

**TOWN OF MALABAR
REGULAR TOWN COUNCIL MEETING
MONDAY NOVEMBER 20, 2017, 7:30 PM
2725 MALABAR ROAD, MALABAR, FLORIDA
AGENDA**

- A. CALL TO ORDER, PRAYER AND PLEDGE**
- B. ROLL CALL**
- C. SUNSHINE LAW OVERVIEW BY ATTORNEY**
- D. NOMINATIONS FOR CHAIR AND VICE CHAIR**
- E. APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES:**
- F. CONSENT AGENDA:**
- 1. Approve Regular Town Council Meeting Minutes 11/06/2017**
 - 2. Approve Special Town Council Meeting Minutes 11/09/2017**
 - 3. Appointment of CM Danny White as Bill Reviewer 2017/2018**
 - 4. Appointment of CM Grant Ball as Council Signatory 2017/2018**
 - 5. Appointment of CM Dick Korn as SCLC Delegate 2017/2018**
 - 6. Appointment of Mayor Reilly as Alternate SCLC Delegate 2017/2018**
 - 7. Appointment of Matthew Stinnett as Malabar Representative for TPO/TAC 2017/2018**
Exhibit: Agenda Report No. 1
Recommendation: Request Approval
- G. ATTORNEY REPORT:**
- H. STAFF REPORTS: ADMINISTRATOR: CLERK:**
- I. 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.**
- J. PUBLIC HEARINGS/SPECIAL ORDERS: 1**
- 8. Budget Amendment to FY 2016/2017 (Ord 2017-13) 2ND Reading**
Exhibit: Agenda Report No. 8
Recommendation: Council Adoption of Ord 2017-13
- K. UNFINISHED BUSINESS/GENERAL ORDERS**
- ORDINANCES FOR FIRST READING: 0; RESOLUTIONS: 0; MISCELLANEOUS: 2**
- 9. Recommendation from P&Z Board – Art. XIX – Sign Code**
Exhibit: Agenda Report No. 9
Recommendation: Action
 - 10. Code of Conduct for Council, Required Signature**
Exhibit: Agenda Report No. 10
Recommendation: Action
- L. DISCUSSION/POSSIBLE ACTION:**
- 11. Amend Art. V. Regulations related to Calculating Acreage for Grazing Animals**
Exhibit: Agenda Report No. 11
Recommendation: Discussion and Direction
- M. PUBLIC COMMENTS: General Items (Speaker Card Required)**
- N. REPORTS – MAYOR AND COUNCIL MEMBERS**
- O. ANNOUNCEMENTS:** Vacancies: 2 on Bd of Adj; 2 on Pk & Rec Bd; 3 on T&G Com.
- P. ADJOURNMENT:**

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

Consent Agenda

Some organizations that have routine business find that an efficient way of handling that business is to include it on a *consent agenda*, which is also called a consent calendar. This is an agenda category that includes a list of routine, uncontroversial items that can be approved with a single motion, no discussion, and one vote.

The consent agenda is most frequently used by governmental bodies that have routine business that must be approved. If you are going to follow this process, you may want to have a section in your rules explaining the procedure.

When you get to this part of the agenda, the presiding officer first asks whether any member wants to remove any item from the consent agenda. The items are usually numbered or lettered, and the member simply states which number he or she would like removed. No explanation is necessary. A member can ask to remove an item if that member wants to discuss it, ask questions on it, or have a separate vote on it.

After members have had plenty of opportunity to remove any item from the consent agenda, either a member moves to approve all of the remaining items on the consent agenda or the chair assumes this motion. There can be no discussion or amendment of this motion. The vote is taken, and all items that were on the consent agenda are approved by the one vote.

TOWN OF MALABAR AGENDA ITEM REPORT

AGENDA ITEM NO: F. 1-7
Meeting Date: November 20, 2017

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

SUBJECT: F. Consent Agenda – separate items

BACKGROUND/HISTORY:

Consent Agendas are used by Municipalities and other parliamentary groups such as non-profit groups and committees.

A Consent Agenda or Calendar is a typical use by Councils, Commissions and Boards to efficiently conduct meeting business. The process groups routine business, reports, volunteer appointments and items that require no debate in order to more efficiently conduct the meeting.

Attached are the summary minutes for the following meetings:

1. Regular Town Council Meeting – 11/06/2017
2. Special Town Council Meeting Minutes – 11/09/2017

Items 3 – 7 are done annually at the first regular meeting following the election.

3. Appointment of CM Danny White as Bill Reviewer 2017/2018

This is typically given to the newest elected official which is Mr. White.

4. Appointment of CM Grant Ball as Council Signatory

CM Ball is convenient and normally at Town Hall two times a week.

5. Appointment of CM Dick Korn as SCLC Delegate

CM Korn again volunteered to perform this duty at his cost.

6. Appointment of Mayor Reilly as Alternate SCLC Delegate

Mayor Reilly normally attends these meetings as the titular head of the Town.

7. Appointment of Matthew Stinnett as Malabar Representative for TPO/TAC

Matt Stinnett has agreed to continue in this capacity and has developed a rapport with the other members of the TAC/TPO and FDOT representatives.

ATTACHMENTS: as stated above

ACTION OPTIONS: The Town Clerk requests approval of the minutes and approval of the other Consent agenda items as listed.

MALABAR TOWN COUNCIL REGULAR MEETING MINUTES
NOVEMBER 06, 2017 7:30 PM

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

A. CALL TO ORDER:

Council Chair, 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
TOWN CLERK/TREASURER:	DEBBY FRANKLIN

For the record, Malabar Fire Chief Mike Foley is not present.

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

Mayor removed #6 – Reso 25-2017 re: hard surfacing an improved road as requested by TA. Agreed. CM Mahoney change #4 to discussion; denied – it will remain under action.

D. APPROVAL

1. Regular Town Council Meeting Minutes 10/16/17

Exhibit: Agenda Report No. 1

Recommendation: Request Approval

MOTION: CM Rivet / CM Ball to approve the 10/16/17 minutes as presented.

Discussion: CM Mahoney stated the previous minutes going back to December that have been "corrected" are not on the website. Clerk explained that after the Council directs any changes and they are made and then signed, scanned and posted on the Town's website as the official record of the meeting under minutes; not under the agenda package. She further offered to meet with her during the day to explain the process. Chair called the meeting back to the agenda item. **Vote:** Ayes, 4; Nay, 1. (CM Mahoney) Motion carried 4 to 1.

E. ATTORNEY REPORT: nothing

F. BOARD/COMMITTEE REPORTS:

T&G – Drew Thompson gave brief update. He received the resignation from T&G Member Collette Buffalo and that opens an additional seat on the Committee. Drew wanted to recognize her for her work on the committee and thank her family for working on projects. She provided the committee a perspective from the equestrian users and he wanted Council to acknowledge her years of service.

P&Z: no one present.

Parks & Rec: no one present.

G. STAFF REPORTS: ADMINISTRATOR: nothing; **CLERK:** nothing; **FIRE CHIEF:** excused

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)

Five (5) Minute Limit per Speaker.

Danny White, 1770 Atz Road, wanted to thank the town. Never ran for anything before. Has enjoyed meeting great people and learning – did find out that stormwater was the biggest concern

and work on Atz Road ditch is great. Also found out there are other car guys in the community. Said he has an even greater affection for the community now.

I. PUBLIC HEARINGS: 1 - Final Reading - Ord 2017-12

2. ORDINANCE 2017-12: REGULATIONS FOR WIRELESS INFRASTRUCTURE WITHIN MALABAR RIGHTS-OF-WAY

Clerk read by title only.

AN ORDINANCE OF THE TOWN OF MALABAR, TO IMPLEMENT THE REGULATORY AUTHORITY PROVIDED IN 2017 HOUSE BILL 687, THE ADVANCED WIRELESS INFRASTRUCTURE DEPLOYMENT ACT; AMENDING CHAPTER 13 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES; CREATING ARTICLE IV SMALL WIRELESS FACILITIES IN RIGHT-OF-WAYS; PROVIDING FOR DEFINITIONS, AND PURPOSE, PENALTIES, EMERGENCY REPAIR OR REMOVAL; PROVIDING FOR SMALL WIRELESS FACILITIES AND SUPPORT STRUCTURES; PROVIDING FOR A PERMIT APPLICATION AND REVIEW PROCEDURE; PROVIDING FOR BONDING REQUIREMENTS, INDEMNIFICATION AND INSURANCE; PROVIDING FOR WAIVERS AND APPEALS; PROVIDING FOR ABANDONMENT, TERMINATION AND REMOVAL; PROVIDING FOR SEVERABILITY, CODIFICATION; CONFLICTS AND AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 2
Recommendation: Adoption of Ord 2017-12

PH opened: nothing. PH closed.

Chair asked Staff – Atty said the law as written prevents local govts from governing if they don't adopt regulations by the end of year.

MOTION: CM Kohler / CM Rivet to adopt Ord 2017-12 after 2nd reading.

Discussion: CM Korn asked if there was consideration for larger facilities. Atty said the foot print of a ROW would be too small to allow towers. Mayor said he went through the ordinance for possible interference with ham radio users, etc. TA asked if other cities have received requests? Atty said they will probably wait until after the end of the year.

ROLLCALL Vote: 1)CM Ball, Aye; CM Mahoney, Aye; CM Rivet, Aye; CM Korn, Aye; CM Kohler, Aye. Motion carried: 5 to 0.

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

ACTION ITEMS:

ORDINANCES FOR 1ST READING: 1

3. ORDINANCE 2017-13: BUDGET AMENDMENT FOR FY 2016/2017

Clerk read by title only.

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PERTAINING TO A BUDGET AMENDMENT IN THE FISCAL YEAR 2016/2017 TO PROVIDE FOR ADDITIONAL FUNDS REALLOCATED FROM SURPLUS FUNDS ON DEPOSIT; TO PROVIDE FOR THE ADDITIONAL EXPENDITURE FOR JORDAN BOULEVARD RAILROAD CROSSING SURFACE MAINTENANCE DONE BY FLORIDA EAST COAST RAILROAD; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report 3
Recommendation: Adoption of Ord 2017-13

MOTION: CM Rivet / CM Kohler to approve Ord 2017-13 at 1st reading.

Discussion: CM Korn – was told by someone recently that they understand that at one time access to Harris Corp property could have come off Valkaria Road. Same access could have served Data Management. Thinks Council should look at alternatives. It is not fair to charge Malabar residents for this expense. Clerk Franklin explained that the Town fathers planned this area for the industrial park and there would have been more parties sharing in the expense but the State bought the land up for conservation. That usurped the Town's Land Use Plan. The Mayor said look at 1983 agreement. We must pay this. Clerk Franklin stated that Attorney Paul Gougelman addressed the FEC maintenance issue for the City of Melbourne and as the legal rep for the Space Coast League of Cities; this is not an agreement open for Malabar to negotiate – Melbourne has 20+ crossings. This is an agreement at the federal level. The Malabar area off Jordan Boulevard was planned by the forefathers for an Industrial Park where all would share in this maintenance cost. The State coming in and buying the large parcels zoned for Industrial use and designating them conservation totally adversely affected this plan. CM Ball asked TA if the maintenance was budgeted and he said originally it was budgeted at 70K for last year. He is going to ask for assistance from Harris and Data Mgmt. at future meetings he has planned with those companies.

CM Mahoney asked how the Town can get out of the contract. Why do the residents of Malabar have to pay for this? She said many people have driven over there and they don't see what was done for that amount of money. She said it was unwise to pay what an entity wants to charge without having a voice – seems kind of suspicious. He other thought was to improve Marie Street south to Atz Road and let them access those businesses from there.

TA said it would cost over one million to develop road through wetlands. Clerk Franklin said that the forefathers did not want commercial traffic accessing through rural residential neighborhoods.

CM Mahoney asked if Attorney could look at the contract. Consensus to allow Attorney to review going forward.

ROLLCALL Vote: CM Ball, Aye; 1)CM Mahoney, Aye; CM Rivet, Aye; CM Korn, Aye; CM Kohler, Aye. Motion carried: 5 to 0.

RESOLUTIONS: 8

4. RESOLUTION 23-2017:

Clerk read by title only.

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR COUNCIL APPROVAL OF PROPOSAL FROM JAMES MOORE, CPA FOR AUDITING SERVICES FOR THE TOWN OF MALABAR FOR FY 16/17, 17/18, 18/19 AND 19/20; PROVIDING FOR REMEDIES; PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report 4

Recommendation: Adoption of Reso 23-2017

MOTION: CM Rivet / CM Ball to adopt Reso 23-2017 selecting James Moore CPA for auditing services. Discussion: CM Mahoney liked the transmittal letter done by CRI. Would like time to mull it over. Chair asked Mayor Crews to speak as the Chair of the committee appointed to address the item. Crews said there were three areas they addressed and they all agreed the experience and methodology was pretty much the same. He looked at James Moore under the question of the items that would be looked at 40 transactions and it was higher than the others. And they deal in Six Sigma, a quality improvement process used by Fortune 500 firms. Guide us through quality improvements. Standard is to get down to 3.4 defects out of a million deficiencies and they were the lowest price. CM Mahoney: asked about the sharpening of the pencil. Price cannot be the overriding determination. TA said if you call for sealed bids and then ask for revised. CM Korn asked if they all are doing the

same thing. Atty Bohne said he had not reviewed the engagement letter but notice it said arbitration would be held in Alachua County.

Mayor Crews defended all the audits in his previous employment and is familiar with the requirements. Chair asked rep from James Moore, CPA to speak; his name is Zach Chalifer. Change to Brevard County from Alachua. The engagement letter is a letter of understanding. And Exhibit "A" is a starting place. Atty said Council can approve conditional of him going through Exhibit "A" of the engagement letter.

ROLLCALL Vote: CM Ball, Aye; CM Mahoney, Aye; 1)CM Rivet, Aye; CM Korn, Aye; CM Kohler, Aye. Motion carried: 5 to 0.

5. RESOLUTION 24-2017:

Clerk read by title only

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR COUNCIL RECOGNITION OF THE FIRE SAFETY AND LIFE SUPPORT SERVICES PAID FOR BY THE TOWN AND PROVIDED BY THE COMBO DEPARTMENT KNOWN AS THE MALABAR FIRE/RESCUE DEPARTMENT; PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report 5

Recommendation: Adoption of Reso 24-2017

MOTION: CM Kohler / CM Ball to adopt Reso 24-2017 recognizing the Malabar Fire Department.

Discussion: CM Kohler commended FD on the grant. CM Rivet also commended the FD better service for less money. CM Korn also said they provide Fire Service classes and some of the attendees were from other cities offsetting the training costs. City of Melb gave FD two brush trucks. Malabar has excellent reputation. Combo department means there is paid leadership. Our Chief gets 41K and a Capt. in Hollywood gets 90K. Quality is good and the average response time is 5min. Encourage more local participation. CM Ball stated this resolution will help us to get that 100% paid grant for SCBA. CM Mahoney said it is great. Looking at ways to save money. She questions the fire rescue wording in the Resolution since we don't send out the ambulance. Wants Atty to look at it. Clerk Franklin said the monthly reports that are submitted to Council and then over viewed by the Chief state clearly the number of fire calls and the number of rescue calls. Atty stated the Reso needs Section 2 reads Section 4 and needs correcting. CM Korn said they do more than fires.

ROLLCALL Vote: CM Ball, Aye; CM Mahoney, Aye; CM Rivet, Aye; 1)CM Korn, Aye; CM Kohler, Aye. Motion carried: 5 to 0.

6. RESOLUTION 25-2017: Pulled from agenda per Administrator

~~A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, AMENDING THE EXHIBITS OF CHAPTER 13 KNOWN AS THE MALABAR RIGHT-OF-WAY IMPROVEMENT CODE; PROVIDING FOR AN EXHIBIT "B-7"; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.~~

7. RESOLUTIONS FOR BOARD/COMMITTEE APPOINTMENTS

Reso 18-2017 Murray Hann to T&G Committee - Kohler and Ball

Reso 19-2017 Hans Kemmler to Parks & Rec Board – Korn and Ball

Reso 20-2017 Charles Frazee to BOA - Rivet and Ball

Reso 21-2017 Wayne Abare to P&Z – Ball and Kohler

Reso 22-2017 Liz Ritter to P&Z - Rivet and Korn

Clerk read each resolution by title only:

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE APPOINTMENT OF _____ TO THE MALABAR _____ AS A REGULAR MEMBER; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report 7
Recommendation: Approved individually below

MOTION: CM Kohler / CM Ball to approve Resolution 18-2017 for Murray Hann.

Discussion: none

ROLLCALL Vote: 1)CM Ball, Aye; CM Mahoney, Aye; CM Rivet, Aye; CM Korn, Aye; CM Kohler, Aye. Motion carried: 5 to 0.

MOTION: CM Korn / CM Ball to approve Resolution 19-2017 for Hans Kemmler.

Discussion: none

ROLLCALL Vote: CM Ball, Aye; 1)CM Mahoney, Aye; CM Rivet, Aye; CM Korn, Aye; CM Kohler, Aye. Motion carried: 5 to 0.

MOTION: CM Rivet / CM Ball to approve Resolution 20-2017 for Charles Frazee.

Discussion: none

ROLLCALL Vote: CM Ball, Aye; CM Mahoney, Aye; 1)CM Rivet, Aye; CM Korn, Aye; CM Kohler, Aye. Motion carried: 5 to 0.

MOTION: CM Ball / CM Kohler to approve Resolution 21-2017 for Wayne Abare.

Discussion: none

ROLLCALL Vote: CM Ball, Aye; CM Mahoney, Aye; CM Rivet, Aye; 1)CM Korn, Aye; CM Kohler, Aye. Motion carried: 5 to 0.

MOTION: CM Rivet / CM Korn to approve Reso 22-2017 contingent on receipt of balance of documents signed by applicant.

Discussion: none

ROLLCALL Vote: CM Ball, Aye; CM Mahoney, Aye; CM Rivet, Aye; CM Korn, Aye; 1)CM Kohler, Aye. Motion carried: 5 to 0

K. DISCUSSION/POSSIBLE ACTION:

8. Update on FallFest 2017

Clerk said it is set for the 18th from 10AM to 4PM at Malabar Community Park. John Quinlivan has been retained as MC and entertainment; Bar-b-Q and hamburgers, etc. by Fire Dept and other volunteers; drinks by Town, bounce house, kidz zone, clown and train for kids, BCSO canine demo, FD demo, First Flight, American Indian Cultural presentation, novelty vendors for coffee drinks and smoothies. Pony & horse rides were added with assistance from Dick Korn. A bike safety rodeo is planned from 11-1pm. Brevard County Humane Society will be offering dog adoptions. Also, will have local businesses and craft vendors and a huge car show.

CM Mahoney asked how many vendors – Clerk did not know.

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

Steve Morris – Weber Road, said he called Mr. Korn and he was combative and hung up on him. CM Korn said he had not received call from him and would not hang up on a resident.

Morris said the real issue is Foley's property – it was supposedly sold and the bull there has gotten out five (5) times in last few months posing dangers but also endangering him and his property and he showed two pictures showing poo and hoof marks in grass. CM Korn asked TA if letter was sent out. TA said BCSO has responded to all calls and they can impound the animal. Letter was sent and should have been received this date. Morris said it has been an ongoing problem. Owner is responsible – bull jumps over the 4-foot fence. People have stopped him and said they are not being fed enough. Morris said he spent a 5K on a berm

but water is standing on 2000 Weber. You can't stand it in his back-yard due to smell. Chair thanked him. He wants to see some action.

M. REPORTS – MAYOR AND COUNCIL MEMBERS

CM Ball: Money needs to go back into contingency. TA said they should also set aside for replacement costs for vehicles/equipment.

CM Mahoney: Culverts – asked for status on Marie Street replacements and on Weber Road.

CM Rivet: Flashy Lane project – waiting on water to recede. Culvert on Walker to replace.

CM Korn: Addressed CM Kohler as it is his last regular meeting because we took his district away. He appreciates his participation and thanked him for his service. CM Korn knows the cows have been out and maybe the fence needs to be taller. They have had a lot of rain. At recent meeting with Cocoa Mayor, they stated even with their paved roads, gutters and storm sewers they had roads under water.

CM Kohler: Wanted to thank Council and Administrator and Clerk for their assistance and stated he has become a better person and thanked them all.

Mayor: Wanted to thank Richard Kohler also. It was fun watching him grow as a municipal official and wishes him the best as he goes further in his role as a government person.

N. ADJOURNMENT:

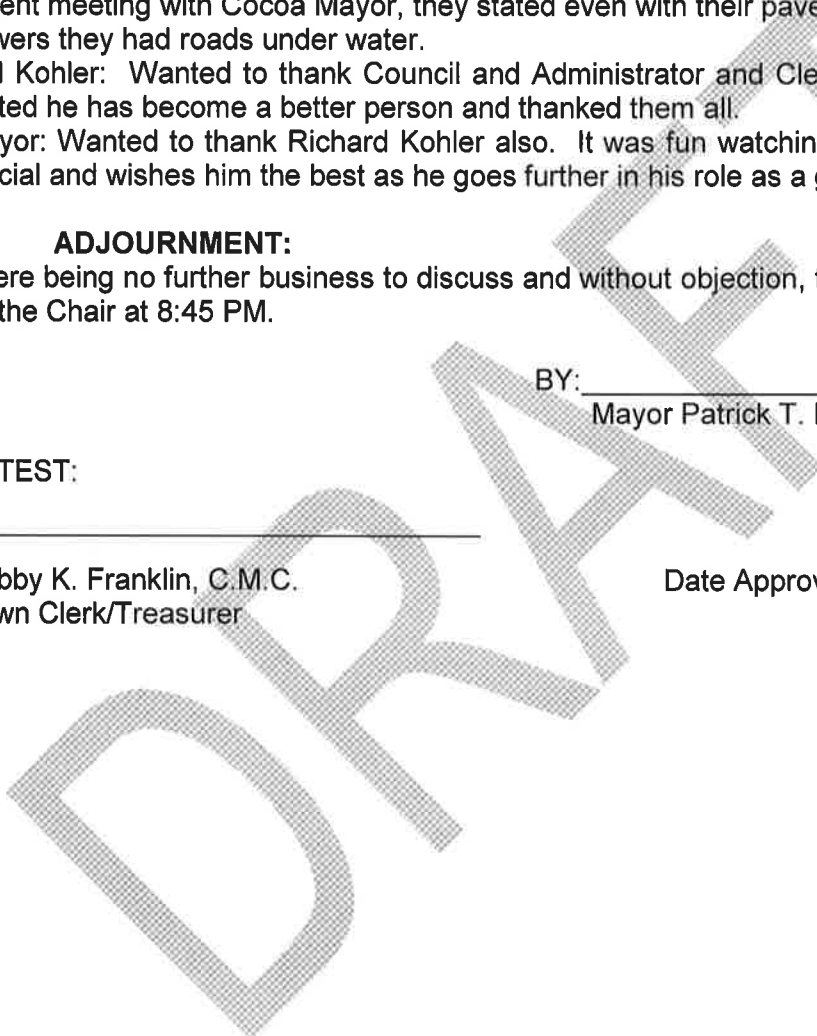
There being no further business to discuss and without objection, the meeting was adjourned by the Chair at 8:45 PM.

BY: _____
Mayor Patrick T. Reilly, Council Chair

ATTEST:

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

Date Approved: 11/20/2017



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

**MALABAR TOWN COUNCIL SPECIAL MEETING
NOVEMBER 09, 2017 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 were led by CM _____.

B. ROLL CALL:

COUNCIL CHAIR	MAYOR PATRICK T. REILLY
VICE-CHAIR:	STEVE RIVET
COUNCIL MEMBERS:	GRANT BALL
	LAURA MAHONEY
	DICK KORN
	RICHARD KOHLER
TOWN ADMINISTRATOR:	DOUG HOYT
TOWN CLERK/TREASURER:	DEBBY FRANKLIN
ATTORNEY	KARL BOHNE, excused

Clerk reported that the Fire Chief Mike Foley is also present.

C. ACTION ITEMS: Certification of official Election Results:

Chair asked Clerk to read election results.

Clerk Franklin explained that on November 7, 2017 there were elections held for Council seats in District 4 and District 5 under the newly adopted single district voting. These are the OFFICIAL election results. The SOE declared them the OFFICIAL results after the 5PM meeting this date. Council seat District 4 election had two candidates: the incumbent, Dick Korn prevailed in the election and will be sworn in for a third term. District 5, was an open seat due to the redistricting done in April 2017 as a result of the referendum question in 2016 creating single district voting. Mr. Danny White prevailed over the other two candidates vying for this seat and will be sworn in and take his seat after the vote on the election results.

Chair stated he wanted to make a presentation before the Clerk does the oaths. Mayor wanted to present a Certificate of Appreciation and plaque to CM Richard Kohler for his two years of impartial, dedicated, professional and well-reasoned service to the Town, the residents, the staff and the community. Mayor read and presented the Certificate to retiring CM Richard Kohler.

MOTION: CM Rivet / CM Kohler to accept the official Election results. Vote: All Ayes.

Clerk Franklin then asked CM Korn to stand and raise his right hand and read the Oath of Office. Clerk Franklin then asked Mr. Danny White 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. That concluded this portion of the meeting.

D. ADJOURNMENT

Chair stated adjourn this meeting. VOTE: All Ayes. The meeting adjourned at 7:06 PM.

TOWN OF MALABAR

BY: _____
Mayor Patrick T. Reilly, Council Chair

ATTEST:

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

Date Approved

**TOWN OF MALABAR
AGENDA ITEM REPORT**

AGENDA ITEM NO: 8
Meeting Date: November 20, 2017

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

SUBJECT: FY 16/17 Budget Amendment (Ordinance 2017-13) 2nd Reading

BACKGROUND/HISTORY:

The Town of Malabar received notice that the FEC would be doing work on the Jordan Boulevard crossing and the estimated cost to the Town would be 130K. The work has been done and the invoice was received in September.

It is within normal governmental accounting practices to perform necessary year-end amendments up to 60 days after the end of the FY.

Council approved the first reading of this ordinance, and it was legally advertised for the 2nd reading and PH at this meeting.

FINANCIAL IMPACT:

\$98,078.62 from reserves to cover the FEC invoice

ATTACHMENTS:

Ordinance 2017-13

ACTION OPTIONS:

Adoption of Ordinance 2017-13.

ORDINANCE 2017-13

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PERTAINING TO A BUDGET AMENDMENT IN THE FISCAL YEAR 2016/2017 TO PROVIDE FOR ADDITIONAL FUNDING REALLOCATED FROM SURPLUS FUNDS ON DEPOSIT; TO PROVIDE FOR THE ADDITIONAL EXPENDITURE FOR JORDAN BOULEVARD RAILROAD CROSSING SURFACE MAINTENANCE DONE BY FLORIDA EAST COAST RAILROAD; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council has an agreement dated 1984 to provide for payment to Florida East Coast Railway when maintenance services are provided to the Jordan Boulevard surface crossing; and

WHEREAS, the Town Council has authorized using cash from reserved surplus funds on deposit to pay for the maintenance invoice amount of \$98,078.62; and

WHEREAS, the Town Council has authorized increasing the general fund operating expenditures and funding to provide for the maintenance invoice amount of \$98,078.62; and.

WHEREAS, the Town Council has directed that staff prepare a budget amendment to reflect the additional funding of \$98,078.62 and additional proposed expenditures of \$98,078.62.

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

SECTION 1. Total Revenues.

Total revenues in the 2016-2017 Fund 001 General Fund be amended from \$1,563,508.00 to \$1,661,586.62 to reflect the increase in the revenues for the General Fund by \$98,078.62.

SECTION 2. Total Disbursements.

Total disbursements in the 2016-2017 Fund 001 General Fund be amended from \$1,563,508.00 to \$1,661,586.62 to reflect the increase in the expenditures for the General Fund by \$98,078.62.

SECTION 3. Funding Source.

The funds necessary to provide for this Budget Amendment to the FY 2016/2017 budget are from surplus funds on deposit and held in reserves.

SECTION 4. Conflict.

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

SECTION 5. This ordinance shall become effective immediately upon its adoption after the second reading and public hearing.

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

Council Member Grant Ball _____

**TOWN OF MALABAR
AGENDA ITEM REPORT**

AGENDA ITEM NO: 9
Meeting Date: November 20, 2017

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

SUBJECT: Recommendation from P&Z – Article XIX – Signage Regulations

BACKGROUND/HISTORY:

Malabar Council requested the P&Z Board to review and recommend updates to the Table in Article IXX after realizing the Signage Regulations did not provide for the difference in CG zoning on a local street and an interstate highway. The other consideration was the newer types of signage since the Malabar ordinance was adopted in 1987.

FINANCIAL IMPACT:

ATTACHMENTS:

Memo to P&Z Board dated 3/7/2017

Memo to Council dated 2/21/2017

Memo from P&Z Board with attachments dated 11/15/2017

ACTION OPTIONS:

Direction to Staff

TOWN OF MALABAR

MEMORANDUM

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:

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.

TOWN OF MALABAR

MEMORANDUM

Date: November 15, 2017 17-AABO-012

To: Debby Franklin, Town Clerk/Treasurer
Town Council

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

Ref: Recommendation to Council from PZ Board Revisions of Sign Regulations
Article XIX & Table 1-19.18 for Non-Residential Zoning Districts

The PZ Board has been reviewing the Sign Regulations for Non-Residential Zoning District as directed by Council since April 2017. Please see attached recommendations including Table 1-19.18 and revised verbiage.

The PZ Board made the following Recommendation at the 11/8/2017 PZ Meeting:

Motion: Abare/Ryan Recommendation to Council to Revise Article XIX Sign Regulations for Non-Residential Zoning Districts & Table 1-19.18 and Corresponding Verbiage. **VOTE:** All Ayes

ATTACHMENTS:

- Portion of Table 1-19.18 Zoning District Sign Regulations (2) Sign Regulations Within Non-Residential Zoning Districts
- Article XIX Signage Verbiage

PORTION OF TABLE

1-19.18

(PORTION OF)
TABLE 1-19.18. ZONING DISTRICT SIGN REGULATIONS

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

Sign Type	Construction Class	Maximum Number	Maximum Area	Maximum Height	Placement	Illumination	Special Regulatios
1. Accessory	(a)Wall	3	no more than 60 sq. ft. of cumulative area	Roof line of building	Non-Restricted	Direct, Indirect	See Footnotes 1, 3, and 4
Accessory	(b)Detached, (c)Marquee, and(d)Projecting	2 total from this group	150 sq. ft. total cumulative area*	Detached: 25 ft. Others: Roof line of building	Must observe yard regulations and Front setback: 10 ft.	Direct, Indirect	See Footnotes 4 and 5
Accessory	(e)Snipe	4	1½ sq. ft. each	Roof line of building	Must observe all yard regulations	None	None
2. Construction	(a)Wall or (b)Detached	1	32 sq. ft.	Detached: 10 ft. Wall: Roof line of building	Front setback: 10 ft. Side and Rear: 25 ft.	Indirect	Must be immediately removed upon completion of construction
3. Directory	(a)Wall or (b)Detached	2	Sum of 30 sq. ft	10 ft.	Must observe all yard regulations	Indirect	None
4. Directional	(a)Wall or (b)Detached	2	3 sq. ft.	Detached: 3 ft. Wall: 10 ft.	Non-Restricted	Indirect	None
5. Future Improvement	(a)Detached	1	32 sq. ft.	10 ft.	Front setback: 10 ft. Side and Rear: 25 ft.	Indirect	Must be immediately removed upon completion of construction
6. General Outdoor Advertising	(a)Wall or (b)Detached	1	Detached: 3 sq. ft. Wall: 10 sq. ft.	10 ft.	Front setback: 10 ft. Rear and Side: 25 ft.	Indirect	See Footnotes 1 and 2
7. Real Estate	(a)Wall or (b)Detached	3	9 sq. ft. each	Detached: 4 ft. Wall: 8 ft.	Front setback: 10 ft. Side and Rear: 25 ft.	None	Buildings of over 10,000 sq. ft. may erect a wall sign of 12 sq. ft. See Footnotes 1 and 6.
8. Subdivision	(a)Wall or (b)Detached	1 per public entrance	12 sq. ft.	10 ft.	No signs to impede vision at any intersection	Indirect	See Footnote 3
9. Billboard							Not Permitted

Footnotes to charts:

(1)

All inside signs hanging in a window shall be counted as wall signs and in addition shall not exceed 50% of 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 upto 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, upto a maximum of forty-eight (48) square feet in cumulative area.
- (4) If illumination or animated signs are permitted, sign may not be flashing, and may not refresh faster than every 30 seconds.
- (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.

* In measuring the area of a doubled faced sign, only one face shall be calculated to determine the total area.

ARTICLE

XIX

SIGNAGE

VERBIAGE

~~**REVISIONS FROM PZ MEETING 7/26/2017**~~
~~**REVISIONS FROM PZ MEETING 8/9/2017**~~
~~**REVISIONS FROM PZ MEETING 8/23/2017**~~

Article XIX - SIGNAGE

Section 1-19.1. - Definitions.

For the purposes of this article certain words and terms shall be interpreted as follows:

Abandoned Sign. A sign is considered abandoned if a business advertised on that sign is no longer licensed, no longer has a certificate of occupancy, or is no longer doing business on that location.

District shall mean the various zoning districts established and described by the land development code.

Erect shall mean to build, construct, attach, hang, place, suspend, affix, print, or paint; this shall include the painting of wall signs.

Height. Maximum height is the vertical distance between the uppermost portion of a sign and ground level and minimum height is the vertical distance between the lowermost point of a sign and ground level.

Non-Conforming shall mean any existing sign which was lawful at the time of the enactment of the ordinance from which this article was derived but which does not conform to the provisions of this article and to the most recently enacted land development code of the Town.

Placement shall mean the location which a sign occupies on a lot or building.

Public Body shall mean any government or government agency of the Town, Brevard County, State of Florida, or the United States Government.

Replacing shall mean rebuilding, enlarging or any change in size, structure, or lettering other than repainting to an original status and repair of original electrical apparatus.

Sign shall mean any device or display consisting of letters, numbers, symbols, pictures, illustrations, announcements, cut-outs, insignia, trademarks, banners, or demonstrations; designed to advertise, inform, identify, or to attract the attention of persons, which is visible from outside the premises on which the device or display is located. A sign shall be construed to be a display or device containing elements related and composed to form a single unit. In cases where material is displayed in a random or unconnected manner without organized relationship of the components, each component or element shall be considered to be a single sign.

Sign Area shall mean that area within a line including the outer extremities of all letters, figures, characters, and delineations, or within a line including the outer extremities of the framework or background of the sign, whichever line includes the larger area. The support for the sign background, whether it be columns, a pylon, or a building; or part thereof, shall not be included in the sign area. In measuring the area of a double-faced sign, only one face shall be calculated to determine the total area.

Sign Construction Class shall mean the manner in which any sign type is constructed and/or located, and in this article shall include animated, beacon light, detached, flashing, marquee, portable, projecting, roof, snipe, and wall as defined below:

- (1) *Animated* shall mean any sign of which all or any part thereof revolves, swings or moves in any fashion whatsoever, and any sign which contains or uses for illustration any light, lights or lighting device or devices which change color, flash or alternate, shows movement or motion, or change the appearance of said sign or any part thereof automatically, including wind operated devices. **This Also includes Electronic, LED, Digital, and Display Signs.**

REVISIONS FROM PZ MEETING 7/26/2017

REVISIONS FROM PZ MEETING 8/9/2017

REVISIONS FROM PZ MEETING 8/23/2017

- (2) *Beacon Light* shall mean any light with one or more beams capable of being directed in any direction or directions, or capable of being revolved automatically, or capable of having any part thereof revolve automatically, or a fixed, flashing, or rotating high intensity light or beam, or light.
- (3) *Detached* shall mean a sign not attached to or painted on a building, but which is affixed to the ground. A sign attached to a flat surface such as a fence or wall not a part of a building, shall be considered a detached sign.
- (4) *Flashing* shall mean any sign on which the electrical lighting device or devices go on or off alternately, either all of such lights or lighting devices or part thereof. Any revolving illuminated sign shall be considered a flashing sign.
- (5) *Marquee* shall mean any sign of fire resistant cloth, plastic or metal attached to or projecting from a building over any private thoroughfare or sidewalk, whether or not such a sign is capable of being raised or lowered to a position flat against a wall.
- (6) *Portable* shall mean any sign which is not securely and permanently attached to the ground or a building or other approved structure.
- (7) *Projecting* shall mean any sign that is affixed to any building, wall, or structure extending more than twelve (12) inches beyond such building, wall or structure. The term projecting sign includes a marquee sign.
- (8) *Roof* shall mean a sign which is fastened to or supported by or on the roof, or painted on the roof of a building, or which extends over the roof of a building. Roof signs shall be prohibited in the Town.
- (9) *Snipe* shall mean any **temporary** sign of not over ~~one and one-half (1½)~~ **four (4)** square feet in area regardless of material, method of attachment, location, or subject matter.
- (10) *Wall* shall mean any sign ~~which is erected~~ on the wall of any structure or part of a structure and is not more than twelve (12) inches from that structure, including any sign which is painted or otherwise directly on the wall of any structure.

Sign, Double-Faced shall mean a sign with two (2) parallel or nearly parallel faces back to back and located not more than twenty-four (24) inches from each other at the nearest parts.

Sign, Directly Illuminated shall mean a sign designed to give forth artificial light **itself** and/or designed to reflect light from one or more sources of artificial light **that are part of the sign.** ~~erected for the purpose of providing light for the sign.~~

Sign, Indirectly Illuminated shall mean a sign which does not produce artificial light from within itself but which is opaque and backlighted or illuminated by spot lights or floodlights.

Sign, Number shall mean for the purpose of determining the number of signs, a sign shall be considered to be a display and/or display device containing elements organized, related, and/or composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, each element shall be considered a single sign. A double-faced sign shall be considered a single sign.

Sign Structure shall mean any construction designed to support or to provide a surface for a sign, and including any marquee, canopy, awning, or clock.

*******STOPPED REVIEW AT THIS POINT @PZ MEETING 7/26/2017*******

Sign Type shall mean any one of the various signs as differentiated by their purpose, and in this ordinance shall include accessory, billboard, construction, directional, directory, future improvement, general outdoor advertising, outdoor display, real estate, and subdivision as defined below:

REVISIONS FROM PZ MEETING 7/26/2017

REVISIONS FROM PZ MEETING 8/9/2017

REVISIONS FROM PZ MEETING 8/23/2017

- (1) *Accessory* shall mean a sign relating only to the uses of the premises on which the sign is located, or indicating the name and address of a building or the occupants or management of a building on the premises where the sign is located.
- (2) *Billboard* shall mean any sign or display which is not a directional sign, which advertises, illustrates, demonstrates, or identifies product, service, or place of business at another location not within two hundred (200) feet of the sign, and/or any sign of a size over sixty (60) square feet.
- (3) *Construction* shall mean a temporary sign erected on a building site between the time of the issuance of the building permit and the completion and/or occupancy. Such signs may display thereon any or all of the following: a designation of the job, the name of the owners, architect, general contractor, subcontractor, building or project under contraction [construction], and building permit.
- (4) *Directional* shall mean any sign less than three (3) square feet in area used for public direction and containing no advertising or commercial identification of any product, service, or place of business.
- (5) *Directory* shall mean signs which give the name and/or occupation of the occupants of the building or gives the use of the building, including office building directories, church directories, and apartment house directories.
- (6) *Future Improvement* shall mean a temporary sign announcing the construction of a facility in the near future on the site on which the sign is located.
- (7) *General Outdoor Advertising* shall mean any sign which is not herein described or limited by these definitions and regulations.
- (8) *Outdoor Display* shall mean each piece or portion of any matter, merchandise, or device displayed outside a building with the intent of advertising, demonstrating, or identifying the nature of business or articles for sale. ~~or other merchandise inside or outside the building of the person doing business, which would not ordinarily be construed a sign, but rather as merchandise, [and] shall be considered a separate outdoor display sign.~~
- (9) *Real Estate* shall mean any sign used solely for the purpose of offering [for] sale, for lease, or for rent, the property and/or building on which the sign is located.
- (10) *Subdivision* shall mean any sign designed as a permanent structure to identify a subdivision or neighborhood. Such signs are not used for development or promotional purposes. However, they may but may also be used to identify mobile home parks, townhouse and other planned housing developments as defined by the zoning ordinance.
- (14) *Zone* shall mean the various zoning districts as established and described by the zoning ordinance of the Town.

8/23/17

Section 1-19.2. - Purpose and intent.

The purpose of these regulations is to promote the public safety, comfort, convenience, aesthetics, amenities, prosperity and general welfare of the Town. More particularly, these regulations which control the location, type, size, height, and illumination of signage and displays are intended to establish compatible land use character, an orderly appearance and stabilize land values.

The following regulations apply generally to all signs and are in addition to the regulations contained elsewhere in this article:

- A. **Compliance Required.** No sign, unless herein excepted, shall be erected, constructed, posted, painted, altered, maintained, or relocated, except as provided in this article.

8/23/17 →

REVISIONS FROM PZ MEETING 7/26/2017

REVISIONS FROM PZ MEETING 8/9/2017

REVISIONS FROM PZ MEETING 8/23/2017

8/23/17

- B. *Required Inspection Prior to Permitting.* No sign shall be approved for use unless it has been inspected by the Building Official and is found to be in compliance with all other applicable codes and ordinances, including the building code, electrical code, and land development regulations. Unless otherwise specified, all signs shall comply with the yard requirements of the zoning district in which they are located.

~~Abandoned Sign. A sign is considered abandoned if a business advertised on that sign is no longer licensed, no longer has a certificate of occupancy, or is no longer doing business on that location.~~

Section 1-19.3. - Exemptions.

The following are exempted from the provisions of these regulations which require a permit, certificate, license or fee for erection or maintenance. Such activities must abide, however, by the rules and regulations herein and all other laws and ordinances of the Town:

- (1) Signs not visible from areas other than the site on which they are located;
- (2) Integral decorative or architectural features of structures, except letter, trademarks, moving parts, or moving lights;
- (3) Memorial signs, tablets or plaques or names of buildings and date of erection; when the same are two (2) square feet or less in size and are cut into any masonry surface or when constructed of bronze or other incombustible material;
- (4) Signs not exceeding one (1) square foot in area and bearing only property numbers, names of occupants of premises, and other identification or information concerning the premises not having commercial use or connotations, including no trespassing, posted, no hunting, private and similar prohibitions or limitations;
- (5) Legal notices, identification, informational or directional signs erected or required by government bodies;
- (6) Noncommercial flags and insignia of any government when not displayed in connection with a commercial promotion or as an advertising device;
- (7) Changing the copy of a bulletin board, poster board, display encasement, or marquee provided, however, that the device upon which the copy is located meets all the requirements of this article;
- (8) Decals affixed to or signs painted on equipment used for dispensing retail products or services where such signs are not displayed in connection with a commercial promotion or as an advertising device;
- (9) Temporary signs, within five (5) feet inside of a store window, not exceeding twenty (20) inches of the glassed area of the window in which the sign is located, which advertise a bona fide "going out of business" sale, or other service or merchandise sale, and which are erected for a period of not over fifteen (15) days;
- (10) Signs on motor vehicles while in use in the normal course of business. This section shall not be interpreted to permit parking of a vehicle on which signs are attached or painted in a manner or location where such signs are not permitted in order to avoid the requirements of this article. Similarly, this section shall not be interpreted to permit parking of portable trailer signs in a manner or location where the signs are not permitted in order to avoid the requirements of the article.

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.

REVISIONS FROM PZ MEETING 7/26/2017**REVISIONS FROM PZ MEETING 8/9/2017****REVISIONS FROM PZ MEETING 8/23/2017**

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.

REVISIONS FROM PZ MEETING 7/26/2017

REVISIONS FROM PZ MEETING 8/9/2017

REVISIONS FROM PZ MEETING 8/23/2017

- 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.

Section 1-19.5. - Annual license required. **(Ask Debby Franklin, Town Clerk/ Treasurer about Annual License)**

- A. *Application for Annual License.* At the same time a permit to build or erect or certification of nonconformity is issued, an annual license must be applied for and granted for each sign of over five (5) square feet defined in this article as any of the following:
 - (1) Residential and mobile home or trailer park zoning districts:
 - a. Accessory;
 - b. Construction;
 - c. Future Improvement;
 - d. General Outdoor Advertising;
 - e. Subdivision.
 - (2) Nonresidential zoning districts and bona fide agricultural uses within the RR-65 district:
 - a. Accessory;
 - b. Construction;
 - c. Directory;
 - d. Future Improvement;
 - e. General Outdoor Advertising;
 - f. Subdivision.
 - (3) All other categories and signs under five (5) square feet are exempt from licensing.
- B. *Licenses to be Displayed.* The license number for the current term of one (1) year shall be displayed clearly on each sign which requires a license.
- C. *Renewal of License.* License will require renewal each year on the first day of the month in which the original license was purchased. Within thirty (30) days of expiration and nonrenewal of license, the sign must be removed by the owner or it shall be illegal and subject to removal by the Town at the owner's or property owner's expense ten (10) days after written notification by the Town.

Section 1-19.6. - Appeals and variances.

Matters involving appeal of an administrative decision or variance of these regulations shall be handled by the Planning and Zoning Board with further appeal to the Council. **The Final Appeal can be made through Board of Adjustments (BOA).**

Section 1-19.7. - Nonconforming signs.

REVISIONS FROM PZ MEETING 7/26/2017

REVISIONS FROM PZ MEETING 8/9/2017

REVISIONS FROM PZ MEETING 8/23/2017

8/23/17
A. Replacement of Nonconforming Signs. Any replacement sign needs to meet current codes. Within the Town, there presently exist certain signs that are not in conformance with these regulations. Such signs are declared by this article to be incompatible with the development of the Town. It is further the intent of this article that these non-conforming signs shall not be replaced, enlarged, expanded or extended and are not to be used as grounds for adding or enlarging other signs not permitted in the district.

B. Nonconforming Signs: There presently exist certain signs that are not in compliance with current regulations, if they were to code when approved and are being maintained they are allowed to remain.

C. Signs and disrepair: A sign should be removed or repaired to original condition. If not repaired within sixty (60) days of written notification, sign will be removed at owner's expense.

8/23/17
B. Amortization Periods for Nonconforming Signs. Such nonconforming signs shall be altered to conform or removed by the owner within one (1) year of the date of adoption of the ordinance from which this [article] was derived, except that signs with a structure valued at more than one thousand dollars (\$1,000.00) shall be altered to conform or removed within two (2) years, and signs with a structure valued at more than two thousand five hundred dollars (\$2,500.00) shall be altered to conform or removed within three (3) years. After the expiration date, all nonconforming signs shall be removed by the Town at the owner's expense. The period of amortization for nonconforming signs existing prior to April 17, 1990 shall not be changed by the passage of the land development code.

C. Certification of Nonconforming Signs. All persons owning signs within the Town that do not conform with this article shall, within thirty (30) days of the date of the adoption of the ordinance from which this article was derived apply for certification of nonconformity. In applying for such certificate, the owner shall state in what manner the sign does not conform. The certificate must be presented to the Planning and Zoning Board, which may then instruct the building inspector to issue a certificate which shall contain the information as well as the date by which the sign must be removed or altered to conform to these regulations. This certificate is issued in lieu of the sign permit.

D. Posting of Nonconforming Certificate Number. A certificate number shall also be issued which shall be attached to the sign in the same manner as required for a sign permit.

E. Illegal Signs. Any sign not containing a certificate or permit number and a current license number after this ordinance has been in effect thirty (30) days is hereby declared to be illegal and shall be removed by the owner, or by the Town at the owner's expense, within ten (10) days of written notice by the Town.

***Suggestion: Any sign conforming at the time of permitting will be Grandfathered-In as long as it is kept in good condition

Section 1-19.8. - Fees for permit, certificate, and license fees.

A. Status of Fees Required for Signs. Fees for the issuance of sign permits or certificates and annual licenses shall be in addition to any other fees, charges, or obligations legally required by the Town.

~~REVISIONS FROM PZ MEETING 7/26/2017~~

~~REVISIONS FROM PZ MEETING 8/9/2017~~

~~REVISIONS FROM PZ MEETING 8/23/2017~~

B. *Schedule of Fees Set By Town Council.* The fee schedule for the issuance of sign permits, certificates of nonconformance, and annual licenses and the inspections herein authorized or required shall be set by the Town Council and shall be maintained in the Town Clerk's office.

Section 1-19.9. ~~Applicability of signage regulations.~~ (This space intentionally blank)

~~The following regulations apply generally to all signs and are in addition to the regulations contained elsewhere in this article:~~

- ~~A. *Compliance Required.* No sign, unless herein excepted, shall be erected, constructed, posted, painted, altered, maintained, or relocated, except as provided in this article.~~
- ~~B. *Required Inspection Prior to Permitting.* No sign shall be approved for use unless it has been inspected by the Building Official and is found to be in compliance with all other applicable codes and ordinances, including the building code, electrical code, and land development regulations. Unless otherwise specified, all signs shall comply with the yard requirements of the zoning district in which they are located.~~

Section 1-19.10. - Temporary permits.

A. The building inspector upon application, may issue temporary permits for the following signs and displays for a period not exceeding thirty (30) days, when in the building inspector's opinion, the use of such signs and displays would be in the public interest and would not result in damage to private property. ~~There will be no license or license fee for these signs, but the regular permit fee shall apply.~~ Temporary signs shall not be illuminated except for holiday signs which may be illuminated or special event signs approved by the Town Council. Such signs shall be located in private property outside of a public right-of-way or easement.

- (1) Special decorative displays used for holidays, public demonstrations, or window signs which do not cover more than twenty (20) percent of the surface area of the transparent portion of the window or door to which they are attached.
- (2) Temporary signs announcing any public, charitable, education, religious or other special event or function may be installed subject to compliance with the following conditions.
 - (a) *Timing of Placement and Removal.* Such signs shall be placed not more than fourteen (14) days prior to the event and must be removed not later than twenty-four (24) hours after termination of the event.
 - (b) *Character of Signs.* Such signs shall satisfy the sign area, location, setback, and height requirements of similar type signs in the district where placed.
 - (c) *Waiver from Requirement of Section.* The Building Official shall advise any applicant desiring relief from the requirements of this sub-section of his right to approach the Town Council to request a waiver of such requirements. A waiver by Town Council may be obtained only after introduction of the matter on an agenda of a Town Council meeting. Said waiver shall be in writing signed by the Chairperson or designate.
- (3) Special sale promotion displays in a district where such sales are permitted if such signs are not within five (5) feet inside a store window.

B. [A permit fee for] the following signs will not be required:

8/23/17
re-look
@ Future meeting

REVISIONS FROM PZ MEETING 7/26/2017

REVISIONS FROM PZ MEETING 8/9/2017

REVISIONS FROM PZ MEETING 8/23/2017

- (1) Signs advertising a special civic or cultural event such as a fair, exposition, play, concert, or meeting sponsored by a governmental, religious, cultural, civic, nonprofit, or charitable service organization;
- (2) Special decorative displays used for holidays when sponsored by a religious, governmental, cultural, civic, nonprofit or charitable service organization;
- (3) A permit fee for political signs and posters will not be required, provided that said signs are subject to the following regulations:
 - a. Such signs shall be removed within five (5) days following the election. If the candidate or political action committee fails to remove said sign, within the required five (5) days, the town may remove said signs. These signs will be held by the town for a period of thirty (30) days. During this period, and during regular town business hours, the candidate or political action committee may claim their signs, but shall pay a service charge of five dollars (\$5.00) to the town for each sign claimed. Any signs not claimed within thirty (30) days shall become the property of the Town.
 - b. Only one (1) stationary sign per candidate or referendum issue shall be permitted on any one (1) parcel of land, except should there be more than one (1) owner or occupant of said parcel, each owner or occupant shall be permitted one (1) sign per candidate or per issue of dimensions herein specified.
 - c. Said sign shall not exceed sixteen (16) square feet on aggregate area and if detached, shall not be erected in such a manner as to constitute a roof sign. Notwithstanding the provisions of this subparagraph, a sign may be placed upon any legally existing sign structure but not so as to cover an existing sign.
 - d. Political or campaign signs may be allowed in a public or private right-of-way but shall be located no closer than 3 feet from the edge of pavement or in the case of a dirt road from the edge of the dirt of a public or private street or five feet from the edge of a sidewalk, bike-path, or ped-way. Further any such sign allowed in a public or private right of way may not be placed any sooner than 81 days before the election. Such signs shall not be placed closer than 50 feet to a sign of the same candidate.
 - e. No political or campaign sign shall be:
 - (i) Located such that it obstructs, impedes, or otherwise creates a hazardous condition for safe and normal flow of pedestrian or motor vehicle traffic.
 - (ii) Erected on private property without the consent of the property owner.
 - (iii) Placed on any tree, utility pole, fences or fence post.
 - (iv) Placed in or on government-owned property such as a park.

(Ord. No. 93-3, § 1, 6-7-93; Ord. No. 07-03, § 1, 5-7-07)

Section 1-19.11. - General regulations.

- A. *Signs on Public Property.* No sign shall be placed on property owned or leased by any government agency except by a public body or as otherwise specifically provided herein.
- B. *Signs Indicating Point of Public Interest.* Signs indicating points of local interest may be placed on public property only with the express consent and formal approval of the Council.
- C. *Signs Affixed to Public Property or Infrastructure.* No signs shall be attached to or painted on utility poles, seawalls, retaining walls or other **unapproved**-supporting structure.

8/23/17

REVISIONS FROM PZ MEETING 7/26/2017

REVISIONS FROM PZ MEETING 8/9/2017

REVISIONS FROM PZ MEETING 8/23/2017

- D. *Illegal Signage.* No sign shall be constructed, erected, used, operated, or maintained which:
- (1) Displays intermittent lights resembling or seeming to resemble the flashing lights customarily associated with danger or such as are customarily used by police, fire, ambulance, or other emergency vehicles, or for navigation purposes;
 - (2) Uses the word "stop" or "danger," or presents or implies the need or requirement for stopping or the existence of danger, or which is a copy or imitation of an official sign. This provision regarding the word "stop" or "danger" does not apply when they are part of attraction titles for a broadcast, motion picture, theater event, opera, or concert, or when they are used in descriptive lines of advertising so long as they are not used to simulate, copy, or imply any official warning, either for vehicles or persons;
 - (3) Is so located and so illuminated as to provide a background of lights blending with traffic signal lights to the extent of confusing a motorist when viewed from normal approaching position of a vehicle at a distance of less than three hundred (300) feet;
 - (4) Is erected in such a manner at any intersection so as to obstruct free and clear vision or at any location where, by reason of the position, shape, or color, [the sign may] obstruct the view of or be confused with any authorized traffic sign, signal or device.
- E. *Signs On or Over Public Streets.* No sign shall be erected or located on or over any public street, sidewalk, alley, or right-of-way other than duly approved traffic signs authorized by a governmental entity.
- F. *Illuminated Signage.* The lighting of illuminated signs shall be controlled in direction, focus, and intensity so as to prevent glare on surrounding streets or property, or any objectionable illumination of nearby property or buildings.
- G. *Beacon Light.* No beacon light shall be permitted on a sign in the Town.
- H. *Animated Signs.* No animated sign shall be permitted in the Town except where specifically provided by these regulations.
- I. *Flashing Signs.* No flashing sign shall be permitted in the Town except where specifically provided by these regulations.
- J. *Portable Signs.* No portable sign including trailer signs shall be permitted in the Town **except where specifically provided by these regulations.**
- K. *Billboards.* No billboards shall be permitted in the Town.
- L. *Outdoor Display Signs.* No outdoor signs shall be permitted in the Town. This shall not be construed to prevent merchandise display in the following cases:
- (1) Rear yards or side yards if such merchandise is rendered nonvisible from off the premises by means of a solid fence, building or other solid barrier in good repair and appearance;
 - (2) New and used autos, trucks, tractors, and other large and/or heavy machinery, provided the same are displayed in an orderly fashion and the appearance is kept attractive and neat, visibility at any intersection or roadway is not impaired, and the display constitutes no safety or other hazard, nor shows gross neglect and disrepair.
- *****STOPPED REVIEW AT THIS POINT @PZ MEETING 8/9/2017*****
- M. *Multiple Street Frontage.* The regulations contained in this article shall apply separately and individually to each street frontage of a premises.

REVISIONS FROM PZ MEETING 7/26/2017

REVISIONS FROM PZ MEETING 8/9/2017

REVISIONS FROM PZ MEETING 8/23/2017

8/23/17

N. ~~Signs in Excess of Sixty Feet. Notwithstanding other provisions of these regulations, no general advertising or other sign shall be erected in the Town which exceeds sixty (60) square feet in area.~~

Section 1-19.12. - Construction standards.

All signs shall comply with all applicable standards of the Town's building code, fire code, health code, and all other applicable codes.

Section 1-19.13. - Maintenance.

8/23/17

All signs, together with all their support braces, **guys guy wires**, and anchors, shall be maintained in good repair and appearance. The Building Official may, upon written notice, cause to be removed within ~~ten (10) days~~ **sixty (60) days** any sign which becomes a safety hazard, or which shows gross neglect or becomes dilapidated or where the area around such sign is not well maintained. Such removal shall be at the expense of the owner or lessee of any sign that is not properly maintained.

Section 1-19.14. - Obscenity prohibited.

It shall be unlawful for any person to display upon any sign or other advertising device or structure any offensive, obscene, indecent, immoral or degrading matter.

Section 1-19.15. - Obstructing exits prohibited.

8/23/17

No sign, including **guys guy wires** and supports, shall be erected, constructed or maintained so as to obstruct any fire escape, or any window or door opening, used or required as a means of ingress, egress or ventilation, or so as to prevent free passage from one part of a roof in any form, shape, or manner to a fire escape.

Section 1-19.16. - Signs not to constitute a traffic hazard.

No sign shall be placed at any location in the Town where it may interfere with or obstruct the view of any motorist, or be confused with any authorized traffic sign, signal or device. The Town Council shall have the authority to refuse the erection, or to order the removal by the Building Official, if any signs constituting an obstruction to motorists or pedestrians or otherwise are viewed to be impediments to traffic safety or traffic flow.

Section 1-19.17. - Signs not to encroach [into] electric utility clear zone.

No sign shall be placed closer than eight (8) feet from the nearest part of any utility pole which supports electrical transmission lines. No sign shall be placed closer than eight (8) feet from the nearest part of any electric transmission line. If the National Electric Safety Code is now or hereafter more restrictive than the provisions of this subsection, its more restrictive provisions shall supersede the provisions herein.

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

REVISIONS FROM PZ MEETING 7/26/2017

REVISIONS FROM PZ MEETING 8/9/2017

REVISIONS FROM PZ MEETING 8/23/2017

- (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.

REVISIONS FROM PZ MEETING 7/26/2017

REVISIONS FROM PZ MEETING 8/9/2017

REVISIONS FROM PZ MEETING 8/23/2017

*******STOPPED REVIEW ON 8/23/2017*******

(1) Sign Regulations Within Residential Zoning Districts:

Sign Type	Accessory	Construction	Directory	Directional
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

Sign Type	Future Improvement	General Outdoor Advertising	Real Estate	Subdivision
Construction Class	Detached	Wall or Detached	Detached	Wall or Detached

REVISIONS FROM PZ MEETING 7/26/2017

REVISIONS FROM PZ MEETING 8/9/2017

REVISIONS FROM PZ MEETING 8/23/2017

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:

Sign Type	Accessory	Accessory	Accessory
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

REVISIONS FROM PZ MEETING 7/26/2017

REVISIONS FROM PZ MEETING 8/9/2017

REVISIONS FROM PZ MEETING 8/23/2017

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

Sign Type	Construction	Directory	Directional	General Outdoor Advertising
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

REVISIONS FROM PZ MEETING 7/26/2017

REVISIONS FROM PZ MEETING 8/9/2017

REVISIONS FROM PZ MEETING 8/23/2017

Special Regulations	Must be immediately removed upon completion of construction	None	None	See Footnotes 1 and 2
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(3) Sign Regulations Within Non-Residential Zoning Districts:

Sign Type	Future Improvement	Real Estate	Subdivision
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.
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.

**TOWN OF MALABAR
AGENDA ITEM REPORT**

AGENDA ITEM NO: 10
Meeting Date: November 20, 2017

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

SUBJECT: Code of Conduct for Council, Required Signature

BACKGROUND/HISTORY:

Malabar Council Chair requested an update to the signors of the Code of Conduct adopted by Council in August of this year.

Council was provided with the Code and signed copies were received back by all current Council except for CM Mahoney. All Board Members with expiring terms were provided with the code and they submitted signed copies back.

The P&Z Board Members were provided with the Code with a memo requesting them to sign and return form at their regular meeting last week.

FINANCIAL IMPACT: 0

ATTACHMENTS:

Code of Conduct for Council, Oath of Office for Council

ACTION OPTIONS:

Direction to Staff



TOWN OF MALABAR

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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



OATH OF OFFICE

"I, Dick Korn, do solemnly swear that I will support, protect, and defend the Constitution and Government of the United States, the State of Florida and the Town of Malabar; that I am duly qualified to hold office under the Constitution of the State; and that I will faithfully perform the duties of Malabar Town Council Member on which I am about to enter. So help me God."

Dick Korn
Malabar Town Council
District 4



ATTEST:


Debby K. Franklin
Town Clerk/Treasurer

November 9, 2017

**TOWN OF MALABAR
AGENDA ITEM REPORT**

AGENDA ITEM NO: 11
Meeting Date: November 20, 2017

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

SUBJECT: Discussion – Amend Code to Require Limits on Grazing Animals on All Parcels

BACKGROUND/HISTORY:

Malabar Council listened to a concern of a resident at the last meeting regarding the number of grazing animals on a three-acre parcel.

Mayor Crews submitted a suggestion to delete the acreage cap that the grazing animal formula is applied; making it applicable to any size acreage.

FINANCIAL IMPACT:

ATTACHMENTS:

Section 1-5.19 of Article IXX

ACTION OPTIONS:

Direction to Staff

Section 1-5.19. - Keeping *of animals*.

The keeping *of grazing animals* shall be allowed in any rural residential district provided that ~~where the~~
~~lot size is less than two and one-half (2½) acres,~~ one (1) *animal* shall be allowed for the first acre plus
one (1) additional *animal* for each additional one-half (½) acre thereafter.

Cross reference— *Animals*, ch. 4.