

Recommendation: Request Approval of Reso 11-2015

- H. PROCLAMATIONS: Flag Day June 14 & National Flag Week June 14-20**
- I. STAFF REPORTS: CLERK**
- J. REPORTS – MAYOR AND COUNCIL MEMBERS**
- K. PUBLIC COMMENTS: General Items (Speaker Card Required)**
- L. 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
- M. 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: June 1, 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 – 5/18/2015
- Town Council Workshop Meeting – 5/26/2015

FINANCIAL IMPACT:

N/A

ATTACHMENTS:

Draft Minutes of the following meeting:

- Regular Town Council Meeting – 5/18/2015
- Town Council Workshop Meeting – 5/26/15

ACTION OPTIONS:

The Town Clerk requests approval of the minutes.

MALABAR TOWN COUNCIL REGULAR MEETING

May 18, 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 Acquaviva 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, excused |
| | DICK KORN |
| TOWN ADMINISTRATOR: | BONILYN WILBANKS, excused |
| TOWN ATTORNEY: | KARL BOHNE (Attendance not required) |
| TOWN CLERK/TREASURER: | DEBBY FRANKLIN |

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

C. ADDITIONS/DELETIONS/CHANGES: Chief has requested that Item #4 be pulled until TA is back.

D. MINUTES:

- 1. Approval of Minutes** Regular Town Council Mtg – 4/20/15 & 5/04/15
Exhibit: Agenda Report No. 1
Recommendation: Request Approval of Minutes

MOTION: CM Acquaviva / CM Ball to approve the minutes of April 20, 2015 with clarification.

Discussion: none

VOTE: All Ayes.

MOTION: CM Acquaviva / CM Ball to approve the minutes of May 04, 2015

Discussion: none

VOTE: All Ayes.

E. 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.**

Marcie Atkins, 2055 Valkaria Road. She addressed her town council in G-V regarding the crosswalk at Yellow Dog. She submitted a written statement to G-V but did not have time to prepare one for tonight. If Council allows she will provide a written statement of her report to Clerk. She is opposed to this type of crosswalk and so are her friends and neighbors. They are outraged that FDOT did this. It seems crazy; it's foolish to have a crosswalk in a 45MPH on a 4-lane highway with two blind curves. She related a near tragic incident on a recent Friday afternoon around 2PM. She was southbound in the inside lane. She stopped for the crosswalk light and four other vehicles, traveling in excess of 45mph blew through on the outside lane. They could have killed the pedestrian or if they had rear ended her vehicle there would have been a tragedy for her and her son. She felt she had a moral obligation to come and address Council. She and her friends have heard rumors that because of the two deaths in 12/2013 Malabar approved this or allowed it. Mayor said that Malabar had nothing to do it; it was all

FDOT. CM Acquaviva said that she herself has passed through it. She didn't recognize the small flashing lights until she was through them. CM Acquaviva stated that Council voted 5-0 in support of a preparing resolutions requesting FDOT to reduce speed on SR514 and SR5 and then two weeks later the resolutions failed in a 3-2 vote. CM Korn explained that the Town did then adopt a resolution requesting reduced speed on SR5 and also full signalization at Malabar and US1. This would reduce speed of people going northbound. Ms. Atkins said no one recognizes this method of a crosswalk. People from all over travel US 1 both southbound and northbound and they have never seen this kind of crossing. It might work on a local street, but it needs to be a full crosswalk. She is not blaming Yellow Dog; they have done all they can with offering free valet, etc., but what FDOT put in foolish. She said G-V supported the idea that this is a very unsafe situation. If Malabar would also do a resolution stating this was the wrong fix and then if Palm Bay also sends a resolution, maybe FDOT will reconsider. CM Korn asked if they could include her written statement. Yes.

Chris Howard, Duncil Lane, said his property backs up to Gator Way Lane. He would like to ask if Council would consider rescinding the 50 foot ROW in Gator Way Lane. He explained how others are driving on the unimproved portion of Gator Way Lane and he would like to fence the area and make it nice and attractive. CM Korn said he could not fence public land without the problem of adverse possession. Mayor said that adverse possession apply to municipalities. They can't "possess" public ROW. CM Korn said there are other issues with the damage done fighting the 2008 fires that may have contributed to the drainage problems in the area and he knows the Town Engineer has been looking at this. Mr. Howard said his request was not about drainage concerns but rather others tearing up the unimproved ROW on the west side of Gator Way. Clerk explained that he could make application for a vacate of a ROW but it would be first considered at P&Z and then decided by Council.

F. ACTION ITEMS:

RESOLUTIONS: 2

2. Budget Adjustment – Reso. 10-2015

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. 2
Recommendation: Request Approval of Reso 10-2015

Mayor read by title only.

MOTION: CM Acquaviva / CM Vail to approve Reso 10-2015.

ROLL CALL: 1)CM Ball, Aye; CM Vail, Aye; CM Krieger, excused; CM Korn, Aye; CM Acquaviva, Aye. MOTION carried 4 to 0.

3. Oppose Seismic Testing – Reso. 5-2015

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.

Exhibit: Agenda Report No. 3
Recommendation: Request Action of Reso 5-2015

Mayor read by title only.

MOTION: CM Acquaviva / CM Vail to approve Reso 05-2015.

Discussion: CM Ball said he is opposed to non-partisan local government taking political positions. CM Korn said we are politicians and the art of being one is in the negotiations. CM Korn said this will be harmful to animals. CM Acquaviva said we are local politicians representing the Town residents and they expect us to protect our way of life. Mayor said this testing is so brutal. CM Vail said he is torn; if you drill and then have a spill...but this is only testing and he doesn't think we need to do that at this point in time.

ROLL CALL: CM Ball, Nay; 1)CM Vail, Aye; CM Krieger, excused; CM Korn, Aye; CM Acquaviva, Aye. MOTION carried 3 to 1.

G. DISCUSSION ITEMS:

4. ~~Staffing Concerns at Malabar Fire Dept (Chief Robinson)~~ PULLED

5. Discuss Job Requirements for Next Administrator
Exhibit: Agenda Report No. 5
Recommendation: Request Discussion & Direction

Mayor Beatty introduced and turned over to CM Acquaviva. As she read through the packet she created an outline and handed it out to each CM, Mayor and Clerk. She emphasized the need to get busy on this. She proposed a workshop to go over the outline, create a timeline and move forward with this; time is a wasting. Mayor said they need to discuss the management style. CM Acquaviva said that can be handled in workshop along with what responsibilities they want the next Administrator to have. CM Korn said can public attend. Clerk said yes, but public input is generally not taken at workshops. Mayor said Council needs to focus on what they are looking for in next administrator. CM Ball thought it was a great idea. Council consensus to hold a workshop on 5/26/15 at 7PM to discuss the outline, requirements, expectations, management style, town vision, etc., CM Ball said time is a wasting.

6. Discuss Inventory Needs for Fire Dept, Public Works & Town Hall
Exhibit: Agenda Report No. 6
Recommendation: Request Discussion & Direction

Mayor said this is good information to keep handy for budget workshops. Clerk explained that the status of FD vehicles is provided every month in the report; Tom, PW Director has provided multiple reports on status of equipment. He will continue to do so. Clerks Dept is consolidating all the General Government assets and will keep it updated for Council. The sample she supplied is to show how we track each asset.

H. REPORTS – MAYOR AND COUNCIL MEMBERS (numbered in order of report)

1) CM Vail wanted to report on the slope mower. He talked to Tom and took pictures. He asked for Council consensus to allow him to contact Everglades's rep and see if they can come up here and meet with him and go over these new concerns. Mayor would like to shadow him. CM Acquaviva said we need to keep this to a single CM as it looks bad with all these other people involved. CM Korn asked if the repairs primarily were welding could we use a local guy, Mayor said if that is the case he knows of a welder that only does that and he does great work. CM Vail said the rep that determines what is needed should be the company responsible for the work that is done. All agree.

2) CM Ball: nothing

3) CM Acquaviva: nothing

4) CM Korn: nothing more

5) CM Krieger: excused

6) Mayor Beatty: Reported on the TPO meeting last Thursday. He said there was strong support for making Malabar Road 4-laned all the way through. He will continue to attend these meetings.

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

J. 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

K. ADJOURNMENT:

MOTION: CM Acquaviva / CM Ball to adjourn. **VOTE:** All Ayes. Meeting adjourned at 9:00PM.

BY: _____
Mayor Carl Beatty, Council Chair

(seal)

ATTEST BY:

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

Date Approved: _____

DRAFT

New Dangerous Pedestrian Crossway at Yellow Dog Café
Town of Malabar Public Comments
5/18/15

I do not live in your town. Instead I am a resident of the Town of Grant-Valkaria. But I would appreciate it if you would please hear my concerns about the new dangerous cross-walk that is located within the boundaries of the Town of Malabar. ¹

I believe that the new cross-walk in front of the Yellow Dog Café is an extreme safety hazard for and will lead to more accidents and possibly more deaths. I have the moral obligation to speak up. Likewise, I believe that you, the Town of Malabar, have the same moral obligation and in fact, your voice as a Town Council could carry much more weight than my small, little-single-person voice.

When this cross-walk first went in a few months ago, I was outraged as were many of my friends. It seems ludicrous to put a cross walk there, just after a curve from both directions and in a 45 mph speed zone. To me, crosswalks should **only** be installed at traffic lights. I realize that the cross-walk was created due to the 70ish year olds who were killed as they jay-walked across US1 going to the Yellow Dog at dusk in December 2013. However, **the deaths of two older citizens who foolishly jaywalked on a high-speed multi-laned highway does not warrant creating a new more hazardous situation for everyone else.**

When all this began, sometime at the end of February or early March, I called and complained to various officials within the Town of Grant-Valkaria, Malabar, FDOT and Representative Tobias' office. At that time the hazards of the new cross-walk were obvious to me but I dropped the issue when my life got complicated as a family member was hospitalized. As life goes, mine got busy so I let the issue drop.

However, on Friday April 24, 2015 at 2 pm, my son and I were travelling south on US1 in the inner lane. I could see a young woman who was leaving the Yellow Dog parking lot and crossing US1 from the east. As she began to cross the eastern side of the highway I stopped, putting on my emergency flashers as is my practice. As she crossed, while I remained stopped, **8 cars blew through the crosswalk on the outer southbound lane.**

Had the young woman gotten that far she would have certainly been killed. But this point, she got to the middle and was now next to me. I then heard the skidding of brakes and looked in my rear view mirror to see a silver car stopped behind me but a blue truck screeching to a stop and swerving over on a diagonal towards the other southbound land, barely avoiding rear-ending the driver of the silver car behind me. The blue truck then

¹ I have also contacted the Town of Grant-Valkaria and plan to go to the City of Palm Bay on either Thursday 5/21/15 or Thursday 6/4/15. I called Representative Tobias' office in March 2015 but have not heard back from them. I will re-contact them at some point in time in the future. I have called FDOT and they called me back but I misplaced their number when a family member was hospitalized. I will re-contact them again as well.

drove into the outer lane, stopped and other cars stopped behind him. Needless to say, this is **exactly what I have feared and predicted.**

No one expects a cross-walk in the middle of a high-speed highway after a turn. Many drivers are used to speeding down US1. Even though the speed limit is 45 mph at that point, many drivers go 65 mph. Although I am concerned and cautious, I know at least those 8 people who blew through the crosswalk and ignored the yellow flashing lights are unaware or unconcerned about that crosswalk.

I believe that all **the lives of all the people who travel US1 on a regular basis are much more at risk** with the establishment of this crosswalk. I have only had to stop for a pedestrian in the cross-walk 3 times since it began. However, you can see that in a percentage sense, 33% of my stops have been an extremely life-threatening situation.

I have observed the City of Palm Bay and Sheriff's Office increase their activity in that area. That is good and may decrease the speeding but does nothing to increase awareness of that pedestrian crossway. It is illogical therefore unpredictable. Few are aware of it.

I believe that the cross-walk **must be removed or a traffic light must be placed there**

I ask that that the Town Council for Malabar consider this hazardous situation and the impact on your citizenry. I ask that you make an evaluation of these risks on your own and should you agree with me, that you would speak up and speak loudly to the FDOT and Representative Tobias' office.

If you are in agreement with me, I ask that you **pass a resolution** and submit it to the FDOT that states your belief that this cross-walk is dangerous and that **you want the FDOT to either remove this cross-walk removed or have a stop-light placed at the cross-walk.**

Thank you.

Marcelle A. Adkins, Ph.D
2055 Valkaria Road
Grant-Valkaria, FL 32950
(321) 984-1135 home
(321) 952-6993 office & cell

MALABAR TOWN COUNCIL WORKSHOP MEETING
May 26, 2015 7:00 PM

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

A. CALL TO ORDER:

The meeting was called to order at 7:00 pm by Chair Carl Beatty. P&P were said by Chair Carl Beatty.

B. COUNCIL:

COUNCIL CHAIR:
VICE-CHAIR:
COUNCIL MEMBERS:

MAYOR CARL BEATTY
MARISA ACQUAVIVA, excused
GRANT BALL
BRIAN VAIL
DON KRIEGER
DICK KORN
BONILYN WILBANKS, excused
KARL BOHNE, excused
DEBBY FRANKLIN
CYNTHIA KELLEY

TOWN ADMINISTRATOR:
TOWN ATTORNEY:
TOWN CLERK/TREASURER:
DEPUTY TOWN CLERK

Mayor stated that this is a workshop; we are not going to take any public comments this evening; we are going to come to a consensus as to what the Council wants to have in the new TA and work on the verbiage for the advertisement. If we can, we will get through the entire agenda this evening. If we don't get finished, the meeting will be in recess until Wednesday or Thursday; whichever day is good for Council. This will give us the option if we can't get it all done this evening.

WORKSHOP ACTION: Review Outlines Provided at May 18, 2015 meeting re:

1. Requirements for Town Administrator

Mayor Beatty asked if anyone found anything that needs to be tweaked. CM Ball stated he had several things he had questions about the information provided in the 2008 Compensation Survey for Brevard County Managers. For the majority of the communities, we are not in the same increments. The vacation/sick time for Malabar is in hours; everyone else's is in days. He was able to figure out the total days our TA is provided per the contract. When looking at the whole of the information, certain things stood out to him. The car allowance for Malabar is high; no one has a performance bonus except Malabar. Why do we do this when no one else provides this? CM Ball stated our pay scale is lower.

CM Korn stated that the salary does not show all that she gets with the benefit package and such. A \$600/month car allowance seems high when no one else get that much money. Mayor Beatty stated that if Council doesn't want to pay it, we can take it out of the contract. He also stated that Council has never done anything to exercise a performance bonus. The bottom line is to come up with a threshold salary; negotiations would take place to put someone in the position.

CM Korn stated that he was not involved in the last two hiring's for the Town Administrator. The details of the contract make no sense; it has a beginning with no end. If Council does a contract, it needs to have a term with specified salary amount; this works. Council also needs to decide about over-time pay and compensatory pay. CM Korn asked how this is normally done. CM Krieger stated we offer a specified amount of funds to pay them for the job; it doesn't matter how many hours it takes to get the job done, they get paid the same amount for however many hours it took. If Council changes the job description, the person should be compensated but otherwise, the salary should cover the job.

CM Ball stated he would want a green light from the attorney if someone works more than 40 hours a week and doesn't get compensated in a managerial position. Mayor Beatty stated that we need to get things ironed out and then it can be presented to our attorney for review. We can speak to him about each aspect of the contract. We need to come up with a starting salary; car allowance, if allowed. A

performance bonus may not be needed at all. CM Korn stated that if the salary is fair, a bonus won't be needed.

CM Ball stated that when we advertise for the position, we need to make it attractive. The perks have to go along with the job. CM Korn stated that the amount of money paid doesn't mean that we will get the best person. CM Krieger stated that the starting salary should be \$50,000; he thinks this is a lot of money. He would sit an applicant down and offer \$40,000 to \$50,000 and tell the person to show us what they can do.

CM Korn stated that there are two people interested in the position; he passed out emails he received from residents with their suggestions for Council to see. A few of the emails show interest in the position. CM Ball stated he doesn't want to discuss people tonight; we need to get the ball started and get the basics of what Council wants in the applicant. CM Vail is in agreement with CM Ball. Mayor Beatty stated we need to set a base pay with the benefits/

CM Vail stated that we need to pick one item at a time. Let's pick a salary from the survey with the same population as ours. In looking at the survey, he chose a few of the municipalities. He then asked if we are consistent with the budget versus population. CM Vail said to back the salary down to \$65,000 and then we can negotiate. CM Ball asked what had been paid out in performance bonuses. TC Franklin stated Council has never paid into this. CM Korn said to strike this column; if someone comes in and they do a great job, Council can make a suggestion to have a bonus paid. He suggested that the salary and car allowance be combined and have a base salary at \$75,000. Let Council establish a mileage rate and have them turn it in each month. CM Ball stated that he would also like to see it based on the actual miles driven; add the \$600 car allowance to the salary to make it attractive and pay mileage each month. CM Korn stated that, at one time, the Town provided a car to the Town Administrator. CM Ball asked how much town business driving does the Town Administrator do. TC Franklin stated that it isn't much driving for a car to be provided. Mayor Beatty stated that we have a resolution in place with the mileage rate; all employees receive the same amount for mileage traveled for town business. He stated to advertise the position at a salary of \$65,000 with mileage being reimbursed.

TC Franklin stated that, in the past, we hadn't been advertising salary; it is based on DOQ. Mayor Beatty stated that the job isn't the same anymore. The water/sewer has been taken away. CM Krieger stated not to put an amount in the ad; first of all, if it's based on DOQ, let the applicant tell us what they are looking for. CM Krieger also asked if this is a full-time job or part-time job. Does the person need to work five days a week; four days a week or maybe even three days a week? With the way his business is, he's had to make changes in the work schedule. Does Council need to do the same?

CM Krieger stated that TA Wilbanks stated that there are certain certifications needed for this position. CM Korn stated that we could list the qualifications. TC Franklin stated that the only qualification is a bachelor's degree. CM Krieger doesn't feel we need to have a salary. TC Franklin stated that a certification we pay for is the Certified Public Manager. CM Korn stated this should be a minimum requirement. CM Ball stated this shouldn't be a requirement; it will be based on their resume. This is something we can talk about to the applicant; it may be preferable but it will be based on the resume.

The ad should be based on qualifications with no salary or certifications listed. It should also list the population of the Town, the number of full-time and part-time employees and the duties of the Town Administrator.

CM Vail asked about the severance pay; it is in the middle. The vacation time was also asked about by CM Vail. TC Franklin stated that it is in the employee manual; it states the time earned for employees based on the amount of time they have been with the Town. She stated that this is a contracted position. CM Krieger stated that the vacation should be two weeks for the first year with a probation

period of at least six months. He also stated that the benefits should be limited for the probationary period. CM Ball stated that the interview is a two-way street; the applicants should be asking questions of Council as we asked questions of them.

Requirements for TA:

CM Vail stated that a lot of what was provided to Council is what is needed; it hit home.

Carries out the directives of Town Council
Attend meetings as a representative of the Town
Apply for grants
Managerial experience
PR Skills
A Bachelor's Degree to commensurate with position
Financial skills/budgeting
Delegation capabilities
Minimum 5 years' experience or equivalent qualifications

The wording for the ad is put into place and it will be presented at the next RTCM for approval by full Council. After approval on June 1, 2015, the Clerk's office will submit ads to the newspapers and organizations.

2. Duties and Responsibilities

CM Vail stated that this needs to be looked at; it needs to be fine-tuned. Council will look at this and get it ready; it will be presented at a RTCM for formal adoption. Some of the duties will be but are not limited to:

Attend meetings as a representative of the Town
Apply for grants
Managerial experience
PR Skills
Financial skills/budgeting
Delegation capabilities

3. Recruitment wording and Timeframe

TC Franklin has the wording for the ad as instructed by Council this evening. It will be presented to Council on Monday, June 1, 2015 for formal adoption. The cut-off date for the ad is July 15, 2015. CM Korn stated that if we don't have enough qualified applicants, we can re-advertise with a new cut-off date. Once Council adopts the ad, put it out to the newspapers and organizations after June 1st. This will allow 40 days for applicants to respond and get their applications to Town Hall. CM Krieger wants a legal opinion on the time frame for the legal ad.

CM Korn stated that with the time frame set up this evening, we will have time to do a more thorough background check on the applicants. TC Franklin stated that you usually do a background check on the top two candidates for the position.

4. Create Timeline for review process

A draft outline was provided to Council. CM Vail asked who will be doing the phone interviews. TC Franklin stated that the last hiring phone calls were done by Interim Administrator Bill Stephenson and Mayor Eschenberg.

Mayor Beatty stated that we will want to narrow the applicants down; he asked if they ask the same questions. TC Franklin stated that Mayor Beatty and the other person would ask the same questions because you want to hear what they have to say and compare your findings. TC Franklin is suggesting

Mayor Crews as he has a lot of experience and would be an unbiased opinion. The phone calls are not made together; they are done separately and then the information will be brought to Council. CM Vail asked who will be contacting Mayor Crews. Mayor Beatty stated that he will make contact as they are riding to a meeting together tomorrow evening. It is the general consensus of Council that Mayor Beatty ask Mayor Crews for his assistance with the telephone interview process.

Time line:

June 15, 2015 – announce composition of Selection Committee

June 22, 2015 – establish questions for applicants

June 29, 2015 – decide on final questions for applicant

July 15, 2015 – closing date for position advertisement

5. Choosing Advisory Committee

This item will be added to the agenda for the RTCM of June 1, 2015 for discussion. At the RTCM of June 15, 2015, each member of Council and Mayor Beatty will provide names of two people from their district (Mayor-at large); the committee will be announced at this meeting. A schedule of meetings will be set for Council and the Committee to meet to discuss and go over the applications and questions that will be asked during the interview process.

The closing date of the advertisement will be 7/15/15; applications will be secured by the Town Clerk and not looked at prior to this date. CM Krieger would like a legal opinion on the applications being received at Town Hall; they become subject to public record. CM Vail stated that the applications will not be opened but set aside until review begins on 7/16/15. Both TC Franklin and DTC Kelley stated that the applications will be opened and stamped; anything that comes to Town Hall in the mail or otherwise is opened and date-stamped. This is the reason CM Krieger wants the legal opinion.

6. Formulate Questions for Interview

CM Korn asked if the committee should be involved. CM Vail stated that Council can come up with their questions and give them to the Committee; the more information the Committee has, the more thorough the questions can be. CM Vail said that Council should review the sample questions in the packet. CM Ball stated that some of the questions are over-lapping. What each Council member should do is pick five questions. Take all of the questions and put "stars" on the ones that we like. We then need a ranking system to get them down to about five to ten questions.

Council agreed to have Town Administrator Selection Committee develop some interview questions at the workshop on June 22, 2015 with a final recommendation to Council on June 29, 2015.

7. Review & Discuss Resumes/applications

CM Vail stated that we need to set up a workshop to go over the applications and discuss the questions for the interview. The first workshop will be held Monday, June 22nd at 7:30 pm to go over the applications and work on the interview questions; a second workshop will be held Monday, June 29th at 7:30 to finalize the questions and pick the top ten.

8. Contract

CM Vail stated that this needs to be looked at but not tonight. It needs to be gone over and fine-tuned. CM Krieger stated he will never agree to a contract without a sunset date. CM Vail stated that the contract should also have a review each year. CM Krieger stated that with a sunset date, a review is not needed. CM Vail stated we need to recognize the level of standard followed by normal people. Does Council want to have a review process? CM Krieger wants a legal opinion on this; Council can hire/fire whoever they choose. TC Franklin stated that we have an interview process; CM Krieger asked why. TC Franklin stated we have this process in place to be fair to everyone and to be transparent in the process of hiring a Town Administrator. CM Krieger stated that the contract should have a probation period to get in and a period of time to get out.

CM Ball read a portion of one of the emails CM Korn passed out at the meeting. It had a suggestion from a town resident saying the new Town Administrator should be required to live in the town. CM Krieger stated that one of the questions asked at the interview would be "do you feel the Town Administrator should live in the town and why?" CM Ball stated this information could be a deciding factor and a consideration for someone willing to live within the town limits.

9. Narrowing of the Applicants

A joint workshop meeting is set to start the application narrowing process. The meeting will be held Monday, July 27th at 7:30 pm. Another joint workshop will be set for Monday, August 10th to continue the process.

C. ADJOURNMENT

Mayor Beatty, without any further discussion, asked for a motion to adjourn.

MOTION: CM Ball / CM Vail moved to adjourn the meeting. VOTE: All Ayes.

This meeting adjourned at 9:05 pm.

BY: _____
Mayor Carl A. Beatty, Council Chair

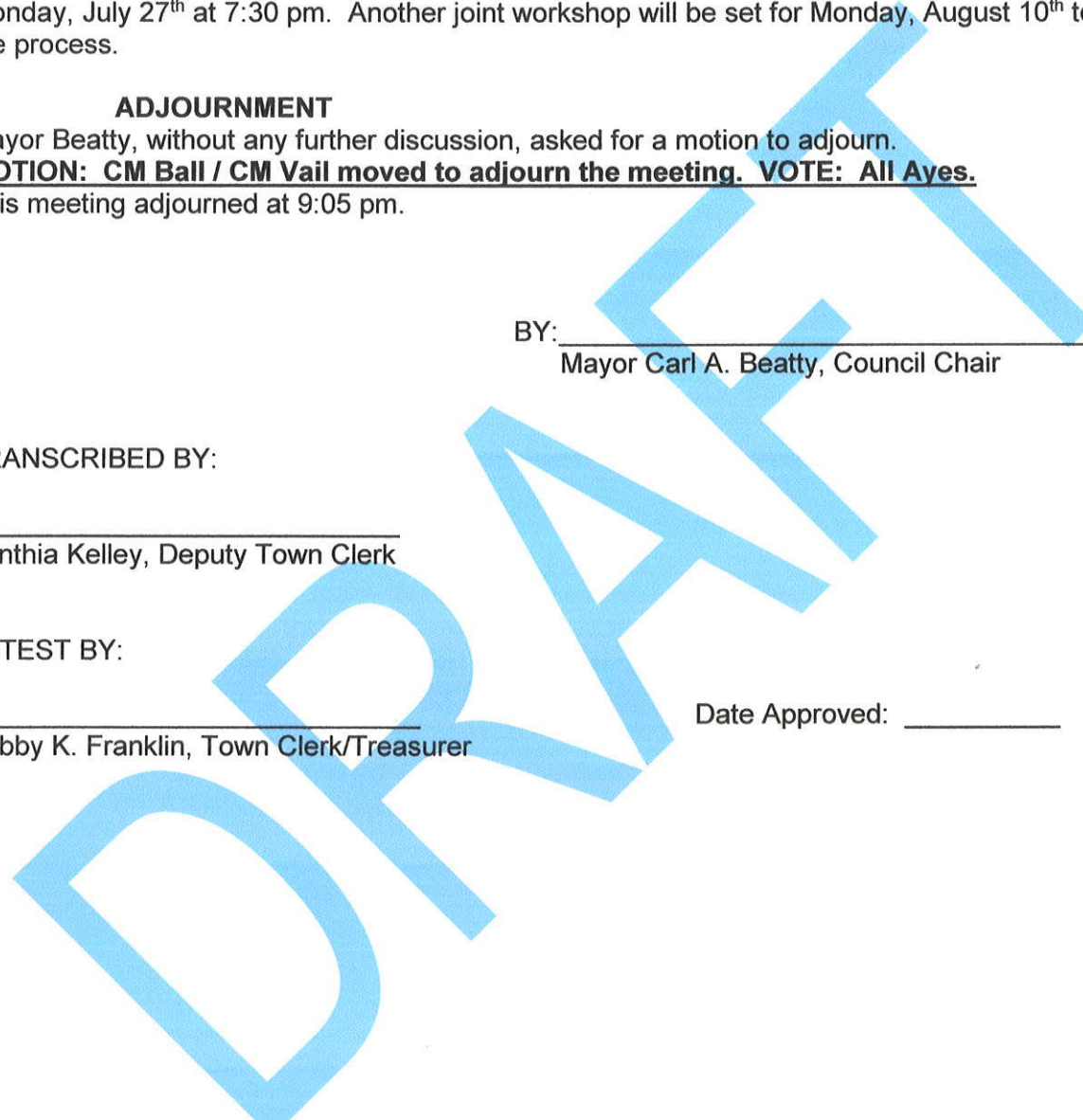
TRANSCRIBED BY:

Cynthia Kelley, Deputy Town Clerk

ATTEST BY:

Debby K. Franklin, Town Clerk/Treasurer

Date Approved: _____



TOWN OF MALABAR

AGENDA ITEM REPORT

AGENDA ITEM NO: 2
Meeting Date: June 1, 2015

Prepared By: Debby Franklin, Town Clerk/Treasurer

SUBJECT: Amend Chapter 8 of Code, Fire Prevention and Protection to allow yard trash fires on a case by case basis (Ord 2015-02)

BACKGROUND/HISTORY:

This was discussed at the RTCM of March 2, 2015 after hearing from a resident at that meeting.

FINANCIAL IMPACT:

NONE

ATTACHMENTS:

Ordinance 2015-02

Pages from current Code showing changes

ACTION OPTIONS:

Staff requests approval of Ordinance 2015-02.

ORDINANCE NO. 2015-02

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; AMENDING CHAPTER 8 FIRE PREVENTION AND PROTECTION; AMENDING ARTICLE II STANDARDS; AMENDING ARTICLE III, SECTION 8-73(b) RELATING TO BURN PERMITS; AMENDING SEC 8-83(d) DELETING THE WORD "PROHIBITED); AMENDING SEC 8-83 BY DELETING SUB PARA (e); AMENDING SEC 8-83 TO ADD "YARD TRASH FIRES" AS PROHIBITED; PROVIDING FOR REPEAL, SEVERABILITY AND INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Malabar, Brevard County, Florida, as follows:

SECTION 1. DELETE: Section 8-73(b) of Article III of Chapter 8 of the Code of Ordinances of the Town is hereby repealed and deleted.

"Sec. 8-73 Permit required to burn.

~~(b) Only those persons who are involved in land clearing for future construction purposes will be considered for burning permits."~~

SECTION 2. AMEND. Section 8-83(d) of Article III of Chapter 8 of the Code of Ordinances of the Town is hereby amended to read as follows:

"Sec. 8-83 Types of Burning permitted.

(d) Yard trash fires ~~are prohibited~~ will be permitted on a case by case basis."

(e) ~~Burning of household trash is prohibited.~~

SECTION 3. AMEND. Section 8-78 of Article III of Chapter 8 of the Code of Ordinances of the Town is hereby amended to read as follows:

"The burning of household trash, rubber material, asphalt, roofing material, tar, railroad cross ties, other creosoted lumber, plastics, or garbage (except approved waste pesticide containers), or any other material listed by FDACS and/or FFS or this article is prohibited."

SECTION 4. REPEAL. All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances or resolutions not in conflict herewith are hereby continue in full force and affect.

SECTION 5. SEVERABILITY. In the event a court of competent jurisdiction shall hold or determine that any part of this ordinance is invalid or unconstitutional, the remainder of this ordinance shall not be affected and it shall be presumed that the Town Council of the Town of Malabar did not intend to enact such invalid or unconstitutional provision. It shall further be assumed that the Town Council would have enacted the remainder of this ordinance without said invalid or unconstitutional provision, thereby causing said remainder to remain in full force and effect.

SECTION 6. CODIFICATION. It is the intention of the Town Council of the Town of Malabar, Brevard County, Florida, and it is hereby provided that the provisions of this ordinance shall become and made part of the Code of Ordinances of the Town of Malabar.

SECTION 7. EFFECTIVE DATE. The ordinance shall take effect immediately upon its adoption.

The foregoing Ordinance 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 _____

PASSED AND ADOPTED by the Town Council, Town of Malabar, Brevard County, Florida this 1st day of June, 2015

BY:
TOWN OF MALABAR

Mayor Carl A. Beatty
Council Chair

First Reading: 6/01/2015
Second Reading: 06/15/2015

ATTEST:

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

(Seal)

Approved as to form and content:

Karl W. Bohne, Jr., Town Attorney

Air curtain incinerator means a combustion device that directs air at high velocity through a manifold head into a pit with vertical walls in such a manner to maintain a curtain of air over the surface of the pit and a recirculating motion of air under the curtain.

Air pollution means the presence in the outdoor atmosphere of the state of any one (1) or more substances or contaminants in quantities which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or unreasonably interferes with the enjoyment of life or property, including outdoor recreation.


FDACS means the Florida Department of Agriculture and Consumer Services.

FFS means the Florida Forest Service.

(Ord. No. 92-7, § 2(2.2), 7-7-92; Ord. No. 14-03, § 1, 2-3-14)

Sec. 8-73. Permit required to burn.

(a) It shall be unlawful for any person to conduct open burning of any kind within the town without first obtaining a written permit from the chief of the fire department or his assigned designee.

 (b) ~~Only those persons who are involved in land clearing for future construction purposes will be considered for burning permits.~~

(c) All persons obtaining burnings permits will follow all FDACS regulations, FFS regulations, and/or the requirements of this article. If the requirements of this article differ from the requirements of the FDACS or the FFS, the more stringent requirement shall apply.
(Ord. No. 92-7, § 2(2.3), 7-7-92; Ord. No. 14-03, § 1, 2-3-14)

Sec. 8-74. Hours of burning.

Burning will be permitted only between the hours of 9:00 a.m. and one (1) hour prior to sunset, excluding special permits.

(Ord. No. 92-7, § 2(2.4), 7-7-92; Ord. No. 14-03, § 1, 2-3-14)

Sec. 8-75. Name of property owner, township, section, range, to be provided.

Prior to the issuance of a burn permit within the town, the person desiring the permit shall provide to the fire chief or his designee the name of the owner of the property, the township, section, and range upon which the material is to be burned. This information will also be required by FDACS and/or FFS.

(Ord. No. 92-7, § 2(2.5), 7-7-92; Ord. No. 14-03, § 1, 2-3-14)

Sec. 8-76. On site survey required.

(a) The fire chief or his assigned designee shall conduct a survey of the proposed burning site to determine if it meets the requirements of this article and/or FDACS and FFS regulations.

(b) The fire chief or his assigned designee shall conduct a visual inspection of the forced air device required by FDACS and/or FFS, to insure that it meets specific standards that will accomplish complete combustion with a minimal amount of smoke. The forced air system shall provide a minimum air transference of fourteen thousand (14,000) cubic feet per minute (CFM) and maintain a minimum static pressure of ninety (90) miles per hour (mph). This information shall be provided to the fire chief or his assigned designee by the permittee. Manufacturer's specifications or written statements by an approved testing agency are acceptable.

(c) The site must meet the FDACS and/or FFS requirements of one hundred fifty (150) feet from any road and one hundred fifty (150) feet from any occupied structure, with a minimum fifty (50) feet clear area around the piles.


(Ord. No. 92-7, § 2(2.6), 7-7-92; Ord. No. 14-03, § 1, 2-3-14)

Sec. 8-77. FDACS and/or FFS burn permit number required.

After inspection by the fire chief or his designee DOF will be notified for approval to issue daily permit numbers for the site. The person desiring the permit will call FDACS and/or FFS to obtain a daily permit number. After obtaining the FDACS and/or FFS number Malabar Fire Department will be notified for final approval to burn for the day.

(Ord. No. 92-7, § 2(2.7), 7-7-92; Ord. No. 14-03, § 1, 2-3-14)

Sec. 8-78. Materials which may not be burned.

 The burning of ~~tires~~ ^{household} tires, rubber material, asphalt, roofing material, tar, railroad cross ties, other creosoted lumber, plastics, or garbage (except approved waste pesticide containers), or any other material listed by the FDACS and/or FFS or this article is prohibited.

(Ord. No. 92-7, § 2(2.8), 7-7-92; Ord. No. 14-03, § 1, 2-3-14)

Sec. 8-79. Means of controlling unfriendly fire.

Any person conducting burning operations shall have a means of controlling an unfriendly fire immediately available on site. Example:

- (1) Front end loader;
- (2) Pumping water from wells or holding ponds; or
- (3) Other means acceptable and approved by the fire chief or his assigned designee.

(Ord. No. 92-7, § 2(2.9), 7-7-92; Ord. No. 14-03, § 1, 2-3-14)

Sec. 8-80. Extinguishing of fire by fire department personnel.

(a) If burning sites are left unattended while debris is still burning, the fire department will respond to extinguish said debris and the permittee will be subject to incur all costs of extinguishment.

(b) If debris piles are not extinguished by stated time, the fire department will respond to extinguish said debris and the permittee will be subject to incur all costs of extinguishment.

(b) The suspensions and/or criminal prosecution listed in paragraph (a) above, shall be in addition to any other penalties, fines, etc., imposed by the FDACS and/or FFS or any other enforcing agency as permitted by the law.

(Ord. No. 92-7, § 2(2.12), 7-7-92; Ord. No. 14-03, § 1, 2-3-14)

Sec. 8-83. Types of burning permitted.

(a) Agricultural and silvicultural fires will be permitted per FDACS and/or FFS regulations and any other requirements of this article.

(b) Rural land clearing fires will be permitted per FDACS and/or FFS regulations and any other requirements of this article.

(c) Non-rural land clearing fires will be permitted per FDACS and/or FFS regulations and any other requirements of this article.

(d) Yard trash fires are ~~prohibited~~. *ON A CASE BY CASE*

(e) ~~Burning of household trash is prohibited.~~

(f) Burning for cold or frost protection will be permitted per FDACS and/or FFS regulations and any other requirements of this article.

(g) Special burning permits may be issued by the fire chief or his assigned designee for camp fires or bonfires for special events within the town when weather conditions permit.
(Ord. No. 92-7, § 2(2.13), 7-7-92; Ord. No. 14-03, § 1, 2-3-14)

Sec. 8-84. Open burning multilateral operating agreement.

Then Town and the FDAC and the FSS may from time to time enter into an open burning multilateral operating agreement or like agreement outlining the rights, responsibilities and the duties of the parties to such an agreement concerning open burning. Any permit issued pursuant to this article III shall be deemed to incorporate the terms and provisions of such agreement.

(Ord. No. 14-03, § 1, 2-3-14)

Secs. 8-85—8-90. Reserved.

ARTICLE IV. FIRE DEPARTMENT*

Sec. 8-91. Establishing a fire department.

There is hereby established a department to be known as the Malabar Fire Department (hereinafter referred to as the fire firefighters, volunteer firefighters, or a combination of both.
(Ord. No. 96-3, § 1, 4-1-96)

***Editor's note**—Ord. No. 96-3, § 1, adopted April 1, 1996, amended Art. IV, in its entirety, to read as herein set out. See the Code Comparative Table.

TOWN OF MALABAR

AGENDA ITEM REPORT

AGENDA ITEM NO: 3
Meeting Date: June 1, 2015

Prepared By: Cynthia Kelley, Deputy Town Clerk

SUBJECT: Action on 5/26/15 Workshop Items 1-4

BACKGROUND/HISTORY:

A workshop was held on Tuesday, May 26, 2015, to discuss the job opening of the Town Administrator. An outline was followed during the meeting and information is being brought to Council for review, discussion and adoption.

The newspaper ad for the Town Administrator position was formalized and is now being brought to Council for formal approval. If Council approves the ad, the Clerk's office will send it out to the newspapers and various organizations for posting.

Each Council Member needs to choose two people from their district; Mayor Beatty can choose two people at large, who they would like to have on the Town Administrator Selection Committee. The names of the people chosen will need to be provided to the Clerk's office by June 5th to go into the Council packet for the RTCM of June 15, 2015; this is when the Committee will be formulated.

It was Council consensus to have Mayor Crews and Mayor Beatty do the telephone interviews of the applicants.

FINANCIAL IMPACT:

NONE

ATTACHMENTS:

Wording of Newspaper Ad for Town Administrator Position
Updated Calendars to Show all Workshop Meeting Dates/Times
Draft Timeline

ACTION OPTIONS:

Staff requests approval of Workshop Actions 1-4.



**TOWN OF MALABAR
EMPLOYMENT OPPORTUNITY
FOR TOWN ADMINSTRATOR**

Town Administrator – Town of Malabar. (pop. 2,766) Malabar, is located within the Space Coast area, south of Melbourne and has an annual budget of \$1.5 million with 18 full-time and part-time employees. Collaborative management style with people skills is required. Provides daily supervision and direction to all Town Departments. Bachelor's degree in appropriate field. Minimum of five years' experience in municipal government or equivalent combination of training. Salary DOQ. Excellent benefits. Telephone interviews will be conducted between July 16-19, 2015. Submit resumé with salary history, professional and personal references and cover letter to: Town Clerk, 2725 Malabar Road, Malabar, FL 32950; fax: (321) 722-2234. Open until July 15, 2015. The Town of Malabar is an EOE.

June 2015

TOWN OF MALABAR

2725 Malabar Road
 Malabar, FL 32950
 (321) 727-7764 – office
 (321) 722-2234 – fax
townclerk@townofmalabar.org

Notes:
 No Holidays for the month

| SUNDAY | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY |
|-----------|---|---|------------------------------------|-----------|-----------|-----------|
| | 1 Town Council 7:30 PM | 2 | 3 | 4 | 5 | 6 |
| 7 | 8 T&G Committee 6:00 PM ----- SCLC Dinner | 9 MMA Board Meeting 5:00 PM (only if rains) | 10 P&Z 7:30 PM | 11 | 12 | 13 |
| 14 | 15 Town Council 7:30 PM | 16 | 17 Park Board 7:30 PM | 18 | 19 | 20 |
| 21 | 22 Joint Council Town Administrator Selection Committee Workshop 7:30 PM | 23 | 24 P&Z 7:30 PM | 25 | 26 | 27 |
| 28 | 29 Joint Council Town Administrator Selection Committee Workshop 7:30 PM | 30 | | | | |

July 2015

TOWN OF MALABAR

2725 Malabar Road
 Malabar, FL 32950
 (321) 727-7764 - office
 (321) 722-2234 – fax
townclerk@townofmalabar.org

Notes:

07/03/15 = Fourth of July

| | | | | | | |
|----|---|---|-----------------------------|----|--------------------------|--|
| | | | 1 | 2 | 3 TOWN HALL CLOSED | 4 FOURTH OF JULY |
| 5 | 6 Town Council 7:30 PM | 7 | 8 | 9 | 10 | 11 |
| 12 | 13 T&G 6:00 PM ----- SCLC Dinner | 14 MMA 5:00 PM (only if rains) | 15 P&Z 7:30 PM | 16 | 17 | 18 MMA Qrtly 4:00 PM (only if rains) |
| 19 | 20 Town Council 7:30 PM | 21 | 22 Park Board 7:30 PM | 23 | 24 | 25 |
| 26 | 27 Joint Council Town Administrator Selection Committee Workshop 7:30 PM | 28 | 29 P&Z 7:30 PM | 30 | 31 | |

August 2015

TOWN OF MALABAR

2725 Malabar Road
 Malabar, FL 32950
 (321) 727-7764 – office
 (321) 722-2234 – fax
townclerk@townofmalabar.org

Notes:

No holidays the month

SUNDAY MONDAY TUESDAY WEDNESDAY THURSDAY FRIDAY SATURDAY

| | | | | | | |
|----|--|---|-----------------------------|----|----|----|
| | | | | | | 1 |
| 2 | 3 Town Council 7:30 PM | 4 | 5 | 6 | 7 | 8 |
| 9 | 10 T&G 6:00 PM ----- SCLC Dinner ----- Joint Council Town Administrator Selection Committee Workshop 7:30 PM | 11 MMA 5:00 PM (only if rains) | 12 P&Z 7:30 PM | 13 | 14 | 15 |
| 16 | 17 Town Council 7:30 PM | 18 Teen Council 7:00 PM | 19 Park Board 7:30 PM | 20 | 21 | 22 |
| 23 | 24 | 25 | 26 P&Z 7:30 PM | 27 | 28 | 29 |
| 30 | 31 | | | | | |

DRAFT TIMELINE

DATE:

6/1/15 DECIDE ON TA REQUIREMENTS:

6/1/15 SELECT WORDING FOR AD

6/1/15 RUN AD UNTIL 7/15/15. This will be the closing date

ONGOING CONTRACT WORDING: term, salary, benefits, caps – be specific

6/15/15 FORM ADVISORY COMMITTEE & provide copies of all remaining applications

6/22/15 HOLD TC/SEL COM WS to draft interview questions

6/29/15 HOLD TC/SEL COM WS to finalize interview questions

7/06/15 RTCM to approve interview questions

7/15/15 Closing Date for Applications

7/16-7/19 CONDUCT TELEPHONE INTERVIEWS BY past Mayor Crews and current Mayor
Beatty of Council

7/20/15 RTCM to compare results of telephone interviews and narrow list

7/27/15 HOLD TC/SEL COM WS to review remaining applications and rank applications

8/03/15 RTCM to score and choose the top ____ candidates to invite for interviews

____ SET UP INTERVIEWS - Plan on a Saturday and keep in mind last time they provided
\$150.00 travel for in state and \$450.00 travel for out of state

____ HOLD INTERVIEWS

____ CALCULATE SCORES AFTER FINAL INTERVIEW

____ CONDUCT BACKGROUND CHECK on top two candidates?

____ AT NEXT COUNCIL MEETING discuss the findings and choose a candidate and recess
meeting to contact candidate and offer position

TOWN OF MALABAR

AGENDA ITEM REPORT

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

Prepared By: Debby Franklin, Town Clerk/Treasurer

SUBJECT: Budget Transfers for FY 2014/2015 (Reso 11-2015)

BACKGROUND/HISTORY:

These changes are being made to provide funds for the appropriate line items within the same Department for expenses that have occurred since October 1, 2014 and up to March 31, 2015 that were not anticipated at budget time or that came in more than what was budgeted for.

FINANCIAL IMPACT:

NONE

These adjustments do not represent any budget increases.

ATTACHMENTS:

Resolution No. 11-2015
Budget Transfer Authorizations.

ACTION OPTIONS:

Staff requests approval of Resolution 11-2015.

RESOLUTION 11-2015

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

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

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

SECTION 1. Amend the Budget Amount in Protective Inspections (524) Department. Transfer from and to the Accounts indicated on the attached Budget Transfer Authorizations to accurately record the revisions to the Protective Inspections Department.

SECTION 2. Amend the Budget Amount in Streets and Roads (541) Department. Transfer from and to the Accounts indicated on the attached Budget Transfer Authorizations to accurately record the revisions to the Streets and Roads Department.

SECTION 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 1st day of June, 2015.

TOWN OF MALABAR
By:

(seal)

Mayor Carl A. Beatty,
Council Chair

ATTEST:

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

Approved as to Form and Content:

Karl W. Bohne, Jr.,
Town Attorney

**TOWN OF MALABAR
BUDGET TRANSFER AUTHORIZATION
Fiscal Year 2014/2015**

| Department: 524 Protective Inspections | | | | | | | |
|---|--|--------------------------------|--------------------------------|---------------------|----------------------|-----------------------------|-------------------------|
| Account No. | Description | Approved Amended Budget | Balance thru 04/30/2015 | Transfer Dec | Transfer Inc. | Amount Left to Spend | New Budget Total |
| 524.3410 | Contractual Services Software Training | 400 | 400.00 | 100.00 | | 300.00 | 300 |
| 524.5210 | Operating Expenses | 100 | 138.84 | | 100.00 | 62.00 | 200 |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | CheckSum | 500 | | 100.00 | 100.00 | | 500 |

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

Transfers from (524.3410) to (524.5210) to cover additional expenses in operating expenses.

Town Clerk/Treasurer: _____ Date: 06/1/2015 Approved by Town Administrator: _____ Date: 05/26/2015
 Approved by Council at RTCM 06/1/2015 RESO. No. 11-2015

**TOWN OF MALABAR
BUDGET TRANSFER AUTHORIZATION
Fiscal Year 2014/2015**

| Department: 541 Streets and Roads | | | | | | | |
|--|----------------------------------|--------------------------------|--------------------------------|---------------------|----------------------|-----------------------------|-------------------------|
| Account No. | Description | Approved Amended Budget | Balance thru 04/30/2015 | Transfer Dec | Transfer Inc. | Amount Left to Spend | New Budget Total |
| 541.4611 | Repair & Maintenance-Culverts | 15,000 | 15,000.00 | 5,000.00 | | 10,000.00 | 10,000 |
| 541.4670 | Repair/Maintenance-Striping | 10,000 | 7,623.00 | 2,000.00 | | 377.00 | 8,000 |
| 541.4600 | Repairs & Maintenance-Equipment | 36,000 | 40,102.10 | | 5,000.00 | 897.90 | 41,000 |
| 541.4100 | Communication & Freight Services | 735.00 | 952.37 | | 1,000.00 | 782.63 | 1735.00 |
| 541.5210 | Operating Supplies | 3,500 | 4,348.40 | | 1,000.00 | 151.60 | 4500.00 |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | CheckSum | 65,235 | | 7,000.00 | 7,000.00 | | 65,235 |

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

Transfers from (541.4611 & 541.4670) to (541.4600, 541.4100 & 541.5210) to properly record where actual expenses occurred.

Town Clerk/Treasurer: _____ Date: 06/1/2015 Approved by Town Administrator: _____ Date: 05/26/2015
 Approved by Council at RTCM 06/1/2015 RESO. No. 11-2015

Atty Report

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT, IN AND
FOR BREVARD COUNTY, FLORIDA

CASE NO: 12-CA-49753

PAINTED ACRE PARTNERSHIP, LLP,

Plaintiff,

vs.

THE TOWN OF MALABAR,

Defendant.

NOTICE OF MEDIATION CONFERENCE

PLEASE TAKE NOTICE that the mediation of the above-styled cause will take place on June 23, 2015, at 9:30 am, at 201 E. Pine Street, Suite 1200, Orlando, FL 32801 with Carlos Alvarez as mediator.

I HEREBY CERTIFY that on May 11, 2015, the foregoing was electronically filed through the Florida Courts E-Filing Portal which will send a notice of electronic filing to Steven G. Giesler, Esq. and Nicholas M. Gieseler, Esq., Gieseler & Gieseler, 789 S. Federal Highway Suite 301, Stuart, FL 34994; Robert E. Bickford, Esq., Robert E. Bickford, P.A., 637 Denise Drive, Melbourne, FL 32935.

/s/ John T. Conner

JOHN T. CONNER, ESQ.
Florida Bar No. 0706701
Dean, Ringers, Morgan & Lawton, P.A.
Post Office Box 2928
Orlando, Florida 32802-2928
Tel: 407-422-4310 Fax: 407-648-0233
JConner@drml-law.com
JConner@drml-law.com
Attorneys for Defendant Town of Malabar

MALABAR PROCLAMATION

Flag Day and National Flag Week, 2015

WHEREAS, The American Flag represents freedom and has been an enduring symbol of our Nation's ideals since the earliest days of our Nation. Wherever it flies, we are reminded of America's unity and in the great cause of liberty and justice for all.

WHEREAS, The Second Continental Congress on June 14, 1777 adopted by resolution the stars and stripes as the Flag of the United States and the symbol of America; and

WHEREAS, President Woodrow Wilson issued a Proclamation in 1916 that officially established June 14 as Flag Day; and

WHEREAS, Congress established National Flag Day in August of 1949; and

WHEREAS, Congress in 1966 requested the President annually issue a Proclamation naming the week in which June 14 occurs as "National Flag Week; and"

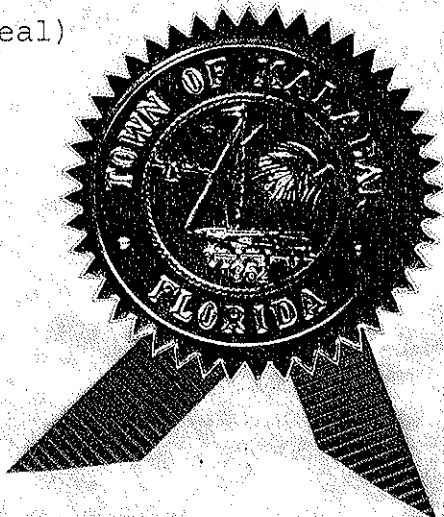
WHEREAS, Americans have long flown our flag as a sign of patriotism and gratitude for the blessings of liberty. We also pledge allegiance to the flag as an expression of loyalty to our country and to the belief in the American creed of freedom and justice. By displaying and showing respect for the flag, we honor the ideals upon which our democracy rests and show appreciation for the freedoms we enjoy today. Flying the flag can also be an expression of thanks for the men and women who have served and sacrificed in defense of our freedoms

and calling upon all citizens of the United States to display the flag during that week.

NOW, THEREFORE, I, CARL A. BEATTY, MAYOR OF MALABAR, do hereby proclaim support of June 14, 2015, as Flag Day and the week of June 14-20, 2015, as National Flag Week, and I urge all citizens to observe Flag Day and National Flag Week by flying the Stars and Stripes from their homes and other suitable places.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of June, 2015.

(Seal)



Mayor Carl A. Beatty

Attest:



Town Clerk