

**TOWN OF MALABAR
TOWN COUNCIL MEETING
MONDAY MAY 4, 2015
7:30PM
2725 MALABAR ROAD
MALABAR, FLORIDA**

AGENDA

- A. **CALL TO ORDER, PRAYER AND PLEDGE**
- B. **ROLL CALL**
- C. **ADDITIONS/DELETIONS/CHANGES**
- D. **CONSENT AGENDA: none**

- 1. **Approval of Minutes** Regular Town Council Mtg – 4/20/15
 Exhibit: Agenda Report No. 1
 Recommendation: Request Approval of Minutes

- E. **PUBLIC COMMENTS:** Comments may address items NOT RELATED To Agenda Items. Comments related to subsequent Agenda Items may be made prior to Council action on such items. Public comments do not require a Council response. (Speaker Card is Required) **Five (5) Minute Limit per Speaker.**

- F. **ATTORNEY REPORT:**

- G. **BREVARD COUNTY SHERIFF'S OFFICE REPORT:**

- H. **PARK & RECREATION BOARD VICE CHAIR REPORT:**

- I. **TRAILS & GREENWAYS CHAIR REPORT:**

- J. **PLANNING & ZONING BOARD CHAIR REPORT:**

- K. **PUBLIC HEARINGS: 0**

- L. **PUBLIC: ITEMS DIRECTLY RELATED TO RESIDENTS AND RECOMMENDATIONS FROM TOWN BOARDS/COMMITTEES PRESENT AT MEETING: 1**
 - 2. **Rationale from P&Z Board re: Off-street Parking**
 Exhibit: Agenda Report No. 2
 Recommendation: Request Discussion / Action

- M. **PRESENTATION:** Space Coast Transportation Planning Organization (SCTPO) will show a 15-20 minute presentation (not including Q & A) tailored to Brevard District 3.

- N. **ACTION ITEMS:**

MISCELLANEOUS: 1
 - 3. **Annual Performance Evaluation of Administrator**
 Exhibit: Agenda Report No. 3
 Recommendation: Request Discussion / Action

(No Recess – Attorney Excused)

RESOLUTIONS: 1

4. Approval of Reso. 09-2015

RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, IN SUPPORT OF MAINTAINING THE GRAPEFRUIT TRAILS, AND THE CITY OF PALM BAY IN THEIR ATTEMPT TO PRESERVE AND IMPROVE THE GRAPEFRUIT TRAILS AS AN AMENITY IMPORTANT TO THE CITIZENS OF THE TOWN OF MALABAR; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 4

Recommendation: Request Approval of Reso 09-2015

O. PROCLAMATIONS: 0

**P. STAFF REPORTS: ADMINISTRATOR
CLERK**

Q. DISCUSSION ITEMS:

5. Discuss Committee Requirements for the next Administrator or Manager Search and the difference between Administrator and Manager

Exhibit: Agenda Report No. 5

Recommendation: Request Discussion / Action

6. Discuss Mission Statement and Strategic Plan for Town

Exhibit: Agenda Report No. 6

Recommendation: Request Discussion / Action

R. REPORTS – MAYOR AND COUNCIL MEMBERS

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

T. ANNOUNCEMENTS:

Three (3) vacancies on the Board of Adjustment

Three (3) vacancies on the Park and Recreation Board

One (1) vacancy on the Trails & Greenways Committee

One (1) vacancy on the Planning & Zoning Board

U. ADJOURNMENT:

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

**TOWN OF MALABAR
AGENDA ITEM REPORT**

AGENDA ITEM NO: 1
Meeting Date: May 4, 2015

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

SUBJECT: Approval of Minutes

BACKGROUND/HISTORY:

Attached are the summary minutes for the following meetings:

- Regular Town Council Meeting – 4/20/2015

FINANCIAL IMPACT:

N/A

ATTACHMENTS:

Draft Minutes of the following meeting:

- Regular Town Council Meeting – 5/20/2015

ACTION OPTIONS:

The Town Clerk requests approval of the minutes.

MALABAR TOWN COUNCIL REGULAR MEETING

April 20, 2015 7:30 PM

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

A. CALL TO ORDER:

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

B. ROLL CALL:

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

For the Record, the Fire Chief Christopher Robinson is also present.

C. ADDITIONS/DELETIONS/CHANGES: Acquaviva asked Mayor about the seismic testing information he was going to provide so they could consider the resolution. Mayor said his computer has a virus and it was in one of the emails he sent clerk. CM Krieger asked about changing Action Items 2 and 3. CM Acquaviva said it is their duty as Council Members. CM Korn said it is the performance of the last years' activities they are reviewing. CM Korn asked TA and she said it was up to Council. Mayor said he is hearing to leave agenda as it stands.

D. CONSENT AGENDA: none

- 1. Approval of Minutes** Regular Town Council Minutes of 3/02/15 as clarified
Regular Town Council Minutes of 4/06/15
Exhibit: Agenda Report No. 1
Recommendation: Request Approval of Minutes

MOTION: CM Acquaviva / CM Vail to approve the minutes of March 2, 2015 with clarification.

Discussion: Corrections: Pg 3, Chief's sentence needs finishing. Pg 6, sb 1:00.

VOTE: All Ayes.

MOTION: CM Korn / CM Vail to approve the minutes of April 6, 2015 as corrected.

Discussion: Corrections: Pg 2, sb 300 not 30, Last sentence – put out there sb on the website. Bottom of same page – clarify website and email.

VOTE: 4 Ayes; 1 nay (Krieger).

E. PUBLIC COMMENTS: Comments may address items not related to Agenda Items. Comments related to subsequent agenda items may be made prior to Council action on such items. Public Comments do not require a Council response. (Speaker Card Required) **Five (5) Minute Limit per Speaker**

Juliana Hirsch, 1035 Malabar Rd., these comments don't address any agenda items. She talked to an FDOT person Mr. Marks and was told that the intersection improvements at Corey

and 514 and Weber and 514 are not now funded. We have been told all along that the two intersection improvements were separate from the widening project and had been determined to be necessary and were funded through construction. Now they have changed position on funding. She thinks we are being put on the back burner and those funds are being put towards another project. She said they think we are all sleeping. She asked TA and Council to stay on this with FDOT.

CM Acquaviva said there are surveyors on Corey Road and CM Korn said they were on Weber last week. TA will get with Mr. Kamm and put response in FYI and also let Hirsch know.

F. ATTORNEY REPORT: Painted Acres suit, still trying to settle and the three individuals have been dropped from lawsuit.

G. BREVARD COUNTY SHERIFF'S OFFICE REPORT: none

H. PRESENTATIONS: 0

I. PUBLIC HEARINGS: 0

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

ACTION ITEMS:

2. Annual Performance Review of Administrator

Exhibit: Agenda Report No. 2

Recommendation: Request Discussion / Action

Speaker Card: Steve Rivet, heard about the memo she submitted and wished her well. The people who care about the Town will miss her. She has been professional, ethical and held up under trying times. He regrets she has had to work under the recent conditions. He hopes the next TA will not be subjected to the same treatment.

Discussion:

Mayor said he was under impression that since she submitted the resignation memo then the performance review was mute. CM Vail said he also thought that but still thinks the evaluation should be done. He does intend on completing it and turn it in. TA said that she verified with the Clerk and only CM Acquaviva had turned one in. CM Vail apologized for not having it done but he was out of Town. CM Korn said he did his and will give it to Clerk. (Handed it to Clerk) He did his without looking at last years. Surprisingly, he came up with about the same score. He thinks there was improvement with her relations with others from last year.

CM Korn then said Council needs to discuss difference between Manager and Administrator. Don't have Mission Statement or a Strategic Plan. All these things need to be discussed before they advertise for another TA.

TA said prior TA had left no paper, no records. She had to go to his Admin Asst Sharon but she didn't have much either. CM Korn said it is a shared blame, we have no focus; we need to come up with focus before we bring in someone else. CM Korn said we need to work on who we are and where we want to be.

CM Acquaviva said point of order; getting off point of agenda item. CM Acquaviva said we are elected and represent all of the people of Malabar. It is part of your duty to do these

evaluations; so residents can see what you've done. That is what is important; you can say what you want behind someone's back, but here you are required to write it down and speak to it and own it.

Mayor suggests tabling this to the next meeting so they can all complete the evaluations. Consensus to move on.

3. Town Council Accept Administrator's Memo dated 4/2/15 (Korn)

Exhibit: Agenda Report No. 3

Recommendation: Request Discussion / Action

Discussion:

MOTION: CM Korn / CM Acquaviva to accept TA resignation as of August 19, 2015.

Discussion: Atty Bohne said CM Krieger asked him to write a one page down and dirty letter and have TA sign it. He (Atty) does not want to present it as none of the other Council have reviewed it. The TA has not seen it either. CM Acquaviva questioned why he did this document at request of one CM. She asked doesn't all of Council direct Atty? Atty said any one CM can ask him to do something, but all of them need to approve the action.

Atty said they should amend motion to reference the contract and state what she will be entitled to as far as benefits go.

Clerk Franklin said she did not want to deny TA anything but had to go on record with the caps (limits) on the benefits. While handling the compensated absences for the audit the auditors recalculated using the caps on everyone for vacation and sick time and no value for Admin time. She will abide by what the Attorney determines but had to let Council know.

VOTE: All Ayes.

4. Approve that only the Attorney will Draft Ordinances & Resolutions (Mayor)

Exhibit: Agenda Report No. 5

Recommendation: Request Discussion / Action

Discussion:

MOTION: CM Korn / CM Vail to continue with same process unless there are no action items; then the Atty can be excused from attendance.

Discussion: Mayor said GV doesn't have Atty at most of their meetings. Mayor said the 2nd mtg in March should be the start on the budget process going over capital improvement items. The CIP should be updated every year. One year they called it a wish list. One item on the CIP was wells and we haven't put in one. CM Korn thought TA Booth did a vision statement before he applied to SW Ranches for employment.

CM Acquaviva said she wanted the Atty there at every meeting where we take action. He has never attended any of the budget workshops. CM Korn agreed with CM Acquaviva. If we are going to conduct business then the attorney should be present.

CM Vail said we get packets on Weds. And if he is suggesting the 2nd meeting for discussion and there is nothing on agenda needing his attention or input; then he would agree with Mayor.

Clerk Franklin said she had recently listened to the Palm Bay Council meeting and they did the proclamations and certificates of appreciation were done with everyone present; attorney, staff, residents, etc. They made it an important part of the meeting. They did not treat it like fluff. Franklin thought it was important to give accolades in public.

CM Acquaviva said that we already have him leaving early from meetings. She likes working meetings. The residents deserve to have their business handled and not put off for weeks. CM Korn agreed the proclamations are not fluff but they are not business. CM Vail asked how much the Town would be saving if he didn't attend one meeting. What if they had to call him during a meeting he wasn't attending? CM Krieger said if we are going to ask him to come for 15 minutes then he may as well stay here. CM Ball said we need Atty Bohne here. He can intercept Council before they go down the wrong road. They have a better chance of avoiding lawsuits by having him present.

CM Acquaviva asked Mayor and Council if they are prepared to tell the residents they have to wait weeks because the Council is having a non-action meeting.

VOTE: 3 Ayes; 2 Nays (Krieger and Ball)

5. Approve that only the Attorney will Draft Ordinances & Resolutions (Mayor)

Exhibit: Agenda Report No. 5

Recommendation: Request Discussion / Action

Speakers Card: Wayne Abare, previous Council, lives on Rocky Point Road. He doesn't know why this is on agenda. Staff typically drafts the resolutions and ordinances and then forwards to the Attorney. They work together. Also, he mentioned that even with the Attorney present we have still found ourselves in lawsuit.

Juliana Hirsch, agreed with Mr. Abare. She then read from minutes of 1987. Back then all the questions were funneled through the Clerk. She said they each have a copy with the Attorney's bill. She also said Bohne said he doesn't attend many of those GV meetings but he does charge them more. She asked Mayor why all of sudden is he trying to change something that isn't broke. She said the dissention between the Mayor and staff has to stop.

CM Acquaviva said she was here today to sign checks and saw the most recent bill from Atty Bohne. She asked Clerk to copy it out so they could all see that the bill has gone up dramatically due to individual calls to the Attorney.

CM Korn said he wanted to cover himself re: the public records request. CM Korn liked what Mayor had said as far as trying to save money. CM Korn had no problem with Mayor Beatty's ideas but also had no problem with Clerk doing the draft and forwarding to Attorney for review. This would make what they do now a policy directed by Council.

Attorney Bohne said there has been lack of guidance to staff throughout the years. Atty recommended they strike a balance here. CM Vail said the boiler plate stuff does not need to go to atty. This was described as the appointment resolutions where you just change the name of applicant and Board. Same thing with Ordinances for rezoning; change legal description and the zoning designations. CM Vail said staff (Clerk and Attorney) know what is critical and what isn't. CM Vail said Attorney is correct that Council needs to give better guidance to staff.

MOTION: CM Korn / CM Acquaviva to direct staff to coordinate with Attorney all ordinances before the first reading.

CM Krieger said the motion is for the status quo. CM Korn said it is not a requirement now. This motion will formalize this into policy. CM Acquaviva said the Clerk is on phone with Attorney a lot. CM Vail said what he heard CM Acquaviva say was let staff draft the ordinance, forward and consult with Attorney and finish up per his guidance and then present to the next meeting.

CM Krieger would agree with the body but doesn't want an ordinance going on agenda by staff. CM Krieger said that only Council should direct an ordinance to be written. CM Vail said draft and proposed are two different things. Draft is in process. Proposed is for discussion. It is holding up the system to postpone; perhaps a heads up or in the FYI or reading the P&Z meeting minutes. Clerk Franklin said when applicant comes in for rezoning they plan out on the calendar when request has to post on property, when legal ads have to be run, when public hearings will be held at P&Z and Council. If P&Z Board recommends Council approval of rezoning then the ordinance is drafted for the Council meeting for 1st reading. If staff has to first take it to Council for discussion then the applicant is put off another 2 to 4 weeks.

Vote: 4 Aye; 1 Nay (Krieger)

(Attorney Excused at 9:02pm and short recess. Back in 9:10)

RESOLUTIONS:

6. Approval of Reso. 07-2015 – Appoint Mr. Patrick Voltaire as an Alternate to the Trails & Greenways Committee for a three (3) year term

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE APPOINTMENT OF PATRICK VOLTAIRE TO THE MALABAR TRAILS & GREENWAYS COMMITTEE AS AN ALTERNATE MEMBER FOR A THREE YEAR TERM; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 6

Recommendation: Request Approval of Reso 07-2015

Mayor Beatty read by title only.

Discussion: Mr. Patrick Voltaire introduced himself. Lives at 1680 Corey Road; is a 10-year resident and enjoys biking. He has attended some of the T&G meetings and knows the members and would like to work with them. Clerk Franklin stated that the members of the Trails and Greenways also support this appointment.

MOTION: CM Acquaviva / CM Krieger to approve Reso 07-2015 appointing Mr. Voltaire as Alternate Member to T&G Committee for a term of three years.

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

7. Budget Adjustment – Reso. 08-2015

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

Exhibit: Agenda Report No. 7

Recommendation: Request Approval of Reso 08-2015

Mayor Beatty read by title only.

Discussion:

MOTION: CM Vail / CM Acquaviva to approve Reso 08-2015 for budget adjustment as presented.

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

K. PROCLAMATIONS: 0

L. STAFF REPORTS:

ADMINISTRATOR –

She thanked them for accepting her resignation. She has not bad feelings. She then reported that they at the SMC meeting they voted to keep the money for the educational center.

Dip in Corey Road that Krieger asked about; there are no leaks at the joints but the asphalt has subsided. She then explained the edges on Corey are crumbling where the houses don't have paved aprons at DW. Ball talked about all the road work needed on Marie. Mayor said all of the roadsides need to be filled to the edge of the roadway. Korn, south of Hall Road on east side of road; there is a deliberate cut out area for draining road. In front of Mr. Morris on Weber Road. TA said they are still working on SW project. It is the only spot that is still holding water. Acquaviva told about pothole on Corey southbound lane north of Malabar Road. It has gotten much worse since rain.

CLERK/TREASURER -

Re: last meeting when Special Election was discussed and price was mentioned at \$8,000.00. She contacted the Elections Office and they calculated the cost for both a special election with an open Precinct voting and a mail-in ballot. The most expensive it would be with more than 1,900 registered Malabar voters would cost no more than \$3,800.00.

Re: All Board meeting minutes are forwarded to Council by the Board secretary and all Council minutes are routed to Boards through their secretaries. Town of Malabar Board of Adjustment may have two variances coming up. Don't have details but will let Council know if and when it is definite.

M. DISCUSSION ITEMS:**N. REPORTS – MAYOR AND COUNCIL MEMBERS**

- 1) Acquaviva wishes BW well and thanked her. We worked through things and hopes she stays in touch. Glad she will be spending her last year with BW. She then told a WM story: yard waste filled the cul-d-sac and she called for a pick up and was surprised by how fast they picked it up. She asked Mayor about EOC resolution of support. Franklin said it was discussed at a recent SCLC meeting and they adopted a resolution and asked cities to do same. GV and Titusville both have adopted such resolutions.
- 2) Ball thanked Bonnie for the years she has served and he wished her well. He asked about the sign east of RR referencing road under water.
- 3) Korn said BW is still welcome to go to lunch with Joann. On WM they are way more at responsive and do clean up. We need a special mtg to determine what we want. Need to form committee and determine what requirements. (Mayor said to put on next agenda.) What is difference between Manager and Administrator? How are we going to appoint committee members? We have 4 months to get our act together. CM Acquaviva also mentioned the recent fire and explosion in Century Oaks. Mayor said this is the 2nd time for this guy. Condemned the building, BCSO took the car he had paid 35K cash for a corvette. Mayor said he knew all about it. CM Acquaviva said a similar incident just happened in Cocoa and it was on TV news and in the paper. Why nothing on Malabar incident?
- 4) Krieger – intersection of Corey and Hall across from the baffle box has an area cut out. Also has a problem on his street, Lineberry Lane. The two properties at the south end of the street on either side put their trash on Atz Road instead of in front of their homes. The ditch on Atz is very deep. If WM doesn't realize it is theirs and they don't pick it up. Vail said at Smith and Atz they have the same problem. TA and Franklin both mentioned the house on the end that also has an RV in front yard with

a fence and bar-b-q mounted to RV that is being used as living quarters. TA is pursuing the code violations and the Health Dept has been contacted re: septic.

- 5) Vail – Thanked BW for all her efforts and wished her the best. He agreed they need a Mission Statement and a Strategic Plan. TA said use a facilitator help with that. Road issues and pavement failing on the edge. Micro-surfacing they said they would fill up to 3". If we can find enough of these issues maybe we can bring them back in to do those with a trowel or float it in. Mayor then talked about cold paving. They should use hot tar. Process he is using is an off label. He is watching Marie St and the ripples are coming back. Mayor said he is going to insist that they fix the low spots and ripples before any further micro-surfacing is done. They used a chemical reaction to bond the cold patch. What they did was, what happens is, he can tell you what houses got the dirt. Vail wants to explore all avenues. The more small areas they can get together, the lower the price. Vail said it is FISCAL not PHYSICAL.
- 6) Mayor said his computer finally quit. 136 viruses and mouse was also sick. He will elaborate better on future agenda items.

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

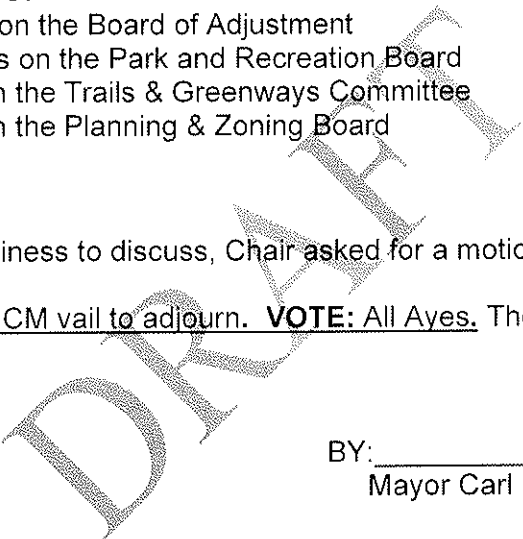
P. ANNOUNCEMENTS:

- Two (2) vacancies on the Board of Adjustment
- Three (3) vacancies on the Park and Recreation Board
- One (1) vacancy on the Trails & Greenways Committee
- One (1) vacancy on the Planning & Zoning Board

Q. ADJOURNMENT:

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

MOTION: CM Acquaviva / CM vail to adjourn. **VOTE:** All Ayes. The meeting adjourned at 10:15 PM.



BY: _____
Mayor Carl Beatty, Council Chair

(seal)

ATTEST BY:

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

Date Approved: _____

TOWN OF MALABAR

AGENDA ITEM REPORT

AGENDA ITEM NO: 2
Meeting Date: May 4, 2015

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

SUBJECT: Rationale from P&Z Board re: Off-Street Parking

BACKGROUND/HISTORY:

Council considered the P&Z Board's recommendation regarding off-street parking and asked the Board to provide more clarification on the use of the term "porous" vs. non pervious. Council had previously approved the Board's recommendation to require any off-site parking to comply with all proper engineering and approved safety standards.

Council minutes from 3/16/15:

2. Recommendation from Planning & Zoning Board – Offsite Parking

Pat Reilly, P&Z Chair, presented for the Board: they have spent 3 or 4 months working on this ordinance. To update Art 9 and 20. He walked through the changes.

CM Vail said basically it is housekeeping. Mostly offsite parking – wanted it to be contiguous. CM Krieger asked about the non-porous vs. non pervious. CM Krieger said most are non-porous and should add that proviso. CM Krieger said he just got a chance to look at it. CM Ball agreed they should add that language "such as – but not limited to".

Jeff McKnight, 2005 Flashy Lane. His concern is replacement of Building Official to staff? If BO retires. Are there unintended consequences.

MOTION: CM Krieger / CM Korn to send back to P&Z. VOTE: All Ayes.

At their meeting on April 22, 2015 the P&Z Board clarified their intent with respect to off-street parking. They kept the word porous in the in Art IX to be consistent with the use of nonporous in the same chapter.

ATTACHMENTS:

Memo from Denine Sherear, P&Z Board Secretary
Portion of Code to be changed

ACTION OPTIONS:

Staff requests Action

TOWN OF MALABAR

MEMORANDUM

Date: April 24, 2015 15-AABO-011

To: Debby Franklin, Town Clerk/Treasurer
Town Council

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

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

A directive was sent from Council from RTCM on 3/16/15 to the PZ Board to review Off-Street Parking and make clarifications. The PZ Board reviewed this at their April 22, 2015 Meeting and has sent back to Council for review,

Draft Portion of PZ 4/22/15

- 2. Direction from Council to Review the Offsite Parking and Clarify Exhibit:** Agenda Report No. 2
Recommendation: Discussion

Reilly explained about CM Krieger questioning the "non-porous vs non-pervious". Ritter said that the "porous" would be correct, "pervious" in the dictionary has to do with pervious membranes so the "porous" would be more towards the road way base, where "pervious" would be through an instrument membrane.

The Board discussed under Art IX Off-Street Parking Sec 1-9.5(E) 1 & 2 to keep the word "porous" and add the following enlarged words into #2

- 2. Porous Surfaces. Part-time or temporary use such as, but not limited to, Church, Park, Fair, and Festival parking. All parking areas must be up to specifications of the Town Engineer, Town Planner, and/or Building Official as to composition, compaction, and drainage/grade.**

Reilly asked if anything else needed to be changed. Ritter said in Art XX Definitions & Language definition for: "*Recreational and Landscaped Open Space*" there is a "." period on the last line after ...service areas.

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

Reilly said since this was an "Action Item", all in favor of changes made, **All Vote: All Ayes by PZ Board** to send back Recommendation to Council.

ATTACHMENTS:

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

Portion of Article IX OFF Street Parking

Sec. 1-9.5(E)

2. Retail operations, wholesale operations and industrial operations with a gross floor area of less than ten thousand (10,000) square feet, shall provide sufficient space so as not to hinder the free movements of vehicles and pedestrians over a sidewalk, street or alley.
3. Each space shall have a direct access to a public right-of-way and shall have the following minimum dimensions:
 - (a) Length: Twenty-five (25) feet; a larger length upward to thirty-five (35) feet may be required upon recommendation by the Town Building Official, ~~the City Engineer and approval of the Planning and Zoning Commission.~~
 - (b) Width: Twelve (12) feet.
 - (c) Height: Fourteen (14) feet & six (6) inches.All subject to site plan approval.
- E. *Surfacing Requirements for Parking and Loading Spaces.* In all zoning districts, surfacing of all off-street parking areas and drives, except within the RR-65 zoning district having single family uses exclusively, shall be as follows:
 1. *Nonporous Surfaces.* All parking areas and approaches thereto shall require a minimum surfacing material of four (4) inches reinforced concrete, or six (6) inches of lime rock, after compaction or a comparable material with one (1) inch minimum asphaltic topping except as other [otherwise] provided herein.
 2. *Porous Surfaces. Part-time or temporary use such as Church, but not limited to, Park, Fair, and Festival parking. All parking areas must be up to specifications of the Town Engineer, Town Planner, and/or Building Official as to composition, compaction, and drainage/grade.*
- F. *Modifications.* The Town Council may approve modifications to the specifications of Section 1-9.5 upon demonstrated need by the applicant and based on recommendations of the Town Staff and the Planning and Zoning Board. In considering modifications to the specifications required by this Section, the Town Council shall be guided by the current edition of the Architectural Graphic Standards by Ramsey and Sleeper, or an equivalent commonly accepted source of standards.
- G. *Parking Areas not to be reduced in Area.* Area designated for off-street parking or loading in accordance with the requirements of this Code shall not be reduced in area or changed to any other use unless the permitted use which it served is discontinued or modified, except where equivalent parking or loading space is provided and approved pursuant to Article III [Article VII] "Site Plan Review."

From PZ 4/22/15
Clarification

**TOWN OF MALABAR
AGENDA ITEM REPORT**

AGENDA ITEM NO: 3
Meeting Date: May 4, 2015

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

SUBJECT: Annual Performance Review

BACKGROUND/HISTORY:

Each member of Council and the Mayor should have evaluated and met privately with the Administrator prior to this meeting. This has been postponed since last meeting.

FINANCIAL IMPACT:

N/A

ATTACHMENTS:

Evaluation form from CM Acquaviva
Evaluation form from CM Korn

ACTION OPTIONS:

Action by Council.

TOWN OF MALABAR

PERFORMANCE EVALUATION REPORT

| | | | | | |
|---|---|--|--------------------------------|-----------------------------|--------------|
| Last Name Wilbanks | First Name Bonilyn | Department Executive | Position Town Administrator | Evaluation Date 4/1/2015 | |
| Date of Employment 4/23/2007 | <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Probationary | Period Covered 04/01/2014 -04/01/2015 | Next Review Date 4/1/2016 | | |
| PERFORMANCE FACTOR SCORES | | | | | |
| 5: Outstanding 4: Exceeds Requirements 3: Meets Acceptable Requirements, Satisfactory 2: Does Not Meet Minimum Acceptable Requirements 1: Far Below Acceptable Requirements | | | | | |
| PERFORMANCE FACTORS | | | | | |
| | SCORE | X | WEIGHT | = | SCORE |
| QUALITY | | | | | |
| 1 Accuracy | 4 | X | 5 | = | 20 |
| 2 Thoroughness | 4 | X | 3 | = | 12 |
| 3 Judgment | 4 | X | 5 | = | 20 |
| 4 Adaptability | 4 | X | 3 | = | 12 |
| 5 Leadership | 3 | X | 5 | = | 15 |
| 6 Oral Expression | 4 | X | 3 | = | 12 |
| 7 Written Expression | 5 | X | 3 | = | 15 |
| JOB KNOWLEDGE | | | | | |
| 8 Skills/Application of Knowledge | 4 | X | 5 | = | 20 |
| 9 Mastery of Technical and/or Professional Techniques | 5 | X | 5 | = | 25 |
| 10 Policy and Procedures | 4 | X | 5 | = | 20 |
| WORK HABITS | | | | | |
| 11 Interest and Enthusiasm | 3 | X | 5 | = | 15 |
| 12 Attitude and Loyalty | 3 | X | 5 | = | 15 |
| 13 Personal Relations | 4 | X | 4 | = | 16 |
| 14 Courtesy | 3 | X | 4 | = | 12 |
| 15 Cooperation | 4 | X | 3 | = | 12 |
| 16 Growth Potential | 3 | X | 3 | = | 9 |
| 17 Amount of Work Performed | 3 | X | 5 | = | 15 |
| 18 On Schedule | 4 | X | 5 | = | 20 |
| SUPERVISORY CAPABILITY (SUPERVISORY ONLY) | | | | | |
| 19 Planning | 4 | X | 5 | = | 20 |
| 20 Organization | 4 | X | 3 | = | 12 |
| 21 Delegating | 4 | X | 3 | = | 12 |
| 22 Controlling | 3 | X | 4 | = | 12 |
| 23 Decision Making | 4 | X | 5 | = | 20 |
| 24 Training Others | 3 | X | 4 | = | 12 |
| 25 Developing Employees | 3 | X | 3 | = | 9 |
| 26 Economy | 4 | X | 3 | = | 12 |

**QUALITY POINT
AVERAGE**

TOTAL WEIGHTED SCORE (TWS) 394

TWS divided by 76 (Non-Supervisory) =
TWS divided by 106 (Supervisory) = **3.7**

EVALUATOR'S COMMENTS

Quality: I feel Bonnie has done a great job this year improved in areas that were maybe problematic in the past! Kudo's

Job Knowledge: I feel Bonnie's Job Knowledge is Excellent. She is very articulate on her duties as TM - Also keeps up & demands of the job & does all the continued education to keep her up to speed.

Work Habits: although I will preface that I am not on the job everyday - I feel Bonnie goes out on the field, against boxes to problem solve complaints etc & I feel she has been more available this year in the office.

Overall: I feel Bonnie is doing a good job considering the political climate of this Council & Mayor. There have been changes and I feel she has gone with the flow as much as she can. It is a difficult situation at times & she has handled herself in a professional & courteous manner

Maise Dequan
Evaluator's Signature

4-16-15
Date

IN SIGNING THIS REPORT, I DO NOT NECESSARILY AGREE WITH THE CONCLUSIONS OF THE RATER. I UNDERSTAND THAT I MAY WRITE ANY COMMENTS ON A SEPARATE PAGE ATTACHED HERETO.

Employee's Signature: BW: Banks

4/17/2015
Date

Employee's Comment Sheet Attached

Yes

No

BW
Employee's Initials

TOWN OF MALABAR

PERFORMANCE EVALUATION REPORT

Note: (Comments and supportive documentation must be provided for any instance of a rating of unsatisfactory on these items)

Safety Consciousness:

Satisfactory [] Unsatisfactory

Comments:

Attendance:

Satisfactory [] Unsatisfactory

Comments:

Punctuality:

Satisfactory [] Unsatisfactory

Comments:

Appearance:

Satisfactory [] Unsatisfactory

Comments:

Precision of Work Product:

Satisfactory [] Unsatisfactory

Comments:

Evaluator's Signature: Mause Aquino Date: 4-16-15

Employee's Signature: _____ Date: _____

TOWN OF MALABAR

PERFORMANCE EVALUATION REPORT

| | | | | | |
|---|---|--|--------------------------------|-----------------------------|--------------|
| Last Name Wilbanks | First Name Bonilyn | Department Executive | Position Town Administrator | Evaluation Date 4/1/2015 | |
| Date of Employment 4/23/2007 | <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Probationary | Period Covered 04/01/2014 -04/01/2015 | Next Review Date 4/1/2016 | | |
| PERFORMANCE FACTOR SCORES | 5: Outstanding 4: Exceeds Requirements 3: Meets Acceptable Requirements, Satisfactory 2: Does Not Meet Minimum Acceptable Requirements 1: Far Below Acceptable Requirements | | | | |
| PERFORMANCE FACTORS | SCORE | X | WEIGHT | = | SCORE |
| QUALITY | | | | | |
| 1 Accuracy | 3 | X | 5 | = | 15 |
| 2 Thoroughness | 2 | X | 3 | = | 6 |
| 3 Judgment | 3 | X | 5 | = | 15 |
| 4 Adaptability | 3 | X | 3 | = | 9 |
| 5 Leadership | 3 | X | 5 | = | 15 |
| 6 Oral Expression | 4 | X | 3 | = | 12 |
| 7 Written Expression | 4 | X | 3 | = | 12 |
| JOB KNOWLEDGE | | | | | |
| 8 Skills/Application of Knowledge | 3 | X | 5 | = | 15 |
| 9 Mastery of Technical and/or Professional Techniques | 3 | X | 5 | = | 15 |
| 10 Policy and Procedures | 1 | X | 5 | = | 5 |
| WORK HABITS | | | | | |
| 11 Interest and Enthusiasm | 3 | X | 5 | = | 15 |
| 12 Attitude and Loyalty | 2 | X | 5 | = | 10 |
| 13 Personal Relations | 2 | X | 4 | = | 8 |
| 14 Courtesy | 4 | X | 4 | = | 16 |
| 15 Cooperation | 3 | X | 3 | = | 9 |
| 16 Growth Potential | 2 | X | 3 | = | 6 |
| 17 Amount of Work Performed | 3 | X | 5 | = | 15 |
| 18 On Schedule | 2 | X | 5 | = | 10 |
| SUPERVISORY CAPABILITY (SUPERVISORY ONLY) | | | | | |
| 19 Planning | 3 | X | 5 | = | 15 |
| 20 Organization | 3 | X | 3 | = | 9 |
| 21 Delegating | 3 | X | 3 | = | 9 |
| 22 Controlling | 2 | X | 4 | = | 8 |
| 23 Decision Making | 3 | X | 5 | = | 15 |
| 24 Training Others | 2 | X | 4 | = | 8 |
| 25 Developing Employees | 2 | X | 3 | = | 6 |
| 26 Economy | 3 | X | 3 | = | 9 |

**QUALITY POINT
AVERAGE**

TOTAL WEIGHTED SCORE (TWS)

287

TWS divided by 76 (Non-Supervisory) =

TWS divided by 106 (Supervisory) =

2.7

EVALUATOR'S COMMENTS

Quality: fair to good. She is very good with a Task she is in charge of. If it is the will of the Council but not hers she took looks execution properly and then is always either a steady Job Knowledge: expense or delegation to someone else. Very knowledgeable about things she need to know. She is a very good source of information for me.

Work Habits: seem to be fine. she comes to RTM well prepared and is very responsive to individual Council members. There is a strong tension and distrust of her among many other Town employees.

Overall: She seems to forget she is an "administrator" for the Council and not the manager of the Town. Some of the in fault of the Council itself is not being clear about this distinction. In recent her recent approach for 8 years ago. What we have done not fit the description therein.

D. Ben
 Evaluator's Signature

4/6/15
 Date

IN SIGNING THIS REPORT, I DO NOT NECESSARILY AGREE WITH THE CONCLUSIONS OF THE RATER. I UNDERSTAND THAT I MAY WRITE ANY COMMENTS ON A SEPARATE PAGE ATTACHED HERETO.

Employee's Signature: _____

_____ Date

Employee's Comment Sheet Attached

[] Yes

[] No

 Employee's Initials

TOWN OF MALABAR

PERFORMANCE EVALUATION REPORT

Note: (Comments and supportive documentation must be provided for any instance of a rating of unsatisfactory on these items)

Safety Consciousness:

Satisfactory [] Unsatisfactory

Comments: *has improved in this respect almost to a fault. she has used safety issues as reason for action or inaction which need be*

Attendance:

Satisfactory [] Unsatisfactory

Comments:

Punctuality:

Satisfactory [] Unsatisfactory

Comments:

Appearance:

Satisfactory [] Unsatisfactory

Comments: *Presents a very professional appearance both in dress and in "muddy" public*

Precision of Work Product:

[] Satisfactory Unsatisfactory

Comments: *Does not seem to understand our form of government as "Administrative" - she only does what Board/ Council asks for if comment to her - "forget" - "Maddox" - "open" - "act" - "and other" - "and other" - "she is smart and knowledgeable and could do much better if she really wanted to be a "M. L. Baker" etc"*

Evaluator's Signature: *[Signature]*

Date: *4/6/15*

Employee's Signature: _____

Date: _____

TOWN OF MALABAR

MEMORANDUM

Date: March 31, 2010 10-TC-014

To: Honorable Council, Mayor

From: Debby K. Franklin, Town Clerk/Treasurer

Ref: Agenda Item #2: Public Records Request Results, Research & Report

I have been asked to provide public personnel records to various citizens in the recent past. Although I have not asked or been told the purpose of these requests, the office "gossip" is that there is activity to unseat the Town Administrator. Because of my lengthy tenure with the Town of Malabar of 15 years, I have a unique historical perspective of the Town Hall business and would ask you to consider the following information.

I would ask Council to reflect on the reasons for bringing in a new Administrator. Council wanted accountability. Council wanted results. The selection committee wanted someone that could provide improvements and positive results to some of the major issues of the residents, namely drainage and roads.

The Town Administrator was offered a position here after an interview process with both a panel of citizens and Council. The intent of Council in filling this vacancy was to ensure that the next Administrator would provide performance accountability of staff and document personnel processes and procedures. After her acceptance of the offer a complete background check was done. This information was provided to Council and Council made the offer to Wilbanks and she accepted.

The contract approved by Council spelled out the duties of the Town Administrator. The minutes from the interview process and first meetings solidified what was expected of the Administrator. One of the issues that emerged at this time was that Council had not performed evaluations on the previous Administrators. Wilbanks provided an evaluation process for both exempt and non-exempt employees that went into effect in early 2008, with Council approval.

In respect to the request for personnel records, it would appear that some people feel that there is a question about the Town Administrator's performance. If there is an issue with the Administrator -- or any employee -- is it:

1. Documentable failure to perform the duties satisfactorily per the job description or per the contract?
2. Is there quantifiable, empirical evidence of failure to perform?
3. Were evaluations done showing shortfalls or areas to be improved?
4. Were there efforts to provide feedback to the employee on areas of deficiency or was input provided to give direction on areas to improve?

Whenever there is change, there is resistance. When employees have had little or no accountability there is resentment when such elements are introduced. It is human nature to resist change. There is also a certain amount of bristling when the "new" person wants to change the easy way of doing things.

In any business, but especially a service business, which we are, it is imperative that we be able to provide excellent service to our citizens. That requires good leadership, discipline and strict adherence to documented policies and procedures.

Not all employees or all citizens will be happy with the changes in operation, but Malabar has made significant improvements in establishing employee policies and procedures, records management, payroll management, fiscal control and service delivery. Town Hall management is greatly improved from 2007 or earlier.

I would ask the Council to weigh the nature of the complaints about any employee against their performance evaluations and their support for improving the service delivery to our citizens.

**TOWN OF MALABAR
AGENDA ITEM REPORT**

AGENDA ITEM NO: 4
Meeting Date: April 20, 2015

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

SUBJECT: Adopt Reso 09-2015 Supporting the Grapefruit Trails in Palm Bay (T&G)

BACKGROUND/HISTORY:

The Trails and Greenways Committee asked that Malabar adopt this resolution and send it to Palm Bay to support their efforts to keep the trail known as the Grapefruit Trail from destruction by St. Johns. The land is owned by Melbourne Tillman and a lease was recently signed between Palm Bay and the Melbourne Tillman to allow the public use of the trail, which has been and continues to be used heavily by Malabar trail enthusiasts.

The SJRWMD has decided they want to perform a 1mil + project that would consist of resloping the C-1 canal in that area and in so doing destroy the trail. A tentative compromise has been worked out to minimize the amount to be destroyed and keep the most pristine portion untouched.

The T&G Committee asked the Town to adopt this resolution to show our support for protecting and preserving this trail.

FINANCIAL IMPACT:

None

ATTACHMENTS:

Several articles from the Florida Today
Reso 09-2015

ACTION OPTIONS:

Staff requests Adoption of the Resolution.

RESOLUTION NO. 09-2015

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, IN SUPPORT OF MAINTAINING THE GRAPEFRUIT TRAILS, AND THE CITY OF PALM BAY IN THEIR ATTEMPT TO PRESERVE AND IMPROVE THE GRAPEFRUIT TRAILS, AS AN AMENITY IMPORTANT TO THE CITIZENS OF THE TOWN OF MALABAR, PROVIDING FOR TRANSMISSION OF THIS RESOLUTION TO THE CITY OF PALM BAY, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Grapefruit Trails are a longstanding recreational trail system located along the south bank of the C-1 canal approximately between Interstate 95 and Babcock Street; and

WHEREAS, the trail system has been utilized for approximately three decades by residents and visitors, but had not been authorized by the Melbourne Tillman Water Control District during that time; and

WHEREAS, in 2014, the City of Palm Bay worked cooperatively with the Melbourne Tillman Water Control District to legitimize and accept the Grapefruit Trail system as a Palm Bay park through an Interlocal Agreement; and

WHEREAS, the City of Palm Bay, as well as numerous volunteers and members of the community, through a partnership with the Brevard Mountain Biking Association, including many members of the Town of Malabar, have invested substantial resources towards developing the Grapefruit Trail system to include signage, new trails and new trail features, a BMX bicycling area and trail maintenance; and

WHEREAS, the Grapefruit Trail system is now a unique, destination trail system for hikers, mountain bikers and young adults that cannot be easily replicated because of the varied and unusual terrain, the highly shaded environment, the proximity to services and the creative use of natural and man-made features; and

WHEREAS, the C-1 Re-diversion project had created a proposal by Melbourne Tillman Water Control District and the St. Johns River Water Management District which required substantial modification of the Grapefruit Trail area, effectively eliminating most of the trail, and

WHEREAS, through a series of meetings led by the City of Palm Bay, a compromise between all parties has been reached that potentially will save and possibly even improve the Grapefruit Trails, and

WHEREAS, there are many citizens of the town of Malabar who are members of the Brevard Mountain Biking Association, and many Town Members utilize the Grapefruit Trails.

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

SECTION 1. The above recitals are true and correct and by this reference are hereby incorporated into and made an integral part of this resolution.

SECTION 2. The Town Council acknowledges that the Grapefruit Trail system is an important component of the town's recreational assets.

SECTION 3. The Town Council expresses its support for the City of Palm Bay in seeking a compromise and resolution that will save the Grapefruit Trails.

SECTION 4. The Town Council respectfully requests that the City of Palm Bay convey this inter-local support to both Melbourne Tillman Water Control District and St. Johns River Water Management District.

SECTION 5. The Town clerk is directed to cause a certified copy of this resolution to be transmitted to the City of Palm Bay.

SECTION 6. This resolution shall take effect immediately upon the adoption date.

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

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

This Resolution was then declared to be duly passed and adopted this 4th day of
May, 2015.

TOWN OF MALABAR
By: _____
Mayor Carl A. Beatty
Council Chair

ATTEST:

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

(seal)

Approved as to form and content:

Karl W. Bohne, Jr.
Town Attorney

Grapefruit Trails will be spared from demolition

Michelle Mulak FLORIDA TODAY 4:30 p.m. EDT April 17, 2015

The Grapefruit Trails in Palm Bay will be spared from demolition.

After a series of meetings and public works evaluations, all parties reached a compromise that keeps the trail system almost completely intact.

"This was a good day for Grapefruit Trail lovers" said Murray Hann about Thursday's meeting that produced the compromise. Hann is a member of the Brevard Mountain Bike Association and an avid supporter of the Palm Bay bike trails.

The Grapefruit Trails are a shaded, secluded destination for mountain bikers and BMX riders along the southern bank of the C-1 Canal. Snaking beneath towering oak and citrus trees, these single-track trails offer a challenging terrain for bicyclists across a 3/4-mile stretch between Babcock Street and Interstate 95. Hikers, trail runners and dog walkers also frequent the property.

Last July, Palm Bay officials entered a 99-year ground lease with the landowner, the Melbourne-Tillman Water Control District, formalizing the Grapefruit Trails as a public recreational facility.

But in February, St. Johns River Water Management District officials announced plans to clear and excavate most of the Grapefruit Trails as part a \$1.4 million canal-bank "re-sloping" project — eliciting alarm from the Brevard Mountain Bike Association. The plan would have largely leveled the biking trails and the oak canopy under which they exist. A meeting earlier this month ended with an agreement to review the options.

Then Thursday afternoon, members of the Brevard Mountain Bike Association met with city officials from Palm Bay, as well as engineers and managers from both the St. John's Water Management District and the Melbourne Tillman Water Control District. They unanimously agreed to a compromise that would only affect some trail sections on the far west end.

"The St. John's Water Management team came up with some great solutions to fix the issues at hand that don't involve the destruction of the trails" said Elia Twigg, director of the Palm Bay public works department. She organized the meeting, which happened on site as all parties walked along the access road that runs parallel to the canal.

"Everyone who was there cares a lot about the preservation of the park and the canopy. We reached an agreement that benefits all parties. Overall it was a successful, productive meeting" Twigg said.

Engineers set to tour, study Palm Bay Grapefruit Trails

Rick Neale, FLORIDA TODAY 4:46 p.m. EDT April 7, 2015

Engineers will soon tour the rugged, rolling Grapefruit Trails in Palm Bay to see how many biking paths may be spared from the bulldozer's blade.

The Grapefruit Trails are a shaded, secluded destination for mountain bikers and BMX riders along the southern bank of the C-1 Canal.

Snaking beneath towering oak and citrus trees, these single-track trails offer a challenging terrain of jumps, berms, hills, drop-offs and narrow straightaways across a 3/4-mile stretch between Babcock Street and Interstate 95. Hikers, trail runners and dog walkers also frequent the property.

Last July, Palm Bay officials entered a 99-year ground lease with the landowner, the Melbourne-Tillman Water Control District, formalizing the Grapefruit Trails as a public recreational facility.

But in February, St. Johns River Water Management District officials announced plans to clear and excavate most of the Grapefruit Trails as part a \$1.4 million canal-bank "re-sloping" project — eliciting alarm from the Brevard Mountain Bike Association.

Palm Bay Grapefruit Trails threatened by canal project

Monday afternoon, representatives from the city, SJRWMD, MTWCD and the bike club discussed the trails during a meeting at Palm Bay City Hall.

The result? On April 16, engineers from the SJRWMD and MTWCD will tour the Grapefruit Trails on foot and consider alternate options.

"They'll be looking to see what can be a least-invasive design. There's a possibility that it'll salvage most of the trails," said Dan Anderson, MTWCD manager.

Anderson said the re-sloping project is scheduled to start April 30, but work will likely be delayed in the Grapefruit Trails area.

The pending construction is part of the SJRWMD C-1 Rediversion project, which is intended to reduce soils and nutrients draining into Turkey Creek and the Indian River Lagoon.

The Grapefruit Trails: Too great to get rid of

The existing banks along 2.2 miles of the C-1 Canal are sloped too steeply, according to a Feb. 24 SJRWMD presentation to the MTWCD board of directors. Bank re-sloping would cost an estimated \$1.4 million, including \$359,000 to level the Grapefruit Trails.

"We want to find some solution that doesn't eliminate the Grapefruit Trails," said Murray Hann, bike club administrator. "They've been there for 30 years."

The nonprofit BMBA has an agreement with the city to maintain the Grapefruit Trails. An information kiosk off Norbert Road displays a trail map noting the West Endies, Central Loop and other features.

The Grapefruit Trails: Too great to get rid of



[Michelle Mulak](#), FLORIDA TODAY 11:40 a.m. EDT April 6, 2015

The first time that the love of my life told me he planned to go mountain biking over the weekend, I actually laughed out loud and replied,

"Right, because there are so many mountains here to ride in central Florida".

I thought he was exaggerating his actual plans to head out and ride some semi-rugged trail system somewhere. Last weekend, I ate my words after visiting the Grapefruit Trails in Palm Bay. Are there actual mountains at the Grapefruit Trails? Of course not, this is Florida. However there are big, fun hills and enough exciting elevation changes that you could easily lose sight of that fact.

The Grapefruit Trails are a pristine collection of multi-purpose trails that run alongside the Tillman Canal in Palm Bay. Mountain bikers, BMX riders, trail runners, walkers, kids on bicycles, families, nature lovers, photographers, dog owners, teenagers and spectators are utilizing these trails every day of the week. Biking enthusiasts from all over the state visit these trails in droves. The day I was there I met a group of BMX riders who had traveled more than two hours to ride the dirt jump section. The trails are an official Palm Bay city park that exists on shared land, and are kept up and maintained completely by the Brevard Mountain Bike Association and its team of volunteers.

"Last year members of this community spent 4,700 documented volunteer hours taking care of this little stretch of trail. We build and maintain every inch of the system, and take tremendous pride in doing it," said Murray Hann. Hann, who is a civil engineer, has been the Brevard County chairman of the Bicycle Pedestrian Trails Advisory Committee (part of the Space Coast Transportation Advisory Committee) for more than 20 years. He also sits on the Malabar Greenways and Trails committee. Hann is also an avid mountain biker who rides and contributes to the Grapefruit Trails in a big way. Hann said that he spends hours on these trails each week, riding and maintaining them.

These tracks wind underneath a breathtaking canopy of dozens of century-old oak trees draped in curtains of Spanish moss. They twist around a nature-packed ridgeline and meander across sun-filled grassy sections. The interior portion is full of adrenaline-pumping challenges for more experienced riders, including an advanced BMX dirt-jumping course. These dirt and grass trails contain speed courses, ramps, embankments, jumps, ledges, steep hills, bridges, and other features that would blow your mind if you saw them. Especially considering that this place is nestled discreetly between two neighborhoods. From the outside they are so unassuming that they're easily missed.

"Every time we come out here with chainsaws to clean up overgrowth and work on the trails, people in the adjacent neighborhoods call the police because they are concerned we are cutting down these old trees. Many of the residents in those neighborhoods have no idea that this is even here," said Glenn Hawks, president of the Brevard Mountain Bike Association. Hawks, who is more commonly known to members of the biking community as "Vader," met me last weekend to take me on a riding tour of the Grapefruit Trails.

Unfortunately, the residents of these adjacent neighborhoods may be in for the sound of more chainsaws in their near future. The St. Johns Water Management District recently announced plans to level the Grapefruit Trails entirely and in its place, construct a sloped bank. The endgame goal of removing this swath of oak trees and recreational facilities: erosion control.

This is yet another blow for the Grapefruit Trails.

For years conflicts between the Melbourne-Tillman Water Control District, MTWCD, (which owns the land), the St. Johns Water Management District and the Brevard Mountain Bike Association have created tense conditions regarding the trails. In recent years, an agreement was reached between MTWCD, the mountain bike group and the City of Palm Bay. Palm Bay officially considers the site a city park, and helps to manage certain operational and administrative functions. The MTWCD owns the land, but does not have a recreational management division. So they have leased it to the city for the next 99 years for \$1. The mountain bikers maintain the park completely.

In accordance with legal requirements, the mountain bike group agreed to obtain the necessary liability insurance and hang extensive signage along the trail. The signage effectively warns trail riders of potential risks, and provides information and maps for visitors. At some point, the State Attorney General's office was asked to weigh in, and concluded that using the property for bike trails was legal, Hann said.

Ryan Vanderwielen, 28, owns a home in one of the adjacent neighborhoods and rides the trail every morning before he heads to his job at Florida Tech. He said that the neighborhood's proximity to the trails is the main reason he decided to buy his house.

"The people that I talk to in this neighborhood feel lucky to be so close to something like this," said Vanderwielen. "If they destroy the park, then we will no longer look out the window and see mature oak trees, green space, and active people staying healthy and enjoying themselves."

What will they see? According to the suggested plan of action, the answer is that they will likely be looking at a gently sloping dirt pile and the backside of another neighborhood.

I, for one, hope a solution can be found to keep the Grapefruit Trails as they are. They are worth saving.

Palm Bay Grapefruit Trails threatened by canal project



Rick Neale, FLORIDA TODAY 12:06 p.m. EDT April 6, 2015

PALM BAY – A meeting this afternoon at Palm Bay City Hall could determine the fate of the Grapefruit Trails, a popular destination for mountain bikers and BMX riders along the southern bank of the C-1 Canal.

The Grapefruit Trails extend across a 3/4-mile stretch of the canal between Babcock Street and Interstate 95. Snaking beneath towering oak and citrus trees, these single-track trails offer a challenging terrain of jumps, berms, hills, drop-offs and narrow straightaways.

St. Johns River Water Management District officials propose to "re-slope" the canal bank for ease of maintenance, said Dan Anderson, Melbourne-Tillman Water Control District manager. This construction project would likely destroy a good portion of the trail system.

Representatives from the city, St. Johns River Water Management District, Melbourne-Tillman Water Control District and Brevard Mountain Bike Association will attend the 3 p.m. meeting, which is closed to the public.

FLORIDA TODAY

The Grapefruit Trails: Too great to get rid of

Last July, Palm Bay officials entered a 99-year ground lease with the landowner, the Melbourne-Tillman Water Control District, formalizing the Grapefruit Trails as a public recreational facility.

"It's essentially a city park right now. We don't want to see a park destroyed. And it's a unique asset for the city that people drive from miles away to come to. It's beautiful," said Elia Twigg, public works director.

"It's just a gorgeous trail system. The trees are beautiful in there. There's jumps everywhere," Twigg said.

Developed decades ago by bikers, the single-track trails ratchet up in difficulty to double-black-diamond — there are no beginners' trails. Hikers, trail runners and dog walkers also frequent this rugged, rolling real estate.

The nonprofit Brevard Mountain Bike Association has an agreement with the city to maintain the Grapefruit Trails. An information kiosk off Norbert Road displays a trail map noting the West Endies, Central Loop and other features.

MORE: Brevard County news from Florida Today

On March 19, the Palm Bay City Council was scheduled to vote on a resolution supporting preservation of the Grapefruit Trails. Council members tabled the resolution instead, citing today's meeting.

"I think what we want is for all parties to come to the table together and talk it out, then come back with a resolution. Because it'll be a resolution that all parties have agreed upon," Deputy Mayor Harry Santiago said during that meeting.

Section 2-1

Basic Forms of Municipal Government

Borrowing from the English municipal model, America's cities, towns and villages are governed by a legislative body known as a city council (or city commission). This elected body has several responsibilities, which are specified in the charter or incorporating documents. In Florida, each municipality has a charter (see Section 2-2); this document specifies the composition of the elected body and duties of appointed officials.

The council is responsible for creating and enforcing the laws, called ordinances, of the city. The council also has an oversight role that varies in its responsibilities based upon the form of government specified in the charter. The council also adopts and appropriates the city's funds through its budgetary responsibilities, and has fiduciary responsibilities as trustees of public funds. In addition, the council is expected to have a vision for the city's future, which may or may not be detailed in a strategic plan. In Florida, each municipality is also required by state law to have a comprehensive plan, known as the "comp plan" for land-related decisions within its boundaries. Lastly, the city may choose to be a service provider for a utility, utilities or other services, as guided by the citizens and the council.

Throughout the U.S., cities adopt a form of government that sets their structures. The most common of these forms as found in Florida are specified below:



A. COUNCIL-WEAK MAYOR FORM

The original form of municipal government in America was the council-weak mayor form, which was near-universal in the nineteenth century. It is still widely used, particularly in small towns. In most weak-mayor systems, the office of mayor is simply rotated among the elected council members on an annual basis. The council retains collective control over administration, including appointment and dismissal of municipal employees and appointments to boards and commissions. Control of some functional areas (e.g., parks, library) may be delegated by charter or ordinance to semi-independent boards and commissions. In general, the mayor's authority is little, if any, greater than that of the other council members. Department heads – e.g., the clerk, police chief, public works director – report to the council as a whole or to the mayor in his or her capacity as spokesman for the council. Sometimes the municipal clerk functions as a de facto chief administrator.

B. COUNCIL-STRONG MAYOR FORM

The council-strong mayor form gradually evolved from the council-weak mayor form. It provides for a distinct division of powers between the council and the mayor. The mayor actually is the chief executive, that is, the office of mayor has substantial influence in the policy-making process and substantial control over administration. The mayor holds important budgetary and appointing powers, along with the power to veto legislative actions of the council. Administrative authority is not shared with a number of independent boards and commissions. The mayor enjoys general power to appoint people to boards and commissions. Depending upon the city charter, the mayor may (or may not) vote with the legislative body.

Some large cities with a strong mayor have established the position of chief administrative officer under the mayor to handle the day-to-day operations of the government, thus leaving the mayor free to concentrate on policy formulation and ceremonial tasks. In this way, administrative management by a hired assistant to the mayor may be combined with strong political and policy leadership by the mayor.

C. COMMISSION FORM

The commission form combines both executive and legislative powers in a governing board, the commission. There is no single chief executive; rather, the commissioners, who serve collectively as the policy-making body, also serve individually as heads of the principal departments. In the basic commission form, there is neither a mayor nor a city manager. Today, most commission-form cities do select or elect a mayor.

Early advocates of the commission form hoped that the concentration of power in the hands of a few elected council members would make administration more effective and would enhance accountability to the public.

The commission plan was first employed in Galveston, Texas, after a disastrous hurricane almost destroyed the city in 1900. It enjoyed widespread popularity for about two decades. Since 1920, however, its use has declined greatly. Although offering more integration of policy and administration than the council-weak mayor form, the commission form tends to provide inadequate coordination, insufficient internal control, and non-professional direction of administration.

It should be noted that, in Florida, municipalities use the terms "council" and "commission" without reference to the distinction between the commission form and other forms of municipal government. Many Florida municipalities designate their legislative bodies as the "commission" but do not employ the commission form of government. One should not presume that a Florida municipality employs the commission form merely because its policy-making body is labeled "commission."

D. COUNCIL-MANAGER FORM

One of the key elements in 20th-century municipal reform has been the proposition that a strong and non-political executive office should be the administrative centerpiece of municipal government. This concept has been implemented in thousands of American cities in the 20th century by the adoption of the council-manager form of government. This form parallels the organization of the business corporation: voters (stockholders) elect the council (board of directors), including the mayor (chairman of the board), which, in turn, appoints the manager (chief administrative officer). Unlike the two council-mayor forms, where the emphasis is on political leadership, the prevailing norms in the council-manager form are administrative competence and efficiency.

Under the council-manager form, the manager is the chief administrative officer of the city. The manager supervises and coordinates the departments, appoints and removes their directors, prepares the budget for the council's consideration, and makes reports and recommendations to the council. All department heads report to the manager. The manager is fully responsible for municipal administration.

The mayor in a council-manager form is the ceremonial head of the municipality, presides over council meetings, and makes appointments to boards. The mayor may be an important political figure, but has little, if any, role in day-to-day municipal administration. In some council-manager cities, the office of mayor is filled by popular election; in others, by council appointment of a council member.

The council-manager plan, first used in 1908 in Staunton, Va., received nationwide attention six years later when Dayton, Ohio, became the first sizable city to adopt it. Thereafter, the plan's popularity enjoyed steady but not spectacular growth until after World War II. At that time, many municipalities were confronted with long lists of needed services and improvements that had backlogged since the Depression years of the 1930s. Faced with such challenges, many municipalities adopted the council-manager form. The plan has been especially attractive to small- and medium-sized localities. It is used in a majority of American municipalities with populations of 25,000 to 250,000. It has been strongly promoted since the 1920s by the National Civic League.

The council-manager form is widely viewed as a way to take politics out of municipal administration. The manager himself is expected to abstain from any and all political involvement. At the same time, the council members and other "political" leaders are expected to refrain from intruding on the manager's role as chief executive. Of course, the manager, who is hired and fired by the council, is subject to the authority of the council, but council members are expected to abstain from seeking to individually interfere in administrative matters, including actions in personnel matters. Some city charters provide that interference in administrative matters by an elected city official is grounds for removal of the elected official from office.

E. MUNICIPAL-GOVERNMENT FORMS IN FLORIDA

In Florida, a municipality is free to adopt any of the basic municipal-government forms identified above or any variation thereof. State law does not prescribe one or more permissible forms, nor does it prohibit any. The Florida Constitution requires only that "each municipal legislative body shall be elective" (Art. 8, Sec. 2 (b), Const.); state statutes require only that an acceptable proposed municipal charter is one which "prescribes the form of government and clearly defines the responsibility for legislative and executive functions."

Many Florida cities have forms of government that combine elements of the four basic structures. These cities, having "hybrid" forms outlined in their charters, are difficult to categorize. More elements of the council-weak mayor form are identified in these hybrids, and carry-over elements of the commission form have also been found.

The most common form of city government in Florida today is the council-manager form. A second common form, found in many smaller municipalities, is the council-weak mayor form. In Florida, in recent years, most changes of municipal-government form have been from some other form to the council-manager form. Approximately 270 Florida cities (out of more than 400) have a position of manager or a similar position, such as "administrator."

In all Florida cities, members of the council or commission are elected by the voters of the city. The mayor may be simply a member of the council, elected by the council to serve as mayor; may be a separate office (that is, not a member of the council) or elected by the people. Certain administrative positions are filled by elections in a few cities. These include the offices of clerk, police chief and fire chief.

REFERENCES

Florida Constitution: Article 8, Section 2(b). Florida Statutes: Section 165.061. *Membership Directory*, Florida League of Cities. *Model City Charter*, 8th Edition, National Civic League, www.ncl.org.

Table 2-1

Comparison of Municipal Executive Types

SOURCE: International City/County Management Association, Directory of Local Governments, Washington, D.C.: ICMA, 1978, p. 5

| DUTIES | TYPES OF EXECUTIVE | |
|-------------------------------------|--|---|
| | Municipal Manager (council-manager position) | Municipal Administrator (general management position) |
| Appointment | The manager should be appointed by a majority of the council for an indefinite term and removable only by a majority of the council. | The administrator should be appointed by the council or the mayor. |
| Policy Formulation | The manager should have direct responsibility for policy formulation on overall problems. | (same as municipal manager) |
| Budget | The manager should have responsibility for preparation of the budget presentation to the council, and direct responsibility for the administration of the council-approved budget. | The administrator should have major responsibilities for preparation and administration of the budget. |
| Appointing Authority | The manager should have full authority for the appointment and removal of at least most of the heads of the principal departments and functions of the municipal government. | The administrator should exercise significant influence in the appointment of key administrative personnel. |
| Organizational Relationships | Those department heads whom the manager appoints should be designated by legislation as administratively responsible to the manager. | The administrator should have continuing direct relationships with operating department heads on the implementation and administration of programs. |
| External Relationships | Responsibilities of manager should include extensive external relationships involving the overall problems of city operations. | (same as municipal manager) |
| Qualifications | The qualifications for the position should be based on the educational and administrative background of candidates. | (same as municipal manager) |

BY MIKE CONDUFF, ICMA-CM

A GOOD GOVERNANCE SYSTEM

Helping elected officials learn to govern well

Under the able guidance of former mayor and current Executive Director Clarence Anthony, the National League of Cities is reimagining its annual conference pre-training as The NLC University. I was honored to represent ICMA this year by providing a half-day training session on council-manager relationships with my friend and colleague Jim Hunt who is a former mayor, past president of the National League of Cities, and 28-year elected official.

As part of our opening remarks, we asked attendees to give us their “elevator speech” of who they were, where they were from, how many years they had served in either elected or appointed office, and why they had come to our session. These were people who had self-selected to attend, paid a fee, and invested at least an extra day in the conference. We were pleased that there was full attendance, and that it was evenly divided between the policy and administrative components.

Jim recorded the years of service as people introduced themselves on the two halves of our flip-chart pad—one side for elected and one side for appointed. The results were extremely interesting in that the elected half of the room had tenures ranging from 10 months (essentially newly elected) to seven years, along with plenty of two-, three-, and four-year responses. The numbers for professional administrators ranged from a low of five years to a high of 28, with several more than 20.

Governance Glue

We used that flip-chart pad as exhibit number one for the need for a good governance structure. Clearly, the elected officials are the link with residents, and just as clearly, they are the ones who use that linkage to determine the outcome and value proposition direction for the organization—in the language of Policy Governance®: “What good, for which people, at what cost?”

On the other hand, the clear responsibility for implementation and achievement of the outcomes rests with the much longer tenured professional managers and their teams.

It is this governance structural interface that so clearly acts as the glue that keeps everything working. When it is strong, understood, and implemented well, things operate fairly smoothly.

IT IS THIS GOVERNANCE STRUCTURAL INTERFACE THAT SO CLEARLY ACTS AS THE GLUE THAT KEEPS EVERYTHING WORKING.

When it is weak, misunderstood, or poorly implemented chaos results.

It was also why folks had come, the essential responses being these: “We have no cohesiveness between our council and our manager.” “We haven’t done a performance appraisal of our city manager for several years, and I have no clue what he does.” “We have several new councilmembers who are younger than most of our senior staff, and we are having a hard time relating to each other.” “I just survived a close vote for termination of my contract, and I need to understand how to do things differently.”

Again, we used the flip-chart pad as a springboard into a discussion of how a good governance system allows for clarity of roles, eliminates misunderstandings, and empowers all parties in the equation. Jim likes to call it “dancing in the fishbowl.” It takes skill, practice, and a great script.

Using our book *The OnTarget Board Member – 8 Indisputable Behaviors* as our framework, Jim and I used lots of stories to illustrate that, as a group, the councilmembers must connect with their citizen owners, understand their roles, set targets

for the staff, assess risk, delegate achievement, determine progress, stay disciplined, and report back to their citizen owners.

Being Understood

On the staff side, we used additional anecdotes and examples to demonstrate that helping the elected officials develop and understand this framework, and then, as an appointed professional, to act

within the framework, creates the powerful connection necessary to build trust and accelerate accomplishment.

As we closed the session, we thanked everyone for attending and encouraged them to take the learning home. This is, of course, the old Covey adage that, if one of us gets smarter, all of us should benefit from that.

If any of the reasons that these folks invested in this training apply to you, remember that, as the typically much longer tenured and experienced partner in the governance process, we have a responsibility to elected officials to help them understand what they have gotten themselves into and how they can enjoy their public dance more by developing their skills, practicing these skills productively, and staying on script with their governance process.

We can’t govern for them, but we can help them learn to govern well. **PM**



MIKE CONDUFF, ICMA-CM
Former City Manager
President and CEO
The Elim Group
Denton, Texas
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Sec. 2-226. Recreational and park fund established; expenditures.

There is hereby established a fund to be known as the recreational and park fund. All monetary gifts or donations to the town for recreation or park purposes shall be paid in to said fund. Expenditures from the recreational and park fund shall be in the manner and form provided by laws of Florida or the town for expenditures of municipal funds. No monetary gift or donation to the town for public purposes shall be expended for any purpose other than recreation and parks.


(Ord. No. 92-14, § 6, 12-7-92)

Sec. 2-227. Liability of town.

Nothing in this division shall be construed as authorization and empowering the parks and recreation board to impose any liability of any nature, financial or otherwise, upon the town, and the powers of the board are limited to advisory only.

(Ord. No. 92-14, § 7, 12-7-92)

Secs. 2-228—2-299. Reserved.

**ARTICLE IX. TOWN ADMINISTRATOR****Sec. 2-300. Office of town administrator.**

(a) The town council, by majority vote, shall appoint a town administrator for an indefinite term and shall establish his or her compensation of employment by a written contract. The town administrator must be a resident of Brevard County.

(b) The town administrator shall serve at the will and pleasure of the council and maybe removed by the affirmative vote of a majority of council.

(c) The town administrator, subject to prior approval by the town council, shall designate by letter filed with the town clerk, an acting town administrator to perform his or her duties during any temporary absence or disability. If the town administrator fails to make such a designation, the town council may appoint an acting town administrator. The acting town administrator shall be selected from among town employees.

(d) The town administrator shall be responsible to the council for all the administration of town affairs placed in his or her charge by this article for the Town Charter. The town administrator shall have the following powers and duties:

- (1) To hire, and when he or she deems it necessary for the good of the town, suspend or remove any town employees or officers, except those appointed by the council. He or she may authorize the head of any department under his or her direction or supervision to exercise such powers within the department, office or agency.
- (2) Fix the compensation of town officers and employees within the pay schedules established by the town council.

- (3) Direct and supervise the administration of all town departments, offices, and agencies, except as otherwise provided by this Charter, Ordinances or by law.
 - (4) Attend meetings of town council and participate in discussions, but with no right to vote.
 - (5) See that all laws, provisions of this Charter, ordinances and acts of the town council subject to enforcement by him or her or by officers subject to his or her direction and supervision, are faithfully executed.
 - (6) Prepare and submit the annual budget, budget message, and capital program to the council, together with such other reports concerning town operations as the town council may require; and administer the adopted budget, review of work programs and allotments, make requests for appropriation transfer. He or she shall also perform all functions as purchasing agent or appoint such agent.
 - (7) Submit complete reports on the finances and administrative activities of the town.
 - (8) Keep the council fully advised of the financial condition and future needs of the town and make such recommendations to the council concerning the affairs of the town as he deems desirable.
 - (9) Execute contracts on behalf of the town unless the council or Charter provide otherwise.
 - (10) Perform such other duties as are specified in the Charter or as may be required by the council or as may be required by the town's employee manual.
- (e) The town council shall have the power to review any action of the town administrator, and may direct the town administrator in any of his or her actions.
- (f) The town council may enter into a written contract with the town administrator so long as said contract is not in conflict with this article.
- (Ord. No. 03-15, § 1, 12-1-03)

DRAFT

To: Town Council
From: Planning & Zoning Board
Subject: Vision and Mission Statements
Date: September 24, 1996

VISION STATEMENT:

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

MISSION STATEMENT:

To continue to implement Malabar's Comprehensive Plan and the Land Development Regulations to preserve the natural and rural character of the Town.

Quoted from Town of Malabar Land Development Code: "The purpose of the Town of Malabar Land Development Code is to assist implementation of the Town's Comprehensive Plan. More specifically, the Code is intended to carry out Comprehensive Plan policies concerned with land use; transportation; housing; parks; recreation and open space; conservation and coastal management; public facilities including water, waste water and drainage system improvements; fiscal management; and intergovernmental coordination."

The purpose of various ordinances is stated as, "To protect, maintain and enhance both the immediate and the long-term health, safety and welfare of the citizens, residents and inhabitants of Malabar."

PREAMBLE

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

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



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SCHEDULE A PRESENTATION FOR YOUR ORGANIZATION

"Space Coast Transportation Planning: Then and Now"

How do roads get built? Who decides what to build? Where does the money come from?

These questions and more are answered in this brief and informative presentation. The SCTPO Slideshow is a 15-20 minute presentation (not including time for questions) that can be tailored for individual audiences and geographic regions in Brevard County. Please provide the following information to schedule a presentation for your organization.

Organization Name Town of Malabar
Contact Name Bonnie Wilbanks
Phone Number 321-727-7764
Email BWFree@TownofMalabar.org
Regular Meeting Day/Time May 4, 2015
Preferred Month(s) _____
Preferred Date(s) _____

What area is your group most interested in learning more about?

___ North Brevard ___ Central Brevard South Brevard ___ Beach Communities

Other Comments/Requests: Weber & Cory Roads @
SR 514 - Intersection improvements

For more information, please contact:
Katrina Morrell, Multi Modal Communications Specialist
katrina.morrell@brevardcounty.us
321-690-6890

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, OPPOSING THE PROPOSED SEISMIC AIR-GUN TESTING IN THE ATLANTIC OCEAN TO SEARCH FOR OIL AND GAS; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The Bureau of Ocean Energy Management (BOEM) has proposed using seismic air-gun testing off the mid-Atlantic coast to search for oil and gas; and

WHEREAS, the Town of Malabar joins with the Space Coast League of Cities in the opposition of such a proposal and considers this a major threat to the coastal community and natural resources.

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

SECTION 1. The Town of Malabar opposes seismic air-gun testing.

SECTION 2. The Town Council of the Town of Malabar directs the Clerk to send copies of this resolution to the President of the United States, U.S. Senators Bill Nelson and Marco Rubio, Congressman Bill Posey and the Director of the Bureau of Ocean Energy Management.

SECTION 3. Conflict

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

SECTION 4. Effective Date.

This Resolution shall take effect immediately upon passage.

This Resolution was moved for adoption by Council Member _____.

The motion was seconded by Council Member _____ and, upon being put to a vote, the vote was as follows:

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

This Resolution was then declared to be duly passed and adopted this 2nd day of March, 2015.

TOWN OF MALABAR

By:

(seal)

Mayor Carl Beatty, Council Chair

ATTEST:

Debby K. Franklin, C.M.C.

Town Clerk/Treasurer

Approved as to Form and Content:

Karl W. Bohne, Jr., Town Attorney

CM Krieger to get info from FIT
Mayor to get info from SCLC