

TOWN OF MALABAR
REGULAR TOWN COUNCIL MEETING
MONDAY NOVEMBER 07, 2016
7:30 PM
2725 MALABAR ROAD
MALABAR, FLORIDA

AGENDA

- A. **CALL TO ORDER, PRAYER AND PLEDGE**
- B. **ROLL CALL**
- C. **APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES:**
- D. **APPROVAL OF THE MINUTES:**
1. **Regular Town Council Meeting Minutes 10/17/16**
Exhibit: Agenda Report No. 1
Recommendation: Request Approval
- E. **BCSO REPORT:**
- F. **ATTORNEY REPORT:**
- G. **BOARD/COMMITTEE REPORTS:**
- H. **STAFF REPORTS: ADMINISTRATOR: CLERK:**
PROCLAMATIONS:
- **11/11/16 Veteran's Day**
 - **Recognizing 11/17/16 as World Pancreatic Cancer Day**
- I. **PUBLIC COMMENTS:** Comments at this point may address items NOT on the Agenda. Comments related to subsequent Agenda Items may be made as those items come up. Public comments do not require a Council response. (Speaker Card is Required) **Three (3) Minute Limit per Speaker.**
- J. **PUBLIC HEARINGS/SPECIAL ORDERS: 0**
- K. **UNFINISHED BUSINESS/GENERAL ORDERS**
ORDINANCES FOR FIRST READING: 0
RESOLUTIONS: 0
MISCELLANEOUS: 1
2. **Action on Events Committee**
Exhibit: Agenda Report No. 2
Recommendation: Request Staff Direction
- COUNCIL CHAIR MAY EXCUSE ATTORNEY AT THIS TIME
- L. **DISCUSSION/POSSIBLE ACTION:**
3. **Potential Cooperative Plan to Co-locate a New Town Hall with the EEL Educational Center**
Exhibit: Agenda Report No. 3
Recommendation: Discussion
- K. **PUBLIC COMMENTS: General Items (Speaker Card Required)**
- L. **REPORTS – MAYOR AND COUNCIL MEMBERS**
- M. **ANNOUNCEMENTS:**
(2) Vacancies on the Board of Adjustment; (3) Vacancies on the Park and Recreation Board;
- N. **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: November 07, 2016

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 – 10/17/2016

ATTACHMENTS:

Draft Minutes of the 10/03/16 meeting

ACTION OPTIONS:

The Town Clerk requests approval of the 10/17/16 minutes.

MALABAR TOWN COUNCIL REGULAR MEETING MINUTES

October 17, 2016

7:30 PM

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

A. CALL TO ORDER:

Council Chair Mayor Phillip Crews called the meeting to order at 7:30 pm. CM Ball led the prayer and pledge.

B. ROLL CALL:

COUNCIL CHAIR:	Mayor PHIL CREWS
VICE-CHAIR:	BRIAN VAIL
COUNCIL MEMBERS:	GRANT BALL
	DON KRIEGER
	DICK KORN
	RICHARD KOHLER
TOWN ADMINISTRATOR:	DOUGLAS HOYT
TOWN ATTORNEY:	KARL BOHNE
TOWN CLERK/TREASURER:	DEBBY FRANKLIN

DRAFT

For the Record, the Fire Chief Christopher Robinson resigned as of 10/14/16.

C. ADDITIONS, DELETIONS, CHANGES APPROVAL OF AGENDA

Without objection, agenda is approved.

D. APPROVAL OF THE MINUTES:

1. Regular Council Meeting Minutes 10/03/2016

Exhibit: Agenda Report No. 1

Recommendation: Request Approval

Without objection, minutes are approved.

- E. SHERIFF REPORT:** BCSO Dep went thru highlights for Aug and Sept: 26 crashes, 25 ag 24 patrol 26 residential, 10 traffic – no burglaries. Don't leave cars open and house keys in car and garage remote in unlocked cars. #1 problem is unsecured vehicles in driveways. 16 crashes in Sept. FHP does crash reports on State roads.

ATTORNEY REPORT: Atty stated that under unfinished business the agenda has board appointments individually as six separate resolutions. He said this was started with previous TA and requires a lot of staff time to draft them and then read each separately with rollcall votes. In the past, these were done without a resolution; there is no legal requirement to do these with a resolution. As long as the action is recorded in the minutes, it is in the record. That would be his suggestion. Chair asked if there was Council consensus to approve – yes.

F. STAFF REPORTS: ADMINISTRATOR:

- Letter of resignation in front of Council is from Chief Robinson. Left in good standing. For interim 90-day period, he asked all the Lts. and they all support appointing Lt. Lenny Thommassen. He may be perfect candidate. Said it also sends the message to FF that they have opportunity to move up.
- Lt. Thommassen, 27 yrs. in fire service; tons of experience and tons of education to back it up. If Council has any questions. Goal is to not go backwards. Lenny said Chief Robinson turned Fire Dept. around and it is beneficial to keep progressing. Said it is an honor to be asked to fill in as interim Chief. He then briefed Council on the FD Sept report (provided printed copies). In Sept, there were 44 active members with growth factor of -1. There are nine paid on roster. 114 hours in in house training. One of his goals is to reduce the turnover. Work on having them stay here at least a year. CM Korn asked TA about salary. TA said for now he has been offered his current pay as Lt. and an additional ½ pay of whatever the Chief got per pay.

Chair asked for a motion to formalize action.

MOTION: CM Korn / CM Kohler to appoint Lennard Thommassen as Interim Chief maintaining his Lt pay and half of what Chief made. **Vote:** All Ayes.

- TA said the end of FY15/16 Budget preliminary reports show that there will be enough excess (rev over expenditures) to cover the invoice for the FEC railroad crossing at Jordan Blvd. Pre-audit budget to actual report will be emailed to all of Council and posted to website.
- ADA restroom – plumber is wrapping up plumbing and elec set for tomorrow. Then site work by PW and then paving for 2 cars and short and long ramp.
- W. Railroad Avenue. Read from his report given to Council. Action will be requested under Agenda Item 8.

CLERK: Municipal Elections are not partisan. Local government focus is about what needs to be done to keep, improve, maintain, etc., what happens in their local community. That is what sets it apart from County, Judicial, State and Federal elections. Party affiliation is not required as part of the candidate qualifying. It is specifically not included with the affidavit signed by candidates that they are willing to serve.

- G. PUBLIC COMMENTS:** None
H. PUBLIC HEARINGS/SPECIAL ORDERS: 0
I. UNFINISHED BUSINESS/GENERAL ORDERS
ORDINANCES FOR FIRST READING: 0

DRAFT

RESOLUTIONS: 7

2. Appoint Mary Hofmeister to P&Z Board (Reso 11-2016)

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE APPOINTMENT OF MARY HOFMEISTER TO THE MALABAR PLANNING AND ZONING BOARD AS AN ALTERNATE MEMBER FOR A THREE YEAR TERM EFFECTIVE 11/9/16; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 2

Recommendation: Adopt Reso 11-2016

Title of Resolution read by Clerk.

MOTION: CM Vail / CM Ball to adopt Reso 11-2016. Discussion: none

ROLL CALL VOTE: CM Ball, Aye; CM Vail, Aye; CM Krieger, Aye; CM Korn, Aye; CM Kohler, Aye. Carried 5 to 0.

3. Appoint George Foster to P&Z Board (Reso 12-2016)

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE APPOINTMENT OF GEORGE FOSTER TO THE MALABAR PLANNING AND ZONING BOARD AS A REGULAR MEMBER FOR A THREE YEAR TERM; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 3

Recommendation: Adopt Reso 12-2016

Title of Resolution read by Clerk.

MOTION: CM Ball / CM Kohler to adopt Reso 12-2016. Discussion: none

ROLL CALL VOTE: CM Ball, Aye; CM Vail, Aye; CM Krieger, Aye; CM Korn, Aye; CM Kohler, Aye. Carried 5 to 0.

4. Appoint Charles "Bud" Ryan to P&Z Board (Reso 13-2016)

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE APPOINTMENT OF CHARLES "BUD" RYAN TO THE MALABAR PLANNING AND ZONING BOARD AS A REGULAR MEMBER FOR A THREE YEAR TERM; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 4

Recommendation: Adopt Reso 13-2016

Title of Resolution read by Clerk.

MOTION: CM Korn / CM Kohler to adopt Reso 13-2016. Discussion: CM Korn referenced the ordinance that stated. He missed eight of the meetings last year. Need to enforce it. If there are excessive absences. P&Z Chair responded and said that his absences were excused. CM Vail asked if Chair makes the decision. Yes. It is an ordinance that can be abused. CM Ball said he is one of the concerned residents and absolutely should be on that Board. In some cases, we cannot even get the minimum.

ROLL CALL VOTE: CM Ball, Aye; CM Vail, Aye; CM Krieger, Aye; CM Korn, Aye; CM Kohler, Aye. Carried 5 to 0.

5. Appoint Joanne Korn to Board of Adjustment (Reso 14-2016)

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE APPOINTMENT OF JOANNE KORN TO THE MALABAR BOARD OF ADJUSTMENT AS A REGULAR MEMBER FOR A THREE-YEAR TERM; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 5

Recommendation: Adopt Reso 14-2016

Title of Resolution read by Clerk.

MOTION: CM Kohler / CM Vail adopt Reso 14-2016. Discussion: none

ROLL CALL VOTE: CM Ball, Aye; CM Vail, Aye; CM Krieger, Aye; CM Korn, Aye; CM Kohler, Aye. Carried 5 to 0.

6. Appoint Donna Hanna to Board of Adjustment (Reso 15-2016)

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE APPOINTMENT OF DONNA HANNA TO THE MALABAR BOARD OF ADJUSTMENT AS A REGULAR MEMBER FOR A THREE-YEAR TERM; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 6

Recommendation: Adopt Reso 15-2016

Title of Resolution read by Clerk.

MOTION: CM Ball / CM Kohler to adopt Reso 15-2016. Discussion: none

ROLL CALL VOTE: CM Ball, Aye; CM Vail, Aye; CM Krieger, Aye; CM Korn, Aye; CM Kohler, Aye. Carried 5 to 0.

7. Appoint David Sowards to Board of Adjustment (Reso 16-2016)

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE APPOINTMENT OF DAVID SOWARDS TO THE MALABAR BOARD OF ADJUSTMENT AS A REGULAR MEMBER FOR A THREE-YEAR TERM; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 7

Recommendation: Adopt Reso 16-2016

Title of Resolution read by Clerk.

MOTION: CM Korn / CM Ball to adopt Reso 16-2016. Discussion: none

A large, diagonal, semi-transparent stamp with the word "DRAFT" in bold, capital letters. The stamp is positioned on the right side of the page, overlapping the text of the 5th and 6th items.

ROLL CALL VOTE: CM Ball, Aye; CM Vail, Aye; CM Krieger, Aye; CM Korn, Aye; CM Kohler, Aye. Carried 5 to 0.

MISCELLANEOUS: 1

8. Authorization Requested to Advertise for a Town Initiated Vacate of ROW on W. Railroad Avenue and Johnston Avenue.

Exhibit: Agenda Report No. 8

Recommendation: Request Approval

MOTION: CM Kohler / CM Vail to authorize legal advertisement for this vacate.

Discussion: CM Kohler said it would improve the overall. CM Ball wants to ask atty. Atty said he had not reviewed but if it is not depriving anyone from access their property, he is ok with Council abandoning it. CM Korn is looking at map. It looks like it will resolve many problems. This he likes. It brings some sense. What he is uncomfortable with is the abandonment of Johnston Ave. He does not understand how that will increase revenue. CM Krieger asked if it had been tabled. No, CM Krieger wants a postponement. The motion is to simply authorize the intent to vacate/abandon rights-of-way – not do the vacate. Chair called for a rollcall vote. **ROLL CALL VOTE:** CM Ball, Aye; CM Vail, Aye; CM Krieger, Aye; CM Korn, Aye; CM Kohler, Aye. Carried 5 to 0.

DRAFT

COUNCIL CHAIR MAY EXCUSE ATTORNEY AT THIS TIME

J. DISCUSSION/POSSIBLE ACTION:

9. Road Classifications and Existing Homes on Unaccepted Rights-of-Way (Krieger)

Exhibit: Agenda Report No. 9

Recommendation: Discussion

Thanked Clerk for information. Referred to the Cinderella Ord and wants to send it to P&Z for their review and consideration for a way to correct this going forward. CM Vail referenced six local roads he knew of that had homes built on unaccepted roads; north end of Smith Lane, south end of Candy Lane and others. Franklin said there were 21 homes built on unaccepted roads in 1984 and in 1992 that had increased to 38. Franklin also suggested that P&Z review the road widths set in the Comp Plan – perhaps they should be modified. CM Korn said we need to look at this. Over a controlled period of time. Chair asked if Council was suggesting a joint workshop. No, let P&Z Board discuss it. Chair said we need the Attorney to provide information on Town liability.

CM Krieger also asked TA about the work done by PW on Lett Lane; the dirt piles that appear within the ROW and the cul-d-sac.

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

L. REPORTS – MAYOR AND COUNCIL MEMBERS

TC: nothing for next meeting. Spec mtg on 10th at 7pm for swearing in. Legal advertising requires the vacate to be heard at 2nd mtg in Nov

CM Kohler: nothing

CM Korn: Memorial for Carl Beatty. Make recommendation to Park Bd to look at memorial garden at the Malabar Community Park. CM Korn stated he can ask candidates their position on certain items but can't ask the incumbants. He asked CM Vail how he feels about the every two years asking voters to vote re: MSTU. Contine MFD. Yes, loose identity and would have delayed response for life safety. Krieger is for renegotiation with Sheriff Ofc. MSBU vs MSTU. He is for a volunteer force for fire dept. Or a negotiated agreement with County. CM Korn thanked them both.

CM Krieger: Asked TA about any Town damage from Hurricane Matthew. A few lost shingles. Have ILA with County to let them handle the debris cleanup with FEMA. Large oak fell across driveway of homeowner on New Jersey. TA stated FEMA contractor will do two

complete passes; they have started the first. Council asked if TA could get timeframe on when they would be doing these passes in Malabar.

CM Ball: Where are we on the north Rocky Point Road parcel. TA said surveyor has been on vacation. CM Ball asked if they will have something for next meeting. No.

CM Vail: no

Mayor: no

Clerk: none

M. ANNOUNCEMENTS:

(2) Vacancies on the Board of Adjustment; (3) Vacancies on the Park and Recreation Board; (0) Vacancy on the Planning & Zoning Board as of 11/07/16.

N. ADJOURNMENT:

There being no further business to discuss and without objection the meeting was adjourned by the Chair at 9:10PM.

BY: _____
Mayor Phillip R. Crews, Council Chair

ATTEST:

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

Date Approved: 11/07/2016

 DRAFT

Veterans Day, 2016

Whereas, World War I – known at the time as "The Great War" - officially ended when the Treaty of Versailles was signed on June 28, 1919, outside the town of Versailles, France. However, fighting ceased seven months earlier when an armistice, or temporary cessation of hostilities, between the Allied nations and Germany went into effect on the eleventh hour of the eleventh day of the eleventh month. For that reason, November 11, 1918, is generally regarded as the end of "the war to end all wars."

Whereas, In November 1919, President Wilson proclaimed November 11 as the first commemoration of Armistice Day with the following words: "To us in America, the reflections of Armistice Day will be filled with solemn pride in the heroism of those who died in the country's service and with gratitude for the victory, both because of the thing from which it has freed us and because of the opportunity it has given America to show her sympathy with peace and justice in the councils of the nations"

Whereas, The United States Congress officially recognized November 11 of each year a legal holiday with the adoption of Act (52 Stat. 351; 5 U. S. Code, Sec. 87a) on May 13, 1938;—a day to be dedicated to the cause of world peace and to be thereafter celebrated and known as "Armistice Day." Armistice Day was primarily a day set aside to honor veterans of World War I.

Whereas, in 1954, after World War II had required the greatest mobilization of soldiers, sailors, Marines and airmen in the Nation's history; after American forces had fought aggression in Korea, the 83rd Congress, at the urging of the veterans service organizations, amended the Act of 1938 by striking out the word "Armistice" and inserting in its place the word "Veterans." With the approval of this legislation (Public Law 380) on June 1, 1954, November 11th became a day to honor American veterans of all wars.

Whereas, Veterans Day continues to be observed on November 11, regardless of what day of the week on which it falls. The restoration of the observance of Veterans Day to November 11 not only preserves the historical significance of the date, but helps focus attention on the important purpose of Veterans Day: A celebration to honor America's veterans for their patriotism, love of country, and willingness to serve and sacrifice for the common good.

NOW, THEREFORE, I, Philip R. Crews, Mayor of the Town of Malabar, Florida, in recognition of this designation hereby proclaim November 11 as Veterans Day and as directed by Congress, to observe Veterans Day with appropriate ceremonies, activities and to display the flag in honor of our Veterans.

November

2016

Mayor Philip R. Crews



From: Barbara Nehr
Sent: Thursday, October 20, 2016 7:19 PM
To: Debby Franklin
Subject: 2016 Pancreatic Cancer Proclamation

Dear Debby,

As the Advocacy Chair of the Central Florida Pancreatic Cancer Action Network affiliate, I am writing on behalf of the estimated 41,780 Americans who will die of pancreatic cancer in 2016, approximately 3,080 of whom live in Florida. In 2016, pancreatic cancer will afflict more than 53,070 Americans, 71 percent of whom will die within one year of their diagnosis, and 92 percent of whom will die within five years of diagnosis.

I am currently a six year survivor of pancreatic cancer, have lost two family members to this disease, and have met far too many other victims who have not survived and their grieving family members and friends. I am enlisting your help in encouraging the Town of Malabar to join many other local governments nation-wide in recognizing the importance of increasing awareness of this disease and in supporting efforts to improve the survival rate and, ultimately, find a cure. For your convenience I am attaching a template of the proclamation.

This year, pancreatic cancer surpassed breast cancer to become the third leading cause of cancer-related death in the United States, and it is projected to become the second leading cause by 2020. It is the only major cancer with a five-year relative survival rate in the single digits at just eight percent. We need your help to shine a spotlight on this disease and finally make progress in developing treatments and early detection tools. By issuing a proclamation supporting the observance of November 17 as World Pancreatic Cancer Day In Malabar, you can help us raise awareness in our community.

We request that a total of one original of the proclamation be made available for our records. Please contact me at (407)-694-5867 with any questions. I look forward to working with you to issue a proclamation that will recognize November 17 as World Pancreatic cancer Day and bring much needed attention to this deadly disease. Thank you for your interest in this important issue.

Sincerely,

Barbara Nehr
20448 Majestic St.
Orlando, FL 32833

bnehr@
pancanvolunteer.org

Malabar Proclamation

World Pancreatic Cancer Day"

WHEREAS, in 2016, an estimated 53,070 people in the United States will be diagnosed with pancreatic cancer, one of the deadliest cancers, and 41,780 will die from the disease;

WHEREAS, pancreatic cancer surpassed breast cancer this year to become the third leading cause of cancer death in the United States, and it is projected to become the second leading cause by 2020;

WHEREAS, pancreatic cancer is the only major cancer with a five-year relative survival rate in the single digits at just eight percent;

WHEREAS, when symptoms of pancreatic cancer present themselves, it is generally in later stages, and 71 percent of pancreatic cancer patients die within the first year of their diagnosis;

WHEREAS, approximately 3,080 deaths will occur in Florida in 2016;

WHEREAS, pancreatic cancer is the seventh most common cause of cancer-related death in men and women across the world;

WHEREAS, there will be an estimated 418,451 new pancreatic cancer cases diagnosed worldwide in 2020;

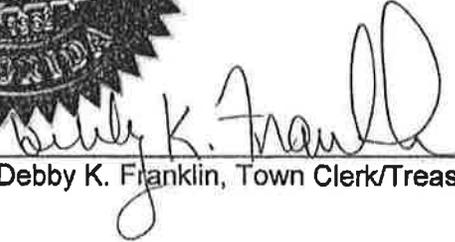
WHEREAS, the good health and well-being of the residents of Malabar are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes and effective treatments; therefore be it

RESOLVED that the Town Council Declare November 17 as "***World Pancreatic Cancer Day***" in the Town of Malabar.

TOWN OF MALABAR

Mayor Phillip R. Crews, Council Chair





Debby K. Franklin, Town Clerk/Treasurer

**TOWN OF MALABAR
AGENDA ITEM REPORT**

AGENDA ITEM NO: 2
Meeting Date: November 07, 2016

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

SUBJECT: Action on Events Committee

BACKGROUND/HISTORY:

Council directed at the October meeting to have this on the agenda for action. The decision was to have a stand-alone citizen committee or a recognized Town sponsored Committee as provided in the attached ordinance drafted by the Attorney.

ATTACHMENTS:

Draft Ordinance

ACTION OPTIONS:

Town Staff requests direction.

Debby Franklin

From: Laura Mahoney <darien8@gmx.com>
Sent: Friday, November 04, 2016 12:07 PM
To: Debby Franklin
Cc: Barb Kemmler; Rickie Bisnath; Teresa Scannelli; Meghan Wolfgram; Rebekah Waldorf; Phil Crews
Subject: Events Committee, official?

It is our understanding to be made a stand alone committee under Council and sponsored by the town.

1. Statement of Purpose

- The Malabar Events Committee promotes community engagement through events that enhance and exemplify the spirit of the Town of Malabar. This committee fosters community involvement and camaraderie among fellow residents who plan and enjoy social, recreational, and educational activities, utilizing the town's abundant parks and community resources, year-round.

2. General Procedure

The Malabar Events Committee may have five (5) official resident decision-making members and up to (2) alternate members and as many community volunteers as are willing to support the committee's purpose. For the purpose of this committee, (3) members will make a quorum.

The activities and decision making of the committee will be communicated to the council and the public through written minutes and oral reports by the committee and any administrative liaisons.

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, RELATING TO BOARDS AND COMMITTEES; AMENDING CHAPTER 2, ARTICLE VIII OF THE CODE OF ORDINANCES OF THE TOWN; ADDING A DIVISION 6 CREATING THE EVENTS COMMITTEE; PROVIDING FOR THE ESTABLISHMENT AND PURPOSE; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, THAT:

SECTION 1. Division 6 is hereby added to Chapter 2, Article VIII, to read as follows:

"Division 6. Events Committee.

Section 2-60.- Establishment and Purpose of Events Committee.

(a). Establishment and Purpose. The Events Committee is hereby established and shall consist of _____ () seats and _____ () alternate-seats. The alternate members shall alternate to act in the place and stead of a regular voting member.

The Events Committee is established to deal with any event sponsored by the Town of Malabar. The Events Committee shall have no policy or decision-making authority but shall have the authority to recommend, rank, reject, accept, classify or narrow any matter to be presented to the Town Council. The Events Committee shall gather information and present it the Town Council and the Town Council shall be the final determining body on any matters gathered, presented to it by the Events Committee.

The Committee is advisory in nature but may consult with other committees of the Town, consistent with the Florida Sunshine Law, on event issues and forwards the recommendations to the Town Council.

1. See Division 1, Section 2-211- 2-215 above for other applicable regulations.
2. The Events Committee shall only take direction from the Town Council and shall perform its missions on matters which have been authorized by the Town Council.
3. The Chairperson of the Parks and Recreation Committee shall appoint a member of that committee to serve as a non-voting liaison member of the Events Committee."

SECTION 2. 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 be made a part of the Code of Ordinances of the town of Malabar, Florida; that the sections of their Ordinance may be renumbered or re-lettered to accomplish such intention; and the word "Ordinance" may be changed to "Section," "Article" or other appropriate designations.

SECTION 3. 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 the 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 4. CONFLICT. All ordinances or parts thereof in conflict herewith are hereby repealed to the extent of such conflict with this Ordinance.

SECTION 5. 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 Richard Kohler	_____

Passed and adopted by the Town Council, Town of Malabar, Brevard County, Florida this ___ day of _____, 2016.

TOWN OF MALABAR
By:

Mayor Phillip R. Crews, Council Chair

First Reading: _____
Second Reading: _____

(seal)

ATTEST:

Approved as to form and content:

By _____
Debby Franklin, Town Clerk/Treasurer

Karl W. Bohne, Jr., Town Attorney

**TOWN OF MALABAR
AGENDA ITEM REPORT**

AGENDA ITEM NO: 3
Meeting Date: November 07, 2016

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

SUBJECT: Co-locate Town Hall and EEL Educational Center

BACKGROUND/HISTORY:

The Mayor and TA would like to restart the conversation regarding this possibility. This was initially suggested years ago but has been topic of several discussions at the EELp meetings.

ATTACHMENTS:

None

ACTION OPTIONS:

Town Staff requests direction.