



# THE MAILBOAT



VOLUME 14 NO. 1 2nd QUARTER 2008

The Town of Malabar got its 1st official Post Office and name on December 24, 1883 when R.A. Ward was named Postmaster by President Chester A. Arthur. Two times a week, the boat that travelled down the intracoastal waterway from Jacksonville, would deliver the mail to the palmetto shack post office along the river bank at Malabar. The mail was dumped on the counter for the population of 25 to shuffle through. With the coming of the railroad, in 1893, the mail boat was no longer needed.

## Thank You For Your Help

During the recent fires that began on Mother's Day, Malabar Fire Department received tremendous support from Malabar residents, members of the community and businesses throughout Brevard County and beyond. Council directed that staff attempt to thank all of them. We have taken out an ad in the Florida Today Bay Bulletin and the Melbourne Times and also want to include it here:

### TOWN OF MALABAR NOTICE OF PUBLIC THANKS

The Town Council of the Town of Malabar would like to extend their THANKS and GRATITUDE for all the assistance the Town received during the May fires in our area. The losses to our residents were minimized by the great efforts from our own Fire Department with Mutual Aid from surrounding cities and from outside the

area. We would like to PUBLICLY THANK the following individuals that volunteered to help cook, serve, provide medical rehab, repair equipment, foster animals, act as runners, handle phones, cut trees and in general do whatever it took to get the job done: Melissa Altry, Dr. Laurie Armstrong, Daniel Barker, Terry & Jerry Benoit, Brian Brengard, Shawna Brooks, Bryan Brown, Natalie Broun, Beth Carvalho, Leann & Nado Cattreri, Jasmine Colon, Cherylynn Conover, Nick Coster, Chris Cote, Lovett DeVarah, Zach Dilan, Carly Dyer, Tim Hill, Dawn Hinton, Eric Hobbs, Michael & Andrea Hoek, Julio & Jamie Hyde, Jenson Beach Marketing, Brian Johnson, Jim Kendig, Mike Knowles, Joedy Lemon, John Lissis, Jeff Lourney, Galen MacEherson, Carrie McClendon, Krystal McClung, Robert Merritt, TJ Morgan, James Murray II, Jon & Connie Piper, Greg Potter, Jane Prah, Thomas Redman, Steve Rodriguez, Jeremy Russell, Salvatore Russomanno, Erik Sandberg, Rob Schwartz,

(con't on pg 6)

## Question to Voters: Shall Malabar Continue Brevard County Sheriff Services Provided by MSTU

### Town Attorney Summary:

As you know the citizens of Malabar, several years ago, did not approve a **charter amendment** authorizing the creation of a Town Police Department. Part of the reason for this ballot question was in response to the Sheriff's Departments claim that the Town was being supplied MSTU deputies without paying the MSTU assessment. The Sheriff opined that it could not continue to supply MSTU deputies to the Town without being compensated for the service. The Sheriff opined that only general fund deputies were going to be provided to the Town. The Town may still create a police department

by ordinance without a referendum. This would only require the passage of an ordinance creating the police department. The down side is that the police department can be abolished by an ordinance. Creating the police department by charter must be done by a referendum. It can only be amended or abolished by a referendum.

In response the Town Council opted to join the MSTU. See *Ordinance 2007-05*. As part of said approval the Council also agreed to submit a periodic referendum question to the citizens to determine if continued participation in the MSTU should occur. See *Ordinance*

(con't on pg 4)

## News from the Town Administrator

June marks the beginning of summer and hurricane season. After just going through the experience of the recent fires, we can't forget the importance of preparing ahead of time for the hurricane events. We have been very lucky over the past two years with no storms coming to our area. However; that is not what they are predicting for this season, It is always so much easier to do the shopping for the important items while there is plenty of stock in the stores. It also gives you a real peace of mind to know that you have prepared as much as you can for the season. Don't forget to look around your property and be sure that it is also safe from falling tree limbs onto power lines and or your roof or out structure roofs. Remember that if you have trees near the power lines, you need to contact FPL to determine if you can safely remove them or have a properly trained tree trimmer do it for you.

As you plan for your vacations be sure to leave emergency contact information with someone that you can trust to get in touch with you should a storm threaten. Also, you should secure your property prior to leaving if a storm is imminent or you are going to be gone for a while and it would be difficult to return to handle securing your property should a storm threaten. Don't forget to use the vacation watch service that is provided to every resident free of charge by our fabulous Eagle Corp volunteers. It is a wonderful peace of mind to know someone is watching your property for you.

Lastly, I cannot express how wonderful it is to serve this community as the Town Administrator. I have worked in many towns in both my law enforcement career and for the last ten years in town managing. I have never seen a community rally to help each other like I witnessed during the recent fires. My thanks to one and all, both within our town boundaries and our neighboring communities. Also, hats off to our wonderful Fire Department volunteers and to the Councilmembers that gave of their time and talents to work the endless hours serving food, answering phones, repairing the fire vehicles, soliciting volunteers and services or goods. A heartfelt thanks to my internal staff that kept the Town's day-to-day operations going without missing a beat. This type of event, albeit I would not wish it on any of my fellow administrators, lets an administrator know how successful their team dynamics are. We all work together as a High Performance Team and we are the best! The accolades from the State Emergency Management Staff were overwhelming. They complimented us on everything from the coordination of the fire suppression that our volunteers did in the early hours before the State Division of Forestry arrived on scene, to the wonderful facility that was able to be turned in to an Emergency Operation Center. They repeatedly told us how all of these factors made their job so much easier when they arrived and throughout their time. It is wonderful to be associated with such a great town.

Thank you for letting me serve you.

## Recognition of Malabar's Eagle Corp Citizen Volunteer Patrol

In April, while on patrol, Eagle Corp Members Paul and Jane Eden, observed unfamiliar persons in an area they patrol and questioned them. As it turned out, they thwarted a burglary in process. They called it in to E-911 and in due course, the scoundrels were apprehended and jailed. At a recent presentation at Council, we learned that one of the burglars actually came down from Cocoa to steal from Malabar residents. We were told the Judge in the case set a very high bond. Congrats to Paul and Jane Eden for a job well done!

Don't make it easy for your home to be broken into; close and lock your windows and doors when you leave home. Trim the bushes in front of windows and doors so burglars won't have visual protection while breaking in. Plant shrubs like Holly that have sharp needles that will puncture and injure burglars. Don't leave the backslider open for the cat thinking no one will walk around back. Install motion detection lights outdoors, lock the gates, and if you have a security system, use it. Dogs are also great at deterring unwanted visitors. You can also buy recordings that sound like viscous dogs. It is a fact that perpetrators prefer easy targets and will quickly pass on secured homes.

The Eagle Corp Program began in 2002. Volunteers are Malabar residents that have completed a twenty-hour course and wish to contribute to the safety and betterment of our community by patrolling Malabar roadways in four (4) hour shifts with a partner. The patrol is provided with a cell phone and radios to contact the Town, the Sheriff, or the Fire Department as necessary. They provide extra eyes and ears within the Town while most residents are at work. They provide invaluable assistance with traffic control, reporting down wires, signs, trees, helping with lost animals, reporting roadway conditions and supporting the Malabar Fire Department.

As summer vacations get planned, please include filling out a vacation watch sheet so that the Eagle Corp volunteers can monitor your property while you are away for any unusual activity. The forms are available from Town Hall or by email if you call into Town Hall. You may also download it from our website but you will need to return it to Town Hall in order for it to be incorporated into the Eagle Corp patrol activities during the time you are gone.

### "Put it in the Park"

Malabar Community Park is looking for your opinion. Please tell us how you like to use the facilities of the Park. We have placed a survey on the website. Take a few moments to complete it and send it to us. Your input is important.

## Join the Recycling Crowd Today

No membership fee required! You just set your recycle bin(s) out on collection day. In Malabar, collection day is Saturday. Recycle everything you can. Waste Management (WM) now accepts mixed materials in your recycle bin. They will collect aluminum, steel cans, glass bottles and jars and ALL plastic bottles (but no motor oil, herbicides, pesticides or pool chemicals) and new this month: newspapers, office paper, junk mail, magazines, catalogs and phone books. They will also take shredded paper as long as it is in paper bags. All year long you can make a difference for the environment. You can use the recycle bins provided by WM or request one by logging on to [brevardrecycles.org](http://brevardrecycles.org) (or you can call 321-633-2043) and request your FREE curbside bin (you can even ask for two if your family plans to recycle a lot). In about 2 weeks, you'll have your new bin. Place it in your kitchen (or near your trash can) so you don't forget to recycle; out of sight, out of mind!

Did you know...

- we throw away enough aluminum cans to rebuild a commercial airline fleet every three months
- every day Americans buy 62 million newspapers and trash 44 million?

### **Things to Know About Your Yard Waste . . .**

- Waste Management DOES NOT pick up mixed loads.
- Horticulture must be separated from trash in order for them to pick up the pile.
- Large piles of debris or horticulture **WILL** require a special pickup – you need to call 321-723-4455.

### **More Conservation News...More options for getting rid of old electronics**

Disposing of electronic items in an environmentally sound way is a positive step in reducing pollution in the landfill. A great deal of information can be found at [www.earth911.org](http://www.earth911.org). They provide links to manufacturer-specific sites that will recycle computers, retailer programs, donation options and cell phone recycling and donation.

Another option is the National Cristina Foundation, a non-profit organization that matches donated computer equipment with needy schools and non-profit organizations around the world. Get more information at their web site [www.cristina.org](http://www.cristina.org).

In addition, Brevard County operates a Household Electronics Recycling Program at the Central Disposal Facility, located at 2250 Adamson Road in Cocoa. For hours of operation, please call 321-633-1888.

## Trash Bash

Malabar participated in the annual Keep Brevard Beautiful Event know as Trash Bash Event on Saturday, April 19, 2008 from 8:00 A.M. to 12:00P.M. Under the direction of Site Captain Carl Beatty, and with assistance from Anne Crane, we collected 17,300 pounds of trash from the roadways and river's edge. The volunteers were rewarded with Papa John's Pizza and soda afterwards by the Site Captain. Mayor Eschenberg, Council Member Jeff McKnight and his son Nicholas, Malabar Boy Scout Troop 37, the Malabar Mariners Association, and local volunteers made up the group of 48 participants. This year's event was sponsored by Florida Power and Light and a cash prize, sponsored by Waste Management, was offered to cities based on population. Malabar won in our category and was awarded \$500.00 to donate to a worthy not for profit organization of our choice. Council voted to share it between the BSA Troop 37 and the Malabar Mariners Association (MMA) this year.

We are always in need of volunteers to participate in cleaning up our community. If you have an interest in keeping Malabar green, please join us in future Trash Bash events. Trash Bash is usually held the third Saturday of April each year. Mark your calendars and come on out to help "Keep Brevard Beautiful".

## News from the Building Department

### *Swimming Pools*

Swimming pools provide a refreshing way to enjoy the outdoors during the hot months of summer. Whether sitting by the pool and enjoying the sun, reading a good book, using it as a means of exercise or just splashing around with your family and friends, there are certain responsibilities that pool owners must comply with to protect those same family and friends. Before adding a swimming pool to your property, you will need to comply with certain regulations as set by the Florida Building Codes. An outdoor swimming pool includes an in-ground and above-ground pool; a hot tub or spa.

While we want you to be able to enjoy the great outdoors and spend time with your family and friends; safety is of the utmost importance when making this type of a commitment. If you are not sure of all the safety regulations that are required, please contact the Building Department at 727-7764, ext. 14. Our staff is very knowledgeable and will be able to advise you of all that is required. This includes but is not limited to the requirements for the building permit that is necessary to place the pool on your property. They will be able to give you information regarding barriers, fencing, entrapment avoidances and accessibility. If all the permitting safety issues are met, you will be able to have a great time in your new "cement pond". Please keep in mind that there is no substitute for parental supervision.

## **The MSTU Issue (con't from page 1)**

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2007-06. This question will now be before the citizens in November.

An MSTU (Municipal Service Tax Unit) is a statutory creation, FS125.01 (1) (q) and can only be created by the County. An MSBU (Municipal Service Benefit Unit) is similar; however, has a more specific geographical application. See *Brevard County Code, section 98-37*. Under the MSTU/MSBU scenarios the municipality must consent by ordinance to participate in them.

Generally, unless an MSTU/MSBU is consented to by the municipality, the Sheriff is only obligated to provide a general fund deputy to Malabar for law enforcement purposes. However, the general fund deputy will not be obligated to enforce all of the Town's laws. The Sheriff is the chief law enforcement officer of the county. See *Article VIII, section 1(d) of the Florida Constitution*. He is also the conservator of the peace for the county. See *FS 30.15 (1) (e)*. He also has authority to enforce State traffic laws. See *section 316.640 (2) (a)*. He is not responsible for enforcement of municipal laws.

There are several options available to the Town for law enforcement. The first is to create a Town police department. Continued participation in the MSTU is also an option. If the Town does not have its own police department it can contract for such services with the sheriff. Under limited circumstances a municipality may contract with another municipality for law enforcement services. See *FS 23.12, et seq.* First off, a mutual aid agreement between municipalities can be utilized to supplement law enforcement service. Mutual aid agreements can not be used to allow a municipality to assume all law enforcement services for another municipality. See *AGO 96-78 and AGO 2005*.

Generally, Part I of Chapter 23, Florida Statutes, allows one municipality to provide assistance to another municipality on a specified, limited basis. There is no statutory authority for the complete transfer of law enforcement services from one municipality to another. In those instances where a municipality has no law enforcement services it may contract with the sheriff for the services.

Generally, municipal powers cease at the municipalities boundaries, unless otherwise provided by general or special law. Chapter 23 would be a way to extend municipalities authority. However, as I stated above a complete transfer is not authorized by Chapter 23. Furthermore, Chapter 23 presupposes that each municipality has a law enforcement agency that can contract with the other agency. This is not the case for Malabar.

It is possible to transfer municipal functions to another municipality if it is done in accordance with Article VIII,

section 4 of the Florida Constitution. It would require the approval of the electors of both municipalities to transfer such power, which could include law enforcement powers. The down side is that to undo such a transfer it would require referendum approval by both municipalities.

### **District 3 Council Member Charles D. "Chuck" McClelland on the MSTU Issue:**

I feel that all Malabar residents have the right to make a decision on the simple question "Yes or No" to continue paying the MSTU Tax for police protection. This is a binding referendum not a straw poll as it was on this issue on the previous ballot.

In today's economy, it is hard to agree to any tax, but we do need police protection and the Brevard County Sheriff's Department (BCSO) has more resources that could be provided by any other economical means.

The MSTU tax costs me personally \$90.11 for my home-steaded property and \$57.31 for my adjacent vacant property. Yes, vacant property pays at the same rate as our homes, which does not seem equitable. Overall, this police protection costs me \$12.29 per month.

I have seen an increased deputy presence in Malabar since the approval of the MSTU. I hope that this is due to the promised newly hired personnel that was to be added to this zone. During the recent Brush Fires, BCSO was a major asset in the structure of command in aiding in traffic control to protect the Firefighters while they were extinguishing the fires and protecting our homes.

Grant-Valkaria, Palm Shores, and all unincorporated areas of Brevard County are paying MSTU tax for protection and the tax rate is the same countywide. My mother's house is beachside in an unincorporated area and she pays the tax at the same rate as we do.

I do not believe we can safely afford to take a chance of not approving the MSTU tax and becoming dependent on the delayed response of Non-MSTU deputies. Therefore, as much as I hate supporting taxes, I will support continuing with the MSTU.

### **District 2 Council Member Brian Vail on the MSTU Issue:**

For many years, previous Malabar Town Councils have considered the option of creating their own police department versus adopting an MSTU. A straw poll vote was held in 2006 and the results showed that the majority of Malabar voters did not want to start their own police

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department. In 2007, the Town Council approved joining the MSTU with the condition that the question would be brought back to the Malabar residents every two years to evaluate the level of service and decide whether to continue the services.

That is the question for the voters this November. The wording of the question to go before the voters every two years was approved in the ordinance adopted by Council in 2007. The question reads: SHALL THE TOWN CONTINUE TO PARTICIPATE IN THE BREVARD COUNTY LAW ENFORCEMENT MSTU? YES/NO.

There has been much discussion recently by this Council on whether the wording should be changed to include options. It is my opinion that the question should remain a simple yes or no as worded in the ordinance. On June 2, 2008, Council again reaffirmed that the wording should remain as adopted.

I support a YES vote on this question. As a member of Council, I accept the awesome responsibility to provide for the best interests of all the residents of Malabar. Continuing the MSTU with the BCSO will continue the patrols within Malabar and the quick response from MSTU funded deputies on patrol in the area. When we joined the MSTU in 2007, we were pledged four (4) deputies for the South Precinct and as a Council; we will insist that this commitment continue to be honored.

For the average Malabar resident the portion of your taxes for MSTU is \$84.00. The article written by the Town Attorney (page 1) to assist Malabar residents in understanding this issue prior to the election explains the options available if we do not continue with the MSTU. None of the options stated in the Attorney's article can be accomplished for an annual assessment of \$84.00.

If you want more information, please call the Clerk's office at 727-7764, and ask for the minutes from the meetings when this was discussed. Talk to your neighbors. Feel free to call me at home, 952-9110 to discuss your concerns and offer your input.

### **District 4 Council Member Jeffrey (Jeff) McKnight on the MSTU Issue:**

This fall you will be asked if we as a Town wish to continue to pay a law enforcement municipal services tax for additional sheriff services. The Brevard County Commissioners pressured Malabar into paying this new tax before the citizens of Malabar could vote in a binding referendum. The County contented that Malabar had been receiving MSTU services from the sheriff without paying for them although Malabar had never asked for MSTU services. The county threatened to sue Malabar

for alleged back taxes on services that we had never asked for or had legally opted into. Our attorney stated that such a lawsuit is unfounded. The sheriff stated that he has been providing MSTU deputies to the Town of Malabar prior to our inclusion in the MSTU and he would not continue to do so if the tax was repealed, however it was his choice to use these deputies in the first place.

If the voters in Malabar accept this tax in November, services *should* not decrease. If the tax is repealed, then approximately one year after the vote, we should not see MSTU deputies in Malabar responding to calls. The sheriff stated that the funds *could* provide four additional deputies for the South Precinct, of which Malabar occupies about one-tenth of that area. The sheriff will *not* guarantee that *any* number of deputies will be present in the town 24 hours a day, but he stated that this tax will significantly decrease the response time for the residents of Malabar. Deputies will be dispersed as the sheriff sees fit in the South Precinct. The millage rate for the ad valorem tax is set by the Sheriff and subject to Brevard County Commissioners' approval. The millage rate has been raised twice since our inclusion and the Sheriff has indicated that next year more than likely an increase would be sought.

The Town of Malabar pays over one million dollars into the general fund to Brevard County. Approximately one-third of these funds go toward Brevard County Sheriff's Department. The sheriff stated that we are not entitled to any General Fund Deputies for patrols. He stated that deputies are used for services that benefit the entire county.

I firmly believe that the residents are adequately familiar with the issues to know that it is not just another tax. The MSTU is a stand-alone issue and is not directly related to the presence of a police department. The MSTU is voluntary whether we have a police department or not.

Currently the Brevard County Commission and the Sheriff's Department are both taxing us for sheriff services. I believe that if additional deputies are needed to maintain response times to calls then it is the responsibility of the Brevard County Commission to administer the general fund and millage rates appropriately.

I am continuing to research this issue and explore future options. I also provide Town Council agendas routinely via email to anyone that requests. I am attempting to increase communications within the town and obtain residents' feedback. If you would like to receive TC agenda notices or if you have specific questions or comments, please email me at [gogators@cfl.rr.com](mailto:gogators@cfl.rr.com). I can also be reached by telephone at 321.223.6723.

## Thank You (con't from page 1)

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Jennifer Selph, Jim Skidmore, Ron & Dottie Thomas, Jeff Thompson, Dominick Thompson, Alix Trimble, Lukas Villard, Terry Wolfe, Dr. John Workman.

We would also like to PUBLICLY THANK the following individuals that donated cash, food, goods, services and/or their time to help out during this time: Andy Anderson, Sue Colon, Stephanie DeLange, Shannon & Kerry England, Frank & Chris Filiberto, Ana Fagan, Charles & Norma Frazee, Joe Gasman, Ian Hardos, Mary Hofmeister, Kyle Hollingsworth, Leslie Hoskovec, Doug Kerns, Sue & James Klassen, Christina Krud, Barbara Lackey, Jennifer Lopez, Jeff & Holly McKnight, Nancy Meglio, Jim Miles, Mitch Needleman, Kristen Pettis, Bob Rossman, Sandra C. Rowse, Sarah Schuman, John & Joyce Todd, Andrea Walsh, Lori White, Anthony Wilson, Laura Zuccarelli, Thanks also to all those that dropped off sandwiches, casseroles and other food.

Malabar would also like to PUBLICLY THANK all the local and not so local businesses that donated services, equipment and products to aid the fire fighters and mutual aid agencies here fighting the fires: it is a positive testament to our community that so many businesses stepped forward and gave so much. The businesses are: 7-Eleven, Inc., Ace Hardware in Malabar, Palm Bay and West Melbourne, Alltech Water Company, American Red Cross, Animal Health Services, Armstrong Chiropractic, AT&T, B&B Ice, Ben & Jerry's, Best Buy in Melbourne and Vero Beach, Big Lots in Melbourne, BJ's, Bovis Land Lease, Brownings Health, Byrds Western, Cabraras, Carroll Distributing, Certified General Contractors, Cheney Brothers, Chick Fil A, Citgo in Malabar, Coca Cola Corp, Doc's Tatooz, Ranees's Body Piercing, Donnie's Plumbing, Dr. Yves Pelchat, Dunkin Donuts, Florida Eye Associates, Florida Jaycees, Florida State Massage, Frito Lay, God's Healing Holiness Christian Church, Grant-Valkaria Community Center, H&R Roll Off Dumpsters, Harbor Freight, Home Depot, Honda, House of Power, HRMC Health First staff, Karen's Produce, Krispy Kreme, Law Office of Gray Robinson, Live TV, Lizzie's Bistro, Lowe's in Palm Bay, Malabar Mini-Storage in Malabar, Massage is Therapy, Massage Energy Balance, Massage Therapy Assc., McDonalds of West Melbourne, Mee Maws BBQ, Monster Beverage Co, Northern Tool & Equip, Our Lady of Lords School, Palm Bay Consulting, Palm Bay Hospital, Palm Bay Moose Lodge #2311, Papa's Diner, Paradise Health Food, Paul's Plumbing, Pizza Gallery, PODs, Portable Air, Publix in Palm Bay and Melbourne, Railroad Ave Storage, RBC Bank, Ready Ice, Robotics Club, Sam's Club, Serpro, Shells Seafood, Shorty's BBQ, Sonny's BBQ, S. Babcock St. Baptist Church, SE Atlantic Beverage, Southern Hood Protection, Southern Ice, Space Coast Massage & Spa, St. Mark's Episcopal Church, Termines Pipe & Plumbing, Tia Marias, Tractor Supply Co, Val Jasinski Catering, Viera Dental, Walmart Corp., Walmart Employees, Western Union, Yellow Dog Café.

## Election Year

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The Malabar Charter was changed in the 1990's to provide for a four (4) year term for the Mayor to coincide with the presidential election year. Council terms remain at two (2) years. The intent was to allow a longer term for the Mayor to provide continuity during council changeovers. All candidates must have resided in Malabar for one (1) year prior to qualifying. Candidates for Mayor must also be at least thirty (30) years of age. Malabar is divided into five (5) Districts and they are apportioned based on population. District Seats 1, 2 and 3 are elected in even years and District Seats 4 and 5 are elected in odd years. Although Council District Seat Candidates must submit 15 signatures from the District they live in as part of the qualification process, all candidates are elected at-large. Council serves for all the residents of the Town. The Mayor qualifies at large, is elected at large and serves all the residents of Malabar.

The elected officials in Malabar serve with no compensation. Council holds two (2) meetings a month and other workshops and joint meetings as necessary to carry out the business of the Town. Check out the new map showing all five Districts on the back fold of newsletter. It was crafted by the Town's Planning Consultants, Calvin-Giordano and Associates.

This year, District Council Seats 1, 2, 3 and the Mayor are all up for election. None of the current elected officials in those positions have termed out. If you are interested in running for one of these seats or for Mayor, candidate packages should be ready by mid July. The Candidate qualifying period is from 8:30 AM August 6 through the 4:30 PM August 20<sup>th</sup>. Call the Clerk's office for more information or to request a Candidate Package, 321-727-7764.

## Stormwater Information

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The Brevard County Natural Resources Management Office, at the Agricultural and Extension Services Department, offers a FREE 2-day Program to obtain state certification for the Florida Department of Environmental Protection's Erosion and Sedimentation Control Training Program. Contractors can earn education units (CEU) and Florida Engineers can earn professional development hours (PHD). For more information, please contact Elizabeth Melvin, Community Outreach Specialist for more information at [elizabeth.melvin@brevardcounty.us](mailto:elizabeth.melvin@brevardcounty.us).

### Reporting Illicit Discharge of Pollutants

If you should see any illicit discharging of pollutants into the Stormwater management systems while you are out and about, please report this by calling (321) 633-2014. This is very dangerous and has negative effects for all of us as humans, wildlife and the overall environment.

### Facts to Know About Your Drainage

- Keeping the litter out of the ditches needs EVERYONE's help. When litter is allowed to sit in the ditches it can clog or completely block the outfall pipe
- Have you wondered why some ditches are nicely mowed and grassy? Hint: Property owners help the town by maintaining the mowing and foliage growth themselves. If you would like to know how to do this, either Debby or Bonnie will come to your residence and give you a quick training session. It is not hard to do and it really improves the neighborhood and the drainage flow.
- When you put out your trash piles – DO NOT put them in or near the ditches. As cars pass by, the wind they create blows the debris into the ditches which later becomes an obstacle to the flow of water.
- When putting out garbage cans for pickup, be sure the lids are secured. We have numerous calls of water not flowing after a rain; when responding we find the outfall pipe blocked by the trash can lid.

### Helping With the Environment

Does your family own a dog? Do you know other people with a dog? What do you think happens to all of the dog waste our pets leave behind? Pet waste left on the ground, especially near streets and sidewalks, gets washed into storm drains and drainage ditches which flow to the local waterway. This water, called runoff, does not get cleaned or treated along the way, so anything that goes into the storm drain or ditch goes into the water. Bacteria, parasites and viruses found in pet waste can be harmful to water quality and human health.

When you think about how many people own dogs, the pollution can really build up. Don't worry; nobody has to give up his or her pooch! Pet owners can improve water quality by picking up after their pets and throwing their pet's waste into a trash can.

## News from the Fire Department

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The recent wild fires proved once again how well this community pulls together in times of need. The Division of Forestry, and the State Fire Marshal along with the BCSO set up a command center at the Malabar Fire Department to fight these fires in Malabar and Palm Bay. We had fire fighting crews from all over helping put out the wild fires. Malabar Fire Department often assists other agencies with mutual aid and during this time we received great mutual aid from areas as far away as Jacksonville and Key West and as near as Palm Bay, Melbourne Beach and Indialantic. We also had tremendous help from individuals and businesses that provided support to our fire department and the other agencies here helping us. We would like to publically acknowledge and recognize them for their efforts. Please see page one for a complete listing.

The Town of Malabar along with Florida Department of Forestry (DOF) requires burn permits for any type of open burning. You may visit their website at [www.fl-dof.com](http://www.fl-dof.com) to see what they require for permitted open fires. The Town of Malabar issues permits at the local level in parallel with DOF. Please contact Town Hall regarding permits for open burning. DOF will put out advisories if there is a date that is not conducive to burning. This is called a "Red Flag Day". If you should have an open burn permit and a "Red Flag" has been issued YOU MAY NOT CONDUCT YOUR OPEN BURN UNTIL IT IS SAFELY DETERMINED BY DOF TO DO SO. The Fire Department receives this information from DOF. If you have a burn permit and are not sure if it is safe, please call the Fire Department before lighting the match. A phone call could mean the difference between a controlled burn and a burn that gets out of control.

The Town of Malabar supports the Division of Forestry's efforts to encourage homeowners to create a clear buffer around their homes and out structures. Malabar Council is considering revising the tree protection code to provide for specific guidelines for property owners. Check the Town website [www.townofmalabar.org](http://www.townofmalabar.org) and its link to the Malabar Volunteer Fire Department website for more information on the Division of Forestry Program known a Fire Wise Communities.

# Town Happenings . . .

## Eagle Scout Project is Completed

After spending the morning participating in Trash Bash, Eagle Scout Candidate R. J. Ritter, with the assistance of the Eagle Scout Troop 37, completed a fencing project at the back side of the Town's Fern Creek Crossing Park, located at Corey and Malabar Roads. After completion of this project, Mr. Ritter made a presentation to Council at the RTCM of April 21, 2008, showing progress pictures as the fence was being constructed and installed. These pictures are available on the website. Malabar congratulates and thanks Eagle Scout Candidate R.J. Ritter!

## Boy Scout Recruitment

Join the Fun! Malabar's Boy Scout Troop 37 invites all boys between 10 and 18 looking for fun and adventure, camping, canoeing, sail boating, biking, skiing and river tubing to stop by our meeting (Mondays, 6:45 pm, Malabar Baptist Church) or call Joey Sartin, Troop 37 Scoutmaster; phone 321-956-6081. Mr. Sartin can also be reached by e-mail at [jsartin@cfl.rr.com](mailto:jsartin@cfl.rr.com).

## Malabar Springfest

It was a beautiful day in the Malabar Community Park for Springfest 2008 on April 5<sup>th</sup>. A good time was had by all who came out to enjoy the day. We would like to thank our Sponsors: Hometown News, Malabar Preferred Properties/Oakmont Preserve, MIMA, Waste Management and FPL for their continued support in our annual event. The food was great, the music was excellent and the kids had a great time competing in the games at the Kids Zone. "Animal Alley" was a huge success. We had alpacas, basset hounds, lamas, goats, chickens and baby pigs on site for everyone's enjoyment. The adults even participated in a hula hoop contest. The dunking booth saw Council Member Brian Vail go down several times; he was hardly back on the seat before he went down again. The Building Official, Roger Cloutier, saw his share of water in his face as well. Visit the Town's website at [www.townofmalabar.org](http://www.townofmalabar.org) to see the photography of the event. The facial expressions say it all. We hope to see you all at the next function that is put together and sponsored by the Town. The Events Committee enjoys putting these events together to bring our residents out for some good down home fun. Thank you to all that participated, whether as a sponsor, donor, vendor or volunteer. Without you, we would not have been able to put this event on. If you would like to participate in future Town events as a volunteer please call Cindi at 727-7764.

## Blue Grass at the Trail Head

On Sundays at the Sand Hill Trail Head, located at 1400 Marie Street, a group of area bluegrass musicians gather to enjoy their music from 3:00 PM to 6:00PM. Malabar property owner Gary Dodson moved this event here after he sold his place on the river in Palm Bay. Come on out and enjoy an afternoon of good music. Bring your instrument and join in.

## Monthly Potluck Dinners for the Community

Next door at Brevard Hardwoods, 1490 Marie Street, owners Jim and Linda Noble have started holding monthly Potluck dinners. The first dinner was held on May 18 from 4:00 PM until 6:00PM and was very successful with more than 30 people in attendance.

The date for the next Potluck is July 6, 2008 from 3PM to 6PM. It will be sponsored by the Yellow Dog Café who will provide the hotdogs and hamburgers. They will also be providing some summer time games to enjoy in the afternoon. All are invited to attend and bring side dishes and desserts and non-alcoholic beverages.

This is a wonderful community event and was initiated to bring the community together to meet and get to know one another. Council is proposing to area businesses that they support the event by sponsoring a month. The cost is about \$250.00.

If you would like to sponsor an upcoming month for the Potluck Dinner, call Jim or Linda at home at 727-8684 or 591-6370 for more information. We will post the dates for upcoming dinners on the website when they have been selected.

**News Flash:** While at the potluck dinner, please support the Malabar Volunteer Fire Department, Inc. We are trying to raise funds to have exercise equipment and some games on hand while the fire fighters have some down time at the station. All donations are greatly appreciated.

## Animal Evacuation

Malabar resident Bridget Ports is working on an animal evacuation and care plan to coordinate with Malabar animal owners when a need arises. Please call her at 321-728-0896 or email her at [Bports@cfl.rr.com](mailto:Bports@cfl.rr.com) if you can care for, transport or foster Malabar animals. She made a presentation at the Council meeting of June 2, 2008 and proposed a meeting of all interested people at the Sand Hill Trail Head on an upcoming Sunday. Please call her if you are interested.

## Nature Notes

Thanks to the sharp eyes of Carl Beatty, Public Works Manager, two young owls were spotted roosting atop a dead tree in a natural area along Malabar Road. The owls were observed just before St. Patrick's Day in a large nest previously used by Osprey. The fledglings were alert to the presence and movement of human viewers despite the bright daylight. Their large size and white feathers suggested they were Great Horned Owls, whose distinct call sounds like hoo, hoo, hoooh, hoooh. Malabar has many areas that provide habitat for owls and other bird species. For more information, visit the website of [audubonofflorida.org](http://audubonofflorida.org).

## Hurricane Season is Here

Hurricane season started June 1<sup>st</sup> and ends November 30<sup>th</sup>. Each year, the Town gives general information to our residents to assist in getting and being prepared for the season. We will be posting additional helpful information on the website [www.townofmalabar.org](http://www.townofmalabar.org). Please remember to take the necessary precautions to keep your family, pets and property as safe as possible during the season. We all know how stressful it is when preparing for a hurricane. Take some time, before a disaster gets too close, and stock up on batteries, flash lights, canned goods, portable can opener, water, necessary medications and baby/pet needs. Make sure you listen to the news and radio stations for updates; follow any and all evacuations that are issued. If you have pets, you may want to find out ahead of time which shelters take them. If an evacuation is issued, please do not try to re-enter your neighborhood until it is safe to do so. We hope to have another quiet year this year, if not, we want our residents to as safe as possible during this hurricane season

## National Public Works Week

The week of May 18<sup>th</sup> through May 24<sup>th</sup> was National Public Works Week. The Malabar Public Works Department was recognized by a Proclamation read by the Mayor and presented to Public Works Manager Carl Beatty. As you ride through town, take a look around and see all the work being done to keep our Town's drainage system working and roadways looking trim and attractive. The Town would like to thank our Public Works Crew for all their hard work.

## Speeding Violations: What happens to the Funds Collected:

As shocking as it may seem, the traffic enforcement officer's number one goal is not writing tickets to meet some financial quota; they are only trying to make the roadways safer for all of us. What many don't realize is that traffic tickets are not a major source of revenue for any municipality. Quite the opposite is true. For every traffic citation issued, the issuing agency recovers little if any revenue. For example, the fine for traveling six to nine miles over the speed limit is \$91.50.

So where do the funds for speeding violations go? The \$91.50 fine for traveling 6-9 miles over the speed limit is dispersed over a multitude of areas including court costs, police testing, teen court, the State's Radio System Trust Fund, the Court Facilities Fund, Child Welfare Training Trust Fund and a host of other causes. The Town of Malabar receives only \$5.21 of the initial \$91.50 fine. The point is, while ticket fines cost the violator a significant amount of money, the purpose is not to generate revenue. The point of these fines is simple, gaining compliance through financial consequence. Law enforcement always hopes for voluntary compliance, but this is not always the case.

While it is easy to be in a hurry to get to our destinations, let's remember to do our part in keeping the roadways safe by adhering to the traffic laws that are in place. As Deputies continue to enforce the traffic laws, remember, it is for no other reason than to increase safety on the roadways and hopefully save lives in the process. Another money saving tip – driving the speed limit will save gas.

## Suspicious Activity

Brevard County Sheriff's Office is requesting that any suspicious activity happening in the Town be reported; call 911 immediately. All activity that is called in will be followed up by the proper division. Many times, people can be seen casing the areas. When reported, Deputies are made aware of these activities. They will keep an eye out while patrolling our streets.

## News on the Town's Web Site

Residents can now find the latest information about any Town-issued alerts. Such alerts may include, but are not limited to, boil water notices, fires, hurricane evacuations, etc. Please visit [www.townofmalabar.org](http://www.townofmalabar.org) and check the news items. If there is an active notice or other important information, you can click on the link to read the details. The website will continue to be updated and improved to provide the best information to our residents.

## Update on Adopted/Failed Ordinances & Resolutions (1<sup>st</sup> and 2<sup>nd</sup> Quarters 2008):

### **ORDINANCES:**

- 2008-01 Amending in Full Article II of Chapter 10 of the Ordinances of the Town; Amending in Full Article II of Chapter 14 of the Code of Ordinances of the Town; Amending in Full Section 1-5/25 of Article V of the Land Development Code of the Town; Incorporating Changes to Chapter 205 of The Florida Statutes Changing Occupational Licenses to Business Tax Receipts; Providing for Repeal; Providing for Incorporation into the Code of Ordinances; Providing for an Effective Date **ADOPTED 3-3-08**
- 2008-02 Renamed to 2008-04
- 2008-03 Duplication of Ordinance 2007-06
- 2008-04 Amending the Land Development Code of the Town, Amending Article V, Section 1-5.1 of the Land Development Code of the Town; Providing for Exceptions to Height Limitations; Declaring that Elevators are Intended for Human Occupancy and Shall not be Considered for an Exception to the Height Limitations; Amending Section 1-20.2 of Article XX of the Land Development Code of the Town; Amending the Definitions of Story and Building Height; Providing for Codification; Providing for Severability; Providing for Conflicts; Providing an Effective Date **ADOPTED 4/7/08**
- 2008-05 Amending the Land Development Code of the Town; Amending Article V of the Land Development Code of the Town Relating to the Height of Fences or Walls or Walls Located on the Perimeter of a Residential Subdivision; Providing for Codification; Providing for Severability; Providing for Conflicts; Providing an Effective Date **ADOPTED 5-5-08**
- 2008-06 Amending the Town Charter Section 2.03 Candidate Qualifying Period to Conform With House Bill 537; Signed into Law May 21, 2007 Amending Florida Statute 100 Relating to Primary Elections; Providing for Codification; Providing for Severability; Providing for Repeal of Ordinances or Parts of Ordinances in Conflict Herewith; Providing for an Effective Date **ADOPTED 5-19-08**

### **RESOLUTIONS:**

- 19-2007 Council Approval of NPDES Application for Renewal of the Five (5) Year Permit Before Submittal Deadline; Providing for Approval of Application Permit Fee **ADOPTED 10-22-07**
- 20-2007 Council Approval of the Interlocal Agreement With Brevard County School Board Supporting the Revised School Concurrency Plan **ADOPTED 11-05-07**
- 21-2007 Council Approval of the Performance Evaluation Report Project and Policy **ADOPTED 11-05-07**
- 22-2007 Council Approval of the Appointment of the Auditing Services Selection Committee **ADOPTED 11-05-07**
- 23-2007 Council Approval of Proposal From \_\_\_\_ For Garage Doors at Fire Department Annex Building **TABLED 11-19-07**
- 24-2007 Creation of an Extra Compensation Program top Reward Out-standing Employees **ADOPTED 11-19-07**
- 25-2007 Council Approval of Agreement Between the Town and the Malabar Volunteer Fire Department, Inc. **ADOPTED 11-19-07**
- 26-2007 Council Approval of Proposal From \_\_\_\_\_ for Electric Service at Fire Department Annex Building **TABLED 11-19-07**
- 27-2007 Council Approval of the Master Agreement Interlocal Radio System (800 MHZ) With Brevard County Board of County Commissioners **ADOPTED 11-19-07**
- 28-2007 Council Approval of Jonathan Bull to Serve on the Board of Adjustment **ADOPTED 11-19-07**
- 29-2007 Council Approval of Proposal From Averett Warmus Durkee Bauder Thompson for Auditing Services for the Town of Malabar for FY 06/07, 07/08 and 08/09 **ADOPTED 11-19-07**
- 30-2007 Budget Adjustment in the Fiscal Year 2007-2008 **ADOPTED 12-3-07**
- 31-2007 Adopting the Evaluation and Appraisal Report for the Malabar Comprehensive Plan; Stating the Intent of the Malabar Council to Amend the Comprehensive Plan Based Upon Recommendations Contained in the Report; Approving Transmittal of the Report to the Department of Community Affairs in Accordance of Section 163.3191 Florida Statutes **ADOPTED 12-17-07**
- 32-2007 Council Approval of a Conditional Use Permit For Equestrian Training and Boarding at 2905 Weber Road **ADOPTED 12-17-07**

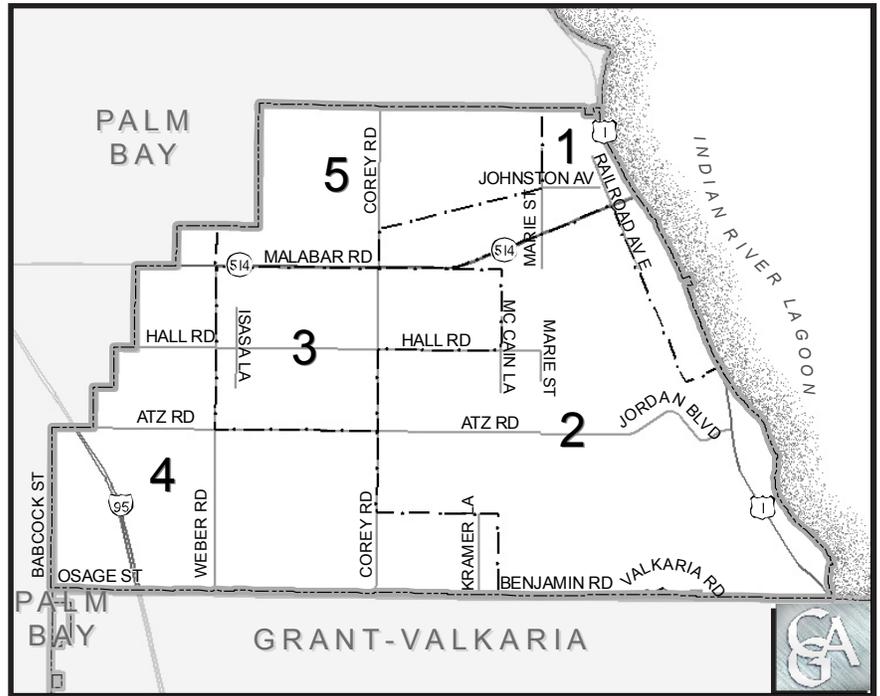
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|---------|---|-------------------------|
| 33-2007 | Council Appointment of Bobbi Moccia to Serve on the Valkaria Airport Advisory Board   | <b>ADOPTED 12-17-07</b> |
| 01-2008 | Supporting the Countywide Linear Trail System; Supporting the Sand Hill Trail Head; Supporting the Boundary Canal Trail; Supporting the Trail Placement Along the Eastern Border of the Malabar Scrub Sanctuary; Support a Trail Crossing | <b>ADOPTED 1-7-08</b>   |
| 02-2008 | Urging Members of the Florida Legislature to Support the Following Issues During 2008 Legislative Session   | <b>ADOPTED 1-28-08</b>  |
| 03-2008 | Council Appointment of Maryann Marsh to Serve on the Park and Recreation Board  | <b>ADOPTED 1-7-08</b>   |
| 04-2008 | Providing for Authorization to Purchase .95 Acre Parcel at 2715 Malabar Road  | <b>ADOPTED 1-7-08</b>   |
| 05-2008 | Adopting a Social Security Disclosure Policy Outlining Why and How We Collect Social Security Numbers During the Course of Business   | <b>ADOPTED 1-7-08</b>   |
| 06-2008 | Providing for Council Activation of a Trails and Greenways Volunteer Committee  | <b>ADOPTED 1-7-08</b>   |
| 07-2008 | Amending Exhibits "A" Through "B-3" of Section 13.41 of the Malabar Right-of-Way Improvement Code   | <b>FAILED 1-28-08</b>   |
| 08-2008 | Providing for Adoption of Inventory or Real Property Owned That is Appropriate for Affordable Housing   | <b>ADOPTED 3-3-2008</b> |
| 09-2008 | Providing for the Renaming of Mussell Shoal Lane to Fins Lane; Providing for the Forwarding of this information to Brevard County Address Assignment E-9-1-1  | <b>ADOPTED 1-28-08</b>  |
| 10-2008 | NOT USED  |                         |
| 11-2008 | Requesting that Bright House Networks Cable Company Move Back the Government Channels From 199 to 99, 198 to 9; Provide Access to Those Channels Free of Charge to Brevard County Residents   | <b>ADOPTED 3-3-08</b>   |
| 12-2008 | Providing for Authorization to Declare Air Vacuum Corporation a Sole Source   | <b>TABLED 3-3-08</b>    |
| 13-2008 | Amending Section 4 of Resolution 5-97, Council Procedures   | <b>ADOPTED 3-17-08</b>  |
| 14-2008 | Providing for a Schedule of Fees to be Charged By the Town of Malabar for Fire Protection Certified Instruction   | <b>ADOPTED 4-21-08</b>  |
| 15-2008 | Amending the Exhibits of Chapter 13 Known As the Malabar Right-of-Way Improvement Code; Providing for an Exhibit "B-4"  | <b>ADOPTED 4-21-08</b>  |
| 16-2008 | Pertaining to a Budget Adjustment in the FY 2007/08   | <b>ADOPTED 4-21-08</b>  |
| 17-2008 | Establishing Additional Depositories for Investment Purposes at Florida Approved Public Depositories  | <b>ADOPTED 4-21-08</b>  |
| 18-2008 | Pertaining to a Budget Adjustment in the FY 2007/08   | <b>ADOPTED 4-21-08</b>  |
| 19-2008 | Allocating Monies to the Proper Account Numbers   | <b>ADOPTED 5-5-08</b>   |
| 20-2008 | Amending Chapter 2, Article II, Town Council Adding Procedures for Quasi-Judicial Proceedings   | <b>TABLED 5-5-08</b>    |
| 21-2008 | Providing for Council Approval of the Proposal from Calvin Giordano and Associates for Evaluation and Appraisal Report (E.A.R.) Based Amendments to the Malabar Comprehensive Plan  | <b>ADOPTED 5-5-08</b>   |
| 22-2008 | Providing for Council Approval of the Proposal from Rood & Zwick Inc. for Phase I Architectural Services for a New Town Hall  | <b>ADOPTED 5-5-08</b>   |

The complete text of each of these ordinances and resolutions is available on the website, [www.townofmalabar.org](http://www.townofmalabar.org).

## Know Your Representatives on Council

The Council members to the left represent these districts:

- District 1:** Nancy Borton  
724-1540 141 Riverview Dr.
- District 2:** Brian Vail  
952-9110 2700 Smith Lane
- District 3:** Chuck McClelland  
723-0143 2050 Linrose Lane
- District 4:** Jeffrey McKnight  
722-1243 2005 Flashy Lane
- District 5:** Pat Dezman  
724-5817 1670 Country Cove
- Mayor:** Tom Eschenberg  
724-1007 2835 Beran Lane
- Town Administrator** Bonilyn Wilbanks-Free  
Town Hall 727-7764 x13
- Town Clerk/ Treasurer** Debby Franklin  
Town Hall 727-7764 x12
- Town Fax** 722-2234
- County Comm.** Helen Voltz, Dist. 3 952-6300
- St. John's River Water Mgmt District** [www.sjrwm.com](http://www.sjrwm.com)



Editor - Debby Franklin [www.townofmalabar.org](http://www.townofmalabar.org)

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