

**TOWN OF MALABAR
REGULAR TOWN COUNCIL MEETING
TUESDAY SEPTEMBER 6, 2016
7:30 PM
2725 MALABAR ROAD
MALABAR, FLORIDA**

AGENDA

- A. CALL TO ORDER, PRAYER AND PLEDGE
 - B. ROLL CALL
 - C. APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES:
 - D. APPROVAL OF THE MINUTES:
 - 1. Budget Workshop Meeting Minutes 8/29/16
Regular Council Meeting & Budget WS of 8/15/16
Regular Council Meeting Minutes 8/01/16
Exhibit: Agenda Report No. 1
Recommendation: Request Approval
 - E. SHERIFF REPORT:
 - F. ATTORNEY REPORT:
 - G. STAFF REPORTS: ADMINISTRATOR: CLERK: FIRE CHIEF:
 - 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:
 - 2. Adopt Millage (Ord 2016-05)
AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, ADOPTING THE MILLAGE RATE OF 1.8422 or 2.0260 FOR THE LEVY OF AD VALORUM TAX WITHIN THE TOWN OF MALABAR FOR THE PERIOD FROM OCTOBER 1, 2016 THROUGH AND INCLUDING SEPTEMBER 30, 2017, PROVIDING FOR REPEAL AND PROVIDING FOR AN EFFECTIVE DATE.
Exhibit: Agenda Report No. 2
Recommendation: Adopt Ord 2016-05
 - 3. Adopt Budget (Ord 2016-06)
AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA ADOPTING THE BUDGET OF \$1,543,220.00 OR \$1,563,508.00 FOR THE TOWN OF MALABAR FOR THE PERIOD FROM OCTOBER 1, 2016 THROUGH AND INCLUDING SEPTEMBER 30, 2017; PROVIDING FOR REPEAL AND PROVIDING FOR AN EFFECTIVE DATE.
Exhibit: Agenda Report No. 3
Recommendation: Adopt Ord 2016-06
- COUNCIL CHAIR MAY EXCUSE ATTORNEY AT THIS TIME
- J. DISCUSSION/POSSIBLE ACTION:
 - 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

N. ADJOURNMENT:

ITEMS TABLED AT PRIOR MEETINGS:

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: September 06, 2016

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

SUBJECT: Approval of Minutes

BACKGROUND/HISTORY:

Attached are the summary minutes for the following meetings:

- Regular Town Council Meeting – 8/1/2016
- Regular & Budget WS Meeting – 8/15/2016
- Budget WS Meeting 8/29/2016
- Budget WS Meeting 9/3/2016

ATTACHMENTS:

Draft Minutes of the above referenced meetings

ACTION OPTIONS:

The Town Clerk requests approval of the minutes.

MALABAR TOWN COUNCIL REGULAR MEETING
August 1, 2016 7:30 PM

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

A. CALL TO ORDER:

Council Chair Mayor Phillip Crews called the meeting to order at 7:30 pm. CM Kohler led the prayer and pledge.

B. ROLL CALL:

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

For the Record, the Fire Chief Christopher Robinson was also present.

C. ADDITIONS, DELETIONS, CHANGES APPROVAL OF AGENDA Mayor said without objection, the agenda stands approved.

D. APPROVAL OF THE MINUTES:

1. Regular Council Meeting of 7/15/16

Exhibit: Agenda Report No. 1

Recommendation: Request Approval

Chair stated without object minutes are approved.

E. SHERIFF REPORT: none

F. ATTORNEY REPORT: Spoke briefly of lawsuit filed against town re: fender bender in June 2015 by Morgan & Morgan.

G. STAFF REPORTS: ADMINISTRATOR:

1. He has asked for additional BCSO patrols and speed enforcement in Brook Hollow S/D. He was there multiple times and has witnessed the rolling stops. The reason he was over there for the speed bumps, which are on agenda later on.

2. He was asked at the last RTCM to get costs for additional stop signs and referred Council to the stack of docs in front of them - there is a spreadsheet with costs - it will cost about \$6,000 for two signs alerting travelers of the new stop signs being installed on Corey and Weber plus the cost and installation of the stop signs. CM Korn said there were supposed to be two more locations – at Benjamin and Reese. So new price would be 7,500. The LED portable signs cost \$2,500 per month. He proposes using the two signs we already have and just change the dates.
MOTION: CM Korn / CM ????? to proceed with project as outlined by the TA and the proposed costs.

MOTION: CM Krieger / ----- to table until after the budget is approved and include costs in next year's budget. Motion failed for lack of a seconder.

VOTE on main motion: Ayes, 4; Nay, 1 (Krieger)

TA then reported on failing culvert at Weber and Hall. In addition, there are dips in the pavement on Marie, Corey and Hall where the ground was not compacted properly. We need to look at correcting that. Large portion of Corey approaching SR514. CM Korn mentioned problem on Corey Road. Culvert was leaking. Seam on two sections of culvert came apart and was leaking. He suggests that the engineer or PW person witness that the culvert is installed and compacted properly.

3. Mailboat – review and get comments back by 4 PM on Friday so it can go to printer.

4. TA said all CM have now received a copy of the prospective budget. He delivered most of them. TA referred to a handout he had placed in front of them. The proposed budget reflects an adjustment to the millage to account for inflation. In 1978, millage was first set at 1.5mil and today it is 1.9256. If you believe the US Dept. of Labor - to keep up with inflation the millage should be set at 5.5 today.

CM Ball said that property was valued at far less in 1978. TA said that if we could get a new appraisal of all properties true values then maybe inflation would have been accounted for but that is not the case with the "Save our Homes" cap.

CM Korn said that what they did at last meeting was set the maximum to begin the budget discussion. TA said if you want the same results keep doing the same things.

CLERK: nothing

FIRE CHIEF: In last 30 days they responded to 17 medical calls. 1 fire alarm. Vol hours for June was 1486 11, 487. Over the last 30 days they were preparing for ISO inspections. They faired very well except on the fire inspections. Since we don't do them they took a hit. The statute also requires inspections. Chief understands why they were removed years ago, but having more control. Not having plan reviews done. Sent guys out for pre-planning which is supposed to be done monthly. That and Fire insp are two different things.

BOARD REPORTS: P&Z, no rep

PARK & RECREATION, no rep

T&G COMMITTEE, Drew Thompson Chair, real quick report - they did as a group get out on the trails and updated the kiosks along the trails. Thanked Murray Hann for providing the new maps that show "you are here" - trails perspective incompasses these other areas. He contacted Chris Ohara and they provided him with a high resolution map. The map clearly shows what can be done in a one day either on bike, horse or foot. Some highlight. As they build this vision, through new projects if they can quickly zoom in they are basically going to be more successful. Wanted to thanks Chris Ohara for the map. No other city is pursuing this methodology. Permit for septic system should be ready soon and will have septic in mid August.

EVENTS COMMITTEE – no rep

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.**

Skip Hard, Hard Lane, addressed some of the comments by TA. Remember the days of the property boom. When those tax rolls were being adjusted upwards, cities were enjoying an

increase and now we are in a flat time. The revenues are not what they used to be. Want to bring it back to where it was.

Carlene Conroy, Alexander Lane, go on record that she is opposed to raising the taxes. They just went up. If you need money for projects, look at money to the fire dept. We are not GV we have a lot fewer people. She is opposed. She saw 30K in paying out Bonnie, Don't know who paid for the crossing at Yellow Dog.

TA clarified, we had to set a number to comply with TRIM. When they had the bubble, the council lowered the millage so they didn't enjoy that increase Hard referred to. He invites residents to spend a couple of days down here and listen to the complaints from the residents on dirt roads and those with drainage complaints.

CM Korn asked to follow up on that. The bubble lasted for a short time. He gave example. Comparing us to GV is not equal – they have no staff and have fire dept as a separate assessment. We are getting more bang for the buck.. He challenged anyone to find a fire Dept that is run as efficiently as ours. We are not wasting any money. Express your concerns ahead of time so they can do their homework. They are doing the best they can. CM Vail had conversation with Debby about raising the taxes. We keep skimping by and we are not doing right by the Town. No one wants to hear about raising the taxes but we will not be able to make any improvements that residents demand without it.

Skip Hard, 2560 Hard Lane, re: comment by TA. Town did not initiate the rollback. It was required by the State. No one would dispute the tax increase if you had a specific project but not just increase with no plan.

I. PUBLIC HEARINGS/SPECIAL ORDERS: 1

5. 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. 2

Recommendation: Request Action on Reso 08-2016

PH held on 7/15/16 and issue tabled to this date.

MOTION: CM Kohler / CM Korn to approve vacate and adopt Reso 08-2016. CM Kohler sees no downside and sees this as a benefit for the applicant and the town. CM Korn said he is typically opposed to vacates. Mrs. Ritter called him and her concern was that this would eliminate a potential alternate route for east west. He suggested to her that a better route would be to the south or over Township.

CM Ball said P&Z turned this down. We are guardians of the townspeople. We can give it to a person but should we. Only if it is a benefit to the town. The taxes on 1.2 acre. That road may be built. He can't in good conscience

CM Vail is adamantly against giving up any right of way. He still thinks the east west .

CM Krieger had a question about when Fins Lane was vacated. The benefit was to him. He bought four properties. He voted against that particular vacation. He thought it should be turned into two cul-d-sacs. Answer was council cannot do that.

Atty said the test is a public benefit. Cannot do it for one person. No barter. As Mr. Ball said you are the trustees. You are not entitled to swap the ROW. The law is clear. Krieger does not recall what the test was or what the benefit to the town was.

Krieger, another question, theoretically, if it doesn't pass, can it be fenced? No. The town can block the ROW.

CM Korn asked TA for the benefit to the town. TA said it is simple. Nord is not a through street. Mary is a possible east west. TA said the benefit is the large increase in taxes and West Railroad Ave to the furthest extent

ROLL CALL VOTE: CM Ball, Nay; CM Vail, Nay; CM Krieger, Nay; CM Korn, Nay; CM Kohler, Nay. Motion failed 5 to 0.

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

MOTION: CM Vail / CM Korn to approve the removal of speed humps.

CM Vail wanted to hear from the speakers.

Drew Thompson said he was there before you 4 years ago. He clearly identified himself as a concerned citizen and resident of Brook Hollow. Council is responsible for the 100 foot ROW. He still appeals to council tonight. Brake lights indicate a slowdown in speed. People can come with petitions. We have 130 person of Brook Hollow that do not want to pay taxes. It does work, town tax dollars went into it. If it is abandoned. Council made a decision to invest tax dollars to improve safety. There may be some level of liability. He did this for the sake of the neighborhood. Regardless of how many people sign petitions.

CM Ball said whom is the people speeding. He asked for stepped up enforcement. CM Korn said they have a very active HOA. Have they considered this?

Penny Dalton, 900 Holloway Trail, husband Don is passing out. Clerk Debby Franklin has received the complete packet with the minutes and the newsletter. Residents brought the concerns to the Board. Excessive speed was a concern. Steve Rivet and Marisa Acquaviva were at the area. Between those two stop signs, cars were exceeded 50-55 mph. They had a death of a child and a UPS truck hit the canine death. The many residents brought their concerns for excessive speeding and going through the stop signs. The police did a speed study and the digital speed monitored. Every street from Brook Hollow was represented at that Council meeting with the exception of two streets.

They support Sampson's concern over noise. Would the town be culpable if they take out the speed bump out? Please table this vote. If you need to bring in the digitally and have Major Desantis. Before they are removed and then again after it is removed.

Gary Sampson showed the color pix of the drive around gouging the grass. He has discrepancy. He has something from County and has an interoffice memo. Canine death should have been on leash. Child's death was on his street. He went around three times with petitions and got similar stories. Norm Gage originally supported but does not now. There has never been a follow-up study done. Gary met with TA a couple of different times. Speed hump belongs to town and would like to see it removed. He would like increased policing. It does not slow the traffic.

CM Korn, Brevard County does not have jurisdiction. He goes over three of them to get to brother's house. Speed bumps are used successfully. They do work if done right.

CM Ball said it looks – he is unhappy that we spent money to put it in and now spend money to take it out. This is absolute waste. He has a problem with that. If the people do not want this then it should be taken away.

Gary explained that someone swerving around could have hit him. The council in 2012 voted to do this. CM Vail said to remove it will cost something. They don't have anything saying it is more effective with or without it. Mayor said here is an option. Council can approve the removal of it without funding it. What entity would remove?

Krieger said if they wanted to add a feature, would they... CM Vail would like to hear from the HOA. CM Korn said the HOA has monthly meetings. Drew said they only have one general membership meeting in November as of this year.

Chair asked who Council wants to hear from – President, Board, or members at large?

TA said in terms of removal it would be about 3 hours, at 50/hr. County was looking at this exact brand they determined it was ineffective. Also in the Brevard County, the people requesting the speed bump must pay for the placement.

CM Kohler said the speed limit has been reduced 20mph and the addition of the trail crossing. Shouldn't put speed humps.

CM Korn called for the question. CM Kohler seconded. Vote all ayes.

VOTE: Ayes, 3; Nay, 2 (Krieger, Vail)

MOTION: CM Korn / CM Krieger to have the town remove the speed bump at their cost.

VOTE: All Nay

More discussion – resident of Brook Hollow offers to pay \$150. To have PW remove it or he will remove it for the town. TA said town would remove it. Resident said he would make a donation.

CM Krieger to add to the next agenda – Eliminating

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

M. REPORTS – MAYOR AND COUNCIL MEMBERS

1 – Dick is in need of a new vehicle. Fire Inspectors, are not a bad thing, and if it could improve our ISO then we should pursue it. Discussion item for next agenda. Should council also take the storm water certification? TA and Eng have a good handle on what is needed. Franklin said the course

2- Kohler said Korn brought up something that is a big concern. Ball said the insurance was supposed to be reduced – what is the ISO and how does it affect

3- CM Vail said it is a single. Take 2014 tax bill 380 tax and in 2015, it is 395. We also need to consider impact fees for new construction. Cost of admission.

4- Krieger wants the piggyback and purchasing issue

5- TA said if you double the tax rate it is a cup of Keurig coffee. If we float a bond, then that money is committed.

Mayor – from time to time items get tabled. He would like to add the items that have been tabled so they don't get forgotten. Mayor invites all of you to look at FS 200 and it gives you an idea of how municipalities quantify what the life safety expense it. Please think about different revenues – CM Vail said compare out response time compared to county. Before you make a decision. What is the difference. Mayor said we can't transport.

CM Krieger – asked Mayor about drainage treatment.

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:

There being no further business to discuss, Chair stated without objection the meeting is adjourned. The meeting adjourned at 9:50 PM.

BY: _____
Mayor Phillip R. Crews, Council Chair

(seal)

ATTEST:

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

Date Approved: 9/6/2016

TOWN OF MALABAR
REGULAR TOWN COUNCIL MEETING MINUTES
FOLLOWED BY A BUDGET WORKSHOP FOR 2016/17 FISCAL YEAR
MONDAY AUGUST 15, 2016
7:30 PM
2725 MALABAR ROAD
MALABAR, FLORIDA

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

A. CALL TO ORDER, PRAYER AND PLEDGE

The meeting was called to order at 7:30 pm by Chair Phillip R. Crews. Prayer and Pledge were said by Council Member Brian Vail.

B. ROLL CALL

COUNCIL CHAIR:

MAYOR PHILLIP R. CREWS

VICE-CHAIR:

BRIAN VAIL

COUNCIL MEMBERS:

GRANT BALL

DON KRIEGER

DICK KORN

RICHARD KOHLER

TOWN ADMINISTRATOR:

DOUGLAS HOYT

TOWN ATTORNEY:

KARL BOHNE

DEPUTY TOWN CLERK/TREASURER:

MATTHEW STINNETT

Deputy report

Clerk stated for the Record, the Fire Chief Christopher Robinson was also present.

C. CONDITIONAL USE PERMIT (CUP) – PUBLIC HEARING

Exhibit: Agenda Report No. 1

Recommendation: Request Action on CUP

Chair called applicant to podium to present her request. Meghan Wolfgram summarized her request.

Chair asked Council if there were any general questions for applicant. No

Chair asked Council if there were any general questions for staff. No

Chair opened Public Hearing:

Pat Reilly, P&Z Board Chair stated what she intended to do and why they placed the condition on the approval. Board supported request.

Chair closed Public Hearing.

Chair asked for a motion.

MOTION: CM Krieger / CM Korn to approve the Conditional Use Permit with the condition that if there is any expansion of use or facilities, the property owner would have to apply for a new site plan.

Discussion:

Chair requested the roll call vote:

ROLL CALL VOTE: CM Ball, Aye; CM Vail, Aye; CM Krieger, Aye; CM Korn, Aye; CM Kohler, Aye.
Motion approved 5 to 0.

P. ADJOURNMENT:

Without objection, the Chair adjourned the regular council meeting at 8:00 PM..

BUDGET WORKSHOP FOR 2016/17 FISCAL YEAR

Chair called the budget workshop meeting to order at 8:05 PM

A. WORKSHOP ACTION:

1. Budget Workshop

TA referred to handout sent out Friday and Saturday. They discussed the budget overall but reached no consensus. Council, Mayor and TA made general comments on the budget and the process.

B. ADJOURNMENT

Without objection the Chair adjourned the meeting.
This meeting adjourned at 9:31 PM.

BY: _____
Mayor Phillip R. Crews, Council Chair

ATTEST BY:

Matthew Stinnett
Deputy Town Clerk/Treasurer

Date Approved: _____

TOWN OF MALABAR
BUDGET WORKSHOP FOR 2016/2017 FISCAL YEAR
MONDAY AUGUST 29, 2016
7:30 PM
2725 MALABAR ROAD
MALABAR, FLORIDA

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

A. CALL TO ORDER, PRAYER AND PLEDGE

The meeting was called to order at 7:30 pm by Chair Phillip R. Crews. Prayer and Pledge were said by Council Member Grant Ball.

B. ROLL CALL

COUNCIL CHAIR:

MAYOR PHILLIP R. CREWS

VICE-CHAIR:

BRIAN VAIL

COUNCIL MEMBERS:

GRANT BALL

DON KRIEGER

DICK KORN

RICHARD KOHLER

DOUGLAS HOYT

KARL BOHNE

DEBBY FRANKLIN

TOWN ADMINISTRATOR:

TOWN ATTORNEY:

TOWN CLERK/TREASURER:

Clerk stated for the Record, the Fire Chief Christopher Robinson was also present.

C. WORKSHOP ACTION: 2016 / 2017 Budget

Chair stated he has worked with Town Staff, Florida Dept of Revenue staff and using the Florida Statutes as it relates to the Special Law passed in 1974 specifically related to a restriction on the ability for a municipality in Brevard County on what they can levy as Ad Valorem. He and the Mayor have requested a legal opinion from the FDOR that governs TRIM as well as from our Town Attorney on how that is determined – on rollback rate or on the ad valorem revenue receipts.

Chair asked TA to lead off. TA said there are two (2) extraordinary expenses - 130K for FEC for repair of Jordan Blvd RR crossing. And 40K for the unbudgeted expenses for the completion of the ADA restroom at the SandHill Trailhead.

CM Korn asked if the restroom cost 113K. DEP has committed to pay 73K. TA can find no record of how it was reduced from 113K to 96K.

CM Krieger said we are here to set a budget; this meeting is for setting numbers. What are we working on? CM Krieger reworked the budget numbers. Clerk asked for a copy from his flash drive.

Informal Break from 8:55 to 9:05

Council agreed on several reductions and set the next budget workshop for Saturday September 3, 2016 to finalize since first public hearing on the budget was advertised in the truth in millage notice

(TRIM) for Tuesday, September 6, 2016. The final 2nd public hearing had been set for Sept 19, 2016 but CM Korn stated he would not be in town.

A. ADJOURNMENT

MOTION: CM Korn / CM Ball moved to adjourn the meeting. **VOTE:** All Ayes.
This meeting adjourned at 10:48 pm.

BY: _____
Mayor Phillip R. Crews, Council Chair

ATTEST BY:

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

Date Approved: _____

DRAFT

TOWN OF MALABAR

AGENDA ITEM REPORT

AGENDA ITEM NO: 2
Meeting Date: September 06, 2016

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

SUBJECT: Setting Millage for Fiscal Year 2016 / 2017 (Ord 2016-05)

BACKGROUND/HISTORY:

The Florida Statutes lay out the requirements for local governments on how the annual budget process is approved by each governing body. The process requires the following steps:

1. Announce the FY 2016/2017 proposed millage rate of 2.0260 to levy on property values
2. State this is an increase of 10.00% over the rolled back rate of 1.8422
3. The final millage rate of 2.0260 is to fund the expenses commencing October 1, 2016 and ending September 30, 2017.

Malabar Council held four Budget Workshops in preparing this budget. Council stated that by increasing revenues and decreasing expenditures they have prepared a responsible budget.

FINANCIAL IMPACT:

Council directed the millage be set at 2.0260.

ATTACHMENTS:

- Ord. No. 2016-05

ACTION OPTIONS:

Approve Ord 2016-05 for 1st reading.

ORDINANCE 2016-05

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, ADOPTING THE MILLAGE RATE OF 1.8422 or 2.0260 FOR THE LEVY OF AD VALORUM TAX WITHIN THE TOWN OF MALABAR FOR THE PERIOD FROM OCTOBER 1, 2016 THROUGH AND INCLUDING SEPTEMBER 30, 2017, PROVIDING FOR REPEAL AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, public hearings as prescribed by Florida Statutes have been duly held in accordance with the laws of the State of Florida;

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

SECTION 1. The Town Council, in regular session duly assembled adopted the millage rate of _____, to be levied for the General Fund upon all real and tangible personal property located within the boundaries of the above named taxing authority.

SECTION 2. The final levy of 2.0260 mils will result in a 10.00% increase to the rolled back rate of 1.8422.

SECTION 3. This final millage rate of _____ is to fund the expenses for the fiscal year commencing October 1, 2016 and ending September 30, 2017.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. In the event a court of competent jurisdiction shall hold or determine that any part of this ordinance is invalid or unconstitutional, the remainder shall not be affected and it shall be presumed that the Town Council of the Town of Malabar did not intend to enact such invalid or unconstitutional provision. It shall further be assumed that the Town Council would have enacted the remainder of this ordinance without said invalid or unconstitutional provision, thereby causing said remainder to remain in full force and effect.

SECTION 6. This ordinance shall become effective immediately upon its adoption after the second public hearing.

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

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

This ordinance was then declared duly passed and adopted this _____th day of September, 2016.

By: _____
Mayor Phillip R. Crews, Council Chair

ATTEST:

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

(seal)

First Reading: 09/6/16 Vote to .
Second Reading: 09/22/16

TOWN OF MALABAR AGENDA ITEM REPORT

AGENDA ITEM NO: 7
Meeting Date: July 18, 2016

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

SUBJECT: Form DR-420 – Tentative Maximum Millage and Public Hearing Date

BACKGROUND/HISTORY:

This is the first step in the Truth in Millage process. Council must set the maximum proposed millage they wish to consider during their discussions and also set the date for the first public hearing on the proposed millage and budget. This information is then sent to the Property Tax office and they include it on the TRIM Notice that is mailed to every Malabar property owner.

The ten percent cap we are held to due to Special Law 74-430 is based on the rolled-back rate, not the millage rate. Based on this, the maximum millage rate we are permitted to set is 2.0260.

We can go higher if we have a unanimous vote of all Council or put the question to the voters.

Our millage rate was 1.9256 in 2016, 1.800 in 2015, and 1.6630 for 2011-2014. In 1978 when we set the first millage rate for ad Valorem collection the millage was set at 1.5. So in 40 years, we have only increased it by .43

In order to start the budget process we should set the preliminary rate high and as you go through the budget workshops, you may determine that we can decrease it, but if we set it low now and then decide we need to increase it, we must do so at a great expense.

By August 4, 2016, we must tell the Property Appraiser the following:

- prior year's millage rate (1.9256)
- current year's proposed maximum millage rate 2.02 (based on the 10% cap)
- **current year's proposed maximum millage by staff is 5.000**
- current year's rolled-back rate (1.8422)
- the date, time and meeting place of the first tentative budget hearing (9/06/16 at 7:30pm)

We suggest using the regular meeting on August 15 as a budget workshop and have a second workshop on August 29.

1st PH 9/6/16

FINANCIAL IMPACT:

As listed

ATTACHMENTS:

TRIM Timetable
TRIM Flow Chart
Calendars for August and September

ACTION OPTIONS:

Staff seeks Motion to set the millage at Action on setting the Maximum Tentative Millage for the first Public Hearing and setting the date for the first Public Hearing.

TOWN OF MALABAR

AGENDA ITEM REPORT

AGENDA ITEM NO: 3

Meeting Date: September 06, 2016

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

SUBJECT: Budget Approval for Fiscal Year 2016 / 2017

BACKGROUND/HISTORY:

Council consensus during the budget workshop process was to:

- provide funds to maintain the Fire Dept with 4 FT Lts & 4 PT FF
- provide cola increase to Chief, Lts, Secretary
- provide cola to long term FT PW employees
- provide cola to Clerk and AABO

CM Korn stated during the 2nd workshop that the employees all worked very hard and were deserving of the increase.

FINANCIAL IMPACT:

As stated in attached budget documents

ATTACHMENTS:

- Ord No. 2015-06 setting FY 2016/2017 Budget

ACTION OPTIONS:

Approval of First Reading of Ord. 2016-06.

ORDINANCE 2016-06

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA ADOPTING THE BUDGET OF \$1,848,689.00 FOR THE TOWN OF MALABAR FOR THE PERIOD FROM OCTOBER 1, 2016 THROUGH AND INCLUDING SEPTEMBER 30, 2017; PROVIDING FOR REPEAL AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Malabar has compiled a budget for the period from October 1, 2016 through and including September 30, 2017; and accordance with the laws of the State of Florida;

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

SECTION 1. The Town Council, in regular session duly assembled adopt the final Budget of \$1,543,220.00 OR \$1,563,508.00 for the proposed expenditures from October 1, 2016 through and including September 30, 2017, reflecting the general operating millage rate of _____ mils.

SECTION 2. This budget may be adjusted during the year if necessary, by resolution.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. In the event a court of competent jurisdiction shall hold or determine that any part of this ordinance is invalid or unconstitutional, the remainder shall not be affected and it shall be presumed that the Town Council of the Town of Malabar did not intend to enact such invalid or unconstitutional provision. It shall further be assumed that the Town Council would have enacted the remainder of this ordinance without said invalid or unconstitutional provision, thereby causing said remainder to remain in full force and effect.

SECTION 5. This ordinance shall become effective on October 1, 2016 upon its adoption after the second reading and public hearing.

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

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

This ordinance was then declared to be duly passed and adopted this 22th day of September, 2016.

TOWN OF MALABAR

Mayor Phillip R. Crews, Council Chair

First Reading: 09/6/2016 Vote to .

Second Reading: 09/22/2016

ATTEST: (Seal)

Debby K. Franklin, CMC, Town Clerk/Treasurer

SEPTEMBER 2016

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

SUN	MON	TUE	WED	THU	FRI	SAT
	Aug 29 Budget Workshop 7:30 pm			1	2	3 Budget Workshop 8:00 AM
4	5 TOWN HALL CLOSED Labor Day	6 Malabar Council Budget PH 7:30pm	7	8	9	10
11	12 T&G Committee 6pm SCLC	13 Brevard County Budget PH	14 P&Z Bd Mtg 7:30pm	15	16	17
18	19	20	21	22 Malabar Council Budget PH 7:30	23	24
25	26	27 Brevard County Budget PH	28 P&Z Bd Mtg 7:30pm	29	30	