

**PARK AND RECREATION ADVISORY BOARD  
REGULAR MEETING  
WEDNESDAY, APRIL 15, 2009  
7:30 PM  
TOWN OF MALABAR  
2725 MALABAR ROAD  
MALABAR, FLORIDA**

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**AGENDA**

- A. CALL TO ORDER, PRAYER AND PLEDGE**
- B. ROLL CALL**
- C. ADDITIONS/DELETIONS/CHANGES**
- D. CONSENT AGENDA**
  - 1. Approval of Minutes**  
**Regular Park and Recreation Meeting – 3/18/09**  
**Exhibit:** Agenda Report No. 1  
**Recommendation:** Motion to approve
- E. PUBLIC:**
- F. ACTION:**
- G. DISCUSSION**
  - 2. Easement to Bathroom at Malabar Community Park**  
**Exhibit:** Agenda Report No. 2  
**Recommendation:** Discussion
  - 3. Developers Fees for Use in Recreational Development**  
**Exhibit:** Agenda Report No. 3  
**Recommendation:** Discussion
  - 4. Rules for Expenditure of Developers Fees Within Town Limits**  
**Exhibit:** Agenda Report No. 4  
**Recommendation:** Discussion
  - 5. Explanation of Code (or formula) Used to Determine Developers Obligation for Setting Aside Land or Paying Recreational Fees**  
**Exhibit:** Agenda Report No. 5  
**Recommendation:** Discussion
  - 6. Fence at the Disc Golf Park (Eagle Scout Project)**  
**Exhibit:** Agenda Report No. 6  
**Recommendation:** Discussion
- H. OLD BUSINESS/NEW BUSINESS:**
  - 7. Springfest Event Report**  
**Exhibit:** Agenda Report No. 7  
**Recommendation:** Discussion
  - 8. Update on Council Decision for Allowing Food Sales in Park**  
**Exhibit:** Agenda Report No. 8  
**Recommendation:** Discussion
- I. 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 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**  
**PARK AND RECREATION**

**AGENDA ITEM REPORT**

**AGENDA ITEM NO: 1**  
Meeting Date: April 15, 2009

Prepared By: Cynthia Kelley, Secretary to Board

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**SUBJECT: Approval Park Board Minutes**

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**BACKGROUND/HISTORY:**

Attached are the summary minutes for the following meetings:  
Regular Park & Recreation Board Meeting – 3/18/09

**ATTACHMENTS:**

- Draft Minutes from Park and Recreation regular meeting March 18, 2009

**ACTION OPTIONS:**

Recording Secretary requests approval of the minutes

The following draft minutes are subject to changes and/or revisions by the Park Board and shall not be considered the official minutes until approved by the Park Board.

**TOWN OF MALABAR – PARK AND RECREATION ADVISORY BOARD  
03/18/09 MEETING MINUTES**

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

**CALL TO ORDER** - Meeting was called to order at: 7:30 pm by Vice Chair Dick Korn. Prayer and Pledge led by Vice Chair Dick Korn.

**B. ROLL CALL OF MEMBERS**

**ROLL CALL:**

Hans Kemmler – Chair-excused  
Dick Korn, Vice-Chair  
Bob Siegmann  
Vickie Thomas-excused  
Scott Pollard  
Josh Treadwell, Alt. #1-excused  
Maryann Marsh, Alt. #2  
Cynthia Kelley, Recording Secretary

**C. ADDITIONS/DELETIONS/CHANGES:** Kelley advised the Board of an addition as directed by Council at the 3/16/09 meeting: review and comments regarding Resolution 04-2009, Park Board Agenda Formats. This item to be added as Discussion item #5. Korn made addition to as Discussion item #6: Individual park reports.

**D. CONSENT AGENDA**

1. **Approval of Minutes  
Regular Park and Recreation Meeting – 2/18/09**  
**Exhibit:** Agenda Report No. 1  
**Recommendation:** Motion to approve

Discussion: None

**MOTION: Pollard/Marsh to approve minutes from 02/18/09 as presented. VOTE: All Ayes.**

**E. PUBLIC:**

**F. ACTION:**

2. **Food Service by Soccer Club**  
**Exhibit:** Agenda Report No. 2  
**Recommendation:** Discussion and action

Discussion: Korn advised the Board that this was brought to Council for their review and action; Council directed staff that this be brought before the Park Board for our recommendation. In reviewing the e-mail from the Soccer Club, they want to sell pre-packaged food and drink items only; no cooked food will be sold. Korn stated that he would be in support of this; if the club changes their mind at any time and wishes to have a vendor cooking in the park, they must come back to the Board and make their request for approval. Korn asked Kelley if guidelines are in place to have vendors in the park. Kelley stated that the guidelines are in the Town's code and the insurance requirements are spelled out as well. Marsh and Pollard both stated they are in favor of the pre-packaged goods being sold by the club.

**MOTION: Pollard/Marsh to approve the selling pre-packaged foods and drinks by Soccer Club. VOTE: All Ayes.**

**3. Malabar Community Park Flagpole Lighting/Placement****Exhibit:** Agenda Report No. 3**Recommendation:** Discussion and direction

Discussion: Korn advised the Board that he brought this up at the last meeting; he doesn't like to see a bare flagpole. In reviewing the information provided in the agenda packet, the Board has decided to drop this issue at this time. The flagpole in the park was placed for the Town's events; the Boy Scouts perform the opening/closing ceremonies for the Town.

**MOTION: Pollard/Marsh moved that this be dropped until such time someone brings up as a new item. VOTE: All Ayes.**

**G. DISCUSSION****4. Easement to Bathroom at Main Park****Exhibit:** Agenda Report No. 4**Recommendation:** Discussion

Discussion: Kelley advised the Board that she received an update regarding this issue prior to coming into this meeting. Research is being done to gather background information; some information has come in but staff wants to have all the information and provide a detailed report to the Board when all information is received.

March stated that this issue came up when the Board was discussing the living history for the Springfest. Since the vendor could not spend the night in the park with their belongings, it was suggested that the Town ask the EELs if they could use their land. Since the living history is no longer a part of this year's event, this is a mute point.

**MOTION: Pollard/Marsh table agenda item #4 easement to the park. VOTE: All Ayes.**

Discussion Items 5 & 6 added to agenda:

**5. RESOLUTION 04-2009 PARK BOARD AGENDA PROCESS**

Discussion: Korn advised the Board that from the last meeting, there was a level of feeling that when the agenda set by the Chair was changed with no discussion, it was taken personally. Kemmler was to be at the next Council meeting; he was called out due to business. Korn addressed the Council at that meeting after Council Member McKnight brought it up. Korn stated to Council that this Board is an advisory Board responsible to Council; we do not work for the Town Administrator or staff, we try to work in accordance with them. The agenda should be set by the Chair and kept that way. Korn suggested to Council that the Board's agenda should be set one week before the scheduled meeting to allow time for the Chair and staff to communicate. When he received the e-mail from the Town Administrator regarding the suggestion of setting the agenda a week ahead of time, he thought all was pretty well taken care of. Council has directed staff to provide a copy of this resolution for our review and comments. We had a question that someone may be trying to disband the Board but this will now put that question to rest. Korn asked Kelley if the other Boards will be receiving the same procedures. Kelley advised that Franklin had stated that the P & Z Board asked for their procedures in writing; it will now go into resolution form and be presented to Council for adoption. The same will go for the BOA. Korn stated he didn't want this Board to be singled out; Pollard stated he doesn't care if the Board is singled out, it's the Board he serves on and he wants to make sure that these procedures will take care of the Park Board and what we do. If it makes it better for the Chair and staff to meet to set the

agenda, he's okay with this. Marsh agrees to a certain extent; she wants a reason why it was changed all of a sudden. Korn stated, true with each of the Boards, the Chair pretty much sets their agenda.

With review of the resolution, the following changes will be recommended to Council:

Meeting Agenda Section - "~~prepared jointly by the Chair and final approval by Town Administrator and staff~~"; Korn feels that this should be worded: **prepared by the Board Chair in consultation with Town Staff**. Korn stated he wants **final approval by the Town Clerk and Town Administrator** taken out of the wording in the resolution; this verbiage could cause a Board member to leave.

Pollard asked that it be put in the minutes why the Board feels the "final approval by the Town Clerk and Town Administrator" should be left out of the resolution. Putting this in the resolution is in conflict with the way the code reads.

Korn stated that with the e-mail communications and this resolution in place, the issues will be taken care of and resolved. Korn also asked that Kelley provide copies of Robert's Rules of Order books to the Board members. Those present this evening do not have a copy.

There are no other recommended changes for this resolution to Council.

#### **6. Individual Park Reports**

Korn advised the Board that at a previous meeting, each member was assigned a park to report on at the monthly meetings. This has fallen by the wayside and he would like to have reports at each meeting. Pollard stated that he looks at the Trailhead; all is looking good there. The one concern he had about a dead tree has been taken care of. Korn advised the Board that he visited the parks today. At Huggins Park, he noticed slats missing from the fence at the front of the park; the gazebo is looking like it could use a protective coating, the wood looks very dry. It looks like the park needs to be mowed; weeds are taking over. Fern Creek Crossing Park looks great; Marsh stated this is the park that she visits. The Community Park looks good; he does have a concern about the sign at the bathroom (FRDAP grant sign); it needs to be painted so it is easier to read. The baseball field and soccer fields are looking good; the sprinkler issues have been addressed and the grass is beginning to come back. The Boundary Canal, the north extension of Marie Street, there has been a lot of vehicle traffic off to the east; the doggie pot on Palm Bay's side needs to be serviced.

#### **H. OLD BUSINESS/NEW BUSINESS:**

##### **5. Playground Shade Structure Cover Repair and Installation**

**Exhibit:** Agenda Report No. 5

**Recommendation:** Discussion

Discussion: Korn advised the Board that this has been sent back to the manufacturer for repairs. This is not the shade structure that the Board wanted for the equipment; this was what was available when purchasing the equipment. He wants this fixed and returned to the Town in time to be covering the equipment for Springfest. Marsh stated that staff has been in constant contact; Debby has stayed on top of this and gave kudos to her. There is nothing else that can be done. When the repairs are complete, we will have the cover returned to the Town.

**6. Update of Malabar Springfest**

**Exhibit:** Agenda Report No. 6

**Recommendation:** Discussion

Discussion: Kelley gave the Board an update of what is happening with Springfest. All things are falling into place. Korn mentioned the donation of the beer; Kelley advised the Board that this donation has fallen through. The Town needs 25 cases of Bud/Bud Light for the event. She is open to any suggestions that the Board may have to assist in getting the beer for the event. Seigmann stated he would donate two cases. Korn suggested getting with Stuart Borton to see if he could provide any information for this. Marsh suggested that we ask one or more of the food vendors to donate some beer and the Town let them have their space for no fee. Kelley stated that all the food vendors have been taken care of; this may be a solution for next year's event. The Board stated they would try to help with getting the needed beer for the event. Marsh also reported that she will not be able to participate this year; it's shearing season and she has a small window of opportunity to have the alpacas sheared and it falls on the weekend of the event.

**I. ADJOURNMENT**

There being no further discussion, **MOTION: Pollard/Marsh to adjourn meeting. VOTE: All Ayes.** This meeting adjourned at 8:35 pm.

By: \_\_\_\_\_  
Hans Kemmler, Chair

TRANSCRIBED BY:

\_\_\_\_\_  
Cynthia Kelley, Recording Secretary

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

**TOWN OF MALABAR**  
**PARK AND RECREATION**

**AGENDA ITEM REPORT**

**AGENDA ITEM NO: 2**

Meeting Date: April 15, 2009

Prepared By: Cynthia Kelley, Secretary to Board

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**SUBJECT: Easement to Bathroom at Main Park**

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**BACKGROUND/HISTORY:**

At the last meeting of the Park Board, the question came up regarding an easement from the EELs property (the road) to the bathroom. The Park Board wants to know if the Town has information that supports this easement.

The Town received information from Brevard County regarding this issue and it has been attached for the Board's review and discussion.

**ATTACHMENTS:**

RTCM minutes – 3-3-97  
Memo from Brevard County dated 3/4/97  
Memo from Brevard County dated 2/5/97  
Interlocal Agreement with Brevard County dated 2/4/97  
Letter from William Hall dated 3/4/97

**ACTION OPTIONS:**

Discussion

- where is this? Boyer - CITA Mission property at the end of Marie. Hall - They must go down Marie and over an easement to get to their property.

Dekker - it is his understanding that they want to put a highly mechanized hog farm in there. Boyer - CITA had a hog farm and there were problems with people in Palm Bay complaining of the stench. Dekker - is very reluctant to have a hog farm in a residential area.

Torpy - from a pure legal standpoint since this is not regulated by the Town Torpy sees no problem with running power out there. At this point they are only asking for power, they have not come in for a building permit or a permit for a hog farm. Boyer - the Town has never allowed anybody to put power on their property unless they have had an accepted road. Torpy - in the absence of any laws to regulate this, even though it is a bizarre request, he does not see where we can deny this. It is the use of the power that we will have to watch like a hawk. He does not know why CITA made this request, unless they have the intent to build something there. Discussion. Dekker - thinks we should look at bigger issue here, what are ramifications, what will become of the quality of life in Malabar. Council agrees.

Boyer - there are a lot of things on that property that have never been permitted. Torpy - if there are illegal structures on that land then that is an enforcement issue. Discussion. Eschenberg - do you have application for power without the structure showing on the application? Boyer - no, has not yet acted on first request. Eschenberg - this should be first thing to do. Detwiler - we could draft an ordinance that would prohibit power unless there is a primary structure before the new application is received. Continued discussion. Torpy - not sure the access to the property issue is reasonably or rationally related.

Boyer - can he issue a permit? Torpy - issue a letter stating that at this time the Town of Malabar does not regulate power to a piece of property with an unapproved road. Do not issue a statement or permit that grants permission. There is nothing to give a permit for. CITA needs to issue the Town a revised request for 400 amp service without any accessory buildings, without any improvement to the property. Boyer - what if they put up a barn, barns do not need permits under Florida Statue. Torpy - will have to look into that, does not think the agricultural exemptions will apply to this. Discussion. Boyer - will write letter and pass it through Torpy's office before submitting to CITA.

Council took a short break.

#### OTHER ACTIONS

##### 1. RESULTS OF BID OPENING: RESTROOM FOR MALABAR PARK

Hall - we have interlocal agreement with Brevard County to build restrooms with \$50,000 of their money. Lowest bid came in at \$57,500. Negotiated with Brevard County Consumer Health and they determined that a smaller septic would be more in line when compared with the need, this cut the price of the septic. Also the builder was allowing for building permit fees which we waive. Builder came back with adjusted bid of \$49,700. Hall recommends approval.

##### MOTION: Dekker/Detwiler to approve bid for \$49,700.

Eschenberg - what happens if March 31st comes and the restrooms are not built, will County still give us the money? Hall - the County will give us the money 10 days from approval date, which will be today if Council approves. March 31st is the date the FRDAP grant expires. We have agreed to have the park completed by this date. If the restroom

is underway and a longer time is needed then he can get a waiver, if the restrooms are not even started then we would have to forfeit the grant money. Eschenberg - not exactly comfortable with time frame. Hall - our problem would be with no action at all, as long as we are putting forth effort we should be OK. Discussion of time frame and roof styles.

VOTE: All aye.

## 2. PLANS FOR REMODELING OF BUILDING DEPARTMENT

Hall - only one change which is placement of one door. The funds were provided for during the budget, which is \$7000.

MOTION: Eschenberg/Detwiler to send this project out to bid. VOTE: all aye.

## 3. RULES OF COUNCIL - TOM ESCHENBERG

Eschenberg - tonight wants to discuss and get a consensus on one item then will go forward and present entire subject at a later time. Tonight would like to discuss a resolution from 1984 that discusses who will transmit the will of the Council. The question is: should it stay the way it is or change? The way it stands the Chairperson will transmit the will of the Council but right now the Mayor is the Chair. Should the Council be able to make a statement? Detwiler - do you think it's been a problem? Eschenberg - the only problem is that it is in there now. Discussion. Eschenberg - would like to get rid of all the old stuff and make one new resolution.

## 4. ORDINANCE 97-3; FIRST READING; DEFINITION OF WAREHOUSE/MINI-WAREHOUSE.

MOTION: Eschenberg/Kikla to read by title only. VOTE: All aye. Detwiler read:

### ORDINANCE 97-3

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, AMENDING ARTICLE XX, SECTION 1-20.2, DEFINITIONS, OF THE LAND DEVELOPMENT CODE; TO ADD THE DEFINITIONS FOR WAREHOUSE AND MINI-WAREHOUSE/MINI-STORAGE; AND PROVIDING FOR THE AMENDMENT TO ARTICLE III, DISTRICT PROVISIONS, TABLE 1-3.2, LAND USE BY DISTRICTS, TO ADD MINI-WAREHOUSE/MINI-STORAGE TO THE LISTING UNDER COMMERCIAL ACTIVITIES; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Eschenberg/Detwiler to approve.

Detwiler - what prompted this? Eschenberg - P&Z did a lot of research on this, they felt there was a need for definition now. Boyer - the point of doing this was to prevent wholesale/retail.

VOTE: Aye - Morey, Kikla, Detwiler, Eschenberg, Dekker.

## 5. ORDINANCE 97-4; FIRST READING; BURYING OF TRASH.

MOTION: Detwiler/Dekker to read by title only. VOTE: All aye. Detwiler read:

### ORDINANCE 97-4

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA PROVIDING FOR THE AMENDMENT TO CHAPTER 11, NUISANCES, ARTICLE I, IN GENERAL, SECTION 11-1., DEFINITIONS, OF THE MALABAR CODE OF

**BREVARD** *County*  
BOARD OF COUNTY COMMISSIONERS

FLORIDA'S SPACE COAST

ENVIRONMENTALLY ENDANGERED LANDS PROGRAM  
2725 Judge Fran Jamieson Way, Bldg. A, Viera, FL 32940

Telephone: (407) 617-7377  
SunCom: 366-2016  
FAX: (407) 633-2029  
Email: eel@ju.net



TO: Finance Department

FROM: Anne Birch, Env. Spec., EEL Program *Anne Birch*

THROUGH: Duane De Freese, EEL Program Coordinator *DDF*

DATE: March 4, 1997

RE: Transfer of Funds to Town of Malabar  
Rest Room Facility

On February 4, 1997 the Board of County Commissioners authorized the EEL Program to transfer \$50,000 to the Town of Malabar for construction of a rest room facility at the Malabar Scrub Sanctuary (see attached Board authorization). On March 3, 1997 the Malabar Town Council awarded the construction contract to P.R. Dupre.

The Interlocal Agreement authorized the transfer of funds within 14 calendar days of acceptance of a bid on the project. Please transfer \$50,000 from the EEL Program's Fund 3770 Account 57122 Cost Code 620000 to the Town of Malabar, as authorized by the Board. If you have any questions please contact Duane De Freese, EEL Program Coordinator, or myself at 617-7377. Thank you.



SANDY CRAWFORD, Clerk to the Board, 700 Park Avenue, Titusville Florida 32780  
BERNADETTE S. TALBERT, Deputy Clerk (407) 264-5240

February 5, 1997

MEMORANDUM

TO: Dr. Duane DeFreese, EEL Program Coordinator

RE: Interlocal Agreement with Town of Malabar for Restroom Construction at Malabar Scrub Sanctuary

The Board of County Commissioners, in regular session on February 4, 1997, executed Interlocal Agreement with Town of Malabar providing for an easement from the Town to the County for construction of a restroom facility, providing EEL Program funds to the Town for the construction of a joint use restroom facility, and providing a commitment from the Town for maintenance and operation responsibility in perpetuity. Enclosed are two fully-executed Agreements for your action.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS  
SANDY CRAWFORD, CLERK

  
Bernadette Talbert, Deputy Clerk

/sl

Encls. (2)

cc: Assistant County Manager Stephen Peffer  
Contracts Administration  
Finance

RECEIVED

FEB 10 1997

NATURAL RESOURCES MGT.

## INTERLOCAL AGREEMENT

This agreement is made and entered into this 4th day of February, 1997, between the Brevard County Board of County Commissioners, Florida, hereinafter referred to as the "County", and the Town of Malabar, Florida, hereinafter referred to as the "Town".

WHEREAS, counties, municipalities, constitutional officers and subdivisions of the State of Florida have the authority to enter into Interlocal Agreements, and exercise jointly with any other public agency of the State any power, privilege or authority which they share in common and which each might exercise separately as provided in Section 163.01, Florida Statutes; and

WHEREAS, the Town owns and operates a Community Park adjacent to the County's Malabar Scrub Sanctuary; and

WHEREAS, the County and the Town are working in partnership to provide recreational opportunities at the County and Town properties, for use by the citizens of the County and the Town; and

WHEREAS, the Town and the County desire to assist each other in the development of the conservation and recreation areas in a manner that effectively and efficiently uses available public funds and staff resources; and

WHEREAS, the County is currently assisting the Town in construction of a fence and entranceway to both of the recreation sites; and

WHEREAS the Town and County desire to form a partnership to develop and maintain a single rest room to service both sites as partial fulfillment towards the Town's Florida and Recreation Development Assistance Program (FRDAP) grant; and

WHEREAS, the County and the Town recognize the benefits which may be afforded to the citizens and visitors to their respective political subdivisions by the development of a restroom facility at the Town of Malabar Community Park; and

WHEREAS, the County and the Town agree that they have full power and authority to enter into this Agreement and bind their respective governmental entities.

WHEREAS, the Town wishes to grant unto the County an easement on and over a portion of the Towns property for the sole purpose of construction of a rest room; and

WHEREAS, the County is desirous of obtaining said easement over such property for such purposes.

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged.

The Brevard County Board of County Commissioners, as a political subdivision of the State of Florida, and the Town of Malabar, by and through their duly authorized officials, in consideration of the foregoing and of the mutual promises and covenants herein set forth, do hereby agree as follows:

(1) Legal Description

The Town agrees to transfer an easement for the portion of the Town property designated for the rest room facility to the County. A legal description of the identified property is shown in "Exhibit A". In exchange, the Town hereby agrees to maintain the rest room facility in perpetuity. The easement shall be recorded in the Public Records of Brevard County, Florida prior to the date construction commences.

(2) Building Design

The Town agrees to construct a rest room facility on the easement legally described in "Exhibit A". The facility will be constructed according to ADA standards to accommodate persons with physical disabilities. The Town will work with the County to select an appropriate building design. The Town will make the final decision concerning the exterior and interior building design, materials and components.

(3) Project Phases

The work on the project shall be divided into the following phases:

- (a) Bid proceedings and award of the contract for the project.
- (b) Payment of the contractor, and procurement of record of drawings of the project.

(4) Lead Agency

The County agrees that the Town shall be the lead agency to perform all work on the project. The Town shall have the authority to enter into appropriate contracts with a contractor to perform work on the project in compliance with Florida Statutes.

(5) Approval of Plans and Specifications

The County and the Town shall have final approval of the plans and specifications. Any costs incurred by any changes the Town makes to the plans and specifications shall be borne by the Town. Such costs will include providing the County with updated sets of the plans and specifications.

(6) Record Drawings

The record drawing prepared upon completion of the facility shall belong to the County.

(7) Financial Contribution to the Project

Upon acceptance of a bid on this project, the County, within fourteen (14) calendar days, shall deposit with the Town the sum equal to the accepted bid, but not to exceed \$50,000. The funds contributed by the County shall be held by the Town in a separate fund established for the project. The funds will be held in escrow by the Town for the sole use of constructing the rest room facility to meet the grants objectives. As the applicant for the grant the Town is responsible for administration and meeting the grant requirements. The Town acknowledges the County will appropriate EEL Program funds to construct the restroom facility and there are no additional County funds available for expansion or maintenance. The total cost of the project shall include all costs necessary to complete the project, including but not limited to, all construction costs (including contractors costs), the cost of contractor supervision, the cost of obtaining all necessary permits, the cost of septic system installation and the cost of obtaining an additional set of drawings on the contract should the County desire to purchase a set.

The Town will contract and provide for oversight of the construction of the restroom facility. The Town shall make payment of all invoices related to the construction of the restroom facility from the sum equal to the accepted bid but not to exceed \$50,000.

(8) Town's Separate Financial Responsibility

The Town shall be financially responsible for any and all costs associated with the maintenance and operation of the completed rest room facility, in perpetuity, or unless the terms of this Agreement are terminated prior to construction, as provided in paragraph (20).

(9) Interest

Any interest accrued as a result of funds under paragraph 4 being held in an interest bearing account shall be returned to the County.

(10) Inspection

The Town shall be responsible for providing its own construction inspector for the purpose of supervision of the installation of the rest room.

(11) Other Utilities

The Town shall be responsible for ensuring that notice is given to appropriate utility companies requiring them to mark and move, if necessary, any utility lines previously installed for the Town's or County's benefit, which may or will interfere with construction of the rest room.

(12) Review Meetings

The County shall have the right to have a representative present at any construction site meeting which shall be set at such time and places as the Town deems appropriate. The Town shall provide one (1) day advance notice of date, time, and location unless an emergency meeting is required, in which case all best efforts shall be made to contact the County's designated representative on the project.

(13) Notices

All notices required under the Agreement shall be in writing and delivered to the parties by United States mail as follows:

(a) County Representative

Duane De Freese, EEL Program Coordinator  
Office of Natural Resources Management  
2725 Judge Fran Jamieson Way, Bldg. A  
Viera FL 32940  
(407) 617-7377

(b) Town Representative

William Hall, Town Manager  
Town of Malabar  
Malabar Road  
Malabar FL 32950  
(407) 727-7764

(14) Final Approval

The Town shall have the right to approve the installation of the facility by virtue of having its own inspector supervising that portion of the project. The Town shall approve the final construction of the facility if the facility is in substantial compliance with the plans previously approved by the County. The Town or County shall not unreasonably withhold final approval.

(15) Use of Facilities

The restroom facility shall remain a capital asset of the County and shall be equally available to all Brevard County residents and visitors.

(16) Maintenance, Repairs and Operation

The Town warrants that it will identify and appropriate funds for maintenance and operation of the restroom facility in perpetuity. The Town shall thereafter maintain the facility and make all necessary changes, repairs and replacements to such facility and any improvements to it. Such maintenance, repairs and replacements shall be made promptly as necessary and when necessary. Upon acceptance, the County shall have no further responsibility for any further construction or modification/changes or maintenance/repair of

the facility, except for assistance when requested by the Town to assure the contractor makes any necessary maintenance/repairs of the facility while still under the warranty period.

(17) Indemnification

The Town agrees that it will indemnify and hold harmless the County, to the extent permitted by law, from any and all liability, claims, damages, expenses, proceedings, and causes of action of any kind and/or nature arising out of or connected with the Town's sole negligence in the management, control, use, operation, maintenance or repair of the rest room facility subject to Florida Statute 768.28. The Town agrees that it will, at its own expense, defend any and all actions, writs or proceedings which are brought against the County and which arise out of circumstances set out previously in this paragraph; and that it will satisfy, pay and discharge any and all judgements that may be entered against the County in any such actions or proceedings.

The County agrees that it will indemnify and hold harmless the Town, to the extent permitted by law, from any and all liability, claims, damages, expenses, proceedings, and causes of action of any kind and/or nature arising out of or connected with the County's sole negligence in the management, control, use, operation, maintenance or repair of the rest room facility subject to Florida Statute 768.28. The County agrees that it will, at its own expense, defend any and all actions, writs or proceedings which are brought against the Town and which arise out of circumstances set out previously in this paragraph; and that it will satisfy, pay and discharge any and all judgement that may be entered against the Town in any such actions or proceedings.

(18) Severability

If any part of this Agreement is found invalid or unenforceable by any court, such validity or unenforceability shall not affect the other parts of this Agreement if the rights and obligations of the parties contained herein are not materially prejudiced and if the intentions of the parties can still be accomplished.

(19) Entirety

This agreement contains the entire understanding between the parties, and the parties agree that no representation was made by or on behalf of the other which is not contained in this contract, and that in entering into this agreement, neither party relied upon any representation not herein contained. This agreement shall be interpreted and enforced under the laws of the State of Florida.

(20) Effective Date

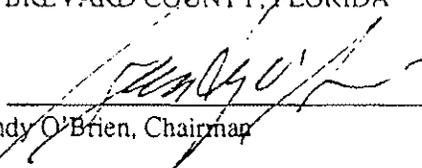
The effective date of this contract shall be the date on which the last signature, required to execute this contract, is attached.

(21) Termination Clause

The County or the Town shall have the right to terminate this Agreement by furnishing written notice as provided in paragraph (13) prior to the date construction is commenced. However, paragraph (6) of this Agreement shall be adhered to.

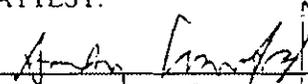
In addition, the County and the Town recognize the financial, practical and administrative advantages of forming this partnership through an Interlocal Agreement. In support of this partnership, the County and Town will work together on existing grants and will seek outside funding opportunities to further advance projects of mutual interest that benefit conservation and passive recreation.

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

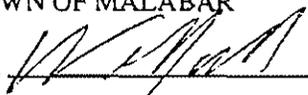
By:   
Randy O'Brien, Chairman

AS APPROVED BY THE BOARD ON: 2-4-97

ATTEST:

  
Sandy Crawford, Clerk

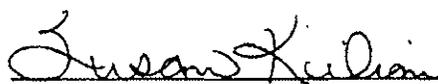
TOWN OF MALABAR

By: 

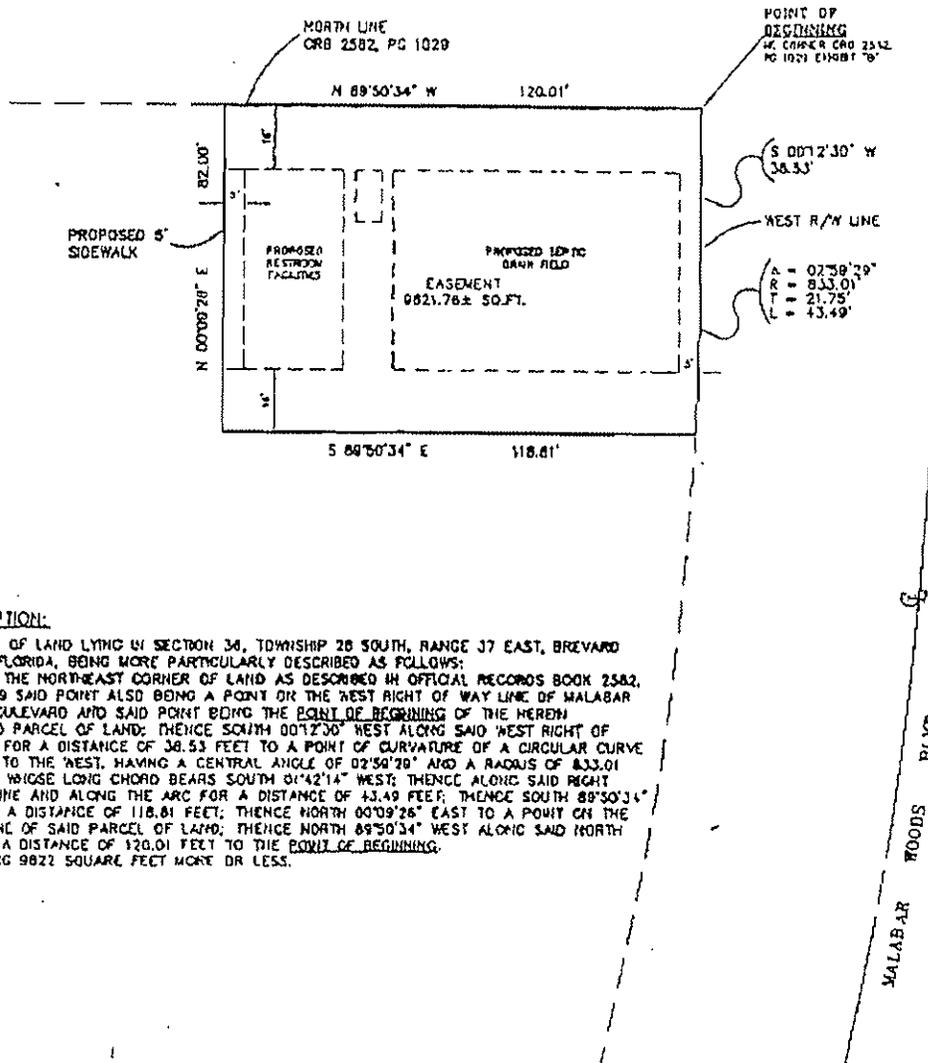
Title: Town Administrator

AS APPROVED BY THE TOWN ON: 1-6-97

ATTEST:



ATTACHMENT "A"



**DESCRIPTION:**

A PARCEL OF LAND LYING IN SECTION 36, TOWNSHIP 28 SOUTH, RANGE J7 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE NORTHEAST CORNER OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 2582, PAGE 1029 SAID POINT ALSO BEING A POINT ON THE WEST RIGHT OF WAY LINE OF MALABAR MCCOY BOULEVARD AND SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND; THENCE SOUTH 00°12'30" WEST ALONG SAID WEST RIGHT OF WAY LINE FOR A DISTANCE OF 38.53 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE WEST, HAVING A CENTRAL ANGLE OF 02°59'29" AND A RADIUS OF 833.01 FEET AND WHICSE LONG CHORD BEARS SOUTH 01°42'14" WEST; THENCE ALONG SAID RIGHT OF WAY LINE AND ALONG THE ARC FOR A DISTANCE OF 43.49 FEET; THENCE SOUTH 89°50'34" EAST FOR A DISTANCE OF 118.81 FEET; THENCE NORTH 00°09'26" EAST TO A POINT ON THE NORTH LINE OF SAID PARCEL OF LAND; THENCE NORTH 89°50'34" WEST ALONG SAID NORTH LINE FOR A DISTANCE OF 120.01 FEET TO THE POINT OF BEGINNING. CONTAINING 9822 SQUARE FEET MORE OR LESS.

**NOTES:**

1. BEARINGS ARE BASED UPON THE NORTH LINE OF ORB 2582, PG 1029 EXHIBIT "B" AS BEING ON A BEARING OF NORTH 89°50'34" WEST.
2. LEGAL DESCRIPTIONS ARE BASED UPON THE FOLLOWING:
  - A.) OFFICIAL RECORDS BOOK 2582, PG 1029
  - B.) MALABAR COMMUNITY PARK CONSTRUCTION PLAN, SITE LAYOUT, SHEET 2 OF 4, PER LOWBARO ENGINEERING DATED AUG. 16, 1996.
3. INFORMATION SHOWN ON THE ABOVE REFERENCED SKETCH HAS NOT BEEN FIELD VERIFIED.



WILLIAM HALL  
TOWN ADMINISTRATOR  
(407) 723-3261  
FAX (407) 722-2234



2725 MALABAR ROAD  
MALABAR, FLORIDA 32950-4427

March 4, 1997

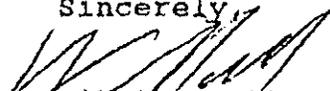
Mrs. Ann Birch  
EELs Program  
2725 Judge Fran Jamieson Way, Bldg. A  
Melbourne, FL 32940

Dear Mrs. Birch,

The Town Council, at their meeting on March 3rd, approved construction of the restroom referred to in our Interlocal Agreement.

The contract was awarded to P.R. Dupre Construction. Construction will commence within one week and hopefully be finished by March 31, 1997.

Sincerely,



William Hall

cc: Nancy Higgs  
Steve Peffer

**TOWN OF MALABAR**  
**PARK AND RECREATION**

**AGENDA ITEM REPORT**

**AGENDA ITEM NO: 3**

**Meeting Date: April 15, 2009**

**Prepared By: Cynthia Kelley, Secretary to Board**

---

**SUBJECT: Developer Fees for Recreational Development**

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**BACKGROUND/HISTORY:**

At the Parks & Recreational Board meeting of February 18, 2009, the Board asked that information be provided to them showing the amount of funds collected by Developers. It was also requested that the Board be advised of any funds that have been expended from this account and what project(s) the funds were committed to.

**ATTACHMENTS:**

N/A

**ACTION OPTIONS:**

Discussion

**TOWN OF MALABAR**  
**PARK AND RECREATION**

**AGENDA ITEM REPORT**

**AGENDA ITEM NO: 4**

Meeting Date: April 15, 2009

Prepared By: Cynthia Kelley, Secretary to Board

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**SUBJECT: Expenditure of Developer Fees Within Town Limits**

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**BACKGROUND/HISTORY:**

At the RTCM of December 15, 2008, Council adopted Ordinance 2008-14 amending the way funds are to be expended for recreational facilities within the Town limits. The funds are to be collected and held in a special account. Monies are to be used and expended solely for the acquisition, improvement, expansion or implementation of parks and recreational facilities of the Town. Funds will be taken from this account to pay for the two stolen pins at the Disc Golf Park.

**ATTACHMENTS:**

Ordinance 2008-14

**ACTION OPTIONS:**

Discussion

ORDINANCE NO. 2008-14

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, AMENDING ARTICLE XVII OF THE MALABAR LAND DEVELOPMENT CODE; AMENDING SECTION 1.17.1.H.4 RELATING TO THE USE OF FEES IN LIEU OF LAND DEDICATION FOR PARKS AND RECREATION; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

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

**SECTION 1.**

ARTICLE XVII Section 1-17.1.H.4 of the Malabar Land Development Code is hereby amended to read as follows:

**“Section 1-17.1. Required Improvements.**

...

H. *Dedication of Lands for Parks and Recreation.* All residential development shall provide an equitable dedication of land for public park purposes and/or fees in lieu thereof pursuant to the standards stated below. The standards provided herein are stipulated to implement policies within the parks and recreation element. The standards shall apply to all residential applications for subdivision approval. No property shall be assessed twice for respective subdivision plat applications unless a rezoning subsequently increases the density permitted on a respective parcel(s) of land.

...

4. *Use of Money.* The money collected shall be paid to the Town of Malabar and placed in a reserve account within a special fund. Monies within the reserve account shall be used and expended solely for the acquisition, improvement, expansion or implementation of parks and recreational facilities of the Town. ~~The monies and accrued interest from fees paid for any given development shall be used solely for acquisition of park land or facilities reasonably related to serving said development.”~~

...

**SECTION 2. CODIFICATION.** 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, Florida; that the sections of their Ordinance may be renumbered or re-lettered to accomplish such intention; and the word “Ordinance” may be changed to “Section,” “Article” or other appropriate designations.

**SECTION 3. SEVERABILITY.** In the event a court of competent jurisdiction shall hold or determine that any part of this ordinance is invalid or unconstitutional, the remainder of the ordinance 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 4. CONFLICT.** All ordinances or parts thereof in conflict herewith are hereby repealed to the extent of such conflict with this Ordinance.

**SECTION 5. EFFECTIVE DATE.** The ordinance shall take effect immediately upon its adoption.

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

Council Member Nancy Borton	<u>Excused</u>
Council Member Brian Vail	<u>Aye</u>
Council Member Steve Rivet	<u>Aye</u>
Council Member Jeffrey (Jeff) McKnight	<u>Aye</u>
Council Member Patricia (Pat) Dezman	<u>Excused</u>

PASSED AND ADOPTED by the Town Council, Town of Malabar, Brevard County, Florida this 15th day of December, 2008.

BY: TOWN OF MALABAR

Thomas Eschenberg  
Mayor Thomas M. Eschenberg

PH at P&Z: 11/12/08  
First Reading: 11/17/08  
Second Reading: 12/15/08

ATTEST:

Debby Franklin  
Debby K. Franklin  
Town Clerk/Treasurer

Approved as to form and legal sufficiency by:

Karl Bohne  
Karl W. Bohne, Jr.  
Town Attorney

**TOWN OF MALABAR**  
**PARK AND RECREATION**

**AGENDA ITEM REPORT**

**AGENDA ITEM NO: 5**

Meeting Date: April 15, 2009

Prepared By: Cynthia Kelley, Secretary to Board

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**SUBJECT: Formula for Developer Fees**

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**BACKGROUND/HISTORY:**

At the February 18, 2009 meeting, it was requested that the Board review the funds that developers have paid the Town for recreational development fees. Article XVII of the Land Development Code has been provided for the Board to review the process and formula used to calculate the amount of funds that must be paid by a developer who is building a new subdivision within Town limits. Staff is reviewing this portion of the code to streamline the process of funds paid to the Town for recreational development fees.

**ATTACHMENTS:**

Article XVII – Land Development Code

**ACTION OPTIONS:**

Discussion

Article XVII

REQUIRED IMPROVEMENTS AND DESIGN STANDARDS

Section 1-17.1. Required improvements.

The following tangible improvements are required in conjunction with the development of a subdivision within the Town of Malabar. A Florida registered professional engineer shall be employed to design all required improvements. The required improvements shall be completed prior to recording the plat in the manner prescribed in this ordinance or the applicant shall submit to the Town a guarantee in one of the forms prescribed by this ordinance to assure the installation of the required improvements.

- A. *Alleys.* Alleys may be required along rear lot lines of commercial and industrial subdivisions.
- B. *Bridges and Culverts.* Where a subdivision is traversed by or develops canals, water courses, lakes, streams, waterways or channels, bridges or culverts shall be provided as necessary to facilitate the proposed street system. The bridge or culvert requirement is subject to the agency having jurisdiction over above enumerated facilities.
- C. *Buffers, Including Berms, Fences and Landscaping.* Screening such as fences, berms and other landscaping shall be required for the following reasons:
  - 1. Visual screening between adjacent incompatible or potentially incompatible land uses or zoning categories including, but not limited to, single family residential development adjacent to multiple family structures.
  - 2. Open space distances between adjacent incompatible or potentially incompatible land uses or zoning categories, especially when building heights increase or noise becomes a problem.
  - 3. Movement barriers to prevent direct driveway cuts onto collector or arterial streets.

Screening shall be required on lot lines which border collector or arterial streets. Masonry walls or suitable alternatives shall be provided when noise from adjacent streets is or is judged to be a potential future problem. Berms or suitable screening may be required between lots, especially commercial, industrial, or offices, and adjacent incompatible or potentially incompatible land uses. Along collector or arterial roads suitable screening may be used instead of a masonry fence if noise from the road will not adversely affect the proposed use.

Buffer zones, either open space or specially vegetated, may be required between adjacent incompatible or potentially incompatible land uses especially where problems with building heights, noise, or scenic impairment might be a problem.

Where a buffer screen of decorative masonry, plant materials, fences, [or] berms are required, or where desired by the applicant and approved by the Town, such walls, vegetative screens, or fences shall be set back at least one (1) foot from the right-

of-way and shall be so constructed that pilasters or fence terminal anchor posts shall be installed at the corners of each lot in such manner that each property owner might maintain his own section or provisions shall be made to have them maintained by a community association or other appropriate private entity.

- D. *Clearing, Grading, and Filling.* The subdivision shall be graded and where necessary, filled to comply with the stormwater management requirements prescribed in Article VIII of this Code. Developers shall be required to clear all rights-of-way and to make all grades, for streets, alleys, lots and other areas, compatible for drainage as prescribed in the stormwater management requirements of Article VIII of this Code.

All fill shall be free of muck, peat, clay, unstable soils, organic matter such as logs, stumps, trees, clippings and cuttings and any form of junk, rubbish, trash, liquid or solid wastes, any form of debris that is subject to consolidation, disintegration, erosion or encourages the presence of insects, termites, or vermin. The type of fill within the rights-of-way shall be satisfactory to and meet with the approval of the Building Official or other designated staff, who shall require soil tests of the backfill and the underlying material at the cost of the applicant and who shall require the development's project engineer to certify the type of material and method of placement.

In the interest of preservation of existing trees and other natural beauty, the Building Official or other designated staff may vary the requirements of this section where aesthetic and environmental conditions will be enhanced but will not adversely affect property drainage of the area.

Land clearing, excavation and fill permits as required by the Town of Malabar Code of Ordinances shall be obtained from the Building Official or other designated staff prior to commencement of clearing, grading or filling work.

- E. *Storm Water Management.* An adequate comprehensive drainage system, including necessary ditches, canals, swales, percolation areas, berms, dikes, piers, detention ponds, storm sewers, drain inlets, manholes, headwalls, end walls, culverts, bridges and other appurtenances shall be required in all subdivisions for the positive drainage of storm and ground water. The drainage system shall provide for surface waters affecting the subdivision. In addition, storm water treatment facilities shall be required in the subdivision to control storm water runoff quality by providing for on-site percolation and/or retention or other appropriate treatment technique for storm water. Such requirements shall be predicated on the provisions of Article VIII of this Code.
- F. *Fire Protection Facilities.* Fire protection facilities described in Section 20A-17.2(P)(2) [1-17.2(O)(2)] shall be provided in all residential, commercial and industrial subdivisions.
- G. *Monuments.* Monuments shall be set as prescribed by Chapter 177, Florida Statutes, as amended.
- H. *Dedication of Lands for Parks and Recreation.* All residential development shall provide an equitable dedication of land for public park purposes and/or fees in lieu

thereof pursuant to the standards stated below. The standards provided herein are stipulated to implement policies within the parks and recreation element. The standards shall apply to all residential applications for subdivision approval. No property shall be assessed twice for respective subdivision plat applications unless a rezoning subsequently increases the density permitted on a respective parcel(s) of land.

1. *Requirements.* As a condition of development, the developer shall dedicate land to the Town of Malabar, pay a fee in lieu thereof, or a combination thereof, at the option of the Town, for park and recreational purposes at the time and according to the standards and formula described in this section. No dedication or payment shall be required when it can be shown that sufficient park facilities already exist as determined by the application of the recreation standards herein cited for meeting the needs of the projected area population.
2. *General Standard.* The public interest, convenience, health, welfare and safety require that five (5) acres of property for each one thousand (1,000) persons residing in the Town be devoted for park and recreational purposes. To determine park and recreational land to be dedicated within the service area of proposed developments, analysis shall consider available facilities inventoried in the Town of Malabar Comprehensive Plan: Data Inventory and Analysis, and application of the "Technical Standards" established in Section 1-17.1(H)(6).
3. *Fees in Lieu of Land Dedication.* If it is demonstrated by the applicant to the satisfaction of the Town Council that no park or recreation facility can be located in whole or part within the proposed development to serve the immediate and future needs of the residents of the development, or if the proposed development shall consist of fifty (50) dwelling units or less, the developer may, in lieu of dedicating land, pay a fee equal to the fair market value of the land which would have been required to be dedicated as defined in Section 1-7.1(H)(6).
4. *Use of Money.* The money collected shall be paid to the Town of Malabar and placed in a reserve account within a special fund. Monies within the reserve account shall be used and expended solely for the acquisition, improvement, expansion or implementation of parks and recreational facilities of the Town. The monies and accrued interest from fees paid for any given development shall be used solely for acquisition of park land or facilities reasonably related to serving said development.
5. *Determination of Fair Market Value.* Where a fee is required to be paid in lieu of land dedication, the value of the property shall be determined by the value per acre assigned by the Brevard County Property Appraiser on the most recent tax roll or the sale price at the most recent sale of the property, whichever is greater.

6. *Technical Standards for Determining Dedication Requirement.*  
 a. *Dedication Formula.* The following formula shall be used:

$$\begin{array}{l} \text{Average Number of} \\ \text{Persons Per Dwelling} \\ \text{Unit} \end{array} \times \frac{5 \text{ Acres}}{1,000 \text{ Persons}} = \begin{array}{l} \text{Acreage Requirement Per} \\ \text{Dwelling Unit} \end{array}$$

Example for a single family dwelling unit:

$$(2.46 \text{ Persons/Unit}) \times \frac{5 \text{ Acres}}{1,000 \text{ Persons}} = 0.0123 \text{ Acres/Unit}$$

- b. *Dedication Table.* The following table is derived from the foregoing and shall be applied to each development according to dwelling type:

<i>Dwelling Type</i>	<i>Average Household Size Per Dwelling Unit</i>	<i>Acreage Requirement Per Dwelling Unit</i>
Single Family/Townhouse	2.46	0.0123
Multi Family/Mobile Home	2.2	0.0110

- c. *Land Dedication or Fee.* The Town Council shall determine whether to accept land dedication or require payment of a fee in lieu thereof, after consideration of the following:
- (i) Topography, vegetation, hydrology, access and location of land in the development available for dedication;
  - (ii) Size shall be five (5) acres or larger with a shape and natural features adaptive to passive or active recreation.
  - (iii) Availability of potential alternate park lands and location of previously acquired park property; and
  - (iv) Consistency with the Comprehensive Plan.
- d. *Credit for Private Recreational Space and Facilities.* Where private recreational space and facilities are provided in a proposed development and are to be privately owned and maintained by the future residents of the development, credit shall be given against land dedication or payment of fees in lieu thereof, as determined pursuant to section 1-7.1(H)(6)(e) [1-17.1(H)(6)(e)], provided that all of the following standards are met:
- (i) The yards, setbacks, and other open areas required by zoning and building ordinances and regulations shall not be included in the computation of private recreational space and facilities.
  - (ii) The private ownership and maintenance is adequately provided by recorded, written agreement, conveyance, or restrictions.
  - (iii) The use of the private recreational space and facilities is restricted for park and recreational purposes by recorded covenant which runs with the land in favor of the future owner's property and which cannot be defeated or eliminated without the consent of the Town Council.

- (iv) The proposed private recreational space and facilities are reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as size, shape, topography, vegetation, hydrology, access and location.
  - (v) Environmental preserves which have boardwalks, nature trails, water access, or other usable recreational features, may count for up to ten (10) percent of the required dedication.
- e. *Computation of Credit for Private Recreational Space and Facilities.* The credit available for private recreational space and facilities shall be the sum of two (2) components, each of which shall credit against no more than fifty (50) percent of the land dedication requirement as follows:
- (i) *Recreational space component.* The recreational space component is a composite measure of the extent to which the development provides for the net recreational requirement (NRR) per person for four (4) categories of recreational space, expressed in square feet per person and as a percentage of the total, as follows:

<i>Recreational Space Category</i>	<i>Net Recreation Requirement Per Person (square feet)</i>	<i>Percent of Net Recreation Requirement Per Person Based on Area</i>
1. Picnic	17	8
2. Golf	65	30
3. Multi-purpose Field	65	30
4. Open space	71	32
TOTALS:	218	100

- (ii) *Recreational facilities component.* The recreational component is a composite measure of the extent to which the development provides for the net recreational requirement (NRR) per person for four (4) categories of recreational facilities, expressed in square feet per person as follows:

<i>Recreational Facilities Category</i>	<i>Net Recreation Requirement NRR Per Person (square feet)</i>	<i>Percent of Net Recreation Requirement Per Person Based on Area</i>
1. Multi-purpose Court	15	19
2. Swimming	21	27
3. Playground	22	28
4. Support facilities	20	26
TOTALS:	78	100

(iii) *Maximum allowable credit.* The foregoing composites are combined as follows to establish the maximum allowable credit for each category as a percentage of the total (land dedication) requirement:

<i>Recreational Use Category</i>	<i>Net Recreation Requirement Per Person (square feet)</i>	<i>Maximum Allowable Credit (Percentage of Land Dedication Requirement)</i>
1. Picnic	17	4
2. Golf	65	15
3. Multi-purpose fields	65	15
4. Open space	71	16
5. Multi-purpose courts	15	7
6. Swimming	21	21
7. Playground	22	3
8. Support Facilities	20	19
TOTALS:	296	100

7. *Credit for Private Recreational Space and Facilities.* The Town Council may grant full or partial credit for private recreational space and facilities pursuant to the standards established herein. Such credit shall be applied against the total dedication requirements for parks and recreation pursuant to Section 1-17.1(H)(6) of this code. These guidelines and standards are established in order to ensure that private recreational spaces and facilities provide an appropriate range of recreational opportunities for residents of proposed developments.

a. *General Guidelines.* Where private recreational space and facilities are provided in a proposed development and are to be privately owned and maintained by the future residents of the development, credit shall be given against land dedication or payment of fees in lieu thereof, as determined pursuant to section 1-17.1(H)(6) provided that all of the following standards are met:

- i. The yards, setbacks, and other open areas required by zoning and building ordinances and regulations shall not be included in the computation of private recreational space and facilities.
- ii. The private ownership and maintenance is adequately provided by recorded, written agreement, conveyance, or restrictions.
- iii. The use of the private recreational space and facilities is restricted for park and recreational purposes by recorded covenant which runs with the land in favor of the future owner's property and which cannot be defeated or eliminated without the consent of the Town Council.
- iv. The proposed private recreational space and facilities are reasonably adaptable for use for park and recreational purposes, taking into con-

sideration such factors as size, shape, topography, vegetation, hydrology, access and location.

- v. Notwithstanding other standards or limitations of this section, environmental preserves which have boardwalks, nature trails, water access, or other usable recreational features may count for up to ten (10) percent of the required dedication.
- b. *Computation of Credit for Private Recreational Space and Facilities.* As stated in the paragraph above, "General Guidelines," the procedure for computing private recreational space and facilities considers both the recreational space component and the recreational facilities component. No space or facility shall be credited unless it meets the minimum Net Recreation Requirements (NRR) established herein. The individual spaces included in the recreational space component shall comprise no more than fifty percent (50%) of the total dedication requirement; and further the facilities outlined in the recreational facilities component shall comprise no more than fifty percent (50%) of the total dedication requirement of Section 1-17.1(H)(6).
  - i. *Recreational Space Component.* This provision is intended to ensure that residents of proposed developments which provide private recreational areas include adequate levels of open space which are suitable for either active or passive recreational purposes. Developers meeting the minimum Net Recreation Requirements (NRR) for the four (4) types of recreational spaces shall be granted credit for such space(s) up to a maximum of fifty percent (50%) of the total dedication requirement. No credit shall be given to recreational spaces which do not satisfy the NRR requirements for the respective area.
    - (1) *Common Open Space.* Open space which is held under common ownership by the homeowners association and/or the developer of the proposed project shall be credited as part of the recreational space component provided:
      - The area contains no rights-of-way, easements or required yards;
      - No more than fifty percent (50%) of the common open space area is comprised of water bodies; and
      - The common open space area does not include any other lands used for other recreational space or facilities computation.

MALABAR LAND DEVELOPMENT CODE

Credit for common open space shall be computed as follows:

$$\begin{array}{r} \text{Number of} \\ \text{Dwelling} \\ \text{Units} \end{array} \times \begin{array}{r} \text{Ave.} \\ \text{Household} \\ \text{Size} \end{array} \times \text{NRR} = \begin{array}{r} \text{Min. Size Credited} \\ \text{Common Open Space} \end{array}$$

$$\text{_____} \times \text{_____} \times 71 \text{ sq. ft.} = \text{_____ sq. ft.}$$

(2) *Golf Courses.* Areas designed and constructed for the purposes of playing golf, including putting greens, practice tees and driving ranges shall be credited as part of the recreational space component. The golf course shall not include any rights-of-way, easements or required yards. Credit for golf courses shall be computed as follows:

$$\begin{array}{r} \text{Number of} \\ \text{Dwelling} \\ \text{Units} \end{array} \times \begin{array}{r} \text{Ave.} \\ \text{Household} \\ \text{Size} \end{array} \times \text{NRR} = \begin{array}{r} \text{Min. Size Credited} \\ \text{Golf Course} \end{array}$$

$$\text{_____} \times \text{_____} \times 65 \text{ sq. ft.} = \text{_____ sq. ft.}$$

(3) *Multi-Purpose Fields.* Level and open play areas which have a configuration readily adaptable to outdoor activities, including but not limited to baseball, soccer and football shall be credited as part of the recreational space component. Multipurpose fields shall provide landscaping along not less than twenty-five percent (25%) of the perimeter in order to provide shade and a fully vegetative playing surface. Credit for multi-purpose fields shall be computed as follows:

$$\begin{array}{r} \text{Number of} \\ \text{Dwelling} \\ \text{Units} \end{array} \times \begin{array}{r} \text{Ave.} \\ \text{Household} \\ \text{Size} \end{array} \times \text{NRR} = \begin{array}{r} \text{Min. Size Credited} \\ \text{Multi-Purpose Field} \end{array}$$

$$\text{_____} \times \text{_____} \times 65 \text{ sq. ft.} = \text{_____ sq. ft.}$$

(4) *Picnic Areas.* Land areas designed to encourage picnicking shall be credited as part of the recreational space component. The picnic areas shall provide sufficient tables and benches, grills, supportive landscaping and reasonable access to drinking water and restroom facilities. Credit for picnic areas shall be computed as follows:

$$\begin{array}{r} \text{Number of} \\ \text{Dwelling} \\ \text{Units} \end{array} \times \begin{array}{r} \text{Ave.} \\ \text{Household} \\ \text{Size} \end{array} \times \text{NRR} = \begin{array}{r} \text{Min. Size Credited} \\ \text{Picnic Area} \end{array}$$

$$\text{_____} \times \text{_____} \times 17 \text{ sq. ft.} = \text{_____ sq. ft.}$$

(5) *Total Creditable Recreational Space.* Up to a maximum of fifty percent (50%) of the total parks and recreation requirements of Section 20A-17.1(H)(6) [1-17.1(H)(6)] may be comprised of the recreational space components established herein.

ii. *Recreational Facilities Component.* This provision is intended to ensure that residents of proposed developments which provide private recreational areas include adequate facilities for recreational purposes. Developers meeting the minimum Net Recreation Requirement (NRR) for the four (4) types of recreational facilities shall be granted credit for such facility or group of facilities, up to a maximum of fifty percent (50%) of the total dedication requirement. No credit shall be given to recreational [facilities] which do not satisfy the NRR requirements for the respective facility.

(1) *Playground Facilities.* Land areas which are designed to provide both free play and apparatus for stationary play shall be credited as part of the recreational facilities component. Such playground facilities shall be located in areas which prevent conflict with vehicular traffic and shall be located within the view of other recreational space and/or facilities or residential units. The playground shall be provided with suitable landscaping and shall have reasonable access to drinking water and restroom facilities. Credit for playground facilities shall be computed as follows:

$$\begin{array}{r}
 \text{Number of} \\
 \text{Units} \\
 \text{Dwelling Units}
 \end{array}
 \times
 \begin{array}{r}
 \text{Ave.} \\
 \text{Household} \\
 \text{Size}
 \end{array}
 \times
 \text{NRR}
 =
 \begin{array}{r}
 \text{Min. Size Credited} \\
 \text{Playground Facility}
 \end{array}$$

$$\text{_____} \times \text{_____} \times 22 \text{ sq. ft.} = \text{_____ sq. ft.}$$

(2) *Swimming Facilities.* Swimming pools and other bodies of water within the perimeter of the development which are deemed suitable for primary water contact and active water recreation shall be credited as part of the recreational facilities component. Decks and other open areas within the facility which completely surround the swimming area shall be included in computations, provided that credit for any such deck or area shall not exceed one hundred fifty percent (150%) of the surface area of the water. Restroom and dressing facilities shall be provided. Credit for swimming facilities shall be computed as follows:

$$\begin{array}{r}
 \text{Number of} \\
 \text{Units} \\
 \text{Dwelling Units}
 \end{array}
 \times
 \begin{array}{r}
 \text{Ave.} \\
 \text{Household} \\
 \text{Size}
 \end{array}
 \times
 \text{NRR}
 =
 \begin{array}{r}
 \text{Min. Size Credited} \\
 \text{Swimming Facility}
 \end{array}$$

$$\text{_____} \times \text{_____} \times 21 \text{ sq. ft.} = \text{_____ sq. ft.}$$

(3) *Support Facilities.* Land areas and facilities which are deemed to be supportive to recreational activities, including decks, pavilions, patios, restrooms, bath houses, dressing rooms, pedestrian walkways, bicycle paths and parking areas for recreational spaces and facilities shall be credited as part of the recreational facilities component. Support facilities shall not be interpreted to include any facilities attached to residen-

tial units or parking areas or pedestrian walkways which are provided primarily to support residential units in the development. Credit for support facilities shall be computed as follows:

$$\begin{array}{rcccccc} \text{Number of} & & \text{Ave.} & & & & \\ \text{Units} & \times & \text{Household} & \times & \text{NRR} & = & \text{Min. Size Credited} \\ \text{Dwelling Units} & & \text{Size} & & & & \text{Support Facility} \\ \hline & \times & & \times & 20 \text{ sq. ft.} & = & \text{sq. ft.} \end{array}$$

(4) *Court Facilities.* Facilities which are designed and constructed for the safe enjoyment of sports activities including, but not necessarily limited to, tennis, shuffleboard, basketball, handball and racquetball shall be credited as part of the recreational facilities component. The land area for which credit may be given shall include all land area within any fence completely surrounding court facilities. Credit for court facilities shall be computed as follows:

$$\begin{array}{rcccccc} \text{Number of} & & \text{Ave.} & & & & \\ \text{Units} & \times & \text{Household} & \times & \text{NRR} & = & \text{Min. Size Credited} \\ \text{Dwelling Units} & & \text{Size} & & & & \text{Court Facility} \\ \hline & \times & & \times & 15 \text{ sq. ft.} & = & \text{sq. ft.} \end{array}$$

(5) *Total Creditable Recreational Facilities.* Up to a maximum of fifty percent (50%) of the total parks and recreation requirements of Section 20A-17.1(H)(6) [1-17.1(H)(6)] may be comprised of the recreational facilities component, established herein.

- I. *Permanent Control Points (P.C.P.'s).* Permanent control points (P.C.P.'s) shall be provided in accordance with Chapter 177, Florida Statutes, as amended. Where required improvements are constructed prior to recording the plat, the permanent control points (P.C.P.'s) shall be set prior to submission of the final plat and certified by the surveyor of the plat. Where required improvements are constructed after recording, the guarantee for such improvements shall incorporate placement of permanent control points (P.C.P.'s) and the surveyor's certificates shall indicate that permanent control points will be set within one year from the date of recording of the plat under surety posted with the Town for the required improvements.
- J. *Wastewater Systems.* Central Wastewater collection, wastewater treatment and disposal systems shall be provided for all subdivisions excepting subdivisions zoned RR-65. The entire wastewater collection and treatment system must be engineered and coordinated with the Town and designed to State DER standards.
- K. *Sidewalks and Bicycle Paths.* Sidewalks shall be constructed on both sides of all collector and arterial streets. They may be constructed concurrent with building construction or deferred and guaranteed by the posting of surety.

A required sidewalk may be waived by the Town Council when adequate pedestrian circulation is provided by bicycle/pedestrian paths. The control, jurisdiction and main-

tenance obligation of bicycle/pedestrian paths not located within the road right-of-way shall be placed in a property owner's association, condominium association or cooperative apartment association, as defined by the State Law, or an improvement district. Bicycle/pedestrian paths shall be constructed concurrently with other required improvements, or deferred and guaranteed by the posting of surety. When pedestrian circulation is accomplished solely by bicycle/pedestrian paths not within the street right-of-way the required right-of-way width specified in the design standards of Section 1-17.2(J)(5) of this code may be reduced by eight (8) feet upon approval of the Town Engineer and the Town Council. A dual system consisting of sidewalks within the road right-of-way and bicycle/pedestrian paths outside of the road right-of-way may be used to provide adequate pedestrian circulation. The paths may be constructed concurrently with other required improvements or deferred and guaranteed by the posting of surety.

- L. *Streets.* All streets and related facilities required to serve the proposed subdivision shall be constructed and paved by the applicant pursuant to specifications herein stipulated. The construction shall consist of, but not be limited to, street grading, base preparation and surface course along with drainage as required under this article.
- M. *Street Markers.* Street markers shall be provided at each intersection in the type, size and location required by applicable State, County or Town regulations. Street name signs shall carry the street name approved on the subdivision plat as well as the approved street number if practical.
- N. *Street Lighting.* Street lights shall be installed at each street intersection, at mid-block locations where the distance between intersections exceeds 900 feet, and at the end of each cul-de-sac. Such lights shall be required on interior streets and may be required on alleys, boundary streets, and access paths if the Town Council finds that the anticipated frequency of usage makes such requirement reasonable for public safety and welfare. Wherever, in the opinion of the Town Engineer, a dangerous condition is created by sharp curves or irregularities in street alignment, additional lights shall be required. The street lights and mounting poles shall be a type approved by the Town Engineer and shall be wired for underground service except where overhead service is permitted. The applicant shall place deed restrictions covering the property to be developed which state that the owners of property within the subdivision are subject to assessment by the Town under a legally constituted improvement or special taxing district or by a property owners' association or a condominium or cooperative association as defined by Florida Law for the cost of maintenance and operation of such street lights. Upon completion of the development, street lights shall be owned, operated and maintained separately or jointly by a property owners' association, or a condominium or cooperative association as defined by Florida Law, and the public utility furnishing the electrical service.
- O. *Central Water System.* A complete water supply, distribution and treatment system shall be provided for all subdivisions. In the event individual water facilities are

allowed under applicable State and County Regulations, the applicant shall be required to deposit in escrow with the Town for the purpose of constructing a water distribution and treatment system, the amount of the cash or a guarantee acceptable to the Town equal to 125% of the system's estimated construction and installation costs as certified by the project engineer and approved by the Town Engineer. The design of the entire system shall be engineered and coordinated with the Town Engineer to meet applicable local and State specifications.

- P. *Traffic Control Devices.* The applicant shall install all required traffic control devices based on design requirements, including but not limited to, traffic lights, information and warning signs, acceleration or deceleration lanes, lane delineators, and other necessary traffic control devices on all roads within and interfacing with the subdivision. A traffic impact analysis pursuant to Section 1-7.2(D) of this Code, approved by the Town Engineer and the Department of Transportation (DOT), shall determine traffic light requirements. All control devices shall be consistent with the Florida DOT Manual entitled "Uniform Traffic Control Devices for Streets and Highways." If, at any time prior to final acceptance, an unforeseen need becomes apparent for signing, pavement markings, or other traffic controls, that were not shown on the approved plans, the Town reserves the right to require the additional traffic control devices in the interest of public safety and as a condition of Town acceptance.
- Q. *Erosion Control.* Seeding, mulching, sodding, and/or other acceptable methods shall be performed as required to prevent undue erosion during all construction activities. Erosion and sedimentation control measures stipulated in Section 1-7.2(K) [1-7.2(J)] shall be carried out as applicable. The applicant shall be required to keep accumulations of sand and earth out of the curb, gutter, swales, and drainage ditches. Temporary siltation basins may be required during construction. Maintenance shall be provided by the applicant for the two-year period of the road guarantee and for each lot until final inspection is passed.

#### Section 1-17.2. Design standards.

The design of the required subdivision improvements shall be in accordance with standard engineering principles. Design data, such as calculations and analysis, shall be submitted along with the development plans covering important features affecting design and important features of construction. Such calculations and analysis shall include, but not be limited to, high ground and surface water elevations, drainage facilities of all kinds, subsurface soil data, alternate pavement and subgrade types, and radii at intersections when standards of the American Association of State Highway Officials (AASHO) are inadequate. The design of required improvements shall be accomplished in such a manner that they shall be equal to or exceed the following:

##### A. Access.

1. *General Design of Access.* Access shall be provided as follows:

(a) In order to provide ease and convenience in ingress and egress to private property and the maximum safety with the least interference to the traffic

flow on public streets, classified major collector and above, the number and location of driveways shall be regulated by the dedication of access rights to the Town.

- (b) Street stubs to adjoining undeveloped areas shall be provided when required to give access to such areas or to provide for proper traffic circulation. Streets stubs in excess of two hundred fifty (250) feet shall be provided with a temporary cul-de-sac turnaround.
  - (c) Tapers, deceleration lanes, left-turn lanes, bypass lanes, median modifications or other design features may be required to protect the safe and efficient operation of the access street.
  - (d) Every lot or parcel shall be served from a publicly dedicated street; however, an applicant may retain as private a local street if the following conditions are met: (1) Public right-of-way is not required in order to serve adjacent development that is existing or projected; (2) A permanent access easement is granted for service and emergency vehicles and for maintenance of public and semi-public utilities; and (3) A reciprocal easement for ingress and egress is granted all residents of the development.
2. *Specific Access Design.* Points of access (driveways) to lots developed within a subdivision shall be located a minimum of thirty (30) feet from intersecting right-of-way lines or local streets and one hundred eighty (180) feet from intersecting right-of-way lines on all other streets of higher classification as defined in this ordinance. The subdivision shall be designed to provide access to the lots by the use of local streets. Local street connections to collector streets shall be a minimum of six hundred sixty (660) feet apart and collector street connections to arterial streets shall be a minimum of one thousand three hundred twenty (1320) feet apart. Where access is desired along collector or arterial streets, it shall be provided by means of a marginal access road. The first point of access to the marginal access (frontage) road from collector and arterial streets shall be a minimum of three hundred thirty (330) feet from intersection right-of-way lines as shown on the Comprehensive Plan and Major Thoroughfare Plan, with intermittent points at median opening locations being a minimum of six hundred sixty (660) feet from intersecting right-of-way lines, unless otherwise approved by the Town Engineer. Access spacing of lesser lengths may be granted if requested by the applicant and if approved by the Town Engineer.
3. *Commercial/Industrial Driveways and Internal Circulation.*
- (a) Vehicular circulation must be completely contained within the property and vehicles located within one portion of the development must have access to all other portions without using the adjacent street system.
  - (b) Acceptable plans must illustrate that proper consideration has been given to the surrounding street plan, traffic volumes, proposed street improvements, vehicular street capacities, pedestrian movements, and safety.
  - (c) No driveway shall be constructed in the radius return of an intersection.

4. *Service Drives.* Where a subdivision borders on or contains a railroad right-of-way, limited access highway right-of-way, or arterial street, the Town Council may require a service drive or suitable provisions for future service drives approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Distances involving right-of-way shall also be determined with due regard for the requirements of approach grades and future grade separations.
- B. *Alleys.* Alleys shall be paved eighteen (18) feet wide in a minimum twenty (20) feet wide right-of-way for commercial and industrial use, all having appropriate radii for the use intended. Alley intersections and sharp changes in alignment shall be avoided and dead end alleys are prohibited.
- C. *Blocks.* The length, width and shape of blocks shall be determined with due regard to:
  1. Provision of adequate building sites suitable to the special needs of the type of use contemplated.
  2. Zoning requirements as to lot size and dimensions.
  3. Need for convenient access, circulation, control and safety of vehicular and pedestrian traffic.
  4. Most advantageous use of topography and preservation of mature trees and other material features wherever possible.
    - (a) Block lengths shall not exceed 1320 feet between intersecting streets. Greater lengths may be approved by the Town Engineer where special topographical conditions exist.
    - (b) Pedestrian crosswalks not less than eight (8) feet wide may be required where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.
- D. *Bridges.* Bridges shall be designed pursuant to current State Department of Transportation practices and specifications and shall include planning for utilities installation.

Low maintenance materials shall be used. The bridge shall have a clear roadway width between curbs two (2) feet in excess of the pavement width in each direction and shall provide four (4) feet wide sidewalks on each side. All bridge structures shall be designed for HS 20-44 loading, incorporating adequate erosion protection.

- E. *Comprehensive Storm Water Management System.*
  1. *General Storm Drainage System Design Criteria.* All subdivisions shall have comprehensive storm drainage facilities. The design data of the drainage system shall be submitted along with the construction plans in a report form prepared by the applicant's engineer indicating the method of control of storm and ground water pursuant to criteria of Section 1-7.2(H) [1-7.2(G)] of this Code.

F. *Easements.*

1. *Utility Easements.* Utility easements six (6) feet wide along each side of each lot shall be provided where necessary to accommodate all required utilities across lots and where possible shall be centered on lot lines with convenient access for maintenance. Utility easements ten (10) feet wide shall be provided for underground utilities across that portion of the lot adjacent to a street. Utility easements seven and one-half (7½) feet wide along the rear property of each lot shall also be provided. Additional utility easements may be required by the Town when, in the opinion of the Town Engineer, such easements are necessary for continuity of utility service between developments and where necessary for maintenance and service.
2. *Drainage Easements.* Drainage easements shall be provided where necessary at a width adequate to accommodate the drainage facilities. A minimum of fifteen (15) feet shall be provided for underground storm drainage installations. Where canals or ditches are permitted and in compliance with this code, the width shall be adequate to accommodate drainage facilities plus ten (10) feet on one side for maintenance purposes. Drainage easements shall be provided to facilitate drainage of surface waters from contributory areas. When a subdivision is traversed by or develops canals, water courses, lakes, streams, drainage ways or channels, there shall be provided a drainage easement or right-of-way conforming substantially with the lines of such water course and of such further width or construction or both as will be adequate for maintenance purposes.

G. *Lots.* All lots shall have frontage on a street which has a minimum right-of-way [of] fifty (50) feet. All lots shall have area, frontage, width and depth required by the zoning district in which said lots are located. The minimum width of a lot fronting on the inside of curvature of a street or cul-de-sac shall be measured from side boundary to side boundary along the chord of the front setback line. Notwithstanding lots developed under an approved planned unit development shall be regulated by lot dimension requirements stipulated in the approved planned unit development site plan. When a subdivision is proposed upon land with existing structures that are to be retained, lots are to be designed so as not to cause said existing structures to become non-conforming with respect to building area or lot size. When lots are platted abutting a collector or arterial street, access should be limited to local streets. Access from individual lots generally should not be permitted directly to collector or arterial streets. Flag lots shall be expressly prohibited.

1. *Double Frontage Lots.* Double frontage lots or through lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography or orientation. Where double frontage lots are developed they shall be buffered as required by this ordinance.

2. *Corner Lots.* Corner lots shall have a width equal to the width required by the Zoning Ordinance for internal lots, plus the difference between the required front yard width and required side yard width.
- H. *Seawalls, Bulkheads, Piers and Docks.* Seawalls, bulkheads, piers and docks installed along access waterways shall be installed under permit issued by the Town Engineer. Seawalls and bulkheads shall not be constructed below the mean high water line unless permitted by the controlling Federal or State Agency.
- I. *Soils.* The plan shall show the location and results of test borings of the subsurface condition of the tract to be developed. The tests shall be the type performed by the Soil Conservation Service including percolation characteristics and detailed soils data.

When non-pervious soils (hard pan or other impervious soils) or unstable soils (peat, muck, etc.) are encountered the plan shall reflect a satisfactory design to cope with such conditions. If the soil analysis reflects that the area contains hard pan or other impervious soils or contains peat, muck or other unstable materials, the Town Engineer shall require such additional design and construction as are necessary to assure proper drainage and development of the area. The number of tests and their location shall be mutually determined by the applicant's engineer and the Town Engineer and shall be recorded as to location and result on the construction plans.

- J. *Streets.* The proposed subdivision street layout shall be coordinated with the adopted Comprehensive Plan and Major Thoroughfare Plan, as exists or as may hereinafter be amended, and with the street system of the surrounding area. Consideration shall be given to existing and planned streets, relation to topographical conditions, to public convenience, safety and their appropriate relation to the proposed use of the land to be served by such streets.
  1. *Streets Adjoining Unsubdivided Land.* When a new subdivision adjoins unsubdivided and, new streets which in the opinion of the Town Engineer, the Planning and Zoning Board, and/or the Town Council are required to serve the abutting unsubdivided land, those streets shall be designed as collector streets and shall be carried to the boundary of the tract proposed to be subdivided. Local streets, when extended to the boundary of the tract, shall be designed in a manner that will discourage through traffic.
  2. *Curvilinear Street Design.* The use of curvilinear design of street layouts is encouraged to promote aesthetically pleasing appearance and to prevent the use of grid design in order to discourage through traffic.
  3. *Impact of Major Thoroughfare Plan.* The new subdivision shall provide for the incorporation and compatible development of present and future streets as generally delineated on the Major Thoroughfare Plan adopted by the Town Council under the Comprehensive Plan Ordinance, when such present or future streets are affected by the proposed subdivision. Notwithstanding, where the Town Engineer and/or the Planning and Zoning Board recommend, and the Town Council determines that there is a need for incorporating a new or realigned major thor-

oughfare based on characteristics of specific development proposals as well as changed conditions since the adoption of the Comprehensive Plan, the Town shall require subdivision applicants to conform to the newly prescribed road improvement.

4. *Traffic Analysis.* A subdivision shall prepare a traffic impact analysis pursuant to Section 1-7.2(D) of this Code, if the proposed subdivision is projected to generate a traffic flow above the threshold therein defined. The Traffic Impact Analysis shall be prepared by a professional engineer and shall be used to determine the number of lanes, capacity of street systems proposed or effected by the development, and the phasing of improvements.
5. *Street Right-Of-Way Characteristics.* Street improvements shall be designed in a manner compatible with design characteristics of the Brevard County functional classification system as established in the Town and in the County Comprehensive Plans as cited below:

*Characteristics*

**Arterial Streets**

Move traffic to, from and through the County. Longer distance trips within the County. Property access is a secondary function.

R-O-W generally 150 feet to accommodate 4-6 lanes, turnouts, medians, etc.

12' lanes; median desirable.

Signalization at intersections with arterials and major collectors.

Turn and deceleration lanes at intersections.

Frontage roads desirable; restricted access from adjacent property and streets (660' minimum separation desired).

**Major Collector Streets**

Main feeder streets to arterial routes from developed areas.

R-O-W of 100 feet to accommodate 4 lanes, walks or bike paths, drainage, etc.

12' lanes; median not required.

Residential streets should access route at limited points and direct access from lots should be minimized in lot layout.

Can be used as component of bike path system if adequate auto and bike separation can be achieved in right-of-way.

*Characteristics*

Minor Collector Streets

Feeder Street to major collector or arterial streets from developed areas.	R-O-W of eighty (80) feet and all other specifications shall be the same as for major collector streets.
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Local Streets

Function is to provide access to adjacent property. Design should discourage through use.	R-O-W of 50 feet to accommodate 2 lanes where curb and gutter is proposed; right-of-way of 60 feet to accommodate two lanes where swales are proposed. 12' lanes
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These design parameters may be adjusted based on projected traffic carrying capacities of specific developments and application of accepted principles and practices of traffic engineering and design of facilities. The specific design features shall be recommended for approval by the Town Engineer prior to acceptance by the Town.

7. *Dead End Streets (cul-de-sacs).* Dead-end streets shall be prohibited except when designed as a cul-de-sac. Such streets shall not exceed the length of six hundred (600) feet in length except where natural geographic barriers exist necessitating a greater length approved by the Town Engineer. When constructed with a curb and gutter cul-de-sacs shall have fifty (50) feet of right-of-way approach to a ninety (90) feet diameter turn-around circle. When constructed with swale drainage cul-de-sacs shall have sixty (60) feet of right-of-way approach to a one hundred (100) feet diameter turnaround circle or fifty (50) feet of right-of-way with a dedicated easement ten (10) feet wide on each side. Width of surface course of pavement shall be twenty (20) feet on the approach and sixty (60) feet diameter for the turn-around. Approach and turn-around shall be constructed in accordance with this ordinance. If a dead-end street is of a temporary nature, an adequate turn-around within the proposed right-of-way shall be required.
8. *Construction in Muck or Clay Areas.* The design of streets proposed in excessive muck areas shall be considered on an individual basis. All plans submitted for construction in such areas shall be certified by a Florida Registered Engineer. Prior to issuance of a permit for such construction, the Town Engineer and Planning and Zoning Board shall approve the engineered plan as submitted by the applicant.
9. *Street Grades.* Street grades shall be determined in relation to the drainage installations for the subdivision. Street grades shall not exceed 3% unless adequate protection from erosion is provided or be less than 0.30% for swale sections or 0.20% for guttered sections unless otherwise approved by the Town Engineer. Road grades shall be shown on the development plans by the direction, percent of gradient and with centerline lineal distances between control points.

10. *Intersection of Local Streets.* Intersections at local streets shall have a minimum separation of one hundred twenty-five (125) feet.
11. *Marginal Access Streets.* Where a subdivision abuts or contains an existing limited access highway, freeway or arterial street, a marginal access street shall be required to afford separation of through and local traffic.
12. *Local Streets.* Local streets shall be so laid out that use by through traffic shall be discouraged.
13. *Railroads on or Abutting Subdivisions.* When a subdivision borders on or contains a railroad right-of-way, a street or easement, as recommended by the Town Engineer, approximately parallel to and on each side of such right-of-way may be required at a distance suitable for appropriate use of the intervening land for recreation or buffer purposes in residential districts or for commercial or industrial purposes in appropriate districts.
14. *Half Streets.* Half or partial streets shall not be permitted. Whenever a tract to be subdivided borders on an existing half or partial street, the other part of the street shall be required to be dedicated and constructed within such tract. A proposed subdivision that adjoins or includes an existing street which does not conform to the minimum right-of-way requirements of these regulations shall provide for the dedication of additional right-of-way along either one or both sides of said street so that the minimum right-of-way requirements of these regulations are fulfilled.
15. *Street Names.* Extensions of existing streets shall bear the same name of the existing street. In no case shall the name of a proposed new street, which is not part of an existing facility, duplicate or be phonetically similar to existing street names.
16. *Alignment, Tangent, Deflection, Radii.* Streets shall be laid out to intersect as nearly as possible at right angles. Multiple intersections involving the junction of more than two streets shall be prohibited. The point of curvature of any local street shall not be closer than one hundred (100) feet to the point of intersection. All intersections shall be designed to provide adequate stopping and sight distance in accordance with the current edition of AASHTO Standards. When the centerline of a local street deflects by more than ten (10) degrees, it shall be curved with a radius adequate to assure safe sight distance and driver comfort, but never less than a minimum centerline radius of one hundred (100) feet. Property lines at street intersections shall have twenty-five (25) feet or greater radius and street pavement radii shall be a minimum of thirty (30) feet.
17. *Street Markers.* Street markers shall be provided at each intersection.
18. *Sidewalks.* Where provided sidewalks shall be a minimum of four (4) feet wide. They shall be constructed of concrete having a compressive strength of 2500 pounds per square inch at twenty-eight (28) days. In commercial areas, thickness shall be six (6) inches. In other areas, thickness shall be four (4) inches. The cross slope shall be one-quarter ( $\frac{1}{4}$ ) inch per foot.

- K. *Bicycle/Pedestrian Paths.* Bicycle/pedestrian paths shall be eight (8) feet wide and shall be constructed in accordance with the current FDOT Bicycle Facilities Planning and Design Manual.
- L. *Off-Street Parking Areas.* Off-street parking areas shall be provided in accordance with Section 1-8.1 [1-9.1] of this Code and shall contain provisions for ingress, egress, vehicular and pedestrian traffic, and orderly temporary storage of motor vehicles. Parking areas including vehicular storage spaces, driveways and access aisles shall be laid out and striped in accordance with the minimum parking standards of Article VIII [Article IX] of this Code. Parking areas including spaces, driveways, and access aisles shall be constructed in accordance with the following standards:
1. Parking areas for all residential lots and for commercial lots having an area of 15,000 square feet or less shall have a wearing surface of one (1) inch of Type SI or Type II asphalt concrete laid over a subbase not less than six (6) inches thick, free of muck and organic materials, stabilized to a minimum 50 p.s.i. F.V.B.
  2. Non-residential parking areas for lots with areas greater than 15,000 square feet shall be paved in the same manner as a local street.
  3. Adequate drainage shall be provided for a one-in-ten-year storm in all off-street parking areas.  
Catch basins and underground drainage piping or storm sewers shall discharge into retention areas or pits equipped with natural filtration facilities before discharging into drainage ditches, canals, natural lakes, streams or water courses.
- M. *Utilities.* Utilities, including franchised utilities, power and light, telephone and telegraph, water, sewer, cable television, wiring to street lights and gas shall be installed underground.
1. *Coordination of Easements.* Easements shall be coordinated with requisite utility authorities and shall be provided as prescribed by this ordinance for the installation of underground utilities or relocating existing facilities in conformance with the respective utility authority's rules and regulations.
  2. *Waivers.* The Town Engineer may waive the requirement for underground installation if the service to the adjacent area is overhead and it does not appear that further development in adjacent areas with underground utilities is possible. Any new service which is allowed by the waiver herein to be supplied by overhead utilities shall be connected to a service panel that is convertible for underground utility service at a future date.
  3. *Applicant Responsibility for Underground Installations.* The applicant shall make necessary cost and other arrangements for such underground installations with each of the persons, firms or corporations furnishing utility service involved.
  4. *Construction within Easements.* Utilities shall be constructed in easements as prescribed by this ordinance.
- N. *Utility Installation.* After the subgrade for a street has been completed, the remainder of the street right-of-way has been graded and before any road or street construction

material is applied, all underground work for the water mains, sanitary sewers, gas mains, telephone, electrical power conduits, cable television and any other utilities with appurtenances and branches for surface connections shall be completely installed throughout the width of the street to the sidewalk area or provisions made so that the roadway or right-of-way will not be disturbed for utilities installations or service connections. All underground improvements so installed for the purpose of future service connections shall be properly capped and backfilled.

- O. *Central Water Systems.* The design and installation of a central water system shall comply with the Town's adopted Comprehensive Plan and shall conform to the accepted standards for municipal water supply and fire protection systems as prescribed by the "National Fire Codes" and the "Fire Protection Handbook" published by the National Fire Prevention Association as exists or may hereinafter be amended.

1. *General Requirements for Central Water System.*

- a. *Water Supply.* Supply to the central water system shall have sufficient water storage or emergency pumping facilities to furnish not less than one day's estimated peak domestic consumption plus the minimum fire flow required for the development as specified hereinafter.
- b. *Distribution System.* The distribution system shall provide connections to each individual lot, to each public facility, to all required fire hydrants and fire protection systems and to median strips for irrigation where landscaped unless the median strips are irrigated by a separate system. Water mains shall be required in each street right-of-way and shall be looped except in cul-de-sacs less than three hundred (300) feet long and cross streets not requiring service connections.

Plans for the central water system including fire protection facilities and appurtenances shall be submitted to the Town Engineer for review and approval.

Central water systems shall comply with the following requirements according to the type of development or subdivision served as prescribed herein.

2. *Requirements for Central Water Systems.* The central water system for all developments shall furnish sufficient potable water to provide for the total estimated peak daily domestic demand. In addition, for one (1) and two (2) story single family and duplex residential developments, a fire flow capability shall be provided of not less than five hundred (500) gallons per minute at residual pressures of not less than twenty (20) pounds per square inch at the most critical fire hydrant relative to distance from point of supply and elevation of the hydrant. The central water system for multiple family residential, mobile home, commercial, industrial, institutional or other daytime or nighttime population high density developments and installations shall furnish sufficient potable water to pro-

vide for the total estimated peak daily domestic demand, but in no case less than the standard applied by the Insurance Service Organization (ISO).

- a. *Fire Hydrant Location.* Fire hydrants shall be located so that they are spaced no more than five hundred (500) feet apart and no more than two hundred fifty (250) feet to the center of any lot in the subdivision. Fire hydrants shall not be connected to or supplied by water distribution mains less than six (6) inches in diameter.
  - b. *Fire Hydrant Cut-Off Valve.* A cut-off valve with the top of its valve box located at finished grade to house the valve stem shall be installed between each fire hydrant and the distribution main supplying it with water. At all times the cut-off valve shall remain in the "ON" position except when it is used to cut off the water flow to the fire hydrant for repair or replacement of the hydrant and its branch piping.
  - c. *Fire Hydrant Installation.* Fire hydrants shall be installed to [so] that the elevation of the bottom of hose connection outlets shall be not less than twenty-four (24) inches nor more than thirty (30) inches above finished grade at each hydrant. Finished grade shall be level for a radius of not less than five (5) feet around each hydrant.
  - d. *Water Distribution Mains Installation.* Water distribution mains shall be installed in all streets, except cross-streets not requiring service connections and cul-de-sacs less than three hundred (300) feet long. Water distribution mains shall be looped or interconnected with valves to enable localizing any portion of the distribution system except for short branches supplying not more than five (5) lots.
- P. *Central Wastewater System.* The central wastewater system shall be designed by a professional engineer, registered in the State of Florida, conforming to acceptable standards of sound practices for wastewater collection systems and shall conform to all requirements of State and wastewater permitting authorities. The entire wastewater collection system must be engineered and coordinated with the Town's Comprehensive Plan. The appurtenances to the system shall be equal to or shall exceed the minimum requirements of the Town and applicable Florida Statutes. Upon submittal of construction plans for a central system as prescribed by this ordinance, the design engineer shall supply data, calculations and analysis showing important features affecting design including, but not limited to:
1. Number of units, bedrooms, other domestic wastewater generators.
  2. The type of units and expected population or estimated flow of wastewater from any unit designed for use.
  3. The number of proposed connections to the system and the anticipated flow of sewage to the wastewater treatment plant computed in accordance with current DER criteria.
  4. Any other meaningful information necessary to arrive at estimates of amounts and character of wastewater pertinent to the design.

- Q. *Individual Sewage System.* Individual wastewater systems consisting of pipes, tanks or treatment devices and subsurface absorption fields or other devices shall meet the requirements of this ordinance, the requirements of all requisite Federal, State and regional permitting agency regulations and shall be designed and located to facilitate a convenient and economical connection to a future central sewage system.
- R. *Water and Sewage Treatment and Processing Plants.* Construction plans and specifications for both water and wastewater treatment and processing plants to serve a proposed subdivision shall be submitted concurrently to DER and the Town Engineer for approval. The entire water and wastewater facilities shall be engineered and coordinated with the Town's Comprehensive Plan.
- S. *Median Strips and Entranceways.*
1. *Median Strips.* Median strips which are part of a dedicated or deeded right-of-way may not be utilized for any purpose other than by the Town or a public utility. Where an applicant desires or is required to beautify a median strip in a subdivision, he may do so by placing grass, shrubs, and/or approved species of trees within the median strip in accordance with the Town landscape ordinance and the Town of Malabar Code of Ordinances.
  2. *Subdivision Entranceways.* Subdivision entranceways consisting of wall, fences, gates, rock piles or the like are not permitted within the median strip or other areas in a dedicated or deeded right-of-way. Entranceways, if divided, shall be divided by a raised or landscaped median strip and shall be not less than two (2) lanes each twelve (12) or more feet wide. Decorative entranceways shall be constructed upon plots of land adjacent to the right-of-way in compliance with the zoning, building, landscaping and sign codes and placed so as not to constitute a traffic hazard. A guard house located so as not to create a traffic hazard may be constructed at the entrance to a development having private streets.  
  
Where an applicant is specifically permitted by the Town to construct decorative entrances, structures, or landscaping within the right-of-way of any street, the applicant or community homeowners' association shall provide an adequate bond to guarantee maintenance for a specified period and to provide for removal for such structures and for landscaping at the end of such period on order by the Town for cause. The Town shall not accept any liability or responsibility for maintenance for decorative entrances, structures, or landscaping in rights-of-way. Such improvements shall be designed in such a manner so as to not obstruct desirable visibility or restrict turning movements.
- T. *Traffic Control Devices.* The design of traffic control devices shall be in accordance with the Manual for Uniform Traffic Control Devices as per Florida Statutes, Chapter 316.131.
- U. *Monuments.* The design of Permanent Reference Monuments ("P.R.M.'s"), and Permanent Control Points, ("P.C.P.'s") shall be as prescribed by Chapter 177, Florida Statutes, as amended. Where such monuments occur within street pavement areas,

they shall be installed in a typical water valve box and cover, as prescribed in these regulations. All information pertaining to the location of "P.R.M.'s," such as underground installations, and similar facilities, shall be indicated in note form on the plat.

- V. *Commercial and Industrial Subdivisions.* Commercial and industrial subdivisions shall comply with all of the requirements of this ordinance, except that all local streets shall be designed according to the collector street typical section contained in these regulations.
- W. *Mobile Home Subdivisions.* Mobile home developments shall comply with all of the requirements of this code and the Town of Malabar Code of Ordinances. Mobile home developments shall be classified as either rental trailer parks for use as temporary and/or transient residence purposes with single entity ownership or as permanent residence areas with individual ownership of contiguous lots in a condominium or cooperative association. The "association" shall function with unified control as a single ownership entity. Mobile home developments are intended to provide planned space for occupancy of prefabricated, detached, transportable, single family dwelling units containing all utility and sanitary conveniences including electrical and plumbing connections which may be attached to approved permanent utility systems. To retain mobility, the undercarriage shall remain attached to the mobile home unit.

Storm shelters shall be provided to sixty percent (60%) of the proposed total number of residents of the Mobile Home Development. The storm shelter shall be a permanent building complying with Southern Standards Building code and its first floor shall be located at an elevation above the one-in-one-hundred-year flood level.

**TOWN OF MALABAR**  
**PARK AND RECREATION**

**AGENDA ITEM REPORT**

**AGENDA ITEM NO: 6**

Meeting Date: April 15, 2009

Prepared By: Cynthia Kelley, Secretary to Board

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**SUBJECT: Fence at Disc Golf Park (Eagle Scout Project)**

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**BACKGROUND/HISTORY:**

At the Parks & Recreation Board meeting of February 18, 2009, Chair Hans Kemmler gave an over-view of the meeting he had at the park with Carl Beatty and Alex Hoffman, Eagle Scout. A map was provided to the Board members to show the measurements and placement of the fence. Chair Kemmler has requested that this be placed on the agenda for an update of the progress of the fencing project.

**ATTACHMENTS:**

Copy of Map – Disc Golf Park fencing project

**ACTION OPTIONS:**

Discussion



**TOWN OF MALABAR**  
**PARK AND RECREATION**

**AGENDA ITEM REPORT**

**AGENDA ITEM NO: 7**

Meeting Date: April 15, 2009

Prepared By: Cynthia Kelley, Secretary to Board

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**SUBJECT: Springfest Event Report**

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**BACKGROUND/HISTORY:**

On Saturday, April 4, 2009, the Town of Malabar held its annual Springfest Event. During the course of the day, we had many patrons walking/sitting in the park partaking of the good food, various scheduled activities and listening to the bands and karaoke music. It was a great day in the park.

We received several in-kind sponsorships from area business totaling \$7,033.25. In-kind services are services provided to the Town at no cost to us.

The following is a break-down of the costs involved to put this event together:

**Funds Taken In:**

Donations:	\$1,175.00
Vendor Space Fees:	\$1,160.00
Ticket Sales:	<u>\$2,031.00</u>

**Total Cash Taken In: \$4,366.00**

**Funds Expended:**

Special Activity Insurance:	\$1,297.85
Beer License:	\$ 25.00
Supply Expenses:	\$ 266.07
Advertising:	\$ 25.00
Beer Expense:	\$ 135.60 (purchased 26 cases, 8 donated—18 cases ret.)
Vendor/Band Fees	\$3,075.00
Taxes Paid to Dept/Revenue	\$ 187.86
Staff Time	\$ 561.30
Tickets for Bands	\$ 60.00
Karaoke Prize Funds	<u>\$ 225.00</u>

**TOTAL CASH EXPENDED: \$5,858.68**

**Total funds & donations** \$4,366.00

**PLUS total funds dep. 4/4/09:** \$2,431.00 (day of event - includes \$400 bank)

**Total funds taken in:** \$6,797.00

**MINUS total funds expended:** \$5,858.68

**PROFIT: \$ 938.32**

**ATTACHMENTS:**

Springfest Spreadsheet

**ACTION OPTIONS:**

Discussion

**TOWN OF MALABAR  
BOOTH FEE REVENUES - MALABAR SPRINGFEST 2009**

Crafter/Business Vendor	Total Booth Fee Paid	Balance Collected	Notes
Ray Dorman	\$50.00	\$50.00	
Mary Ann Hilton	\$50.00	\$100.00	
Ann Voldness	\$35.00	\$135.00	
Barb Kemmler	\$35.00	\$170.00	
<b>Clark Jester - Novelty Food</b>	<b>\$50.00</b>	<b>\$220.00</b>	
Ken Johnson - Non-profit Vendor	\$15.00	\$235.00	
William Middleton	\$35.00	\$270.00	
<b>Bobi Viglione - Novelty Food</b>	<b>\$50.00</b>	<b>\$320.00</b>	
Cassandra Schalkham - Non-profit Vendor	\$15.00	\$335.00	
Don Main	\$50.00	\$385.00	
<b>Twisty Cone - Novelty Food</b>	<b>\$50.00</b>	<b>\$435.00</b>	
Ocean Sky Images - LHB Home Consulting	\$50.00	\$485.00	
<b>Boy Scout Troop #37 - Food Vendor non-profit</b>	<b>\$15.00</b>	<b>\$500.00</b>	
<b>El Greco Grill - Full Food Vendor</b>	<b>\$125.00</b>	<b>\$625.00</b>	
Betty Boyd - B & B Crafts	\$35.00	\$660.00	
Connie Lynn Dorminto - Connie Chiles-Cook State Farm	\$35.00	\$695.00	
Healthy Additions - Everett Lyles	\$35.00	\$730.00	
<b>Dredi's - Full Food Vendor</b>	<b>\$125.00</b>	<b>\$855.00</b>	
Malabar Mariners Association - Non-profit Vendor	\$15.00	\$870.00	
Cherrioo Grams	\$35.00	\$905.00	
Big World Ventures - Valerie Easterling - Non-profit Vendor	\$15.00	\$920.00	
S. Brevard Fleet Reserve Assoc. - Non-profit Vendor	\$15.00	\$935.00	
Top Priority Landscape	\$35.00	\$970.00	
Silk Bloomers	\$35.00	\$1,005.00	
Palm Bay Community Charter School	\$35.00	\$1,040.00	
J. Cherniga Images	\$50.00	\$1,090.00	
Jim Noble - Brevard Hardwoods	\$35.00	\$1,125.00	
Bert Liefstink - Good Stuff & More, LLC	\$35.00	\$1,160.00	

**TOWN OF MALABAR  
SPONSOR/DONATIONS REVENUES - MALABAR SPRINGFEST 2009**

<b>Sponsor/Donor</b>	<b>Donation</b>	<b>Balance Collected</b>	<b>Notes</b>
Florida Power & Light	\$500.00	\$500.00	
MIMA	\$500.00	\$500.00	
Sunshine Food Mart	\$150.00	\$150.00	
Premiere Properites of Space Coast	\$25.00	\$25.00	
<b>Total Cash Received</b>	<b>\$1,175.00</b>	<b>\$1,175.00</b>	
<b>In-Kind Sponsorships:</b>			
Waste Management	\$150.00	\$150.00	6 large trash bins @ \$25/rental price
Wal-Mart	\$25.00	\$25.00	Purchased Kids Zone supplies
Reliable Poly Johns	\$240.00	\$240.00	Knocked this amount off RFQ
Digital Graphics	\$200.00	\$200.00	Printing of Flyers
BCSO	\$500.00	\$500.00	Reservists & Patrols for event
Hometown News	\$5,918.25	\$5,918.25	Free advertising & feature article
<b>Total In-Kind Sponsorships</b>	<b>\$7,033.25</b>	<b>\$7,033.25</b>	

**TOWN OF MALABAR  
TICKET SALES - MALABAR SPRINGFEST 2009**

Description	Total Tickets Sold	\$ Amount	Notes
Beer	588	\$588.00	
Water	144	\$144.00	
Tee Shirts & Mugs	269	\$269.00	40 shirts & 17 mugs sold
Raffles	404	\$404.00	
Dunk Booth	149	\$149.00	
Pony Rides w/picture (35)	210	\$210.00	
Pony Rides (89)	267	\$267.00	
<b>TOTAL TICKETS SOLD</b>	<b>2,031</b>	<b>\$2,031.00</b>	

**TOWN OF MALABAR/  
TRUE EXPENDITURES - MALABAR**

Expenditure	Amount	Balance of Expenitures
Oriental Trading - Kid Zone	\$131.20	\$131.20
Dept. of Alcohol & Tobacco	\$25.00	\$25.00
FMIT	\$1,297.85	\$1,297.85
Face Painting 4 Faith-RFQ	\$300.00	\$300.00
Space Walk of Melbourne-RFQ	\$575.00	\$575.00
Sue Levitt-RFQ	\$400.00	\$400.00
John Leach-RFQ	\$200.00	\$200.00
Reliable Poly John	\$400.00	\$400.00
Last Chance Band-RFQ	\$600.00	\$600.00
Swamp Fox Band-RFQ	\$400.00	\$400.00
Steve White-RFQ	\$200.00	\$200.00
Karaoke Prize Funds	\$225.00	\$225.00
Capital Office Supplies (Pony Ride Pictures)	\$93.88	\$93.88
Sam's Club - beer expenses	\$135.60	\$135.60
Where the Shows Are	\$25.00	\$25.00
Staples - Name Labels	\$17.79	\$17.79
Wal-Mart	\$23.20	\$23.20
Department of Revenue	\$187.86	\$187.86
Staff Time	\$561.30	\$561.30
Band Tickets	\$60.00	\$60.00
<b>TOTAL EXPENDITURES:</b>	<b>\$5,858.68</b>	<b>\$5,858.68</b>
Sponsorships Donated (Checks Rec'd)	\$1,175.00	
Vendor Booth Fees	\$1,160.00	
Ticket Sales (Cash Collected at Event)	\$2,031.00	
<b>TOTAL FUNDS TAKEN IN:</b>	<b>\$4,366.00</b>	
<b>LESS TOTAL EXPENDITURES:</b>	<b>\$5,858.68</b>	
<b>TOTAL BANK DEPOSIT (includes \$400 bank):</b>	<b>\$2,431.00</b>	
<b>TOTAL PROFITS :</b>	<b>\$938.32</b>	

**TOWN OF MALABAR**  
**PARK AND RECREATION**

**AGENDA ITEM REPORT**

**AGENDA ITEM NO: 8**

Meeting Date: April 15, 2009

Prepared By: Cynthia Kelley, Secretary to Board

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**SUBJECT: Food Sales at Park**

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**BACKGROUND/HISTORY:**

At the RTCM of April 6, 2009, Council reviewed the recommendation submitted by the Parks & Recreation Board. Attached is a copy of the draft minutes for this meeting with Council's decision regarding the selling of packaged food at the park.

**ATTACHMENTS:**

Memo from Town Administrator to be provided at meeting  
RTCM Draft Minutes for 4/6/09 to be provided at meeting

**ACTION OPTIONS:**

Discussion