

**MALABAR TOWN COUNCIL REGULAR MEETING
JANUARY 23, 2006 7:30 PM**

This meeting of the Malabar Town Council was held at Town Hall at 2725 Malabar Road. The meeting was called to order at 7:30 pm by Mayor Thomas Eschenberg. The prayer and pledge were led by Council Member Bobbi Moccia.

<u>ROLL CALL:</u>	MAYOR/CHAIR	TOM ESCHENBERG
	VICE-CHAIR:	STEVE RIVET
	COUNCIL MEMBERS:	FRANK HICKSON
		BRIAN VAIL
		BOBBI MOCCIA
		PAT DEZMAN (excused)
	TOWN ENGINEER:	BILL STEPHENSON
	ADMINISTRATOR:	ED BOOTH
	ATTORNEY:	KARL BOHNE (excused)
	TOWN CLERK/TREASURER:	SUSAN KABANA

ADDITIONS AND DELETIONS TO AGENDA:

Eschenberg – asks for additions and deletions, being none, he states the agenda is approved.

REPORTS:

ATTORNEY

Excused from meeting.

ADMINISTRATOR

Booth – will begin using power point when it is available.

- NAME THE FOOT PARK CONTEST

Booth – would like to have a small contest to name the new park near the southwest corner of Corey and Malabar. This will be in next regular newsletter. Pubic works has cleaned up the area and now Moccia will work there. Moccia – she and the Eagle Scout marked out trails and will continue working there.

-SCHOOL-SITE AMENDMENT TO COMP PLAN

- Booth – we will hire Les Solin to work on the major comp plan change, it is too much for staff to work on.

- Booth – hands out a time line for the school-site comp plan element. The school board has flip-flopped as to what they want. Now they want to locate a school in Malabar, they have picked an area in the south part of Town. The reason they chose this area to the south is because it is far enough away from any other school.

- Booth – the special edition Mailboat is ready and if there are no issues or comments staff will move forward.

- Booth – there is a real concern by the fire department administration as to what they can or cannot accomplishment. Booth wants to establish an ad-hock group to look in-depth at the operations there. For now Booth is authorizing \$10,000 to go to the fire department to be used for repairs of six trucks that are not working. Booth does not want to put a lot of money in that department until he has a Council recommendation after they have heard from the ad-hock committee.

- Booth – we will get approx \$33,000 for Hurricane Wilma.

- Booth – a 1cent sales tax is being promoted by the City of Melbourne and the City of Palm Bay. It would be strictly for transportation. The problem is that we have no County Roads so we would have to be more creative in order to use our portion.
- Booth – the County is having a workshop on Smart Growth, they are trying to limit the cities but not themselves.
- Booth – a Palm Bay developer is proposing a large project that will affect the entire area at the corner of Malabar Road and Minton Road. Booth is on the regional planning board and he plans to oppose the project. It is an enormous condo and mall project that will negatively affect our traffic. We already are seeing an impact from Palm Bay traffic and this project would make that impact much worse.
- Rivet – what happened to the mitigation question from last meeting? Booth – it is not appropriate and he will not give them a permit.

CLERK**- STATUS OF BILLIE PROPERTY**

Kabana – is waiting for a response.

- PROGRESS OF POWER POINT FOR COUNCIL MEETINGS

Kabana – is collecting information.

PUBLIC HEARINGS:**1. FINAL READING: ORDINANCE 2006-03, LAND USE CHANGE FROM OI TO R/LC FOR LOTS 1 AND 2 IN BLOCK 1 OF SNEDEKERS SUBDIVISION AND FROM MDR TO R/LC FOR LOTS 3-10 IN BLOCK 1 OF SNEDEKERS SUBDIVISION – APPLICANT SERENE HARBOR, INC.**

Mayor requests unanimous consent to ready by title only.

ORDINANCE NO. 2006-03

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, ADOPTING COMPREHENSIVE PLAN AMENDMENT NO. 2006-1 (SSA); AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE TOWN FROM OI (OFFICE INSTITUTIONAL) AND MDR (MEDIUM DENSITY RESIDENTIAL) TO R/LC (RESIDENTIAL AND LIMITED COMMERCIAL) FOR A PARCEL IN THE TOWN LYING ON THE NORTH SIDE OF MALABAR ROAD AND EAST OF MARIE STREET; PROVIDING AN EFFECTIVE DATE.

Mayor asks for public comment, being none he closes the public hearing.

MOTION: Rivet/Moccia to approve. VOTE: Aye – Hickson, Vail, Rivet, Moccia.

2. FINAL READING: ORDINANCE 2006-04, ZONING CHANGE FROM OI TO RLC FOR LOTS 1 AND 2 IN BLOCK 1 OF SNEDEKERS SUBDIVISION AND FROM RS-10 TO RLC FOR LOTS 3 THROUGH 10 IN BLOCK 1 OF SNEDEKERS SUBDIVISION – APPLICANT SERENE HARBOR, INC.

Mayor requests unanimous consent to ready by title only.

ORDINANCE NO. 2006-04

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, AMENDING THE DISTRICT BOUNDARIES OF THE OFFICIAL ZONING MAP OF THE TOWN OF MALABAR AS PROVIDED FOR IN ARTICLE II, SECTION 1-2.3 OF THE LAND DEVELOPMENT CODE; REZONING A PARCEL IN THE TOWN LOCATED ON THE NORTH SIDE OF MALABAR ROAD AND EAST OF MARIE STREET; REZONING THE SAID PARCEL FROM TOWN OF MALABAR OI (OFFICE INSTITUTIONAL) AND RS-10 (SINGLE FAMILY RESIDENTIAL) TO TOWN OF MALABAR R/LC (RESIDENTIAL AND

LIMITED COMMERCIAL); PROVIDING AN EFFECTIVE DATE. (Z.C. 2006-1)
Mayor asks for public comment, being none he closes the public hearing.

MOTION: Vail/Hickson to approve. VOTE: Aye – Hickson, Vail, Rivet, Moccia.

DISCUSSION ITEMS:

1. AGENDA ITEMS

Booth – all boards will have to supply a presentation prior to the meeting due to our use of power point. And Booth will no longer accept questions from presenting board members.

2. FLORIDA LEAGUE OF CITIES RESOLUTION

Eschenberg asks Council if they want to support the league on this issue.

MOTION: Rivet/Vail to approve the draft resolution.

Eschenberg – we should have an official resolution at the next meeting.

Motion withdrawn by both parties. Resolution to be on next agenda.

ACTION ITEMS:

**1. APPOINTMENT OF MALABAR REPRESENTATIVE FOR THE VALKARIA
ADVISORY BOARD**

Eschenberg – has one speaker's card, will listen to speaker.

Richard Bradley – is familiar with airport operation, he worked in the Air Force on the flight line and feels he is very qualified for the advisory committee and would very much like to serve.

MOTION: Hickson/Rivet to table to next meeting. VOTE: All aye.

**2. SITE PLAN APPROVAL OF A CHURCH STRUCTURE TO BE BUILT IN PHASES.
LOCATION: NW CORNER OF GLATTER AND MARIE. OWNER/APPLICANT: GOD'S
HEALING HOLINESS CHRISTIAN CHURCH, INC. REPRESENTED BY REVERAND
BORLAND**

Jake Wise, 760 North Drive, Melbourne. Is the civil engineer for the project.

Wise states that this project was unanimously approved by Malabar's Planning and Zoning board. He appreciates Council's consideration of this project. This project is located at the northwest corner of Marie and Glatter, up to Malabar Road. The project is located in the southeast corner of the lot so as to have no impact on the wetlands.

States that the driveway would come off Marie as opposed to coming off Malabar Road.

They will have only standard church services at this time (no daycare or services provided during the weekdays).

They will have stabilized parking to help with pervious service area and run-off. The parking lot will be a marked area with curbs. If paving is required in the future the stormwater calculations are done for that. Will be removing pine trees due to dangers from future hurricanes. They have complied with all staff comments.

Moccia – is there a height for the peak? Wise – the bearing structure is 30 feet. Moccia – are there sidewalks? Wise – yes. Moccia – what about the existing culvert pipe that is in disrepair? Wise – there is currently a crushed 12 inch corrugated metal pipe and they are replacing it with an 18 inch RCP pipe to withstand the traffic. Moccia – landscaping? Wise – yes, it meets the minimal requirements, they hope to expand on that.

Rivet – it looks like the pedestrian and equestrian path will be still be through?
Wise – yes, they designed around it and created a crosswalk area, they moved the stop sign back to accommodate this.

Booth – notes that this project has a very good stormwater plan.

Vail – these plans are detailed above the norm and are very well done.
Eschenberg – agrees, they are excellent.

Hickson – do the clients realize that if the stormwater requirements change in the future they may have to re-permit in order to pave? Wise – yes, they know they have maybe 6 or 7 years before their permit expires.

MOTION: Vail/Moccia to approve. VOTE: All aye.

Pastor Borland – thanks the Council on behalf of the church.

3. FIRST READING: ORDINANCE 2006-06, AMENDING ARTICLE XVI OF THE LAND DEVELOPMENT CODE, SUBDIVISIONS

Chair requests unanimous consent to read by title only. Eschenberg read:

ORDINANCE NO. 2006-06

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE OF THE TOWN; AMENDING ARTICLE XVI SUBDIVISIONS; PROVIDING FOR AMENDMENTS TO SEC 1-16.1, APPLICABILITY; SEC 1-16.2, GENERAL ADMINISTRATION; AMENDING IN FULL 1-16.3, PROVIDING FOR DUTIES OF SUBDIVIDERS; ADDING A NEW SECTION 1-16.3.1, PROVIDING FOR THE PRESERVATION OF ENDANGERED AND THREATENED SPECIES; AMENDING SECTION 1 - 16.4, PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

Mayor – asks Council if he could make comments before Council makes a motion.

Mayor – why have we eliminated the two types of subdivisions? We currently have a major and a minor subdivision. Booth – it has to do with the attorney saying that there really is only one type. If you want to cut or subdivide your land you can do so. Anything over three splits of a lot is a subdivision. Mayor – feels that at the front of this ordinance there should be a definition of a subdivision so that everyone understands what is being talked about.

Mayor – on page 3, section H was struck out. Does that mean it is no longer possible for joint owners of land to create a subdivision? Booth – maybe we should put this on the next agenda when the attorney will be here. Moccia – lets go through and mark what you have.

Mayor – page 6, sections (d) and (e) the word ‘and’ should be taken out: ‘approval(ed) of the planning and zoning board ~~and~~ the Town council’. Mayor – it takes a recommendation from planning and zoning and an approval by the Town council.

Mayor – page 7, section 5, he feels that word concept needs to be added after the word subdivision: ‘or denial of the proposed subdivision concept’. Because at that point and time it is only a concept. And it better matches the idea expressed in the next paragraph.

Mayor – page 8, section B.1. there is no such thing as a ‘regularly scheduled joint meeting of the Town council and planning and zoning board’. Mayor – is not sure what is meant here, should it be a regular p&z meeting?

Mayor – page 20, section v. Town Attorney, is all scratched out. Why does the final plat no longer require verification by the Town Attorney?

Mayor – page 24, section 1, Review by Staff, we don’t have a Town Manager, it should say Town Administrator. It says Administrator all through the rest of it, it should say Administrator there also.

MOTION: Moccia/Vail to table to the next Council meeting. VOTE: All aye.

4. JERRY SANSOM REQUEST TO BE TOWN LOBBYIST

Booth – this letter came and he presented it to Council. Rivet – if we need a lobbyist we can look for one, otherwise the Town Administrator can act as our lobbyist.

MOTION: Hickson/Rivet to have Booth write a letter to say no thank-you. VOTE: All aye.

5. PENCE REQUEST FOR 120 DAY EXTENSION FOR OAKMONT PRESERVE SUBDIVISION

Booth – instead of entering into a three-party agreement or bond, staff would like to give them an extension. They are having issues with St. John's. Stephenson – Oakmont has have had a difficult time getting information from St. John's and they have changed an out-fall and some drainage.

MOTION: Rivet/Moccia to approve the extension. VOTE: All aye.

REPORTS: MAYOR, COUNCIL

- Vail – Country Cove is asking for work on their bridge. Booth – we just received that letter today and will address it.
- Moccia – the Eagle Scout and Moccia will put up a sign asking for help for the next three Saturdays, she will getting free mulch.
- Hickson – has finally seen the hogs, are they still around? Booth – oh yes.
- Rivet – where are we at with the recycled asphalt on the roads? Booth – we have done half and will do the rest next year.
- Rivet – do the plans for the foot park include plans for a fence? Moccia – it should, and possibly even a bridge and a place to park bikes.
- Booth – the bus stops: we have the benches and we are scheduling the cement.
- Eschenberg – has a letter from Helen Voltz regarding recycling in the parks. Bill Withers – we are doing this and give the cans to the Scouts. At the big park we can't because we'd have to double the number of receptacles and people put diapers, dog feces, and whatever else in there.
- Eschenberg – has a letter from the Palm Bay Community Hospital Advisory Council asking him or another member of Council to be an official representative. Phil Crews is still a member of this council. They have quarterly meetings, usually around lunch. He asks Council if they'd like to attend, no one can do it. Eschenberg will do it if no one else wants to.

PUBLIC COMMENTS: GENERAL ITEMS

Mayor – there are no public comment cards tonight.

ADJOURNMENT

MOTION: Rivet/Moccia to adjourn. VOTE: All aye.

The meeting adjourned at 8:40 pm.

BY:

Thomas Eschenberg

Mayor Thomas Eschenberg, Chairman

ATTEST:

Susan Kabana

Susan Kabana, MMC
Town Clerk/Treasurer

Date: 02/06/06