

**MALABAR TOWN JOINT SPECIAL MEETING**  
**October 29, 2008                      6:00 PM**

This Special Workshop meeting of the Malabar Town Council and Planning and Zoning board was held at Town Hall at 2725 Malabar Road.

**A.     CALL TO ORDER:**

The meeting was called to order at 6:00 pm by Chair, Mayor Eschenberg. The prayer and pledge were led by P&Z Chair Bob Wilbur.

**B.     ROLL CALL:**

COUNCIL	
MAYOR/CHAIR	TOM ESCHENBERG
VICE-CHAIR:	CHUCK McCLELLAND
COUNCIL MEMBERS:	NANCY BORTON
	BRIAN VAIL
	JEFF MCKNIGHT
	PAT DEZMAN
 P&Z MEMBERS	
CHAIR	BOB WILBUR
V-CHAIR	PAT REILLY, excused
MEMBERS	RICHARD CAMERON, excused
	BUD RYAN, excused
	DON KRIEGER
 ALTERNATES	LIZ RITTER
	CINDY ZINDEL, excused
 STAFF	
TOWN ADMINISTRATOR:	BONILYN WILBANKS-FREE
TOWN CLERK/TREASURER:	DEBBY FRANKLIN

**C.     ADNNOUNCEMENT:** McKnight will have to leave at 8PM.

**D.     PRESENTATIONS:**

EVALUATION AND APPRAISAL REPORT (EAR) AMENDMENTS REVIEW WITH PRESENTATION BY CALVIN GIORDANO AND ASSOCIATES, INC.

1. PUBLIC FACILITIES
2. CONSERVATION
3. COASTAL MANAGEMENT
4. RECREATION & OPEN SPACE
5. CAPITAL IMPROVEMENTS

Lorraine Tappen started off and introduced herself and other staff. Sandra Lee and Patrick Figurella from CGA Inc will be presenting and answering questions on these elements.

In review of the last week's presentation, she went over the EAR report requirement for audience and Board and Council. It is a 2-part process. This is the second step.

This will keep the Comp Plan current with local issues and compliant with State law. She reviewed the major issues identified by residents during the scoping meeting.

(Note: the EAR Amendments are on the website and so is the power point presentation from last week and tonight's meeting for audience benefit.)

They will go over the elements and summary and then take questions from anyone.

Each section has two parts – the goals objectives and policies or (GOPs) which is the regulatory side; and the data inventory which is used to back these up.

Patrick Figurella worked on the Public Facilities Element. He reviewed the providers: Malabar sewer by Malabar Utility who contracts with Palm Bay. He explained the capacity of the two treatment plants in Palm Bay. Private waste water system at Harris, Enchanted Lakes, etc.

Solid Waste – Waste Management, (WM) handles this service. The landfill currently has a 10 year capacity. New location has a planned 50 year capacity.

Drainage is based on a 10 year, 1-day storm. Potable water is provided to 20% of residents with water. We purchase it from Palm Bay. 4.7 MGD reducing to 3.4 MGD supplied by lime. He discussed the capacity.

Groundwater Aquifer recharge – there are no areas that are identified as prime groundwater recharge.

Policy is to coordinate with Brevard County and the City of Palm Bay on future water needs. Policy is to prepare Master Drainage plan by 2013 to correct deficiencies. Policy to do at least annual drainage maintenance. Increase the stormwater run-off ability. Retain runoff to maximize ability to recharge.

Coastal Element: Sandra worked on this element and the coastal high hazard class. In the past, this was meant to protect coastal areas. Per FS 163, Coastal High Hazard Areas (CHHA) have been redefined. Our CHHA is in the NW corner of the Town. The inset of map shows appx 10 homes in the Brook Hollow area – not near the coast at all. This is different from Flood Zone areas. She explained the rationale behind this designation and the surge potential from Turkey Creek.

She also reviewed coastal areas and incorporated in the policy the recommendation to encourage opening access for public use and suggested pursuing grants. When the State reviewed this in the EAR, they had requested we maintain the coastal parcels as coastal preservation. The IRL is a nationally recognized water system. There are many agencies looking into the protection of the IRL, such as CCMP and SWIM.

Conservation Element: Unique situation here – there is a large amount of undeveloped land in Malabar but not large areas of invasive species. CGA, Inc used mapping information from Fish and Wildlife Agency – they actually map invasives. There are no areas mapped as invasives in Malabar.

There are 950 acres under State control and 150 under Town for conservation. The development policies recommended will allow us to steer applicants to the appropriate jurisdictional agencies on how to develop those areas.

The IRL coast throughout Malabar is all designated as aquatic preserve and has also been designated by the State as part of the Florida Outstanding Waters. Protect shoreline vegetation.

Parks and Open Space Element – many of your park areas fall under conservation. Purpose is to guide policy development. This includes a full inventory. She went over the .inventory list. Total showed error on PowerPoint presentation and she will correct.

Having over 1000 acres for a Town our size is very impressive. Malabar requires five (5) acres per 1000 of population for recreation purposes. We currently have 17 acres plus per 1000 persons.

- Town indicated we need more detail and we can amend the LDC for park and conservation development.
- Also provide trail system master plan

Capital Imp Element – lays out the needs to accomplish, and estimates the costs and schedules the projection date for completion. They used projection of 4% increase in revenues and total expenses are the same. The schedule looks pretty bare bones. The town is not proposing LOS projects.

We do need to include the FDOT projects. We are required to have the I95 widening on our plan and they have 15 Mil planned for it.

We will be looking at the CIE, PSFE and the Update to the CIE at the next P&Z meeting. Our PSFE must include the school boards 5 year plan is being coordinated with. It reflects projects from 2009-2013. This will have to be updated annually.

Jeff McKnight asked if the coastal preservation zoning designation is common in Florida. Sandra said no, it is very unique. It is a benefit to the Town. McKnight has checked and he did not see it in other counties. What is the requirement from the State per FAC 9J5? It does not require this designation. They do have requirements to provide access and a water related uses. There is nothing codified in the State FAC requiring us to maintain this designation but the State did ask Malabar to keep it.

Liz Ritter asked how the State drains the water off the US1. Patrick said if it goes straight out to the river it would be inconsistent with State policies. BWF explained that she toured with the State and they do filter the runoff.

- Krieger referenced the Coastal Element, page 5-2; he suggests that there are HOA that have piers – Coquina Point and Rocky Point and a private organization. He thinks these are the people we have to coordinate with. Wants the policy wording changed to include these groups.
- Bob Wilbur, page 5-4, the old mail drop was at end of Orange Ave. And another to the north. Don Krieger said that there was information about the mule train and these areas can only be used for a mule train. CGA Inc. can verify at City of Sebastian.
- Krieger stated the description of the town he was given refers to the channel. Get with Lorraine regarding verifying the town description. Get copy of legal description and send to Lorraine.
- Don Krieger wants to extend the due dates to complete the policy. Push everything out to the maximum amount of time

Mayor asked about 7-1.6 – promote greenways. The way it reads it only connects recreational area in Malabar. It should refer to cooperation with the other agencies. It is pointed out that it is already mentioned in the next section.

Capital Imp Element – pg 9-12 Policy stating a need a boat ramp for every 2700 of population.

Lorraine explained the LOS per use that are specific to a use are not necessary and are restrictive in the Comp Plan, and she recommends taking them out. Insert the LOS as 5 acres of recreation land per 1000 population and further define it in LDC. Franklin explained the recreation use guide put out by the State that we use when we apply for FRDAP grants. It explains the points given and it can still be used and not be part of the comp plan.

Mayor said that access to river is a directive and asked Krieger about where the access points could be made. Krieger said at the north and the south of Rocky Pt Road. He explained there was a piece of land whose ownership was in question at the north end of Rocky Point. Franklin said it was discussed at P&Z and he was going to research it. It has since been clarified because it now shows as owned by a private party who is negotiating with EELs to sell to them.

Bob Wilbur said there are 3 acres on the east side of the south end of Rocky Pt Road and the Town approached the owner (Sen. Nelson) during the FCT PT2000 grant application period to donate the land for use as a non-motorized boat pier.

The first Town Administrator got involved and the project turned into something completely different with a motorized boat ramp and Nelson was not interested nor did the residents in the area support the project. He later said he would consider selling it if we got grant money.

Across from Malabar on the other side of the IRL is the Archie Carr Preservation. A location on this side and offering eco-tourism would be a win for a blueway/greenway corridor.

Mayor asked for clarification – do we have to do that or work towards that. In the original Comp Plan and it stated we would have public access to the river every ½ miles.

Tappen explained Brevard County also has a coastal element in their comp plan and they are required to provide access and we could discuss with them and negotiate for a joint partnership for access and recreation. That would be a great strategy because if we could get EELs to buy it, this would be a great blueway and greenway combination.

Wilbur said the third access location is the old Mailboat location near Orange Avenue. We could do just like Palm Shores did with the park being built out with parking for about ten vehicles and they had partnered with work from FDOT.

Dezman asked if we had contacted Sen. Nelson recently and asked if he would consider donating or selling to the Town for river access. Nothing recent.

Krieger stated it was not practical because of lack of parking.

On Capital Improvement Element, Krieger pointed out a typo.

Mayor said CIE is a five-year plan. If our proposed 5% increase of revenues is also for expenses then we will still have no money for capital improvement plan. Can we state we have no plans for capital improvement projects? Tappen said yes and ours is essentially that – bare bones with only the State and Palm Bay's projects listed.

She explained the CIE only refers to projects that are related directly to LOS. This may and mostly will be different from the CIP where we identify the town's capital imp plans. These projects must have a direct revenue flow. This area gets a separate review from the State.

Bob Wilbur asked about the master drainage flow map and he thinks it would be a good addition. Lorraine said it is not a good idea because it could change.

Regarding Policy 6-1.2.3 then new sewer systems are extended then persons are required by FS and only if there is gravity main.

- He will email BWF the FS reference. If there is a public gravity sewer installed and if there are package plants they are not a septic system and they would not be required to hook up.

If there is no public sewer or package plant available they would have to have water treatment consistent with the density of their development. If the size of the lot is large enough to permit septs, then they would have septs.

The FS says that a *private septic* must hook up to public system – it would take political will to extend that into the existing neighborhoods. If soil conditions changes and they are not able to have working septs, then they could be required to hook up.

Liz Ritter asked if there are FS requirements – you can have – no requirements for a public system. Large lots allow the septic system. Borton asked if the State would mandate sewer system along the river. No. The statute requires you to connect if you have a septic system and. Mayor asked about the distinction he is stating about gravity system. They don't mandate the type they only require the hook up. It is not the same for water. The well protection zones won't allow for developments without city water.

Parks and Rec – Comp Plan does not require you to accommodate certain recreation types rather than list the types of. These standards were based on State guidelines.

On page 7-2 it lists the trailhead as a park and it is a trail and should be classed under intermodal transportation. This was also caught last week and bulleted in the minutes.

Krieger asked for the plan from tonight.

Tappen stated the proposed changes will come to P&Z for a Public Hearing on November 19th. The proposed changes will be in a bulleted memo attached to the amendments. P&Z will recommend Council adopt with the changes noted and transmit to DCA.

The TC will have a PH on it on Dec 1. Tappen will provide the memo with the proposed changes earlier so P&Z members can review it before the meeting.

Mayor asked about recharge area 4-4.1.3 refers to new development. The policy is to amend the stormwater plan. Mayor doesn't want to commit to too much.

Referring to Coastal High Hazard Area and it showed Brook Hollow in the area and shows where the storm surge would cause high hazard flooding. They would anticipate the combination of the tributaries.

She showed the map that showed the areas I this category. Mayor thinks these people should be notified. Dezman said they know.

Bob Wilbur said this is a storm surge map and not a flood map. He also said that when the Brook Hollow developer came in the Town required them to make the buildings above the 100 year level and they complied. During the recent Tropical Storm Fay, the water from C54 was spilling over and contributing to the surge.

Don Krieger asked about page 4-13 – monitoring the ground water. The FDEP does this from *monitoring wells – the town should coordinate with these agencies – why does this state private wells*. It read like they could come onto your property. *The level of detail – The state will monitor the state of the water that provides quality of ground water.*

- *Change out private wells to ground water. This is a public health issue.*

- On B. on page 4-13, the year was 2013 because it was the end of the 5-year plan.

Bob Wilbur asked if I got anything from Pat Reilly or other P&Z members – I have not as of this meeting.

Mayor asked if we had any final comments.

Lorraine thanked the board and the Council for the clarification and suggestions. There are people that like to live off the grid and don't like the fees. I will send them to email to them and send to Loraine.

11/19/08 P&Z will have PH on this  
12/1 PH at TC

CIE will have first reading on 12/1 and PH on 12/15

The DCA will review and send ORCs (Objections, Recommendations and Comments) by March or April. Then Town will formally approve.

Dezman asked about the changes – they will be asked to vote on the amendment and the changes. Yes, the EAR Amendments as presented in these two meetings, plus a bulleted memo with the recommended changes from these meetings.

BWF said she uploaded the amendments and also the Power Point presentation and suggested making audio tape copies for the absent P&Z members.

#### E. ADJOURNMENT

There being no further business to discuss, **MOTION:** Dezman / McClelland to adjourn this meeting. **VOTE:** All Ayes. The meeting adjourned at 8:20 PM.

BY: Thomas M. Eschenberg  
Mayor Thomas M. Eschenberg, Chair

ATTEST BY:

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

11/17/08  
Date Approved

# SIGN IN SHEET 10/29/08

# TOWN OF MALABAR COMP PLAN EVALUATION & APPRAISAL REPORT AMENDMENTS

**By providing the following information we will be sure to contact you for future meetings.**

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