Matt about drainage.

CM Mahoney: Regarding the potable water usage in Comp Plan, the amounts being pulled out seem very high. CM Ball said wells usually last about 20 years. Deep wells aquifer from North Carolina. She also stated that the R/LC use should fit for the people that presented their proposal tonight. She can't seem to find the graph showing the regulations. She has had several people that agree that Felix should train other employees.

CM Rivet: He agrees there are some concerns about the RLC. Let's start looking at it for the next meetings. Clerk said there will be two more public hearings after they hear back from the State.

CM Korn: Asked about the stormwater priorities set back in 2014 on the A, B, C, projects. Are we still following that plan? TA said the engineer worked with Council to develop that plan then, but it has been updated. TA gave a brief update. Just about finished the Atz Road project. Then will work on the Hall Road north side. The ditcher should be here by a

specific date. Allow us to move forward in more efficient manner. In theory PW tries to work these projects in order. They did the Marie Street culvert but then found there is about 40 foot of pipe that was installed incorrectly that will require digging it up and or replacing it. In general, they have a plan but then encounter the unforeseen and that needs to be communicated. He agrees a workshop would be beneficial with PW and information to the citizens. CM Korn said we owe it to the citizens that there is a plan. We have some of that year-round. His comment to TA is the Town looks like hell. It looks like trash. Need to get back to keeping the Town looking good. Why are we down to two employees in PW? We need six employees. He stated he would not be at the next meeting.

CM White: Looking at November calendar, let's look at a workshop meeting in December. He said it is not our purview to direct Felix. We can transmit these ideas to TA who can transmit to PW Director. They can set a plan for the first part of December with the TA. TA said Matt has been working with Tom as well.

CM White said that when they found out about the damaged pipes on Marie St back to manhole that need to be replaced or repaired; that information needs to be transmitted to the citizens. Thanks for the people that sit here meeting to meeting. It takes a little bit of participation to make the Town better.

Mayor: asked CP for the next agenda. She will get it on the next agenda.

Q. ADJOURNMENT:

There being no further business to discuss and without objection, the meeting was adjourned at 9:50 PM.

BY: _____
Mayor Patrick T. Reilly, Council Chair

ATTEST:

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

Date Approved: 10/15/2018

TOWN OF MALABAR

AGENDA ITEM REPORT

AGENDA ITEM NO: 2 thru 7

Meeting Date: October 15, 2018

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

SUBJECT: Appointment to Boards/Committees with expiring terms – five Resolutions: Reso 11-2018 through 15-2018 and one new appointment: Resolution 16-2018

BACKGROUND/HISTORY:

Board and Committee terms are for three years. As the term expires at the end of October, this is normally done at the 2nd meeting of October. It was the intent of Council to have the seated Council make the appointments, not the incoming Council.

Council also changed the method to appoint stating in the Code that existing members that wish to continue need to complete and submit a new application for consideration. In addition, the Council adopted the Board Code of Conduct. All this information was sent to the members with expiring terms.

We received back the completed forms from Drew, Bob, Annelie, Vickie and Doug. We received a new application from Doug Hoyt.

I have done resolutions for all of them.

ATTACHMENTS:

- Reso 11-2018 Drew Thompson to T&G Committee
- Reso 12-2018 Bob Wilbur to T&G Committee
- Reso 13-2018 Annelie Harvey to T&G Committee
- Reso 14-2018 Vickie Thomas to Park and Recreation Board
- Reso 15-2018 Doug Dial to Planning and Zoning Board
- Reso 16-2018 Doug Hoyt to Planning and Zoning Board

ACTION OPTIONS:

Staff requests Action on Resolutions.



MALABAR BOARDS

Members and Terms

as of October 31, 2018

All Terms run from November 1 to October 31

	District	Began	Expiration	Notes:
<u>**PLANNING AND ZONING</u>				
Doug Dial	2	2015	2018	Reso 04-2015
Wayne Abare, Vice-Chair	2	2014	2020	Reso 21-2017
Liz Ritter, Chair	1	2008	2020	Reso 22-2017
Mary Hofmeister	2	2016	2021	Reso 10-2018
George Foster	3	2013	2019	Reso 12-2016
Alt., Allen Rice	2	2016	2019	Reso 10-2016
Alt., Vacant – 1 application				
<u>**BOARD OF ADJUSTMENT</u>				
David Sowards, Chair	1	2010	2019	Reso 16-2016
Donna Hanna, Vice-Chair	4	2007	2019	Reso 15-2016
Charles Frazee	2	2010	2020	Reso 20-2017
Joanne Korn.	4	2010	2019	Reso 14-2016
Jim Clevinger				
Alt., Vacant				
Alt., Vacant				
<u>PARK AND REC BOARD</u>				
Vicki Thomas	5	2006	2018	Reso 35-2015
Jennifer Bienvenu	2	2016	2019	Reso 03-2016
Tom Taylor, Vice-Chair	4	2015	2018	Reso 15-2015
Eric Bienvenu, Chair	2	2016	2019	Reso 18-2016
Alt., Vacant				
Alt., Vacant				
<u>TRAILS & GREENWAYS COMMITTEE</u>				
Drew Thompson, Chair	5	2012	2018	Reso 39-2015
Murray Hann, Vice-Chair	5	2012	2020	Reso 18-2017
Bob Wilbur	2	2112	2018	Reso 31-2015
Annelie Harvey	4	2015	2018	Reso 15-2015
Vacant				
Alt., Vacant				
Alt., Vacant				

All terms are for 3 years.

Ref: Ordinance 2014-08

**** Form 1 Financial Disclosure Required**

RESOLUTION 11-2018

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE APPOINTMENT OF ANDREW "DREW" THOMPSON TO THE MALABAR TRAILS & GREENWAYS COMMITTEE AS A REGULAR MEMBER; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Malabar Town Council has been notified of an expiring term on the Trails and Greenways Committee; and

WHEREAS, Malabar Town Council desires to fill this opening by reappointment.

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

Section 1. The Town Council of Malabar, Brevard County, Florida, hereby approves the appointment of Drew Thompson as a regular member of the Trails & Greenways Committee for a three year term.

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

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

Section 4. This resolution shall take effect immediately upon 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 Laura Mahoney	_____
Council Member Steve Rivet	_____
Council Member Dick Korn	_____
Council Member Danny White	_____

This Resolution was then declared to be duly passed and adopted this 15th day of October, 2018.

TOWN OF MALABAR

By: _____
Mayor Patrick T. Reilly, Council Chair

ATTEST:

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

(seal)

Approved as to form and content:

Karl W. Bohne, Jr.
Town Attorney

Town of Malabar

Volunteer Committee/Board Application

Trails & Greenways (T&G) Committee Application

The T&G Committee is hereby established and shall consist of five (5) seats and two (2) alternate-seats. The Committee is established to deal with the specific subject of trails and greenways within Malabar and how they connect to the South Brevard Linear Trail system. The Committee shall gather information and present it to the Park and Recreation Board for referral to the Town Council. The Committee is advisory in nature but consults with trail groups from other agencies on trail related issues and forwards their recommendations to the Parks and Recreation Board for their consideration and recommendation to Council.

Name: Andrew R. Thompson Phone: 321.727.8622

Home Address: 940 Holloway Trail, Malabar, FL 32950

Email Address: drew.thompson@prosolent.com

Are you a resident of the Town: Yes [☒] No [☐]

How long have you been a resident of the Town of Malabar: 24 yrs. 9 mos. / 20180811

Are you currently involved with any other organization of the Town: Yes [☐] No [☒]

If yes, which organization: _____

Applicant Certification

By completing this application with the Town of Malabar and placing my signature below, I do hereby acknowledge the following:

- This application, when completed and filed with the Office of the Town Clerk, is a PUBLIC RECORD UNDER Chapter 119, Florida Statute, and is open to public inspection.
- I am responsible for keeping the information on this form current and that any changes or updates will be provided to the Office of the Town Clerk.
- I acknowledge that I am a resident of the Town of Malabar.
- I consent to filing the Statement of Financial Interest as required by Chapter 112, Florida Statutes.
- If appointed to a Committee or Board, I acknowledge that it is my obligation and duty to comply with the following:
 - Malabar Code of Conduct
 - Code of Ethics for Public Officials (F.S., Chapter 112, Part III)
 - Florida Sunshine Law (F.S., Chapter 286)

I understand the responsibilities associated with being a Committee or Board member and I will have adequate time to serve on this Committee or Board.

The information provided on this form is true and correct and consent is hereby given to the Town Council or its designated representative to verify any and/or all the information provided.



Signature

August 11, 2018

Date



Town of Malabar
Board Member Code of Conduct

(Malabar Code Chap 2. – Code of Conduct) In addition to adhering to the requirements of State Law, any person appointed to serve as a Member of a Town Board or Committee shall commit to the following Code of Conduct by written affirmation, which shall remain on file with the Town Clerk, as follows:

I affirm that the proper Statutory and Town Charter role of Members of appointed Town Boards and Committees, as with any Member of an appointed government body, is to act collectively, not individually, to apply the Town's governing policies, and that the Town Administrator and Staff administer such policies.

I understand that an appointed Board or Committee Member does not manage the affairs of the Town. I will not intrude into daily operations or spheres of responsibility designated by Florida Statutes, Town Code, and Town Charter to the Town Administrator as the Chief Executive Officer; or undermine the Town Administrator's lawful authority. Further, I understand that the Town Administrator is responsible for administering the policy direction established by a majority vote of the Town Council and not the individual wishes of Board or Committee Members.

I will represent the interests of the entire Town when making decisions and will rely upon available facts and my independent judgment. In my capacity as an appointed Board or Committee Member, I will avoid conflicts of interest and avoid using my official position for personal, professional, or partisan gain.

I will demonstrate dignity, respect, and courtesy toward those whom I am in contact with in my capacity as an appointed Board or Committee Member. I will refrain from intimidation and ridicule of fellow Board or Committee Members, Town Council Members, Town Administrator, Town Attorney, Staff, citizens of the Town, and those conducting business with the Town.

In my capacity as an appointed Board or Committee Member, I will refrain from inappropriate language including statements that are malicious, threatening, slanderous, disparaging, mean-spirited, vulgar or abusive. All disagreements, concerns or criticisms shall be framed in language that is in keeping with the dignity and professionalism of an appointed official and the honor of my respective Town Board or Committee.

I will focus on solving problems. I will maintain appropriate decorum and professional demeanor in the conduct of Town business and work cooperatively and conscientiously with others as I request or receive information, examine data or weigh alternatives in the decision-making process.

I will demonstrate patience and refrain from demanding, interruptive access to Staff or immediate responses or services when requesting information that requires significant Staff time in research, preparation or analysis or that will result in Staff neglect of urgent duties. Such requests will be made through the Town Administrator for scheduling and prioritizing through consensus of my respective Town Board or Committee.

I will devote adequate time for preparation prior to my respective Town Board or Committee meetings and as much as possible, I will be in attendance at such meetings and all other scheduled events where my participation is required.

I will respect diversity and encourage the open expression of divergent ideas and opinions from fellow Board or Committee Members, Town Council Members, Town Administrator, Town Attorney, Staff, citizens of Malabar, and Town utility customers. I will listen actively and objectively to others' concerns or constructive criticisms.

I will refrain from any individual action that could compromise lawfully authorized decisions of the Town or the integrity of the Town and my fellow Board or Committee Members. I will delineate clearly for any audience whether I am acting or speaking as an individual citizen or in my capacity as a Town Board or Committee Member.

I will maintain the confidentiality of privileged information and will abide by all laws of the State applicable to my conduct as a Board or Committee Member, including but not limited to the Government in the Sunshine Law, the Florida Code of Ethics for Public Officers, and Town Rules of Procedure and Codes of Conduct.

I will promote constructive relations in a positive climate with all Members of the Town Council, Town employees, Town Attorney, and Town contractors and consultants consistent with my role as a Board or Committee Member, as a means to enhance the productivity and morale of the Town. I will support the Town Administrator's decision to employ the most qualified persons for Staff positions. I will recognize the bona fide achievements of the Town Council, Town Administrator, Staff, Town Attorney, Town contractors and consultants, business partners, and others sharing in, and striving to achieve, the Town's mission.

I will enhance my knowledge and ability to contribute value to the Town as a Board or Committee Member by keeping abreast of issues and trends that could affect the Town through reading, continuing education and training. I will study policies and issues affecting the Town, and will attend training programs if required by the Town. My continuing goal will be to improve my performance as a Board or Committee Member.

I will value and assist my fellow Board or Committee Members by exchanging ideas, concerns, and knowledge through lawful means of communication. I will help build positive community support for the Town's mission and the policies established by the Town Council.

I will support and advocate for my beliefs, but will remain open to understanding the views of others. I recognize that I share in the responsibility for all Town decisions that my respective Board makes and will accept the will of the majority.

As a Board or Committee Member, I will always hold the best interests of the citizens of the Town and the public health, safety and welfare of the community in the highest regard. I will seek to provide appropriate leadership that nurtures and motivates Town citizens to be stakeholders in the affairs and achievements of the Town.

I will be accountable to the Town Council for violations of this Code of Conduct.



Signature

Andrew R. Thompson

Print Name



Date

Cindy L. Thompson

Witness

RESOLUTION 12-2018

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE APPOINTMENT OF ROBERT "BOB" WILBUR TO THE MALABAR TRAILS & GREENWAYS COMMITTEE AS A REGULAR MEMBER; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Malabar Town Council has been notified of an expiring term on the Trails and Greenways Committee; and

WHEREAS, Malabar Town Council desires to fill this opening by reappointment.

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

Section 1. The Town Council of Malabar, Brevard County, Florida, hereby approves the appointment of Bob Wilbur as a regular member of the Trails & Greenways Committee for a three year term.

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

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

Section 4. This resolution shall take effect immediately upon 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 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 15th day of October, 2018.

TOWN OF MALABAR

By: _____,
Mayor Patrick T. Reilly, Council Chair

ATTEST:

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

(seal)

Approved as to form and content:

Karl W. Bohne, Jr.
Town Attorney

Applicant Certification

By completing this application with the Town of Malabar and placing my signature below, I do hereby acknowledge the following:

- This application, when completed and filed with the Office of the Town Clerk, is a PUBLIC RECORD UNDER Chapter 119, Florida Statute, and is open to public inspection.
- I am responsible for keeping the information on this form current and that any changes or updates will be provided to the Office of the Town Clerk.
- I acknowledge that I am a resident of the Town of Malabar.
- I consent to filing the Statement of Financial Interest as required by Chapter 112, Florida Statutes.
- If appointed to a Committee or Board, I acknowledge that it is my obligation and duty to comply with the following:
 - Malabar Code of Conduct
 - Code of Ethics for Public Officials (F.S., Chapter 112, Part III)
 - Florida Sunshine Law (F.S., Chapter 286)

I understand the responsibilities associated with being a Committee or Board member and I will have adequate time to serve on this Committee or Board.

The information provided on this form is true and correct and consent is hereby given to the Town Council or its designated representative to verify any and/or all the information provided


Signature

8-16-18
Date

Town of Malabar

Volunteer Committee/Board Application

Trails & Greenways (T&G) Committee Application

The T&G Committee is hereby established and shall consist of five (5) seats and two (2) alternate-seats. The Committee is established to deal with the specific subject of trails and greenways within Malabar and how they connect to the South Brevard Linear Trail system. The Committee shall gather information and present it to the Park and Recreation Board for referral to the Town Council. The Committee is advisory in nature but consults with trail groups from other agencies on trail related issues and forwards their recommendations to the Parks and Recreation Board for their consideration and recommendation to Council.

Name: Bob Wilbur Phone: _____

Home Address: 2500 CLATIER RD. PO BOX 500559

Email Address: _____

Are you a resident of the Town: Yes [☒] No [☐]

How long have you been a resident of the Town of Malabar: 1976

Are you currently involved with any other organization of the Town: Yes [☐] No [☒]

If yes, which organization: _____

Bob Wilbur



Town of Malabar
Board Member Code of Conduct

(Malabar Code Chap 2. – Code of Conduct) In addition to adhering to the requirements of State Law, any person appointed to serve as a Member of a Town Board or Committee shall commit to the following Code of Conduct by written affirmation, which shall remain on file with the Town

Clerk, as follows:

I affirm that the proper Statutory and Town Charter role of Members of appointed Town Boards and Committees, as with any Member of an appointed government body, is to act collectively, not individually, to apply the Town's governing policies, and that the Town Administrator and Staff administer such policies.

I understand that an appointed Board or Committee Member does not manage the affairs of the Town. I will not intrude into daily operations or spheres of responsibility designated by Florida Statutes, Town Code, and Town Charter to the Town Administrator as the Chief Executive Officer; or undermine the Town Administrator's lawful authority. Further, I understand that the Town Administrator is responsible for administering the policy direction established by a majority vote of the Town Council and not the individual wishes of Board or Committee Members.

I will represent the interests of the entire Town when making decisions and will rely upon available facts and my independent judgment. In my capacity as an appointed Board or Committee Member, I will avoid conflicts of interest and avoid using my official position for personal, professional, or partisan gain.

I will demonstrate dignity, respect, and courtesy toward those whom I am in contact with in my capacity as an appointed Board or Committee Member. I will refrain from intimidation and ridicule of fellow Board or Committee Members, Town Council Members, Town Administrator, Town Attorney, Staff, citizens of the Town, and those conducting business with the Town.

In my capacity as an appointed Board or Committee Member, I will refrain from inappropriate language including statements that are malicious, threatening, slanderous, disparaging, mean-spirited, vulgar or abusive. All disagreements, concerns or criticisms shall be framed in language that is in keeping with the dignity and professionalism of an appointed official and the honor of my respective Town Board or Committee.

I will focus on solving problems. I will maintain appropriate decorum and professional demeanor in the conduct of Town business and work cooperatively and conscientiously with others as I request or receive information, examine data or weigh alternatives in the decision-making process.

I will demonstrate patience and refrain from demanding, interruptive access to Staff or immediate responses or services when requesting information that requires significant Staff time in research, preparation or analysis or that will result in Staff neglect of urgent duties. Such requests will be made through the Town Administrator for scheduling and prioritizing through consensus of my respective Town Board or Committee.

I will devote adequate time for preparation prior to my respective Town Board or Committee meetings and as much as possible, I will be in attendance at such meetings and all other scheduled events where my participation is required.

I will respect diversity and encourage the open expression of divergent ideas and opinions from fellow Board or Committee Members, Town Council Members, Town Administrator, Town Attorney, Staff, citizens of Malabar, and Town utility customers. I will listen actively and objectively to others' concerns or constructive criticisms.

I will refrain from any individual action that could compromise lawfully authorized decisions of the Town or the integrity of the Town and my fellow Board or Committee Members. I will delineate clearly for any audience whether I am acting or speaking as an individual citizen or in my capacity as a Town Board or Committee Member.

I will maintain the confidentiality of privileged information and will abide by all laws of the State applicable to my conduct as a Board or Committee Member, including but not limited to the Government in the Sunshine Law, the Florida Code of Ethics for Public Officers, and Town Rules of Procedure and Codes of Conduct.

I will promote constructive relations in a positive climate with all Members of the Town Council, Town employees, Town Attorney, and Town contractors and consultants consistent with my role as a Board or Committee Member, as a means to enhance the productivity and morale of the Town. I will support the Town Administrator's decision to employ the most qualified persons for Staff positions. I will recognize the bona fide achievements of the Town Council, Town Administrator, Staff, Town Attorney, Town contractors and consultants, business partners, and others sharing in, and striving to achieve, the Town's mission.

I will enhance my knowledge and ability to contribute value to the Town as a Board or Committee Member by keeping abreast of issues and trends that could affect the Town through reading, continuing education and training. I will study policies and issues affecting the Town, and will attend training programs if required by the Town. My continuing goal will be to improve my performance as a Board or Committee Member.

I will value and assist my fellow Board or Committee Members by exchanging ideas, concerns, and knowledge through lawful means of communication. I will help build positive community support for the Town's mission and the policies established by the Town Council.

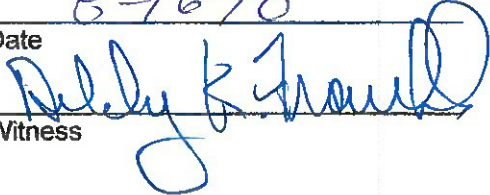
I will support and advocate for my beliefs, but will remain open to understanding the views of others. I recognize that I share in the responsibility for all Town decisions that my respective Board makes and will accept the will of the majority.

As a Board or Committee Member, I will always hold the best interests of the citizens of the Town and the public health, safety and welfare of the community in the highest regard. I will seek to provide appropriate leadership that nurtures and motivates Town citizens to be stakeholders in the affairs and achievements of the Town.

I will be accountable to the Town Council for violations of this Code of Conduct.


Signature

Bob Wilburt
Print Name

8-16-18
Date

Witness

RESOLUTION 13-2018

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE APPOINTMENT OF ANNELIE HARVEY TO THE MALABAR TRAILS & GREENWAYS COMMITTEE AS A REGULAR MEMBER; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Malabar Town Council has been notified of an expiring term on the Trails and Greenways Committee; and

WHEREAS, Malabar Town Council desires to fill this opening by reappointment.

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

Section 1. The Town Council of Malabar, Brevard County, Florida, hereby approves the appointment of Annelie Harvey as a regular member of the Trails & Greenways Committee for a three year term.

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

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

Section 4. This resolution shall take effect immediately upon 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 Laura Mahoney	_____
Council Member Steve Rivet	_____
Council Member Dick Korn	_____
Council Member Danny White	_____

This Resolution was then declared to be duly passed and adopted this 15th day of October, 2018.

TOWN OF MALABAR

By: _____
Mayor Patrick T. Reilly, Council Chair

ATTEST:

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

(seal)

Approved as to form and content:

Karl W. Bohne, Jr.
Town Attorney

SEP 24 2018

RECEIVED

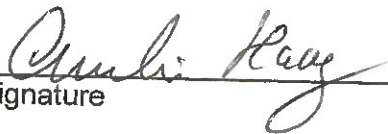
Town of MalabarVolunteer Committee/Board ApplicationApplicant Certification

By completing this application with the Town of Malabar and placing my signature below, I do hereby acknowledge the following:

- This application, when completed and filed with the Office of the Town Clerk, is a PUBLIC RECORD UNDER Chapter 119, Florida Statute, and is open to public inspection.
- I am responsible for keeping the information on this form current and that any changes or updates will be provided to the Office of the Town Clerk.
- I acknowledge that I am a resident of the Town of Malabar.
- I consent to filing the Statement of Financial Interest as required by Chapter 112, Florida Statutes.
- If appointed to a Committee or Board, I acknowledge that it is my obligation and duty to comply with the following:
 - Malabar Code of Conduct
 - Code of Ethics for Public Officials (F.S., Chapter 112, Part III)
 - Florida Sunshine Law (F.S., Chapter 286)

I understand the responsibilities associated with being a Committee or Board member and I will have adequate time to serve on this Committee or Board.

The information provided on this form is true and correct and consent is hereby given to the Town Council or its designated representative to verify any and/or all the information provided.


Signature

9-24-18
Date

Town of Malabar 2725 Malabar Road Malabar, Florida 32950
Phone: 321-727-7763 ~ Fax 321-722-2234 ~ Email: townclerk@townofmalabar.org
Website: www.townofmalabar.org

SEP 24 2018

Town of MalabarVolunteer Committee/Board ApplicationTrails & Greenways (T&G) Committee Application

The T&G Committee is hereby established and shall consist of five (5) seats and two (2) alternate-seats. The Committee is established to deal with the specific subject of trails and greenways within Malabar and how they connect to the South Brevard Linear Trail system. The Committee shall gather information and present it to the Park and Recreation Board for referral to the Town Council. The Committee is advisory in nature but consults with trail groups from other agencies on trail related issues and forwards their recommendations to the Parks and Recreation Board for their consideration and recommendation to Council.

1. Name: Aunelle HARVEY Phone: 321 543 8093
 2. Home Address: 2445 Quakerman Ln. Malabar FL 32950
 3. Email Address: twc 321 9566 914@earthlink.net
 4. Are you a resident of the Town: Yes ☒ No ☐
 5. How long have you been a resident of the Town of Malabar: 10 years
 6. Are you currently involved with any other organization of the Town: Yes ☐ No ☒
- If yes, which organization: _____

Town of Malabar 2725 Malabar Road Malabar, Florida 32950
 Phone: 321-727-7763 ~ Fax 321-722-2234 ~ Email: townclerk@townofmalabar.org
 Website: www.townofmalabar.org

TOWN OF MALABAR

TOWN OF MALABAR

APPLICATION FOR APPOINTMENT TO BOARD/COMMITTEE

SEP 24 2018

RECEIVED

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

NAME: Annelie Hovay TELEPHONE: 321 543 8093
ADDRESS: 2445 Quashman Ln. Malabar FL 32950
EMAIL: LWC 321 956 6914 @earthlink.net

RESIDENT OF TOWN FOR 12 MONTHS OR LONGER: ☒ YES ☐ NO

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

Medical Coding/Biller

PROFESSIONAL AND/OR COMMUNITY ACTIVITIES:

ADDITIONAL INFORMATION/REFERENCES:

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

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

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

Annelie Hovay
Signature of Applicant

9-24-2018
Date

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

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



TOWN OF MALABAR

2725 MALABAR ROAD • MALABAR, FLORIDA 32950
(321) 727-7764 OFFICE • (321) 722-2234 FAX
www.townofmalabar.com

SEP 2 4 2018

RECEIVED

Town of Malabar Board Member Code of Conduct

(Malabar Code Chap 2. – Code of Conduct) In addition to adhering to the requirements of State Law, any person appointed to serve as a Member of a Town Board or Committee shall commit to the following Code of Conduct by written affirmation, which shall remain on file with the Town Clerk, as follows:

I affirm that the proper Statutory and Town Charter role of Members of appointed Town Boards and Committees, as with any Member of an appointed government body, is to act collectively, not individually, to apply the Town's governing policies, and that the Town Administrator and Staff administer such policies.

I understand that an appointed Board or Committee Member does not manage the affairs of the Town. I will not intrude into daily operations or spheres of responsibility designated by Florida Statutes, Town Code, and Town Charter to the Town Administrator as the Chief Executive Officer; or undermine the Town Administrator's lawful authority. Further, I understand that the Town Administrator is responsible for administering the policy direction established by a majority vote of the Town Council and not the individual wishes of Board or Committee Members.

I will represent the interests of the entire Town when making decisions and will rely upon available facts and my independent judgment. In my capacity as an appointed Board or Committee Member, I will avoid conflicts of interest and avoid using my official position for personal, professional, or partisan gain.

I will demonstrate dignity, respect, and courtesy toward those whom I am in contact with in my capacity as an appointed Board or Committee Member. I will refrain from intimidation and ridicule of fellow Board or Committee Members, Town Council Members, Town Administrator, Town Attorney, Staff, citizens of the Town, and those conducting business with the Town.

In my capacity as an appointed Board or Committee Member, I will refrain from inappropriate language including statements that are malicious, threatening, slanderous, disparaging, mean-spirited, vulgar or abusive. All disagreements, concerns or criticisms shall be framed in language that is in keeping with the dignity and professionalism of an appointed official and the honor of my respective Town Board or Committee.

I will focus on solving problems. I will maintain appropriate decorum and professional demeanor in the conduct of Town business and work cooperatively and conscientiously with others as I request or receive information, examine data or weigh alternatives in the decision-making process.

I will demonstrate patience and refrain from demanding, interruptive access to Staff or immediate responses or services when requesting information that requires significant Staff time in research, preparation or analysis or that will result in Staff neglect of urgent duties. Such requests will be made through the Town Administrator for scheduling and prioritizing through consensus of my respective Town Board or Committee.

I will devote adequate time for preparation prior to my respective Town Board or Committee meetings and as much as possible, I will be in attendance at such meetings and all other scheduled events where my participation is required.

I will respect diversity and encourage the open expression of divergent ideas and opinions from fellow Board or Committee Members, Town Council Members, Town Administrator, Town Attorney, Staff, citizens of Malabar. I will listen actively and objectively to others' concerns or constructive criticisms.

I will refrain from any individual action that could compromise lawfully authorized decisions of the Town or the integrity of the Town and my fellow Board or Committee Members. I will delineate clearly for any audience whether I am acting or speaking as an individual citizen or in my capacity as a Town Board or Committee Member.

I will maintain the confidentiality of privileged information and will abide by all laws of the State applicable to my conduct as a Board or Committee Member, including but not limited to the Government in the Sunshine Law, the Florida Code of Ethics for Public Officers, and Town Rules of Procedure and Codes of Conduct.

I will promote constructive relations in a positive climate with all Members of the Town Council, Town employees, Town Attorney, and Town contractors and consultants consistent with my role as a Board or Committee Member, as a means to enhance the productivity and morale of the Town. I will support the Town Administrator's decision to employ the most qualified persons for Staff positions. I will recognize the bona fide achievements of the Town Council, Town Administrator, Staff, Town Attorney, Town contractors and consultants, business partners, and others sharing in, and striving to achieve, the Town's mission.

I will enhance my knowledge and ability to contribute value to the Town as a Board or Committee Member by keeping abreast of issues and trends that could affect the Town through reading, continuing education and training. I will study policies and issues affecting the Town, and will attend training programs if required by the Town. My continuing goal will be to improve my performance as a Board or Committee Member.

I will value and assist my fellow Board or Committee Members by exchanging ideas, concerns, and knowledge through lawful means of communication. I will help build positive community support for the Town's mission and the policies established by the Town Council.

I will support and advocate for my beliefs, but will remain open to understanding the views of others. I recognize that I share in the responsibility for all Town decisions that my respective Board makes and will accept the will of the majority.

As a Board or Committee Member, I will always hold the best interests of the citizens of the Town and the public health, safety and welfare of the community in the highest regard. I will seek to provide appropriate leadership that nurtures and motivates Town citizens to be stakeholders in the affairs and achievements of the Town.

I will be accountable to the Town Council for violations of this Code of Conduct.

Annie Harvey
Signature

ANNELIE HARVEY
Print Name

9-29-18
Date

Dwight K. Howard
Witness

RESOLUTION 14-2018

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE APPOINTMENT OF VICKIE THOMAS TO THE MALABAR PARKS AND RECREATION BOARD AS A REGULAR MEMBER; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Malabar Town Council has been notified of an expiring term on the Parks and Recreation Board; and

WHEREAS, Malabar Town Council desires to fill this opening by reappointment.

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

Section 1. The Town Council of Malabar, Brevard County, Florida, hereby approves the appointment of Vickie Thomas as a regular member of the Park and Recreation Board for a three year term.

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

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

Section 4. This resolution shall take effect immediately upon 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 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 6th day of November, 2017.

TOWN OF MALABAR

By: _____.

Mayor Patrick T. Reilly, Council Chair

ATTEST:

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

(seal)

Approved as to form and content:

Karl W. Bohne, Jr.
Town Attorney

SEP 07 2018

RECEIVED

Town of MalabarVolunteer Committee/Board ApplicationApplicant Certification

By completing this application with the Town of Malabar and placing my signature below, I do hereby acknowledge the following:

- This application, when completed and filed with the Office of the Town Clerk, is a PUBLIC RECORD UNDER Chapter 119, Florida Statute, and is open to public inspection.
- I am responsible for keeping the information on this form current and that any changes or updates will be provided to the Office of the Town Clerk.
- I acknowledge that I am a resident of the Town of Malabar.
- I consent to filing the Statement of Financial Interest as required by Chapter 112, Florida Statutes. *N/A*
- If appointed to a Committee or Board, I acknowledge that it is my obligation and duty to comply with the following:
 - Malabar Code of Conduct
 - Code of Ethics for Public Officials (F.S., Chapter 112, Part III)
 - Florida Sunshine Law (F.S., Chapter 286)

I understand the responsibilities associated with being a Committee or Board member and I will have adequate time to serve on this Committee or Board.

The information provided on this form is true and correct and consent is hereby given to the Town Council or its designated representative to verify any and/or all the information provided.


Signature

9/5/2018
Date

Town of Malabar 2725 Malabar Road Malabar, Florida 32950
Phone: 321-727-7763 ~ Fax 321-722-2234 ~ Email: townclerk@townofmalabar.org
Website: www.townofmalabar.org

SEP 07 2018

RECEIVED

Town of MalabarVolunteer Committee/Board ApplicationPark & Recreation Advisory Board Application

The Park & Recreation Board is hereby established and shall consist of five (5) seats and two (2) alternate-seats. The Board is advisory in nature. Members of the Board shall hold no other Town office. The affirmative vote of a majority of the regular and alternate board members present and voting (maximum of five votes) shall be necessary for the adoption of any motion. The Board discusses matters relating to the acquisition, development, maintenance, rehabilitation and operations of parks and recreation properties and facilities within the Town of Malabar and forward their recommendations to the Town Council for their consideration.

1. Name: Vickie Thomas Phone: 321-960-7446
 2. Home Address: 1605 Country Cove Cir
 3. Email Address: 4Salebrevard@gmail.com
 4. Are you a resident of the Town: yes Yes ☒ No ☐
 5. How long have you been a resident of the Town of Malabar: Since June 1994
 6. Are you currently involved with any other organization of the Town: Yes ☐ No ☒
- If yes, which organization: _____

Town of Malabar 2725 Malabar Road Malabar, Florida 32950
Phone: 321-727-7763 ~ Fax 321-722-2234 ~ Email: townclerk@townofmalabar.org
Website: www.townofmalabar.org

I will refrain from any individual action that could compromise lawfully authorized decisions of the Town or the integrity of the Town and my fellow Board or Committee Members. I will delineate clearly for any audience whether I am acting or speaking as an individual citizen or in my capacity as a Town Board or Committee Member.

I will maintain the confidentiality of privileged information and will abide by all laws of the State applicable to my conduct as a Board or Committee Member, including but not limited to the Government in the Sunshine Law, the Florida Code of Ethics for Public Officers, and Town Rules of Procedure and Codes of Conduct.

I will promote constructive relations in a positive climate with all Members of the Town Council, Town employees, Town Attorney, and Town contractors and consultants consistent with my role as a Board or Committee Member, as a means to enhance the productivity and morale of the Town. I will support the Town Administrator's decision to employ the most qualified persons for Staff positions. I will recognize the bona fide achievements of the Town Council, Town Administrator, Staff, Town Attorney, Town contractors and consultants, business partners, and others sharing in, and striving to achieve, the Town's mission.

I will enhance my knowledge and ability to contribute value to the Town as a Board or Committee Member by keeping abreast of issues and trends that could affect the Town through reading, continuing education and training. I will study policies and issues affecting the Town, and will attend training programs if required by the Town. My continuing goal will be to improve my performance as a Board or Committee Member.

I will value and assist my fellow Board or Committee Members by exchanging ideas, concerns, and knowledge through lawful means of communication. I will help build positive community support for the Town's mission and the policies established by the Town Council.

I will support and advocate for my beliefs, but will remain open to understanding the views of others. I recognize that I share in the responsibility for all Town decisions that my respective Board makes and will accept the will of the majority.

As a Board or Committee Member, I will always hold the best interests of the citizens of the Town and the public health, safety and welfare of the community in the highest regard. I will seek to provide appropriate leadership that nurtures and motivates Town citizens to be stakeholders in the affairs and achievements of the Town.

I will be accountable to the Town Council for violations of this Code of Conduct.

Vickie Thomas
Signature

Vickie Thomas
Print Name

9/6/2018
Date
Dennis M. Shuman
Witness

SEP 07 2018

RECEIVED

TOWN OF MALABAR

APPLICATION FOR APPOINTMENT TO BOARD/COMMITTEE

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

NAME: Vickie Thomas TELEPHONE: 321-960-7446
 ADDRESS: 1605 Country Cove Cir, Malabar, FL 32950
 EMAIL: 4salebrevard@gmail.com

RESIDENT OF TOWN FOR 12 MONTHS OR LONGER: ☒ YES ☐ NO

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

Former occupation International flight attendant / CURRENT Realtor

PROFESSIONAL AND/OR COMMUNITY ACTIVITIES:

Volunteer AT St. Vincent de Paul / Outreach + Food pantry Palm Bay Rd - current

NATIONAL Assoc of Realtors, Florida Assoc of Realtors, Space Coast Realtors

GRAD Real Estate Institute, Senior Real Estate Specialist,

ADDITIONAL INFORMATION/REFERENCES:

I WAS a member of multiple AD-Hoc committees in the Town of Malabar: Old School House (town Hall) Spring Fest / Redistricting / Campaign Treasurer for 2 Council members

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

☐ Board of Adjustment ☒ 2 Planning & Zoning
☒ 1 Parks & Recreation ☐ Trails & Greenways

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

Vickie Thomas
 Signature of Applicant

09/06/2018
 Date

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

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

RESOLUTION 15-2018

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE APPOINTMENT OF DOUG DIAL TO THE MALABAR PLANNING AND ZONING BOARD AS A REGULAR MEMBER; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Malabar Town Council has been notified of an expiring term on the Planning and Zoning Board; and

WHEREAS, Malabar Town Council desires to fill this opening by reappointment.

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

Section 1. The Town Council of Malabar, Brevard County, Florida, hereby approves the appointment of Doug Dial as a regular member of the Planning and Zoning Board for a three year term.

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

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

Section 4. This resolution shall take effect immediately upon 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 Laura Mahoney	_____
Council Member Steve Rivet	_____
Council Member Dick Korn	_____
Council Member Danny White	_____

This Resolution was then declared to be duly passed and adopted this 15th day of October, 2018.

TOWN OF MALABAR

By: _____.

Mayor Patrick T. Reilly, Council Chair

ATTEST:

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

(seal)

Approved as to form and content:

Karl W. Bohne, Jr.
Town Attorney

MALABAR
AUG 28 2018

RECEIVED

Applicant Certification

By completing this application with the Town of Malabar and placing my signature below, I do hereby acknowledge the following:

- This application, when completed and filed with the Office of the Town Clerk, is a PUBLIC RECORD UNDER Chapter 119, Florida Statute, and is open to public inspection.
- I am responsible for keeping the information on this form current and that any changes or updates will be provided to the Office of the Town Clerk.
- I acknowledge that I am a resident of the Town of Malabar.
- I consent to filing the Statement of Financial Interest as required by Chapter 112, Florida Statutes.
- If appointed to a Committee or Board, I acknowledge that it is my obligation and duty to comply with the following:
 - Malabar Code of Conduct
 - Code of Ethics for Public Officials (F.S., Chapter 112, Part III)
 - Florida Sunshine Law (F.S., Chapter 286)

I understand the responsibilities associated with being a Committee or Board member and I will have adequate time to serve on this Committee or Board.

The information provided on this form is true and correct and consent is hereby given to the Town Council or its designated representative to verify any and/or all the information provided.

Douglas L. Dial
Signature

8/28/2018
Date

AUG 28 2018

RECEIVED

Town of MalabarVolunteer Committee/Board ApplicationPlanning & Zoning Advisory Board Application

The Planning and Zoning Board is hereby established and shall consist of five (5) seats and two (2) alternate-seats. The Planning and Zoning Board is advisory in nature. Members of the Board shall hold no other Town office. The affirmative vote of a majority of the regular and alternate board members present and voting (maximum of five votes) shall be necessary for the adoption of any motion. The Planning and Zoning Board deals with land use issues such as site plans, conditional uses, special exceptions, residential subdivision developments, plats, re-plats and zoning change requests. They also review and compile updates for the Comprehensive Plan and present to Council. They shall also draft land development code to conform to changes adopted by Council to the Comprehensive Plan. They shall annually prepare a Capital Improvement Projects list to submit to Council. Some of the issues that the Board considers will be quasi-judicial and staff will alert them to those situations.

Name: Douglas L. Dial Phone: 321-725-5041
Home Address: 2580 Rocky Point Road, Malabar FL 32950
Email Address: dougdia1@icloud.com

Are you a resident of the Town: Yes ☒ No ☐

How long have you been a resident of the Town of Malabar: 18 years

Are you currently involved with any other organization of the Town: Yes ☐ No ☒

If yes, which organization: _____

Town of Malabar 2725 Malabar Road Malabar, Florida 32950

Phone: 321-727-7763 ~ Fax 321-722-2234 ~ Email: townclerk@townofmalabar.org

Website: www.townofmalabar.org

Town of MalabarVolunteer Committee/Board Application

AUG 28 2018

RECEIVED



**Town of Malabar
Board Member Code of Conduct**

(Malabar Code Chap 2. – Code of Conduct) In addition to adhering to the requirements of State Law, any person appointed to serve as a Member of a Town Board or Committee shall commit to the following Code of Conduct by written affirmation, which shall remain on file with the Town Clerk, as follows:

I affirm that the proper Statutory and Town Charter role of Members of appointed Town Boards and Committees, as with any Member of an appointed government body, is to act collectively, not individually, to apply the Town's governing policies, and that the Town Administrator and Staff administer such policies.

I understand that an appointed Board or Committee Member does not manage the affairs of the Town. I will not intrude into daily operations or spheres of responsibility designated by Florida Statutes, Town Code, and Town Charter to the Town Administrator as the Chief Executive Officer; or undermine the Town Administrator's lawful authority. Further, I understand that the Town Administrator is responsible for administering the policy direction established by a majority vote of the Town Council and not the individual wishes of Board or Committee Members.

I will represent the interests of the entire Town when making decisions and will rely upon available facts and my independent judgment. In my capacity as an appointed Board or Committee Member, I will avoid conflicts of interest and avoid using my official position for personal, professional, or partisan gain.

I will demonstrate dignity, respect, and courtesy toward those whom I am in contact with in my capacity as an appointed Board or Committee Member. I will refrain from intimidation and ridicule of fellow Board or Committee Members, Town Council Members, Town Administrator, Town Attorney, Staff, citizens of the Town, and those conducting business with the Town.

In my capacity as an appointed Board or Committee Member, I will refrain from inappropriate language including statements that are malicious, threatening, slanderous, disparaging, mean-spirited, vulgar or abusive. All disagreements, concerns or criticisms shall be framed in language that is in keeping with the dignity and professionalism of an appointed official and the honor of my respective Town Board or Committee.

I will focus on solving problems. I will maintain appropriate decorum and professional demeanor in the conduct of Town business and work cooperatively and conscientiously with others as I request or receive information, examine data or weigh alternatives in the decision-making process.

I will demonstrate patience and refrain from demanding, interruptive access to Staff or immediate responses or services when requesting information that requires significant Staff time in research, preparation or analysis or that will result in Staff neglect of urgent duties. Such requests will be made through the Town Administrator for scheduling and prioritizing through consensus of my respective Town Board or Committee.

I will devote adequate time for preparation prior to my respective Town Board or Committee meetings and as much as possible, I will be in attendance at such meetings and all other scheduled events where my participation is required.

I will respect diversity and encourage the open expression of divergent ideas and opinions from fellow Board or Committee Members, Town Council Members, Town Administrator, Town Attorney, Staff, citizens of Malabar, and Town utility customers. I will listen actively and objectively to others' concerns or constructive criticisms.

I will refrain from any individual action that could compromise lawfully authorized decisions of the Town or the integrity of the Town and my fellow Board or Committee Members. I will delineate clearly for any audience whether I am acting or speaking as an individual citizen or in my capacity as a Town Board or Committee Member.

I will maintain the confidentiality of privileged information and will abide by all laws of the State applicable to my conduct as a Board or Committee Member, including but not limited to the

AUG 28 2018

RECEIVED

Government in the Sunshine Law, the Florida Code of Ethics for Public Officers, and Town Rules of Procedure and Codes of Conduct.

I will promote constructive relations in a positive climate with all Members of the Town Council, Town employees, Town Attorney, and Town contractors and consultants consistent with my role as a Board or Committee Member, as a means to enhance the productivity and morale of the Town. I will support the Town Administrator's decision to employ the most qualified persons for Staff positions. I will recognize the bona fide achievements of the Town Council, Town Administrator, Staff, Town Attorney, Town contractors and consultants, business partners, and others sharing in, and striving to achieve, the Town's mission.

I will enhance my knowledge and ability to contribute value to the Town as a Board or Committee Member by keeping abreast of issues and trends that could affect the Town through reading, continuing education and training. I will study policies and issues affecting the Town, and will attend training programs if required by the Town. My continuing goal will be to improve my performance as a Board or Committee Member.

I will value and assist my fellow Board or Committee Members by exchanging ideas, concerns, and knowledge through lawful means of communication. I will help build positive community support for the Town's mission and the policies established by the Town Council.

I will support and advocate for my beliefs, but will remain open to understanding the views of others. I recognize that I share in the responsibility for all Town decisions that my respective Board makes and will accept the will of the majority.

As a Board or Committee Member, I will always hold the best interests of the citizens of the Town and the public health, safety and welfare of the community in the highest regard. I will seek to provide appropriate leadership that nurtures and motivates Town citizens to be stakeholders in the affairs and achievements of the Town.

I will be accountable to the Town Council for violations of this Code of Conduct.

Signature

Douglas L. Dial

Print Name

Date

8/28/2018

Witness

RESOLUTION 16-2018

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE APPOINTMENT OF DOUG HOYT TO THE MALABAR PLANNING AND ZONING BOARD AS A REGULAR MEMBER; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Malabar Town Council has been notified of an open position on the Planning and Zoning Board; and

WHEREAS, Malabar Town Council desires to fill this opening by appointment.

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

Section 1. The Town Council of Malabar, Brevard County, Florida, hereby approves the appointment of Doug Hoyt as an alternate member of the Planning and Zoning Board for a three year term.

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

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

Section 4. This resolution shall take effect immediately upon 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 Laura Mahoney	_____
Council Member Steve Rivet	_____
Council Member Dick Korn	_____
Council Member Danny White	_____

This Resolution was then declared to be duly passed and adopted this 15th day of October, 2018.

TOWN OF MALABAR

By: _____.

Mayor Patrick T. Reilly, Council Chair

ATTEST:

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

(seal)

Approved as to form and content:

_____.
Karl W. Bohne, Jr.
Town Attorney



Town of Malabar

Volunteer Committee/Board Application

Applicant Certification

By completing this application with the Town of Malabar and placing my signature below, I do hereby acknowledge the following:

- This application, when completed and filed with the Office of the Town Clerk, is a PUBLIC RECORD UNDER Chapter 119, Florida Statute, and is open to public inspection.
- I am responsible for keeping the information on this form current and that any changes or updates will be provided to the Office of the Town Clerk.
- I acknowledge that I am a resident of the Town of Malabar.
- I consent to filing the Statement of Financial Interest as required by Chapter 112, Florida Statutes.
- If appointed to a Committee or Board, I acknowledge that it is my obligation and duty to comply with the following:
 - Malabar Code of Conduct
 - Code of Ethics for Public Officials (F.S., Chapter 112, Part III)
 - Florida Sunshine Law (F.S., Chapter 286)

I understand the responsibilities associated with being a Committee or Board member and I will have adequate time to serve on this Committee or Board.

The information provided on this form is true and correct and consent is hereby given to the Town Council or its designated representative to verify any and/or all the information provided.


Signature

07/05/2018

Date

Town of Malabar 2725 Malabar Road Malabar, Florida 32950
Phone: 321-727-7763 ~ Fax 321-722-2234 ~ Email: towndclerk@townofmalabar.org
Website: www.townofmalabar.org



Town of Malabar

Volunteer Committee/Board Application

Planning & Zoning Advisory Board Application

The Planning and Zoning Board is hereby established and shall consist of five (5) seats and two (2) alternate-seats. The Planning and Zoning Board is advisory in nature. Members of the Board shall hold no other Town office. The affirmative vote of a majority of the regular and alternate board members present and voting (maximum of five votes) shall be necessary for the adoption of any motion. The Planning and Zoning Board deals with land use issues such as site plans, conditional uses, special exceptions, residential subdivision developments, plats, re-plats and zoning change requests. They also review and compile updates for the Comprehensive Plan and present to Council. They shall also draft land development code to conform to changes adopted by Council to the Comprehensive Plan. They shall annually prepare a Capital Improvement Projects list to submit to Council. Some of the issues that the Board considers will be quasi-judicial and staff will alert them to those situations.

1. Name: Douglas Chandler Hoyt Phone: 678-522-1691
 2. Home Address: 2250 Duncil Lane - Malabar, FL 32950
 3. Email Address: dchoyt@bellsouth.net
 4. Are you a resident of the Town: Yes [☒] No [☐]
 5. How long have you been a resident of the Town of Malabar: Since 2003
 6. Are you currently involved with any other organization of the Town: Yes [☒] No [☐]
- If yes, which organization: Town Administrator (leaving this position 11-08-2018)

Town of Malabar 2725 Malabar Road Malabar, Florida 32950
Phone: 321-727-7763 ~ Fax 321-722-2234 ~ Email: townclerk@townofmalabar.org
Website: www.townofmalabar.org

TOWN OF MALABAR

APPLICATION FOR APPOINTMENT TO BOARD/COMMITTEE



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

NAME: Douglas Chandler Hoyt TELEPHONE: 678-522-1691
ADDRESS: 2250 Duncil Lane -- Malabar, FL 32950
EMAIL: dchoyt@bellsouth.net

RESIDENT OF TOWN FOR 12 MONTHS OR LONGER: ☒ YES ☐ NO

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

Town Administrator

PROFESSIONAL AND/OR COMMUNITY ACTIVITIES:

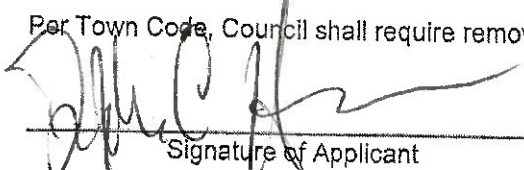
See personnel file on file with Town

ADDITIONAL INFORMATION/REFERENCES:

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

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

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


Signature of Applicant

07/05/2018

Date

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

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



TOWN OF MALABAR

2725 MALABAR ROAD • MALABAR, FLORIDA 32950
(321) 727-7764 OFFICE • (321) 722-2234 FAX
www.townofmalabar.com



Town of Malabar Board Member Code of Conduct

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I will maintain the confidentiality of privileged information and will abide by all laws of the State applicable to my conduct as a Board or Committee Member, including but not limited to the Government in the Sunshine Law, the Florida Code of Ethics for Public Officers, and Town Rules of Procedure and Codes of Conduct.

I will promote constructive relations in a positive climate with all Members of the Town Council, Town employees, Town Attorney, and Town contractors and consultants consistent with my role as a Board or Committee Member, as a means to enhance the productivity and morale of the Town. I will support the Town Administrator's decision to employ the most qualified persons for Staff positions. I will recognize the bona fide achievements of the Town Council, Town Administrator, Staff, Town Attorney, Town contractors and consultants, business partners, and others sharing in, and striving to achieve, the Town's mission.

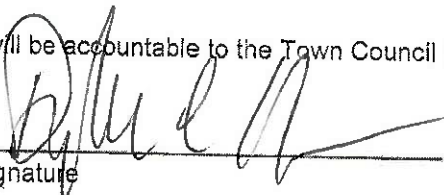
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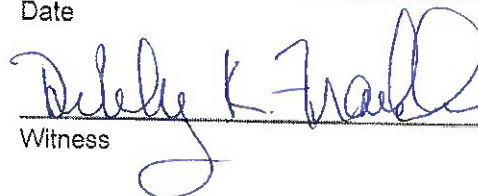

Signature

Douglas Chandler Hoyt

Print Name

07/05/2018

Date


Witness



TOWN OF MALABAR

AGENDA ITEM REPORT

AGENDA ITEM NO: 8

Meeting Date: October 15, 2018

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

SUBJECT: Approve Reso 17-2018 for a Three-Year ILA with Brevard County for Administration of Malabar's Stormwater Program (17-2018)

BACKGROUND/HISTORY:

The Interlocal Agreement needs to be approved to provide for the administration of Malabar's Stormwater Utility Program. The County has administered our SW program since 2000 and we have paid Brevard County ten percent of the non-ad valorem assessment to administer the program. In the past, that was budgeted at about \$7,000.00. In 2016 Malabar approved an increase per single family homes from \$36.00 annually to \$52.00. The estimated revenue for FY18/19 is \$106,144.00. Ten percent is \$10,614.40.

The administrative services provided by the County under the Interlocal Agreement are listed in Section 2 and consist of maintaining the parcel database and the schedule of Billing Classifications and Formula Classifications as updated periodically. They also administer the credit policy program, compile the annual assessment roll, providing information to citizens and respond to billing inquiries. They provide the information needed for credit applications, provide technical review and determination of credit; and handle appeals related to credit issuances and exemptions from or adjustment to, any stormwater assessment. They also perform the annual physical inspections of those sites granted a stormwater credit to verify they still comply. Malabar does not have the staff to accomplish this.

There are statutory requirements (i.e. 163, 189, 373 and 403) to include Malabar's Stormwater Management Program (MSWMP) within its Comprehensive Plan. They also require coordination under the Generic Permit for Discharge of Stormwater Phase II, Municipal Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) permit. The County assists us under this ILA with compliance to these requirements as well, by providing educational outreach to the public on our behalf, preparation and submittal of the annual report, permit renewal, investigation of illicit discharges, corrective actions taken, structure inventory and mapping updating, coordination and documentation required to complete the DEP audits. Brevard County also provides regular housekeeping training and refreshers to Town staff and PW employees to stay current on BMP (best management plans) for vehicle maintenance and pollutant prevention methods.

Ms. Alvarez will be in attendance to answer any questions.

FINANCIAL IMPACT:

The Budgeted amount for administration for 2018/2019 year is \$7,100.00. If the actual costs exceed that amount, a budget amendment will be required. During initial discussions for renewal of the ILA, the Town Administrator requested a cost sheet using the anticipated hours County staff will devote to Malabar stormwater utility administration and NPDES. Ms. Alvarez provided the sheet and the annual amount is estimated at \$12,398.43.

ATTACHMENTS:

Reso 17-2018

ILA for 3-year period with two 1-year extensions possible

ACTION OPTIONS:

Staff Requests Favorable Action on Reso 17-2018

RESOLUTION 17-2018

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR COUNCIL APPROVAL OF A THREE-YEAR INTERLOCAL AGREEMENT WITH BREVARD COUNTY FOR STORMWATER PROGRAM ADMINISTRATION AND MANAGEMENT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Malabar has participated in previous Interlocal Agreements with Brevard County since 2001 for administration of their stormwater utility; and

WHEREAS, and this Agreement authorizes Brevard County to administer and manage the Town's Stormwater Program consistent with the policies, procedures, and practices of the County's Natural Resource Management Department's Stormwater Program; and

WHEREAS, the Town of Malabar desires to participate in this Intergovernmental Agreement for the three-year period from 2018 to 2021 with two One-year extensions possible afterwards per Section 22 of the Agreement.

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

Section 1. The Town Council of Malabar, Brevard County, Florida, hereby approves and directs that this Interlocal Agreement attached as Exhibit "A" to be signed by the Mayor.

Section 2. The Town Council of Malabar, Brevard County, Florida, hereby authorizes and directs that the signed Interlocal Agreement be forwarded to the Brevard County Department of Natural Resources for execution by the County.

Section 3. 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 Laura Mahoney	_____
Council Member Steve Rivet	_____
Council Member Dick Korn	_____
Council Member Danny White	_____

This Resolution was then declared to be duly passed and adopted this 15th day of October, 2018.

By: TOWN OF MALABAR

Mayor Patrick T. Reilly, Council Chair

ATTEST:

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

(seal)

Approved as to form and content:

Karl W. Bohne, Jr., Town Attorney

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
STORMWATER PROGRAM
INTERLOCAL AGREEMENT**

THIS AGREEMENT is made and entered into this ____ day of _____, 2018, by and between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA (hereinafter referred to as "County") and the TOWN OF MALABAR, a Florida municipal corporation, (hereinafter referred to as the "Town,")

WITNESSETH:

WHEREAS, the County currently operates and manages a Stormwater Program under the authority of Chapters 403 and 197, Florida Statutes; and

WHEREAS, the Town currently operates and manages a Stormwater Program under the authority of Chapters 403 and 197, Florida Statutes; and

WHEREAS, the County and Town recognize that there are benefits associated with a regional approach to the management of stormwater issues; and

WHEREAS, the Board of County Commissioners has authorized expansion of the County's Stormwater Program for administration and operation of municipally adopted benefit zones; and

WHEREAS, the Town Council of Malabar, Florida has determined that the County's administration of the Town's Stormwater Program will best serve the interests of its citizens.

NOW THEREFORE, in consideration of the above recitals and of the mutual promises and other good and valuable consideration set forth below, these parties intending to be bound, agree in advance as follows:

SECTION 1. STATUTORY AUTHORITY

This agreement shall be considered an Interlocal Agreement pursuant to the authority of Section 163.01, Florida Statutes.

SECTION 2. PROGRAM ADMINISTRATION SERVICES

The County shall administer and manage the Town's Stormwater Program consistent with the policies, procedures, and practices of the County's Natural Resources Management Department Stormwater Program in effect on the effective date of this agreement. For the purpose of this agreement the authority to make minor adjustments in procedures and practices not affecting policy is hereby delegated to the County Manager and Town Administrator provided that said amendments do not vary the specific terms and conditions of this agreement or any applicable Town or County ordinances. Procedural amendments shall be in writing executed by the County Manager and Town Administrator.

Administration of the Town's Stormwater Program will include, but not necessarily be limited to:

- a) Management of the parcel database including coordination with the County Property Appraiser, Tax Collector, and Information Technology offices.
- b) Administration of the Credit Policy Program.
- c) Drafting of required Ordinances, Rate Resolutions, and annual assessment rolls as necessary. All such actions must be reviewed by the Town Administrator and approved by the Town Attorney. All such actions shall be adopted by the Town Council, as required by law.
- d) Review and adjustment of Stormwater Assessment bills, when appropriate, through the Error and Insolvency process for corrections.
- e) Providing information and coordination related to billing inquiries to the citizens within the MSMSBA.
- f) Management of technical staff employed by the County's Stormwater Program.
- g) Educational activities for the public as required per the NPDES permit.
- h) Good Housekeeping Education of Town staff to meet the minimum NPDES requirements.
- i) Activities related to the coordination of the TOWN OF MALABAR Stormwater Management Program (MSWMP) required under the Generic Permit for Discharge of Stormwater Phase II, Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) permit.

- j) Yearly management fees for the administration of the Stormwater Utility fee data.
- k) Yearly management fees for individual corrections of the utility bills through the Error and Insolvency method for corrections. Associated documents maintenance related to yearly inspections as required by the National Pollutant Discharge and Elimination System Permit.
- l) Yearly compliance inspections of stormwater management systems receiving stormwater credit.
- m) Processing of appeals related to credit issuance, exemptions from, or adjustments to, any stormwater assessment
- n) Preparation of activities directly related to the NPDES generic permit, including:
 - i. Collection of documentation related to annual reporting,
 - ii. Preparation of the annual report.
 - iii. Preparation of the permit renewal Notice of Intent (NOI),
 - iv. Responses to request for additional documentation by the FDEP Stormwater Section,
 - v. Any other documentation request as deemed necessary to meet the NPDES permit requirements.
 - vi. Structure inventory and mapping updating.
 - vii. Investigation of environmental or water management concerns (illicit discharges).
 - viii. Coordination and documentation required to complete DEP Audits.
- o) Other Direct Fees:
 - i. Property Appraiser administration of the non-ad valorem fee: Per Florida Statute Chapter 197.3632(2), and the agreement between the Brevard County and the Brevard county Property Appraiser dated August 9, 2016, the Property Appraiser shall be compensated for all administrative costs incurred in carrying out the maintenance of the expanded use code system at a rate of \$0.50 per parcel. The rate is based on the Fiscal Year 17-18 parcel count. The fee is set through the end of Fiscal Year 18-19, at which time a new agreement will be entered into and a new

fee established. The County shall invoice the Town for the Property Appraiser's fee, once a year, on the second quarterly invoice.

- ii. Yearly administration fee for the Information and Technology Department handling of the data and the billable calculations at \$1.00/parcel.
- iii. Participation in the Stormwater Education and Outreach Interlocal Agreement billed at a rate of \$0.35 per person, based on the 2014 Municipal Population Data published by City-Data.com.
- iv. Project Management services including, but not necessarily limited to:
 1. Project management of engineering or environmental consultant contracts.
 2. Project management of construction contracts.
 3. Construction projects inspections.

SECTION 3. ASSESSMENT REVENUE

Stormwater assessment revenues as budgeted by the Town Council and collected within the Town for the Stormwater Program will be used for administering, planning, constructing, operating, and maintaining stormwater management systems benefiting the Town.

SECTION 4. CUSTODIAN OF FUNDS

During the period covered by this Interlocal Agreement, the Town shall be the custodian of funds generated within the MSMSBA.

SECTION 5. ADJUSTMENT OF ASSESSMENTS

In the event that an adjustment or individual calculation of an annual Stormwater Assessment is required, the County's Natural Resources Management Department Director [Director] or his/her designee shall have authority to make such adjustment in accordance with County policies and procedures. Any appeals related to credit issuance, exemptions from, or adjustments to, any stormwater assessment will be resolved utilizing the County Stormwater Program Appeals Committee and Appeals Committee procedure as outlined in Chapter 110, Article V, Section 110-373(c) of Brevard County Code. The Town shall be given notice of any request for adjustment and/or appeal and has the right, but not the obligation, to participate in any hearing requesting an adjustment or an appeal.

SECTION 6. EXPENDITURE OF FUNDS

All expenditures of funds pursuant to this agreement which are collected within the MSMSBA shall require the approval of the Director and the Town Administrator. In the event of a disagreement as to the approval of expenditure, the decision of the Town Administrator shall prevail. It is recognized that during the period covered by this Interlocal Agreement, services of Town Departments/Divisions, such as purchasing, financial, or legal services, may require reasonable compensation, and if required, will be set forth in the Town's annual program operating budget. Any compensation for these services shall be billed separately from the services provided in this Agreement and billed at time of services.

SECTION 7. PURCHASING AND FINANCIAL PRACTICES

During the period covered by this Interlocal Agreement, purchasing and financial processes shall be in accordance with the Town's policies and procedures, as amended from time to time.

SECTION 8. DIRECT COSTS FOR ADMINISTRATION AND SERVICES

The Town will pay the County's Stormwater Program administrative costs and services based on the personnel hourly rates in Exhibit A "RATES", and for services performed by other authorities and billed through the Natural Resources Department. Rates shall be adjusted yearly and a new Rate Schedule will be provided to the Town yearly, after Budget adoption. Invoicing for the County's services will be as described in Section 9, Remittance of Payment.

The costs will include billable hourly rates for services as described in Section 2 above and shall also include associated cost of supplies and expenses, and capital equipment. The County will maintain appropriate records to support these charges.

SECTION 9. REMITTANCE OF PAYMENTS

The Town agrees to pay the County quarterly based on work performed and bill through invoices by the County. The Town agrees to process invoices for payment within thirty (30) days of receipt.

SECTION 10. LEGAL SERVICES

During the period covered by this agreement, the Town agrees that any claims or suits involving operation of the stormwater program within the Town limits will be defended by and at the expense of the Town. However, the County, pursuant to a separate agreement, at the request of the Town may defend the Town against all claims arising out of decisions relating to adjustments or credits to an individual fee; or appeals to or from the Stormwater Program Appeals Committee as set forth in Section 5, including actual attorney fees for the County Attorney's office at \$250.00 per hour of attorney's time. For internal control and auditing purposes, time records will be kept by the County Attorney's office for all time charged against Town stormwater assessments. Time records will include who performed the individual task (e.g. draft letters, research), date task performed, time expended for each task expressed in tenths of an hour; and total amount billed. Costs of such defense shall be paid from the stormwater assessment imposed by the Town.

SECTION 11. SELECTION OF PROJECTS

The County Stormwater Program staff, when requested by the Town's staff and the Town Council, will assist in the selection of projects which benefit the MSMSBA.

It is recognized that, in general, program operation costs, capital improvements, and the maintenance of capital improvements constructed by the program are the primary uses allowable for revenue collected. In addition, it is recognized the parties will endeavor to apply the funds identified for capital improvement projects that would, in aggregate, equally benefit and improve both water quality and flood control in the Town.

SECTION 12. CONTINUING CONSULTANTS

The Town shall have available for its use the services of continuing consultants as selected by the County under the Competitive Consultant Negotiation Act (CCNA).

SECTION 13. REPRESENTATIONS OF THE TOWN

The Town makes the following representations to the County:

- a. The Town is duly organized and in good standing under the laws of the State of Florida and is duly qualified and authorized to carry on the governmental functions and operations set forth in this Interlocal Agreement.
- b. The Town has the power, authority, and legal right to enter into and perform the obligations set forth in this Interlocal Agreement and the execution, delivery, and performance hereof by the Town: (i) has been duly authorized by the Town Council of the TOWN OF MALABAR and (ii) does not constitute a default under, or result in the creation of any lien, charge, encumbrance or security interest upon the assets of the Town, except as otherwise provided herein.

SECTION 14. REPRESENTATION OF THE COUNTY

The County makes the following representations to the TOWN OF MALABAR:

- a. The County is duly organized and in good standing under the laws of the State of Florida, is duly qualified and authorized to carry on the governmental functions and operations under the laws of the State of Florida, and is duly qualified and authorized to carry on the governmental functions and operations set forth in this Interlocal Agreement.
- b. The County has the power, authority, and legal right to enter into and perform the obligations set forth in this Interlocal Agreement and the execution, delivery, and performance hereof by the County: (i) has been duly authorized by the Board of County Commissioners of Brevard County and (ii) does not constitute a default under, or result in the creation of any lien, charge, encumbrance, or security interest upon the assets of the County, except as otherwise provided herein.

SECTION 15. RECORDS REVIEW

It is hereby specifically agreed that any record, document, computerized information and program, audio or video tape, photograph, or other writing of the County's Stormwater Program relating to this Agreement shall be deemed to be a "Public Record," whether in the possession or control of the County's Stormwater Program or one of its consultants, as defined in Section 119.011, Florida Statutes. Said record, document, computerized information and program, audio

or videotape, photograph, or other writing shall be subject to the provisions of Chapter 119, Florida Statutes. Upon request by the Town and without posing an exemption to the Town's rights set forth in Section 119.07(1), Florida Statutes, the County shall permit inspection of the foregoing public records by the Town, and the Town may obtain copies of said public records. All books, cards, registers, receipts, documents, reports, photographs, maps, drawings, and other papers in connection with this Agreement shall at any and all reasonable times during the normal working hours of the County be open and freely exhibited by the County for the purpose of examination and/or audit by the Town.

SECTION 16. NOTICE

All notices, demands, annual renewals, or other writings in this Agreement are or may be given, made, or sent by either party through this Agreement to the other, shall be deemed to have been given, made, or sent when made in writing and deposited in the first class United States mail, certified, return receipt requested, postage prepaid, and addressed as follows:

TO COUNTY: **Director**
 Natural Resources Management Department
 Brevard County Government Center
 Building "A", Suite 219
 2725 Judge Fran Jamieson Way
 Viera, Florida 32940

with a copy to: **County Manager**
 Brevard County Government Center
 Building "C", Suite 301
 2725 Judge Fran Jamieson Way
 Viera, Florida 32940

TO TOWN: **Town Administrator**
 TOWN OF MALABAR
 2725 Malabar Road
 Malabar, FL 32950

with a copy to: **Town Clerk**
 TOWN OF MALABAR
 2725 Malabar Road
 Malabar, FL 32950

The person or address to which any notice or other writing may be given, made, or sent, as above provided, may be unilaterally changed by written notice given as above provided.

SECTION 17. THIRD-PARTY BENEFICIARIES PARTNERSHIP

- a. No Third-Party Beneficiaries. It is expressly agreed to by the parties, and it is the expressed intent of the parties, that there are no intended or unintended, expressed or incidental, third-party beneficiaries of this Agreement. Consequently, this Agreement may NOT be relied upon by any person or entity other than the County or the Town.
- b. Partnership. The County and the Town shall not be deemed to be partners or co-joint ventures of one another by virtue of this Agreement.

SECTION 18. DEFAULT

- a. It is expressly agreed between the parties hereto that in the event the Town determines the County, or the County determines the Town, to be in default of any of the conditions, covenants, or agreements of this Agreement, the Manager of the party hereto alleging a default will provide written notice thereof to the Manager of the party hereto alleged to be in default. Default with regard to any provision hereof shall be construed as a material breach of this Agreement, the intent of the parties being that all terms of this Agreement are material. The party alleged to be in default shall, within fifteen (15) days of the receipt of such notice, initiate action to correct such default and promptly and diligently prosecute such corrective action to completion; provided, however, that during said fifteen (15) day period if the Manager of the entity alleged to be in default disagrees with the determination of the entity alleging a default, then in such event both Managers shall meet and discuss the alleged default and possible correction thereof. In the event the two Managers cannot agree on whether or not a default exists or how to resolve the default, they shall each present an agreed upon statement of the issue(s) outstanding to their respective governing bodies, together with alternatives proposed by both Managers for any corrective action to be undertaken. At this point, both parties shall immediately coordinate with one another to simultaneously satisfy the requirements of sub-section (b) and Section 164.103, Florida Statutes, in a prompt manner.

- b.
 - i. If the governing body of the entity alleging a default determines no default to have occurred, no further action by the entity claimed to be in default shall be necessary.
 - ii. If the governing body of the entity alleging a default determines a default to have occurred, but the governing body of the entity alleged to be in default determines no default to have occurred, then the entity alleging a default shall retain all legal and equitable rights and remedies available, but unless otherwise terminated by either party, this Agreement shall continue in full force and effect during any judicial proceeding initiated by the entity alleging a default. If the governing body of the entity alleging a default is dissatisfied with the remedy elected by the party alleged to be in default or the progress in remedying the default, the entity alleging a default shall retain all legal and equitable rights and remedies available.
 - iii. If a majority vote of each of the governing bodies determines a default to have occurred and agrees upon a method for the prosecution of corrective action and appropriate corrective action, the entity in default shall initiate corrective action within fifteen (15) days of the date of final determination of such default by both governing bodies and promptly and diligently prosecute such corrective action to completion. Thereafter, the parties to this Agreement shall retain all legal rights and remedies available to them, but unless otherwise terminated by either party hereto, this Agreement shall continue in full force and effect during any judicial proceeding initiated by either party.
- c. Remedies Cumulative; Waiver. All remedies conferred on either party shall be deemed cumulative, and no one remedy is exclusive of the other or of any other remedy conferred by law. Waiver by the Town or the County of, or failure of the Town or the County, to take action with respect to any breach of any term, covenant, or condition herein contained shall not be deemed to be a waiver of such term, covenant, or condition or subsequent breach of the same or any other term, covenant, or condition herein contained. In no event shall the County be deemed liable for costs, damages, or attorney's fees incurred as a result of services provided herein.

SECTION 19. SEVERABILITY

If any part of this Interlocal Agreement is found invalid, unconstitutional, or unenforceable by any court, such invalidity or unenforceability shall not affect the other parts of this Interlocal Agreement if the rights and obligations of the parties contained herein are not materially prejudiced and if the intentions of the parties can be accomplished. This agreement shall be enforced and interpreted as if such invalid, unenforceable, or unconstitutional provision did not exist.

SECTION 20. ENTIRETY

This Interlocal Agreement, including exhibits, represents the understanding and agreement of the parties in its entirety. There shall be no amendments to this Interlocal Agreement unless such amendments are in writing, signed by all the parties, and filed with the Brevard County Clerk of the Circuit Court.

SECTION 21. TERMINATION

This agreement shall remain in effect until the date specified in Section 22, of this Agreement or upon termination by either party. Either the Town or County may serve written notice to the other party to terminate the contract upon not less than one hundred twenty (120) days' notice. Should termination of the agreement occur within less than one hundred and twenty (120) days' Notice, the Town shall be responsible for all outstanding costs as permitted by this agreement.

SECTION 22. DURATION OF AGREEMENT

This agreement shall remain in full force for a period of three (3) years after its date of execution by both parties, unless this agreement is terminated as otherwise provided herein. In addition, this agreement may be extended by both parties in one (1) year increments for up to two (2) years beyond the initial three (3) year period of the Agreement. Annual extensions shall be made by mutual written consent of both parties and as authorized by the Director and the Town Administrator, and proper notification per Section 16. Rates and fees will be adjusted annually pursuant to Section 2 o) Other Direct Fees and Section 8 Direct costs for Administration and Services.

SECTION 23. EFFECTIVE DATE

The effective date of this Interlocal Agreement shall be as of the last date on which this agreement is fully executed. This agreement shall be filed with the Brevard County Clerk of the Circuit Court.

SECTION 24. GOVERNING LAW

The laws of the State of Florida shall govern the validity and interpretation of this Interlocal Agreement.

SECTION 25. VENUE

Venue for any legal action brought by any party to this Agreement to interpret, construe or enforce this agreement shall be in a court of competent jurisdiction in and for Brevard County, Florida, and any trial shall be non-jury.

-Signature Page Follows-

IN WITNESS THEREOF, the parties have caused this Agreement to be executed by its duly authorized representatives as of the last date written below.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA**

Scott Ellis, Clerk

**Rita Pritchett, Chairman
(As approved by the Board on**

_____)

Reviewed for legal form and content by:

Christine Valliere, Assistant County Attorney

ATTEST:

TOWN OF MALABAR

Debby K. Franklin, CMC
Town Clerk Treasurer

Douglas C. Hoyt, Town Administrator
(As approved by the Town Council on
_____)

EXHIBIT A

Employee Rates

EMPLOYEE TITLE	EMPLOYEE BILLABLE RATES
Associate Environmental Specialist	\$28.20 - \$31.60
Department Finance Manager	\$29.90
Engineer II	\$43.52 - \$46.64
Engineer Manager	\$48.93
Environmental Program Assistant	\$30.07
Environmental Specialist	\$34.12
Special Projects Coordinator	\$31.60
Special Projects Coordinator I	\$24.92
Support Services Manager	\$39.20

FY2018-2019 Totals for Stormwater Billing

City Code Count District - City Billing Amount			
Z	1,684	Malabar	\$106,144.36
	Total: 1,684		\$106,144.36

TOWN OF MALABAR AGENDA ITEM REPORT

AGENDA ITEM NO: 9
Meeting Date: October 15, 2018

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

SUBJECT: Coastal Preservation Land Use Along Indian River Lagoon

BACKGROUND/HISTORY:

Staff was requested to put this on the agenda for discussion. The Coastal Management Element required in the Malabar Comprehensive Plan includes goals and objectives to protect human life and limit public expenditures in areas that are subject to destruction by natural disaster. It encompasses much more than the shoreline. Please see map on page 8 of the Florida Coastal Management Program Guide. The entire county is within the Coastal Management area.

Malabar should periodically update development and/or redevelopment regulations, principles and strategies that reduce flood risk in areas prone to storm surge, flash flood and stormwater run-off. That is the requirement for the Town in its Comprehensive Plan.

Land Use and Zoning Designations are made by Council and can be changed by Council. Such changes within the Coastal Preservation areas could still contain protections for the coastline.

There are 12 parcels from the northern Town limits to Malabar Road that could be developed to some degree as they contain approximately .14 to .25 of an acre.

There appear to be about 13 parcels from Malabar Road to Rocky Point Road that could be developed to some degree as they contain .18 to one acre.

There are perhaps 6 parcels along Rocky Point Road that could be developed to some degree as they contain .10 to .5 of an acre.

Staff would recommend the use of a land use planner to assist Council in these discussions.

ATTACHMENTS:

Map showing parcels along IRL – larger Map available at meeting
Florida Coastal Management Program Guide – 8 pages
Page 30 of Florida Coastal Management Program Guide – map showing Aquatic Managed Areas
Post-Disaster Redevelopment Plans from current Quality Cities Magazine – 2 pages
National Hurricane Center info on SLOSH – 2 pages
Revised pages from Chapter 5 of Coastal Management Element
Minutes from 3/21/1974 regarding decisions on Zoning Map (Ord 7-1-74) showing the decision to prohibit development along IRL was a Council decision

ACTION OPTIONS:

Further direction to Staff

10/5/2018

Mail - townclerk@townofmalabar.org

From: BCPAO

Sent: October 04, 2018 2:32 PM

To: GIS.Services <gis.services@bcpao.us>

Subject: BCPAO Website Contact - GIS & Mapping

Topic: GIS & Mapping

Message: Malabar council will be discussing coastal management and I would like a map showing the coast of Malabar along the Indian River Lagoon. All are in Range 38, Section 5, 6 and 8 in Township 29S and Section 31 in Township 28S

Customer: Government Professional

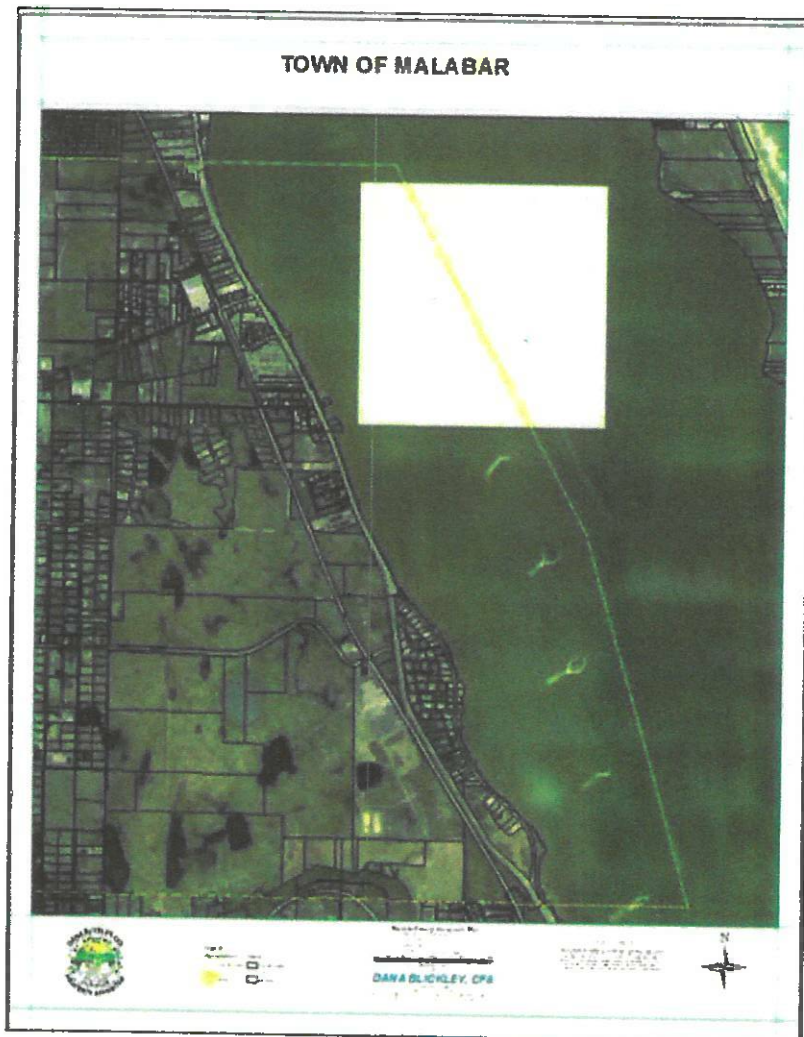
Name: Debby Franklin

10/5/2018

Mail - townclerk@townofmalabar.org

Good morning Ms. Franklin,

Below is a screen print of a map of Malabar. If acceptable I will get the large format paper map in the mail for you.



Michael Grissinger, CCF, CFE
District Boundary Specialist
Brevard County Property Appraiser
GIS/Cadastral Service Department

400 South St. 4th Fl.
Titusville, FL 32780

Phone: 321-264-6966 Fax: 321-264-6983

email: mike.grissinger@bcpao.us website: www.bcpao.us



FLORIDA COASTAL MANAGEMENT PROGRAM GUIDE

A GUIDE TO THE FEDERALLY APPROVED FLORIDA COASTAL MANAGEMENT PROGRAM

Updated October 11th, 2017



Florida Coastal Office
Department of Environmental Protection
3900 Commonwealth Blvd., MS 235
Tallahassee, Florida 32399
<http://www.dep.state.fl.us/cmp>

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I. INTRODUCTION

This guide is intended to provide the reader with a description of the Florida Coastal Management Program (FCMP). The goal of the FCMP is to promote the effective protection and use of the land and water resources of the coastal zone. FCMP's website can be accessed by clicking on the following URL: <http://www.dep.state.fl.us/cmp/default.htm>.

II. THE COASTAL ZONE MANAGEMENT ACT

Our nation's coastal zone is rich in a variety of natural, commercial, recreational, ecological, industrial, and aesthetic resources of immense value to the present and future well-being of the United States. By the late 1960s, more than half of our nation's population was located near the coasts. Different groups competed for access to coastal resources, and conflicts increased dramatically. Recreational fisherman competed with commercial fishermen. Resorts and residential developments limited the access previously enjoyed by local residents. Declining coastal water quality led to closings of shellfish beds and swimming beaches. Commercial and recreational fisheries declined. Valuable coastal resources, which are essential to the well-being of American citizens, were being irretrievably damaged or lost. The effective management, protection, and development of the coastal zone became a matter of national interest.

In 1972, the U.S. Congress passed the federal Coastal Zone Management Act (CZMA)¹ to address the increasing conflict between protection and use of our nation's coastal zone. The legislation encouraged the nation's coastal regions (collectively referred to as the "coastal states" or "states") to develop and implement federally-approved coastal management programs (CMPs) based on that state's unique coastal characteristics. The management programs were to assist states to achieve wise use of the land and water resources of the coastal zone, giving full consideration to ecological, economic, cultural, historic, and aesthetic values. The program was to be a comprehensive statement (in words, maps, illustrations, or other media of communication) that was prepared and adopted by the state in accordance with the provisions of the CZMA. It sets forth objectives, policies, and standards to guide public and private uses of lands and waters in the coastal zone. The CZMA² requires the state CMPs to describe:

- The boundaries of the state's coastal zone.³
- The coastal land, water and natural resources that have a direct and significant impact on coastal waters.⁴
- Geographic areas of particular concern.⁵
- The authorities and enforceable policies of the CMP.⁶
- Guidelines on usage priority.⁷
- The organizational and enforceable policies for implementing the CMP, including the responsibilities and interrelationships of local, area-wide, state, regional, and interstate agencies and management process.⁸

¹ CZMA § 302-319 (also referred to as 16 U.S.C. § 1451 *et seq.*)

² CZMA § 306(d)(2) and (9) (also referred to as 16 U.S.C. § 1455(d)(2) and (9))

³ 15 U.S.C. § 923, Subpart D

⁴ 15 U.S.C. § 923, Subpart B

⁵ 15 U.S.C. § 923, Subpart C

⁶ 15 U.S.C. § 923, Subpart E

⁷ 15 U.S.C. § 923, Subpart C

⁸ 15 U.S.C. § 923, Subpart F and G

- Shorefront access and protection planning. This includes access to other public coastal areas of environmental, recreational, historical, aesthetic, ecological, or cultural value.⁹
- New energy facility planning.¹⁰
- Shoreline erosion/mitigation planning.¹¹

Once a state develops a CMP approved by the National Oceanic and Atmospheric Administration (NOAA), that state becomes eligible for annual implementation funds. The state is also given the authority by Congress to review certain federal activities that have reasonably foreseeable effects on any land use¹², water use¹³, or natural resource in its coastal zone to make sure that the federal actions are consistent with the enforceable policies of the state's federally-approved CMP. This authority is referred to as "federal consistency." Some examples of "coastal land or water uses" include such activities as public access, recreation, fishing, historic or cultural preservation, development, energy infrastructure and use, hazards management, marinas, floodplain management, scenic and aesthetic enjoyment, and resource creation or restoration.

⁹ 15 U.S.C. § 923, Subpart C

¹⁰ 15 U.S.C. § 923, Subpart C

¹¹ 15 U.S.C. § 923, Subpart C

¹² The term "land use" means activities which are conducted in, or on the shore lands within, the coastal zone

¹³ The term "water use" means a use or activity, or project conducted in or on waters within the coastal zone

III. THE FLORIDA COASTAL MANAGEMENT PROGRAM

In 1978, the Florida Legislature adopted the Florida Coastal Management Act, codified as Chapter 380, F.S., Part II, Coastal Planning and Management. This legislation authorized the development of the Florida Coastal Management Program (FCMP) and its submittal to the federal government.

In 1981, the FCMP was approved by the Secretary of the National Oceanic and Atmospheric Administration (NOAA). The Department of Environmental Protection (DEP) is designated as the lead agency for the FCMP pursuant to the CZMA¹⁴. DEP's Florida Coastal Office, is charged with overseeing the state's coastal management program and handles the following FCMP activities:

- Compiles and submits the federal applications for receiving funds pursuant to the CZMA.
- Adopts rule procedures and criteria for the evaluation of Coastal Partnership Initiative (CPI) and state agency sub-grant applications for funds allocated to the state under the CZMA.
- Administers the Coastal and Estuarine Land Conservation Program (CELCP), a federally-funded land acquisition program.
- Conducts the CZMA Section 309 assessment and strategies for coastal resource issues.
- Administers the Beach Access Sign Program, the Beach Warning Flag Program, and the Rip Current Awareness Program.
- Prepares routine program updates to incorporate annual statutory changes.
- Maintains informational materials and procedural guidelines.
- Provides education and outreach materials.
- Guides the coordination of the Federal Consistency review process.
- Conducts training workshops for those entities involved in the federal consistency process.
- Provides, to the practicable extent, financial, technical, research, and legal assistance to effectuate the purposes of the Florida Coastal Management Act.
- Acts as a resource for the partner agencies in the Coastal Management Program.

¹⁴ CZMA § 306(c) (also referred to as 16 U.S.C. § 306(c))

PROGRAM BOUNDARIES

The CZMA¹⁵ requires a state CMP to identify the boundary of its coastal zone, which includes the area of land and water from the territorial limits landward to the most inland extent of marine influences. Following is a description of the seaward and interstate boundaries for the state of Florida:

- **Seaward Boundaries** – The CZMA¹⁶ defines the seaward extent of a state's coastal zone as "to the outer limit of state title and ownership under the Submerged Land Act¹⁷". Under the Submerged Lands Act, Florida's title and ownership extends three miles into the Atlantic Ocean and, in accordance with *United States vs. Louisiana, et.al.*, 364 U.S. 502 (1960), three marine leagues (approximately nine nautical miles) into the Gulf of Mexico.
- **Interstate Boundaries** - The western lateral boundary of the FCMP is defined by the adjudicated boundary between Florida and Alabama. The coastal zone boundary in Alabama is the continuous 10-foot contour in Mobile and Baldwin counties. The northern lateral boundary of the state coastal program is the adjudicated boundary between Florida and Alabama and Florida and Georgia. Each state, with the development of its own coastal management program, has consulted with one another to ensure compatibility between each state's respective boundary designations.

Based upon the geography of Florida and the legal basis for the state program, the entire state of Florida is included within the coastal zone. Geographically, Florida has low land elevation, a generally high water table, and an extensive coastline with many rivers emptying into coastal waters. Few places in Florida are more than seventy miles from either the Atlantic Ocean or the Gulf of Mexico. The result is an interrelationship between the land and coastal waters, which makes it difficult to establish a boundary that would exclude inland areas. Because of this interrelationship, the state boundaries include the entire area encompassed by the state's 67 counties and its territorial seas. The only exceptions are lands the federal government owns, leases, holds in trust, or whose use is otherwise by law subject to the sole discretion of the federal government, its officers, or agents. Lands held by the Seminole and Miccosukee Indian Tribes are also exempted.

Note: For planning and developing coordinated projects and initiatives relating to coastal resource protection and management and for completing federal consistency reviews of federally-licensed and permitted activities¹⁸, only the geographical area encompassed by the 35 Florida coastal counties and the adjoining territorial sea is utilized.

¹⁵ CZMA § 306(d)(2)(A) (also referred to as 16 U.S.C. § 1455(d)(2)(A))

¹⁶ CZMA § 304(1) (also referred to as 16 U.S.C. § 1453(1))

¹⁷ 43 U.S.C. 1301 *et seq.*

¹⁸ Section 380.23(3)(c), F.S.

Following is a map of Florida's Coastal Zone



Following is a map showing the locations of the state's aquatic preserves

Florida's Coastal and Aquatic Managed Areas

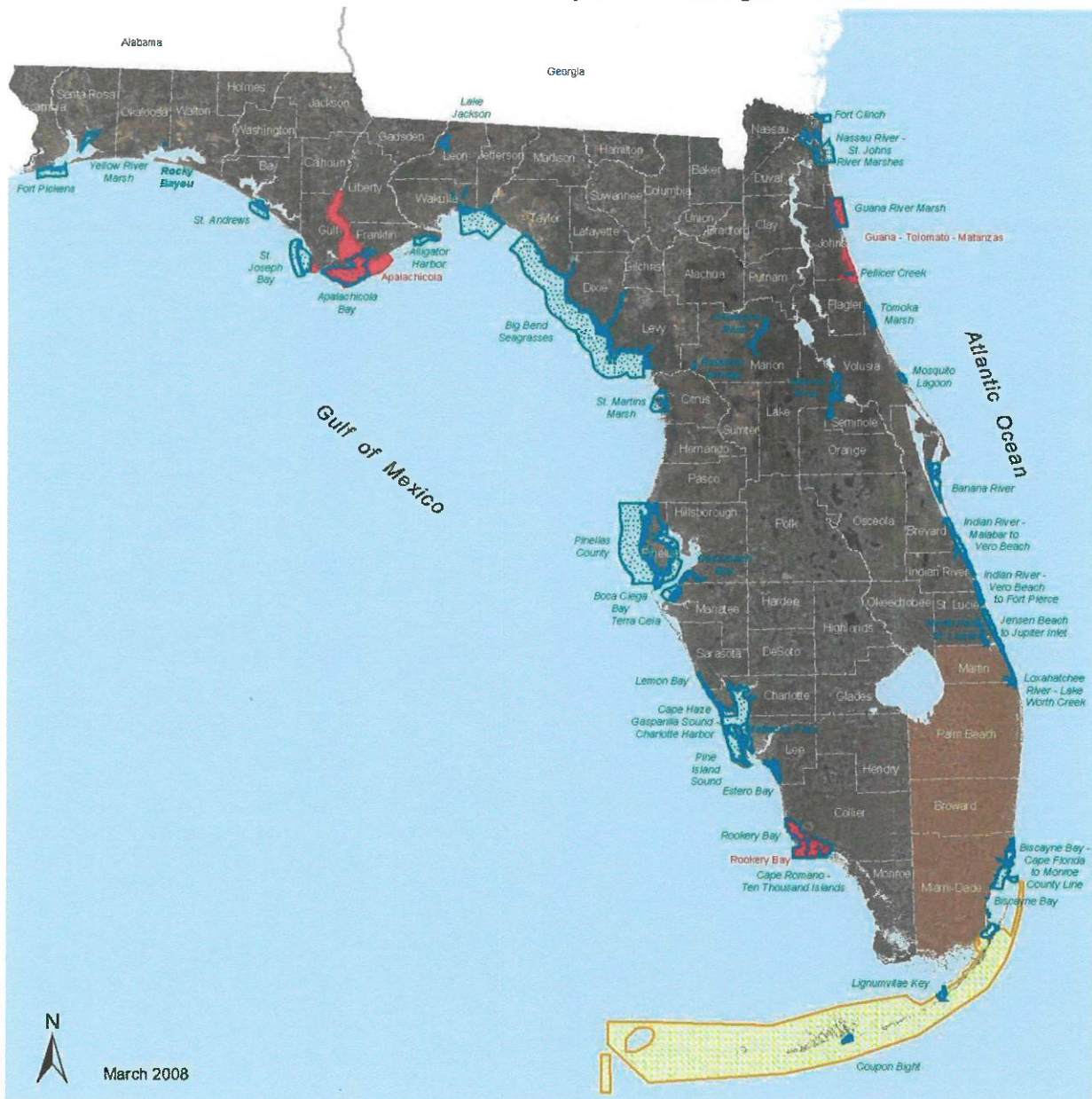




PHOTO © GETTY IMAGES

UPDATE

Post-Disaster Redevelopment Plans

Resiliency planning in Florida's coastal communities

by Jerry Murphy
University of Florida

With Hurricane Irma barely fading from our municipal rearview mirror, it should be abundantly clear that Florida continues to witness increasingly extreme weather disasters. The numerous tropical storm disasters early in the first decade of the 21st century convinced the state to support a pilot project promoting Post-Disaster Redevelopment Plans (PDRPs).

HISTORY OF PDRPS

Through an engaging and robust planning process in the 2000s, the state's position was that "local governments can collaboratively create a long-term recovery and redevelopment strategy in pursuit of a sustainable community." This policy resulted in several pilot local government PDRPs and the publication of "Post-Disaster Redevelopment Planning: A Guide for Florida Communities."

As our communities evolve, key among the recommendations of the PDRP guide is that the local government PDRP be updated every five years. Many of the pilot communities' PDRPs and those of other communities that have followed suit are due for audit and update. The state also updated its guidance documents for PDRP preparation, publishing an addendum to the PDRP guide in 2012.

NEW ADDENDUM PUBLISHED

A second edition of the addendum was published in June of this year. It highlights the increased occurrences of "sunny day flooding" and severe tropical weather and how these events have elevated the topic of resilience and reinforced the importance of planning in Florida's coastal communities.

It specifically notes the Legislature's adoption of the Peril of Flood Act in 2015. That act requires coastal communities to



CMRI Resiliency and Sustainability Training

The Florida League of Cities' Center for Municipal Research & Innovation connects municipalities with the most current evidence-based information on resiliency and sustainability. This ongoing educational program provides city officials with tools to assist them as they make decisions on planning, infrastructure and investments in these areas.

RECENT TRAINING

The CMRI's December 2017 research symposium focused on combating water hazards in an era of recurring extreme weather and on ways municipal governments can reduce and prevent vulnerabilities. Presentations from the symposium are available at floridaleagueofcities.com/research/events-symposiums.

In June 2018, the CMRI hosted a webinar delving into creating a long-term sustainability and resiliency plan using the quadruple bottom-line strategy. A follow-up webinar was held in July 2018. It detailed how to assess environmental threats and the risks they pose to cities, and it provided information on understanding vulnerability analysis and assessment considerations for future planning. Recordings of both webinars are available on the FLC website. Visit floridaleagueofcities.com and search for "On Demand Learning Library."

This fall and winter the CMRI will offer training on plan elements of vulnerability assessment, stormwater and sewer system impacts, and financing resiliency projects. Keep an eye on your email for dates and topics.

For more information, contact Research Analyst Liane M. (Schrader) Giroux at lgiroux@flcities.com.

update the coastal management elements of their comprehensive plans to take steps:

» to "eliminate inappropriate and unsafe development in the coastal areas when opportunities arise"

» to eliminate that development by including "development and redevelopment principles, strategies, and engineering solutions that reduce the flood risk in coastal areas" that results from "high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea level rise."

PDRPs are an accepted strategy for improving community resiliency and satisfying the requirements.

The second edition also emphasizes the growing number of communities that are adopting adaptation strategies, the increasing number of resources available and the planning activities in which many communities are engaged to reduce their long-term exposure to hazards that may also address the potential risks from sea level rise.

An updated section on environmental restoration strategies discusses living shorelines, which involve shoreline stabilization strategies that use "mangrove or marsh grass plantings or oyster restoration to preserve non-beach shorelines." These shorelines can allow "habitats to migrate along with sea level rise while being protected against accelerated erosion" and demonstrate "benefits to the structures behind them during storm events."

The concluding chapter on implementation considerations introduces by reference a new publication, "The Adaptation Planning Guidebook," as an additional resource for improving the public outreach approach and opportunities for community participation specific to each step of the adaptation planning process.

UPDATING THE PDRP

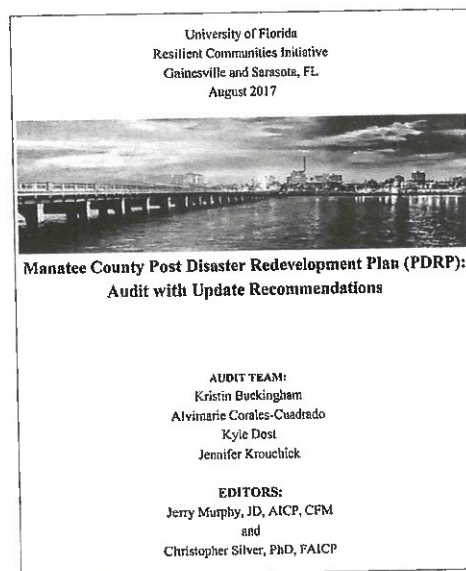
Manatee County, a major participant in the pilot project, is on the leading edge of local government PDRP update efforts. Following an audit last year of its PDRP by the University of Florida Resilient Communities Initiative (UFRCI), Manatee County is poised to undertake a comprehensive update of its PDRP with UFRCI, the cities of **Anna Maria, Bradenton, Bradenton Beach, Holmes Beach and Palmetto**, and the **Town of Longboat Key**.

The UFRCI audit of Manatee County's PDRP compares the relationship of the PDRP to other Manatee County future land planning resources: The Comprehensive Plan, the Comprehensive Emergency Management Plan and the Local Mitigation Strategy. The UFRCI audit also contains a critical analysis of Manatee County's PDRP, including a review of each section with recommendations based on best practices. The UFRCI audit also recommends that the PDRP be structurally organized to accord with the Department of Homeland Security's National Preparedness System.

Today, the types of analyses and tools identified by statute and provided in the guidance documents are similar to, or more refined than, those used in preparing the original pilot PDRPs. These statutory directives, requirements and options, as well as the increasing frequency of

extreme climatic events, continue to support planning for coastal redevelopment in post-disaster scenarios and regularly maintaining and updating local government PDRPs.

Jerry Murphy, JD, AICP, CFM, is a project coordinator for the UFRCI. The UFRCI is available to work with cities on crafting or updating their PDRPs. For more information, contact Murphy at (239) 322-8510 or jerry@murphyplanning.com. **QC**





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Sea, Lake, and Overland Surges from Hurricanes (SLOSH)

[Surge Overview](#) | [National Surge Hazard Maps](#) | [Storm Surge Unit](#) | [SLOSH](#) | [P-SURGE](#) | [Surge Products](#) | [Local Impacts](#) | [FAQ](#) | [Resources](#)

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SLOSH Model

Introduction

The Sea, Lake and Overland Surges from Hurricanes (SLOSH) model is a computerized numerical model developed by the National Weather Service (NWS) to estimate storm surge heights resulting from historical, hypothetical, or predicted hurricanes by taking into account the atmospheric pressure, size, forward speed, and track data. These parameters are used to create a model of the wind field which drives the storm surge.

The SLOSH model consists of a set of physics equations which are applied to a specific locale's shoreline, incorporating the unique bay and river configurations, water depths, bridges, roads, levees and other physical features.

Modeling Approaches

There are essentially three methods that can be used to estimate surge:

Deterministic Approach - Forecasts surge based on solving physics equations. This approach uses a single simulation based off of a "perfect" forecast which results in a strong dependence on accurate meteorological input. The location and timing of a hurricane's landfall is crucial in determining which areas will be inundated by the storm surge. Small changes in track, intensity, size, forward speed, and landfall location can have huge impacts on storm surge. At the time emergency managers must make an evacuation decision, the forecast track and intensity of a tropical cyclone are subject to large errors, thus a single simulation of the SLOSH model does not always provide an accurate depiction of the true storm surge vulnerability. Click here to view the National Hurricane Center's (NHC) official annual forecast track error for Atlantic tropical cyclones.

Probabilistic Approach - The Probabilistic Surge (P-Surge) product incorporates statistics of past forecast performances to generate an ensemble of SLOSH runs based on distributions of cross track, along track, intensity, and size errors. The latest version explicitly models the astronomical tide.

Composite Approach - Predicts surge by running SLOSH several thousand times with hypothetical hurricanes under different storm conditions. The products generated from this approach are the Maximum Envelopes of Water (MEOWs) and the Maximum of MEOWs (MOMs) which are regarded by NHC as the best approach for determining storm surge vulnerability for an area since it takes into account forecast uncertainty. The MEOWs and MOMs play an integral role in emergency management as they form the basis for the development of the nation's evacuation zones.

Reference Level

All water level observations, including SLOSH storm surge heights, are referenced as height above a vertical datum. A vertical datum is an established surface that serves as a reference to measure or model heights and depths. Currently, the SLOSH model utilizes the National Geodetic Vertical Datum of 1929 (NGVD29) and the North American Vertical Datum of 1988 (NAVD88). All basins in the contiguous U.S. have been updated to NAVD88. It is important to note that when comparing water level observations (e.g. from tide stations) with other observations, observations with models, or models to other models, one MUST always use consistent vertical datums in order to avoid misinterpreting surge elevations. For more information about datums please refer to the National Geodetic Survey.

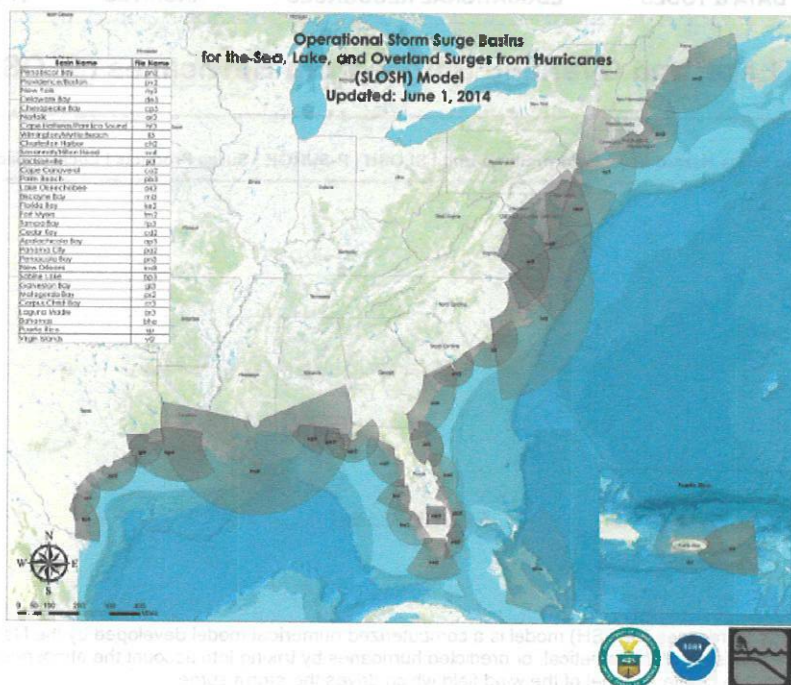
Surge Inundation

Storm surge inundation is the term used when referencing storm surge heights as height above ground level. NHC's storm surge forecast public advisory statements now reference storm surge as height above ground level. This means when NHC forecasts storm surge of 20 ft that means 20 ft above ground. Refer to the FAQ section for more information on storm surge inundation. In an effort to help alleviate the confusion inherent in past use of surge above a vertical datum, SLOSH storm surge heights can now be referenced as feet above ground level as a selectable feature in the SLOSH Display Program (SDP).

The NHC will issue an Experimental Potential Storm Surge Flooding Map in 2014. It aims to clearly and concisely depict the risk associated with the storm surge hazard. The experimental Potential Storm Surge Flooding Map is based on the forecast track, intensity, and size of a tropical storm or hurricane. Meteorological uncertainty exists in the forecast, and this map incorporates potential forecast errors by using an existing NWS product developed by the NWS Meteorological Development Laboratory (MDL), in cooperation with the NHC, called Probabilistic Hurricane Storm Surge (P-Surge 2.0). The map is not a worst case scenario, but it shows a reasonable upper bound of potential flooding of normally dry land at particular locations due to storm surge. There is a 1-in-10 chance that the storm surge flooding at any particular location could be higher than the values shown on the map. For more information about this experimental product refer to this link: <http://www.nhc.noaa.gov/experimental/inundation/>.

Basin Coverage

SLOSH has been applied to the entire U.S. Atlantic and Gulf of Mexico coastlines. In addition, coverage extends to Hawaii, Puerto Rico, Virgin Islands, and the Bahamas. The SLOSH model coverage is subdivided into 32 regions or basins. These basins are centered upon particularly susceptible features: inlets, large coastal centers of population, low-lying topography, and ports. An example of a typical computational domain, or basin, is the [New Orleans basin](#).



SLOSH model coverage

Basin Updates

Currently, SLOSH basins are being updated at an average rate of 3-6 basins per year. Priority for SLOSH basin updates are governed by the Interagency Coordinating Committee on Hurricanes (ICCOH). ICCOH is a tri-agency supported by the U.S. Army Corps of Engineers (USACE), Federal Emergency Management Agency (FEMA), and the National Oceanic and Atmospheric Administration (NOAA). ICCOH manages hazard and post-storm analysis for the Hurricane Evacuation Studies under the National Hurricane Program (NHP). Updates are driven by a number of different factors such as: changes to a basin's topography/bathymetry due to a landfalling hurricane, degree of vulnerability to storm surge, availability of new data, changes to the coast, and addition of engineered flood protection devices (e.g., levees).

Sometimes these updates include higher grid size resolution to improve surge representation, increasing area covered by hypothetical tracks for improved accuracy, and the latest topography or bathymetric data for better representation of barriers, gaps, passes, and other local features.

Strengths and Limitations

The SLOSH model is computationally efficient, resulting in fast computer runs which makes it an ideal operational system. It is able to resolve flow through barriers, gaps, and passes and models deep passes between bodies of water. It also resolves inland inundation and the overtopping of barrier systems, levees, and roads. It can resolve coastal reflections of surges such as coastally trapped Kelvin waves. [Click here](#) to see a Kelvin wave visible in the SLOSH Historical Run for Hurricane Dennis 2005. SLOSH also can explicitly model the astronomic tide, as well as provide different initial water level anomalies.

However, the SLOSH model does not explicitly model the impacts of waves on top of the surge nor does it account for normal river flow or rain flooding. Future advancements in the SLOSH model will allow for the resolution of some of these limitations.

SLOSH Display Program (SDP)

The SLOSH Display Program (SDP) is software developed as a tool to aid emergency managers in visualizing storm surge vulnerability. The SLOSH model and the SDP are two different tools. The SLOSH model is used by the NHC to forecast storm surge and model storm surge vulnerability; the SDP is the software provided to emergency managers and other users to visualize the data produced by the NHC.

Graphical output from the model displays color-coded storm surge heights for a particular area in either feet above ground level ([inundation](#)) or feet above a specific reference level NGVD29 or NAVD88. If using NAVD88 or NGVD29, users will need to know the elevation, relative to the same vertical datum, in order to properly interpret the surge elevations. A sample output of the SLOSH model can be seen [here](#) for Hurricane Ike.

The SDP is intended to be used by trained emergency managers, FEMA personnel, and NWS forecasters.

To access the SLOSH Display Web Page and download the program, you will need a username and password, which can be obtained at this [website](#).

***The SLOSH webpage is currently experiencing technical difficulties. Please use the following links instead: [Alternate Link](#) or [Secondary Alternate Link](#)

Quick Links and Additional Resources

CHAPTER FIVE

COASTAL MANAGEMENT ELEMENT

PURPOSE

The purpose of the Coastal Management Element is to protect human life and limit public expenditures in areas that are subject to destruction by natural disaster. It is also to plan for, and where appropriate, restrict development and redevelopment activities where such activities would damage or destroy coastal resources. The added redevelopment component will include strategies that reduce repeated flood risks, encourage best practices to reduce losses due to flooding and claims made under flood insurance policies issued in this State, be consistent with the flood-resistant construction requirements in the Florida Building Code and continue to participate in the National Flood Insurance Program Community Rating System administered by FEMA.

COASTAL AREA

The boundary of the Coastal Planning Area sometimes also referred to as the Coastal Area, for the Town is the area east of U.S. Highway 1 to the Indian River Lagoon. Map CST-1 Coastal Planning Area, identifies the Coastal Planning Area of the Town.

The Town is located in southern Brevard County. Brevard County is an Atlantic Ocean coastal county located near the middle of the Florida peninsula. The County is composed of the mainland component and the Barrier Islands separated from the mainland by the Indian River Lagoon estuary system. The Town is on the mainland component along the western shore of the Indian River. The Town is separated from the Atlantic Ocean by a Barrier Island and the Indian River lagoon. The nearest ocean access for the Town is through the Sebastian Inlet, approximately 10 miles to the south. The Cape Canaveral Inlet, also providing ocean access, is located approximately 30 miles to the north.

Land Use in the Coastal Area

There are approximately 3.5 miles of Town shoreline abutting the Indian River. As shown on the Coastal Planning Area Map, the Town's Coastal Planning Area contains the narrow strip of land that falls between U.S. Highway 1 and the shoreline at the south end of Town, south of the U.S. Highway 1 and Rocky Point Road juncture. The Coastal Planning Area also contains the lands located between U.S. Highway 1 and Rocky Point Road at the south end of the Town.

All except the two northernmost parcels and the very southernmost parcel in the narrow strip of land immediately along the shoreline have special zoning designation assigned by the Town as Coastal Preservation with the use restricted to water dependent non-commercial piers, boat slips and docks. There is a commercial use on the two

northernmost parcels; the southernmost parcel is vacant but will allow the development of a single family residential unit.

North of the U.S. Highway 1 and Rocky Point Road juncture there are 48 separate parcels within this narrow strip of shoreline land. The portion of the Coastal Planning Area that is south of the U.S. Highway 1 and the Rocky Point Road juncture contains 82 parcels, 45 of which include the narrow strip of land on the east side of Rocky Point Road immediately along the shoreline, providing direct water access for these 45 parcels. The use in this southern portion of the Coastal Planning Area is low density single family residential.

The Town has no identified blighted areas in need of redevelopment within the CA, and has no Community Redevelopment Authority.

The Future Land Uses within the CA are identified on Map FLU-9 *Future Land Use*.

Natural Resources in the Coastal Area

Map FLU-7 *Habitat and Land Coverage* identifies and maps the native habitats within the Town. The Rocky Point subdivision contains some Pineland habitat, although this occurs on developed single family residential parcels. There are 93 separate parcels along the estuary shoreline; two of the shoreline parcels are developed, one has the potential for a single family residential development and the remaining 90 parcels are use restricted to water dependent non-commercial piers, boat slips and docks.

The southernmost vacant shoreline parcel contains a dense, canopy coverage; the remaining shoreline parcels contain mainly herbaceous coverage, maintained in a mowed state on most parcels, with scattered palm or canopy species present. Data is not available on historic shoreline improvements, but the immediate shoreline is not bulkheaded and appears to be a relatively unimproved, rocky shoreline. There are no saltmarshes along the shoreline. The submerged land adjacent to the Town contains seagrass beds.

Access Facilities

Although nearly the entirety of the Town's shoreline is restricted to water dependent non-commercial piers, boat slips and docks, these parcels are all under private ownership and provide water access only for each of the adjacent upland property owners. There is no publicly-owned waterfront or designated public water access in the Town. The Town is exploring the possibility of obtaining grants, gifts, contributions, and other financial resources for the purchase of land contiguous to the Indian River and is exploring appropriate joint public and private ventures to provide access facilities to the Indian River.

Although there are no designated scenic overlook facilities, the location of U.S. Highway 1 along the Indian River does provide nearly two miles of scenic overlook opportunities to the estuary for motorists and pedestrians.

Estuarine Pollution Conditions

The Town of Malabar municipal boundary extends into the Indian River Lagoon (IRL). The IRL is a lineal estuarine system that extends along more than a third of Florida's east coast between the Barrier Islands and the Atlantic Coastal Ridge; it extends over 155 miles from Ponce de Leon Inlet in Volusia County south to Jupiter Inlet in Palm Beach County. Numerous freshwater wetlands and sloughs undergo a transition into riverine systems that connect directly to the IRL. The lagoon interacts with the saline waters of the Atlantic Ocean through the inlets, providing tidal exchange with fresh water discharged into the lagoon from the inland rivers.

The IRL provides a higher species diversity than in any other estuary in North America. Due to the distinct characteristics of this system, portions of the IRL have been designated as aquatic preserves. The eastern edge of the Town abuts the *Indian River – Malabar to Vero Beach Aquatic Preserve*, which was established on October 21, 1969 by the Governor and Cabinet by resolution. In 1975, the Florida Legislature established the Florida Aquatic Preserve Act as codified in Chapter 258 Florida Statute (F.S.). Aquatic Preserves are administered under Chapters 18-20 and 18-21, Florida Administrative Code (F.A.C.). The surface water area of the Indian River – Malabar to Vero Beach Aquatic Preserve is approximately 43.4 square miles of 27,966 acres. The preserve is managed by the Florida Department of Environmental Protection Office of Coastal and Aquatic Managed Areas. This Aquatic Preserve overlaps temperate and the subtropical zones creating a highly diverse system; because of this diversity, it is included in the U.S. Environmental Protection Agency's (EPA) National Estuary Program. It is also designated as Outstanding Florida Water, which provides increased water protection measures.

Overall, the natural hydrologic regime of the IRL has been heavily influenced over the years by human activities. Residential and commercial construction in the late 1800s and early 1900s increased the need for inlets to increase commerce. In the 1930s and 1950s much of the lagoon salt marsh was impounded for mosquito control purposes and the Atlantic Intracoastal Waterway was expanded and deepened to allow for more navigable.

Through the cooperative efforts by a variety of federal, state, county and local governments, as well as non-governmental organizations, efforts have begun to address the long-term health and viability of the estuarine lagoon and associated wildlife. A variety of organizations have monitoring and research underway in the IRL and its watershed. The St Johns River Water Management District (SJRWMD) continues to implement and update the *Indian River Lagoon Comprehensive Conservation and Management Plan (CCMP)*. The Brevard County Stormwater Program (BCSP) provides assistance and recommendations for the selection and implementation of the most efficient and cost effective stormwater treatment methods. The Brevard County Natural Resource Management Office and the University of Florida Brevard County Extension Service have initiated and are jointly sponsoring the development of the Brevard County Comprehensive Maritime Management Master Plan (CM3P). The Indian River Lagoon

Surface Water Improvements and Management (SWIM) program, administered cooperatively through the SJRWMD and the South Florida Water Management District (SFWMD) has been designed to develop and execute a combination of research and practical implementation projects to protect or restore the environmental resources of the Lagoon. This program has three goals:

- Attain and maintain water and sediment of sufficient quality to support a healthy, seagrass-based estuarine ecosystem;
- Attain and maintain a functioning seagrass ecosystem which supports endangered and threatened species, fisheries and wildlife; and
- Achieve heightened public awareness and coordinated interagency management.

The Town's drainage system includes two outfalls into the Indian River. One is located approximately one-quarter (1/4) mile south of Malabar Road and the other is near the junction of U.S. Highway 1 and Rocky Point Road. No data is available regarding potential point source pollutants generated by these outfalls. For that development in the Town that pre-dates the required Best Management Practices for stormwater run-off, untreated run-off may still be a non-point source water quality issue for the lagoon. However, at this time, over 77 percent (77%) of the area of the Town is undeveloped native habitats. By requiring that surface water management systems be designed and operated consistent with the state standards and the Town's adopted level of service, the Town can limit specific and cumulative impacts of new development and redevelopment upon water quality. On 90 of the 93 shoreline properties that abut the IRL, the Town maintains a Coastal Preservation designation which restricts the use of these parcels to water dependent non-commercial piers, boat slips and docks; limiting the run-off potential from shoreline development.

The Atlantic Intracoastal Waterway (ICW), which runs within the IRL, also runs off the coast of the Town. The ICW is managed and maintained by the Florida Inland Navigation District (FIND), a Special State Taxing District. Maintenance dredging has created Spoil Islands that run along the edge of the ICW. There are several Spoil Islands in the IRL at the southern end of the Town. The Spoil Island Working Group (SIWG), which consists of 12 federal, state, and county government agencies and six non-governmental organizations, was created to implement the Indian River Lagoon Spoil Island Management Plan put forth by the Florida Inland Navigation District (FIND). The Spoil Island Project is a coordinate effort towards managing the spoil islands for recreational and environmental interests.

Historic Resources

The Bureau of Archaeological Research with the Florida Office of Cultural and Historic Preservation maintains the Florida Master Site File (MSF); a database that contains

information on archaeological and historic resources in Florida. The state Master Site File also contains those sites listed on the National Register. Map FLU 2 *Historic Sites*, identifies and locates the historic resources contained on the MSF. There are two sites within the Coastal Area of the Town; a prehistoric burial mound located in the Rocky Point subdivision and a prehistoric shell midden located at Malabar Road and U.S. Highway 1.

On December 24, 1883, Malabar received official designation from the U.S. Postal Service. President Chester A. Arthur appointed R.A. Ward the first Postmaster for the local population of 25. Two times a week, weather permitting, a mailboat, depicted in the Malabar Town seal, hoisted sail and traveled along the shallow Intracoastal Waterway from Jacksonville to deliver the mail. A palmetto shack served as the post office just north of Malabar Road. This was close to a pier located north of the Malabar Road – U.S. Highway 1 intersection today. Although never built, the State of Florida had proposed a mule canal to travel inland from this area. Later the steamboat arrived and dropped off mail further to the south at Orange Avenue on piers that extended over 300 feet to reach the deeper water these craft required. In 1893 the railroad replaced mailboats for delivery of mail and other commodities.

Although the first Post Office and historic mailboat stop is not identified in the MSF, the Town considers it as a site of local historic significance. The historic mailboat is an important piece of the Town's history and makes the Town of Malabar unique.

Infrastructure in the Coastal Area

The public sewer and water systems do not extend into the Coastal Area (CA) of the Town. All development within the CA is served by a private self-service well and septic system. The public infrastructure found in the CA are the roads in the Rocky Point and Coquina Point subdivisions and two drainage system outfalls into Indian River.

COASTAL HIGH HAZARD AREA

Pursuant to Chapter 163.3178(2)(h) F.S. the "Coastal High Hazard Areas" (also referred to as "high-hazard coastal areas") means the area below the elevation of the category 1 storm surge line as established by a Sea, Lakes, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model. Map CST-2 *Coastal High Hazard Areas*, identifies the Coastal High Hazard Area (CHHA) within the Town. Pursuant to Chapter 163.3178(2)(f)1 F.S. now includes sea-level rise as one of the causes of flood risk that must be addressed in the redevelopment principles that reduce the flood risk, storm surge, stormwater run-off and reduce repeat flood related claims. These regulations are included in the Malabar Land Use regulations.

Infrastructure in the Coastal High Hazard Area

The current SLOSH model indicates only a very small area in the Town of Malabar falls within the CHHA. This area is more than two miles inland from the Indian River. The CHHA is a riverine area at the confluence of two streams at the very northwest corner of

the Town. Mapping indicates most of the CHHA is undeveloped; however, approximately 10 single family residential properties along Briar Creek Boulevard and Hollow Brook Lane do fall within the CHHA as identified on the CHHA Map. These homes are served by public sewer and water, the Town infrastructure for these services falls in the CHHA.

NATURAL DISASTER PLANNING

Within the Town there is a potential for impacts from lightning, wildfires, floods and tropical storms, but the most significant natural disaster threat the Town needs to plan for is the event of a hurricane. Hurricanes have the potential to occur from June through November; heavy rainfall, high winds, storm surge and widespread flooding may accompany these storms. Records indicate that the Town has been brushed or hit by a hurricane 45 times from 1871 through 2017.

During a hurricane evacuation, a significant number of vehicles will have to be moved across the local and regional road network. The quantity of evacuating vehicles will vary depending upon the magnitude of the hurricane, publicity and warnings provided about the storm and particular behavioral response characteristics of the vulnerable population. The Town and County must be prepared to evacuate highly vulnerable populations on critical routes, often concurrently with evacuees from outside the County. There are limited route choices to leave, Map CST-3 *Evacuation Routes* identifies the designated evacuation routes. There are no emergency shelters located within the Town.

U.S. Census Data estimates the 2017 total population for Malabar as 2,866 2,754 with an estimated 2017 County population of 575,211. The Town coordinates with the County in disseminating information concerning the need of residents to evacuate at various hurricane threat levels and strives to educate the general citizenry regarding emergency preparedness plans. The Town also coordinates with the County in continuing to maintain or improve hurricane evacuation times and in annually updating the County's Comprehensive Emergency Management Plan and updating hurricane evacuation shelter assignments as well as other policy formulation surrounding emergency preparedness. The Town includes criteria in their 5-year schedule of Capital Improvement Projects to ensure structural transportation improvements to maintain sufficient evacuation routes and the inclusion and prioritization of projects that are hazard mitigation initiatives.

The Town has developed and has in place a current Emergency Management Plan and has in place a mutual aid agreement with the Brevard County Sheriff's Office and the State of Florida. The Town also participates in the County Unified Local Mitigation Strategy. The Town coordinates their Post Disaster Redevelopment with the County Emergency Management Office.


Living in close proximity to Cape Canaveral Air Station (CCAS) and the Kennedy Space Center (KSC) also imposes a limited degree of risk. Residents of Malabar and Brevard County should be aware that launch accidents may occur, and residents should be aware

of the associated hazards. The Kennedy Space Center sometimes has launches that have major radiological sources on board; launches of this type are advertised many years in advance to receive public and private input. An integrated Brevard County Emergency Management and U.S. Air Force team follows specific guidelines to ensure the public's safety. Public safety is the number one priority of all agencies associated with the launching of these vehicles. Additionally, the southern part of Brevard County from Malabar Road south, is in the 50-mile ingestion pathway of the St Lucie Nuclear Power plant located on Hutchinson Island near Fort Pierce. Brevard County has a plan for sheltering and for hosting evacuees from the plant's 10-mile emergency planning area and for providing medical and emergency support as well as decontamination for those that might have a need for decontamination or medical care.

March 21, 1974

Decisions on the Zoning Plan

GEOGRAPHICAL ZONING OF MALABAR

- 
1. The east riverfront along US #1 shall not be further developed, from the north to the south boundary of Malabar.
 2. From US #1 to the railroad North of Malabar Rd. will be Commercial except Riverview Homes.
 3. Riverview Homes shall be Residential, single family.
 4. South of Malabar Rd. from the railroad to US #1 extending south until the intersection of Jordan Rd. with US #1 shall be zoned Multi-Family Residential, except as in #5.
 5. The South side of Malabar Rd. east of the railroad extending to Century Oaks, is to be Commercial.
 6. West of the railroad to Haries St. from Township Rd., North to the Town Limits is to be Single Family Residential, with grandfather clause exceptions.
 7. US #1 to Rocky Point Drive is to be Single Family Residential except for grandfather clause exceptions.
 8. The SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 36 is to be Multi-Family Residential.
 9. Malabar Rd., 300' each side of the Center Line, West of McCain shall be Commercial on the North side to the Town Limits, and on the South side it shall be Commercial to the western boundary of the Tyminski property line.
 10. All the remainder, except existing trailer parks, Manchester, Ritter, Savoia, and DeCaro, shall be zoned Agricultural.
 11. No more trailer parks shall be dedicated.