

**TOWN OF MALABAR  
REGULAR TOWN COUNCIL MEETING  
MONDAY, JUNE 19, 2017  
7:30 PM  
2725 MALABAR ROAD, MALABAR, FLORIDA**

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**AGENDA**

- A. CALL TO ORDER, PRAYER AND PLEDGE**
  - B. ROLL CALL**
  - C. APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES**
  - D. APPROVAL OF THE MINUTES:**
    - 1. Regular Town Council Meeting Minutes 6/5/17**
      - Exhibit:** Agenda Report No. 1
      - Recommendation:** Request Approval
  - E. ATTORNEY REPORT: Medical Marijuana Legislation**
  - F. PRESENTATION: Representative Randy Fine:**
  - G. STAFF REPORTS: ADMINISTRATOR: CLERK: FIRE CHIEF**
  - H. PUBLIC COMMENTS:** Comments at this point may address items NOT on the Agenda. Comments related to subsequent Agenda Items may be made as those items come up. Public comments do not require a Council response. (Speaker Card is Required) Three (3) Minute Limit per Speaker.
  - I. PUBLIC HEARINGS/SPECIAL ORDERS: 0**
  - J. UNFINISHED BUSINESS/GENERAL ORDERS**
    - ORDINANCES FOR FIRST READING: 0**
    - RESOLUTIONS: 0**
    - MISCELLANEOUS: 3**
      - 2. Concerns Raised by P&Z Board re: Route 1 Motorsports Signage**
        - Exhibit:** Agenda Report No. 2
        - Recommendation:** Request Approval
      - 3. Fire Apparatus Replacement/Refurbishment**
        - Exhibit:** Agenda Report No. 3
        - Recommendation:** Request Approval to Proceed with 5-year Lease Purchase
      - 4. Commit to a Code of Conduct for Council and Board Members**
        - Exhibit:** Agenda Report No. 4
        - Recommendation:** Request Approval
- COUNCIL CHAIR MAY EXCUSE ATTORNEY NOW
- K. DISCUSSION/POSSIBLE ACTION:**
    - 5. Cancel First Council Meeting in July**
      - Exhibit:** Agenda Report No. 5
      - Recommendation:** Request Approval
  - L. PUBLIC COMMENTS: General Items (Speaker Card Required)**

**M. REPORTS – MAYOR AND COUNCIL MEMBERS**

**N. ANNOUNCEMENTS:**

(1) Vacancy on the Board of Adjustment; (2) Vacancies on the Park and Recreation Board; (1) Vacancy on Trails and Greenways.

**O. 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.

**TOWN OF MALABAR  
AGENDA ITEM REPORT**

**AGENDA ITEM NO: 1**  
**Meeting Date: June 19, 2017**

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

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**SUBJECT: Approval of Minutes**

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**BACKGROUND/HISTORY:**

Attached are the summary minutes for the following meetings:

- Regular Town Council Meeting – 6/05/2017

It was determined during the last year that the minutes should be a brief summary of what occurred in the meeting. This was confirmed again at the November 21, 2016 meeting. For specific details, audio of the meetings are available.

**ATTACHMENTS:**

Draft Minutes of the 06/05/2017 meeting

**ACTION OPTIONS:**

The Town Clerk requests approval of the minutes.

**MALABAR TOWN COUNCIL REGULAR MEETING MINUTES**  
**JUNE 5, 2017                      7:30 PM**

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

**A.     CALL TO ORDER:**

Chair, Mayor Patrick T. Reilly called the meeting to order at 7:30 pm. CM Kohler led the prayer and pledge.

**B.     ROLL CALL:**

CHAIR:	MAYOR PATRICK T. REILLY
VICE CHAIR:	STEVE RIVET
COUNCIL MEMBERS:	GRANT BALL
	LAURA MAHONEY
	DICK KORN
	RICHARD KOHLER
TOWN ADMINISTRATOR:	DOUGLAS HOYT
TOWN ATTORNEY:	KARL BOHNE, Excused
DEPUTY TOWN CLERK/TREASURER:	MATTHEW STINNETT

For the record, Fire Chief Leonard Thomassen is also in attendance.

**C.     APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES:**

**J.     PUBLIC COMMENTS:** Comments at this point may address items NOT on the Agenda. Comments related to subsequent Agenda Items may be made as those items come up. Public comments do not require a Council response. (Speaker Card is Required) Three (3) Minute Limit per Speaker.

**Speaker's Card:** Dawn Danielson – Commented regarding 5/22/17 minutes – “CM Mahoney talks till she is blue in the face” – challenged their correctness suggesting that the Clerk be reined in on her personal opinions being inserted into the minutes.

- CM Korn commented that he was not at the meeting – and looked for clarification
- Mayor Reilley stated that the minutes are summary of what is said at meeting; the audio recordings will be checked.

(Post Meeting Note: Ms. Danielson sent follow-up email the next day apologizing; the words in question were said.)

**Speaker's Card:** Bud Ryan – Commented about the Route One Motorsports packet previously presented and approved by Council. He referenced the “digital display” on the sign (RGB Display) requested that there be a delay in the changes of frame. Alluded to the dangers of signs changing.

**D.     APPROVAL OF THE MINUTES:**

**1.    Regular Town Council Meeting Minutes 5/15/17**

**Workshop Meeting Minutes 5/22/17**

**Exhibit:**                      Agenda Report No. 1

**Recommendation:**        Request Approval

**MOTION:** CM Kohler / CM Ball to approve RTCM minutes of 5/15/17.

**Discussion:** CM Mahoney stated that the minutes don't reflect citizens well enough – not the information they want to give out. **Vote:** Ayes, 4; Nay, 1; (CM Mahoney).

**MOTION:** CM Rivet / CM Kohler to approve WS minutes of 5/22/2017.

**Discussion:** CM Rivet said check for “blue in the face” comment. (Post meeting Note: that is what was stated.) **Vote:** Ayes, 4; Nay, 1; (CM Mahoney)

**E. BCSO REPORT: None**

**F. ATTORNEY REPORT: None**

**G. PRESENTATION BY GOD'S HEALING HOLINESS CHRISTIAN CHURCH**

Rev Borland introduced the Project Architect Mr. Vaughn Holeman and the Project Economist Ms. Thalia Burnett who then went through the Power Point presentation on their proposal to widen the community outreach within Malabar through the church. They spoke of their progress with the Ester Theological Seminary of Malabar (E.T.S.M.)

CM Korn asked for an explanation as to what the Church was expecting from the Town - he didn't feel that the Town could endorse any programs that the church was proposing. Mr. Holeman stated that they desired to work with the Town to identify the needs of their mutual constituents. Mayor asked if they were looking to expand the development of the land on which their church is located. CM Korn stated that we do have a community and would like to see it grow. CM Mahoney said that she would like to see a community center but that the church needed to go before P&Z. CM Rivet point of order. Mayor invited them to the Workshop at the end of the month (6/26/17)

Economist – discussed the value of engaging the community, improving employment and education. Mr. Holeman – stated that they are looking for guidance on what Council thinks would improve our community. Area is not now served with a Community Center.

Mayor recommended they talk to staff and expanded saying that the church was looking for buy in from the Town. Perhaps they are getting grant money and need to show the Town is in support of their activities. Staff can guide them on what is allowed in the zoning and per the Code. Mayor asked if they wanted something in writing in support of their plans. Rev said perhaps later.

**H. BOARD/COMMITTEE REPORTS:**

**Trails and Greenways Committee:** Drew Thompson, Chair, went over the newly placed signage at the CTS to advise users of how the structure was built and to encourage all to take care of it. CM Korn – asked about the problem of motor vehicle traffic on the trail?

Mr. Thompson stated that there did not appear to be an issue.

**Planning and Zoning Board, None**

**Park and Recreation Board, None**

**I. STAFF REPORTS: ADMINISTRATOR: CLERK: FIRE CHIEF**

- **ADMINISTRATOR:** PW pictures. Sign up at the park soccer field is closed for maintenance. \$2,300 Scotty McLaughlin donated \$1,000 to cover partial expense. Brevard County Health Department has reinspected the ADA restroom waterline at the Sandhill Trailhead and we are expected to have approval letter in hand two Fridays from now. Street specifications for Atz rd project have been received from the town engineer today. Will go out for bid within the next two weeks. CM Korn noted a problem with the drainage on Atz.

- **CLERK:** None

- **FIRE CHIEF:** Three new members – 1,309.5 hrs. training- 47 calls last month slightly down from prior month. Ladder truck is out of service; the hydraulic system failed. New brush truck coming online to replace the other old truck. Took 1.5 years to build. Fire 1 class coming again in Fall 2017. State Fire Marshal issued a 100% compliant report for safety - first time ever – 5 min response time.

**K. PUBLIC HEARINGS/ UNFINISHED BUSINESS/GENERAL ORDERS: None**

**L. UNFINISHED BUSINESS/GENERAL ORDERS**

**ORDINANCES FOR FIRST READING: 0**  
**RESOLUTIONS: 0**

**MISCELLANEOUS:**

**2. Authorize the Purchase of a New Slope mower.**

**Exhibit:** Agenda Report No. 2  
**Recommendation:** Request Approval

**Speaker's Card:** Bud Ryan – "Very familiar with the slope mower" it currently runs "do we intend to keep operating it" it appears that we are having a need to invest in allot of new assets – requesting that there be a moratorium on purchasing the slope mower so that a study can be done to investigate the potential savings of using a private contractor to replace public works.

**Discussion:** TA stated that staff has done an investigation into the cost of using private contractors. In 2014 the cost to outsource the mowing of the ditches was 183K. He also checked what G-V is paying 45K for mowing of 11 miles of rights of way (Malabar has 38 miles) not the ditches. It is more cost efficient to have our own equipment and personnel. That also allows use of our equipment and personnel if other needs come up between projects. With a contractor, you would have to amend the contract.

CM Korn noted that he asked for this to be on the agenda a few weeks ago but it has been brought up for a considerable amount of time that we need this asset to maintain our SW assets. This a municipal service that we are responsible for providing in a cost-effective manner.

TA stated that if approved we would pay for half of the machine in the current budget and the other half would be paid for out of the next annual budget. This will reduce repair expenses currently at ~\$13,000 per year and allow us to use the old tractor to reduce the strain on several other assets currently being used to maintain SW and ROW assets.

CM Ball asked if the slope mower was our most important asset needing to currently be replaced. TA stated that most of the equipment with hour meters have over 5000 hours – the slope mower has over 8000. There is no guarantee that another piece won't need replacing. He then showed the pictures of the PW yard and equipment before and how it is maintained now. It is a testament to how well the personnel take care of the equipment that it is still operational with the high hours. CM Korn asked about the other equipment. TA went through the equipment and vehicles and how they are used. CM Ball asked if they should wait to have budget workshops to see where the money is... TA said they have the money in Stormwater. If approved they propose to pay for half this year and half next year. TA strongly urged approval to go forward with purchase.

CM Kohler asked if he could put motion on floor. CM Mahoney suggested hiring it down for a couple of months and then the public would have an actual cost of what it would cost for a couple of months. And then by the time it was purchased there would be a place to put it so it wasn't out in the open. TA stated that they had already stated that the new slope mower would be kept in the building. He also stated the plans to remove have of the covered paddocks at the SandHill Trailhead and relocate the shelter to the PW yard to provide protection for the equipment. TA said if authorization is given he will make sure to get the best deal possible.

**MOTION:** CM Kohler / CM Korn to approve purchase of new slope mower.

**Vote:** Ayes, 4; Nay, 1; (CM Mahoney). Motion Carried 4 to 1.

**COUNCIL CHAIR MAY EXCUSE ATTORNEY AT THIS TIME**

**M. DISCUSSION / POSSIBLE ACTION:**

**3. New District Precincts for Malabar**

**Exhibit:** Agenda Report No. 3  
**Recommendation:** Request Approval

**Speaker's Card:** None.

**Discussion:** Mayor said regarding the new District map – proposes Council either all agree to include all the streets or just the streets that are the boundaries of each district. Otherwise the map on the newsletter is going to be too confusing. It would be easier to understand if it didn't have all the street names but rather just the ones that identify the district boundaries. Council agreement.

Mayor asked for Council vote in support of just having the boundary streets on the district map. **Vote:** All Ayes. Motion Carried 5 to 0.

**N. PUBLIC COMMENTS:**

**O. REPORTS – MAYOR AND COUNCIL MEMBERS**

CM Dist. 1: CM Ball - nothing

CM Dist. 2: CM Mahoney – “If you have a low level of citizen coming to your meetings, it is because everything is wonderful or because the citizens feel they are not being heard or valued.” Report attached.

CM Dist. 3: CM Rivet: nothing

CM Dist. 4: CM Korn – thanked all the great volunteers that have come forward throughout the years.

CM Dist. 5: CM Kohler – nothing. General discussion on attendance at the June SCLC dinner meeting where Malabar will be co-host.

Mayor – Code of conduct – next meeting discuss committing (signing) to the code of conduct – CM Korn commitment to “pledge of civility”

**O. ANNOUNCEMENTS:**

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

**P. ADJOURNMENT:**

There being no further business to discuss and without objection, the meeting was adjourned by the Chair at 9:15 PM.

BY: \_\_\_\_\_  
Mayor Patrick T. Reilly, Council Chair

ATTEST:

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

Date Approved: 6/19/2017



From: Dawn Danielson dawn.danielson@gmail.com

Subject: I apologize

Date: June 6, 2017 at 8:08 AM

To: Grant Ball CMDist1@townofmalabar.org, Laura Mahoney CMDist2@townofmalabar.org, Steve Rivet CMDist3@townofmalabar.org, Dick Korn CMDist4@townofmalabar.org, Richard Kohler CMDist5@townofmalabar.org, Pat Reilly mayor@townofmalabar.org

Cc: Town Clerk / Treasurer townclerk@townofmalabar.org, Matt Stinnett mstinnett@townofmalabar.org, Douglas C. Hoyt dhoyt@townofmalabar.org

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All,

I offer you my most sincere apology both for wasting your time last night and for implicating the 5/22 workshop minutes recording/transcribing secretary.

I truly made an ass of myself.

I did not do my usual due diligence; I took the 5/22 minutes submitted for approval at face value, misconstrued what I read and prepared comments without listening to the audio recording. That was a horrible error in judgment on my part.

Upon returning home I did listen to the audio of the 5/22 workshop. At 48:01 into the minutes CM Mahoney says "I would talk until I was blue in the face sometimes about some of the things we've lost with the kids in the town."

I am embarrassed to the core. I made an unacceptable mistake. I utterly regret speaking before you. I especially offer a completely heartfelt and profound apology to the Town Clerk.

I hope you can, over time, find it within to forgive me.

-Dawn



We can see by public record our community has shown extreme community involvement in the past years where the community has more than volunteered their time, services and money by volunteering to be most helpful and generous.

> Such as when needed to find a Town Administrator, the citizens worked together for the common good of the community.

> The Teens got together and put the town on the map compared to other like groups in the state.

> A Roads and Drainage committee helped develop an atrial drainage system.

> The Citizen's Budget Committee made recommendations for Town Council.

> The events committee helped "save" Springiest 2016 when they were led to believe that we always lost money. People all over Malabar volunteered and gave their time and resources because we were told the town was losing money and in need. We continued and even found a way to save staff expenses by volunteering minutes, agendas and everything needed to run the meetings. Of course, we have since received a variety of actuals revealing Springiest has always made a profit.

> Had a volunteer TAC representative until recently replaced with a paid employee.

> Had a citizen's patrol that reduced the crime rate more than 10% in Malabar.

> Citizens have mentioned a desire to help this Council as well on several matters.

> Not to mention citizen involvement in the more official committees, councils and volunteer services. (Planning & Zoning, Town Council, Trails & Greenways, Park Board, Board of Adjustments)

I believe it is our responsibility to seek out our citizens main needs and that has clearly been roads and drainage.

So, that brings us to the budget. If, as our TA has suggested and our town is in dire financial need, we need to do something about this trend.

I'd suggest Community Involvement.

A quote stated to be a basic truth for government by and for the people. Original source unknown.

"If you have a low level of citizens coming to your meetings the reason must be from 1 of 2 possibilities:

1. Everything is Wonderful
2. Waste of Time because citizens do not feel heard nor valued "

Now, we as a council must work hard against becoming

1. Apathetic to our citizens
2. complicate to citizens being harmed in any way due to our decisions
3. being unaware of our responsibilities to discover our citizen's desires and needs

**RTCM 6/19/2017**

**Agenda Item E.**

**Attorney Report**

# Medical Marijuana info from Florida League

kbohne@fla-lawyers.com

Thu 6/15/2017 1:43 PM

To: 'mryan' <mryan@indianharbour.org>; 'Carol McCormack' <mayor@townofpalmshores.org>; Douglas C. Hoyt <dhoyt@townofmalabar.org>; 'Rick Hood' <townadmin@grantvalkaria.org>;

Cc: 'dmaliska' <dmaliska@indianharbour.org>; 'Pat Burke' <townhall@townofpalmshores.org>; Debby Franklin <townclerk@townofmalabar.org>; 'Rebekah Raddon' <Clerk@GrantValkaria.org>;

## MEDICAL MARIJUANA

SB 8A (Bradley), a bill implementing the constitutional amendment relating to medical marijuana, finally passed the Legislature during the special session. The bill authorizes 10 new Medical Marijuana Treatment Center (MMTC) licenses, in addition to the seven currently issued. Language in the bill authorizes an additional four licenses per 100,000 patients on the MMTC patient registry. The bill caps the number of dispensaries per MMTC license at 25.

The bill divides the state into five regions (Northwest, Northeast, Central, Southeast, Southwest) and authorizes the Department of Health to determine the maximum number of dispensaries allowed in each region based on population within that region compared to the total state population.

Under the bill, medical marijuana is exempt from the state sales tax. The bill prohibits the smoking of medical marijuana, but authorizes it to be vaped or consumed in pill or edible form. The use of medical marijuana, unless it is low-THC cannabis, is prohibited in any public place, on any form of public transportation, in a qualifying patient's place of employment (unless allowed by the employer), on school grounds, or in a school bus, vehicle, aircraft or motorboat. Of importance to cities, the bill adds "delivery" to the current preemption on cultivation and processing. Cities can, by ordinance, ban medical marijuana dispensaries. However, cities that choose to allow them cannot limit the number of dispensaries within their boundaries. Cities can determine the criteria for the location of dispensaries and other permitting requirements that do not conflict with state law or department rule, but such permitting requirements cannot be more restrictive than the zoning or permitting requirements for currently existing pharmacies. Cities are authorized to charge a license or permit fee to MMTC facilities, but the fee cannot be more than what is currently charged for pharmacies.

Dispensaries cannot be located within 500 feet of a public or private elementary, middle or high school, unless the city approves the location through a formal proceeding open to the public and determines that the location promotes the health, safety, and general welfare of the community. Finally, the bill allows cities to ensure that MMTC facilities comply with the Florida Building Code, the Florida Fire Prevention Code or any local amendments to these codes.

Karl W. Bohne, Jr.  
Schillinger & Coleman, P.A.

RTCM 6/19/2017

Agenda Item F.

Presentation

Florida Representative

District 53

Randy Fine

# TOWN OF MALABAR AGENDA ITEM REPORT

AGENDA ITEM NO: 2  
Meeting Date: June 19, 2017

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

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**SUBJECT: Concerns Raised by P&Z Board re: Route 1 Motorsports Signage**

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## **BACKGROUND/HISTORY:**

This was brought up at the P&Z Board meeting of June 14, 2017. The agenda item was to continue discussion on revisions to Table 1-19.18 in Chapter 19. The Board made a motion to have the Board members attend this Council meeting and ask why the signage was not reviewed by P&Z, implying staff and the Building Official excluded the P&Z Board. They directed the Board Secretary to produce draft minutes of that section of the meeting to provide Council.

The project known as Route 1 Motorsports went before P&Z on 2/24/16 for a Site Plan review. The Board was given the plans, attachments, data files and the Section of Article VII regarding what should be included in the site plan; # 7 on the list specifically identifies signage. The P&Z Board did not review any sign information or ask for it. The Board voted 4 to 1 to recommend Council approval.

Council was given the same package for Site Plan review along with the P&Z Board recommendation and voted to approve the Route 1 Motorsports Site Plan on March 6, 2016. At both meetings, the discussion centered on a wider driveway entrance and fire protection plans.

The Purpose and Intent of the Sign Code is to promote the public safety, comfort, convenience, aesthetics, amenities, prosperity and general welfare of the Town .... to establish compatible land use character and orderly appearance....

One year later, Feb 2017, the contractor submitted for the project signage **and it was realized that it was not requested at the site plan stage. The memo that went to Council (and subsequently to P&Z) explained that the signage was not reviewed as part of the site plan and because of that, Staff wanted Council to review and approve of the signage, even though the Malabar Code grants that authority to the Building Official – not the P&Z Board.** It was Staff's recommendation that the proposed signage be approved and that Council direct the P&Z Board to review Table 1-19.18 and update to provide for signage along commercial districts on major highways.

## **ATTACHMENTS:**

Portion of DRAFT P&Z Board meeting minutes 6/14/17 and depiction of 2 styles of signs  
P&Z Agenda for 6/14/17  
Pg 3 of RTCM minutes of 3/7/2016  
Council Agenda Packet from 3/6/2017 (7 pages – pages 74 - 80)  
Memo dated 3/7/17 to P&Z Board after Council meeting of 3/6/17  
Sign Administration Requirements – Section 1-19.4

**ACTION OPTIONS:** Request Action

**Motion Ryan/ Hofmeister Recommend Chair & Board Members go before Council on 6/19/2017 to make feelings be heard that things are not going through proper protocol. All Vote; Ayes**

(Questions discussed during meeting to present to Council)

Was there original site plan w/ signage

If signage was not presented to

Is this the new procedure?

If signage is out of compliance should a signage be sought?

Does BO decide what is acceptable instead of Code?

What procedure/protocol is?

Why was PZ excluded?

Why is staff's recommendation approved over Boards recommendation?

Ryan said to discuss all questions tonight...in a public forum & bring to Council:

Questions to be asked of Council?

- 1.) What is by-pass procedural guidelines? (Bud)
- 2.) What is the procedure to approve the sign if it was not on the original site plan? (Mary)
- 3.) Every time procedures are by-passed the Town ends up in a lawsuit
- 4.) What is the value of the PZ Board if it doesn't come by the Board?
- 5.) Does the BO (Building Official) have the authority to override the Code?

**Motion: Ryan/ Dial: The PZ Board recently became aware of Route 1 Motor Sports sign that the original sign that was approved by Council on 3/6/2017 has been revised. The new sign revisions were received by the Town 6/6/2017. It is our understanding this has been approved by the BO. The PZ Board believes the sign is still out of compliance. Therefore, the PZ Board recommends it goes to the BOA for a Variance Hearing. All Vote Aye**

- 1.) Out of Compliance
- 2.)

Dial arrived 8:45

Ritter brought Dial up to date on Recommendation

Ryan went to Council and brought point up of animated sign.

Krieger suggested to control real-estate signage.

**For next meeting:**

- H. ADDITIONAL ITEMS FOR FUTURE MEETING
- I. PUBLIC
- J. OLD BUSINESS/NEW BUSINESS:


Old Business:

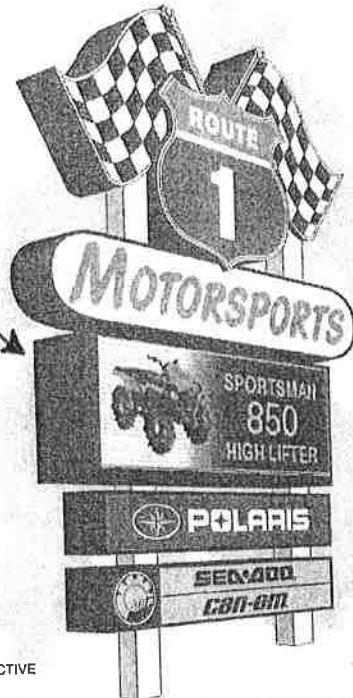
New Business:

ROUTE 1 MOTORSPORTS  
 US.HWY. 1 & MALABAR RD.  
 MALABAR, FL

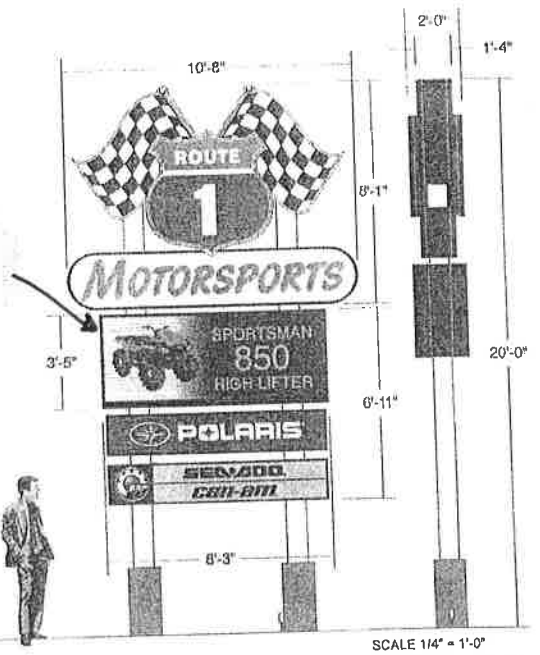
**DOUBLE SIDED PYLON SIGN**

ALL CABINETS FABRICATED ALUMINUM CONSTRUCTION WITH ALUMINUM RETAINER SYSTEMS  
 3/16" THICK TRANSLUCENT WHITE ACRYLIC FACES WITH VINYL DECORATION  
 BRP LOGO DIGITALLY PRINTED MULTICOLORED VINYL CABINETS TO HAVE INTERNAL WHITE "LED" ILLUMINATION  
 SIGNS INSTALLED OVER (2) 8" SQUARE SUPPORT POLES TO HAVE DIRECT BURIAL CONCRETE FOUNDATIONS  
 MESSAGE UNIT TO BE WATCHFIRE "TWINPAK" 16mm 64 x 144 MATRIX, FULL COLOR RGB DISPLAYS MOUNTED BACK TO BACK TO VERTICAL SUPPORT PIPE WITH CUSTOM MOUNTING BACKET

 Underwriters Laboratories, Inc.  
 E147646 (R)



PERSPECTIVE  
 NTS



SCALE 1/4" = 1'-0"



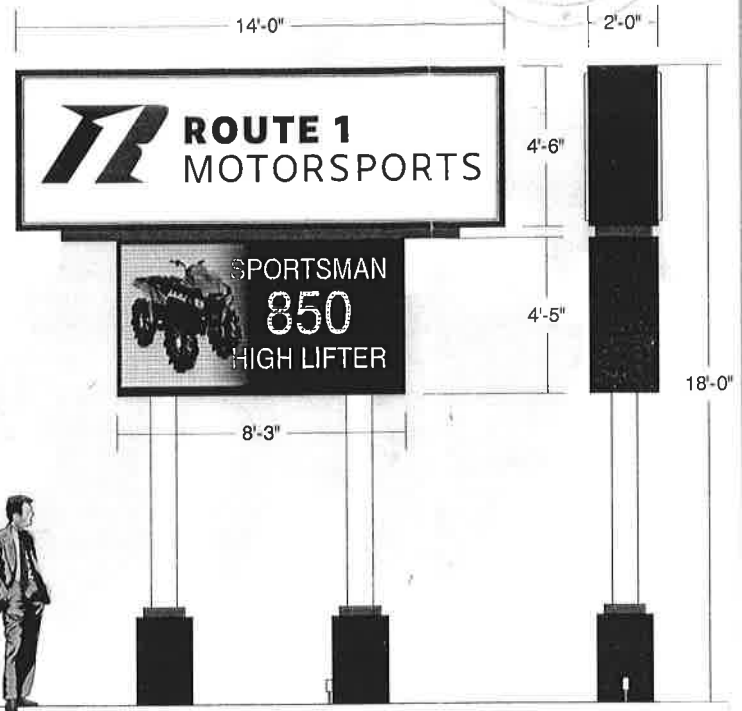
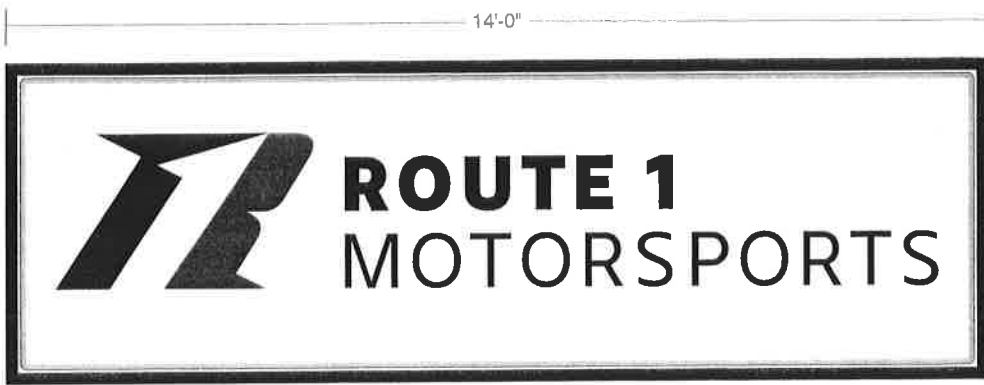
**ART-KRAFT SIGN COMPANY, INC.**

CUSTOMER ROUTE 1 MOTORSPORTS	DESIGN NO 31633	REVISION	CUSTOMER APPROVAL	DATE
SALES REP DON	DESIGNER WAYNE	SCALE AS SHOWN	DATE 4 - 6 - 16	

2675 Kirby Circle N.E. Palm Bay Fl., 32909 (321) 227-7324 FAX (321) 961-2466 This Design, in whole or in part, is the property of Art-Kraft Sign Company and may not be used without the expressed written permission of Art-Kraft Sign Company, Inc.

www.Art-Kraft.com  
 ArtKraftSigns

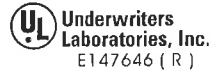
ROUTE 1 MOTORSPORTS  
 US.HWY. 1 & MALABAR RD.  
 MALABAR, FL



**DOUBLE SIDED PYLON SIGN**

SCALE 1/2" = 1'-0"

SIGN CABINET FABRICATED ALUMINUM CONSTRUCTION WITH ALUMINUM RETAINER SYSTEMS  
 3/16" THICK TRANSLUCENT WHITE ACRYLIC FACES WITH VINYL DECORATION  
 CABINET TO HAVE INTERNAL WHITE "LED" ILLUMINATION  
 SIGN INSTALLED OVER ( 2 ) 8" SQUARE SUPPORT POLES  
 SIGN TO HAVE DIRECT BURIAL CONCRETE FOUNDATIONS  
 MESSAGE UNIT TO BE WATCHFIRE "TWINPAK" 12mm  
 96 x 192 MATRIX, FULL COLOR RGB DISPLAYS MOUNTED  
 BACK TO BACK TO VERTICAL SUPPORT PIPE WITH CUSTOM  
 MOUNTING BACKET



- PANTONE 7546c
- PANTONE 7598c

SCALE 1/4" = 1'-0"

Office

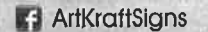


**ART-KRAFT SIGN COMPANY, INC.**

ART KRAFT SIGN COMPANY IS NOT RESPONSIBLE  
 FOR PRIMARY ELECTRICAL HOOK UP OF SIGN

CUSTOMER ROUTE 1 MOTORSPORTS		DESIGN NO. 33378	REVISION	CUSTOMER APPROVAL	DATE
SALES REP. DON	DESIGNER WAYNE	SCALE AS SHOWN	DATE 5 - 18 - 17		


www.Art-Kraft.com







**TOWN OF MALABAR**  
**PLANNING AND ZONING ADVISORY BOARD**  
**REGULAR MEETING**  
**WEDNESDAY JUNE 14, 2017**  
**7:30 PM**  
**MALABAR COUNCIL CHAMBER**  
**2725 MALABAR ROAD**  
**MALABAR, FLORIDA**




**AGENDA**

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

- 1. **Approval of Minutes**                      Planning and Zoning Meeting – 05/31/2017
- Exhibit:**                                      Agenda Report No. 1
- Recommendation:**                      Request Approval

- E. **PUBLIC HEARING:** none
- F. **ACTION:** none
- G. **DISCUSSION:**

- 2. **Continue Discussion: Review & Revise Table 1-19.18 "Zoning District Sign Regulations"**
  - Exhibit:**                                      Agenda Report No. 2
  - Recommendation:**                      Discussion
- 

H. **ADDITIONAL ITEMS FOR FUTURE MEETING:**

\* Next Meeting- June 28, 2017

- I. **PUBLIC:**
- J. **OLD BUSINESS/NEW BUSINESS:**

**OLD BUSINESS:**

**NEW BUSINESS:**

- K. **ADJOURN**

**NOTE: THERE MAY BE ONE OR MORE MALABAR ELECTED OFFICIALS ATTENDING THIS MEETING.**  
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 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.

in the last 30 years. In some instances they don't even take the fire truck onto the property. He is not a fireman, but confers with them countywide on his projects to ensure safety. If you require access to be 30 feet, even with striping, there is more probability of illegal parking in that area.

They also agreed to put "no parking" signs on the side of the driveway. The building is accessed from the rear and most of the deliveries will be in the back. The showroom vehicles have no gas or batteries. There are fire rated walls between showroom and repair area.

CM Korn, asked about the end of the packet. (3<sup>rd</sup> Party reviewer) Brian Foster asked if there would be enough room in the cul-d-sac for delivery vehicles. Have all the questions been addressed to the satisfaction of the reviewers.

PH opened:

Skip Hard, went on the town website, and it announced the building would be a 10,000 sf building – referred to the advertisement, it has now become a larger project. He asked if there was an issue with the conflict. Chair said current notice does not mention the size. Attorney said all notices have been and are compliant.

Liz Ritter, Vice Chair, Planning and Zoning Board, said they had all these questions at their meeting and resolved those questions properly. They are proposing preformed concrete walls, stairs in the front and primary access at the south west end of building, with protection to the neighbors on north side. They went over everything on the plans, got answers and submitted their recommendation for council approval.

P2 4-1 2/24/16

CM Krieger stated the back building does not have walls. Teimouri said it does now; the project has evolved. CM Krieger said he did the math on the MBC and came up with .205, which is a little more than the maximum the code allows. CM Korn has no problem with the walls for security and weather; they do not have an impact on the impervious surface runoff. CM Vail said what he is hearing as concerns is the landscaping on the property lines and the width of the access which should be under FDOT jurisdiction and the floor area ratio. The Engineer will determine the maximum building coverage and FDOT will determine width of access so only issue is tree location. CM Ball thought the issue was the 30 foot wide access the fire reviewer wanted. Attorney said that the NFPA requires 20 feet, and there is wiggle room if there are obstacles but they are providing 24 feet. Chair said the code requires 20 feet and they are proposing 24 feet and someone is suggesting the optimal of 30 feet. Chair said it is up to Council to require the optimal or accept the proposed. CM Krieger asked if there was a liability if you ask for an independent review and then don't follow his recommendation and then something goes wrong. Attorney said no because they followed code.

CM Krieger asked if it was normal for the some professional opinions to be reviewed but not followed. He said the legal ad with two meetings implies that it will be accepted at first meeting. He has tried to do his due diligence. The minutes weren't available until this morning. CM Krieger said that is where he is at. When this first presented to the public. Franklin said about the 20% is gross lot size, the Code provides in Article III District Provisions Table 1-3.3.A., Footnote 1 the applicant may use half of the adjacent road right of way in determining the gross lot size. In this case, half of East Railroad Avenue and half of Highway 1.

Milucky, 1280 Highway 1, last time he spoke in front of this body, he was against the proposed land use change and still thinks Council acted in error. He came to this meeting to support his neighbor to the south who is going to build an absolutely beautiful building. The only one to be

order to carry out a review process which is necessary to fulfill the purpose, intent and spirit of this Chapter [Code].

(Ord. No. 91-1, 3-19-91)

**Section 1-7.3. Information to be included in site plan.**

A site plan, for the purposes of this Section, shall include, but not necessarily be limited to, the following requirements:

1. Site plan with lot configuration, finished ground floor elevations, contours and designating number of dwelling units, square footage of site, building coverage, square footage of paved areas and open area, and setbacks to scale indicating compliance with regulations.
2. A scaled drawing of the side, front and rear facades of the building or structure, including roof pitch, fenestration including treatment of roof line, windows, and doors as well as a description of materials to be used.
3. Generalized floor plan indicating uses and square footage of each proposed use within each building or structure, building exterior construction material and color, and building height.
4. Location and character of all outside facilities for waste disposal; storage areas; or display.
5. Location and dimensions of all curb cuts, driveways, dedicated cross-easements including their design, location, alignment, dimensions, and specifications; details of off-street parking and loading areas, and vehicular surfaces available for maneuvering, including surface materials, number of employees and number and type of vehicles owned by the establishment. Any combined off-street parking facilities shall be submitted with an agreement specifying the nature of the arrangement, its anticipated duration, and signatures of all concerned property owners.
6. Location of all pedestrian walks, malls, yards and open spaces.
7. Location, size, character, color and copy, height and design of all signs.
8. Location and character of landscaped areas and recreation areas.
9. Location, design and character of all public, semi-public, or private utilities such as water and wastewater disposal facilities, underground or overhead electric lines, gas transmission lines, or other similar facilities or services.
10. Location, height and general character of perimeter or ornamental walls, fences, landscaping, including berms and other required screening devices and any other plans for protecting adjacent property owners.
11. Surface water drainage facilities plan showing existing and proposed grading, drainage patterns and earthwork computations, certified by an engineer or architect registered in the State of Florida.

RTCM 3/6/17

Agenda Item 6.

Signage for Route 1  
Motor Sports

Pgs 74-80

# TOWN OF MALABAR

## MEMORANDUM


---

**Date:** February 21, 2017 2017-BO-012  
**To:** Honorable Mayor and Town Council  
**From:** Daryl Munroe, Building Official  
**Ref:** Approval for Signs in CG Zoning – Route 1 Motor Sports  
1300 Highway 1, Malabar

---

KellWill Inc. has received Site Plan approval and the Building Permit has been issued for construction of their 25,000 sf retail and service facility known as Route1 Motorsports.

The height of the building is 25 feet and is being constructed towards the back of the 2.97 acre lot with a finished floor elevation (FFE) of 28 feet. The applicant is now ready to contract with a sign company to begin the advertising portion of the development.



The size, color, material and type of signage was not provided as part of the site plan review. Because of this staff desires Council approval of the proposed construction of the signage so the building permit package is complete.

The applicant is requesting a 20-foot tall freestanding sign near the driveway entrance and then the manufacturers logos on the mansard roofline. Illustrations for these signs are attached.

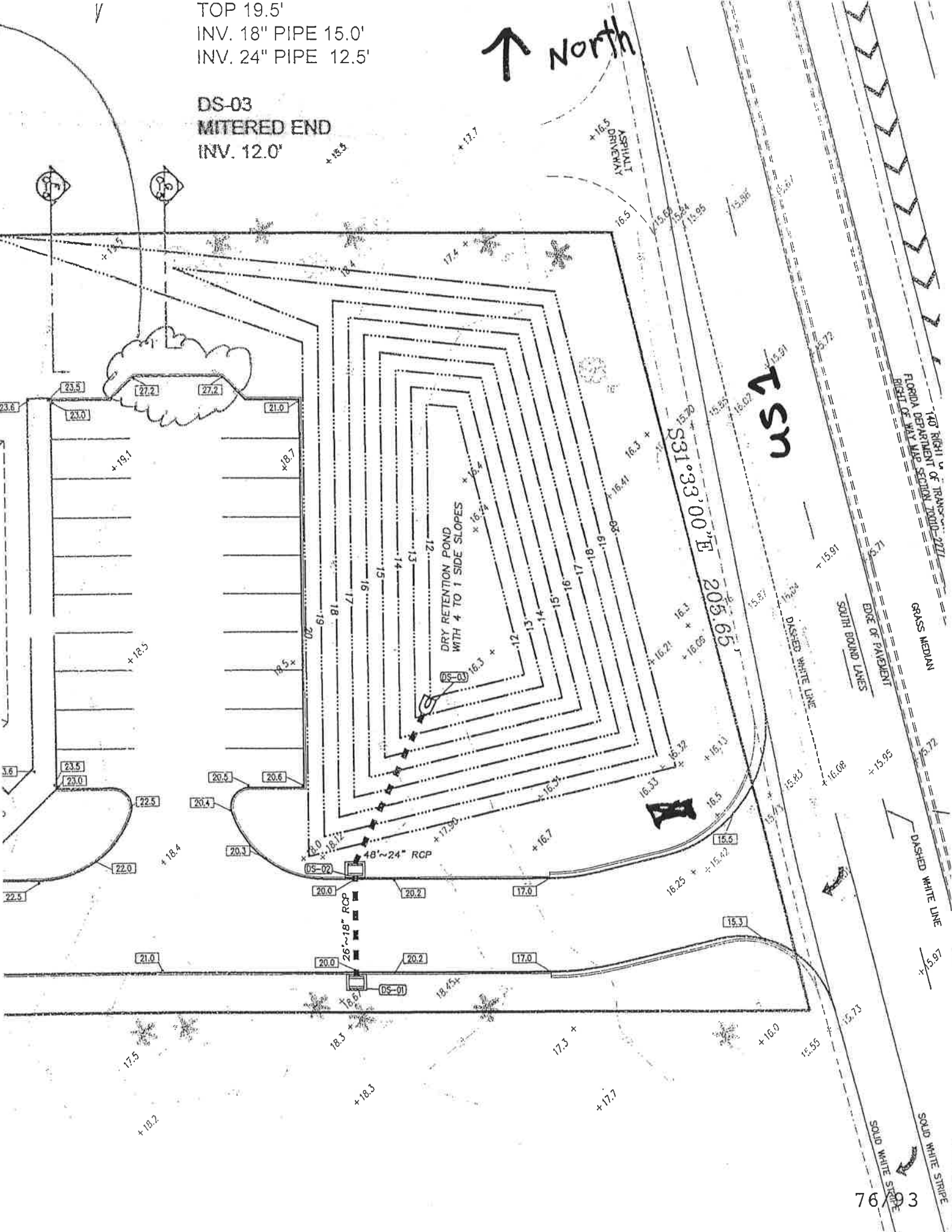
The proposed signs comply with the Malabar Code for height and setbacks. There is language in the Code that restrict the sign "faces" from exceeding a maximum of 60 *cumulative* square feet.

Staff is requesting Council approval of the proposed signs, noting that this restriction in the Malabar Sign regulation dates to the original code and is not based on the size of the building or parcel. It would be staff's recommendation to delete this restriction from the Code. Such a restriction is not consistent with commercial development on a major arterial roadway like Highway 1.

TOP 19.5'  
INV. 18" PIPE 15.0'  
INV. 24" PIPE 12.5'



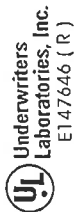
DS-03  
MITERED END  
INV. 12.0'



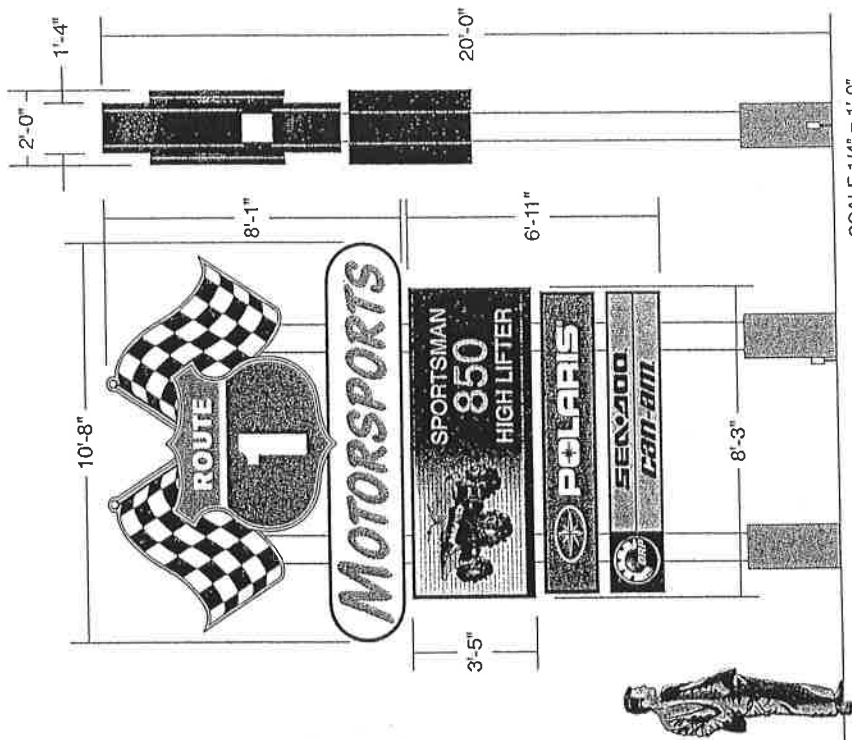
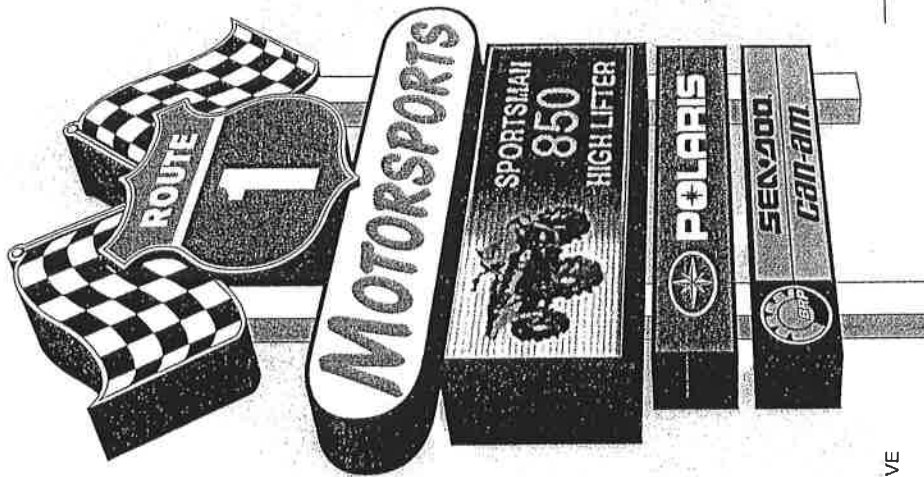
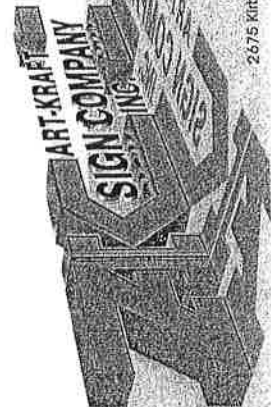
ROUTE 1 MOTORSPORTS  
 US.HWY. 1 & MALABAR RD.  
 MALABAR, FL

**DOUBLE SIDED PYLON SIGN**

ALL CABINETS FABRICATED ALUMINUM CONSTRUCTION WITH ALUMINUM RETAINER SYSTEMS  
 3/16" THICK TRANSLUCENT WHITE ACRYLIC FACES WITH VINYL DECORATION  
 BRP LOGO DIGITALLY PRINTED MULTICOLORED VINYL CABINETS TO HAVE INTERNAL WHITE "LED" ILLUMINATION SIGNS INSTALLED OVER (2) 8" SQUARE SUPPORT POLES SIGN TO HAVE DIRECT BURIAL CONCRETE FOUNDATIONS MESSAGE UNIT TO BE WATCHFIRE "TWINPAK" 16mm 54 x 144 MATRIX, FULL COLOR RGB DISPLAYS MOUNTED BACK TO BACK TO VERTICAL SUPPORT PIPE WITH CUSTOM MOUNTING BACKET



PERSPECTIVE  
 NTS



SCALE 1/4" = 1'-0"

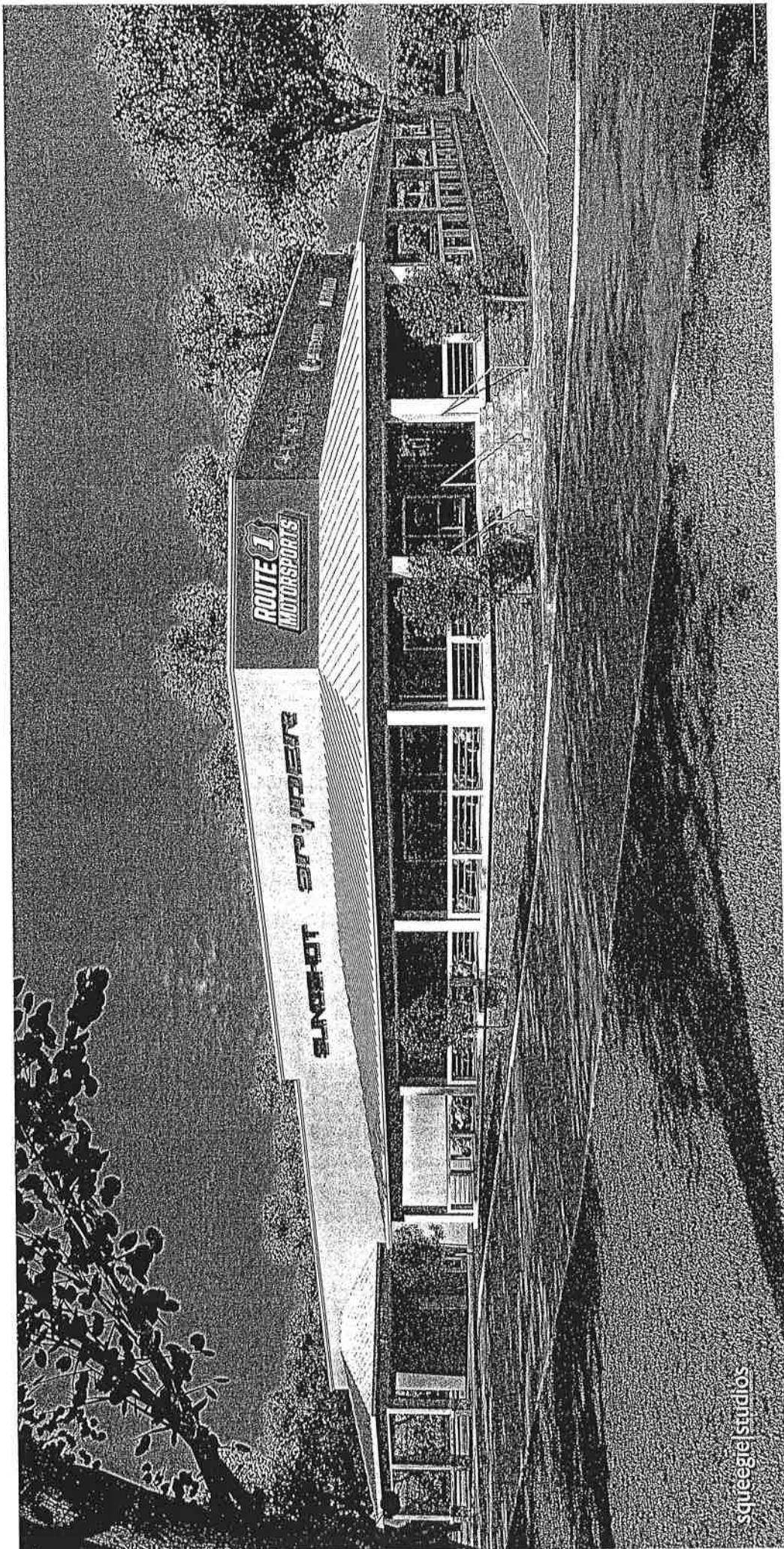
**ART-KRAFT SIGN COMPANY, INC.**

www.Art-Kraft.com  
 ArtKraftSigns

CUSTOMER ROUTE 1 MOTORSPORTS	DESIGN NO. 31633	REVISION	DATE
SALES REP. DON	SCALE AS SHOWN	DATE 4 - 6 - 16	CUSTOMER APPROVAL
DESIGNER WAYNE			

2675 Kirby Circle N.E. Palm Bay, FL, 32905 (321) 727-7324 FAX (321) 951-2466 This Design, in whole or in part, is the property of Art-Kraft Sign Company and may not be used without the expressed written permission of Art-Kraft Sign Company, Inc.





squeegie|studios

SIGNAGE

§ 1-19.18

<i>Sign Type</i>	<i>Future Improvement</i>	<i>General Outdoor Advertising</i>	<i>Real Estate</i>	<i>Subdivision</i>
Construction Class	Detached	Wall or Detached	Detached	Wall or Detached
Maximum Number	1	1	1	1 per public entrance
Maximum Area	10 sq. ft.	32 sq. ft.	5 sq. ft.	32 sq. ft.
Maximum Height	10 ft.	10 ft.	4 ft.	10 ft.
Placement	Front setback: 10 ft. Side and Rear: 25 ft.	No signs to impede vision at any intersection	Front setback: 10 ft. Side and Rear: 25 ft.	No signs to impede vision at any intersection
Illumination	None	None	None	Indirect
Special Regulations	None	See Footnotes 1 and 2	None	None

(2) Sign Regulations Within Non-Residential Zoning Districts:

<i>Sign Type</i>	<i>Accessory</i>	<i>Accessory</i>	<i>Accessory</i>
Construction Class	Wall	Detached, Marquee, and Projecting	Snipe
Maximum Number	3	2 total from this group	4
Maximum Area	10% of the wall area, and no more than 60 sq. ft. of cumulative area	60 sq. ft. total cumulative area	1 1/2 sq. ft. each
Maximum Height	Roof line of building	Detached: 25 ft. Others: Roof line of building	Roof line of building
Placement	Non-Restricted	Must observe yard regulations and Front setback: 10 ft.	Must observe yard regulations
Illumination	Direct, Indirect	Direct, Indirect	None
Special Regulations	See Footnotes 1, 3, and 4	See Footnotes 4 and 5	None

<i>Sign Type</i>	<i>Construction</i>	<i>Directory</i>	<i>Directional</i>	<i>General Outdoor Advertising</i>
Construction Class	Wall or Detached	Wall or Detached	Wall or Detached	Wall or Detached
Maximum Number	1	2	2	1
Maximum Area	32 sq. ft.	Sum of 30 sq. ft.	3 sq. ft. each	Detached: 3 sq. ft. Wall: 10 sq. ft.
Maximum Height	Detached: 10 ft. Wall: Roof line of building	10 ft.	Detached: 3 ft. Wall: 10 ft.	10 ft.
Placement	Front Setback: 10 ft. Rear and Side: 25 ft.	Must observe all yard regulations	Non-Restricted	Front setback: 10 ft. Rear and Side: 25 ft.
Illumination	Indirect	Indirect	Indirect	Indirect
Special Regulations	Must be immediately removed upon completion of construction	None	None	See Footnotes 1 and 2

(3) Sign Regulations Within Non-Residential Zoning Districts:

<i>Sign Type</i>	<i>Future Improvement</i>	<i>Real Estate</i>	<i>Subdivision</i>
Construction Class	Detached	Wall or Detached	Wall or Detached
Maximum Number	1	3	1 per public entrance
Maximum Area	32 sq. ft.	9 sq. ft. each	12 sq. ft.

Town of Malabar - Signs for Commercial Services

Item	Description	Length	Width	No. of Sides	Total Sq.Ft.
1	Scrub Jay Sign	5	4	1	20
2	Town "Events Sign"	7.5	5	2	75
3	Ace Hardware	8	8	2	128
4	Knights of Columbus	8	5	2	80
5	Mr. K Citgo Gas Station (Babcock Street)	5	8	2	80
		4	8	2	64
		4	40	1	160
		3	3	1	9
<b>Total Mr. K Citgo</b>					<b>313</b>
6	Calagy Tires	16	4	2	128
		11	2.5	6	165
<b>Total Calagy Tires</b>					<b>293</b>
7	Indoor RV/Boat Storage	9	5	2	90
8	Citgo Gas Station (US 1)	7	14	2	196
		4	40	1	160
		4	20	2	160
<b>Total Citgo Gas Station US1</b>					<b>516</b>

In 1979 at Calagy Tires on US 1 (Present Day Yellow Dog Warehouse 1 Sign was 192 Sq.Ft.

# TOWN OF MALABAR

## MEMORANDUM

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**Date:** March 7, 2017 2017-TC/T-023  
**To:** Planning and Zoning Board / Denine Sherear, Board Secretary  
**From:** Debby Franklin, Town Clerk / Treasurer  
**Ref:** Code Amendment re: Signage, Art XIX, Table 1-19.18

---

The Malabar Town Council approved the proposed signage at the Route 1 Motor Sports project on March 6, 2017. Staff requested Council approval because the language in the Code does not differentiate between non-residential zoning and commercial zoning. It also does not provide for regulations for signage on major highways with speed limits of 55 mph and along Malabar Road in the 30 mph areas.

The Building Official wrote a memo to Council supporting the approval stating the size of the building and the lot should also be considerations.

I have attached Table 1-19.18, Zoning District Sign Regulations, the memo from the Building Official and the portion of Draft minutes from 3/6/17.

Council would like the P&Z Board to update the Table and the Footnotes.

Attachments:

**Section 1-19.18. District sign regulations.**

The provisions of Table 1-19.8 "Zoning District Sign Regulations" shall apply to each lot or parcel of land, and/or each business establishment as may be applicable in each case. In the following zoning classifications, the specified sign types and construction classes shall be permitted subject to the restrictions and limitations contained herein.

**TABLE 1-19.18. ZONING DISTRICT SIGN REGULATIONS**

**(1) Sign Regulations Within Residential Zoning Districts:**

<i>Sign Type</i>	<i>Accessory</i>	<i>Construction</i>	<i>Directory</i>	<i>Directional</i>
Construction Class	Wall or Detached	Wall or Detached	Wall or Detached	Wall or Detached
Maximum Number	1	1	1	1
Maximum Area	4 sq. ft.	32 sq. ft.	10 sq. ft.	3 sq. ft.
Maximum Height	10 sq. ft.	Detached: 10 ft. Wall: Roof line of building	10 ft.	Detached: 3 ft. Wall: 12 ft.
Placement	Must observe all yard regulations	Front setback: 10 ft. Side and Rear: 25 ft.	Must observe all yard regulations	Non-Restricted
Illumination	None	None	Indirect	None
Special Regulations	Permitted only in conjunction with a permitted home occupation. See Footnote 1.	Must be removed immediately upon completion of construction	None	None

## SIGNAGE

§ 1-19.18

<i>Sign Type</i>	<i>Future Improvement</i>	<i>General Outdoor Advertising</i>	<i>Real Estate</i>	<i>Subdivision</i>
Construction Class	Detached	Wall or Detached	Detached	Wall or Detached
Maximum Number	1	1	1	1 per public entrance
Maximum Area	10 sq. ft.	32 sq. ft.	5 sq. ft.	32 sq. ft.
Maximum Height	10 ft.	10 ft.	4 ft.	10 ft.
Placement	Front setback: 10 ft. Side and Rear: 25 ft.	No signs to impede vision at any intersection	Front setback: 10 ft. Side and Rear: 25 ft.	No signs to impede vision at any intersection
Illumination	None	None	None	Indirect
Special Regulations	None	See Footnotes 1 and 2	None	None

## (2) Sign Regulations Within Non-Residential Zoning Districts:

<i>Sign Type</i>	<i>Accessory</i>	<i>Accessory</i>	<i>Accessory</i>
Construction Class	Wall	Detached, Marquee, and Projecting	Snipe
Maximum Number	3	2 total from this group	4
Maximum Area	10% of the wall area, and no more than 60 sq. ft. of cumulative area	60 sq. ft. total cumulative area	1½ sq. ft. each
Maximum Height	Roof line of building	Detached: 25 ft. Others: Roof line of building	Roof line of building
Placement	Non-Restricted	Must observe yard regulations and Front setback: 10 ft.	Must observe yard regulations
Illumination	Direct, Indirect	Direct, Indirect	None
Special Regulations	See Footnotes 1, 3, and 4	See Footnotes 4 and 5	None

<i>Sign Type</i>	<i>Construction</i>	<i>Directory</i>	<i>Directional</i>	<i>General Outdoor Advertising</i>
Construction Class	Wall or Detached	Wall or Detached	Wall or Detached	Wall or Detached
Maximum Number	1	2	2	1
Maximum Area	32 sq. ft.	Sum of 30 sq. ft.	3 sq. ft. each	Detached: 3 sq. ft. Wall: 10 sq. ft.
Maximum Height	Detached: 10 ft. Wall: Roof line of building	10 ft.	Detached: 3 ft. Wall: 10 ft.	10 ft.
Placement	Front Setback: 10 ft. Rear and Side: 25 ft.	Must observe all yard regulations	Non-Restricted	Front setback: 10 ft. Rear and Side: 25 ft.
Illumination	Indirect	Indirect	Indirect	Indirect
Special Regulations	Must be immediately removed upon completion of construction	None	None	See Footnotes 1 and 2

## (3) Sign Regulations Within Non-Residential Zoning Districts:

<i>Sign Type</i>	<i>Future Improvement</i>	<i>Real Estate</i>	<i>Subdivision</i>
Construction Class	Detached	Wall or Detached	Wall or Detached
Maximum Number	1	3	1 per public entrance
Maximum Area	32 sq. ft.	9 sq. ft. each	12 sq. ft.

<i>Sign Type</i>	<i>Future Improvement</i>	<i>Real Estate</i>	<i>Subdivision</i>
Maximum Height	10 ft.	Detached: 4 ft. Wall: 8 ft.	10 ft.
Placement	Front setback: 10 ft. Side and Rear: 25 ft.	Front setback: 10 ft. Side and Rear: 25 ft.	No sign shall impede vision at any intersection
Illumination	Indirect	None	Indirect
Special Regulations	None	Buildings of over 10,000 sq. ft. may erect a wall sign of 12 sq. ft. See Footnotes 1 and 6.	See Footnote 3

Footnotes to charts:

- (1) All inside signs within five (5) feet of a window shall be counted as wall signs and in addition shall not exceed twenty (20) inches of the glassed area of the window in which the sign is located.
- (2) Only permitted are those signs which identify, advertise, and/or direct to a licensed business within two hundred (200) feet of the sign. However, if the sign is three (3) square feet or less in area, the business may be within one (1) mile of the sign.
- (3) Apartment complexes and dwellings of up to ten (10) units are permitted thirty-two (32) square feet. For excess of ten (10) units, one (1) square foot may be added for each unit, up to a maximum of forty-eight (48) square feet in cumulative area.
- (4) If illumination is permitted, sign may not be animated and/or flashing.
- (5) One additional sign of this construction class up to thirty (30) square feet in area shall be permitted for each two hundred (200) feet of street frontage.
- (6) For a group of more than four (4) sites and in lieu of the nine (9) square foot individual lot sign, one thirty-two (32) square feet shall be permitted.



**Section 1-19.4. Administration requirements.**

A. *Permits.* Before any sign is erected, constructed, posted, painted, altered, affixed, or relocated in the Town, a permit for such sign shall be obtained from the Building Official.

The contractor or owner securing the permit for any sign shall call the Building Official and request an inspection whenever any sign requiring a permit is being installed, and before any concrete is poured; a final inspection shall be requested upon completion. At the time of a request for final inspection, a photograph of the completed sign shall be taken by the inspector. (Minimum 2¼" × 2¼", maximum 3" × 5" for filing purposes.)

B. *Filing of Application.* Before any permit is issued, an application provided by the Building Official shall be filed in triplicate together with two (2) sets of drawings and/or specifications as may be necessary to fully advise and acquaint the Building Official with the location, construction, materials, manner of illumination, securing, wording of the sign, and any other data that may be required to ensure the enforcement of these regulations. One (1) set of drawings and/or specifications will be returned to the applicant with the permit. A separate application shall be made for each and every sign.

As a minimum the sign application shall include the following information:

- (a) Name, address and telephone number of the sign erector and the sign owner.
- (b) Written statement signed by landowner, or a lease or rental agreement, authorizing the placement of the proposed sign.
- (c) Location of building (or structure) and lot to which or upon which the sign is to be placed or maintained.
- (d) Purpose of sign.
- (e) Estimated value of sign.
- (f) Position of the sign in relation to lot lines, nearby buildings or structures, sidewalks, streets and intersections.
- (g) Type of sign and general description of structural design and construction materials to be used.
- (h) Two (2) copies of detailed scaled drawings of the plans which shall contain specifications concerning structural details of the method of sign construction, installation, (and) anchoring to the building or ground. The specifications shall show height, perimeter and area dimensions, elevations; means of support, method of illumination and any other significant aspect of the proposed sign.
- (i) A statement indicating whether or not an electrical permit is required for said sign and any support data required for the same.
- (j) A layout with sign colors shown or specified.
- (k) Any other information required by the Building Official in order to carry out the purpose and intent of this article.
- (l) All signs having unusual structure features shall be designed by an engineer, who shall submit to the Building Official complete plans and calculations so as to determine whether the sign complies with the Town's Code.

C. *Permit Expiration.* All signs shall be erected on or before the expiration of thirty (30) days from the issuance date of the permit, otherwise the permit shall become null and void and a new permit and fee shall be required.

D. *Label Requirement.* Each sign requiring a permit shall be clearly marked with the permit number and the name of the person or firm placing the sign on the premises.

E. *Notice Required for Violations.* In case any sign shall be installed, erected, constructed, or maintained in violation of the terms of this article, the building inspector shall in writing, notify the owner thereof, to alter, change, or remove, such sign so as to comply with this article with ten (10) days notice.

F. *Revocations.* The Building Official may revoke a permit or approval, issued under the provisions of this Code, if it is found that there has been any false statement; concealment or misrepresentation as to any material fact in the application or plans on which the permit or approval was based.



**TOWN OF MALABAR  
AGENDA ITEM REPORT**

**AGENDA ITEM NO: 3**  
**Meeting Date: June 19, 2017**

Prepared By: **Matt Stinnett, Deputy Clerk/Treasurer**

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**SUBJECT: Fire Apparatus Replacement/Refurbishment(E99)**

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**BACKGROUND/HISTORY:**

The Town's current frontline fire apparatus(E99) has entered its end-of-life phase and requires replacement or refurbishment in order to continue service in accordance with the National Fire Protection Association(NFPA) and allow the Department to retain its ISO rating. Preliminary inspections and testing performed by Palm Bay fleet services identified an extensive list of deficiencies and the expected refurbishment costs exceed the value of E99's continued service as a frontline vehicle.

**FINANCIAL IMPACT:**

Lease-purchase term/rate options:

5 years/2.96%, 7 years/3.06% or 10 years/3.19%

Equipment cost:

\$452,901

Annual Payment(Beginning 12 months from signing):

\$98,780.09(5 years), or \$72,857.96(7 years), or \$53,609.91(10 years)

**ATTACHMENTS:**

**ACTION OPTIONS:**

Staff requests authorization to purchase.

**TOWN OF MALABAR  
AGENDA ITEM REPORT**

**AGENDA ITEM NO: 4  
Meeting Date: June 19, 2017**

**Prepared By: Debby Franklin, Town Clerk/Treasurer**

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**SUBJECT: Commit to a Code of conduct for Council and Board Members**

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**BACKGROUND/HISTORY:**

This item was requested by the Mayor at the last meeting.

**FINANCIAL IMPACT:**

None

**ATTACHMENTS:**

Code of Conduct – Council  
Code of Conduct – Board Members

**ACTION OPTIONS:**

Request Action



# TOWN OF MALABAR

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

## Town of Malabar

### Council Member Code of Conduct

*(Town Code Chapter 2 – Code of Conduct) In addition to adhering to the requirements of State Law, all Council Members 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 a Council Member, as with any elected member of a legislative body, is to act collectively, not individually, to set and/or revise and/or to apply the Town's governing policies and that the Town Administrator and Staff administer such policies.

I understand that a Council 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 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 policy wishes of one individual Council Member.

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 a Council 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 a Council Member. I will refrain from intimidation and ridicule of fellow Council Members, Town Administrator, Town Clerk, Town Attorney, Staff, citizens of the Town, and Town customers.

In my capacity as a Council 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 elected official and the honor of the Town Council.

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 the Town Council.

I will devote adequate time for preparation prior to Town Council Meetings and as much as possible, I will attend 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 Town Council Members, Town Administrator, Town Attorney, Staff, and 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 Council Members. I will delineate clearly for any audience whether I am acting or speaking as an individual citizen or in my capacity as a representative of the Town.

I will maintain in confidence any privileged or confidential information provided to me by the Town and will not disclose such information publicly or to any person who has not been duly authorized by the Town to receive such information, unless such disclosure is duly authorized by the Town Council or Town Administrator or required by law. In addition, I will refrain from copying any written privileged or confidential documents provided to me by the Town and will keep such documents in safekeeping. Further, upon leaving office or upon request by the Town Council or Town Administrator, I will return to the Town any privileged or confidential documents or materials provided to me by the Town while serving on the Town Council.

I will abide by all laws of the State applicable to my conduct as a Council 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 Town employees, Town Attorney, and Town contractors and consultants consistent with my role as a Council Member, 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 Administrator's, Staff, Town Attorney, Town contractors and consultants, business partners, and other 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 Council 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 Council Member.

I will value and assist my fellow Council 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 and will accept the will of duly authorized decisions of the Town Council and Town electorate.

I understand that my first priority as a Council Member will always be to look out for the best interests of the citizens of the Town and the public health, safety and welfare. 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.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Witness



# TOWN OF MALABAR

2725 MALABAR ROAD • MALABAR, FLORIDA 32950

(321) 727-7764 OFFICE • (321) 722-2234 FAX

[www.townofmalabar.com](http://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.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Witness

**TOWN OF MALABAR  
AGENDA ITEM REPORT**

**AGENDA ITEM NO: 5  
Meeting Date: June 19, 2017**

**Prepared By: Debby Franklin, Town Clerk/Treasurer**

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**SUBJECT: Cancel July 3, 2017 Council Meeting**

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**BACKGROUND/HISTORY:**

Staff is asking for Council consideration in cancelling the July 3, 2017 Council meeting. July 4 is a Federal holiday and the Town Hall will be closed.

The 7/17/17 Council meeting will meet one meeting per month requirement. There is also a tentatively scheduled Budget Workshop set for July 24, 2017.

**FINANCIAL IMPACT:**

None

**ATTACHMENTS:**

Memo of proposed meetings and 2017 calendar

**ACTION OPTIONS:**

Staff requests action.

# TOWN OF MALABAR

## MEMORANDUM

**Date:** November 21, 2016 2016-TC/T-042  
**REVISED 6/15/17**  
**To:** Honorable Council, Mayor Reilly  
**From:** Debby K. Franklin, C.M.C., Town Clerk/Treasurer  
**Ref:** Calendar for December 2016 and all of 2017 Meetings & Holidays

For your planning purposes, the schedule of Council meetings, proposed workshop dates and holidays are listed below. This has historically been given out at the November meeting after the election.

The budget timeline is established by the State. We receive the Certification of Taxable Value on July 1 and must report to the Property Appraisers by August 4 what the tentative millage will be and when we will hold the 1<sup>st</sup> Public Hearing on the budget. The Budget workshop and PH dates proposed are just estimates at this time.

Dec 23, 2016 CLOSED 4 hours Holiday & 4 hours Vacation  
Dec 26, 2016 CLOSED 8 hours Holiday for Christmas  
Dec 30, 2016 CLOSED 4 hours Holiday & 4 hours Vacation  
Jan 2, 2017 CLOSED 8 hours Holiday for New Year's Day  
Jan 09, 2017 – RTCM – 2<sup>nd</sup> Monday due to holiday- New Year's Day  
Jan 23, 2017 – RTCM – 4<sup>th</sup> Monday due to holiday– MLK Holiday  
Jan 30, 2017 – FLUM Workshop  
Feb 06, 2017 – RTCM  
Feb 20, 2017 – No meeting – Presidents Day  
Feb 27, 2017 – R/LC Workshop  
March 06 & 20, 2017 RTCM  
March 27, R/LC Workshop - definition  
Apr 03 & 17, 2017 RTCM  
April 4, 2017 – Redistricting Workshop  
April 24, 2017 – R/LC and FLUM Workshop  
May 01 & 15, 2017 RTCM  
May 22, 2017 – CIP Workshop  
Jun 05 & 19, 2017 RTCM  
June 26, 2017 – CIP Workshop  
July 03, 2017 Cancel due to Holiday on 4<sup>th</sup>  
July 17, 2017 RTCM  
July 24, 2017 for Budget Workshop # 1  
Aug 07 & 21, 2017 RTCM  
Aug 15 & 29, 2017 for Budget Workshops 2 and 3  
Sept 11 & 25, 2017 RTCM – tentative proposed 1<sup>st</sup> & 2<sup>nd</sup> reading on Millage and Budget  
Oct 02 & 16, 2017 RTCM  
Nov 06 & 20, 2017 RTCM and Nov 9, 2017 for Special post-election mtg  
Dec 04 & 18, 2017 RTCM

The Federal holidays for 2017 are as follows:  
01/02/2017 – Monday, New Year's Day  
01/16/2017 – MLK Jr.  
02/20/2017 – Presidents Day  
05/29/2017 – Memorial Day  
07/04/2017 – Independence Day  
09/04/2017 – Labor Day

11/11/2017 – Veterans Day  
11/23/2017 - Thanksgiving  
11/24/2017 day after T-day  
12/22/2017- half day for Eve  
12/25/2017 - Christmas Day  
12/29/2017 – half day for Eve



# 2017

JANUARY							FEBRUARY							MARCH							APRIL						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7				1	2	3	4				1	2	3	4							1
8	9	10	11	12	13	14	5	6	7	8	9	10	11	5	6	7	8	9	10	11	2	3	4	5	6	7	8
15	16	17	18	19	20	21	12	13	14	15	16	17	18	12	13	14	15	16	17	18	9	10	11	12	13	14	15
22	23	24	25	26	27	28	19	20	21	22	23	24	25	19	20	21	22	23	24	25	16	17	18	19	20	21	22
29	30	31	26	27	28	26	27	28	29	30	31	23/30	24	25	26	27	28	29									

MAY							JUNE							JULY							AUGUST							
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	
	1	2	3	4	5	6					1	2	3							1				1	2	3	4	5
7	8	9	10	11	12	13	4	5	6	7	8	9	10	2	3	4	5	6	7	8	6	7	8	9	10	11	12	
14	15	16	17	18	19	20	11	12	13	14	15	16	17	9	10	11	12	13	14	15	13	14	15	16	17	18	19	
21	22	23	24	25	26	27	18	19	20	21	22	23	24	16	17	18	19	20	21	22	20	21	22	23	24	25	26	
28	29	30	31	25	26	27	28	29	30	23/30	24/31	25	26	27	28	29	27	28	29	30	31							

SEPTEMBER							OCTOBER							NOVEMBER							DECEMBER							
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	
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3	4	5	6	7	8	9	8	9	10	11	12	13	14	5	6	7	8	9	10	11	3	4	5	6	7	8	9	
10	11	12	13	14	15	16	15	16	17	18	19	20	21	12	13	14	15	16	17	18	10	11	12	13	14	15	16	
17	18	19	20	21	22	23	22	23	24	25	26	27	28	19	20	21	22	23	24	25	17	18	19	20	21	22	23	
24	25	26	27	28	29	30	29	30	31	26	27	28	29	30	24/31	25	26	27	28	29	30							

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