

**TOWN OF MALABAR  
REGULAR TOWN COUNCIL MEETING  
MONDAY AUGUST 01, 2016  
7:30 PM  
2725 MALABAR ROAD  
MALABAR, FLORIDA**

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**AGENDA**

- A. CALL TO ORDER, PRAYER AND PLEDGE**
- B. ROLL CALL**
- C. APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES: PRESENTATION TO CM RICHARD KOHLER**
- D. APPROVAL OF THE MINUTES:**
  - 1. Regular Council Meeting of 7/15/16**
    - Exhibit:** Agenda Report No. 1
    - Recommendation:** Request Approval
- E. SHERIFF REPORT:**
- F. ATTORNEY REPORT:**
- G. STAFF REPORTS: ADMINISTRATOR: CLERK: FIRE CHIEF:  
BOARD REPORTS: P&Z, PARK & RECREATION, T&G COMMITTEE, EVENTS COMMITTEE**
- H. PUBLIC COMMENTS:** Comments at this point may address items NOT on the Agenda. Comments related to subsequent Agenda Items may be made as those items come up. Public comments do not require a Council response. (Speaker Card is Required) **Five (5) Minute Limit per Speaker.**
- I. PUBLIC HEARINGS/SPECIAL ORDERS: 1**
  - 2. Request to Vacate Portion of Johnston Avenue Reso 08-2016 (tabled to this date)**

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA VACATING AND ABANDONING AN UNDEVELOPED STREET RIGHT-OF-WAY MORE PARTICULARLY DESCRIBED IN THIS RESOLUTION AS EXHIBIT "A"; PROVIDING FOR AN EFFECTIVE DATE.

    - Exhibit:** Agenda Report No. 3
    - Recommendation:** Request Action on Reso 08-2016
- J. UNFINISHED BUSINESS/GENERAL ORDERS MAY INCLUDE ITEMS DIRECTLY RELATED TO RESIDENTS PRESENT AT MEETING (RECOMMENDATIONS FROM BOARDS, HOA REQUESTS, RESIDENT GRIEVANCES)**
- K. ACTION ITEMS:**
  - ORDINANCES FOR FIRST READING: 0**
  - RESOLUTIONS: 0**
  - MISCELLANEOUS: 1**
    - 3. AUTHORIZE Removal of Speed Bump on Briar Creek Boulevard**
      - Exhibit:** Agenda Report No. 3
      - Recommendation:** Request Approval

COUNCIL CHAIR MAY EXCUSE ATTORNEY AT THIS TIME

**DISCUSSION/POSSIBLE ACTION:**

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

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

**N. ANNOUNCEMENTS:**

(2) Vacancies on the Board of Adjustment;

(3) Vacancies on the Park and Recreation Board;

(1) Vacancy on the Planning & Zoning Board

**O. ADJOURNMENT:**

If an individual decides to appeal any decision made by this board with respect to any matter considered at this meeting, a verbatim transcript may be required, and the individual may need to insure that a verbatim transcript of the proceedings is made (Florida Statute 286.0105). The Town does not provide this service. In compliance with F.S. 86.26 and the Americans with Disabilities Act (ADA), anyone who needs a special accommodation for this meeting should contact the Town's ADA Coordinator at 321-727-7764 at least 48 hours in advance of this meeting.



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July 21, 2016

The Honorable Richard Kohler  
Council Member, Town of Malabar  
2725 Malabar Road  
Malabar, FL 32950

Dear Council Member Kohler:

On behalf of the John Scott Dailey Florida Institute of Government and the Florida League of Cities, I am pleased to award this certificate to you for the completion of eighteen hours of instruction at the Institute for Elected Municipal Officials in Jupiter, Florida on June 10-12, 2016.

It is our sincere hope that you found the program challenging, informative, and rewarding. Now that you have taken the basic IEMO, we encourage you to attend the Advanced Institute as well as other FLC University programs. You can find the dates and locations on the FLC University website at [www.flcuniversity.com](http://www.flcuniversity.com). If you need research or technical assistance, the Florida Institute of Government's services are explained at [www.iog.fsu.edu](http://www.iog.fsu.edu).

We strongly believe that your willingness to complete this program of study is indicative of your commitment to improving the quality of municipal government in Florida. We commend you for this and sincerely thank you.

We hope to see you at future FLC and FLC University events!

Sincerely,

Lynn S. Tipton  
Director, FLC University

Enclosure



Institute  
for Elected  
Municipal  
Officials

# Certificate of Completion

June 10-12, 2016 • Jupiter, Florida

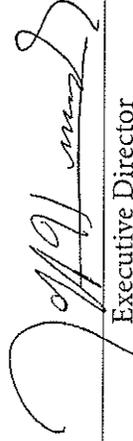
Awarded to

**Council Member Richard Kohler**  
*Town of Malabar*

Sponsored by



Executive Director  
Florida League of Cities



Executive Director  
Florida Institute of Government

**TOWN OF MALABAR  
AGENDA ITEM REPORT**

**AGENDA ITEM NO: 1**  
**Meeting Date: August 1, 2016**

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

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**SUBJECT: Approval of Minutes**

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**BACKGROUND/HISTORY:**

Attached are the summary minutes for the following meetings:

- Regular Town Council Meeting – 7/18/2016

**ATTACHMENTS:**

Draft Minutes of the following meeting:

- Regular Town Council Meeting – 7/18/2016

**ACTION OPTIONS:**

The Town Clerk requests approval of the minutes.

**MALABAR TOWN COUNCIL REGULAR MEETING**  
**July 18, 2016                      7:30 PM**

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

**A.     CALL TO ORDER:**

The meeting was called to order at 7:35 pm by Council Chair Mayor Phil Crews. CM Korn led the prayer and pledge.

**B.     ROLL CALL:**

COUNCIL CHAIR:	Mayor PHIL CREWS
VICE-CHAIR:	BRIAN VAIL
COUNCIL MEMBERS:	GRANT BALL, excused
	DON KRIEGER
	DICK KORN
	RICHARD KOHLER
TOWN ADMINISTRATOR:	DOUGLAS HOYT
TOWN ATTORNEY:	KARL BOHNE
TOWN CLERK/TREASURER:	DEBBY FRANKLIN

For the Record, the Fire Chief Christopher Robinson was also present. Outside Auditor Raymond Bastin was also present.

**C.     ADDITIONS, DELETIONS, CHANGES APPROVAL OF AGENDA** Mayor wants to add one item that is time sensitive and is the contradictions in the Home BTR regulations.

**D.     APPROVAL OF THE MINUTES:**

**1. Regular Council Meeting of 6/20/16**

**Exhibit:** Agenda Report No. 1

**Recommendation:** Request Approval

**MOTION:** CM Vail / CM Kohler to approve RTCM 6/20/16 as corrected. Discussion: Mayor stated on Pg 3, motion from Krieger/Ball to rescind not reconsider.

**VOTE:** All Ayes.

**E.     SHERIFF REPORT:** Lt. Gamin gave brief stats for June – they responded to 5,600 calls for assistance in south Precinct; 352 from Malabar; ag marine patrol, 4X4 trucks. They ran traffic detail seven times during the month and issued 27 traffic citations.

**F.     AUDITOR'S REPORT FOR FY 2014/15 – Ray Bastin, Withum**

Merged with larger firm. Done the audit here several years. GASB 68 slowed some of the timing. Pg 1, auditor's opinion. It is a clean opinion. Pg. 2, 2<sup>nd</sup> para, prior period adjustment due to GASB, so it impacted prior years. Last para discusses the other standards.

Pg 3, Management Response, Assets and deferred exceeds the outflows. GASB changed the term-deferred revenue and deferred liability to inflows and outflows. It is just terminology. Second bullet, P5 5, govt wide financial statements from GF does not include assets and reserves. Net pension liability – future liabilities. In past you just estimated. Now it has to go on balance sheet. Pg 6, compared to 2014, advalorum increased. Expenses also increased. Ad valorum by 36K 1.8 from 1.66, public safety increased. Pg 7 & 8 discussion and analysis. Pg 10 govt wide, long-term debt and assets. Net position 3,568,000 – which is good. Pg 11 is your income statement. Loss of 205K for the year. It is restated due to GASB 68. Next page, numbers are different. Pg 13, rev, 1.5mil; exp 1.6 mil with deficiency It is different from Govt wide. Pg 15, 16 begins the footnotes, accounting procedures, Pg 17 capital assets. Pg 18, Pg 20 the new accounting standards. GASB 68. 323K is everything before FY 2015. Pg 22, AP, Footnote 7 thru page 28 are FRS disclosures requirements.

Pg 29, copier's town leases. Footnote 9 long-term obligations. Footnote 10, 11, 12 are misc disclosures. Pg 31 budget, Budget Adj and actual. Net deficiency is almost 34K.

Finally, they give the clean opinion that there were no internal control deficiencies. Pg 34, Management letter required by the Auditor Gen required.

Pg 36, another requirement by F.S. re: investment policies. That's it.

**G. ATTORNEY REPORT:** Discussed the tour TA gave him of the culvert issues in Town. Houses built without culverts; failed culverts that need replacing, or set to wrong elevation or wrong size. He reviewed code and blocked culverts are not referenced. Who is responsible? It should be the homeowner so drainage is free flowing. Highly recommend council amend code to allow lien rights when the homeowner refuses to comply. CM Vail asked about notification – is it in code. Atty said there is language in the code but it needs to be stricter. CM Korn said he represents District 4, and there are places that do not have culverts on Weber. Town replaced all the homeowner's culverts on the west side, north of Hall. CM Korn said we need to make it doable for the homeowner to pay - give those 5 years to pay back. CM Vail agrees. CM Vail said he agrees if the Town does it, they should be able to recover costs. Chair said Council can direct Atty to draft ordinance – Atty said the lien rights at a minimum. He asked about maintenance. Kind of like mowing. He thinks every resident should do that. TA agreed with Atty and Mayor. Atty said town has the inherent ability to “help” residents clean the culverts, as it will help the entire system.

**H. STAFF REPORTS: ADMINISTRATOR:**

FDOT and Moffit Nichols is holding a PH re: the improvements on SR514. Nationwide, traffic incidents are going down. Not in Malabar. Malabar had five fatalities in the last 5 years. Feds consider each fatality worth 2.5Mil. It is critical to the safety of our residents. CM Korn said we need to also have turn lanes on Corey and Weber north bound. FDOT is only talking about turn lanes on Malabar Road. Had a meeting last Thursday with Moffit Nichols. This project has been going on since 1998 from the records he has seen. Urged all to attend.

Several months ago, they made adjustments in the permit fees and is happy to report we may end the year on the positive side.

Thanked North Florida Emulsion for fixing Weber and Glatter even though the warranty expired 9/15. Lastly, he read his report. (attached). If you double the advolorum. For the last 20 years, we have done the same thing. If you want the same results, continue to do the same thing. Strongly recommend Council set the tentative millage at 5mil. He referenced the millages from all the other cities.

He referred to spreadsheet he had placed before them. Every year other than one (2011) we have had spent more than we brought in. He is proposing we increase the millage to 5mils in order to comply with TRIM requirements. That increase could be offset by having one less cup of coffee per day. We can adjust it down accordingly during the workshop process. CM Korn said GV has lower millage but they have special assessments. We are not providing the necessary services. TA said he would gladly pay more to keep his car clean and not breathe the dust and pay for alignments. That is not even two months' cell phone bills. Solve this problem with the roads.

**CLERK:** nothing

**FIRE CHIEF:**

**BOARD REPORTS: P&Z,** Chair Pat Reilly stated they have been slow the last two months. They are also working on the 5-year plan

**PARK & RECREATION,** no rep

**T&G COMMITTEE,** Drew Thompson Chair, quick update. Trying to plan for the future.

Complemented Hoyt about thinking outside the box. They are looking at connectivity with other

towns. Enhance Malabar and other communities. Tremendous amount of land is off tax roll by EELp. Trails will be a limited commodity. Challenged to plan for the future. Town has a fiduciary responsibility to do what is needed and provide for the needed services. He applauds what TA Hoyt proposed in his report. Looking forward to getting the septic system in at trailhead. They will be coming before Council for a lightening structure for the Cameron Preserve. It will provide a safe place for hikers and cyclists to wait out quick moving lightning storms. Cameron Preserve is between the two Malabar Scrub sanctuaries. Questions? CM Vail asked about north Rocky Point Road. Drew said he was down there and saw a load of firewood ready for the next island party. He understands they are still trying to determine who has rights to the area.

### EVENTS COMMITTEE

Mayor asked for consensus of the organization statement he had handed out re: The Events Committee. Council consensus given.

Vice-Chair of Events Committee, Ricky Bisnath, commits 100% of his support to this committee to put on events that will benefit the Town. In addition, they want to be a standalone committee. They have a good group of people to do this. They are going to make it happen. Let us put on the events and make more money for the Town. Mayor said they would have their meetings on the 4<sup>th</sup> Thursday of month, report to Council, and convey minutes and agendas to the Town in a timely manner.

**I. 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.**

**Added item I.5** CM Dick Korn – In the past when we have been asked to vacate and Set policy of not vacating unless it benefits the public. It may come at the request of a person but if it not a benefit to the town it should not be vacated. Atty said that is the policy; you cannot sell it or barter it, but if no longer serves a public need, it can be vacated.

**J. PUBLIC HEARINGS/SPECIAL ORDERS: 2**

#### **2. Referendum Question for Ballot – Single District Voting 2<sup>nd</sup> Reading of Ord 2016-01**

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

**Exhibit:** Agenda Report No. 2

**Recommendation:** Request Adoption on 2nd Reading

PH opened.

Pat Reilly asked about periodic and would like to change it to a specific. If it is voted in favor, then the ordinance requiring it on ballot every two years should be repealed.

CM Vail said that was his requirement. At some point in the future, we may be able to have our own police dept. Eliminate the "periodic" in the second questions. If it is done separately, it will increase the cost for five ballots.

PH closed.

Discussion: Mayor gave history of how it was actually being done. Before the only correct election was for the Mayor as it was "at-large" because the Supervisor of Elections did not have the ability to determine five separate districts.

**MOTION: CM Vail / CM Kohler to approve second reading of Ord 2016-01.**

**MOTION: CM Krieger / CM Vail amend motion to remove the 2<sup>nd</sup> reference to Brevard Cty MSTU for law enforcement in the instructions. Vote: All Ayes.**

**ROLL CALL VOTE** on original motion as amended: CM Ball, Excused; CM Vail, Aye; CM Krieger, Aye; CM Korn, Aye; CM Kohler, Aye. Motion approved 4 to 0.

### **3. Request to Vacate Portion of Johnston Avenue Reso 08-2016**

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA VACATING AND ABANDONING AN UNDEVELOPED STREET RIGHT-OF-WAY MORE PARTICULARLY DESCRIBED IN THIS RESOLUTION AS EXHIBIT "A"; PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:**

Agenda Report No 3

**Recommendation: Request Action on Reso 08**

PH opened –

Robert Marks, AAA Storage, applicant, just trying to increase the SF of his lot so he can join his 8.5 acres to the 1.5 acres he just bought. Without joining the parcels, he will not be able to expand and build a new building, which would increase the tax revenue for the Town.

Doug Gerlock, has property in the area. He is still kind of locked in. He was hoping that Mary Street would be improved. He lost his access since the pie shaped piece (Carmichael) was sold to AAA; he used it to access his parcels 5-8. It will create a real hardship to him. This would hurt him. Maybe he is willing to sell. He cannot get Mary St improved without paying 50K.

Alisha Kline: they own the property just west of AAA. They are not opposed to it.

Pat Reilly as Chair of P&Z. Voted 3 to 2 to deny. Another point that was proposed was to move the ROW to the north side of the pie shaped parcel. Pat said on the positive side if he joins the properties and improves it we will get more tax revenue. He voted against it because he asked if the new parcel would be accessed by W. Railroad Avenue and the applicant said yes.

Applicant Robert Marks: Never got the chance to meet his new neighbors. Johnston only got cleared because he cleared it. At no cost to Town, he is planning to improve W. Railroad Avenue. Atty Bohne stated that you can do that separately but not as a condition of the vacate.

PH closed

**MOTION: CM Vail / CM Kohler to approve vacate.** Discussion. CM Vail suggested moving the ROW to the north side of the pie shaped parcel he wants to develop. Much discussion on why W. Railroad Ave was being used to benefit his business.

**MOTION: CM Korn / CM Krieger to table to next meeting August 1st. Vote: All Ayes**

**Added Item 3.5** Mr. Fuller and his issue with a BTR that has contradictory. He applied for BTR from Malabar, it was issued, and he has received his renewal notice. When he took Malabar's BTR to the County the County said a FFL (Fla Firearm License) was required. Land Usage. If he was repairing, something is that manufacturing. He is up against a time crunch. If you "Transfer" the gun. Atty said it is absurd. Mr. Fuller needs a letter saying customers could come to home, can have parts delivered and will not conflict with residents. He is repairing firearms. Fuller trying to do it right. Atty can draft letter. TA, what is timeline? 60 days and they have used half. TA said he would have a letter authorization for operating from his home. TA acknowledged that a letter would be authorized per his request.

**J. ACTION ITEMS:****ORDINANCES FOR FIRST READING: 2;**

**4. ORDINANCE NO. 2016-02** AN ORDINANCE OF THE TOWN OF MALABAR, FOR CODIFICATION, SEVERABILITY AND CONFLICTS; BREVARD COUNTY, FLORIDA; REPEALING SECTION 13-38(c) RELATING TO VARIANCES AUTHORIZED BY THE BOARD OF ADJUSTMENT; PROVIDING AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 4

**Recommendation:** Request Approval of Ord 2016-01 for 1<sup>st</sup>

CM Vail / CM Korn to approve 1<sup>st</sup> Reading

**ROLL CALL VOTE:** CM Ball, Excused; CM Vail, Aye; CM Krieger, Aye; CM Korn, Aye; CM Kohler, Aye. Motion approved 4 to 0.

**5. ORDINANCE NO. 2016-03– Recommendation from P&Z**

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; AMENDING ARTICLE III TABLE 1-3.2 ELIMINATING THE CONDITIONAL USE "C" FOR HOUSES OF WORSHIP WITHIN RESIDENTIAL ZONING DESIGNATIONS.; PROVIDING FOR CODIFICATION, SEVERABILITY AND CONFLICTS; PROVIDING AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 5

**Recommendation:** Request Approval of Ord 2016-03 for 1<sup>st</sup> Reading

**MOTION:** CM Vail / CM Kohler to approve Ordinance 2016-03. **Discussion.** CM Krieger asked about the "P" under R/LC. Since it has a residential element should it not also be a conditional use? Attorney said it would have to go back to P&Z.

**MOTION:** CM Vail / CM Kohler to send it back to P&Z to change the P to a C in R/LC. **Vote** on amendment. **Vote:** Ayes

**MOTION:** CM Vail / CM Kohler to approve the Ordinance 2016-03 as amended to send it back to P&Z Board to consider changing R/LC to "C" from "P"

**ROLL CALL VOTE:** CM Ball, Excused; CM Vail, Aye; CM Krieger, Aye; CM Korn, Aye; CM Kohler, Aye. Motion approved 4 to 0.

**RESOLUTIONS:**

**6. Resolution Accepting the FY 2014/2015 Financial Audit** (Reso 07-2016)  
A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING ACCEPTANCE OF THE ANNUAL AUDIT REPORT PROVIDED FOR FISCAL YEAR 2014/2015 BY THE AUDIT FIRM OF WITHUM SMITH & BROWN, PC (FORMALLY KNOWN AS AVERETT WARMUS DURKEE; AND PROVIDING AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 6

**Recommendation:** Request Action

**ROLL CALL VOTE:** CM Ball, Excused; CM Vail, Aye; CM Krieger, Aye; CM Korn, Aye; CM Kohler, Aye. Motion approved 4 to 0.

**Comment from Ricky Bisnath, Vice-Chair of Events Committee:** The events committee wants more show cars with big trucks and motorcycles; wants to use more space at the park, introduce new things, and keep later hours use the SandHill Trailhead

**MISCELLANEOUS:**

**7. Set Preliminary Maximum Millage and Date for 1<sup>st</sup> Public Hearing on the 2016/2017 Budget – DR-420**

**Exhibit:** Agenda Report No. 7

**Recommendation:** Request Action

**MOTION:** CM Vail / CM Korn to approve 5mil as the Preliminary Maximum Millage and set the date of 9/6/16 for the 1<sup>st</sup> PH.

Discussion:

**VOTE:** Ayes, 3; Nay, 1 (Krieger).

**8. Select Voting Delegate for the FLC Conference**

**Exhibit:** Agenda Report No. 8

**Recommendation:** Request Action

**MOTION:** CM Kohler / CM Vail to appoint CM Kohler as voting delegate at the FLC conference in August. Discussion: none. **VOTE:** All Ayes.

**9. Response to DEO re: Comp Plan – Recommendation by P&Z**

**Exhibit:** Agenda Report No. 9

**Recommendation:** Request Action

**MOTION:** CM Kohler / CM Vail to approve the recommendations of P&Z Bd to notify DEO that we will be amending the Comp Plan to remove School Concurrency with no specifics.

Discussion: Discussion about the changes to the FLUM and removing School Concurrency from the Elements in the Comp Plan. **VOTE:** All Ayes.

**10. Request from West Melbourne to Change SCLC Hosting Month to June**

**Exhibit:** Agenda Report No. 10

**Recommendation:** Discussion

**MOTION:** CM Korn / CM Kohler to approve the change.

Discussion: Clerk said that they want to do something outdoors and June is too hot. G-V has no objections. **VOTE:** All Ayes.

**11. Approve Stops Signs on Corey and Weber Roads**

**Exhibit:** Agenda Report No. 11

**Recommendation:** Discussion

**MOTION:** CM Korn / CM Vail in the interest of public safety to approve adding the additional stop signs.

Discussion: CM Korn said we have to do this one at a time. Begin the process now. Let TA come back with details and schedule.

**MOTION:** CM Krieger to table / FAILED for lack of a 2<sup>nd</sup>.

**VOTE** on original Motion: Ayes 3; Nay 1 (Krieger).

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

**K. DISCUSSION/POSSIBLE ACTION:**

**12. Discuss Amending Code to Remove Subdivisions as Exempt from Excavating**

**Exhibit:** Agenda Report No. 12

**Recommendation:** Discussion

**MOTION** CM Krieger / CM Kohler to table. **VOTE:** All Ayes

**MOTION:** CM Krieger / CM Vail to extend meeting ten minutes. **VOTE:** All Ayes

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

Pat Reilly said what info are you going to get in the next 2 weeks?

Alisha Kline again asked about what would happen if commercial traffic. Her house is very close

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

- 1 – Krieger will be bringing SW back with more information
- 2- Vail asked about the annual MSTU costs when we first adopted it. He agrees with impact fees. Should talking about how much we would have gone.
- 3- Kohler
- 4- Korn
- 5-
- Mayor –
- TA -

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

**O. ADJOURNMENT:**

**P. ADJOURNMENT:**

There being no further business to discuss, Chair stated without objection the meeting is adjourned. The meeting adjourned at 10:28 PM.

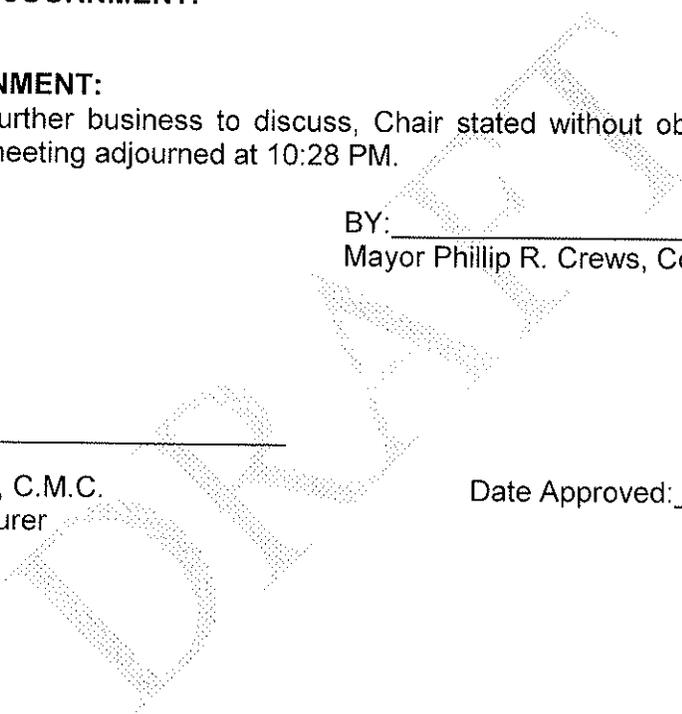
BY: \_\_\_\_\_  
Mayor Phillip R. Crews, Council Chair

(seal)

ATTEST:

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

Date Approved: 8/1/2016



1. SR-514 MEETING ON July 20<sup>th</sup> at Palm Bay hospital in auditorium at 4:20 pm. This public meeting is in regard to improvements to be made to the intersections at Weber and SR-514 and Corey and SR-514. Please attend and voice your support. My understanding is that You will not be able to speak but you can fill out a comment card which will become part of the public record. Bring your friends and neighbors.
2. With the adjustment in building permit fees that department is no longer operating in the red.
3. I wish to thank N. Florida Emulsions has, even though the warranty was up in September 2015, has repaired the raveling at the south end of Weber Road at no charge to the Town.
4. 1927 Malabar became a Town through a special act of the FL legislature. In 1935 the FL legislature dissolved the Town assumedly because of a lack of funding. In 1962 the voters elected through a referendum to once again become a town. In 1978 the voters adopted a 1.5 mill Ad Valorem tax. Now 40 years we have only increased this by .43 mill even though we have experienced aprox. 80% increase in inflation. As you can see from the spread sheet, in 2006 our ad-valorem was \$309,000.00 Now 10 years and 20% inflation our ad valorem revenue is \$332,000.00. or in 2006 dollars it amounts to \$265,600.00. Over this 10 year period our purchasing power has dropped by \$66,400.00. In the 1980's there was an impact fee for new construction for road improvement of non-paved roads. This lasted for one year, was repealed and the funds returned. Weekly the staff at Town Hall interacts with a large number of citizens regarding Malabar. The largest complaint is the condition of the non-paved roads. If we doubled the ad valorem tax the individual home owner would pay an additional \$300.00 in property tax. Show Kurik Kup Or less than \$1.00 per day for the town to start paving the roads. For the past 20 or more years we have done the same thing to address the pot holes and poor road conditions and *you know what* we keep getting the same results, pot holes and dust. An extra \$300,000.00 would allow the town to pave 2.5 to 3.5 miles of road per year of the 18 or so miles of unpaved roads. We are urging Council to set the tentative maximum millage be set at 5 mills now to meet the TRIM timeline requirements. This number may be adjusted as we complete the proposed budget. Staff will have a preliminary budget for the August 1<sup>st</sup> 2016 RTCM. Thank you.
5. Don't Forget the SR-514 meeting at Palm Bay Hospital.

# TOWN OF MALABAR

## AGENDA ITEM REPORT

AGENDA ITEM NO: 2

Meeting Date: ~~July 18, 2016~~ — TABLED TO AUGUST 1, 2016

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

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**SUBJECT: Vacate Unimproved 30-foot wide right-of-way known as Johnston Avenue from West Railroad Avenue west 543.36 feet, adjacent to the furthest point of property owned by applicant. Applicant is Robert Marks individually and as President of AAA Malabar Storage, Inc., as co-applicant)**

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### BACKGROUND/HISTORY:

This vacate was submitted by property owner, Robert Marks individually and as President of AAA Malabar Storage, Inc., as co-applicants who currently owns both parcels: 28-38-31-00-00264.0-000.00 (north vacant parcel) & 28-38-31-50-0000A.0-0003.00 (south AKA: 2700 Malabar Road, Malabar). It is at the owners request to join the two parcels together, further stating the unimproved 30-foot wide right-of-way serves no public purpose. Mr. Marks has been maintaining the unimproved right-of-way by way of mowing & picking up trash. Both parcels are zoned Commercial General "CG". The land area under consideration consists of approximately .37 of an acre.

### ATTACHMENTS:

- Resolution 08-2016
- Same package as on July 18, 2016 with the following additional info:
- Community Events and Donations made by the Applicant to the Community

### ACTION OPTIONS:

Recommend Action

### FINANCIAL IMPACT:

N/A

RESOLUTION 07 - 2016

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA VACATING AND ABANDONING AN UNDEVELOPED STREET RIGHT-OF-WAY MORE PARTICULARLY DESCRIBED IN THIS RESOLUTION AS EXHIBIT "A"; PROVIDING FOR FINDINGS AND AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Malabar has been requested to vacate and abandon a portion of a road right-of-way. The portion of the road right-of-way being vacated and abandoned is described in Exhibit A attached hereto; and,

WHEREAS, the Town Council has determined that the portion of the road right-of-way described herein is of no need to the Town and no longer serves a public purpose and vacating such road right-of-way will not be injurious to the public; and

WHEREAS, the Town Council deems it is in the best interest of the Town to vacate and abandon the said portion of the road right-of-way.

NOW THEREFORE, be it resolved by the Town Council of the Town of Malabar, Brevard County, Florida as follows:

Section 1. The above findings in the "WHEREAS" clauses are true and correct and incorporated herein

Section 2. The Town hereby vacates and abandons the following right-of-way:

SEE EXHIBIT "A"

Section 3. This vacate and abandonment shall be effective and will be recorded in the Public Records of Brevard County:

Section 4. Effective Date. This resolution shall take effect upon its recording in the Public Records of Brevard County, Florida

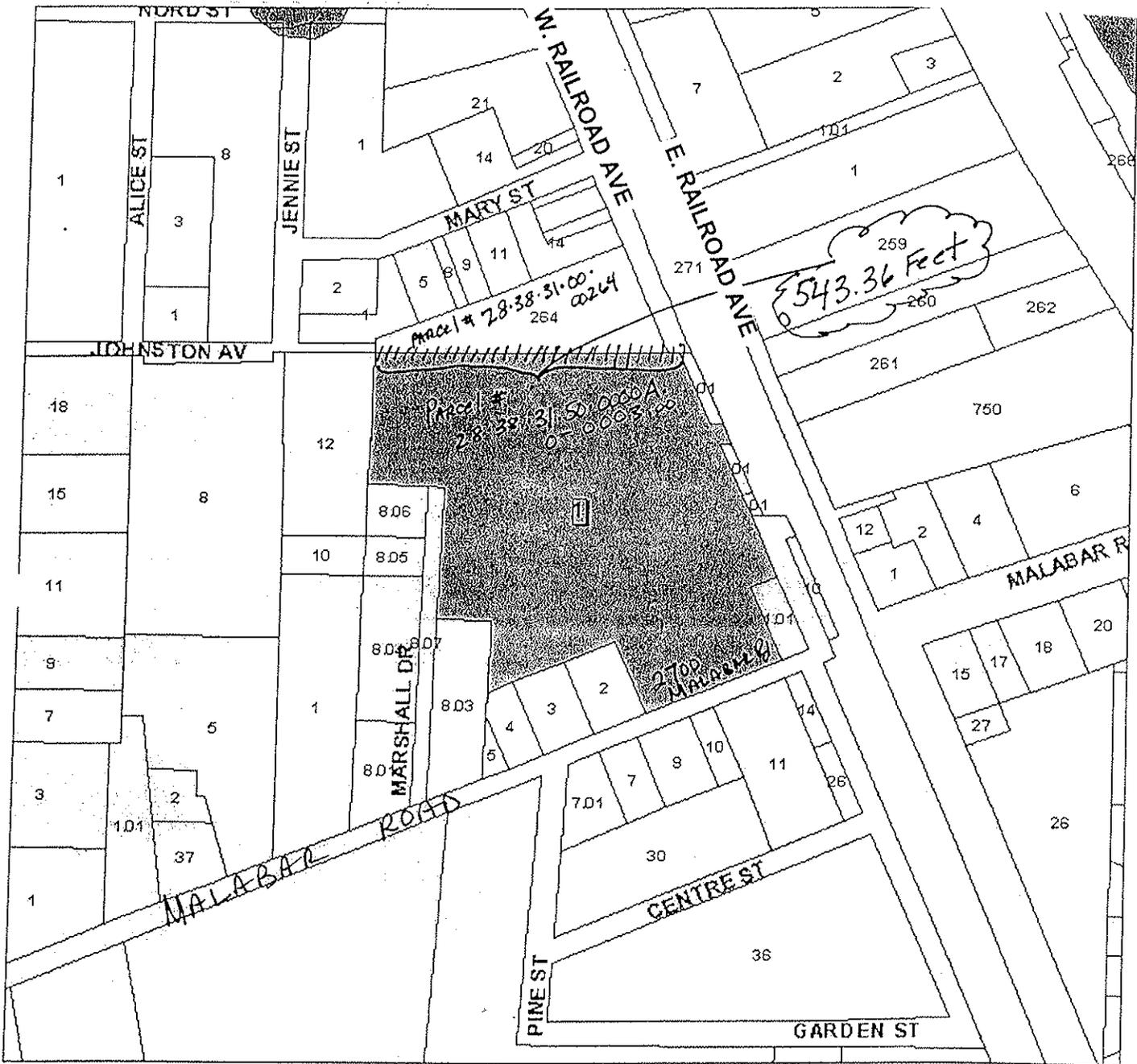
This Resolution was moved for adoption by Council Member \_\_\_\_\_ and was seconded by Council Member \_\_\_\_\_ and, upon being put to a vote, the vote was as follow:

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

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

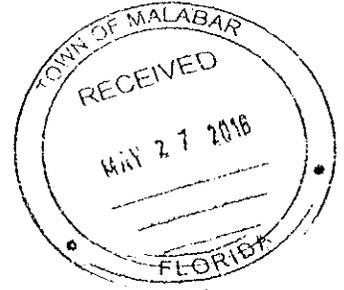
\_\_\_\_\_  
Mayor Phillip R. Crews, Council Chair

EXHIBIT "A"



SOUTH

EAST



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

**PETITION FOR VACATING OF RIGHT-OF-WAY**

Before completing this application, please refer to the attached.

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

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

Name of Applicant(s) Robert Marks Telephone # (321) 704-3244

Mailing Address 2700 MALABAR RD, MALABAR, FL, 32950

Reason for Request I OWN ALL ADJACENT PROPERTY AND THE UNIMPROVED RIGHT OF WAY SERVES NO PUBLIC PURPOSE BOTH TO THE NORTH AND SOUTH OF MY PROPERTY

Parcel ID: 28-38-31-00-00264.0-0000.00 North Side

Parcel ID: 28-38-31-50-0000A.0-0003.00 South Side

List of Property Owners Abutting said Public Right-of-Way:

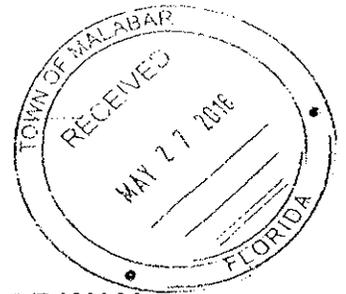
\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

Robert Marks  
 Signature of Applicant(s)

5/27/16  
 Date

TOWN OF MALABAR  
2725 Malabar Road  
Malabar, FL 32950  
Tel. 321-727-7764 FAX 321-722-2234



APPLICATION TO VACATE AND ABANDON PUBLIC RIGHT-OF-WAY

Before completing this application, please refer to Ordinance 01-06, attached.

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

Name of Applicant(s) AAA Malabar Storage, INC. Robert MARKS Tel (321) 704-3244  
Mailing Address: 2700 MALABAR RD, MALABAR, FLA. 32950

Legal description of public right-of-way covered by application:  
Township 28, Range 38, Section 31, Lot/Block N/A,  
Subdivision \_\_\_\_\_, Street Name JOHNSTON AVE.  
Other Legal 30' X 543.36' UNIMPROVED ROW

Required attachments:

Petition to vacate

Application fee of \$425 which includes advertising, administrative time and mailing. Any additional costs may include, but are not limited to, engineering fees, attorney fees, etc., and shall be paid by the applicant.

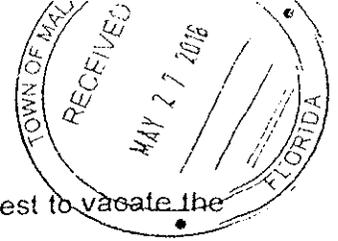
Map of the total area of the public right-of-way:

List of names, addresses and tax parcel numbers of property owners within 500 feet of the total length of the subject public right-of-way as prepared by a county office with access to public records, i.e. Brevard County GIS division of the Planning and Zoning Department (321-633-2060).

Robert MARKS  
Applicant(s)

5/27/16  
Date

TOWN OF MALABAR - VACATE REQUEST  
(Page 2)



The undersigned submits as grounds and reasons in support of this request to vacate the following right of way:

Description: (can submit on separate paper)

- Length 543.36'
- Width Adjacent to Parcels 30' Between Parcels 264 + BLK "A" Lot 9
- In Township 28, Range 38, Section 31, and Lot/Block \_\_\_\_\_.

I, Robert Marks, being first duly sworn, depose and say that, the property described, which is the subject matter of this application and the owner of 2 of the 2 adjacent parcels; that all of the answers to the questions in said application, and all data and matter attached to and made a part of said application are honest and true to the best of my knowledge and belief.

Robert Marks  
Signature of Applicant(s)

5/27/16  
Date

Signature of Applicant(s)

Date

Sworn and subscribed before me this 27 day of May, 2016.

Notary Public, State of Florida

Commission No. PF103020

My Commission Expires 3/17/18

Notary Vincent B. Weal

Name Printed Vincent B. Weal



# FLORIDA DEPARTMENT OF STATE DIVISION OF CORPORATIONS



## Detail by Entity Name

### Florida Profit Corporation

AAA MALABAR STORAGE, INC.

### Filing Information

Document Number	P09000008872
FEI/EIN Number	90-0440023
Date Filed	01/28/2009
State	FL
Status	ACTIVE

### Principal Address

2700 MALABAR RD  
MALABAR, FL 32950

Changed: 03/13/2010

### Mailing Address

2700 MALABAR RD  
MALABAR, FL 32950

Changed: 03/13/2010

### Registered Agent Name & Address

MARKS, ROBERT D  
1100 BROOK STREET NE  
PALM BAY, FL 32905

### Officer/Director Detail

#### Name & Address

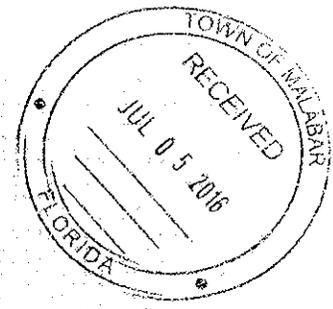
Title D

MARKS, ROBERT D PRES  
1100 BROOK STREET NE  
PALM BAY, FL 32905

### Annual Reports

Report Year	Filed Date
2014	04/21/2014
2015	06/09/2015
2016	03/28/2016

**Recorded**



This Instrument Prepared by and Return to:  
Michelle McClure  
Alliance Title of the Treasure Coast, LLC  
725 Commerce Center Drive  
Ste A  
Sebastian, FL 32958  
as a necessary incident to the fulfillment of conditions  
contained in a title insurance commitment issued by it.

Property Appraisers Parcel I.D. (Folio) Number(s):  
2850957 and 2850957  
File No.: 1604913

**WARRANTY DEED**

R.M.

This Warranty Deed, Made the 27th day of May, 2016, by C. Randall Carmichael, whose post office address is: 609 Alden Pl, Melbourne Beach, FL 32951, hereinafter called the "Grantor", to AAA Malabar Storage, Inc., a Florida Corporation, whose post office address is: 2700 Malabar Rd, Malabar, FL 32950, hereinafter called the "Grantee".

**WITNESSETH:** That said Grantor, for and in consideration of the sum of **Thirty Five Thousand Dollars and No Cents (\$35,000.00)** and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situate in Brevard County, Florida, to wit:

That part of the following described property lying West of Florida East Coast Railroad right-of-way: Begin at the Southwest corner of Southeast quarter of Northwest quarter, Section 31, Township 28 South, Range 38 East; thence East to a stake set on the East side of railway right-of-way; thence Northeasterly to a post set on bank of Indian River about 20 feet and 6 inches North of cabbage palmetto tree marked "X"; thence along shore of Indian River North 26° West to a stake at the Southeast corner of land owned by R.A. Ward; thence South 69° 15' West 20.51 chains to the quarter section line; thence S 16 1/2 feet to Point of Beginning.

( VACANT LAND )

The property is not the homestead of the Grantor(s) under the laws and constitution of the state of Florida in that neither Grantor(s) or any member of the household of Grantor(s) reside thereon.

**TOGETHER** with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

**To Have and to Hold**, the same in fee simple forever.

And the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to 2016, reservations, restrictions and easements of record, if any.

*(The terms "Grantor" and "Grantee" herein shall be construed to include all genders and singular or plural as the context indicates.)*

**IN WITNESS WHEREOF**, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES  
**TWO SEPARATE DISINTERESTED WITNESSES REQUIRED**

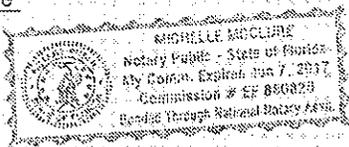
Witness Signature: [Signature]  
Printed Name: Michelle McClure C. Randall Carmichael

Witness Signature: [Signature]  
Printed Name: Jeff McClure

State of Florida  
County of Indian River

The foregoing instrument was acknowledged before me this 27th day of May, 2016 by C. Randall Carmichael who is/are personally known to me or has/have produced driver license(s) as identification.

Notary Public Signature: [Signature] My Commission Expires: 6-7-17  
Printed Name: Michelle McClure (SEAL)



**LISA CULLEN, CFC**

BREVARD COUNTY TAX COLLECTOR

NOTICE OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS

2015 PAID REAL ESTATE

Corrected

TAX ACCOUNT NUMBER	ESCROW CD	MILLAGE CODE
2851046		3420

Pay your taxes online at [www.brevardtc.com](http://www.brevardtc.com)

MARKS ROBERT  
1100 NE BROOK NE ST  
PALM BAY, FL 32905-4902

*2700 Malabar*

28 383150 A 3  
2700 MALABAR RD  
ARNOLDS PLAT OF MALABAR  
MALABAR  
LOTS 3,4,7,8 BLK A, ALL OF PB 2  
PG 24  
See Additional Legal on Tax Roll

AD VALOREM TAXES					
TAXING AUTHORITY	MILLAGE RATE	ASSESSED VALUE	EXEMPTION	TAXABLE VALUE	TAXES LEVIED
COUNTY GENERAL FUND	4.5497	2,065,000	0	2,065,000	9,395.13
BREVARD LIBRARY DISTRICT	0.5555	2,065,000	0	2,065,000	1,147.11
BREVARD MOSQUITO CONTROL	0.1995	2,065,000	0	2,065,000	411.97
SCHOOL - BY STATE LAW	5.0270	2,065,000	0	2,065,000	10,380.76
SCHOOL - BY LOCAL BOARD	0.7480	2,065,000	0	2,065,000	1,544.62
SCHOOL - CAPITAL OUTLAY	1.5000	2,065,000	0	2,065,000	3,097.50
TOWN OF MALABAR	1.9256	2,065,000	0	2,065,000	3,976.36
LAW ENFORCEMENT MSTU	1.2691	2,065,000	0	2,065,000	2,620.69
ST JOHNS RIVER WATER MGMT DST	0.3023	2,065,000	0	2,065,000	624.25
FLA INLAND NAVIGATION DIST	0.0320	2,065,000	0	2,065,000	66.08
SEBASTIAN INLET DISTRICT	0.1069	2,065,000	0	2,065,000	220.75
ENV END LD/WTR LTD 05-24	0.0543	2,065,000	0	2,065,000	112.13
ENV END LD/WTR LTD(DBTP) 05-24	0.1102	2,065,000	0	2,065,000	227.56
TOTAL MILLAGE		16.3801	AD VALOREM TAXES		\$33,824.91

NON-AD VALOREM ASSESSMENTS		
LEVYING AUTHORITY	RATE	AMOUNT
112 STORMWATER MALABAR		1,706.99
158 SOLID WASTE DISPOSAL		164.51
PAY ONLY ONE AMOUNT IN BOXES BELOW		NON-AD VALOREM ASSESSMENTS \$1,871.50

If Paid By	Nov 30, 2015				
Please Pay	\$34,268.55				

**LISA CULLEN, CFC**

BREVARD COUNTY TAX COLLECTOR

NOTICE OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS

2015 PAID REAL ESTATE

Corrected

TAX ACCOUNT NUMBER	ESCROW CD	MILLAGE CODE
2851046		3420

Pay your taxes online at [www.brevardtc.com](http://www.brevardtc.com)

RETURN WITH PAYMENT

MARKS ROBERT  
1100 NE BROOK NE ST  
PALM BAY, FL 32905-4902

28 383150 A 3  
2700 MALABAR RD  
ARNOLDS PLAT OF MALABAR  
MALABAR  
LOTS 3,4,7,8 BLK A, ALL OF PB 2  
PG 24  
See Additional Legal on Tax Roll

PLEASE PAY IN U.S. FUNDS THROUGH U.S. BANK TO BREVARD COUNTY TAX COLLECTOR, PO BOX 2500, TITUSVILLE, FL 32781-2500

^ Paid By	Nov 30, 2015				
^ Please Pay	\$34,268.55				

Paid 11/30/2015

Receipt # 310-16-0000509

\$34,268.55 Paid By AAA MALABAR STORAGE INC

**LISA CULLEN, CFC**  
**BREVARD COUNTY TAX COLLECTOR**

NOTICE OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS  
 2015 PAID REAL ESTATE

TAX ACCOUNT NUMBER	ESCROW CD	MILLAGE CODE
2850957		34Z0

Pay your taxes online at [www.brevardtc.com](http://www.brevardtc.com)

CARMICHAEL, C RANDALL  
 609 ALDEN PLACE  
 MELBOURNE BCH, FL 32951

28 383100 264  
 PART OF SE 1/4 OF NW 1/4 AS DES  
 IN DB 356 PG 470 EX RD R/W

AD VALOREM TAXES							
TAXING AUTHORITY	MILLAGE RATE	ASSESSED VALUE	EXEMPTION	TAXABLE VALUE	TAXES LEVIED		
COUNTY GENERAL FUND	4.5497	25,380	0	25,380	115.47		
BREVARD LIBRARY DISTRICT	0.5555	25,380	0	25,380	14.10		
BREVARD MOSQUITO CONTROL	0.1995	25,380	0	25,380	5.06		
SCHOOL - BY STATE LAW	5.0270	25,380	0	25,380	127.59		
SCHOOL - BY LOCAL BOARD	0.7480	25,380	0	25,380	18.98		
SCHOOL - CAPITAL OUTLAY	1.5000	25,380	0	25,380	38.07		
TOWN OF MALABAR	1.9256	25,380	0	25,380	48.87		
LAW ENFORCEMENT MSTU	1.2691	25,380	0	25,380	32.21		
ST JOHNS RIVER WATER MGMT DST	0.3023	25,380	0	25,380	7.67		
FLA INLAND NAVIGATION DIST	0.0320	25,380	0	25,380	0.81		
SEBASTIAN INLET DISTRICT	0.1069	25,380	0	25,380	2.71		
ENV END LD/WTR LTD 05-24	0.0543	25,380	0	25,380	1.38		
ENV END LD/WTR LTD(DBTP) 05-24	0.1102	25,380	0	25,380	2.80		
TOTAL MILLAGE					16.3801	AD VALOREM TAXES	\$415.72
NON-AD VALOREM ASSESSMENTS							
LEVYING AUTHORITY	RATE				AMOUNT		
112 STORMWATER MALABAR					10.61		
PAY ONLY ONE AMOUNT IN BOXES BELOW					NON-AD VALOREM ASSESSMENTS	\$10.61	
If Paid By	Nov 30, 2015						
Please Pay	\$409.28						

**LISA CULLEN, CFC**  
**BREVARD COUNTY TAX COLLECTOR**

NOTICE OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS  
 2015 PAID REAL ESTATE

TAX ACCOUNT NUMBER	ESCROW CD	MILLAGE CODE
2850957		34Z0

Pay your taxes online at [www.brevardtc.com](http://www.brevardtc.com)

RETURN WITH PAYMENT

CARMICHAEL, C RANDALL  
 609 ALDEN PLACE  
 MELBOURNE BCH, FL 32951

28 383100 264  
 PART OF SE 1/4 OF NW 1/4 AS DES  
 IN DB 356 PG 470 EX RD R/W

PLEASE PAY IN U.S. FUNDS THROUGH U.S. BANK TO BREVARD COUNTY TAX COLLECTOR, PO BOX 2500, TITUSVILLE, FL 32781-2500

If Paid By	Nov 30, 2015				
Please Pay	\$409.28				

Paid 11/30/2015

Receipt # 002-16-00022856

\$409.28 Paid By

7-11-16

CERTIFIED MAIL



To: Whom it MAY concern.

I Emitio Cirelli Do NOT Wish To lose  
MY access in which I have had since

I Purchased my Property Over 25 Years ago

Please Do NOT Grant Vacating Right of Way!  
Please DO NOT TAKE AWAY MY Right of enjoyment.

Yours Truly

Emitio Cirelli

Emitio Cirelli

Lot owner 28-38-31 000020.000900

Emitio Cirelli

354 Pine Woods Rd

Ormond Beach FL 32174

386-290-3983



## Debby Franklin

---

**From:** kbohne@fla-lawyers.com  
**Sent:** Tuesday, July 12, 2016 2:01 PM  
**To:** Debby Franklin  
**Subject:** RE: Malabar please review  
**Attachments:** Reso 08 2016 Vacate Johnston.doc

Generally a municipality has no power to sell, or barter the right of ways which are held in trust for the benefit of the public. However, a municipality is empowered to vacate streets only when the vacation is in the public interest or when the street is no longer required for public use and convenience. If the general public is using the roads and streets in question (including public service vehicles such as garbage trucks, police, fire or emergency vehicles), then the municipality should not close or vacate the roads or streets in question as such vacation would be injurious to the public welfare or violate individual property rights.

A municipal council should not undertake to vacate any streets in the absence of a determination that the general public would benefit from the vacation *or* that such streets are no longer required for the public use and convenience.

I would suggest that the Vacate Resolution contain a finding by the council that the right of way to be vacated serves no public purpose. Here is a redraft.

Karl W. Bohne, Jr.

Schillinger & Coleman, P.A.

## **AAA MALABAR STORAGE, INC.**



State-of-the-Art Facility • Climate & Non-Climate Controlled

**2700 Malabar Road • Malabar, FL 32950**

**321-727-7292 • Fax 321-726-9279**

**[www.malabarstorage.com](http://www.malabarstorage.com) • [malabarstorage@yahoo.com](mailto:malabarstorage@yahoo.com)**

Mr. Doug Hoyt  
Town of Malabar Town Administrator  
2725 Malabar Road  
Malabar FL 32950

July 18, 2016

Dear Doug:

I want to outline to you my ideas and plans for improvements to the currently unimproved Railroad Avenue. Currently it is a dirt road subject to potholes, washboarding and other damages due to wear and tear by weather and traffic. These potentially dangerous conditions are a hazard not only to those drivers who enter AAA Malabar Storage from Railroad Avenue, but to all who must use this road.

In the past I have, at my own expense, made some temporary repairs to Railroad Avenue including, but not limited to, adding road base and grading. I want to begin making some more permanent improvements to the road such as filling in potholes and low areas, grading and topping with hot asphalt or other permanent type of paving material. These improvements would be at my own expense (or possibly together with others who own property bordering Railroad Avenue and/or use the road) and without any financial obligation to the Town of Malabar.

As always, if you have any questions or would like to discuss these ideas, please don't hesitate to contact me at 321-704-3244.

Regards,

A handwritten signature in black ink that reads "Robert Marks".

Robert Marks  
President, AAA Malabar Storage, Inc.

**AAA MALABAR STORAGE, INC.  
PROUD SPONSOR OF  
THE TOWN OF MALABAR**



- RAILROAD AVENUE ROADWORK
- STORAGE TO THE TOWN OF MALABAR
- CONTRIBUTIONS TO MALABAR COMMUNITY PARK
- MALABAR SPRINGFEST KIDSZONE SPONSORSHIP

**OTHER SPONSORSHIPS AND  
CHARITABLE DONATIONS**

PALM BAY YOUTH FOOTBALL AND CHEERLEADING  
GRANT SEAFOOD FEST  
GRANT BBQ FEST  
AMERICAN LEGION  
TOYS FOR TOTS  
TOYS FOR KIDS  
NANA'S HOUSE  
POW\*MIA

## **AAA MALABAR STORAGE, INC.**



**State-of-the-Art Facility • Climate & Non-Climate Controlled**

**2700 Malabar Road • Malabar, FL 32950**

**321-727-7292 • Fax 321-726-9279**

**www.malabarstorage.com • malabarstorage@yahoo.com**

### **Roadwork on Railroad Avenue**

#### **Obrian's Tractor Service**

**5-12-10      5-Loads Road Base and Grading      \$980.00**

#### **GreenThumb Landscaping, Inc.**

**1-10-13      7 Cubic Yards of 57 Rock  
and Grading      \$350.00**

#### **Mike Linnell**

**12-7-15      2 Loads of Road Base  
and Back Hoe      \$200.00**

#### **Mike Linnell**

**2-4-15      2 Loads of Road Base  
1 Load of Asphalt Millings  
Back Hoe and Grading      \$500.00**

**Total:      \$2,030.00**



# TOWN OF MALABAR

2725 MALABAR ROAD, MALABAR, FLORIDA 32950  
(321)727-7764 x 13 OFFICE - (321)722-2234 FAX  
[www.townofmalabar.org](http://www.townofmalabar.org)

December 2, 2008

Mr. Robert Marks  
Mr. Kelly Vickers  
Malabar Mini Storage  
2700 Malabar Road  
Malabar, FL 32950

Dear Gentlemen:

On behalf of the Town of Malabar Town Council, staff, and residents, I would like to express our appreciation for your generous support of the Town by offering us three storage bays for our emergency supplies for the Fire Department following the May fires. The on-going donation has helped us both in space allocation for storage that we desperately needed, and your in-kind service **donation of \$4,268.72 for the rental space from May 2008 through December 2008** in these tough economic times when the Town's revenue has been negatively affected.

Thank you for all that you do for our community.

Sincerely,

A handwritten signature in cursive script that reads "Tom M. Eschenberg".

Tom M. Eschenberg  
Mayor

# Open Units

AAA MALABAR STORAGE, INC., 2700 Malabar Road, Malabar, FL 32950

Created: 04/10/2009

11:24:35AM

Description	Rate	Available Units
05 x 05 CC	\$50.00	1156
05 x 10	\$70.00	0101 0201 1007 1008 1009 1010 1011 1017 1018 1019
05 x 10 cc	\$80.00	1071 1086 1090 1092 1116 1120 1122 1124 1136 1138
05 x 15	\$85.00	1066 1067 1068 1069
05 x 15 cc	\$100.00	1081 1083 1085 1087 1089 1099
10 x 10	\$95.00	1022 1023 1043
10 x 10 CC	\$120.00	1123 1125 1127 1128 1129 1130 1132 1164
10 x 15	\$125.00	1054
10 x 15 CC	\$165.00	0118 1075 1159
10 x 20	\$150.00	0306 0307 0309 0312 0314 0403 0414 0416 0418 0419 0420 0421 0422 0423 0424 0425 0426 1037 1038 1039 1040 1056 1058 1059 1060 1061 1062 1063
10 x 20 CC	\$210.00	1111 1117
10 x 25	\$180.00	0218 0219 0220 1046 1047 1049
10 x 25 cc	\$250.00	X 2 = \$530.00 + 5 x 10 @ \$70.00 + TAX = \$74.20
10 x 30	\$200.00	0222
15 x 20	\$195.00	0617 0618
Locker	\$40.00	0104 0106 1104 1107 1108 1109 1145 1146 1147 1148 1149 1150 1151 1152
Parking	\$40.00	G001 G002 G003 G004 G005 G006 G007 G008 G009 G010 G014 G015 G020 G026 G030 G032 G034 G035 P000 P007 P015 P020 P021 P022 P023 P025

TOTAL \$604.20 Per Month

604.20  
1 year x 12.  
\$7250.40

February 6, 2007

To whom it may concern,

This is to acknowledge a contribution of 29 cabbage palms;

valued at \$5,800.00 and

20 loads of sand valued at \$4,000.00

totaling \$9,800.00

A handwritten signature in black ink, appearing to read 'Ed Booth', written over a horizontal line.

Ed Booth; Malabar Town Administrator



2725 Malabar Road  
Malabar, FL 32950

Tel: 321-727-7764  
Fax: 321-722-2234

March 30, 2007

Robert D. Marks  
Kelly Vickers  
1100 Brook Street  
Palm Bay, Florida 32905

RE: Malabar Springfest 2007

Dear Mr. Marks and Mr. Vickers:

It is time again to begin the preparations for Malabar Springfest 2007. This is "Family Fun in a Rural Setting". Our event is being held on May 5, 2007 from 10 am until 7 pm. This is a yearly event and along with Malabar residents, the surrounding communities usually join us in having a great time.

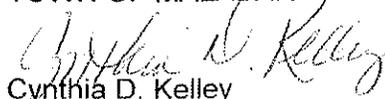
Each year, we like to invite new businesses in the area to participate in our event, whether you choose to be a sponsor or make a donation. The Building Department referred your information to me as a prospective sponsor/donor. I have taken the liberty of enclosing an application. If this is something that you would like to participate in, please complete the application and return it to me in the enclosed envelope. As you will see by the first page of the application, we have provided various services to you depending on the size of the sponsorship/donation. Hometown News, who has been gracious enough to sponsor us for the past three years, will be doing four (4) ads before the event and a feature article. If you choose to come into this event, you will be included in all of these ads as well as the article as a sponsor; other avenues being used is the Town's website, the radio station calendars, various publications and flyers that Data Management has agreed to sponsor. We also extend the invitation for you to come out on the 5<sup>th</sup> of May to have some good home-town fun. We will have live music, food/beverages, crafters and business vendors, pony rides for the children and other activities. We hope you will be able to join us in the park.

If you have any questions or concerns regarding this request, please feel free to contact me at Town Hall. I can be reached at (321) 727-7764, ext. 10.

Thanking you in advance for your participation in helping to make our event the best one ever,

Sincerely,

TOWN OF MALABAR

  
Cynthia D. Kelley  
Deputy Town Clerk  
Event Coordinator

CDK



2725 Malabar Road  
 Malabar, Florida 32950-4427  
 321-727-7764 – Telephone  
 321-722-2234 – FAX

April 19, 2007

Kelly Vickers  
 Robert Marks  
 Malabar Mini Storage  
 2700 Malabar Road  
 Malabar, Florida 32950

RE: Malabar Springfest Contribution

Dear Mr. Vickers and Mr. Roberts:

Enclosed please find receipt #14242 for the \$500.00 Kids Zone sponsorship that you have made to the Malabar Springfest from Malabar Mini Storage. On behalf of the Events Committee, I would like to thank you for your generosity. We truly do appreciate the area businesses showing their continued support for this annual event. The planning is underway and we are anticipating an even bigger crowd than we had last year.

As we discussed this morning, please provide your sign for "Sponsor Row" by Thursday, May 3<sup>rd</sup>. This will allow the time needed for Public Works to add it to the row of sponsors for this event. I would like to also thank you for volunteering for the dunking booth. This year's event promises to be the best one yet, with each year getting better. I have provided your information to Hometown News for the ad for the next two publications. Your new establishment will have at least two weeks of free advertising with this them. Your company will also be added to the sponsor board that will be placed in the Town's information booth on site as well. Hopefully, all this advertising will bring some new business your way.

Please feel free to contact me if you should have any questions or need any additional information. We will do our very best to assist you in any way possible. Thank you for all that you have done and continue to do for the Town of Malabar and the Springfest event. We look forward to seeing you and hope you have fond memories of the day.

Sincerely,

TOWN OF MALABAR

*Cynthia D. Kelley*  
 Cynthia D. Kelley  
 Deputy Town Clerk  
 Events Coordinator

CDK  
 Enclosure (1)



Town of Malabar  
 2725 Malabar Road  
 Malabar, Florida 32950-4427

NO. 14242  
4/19/07 19\_\_

RECEIVED FROM Malabar Mini Storage  
Five Hundred 00/100 \$ 500.00  
 For: Springfest Sponsor  
 Acct. No.: \_\_\_\_\_  
 Cash \_\_\_\_\_ Check  (Check No. 1035)  
*C. Keller*

# Palm Bay Youth Football & Cheerleading PBYAA



20



07



P.O Box 01827 Palm Bay, Florida 32906-01827

## Sponsor Information Form

Business Name to be printed as ; MALABAR MINI-STORAGE

Team picture on plaque, (As Required) \_\_\_\_\_

Business Address: \_\_\_\_\_

2700 MALABAR RD  
MALABAR, FL 32950

Owner Contact: \_\_\_\_\_

KELLY (954) 588-7722

Telephone #: \_\_\_\_\_

Fax #: \_\_\_\_\_

Email: \_\_\_\_\_

### Type of Sponsorship:

Platinum: \$500.

4x8 Banner, Team Plaque

Gold: \$250.

3x5 Banner, Team Plaque

Silver: \$175.

3x5 Banner

Bronze: \$75.

Name on 3x5 booster banner

Amount Received: 500.

Cash \_\_\_\_\_

Check 1106

PBYAA is a Not-For Profit Organization Cert. No 15-16-049202-60C

Website: [WWW.eteamz.com/PBYAA](http://WWW.eteamz.com/PBYAA)



# TOWN OF MALABAR

## AGENDA ITEM REPORT

AGENDA ITEM NO: 3  
Meeting Date: July 29, 2016

Prepared By: Debby Franklin, Town Clerk / Treasurer

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**SUBJECT:** Residents Request to Remove Speed Bump

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**BACKGROUND/HISTORY:**

TA requested this be put on the agenda to ask for Council authorization to remove the existing speed bump. There are some residents that would like to have it relocated and others that want it to be removed permanently.

TA will ask both sides to speak.

**FINANCIAL IMPACT:**

Unknown

**ATTACHMENTS:**

Various information on methods and processes involved with setting speed bumps.

**ACTION OPTIONS:**

Staff requests Discussion and Direction

## Douglas C. Hoyt

---

**From:** Lane, LaVanda L <Lavanda.Lane@brevardfl.gov>  
**Sent:** Wednesday, June 15, 2016 1:39 PM  
**To:** Douglas C. Hoyt  
**Cc:** Gumm, Corrina  
**Subject:** FW: Non-Asphalt Speed Humps  
**Attachments:** Brookhollow.JPG; Brookhollow1.JPG; Brookhollow2.JPG; Brookhollow3.JPG

Mr. Hoyt,

Please review attached photos of speed humps. Currently, Brevard County only utilizes asphalt speed humps but we have been asked to consider using the prefabricated speed humps. From the research that I have performed so far, the prefabricated speed humps appears to be more costly than the asphalt ones.

Will you please provide your opinion as to how effective the speed humps are in the Brook Hollow community, cost of the prefab hump and the cost of installation and any other information that may be helpful. Since the installation of these humps have there been additional issues? And if so, what are they?

I've looked at the pictures but can't tell what the actual height and width are? I can see that they go across the width of the road. Please provide me the name or contact information where the humps were purchased.

Any assistance will be most appreciated.

Thank you

*LaVanda Lane*

Traffic Engineering Specialist  
Public Works Department  
Traffic Operations Program  
2725 Judge Fran Jamieson Way, Bldg. A, 211  
Viera, FL 32940  
PH: (321) 633-2077  
FX: (321) 637-5471

**Under Florida Law, email addresses are Public Records. If you do not want your e-mail address released in response to public record requests, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.**

**BUCKLE UP - HANG UP – NO TEXTING AND DRIVING. It could be my life you are saving.**

---

**From:** Gumm, Corrina  
**Sent:** Wednesday, June 15, 2016 12:27 PM  
**To:** Lane, LaVanda L  
**Subject:** FW: Non-Asphalt Speed Humps

---

**From:** Denninghoff, John P  
**Sent:** Wednesday, June 15, 2016 10:35 AM

# TOWN OF MALABAR

## AGENDA ITEM REPORT

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

Prepared By: Debby Franklin, Town Clerk / Treasurer

---

SUBJECT: Residents Request to Remove Speed Bump

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### BACKGROUND/HISTORY:

TA requested this be put on the agenda to ask for Council authorization to remove the existing speed bump. There are some residents that would like to have it relocated and others that want it to be removed permanently.

TA will ask both sides to speak.

### FINANCIAL IMPACT:

Unknown

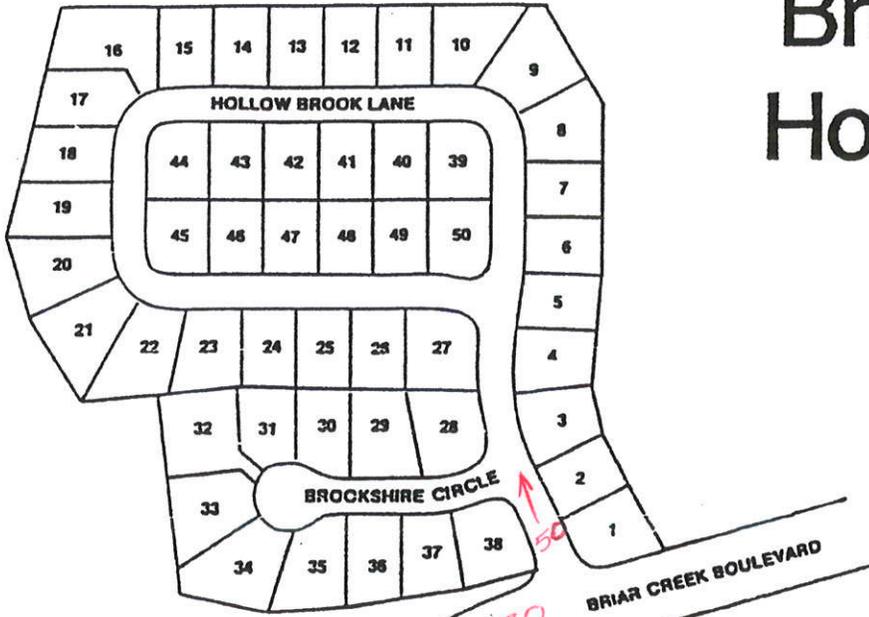
### ATTACHMENTS:

Various information on methods and processes involved with setting speed bumps.

### ACTION OPTIONS:

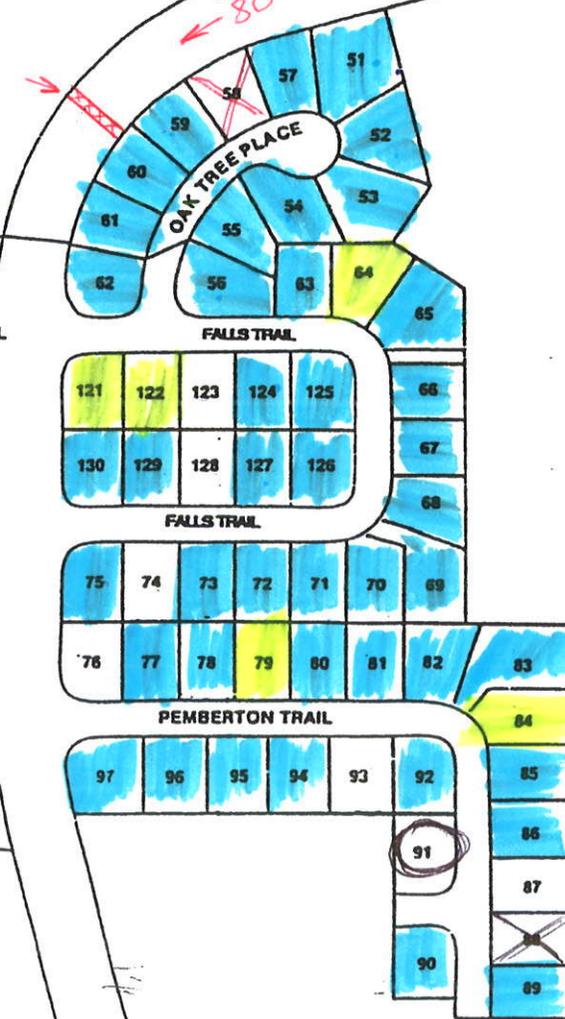
Staff requests Discussion and Direction

# Brook Hollow



- X vacant
- X empty lot
- ⊙ new construction

Speed Hump →



Lots in favor of removal are in blue

57

Lots in favor of Keeping are in yellow

8

No answer are white

Sold Moving →

Petitions on file at Town Hall.



