



TOWN OF MALABAR

AGENDA PACKET

March 16, 2015

**Council Meeting
7:30 PM**

**TOWN OF MALABAR
TOWN COUNCIL MEETING
MONDAY MARCH 16, 2015
7:30PM
2725 MALABAR ROAD
MALABAR, FLORIDA**

AGENDA

- A. CALL TO ORDER, PRAYER AND PLEDGE
- B. ROLL CALL
- C. ADDITIONS/DELETIONS/CHANGES

- D. CONSENT AGENDA: none
 - 1. **Approval of Minutes** Regular Town Council Mtg – 3/2/15
 - Exhibit: Agenda Report No. 1
 - Recommendation: Request Approval of Minutes

- E. **PUBLIC COMMENTS:** Comments may not address subsequent Agenda Items. Comments do not require Council response. (Speaker Card Required) **Five (5) Minute Limit per Speaker**

- F. ATTORNEY REPORT:
- G. BREVARD COUNTY SHERIFF'S OFFICE REPORT:
- H. PUBLIC HEARINGS: 0

- I. PUBLIC: ITEMS DIRECTLY RELATED TO RESIDENTS AND RECOMMENDATIONS FROM TOWN BOARDS/COMMITTEES PRESENT AT MEETING
 - 2. **Recommendation from Planning & Zoning Board – Amending Art IX Parking**
 - Exhibit: Agenda Report No. 2
 - Recommendation: Request Action

- J. PRESENTATIONS:
 - 3. **Presentation of FY 2013/2014 Financial Audit – Jim Warmus of Averett Warmus Durkee, Outside Auditors**

ACTION ITEMS:

MISCELLANEOUS:

- 4. **Slope Mower Repair Quotes (Council Directive)**
 - Exhibit: Agenda Report No. 4
 - Recommendation: Request Discussion / Action

- 5. **Council Pre-approval of all Expenditures over \$999.00 (Korn)**
 - Exhibit: Agenda Report No. 5
 - Recommendation: Request Discussion / Action

- 6. **Review Resolution 10-2014 re: Mayor's Duties (Mayor)**
 - Exhibit: Agenda Report No. 6
 - Recommendation: Request Discussion / Action

(No Recess – Attorney Excused)

RESOLUTIONS: 3

7. Approval of Reso. 04-2015 – Appoint Mr. Douglas Dial to the Planning & Zoning Board for a three (3) year term

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

Exhibit: Agenda Report No. 7

Recommendation: Request Approval of Reso 04-2015

8. Budget Adjustment – Reso. 01-2015

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PERTAINING TO A BUDGET ADJUSTMENT IN THE FISCAL YEAR 2014-2015; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 8

Recommendation: Request Approval of Reso 01-2015

9. Approval of Reso. 02-2015 – Accept Financial Audit for FY 2013/2014

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING ACCEPTANCE OF THE ANNUAL AUDIT REPORT PROVIDED FOR FISCAL YEAR 2013/2014 BY THE AUDIT FIRM OF AVERETT WARMUS DURKEE; AND PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 9

Recommendation: Request Approval of Reso 02-2015

**K. PROCLAMATIONS: March is Irish American Month
May is Motorcycle Awareness Month**

**L. STAFF REPORTS: ADMINISTRATOR – Reso Supporting EOC funding
CLERK**

M. DISCUSSION ITEMS:

Topics Discussed on February 17, 2015 and carried forward:

- Budget Workshop Calendar
- Limiting Truck Access on Weber and Corey Roads
- Council Performance Evaluation of Fire Chief and Public Works Director

N. REPORTS – MAYOR AND COUNCIL MEMBERS

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

P. ANNOUNCEMENTS:

Two (2) vacancies on the Board of Adjustment

Three (3) vacancies on the Park and Recreation Board

Two (2) vacancies on the Trails & Greenways Committee

Two (2) vacancies on the Planning & Zoning Board

Q. ADJOURNMENT:

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

**TOWN OF MALABAR
AGENDA ITEM REPORT**

AGENDA ITEM NO: 1
Meeting Date: March 16, 2015

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

SUBJECT: Approval of Minutes

BACKGROUND/HISTORY:

Attached are the summary minutes for the following meetings:

- Regular Town Council Meeting – 3/2/2015

FINANCIAL IMPACT:

N/A

ATTACHMENTS:

Draft Minutes of the following meeting:

- Regular Town Council Meeting – 3/2/2015

ACTION OPTIONS:

The Town Clerk requests approval of the minutes.

“The following draft minutes are subject to changes and/or revisions by the Town Council and shall not be considered the official minutes until approved by the Town Council.”

MALABAR TOWN COUNCIL REGULAR MEETING
March 2, 2015 7:30 PM

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

A. CALL TO ORDER:

The meeting was called to order at 7:30 pm by Council Chair Mayor Carl Beatty. CM Vail led the prayer and pledge.

B. ROLL CALL:

COUNCIL CHAIR:	MAYOR CARL BEATTY
VICE-CHAIR:	MARISA ACQUAVIVA
COUNCIL MEMBERS:	GRANT BALL
	BRIAN VAIL
	DON KRIEGER
	DICK KORN
TOWN ADMINISTRATOR:	BONILYN WILBANKS
TOWN ATTORNEY:	KARL BOHNE
TOWN CLERK/TREASURER:	DEBBY FRANKLIN

For the Record, the Fire Chief Christopher Robinson and PW Dir Tom Miliore are also present.

C. ADDITIONS/DELETIONS/CHANGES: TA said to pull #7 and she will try to have it ready for next agenda if she gets information back from other towns our size. CM Acquaviva asked to pull #6. She doesn't know why they are getting additional information at the start of the meeting from the Mayor regarding a quote from Everglades. She asked Mayor if Council directed the Mayor. This is a strong Council form of government. They passed a resolution recently that she asked Clerk to distribute showing the duties of the Mayor as spelled out in the Charter. She wanted to know why the Mayor took this action to get a quote. Motion; CM Korn to move it to discussion; Council consensus to do so. Chair, Mayor Beatty wants to allow BCSO Report to go next.

G. BREVARD COUNTY SHERIFF'S OFFICE REPORT: Feb had 2 burglaries and 1 vehicle break-in in Jan. Fraud in Jan. Stolen property in Jan and 0 in Feb. CM Vail asked about break-ins in GV. Yes house on US1 and Habitat Golf Course and they caught both culprits. Said there have been a significant increase in roadway accidents in Malabar in Jan.

C. CONSENT AGENDAS: none

- 1. **Approval of Minutes** Regular Town Council Mtg – 1/5/15
Special Town Council Mtg – 2/17/15
- Exhibit:** Agenda Report No. 1.
- Recommendation:** Request Approval of Minutes

MOTION: CM Vail / CM Acquaviva to approve the Minutes as corrected.
Discussion: CM Acquaviva corrections: 1/5/15 pg 4, 2nd line clarifies to state CM Acquaviva was specifically asking about “fire” inspections. On the 2/17/15 minutes, pg 3, 6th line, sb “those” minutes not “the” minutes.

VOTE: All Ayes.

E. PUBLIC COMMENTS: Comments may not address subsequent Agenda Items. **Comments do not require Council response.** (Speaker Card Required) **Five (5) Minute Limit per Speaker.** Speaker's Card: None

F. ATTORNEY REPORT: nothing

G. ~~BREVARD COUNTY SHERIFF'S OFFICE REPORT:~~ ~~Feb had 2 burglaries and 1 vehicle in Jan. Fraud in Jan. Stolen property in Jan and 0 in Feb. CM Vail asked about break-ins in GV. Yes house on US1 and Habitat Golf Course and both they caught them. Significant increase in roadway accidents in Malabar in Jan.~~

BCSO REPORT DONE AFTER "C"

H. PARK & RECREATION ADVISORY BOARD CHAIR REPORT: Chair not present
I. PLANNING & ZONING ADVISORY BOARD CHAIR REPORT: Pat Reilly, Chair said he didn't know he was to present.

J. PUBLIC HEARINGS: 0

K. PUBLIC: ITEMS DIRECTLY RELATED TO RESIDENTS AND RECOMMENDATIONS FROM TOWN BOARDS/COMMITTEES PRESENT AT MEETING

- 2. Resident Ms. Laura Mahoney re: Burning of Yard Waste**
Exhibit: Agenda Report No. 2
Recommendation: Request is Open

Laura Mahoney, 2475 Malabar Road, came forward and addressed Council. (Presentation attached and made part of the minutes) She handed out copies of the Preamble. She referred to Ord 2014-03 not allowing any burning at all in Malabar. So for the Rural Residential type of life desiring having a campfire on their own property, it causes a hardship and essentially is the taking of property rights. The open fire restrictions are the only specifically prohibited. DOF doesn't deal with small camp fires; with 200 parks in Brevard alone, requiring permits would require more staff. She explained how her husband prepares and handles their fires. Ms. Mahoney said another point to correct in code is that land clearing can only be done for "future construction". She referenced Daniel Weltons email. She has property in Viera; only 1/6 acre and it produces about as much as their property on Malabar Road. **They have burned yard waste on their property on Malabar Road since 2004, when her kids were small.**

MOTION: CM Korn / CM Ball to amend Ord 2014-03 in Sec 8-73(b) to remove language "land clearing for future construction" and allow permits on a case by case basis and delete the word "prohibited" in Sec 8-83(d) and move sub para Sec 8-83(e) under 8-78. (Motion amended after the following discussion:

Discussion: CM Krieger asked how this ordinance relates to the agreement with DOF. He doesn't think people who have been here for years should have to pull a permit every time they want to burn in their pit. Atty said he can't tell what the relation was to the agreement and ordinance. Franklin said **the ordinance** was primarily **adopted** to update the State agency references (**FFS instead of DOF and FDACS instead of State**). Atty said the ordinance from 1992 prohibited yard waste burning. CM Ball understands what Don is saying. If he has a chiminea and its cool out and occasionally they may want to have an outdoor burn after hours? What about asking to live a rural lifestyle? Atty said it is not the chiminea or other contained pits. This was much discussed during the adoption of Ord 2014-03 and the language was already in the code prohibiting yard waste burning. This prohibition was only for the uncontained open fires. Chief came to podium and said they have residents on file that have

called ahead of time and let them know they were going to burn and have safeguards in place; they are responsible.

CM Korn asked about the 55 gal barrel with mesh screen top in his backyard. Chief said it is technically a contained fire. So is a ringed fire pit. CM Vail said he has a small fire ring and if he wants to have a burn he calls the FD. **Laura Mahoney said the DOF doesn't issue permits for open fires less than eight feet in diameter and less than ten feet in height. For larger fires you have minimum setbacks as referenced in handout.** CM Acquaviva said they have lots of yard waste that is generated and WM is very good about picking it up. Ms. Mahoney said they are right on Malabar Road and if they piled it up on the roadside it could be dangerous for drivers both for vision and safety since palm fronds get blown around easily.

CM Krieger said he wanted language to make it apparent about what is a contained fire – and what is the distance – he heard 75'.

Chief said they have good checks and balances in place now; there is no cost for the permit; **they don't want** people to burn negligently.

CM Korn, asked about the fires on resident's property in the last year and a half that was done without a permit or calling the FD requiring the FD to respond. CM Acquaviva said she didn't know she could just call Fire Dept to ask for a Special Permit. Chair called FD Chief to podium. He said the only problem is the person who doesn't call. The instance Korn referenced, that particular day was a "no burn" day per DOF. TA explained why we adopted the ordinance so that we could issue permits for burning.

Atty said change Sec 8.73 (b) to allow for a case by case and in Sec 8-83 remove the word "prohibited" from sub para (d). CM Vail asked about reverse 911? No it cost 5K each year. Chief said we have great

Korn said Krieger will have the minutes from this meeting. Krieger thinks it should go to Park Board and P&Z Boards for their review of this before it comes back to Council. Atty said it does not require that but Council can do what they want. CM Acquaviva said she is satisfied with the Council making this decision. Board Members are welcome to attend and participate.

VOTE: All Ayes.

3. Recommendation from Planning & Zoning Board – Maximum Bldg Coverage
Exhibit: Agenda Report No. 3
Recommendation: Request Direction

Presentation from PZ Bd Chair.

Discussion: CM Acquaviva asked if it meant larger buildings. PZ Chair Pat Reilly said that R/LC would allow larger foot prints but over 4,000sf would be a conditional use. He explained the P&Z Board is considering recommendations to change zoning along arterials (Babcock, Malabar and Highway 1) to RLC. Mayor said other commercial districts use a percentage.

CM Krieger said 20% is great. It seems to be what commercial.

Juliana Hirsch from audience, 1035 Malabar Road. 4000 sf is not very big. Some houses are that big.

MOTION: CM Korn / CM Ball to recommend option 1 for P&Z Board to explore.

VOTE: Ayes 4; Nay, 1 (Acquaviva).

**L. ACTION ITEMS:
ORDINANCES FOR 1ST READING – 0
RESOLUTIONS - 2**

4. Authorize Joint Agreement with FDOT (Reso 03-2015)

Exhibit: Agenda Report No. 4

Recommendation: Request Action

MOTION: CM Vail / CM Korn to approve Reso 03-2015.

Discussion:

Franklin explained Reso and Atty explained why we are the agent. CM Ball asked Attorney if we are buying in to this and approving it; are we endorsing any other project by approving this. Atty said we are endorsing the lighting project as described in the scope of services only.

CM Krieger said he it looks like it is benefitting a private business. Krieger asked if these are replacement poles or new poles. Franklin said it is four (4) poles in Malabar and five (5) in Palm Bay to light up the curve. This resolution only authorizes the TA to sign a JPA with FDOT for improved street lighting on Hwy 1 at the curve between north Malabar and south Palm Bay boundaries.

CM Ball thought it appeared that this was being pushed through without all the information. Franklin said we have kept Council apprised of this project since November, 2014. She will send out more information.

ROLL CALL VOTE: CM Ball, Nay; CM Vail, Aye; CM Krieger, Nay; CM Korn, Aye; CM Acquaviva, Aye. Motion approved 3 to 2.

5. Adopt Reso 02-2015 opposing Seismic air-gun testing off the Atlantic Coast in the Search for Oil and Gas

Exhibit: Agenda Report No. 5

Recommendation: Request Action

Mayor read Reso by title only:

Discussion: The Mayor said SCLC and many municipalities have already passed similar resolutions. Mayor said the explosion equates to 250 decibels and he has seen a bunch dolphins that floated to surface.

MOTION: CM Acquaviva / CM Vail to approve Reso 02-2015.

Discussion: CM Ball said this sounds very political. He said we are non-partisan and should not endorse one way or the other. CM Korn said the art of politics is about influence. Our input may help influence. Mayor said the State of Georgia has already gone forward with allowing this testing despite what the people wanted.

CM Krieger put out feelers at a couple of Departments at F.I.T. and he has not gotten anything back yet; he only asked yesterday. CM Krieger said this smacks of politics and they shouldn't be involved; or we could table until he hears back from FIT and he (Mayor) gets the additional information to share with Council.

CM Acquaviva asked Mayor why he supports it. He said because the SCLC has adopted it and many municipalities have adopted similar resolutions. He can't name them but he will submit the information he has on this subject so it can be in the next packet. Mayor said he witnessed this test on Duda Ranch. He is thinking about whales and other fish and mammals that could be adversely affected. TA asked if she should write a letter to Senator Nelson. Consensus of Council was to not send a letter. Review material when it is available.

MOTION: Ball / Korn to table until more information is provided. **VOTE:** All Ayes.

TA also said that the Auditor would be happy to come early on the 16th to meet with any Councilmember before the meeting; he would have to meet with you individually. Franklin then added that after they review the audit report if they have questions or want clarification they are welcome to ask either the TA or her.

P. DISCUSSION ITEMS: Agenda Item # 6 (moved from action above)

6. Slope Mower Repair Quotes (Council Directive)

Exhibit: Agenda Report No.6

Recommendation: Request Action Moved to Discussion

Discussion:

Mayor said we have an estimate for a complete rebuild from Robinson for \$38,335.83; and an estimate from Everglades for \$49,451.37. He then asked for a hands on evaluation from Everglades representative to just fix what is broken and another for the tie rod replacement and that is what he handed out before this Council meeting started. It was for \$2,872.51 and \$1,473.64. TA explained that the Mayor, Bud Ryan, Bob Seigmann and a rep from Everglades met on 2/13/15 outside town hall. PW staff Member Tony Forte was there with the machine.

CM Acquaviva asked why the Mayor was going out and getting quotes. Council did not tell him to go out and get quotes or bids. TA said the first quotes were for a complete rebuild from each company. CM Vail said he does remember discussion about getting it assessed by Everglades; he assumes this was from the TA.

CM Korn said he remembers asking Brian from Robinson to provide a similar quote on just what is needed to get three more years out of it. CM Korn said both companies need to get the same request defined the same way.

Franklin explained how the quote was done. It did not involve the TA; there are no records of what was asked from Everglades; TA was instructed by Mayor to have the slopemower at town hall at 8am on 2/13/15 because he and the others were going to inspect it. Franklin then explained that we have to get quotes for the port-a-lets for Springfest and the Clown and the Ponies and all of it is done in writing to the vendors at the same time and is handled and documented by the TA. TA then said that we need to do this because part of the audit testing process is to review the RFPs, RFQs, Grant applications, etc., and determine if we have followed our own rules.

CM Acquaviva clarifies she is not against getting more information; she wants the direction to come from Council.

MOTION: CM Vail / CM Ball to table. **VOTE:** All Ayes.

Q. REPORTS – MAYOR AND COUNCIL MEMBERS

CM Korn – Should also complement Bonnie and her staff for the quick response and corrective action on repairs to Richards and Kramer Lanes. Bonnie will pass it on to staff.

Mayor also complemented her on her purchase of the portable amplifier. TA said the credit goes to Denine, who does a great job of shopping for the best deal. CM Korn continued that this March 2, and her review is due in April. Need to send out review paperwork for TA. That will then be on first agenda in April. Link to videos on website was there and then gone and now it is back. We need the Mailboat out on a regular basis. Communicate with constituents. Vail said we all travel different roads and we should feed that information back to TA. What are the crown and arrow painted in gold? Korn said they are

MISCELLANEOUS:

The Following Item was moved to Discussion:

DISCUSSION ITEMS:

- 6. Slope Mower Repair Quotes (Council Directive)**
Exhibit: Agenda Report No.6
Recommendation: Request Action Moved to Discussion

The next item was pulled until TA completes the information gathering.

- ~~**7. Disposal Process for Declared Surplus (Council Directive)**~~

(No Recess – Attorney Excused)

M. PRESENTATIONS: Thank You Letter to Building Official

Mayor read letter into the record; it is a letter thanking the Roger Cloutier, Building Official, for his time and efforts in making a cover for the portable sound system.

N. PROCLAMATIONS: None

O. STAFF REPORTS:

ADMINISTRATOR: None

TOWN CLERK's Report:

Clerk explained why she had sent out minutes by subject matter to Council last Saturday. The implication from the 2/17/15 meeting that adequate discussion had not occurred at the time initiated these. This was for the benefit of the new members and a refresher for the other members that the topics discussed at the Special Mtg on Feb 17 had been discussed thoroughly at several meetings starting before the Budget workshops. They covered SW projects, CIP update, Roads and PW and FD vehicle inventory and department status.

SCLC Dinner Meeting is next Monday. We are co-hosts with G-V. Appear to have a good representation from Malabar; Cindi and I will be checking people in as we are the co-hosts.

Audit Report should be delivered to each CM directly from the Auditor later this week. This will be on the 3/16 agenda for acceptance. We do this with a resolution. In the past we have allowed the Audit firm to present at the beginning of the meeting as they have to drive back to Orlando afterwards.

Our Accounting Clerk Jackie Garner is a tremendous asset to our department and has been doing all the Accounts Receivable and Payroll since Jan 1. The separation of duties with me reviewing it all and Cindi doing accounts payable and Jackie doing accounts receivable truly provides clear checks and balances. The Auditor is very pleased with the reports we are able to produce.

Last item is to advise Council that a PRR (public records request) was made of a Board Member for all his emails that related to Town business and copies of his phone bills that included town officials calls. After 13 days he acknowledged my request and stated he had no material that pertained to official business. I am telling you this because it may escalate into a civil matter. It will not involve the Town as I have done as I was supposed to do per F.S. From this point on it will be a civil matter between these two parties. That's all.

TA said Clerk was following direction of the Town Attorney regarding this matter.

distance markings. TA said the nursery on Weber (Sunscape) has put a stop bar in orange across road for his customers.

- CM Acquaviva – nothing
- CM Ball – nothing
- CM Vail – nothing

CM Krieger – Culverts on Atz in Sugar Pine SD, also on Corey south of Malabar, east side. There is drop from edge of road. CM Vail said Corey Road south of Hall Road on east side, there are two big dips. Atz Road between Homestead Lane and Corey Road, there is dirt washing into ditch because it needs sod. Last thing, he likes the discussion type of meeting we had the last meeting and would like to have one every month.

Mayor – Several items; because he has the information on Homestead and Lineberry; the four foot (4') culverts and headwalls were put in by county. The County used dirt filled rip rap bags. Mayor suggests patching the ones that have fallen and just pour concrete over them where they are failing at Atz and Homestead Lane.

Mayor then explained why he had the discussion meeting on 2/17/15. There were many things he learned from that. The minutes and agendas still can't be seen on website. Much discussion; Mayor said prior Mayor Phil Crews couldn't access it and he is computer savvy. Korn said the minutes and agendas are there; he has accessed them. CM Vail said he also found them and he is not computer savvy. Krieger said he was doing research.

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

S. ANNOUNCEMENTS:

- Two (2) vacancies on the Board of Adjustment
- Three (3) vacancies on the Park and Recreation Board
- Two (2) vacancies on the Trails & Greenways Committee
- Two (2) vacancies on the Planning & Zoning Board

T. ADJOURNMENT:

There being no further business to discuss, Chair asked for a motion.

MOTION: CM Krieger / CM Ball to adjourn. **VOTE:** All Ayes. The meeting adjourned at 10:22 PM.

BY: _____
Mayor Carl Beatty, Council Chair

ATTEST BY:

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

Date Approved: _____

PREAMBLE

The people of the Town of Malabar desire to maintain the rural residential quality of life in their town and they are concerned about the possibility of uncontrolled growth in the future affecting that type of lifestyle. The people of the Town of Malabar are concerned that the power to govern their town remain vested in a duly elected town council. Therefore, they have ratified by referendum this Charter and enacted it into law. They wish to maintain the rural residential character of their community. Furthermore, having complete faith in representative government with the ultimate power to govern remaining with themselves, they desire to codify the recent history of Malabar which has been the practice of vesting the decision making power of the town in a five (5) member town council.

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

RTCM 3/2/15
Read into record
by Laura Mahoney
5 pgs

Ordinance 2014-03

Rural Residential Quality of Life:

The (Ordinance 2014-03) puts an undue burden and hardship on anyone in Malabar who owns land and especially sizeable parcels of land.

Also, we wish to maintain the **Rural Residential character of our community.**

The ordinance has taken some of our freedom and property rights, preventing us from even building a simple campfire without a permit on our own property. I noticed very few people in our community are aware of this including new council members as of December.

This burning requirement (Ordinance 2014-03) was made not by our Brevard or Florida Government, but by our trusted Malabar Town representative government.

In other words, the normal Forest Service authorizes "open burn" "permits" under normal operations for those burns that are 8 foot or more.

Check "Know the Law Before You Strike that Match in Florida" www.fl-dof.com
These Forest service permits are not normally for simple campfires or yard waste burns (the exception now being for the Town of Malabar) **The Town of Malabar is the only town or city in all the space coast league of cities to have an agreement with the department of Forestry for fires under the 8 foot standard and putting an undue burden on our forestry service.**

Example: a typical boyscout troop, such as our own Malabar troop, camps once a month and makes a campfire every night they are camping all over the state of Florida. Multiply that times all the other people camping at the 200 plus parks just in this county, and the forestry service would have quite an increase in workload.

Since our Town Council decided on this ordinance which is **not in agreement** with our

town charter and our **desire to maintain a rural residential lifestyle unhindered from unnecessary stress and burden**; those of us who are aware have burned less often. In fact, the natural “fuel” also known as “yard waste” is beginning to pile up on my property specifically making for a natural hazard that has normally been curbed by the normal ebb and flow of burning as needed according to the proper conditions as they naturally present themselves. In other words, since 2004, when my children were young, we piled up sticks and as conditions presented themselves favorable, my husband burned the pile (on average, every month).

We have over 100 palm trees on our property alone. One of those palm trees can leave enough natural yard trash (not pruned or manicured) to fill two garbage cans. If I were to leave only 2 palm trees worth of yard trash out along Malabar Road, it would be a possible traffic hazard as palm fronds tend to take flight with a bit of wind.

There is something else in the ordinance that should be changed as land clearing is restricted for the purpose of building only. You will probably want to add permit to land that has not been maintained and may need cleared for the purpose of safety or other activities outside of building.

Florida Law

<http://www.freshfromflorida.com/Divisions-Offices/Florida-Forest-Service/Wildland-Fire/Fire-Prevention/KNOW-THE-LAW-Before-You-Strike-That-Match-Florida-s-Outdoor-Burning-and-Forest-Fire-Laws>

BURNING AUTHORIZATIONS

Are NOT REQUIRED...

to burn yard waste as long as you meet the required setbacks and there are no local, city or county ordinances in place that prohibit burning.

Check with your local city and county officials to find out if there are any restrictions in your area.

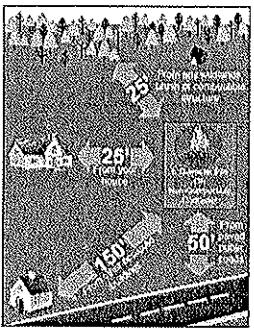
WHAT IS YARD WASTE?

Yard waste is vegetative debris such as grass clippings, brush, leaves, tree limbs, palm fronds, etc., that are a result of yard maintenance. You may burn yard waste as long as:

- You meet the required setbacks and no local city or county ordinances prohibit burning
- The yard waste was generated on your property and it will fit in an 8-foot diameter pile or non-combustible container
- Your fire is ignited after 8 a.m. Central Time or 9 a.m. Eastern Time and is extinguished one hour before sunset
- Smoke is not a hazard or nuisance
- Clear an area down to bare soil around your pile to prevent the fire from spreading
- Cover a non-combustible container with wire mesh to keep sparks from flying out and starting new fires

NOTE: Piles greater than 8 feet in diameter will require an 1) authorization from the Florida Forest Service, 2) must have suppression equipment on hand, and 3) need to meet additional setback requirements.

Required Setbacks for Yard Waste Burning (illustration)



Check with your local city and county officials to find out if there are any restrictions in your area.

Required Setbacks for Yard Waste Burning (text)

- 25 feet from forests
- 50 feet from paved public roads
- 25 feet from your house
- 150 feet from other occupied buildings

I do want to address my fellow Malabar citizenry such as the opinion of Daniel Welton as he may be representing a change in the desires of our community.

Daniel Welton wrote his opinion to several of our council members stating:

“I am convinced that allowing citizens to burn yard waste will cause more harm than good.”

My first statement is our citizens have burned yard waste for a very long time safely.

And my second statement is according to the Malabar fire incident reports

Most fires besides controlled burns have been caused by and I quote:

Brush or brush-and-grass mixture fire. Includes ground fuels lying on or immediately above the ground such as duff, roots, dead leaves, fine dead wood, and downed logs

Listed Causes: Act of Nature or Natural Source

Read more: <http://www.city-data.com/fire/fire-Malabar-Florida.html#ixzz3TEv7tzGW>

If we do want to give up our freedoms and trust of our fellow citizenry, I believe it would be wise to allow us to break our lots up into no larger than quarter acre lots and add family dwellings in order to cut down on the amount of yard waste a lot may produce. I have a property in Viera that is just under a sixth of an acre that seems to produce the same amount of yard waste Daniel Welton's property produces. The person living on that property has called Waste management twice in the last 6 months for oversized amounts of debris to be picked up and weekly puts yard waste at the curb. this would help us to maintain the yard waste accumulated on our properties.

According to the Melbourne fire department, the reason for most city ordinances controlling personal property fires is public opinion and usually has more to do with complaints of smoke on their property than out of control burns.

2

TOWN OF MALABAR

MEMORANDUM

Date: February 27, 2015 15-AABO-002

To: Debby Franklin, Town Clerk/Treasurer
Town Council

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

Ref: Recommendation from P&Z to Council Updating Off-Street Parking & Internal Traffic Circulation Parking (Article IX) & Definitions (Article XX)

The PZ Board after many meetings and much discussions finished the updates on the verbiage for Off-Street & Internal Traffic Circulation Parking (Article IX), and Definitions (Article XX).

On February 25th, 2015 the Planning and Zoning Board made the following Motion:

Motion: Ryan / Ritter to recommend to Council changes made in Article IX Off-Street Parking and Internal Traffic Circulation & Article XX Definitions and Language. Roll Call Vote: Abare, Aye; Reilly, Aye; Ryan, Aye; Ritter, Aye. Motion carried 4 to 0

ATTACHMENTS:

- Article IX Off-Street Parking & Internal Traffic Circulation Parking
- Portion of Article XX Definitions

ARTICLE IX
OFF-STREET PARKING
AND INTERNAL TRAFFIC
CIRCULATION

UPDATED @ P & Z
MEETING ON 2/25/15 FOR
RECOMMENDATION TO
COUNCIL

Article IX - OFF-STREET PARKING AND INTERNAL TRAFFIC CIRCULATION

Section 1-9.1. - Applicability.

Parking shall be **in the best interest of the health, safety, and welfare of the general public in the promotion and preservation of traffic safety.** Parking shall be provided in all districts at the time any building or structure is erected, or enlarged, or increased in capacity by a change of use or **with** the addition of dwelling units, floor area, seats, employees, or other factors determinative of parking demand as stated in this Article IX.

Section 1-9.2. - Parking spaces required by use.

1. *Single Family Dwellings.* Two (2) spaces for each single family dwelling, plus one (1) space for each one thousand square feet over two thousand square feet of floor area.
2. *Two Family Dwellings.* Two (2) spaces for each family unit, plus one (1) visitor space for each two (2) units.
3. *Multi-Family Dwellings.* Two (2) spaces for each family unit, plus one (1) visitor space for each two (2) units.
4. *Hotels and Motels.* One (1) space for each sleeping unit plus one (1) space for manager and one (1) space for every three (3) employees on the largest shift.
5. *Mobile Home Parks or Courts.* Two (2) spaces per unit; one (1) must be at lot site.
6. *Mobile Home Subdivisions.* Two (2) spaces for each mobile home unit at the site.
7. *Private Clubs or Lodges.* One (1) space for every five (5) seats or one (1) space for every one hundred fifty (150) square feet of gross building area, whichever is greater.
8. *Stadiums and Other Places of Public Assembly.* One (1) space for every three (3) seats figuring maximum seating capacity or one (1) space for each one hundred twenty (120) square feet of floor area of the main assembly hall, whichever is greater.
9. *Places of Worship.* One (1) space for every three (3) seats figuring maximum seating capacity or one (1) space for each one hundred and twenty square feet of floor area in the main assembly hall, whichever is greater.
10. *Public Buildings, Theaters, Auditorium.* One (1) space for every three (3) seats figuring maximum seating capacity or one (1) space for each one hundred and twenty square feet of floor area in the main assembly hall, whichever is greater.
11. *Social Welfare Facilities.* One (1) space for every three (3) residents/beds plus one (1) space per employee on the largest shift.
12. *Public Health Facilities.* One (1) space for each five (5) beds plus one (1) space for each employee, including doctors, or one (1) space for per three hundred (300) feet of building area, whichever is greater.
13. *Hospitals.* One (1) space for each two (2) beds intended for patients, plus one (1) space for each doctor, or other employee, and one (1) visitor space for every three beds, or one (1) space per three hundred (300) feet of building area, whichever is greater.
14. *Nursing Homes.* One (1) space for each five (5) beds plus one (1) space for each employee, including doctors, or one (1) space for per three hundred (300) feet of building area, whichever is greater.
15. *Medical Offices.* One (1) space for each one hundred fifty (150) square feet of gross building area or five (5) spaces for each doctor, whichever is greater.

16. *Child Care Facilities.* One (1) space for each employee plus one (1) visitor or parental space for every three children enrolled, or one (1) space for each three hundred (300) feet of building area, whichever is greater.
17. *Retail Sales Stores.* One (1) space for each two hundred (200) square feet of retail floor space.
18. *Restaurants and Lounges.* One (1) space for each one hundred (100) square feet of gross building area.
19. *Libraries and Museums.* One (1) space for each three hundred (300) square feet of gross building area.
20. *Manufacturing Wholesale and Warehousing.* One (1) space per five hundred (500) square feet of gross building area or one (1) space for each two (2) employees on the largest shift, whichever is greater.
21. *Bowling Lanes.* Six (6) spaces per lane.
22. *Marinas.* One (1) space for each three hundred (300) square feet of principal building plus one (1) space for every three (3) storage or slip places.
23. *Schools.*
 - (a) *High Schools.* One (1) space for each four (4) students.
 - (b) *Junior High and Elementary Schools.* One (1) space for each ten (10) students.
24. *Business and Vocational Schools.* One (1) space for each three (3) students.
25. *Gasoline Service Stations.* Two (2) spaces for each bay, grease rack (excluding grease trap as parking space) or similar facility, plus one (1) space for each gas pump. No such bay, rack or similar facility shall be counted as a parking space for meeting the parking requirements of this Article.
26. *Shopping Centers.* Five and one-half (5.5) parking spaces for each one thousand (1,000) square feet of gross floor space in the shopping center.
27. *Office and Professional Building (excluding medical offices).* One (1) space for each two hundred (200) square feet of office space.
28. *Transportation Terminals.* One (1) space for each two hundred (200) square feet of floor space.
29. *Auto Sales and Repair.* One (1) space for each employee at maximum employment on a single shift, plus two (2) spaces for each three hundred (300) square feet of auto repair or sales spaces.
30. *Funeral Homes.* One (1) space for every three (3) seats figuring maximum seating capacity plus five (5) spaces for employees or one (1) space for each one hundred twenty (120) square feet of floor area of gross floor area [sic], whichever is greater.
31. *Drive-Through Facilities.* In addition to other parking requirements for a principal use, stacking spaces shall be provided for drive-through facilities in compliance with the following minimum specifications:
 - (a) *Number of spaces required including receiving or service window space.* Six (6) stacking spaces per drive-through lane. Where this requirement is demonstrated by the applicant to be inconsistent with the traffic generating characteristics of a specific use, the applicant may request that the standard be modified by the Town Council. The Town Council may approve a reduction in the required waiting spaces for such use provided the applicant demonstrates that the intended use generates a low volume of drive-up traffic and does not require the standard six (6) stacking spaces. The Town Council shall consider the nature of the use, its intensity, size, other parking facilities provided and other traffic generating characteristics.
 - (b) *Length of Spaces.* Each space shall be a minimum of twenty (20) feet in length.
 - (c) *Width of Spaces.* On curves with a radius of twenty-five (25) feet or less, a minimum pavement width of twelve (12) feet shall be provided. On curves with a radius of more than twenty-five (25) feet, a minimum pavement width of ten (10) feet shall be provided.

(d) *Surface requirements* shall be the same as those specified for parking areas.

32. *Bed and Breakfast*. One (1) parking space for each guest quarter and two (2) spaces for the entire residence.

(Ord. No. 06-19, § 2, 1-11-07; Ord. No. 14-01, § 5, 2-3-14)

Section 1-9.3. - Computation of parking spaces.

In computing the number of required parking spaces the following rules shall govern:

1. *Floor Area Calculation*. Floor area means the **total** gross floor area of a particular use.
2. *Interpretation of Computation with Fractions*. Where fractional spaces result, the number of spaces required shall be construed to be the next whole number.
3. *Requirements for Uses Not Identified*. The parking requirement for any use not specified shall be the same as that required for a use of a similar nature as recognized herein or where not recognized herein, shall be based on criteria published by the American Planning Association or similarly recognized standards of their profession and such standard shall be approved by the Town Council.
4. *Requirements for Mixed Uses*. In the case of mixed uses the parking spaces shall be equal to the sum of the several uses computed separately.
5. *Applicability of Standards to Expanding Uses*. Whenever a building or use is enlarged in floor area; number of dwelling units, seating capacity or in any other manner so as to create a need for a greater number of parking spaces than that existing such spaces shall be provided in accordance with this Section. Any parking deficiency shall be brought into conformity concurrently with the enlargement or change of use.
6. *Location of Off-Street Parking Spaces*. Except as otherwise prescribed for dwelling units, off-street parking spaces required by this section shall be located on the site on which the main building or use is located. For buildings or uses located in a commercial district, parking spaces may be located not more than five hundred (500) feet from the subject site if approved by the Town Council. Such parking space will be within a commercially zoned district and appropriate legal documents including any required restrictive covenants, necessary to implement conditions imposed by the Town Council shall be filed as an integral part of the approved site plan.
7. **Non-Contiguous & Off-Site Parking Spaces are not permitted unless proper engineering and approved safety standards are implemented**
- ~~7.8.~~ *Combined Parking Spaces*. The required parking spaces for any number of separate uses may be combined in one (1) lot but the required space assigned to one (1) use may not be assigned to another use at the same time.

Section 1-9.4. - Parking in yards and landscaping.

Unenclosed parking spaces may be located within a required yard. All parking areas other than for single family homes shall conform to the landscape requirements of the Town land development regulations, as exist or as may hereinafter be amended.

Section 1-9.5. - Design and specifications for parking and loading areas.

- A. *Stalls, Aisles, and Driveways*. Parking stalls shall be ten (10) feet wide by twenty (20) feet long for angle parking; and shall be nine (9) feet wide by twenty-three (23) feet long for parallel parking stalls. Aisle dimensions shall be in accord with standard specifications on file with the Building Official. Angle parking shall be restricted to angles of ninety (90) degrees, sixty (60) degrees, or forty-five (45) degrees. The following criteria are applicable to all parking spaces, excepting single family homes.

1. Each parking stall shall be accessible from an aisle or driveway and designed so that no automobile shall back into a public street in order to exit a parking stall. The internal design of the parking lot shall be designed to facilitate vehicular circulation and avoid conflict between pedestrian and vehicular movements. Internal circulation also shall be designed so as not to create conflict with access into or egress from the site and shall be consistent with the landscape requirements of this Code.
 2. No door or pedestrian entrance at ground level shall open directly upon any driveway or access aisle unless the doorway or pedestrian entrance is at least three feet or more from said driveway or access aisle and appropriate improvements are provided to allow for safe pedestrian access to the door.
 3. All paved parking spaces shall have lines between spaces to indicate individual stalls, and each stall may be required to be equipped with wheel stops if deemed appropriate by the Town Council based on recommendations of the **Town Building Official**. ~~Town Staff~~.
 - (a) Wheel stops for stalls adjacent to landscaped strips shall be located two and one half (2½) feet from the front end of the stall to prevent encroachment into required landscaped areas. The front two (2) feet of the stall may be kept as a maintained vegetative ground cover area although no credit will be extended toward the open space requirements of this Code.
 - (b) Wheel stops for stalls not adjacent to landscaped strips shall be located three and one-half (3½) feet from the front end of the stall. The front three (3) feet of the stall may be kept as a maintained vegetative ground cover area although no credit will be extended toward the open space requirements of this Code.
 4. Parking lots with twenty (20) or more spaces may be comprised of a maximum of fifteen (15) percent compact car parking stalls. Such compact car stalls shall be seven and a half (7½) feet wide by fifteen (15) feet long and marked for use by small vehicles. The markings shall be maintained in perpetuity. The intent is to deter larger cars from using compact car spaces.
 5. All publicly maintained and operated parking facilities intended for public use and all businesses, firms, or other persons licensed to do business with the public shall comply with requirements for access established in the Accessibility Requirements Manual published by the Department of Community Affairs, Florida Board of Building Codes and Standards.
- B. *Entries, Exits, Drives and Vehicle Maneuvering Areas.* All uses which are required to provide three or more off-street parking spaces shall have entry and exit ways and drives at least eighteen (18) feet in width to accommodate two-way traffic unless a one-way traffic system is utilized, in which case entry and exit ways and drives shall be at least nine (9) feet in width. In the event a one-way traffic system is utilized, appropriate traffic direction markers shall be installed. The internal circulation system, including drives and maneuvering areas, shall be designed to permit convenient maneuvering of cars and service vehicles into and out of each parking and loading space, and shall be arranged so that no vehicle need back onto a public right-of-way. No occupied parking or loading space shall interfere with access to any other parking or loading space, or with any pedestrian walkway. The design of parking facilities shall also comply with landscape requirements of Article XIII [Article XIV].
- C. *Restricted Use of Off-Street Parking Areas.* All parking areas shall be used for automobile parking only, with no sales, **and are not intended for** dead storage, non-emergency repair work, dismantling or servicing of any kind. Where lighting is provided, it shall be arranged to reflect away from residential areas and public ways.
- D. *Off-Street Loading Regulations.* The following spaces shall be provided for the uses indicated:
1. Every hospital, institution, hotel, commercial or industrial building or similar use having a floor area in excess of five thousand (5,000) square feet or fraction thereof requiring the receipt or distribution by vehicle of materials and merchandise, shall have at least one permanently maintained off-street loading space for each five thousand (5,000) square feet of gross floor area or fraction thereof.

2. Retail operations, wholesale operations and industrial operations with a gross floor area of less than ten thousand (10,000) square feet, shall provide sufficient space so as not to hinder the free movements of vehicles and pedestrians over a sidewalk, street or alley.
3. Each space shall have a direct access to a public right-of-way and shall have the following minimum dimensions:
 - (a) Length: Twenty-five (25) feet; a larger length upward to thirty-five (35) feet may be required upon recommendation by the Town Building Official, ~~the City Engineer and approval of the Planning and Zoning Commission.~~
 - (b) Width: Twelve (12) feet.
 - (c) Height: Fourteen (14) feet & six (6) inches.

All subject to site plan approval.

- E. *Surfacing Requirements for Parking and Loading Spaces.* In all zoning districts, surfacing of all off-street parking areas and drives, except within the RR-65 zoning district having single family uses exclusively, shall be as follows:
 1. *Nonporous Surfaces.* All parking areas and approaches thereto shall require a minimum surfacing material of four (4) inches reinforced concrete, or six (6) inches of lime rock, after compaction or a comparable material with one (1) inch minimum asphaltic topping except as other [otherwise] provided herein.
 2. *Porous Surfaces. Part-time or temporary use such as Church, Park, Fair, and Festival parking. All parking areas must be up to specifications of the Town Engineer, Town Planner, and/or Building Official as to composition, compaction, and drainage grade.*
- F. *Modifications.* The Town Council may approve modifications to the specifications of Section 1-9.5 upon demonstrated need by the applicant and based on recommendations of the Town Building Official Staff and the Planning and Zoning Board. In considering modifications to the specifications required by this Section, the Town Council shall be guided by the current edition of the Architectural Graphic Standards by Ramsey and Sleeper, or an equivalent commonly accepted source of standards.
- G. *Parking Areas not to be reduced in Area.* Area designated for off-street parking or loading in accordance with the requirements of this Code shall not be reduced in area or changed to any other use unless the permitted use which it served is discontinued or modified, except where equivalent parking or loading space is provided and approved pursuant to Article III [Article VII] "Site Plan Review."

PORTION OF

ARTICLE XX

DEFINITIONS &

LANGUAGE

UPDATED @ P & Z

MEETING ON 2/25/15 FOR

RECOMMENDATION TO

COUNCIL

Mining. The removal, either in or upon the soil of the earth or beneath the soil, of any valuable inert or lifeless substance formed or deposited in its present position through natural agencies alone, as a commercial business.

Mini-Warehouse/Mini-Storage. A mini-warehouse/mini-storage is defined as a fully enclosed, single story, building or buildings that may contain removable interior partitions and having individual compartmentalized units, stalls or lockers with privately controlled access points which are to be rented as storage space for customers' goods, wares, or personal property. No individual storage unit shall exceed five hundred (500) square feet in floor space. No unit shall be used for any wholesale or retail operations; however, it shall not preclude use as a depot for such purposes as franchised distribution.

An office for the rental of the storage spaces may be included, provided it does not exceed three hundred (300) square feet, excluding any bathroom facilities.

Mobile Home Park. A tract of land in one ownership, which provides rental spaces for mobile homes.

Mobile Home Park, Transient. A facility which provides short term parking areas for travel trailers, travel campers and mobile homes, along with the provision of utilities, recreation and related services.

Mobile Home Site. A lot or space or plot of ground within a mobile home park or trailer park, designated for the accommodation of not more than one mobile home or trailer coach.

Mobile Home Subdivision. A recorded subdivision of land officially recorded which provides individual sites, for sale, for mobile homes.

Model Home. A finished, single-family residential unit, including units in a multifamily structure and mobile homes for which a certificate of occupancy could be obtained, located in a residentially zoned district but utilized as an example of a product offered for sale to purchasers (by a realtor, builder, developer or contractor). The dwelling house may be furnished but not occupied as a residence while being used as "Model Home."

Motel. See Hotel.

Motor Vehicle. As defined by Title XXIII Florida Statutes, specifically Chapter 320.01(1) (a) and (b).

Noncomplying Building or Structure. Any building or other structure which is a lawful use (permitted or nonconforming) but which does not comply with all applicable provisions of this Code, including bulk regulations, off-street parking requirements, landscape requirements, performance standards, or airport height hazard zone requirements, either on the effective date of this Ordinance or as a result of any subsequent amendment.

Nonconforming Use. A use of a building or structure or of a tract of land which, at the time of the commencement of the use, was a permitted use in the zoning district, or any legal change thereto from the time of the commencement thereof until the effective date of this Ordinance, but which does not, on the effective date of this Ordinance, conform to the use criteria of the district in which it is located.

Open Space (Green Area). Open space includes the gross area of the site less building coverage, parking surface and internal traffic circulation system.

Parking.

Off-Site Parking. Parking is not on the same location or property as the Business's Building.

Off-Street Parking. Parking is not on any Roadway or any Right of Way or within any "Right of Way Line".

On-Site Contiguous Parking. Parking is in the same location and on the same property as the Business's Building and has the same owner(s).

On-Street Parking. Parking is abutting a Roadway, which is any public path used by vehicle as a way of getting somewhere. ie; Lane, road, Street, Trail, etc.

Parking Lot. An area or plot of ground, used for the storage or parking of motor vehicles either for compensation or to provide an accessory service to a business, industrial or residential use.

Parking Space(s), Off-Street shall mean a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for three (3) or more automobiles shall have individual spaces marked and shall be so designed, maintained and regulated that no parking or maneuvering incidental to parking shall be on any public street, walkway or alley, and so that any automobile may be parked and unparked without moving another.

For purposes of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated at three hundred (300) square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, improved in a manner appropriate to the circumstances of the case, and in accordance with all ordinances and regulations of the Town.

Permeable Surface. Any surface permitting full or partial absorption of stormwater into previously unimproved land.

Premises. Any land together with any structures occupying it.

Principal Structure. A building in which is conducted the principal use of the lot on which it is situated. An attached carport, shed, garage, or any other structure with one (1) or more walls, or a part of one (1) wall being a part of the principal building and structurally dependent, totally or in part, on the principal building, shall comprise a part of the principal building and be subject to all regulations applied to the principal building. A detached and structurally independent carport, garage or other structure shall conform to the requirements of an accessory building. A structure conforming as an accessory building may be attached to the principal building by an open breezeway.

Public Water and Sewer Service. This shall mean water and sewer systems, including pipes, rights-of-way and treatment plants, owned and operated by the Town or operated under a franchise granted by the Town.

Recreational and Landscaped Open Space. Unroofed or screen roofed ornamental landscaped areas and recreational areas which are easily accessible and regularly available to occupants of all dwelling units on the lot wherein the open space is located. **Not calculated as open spaces are** Rooftops, porches, raised decks, parking spaces, driveways, utility and service areas ~~are not calculated as open space.~~

Right-of-Way Line. The boundary line between highway, road, or street and a tract or parcel of land adjoining such highway, road, or street. The right-of-way line shall be considered the property line.

Setback. The minimum horizontal distance between the street, rear or side line of the lot and the front, rear or side lines of the building, including porches, carports, and accessory uses.

Shopping Center. A group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provisions for goods delivery separated from customer access, aesthetic considerations and protection from the elements.

Shoreline. The mean high water line for tidal water bodies and ordinary high water line for non-tidal waters for inland water bodies.

Special Exceptions. A special exception is a use that would not be appropriate generally or without restriction throughout a particular zoning district but would, if controlled as to number, area, location or relation to the neighborhood, be appropriate.

Story. That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between such floor and ceiling next above. If

any portion of a roof area is intended for human occupancy, except for maintenance purposes, then such roof area shall also be considered a story, notwithstanding that no floor or ceiling is located above it.

Street. A thoroughfare which affords principal means of access to abutting property. Street classifications include the following:

Arterial. Arterial streets serve as principal routes through the Town. The purpose of these facilities is to move large volumes of traffic from one part of the region or county to another. Arterial roads also provide connections between major activity centers of the County or Town.

Major Collector Streets. Major collector streets collect and distribute traffic from residential access streets to arterial streets or other collector streets.

Minor Collector Streets. Minor collector streets collect traffic from local streets and feed traffic to major collectors and arterials.

Residential Access Streets (Local Streets). Streets which directly serve abutting properties and residences. These streets should be relatively safe and quiet and should be completely free of any through traffic.

Street Line. See Right-of-Way Line.

Structure. Anything constructed or erected with a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, signs and poster panels, driveways, pools, and ponds.

Structural Alteration. Any change in either the supporting members of a building, such as bearing walls, columns, beams, and girders, or in the dimensions or configurations of the roof or exterior walls.

Subdivision. The division and recording in accordance with law of a parcel of land into two or more lots or blocks for the purpose of transfer of ownership or development for development, sale or lease.

Swimming Pool. A water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen (18) inches below the level of the surrounding land, or an above-surface **ground** pool, having a depth of more than thirty (30) inches, designed, used and maintained for swimming and bathing.

Townhouse. A one-family dwelling in a group of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls.

Variance. A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, size of structure, or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.

Warehouse. A warehouse shall mean any premises where the principal use is the storage of merchandise, products, or materials in bulk, for a fee or charge or for distribution to other establishments operated by the same business enterprise or establishment. A warehouse may include accessory wholesales, but shall not be deemed to include retail sales establishments, motor freight terminals, mini-warehouses or the bulk storage of flammable, explosive, toxic, or noxious materials as a principal use. No commercial vehicles (semi-trailers) shall be parked on the site overnight. No manufacturing, processing or craftsman of any kind shall be permitted.

Yard. An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or

RTCM 03/16/2015

Item J.3

PRESENTATION

**Presentation by Town Auditor Jim
Warmus of Averett Warmus Durkee on
the Financial Statements for**

Fiscal Year 2013/2014

**Distributed Directly From Auditors to
Council and Mayor via Email and**

US Mail

**This presentation does not require approval but
does require acceptance. Approval of Audit**

Report will be done under J. Action:

Resolutions: Item 7

TOWN OF MALABAR

AGENDA ITEM REPORT

AGENDA ITEM NO: 4
Meeting Date: March 16, 2015

Prepared By: Bonilyn Wilbanks, Town Administrator

SUBJECT: Slope Mower Repair Quotes

BACKGROUND/HISTORY:

At Council's request at the 03/02/2015 RTCM, I was asked to obtain a quote from Robinson Equipment representative for the specific repairs requested by Mayor Beatty. I received a response from the representative that they would not make such a repair for liability reasons and his letter went on to explain the reasoning for that decision. He referred us back to his original quote for the repairs that he recommended after his inspection of the machine originally. You may recall at that time of his presentation to Council he was asked to price out a responsible bid for this machine to operate for another 3-5 years. He did update the quote with current part quotes as they are only good for 30-days and time had lapsed. He also provided a quote for the tie rods as requested by the Mayor. I also spoke with Tom following the last meeting in which Council was provided at the meeting a quote for a repair requested by the Mayor for the machine. I provided a memo with attachments showing this same repair was done in 2012.

FINANCIAL IMPACT:

Robinson Equipment = \$38,335.83 (Jan estimate only) full rehab
Everglades Farm Equipment = \$49,451.37 (Jan estimate only) full rehab
Everglades Specific Repair = \$2,872.51 and tie rod repair = \$1473.64
Robinson Equipment Specific Repair = -0- due to liability and tie rod repair = \$966.72

ATTACHMENTS:

Memo for TA – 15-004 Slope Mower Repairs w/parts receipt
Quote Letter from Robinson Equipment regarding requested quote for specific repair w/updated quote and new quote for tie rods = \$966.72
TA Letter to Robinson Equipment requesting a quote for specific repair as requested by Mayor
Section of minutes from the RTCM 01/05/2015
Section of the Draft minutes from the RTCM 03/02/2015
Robinson Equipment = \$38,335.83 (Jan estimate)
Everglades Farm Equipment = \$49,451.37 (Jan estimate)
Everglades quote for specific repair as requested by Mayor
Everglades quote for tie rod repair as requested by Mayor

ACTION OPTIONS:

Staff requests Council discussion and action on this matter.

TOWN OF MALABAR

MEMORANDUM

Date: March 10, 2015 15-TA-004
To: Mayor & Council
From: Bonilyn Wilbanks, Town Administrator *BW*
Ref: PW Equipment Maintenance in Slope Mower

After receiving the quote from Everglades for a specific repair to the slope mower at the last Council Meeting, Tom pointed out to me that the exact repairs that was quoted by Everglades Farm Equipment at the Mayor's request had been completed in July/August of 2012. The only part that was never repaired/replaced was the king post itself, but all of the bearings and bushings were replaced at this time. I have attached a list of the parts that was used for that repair.

The main cylinder was rebuilt in December 2014, and the reason for the excess hydraulic oil that is seen on the machine is that the cap vibrates loose from time to time which has happened since it was purchased in 2005.



www.evergladesfarmequipment.com

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Belle Glade, FL 33430
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13295 Southern Blvd.
Loxahatchee, FL 33470
561-784-4000

906 US Highway 301 North
Palmetto, FL 34221
941-722-3281 • 888-745-3822

2805 State Road 60 West
Plant City, FL 33567
813-737-1660 • 888-464-7208

Ship to:
Town of Malabar
2725 Malabar Rd
Malabar, Fl 32950

Invoice to:
Town of Malabar
2725 Malabar Rd
Malabar, Fl 32950

Branch		
05 - FORT PIERCE, FL		
Date	Time	Page
06/29/2012	12:17:48 (O)	1
Account No.	Phone No.	Estimate No.
MALAB003	3217277764	000447
Ship Via	Purchase Order	
591032996		
		Salesperson
		TR5

QUOTE EXPIRY DATE: 07/29/2012

PARTS ESTIMATE - NOT AN INVOICE

Part#	Description	Qty	Price	Amount
02956839	NUT BEAR	1	48.07	48.07
02956837	GREASE S	1	67.80	67.80
02956818	BEARING	1	47.69	47.69
02957008	CUP AND	2	117.54	235.08
02956941	RING, TO	1	23.18	23.18
02967171	WLDMT, RE	1	724.39	724.39
02965538	WELDMENT	1	138.55	138.55
02966767	PIN WLDM	1	92.24	92.24
00606000	PIN, COTT	1	.36	.36
00749946	WASHER	1	5.12	5.12
02030300	NUT TOPL	1	8.41	8.41
00750479	HEXB 1	1	28.18	28.18
00748000	LOCKWASH	1	4.05	4.05
02906300	CORDURA SLEEVIN	1	41.99	41.99
02960841	BEARING	2	27.50	55.00
00748000	LOCKWASH	1	4.05	4.05
02921700	NUT JAM	1	3.66	3.66
00749946	WASHER	1	5.12	5.12
02030300	NUT TOPL	1	8.41	8.41
02959225	BUSHING	1	16.03	16.03
00750479	HEXB 1	1	28.18	28.18
02967013	PIN, DIPP	1	52.08	52.08
02957089	LOCKWASH	1	1.91	1.91
02958591	PIN-MAIN	2	83.58	167.16
02960842	BUSHING	2	15.18	30.36
02921700	NUT JAM	1	3.66	3.66
02966443	BUSHING	1	63.55	63.55
02966936	PIN, DIPP	1	156.80	156.80
02030300	NUT TOPL	1	8.41	8.41
00015800	LOCKNUT	1	.90	.90
00011100	FLATWASH	1	.22	.22
00007000	BOLT 3/8	1	.71	.71
02959225	BUSHING	1	16.03	16.03



www.evergladesfarmequipment.com

2017 NW 16th Street • P.O. Box 910
Belle Glade, FL 33430
561-996-6531 • 800-582-4308

775 East Main Street
Immokalee, FL 34142
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9501 State Road 82
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6918 US Highway 19
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Branch		
05 - FORT PIERCE, FL		
Date	Time	Page
06/29/2012	12:17:48 (O)	2
Account No.	Phone No.	Estimate No.
MALAB003	3217277764	000447
Ship Via	Purchase Order	
591032996		
		Salesperson
		TR5

QUOTE EXPIRY DATE: 07/29/2012

PARTS ESTIMATE - NOT AN INVOICE

Part#	Description	Qty	Price	Amount
02966935	WELDMNT	1	161.51	161.51
02965214	BEARING-	2	47.76	95.52
02966792	BEARING,	2	34.94	69.88
02966757	WELDMNT	1	100.31	100.31
02965548	BSHG TF-	4	20.13	80.52
02966964	WELDMNT,	1	109.49	109.49
02967008	PIPE, PIN	1	22.89	22.89
02966756	WELDMNT	1	63.93	63.93
02965548	BSHG TF-	4	20.13	80.52
02956972	HHCS	1	22.85	22.85
			Subtotal:	2894.77
			Tax:	.00
			TOTAL:	2894.77

Authorization: _____

Main Cylinder Rebuild 12/16/14
Cap was loose Reason for leak.

Above list Installed Between 7/29/12 and August



2725 Malabar Road
Malabar, FL 32950
321.727.7764 (Office) 321.722.2234 (Fax)
www.townofmalabar.org

March 2, 2015

Via email bryan1@cfl.rr.com

Mr. Bryan Michaud
Robinson Equipment Company
3030 Cuyler Street
Mims, FL 32754

Dear Bryan:

At last night's Council Meeting we again discussed the repair of the slope mower. They have asked that I get a quote for the following repairs list below:

Please provide a quote to include the following items for the John Deere Slope Mower with the Alamo arm.

- Disassemble Versa Mower
- Replace main pivot bearings and seals
- Replace boom turning arm, all bushings and pins to remove the play from boom arm
- Remove and replace tie rods and ball joints
- Remove and rebuild the lift cylinder

Please state any warranty or exceptions for this work.

Thanks.

Sincerely,

Bonilyn Wilbanks


Bonilyn Wilbanks
Town Administrator



Bonilyn,

I have met with John Moore our shop service manager and we have discussed making repairs specified in your letter. We both are in agreement that the safest way to make those repairs is by replacing the worn, leaking, and cracked parts. This will bring us back to the quote I gave you on January 13, 2015 in the amount of \$38,335.83. I would like to say there is a less expensive way of doing this by just replacing the real bad parts, and rebuilding others (hydraulic cylinders, and replacing bushings) yes it could be done. Unfortunately because of the previous weld repair to the boom and boom insert we can not make those repairs because of liability.

In the council meeting I attended it was stated that you needed this to be operational for three to five years. In my professional opinion by not replacing the boom, hydraulic pump, and cylinders you will have a higher risk of break downs and the possibility of hydraulic fluid contaminating ground soil. I have personally seen a rebuilt hydraulic cylinder leak after two or three months of operation.



The only item on this list that was not quoted was the tractor tie rod ends replacement. I will get a quote for that as soon as I can. Please let me know if you are considering the quote from January 13, 2015 because I will have to verify pricing and availability of parts through Alamo and give you a revised copy. Quotes are only good for 30 days. If you have any questions or need any clarifications on anything please call me.

Thank you,

Bryan Michaud

Robinson Equipment Co.

321-529-4905

ROBINSON EQUIPMENT CO

QUOTE

3030 CUYLER STREET
MIMS, FL 32754

321-529-4905 PHONE
321-267-5824 FAX
BRYAN1@CFL.RR.COM

UPDATED

DATE March 11, 2015

EXPIRATION DATE 30 DAYS

TO: TOWN OF MALABAR
ATT: BONILYN WILBANKS
PHONE# 321-506-9392

SALESPERSON	JOB	PAYMENT TERMS	DATE
BRYAN MICHAUD		Due upon receipt	

QUANTITY	DESCRIPTION	UNIT PRICE	LINE TOTAL
	PARTS		
1.00	BOOM INSERT WITH KIN PIN		\$7,225.00
1.00	BOOM ASSEMBLY WITH HOSES		\$19,900.00
1.00	MAIN LIFT CYLINDER		\$1,216.02
1.00	SWING CYLINDER		\$866.64
1.00	PIN		\$44.38
1.00	ARM PIN		\$85.96
1.00	HYDROLIC PUMP		\$2,623.21
1.00	HYD. FILTER		\$72.61
50.00	HYDROLIC FLUID	\$13.32	\$666.00
	REPLACE BOOM MOUNT, A-BOOM, ALL CYLINDERS, HYDRAULIC PUMP, AND HYDRAULIC FILTER, FLUSH HYD. SYSTEM		
72.00	ESTAMATE HOURS TO REPAIR	\$85.00	\$6,120.00
NOTE	DUE TO PREVIOUS WELD REPAIRS ON BOOM AND BOOM INSERT, LIABILTY REQUIRES REPLACEMENT.		

Quotation prepared by: _____ BRYAN MICHAUD _____

This is a quotation on the goods named, subject to the conditions noted below:
(Describe any conditions pertaining to these prices and any additional terms of the agreement.
You may want to include contingencies that will affect the quotation.)

To accept this quotation, sign here and return: _____

SUBTOTAL	\$ 38,819.82
SALES TAX	
TOTAL	

THANK YOU FOR YOUR BUSINESS!

ROBINSON EQUIPMENT CO

**3030 CUYLER STREET
MIMS, FL 32754**

**321-529-4905 PHONE
321-267-5824 FAX
BRYAN1@CFL.RR.COM**

New 01011
Tie Rods

DATE March 11, 2015

EXPIRATION DATE 30 DAYS

TO: TOWN OF MALABAR
ATT: BONILYN WILBANKS
PHONE# 321-509-0392

SALESPERSON	JOB	PAYMENT TERMS	DATE
BRYAN MICHAUD		Due upon receipt	

QUANTITY	DESCRIPTION	UNIT PRICE	LINE TOTAL
2.00	JD AL178284 BALL JOINT END	\$142.10	\$284.20
2.00	JD AL178283 BALL JOINT END	\$171.26	342.52
	REMOVE AND REPLACE INNER AND OUTER TIR ROD END BALL JOINTS		
4.00	ESTAMATE HOURS TO REPAIR	\$85.00	340.00

SUBTOTAL	\$ 966.72
SALES TAX	
TOTAL	

Quotation prepared by: BRYAN MICHAUD

This is a quotation on the goods named, subject to the conditions noted below:
(Describe any conditions pertaining to these prices and any additional terms of the agreement.
You may want to include contingencies that will affect the quotation.)

To accept this quotation, sign here and return: _____

THANK YOU FOR YOUR BUSINESS!

The parking lot speed will be much lower than that on local roads. Mayor said the parking area is elevated and engineering provides drainage. CM Acquaviva said so we don't conduct fire inspections on new commercial construction? Franklin said the 3rd party review provides what is required for construction but Council did away with any inspections after that. Mayor called for vote.

ROLL CALL VOTE: CM Ball, Aye; CM Vail, Aye; 1)CM Krieger, Aye; CM Korn, Aye; CM Acquaviva, Aye. Motion carried 5 to 0.

Break at 8:30pm - 8:40pm.

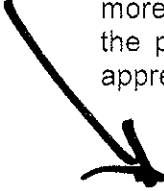
I. PUBLIC: ITEMS DIRECTLY RELATED TO RESIDENTS AND RECOMMENDATIONS FROM TOWN BOARDS/COMMITTEES PRESENT AT MEETING

- 5. Report by Park & Recreation Advisory Board Chair, Mr. Hans Kemmler**
Exhibit: Agenda Report No. 5
Recommendation: Request Direction

Park Board Chair Kemmler said the Malabar Madness Disc Golf Competition on the 1st Saturday of January was a great success. It is held each year. He thanked them for approving the expenditure for the elevation survey. They need it so they can see if trails could be installed on property. They are moving forward on restroom grant at Sand Hill trailhead.

TA explained how Jim Clevenger, a local resident and owner of Sweetwater Custom Homes volunteered to set the donated flag poles. TA explained how the poles would be installed. Mayor said you should use sand and not concrete in posts after flag poles are inserted; that would provide easy extraction of flag poles in future. TA said the contractor is following the instructions. CM Ball asked about the roadway between the Brook Hollow SD and Malabar Road and asked Kemmler if that was part of Parks Dept. No, the right-of-way belongs to the Town and the property on either side is EELs Malabar Scrub West.

CM Acquaviva said she and her family, friends and those visiting for the holidays play turkey bowl at Malabar Community Park over Thanksgiving holiday. She said many people attend; more every year. They have been doing it for 15 years and each year everybody complements the park and how nice and clean it is kept. She wanted Kemmler to know how much it is appreciated.

-  **6. Resident Mr. Charles Ryan re: Slope Mower Repairs & Maintenance**
Exhibit: Agenda Report No. 6
Recommendation: Request Action

Mr. Ryan, resident on Howell Lane, Malabar. He said he had 60 years of electronic, mechanical and electronic engineering. While in military service he did one year in Philippines working and taught himself to weld. Also while in service worked on power plants and steam plants and learned diesel equipment and what was needed to keep them running. Also was a machinist and that is how he funded his college. He had heard some concerns on Council and by non-Council residents regarding the slopemower. He did this just like he did the old school house when Council was considering that purchase.

Based on some questions about why we are replacing this. He met with Tom and this is when the pictures were taken. He is only dealing with slope mower, not the tractor. He showed pictures of the arm and the pin. He showed the way the arm is used. He pointed out there was no indication of being greased. He stated the grease keeps them from wearing. He stated he did a public records request (PRR) on 11/19 for maintenance records on the slope mower. Eventually found out that there were no maintenance records, only miscellaneous receipts. He said Council can draw their own conclusions. The people in the Fire Dept and in

Public Works are custodians of Town property. Mr. Ryan said TC was under impression that Everglades was going to do the inspection and then found out it was done by Robinson.

CM Acquaviva asked Mayor Beatty what records he kept when he was in charge. Mayor said trip tickets were done. They did not do maintenance logs. Mayor Beatty said for the record, we, PW, back in the day; they had a log book and every piece of equipment. They hired two secretaries that were supposed to input all the records into an Excel spreadsheet. The one was sent to school to learn Excel on a Tuesday and then was let go on a Thursday.

TA said no records of trip tickets or any other records were found when Tom took over. CM Acquaviva said Council started with the FD with the two workshops last year and requested logs be kept; we need to do this for PW equipment also. CM Acquaviva asked Mr. Ryan what is the bottom line of his presentation? What is his conclusion? Mr. Bud Ryan said he will not make a recommendation. CM Korn said they are getting away from Mr. Ryan's report. All employees that operate equipment owned by the Town are responsible to maintain it. (Note: While Mr. Ryan was at the screen showing and speaking to the pictures his comments were not picked up by microphone.

TA reported on why they used Robinson Equipment. She explained the attempt to get the John Deere dealer to certify that the five heads we had could be used on that unit. They finally got back to her and said no the heads would not work. That is why they asked for the additional 12K so they could get the model with the arm that would allow us to use the Town owned heads. At budget time they discussed buying a new slopemower and using the old tractor to operate another head that would not have to be switched out and would save PW from three (3) hours of downtime while the heads are changed. Council asked her to get a professional inspection. Separate boom from tractor. She reported to Council that the inspection would be done by Robinson.

CM Acquaviva said they want to know how it is going to be fixed. What is the bottom line? Should they get the kit? Mr. Ryan said that it is an all inclusive kit. She said it seems Mr. Ryan is saying that maintenance wasn't done, and he didn't get requested records in a timely fashion. CM Korn said a 23 year old tractor is not old for a tractor. Mr. Ryan said he had to leave the meeting.

TA would like to afford the professional representative from Robinson Equipment the opportunity to speak. Brian Bresshard, came to podium. He lives in Mims; He is here on his own time. Gave a little background; was Chief Mechanic for 280 pieces of equipment at Titusville for 14 years. They had the exact same machine. Every 200 hours it is greased from top to bottom. In between other things need to be done. In nine years the boom was rebuilt several times. Where he worked if a piece of equipment needed work the piece was sidelined until it is fixed. When he arrived at Malabar PW to look at it, it turned over but did not start. Tom told him PB repaired the fuel system. He went over it best he could. The hydraulic pump had wrappings because it leaked. The last picture showed that the bad wear and is so worn that no bushing replacement kit will fix.

He showed the three feet of boom removed. That is substantial – he would have gotten a full replacement. After repeated welding's the metal fatigues. It is dangerous to the operator and is a liability for the Town.

He then went over the prior pictures. Regarding the pins, once it is worn out there is no fixing this. And until you pull it apart you don't know.

TA said that we do have all of the receipts for parts so our PW could do repairs. TA said since the recession the budget has not provided for any improvements in PW. We did everything possible in house to save money. Things changed in 2011 and we signed contract with Palm Bay Fleet Services. CM Acquaviva confirmed that.

CM Korn said it spent 8 weeks at PB. TA said it is not the only piece they work on. If we did that and if it is broke again did we contact Palm Bay? CM Ball how long do you expect a piece to last. Tractors, dump trucks, 15 years. They replaced the boom at 11 years. The cost of the tractor back then was 48K. You can get 12 to 15 thousand hours if it is operated properly. One bad operator in first two years could shorten the equipments life years later. Brian said it is 10 years of use – not misuse.

CM Acquaviva stated she is not a mechanic, but it is not always operator error. She relates analogy of her new dryer breaking down and her being at fault. Turned out there was a piece in the dryer that didn't fit and it jammed the drum. There are probably things that could be similarly wrong with any piece of equipment; we can pontificate all night, but that is not going to resolve this.

CM Vail is a mechanic and has worked on this machine. Bushings could be fabricated for this. The welds are nothing more than throwing bubblegum on it. Is the 8K kit for the mast? The bottom line is that 6K hours is not old. CM Vail said the 6450 John Deere they had to change fuel filters every three years. They cleaned out the fuel tank. He said Felix greases it twice daily. It is not operator abuse. Do we invest the money to repair what we have?

Mr. Bresshard said it is a catch 22; you can spend 20K and three months later it stops running again. PW Director Tom had told him it was like that since he was here.

Mayor wanted to address a few points. Has 20-25 years experience with Alamo and then John Deere. Explained how it was.

CM Vail – point of order. Can Attorney leave? Yes 9:50pm.
(No Recess – Attorney Excused)

Mayor said he has extensive experience with this. There are issues with this tractor that should have been brought up three (3) years ago. He has pulled them apart and changed things and put in bushings. The boom doesn't swing fast. Mr. Bresshard said the expenses can just mount up. At Titusville they caught it before it got this bad. TA asked what Council wanted.

CM Vail said they want the refurb on the boom, remove the welds, so we have 3-5 years of extended life. Fuel system problem TBD. Worst case scenario, the arm can be mounted on something else.

Mayor said the fuel tank has never been cleaned. It should be run down and cleaned or replaced. Mayor wants to look at tractor when it is available.

CM Korn asked Mr. Bresshard if he could get Robinson to give us a quote to refurb the slopemower. Mr. Bresshard said yes.

J. ACTION ITEMS:

MISCELLANEOUS: 4

7. **Cancel or Reschedule 2nd Meeting in January & February**
Exhibit: Agenda Report No. 7
Recommendation: Request Action

Portion of DRAFT RTCM minutes from 3/2/15 mtg re: Slope Mower

O. **DISCUSSION ITEMS:** Agenda Item # 6 (moved from action above)

6. **Slope Mower Repair Quotes (Council Directive)**

Exhibit: Agenda Report No.6

Recommendation: Request Action Moved to Discussion

Discussion:

Mayor said we have an estimate for a complete rebuild from Robinson for \$38,335.83; and an estimate from Everglades for \$49,451.37. He then asked for a hands on evaluation from Everglades representative to just fix what is broken and another for the tie rod replacement and that is what he handed out before this Council meeting started. It was for \$2,872.51 and \$1,473.64. TA explained that the Mayor, Bud Ryan, Bob Seigmann and a rep from Everglades met on 2/13/15 outside town hall. PW staff Member Tony Forte was there with the machine.

CM Acquaviva asked why the Mayor was going out and getting quotes. Council did not tell him to go out and get quotes or bids. TA said the first quotes were for a complete rebuild from each company. CM Vail said he does remember discussion about getting it assessed by Everglades; he assumes this was from the TA.

CM Korn said he remembers asking Brian from Robinson to provide a similar quote on just what is needed to get three more years out of it. CM Korn said both companies need to get the same request defined the same way.

Franklin explained how the quote was done. It did not involve the TA; there are no records of what was asked from Everglades; TA was instructed by Mayor to have the slopemower at town hall at 8am on 2/13/15 because he and the others were going to inspect it. Franklin then explained that we have to get quotes for the port-a-lets for Springfest and the Clown and the Ponies and all of it is done in writing to the vendors at the same time and is handled and documented by the TA. TA then said that we need to do this because part of the audit testing process is to review the RFPs, RFQs, Grant applications, etc., and determine if we have followed our own rules.

CM Acquaviva clarifies she is not against getting more information; she wants the direction to come from Council.

MOTION: CM Vail / CM Ball to table. **VOTE:** All Ayes.

ROBINSON EQUIPMENT CO

QUOTE

3030 CUYLER STREET
MIMS, FL 32754

321-529-4905 PHONE
321-267-5824 FAX
BRYAN1@CFL.RR.COM

DATE January 27, 2015

EXPIRATION DATE 30 DAYS

TO: TOWN OF MALABAR
ATT: BONILYN WILBANKS
PHONE# 321-506-9392

SALESPERSON	JOB	PAYMENT TERMS	DATE
BRYAN MICHAUD		Due upon receipt	

QUANTITY	DESCRIPTION	UNIT PRICE	LINE TOTAL
	PARTS		
1.00	BOOM INSERT WITH KIN PIN		\$7,145.00
1.00	BOOM ASSEMBLY WITH HOSES		\$19,500.45
1.00	MAIN LIFT CYLINDER		\$1,192.18
1.00	SWING CYCLINDER		\$1,039.97
1.00	PIN		\$52.21
1.00	ARM PIN		\$101.12
1.00	HYDROLIC PUMP		\$2,623.21
1.00	HYD. FILTER		\$71.19
50.00	HYDROLIC FLUID	\$9.81	490.50
	REPLACE BOOM MOUNT, A-BOOM, ALL CYLINDERS, HYDRAULIC PUMP, AND HYDRAULIC FILTER, FLUSH HYD. SYSTEM		
72.00	EASTAMATE HOURS TO REPAIR	\$85.00	\$6,120.00
NOTE	DUE TO PREVIOUS WELD REPAIRS ON BOOM AND BOOM INSERT, LIABILTY REQUIRES REPLACEMENT.		

Quotation prepared by: _____ BRYAN MICHAUD _____

SUBTOTAL \$ 38,335.83
SALES TAX
TOTAL

This is a quotation on the goods named, subject to the conditions noted below:
(Describe any conditions pertaining to these prices and any additional terms of the agreement.
You may want to include contingencies that will affect the quotation.)

To accept this quotation, sign here and return: _____

THANK YOU FOR YOUR BUSINESS!



6150 Orange Ave.
Ft. Pierce, FL 34947
(772) 461-5568
(772) 466-0735 Facsimile

January 26, 2015

To: Town of Malabar-Bonnie Wilbanks

Fr: Everglades Farm Eq-Rose Noelke

772-461-5568 ext 6

This estimate is for replacement of Alamo Boom mower, including all hoses & hardware needed that is attached to a 6420 John Deere tractor, all parts, labor & freight fees have been included in the estimate.

Parts: \$ 38,501.37

Labor: \$ 10,500.00

Freight fees: \$ 450.00

Estimated total: \$ 49,451.37

Please keep in mind this is an estimate, upon removing old boom or installing new boom technician may find other repairs that may be needed-which will be over and above this estimate.

This repair carries a 90 day parts & labor warranty, please see attached parts list for break down, if you have any questions please feel free to contact me.

Authorization





www.evergladesfarmequipment.com

2017 NW 16th Street • P.O. Box 910
Belle Glade, FL 33430
561-996-6531 • 800-582-4308

775 East Main Street
Immokalee, FL 34142
239-657-4413

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Pt. Myers, FL 33905
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Branch 05 - Fort Pierce, FL		
Date 10/29/2014	Time 11:15:58 (O)	Page 2
Account No. MALAB003	Phone No. 3217277764	Estimate No. 001232
Ship Via		Purchase Order
591032996		
		Salesperson BP5

QUOTE EXPIRY DATE: 11/28/2014

PARTS ESTIMATE - NOT AN INVOICE

Part#	Description	Qty	Price	Amount
02961085	CORDURA	1	99.53	99.53
02963154	CLAMP, 1.25 TUB	3	16.93	50.79
02963323	BRACKET, TOP	3	36.12	108.36
00750479	HEXB 1	2	29.03	58.06
02965538	WELDMENT	1	145.56	145.56
02965548	BSHG TF-	4	21.78	87.12
02966443	BUSHING	1	66.77	66.77
02966756	WELDMENT	1	67.17	67.17
2966757	WELDMENT	1	105.40	105.40
02966791	BSHG TF-	1	31.05	31.05
02966935	WELDMENT	1	169.67	169.67
02966936	PIN, DIPP	1	164.74	164.74
02966964	WELDMNT,	1	115.03	115.03
02967008	PIPE, PIN	3	24.05	72.15
02967013	PIN, DIPP	1	54.72	54.72
02967021	LINKAGE	1	337.16	337.16
02967246	SHSS	1	4.46	4.46
03100099	FLATWASHER 1 X	1	1.83	1.83
02961054	HOSE #20-20FJX	2	424.75	849.50
02905100	HOSE #4	1	91.54	91.54
02905000	HOSE #4	1	63.46	63.46
02961779	LIFT CYLINDER A	1	1371.01	1371.01
02921700	NUT JAM	1	3.77	3.77
02960650	BUSHING	2	15.48	30.96
00752405	HCSC	1	6.89	6.89

Subtotal: 7325.52

Tax: .00

TOTAL: 7325.52

Authorization: _____

freight \$ 400.⁰⁰ Estimate
Booms 22,619.50
turret 8,156.35

\$ 38,501.37



www.evergladesfarmequipment.com

2017 NW 16th Street • P.O. Box 910
Belle Glade, FL 33430
561-996-6531 • 800-582-4308

820 US Highway 98 North
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863-763-1921 • 800-762-3214

775 East Main Street
Immokalee, FL 34142
239-657-4413

6150 Orange Avenue
Ft. Pierce, FL 34947
772-461-5568 • 800-233-9958

9501 State Road 82
Ft. Myers, FL 33905
239-332-5045 • 888-213-7526

13295 Southern Blvd.
Loxahatchee, FL 33470
561-784-4000

6918 US Highway 19
New Port Richey, FL 34652
727-842-8618 • 888-745-6855

906 US Highway 301 North
Palmetto, FL 34221
941-722-3281 • 888-745-3822

1800 US Highway 441
Leesburg, FL 34748
352-315-1016 • 888-745-3823

2805 State Road 50 West
Plant City, FL 33567
813-797-1660 • 888-464-7208

Ship to:

Town Of Malabar
2725 Malabar Rd
Malabar, FL 32950

Invoice to:

Town Of Malabar
2725 Malabar Rd
Malabar, FL 32950

Branch		
05 - Fort Pierce, FL		
Date	Time	Page
10/29/2014	11:15:58 (O)	1
Account No.	Phone No.	Estimate No.
MALAB003	3217277764	001232
Ship Via	Purchase Order	
591032996		
		Salesperson
		BP5

QUOTE EXPIRY DATE: 11/28/2014

PARTS ESTIMATE - NOT AN INVOICE

Part#	Description	Qty	Price	Amount
00001800	LOCKNUT	3	.62	1.86
00002700	FLATWASH	5	.29	1.45
00007000	BOLT 3/8	1	.74	.74
00011100	FLATWASH	3	.23	.69
00013900	HHCS	1	1.08	1.08
00015800	LOCKNUT	3	.92	2.76
00023100	HHCS	1	.64	.64
00037200	NUT 3/4-	1	3.11	3.11
0605600	HHCS	3	2.36	7.08
00606000	PIN, COTT	1	.35	.35
00748000	LOCKWASH	1	4.17	4.17
00749946	WASHER	4	5.27	21.08
00751838	CORDURA SLEEVIN	1	32.86	32.86
02030300	NUT TOPL	3	8.20	24.60
02957089	LOCKWASH	1	1.97	1.97
02905200	HOSE #4	1	89.93	89.93
02905300	HOSE #4 - 4FJX	1	115.97	115.97
02906300	CORDURA SLEEVIN	1	44.11	44.11
02921700	NUT JAM	1	3.77	3.77
02956972	HHCS	1	23.54	23.54
02957969	RUBBER GROMMET	2	3.12	6.24
02959084	CYL ROD GUARD A	1	200.41	200.41
02959225	BUSHING	1	16.85	16.85
02960406	ADP HYD	2	91.17	182.34
02960869	SET, TUBE CLAMP	1	14.85	14.85
02959225	BUSHING	1	16.85	16.85
02960406	ADP HYD	2	91.17	182.34
02960869	SET, TUBE CLAMP	1	14.85	14.85
02960982	TOP FOUR LINKAG	1	397.38	397.38
02960983	TOP FOUR LINKAG	1	353.20	353.20
02960991	HYD TUBE, A-BOOM	1	278.75	278.75
02960992	HYD TUBE, A-BOOM	1	273.50	273.50
02961054	HOSE #20-20FJX	2	424.75	849.50

3/168.82

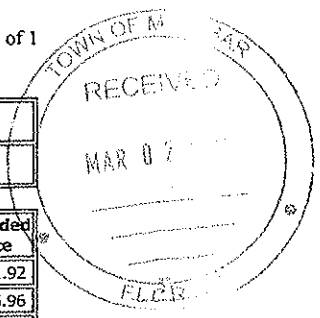
TOWN OF MALABAR
RECEIVED
MAR 02 2015
Added out by
Mayor Beatty
Just before
7:00 Mtd
2 pages

PO W16945	Account	Date 2/13/2015
Dealer Information EVERGLADES FARM EQUIPMENT ROSE NOELKE 6150 ORANGE AVE FT. PIERCE, FL 34947 772-461-5568 EXT 6		Customer Info TOWN OF MALABAR CARL 321 514 8623

	Model	Part Number	Description	Quantity	Price	Extended Price
1		02965555		1	972.31	972.31
2		02965536		1	82.23	82.23
3		02966767		1	96.91	96.91
4		02957008		2	123.50	247.00
5		02956882		1	19.86	19.86
6		02956941		1	24.36	24.36
7		02956818		1	50.09	50.09
8		02956836		1	35.98	35.98
9		02956837		1	71.23	71.23
10		02956838		1	14.36	14.36
11		02956839		1	50.50	50.50
12		00606000		1	0.35	0.35
13		02959225		1	16.85	16.85
14		02965548		1	21.78	21.78
15		02965538		1	145.56	145.56
16		08880		6	3.69	22.14
17		MISC SUPPLIES	ESTIMATE OF FREIGHT FEES	1	200.00	200.00

Comments 2/13/15, TECHNICIAN INSPECTION ALAMO BOOM FOR REPAIRS, TECH ADVISES TO DISASSEMBLE VERSA MOWER, REPLACE MAIN PIVOT BEARINGS AND SEALS. REPLACE BOOM TURNING ARM, ALL BUSHINGS AND PINS TO REMOVE THE PLAY FROM BOOM ARM. THIS ESTIMATE IS FOR THE REPAIRS REQUESTED BY CARL, PLEASE KEEP IN MIND THIS MOWER HAS NOT BEEN DISASSEMBLED FOR TRUE INSPECTION IF ADDITIONAL PARTS OR LABOR IS NEEDED IT WILL BE OVER AND ABOVE THIS ESTIMATE.	Subtotal	Shipping	Labor	Total
	2071.51	0.00	801.00	2872.51
Currency USD				

for authorization



PO		Account	Date 3/2/2015			
Dealer Information		Customer Info TOWN OF MALABAR				
	Model	Part Number	Description	Quantity	Price	Extended Price
1	A.S L - ENGINE, POWERTECH	AL204775	Tie Rod Assembly	2	355.96	711.92
2		02962135	Packing Kit	1	106.96	106.96
3		08880		4	3.69	14.76
Comments REMOVE AND REPLACE TIERODS AND BALL JOINTS.REMOVE AND REBUILD LIFT CYLINDER			Subtotal	Shipping	Labor	Total
			833.64	100.00	540.00	1473.64
Shipping Method			Currency USD			

5

**TOWN OF MALABAR
TOWN COUNCIL SPECIAL MEETING
TUESDAY, FEBRUARY 17, 2015
7:30PM
2725 MALABAR ROAD
MALABAR, FLORIDA**

AGENDA

- A. CALL TO ORDER, PRAYER AND PLEDGE**
- B. ROLL CALL**
- C. DISCUSSION ONLY ON FOLLOWING ITEMS:**
1. Draft minutes or recommendations sent out in a timely manner.
 2. Discussion of item prior to consideration by council to vote on
 3. Cancellation of council meeting to set alt date
 4. Sequence for meetings leading up to Budget Workshops
 - a. Inventory of each Department
 - b. Capital Improvement – 5 year plan
 - c. Vision – Long Range Plans
 - d. Budget Workshops
 5. Disposal of surplus goods – inventory
 6. Note book for resolutions.
 7. Copy Board Members on all Town Related Communications
 8. Discuss Limiting Truck Access to Weber & Corey Roads
 9. SpringFest Liability Insurance Cost for Alcohol Sales; stop supplying the beer
 10. Inventory of Town owned Surplus. Clerk's Department has 16 computers, 2 servers, 1 camera, and 1 overhead projector. I will have to go through S/Ns to determine which computers were town, PW and FD.
 11. Council to Approve all Expenditures over \$999.00 Not Specifically Included in Budget
 12. Council to Conduct Performance Review for PW Director and Fire Chief.
- D. PUBLIC COMMENTS: Related to Agenda Items Only.**
- E. ADJOURNMENT**

No Action will take place at this meeting.

year's event; Wilbanks stated yes as we have already paid for the insurance. Korn stated this will be placed on an agenda as an action item for Council. If the Town doesn't provide the beer, it will not make or break the success of the event.

10. Inventory of Town owned Surplus

Clerk's Department has 16 computers, 2 servers, 1 camera, and 1 overhead projector. I will have to go through S/Ns to determine which computers were town, PW and FD.

Discussion: this topic was discussed earlier in the meeting.



11. Council to Approve all Expenditures over \$999.00 Not Specifically Included in Budget

Discussion: A speaker's card was presented to the Chair; Steve Rivet, 2005 Rivet Lane, came forward and addressed Council. He stated that this is a classic case of micro-management. Council needs to let the professional people that are in place do their jobs. He has been associated with the budgeting process for 12 years under 3 administrators. There has never been mismanagement of funds. If you don't let the people you have in place do their jobs, you won't get innovation; you won't get the best from the employees and it shows you don't respect them in their positions.

Korn brought this up to help save the employees. This is the best way to answer this. In reviewing the bills, the mowers were not operational. We have spent an awful lot of money bringing in outsiders to do the work. It would be for the protection of the TA. The Administrator does as asked by Council.

Acquaviva stated we have a process in place; we do over-look the bills. Korn stated that if we hire someone to do a job, we can't say not to pay a bill because the work has already been done. If we buy a piece of equipment, Council needs to discuss it. Acquaviva and Wilbanks both stated that all purchases come before Council. Sometimes things happen and needs to be addressed immediately. Korn stated he wanted this as an action item for Council and he wants the attorney present when it's on the agenda.

12. Council to Conduct Performance Review for PW Director and Fire Chief

Discussion: The Chair had a speaker's card on this topic. Steve Rivet came forward and addressed Council. He stated that Council needed to review the Charter and Resolutions/Ordinances. It is not appropriate for Council to review the Public Works Manager or the Fire Chief. The Town Administrator is who needs to do these reviews as she works with them on a daily basis. There is a lot of micro-management taking place. The Town Administrator and Town Clerk are very good at their jobs; they are better than anyone up here and out in the town.

Mayor Beatty thanked everyone for being here this evening; got a lot of discussed and worked out. Council Member Acquaviva asked how she would be able to be a part of the next special meeting like this; how does she get to place items on the agenda? Franklin stated that each Council Member receives a memo with the meeting dates on it in November. Council can review the list of dates and add meetings if they choice to do so. Council needs to communicate directly to her and then she will make contact with the Chair about meeting information.

D. PUBLIC COMMENTS: Related to Agenda Items Only.

Speakers were heard at the time of the agenda item.

#6

RESOLUTION 10-2014

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING AN OUTLINE OF MAYORAL DUTIES; PROVIDING FOR REFERENCE TO THE TOWN CHARTER ON THE MAYORAL DUTIES SPECIFICALLY EXPRESSED IN THAT DOCUMENT; PROVIDING COUNCIL DIRECTION TO AUTHORIZE MAYOR OR PRESIDING OFFICER TO SWEAR IN NEW BOARD MEMBERS AND RENEWING BOARD MEMBERS AT A REGULARLY SCHEDULED COUNCIL MEETING ONLY; CLARIFYING THAT THE COUNCIL CHAIR SIGNS ALL ORDINANCES AND RESOLUTIONS PER FLORIDA STATUTES 166.041 AS THE TOWN HAS NO OTHER PROCESS IN PLACE; PROVIDING DIRECTION TO TOWN STAFF THAT THE ONLY AUTHORITY OF THE MAYOR IS THAT WHICH IS GIVEN BY TOWN COUNCIL; RECOGNIZING THE CHARTER LANGUAGE THAT THE MAYOR SHALL BE THE CEREMONIAL HEAD OF THE TOWN FOR SOCIAL INTERACTIONS WITH OTHER MUNICIPALITIES, STATE AGENCIES AND PROCLAMATIONS; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council recognized the need to document a more defined explanation of the Mayoral duties.

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

SECTION 1. Mayoral Duties as Defined in Charter

The Charter gives the following duties to the Mayor:

- o Titular Head of the Town Government for Ceremonial purposes and civil purposes
- o Administers Oath to new and renewing Board Members at a regularly scheduled Council Meeting. In his absence, the Chair shall administer Oath.
- o Suggests Proclamations, Signs same and reads them at a regularly scheduled Council meeting
- o Responsible for Civil Defense and Military Law
- o Votes only in the event of a tie
- o Power to Veto any ordinance
- o Perform all duties delegated by a vote of Council
- o Responsible to Council for the performance of these duties

SECTION 2. Clarification of those Duties.

- A. The Mayor May be Elected as the Presiding Officer by Council and thereafter will serve at the discretion of Council.

- B. The Council Chair is the Presiding Officer and per F.S. 166.041 signs legislative action of Council.
- C. The Mayor is authorized by Chapter 2 of the Code to sign all necessary agreements for the purpose of extending benefits provided by the system of old-age and survivors' insurance.
- D. The Mayor shall sign instruments the Town is a party to as Council shall direct, since there is nothing specific in the Charter and no process in the Code.
- E. The Mayoral Veto can be overridden by a four-fifths (4/5) vote of Council.

SECTION 3. Conflict.

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

SECTION 4. Effective Date.

This Resolution shall take effect immediately upon its adoption.

This Resolution was moved for adoption by Council Member KORN. This motion was seconded by Council Member Abare and, upon being put to vote, the vote was as follows:

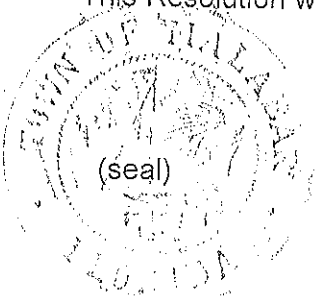
Council Member Jim Milucky
 Council Member Wayne Abare
 Council Member Steve Rivet
 Council Member Dick Korn
 Council Member Marisa Acquaviva

Aye
 Nay
 Aye
 Aye
 Aye
 19

This Resolution was then declared to be duly passed and adopted this 5th day of May, 2014.

By: TOWN OF MALABAR

Steve Rivet
 Steve Rivet, Council Chair
 Town of Malabar



Approved for Legal Sufficiency:

Karl Bohne, Jr.
 Karl Bohne, Jr., Town Attorney

ATTEST:

Debby K. Franklin
 Debby K. Franklin
 Town Clerk/Treasurer

(seal)

PART I

CHARTER*

- Art. I. General Provisions, §§ 1.01—1.06
- Art. II. The Town Council, §§ 2.01—2.16
- Art. III. Administration, §§ 3.01—3.06
- Art. IV. Financial Matters, §§ 4.01—4.03
- Art. V. Initiative and Referendum, §§ 5.01—5.07
- Art. VI. Recall; Conduct of Officials in Office, §§ 6.01, 6.02
- Art. VII. Transition Provisions, §§ 7.01—7.05
- Art. VIII. Severability and Effective Date, §§ 8.01, 8.02
- Art. IX. Amendment to Charter, § 9.01

PREAMBLE

The people of the Town of Malabar desire to maintain the rural residential quality of life in their town and they are concerned about the possibility of uncontrolled growth in the future affecting that type of lifestyle. The people of the Town of Malabar are concerned that the power to govern their Town remain vested in a duly elected Town Council. Therefore, they have ratified by referendum this Charter and enacted it into law. They wish to maintain the rural residential character of their community. Furthermore, having complete faith in representative government with the ultimate power to govern remaining with themselves, they desire to codify the recent history of Malabar which has been the practice of vesting the decision making power of the town in a five (5) member Town Council.

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

ARTICLE I. GENERAL PROVISIONS

Sec. 1.01. Short Title.

This act shall be known as the Charter of the Town of Malabar, Brevard County, Florida, as established hereby.

(Amd. of 3-25-03)

Sec. 1.02. Creation and Powers.

The Town of Malabar created and incorporated under general law shall continue and is hereby vested with the governmental, corporate and proprietary powers to enable it to conduct

***Editor's note**—Printed herein is the Charter of the Town of Malabar adopted in a referendum on November 5, 1985, and in 1995, 2008, 2011, and 2012, and by ordinance number 2-04-86 adopted on March 4, 1986 and as amended on March 25, 2003. Style and capitalization have not been made uniform. Obviously misspelled words have been corrected without notation. Words added for clarification have been added in brackets. Amendments have been included and are indicated by a history note immediately following the amended section.

municipal government, perform municipal functions, and render municipal services and may exercise any power for municipal purposes not expressly prohibited by the Constitution, general or special law or county charter.
(Amd. of 3-25-03)

Sec. 1.03. Corporate Limits.

The corporate limits of the Town of Malabar, Brevard County, Florida are defined as follows:

(insert description of current boundaries)

(Amd. of 3-25-03)

Editor's note—The description of the current boundaries are on file in the Town Clerk's office.

Sec. 1.04. Power and Jurisdiction.

The power and jurisdiction of the Town shall extend over all lands and over all bodies of water and the air above, to the extent allowed by law within the corporate limits, and to all lands without the limits of the Town owned, leased or operated by the Town. The power and jurisdiction of the Town includes all extraterritorial powers and jurisdiction granted by any special or general law. The Town shall continue to exercise the power of eminent domain within or without the limits of the Town which authority was granted by law. The Town shall have the power to acquire, receive, purchase and operate a public utility including but not limited to water, sewer, electricity, gas, transportation, etc., outside the jurisdiction of the Town. The Town may charge consumers outside its jurisdiction a rate as determined for utilities as required by law.

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

Sec. 1.05. Legislative Powers of Town.

The legislative powers of the Town shall be vested in and exercised by a town council consistent with the provisions of this Charter, the United States Constitution, Florida Constitution, laws of the State of Florida and laws and ordinances of the town.

(Amd. of 3-25-03)

Sec. 1.06. Form of Government.

The form of government of the Town shall be known as the Strong Council Plan.

(Amd. of 3-25-03)

ARTICLE II. THE TOWN COUNCIL**Sec. 2.01. Powers and Duties of Town Council.**

All powers of the Town shall be vested in the elected council, except as otherwise provided by law or by the Charter. The Council shall provide for the exercise by the Town of its municipal powers and for the performance of all duties and obligations imposed on the Town by law.

(Amd. of 3-25-03)

Sec. 2.02. Composition.

The Town Council Members shall be elected from five (5) separate districts to the election of Town Council members, who shall reside in five (5) separate districts, but are elected at large. The Town shall also elect a mayor who is elected at large.

(Amd. of 3-25-03)

Sec. 2.03. Qualification for Council Seat.

Any qualified elector of the town who has been a resident of the town for at least twelve (12) months prior to the date of qualification for office may qualify for the Council seat by presenting to the Town Clerk a petition signed by qualified electors of the candidate's district. The petition must be signed by fifteen (15) valid signatures of the district and by paying a filing fee if required, not less than seventy-six (76) days and not more than ninety (90) days prior to the date of such election. The candidates shall submit with the petition a sworn statement containing the candidate's name, address, occupation and willingness to serve if elected. The candidate must have resided in the district for which he/she is qualifying for at least twelve (12) months.

(Ord. No. 95-3, § 1, 7-17-95; Amd. of 3-25-03; Ord. No. 03-07, § 2(Exh. A), 9-8-03/11-4-03; Ord. No. 06-08, § 1, 5-15-06; Ord. No. 08-06, § 1, 5-19-08; Ord. No. 11-42, § 1(Exh. A), 8-1-11/11-20-11)

Sec. 2.04. Qualifications and Duties of the Mayor.

(a) The Mayor may be elected as the presiding officer of the Council, and will thereafter serve at the discretion of Council. The Mayor shall be the Titular Head of the Town Government for ceremonial purposes, and for the purpose of civil process. The Mayor shall be responsible for civil defense and military law. The Mayor shall execute all instruments that the Town is a party as the Council shall direct unless otherwise provided by this Charter or by law. The Mayor shall vote only in the event of a tie. The Mayor shall have the power to veto any Ordinance but the veto can be overridden by four-fifths ($\frac{4}{5}$) vote of the Council.

(b) The Mayor shall be at least thirty (30) years of age, a qualified elector of the Town and shall have resided in the Town for at least one (1) year prior to the date on which the candidate qualified to run for the office of Mayor. If the Mayor shall cease to possess any such qualifications during the term of office, the Mayor shall forfeit the office pursuant to the

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

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

Sec. 2.05. Form of Petition.

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

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

Sec. 2.06. Judge of Qualifications.

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

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

Sec. 2.07. Election and Terms.

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

three (3) consecutive terms, unless one of those terms was as an appointed official in that case such appointed term shall not be used in calculating the three (3) consecutive term limit imposed by this section.

(Ord. No. 88-19, § 2, 4-5-88; Ord. No. 95-3, § 1, 7-17-95; Amd. of 3-25-03; Ord. No. 03-07, § 2(Exh. A), 9-8-03/11-4-03; Ord. No. 08-06, § 1, 5-19-08; Ord. No. 08-16, § 2(Exh. A), 12-15-08/11-2-10; Ord. No. 10-33, § 1, 8-16-10/11-2-10)

Sec. 2.08. Vacancy and Forfeiture of Office.

(a) The office of Council Person or Mayor shall become vacant upon death, resignation, removal from office in any manner authorized by law or by forfeiture of office. Forfeiture of office shall be declared by the remaining members of the council.

(b) An elected official shall forfeit the office if the elected official lacks, at any time during the term of office, any qualification for the office prescribed by this Charter or by law. The office of the elected official shall be forfeited automatically and immediately when the member is convicted of a felony.

(c) The Council shall have the power and authority to remove any member of the Council or the Mayor after due notice to the member and an opportunity to be heard in the member's defense, for absence from three (3) consecutive regularly scheduled council meetings unless he was physically disabled or unless he/she was excused by the council for other good and sufficient cause.

(d) Elected officials shall be given a public hearing concerning any charge which may result in the censure or forfeiture of office. The date and time of a public hearing concerning a member charged with conduct constituting grounds for forfeiture of office shall be published in a newspaper of general circulation in the town at least one (1) week in advance of the hearing, or as otherwise provided by State or local law.

(e) If an elected official has violated any standard of conduct or code of ethics established by law for public officials, the Town's Council, after public hearing, may vote to censure that elected official with a minimum of three (3) votes being for censure. If the Town Council votes for censure, an inquiry directed to the ethics commission of the State of Florida shall be drawn by Town Council with the aid of the Town Attorney.

(f) If the elected official shall be charged with forfeiture of office because the official lacks at anytime any qualification for the office prescribed by this Charter or by law or because the elected official has been convicted of a felony a public hearing resulting in a majority vote by the remaining Town Council members shall determine whether the elected official shall forfeit the office.

(g) If an elected official shall be charged with forfeiture of office because the official has been convicted of a felony the public hearing aforementioned shall be solely for the determination by the Town Attorney whether or not such a conviction as defined by law has occurred. If the Town Attorney determines that the elected official has been convicted of a felony the elected official shall forfeit the office immediately.

(Ord. No. 95-3, § 1, 7-17-95; Amd. of 3-25-03; Ord. No. 03-07, § 2(Exh. A), 9-8-03/11-4-03)

Sec. 2.09. Filling of Vacancies.

If a vacancy occurs on the Council or in the office of Mayor and there is less than one (1) year remaining in that person's term, the Council, by a majority vote of the remaining full council shall choose a successor to serve until the election is held to fill the vacancy for the unexpired term. The successor must have all qualifications as described in Section 2.03 and/or 2.04. If one (1) year or more remains in that person's term, that seat or office of mayor shall be filled by special election for the remainder of the unexpired term. The council shall schedule a special election to be held not sooner than sixty (60) days nor more than ninety (90) days, following the occurrence of the vacancy. Notwithstanding any quorum requirements established herein, if at any time the membership of the council is reduced to less than a quorum, the remaining members may, by majority vote appoint additional members until the vacancies are filled as provided herein.

(Ord. No. 95-3, § 1, 7-17-95; Amd. of 3-25-03; Ord. No. 08-16, § 2(Exh. A), 12-15-08/11-2-10; Ord. 2006-07, 5-15-06)

Sec. 2.10. Extraordinary Vacancies.

In the event that all members of the council are removed by death, disability or forfeiture of office, the governor shall appoint an interim council that shall call a special election as provided in Section 2.09 to fill the unexpired terms.

(Amd. of 3-25-03)

Sec. 2.11. Meetings.

(a) The town council shall meet regularly not less than once every month at such time and place as the council may prescribe by resolution. Meetings shall be conducted under the guidelines of Robert's Rules of Order. Special meetings limited to the subjects in the call may be held on the call of the mayor, the chairman or a majority of the members with no less than twenty-four (24) hours notice to each member and the public. Emergency meetings may be called. Council shall provide by ordinance for determination of an emergency meeting. Action taken at emergency meetings must be ratified at the next regularly scheduled meeting of the town council. Any meeting of the town council under these provisions shall be continued by a majority vote of the town council until a time set by the council if business scheduled at such meeting is not concluded.

(b) Notice of meetings shall be posted on a conspicuously placed bulletin board outside the Town Hall protected from the elements. The notice shall contain the date, time and nature of the particular meeting.

(c) The Chairperson shall set the order of business for each meeting.

(d) Voting on ordinances and resolutions shall be by roll call and shall be recorded in the minutes. Three members of the council shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members. No action of the Council except as otherwise provided herein shall be valid or binding unless adopted by the affirmative vote of the majority of a quorum present.

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

Sec. 2.12. Reserved.

Editor's note—Ord. No. 03-07, § 2(Exh. A), adopted September 8, 2003, election of November 4, 2003, repealed § 2.12, which pertained to compensation and expenses and derived from Ord. No. 95-3, § 1, 7-17-95; Amd. of 3-25-03.

Sec. 2.13. Chairperson and Vice-Chairperson.

The full Council shall elect from among its members and Mayor a chairperson and vice-chairperson. Election of the chairperson and vice-chairperson shall be done annually at the first regular Council meeting after the Town election. The chairperson shall preside at meetings of the Council, and shall have such duties as described herein. The vice-chairperson shall act as chairperson during the absence or disability of the chairperson.

(Ord. No. 95-3, § 1, 7-17-95; Amd. of 3-25-03; Ord. No. 03-07, § 2(Exh. A), 9-8-03/11-4-03)

Sec. 2.14. Specific Duties.

(a) The Town Council shall appoint or remove all the town administrative officers.

(b) In the absence of a town administrator, the town council will be responsible for the direction and supervision of town officers, employees and agents.

(c) No former elected town official shall hold any compensated appointive town office or employment until one (1) year after the expiration of the term for which he/she was elected.

(Ord. No. 95-3, § 1, 7-17-95; Amd. of 3-25-03; Ord. No. 03-07, § 2(Exh. A), 9-8-03/11-4-03)

Sec. 2.15. Reserved.**Sec. 2.16. Council to Appoint Town Clerk.**

The Town Clerk shall be appointed by vote of the Town Council.

(Amd. of 3-25-03; Ord. No. 03-07, § 2(Exh. A), 9-8-03/11-4-03)

Sec. 2.17. Ordinances.

(a) The Council shall have the power to pass Ordinances not inconsistent with this Charter, the Comprehensive Land Use Plan, the Constitution and laws of the State of Florida or the United States.

(b) No ordinances except an emergency ordinance shall be passed and has been read in at least two (2) meetings. At least ten (10) days shall elapse between the first and second meeting except in the case of an emergency Ordinance. Notice of the proposed Ordinance shall be given by publishing the title of the Ordinance by posting it at the door of the Town Hall and by publishing the title at least ten (10) days prior to the adoption of the proposed ordinance in a newspaper of general area circulation in the town.

(c) The ordaining clause of every ordinance shall be as follows:

Be it ordained by the Council of the Town of Malabar, Florida.

(d) The readings may be made by title only.

(e) An emergency ordinance shall be so classified and can be passed with two (2) readings in the same meeting.

(Ord. No. 95-3, § 1, 7-17-95; Amd. of 3-25-03; Ord. No. 03-07, § 2(Exh. A), 9-8-03/11-4-03)

ARTICLE III. ADMINISTRATION

Sec. 3.01. Powers and Duties of the Town Council.

The Town Council shall be responsible for the administration of all Town affairs and to that and subject to the provisions of this Charter shall have the power and are required to:

- (1) Appoint, suspend and remove Town administrative offices;
- (2) Set the salary of the Town employees;
- (3) Approve an annual Town budget, together with such other fiscal reports and programs as required, and be responsible for the administration of the Town Budget and other fiscal programs, as required;
- (4) Make such reports concerning the operation and administration of the Town Government as required; and
- (5) Perform such other duties as may be prescribed in Ordinances consistent with the Charter.

(Amd. of 3-25-03; Ord. No. 03-07, § 2(Exh. A), 9-8-03/11-4-03)

Sec. 3.02. Administrative Units of Town Government.

The council by ordinance may establish and prescribe the composition, duties and functions of town departments, agencies and offices and boards, in addition to those created by this charter. The departments, agencies, offices and boards created may be abolished or consolidated and the duties or functions may be discontinued or reassigned or additional duties or functions may be assigned in the same manner. The administrative units of the town shall be described in the following sections.

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

Sec. 3.03. Reserved.

Sec. 3.04. Office of the Town Clerk.

The office of the Town Clerk shall be headed by a Town Clerk appointed by the Council. The salary of the Town Clerk shall be approved by the Council. The Town Clerk shall be under the administrative direction and control of the Town Council. The Town Clerk shall be the clerk of the council and shall keep the council journal and shall be custodian of ordinances, resolutions and such other official records as the Council may prescribe. The Town Clerk shall give notice of council meetings to its members and the public and shall keep the minutes of its proceedings

which shall be a public record. The Town Clerk shall attest to contracts, bonds and other instruments as may be prescribed by law. The Town Clerk shall be the chief elections officer of the Town. The Town Clerk shall have such other duties as prescribed by Town Council by ordinance, and all other duties at the request and under the direction of the Town Council or any member of the Town Council or the Mayor at the direction of the Town Council. The Town Clerk shall be the Town Treasurer and as such shall be custodian of all monies of the Town. At the discretion of the Town Council the duties of treasurer signed herein to the Clerk may be delegated to an appointed treasurer.

(Ord. No. 95-3, § 1, 7-17-95; Amd. of 3-25-03; Ord. No. 03-07, § 2(Exh. A), 9-8-03/11-4-03)

Sec. 3.05. Office of the Town Attorney.

The Town Attorney shall be appointed by the council. The Town Attorney shall be a member in good standing of the Florida Bar. The compensation of the Town Attorney shall be set by the Council. The Town Attorney shall be the legal advisor to the officers of the Town in all matters affecting the Town or relating to their official duties. The Town Attorney shall prosecute and defend on behalf of the Town all civil actions in which the town is concerned and perform such other duties as the Town Council may require. The Town Attorney and his assistants shall be admitted to and have authority to practice in all the courts of the state and the Federal District Court. The town attorney may recommend assistant Town Attorneys when necessary as determined by the Council.

(Ord. No. 95-3, § 1, 7-17-95; Amd. of 3-25-03; Ord. No. 03-07, § 2(Exh. A), 9-8-03/11-4-03)

Sec. 3.06. Advisory Boards.

The council may establish advisory boards to make recommendations including but not limited to, economic development, recreation, parks, playgrounds and their facilities and activities as well as planning and zoning and such other municipal functions as the council deems advisable. The voting members of the boards shall be registered electors of the Town appointed based on their qualification to be a member of that board.

(Amd. of 3-25-03; Ord. No. 03-07, § 2(Exh. A), 9-8-03/11-4-03)

Sec. 3.07. Residential Zoning.

In order to preserve the rural character of the Town Malabar, no area which is or will be zoned for single family residences shall contain a density greater than one (1) unit for every one and one-half (1 1/2) acres or as set forth in the Comprehensive Land Use Plan of the Town. All lots of record will be grandfathered in.

(Ord. No. 95-3, § 1, 7-17-95; Amd. of 3-25-03; Ord. No. 03-07, § 2(Exh. A), 9-8-03/11-4-03)

ARTICLE IV. FINANCIAL MATTERS

Sec. 4.01. Public Monies.

All public monies shall be deposited in the name of the Town of Malabar in banks designated by the Council. All public monies shall be disbursed either by check to be signed by two (2) of

four (4) authorized signatures or electronic payments or direct deposit. The Town Clerk, Administrator, the Mayor and a delegated Council Member shall be authorized to sign checks. (Ord. No. 95-3, § 1, 7-17-95; Amd. of 3-25-03; Ord. No. 03-07, § 2(Exh. A), 9-8-03/11-4-03; Ord. No. 11-42, § 4(Exh. A), 8-1-11/11-20-11)

Sec. 4.02. Budget.

The budget shall provide a complete financial plan of all municipal funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the Town Council may require. The budget shall be compiled from detailed information and the classification of expenditures shall follow the Governmental Uniform Accounting System set forth by the Department of Banking and Finance of the State of Florida. It is mandatory that the budget will be balanced for each fiscal year.

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

Sec. 4.03. Purchase and Sale of Real Property.

All purchases and sales of real property owned by the Town within the Town limits will be subject to public notice and hearing before a vote by the Town Council is taken. The public notice shall be of the same extent and nature as that required by the Florida Statutes for a rezoning.

(Amd. of 3-25-03)

ARTICLE V. INITIATIVE AND REFERENDUM

Sec. 5.01. Initiative and Referendum Power.

(a) The qualified voters of the Town shall have the power to propose the adoption or repeal of ordinances to the council. This power shall not extend to any emergency ordinance or any ordinance adopting the budget or any capital program or any ordinance relating to the appropriation of money, levy of taxes or establishing salaries of town employees.

(Amd. of 3-25-03)

Sec. 5.02. Procedure.

Any five (5) qualified voters may commence initiative or referendum proceedings by filing with the town clerk or other official designated by the council an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered. After the affidavit of the petitioners' committee is filed the clerk or other official designated by the council may issue the appropriate petition blanks to the petitioners' committee at the committee's expense.

(Amd. of 3-25-03)

Sec. 5.03. Petitions.

(a) Initiative and referendum petitions must be signed by qualified voters of the town equal in number to at least fifteen percent (15%) of the total number of qualified voters registered to vote at the last regular town election.

(b) All pages of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

(c) Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator stating that the circulator personally obtained the signatures thereon, that all the signatures were affixed in the circulator's presence, that the circulator believes them to be genuine signatures of these persons and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

(d) Referendum petitions must be filed within thirty (30) days after adoption by the council of the ordinance sought to be reconsidered.
(Amd. of 3-25-03)

Sec. 5.04. Procedure for Filing.

(a) Within twenty (20) days after the initiative or referendum petition has been filed, the town clerk or other official designated by the council shall evaluate the petition and complete a certificate as to its sufficiency. If it is insufficient, the committee shall be promptly sent by registered mail a copy of the certificate stating the defects. The grounds for insufficiency shall be those specified in subsection 5.03. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the clerk or other official designated by the council within two (2) days after receiving the copy of the certificate. A supplementary petition shall comply with the requirements of subsections (a) through (c) of Section 5.03. The clerk or other official designated by the council shall within five (5) days after the petition is filed complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified sufficient or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request council review under subsection (b) of this Section within the time required, the clerk or other official designated by the council shall promptly present the certificate to the council and the council shall then be the final determination as to the sufficiency of the petition.

(b) If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may within two (2) days after receiving the copy of such certificate file a request

that it be reviewed by the council. The council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it. The council's determination shall be the final determination as to the sufficiency of the petition.

(Amd. of 3-25-03)

Sec. 5.05. Referendum Petition; Suspension of Effect of Ordinance.

When a referendum petition is filed with the town clerk or other official designated by the council, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- (a) There is a final determination of sufficiency of the petition;
- (b) The petitioners' committee withdraws the petition;
- (c) The council repeals the ordinance; or
- (d) Referendum on the ordinance has been certified.

(Amd. of 3-25-03)

Sec. 5.06. Action on Petitions.

(a) After the Town Clerk has determined the sufficiency of an initiative or referendum petition, the council will review the determination at its next scheduled meeting. The council's decision shall be a final determination as to the sufficiency of the petition. When an initiative or referendum petition has been finally determined sufficient, the council shall promptly consider the proposed initiative ordinance in the manner provided for adopting ordinances or reconsider the referred ordinance by voting its repeal. If the council fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days or fails to repeal the referred ordinance within thirty (30) days, it shall submit the proposed or referred ordinance to the voters of the town.

(b) The referendum on a proposed or referred ordinance shall be held no less than ninety (90) days and not later than 120 days from the date the petition was considered by the Council. If no regular town election is to be held within the period described in this subsection, the council shall provide for a special election except that the council may in its discretion provide for a special election at an earlier date within the described period. Copies of the proposed or referred ordinance shall be available at the polls.

(c) An initiative or referendum petition may be withdrawn at any time preceding the day set for the final determination by the town council by filing with the town clerk or other official designated by the council a request for withdrawal signed by at least [four] (4) members of the petitioners' committee. Upon the filing of such request for withdrawal, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

(Amd. of 3-25-03)

Sec. 5.07. Results of election.

(a) *Initiative*. If a majority of the qualified electors voting on a proposed initiative ordinance vote in favor of it, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances adopted by the council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

(b) *Referendum*. If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.
(Amd. of 3-25-03)

ARTICLE VI. RECALL; CONDUCT OF OFFICIALS IN OFFICE**Sec. 6.01. Recall.**

The citizens of the Town of Malabar shall have the right to recall (remove) any official of the Town of Malabar who, in their judgment, is not performing his duties up to the standards set for officials by the Statutes of the State of Florida, as required by law.
(Ord. No. 95-3, § 1, 7-17-95; Amd. of 3-25-03)

Sec. 6.02. Conduct of Officials in Office.

The officials of the Town of Malabar will [be] held to standards in office set forth in the Florida Statutes as required by law. These statutes hold officials statewide to standards of conduct concerning conflict of interest, ethics and morality as it affects their performance of duty in office. Ramifications for violations of these standards are set forth in the Florida Statutes.

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

ARTICLE VII. TRANSITION PROVISIONS**Sec. 7.01. Ordinances and Resolutions Preserved.**

All ordinances or resolutions of the town in effect upon the adoption of this Charter to the extent not inconsistent with it shall remain in force until repealed or changed as provided herein.

(Amd. of 3-25-03)

Sec. 7.02. Rights of Officers and Employees; Transition of Council Members.

Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are town officers or employees at the time of adoption. The present mayor and town council members shall continue to hold their offices and discharge their duties under this Charter until their successors are elected.

(Amd. of 3-25-03)

Sec. 7.03. Obligation of Contracts Preserved.

No debt or contract of the municipality including bonds heretofore issued shall be impaired or voided by the adoption of this Charter.
(Amd. of 3-25-03)

Sec. 7.04. Pending Matters.

All rights, claims, actions, orders, contracts and legal or administrative proceedings involving the town shall continue except as modified pursuant to the provisions of this Charter.
(Amd. of 3-25-03)

Sec. 7.05. Schedule.

This Charter shall become effective when approved by the electors and filed with the Secretary of State of Florida in the manner prescribed by law. The filing shall occur within seven (7) days.
(Amd. of 3-25-03)

ARTICLE VIII. SEVERABILITY AND EFFECTIVE DATE

Sec. 8.01. Severability.

If any article, section or portion of an article or section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such article, section or portion of any article or section so held invalid may appear, except to the extent that an entire article or section or part of an article or section or part of a section may be inseparably connected in meaning and effect with that portion of the act to which the holding shall directly apply.
(Amd. of 3-25-03)

Sec. 8.02. Effective Date.

This Charter shall take effect as of the date the charter is filed with the Secretary of State.
(Amd. of 3-25-03)

ARTICLE IX. AMENDMENT TO CHARTER

Sec. 9.01. Amendment.

Pursuant to Florida Statute this Charter may be amended by the electors of the municipality with the submission of a petition signed by ten (10) percent of the registered electorate

including the proposed amendment to its charter. The proposed amendment will be placed on a petition to a vote of the electors at the next general election or at a special election called for such purpose.

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

TOWN OF MALABAR

AGENDA ITEM REPORT

AGENDA ITEM NO: 7
Meeting Date: March 16, 2013

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

SUBJECT: Appointment of Douglas Dial to Alternate Member position on the voluntary Planning & Zoning Volunteer Advisory Board (Reso 04-2015)

BACKGROUND/HISTORY:

As Mr. George Foster has served as an alternate on P&Z since 2013. As both Don and Grant are now on Council, Mr. Foster could be moved up to regular member status and assume the balance of Don Krieger's term.

ATTACHMENTS:

Resolution 04-2015 appointing Douglas Dial as an Alternate member of P&Z Board

ACTION OPTIONS:

Staff requests approval of Reso 04-2015.

RESOLUTION 04-2015

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

WHEREAS, Malabar Town Council has two seats open on their Planning and Zoning Board; and

WHEREAS, Malabar Town Council desires to make this appointment.

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

Section 1. The Town Council of Malabar, Brevard County, Florida, hereby approves the appointment of Douglas Dial as a member of the P&Z Board for a three year term.

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

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

Section 4. This resolution shall take effect upon adoption by Council.

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

Council Member Grant Ball	_____
Council Member Brian Vail	_____
Council Member Don Krieger	_____
Council Member Dick Korn	_____
Council Member Marisa Acquaviva	_____

This Resolution was then declared to be duly passed and adopted this 16th day of March, 2015.

TOWN OF MALABAR

By: _____.

Mayor Carl A. Beatty
Council Chair

ATTEST:

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

(seal)

Approved as to form and content:

Karl W. Bohne, Jr.
Town Attorney

TOWN OF MALABAR

APPLICATION FOR APPOINTMENT TO BOARD/COMMITTEE



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

NAME: Douglas Locke Dial TELEPHONE: 321-725-5041
ADDRESS: 2580 Rocky Point Road Malabar, FL 32950
EMAIL: doug.dial@icloud.com

RESIDENT OF TOWN FOR 12 MONTHS OR LONGER: [] YES [] NO

OCCUPATION: (If retired, please indicate former occupation or profession.)
Retired; Business Development Director, Forrester Research

PROFESSIONAL AND/OR COMMUNITY ACTIVITIES:
Sailing, Boating, Fishing, Windsurfing
Member of Eau Gallie Yacht Club
Holy Trinity Episcopal

ADDITIONAL INFORMATION/REFERENCES:
Reference: Wayne Abare

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

- Board of Adjustment
- Planning & Zoning
- Parks & Recreation
- Trails & Greenways

By Town Charter, most boards require removal of members after 3 successive absences.

Douglas L. Dial
Signature of Applicant

2/26/15
Date

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

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

TOWN OF MALABAR

AGENDA ITEM REPORT

AGENDA ITEM NO: 8
Meeting Date: March 16, 2015

Prepared By: Bonilyn Wilbanks, Town Administrator

SUBJECT: Budget Transfers for FY 2014/2015 (Reso 01-2015)

BACKGROUND/HISTORY:

These changes are being made to provide funds for the appropriate Department expenses that have occurred since October 1, 2014 and up to February 28, 2015.

FINANCIAL IMPACT:

NONE

These adjustments do not represent any budget increases.

ATTACHMENTS:

Resolution No. 01-2015
Budget Transfer Authorizations.

ACTION OPTIONS:

Staff requests approval of Resolution 01-2015.

RESOLUTION 01-2015

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PERTAINING TO A BUDGET ADJUSTMENT IN THE FISCAL YEAR 2014-2015; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is necessary from time to time to amend the budget to record adjustments approved by Council and to accurately reflect the departmental expenditures.

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

SECTION 1. Amend the Budget Amount in General Government (519) Department. Transfer from and to the Accounts indicated on the attached Budget Transfer Authorizations to accurately record the revisions to the General Government Department.

SECTION 2. Amend the Budget Amount in Fire Control (522) Department. Transfer from and to the Accounts indicated on the attached Budget Transfer Authorizations to accurately record the revisions to the Fire Control Department.

SECTION 3. Amend the Budget Amount in Protective Inspections (524) Department. Transfer from and to the Accounts indicated on the attached Budget Transfer Authorizations to accurately record the revisions to the Protective Inspections Department.

SECTION 4. Amend the Budget Amount in Flood Control (538) Department. Transfer from and to the Accounts indicated on the attached Budget Transfer Authorizations to accurately record the revisions to the Flood Control Department.

SECTION 5. Amend the Budget Amount in Public Works (539) Department. Transfer from and to the Accounts indicated on the attached Budget Transfer Authorizations to accurately record the revisions to the Public Works Department.

SECTION 6. Amend the Budget Amount in Streets and Roads (541) Department. Transfer from and to the Accounts indicated on the attached Budget Transfer Authorizations to accurately record the revisions to the Streets and Roads Department.

SECTION 7. Conflict
All resolutions or parts of resolutions in conflict herewith are hereby repealed.

SECTION 8. Effective Date.
This Resolution shall take effect immediately upon passage.

This Resolution was moved for adoption by Council Member _____.

The motion was seconded by Council Member _____ and, upon

being put to a vote, the vote was as follows:

Council Member Grant Ball	_____
Council Member Brian Vail	_____
Council Member Don Krieger	_____
Council Member Dick Korn	_____
Council Member Marisa Acquaviva	_____

This Resolution was then declared to be duly passed and adopted this 16th day of March, 2015.

TOWN OF MALABAR

By:

(seal)

 Mayor Carl A. Beatty,
 Council Chair

ATTEST:

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

Approved as to Form and Content:

 Karl W. Bohne, Jr.,
 Town Attorney

TOWN OF ALABAMA
 BUDGET TRANSFER AUTHORIZATION
 Fiscal Year 2014/2015

Department: 519 General Government							
Account No.	Description	Approved Amended Budget	Balance thru 02/28/2015/	Transfer Dec	Transfer Inc.	Amount Left to Spend	New Budget Total
519.6200	Building Improvements	10,000	10,000.00	10,000.00		0.00	0
519.6400	Machinery & Equipment	0	-9,320.00		10,000.00	680.00	10,000
	CheckSum	10,000		10,000.00	10,000.00		10,000

DEPARTMENT EXPLANATION: (Give reason for transfer from each account.)

Transfer from (519.6200) to (519.6400) to properly code the AC unit that was replaced.

Town Clerk/Treasurer: _____ Date: 03/16/2015 Approved by Town Administrator: B.W. Banks Date: 03/11/2015
 Approved by Council at RTCM 03/16/2015 RESO. No. 01-2015

(Rev. 05/2009)

TOWN OF WALABAR
 BUDGET TRANSFER AUTHORIZATION
 Fiscal Year 2014/2015

Department: 522 Fire Control

Account No.	Description	Approved Amended Budget	Balance thru 02/28/2015/	Transfer Dec	Transfer Inc.	Amount Left to Spend	New Budget Total
522.5200	Operating Supplies - Fuel	8,500	7,178.80	1,850.00		5,328.80	6,650
522.1300	Holiday Pay	0	-585.90		1,210.00	624.10	1,210
522.1400	Overtime	0	-472.50		600.00	127.50	600
522.6480	Machinery & Equipment - Scott Packs	3,640	-40.00		40.00	0.00	3,680
	CheckSum	12,140		1,850.00	1,850.00		12,140

DEPARTMENT EXPLANATION: (Give reason for transfer from each account.)

Transfer from (522.5200) to (522.1300 & 522.1400) to cover expenses for the Lts that were not foreseen at budget time and to (522.6480) for additional cost of Scott Packs.

Town Clerk/Treasurer: _____
 Approved by Council at RTCM 03/16/2015

Date: 03/16/2015 Approved by Town Administrator: B.W. Banks Date: 03/11/2015
 RESO. No. 01-2015

TOWN OF ALABAR
BUDGET TRANSFER AUTHORIZATION
 Fiscal Year 2014/2015

Department: 524 Protective Inspections

Account No.	Description	Approved Amended Budget	Balance thru 02/28/2015/	Transfer Dec	Transfer Inc.	Amount Left to Spend	New Budget Total
524.3440	Contractual Services - Building Official	1,000	1,000.00	300.00		700.00	700
524.3110	Professional Services - Planner	1,000	700.00	700.00			
524.4000	Travel & Per Diem	1,566	1,566.00	600.00			
524.4900	Other Current Charges & Obligations	1,500	-585.90		1,000.00	414.10	2,500
524.4100	Communication & Freight	400	28.10		600.00	628.10	1,000
	CheckSum	5,466		1,600.00	1,600.00		4,200

DEPARTMENT EXPLANATION: (Give reason for transfer from each account.)

Transfer from (524.3440, 524.3110 and 524.4000) to (524.4900 & 524.4100) to cover expenses

Town Clerk/Treasurer: _____ Date: 03/16/2015 Approved by Town Administrator: *B.W. Banks* Date: 03/11/2015
 Approved by Council at RTCM 03/16/2015 RESO. No. 01-2015

(Rev. 05/2009)

TOWN OF ALABAMA
BUDGET TRANSFER AUTHORIZATION
Fiscal Year 2014/2015

Department: 538 Flood Control

Account No.	Description	Approved Amended Budget	Balance thru 02/28/2015/	Transfer Dec	Transfer Inc.	Amount Left to Spend	New Budget Total
538.6300	Infrastructure - SW Utility Projects	119,000	57,023.75	9,000.00		48,023.75	110,000
538.4000	Travel & Per Diem	500	351.00		600.00	951.00	1,100
538.4900	Other Current Charges & Obligations	46,544	-5,087.37		8,400.00	3,312.63	54,944
	CheckSum	166,044		9,000.00	9,000.00		166,044

DEPARTMENT EXPLANATION: (Give reason for transfer from each account.)

Transfer from (538.6300) to (538.4000) for SW training for 3 staff members & (538.4900) to cover expenses

Town Clerk/Treasurer: _____ Date: 03/16/2015
 Approved by Council at RTCM 03/16/2015
 Approved by Town Administrator: *B. Wilbanks* Date: 03/11/2015
 RESO. No. 01-2015

(Rev. 05/2009)

TOWN OF ALABAMA
 BUDGET TRANSFER AUTHORIZATION
 Fiscal Year 2014/2015

Department: 539 Public Works							
Account No.	Description	Approved Amended Budget	Balance thru 02/28/2015/	Transfer Dec	Transfer Inc.	Amount Left to Spend	New Budget Total
539.4600	Repair & Maintenance	2,000	1,787.00	1,041.00		746.00	959
539.4100	Communication & Freight Services	735	-305.00		900.00	595.00	1,635
539.5400	Books, Pub, Subscript, & Memberships	50	-140.95		141.00	0.05	191
	CheckSum	2,785		1,041.00	1,041.00		2,785

DEPARTMENT EXPLANATION: (Give reason for transfer from each account.)

Transfer from (539.4600) to (539.4100) & (539.5400) to cover expenses

Town Clerk/Treasurer: _____ Date: 03/16/2015 Approved by Town Administrator: P.W. Banks Date: 03/11/2015
 Approved by Council at RTCM 03/16/2015 RESO. No. 01-2015

(Rev. 05/2009)

TOWN IALABAR
BUDGET TRANSFER AUTHORIZATION
Fiscal Year 2014/2015

Department: 541 Streets & Roads

Account No.	Description	Approved Amended Budget	Balance thru 02/28/2015/	Transfer Dec	Transfer Inc.	Amount Left to Spend	New Budget Total
541.4900	Other Current Charges & Obligations	5,650	4,233.90	1,000.00		3,233.90	4,650
541.4000	Travel & Per Diem	100	-558.90		1,000.00	441.10	1,100
541.4920	Contingency	14,000	14,000.00	10,000.00		4,000.00	4,000
541.4600	Repair and Maintenance	26,000	661.62		10,000.00	10,661.62	36,000
541.4630	Repair and Maintenance - Paving & Caping	56,583	22,394.26	8,000.00		14,394.26	48,583
541.4620	Repair and Maintenance - Road Material	10,000	1,444.36		8,000.00	9,444.36	18,000
	CheckSum	112,333		19,000.00	19,000.00		112,333

DEPARTMENT EXPLANATION: (Give reason for transfer from each account.)

Transfer from (541.4900) to (541.4000) to cover FDOT MOT mandatory training expenses
 Transfer from (541.4920) to (541.4600) to cover equipment repairs
 Transfer from (541.4630) to (541.4620) to cover increased road material

Town Clerk/Treasurer: _____ Date: 03/16/2015 Approved by Town Administrator: B.W. Weeks Date: 03/11/2015
 Approved by Council at RTCM 03/16/2015 RESO. No. 01-2015

TOWN OF MALABAR

AGENDA ITEM REPORT

AGENDA ITEM NO: 9
Meeting Date: March 16, 2015

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

SUBJECT: Acceptance of the FY 2013 / 2014 Financial Audit (Reso 02-2015)

BACKGROUND/HISTORY:

The audit process for FY 2013/2014 began in October with in house testing of our processes and procedures for all departments. The Administrator and I met with the auditors early in the compliance testing phase of the audit. We met with their staff in person and on the phone to go over the preliminary audit report and made minor corrections, none of them financial in nature.

Following that meeting, Mr. Jim Warmus, CPA, of Averett Warmus Durkee advised that he would be sending it directly to each Council Member via email and Fed-Ex so they could review it in advance of the Council meeting on March 16, 2015. You should have received the report last week.

Once the audit is accepted by Council, it will be placed on the website.

Mr. Warmus again extended his offer to talk with or meet individually with Council to go over any aspect of the report. His contact information is jwarmus@awdoh-cpa.com or 407-849-1569.

FINANCIAL IMPACT:

N/A

ATTACHMENTS:

Resolution 02-2015
FY 2013/2014 Financial Report (via email)

ACTION OPTIONS:

Staff requests Approval of Resolution 02-2015 accepting the Audit Report for FY 2013/2014.

RESOLUTION 02-2015

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING ACCEPTANCE OF THE ANNUAL AUDIT REPORT PROVIDED FOR FISCAL YEAR 2013/2014 BY THE AUDIT FIRM OF AVERETT WARMUS DURKEE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, an audit was conducted from November 2014 to February 2015, and all areas of the Town operations were tested; and

WHEREAS, a copy of such Audit Report is attached as Exhibit "A" to this resolution; and

WHEREAS, the Town Council is satisfied that the audit report accurately reflects the financial condition of the Town's finances for the FY ending September 30, 2014.

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

Section 1. The Town Council of Malabar, Brevard County, Florida, hereby ratifies, confirms, and certifies the annual audit report for the FY 2013/2014 attached to this resolution and identified as Exhibit "A".

Section 3. That a certified copy of this Resolution shall be delivered with the audit report to the State Auditor General per Auditor General Rule 10-558(3).

Section 4. This Resolution shall take effect immediately upon its adoption. This Resolution was moved for adoption by Council Member _____ . The motion was seconded by Council Member _____ and, upon being put to a vote, the vote was as follows:

Council Member Grant Ball	_____
Council Member Brian Vail	_____
Council Member Don Krieger	_____
Council Member Dick Korn	_____
Council Member Marisa Acquaviva	_____

This Resolution was then declared to be duly passed and adopted this 16th day of March, 2015.

TOWN OF MALABAR

By:

Mayor Carl A. Beatty
Council Chair

ATTEST:

Debby K. Franklin, CMC
Town Clerk/Treasurer

(seal)

Approved as to Form and Content:

Karl W. Bohne, Jr., Town Attorney

Official
Proclamation
Town of Malabar,
Florida

WHEREAS, motorcycles are increasingly used as a regular means of transportation; and

WHEREAS, the motorcycle is an energy-efficient vehicle that reduces fuel consumption, traffic and parking congestion; and

WHEREAS, the motorcycle is an important form of transportation for commuting, touring and recreation; and

WHEREAS, with motorcycle ownership in Florida has exceeded 750,000 registered motorcycles, the Governor of the State of Florida has traditionally named May as "Motorcycle Safety & Awareness Month;" and

WHEREAS, Malabar supported the Governor's Proclamation and declared a similar Proclamation naming May as Motorcycle Safety & Awareness Month; and

WHEREAS, locally, ABATE of Florida/Brevard County Chapter, Inc, is highly involved in motorcycle safety through its Rider and Motorist Education Programs which includes the "Motorcycle Safety and Awareness Program" to educate the non-riding public how to safely share the road with motorcycles. ABATE of Florida/Brevard County Chapter has asked each community to proclaim a month of the year to identify as Motorcycle Awareness month in their community and has asked Malabar to adopt May 2015; and

WHEREAS, ABATE of Florida/Brevard County Chapter will be displaying all these Proclamations in the Capitol Rotunda; and

WHEREAS, ABATE of Florida, Inc. promotes friendship and safety among all motorcyclists. Using their mottoes of "American Bikers Aiming Toward's Education" and

WHEREAS, the Town of Malabar wishes to join in this public safety campaign in an effort to ensure the safety and well-being of its citizens;

Now, therefore, be it proclaimed by the Town Council of Malabar that the month of May, 2015 is declared:

"MOTORCYCLE SAFETY & AWARENESS MONTH"

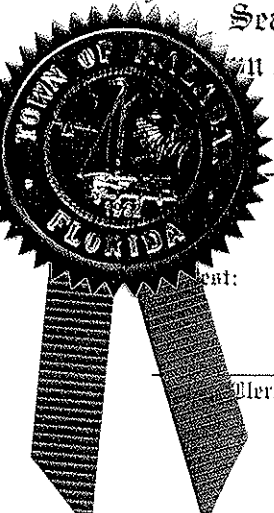
In Malabar, Florida and urge all citizens to be more aware of motorcycles on our roads and highways and for all motorcyclists to take advantage of motorcycle safety programs throughout the year.

Seal of the
Town of Malabar

16th day of March, 2015

Mayor

Clerk



Official
Proclamation
Town of Malabar,
Florida

Irish American Heritage Month

WHEREAS, by 1776 nearly 300,000 Irish nationals had emigrated to the American colonies and played a crucial role in America's War for Independence; and

WHEREAS, Irish Americans helped to fashion a system of government for our young Nation; and

WHEREAS, twenty-two Presidents have proudly proclaimed their Irish American heritage; and

WHEREAS, Irish born Commodore John Barry was recognized by the United States Congress in September of 2002 as the "First Flag Officer of the United States Navy"; and

WHEREAS, Commodore John Barry fought the last sea battle of the American Revolution off the coast of Florida; and

WHEREAS, the Irish first came to Spanish "La Florida" in the 1500s -- first as missionaries and mercenary soldiers and then as planters, traders, businessmen, doctors and administrators; and

WHEREAS, three of the Spanish Governors of "La Florida" were actually Irish military officers; and

WHEREAS, Fr. Richard Arthur, an Irish-born priest from Limerick who was appointed parish priest for St. Augustine in 1597 and ecclesiastical judge of "La Florida", established the first public school in American and opened it to both boys and girls of all races; and

WHEREAS, Andrew Jackson, whose family came from County Antrim, served as Florida's military governor following its acquisition by the United States, and

WHEREAS, Irish Americans, since America's inception, have provided and continue to provide leadership and service to this nation's political, business and religious establishments; and

WHEREAS, it is fitting and proper to celebrate the rich cultural heritage and the many valuable contributions of the Irish Americans.

NOW, THEREFORE, be it resolved, by the Town Council of the Town of Malabar, that the month of March is proclaimed as "IRISH AMERICAN HERITAGE MONTH".

Seal of the
Town of Malabar

16th day of March, 2015

Carl A. B. [Signature] Mayor

Town Clerk

