



THE MAILBOAT



VOLUME 18 NO. 1 3rd QUARTER 2012

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.

MALABAR ELECTION IN 2012

The Town Clerk's Office administers the Town elections and accepts candidate filings. The Town is governed by a "Strong Council" form of government. Council Members serve a two-year term and are limited to a maximum limit of three terms, per Malabar Charter. The Mayor serves a four (4) year term since 2000 and is limited to two terms. Malabar holds elections every year; alternating the seats each year.

This year the Town of Malabar will hold its municipal election on Tuesday, November 6, 2012, from 7:00 a.m. to 7:00 p.m. at which time the Office of the Mayor and three (3) Council Members (Seats 1, 2 and 3) will be elected to serve from the first regular Council meeting in November following the election (November 17, 2012) until the first Council meeting in November in 2014 for Council and 2016 for the Mayor. There will also be several referendum questions on the ballot to ask voters if certain parts of the Charter should be amended, if we should purchase land in Malabar to fulfill specific capital improvements stated in the Capital Improvement Plan and if we should continue with the MSTU for law enforcement provided by the Brevard County Sheriff's Office. This last question goes before the voters every two years since 2008. In 2010 the vote to continue the MSTU was approved 879 to 181 votes. Here is a summary of the questions. The full language is available on page 5 of this newsletter, at Town Hall or on the website.

- 1) Shall the Town continue to participate in the Brevard County Law Enforcement MSTU?
- 2) Shall the Town pursue land acquisitions for future Town purposes as identified in the Capital Improvement Plan of the Town of Malabar Comprehensive Land Use Plan by funding of said purchases through the imposition of an additional 1 mil for a period of two years beginning in 2013?
- 3) Proposes clarifying language in Charter for petition

signers changing the word "residents" to "qualified electors"

- 4) Requiring candidates for Mayor to also submit a petition signed by 15 qualified electors.
- 5) Allowing a majority vote on resolutions instead of a roll call vote.
- 6) Provide updated language in Charter to acknowledge Town's payments via electronic methods.

REQUIREMENTS TO QUALIFY AS A CANDIDATE

All persons desiring to announce and qualify as a candidate for office in Malabar must meet the following criteria:

- Be a resident and elector of Malabar for one (1) year
- Candidate for Districts 1, 2 and 3 must reside within their District at time of qualifying and throughout the election and term of office
- Candidate for Mayor is "At-Large" and may live anywhere within Malabar
- Candidates for Mayor must be at least 30 years of age

In addition, candidates for either Council or Mayor will be required to file the following:

- Signed Sworn Statement
- Selection of a Campaign Treasurer and Bank
- Petition with signatures from a minimum of 15 qualified electors
Council Member candidates must collect from within their District
Mayor may collect from any voter in Town

The Qualifying period starts on August 8, 2012 and runs for 14 days until 4:30 p.m. August 22, 2012. The petition and related qualifying forms will be available

(Continued on pg 2)

More Election News

QUALIFYING (con't from pg 1)

from the Office of the Town Clerk and online during this time period. All original forms are to be filed with the Town Clerk or her designee. Faxing or emailing these documents is not acceptable. Should you have any questions, please contact Town Clerk Debby Franklin at 321-727-7764. Questions about how to register to vote, please call the Supervisor of Elections at 321-952-6328.

POLITICAL SIGNS – REGISTRATION REQUIRED

All candidates and political action committees (PAC) erecting signs within the Town must register with the Office of the Town Clerk. Please complete the Political Sign Registration form and submit it to the Town. The sign registration and information package is available at Town Hall and on the website. There is no fee to register. The registration allows us to contact the responsible party if signs are located in unsafe or unpermitted areas. The State of Florida Department of Transportation has contractors that maintain Malabar Road and Highway 1. Please adhere to the rules and regulations for placement of your political campaign signs.

MALABAR HAS NEW PRECINCT NUMBER

Malabar voters will still vote at the First Baptist Church of Malabar, 1665 Malabar Road, Malabar, but the Precinct number changes from 7 to 301. The renumbering of Precincts was approved by the Brevard County Commission and was done after the redistricting was approved by the State. You should have received your new "Official Voter Information Card" in the mail. If you have questions about your card or the renumbering of Precincts please call the Supervisor of Elections office at 321-633-2124.

ADOPT-A-PRECINCT

The Supervisor of Elections Office is offering community organizations and businesses the opportunity to partner with them to provide 10-15 bipartisan poll workers to staff a polling location on Election Day. The more elections your members work, the more they earn for your organization's charity. If you are interested in getting more information about this program, please call 321-637-5442 or 321-637-5316. You can also email ethompson@votebrevard.com or owiggins@votebrevard.com.

MALABAR SPRINGFEST 2012 – A GREAT SUCCESS

The 2012 spring event included great music from local bands, local food, special contests such as the cake contest and the photo contest and a 5K Run.

New to the event this year was the Cow Bell 5K Run/Walk that many hope will become an annual event. The course was on the paved Malabar Woods Boulevard and the Boundary Canal Trail which provided a beautiful, safe course with no worries of vehicle traffic. There was a great turnout for this new event. Runners got a Cow Bell 5K t-shirt and a coupon for a free breakfast at the Malabar Fire Department after the race. Chick-fil-A also donated coupons for free chicken sandwiches for all the registrants and Twisty Cone donated ice cream cone coupons.

Local vendors and businesses were featured over the two day event. We also had great activities and games for the kids including the bounce house and face painting. The car smash was a popular activity and local vendors provided pony rides. Also the ever popular photo contest brought out lots of local talent. Photo judge was Mr. Robert Wicker, Professional Photographer. Winners were: 1st Place - Lloyd Behrendt, 2nd Place - Wanda Crowell, 3rd Place - Bunnie Knudson, People's Choice - Lisa Weggeland. Malabar Scout Troop 37 provided the public with information on the Boy Scout organization and demonstrated fire starting, cooking over a fire, and flag protocol.

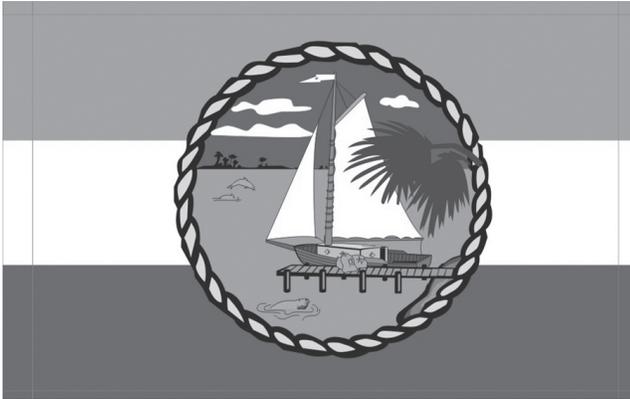
This year we had a cake contest judged by culinary experts in the community. Cake judges were Marge Erixson, Bay-side Culinary and Keisar, Deborah Buza of Zonta, and Deborah Lindsey, Keisar Culinary. The winners: 1st Place – Kelly Zelinski – Pineapple Mandarin Orange Cake, 2nd Place – Portuguese Corner Store – Pistachio Cake, 3rd Place – Barry Eschenberg – German Chocolate Cake

There was a wine and beer tasting event on Sunday. Local beer wholesaler Mark Mortensen brought several types of beer and described how they were made and how best to serve them. Wine was donated and purchased for the wine tasting part of the event. Local Realtor, Bunnie Knudson, provided Irish cheeses and whole grain crackers to serve with the wine and beer.

News Around Town . . .

TOWN FLAG CONTEST

The Town's flag contest to have a "Town Flag" designed was over in March and on March 5, 2012 Council choose a design from the 20 entries received. The criteria of the contest stated the design of the flag should depict the character of Malabar. The winning entry was designed by a member of the Malabar Mariners Association, a sailing club home based in Malabar.



The new Town flag was hoisted by the designer on both Saturday and Sunday during the SpringFest festivities and a postcard size copy of the flag was raffled off during the event.

SYMBOLISM:

The green colors and stripes of the flag represent the rural agricultural origins of our town as well as the intercoastal waterway, lagoon and our land and water resources. The white stripe, clouds and sail represent peace, perseverance, justice, propriety and patriotism.

The manatee is Florida's state mammal. The dolphin is the state saltwater mammal and the Sable Palm is the state tree.

The center art is not the official seal of Malabar but depicts and represents:

1. The braid: our founding principles, unity of purpose and varied interests within the town.
2. The 3 sacks: the original mail that was delivered by sailboat to the palmetto shack post office at Malabar.
3. The 13 mast hoops that hold the main sail: the original 13 states of the union
4. The 4 ledgers and 23 planks on the pier: Florida which became the 27th state in 1845.

Malabar Tree Protection: Information to Assist Property Owners

Malabar has continually had regulations to safeguard trees and maintain its rural character. These regulations are contained in Article XV, Tree Protection of the Malabar Land Development Code. Permits are required to remove any tree other than exotics. If you are unsure of the type of tree you have call Town Hall (321-727-7764, Building Department) or the Brevard County Extension office (952-4536) or email Master Gardner Sally Scalera at sasc@ufl.edu. Copies of Malabar's tree regulations are available at Town Hall in the Building Department and also through the Town's website, www.townofmalabar.org. These regulations have been modified recently to allow for tree removal to provide a buffer zone around your home for fire safety purposes. There are also provisions to allow property owners to remove sick, damaged, diseased, dead, non-native trees, trees that pose a danger to structures and trees interfering with existing or proposed structures. Depending on the individual situation a permit may be required but fees may be waived in these cases. There are penalties for violations of the Code and the removal of trees without a permit. Malabar staff is available and ready to assist you to ensure compliance.

Also, in the 4th Quarter 2008 issue of the Malabar Mailboat, we included an article on planting the right tree in the right place. It included Florida Power and Light's information on planting the right tree in the right place. Please visit www.fpl.com/trees for a list of trees to avoid planting near power lines. FPL also believes trees are an important part of the urban landscape and that trees planted in the right place can eliminate potential safety hazards and improve the reliability of electric service.

- Visit www.fpl.com/trees for a list of trees to avoid planting near power lines. You can also view guidelines on where to plant trees so that you maintain a safe distance away from electrical lines and equipment.
- Call our Building Department or the Clerk's Office for a copy of the Town's Tree Protection Ordinance.

VISIT THE TOWN WEBSITE

The website is at www.townofmalabar.org. Once on the site, you can check meetings, events and minutes just by clicking on the designated tab on the left of your screen. You can also submit an automated service request form if you need Town Services. This year, to comply with the State Law, we have added a tab for Budget Revisions. If you have any questions, problems, or suggestions, please contact the Town Administrator at bwfree@townofmalabar.org or by calling the office at 321-727-7764.

From the Town Administrator

The Town Council and the City of Palm Bay have finalized the sale of the Town's water system to Palm Bay. This will result in a savings to the Town's water and sewer customers of between 12-18% each month. When everything is finalized customers will receive their water billing directly from the City of Palm Bay. The change-over will be seamless for our customers. If you have any questions you are welcome to call Town Hall.

Hurricane Season Is Here!

Hurricane season is upon us again. Now is the time to look around your property and cut back foliage that may need it. If you have a lot of trees you may want to consider opening up the canopy so air and winds go through easily. The importance of doing it now is that you can get the debris picked up with a simple phone call to Waste Management for a pickup. This will keep the drainage ditches clean and open to flow should we have a heavy rain event or a full Tropical Storm or Hurricane. August begins moving us into the busy part of the season.

MALABAR VOLUNTEER BOARDS

We will happily accept application for all our Boards from residents. As openings become available, Council will appoint from the applicants. Terms are for three (3) years and can be renewed if you express an interest to continue to serve. A brief explanation follows:

Planning and Zoning Board

The Planning and Zoning Voluntary Advisory Board or P&Z for short makes recommendations to Council regarding land use related issues. These could include Site Plan Reviews, Land Use Regulations, Zoning Requests and new development proposals. They also review the Town's Comprehensive Plan and use it as a guide to develop compatible land use regulations. The Board meets the second and fourth Wednesday of each month at 7:30PM at Town Hall. We always invite you to attend and participate in the process.

Park and Recreation Board

The Park and Recreation Voluntary Advisory Board or Park Board for short makes recommendations to Council regarding Park and Recreation issues. These could include uses at the Malabar Community Park, retrofitting the neighborhood Huggins Park to appeal to adults, various management responsibilities at the preserve areas such as the 100 acre Cameron Preserve at the north end of Corey Road or the 7.5 acre Disc Golf Park across from the Malabar Fire Department.

HAPPY ANNIVERSARY TO THE TOWN OF MALABAR

The residents voted on December 1, 1962 to incorporate as a city. The Town of Malabar was incorporated on December 18, 1962. If you have lived in Malabar for any significant length of time, you have seen the development and managed growth occur. Although Malabar is proud to be home to Harris Corporation, Data Management, MIMA, Krieger Publishing, Callagy Tire, Ace Hardware, Sunshine Food Mart, Mr. K., and Forensic Accounting; many small businesses also call Malabar home base, such as Jeff Driscall's Auto Interiors, Heidekruger Well Drilling, Brevard Hardwoods, Farm Fresh Produce, Malabar Moments and Waring Brothers Cabinets.

You can link your local business to the Town's website where we encourage the buy local philosophy. Visit the Town's website for information. It has been the consensus of the Councils that have served and who serve today to keep Malabar as a rural/agricultural community.

Board of Adjustment

This volunteer Board only meets when there is a request for a variance to a land development regulation or to an administrative decision by the Building Official. Such a request may be for a variance to the side setback requirement of 30 feet in the RR-65 zoning due to a condition not caused by the applicant. The decision by the BOA can only be appealed to a Circuit Court.

Malabar Teen Council

The Malabar Teen Council was organized in early 2009 by past Mayor Tom Eschenberg. The purpose of the council is to give teenagers a civics opportunity to learn how local government operates. It is made up of teens from Malabar and the surrounding Grant-Valkaria area. Any teen interested joining is welcome to contact the Town on the next session. This August they were given the opportunity to attend the Florida League of Cities annual Conference and will workshop with other youth councils from thorough out the State.

The Teen Council meetings are held on the third Tuesday of the month except June and July at 7:00 PM. Mayor Phil Crews will be continuing these meetings in August. Come to a meeting and see for yourself how these young people address the issues and increase their knowledge of local government.

The Passing of Mayor Thomas Eschenberg

The Town lost a dedicated servant with the unexpected death of Mayor Tom Eschenberg on May 31, 2012. Tom moved his family here in 1993 and began serving the Town in 1995 as a Council Member. He served three terms until he termed out in 2001. He ran for Mayor and was elected in 2004 and would have completed his second 4-year term this November.



The Council recognized his contributions in a Proclamation that was read into the Town's record by Vice-Chair Marisa Acquaviva at the June 18 Council meeting. He started the Eagle Patrol and continued to participate in the weekly patrols of the Town up until March of this year. He started the Teen Council in 2009 and finished his third year with the May meeting.

REFERENDUM QUESTIONS:

- 1) Shall the Town continue to participate in the Brevard County Law Enforcement MSTU?
- 2) Shall the Town pursue land acquisitions for future Town purposes as identified in the Capital Improvement Plan of the Town of Malabar Comprehensive Land Use Plan by funding of said purchases through the imposition of an additional 1 mil for a period of two years beginning in 2013?
- 3) Shall Section 2.03 of the Town Charter be amended as follows:
"Sec. 2.03. - Qualification for Council Seat.
Any qualified elector of the town who has been a resident of the town for at least 12 months prior to the date of qualification for office may qualify for the council seat by presenting to the town clerk a petition signed by residents qualified electors of the candidate's district.
- 4) Shall Section 2.04 (b) of the Town Charter be amended as follows:
"Sec. 2.04. - Qualifications and Duties of the Mayor.
(b) The Mayor shall be at least thirty (30) years of age, an qualified elector of the Town and shall have resided in the Town for at least one (1) year prior to the date on which the candidate qualified to run for the office of Mayor. A candidate for the office of Mayor may qualify for the council seat by presenting to the town clerk a petition signed by qualified electors of the Town. The petition must be signed by fifteen (15) valid signatures of qualified electors of the Town and by paying a filing fee if required, not less than sixty-seven (67) days and not more than eighty-one (81) days prior to the date of such election. The candidate for office of the Mayor shall submit with the petition a sworn statement containing the candidate's name, address, occupation and willingness to serve if elected."
- 5) Shall section 2.11 (d) of the Town Charter be amended as follows:
"Sec. 2.11. - Meetings.
(d) Voting on ordinances and resolutions shall be by roll call and shall be recorded in the minutes.
- 6) Shall section 4.01 of the Town Charter be amended as follows:
"Sec. 4.01. - Public Monies.
All public monies shall be disbursed only either by check to be signed by two (2) of four (4) authorized signatures or electronic payments or direct deposit.

Interim Mayor for Town of Malabar

With the passing of Mayor Eschenberg, the Town Council appointed an interim Mayor for the remainder of Mayor Eschenberg's term. Phil Crews, previously Mayor, was appointed at the RTCM meeting on June 18, 2012.



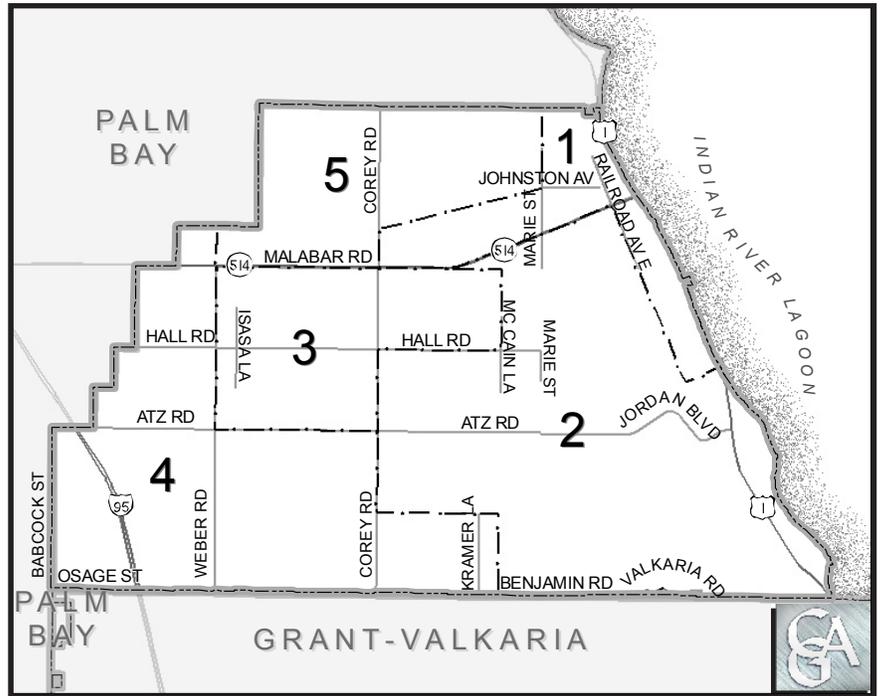
Mayor Crews has been a resident of Malabar since 1986 and has served the Town in several capacities. From 1997 to 2004, he completed two terms as Mayor. Prior to his being elected as Mayor, he served on Town Council and the Planning and Zoning Advisory Board. He is retired Air Force, serving our country from 1966 to 1986. After retiring from private sector in 2002, Phil is enjoying life with his family and grandchildren.

We are happy to have Phil Crews assisting in this capacity to fill the remaining term of Mayor Eschenberg. If you have not had the pleasure of meeting Mayor Crews, please feel free to stop by a Town Council meeting and make him feel welcome. Town Council meets every first and third Monday of each month.

Know Your Representatives on Council

The Council members to the left represent these districts:

- District 1:** Carl Beatty
837-1600 2944 Century Oaks Circle
- District 2:** David White
231-0013 2110 Ivey Lane
- District 3:** Steve Rivet
956-6551 2005 Rivet Lane
- District 4:** Jeffrey McKnight
223-6723 2005 Flashy Lane
- District 5:** Marisa Acquaviva
768-1127 1120 Baywood Court
- Mayor:** Phil Crews
951-0422 2480 Johnston Avenue
- Town Administrator** Bonilyn Wilbanks
Town Hall 727-7764 x13
- Town Clerk/ Treasurer** Debby Franklin
Town Hall 727-7764 x12
- Town Fax** 722-2234
- County Comm.** Trudie Infantini, Dist. 3
952-6300



St. John's River Water Mgmt District www.sjrwmd.com

Editor - Debby Franklin www.townofmalabar.org

The printing of this newsletter was generously donated by Data Management

