

**TOWN OF MALABAR
REGULAR TOWN COUNCIL MEETING
THURSDAY SEPTEMBER 22, 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. **Regular Council Meeting Minutes 09/06/2016**
 - Exhibit: Agenda Report No. 1
 - Recommendation: Request Approval
- E. STAFF REPORTS: ADMINISTRATOR: CLERK: FIRE CHIEF:
- F. **PUBLIC COMMENTS:** Comments at this point may address items NOT on the Agenda. Comments related to subsequent Agenda Items may be made as those items come up. Public comments do not require a Council response. (Speaker Card is Required) **Three (3) Minute Limit per Speaker.**
- G. **PUBLIC HEARINGS/SPECIAL ORDERS:**
 - 2. **Adopt Final Assessment for Non-Ad Valorum Stormwater Roll (Reso 10-2016)**

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING CERTIFICATION OF ANNUAL STORMWATER UTILITY ASSESSMENT ROLL; ADOPTING AN ANNUAL BUDGET FOR THE TOWN'S STORMWATER UTILITY; PROVIDING AN EFFECTIVE DATE.

 - Exhibit: Agenda Report No. 2
 - Recommendation: Adopt Reso 10-2016
 - 3. **Adopt Millage (Ord 2016-05)**

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, ADOPTING THE MILLAGE RATE OF 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. 3
 - Recommendation: Adopt Ord 2016-05
 - 4. **Adopt Budget (Ord 2016-06)**

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA ADOPTING THE BUDGET OF \$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. 4
 - Recommendation: Adopt Ord 2016-06

H. UNFINISHED BUSINESS/GENERAL ORDERS MAY INCLUDE ITEMS DIRECTLY RELATED TO RESIDENTS PRESENT AT MEETING (RECOMMENDATIONS FROM BOARDS, HOA REQUESTS, RESIDENT GRIEVANCES)

5. ACTION ITEMS:

ORDINANCES FOR FIRST READING: 1

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; CHANGING THE PERMITTED USE "P" TO CONDITIONAL "C" FOR HOUSES OF WORKSHIP WITHIN COMMERCIAL GENERAL (CG) AND RESIDENTIAL/LIMITED COMMERCIAL (R/LC); PROVIDING FOR CODIFICATION, SEVERABILITY AND CONFLICTS; PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 5

Recommendation: Adopt Ord 2016-06

RESOLUTIONS: 0

MISCELLANEOUS: 2

6. Qualifying Candidates for Election:

Exhibit: Agenda Report No. 6

Recommendation: Request Action

7. Approve 10K Expenditure from Street & Roads for New Mower:

Exhibit: Agenda Report No. 7

Recommendation: Request Action

COUNCIL CHAIR MAY EXCUSE ATTORNEY AT THIS TIME

I. DISCUSSION/POSSIBLE ACTION:

8. Road Classifications and Existing Homes on Unaccepted Rights-of-Way (Krieger)

Exhibit: Agenda Report No. 8

Recommendation: Discussion

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

K. REPORTS – MAYOR AND COUNCIL MEMBERS

L. ANNOUNCEMENTS:

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

M. ADJOURNMENT:

If an individual decides to appeal any decision made by this board with respect to any matter considered at this meeting, a verbatim transcript may be required, and the individual may need to 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 22, 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 – 9/6/2016

ATTACHMENTS:

Draft Minutes of the 9/6/16 meeting

ACTION OPTIONS:

The Town Clerk requests approval of the 9/6/16 minutes

MALABAR TOWN COUNCIL REGULAR MEETING

September 6, 2016

7:30 PM

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

A. CALL TO ORDER:

Council Chair Mayor Phillip Crews called the meeting to order at 7:30 pm. CM Krieger 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, excused
TOWN ADMINISTRATOR:	DOUGLAS HOYT
TOWN ATTORNEY:	KARL BOHNE, excused
TOWN CLERK/TREASURER:	DEBBY FRANKLIN

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

C. ADDITIONS, DELETIONS, CHANGES APPROVAL OF AGENDA

CM Krieger add current roads condition, hurricane season; short discussion on road classifications. CM Vail said if they are not too long winded. No further objections? Agenda stands approved. Make them 4 and 5.

D. APPROVAL OF THE MINUTES:

1. Budget Workshop Meeting Minutes 8/29/16 & 9/3/16

Regular Council Meeting & Budget WS of 8/15/16

Regular Council Meeting Minutes 8/01/16

Exhibit: Agenda Report No. 1

Recommendation: Request Approval

Chair stated without object minutes are approved.

E. SHERIFF REPORT: none

F. ATTORNEY REPORT: none

G. STAFF REPORTS: ADMINISTRATOR: We do have an emergency procedure. Same with definition of roads. We can accomplish both by end of week.

H. CLERK: nothing

I. FIRE CHIEF: Commented on the previous week from 8/26-9/1. They had 1,529 volunteer hours for the month of August

J. PUBLIC COMMENTS: None.

K. PUBLIC HEARINGS/SPECIAL ORDERS:

2. Adopt Millage (Ord 2016-05)

Clerk to read Ord 2016-05 by title only. Clerk stated that the FY2016/2017 proposed millage rate is 2.0260. That levy represents a 10% increase over the rollback rate of 1.8422. The proposed millage rate is to fund the expenses commencing October 1, 2016 and ending September 30, 2017.

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, ADOPTING THE MILLAGE RATE OF 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

PH opened.

Wayne Abare, 2530 Rocky Point Road. Thanked Mayor and TC. Three years ago FD was empty 50% of time. He read statement into record (attached).

Bob Siegmann, 2305 LaCourt Lane, this country was founded in 1776. The King was taxing everything in America 2% and it started a revolution. He said costs do go up, but referring to his TRIM Notice and the open letter from Mayor Crews, 162% is a little much. Thank you.
PH closed.

MOTION: CM Vail / CM Korn to approve the levy of 2.0260 mil by adopting Ord 2016-05.

ROLL CALL VOTE: CM Ball, Aye; CM Vail, Aye; CM Krieger, Nay; CM Korn, Aye; CM Kohler, Excused. Motion carried 3 to 1.

3. Adopt Budget (Ord 2016-06) Chair asked Clerk to read Ord 2016-06 title and first Section. Clerk read title and Section 1.

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA ADOPTING THE BUDGET OF \$1,653,508.00 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.

SECTION 1. The Town Council, in regular session duly assembled adopt the final Budget of \$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 2.0260 mils.

Exhibit: Agenda Report No. 3

Recommendation: Adopt Ord 2016-06

PH opened. None. PH closed.

MOTION: CM Korn / CM Vail to approve Ord 2016-06 setting budget for FY2016/2017.

ROLL CALL VOTE: CM Ball, Aye; CM Vail, Aye; CM Krieger, Nay; CM Korn, Aye; CM Kohler, Excused. Motion carried 3 to 1.

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

Skip Hard, 2560 Hard Lane, commented on drainage and ditch maintenance.

4. CM Krieger added items – roads, classifications, maintenance, etc.

M. REPORTS – MAYOR AND COUNCIL MEMBERS

TA: none

CM Kohler: excused

CM Korn: This has been a concern of his and it goes back to his issue with culverts. We have to find a way to help them do that.

CM Krieger: Road classification and maintenance. (*Clerk's note: Send 2014 Quarterman Lane research to all of Council.*) CM Krieger said he was out at Mr. Sylinski's on Quarterman Lane and saw the tire threads from the gradall causing further damage to an already bad road. Wants this as an agenda item. Also talk about Rebel and Reese. Also re: Waring Lane where it is being self-maintained by people. Chair asked CM Krieger to please write up agenda item and get it to Clerk.

CM Ball: Agrees with CM Vail. Regarding the ones that maintain their own – what is town policy?

CM Vail: Very familiar with the Quarterman situation and stated it is better than some other roads. He wanted Council to discuss the policy on unaccepted roads in our town.

Clerk: Explained about the budget and how it was just cut and the discussion on how the town can "help" residents with the culvert replacements and now the road repairs. We have a code that we refer to daily on the requirements to improve a road because the town does not build roads. The code provides for various methods of road improvement, but those are adopted by Council – staff utilizes the code to assist folks wanting to develop their land. If Council wants to provide for other assistance, then Chapter 13 needs to be amended by Council.

Mayor: thanked everyone for their professionalism during the meeting and reminded Council to not engage the speaker or to respond directly to another council member; all comments should be directed to Chair. Then he clarified the "table" motion and said that such a motion cannot be made to a future time certain. A Motion to table cannot be modified. He suggested council use the "Motion to Postpone" instead.

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:

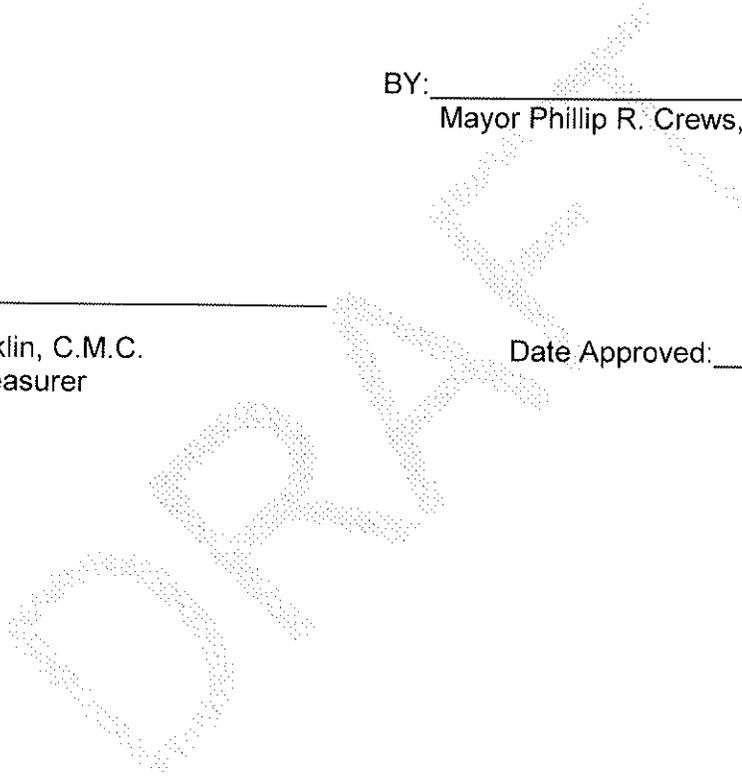
There being no further business to discuss and without objection the meeting was adjourned by the Chair at 9:10PM.

BY: _____
Mayor Phillip R. Crews, Council Chair

ATTEST:

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

Date Approved: 9/22/2016



TOWN OF MALABAR

AGENDA ITEM REPORT

AGENDA ITEM NO: 2
Meeting Date: September 22, 2016

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

SUBJECT: Certification of Assessment Roll and Approve Amount (Reso 10-2016)

BACKGROUND/HISTORY:

The certification of the assessment roll for stormwater and the estimated amount to be assessed must be approved by Council prior to the collection by the Tax Collector. Malabar Ordinance 1992-4 requires legal advertising before a Public Hearing can be held to approve the Stormwater Budget.

The action of Council for this meeting is to certify the tax roll to the County Tax Collector and the amount they estimate. The actual budget for the Stormwater Fund will be approved with the budget as part of that Public Hearing process under Agenda Report 4.

FINANCIAL IMPACT:

\$72,588.87

ATTACHMENTS:

Resolution 10-2016

Assessment Notice from Brevard County Stormwater Department

ACTION OPTIONS:

Town Clerk requests approval of Resolution 10-2016 Certifying the Assessment Roll and amount.

RESOLUTION 10-2016

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING CERTIFICATION OF ANNUAL STORMWATER UTILITY ASSESSMENT ROLL; ADOPTING AN ANNUAL BUDGET FOR THE TOWN'S STORMWATER UTILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on September 22, 2016, the Town Council adopted a budget for the operation and maintenance of the Town's Stormwater Management Program for the fiscal year beginning October 1, 2016; and

WHEREAS, an annual assessment roll has been prepared by Brevard County, a summary of which is attached to and made part of this Resolution by reference and labeled Exhibit "A"; and

WHEREAS, a copy of such Annual Stormwater Utility Assessment Roll has been sent to the Brevard County Tax Collector for collection in the same manner as ad valorem taxes are collected; and

WHEREAS, the Town Council is satisfied that the annual Stormwater Utility Assessment Roll has been prepared in conformity with the Schedule of Rates and Classifications adopted by the Town Council on August 7, 2000; and

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

Section 1. The Town Council of Malabar, Brevard County, Florida, hereby ratifies, confirms, and certifies that the annual Stormwater Utility Assessment Roll for fiscal year beginning October 1, 2016, is in conformity with the Schedule of Rates adopted by the Town Council on August 7, 2000.

Section 2. Those stormwater utility assessments imposed during fiscal year beginning October 1, 2016, shall be billed by the Town of Malabar or its authorized representative, pursuant to the provisions of Section 13.5-8 of the Code of Ordinances, Town of Malabar, and shall be due and payable on November 1st of each year, pursuant to law.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holdings shall not effect the validity of the remaining portions of the Resolution.

Section 4. That a certified copy of this Resolution shall be delivered to the Tax Collector of Brevard County, Florida.

Section 5. This Resolution shall take effect immediately upon its adoption.

This Resolution was moved for adoption by Council Member _____.

This motion was seconded by Council Member _____ and, upon being put to vote,

the vote was as follows:

Council member Grant Ball _____
Council member Brian Vail _____

Council Member Don Krieger
Council Member Dick Korn
Council Member Richard Kohler

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

TOWN OF MALABAR

By:

Mayor Phillip R. Crews, Council Chair

Approved as to Form and Content:

Karl Bohne, Jr., Town Attorney

ATTEST:

Debby K. Franklin
Town Clerk/Treasurer

(seal)

2016 Totals for Stormwater Billing of Non-Ad Valorum Collections



2016 Totals for Stormwater Billing

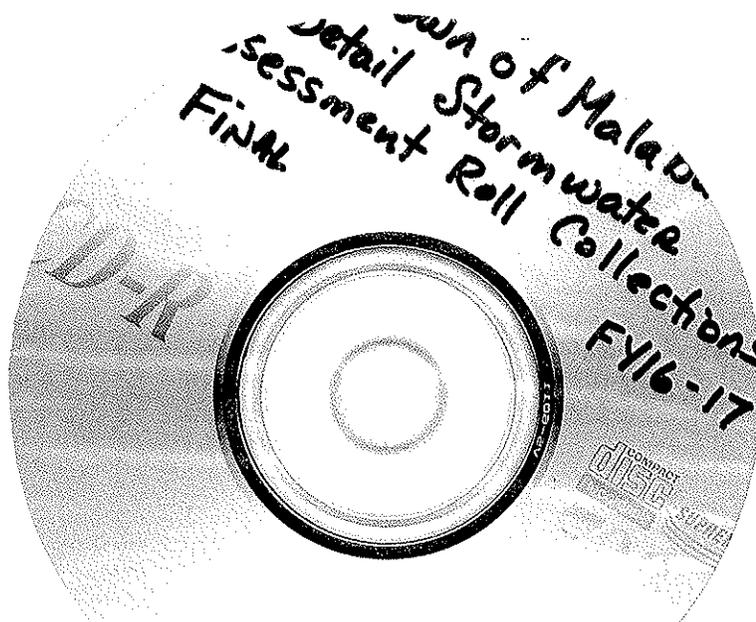
City Code	Count	District - City	Billing Amount
Z	1,681	Malabar	\$72,588.87
	Total: 1,681		\$72,588.87

2016 Totals for Stormwater Billing of Non-Ad Valorum Collections



2016 Totals for Stormwater Billing

City Code	Count	District - City	Billing Amount
Z	1,681	Malabar	\$72,588.87
	Total: 1,681		\$72,588.87



(c) In the event that any classification of real property designated in the rate resolution requires an individual calculation of the annual stormwater utility assessment, the director shall calculate and determine such annual stormwater utility assessment.

(Ord. No. 92-4, § 1, 6-16-92; Ord. No. 00-4, § 2, 4-17-00)



Sec. 13.5-8. Method of collection of annual stormwater utility assessment.

(a) Annual stormwater utility assessments shall be collected and enforced in the same manner that ad valorem taxes are collected and enforced, including, but not limited to, provisions relating to discount for early payment, prepayment by installment method, penalty for delinquent payment and issuance of tax certificates and tax deeds for nonpayment, as provided for in F.S. § 197.3631, as amended.

(b) Failure to pay the annual stormwater utility assessment in the required manner will result in the issuance of a tax certificate against the subject property, and may result in the loss of title to the subject property.

(Ord. No. 92-4, § 1, 6-16-92)

Sec. 13.5-9. Separately prepared annual stormwater utility assessment notice.

Nothing contained in this chapter shall be construed or interpreted to preclude the town from submitting, within its discretion, a separately prepared notice of the annual stormwater utility assessment imposed on certain real property within its municipal boundaries, to the owner of such property, if, in the opinion of the town, such procedure will facilitate the billing and collection of such annual stormwater utility assessment.

(Ord. No. 92-4, § 1, 6-16-92)

Sec. 13.5-10. Correction of errors and omissions; adjustments; petition to council.

(a) No act of omission or commission on the part of the Brevard County Property Appraiser, Director, Brevard County Tax Collector, the town, or their deputies or employees, shall operate to defeat the payment of the annual stormwater utility assessment imposed by the town under the provisions of this chapter. Provided, however, any acts of omissions or commissions may be corrected at any time by the officer or party responsible, and when so corrected they shall be construed to be valid ab initio and shall in no way affect process by law for the enforcement of the annual stormwater utility assessments imposed under the provisions of this article.

(b) The town shall have the authority, at any time, upon its own initiative or in response to a petition from any affected owner of real property, to correct any error of omission or commission in the adoption of any annual stormwater utility assessment roll, or in the implementation of this article, and make necessary adjustments hereto.

(c) Any owner of real property may petition the town to correct any asserted error of omission or commission in relation to their property in the adoption of the annual stormwater utility assessment roll, or any addendum to such roll, or in the implementation of this chapter, any asserted exemption or basis for variance or mitigation from the adopted assessment against their property, within thirty (30) days of the date of mailing the final notice of ad

TOWN OF MALABAR

AGENDA ITEM REPORT

AGENDA ITEM NO: 3
Meeting Date: September 22, 2016

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

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

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.

FINANCIAL IMPACT:

Council directed the millage be set at 2.0260.

ATTACHMENTS:

- Ord. No. 2016-05

ACTION OPTIONS:

Adopt Ord 2016-05 at 2nd reading.

ORDINANCE 2016-05

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, ADOPTING THE MILLAGE RATE OF 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 2.0260, 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 mills will result in a 10.00% increase to the rolled back rate of 1.8422.

SECTION 3. This final millage rate of 2.0260 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 22nd 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 3 to 1 (CM Krieger, Nay; CM Kohler, excused).
Second Reading: 09/22/16

TOWN OF MALABAR

AGENDA ITEM REPORT

AGENDA ITEM NO: 4
Meeting Date: September 22, 2016

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

SUBJECT: Budget Approval for Fiscal Year 2016 / 2017 PUBLIC HEARING

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:

Adopt Ord. 2016-06 at 2nd Reading.

ORDINANCE 2016-06

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA ADOPTING THE BUDGET OF \$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.

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 \$1,563,508.00 for the proposed expenditures from October 1, 2016 through and including September 30, 2017, reflecting the general operating millage rate of 2.026 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 3 to 1 (CM Krieger, Nay; CM Kohler, excused)

Second Reading: 09/22/2016

ATTEST: (Seal)

Debby K. Franklin, CMC, Town Clerk/Treasurer

**TOWN OF MALABAR
AGENDA ITEM REPORT**

AGENDA ITEM NO: 5
Meeting Date: July 18, 2016

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

SUBJECT: Amend Article III, Table 1-3.2 eliminating the conditional use "C" for places of worship within residential areas and changing the permitted "P" to "C" for houses of worship in commercial and residential/limited commercial (Ord 2016-03)

BACKGROUND/HISTORY:

This was discussed at the December 2015 meeting by P&Z and they recommended Council amend the code. Council met on January 4, 2016 and approved a motion to eliminate the conditional use for places of worship in residentially zoned areas. Council directed the ordinance go back to P&Z to consider adding R/LC to the "C" status. P&Z agreed and in addition suggested that the "P" be changed to "C" for houses of worship in CG.

FINANCIAL IMPACT:

ATTACHMENTS:

Ordinance 2016-03 for 1st Reading

ACTION OPTIONS: Council Approval of 1st Reading of Ordinance 2016-03.

ORDINANCE NO. 2016-03

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; CHANGING THE PERMITTED USE "P" TO CONDITIONAL "C" FOR HOUSES OF WORKSHIP WITHIN COMMERCIAL GENERAL (CG) AND RESIDENTIAL/LIMITED COMMERCIAL (R/LC); PROVIDING FOR CODIFICATION, SEVERABILITY AND CONFLICTS; PROVIDING AN EFFECTIVE DATE.

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

Section 1. That Table 1-3.2 in Article III, District Provisions, attached as Exhibit "A" be amended to eliminate the "C" in the table in the residentially zoned areas for places of worship.

Section 2. That Table 1-3.2 in Article III, District Provisions, attached as Exhibit "A" be amended to change the "P" to a "C" in the table in the commercial general and residential/limited commercial zoned areas for places of worship.

Section 3. It is the intention of the Town Council of the Town of Malabar, Brevard County, Florida and it is hereby provided that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Malabar.

Section 4. Should any Section, Clause, or Provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the remaining provisions or parts of this Ordinance.

Section 5. All ordinances or parts thereof in conflict herewith are hereby repealed to the extent of such conflict with this Ordinance.

Section 6. This Ordinance shall become effective immediately upon its adoption.

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

Council Member Grant Ball

Council Member Brian Vail

Council Member Don Krieger

Council Member Dick Korn

Council Member Richard Kohler

This ordinance was then declared to be duly passed and adopted this ____day of _____, 2016.

TOWN OF MALABAR

Mayor Phillip R. Crews, Council Chair

First Reading 7/18/16
Second Reading 10/03/16

Approved as to form and
legal sufficiency by:

Karl W. Bohne, Jr.
Town Attorney

ATTEST:

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

EXHIBIT "A" of ORDINANCE 2016-04

DISTRICT PROVISIONS

§ 1-3.2

EXHIBIT "A" of ORDINANCE 2016-04

TABLE I-3.2. LAND USE BY DISTRICTS

	RR-65	RS-21	RS-15	RS-10	RM-4	RM-6	R-MH	OI	CL	CG	R/LC	IND	INS	CP
RESIDENTIAL USES														
Duplex					P	P					P			
Mobile Homes							P							
Multiple Family Dwelling					P	P					P			
Single Family Dwellings	P	P	P	P	P	P					P			
COMMUNITY FACILITIES														
Administrative Services (Public and Not-for-Profit)								P	P	P	P		P	
Child Care Facilities								C			C		C	
Churches, Synagogues and Other Places of Worship								P, A ¹	P	CA	CA		P	
Clubs and Lodges (Not-for-Profit)														
Cultural or Civic Activities								P	P	P	P		P	
Educational Institutions														
Golf Course Facilities	C							C, A ¹					C	
Hospital and other Licensed Facilities														
Nursing Homes and Related Health Care Facilities								C					C	
Protective Services						C	C	C	C	C	C		C	
Public Parks and Recreation	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Public and Private Utilities	C	C	C	C	C	C	C	C	C	C	C	C	C	C
COMMUNITY RESIDENTIAL HOME														
Level 1 (1 to 6 residents/beds)					C	C								
Level 2 (7 to 14 residents/beds)					C	C								C
ASSISTED CARE COMMUNITIES														
I Assisted Living Facility														
Level 1 (1 to 5 residents/beds)		C	C	C	C ⁴	C ⁴							C	
Level 2 (6 to 15 residents/beds)					C ⁴	C ⁴								
Level 3 (16 or more residents/beds)					C ⁴	C ⁴								
II Adult Family-Care Homes (1 to 5 residents/beds)														
III Adult Day Care Centers		C	C	C	C	C		C			C		C	C
AGRICULTURAL ACTIVITIES														



TOWN OF MALABAR

MEMORANDUM

Date: July 28, 2016 16-AABO-012

To: Debby Franklin, Town Clerk/Treasurer
Town Council

From: Denine M. Sherear, Administrative Assistant to the Building official DS

Ref: Recommendation from P&Z to Town Council, Amending Art. III Table 1-3.2 eliminating the "Conditional Use" in residential areas & make "CG" & "R/LC" "Conditional Use" for places of worship within residential areas (Ord 2016-03)

The Planning and Zoning Board discussed this recommendation that was sent back from the Town Council to P & Z. The Chair Pat Reilly, who was at the Town Council Meeting at the time this was discussed explained to the P&Z Board the Towns concerns.

In response to this the Planning & Zoning made the following Recommendation:

Motion: Ryan/Abare To Recommend to Council to Amend Article III Table 1-3.2 to change "CG" & "R/LC" to Conditional Use for places of worship

All Vote: Aye

Motion passed 5 to 0

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 1st

CM Vail / CM Korn to approve 1st 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 1st Reading

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: to approve the main motion.

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 1st 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 1st PH.

Discussion:

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

Memorandum

To: Debby Franklin

Date: July 19, 2016

From: Karl W. Bohne, Jr.

Re: Alcohol Sales near Religious Institution

Recently you brought a situation to my attention concerning the potential location of a private lodge near an existing Church or Religious Institution. You had indicated that the lodge would be serving alcohol to its members and could, depending on the particular event, be serving alcohol to non-members or guests of members.

The Town's Land Development Code, Table 1-3.2 provides that Bars and Lounges are conditional uses in the CG zoning category. Currently, churches and other places of worship are permitted uses in the CG zoning district and Private clubs and lodges (not for profit) are permitted uses in CG. Table 1-6.1(B) imposes a distance requirement on Bars and Lounges so that they cannot be located within 1000 feet of a religious institution...

We define a "Bar" in Article XX as any place *selling and dispensing* alcoholic beverages for consumption on premises. We do not define "Lounge".

We define a "Church or Other Places of Worship" as "Any structure and/or site legally approved for and used upon a permanent basis by a recognized and established religious sect or denomination as a place where such persons regularly assemble primarily for public worship". We do not define religious institution.

A "Private Club" is defined as "A property owned or leased and operated by a group of persons and maintained and operated solely by and for the members of such group and their guests and not available for unrestricted public access or use. Such a club may be either a profit making or a not-for-profit enterprise".

Despite the apparent lack of definition of a religious institution, as that term is used in Table 1-6.1(B), I am of the opinion that a Church or other place of worship would fall within the parameters of a religious institution. Also, any establishment, regardless of its label, which sells and dispenses alcohol must not be located within 1000 feet of a religious institution. This would mean that where there exists a current church no alcohol sales and dispensing may occur within 1000 of the church. While it would not be prohibited for a lodge to be located within 1000 feet of a church, etc., it would be impermissible for that lodge to sell and dispense alcohol within 1000 feet of the church, etc.

TOWN OF MALABAR

AGENDA ITEM REPORT

AGENDA ITEM NO: 6
Meeting Date: September 22, 2016

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

SUBJECT: Approval of Qualified Candidates for Office 2017 Election

BACKGROUND/HISTORY:

Per the Charter, the Council "Qualifies" the candidates for Malabar elected offices. In 2016, Council District Seats 1, 2 and 3 were open as well as the Mayor. Only one person for the Mayor and District 1 submitted qualifying paperwork. For Districts 2 and 3; two people submitted for the seats.

Qualifying paperwork required by the State Election Laws and the Town of Malabar was submitted by the following persons for the named positions listed. Residency was stated, oaths were notarized, petition names were verified as being registered electors and all necessary paperwork was submitted to me as the Local Filing Officer.

Mayor: Pat Reilly, unchallenged

Council Seat District 1: incumbent Grant Ball – no election needed

Council Seat District 2: incumbent Brian Vail and Laura Mahoney

Council Seat District 3: incumbent Don Krieger and Steve Rivet

Chapter 7 of the Code states there shall be meeting held within three days of the Election for the newly elected officials to take office. That date is Thursday, November 10, 2016.

ATTACHMENTS:

Candidate Oaths
Charter Section 2.06

ACTION OPTIONS:

Town Clerk requests Council to "qualify" the candidates.

procedure herein. The Mayor shall be elected to a four-year (4) term. A candidate for the office of Mayor may qualify for the office by presenting to the Town Clerk a petition signed by fifteen (15) valid signatures of qualified electors of the Town. The petition must be signed by fifteen (15) valid signatures of qualified electors of the Town and by paying a filing fee if required, not less than seventy-six (76) days and not more than ninety (90) days prior to the date of such election. The candidate for office of the Mayor shall submit with the petition a sworn statement containing the candidate's name, address, occupation and willingness to serve if elected.

(c) The Mayor shall perform all duties that are delegated to the Mayor by vote of the Town Council and shall be responsible to the Town Council for the performance of these duties. The Mayor shall preside as the ceremonial chief officer of the Town at all ceremonial functions. (Ord. No. 95-3, § 1, 7-17-95; Amd. of 3-25-03; Ord. No. 03-07, § 2(Exh. A), 9-8-03/11-4-03; Ord. No. 08-06, § 1, 5-19-08)

Sec. 2.05. Form of Petition.

The signatures on the nominating petition need not all be affixed to one paper. Each separate page of a petition shall include an affidavit executed by the circulator stating the number of signatures, that each signature was affixed in the circulator's presence, and that the circulator believes each signature to be the genuine signature of that person. The signature shall be executed in ink or indelible pencil. Each signer shall indicate the date and the signer's address next to the signer's signature.

(Ord. No. 95-3, § 1, 7-17-95; Amd. of 3-25-03)



Sec. 2.06. Judge of Qualifications.

The Council shall be the judge of the qualifications in this Charter of the candidates for election to the Council and for the office of mayor and for that purpose shall have the power to subpoena witnesses and require the production of evidence. The decision of the Council shall be subject to review by the courts. Review by the Council of each candidate's qualifications shall be conducted at a Council meeting after the candidate's qualifying papers are filed.

(Ord. No. 95-3, § 1, 7-17-95; Amd. of 3-25-03)

Sec. 2.07. Election and Terms.

The regular election of the Town Council members, including the Mayor, shall be held on the Tuesday after the first Monday of November each year to fill the expired terms as presently established and shall be for two (2) year terms for Council members and four (4) year terms for Mayor. Two (2) council seats shall be elected in odd years and the remaining three (3) council seats in even years. The Mayor shall be elected to no more than two consecutive four-year terms. If only one (1) candidate qualified for any one of the Council seats or the office of Mayor, the name shall not appear on the ballot, and the candidate is automatically elected. In any election, the person having the highest number of votes in the election shall be elected. In the event of a tie, the winner shall be selected by draw. Beginning with the terms commencing with November 1986 election and thereafter, an elected Council member shall not serve more than



2725 Malabar Road
Malabar, FL 32950

Tel: 321-727-7764

Fax: 321-727-7779

Sworn Statement 2016

Before me, an officer authorized to administer oaths, personally appeared PATRICK Reilly to me well known OR produced identification N/A, who being sworn that he/she is a qualified elector of the Town of Malabar, Brevard County, Florida, and that he/she is qualified under the Town Charter of the Town of Malabar, Florida, and the Florida Statutes to hold the office of MAYOR of the Town of Malabar, Florida, for which he/she desires to be elected/appointed. Said qualifications are as follows, to wit:

- ✓ He/She is (30) years of age or older.
- He/She is not presently adjudicated mentally incompetent under the laws of any state.
- He/She has never been convicted of a felony without having his/her civil rights restored.
- He/She has registered to vote in Brevard County, Florida.
- He/She is now and has been for at least one (1) year consecutively and immediately prior to this date, a permanent resident of the Town of Malabar, Brevard County, Florida within the District the candidate is running.
- He/She is willing to serve if elected/appointed.

Patrick T. Reilly
Signature of Candidate

1985 Howell Ln. Malabar, FL 32950
Address

Occupation: Engineer

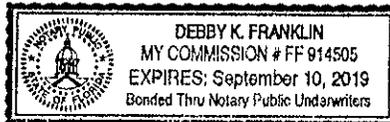
Sworn to and subscribed before me this 12 day of August, 2016.

Debby K. Franklin
(Signature of Notary Public - State of Florida)

(Print, Type, or Stamp Commissioned name of Notary Public)

Personally Known OR Produced Identification :

Type of Identification Produced : _____





2725 Malabar Road
Malabar, FL 32950

Tel: 321-727-7764
Fax: 321-727-7779

Sworn Statement 2016

Before me, an officer authorized to administer oaths, personally appeared CRAIG BALL to me well known OR produced identification _____, who being sworn that he/she is a qualified elector of the Town of Malabar, Brevard County, Florida, and that he/she is qualified under the Town Charter of the Town of Malabar, Florida, and the Florida Statutes to hold the office of COUNCIL MEMBER of the Town of Malabar, Florida, for which he/she desires to be elected/appointed. Said qualifications are as follows, to wit:

- He/She is eighteen (18) years of age or older.
- He/She is not presently adjudicated mentally incompetent under the laws of any state.
- He/She has never been convicted of a felony without having his/her civil rights restored.
- He/She has registered to vote in Brevard County, Florida.
- He/She is now and has been for at least one (1) year consecutively and immediately prior to this date, a permanent resident of the Town of Malabar, Brevard County, Florida within the District the candidate is running.
- He/She is willing to serve if elected/appointed.

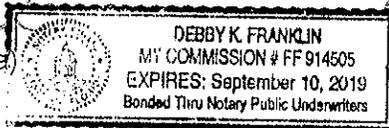
Craig Ball
Signature of Candidate

1190 Hwy 1
Address

Occupation: MECHANIC

Sworn to and subscribed before me this 23 day of August, 2016.

Debby K. Franklin
(Signature of Notary Public - State of Florida)



(Print, Type, or Stamp Commissioned name of Notary Public)

Personally Known OR Produced Identification _____:

Type of Identification Produced : _____



2725 Malabar Road
Malabar, FL 32950

Tel: 321-727-7764
Fax: 321-727-7779

Sworn Statement 2016

Before me, an officer authorized to administer oaths, personally appeared BRIAN VAIL to me well known OR produced identification _____, who being sworn that he/she is a qualified elector of the Town of Malabar, Brevard County, Florida, and that he/she is qualified under the Town Charter of the Town of Malabar, Florida, and the Florida Statutes to hold the office of COUNCIL MEMBER of the Town of Malabar, Florida, for which he/she desires to be elected/appointed. Said qualifications are as follows, to wit:

- He/She is eighteen (18) years of age or older.
- He/She is not presently adjudicated mentally incompetent under the laws of any state.
- He/She has never been convicted of a felony without having his/her civil rights restored.
- He/She has registered to vote in Brevard County, Florida.
- He/She is now and has been for at least one (1) year consecutively and immediately prior to this date, a permanent resident of the Town of Malabar, Brevard County, Florida within the District the candidate is running.
- He/She is willing to serve if elected/appointed.

Brian Vail
Signature of Candidate 2700 Smith Ln
Address

Occupation: mechanic/shop owner

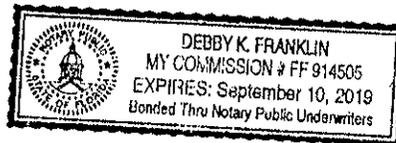
Sworn to and subscribed before me this 24 day of August, 2016.

Debby K. Franklin
(Signature of Notary Public - State of Florida)

Debby Franklin
(Print, Type, or Stamp Commissioned name of Notary Public)

Personally Known OR Produced Identification _____

Type of Identification Produced : _____





2725 Malabar Road
Malabar, FL 32950

Tel: 321-727-7764
Fax: 321-727-7779

Sworn Statement 2016

Before me, an officer authorized to administer oaths, personally appeared LAURA Mahoney to me well known OR produced identification N/A, who being sworn that he/she is a qualified elector of the Town of Malabar, Brevard County, Florida, and that he/she is qualified under the Town Charter of the Town of Malabar, Florida, and the Florida Statutes to hold the office of ~~MAYOR~~ Counsel of the Town of Malabar, Florida, for which he/she desires to be elected/appointed. Said qualifications are as follows, to wit:

- He/She is at least 30 years of age.
- He/She is not presently adjudicated mentally incompetent under the laws of any state.
- He/She has never been convicted of a felony without having his/her civil rights restored.
- He/She has registered to vote in Brevard County, Florida.
- He/She is now and has been for at least one (1) year consecutively and immediately prior to this date, a permanent resident of the Town of Malabar, Brevard County, Florida within the District the candidate is running.
- He/She is willing to serve if elected/appointed.

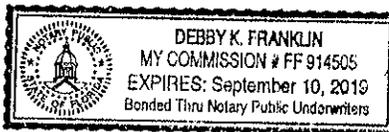
Laura Mahoney
Signature of Candidate

2725 Malabar Rd
Address

Occupation: Home maker

Sworn to and subscribed before me this 24 day of August, 2016.

Debby K. Franklin
(Signature of Notary Public - State of Florida)



(Print, Type, or Stamp Commissioned name of Notary Public)

Personally Known OR Produced Identification :

Type of Identification Produced : _____



2725 Malabar Road
Malabar, FL 32950

Tel: 321-727-7764
Fax: 321-727-7779

Sworn Statement 2016

Before me, an officer authorized to administer oaths, personally appeared Don Krieger to me well known OR produced identification _____, who being sworn that he/she is a qualified elector of the Town of Malabar, Brevard County, Florida, and that he/she is qualified under the Town Charter of the Town of Malabar, Florida, and the Florida Statutes to hold the office of COUNCIL MEMBER of the Town of Malabar, Florida, for which he/she desires to be elected/appointed. Said qualifications are as follows, to wit:

- He/She is eighteen (18) years of age or older.
- He/She is not presently adjudicated mentally incompetent under the laws of any state.
- He/She has never been convicted of a felony without having his/her civil rights restored.
- He/She has registered to vote in Brevard County, Florida.
- He/She is now and has been for at least one (1) year consecutively and immediately prior to this date, a permanent resident of the Town of Malabar, Brevard County, Florida within the District the candidate is running.
- He/She is willing to serve if elected/appointed.

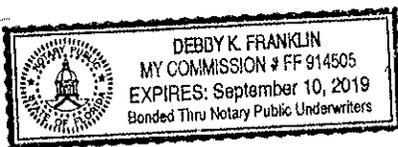
[Signature]
Signature of Candidate

POB 5000 Malabar Florida 32950
Address

Occupation: PUBLISHER

Sworn to and subscribed before me this 23 day of August, 2016.

[Signature]
(Signature of Notary Public - State of Florida)



(Print, Type, or Stamp Commissioned name of Notary Public)

Personally Known OR Produced Identification _____:

Type of Identification Produced : _____



2725 Malabar Road
Malabar, FL 32950

Tel: 321-727-7764
Fax: 321-727-7779

Sworn Statement 2016

Before me, an officer authorized to administer oaths, personally appeared Steven R Rivet to me well known OR produced identification _____, who being sworn that he/she is a qualified elector of the Town of Malabar, Brevard County, Florida, and that he/she is qualified under the Town Charter of the Town of Malabar, Florida, and the Florida Statutes to hold the office of COUNCIL MEMBER of the Town of Malabar, Florida, for which he/she desires to be elected/appointed. Said qualifications are as follows, to wit:

- He/She is eighteen (18) years of age or older.
- He/She is not presently adjudicated mentally incompetent under the laws of any state.
- He/She has never been convicted of a felony without having his/her civil rights restored.
- He/She has registered to vote in Brevard County, Florida.
- He/She is now and has been for at least one (1) year consecutively and immediately prior to this date, a permanent resident of the Town of Malabar, Brevard County, Florida within the District the candidate is running.
- He/She is willing to serve if elected/appointed.

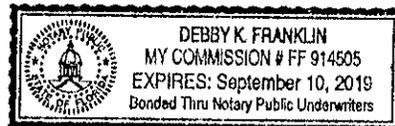
SR Rivet
Signature of Candidate

2005 Rivet Lane, Malabar, FL 32950
Address

Occupation: Educator

Sworn to and subscribed before me this 23 day of August, 2016.

Debby K Franklin
(Signature of Notary Public - State of Florida)



(Print, Type, or Stamp Commissioned name of Notary Public)

Personally Known OR Produced Identification _____:

Type of Identification Produced : _____

**TOWN OF MALABAR
AGENDA ITEM REPORT**

AGENDA ITEM NO: 7
Meeting Date: September 22, 2016

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

SUBJECT: Approve 10K Expenditure for New Mower

BACKGROUND/HISTORY:

As discussed previously, it is our plan to replace the two Skag Zero Turn mowers – one in this FY and one in next. The one in this FY will be paid for by the Streets and Roads Department.

Both mowers have exceeded the recommended maximum hours by over 500 hours. In checking with the Toro dealer, we have found that with the trade-in, we can replace each mower for just under 10K.

FINANCIAL IMPACT:

Department 541.6400 has 10,000 budgeted for the mower this year.

Department 572.6400 has 10,000 budgeted for the mower next year.

ATTACHMENTS:

Budget pages

ACTION OPTIONS:

Staff requests authorization for this expenditure in this FY.

541 - STREETS & ROADS											
ACCT	ACCOUNT DESCRIPTION	BUDGET	FYTD	BUDGET	FYTD	BUDGET	FYTD	BUDGET	FYTD	Proposed	Council
NO.		FY 12/13	9/13	FY 13/14	9/14	FY 14/15	9/15	FY 15/16	8/13/16	Budget	Budget
										FY 16/17	FY 16/17
	Personnel Services										
541.1100	Public Works Director	40,000	40,921	42,059	35,900	42,199	41,187	43,465	39,919	45,799	
541.1200	Regular Salaries & Wages	101,765	110,739	131,702	100,524	133,555	129,648	137,562	104,515	122,720	
541.1400	Overtime	506	333	1,000	306	1,000	1,234	1,000	1,234	1,250	
541.2100	FICA Taxes	9,981	10,533	13,385	9,559	12,715	10,815	12,715	9,335	12,658	
541.2200	Retirement Contribution - FRS	7,027	7,885	11,392	9,780	12,250	8,695	12,250	4,764	14,863	
541.2300	Life and Health Insurance	48,988	53,623	47,270	43,580	57,042	64,142	59,000	33,815	25,017	
541.2400	Workers' Compensation	14,940	14,940	15,688	15,688	16,850	12,859	9,061	8,505	10,000	
541.2500	Unemployment Compensation	0	0	0	0	0	0	0	0	0	
	Total Personnel Services	223,206	238,974	262,496	215,337	275,611	268,580	275,053	202,087	232,307	
	Operating Expenses										
541.4000	Travel & Per Diem	163	60	406	0	1,100	791	500	389	500	
541.4300	Electric St. Lights & Signals	11,978	9,402	13,412	9,951	12,100	10,869	11,765	12,255	11,000	
541.4600	Repair & Main -vehicles	29,423	23,532	35,783	27,280	39,459	48,585	28,000	24,464	25,000	
541.4610	Repair & Main - roads	20,988	75,037	89,230	15,786	74,083	60,467	81,000	15,980	81,250	
541.4650	Repair/Main - RR Crossing	3,402	3,402	3,751	3,402	3,751	3,402	3,402	3,402	51,629	
541.4900	Other Charges & Obligations	5,526	4,703	6,122	1,995	5,650	3,371	4,000	3,330	3,000	
541.4920	Contingency	0	0	0	0	4,000	0	4,000	0	15,000	
541.5200	Operating Supplies - Fuel	23,784	20,736	19,886	15,754	15,000	15,245	15,000	7,982	10,000	
541.5210	Operating Supplies	4,444	2,967	7,872	3,225	4,992	5,944	4,291	3,128	6,000	
-	Historical Expenses	3,566	228	228	228	0	0	0	0	0	
	Total Operating Expenses	103,274	140,067	176,690	77,621	160,135	148,674	151,958	70,930	203,379	
	Capital Outlay										
541.6300	Trans Impact Fee \$ - TIFT Projects	0	0	127,000	0	0	0	0	0	0	
541.6400	Machinery and Equipment	12,775	0	52,530	32,598	0	0	10,000	0	0	
-	Historical Capital Outlays	0	0	6,000	5,500	0	0	0	0	0	
	Total Capital Outlay	12,775	0	185,530	38,098	0	0	10,000	0	0	
	TOTAL STREETS & ROADS	339,255	379,041	624,716	331,057	435,746	417,254	437,011	273,017	435,686	

572 - PARKS AND RECREATION											
ACCT	ACCOUNT DESCRIPTION	BUDGET	FYTD	BUDGET	FYTD	BUDGET	FYTD	BUDGET	FYTD	Proposed BUDGET	Council Budget
NO.		FY 12/13	9/13	FY 13/14	9/14	FY 14/15	9/15	FY 15/16	8/13/16	FY 16/17	FY 16/17
	Operating Expenses										
572.3400	Cont Serv - Pest Control	5,778	4,742	5,778	4,742	3,100	3,150	4,065	4,742	5,000	
572.3460	Cont Serv - Pk Restroom Cleaning	2,120	2,080	2,120	2,041	2,120	2,020	2,120	1,340	2,500	
572.3470	Contractual Services - Sprinkler Main	2,000	1,815	2,000	1,533	2,000	1,939	2,000	1,057	1,500	
572.4300	Utilities - Electric	1,600	1,296	1,600	1,274	1,600	1,492	1,600	502	750	
572.4400	Rentals and Leases	1,365	1,636	3,396	3,141	3,828	2,194	1,300	1,963	2,000	
572.4600	Repairs and Maintenance	5,010	5,959	4,720	3,484	6,132	6,373	4,810	6,064	7,000	
572.4900	Other Current Charges & Obligations	200	976	200	119	80	49	100	36	100	
572.4930	OCC -Greenways & Trails Develop	800	528	1,000	72	300	279	1,000		1,000	
-	Historical Expenses	480	360	480	510	600	600	0	0	0	
	Total Operating Expenses	19,353	19,392	21,294	16,916	19,760	18,096	16,995	15,704	19,850	
	Capital Outlay										
572.6300	Infrastructure	2,000	620	0	0	1,100	819	750	71	0	
572.6400	Machinery & Equipment	9,599	9,599	0	447	0	0		37	10,000	
572.6410	Infrastructure	2,000	766	2,000	327	3,000	832	2,000	6,575	10,000	
572.8300	Grant - Trailhead Restroom	0	0	11,310	0	9,000	840	0	65,135	40,000	
-	Historical Capital Outlays	3,535		3,035	0	0	0	0	0	0	
	Total Capital Outlay	13,599	10,985	16,345	774	13,100	2,491	2,750	71,818	60,000	
	TOTAL PARK AND RECREATION	32,952	30,377	37,639	17,690	32,860	20,587	19,745	87,522	79,850	

TOWN OF MALABAR

AGENDA ITEM REPORT

AGENDA ITEM NO: 8
Meeting Date: September 22, 2016

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

SUBJECT: Road Classifications and SFR's on Unaccepted ROWs

BACKGROUND/HISTORY:

CM Krieger asked for information on these two subjects. Regarding existing homes on unaccepted ROWs he specifically referenced Mr. Szalanski on Quarterman Lane. Technically, his property does not even abut Quarterman Lane; there is a 25-foot ingress/egress easement that was granted. We have approximately 38 homes located on rights of way that have no evidence of ever being improved and accepted by the Town for maintenance.

Council adopted the "Cinderella" ordinance in 1992 that allowed residents living on unaccepted roads to get their road on the accepted list by paying a small application fee of \$100.00 and bringing the road up to a minimum safety standard. Many roads were accepted this way – it became known as the "street of the week" program but the request had to begin with the residents.

The information attached with the Quarterman Lane Research include sections of adopted Codes that were in place well before many of the 38 homes were built. Regulations for minimum elevations, road improvement specifications, drainage facility requirements and structural building requirements were adopted by Council in the mid 1970's.

ATTACHMENTS:

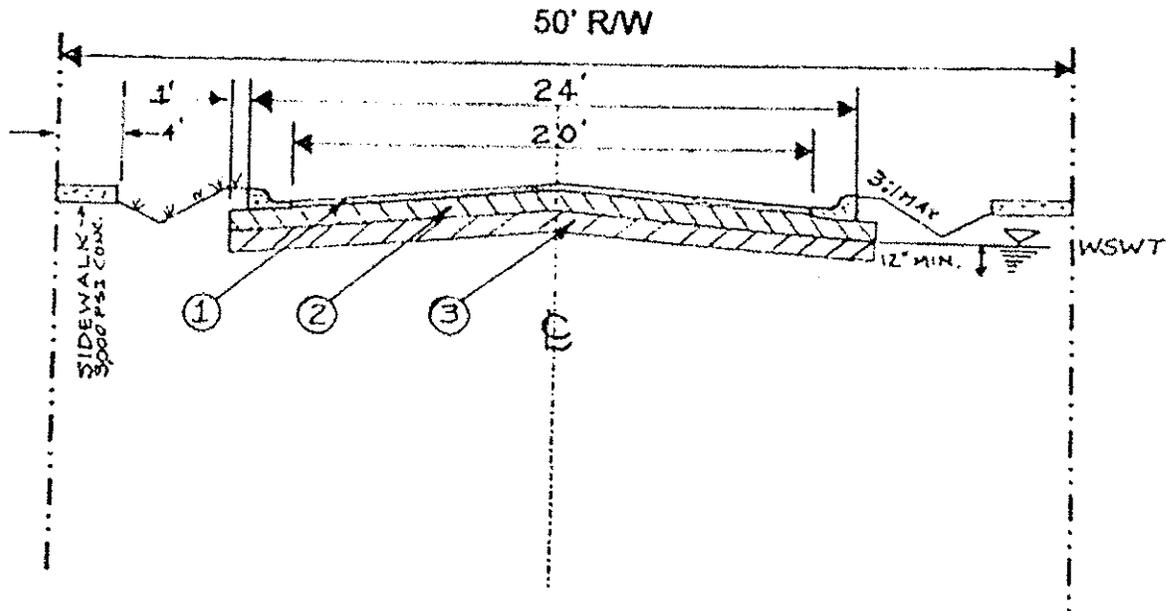
Roads types from the Street Improvement Code
Quarterman Lane Research
Mayor Eschenberg Road Inspection Report from 2007 and 2010
RTCM from 1998 regarding accepting unimproved roads

ACTION OPTIONS:

Discussion and Direction

ROAD CLASSIFICATIONS

EXHIBIT "A"
TYPICAL PAVED ROAD SECTION WITH CURBS FOR 50' WIDE R/W



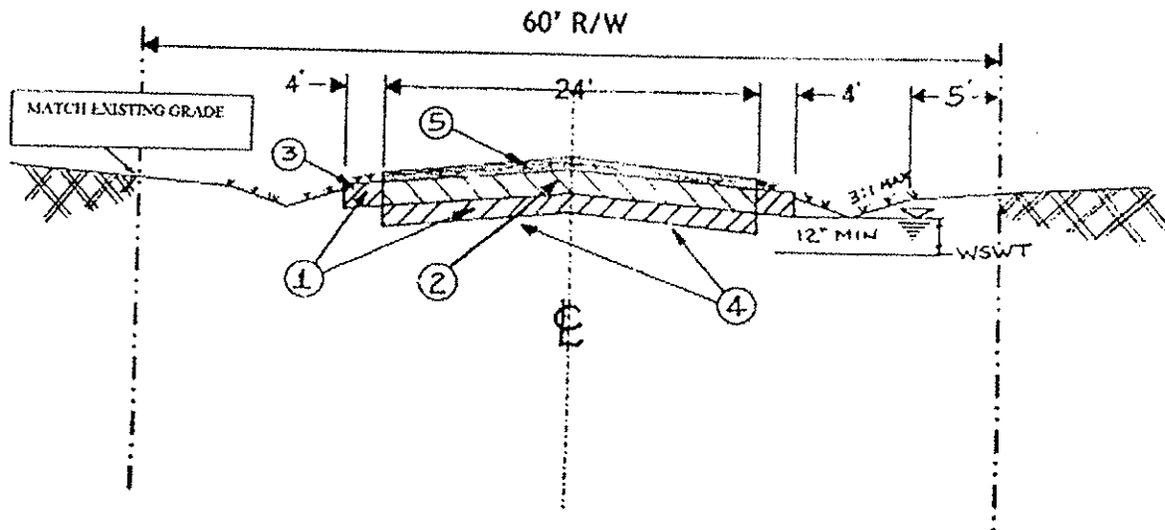
CLEAR & GRUB 50' R/W EXCEPT FOR SPECIMEN TREES TO BE LEFT OUTSIDE SWALES

- 1 CAP ROAD W/MINIMUM 1.5" THICK TYPE S-1 OR TYPE III ASPHALTIC CONCRETE SURFACE (MINIMUM 1500 PSI MARSHALL)
- 2 BASE MINIMUM 6" THICK COMPLYING WITH FDOT "BASE THICKNESS AND OPTION CODES"
- 3 STABILIZED 8" THICK SUB-BASE COMPACTED TO 98% OF MAXIMUM DENSITY PER AASHTO T-180 WITH MINIMUM LBR = 40
- 4 STABILIZED SHOULDERS BOTH SIDES AND SOD ADJACENT TO THE PAVEMENT MINIMUM 2' WIDE
- 5 CURB & GUTTER TO BE 3,000 PSI MIN. CONCRETE
- 6 DRAWING IS NOT TO SCALE

Exhibit A

EXHIBIT "B-1"

TYPICAL PAVED ROAD SECTION FOR 60' WIDE R/W



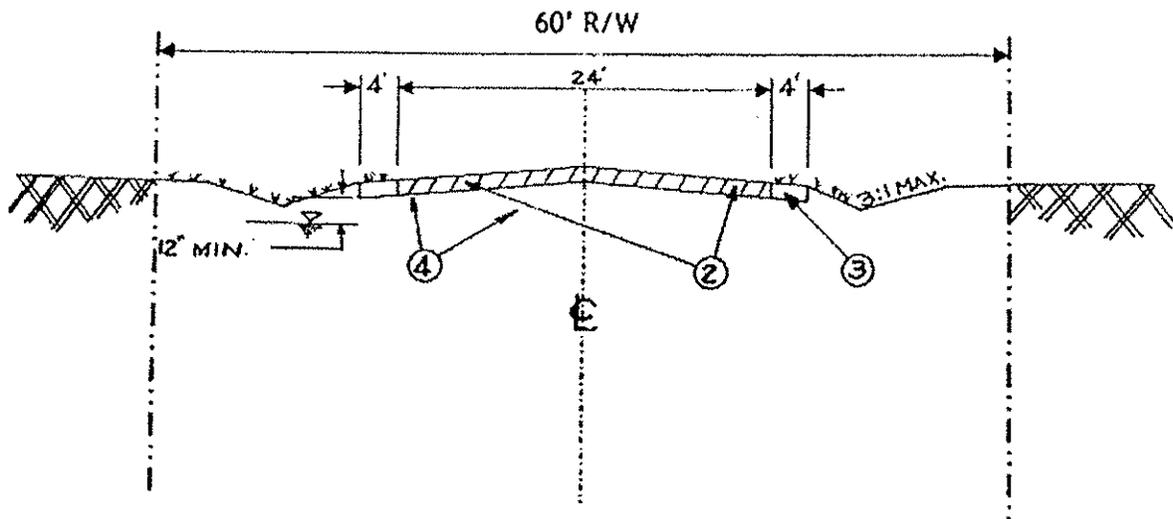
CLEAR & GRUB 60' R/W EXCEPT FOR SPECIMEN TREES TO BE LEFT OUTSIDE SWALES. DISPOSE OF ALL DEBRIS OFF SITE.

1. STABILIZED & MECHANICALLY MIXED 8" THICK ROAD SUB-BASE COMPACTED TO 98% OF MAXIMUM DENSITY PER AASHTO T-180 WITH MINIMUM LBR = 40
2. BASE MINIMUM 6" THICKNESS (COMPLY WITH FDOT BASE THICKNESS AND OPTION CODES)
3. STABILIZED SHOULDERS BOTH SIDES AND SOD ADJACENT TO THE PAVEMENT MINIMUM 2' WIDE AND ON SWALE BANKS. SWALE SIDE SLOPES MAX 3:1.
4. SUITABLE SOILS FREE OF ORGANICS. COMPACT TO 98% DENSITY PER AASHTO T-180
5. CAP ROAD W/MINIMUM 1.5" THICK TYPE S-1 OR TYPE III ASPHALTIC CONCRETE SURFACE (MIN. 1500 PSI MARSHALL).
5. DRAWING IS NOT TO SCALE

Exhibit B-1

EXHIBIT "B-2"

TYPICAL UN-PAVED ROAD SECTION FOR 60' WIDE R/W

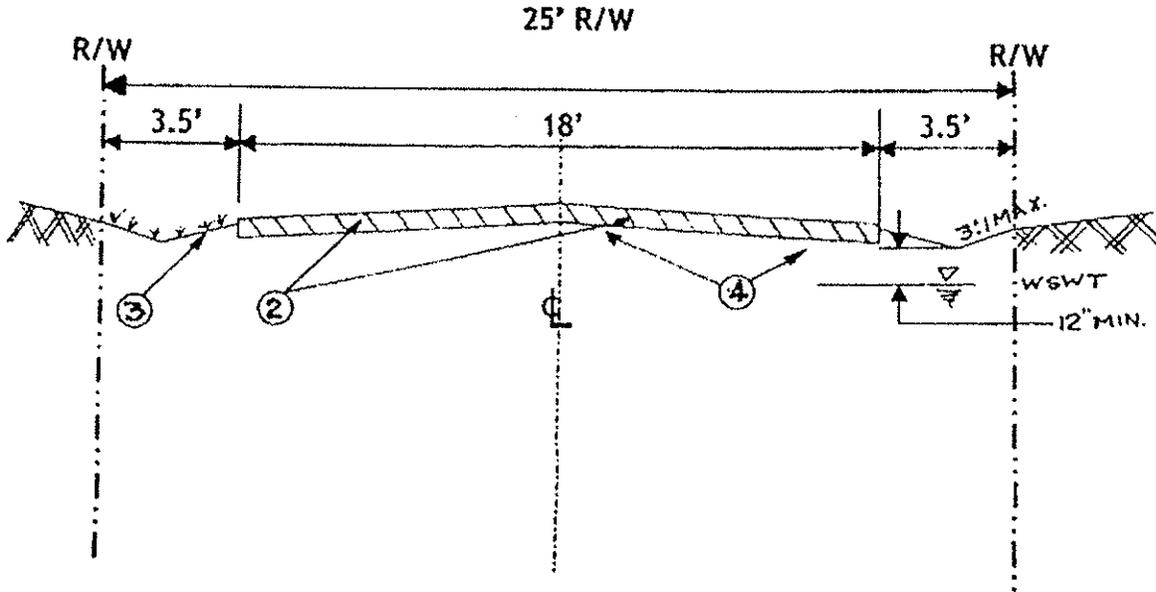


1. CLEAR & GRUB 60' R/W EXCEPT FOR SPECIMEN TREES TO BE LEFT OUTSIDE SWALES. DISPOSE OF ALL DEBRIS.
2. STABILIZED AND MECHANICALLY MIXED 8" THICK ROAD-BASE COMPACTED TO 98% OF MAXIMUM DENSITY PER AASHTO T-180 WITH MINIMUM LBR = 40
3. STABILIZED SHOULDERS BOTH SIDES. SOD ADJACENT TO THE PAVEMENT MINIMUM 2' WIDE AND ON SWALE SLOPES.
4. SUITABLE SOILS FREE OF ORGANICS. COMPACT TO 98% DENSITY PER AASHTO T-180
5. DRAWING IS NOT TO SCALE

Exhibit B-2

EXHIBIT "B-3"

TYPICAL UN-PAVED ROAD SECTION FOR 25' WIDE R/W



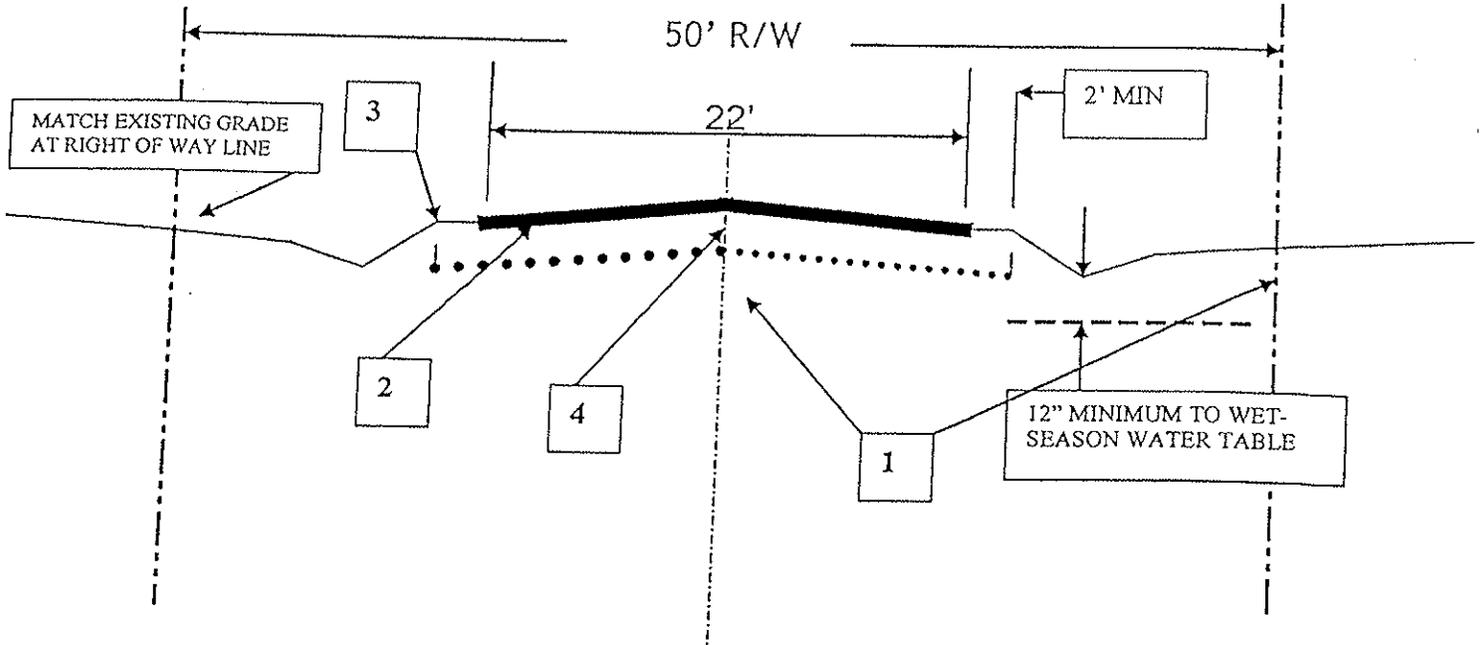
1. CLEAR & GRUB 25' R/W EXCEPT FOR SPECIMEN TREES TO BE LEFT OUTSIDE SWALES
2. STABILIZED & MECHANICALLY MIXED 8" THICK ROAD-BASE COMPACTED TO 98% OF MAXIMUM DENSITY PER AASHTO T-180 WITH MINIMUM LBR = 40
3. SOD ADJACENT TO THE PAVEMENT MINIMUM 2' WIDE AND ALONG SWALE SLOPES
4. SUITABLE SOILS FREE OF ORGANICS. COMPACT TO 98% DENSITY PER AASHTO T-180
5. DRAWING IS NOT TO SCALE

Exhibit B-3

(Res. No. 14-02, § 2, 8-19-02; Res. No. 12-04, § 1, 10-18-04)

EXHIBIT "B-4"

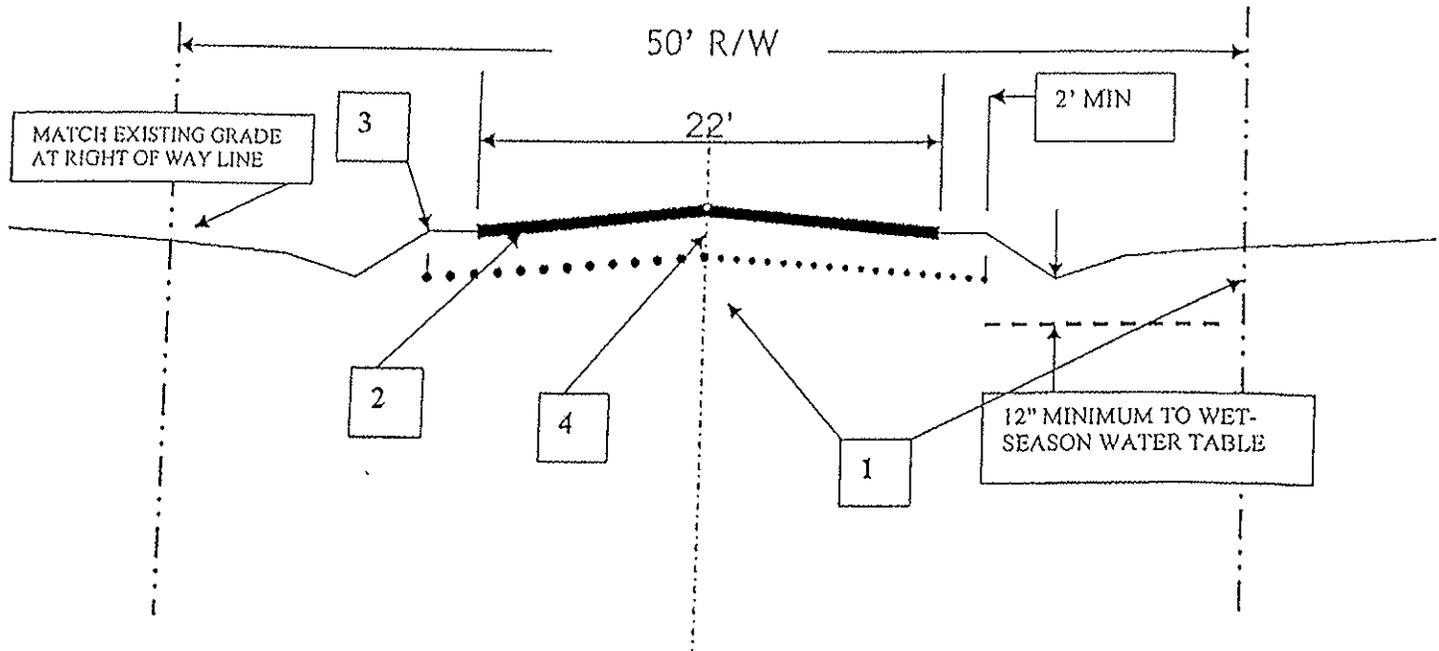
TYPICAL UNPAVED ROADWAY SECTION FOR 50' WIDE R/W



1. CLEAR & GRUB 50' R/W EXCEPT FOR SPECIMEN TREES TO BE LEFT OUTSIDE SWALES AND DISPOSE OF ALL DEBRIS OFF SITE.
2. STABILIZED & MECHANICALLY MIXED 8" MINIMUM THICKNESS ROAD BASE COMPACTED TO 98% OF MAXIMUM DENSITY PER AASHTO T-180 WITH MINIMUM LBR = 40. USE FDOT APPROVED MATERIALS OR LOCAL MATERIALS APPROVED BY TOWN ENGINEER.
3. STABILIZED SHOULDERS BOTH SIDES AND SOD ADJACENT TO THE PAVEMENT MINIMUM 2' WIDE AND ON SWALE BANKS. SWALE SIDE SLOPES MIN. 3:1. BACKSIDE OF SWALES MAY BE SEEDED.
4. SUITABLE SOILS FREE OF ORGANICS. COMPACT SOILS TO 98% DENSITY PER AASHTO T-180.
5. DRAWING IS NOT TO SCALE.

EXHIBIT "B-5"

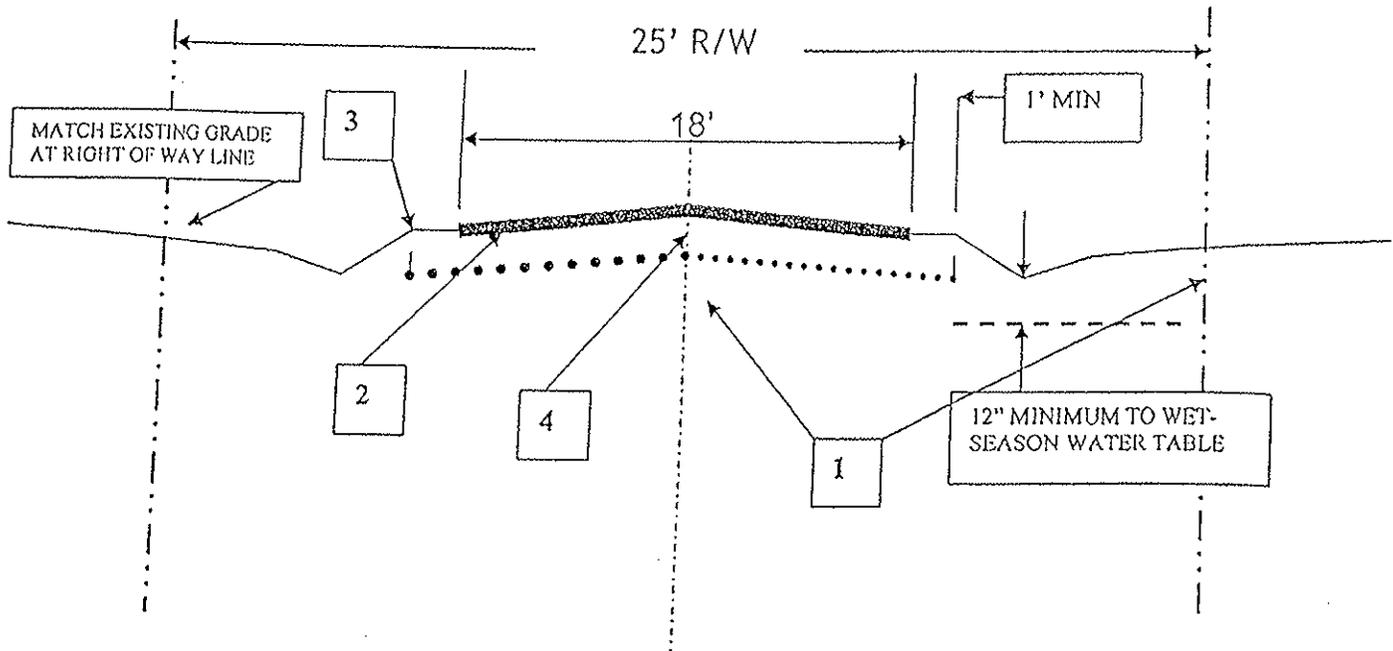
TYPICAL UNPAVED ROADWAY SECTION FOR 50' WIDE R/W



1. CLEAR & GRUB 50' R/W EXCEPT FOR SPECIMEN TREES TO BE LEFT OUTSIDE SWALES AND DISPOSE OF ALL DEBRIS OFF SITE.
2. STABILIZED & MECHANICALLY MIXED 8" MINIMUM THICKNESS ROAD BASE COMPACTED TO 98% OF MAXIMUM DENSITY PER AASHTO T-180 WITH MINIMUM LBR = 40. USE FDOT APPROVED MATERIALS OR LOCAL MATERIALS APPROVED BY TOWN ENGINEER.
3. STABILIZED SHOULDERS BOTH SIDES AND SOD ADJACENT TO THE TRAVELWAY ON EACH SIDE A MINIMUM 4' WIDE; SOD A MINIMUM OF 2' WIDE IN CENTER OF RIGHT-OF-WAY; SOD SWALE BANKS. SWALE SIDE SLOPES MIN. 3:1. BACKSIDE OF SWALES MAY BE SEEDED. SOD OR SEED OF THE ENTIRE ROADWAY SHALL BE AS APPROVED BY TOWN ENGINEER.
4. SUITABLE SOILS FREE OF ORGANICS. COMPACT SOILS TO 98% DENSITY PER AASHTO T-180.

EXHIBIT "B-6"

TYPICAL UNPAVED ROADWAY SECTION FOR 25' WIDE R/W



1. CLEAR & GRUB 25' R/W EXCEPT FOR SPECIMEN TREES TO BE LEFT OUTSIDE SWALES AND DISPOSE OF ALL DEBRIS OFF SITE.
2. STABILIZED & MECHANICALLY MIXED 8" MINIMUM THICKNESS ROAD BASE COMPACTED TO 98% OF MAXIMUM DENSITY PER AASHTO T-180 WITH MINIMUM LBR = 40. USE FDOT APPROVED MATERIALS OR LOCAL MATERIALS APPROVED BY TOWN ENGINEER.
3. STABILIZED SHOULDERS BOTH SIDES AND SOD ADJACENT TO THE TRAVELWAY ON EACH SIDE A MINIMUM 2' WIDE; SOD A MINIMUM OF 2' WIDE IN CENTER OF RIGHT-OF-WAY; SOD SWALE BANKS. SWALE SIDE SLOPES MIN. 3:1. BACKSIDE OF SWALES MAY BE SEEDED. SOD SHALL BE AS APPROVED BY TOWN ENGINEER.
4. SUITABLE SOILS FREE OF ORGANICS. COMPACT SOILS TO 98% DENSITY PER AASHTO T-180.

Dana Blickley, CFA

Brevard County Property Appraiser - MAP SEARCH



29-37-02-00-00792.0-0000.0

Zoom To	Account	Owner	Property Address	Parcel Identifier
1	Aerial 2922652	SZALANSKI, DONNA MARIE	2425 QUARTERMAN LN	29-37-02-00-00792.0-0000.0

Mr. Szalanski has no legal access to his property from Quarterman Lane

Codes in affect during the period when portions of Quarterman Lane were “approved”

Ord 7-1-76, adopted October, 1976 creating Land Development Regulations (pages 1, 61, 62 attached)

Ord 8-1-76, Subdivision Regulations and Road Improvement regulations (page 12 attached)

Ord 11-9-77 emergency ordinance setting date for special election on 12/13/77 to put referendum to voters to increase millage from .5 to 1.5 for Roads and Fire Dept. starting in 1978. Approved 117 to 42. (minutes of 12/20/77 attached)

Council Minutes of August 5-6, 1986 approving Quarterman

Road Ratings by Mayor Eschenberg done in 2007 and again in 2010
Stormwater Projects approved in 2014 listing Quarterman Lane as Project 8B at cost of \$95,900.00

While considering how to resolve the situation of homes on unaccepted streets, staff has identified approximately 38 single family homes that have been built on roads that were never improved to town standards and accepted for maintenance.

TOWN OF MALABAR

ORDINANCE NUMBER 7-1-76

AN ORDINANCE OF THE TOWN OF MALABAR, FLORIDA, ESTABLISHING GENERAL ZONING REGULATIONS FOR THE TOWN, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 163, FLORIDA STATUTES, AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH.

WHEREAS, Chapter 163, Florida Statutes, empowers the Town to enact a zoning ordinance and to provide for its administration, enforcement and amendment; and



WHEREAS, the Town Council deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the town to enact such an ordinance; and



WHEREAS, the Town Council, pursuant to the provisions of Chapter 163, Florida Statutes, has appointed a Planning and Zoning Board to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein; and



WHEREAS, The Planning and Zoning Board has divided the town into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets, to secure safety from fire, panic, and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, the Planning and Zoning Board has given consideration to the character of the districts and their particular suitability for certain uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality, among other things; and



WHEREAS, the Planning and Zoning Board has made a preliminary report and held public hearings thereon, and submitted its final report to the Town Council; and



WHEREAS, the Town Council has given due public notice of hearings relating to zoning districts, regulations, and restrictions, and has held such public hearings; and



WHEREAS, all requirements of Chapter 163, Florida Statutes, with regard to the preparation of the report of the Planning and Zoning Board and subsequent action of the Town Council have been made;

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, FLORIDA;

7.0 ADMINISTRATION AND ENFORCEMENT - BUILDING PERMITS AND CERTIFICATES OF ZONING COMPLIANCE.

7.1 Administration and Enforcement. The building inspector shall administer and enforce this ordinance. He may be provided with the assistance of such other persons as the City Council may direct.

If the building inspector finds that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal buildings or structures or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to insure compliance with or to prevent violation of its provisions.

7.2 Building Permits Required. No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefor, issued by the building inspector. No building permit shall be issued by the building inspector except in conformity with the provisions of the ordinance, unless he received a written order from the Board of Adjustment in the form of an administrative review, special exception, or variances as provided by this ordinance.

7.3 Application for Building Permit. All applications for building permits shall be accompanied by plans in triplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon, the exact size and locations on the lot of buildings already existing, if any, and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the building inspector, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this ordinance.

Application for a new structure or substantial improvement located within the identified flood plain area having special flood hazards, will be reviewed to determine whether proposed building sites will be personably safe from flooding and designed or modified and anchored to prevent flotation, collapse or lateral movement of the structure, use of construction materials and utility equipment that are resistant to flood damage and use of construction methods and practices that will minimize flood damage; shall contain the elevation (in relationship to mean sea level) of the lowest floor (including basement) of the structure, and where the lowest is below grade on one or more sides, the elevation of the floor immediately above. The building official shall maintain a record of all such floor elevations.

One copy of the plans shall be returned to the applicant by the building inspector, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on each copy. The original similiarly marked shall be filed in the office of the town clerk and one copy shall be retained by the building inspector.

ADOPTED 10-5-1976

7.4 Administrative Permits; Conditions Governing Applications; Procedures. To hear and decide only such administrative permits the Planning and Zoning Board is specifically authorized to pass only the terms of the ordinance; to decide such questions as are involved in determining whether administrative permits should be granted; and to grant administrative permits with such conditions and safeguards as are appropriate under the ordinance or to deny administrative permits when not in harmony with the purpose and intent of this ordinance, an administrative permit shall not be granted by the building inspector (or subcommittee of Planning and Zoning Board) unless and until:

a) A written application for an administrative permit is submitted indicating the section of this ordinance under which the administrative permit is sought and stating the grounds of which it is requested.

b) Before any administrative permit shall be issued, the Planning and Zoning Board shall make written findings certifying compliance with the specific rules governing individual administrative permits and that satisfactory provision and arrangement has been made concerning the following where applicable:

- 
- (1) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
 - (2) Off-street parking and loading areas where required; with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the administrative permit on adjoining properties and properties generally in the district;
 - (3) Refuse and service areas with particular reference to the items in (1) and (2) above;
 - (4) Utilities, with reference to locations, availability and compatibility;
 - (5) Screening and buffering with reference to type, dimensions, and character;
 - (6) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effects, and compatibility and harmony with properties in the district;
 - (7) General compatibility with adjacent properties and other property in the district.

7.5 Site Plan Approval for Multiple Family Dwelling Districts. The purpose of these provisions is to permit a desirable living environment for the residents of multiple family dwellings and to encourage a harmonious relationship between dwelling and surrounding developments by providing for a review and evaluation by the Planning and Zoning Board of all site plans for projects of five (5) units or more. The review is intended to permit maximum flexibility in evaluating each plan on its merits and encourage

G. ENGINEERING STANDARDS & GUIDE SPECIFICATIONS FOR SECONDARY ROADS AND RESIDENTIAL STREETS

1. Standards listed below ~~supplement Subdivision Ordinance No. 8-1-76~~ and are to be used by engineers as a guide in preparing plans and specifications for construction of improvements located within city right-of-ways. All plans for construction of said improvements must be signed and sealed by an engineer registered in the State of Florida and submitted for approval to the Town Engineer before start of construction.

2. These specifications shall apply to all work done or being done for the Owner within the corporate limits of the Town of Malabar, Brevard County, Florida.

3. Definitions:

a. "Owner" - The Owner refers to the individual company or corporation owning the land to be developed.

b. "Contractor" - The word Contractor shall be interpreted to mean either the work forces of the Owner, an individual or firm leasing equipment and/or personnel to the Owner, or an individual or firm doing work for the Owner under a contract, verbal or written. *and licensed in the Town of Malabar*

c. "Engineer" - A professional engineer authorized to practice in the State of Florida by the virtue of registration or his appointed representative. He will be retained by the Owner to supervise the construction of the work covered by these specifications.

d. "Testing Laboratory" - A recognized laboratory licensed to do business in the State of Florida.

e. "Work" - The term "work" as used herein refers to all construction called for as shown on the development plans.

Section 1----- General

1.1 Streets

1. Specifications for preparation of roadbed, base and surface course shall be equal to minimum standards as specified for secondary roads by the Florida State Road Department, Standard Specifications for Road and Bridge Construction including Supplements (latest edition) ~~and/or as shown in the guide specifications attached hereto.~~

2. Base course shall consist of a 6" compacted thickness of soil cement* or limerock properly controlled and tested by a reputable testing laboratory.

3. Surface course shall consist of 1" minimum compacted thickness of asphaltic concrete.*

* See attached guide specifications.

ADOPTED 12/21/76

AN ORDINANCE CALLING AND PROVIDING FOR A REFERENDUM ELECTION ON DECEMBER 13, 1977 IN THE TOWN OF MALABAR, FLORIDA TO DETERMINE WHETHER SUCH TOWN SHALL LEVY AN AD VALOREM TAX IN 1978 AND ALL SUBSEQUENT YEARS; PROVIDING FOR PASSAGE AS AN EMERGENCY ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

APPROVED
11/9/77

11-9-77

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, FLORIDA, THAT:

SECTION 1. This ordinance is enacted pursuant to the requirements of Article VII, Section 9(b) of the Constitution of the State of Florida and Section 100.342, Florida Statutes.

SECTION 2. It is hereby found, determined and ascertained that:

- (a) Fire protection services, road and highway construction and maintenance services, and other similar services have, in past years, been rendered to and in behalf of the Town of Malabar by the County of Brevard.
- (b) The aforesaid services are no longer being rendered by the County of Brevard and it is necessary for the Town of Malabar to provide for the financing of such services from its own resources.
- (c) It is necessary, desirable and in the best interest of the general health and welfare of the Town of Malabar and its inhabitants that an ad valorem tax be levied upon the assessed value of **real estate** and tangible personal property within the corporate limits of the Town in order to provide the monies to finance the aforesaid municipal services.
- (d) It is necessary, desirable and in the best interest of the general health and welfare of the Town and its inhabitants that such an ad valorem tax not

\$1,000.00 of assessed valuation) for the year 1978; and that such ad valorem tax not exceed the maximum rate established by the Constitution and laws of the State of Florida in all subsequent years.

- (e) An emergency exists within the Town by reason of the necessity to levy such ad valorem tax to provide the monies for fire protection services in the year 1978, and to provide other municipal services heretofore furnished by the County of Brevard. It is further necessary to call a special referendum election prior to January 1, 1978, for the purpose of adopting the said ad valorem tax for the year 1978. It is, therefore, necessary that this ordinance be passed as an emergency measure to take effect immediately upon its enactment in order to provide for the immediate calling of such a special referendum election.

SECTION 3. A special referendum election is hereby called to be held in the Town on the 13th day of December, 1977, to determine whether or not the ad valorem tax, at the rates hereinabove designated and provided for, shall be approved by a majority of the votes cast in such election, in which the qualified electors residing in the Town shall participate. Such special referendum election shall be held and conducted in the manner prescribed by law for holding general elections, except as herein provided. The place of voting in such special referendum election shall be the usual place of voting in the Town in general elections,

The polls shall be open at such voting place on the day of such special referendum election from seven a.m. to seven p.m. upon the said day. All duly qualified electors residing within the Town shall be entitled to participate in and vote at such special referendum election.

SECTION 4. The Town Council of the Town of Malabar, Florida shall, before the date of such election, appoint the clerks, inspectors and poll workers to conduct such election and shall certify a list of such clerks, inspectors and poll workers which shall be published in accordance with the law and shall be recorded in the Minutes of the Meetings of the Town Council.

SECTION 5. The ballots to be used at such election shall contain a statement of the proposed ad valorem taxation rates for 1978 and all subsequent years and shall provide facilities for qualified electors to vote for or against the levying of such ad valorem tax. Said ballots shall be in substantially the following form:

BALLOT

TOWN OF MALABAR, FLORIDA
Special Referendum Election
December 13, 1977

Shall the Town of Malabar, Florida, levy an ad valorem tax upon the assessed value of real estate and tangible personal property within the limits of the Town of Malabar at a millage rate not to exceed 1.5 mills (\$1.50 per \$1,000.00 of assessed valuation) for the year 1978; and not to exceed the maximum millage rate provided by the Constitution and laws of the State of Florida in all subsequent years?

117 For Ad Valorem Tax
42 Against Ad Valorem Tax

Instructions to voters: If you are in favor of the levying of an ad valorem tax, place an "X" mark in the space to the left of the words "For Ad Valorem Tax".

if you are not in favor of the levying of an ad valorem tax, place an "X" mark in the space to the left of the words "Against Ad Valorem Tax".

SECTION 6. The Clerk of the Town is hereby authorized and directed to have printed on plain white paper, a sufficient number of the aforesaid paper ballots and deliver them to the inspectors and clerks on or before the date and time for opening of the polls for such election.

SECTION 7. The Town Clerk shall be authorized and directed to obtain from the Supervisor of Elections of Brevard County, Florida a list of all qualified electors residing in the Town who are determined to be qualified to vote therein. A certified copy of such list shall be furnished to the inspectors, clerks and poll workers of the election at the place where the votes are to be cast in the said special referendum election and a certified copy of such list shall be filed and preserved within the records of the Town.

SECTION 8. Notice of said special referendum election shall be published in a newspaper of general circulation according to the laws of the State of Florida, each week for four consecutive weeks, the first publication to be not less than thirty days prior to the date of said special referendum election. Pursuant to the requirements of Section 100.342, Florida Statutes, copies of this ordinance shall also be posted in at least ten different places within the territorial limits of the Town.

SECTION 9. This ordinance, enacted as an emergency measure, shall take effect immediately upon its adoption.

PASSED AND ADOPTED at a meeting of the Town Council of the Town of Malabar, Brevard County, Florida, held on the 9 day of November, 1977.

John E. Hunt
Mayor

ATTEST:

Ethel Scabarozzi
City Clerk

The meeting was opened by Councilchairman Radencic. The prayer and the pledge were given. The minutes of the previous meeting were approved on a motion by Councilwoman Todd, seconded by Councilman DeCaro, all in favor.

The Council canvassed by results of the of the Special Referendum Election held on December 13, 1977. The results showed there were 159 votes cast with 117 votes in favor of the referendum and 42 against the referendum. The results were prepared by the Elections Clerk Melba Marshall, and Inspectors Helen Schmitt and Margaret Blazak, the results were approved on a motion by Councilman Richards, seconded by Councilman DeCaro, all in favor. Chairman Radencic read the Resolution Certifying the Enactment of Ad Valorem Taxation in the Town of Malabar, Florida, being Resocution #12-6-77. Councilman Richards made a motion to accept Resolution #12-6-77, Councilman DeCaro seconded the motion, all in favor.

The Clerk reported that information received from the Brevard County Tax Assessor and the Brevard County Tax Collector was that their offices would not charge the Town a fee for the assessing and collecting of Ad Valorem taxes that the town would assess on Malabar property starting in January, 1978.

A bill from Agent Frank Wier of the Nationwide Insurance Company covering Policy #61 CS 312-767-0001, a multi purpose policy in the amount of \$868.00 was discussed Councilwoman Todd suggested that Mayor Yust contact the insurance agent for a breakdown of this charge.

A letter to be sent to the division office of the Division of Forestry was discussed. This was to confirm that the tax referendum had passed in the town, and that part of the income from the taxation would be used to start the Malabar Volunteer Fire Department, and would show that the Town is desirous of obtaining a fire fighting truck from the Division of Forestry as previously discussed. A telephone call from the Division of Forestry prior to the meeting offered an old vehicle formerly used by the City of Union Park, but it was explained that the rebuilding of the truck would be quite expensive to the town. The Council felt it was better to proceed with the idea of obtaining a functional vehicle. Mayor Yust reported that a group had met in the town hall on Monday December 19th to discuss the formation of a volunteer fire department, and Leo Pacheck had been named Chairman of the group.

Mayor Yust reported that he had interviewed three persons to fill the two openings on the Planning & Zoning Board, namely Charles McClelland, Grant Ball and Ross MacDonald. The Council members voted by paper ballot and the outcome was Charles McClelland and Ross MacDonald, who are to be sworn in prior to the next meeting.

TOWN OF MALABAR

MEMORANDUM

Date: October 3, 2014 2014-TC/T-039

To: Honorable Council, Mayor Beatty

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

Subject: Research re: Quarterman Lane

The recent heavy rains have taken a toll on the residents of Central Florida but this research centers on Quarterman Lane in Malabar. There are 12 houses on Quarterman Lane south of Hall Road. They were mostly put on the tax roll between 1979-1987; one in 1991 and one in 1998.

The Flood Zone for all of the properties is "A" meaning flood insurance is required. This is not a new designation; the surveys in the property files I reviewed indicated Flood Zone "A". None of the property files had any information regarding requests to or requirements for elevating their buildings and all of them had approvals from Brevard County Health Department for their septic systems.

Almost all of the properties have subsequently added improvements to their properties that further reduced the permeable land. The property showing two houses was permitted as one house in 1979 and a detached garage in 1985. It was cited by the Building Official and Code Enforcement in 1996 and directed to return it to its original use, but there is no evidence in the file indicating they complied. It is now clearly shown on the Property Appraiser's website as two homes with one tax bill and two stormwater assessments.

If you adding all the permit fees together for all permits issued on Quarterman Lane it does not exceed \$2000.00. Our Stormwater assessment has been in place since 2000 and for those properties on Quarterman Lane paying it since the year 2000 the total for the last 14 years assessments is \$6,600.60. We have spent twice that amount on rock and fill two times to rebuild the "approved" section of Quarterman Lane (Hall Road south 1800 feet) or just before 2415 Quarterman Lane. Unfortunately, other culvert pipe failures and related issues took priority both times so materials need to be used. According to the stormwater plan recently approved, this work was classified under the "B" ranking. When Mayor Eschenberg drove for the Eagle Corp he would "grade" the roads and he consistently placed Quarterman as a "C" under Substandard Dirt Roads.

The southern most four homes: 2415, 2425, 2445 and 2465 were allowed to be built without improving the road. The Land Development Code adopted on 10/5/1976 contains regulations and direction to Town staff that new construction within a floodplain had to include engineering to ensure it would be personally safe from flooding. This ordinance that was adopted after

many months of public meetings and I believe Mayor Beatty stated it was actually read in full over the course of one full day. Council also adopt Ord 29-1-75 charging the P&Z Board with the responsibility of compliance with the Comp Plan Act of 1975.

When the new property owner of 2450 Quarterman Lane (vacant) attempted to get a road permit from SJRWMD and Army Corp of Engineers he was bankrupted and eventually lost the property. Both agencies stated then that the entire area was a wetland.

In 1986 Mr. Quarterman asked for the first 900 feet of Quarterman Lane to be approved and Council complied. No record of any payment or improvement made has been found.

In 1998, Mr. Kendall paid \$100.00 and asked for the next 930 feet to be approved under Ordinance 92-5 (the Cinderella Ord that was adopted in 1992 and was supposed to sunset in 1994). Council approved the next 930' +/- to the end of parcel 823 (2355 Quarterman)

Because of these actions the Town's Public Works Dept has maintained the first 1830'.

Additional info: in the last two years, stormwater issues have been on the RTCM agendas no less than ten times. We have had articles regarding stormwater in our newsletters. We had flooding in 1994 with TS Gordon; flooding again in 2004 with Hurricanes Charlie, Frances and Jean and in 2005 with Wilma; more flooding in 2008 with TS Fay; and in 2012 we had more rain than we had this year we have had over 52" of rain YTD. The average elevation in Malabar is at 22'. In the best of conditions at dry season the water table will be appx 48" below grade; in the wet season it is 10". The roadway on Quarterman is lower than the adjacent properties. According to SJRWMD, 2465 is lower than most of the other properties on Quarterman.

In October of 1997 Malabar opened up Quarterman to the south to connect with Atz Road. This was done at the request of the property owner at the south end. The area clearly is shown as wetlands. For health and safety reasons the Council again closed the south end to through traffic in January 1998.

This research is not intended to place blame or deflect responsibility. The Town accepted the road and the Town needs to bring the accepted portion up to standards. The drainage problems have already been identified and prioritized. Perhaps the residents at the south end would be willing to share in the cost to bring their section of road up to standards so it can be accepted and maintained.

A better plan should be put in place to address road maintenance after the road is accepted. Dirt, fill, base material and rock are not cheap. Our PW Dept does a phenomenal job with the challenges they are presented with daily.



Town of Malabar - Public Right-of-Ways Accepted Streets 9/12/2016

NOTE: THIS LIST DOES NOT INCLUDE ALL TOWN-OWNED RIGHT-OF-WAY

<u>Absaroka Lane</u>	(Stillwater Preserve SD – 3200 lf paved - private)
<u>Arnold Lane</u>	(870 ft south of the center line of Hall Road in 2006)
<u>Atz Road</u>	(13,728 ft. west from center line LaCourt Lane)(+114 ft east of LaCourt
<u>Appleby Lane</u>	(1,322 ft. x 25 ft. north from center line Hall Road) (800 ft. south from center line Hall Road)
<u>Barrow Lane</u>	(Stillwater Preserve SD – 980 fl paved - private)
<u>Baywood Court</u>	(Country Cove) (200 ft. paved)
<u>Bee Keeper Ln</u>	NOT AN ACCEPTED STREET – NAMED FOR FIRE FIGHTING LOCATION PURPOSES ONLY
<u>Benjamin Road</u>	(3,325 ft. x 40+ ft. east from center line Corey Road to Kramer Ln. only))
<u>Beran Lane</u>	(730 ft. north from center line Old Mission) (plus next 200 ft. north Old Mission--payback under 90-3)
<u>Billie Lane</u>	(500 ft.south from center line Atz Rd.) (Plus next 200 ft.--payback under 91-2)
<u>Blanche Street</u>	(1,060 ft. paved north from Malabar Road)
<u>Bluff View Place</u>	(Brook Hollow) (115 ft.paved west from center line Pemberton Tr.)
<u>Booth Road</u>	(630 ft. east of Babcock Street right-of-way)
<u>Briar Creek Blvd.</u>	(Brook Hollow) (2,875 ft. paved south from Malabar town limit)
<u>Briar Run Circle</u>	(Brook Hollow) (85 ft. paved west from center line Briar Creek Boulevard)
<u>Brookshire Circle</u>	(Brook Hollow) (334 ft. paved west from center line Hollow Brook Lane)
<u>Candy Lane</u>	(1322' x 50' north from Atz Road) (South of Atz – No records in file of approval)
<u>Cason Lane</u>	(1,330 ft. south of center line Atz Road).
<u>Centre Street</u>	528' between Pine and W. Railroad Ave.
<u>Century Oak Circle</u>	(1,260 ft. paved)
<u>Christian Lane</u>	(350) ft. "country lane" under construction as of Jan 2011
<u>Coral Way</u>	(1,550 ft. paved south from center line Huggins Drive south and east to center line Rocky Point Road).
<u>Corey Road</u>	(10,560 ft. paved south from center line Malabar Road to south town limit, and 3,553 ft. north from center line Malabar Road)
<u>Coquina Terrace</u>	(1,350 ft. paved west from center line Rocky Point Road)
<u>Country Cove Circle</u>	(Country Cove) 3,085 ft. paved
<u>Crescent Road</u>	(460 ft. x 40 ft. south from center line Township Road)
<u>Delaware Avenue</u>	(1,293 ft. west from center line Corey Road)
<u>Duncil Lane</u>	(2,440 ft. south from Hall Road; 1,055 ft. north from Hall Road)
<u>Elaine Lane</u>	(1,310 ft. south from center line Glatter Road to dead end)
<u>Eva Lane</u>	(2,640 ft. from center line Malabar Road to center line Hall Road)



Town of Malabar - Public Right-of-Ways Accepted Streets 9/12/2016

NOTE: THIS LIST DOES NOT INCLUDE ALL TOWN-OWNED RIGHT-OF-WAY

<u>Falls Trail</u>	(Brook Hollow) (1,219 ft. paved from center line Briar Creek Boulevard to center line Briar Creek Boulevard)
<u>Fins Lane</u>	previously known as <u>Mussell Shoal Lane</u> (name changed in 2006 – 425' road + 125' in 2015)
<u>First Lane</u>	(.240 ft. paved north from center line Riverview Drive)
<u>Flashy Lane</u>	(1,275 ft. north from Hall Road to dead end) (530 ft. x 25 ft. south from center line Hall Road)
<u>Florence Street</u>	(1,060 ft. paved north of Malabar Road)
<u>Garden Street</u>	(528 ft. east from center line Pine Street to dead end)
<u>Gator Way</u>	South from Hall St.
<u>Gilmore Street</u>	(220' paved + 940' dirt. north from Malabar Road to Allen St.)
<u>Glatter Road</u>	(925' east from Marie Street (2,600' west of Marie to Malabar Rd)
<u>Hall Road</u>	(13,200 ft. west from center line Marie Street to town limits) (5,280 ft. of total--paved; 7,920 unpaved)
<u>Hard Lane</u>	(500' south of center line of Atz Road) (+64 ft per BOA variance – Waters, yr 2006)
<u>Hard Way Lane</u>	(730 ft. north from center line Old Mission Road) (plus 400 ft. north from Old Mission--payback under 90-3)
<u>Hawthorne Avenue</u>	(150 ft. west from center line US#1)
<u>Hollow Brook Lane</u>	(Brook Hollow) (2,045 ft. paved north from center line Briar Creek Boulevard)
<u>Holloway Trail</u>	(Brook Hollow) (324 ft. paved west from center line Briar Creek Boulevard)
<u>Homestead Lane</u>	(Sugar Pines) (1,200 ft. paved north from center line Atz Road to dead end)
<u>Howell Lane</u>	(1,100 ft. north from center line Hall Road to dead end) (728 ft. south from Hall Road; plus 200 lf payback on lot 829 under Ord 03-01).
<u>Huggins Drive</u>	(808 ft. paved east from center line US#1).
<u>Hunter Lane</u>	(1,320 ft. north from center line Atz Road) (1,500 ft. south from center line of Atz Rd.--payback under 90-3)
<u>Isasa Lane</u>	(730 ft. south from center line of Hall Road)
<u>Ivey Lane</u>	(800 ft. south from center line of Hall Road)
<u>Johnston Avenue</u>	(1,164 ft. east from Marie Street) (the last 306 feet is a payback under 01-01)
<u>Jordan Boulevard</u>	(1,010 ft. paved west from the center line US#1)
<u>Kelly Lane</u>	(1,483 ft. south from the center line of Atz Road)
<u>Knave Lane</u>	(Stillwater Preserve SD – 1000 lf paved - private)
<u>Kramer Lane</u>	(1,322 ft. north from Benjamin Road--payback under 91-2)
<u>LaCourt Lane</u>	(2,640 ft. south from Hall Rd. to Atz Rd.)
<u>Leghorn Road</u>	(1,000' north of Section 12) (the last 600 feet is a payback under 01-01)



Town of Malabar - Public Right-of-Ways Accepted Streets 9/12/2016

NOTE: THIS LIST DOES NOT INCLUDE ALL TOWN-OWNED RIGHT-OF-WAY

<u>Lett Lane</u>	(1,712 ft. south from Booth Road) (last 400 ft.--payback under 91-2)
<u>Lineberry Lane</u>	(Sugar Pines) (1,200 ft. paved north from center line Atz Road to dead end)
<u>Linrose Lane</u>	(528' x 25' north from Hall Road & 1,300' south of Hall Road)
<u>MacDonald Lane</u>	(600 ft. south from center line Atz Road) (the last 200 feet is a payback under 01-01)
<u>Marie Street</u>	(970 ft. x 35 ft. north from center line of Johnson Avenue) (5,280 ft. south from center line Johnston Avenue to center line Hall Road--includes 1,150 ft. paved north of Malabar Road) (780 ft. x 25 ft. south from center line Hall Road)
<u>Marshall Lane</u>	(528 ft. north from center line Malabar Road to dead end)
<u>Matthews Lane</u>	(1610 ft south from of Atz Road April 2, 2007 with payback under 01-01)
<u>McCain Lane</u>	(1,100 ft. north and 1,385 ft. south from center line Hall Road)(+50 from south end per BOA variance – Kaye yr 2006)
<u>Moss Rose Avenue</u>	(1,015 ft. west from center line Corey Road)
<u>New Jersey Avenue</u>	(528 ft. west from center line US#1)
<u>Nome Lane</u>	(Stillwater Preserve SD 920 If – private)
<u>Nord Street</u>	(528 ft. east from center line Marie Street)
<u>Oak Harbour Lane</u>	(Country Cove) (338 ft. paved)
<u>Oak Tree Place</u>	(Brook Hollow) (389 ft. paved north from center line Falls Trail)
<u>Oakridge Lane</u>	(700 ft. x 50 ft. north from center line Hall Road plus 350 feet x 25 feet) (1,130 ft. south from center line Hall Road)
<u>Old Mission Road</u>	(1,950 ft. west from center line Weber Road to center line Beran Lane)
<u>Orange Avenue</u>	(1,260 ft. west from center line US#1 toward railroad)
<u>Passaic Avenue</u>	(782 ft. west from center line US#1)
<u>Pemberton Trail</u>	(Brook Hollow) (1,053 ft. paved east from center line Briar Creek Boulevard)
<u>Pine Street</u>	(528 ft. south from center line Malabar Road to center line Garden Street)
<u>Prospect Ave</u>	renamed Christian Lane in Jan 2011
<u>Prosperity Lane</u>	(930 ft north from centerline of Osage Road in 2006)
<u>Quarterman Lane</u>	(1830 ft. south from center line Hall Road)
<u>Rebel Lane</u>	(1000 ft. north from Reese Road)
<u>Reef Place</u>	(510 ft. paved east from center line Coral Way)
<u>Reese Road</u>	(685 ft. x 25 ft. west from center line Weber Road)
<u>Richards Lane</u>	(807 ft. north from center line Hall Road)
<u>Riverview Drive</u>	(780 ft. paved west from center line US#1)
<u>Rivet Lane</u>	(700 ft. x 25 ft. north from center line Hall Road)
<u>Rocky Point Road</u>	(7,590 ft. paved from US#1 to US#1)



Town of Malabar - Public Right-of-Ways Accepted Streets 9/12/2016

NOTE: THIS LIST DOES NOT INCLUDE ALL TOWN-OWNED RIGHT-OF-WAY

<u>Russell Lane</u>	(400 ft. south from center line Atz Road)
<u>Samantha Lane</u>	(300 ft south of Hall Road (payback under Ord 03-01) approved 2006 w/ condition name w/b changed to Candy when the roads connect)
<u>Sandy Creek Lane</u>	(1,500 ft. south from center line Malabar Road)
<u>Shiflett Lane</u>	(528 ft. south from center line Malabar Road to dead end)
<u>Ski Lane</u>	(564 ft. north of center line Atz Road--payback under 91-2)
<u>Smith Lane</u>	(2244 ft. south of Atz Road) (the first 475 ft. is no payback; the next 125 ft. is a payback under 91-2; the next 400 ft. is a payback under 91-2; the next 644 ft. is a payback under 91-2; *the next 600 ft. is a payback under 01-01)
<u>Steeplechase Circle</u>	(Brook Hollow) (358 ft. paved west from center line Briar Creek Boulevard)
<u>Stika Lane</u>	(Stillwater Preserve SD – 840 lf - private)
<u>Township Road</u>	(1,056 ft. paved east from railroad to center line US#1)
<u>Waring Lane</u>	(1,290 ft. north of center line Atz Road) (2,035 ft. south of center line Atz Rd.) (plus 400 ft.--payback under 91-2)
<u>Weber Road</u>	(10,560 ft. paved south from center line Malabar Road to town limits)
<u>Weir Street</u>	(1,260 ft. north from Malabar Road to Allen Street)
<u>West Railroad Avenue</u>	(630 ft. paved south from center line Malabar Road)
<u>Westhorpe</u>	(Oakmont Preserve SD ?? If paved east from Marie Street - private)
<u>Wilson Lane</u>	(1,052 ft. south from center line Hall Road)

NOTES:

- A. Ordinances 90-3, 91-2 & 01-01 require fees be collected from prospective homebuilders on certain parcels of property as payback to original road builder. These portions of streets are indicated.
- B. Any road not on this list of accepted streets may be maintained from time to time, at the Public Works Department's discretion, to allow accessibility of emergency vehicles. This in no way implies that this maintenance constitutes acceptance of any road not on this list.

(Previous Updates 9/21/98, 12/1/99, 3/24/00, 12/29/00, 7/2/01, 10/15/03, 5/10/04, 2011, 2012, 2014)

	A	B	C	D	E	F	G	H
1	TOWN OF MALABAR							
2	QUARTERMAN LANE STATS							
3								
4								
5	Parcel		Prop	Stormwater	Site	Year	Flood	
6	Address	I/V	Tax	Assessment	Code	Built	Zone	Notes
7	575	V	\$55.88	\$10.54	1	N/A	"A"	
8	763	V	\$4.16	\$18.82	1	N/A	"A"	
9	821	V	\$22.67	\$0.00	999	N/A	"A"	Per PA "Marginal Land"
10	805	V	\$21.15	\$0.00	999	N/A	"A"	Per PA "Marginal Land"
11	543	V	\$83.00	\$0.00	1	N/A	"A"	
12	822	V	\$55.88	\$10.54	1	N/A	"A"	
13	2420	V	\$8.05	\$0.00	1	N/A	"A"	Property Owner attempted to build - failed
14	2450	V	\$7.67	\$0.00	1	N/A	"A"	Property Owner attempted to build - failed
15	2180	I	\$192.66	\$36.00	1	1987	"A"	3 separate ordinaces in place since 1984
16	2215	I	\$124.74	\$36.00	1	1998	"A"	Ord 91-2 replaced previous road regulations
17	2220	I	\$110.49	\$36.00	1	1991	"A"	Comp Plan adopted in 1988 requiring ROW imp
18	2250	I	\$62.33	\$36.00	1	1981	"A"	
19	2310	I	\$218.12	\$72.00	1	1979	"A"	2 HOMES (permitted for home + garage)
20	2315	I	\$226.62	\$36.00	1	1982	"A"	
21	2355	I	\$108.88	\$36.00	1	1998	"A"	Last House on "APPROVED" Lane
22	2415	I	\$41.58	\$36.00	1	1979	"A"	NOT ON APPROVED ROAD
23	2425	I	\$89.29	\$36.00	1	1979	"A"	NOT ON APPROVED ROAD
24	2445	I	\$214.19	\$36.00	1	1979	"A"	NOT ON APPROVED ROAD
25	2465	I	\$76.73	\$36.00	1	1979	"A"	NOT ON APPROVED ROAD
26	Total annual x 14 years =			\$6606.60				
27								
28								
29	Per PA Site Code "1" = No other code applies; I = Improved; V = Vacant; Fld Zone "A" = Flood Ins required							

Quarterman Lane South Of Hall Road

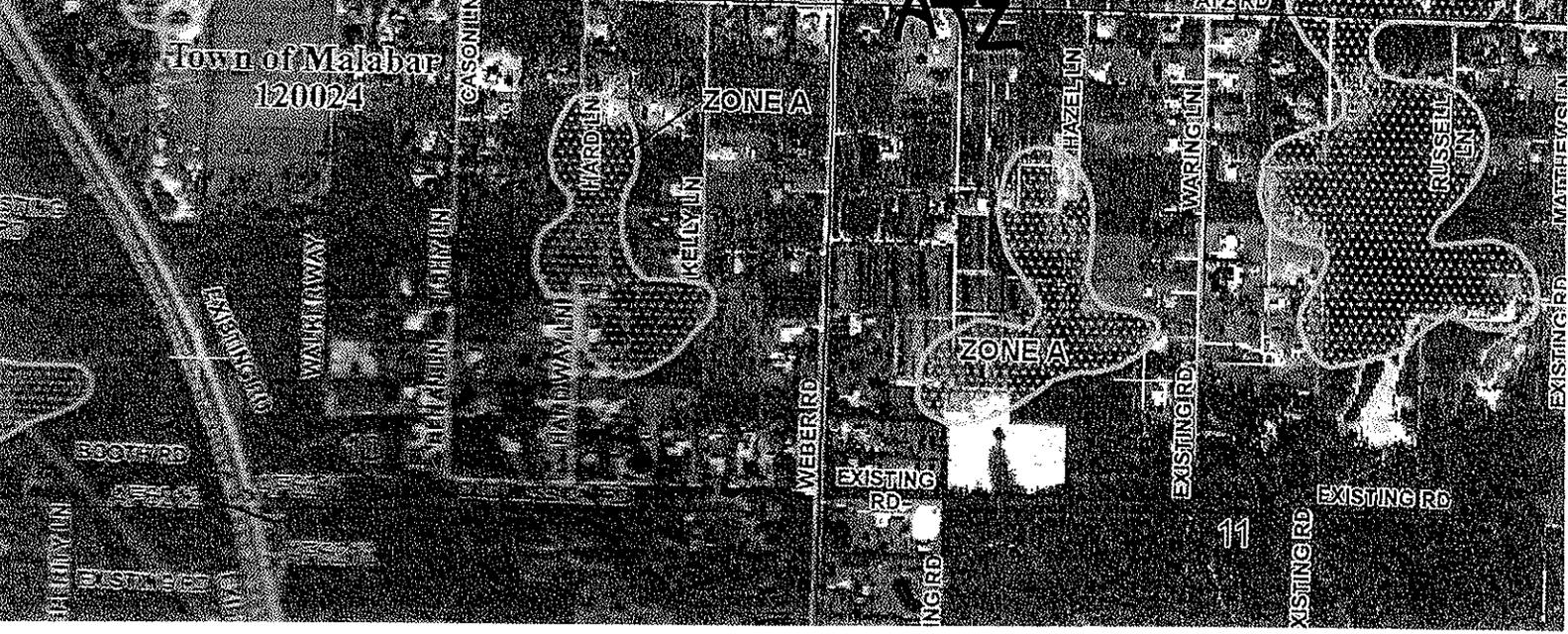
- Flood Zone A (worse flood zone category)
- 1986 first 900 feet accepted by Council
- Oct 1997 Quarterman opened to Atz
- Jan 1998 closed to Atz thru traffic (health & safety)
- 1998 next 930 feet accepted under Ordinance 92-5
 - \$100 Cinderella Ordinance 1992-1994?
- Currently the first 1830 of Quarterman feet is maintained by the Town
- Southern four homes NOT ON APPROVED ROADWAY
 - Lots 2415, 2425, 2445, 2465 (the lowest lot)
 - If funded road this section can be improved and accepted by Town
 - Funding would be by Special Assessment (3 year payments)
 - Raise roadway
 - Cut ditches
 - Add driveway culverts
- There are many homes in Malabar on unapproved roadways
- The Town's goal is to maintain drivable access to your driveway
- The County Health Dept permits your Septic System not the Town



E STARDUST DR. Bridge
 W STARDUST DR. Unnamed Road
 JOINS PANEL 0613
 538000mE
 539000mE
 Turkey Creek Channel D
 PROFILE BASE LINE
 ZONE AE
 Turkey Creek Channel G
 PROFILE BASE LINE



THE AREA SHOWN ON THIS PANEL IS LOCATED WITHIN TOWNSHIP 29 SOUTH RANGE 67 EAST



4. PUBLIC (continued)

Don Hill and Ken Wyle from Banyon Tree Management Corporation introduced themselves and explained their intentions for building a golf course in Malabar.

5. REPORTS

MOTION by Conlon/Dow to approve acceptance of West Railroad Avenue (J. Losch) contingent upon receipt of a letter from Peninsula Engineering & Testing Company. Vote 4 ayes; motion carried.

MOTION by Conlon/Dow to approve acceptance of Quarterman Street (J. Quarterman) contingent upon receipt of a letter from Peninsula Engineering & Testing Company. Vote 4 ayes; motion carried.

MOTION by Burns/Conlon to appoint Ralph Turnberg to the Roads and Drainage Committee. Vote 4 ayes; motion carried.

MOTION by Burns/Conlon to schedule a joint workshop for Council and the Planning and Zoning Committee for Ordinance 2-14-86/Stormwater Management on August 20, 1986 and if time is available to review Ordinance 2-20-86/Preservation of Trees. Vote 4 ayes; motion carried.

MOTION by Burns/Conlon to have on the agenda for August 19, 1986 Ordinance 8-05-86/Dissolving Town as the first item under Public Hearing and to have a court reporter present to record this portion of the meeting. Vote 4 ayes; motion carried.

MOTION by Burns/Conlon to give the owners of the travel trailer parks in town a draft copy of the ordinance at no charge prior to the second public hearing. Vote 4 ayes; motion carried.

6. CORRESPONDENCE

The letters from Ms. Oishi and Mr. Turnberg regarding dissolving the town in the August newsletter were acknowledged by Council.

7. OLD BUSINESS

MOTION by Dow/Burns to table Ordinance 2-20-86/Preservation of Trees until some time in the future. Vote 4 ayes; motion carried.

MOTION by Burns/Dow to have a workshop on August 25, 1986 to review the 1986-87 budget. Vote 4 ayes; motion carried.



P.O. Box 245
Malabar, Florida 32950

TOWN COUNCIL SPECIAL MEETING
MINUTES
NOVEMBER 5, 1986

1. CALL TO ORDER

The meeting was called to order at 7:40 p.m., by Chairman Witt followed by a prayer and the Pledge of Allegiance.

PRESENT:

Councilwoman Z. Burns
Councilman S. Conlon
Councilwoman S. Dow
Chairman E. Witt

Vice Chairman J. Gentry
Mayor C. Beatty
Attorney M. Kahn

NEWLY ELECTED OFFICIALS:

Councilwoman S. Theriault
Councilman E. Wenger
Chairman J. Quarterman

The DeCaros made a video tape at this meeting.

2. ELECTION RESULTS

Conlon	215	Gentry	235	Dow	229
Theriault	359	Wenger	315	Quarterman	327

Fire Department Referendum: Yes - 290
No - 287

Should Malabar remain a town: Yes - 449
No - 138

MOTION by Wenger/Burns to elect John Quarterman as chairman.
Vote 4 ayes; motion carried.

MOTION by Quarterman/Burns to elect Ed Wenger as Vice chairman.
Vote 4 ayes; motion carried.

MOTION by Wenger/Theriault to accept Mr. Witt's verbal resignation contingent upon a written letter in the morning.
Vote 4 ayes; motion carried.

4

FRAZIER ENGINEERING, INC.

Consulting Civil and Structural Engineers



Mr. William Hall, Town Administrator
Town of Malabar
2725 Malabar Road
Malabar, Florida 32950

January 27, 1998

Subject: Acceptance of a Portion of Quarterman Road

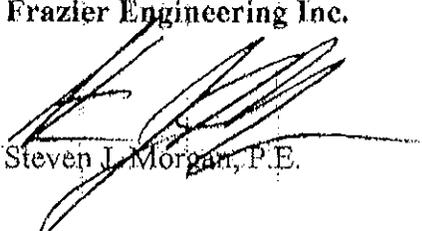
Dear Bill,

Mr. Howard Kendall has made application to the Town for a portion of Quarterman Road be accepted under Ordinance 92-5. The portion of roadway begins approximately 900 feet south of Hall Road and is approximately 980 feet in length.

A survey has been provided by the applicant and I have inspected this portion of roadway. This section of roadway meets the criteria for acceptance under Ordinance 92-5, I therefore recommend approval of this portion of roadway.

If you have any questions, please call me at 253-8131.

Very Truly Yours
Frazier Engineering Inc.



Steven L. Morgan, P.E.

RECEIVED JAN 27 1998

TOWN OF MALABAR
Graded Road Condition Rating

Inspection Date: December 2007

Inspected By: Mayor Eschenberg

Millings Upgraded Roads				Substandard Dirt Roads			
A	B	C	D	A	B	C	D
None	Arnold Lane	Elaine Lane		None	Crescent Road	Duncil Lane	Appleby Lane
	Beran Lane	Gilmore Street			Prosperity Lane	Flashy Lane (N)	Billie Lane
	Candy Lane	Shiflett Lane				Hawthorne Avenue	Flashy Lane (S)
	Cason Lane					Howell Lane (S)	Garden Street
	Delaware					Isasa Lane	Hunter Lane (S)
	Eva Lane					Marie Street (S)	Johnston Avenue
	Glatter Road					McCain Lane	Leghorn Road
	Hard Lane					Oakridge Lane (S)	Linrose Lane (N)
	Hard Way Lane					Orange Avenue	Marie Street (N)
	Howell Lane (N)					Passaic Avenue	Marshall Lane
	Hunter Lane (N)					Quarterman Lane	Nord Street
	Kelly Lane					Richards Lane	Pine Street
	Kramer Lane					Russell Lane	Shiflett Lane
	Lett Lane					Ski Lane	
	Linrose Lane (S)					Wilson Lane	
	MacDonald Lane						
	Matthews Lane						
	Moss Rose Avenue						
	New Jersey Avenue						
	Oakridge Lane (N)						
	Osage						
	Rebel Lane						
	Reese Road						
	Rivet Lane						
	Samantha Lane						
	Sandy Creek Lane						
	Smith Lane						
	Waring Lane						
	Weir Street						

**TOWN OF MALABAR
Graded Road Condition Rating**

Inspection Date: August 2010

Inspected By: Mayor Eschenberg

Millings Upgraded Roads				Substandard Dirt Roads			
A	B	C	D	A	B	C	D
None	Arnold Lane	Gilmore Street		None	Crescent Road	Appleby Lane	Flashy Lane (S)
	Beran Lane	Shiflett Lane			Prosperity Lane	Duncil Lane	Garden Street
	Candy Lane - North	Linrose Lane (S)			Billie Lane	Flashy Lane (N)	Hunter Lane (S)
	Cason Lane					Hawthorne Avenue	Johnston Avenue
	Delaware					Howell Lane (S)	Leghorn Road
	Elaine Lane					Isasa Lane	Linrose Lane (N)
	Eva Lane					Marie Street (N)	Marshall Lane
	Glatter Road					Marie Street (S)	Nord Street
	Hard Lane					McCain Lane	Pine Street
	Hard Way Lane					Oakridge Lane (S)	Shiflett Lane
	Howell Lane (N)					Orange Avenue	
	Hunter Lane (N)					Passaic Avenue	
	Kelly Lane					Quarterman Lane	
	Kramer Lane					Richards Lane	
	Lett Lane					Russell Lane	
	Matthews Lane					Ski Lane	
	Moss Rose Avenue					Wilson Lane	
	New Jersey Avenue						
	Oakridge Lane (N)						
	Osage						
	Rebel Lane						
	Reese Road						
	Rivet Lane						
	Samantha Lane						
	Sandy Creek Lane						
	Smith Lane						
	Waring Lane						
	Weir Street						

had. Mr. Torpy said the Town can seek conjunctive relief or possibly revoke the CO or the Town can make the necessary improvements and place a lien on the property for the amount it cost us. Councilman Dekker called for the question.

VOTE: All Aye.

Councilman Detwiler asked if we needed a more definitive minimum safety standard ordinance drafted. Mr. Torpy explained the difficulties the Town had in the past. Ord. 92-5 was drafted in the spirit of compromise. After the Town passed Ord.91-2 many people found when they went to sell their homes that potential buyers couldn't get loans because the homes were on unaccepted streets. Mr. Messersmith was asked to establish minimum safety criteria in order for emergency vehicles to have ingress and egress to existing homes. Mr. Hall said there was a time when the Town considered a blanket acceptance for all roads that had homes on them and then sun setting this ordinance and starting fresh. Councilman Dekker said Council needs to be very, very careful in carte blanche acceptance of roads; it would be a great expense to maintain those roads. Mr. Torpy mentioned the liability side - Town would have to first survey those roads, straighten as necessary and bring up to the minimum safety standards.

ACTION #2. QUARTERMAN LANE - REQUEST FOR APPROVAL

Little discussion on the area being requested for approval. It is the consensus of Council that the road is in excellent shape.

MOTION: Detwiler/Dekker to approve Quarterman.

VOTE: All Aye.

ACTION #3. ORDINANCE 98-1: First reading, amends chapter 3, Sec. 3-2(a), hours of sale for alcoholic beverages not consumed on premises.

MOTION: Eschenberg/Detwiler to read by title only.

VOTE: All Aye.

ORDINANCE 98-1

An ordinance of the Town of Malabar, Brevard County, Florida, amending ordinance Nos. 8-26-81, S.2, S.3, 9-15-81, Section 3-2(a), pertaining to the prohibition of the sale of alcoholic beverages during specified hours; providing to shorten the Sunday hours during which the sale of alcohol for off the premises consumption is prohibited; providing for codification; providing for severability; providing for repeal of ordinances or parts of ordinances in conflict herewith; and providing for an effective date.