



REGULAR TOWN COUNCIL MEETING

Monday, November 18, 2019 at 7:30 pm

1. CALL TO ORDER, PRAYER AND PLEDGE
2. ROLL CALL
3. SUNSHINE LAW OVERVIEW BY ATTORNEY
4. NOMINATIONS FOR CHAIR AND VICE-CHAIR
5. APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES
6. CONSENT AGENDA
 - a. Approve Minutes of Regular Town Council Meeting of 11/04/2019 and of Special Town Council Meeting of 11/07/2019

Exhibit: Agenda Report 4a & 4b

Attachments:

- Agenda Report Number 6a (TownCouncilMinutes1104_2019short.pdf)
- Agenda Report Number 6b (TownCouncilMinutes1107_2019Spec.pdf)

7. ATTORNEY REPORT
8. STAFF REPORTS
 - a. Administrator
 - b. Clerk
 - c. Fire Chief

9. PUBLIC COMMENTS

Comments at this point may address items NOT on the Agenda. Comments related to subsequent Agenda Items may be made as those items come up. Public comments do not require a Council response. (Speaker Card is Required)

Five (5) Minute Limit per Speaker

10. PUBLIC HEARINGS / SPECIAL ORDERS
11. UNFINISHED BUSINESS/GENERAL ORDERS MAY INCLUDE ITEMS DIRECTLY RELATED TO RESIDENTS PRESENT AT MEETING

12. ACTION ITEMS

ORDINANCES:

RESOLUTIONS: 1

MISCELLANEOUS: 5

a. Appointment of Charles Ryan to the Board of Adjustment (Resolution 22-2019)

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE APPOINTMENT OF CHARLES RYAN TO THE MALABAR BOARD OF ADJUSTMENTS AS AN ALTERNATE MEMBER; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report number 12a

Attachments:

- Agenda Report Number 12a (Agenda12a.pdf)

b. Set date for Workshop to Continue Discussion on Road Improvements

Exhibit: Agenda Report Number 12b

Attachments:

- Agenda Report Number 12b (Agenda12b.pdf)

c. Select Bill Reviewer for 2019/2020

d. Select Check Signer for 2019/2020

e. Select Space Coast League of Cities (SCLC) Delegate for 2019/2020

f. Select Representative for TPO/TAC for 2019/2020

COUNCIL CHAIR MAY EXCUSE ATTORNEY AT THIS TIME

13. DISCUSSION/POSSIBLE ACTION

14. PUBLIC COMMENTS

General Items (Speaker Card Required)

15. REPORTS - MAYOR AND COUNCIL MEMBERS

16. ANNOUNCEMENTS

(1) Vacancy on the Board of Adjustment & Trails and Greenways Committee and (2) Vacancies on the Parks and Recreation Board

17. 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 ensure 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.

Contact: Debby Franklin (townclerk@townofmalabar.org 321-727-7764) | Published on 11/13/2019
at 8:22 AM

**MALABAR TOWN COUNCIL REGULAR MEETING MINUTES
NOVEMBER 04, 2019 7:30 PM**

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

1. CALL TO ORDER:

Council Chair, Mayor Patrick T. Reilly called the meeting to order at 7:30 pm. CM Vail led P&P.

2. ROLL CALL:

CHAIR:	MAYOR PATRICK T. REILLY
VICE CHAIR:	STEVE RIVET
COUNCIL MEMBERS:	GRANT BALL
	BRIAN VAIL
	DICK KORN, excused
	DANNY WHITE
	MATT STINNETT
	KARL BOHNE
	DEBBY FRANKLIN

TOWN MANAGER: (TM)

TOWN ATTORNEY:

TOWN CLERK/TREASURER:

Clerk said for the record the Fire Chief Mike Foley was also present.

3. APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES: none

4. CONSENT AGENDA: Town Council Mtg Minutes of 10/07/2019

MOTION: CM White / CM Rivet to not approve the minutes. Too long – they should be brief.

VOTE: 2 Ayes and 2 Nays with the Mayor breaking the tie with a Nay. I

5. ATTORNEY REPORT: nothing

6. BCSO REPORT: not present – out on a call.

7. BOARD / COMMITTEE REPORTS:

7.a. Drew Thompson, Chair, T&G Com: Displayed the new trailhead signage recently completed by MCGraphix to motivate future improvements.

7.b. Eric Bienvenu, Chair Park & Rec Board: Gave presentation on Board's request approval to proceed with their commendation to remove the old house located in the Malabar/Glatte Roads triangle, renovate it and place it at the Malabar Community Park.

MOTION: CM Vail / CM White to approve Park Board recommendation and proceed with renovation project on old "Malabar" house. VOTE: All Ayes.

7.c. Liz Ritter, Vice-Chair, P&Z Board: Briefed Council on the Board's recommendation on Huggins Park rezoning and Twin Lakes preliminary plat.

8. STAFF REPORTS:

8.a. ADMINISTRATOR: Nothing.

8.b. PW DIRECTOR: submitted written report.

8.c. FIRE CHIEF: Gave Oct stats. Applied for grant. Failed duct work will be fixed.

8.d. CLERK: Richard has provided a draft of the flyer for the FallFest; please submit any changes ASAP. Event is set for Nov 30 from 9AM – 3 PM. If there is any interest in contributing to beer, let us know.

9. PUBLIC COMMENTS: Comments at this point may address items NOT on the Agenda. Comments related to subsequent Agenda Items may be made as those items come up. Public comments do not require a Council response. (Speaker Card is Required) Five **(5) Minute Limit**

10. PUBLIC HEARINGS/SPECIAL ORDERS: 4

10.a. ORDINANCE 2019-14 Budget Amendment FY 2018/2019 – 2nd Reading

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PERTAINING TO A BUDGET AMENDMENT IN THE FISCAL YEAR 2018/2019 TO PROVIDE FOR ADDITIONAL REVENUES RECEIVED; PROVIDING FOR THE UNSPENT BUDGETED FUNDS DUE TO REDUCED EXPENDITURES; PROVIDING DIRECTION TO DELEGATE SUCH EXCESS FUNDS TO DESIGNATED RESTRICTED RESERVES FOR BUILDING DEPARTMENT USE, STORMWATER USE, FIRE DEPARTMENT DONATIONS AND FOR VEHICLE

REPLACEMENT; PROVIDING THE SHIFTING OF UNSPENT MONIES BETWEEN DEPARTMENTS TO BALANCE THE EXPENDITURES; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Read by title only. PH opened: none. PH closed.

MOTION: CM Vail / CM Rivet to adopt Ord 2019-14. Rollcall VOTE: CM Ball, Aye; CM Vail, Aye; CM Rivet, Aye; CM Korn, Excused; CM White, Aye. Motion carried 4 to 0.

10.b. ORDINANCE 2019-15 Amending Art IX of Chapter 2, Code of Ordinances – 2nd Reading

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES OF THE TOWN; AMENDING THE TITLE FOR THE TOWN ADMINISTRATOR IN ARTICLE IX; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING AN EFFECTIVE DATE.

Read by title only. PH opened: none. PH closed.

MOTION: CM White / CM Ball to adopt Ord 2019-15. Rollcall VOTE: CM Ball, Aye; CM Vail, Aye; CM Rivet, Aye; CM Korn, Excused; CM White, Aye. Motion carried 4 to 0.

10.c. ORDINANCE 2019-13 Rezoning Huggins Park

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; ADMINISTRATIVELY AMENDING THE ZONING MAP FOR THE 3.4 ACRE SITE IN SECTION 31, TOWNSHIP 28 AND RANGE 38 LOCATED IN THE JOHN J POLLAKS SUBDIVISION, MALABAR FLORIDA FROM INSTITUTIONAL (INS) TO RESIDENTIAL (RS-10); PROVIDING FOR PROPER CLASSIFICATION IN ORDER TO SELL; PROVIDING FOR AMENDMENT TO THE OFFICIAL TOWN ZONING MAP; PROVIDING AN EFFECTIVE DATE.

Read by title only. PH opened: Jennifer Wormuth spoke against selling the park. PH closed.

MOTION: CM Rivet / CM Vail to approve first reading after public hearing of Ord 2019-13.

Discussion – Mayor said the P&Z recommendation is consistent with the surrounding area and what it was before it was a park. CM Vail asked to designate the sale revenue to the Park Fund. CM Ball agreed. TM will make a note of that so that they do have that conversation. **Rollcall VOTE:** CM Ball, Aye; CM Vail, Aye; CM Rivet, Aye; CM Korn, Excused; CM White, Nay. Motion carried 3 to 1.

10.d. Preliminary Plat for ‘Twin Lakes’ Subdivision

Applicants Malcom Kirschenbaum, Weber Woods LLC, represented by Mr. Bruce Moia, PE of MBV Engineering, Inc. request approval of the Preliminary Plat for a 16 homesite subdivision in Rural Residential (RR-65) Zoning. The site is located on the south side of Malabar Road, east of Weber Road on a 24-acre parcel more fully desc as Lot 26 & part of Lot 25 of Pb 1 Pg 165 as desc in Orb 8065 Pg 1488 exc Orb 8313 Pg 1942.

Mayor asked Project Representative Bruce Moia to podium. Moia said they have been working with FDOT for ROW acquisition and entrance requirements. This developer has made the land available so they can do turn lane improvements. Working also with City of Palm Bay to extend water. Have acquired easements with neighbors to get the water line located without having to move it again when the road is widened. Regarding trees – the developer is proposing to keep all the trees possible and not impact the wetlands. The drainage will be self-contained. The FDOT requires the 100-year standards. There are existing wetlands on the perimeter. That discharge rate is required to remain same as pre-development - so no new drainage into State's ditch. Everything else will be treated. Turtles will be permitted before they go forward. PH – none. PH – closed. Chair asked if there were any staff comments. Atty made his comment about private roads and the right for Town to do a special assessment to make repairs to streets if HOA fails.

MOTION: CM Rivet / CM Vail to approve the Preliminary Plat of Twin Lakes subdivision.

Discussion – looks to be compatible per CM Rivet. Mayor likes just the one entrance. CM Ball said it will be private road. Rollcall VOTE: 4 Ayes (CM Korn excused).

11. UNFINISHED BUSINESS/GENERAL ORDERS: 3**11.a. Agenda Request – Richard Kovach: Council Must Adhere to its Code of Conduct – Action Desired: CM Korn, White & Rivet to Give Reasons, not Rationale, for Voting in favor of Ordinance 2019-08.**

Discussion: Richard Kovach put up 11.a. on the screen and read from page. Said Council has refused to act on this his repeated requests for factual answers. CM White said he articulated several reasons. He was addressing the topic.

11.b. Agenda Request – Richard Kovach: Council Must Adhere to its Code of Conduct – Action Desired: Conduct Public Hearing and Penalty Phase against CM Korn

Discussion: Richard Kovach requested action be taken against CM Dick Korn. He then played a portion from 1/3/18 mtg audio and video from YouTube.

11.c. Agenda Request – Laura Mahoney: Public Involvement and Interaction – Action Desired: Consider Resources and Ideas for Effective Interaction with Public
Speaker's Card: Dawn Danielson, C.A.V.E. people are Citizens Are Very Engaged.

Discussion: Laura Mahoney, talked about public records requests, efforts to improve public trust and volunteerism, and making public records searchable.

Attorney addressed point of order issues for purposes of local government.

12. ACTION ITEMS: ORD for 1st: 0; RESOLUTIONS: 0; MISCELLANEOUS: 1**12.a. Agreement Between Malabar Fire Rescue Dept and Brevard Physicians Associates, PLLC and Dr. Larissa Dudley (collectively, Medical Director)**

Chief said they are looking for a new med dir. He has it included in the budget. Met with her and the Atty. The cost is different, but it is in the budget. Atty said the contract expanded on the roles of the med dir. Requirement for her to carry 1 mil and 1 mil for liability coverage that she will cover.

MOTION: CM White / CM Rivet to approve contract for medical director. VOTE: All Ayes.

COUNCIL CHAIR MAY EXCUSE ATTORNEY AT THIS TIME

13. DISCUSSION/POSSIBLE ACTION: 1**13.a. Road Variance Process – Requested CM Rivet**

CM Rivet started the discussion. No provision for a variance. There are no lots and no more road ROW. Having this person improve the road would create a negative impact to the environment and cause people to spend money to build a road that will never get used. Road serves no purpose. Atty weighed in on this and suggested a road vacate and Rivet does not support that. He believes this does not make since to make someone build 200' when there is no need for road.

CM Vail said he was in support of a variance in this case. It was being abused and that is why he supported removing that option from Code. Bring variance mechanism back to Council with additional requirements to close loopholes and discourage abuse.

Franklin said they will be scheduling a follow-up road ROW improvement workshop before Christmas if possible and this can be part of that meeting.

14. PUBLIC COMMENTS: General Items (Speaker Card Required)**15. REPORTS – MAYOR AND COUNCIL MEMBERS**

CM Ball: issue that continues to come up; how can we communicate better with citizens. Every time we go to do something, someone comes up and says we should do better. How can we do better. CM White said they should feel listened to. How to keep them better informed. CM Ball said he brought this up to TA – each CM set up a small area at the FallFest and let the people come to them with their concerns.

CM Vail: nothing

CM Rivet: nothing

CM Korn: excused

CM White: Maybe we have to add something to our process to include the public earlier. Thanked TM for the work the PW is doing – referred to the removal of palm trees blocking the flow downstream of his property - the water flows.

Dawn Danielson – has been speaking with TM about communication. Suggested having workshops 3 or 4 times a year with residents to allow some give and take and for citizens to ask questions.

Mayor: nothing

16. **ANNOUNCEMENTS:** Openings on Bd of Adjustment, T&G, P&Z and Park and Rec Bds.
17. **ADJOURNMENT:** There being no further business to discuss and without objection, the meeting was adjourned at 9:25 PM.

BY: _____
Mayor Patrick T. Reilly, Council Chair

ATTEST:

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

Date Approved: 11/18/2019

**MALABAR TOWN COUNCIL SPECIAL MEETING
NOVEMBER 07, 2019 7:00 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 7:00 pm by Mayor Reilly. The P&P was led by Chair.

B. ROLL CALL:

COUNCIL CHAIR	MAYOR PATRICK T. REILLY
VICE-CHAIR:	STEVE RIVET
COUNCIL MEMBERS:	GRANT BALL
	BRIAN VAIL
	DICK KORN
	DANNY WHITE
TOWN MANAGER:	MATT STINNETT
TOWN CLERK/TREASURER:	DEBBY FRANKLIN

C. ACTION ITEMS: Swearing in of Council:

There was no local election this year as both seats had no challengers.

Council seat District 4 was open due to term limits. David Scardino submitted qualifying paperwork and no other person submitted.

Council seat District 5 was up for election and the incumbent, Danny White submitted qualifying paperwork. No other person submitted.

Mayor presented plaque to outgoing CM Dick Korn for his dedicated service for the last six years.

Clerk Franklin then thanked CM Korn and asked him to take a seat in the audience.

Clerk Franklin then asked Mr. David Scardino to approach the podium, raise his right hand and read the Oath of Office. Clerk then asked him to take his seat on the dais.

Clerk Franklin then asked CM Danny White to stand, raise his right hand and read the Oath of Office.

D. ADJOURNMENT

Without objection, Chair adjourned the meeting at 7:06 PM.

TOWN OF MALABAR

BY: _____
Mayor Patrick T. Reilly, Council Chair

ATTEST:

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

11/18/19
Date Approved

TOWN OF MALABAR

AGENDA ITEM REPORT

AGENDA ITEM NO: 12.a.
Meeting Date: November 18, 2019

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

SUBJECT: Appoint Alternate to Board of Adjustment (Reso 22-2019)

BACKGROUND/HISTORY:

Board and Committee terms are for three years. There is one opening for Alternate on the Board of Adjustment and we have received one application.

ATTACHMENTS:

Reso 22-2019 Appointment to BOA as Alternate
Application package from Mr. Ryan

ACTION OPTIONS:

Action on Reso 22-2019

RESOLUTION 22-2019

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE APPOINTMENT OF CHARLES "BUD" RYAN TO THE MALABAR BOARD OF ADJUSTMENT AS AN ALTERNATE MEMBER; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Malabar Town Council has been notified of an opening on the Board of Adjustment and has received one application; and

WHEREAS, Malabar Town Council desires to fill this opening.

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 Charles "Bud" Ryan as an Alternate Member of the Board of Adjustment 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 immediately upon adoption.

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

Council Member Grant Ball	_____
Council Member Brian Vail	_____
Council Member Steve Rivet	_____
Council Member David Scardino	_____
Council Member Danny White	_____

This Resolution was then declared to be duly passed and adopted this 18th day of November, 2019.

TOWN OF MALABAR

By: _____
Mayor Patrick T. Reilly, Council Chair

(seal)

ATTEST:

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

Approved as to form and content:

Karl W. Bohne, Jr., Town Attorney

Town of Malabar

Volunteer Committee/Board Application

Board of Adjustment Application

The Board of Adjustment is hereby established and shall consist of five (5) seats and two (2) alternate-seats. The quorum for the Board of Adjustment is four (4) members. The Board shall meet only on an as needed basis when a property owner requests a variance to the Land Development Code or the Street Improvement Code. They shall also hear and consider challenges to the administrative decisions by the Town Building Official or Town Engineer. The Board of Adjustment shall have the authority to compel attendance of witnesses at hearings or meetings and to administer oaths. Any appeal of the decision of the Board of Adjustment shall be made through the Circuit Court and must be made within thirty (30) days of the finding by the Board of Adjustment.

- 1. Name: CHARLES RYAN Phone: 321-298-4512
 - 2. Home Address: 1923 HOWELL CN
 - 3. Email Address: MALABAR BUD @YAHOO.COM
 - 4. Are you a resident of the Town: Yes No
 - 5. How long have you been a resident of the Town of Malabar: + 20 YRS
 - 6. Are you currently involved with any other organization of the Town: Yes No
- If yes, which organization: _____

Town of Malabar 2725 Malabar Road Malabar, Florida 32950
Phone: 321-727-7763 ~ Fax 321-722-2234 ~ Email: townclerk@townofmalabar.org
Website: www.townofmalabar.org

TOWN OF MALABAR

APPLICATION FOR APPOINTMENT TO BOARD/COMMITTEE

NOV 4 2019 16:48

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: CHARLES RYAN TELEPHONE: 298-4512

ADDRESS: 1923 HOWELL LN, MALABAR

EMAIL: MALABAR BUD @ YAHOO.COM

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

OCCUPATION: (If retired, please indicate former occupation or profession.)

JEMI- RETIRED ELECTRONIC & MECHANICAL TECH

PROFESSIONAL AND/OR COMMUNITY ACTIVITIES:

SEVED ON P.F.R OVER 10 YEARS, T.A. SELECTIN'S COMMITTEE
CITIZEN BUDGET REVIEW BOARDS, VARIOUS TOWN RELATED ACTIVITIES.

ADDITIONAL INFORMATION/REFERENCES:

VET NAM VET- USAF C.M. GRANT BALL

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

Per Town Code, Council shall require removal of members after 3 successive absences.

C. Ryan
Signature of Applicant

11/4/19
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.

Applicant Certification

By completing this application with the Town of Malabar and placing my signature below, I do hereby acknowledge the following:

- This application, when completed and filed with the Office of the Town Clerk, is a PUBLIC RECORD UNDER Chapter 119, Florida Statute, and is open to public inspection.
- I am responsible for keeping the information on this form current and that any changes or updates will be provided to the Office of the Town Clerk.
- I acknowledge that I am a resident of the Town of Malabar.
- I consent to filing the Statement of Financial Interest as required by Chapter 112, Florida Statutes.
- If appointed to a Committee or Board, I acknowledge that it is my obligation and duty to comply with the following:

- Malabar Code of Conduct
- Code of Ethics for Public Officials (F.S., Chapter 112, Part III)
- Florida Sunshine Law (F.S., Chapter 286)

I understand the responsibilities associated with being a Committee or Board member and I will have adequate time to serve on this Committee or Board.

The information provided on this form is true and correct and consent is hereby given to the Town Council or its designated representative to verify any and/or all the information provided.

C. Ryan
Signature

11/4/19
Date



TOWN OF MALABAR

2725 MALABAR ROAD • MALABAR, FLORIDA 32950
(321) 727-7764 OFFICE • (321) 722-2234 FAX
www.townofmalabar.com

Town of Malabar Board Member Code of Conduct

(Malabar Code Chap 2. – Code of Conduct) In addition to adhering to the requirements of State Law, any person appointed to serve as a Member of a Town Board or Committee shall commit to the following Code of Conduct by written affirmation, which shall remain on file with the Town Clerk, as follows:

I affirm that the proper Statutory and Town Charter role of Members of appointed Town Boards and Committees, as with any Member of an appointed government body, is to act collectively, not individually, to apply the Town's governing policies, and that the Town Administrator and Staff administer such policies.

I understand that an appointed Board or Committee Member does not manage the affairs of the Town. I will not intrude into daily operations or spheres of responsibility designated by Florida Statutes, Town Code, and Town Charter to the Town Administrator as the Chief Executive Officer; or undermine the Town Administrator's lawful authority. Further, I understand that the Town Administrator is responsible for administering the policy direction established by a majority vote of the Town Council and not the individual wishes of Board or Committee Members.

I will represent the interests of the entire Town when making decisions and will rely upon available facts and my independent judgment. In my capacity as an appointed Board or Committee Member, I will avoid conflicts of interest and avoid using my official position for personal, professional, or partisan gain.

I will demonstrate dignity, respect, and courtesy toward those whom I am in contact with in my capacity as an appointed Board or Committee Member. I will refrain from intimidation and ridicule of fellow Board or Committee Members, Town Council Members, Town Administrator, Town Attorney, Staff, citizens of the Town, and those conducting business with the Town.

In my capacity as an appointed Board or Committee Member, I will refrain from inappropriate language including statements that are malicious, threatening, slanderous, disparaging, mean-spirited, vulgar or abusive. All disagreements, concerns or criticisms shall be framed in language that is in keeping with the dignity and professionalism of an appointed official and the honor of my respective Town Board or Committee.

I will focus on solving problems. I will maintain appropriate decorum and professional demeanor in the conduct of Town business and work cooperatively and conscientiously with others as I request or receive information, examine data or weigh alternatives in the decision-making process.

I will demonstrate patience and refrain from demanding, interruptive access to Staff or immediate responses or services when requesting information that requires significant Staff time in research, preparation or analysis or that will result in Staff neglect of urgent duties. Such requests will be made through the Town Administrator for scheduling and prioritizing through consensus of my respective Town Board or Committee.

I will devote adequate time for preparation prior to my respective Town Board or Committee meetings and as much as possible, I will be in attendance at such meetings and all other scheduled events where my participation is required.

I will respect diversity and encourage the open expression of divergent ideas and opinions from fellow Board or Committee Members, Town Council Members, Town Administrator, Town Attorney, Staff, citizens of Malabar. I will listen actively and objectively to others' concerns or constructive criticisms.

I will refrain from any individual action that could compromise lawfully authorized decisions of the Town or the integrity of the Town and my fellow Board or Committee Members. I will delineate clearly for any audience whether I am acting or speaking as an individual citizen or in my capacity as a Town Board or Committee Member.

I will maintain the confidentiality of privileged information and will abide by all laws of the State applicable to my conduct as a Board or Committee Member, including but not limited to the Government in the Sunshine Law, the Florida Code of Ethics for Public Officers, and Town Rules of Procedure and Codes of Conduct.

I will promote constructive relations in a positive climate with all Members of the Town Council, Town employees, Town Attorney, and Town contractors and consultants consistent with my role as a Board or Committee Member, as a means to enhance the productivity and morale of the Town. I will support the Town Administrator's decision to employ the most qualified persons for Staff positions. I will recognize the bona fide achievements of the Town Council, Town Administrator, Staff, Town Attorney, Town contractors and consultants, business partners, and others sharing in, and striving to achieve, the Town's mission.

I will enhance my knowledge and ability to contribute value to the Town as a Board or Committee Member by keeping abreast of issues and trends that could affect the Town through reading, continuing education and training. I will study policies and issues affecting the Town, and will attend training programs if required by the Town. My continuing goal will be to improve my performance as a Board or Committee Member.

I will value and assist my fellow Board or Committee Members by exchanging ideas, concerns, and knowledge through lawful means of communication. I will help build positive community support for the Town's mission and the policies established by the Town Council.

I will support and advocate for my beliefs, but will remain open to understanding the views of others. I recognize that I share in the responsibility for all Town decisions that my respective Board makes and will accept the will of the majority.

As a Board or Committee Member, I will always hold the best interests of the citizens of the Town and the public health, safety and welfare of the community in the highest regard. I will seek to provide appropriate leadership that nurtures and motivates Town citizens to be stakeholders in the affairs and achievements of the Town.

I will be accountable to the Town Council for violations of this Code of Conduct.

C. Ryan
Signature

11/4/19
Date

CHARLES RYAN
Print Name

Dorothy Carmel
Witness

**TOWN OF MALABAR
AGENDA ITEM REPORT**

AGENDA ITEM NO: 12.b.
Meeting Date: November 18 2019

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

SUBJECT: Set Date for Next Road Workshop – 12/5/19

BACKGROUND/HISTORY:

Last July, Council and Staff held a workshop to discuss some of the problems we deal with related to ROW that don't meet Town standards. The outcome from that workshop was to have staff actually measure the widths of our accepted roads. We have accomplished that now.

We were also asked to offer some possible reclassifications for some of the Town's roads.

We asked Council if we could amend the code to again allow a variance process in the road improvement process.

We also recognized the need to also direct Planning and Zoning to consider some of these changes that may also have an impact on the Transportation Element of the Comprehensive Plan.

Staff is ready to offer some additional information on these points at a workshop to be held during the day on December 5, 2019 at 1:30PM – 3:00PM or 2 to 4.

ATTACHMENTS:

Calendar

ACTION OPTIONS:

Discussion and Direction to Staff

December 2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 RTCM 7:30pm	3 Brook Hollow HOA 6:30pm	4	5	6	7
8	9 T&G Comm Mtg 6pm	10	11 P&Z Bd Mtg 7:00pm	12	13	14
15	16 RTCM 7:30pm	17	18 Park & Rec Board Mtg 6:00pm	19	20	21
22	23 Town Hall Closed thru 1-1-20	24	25 Christmas	26	27	28
29	30	31	1-1-2020 Happy New Year!			