

RESOLUTION 09-2007

A RESOLUTION OF THE TOWN OF MALABAR URGING THE PALM BAY CITY COUNCIL TO RECONSIDER THE LOCATION PROPOSED IN EXHIBIT “A” OF THEIR ORDINANCE 2007-30, PERTAINING TO ADULT ENTERTAINMENT ESTABLISHMENTS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Malabar and the City of Palm Bay have generally maintained a cooperative relationship over the years and the Town of Malabar desires to maintain the cooperative relationship with its neighbor, the City of Palm Bay; and

WHEREAS, the Town of Malabar does not dispute the City of Palm Bay’s right to regulate adult entertainment pursuant to its police powers and agrees with the substantive provisions in the City of Palm Bay Ordinance No. 2007-30 relating to crime, prostitution, drugs and other similar illegal activities associated with adult entertainment establishments; and

WHEREAS, the Town of Malabar supports the City of Palm Bay’s right to regulate where adult entertainment establishments are located; and

WHEREAS, the Town of Malabar is a Rural Residential community as declared by the Town Charter and desires to preserve the rural character of the Town and the public peace and good order of its citizens; and

WHEREAS, the proposed location of adult entertainment establishments as identified on Exhibit “A” of Ordinance 2007-30 is within 1,500 feet of a rural residential zoning district and daycare/Pre-K facility in the Town of Malabar; and

WHEREAS, The Town of Malabar believes that the location described in Exhibit “A” to Ordinance 2007- 30 for adult entertainment establishment that would impact surrounding properties in the Town and may cause those surrounding properties to suffer reduced property values, law enforcement concerns, a reduced quality of life and may impact possible future school siting .

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

Section 1. That the Town of Malabar respectfully requests and urges the Palm Bay City Council not support the location of adult entertainment establishments as depicted on Exhibit “A” to Ordinance 2007-30.

Section 2. That the Town of Malabar urges Palm Bay to consider an alternate location for placement of adult entertainment establishments.

Section 3. This resolution shall take effect immediately upon its adoption.

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

Council member Nancy Borton	_____
Council member Brian Vail	_____
Council member Chuck McClelland	_____
Council member Bobbi Moccia	_____
Council member Pat Dezman	_____

This Resolution was then declared to be duly passed and adopted this 16th day of
April, 2007.

TOWN OF MALABAR

BY: _____
Mayor Tom Eschenberg, Chair

ATTEST:

Susan Kabana, CMC
Town Clerk/Treasurer