

**JOINT MALABAR TOWN COUNCIL AND PLANNING & ZONING WORKSHOP**  
**MAY 23, 2007                      7:30 PM**

This joint workshop of the Malabar Town Council and Planning and Zoning was held at Town Hall at 2725 Malabar Road. The meeting was called to order at 7:30 pm by Mayor Eschenberg. The prayer and pledge were led by Planning & Zoning Chair Bob Wilbur.

<b><u>ROLL CALL:</u></b>	MAYOR/CHAIR	TOM ESCHENBERG
	VICE-CHAIR:	CHUCK McCLELLAND
	COUNCIL MEMBERS:	NANCY BORTON
		BRIAN VAIL
		BOBBI MOCCIA (excused)
		PAT DEZMAN (not present)
	PLANNING & ZONING CHAIR:	BOB WILBUR
	P&Z VICE-CHAIR;	PATRICK REILLY
	P&Z MEMBERS:	RICHARD CAMERON
		KATHLEEN CLASEN
		DON KRIEGER (excused)
	P&Z ALTERNATES:	BUD RYAN
		CINDY ZINDEL
	TOWN ADMINISTRATOR:	BONILYN WILBANKS-FREE
	PLANNER:	KEITH MILLS (excused)
	ADMIN. ASST. TO BLDG. OFFICIAL:	DEBBY FRANKLIN
	DEPUTY CLERK:	CINDI KELLEY

**DISCUSS PROGRESS ON EVALUATION AND APPRAISAL REPORT (E.A.R.)**  
**REQUIREMENTS**

Mayor Eschenberg opened the meeting and turned it over to Debby Franklin for an overview. Ms. Franklin stated that this meeting is to keep Council apprized of what P&Z is doing towards the evaluation and appraisal report process. The board has been going through the comp plan goals section; Mr. Reilly created a spread sheet for the members to work on at home. All Council members have received a copy of the goals; the Board has reviewed goals 1-1 through 1-5. There are a total of nine goals; each goal has a lot of information to go through and review. We have had possible approval to go out to bid for a planner; a lot of the detail information will be handled by this person.

Mayor Eschenberg asked that Ms. Franklin go through the list and provide a briefing on each goal. Ms. Franklin stated that with goal one, Land Use, 1-1.1.5 the P&Z Board felt Malabar should require more screening when residential abuts commercial property. This is as far as the board has progressed. At their next meeting, the Board members are to bring their completed spread sheets. Mayor Eschenberg asked if some of the work has been completed for the future land use map. Ms. Franklin advised Council that everyone has been provided all the previous minutes for the spread sheet to be completed. Nothing is set in concrete; this is all part of the visioning workshops that was held three years ago. Mr. Reilly stated that the comp plan is needed to fill out the spread sheet. Everyone has received all the information from DCA, which was provided to you in a notebook.

Mayor Eschenberg asked if we have a planner on board, what he will be looking for. Ms. Franklin stated the planner would be looking for more specific criteria on the workshops held. It could be that the Town needs to have a visioning workshop that the public can participate with the future land use, storm water; whatever the key issues are determined. In reading what other cities have done, this seems to be the course taken.

Mrs. Borton asked about the planner that we have been using. Ms. Franklin advised that Mr. Mills does not have the time to take on this size project at this time. Mrs. Borton asked if it is feasible to find a planner to take this on. Mrs. Wilbanks-Free stated that this is what the RFP is for; which was approved at the May 5<sup>th</sup> Council meeting. We are looking for a planner who strictly does EAR amendments. Once the planner is in place, this person will look at our comp plan and see what we have. Meetings will be set to meet with each department and the Planning & Zoning Advisory Board. Mrs. Wilbanks-Free also recommends that the planner have a meeting with the Board of Adjustments and Council. From those meetings, he/she will put together their responses to what they are looking for those EAR amendments that need to be tackled. The planner would then come back to make a presentation at a public meeting and advise what was drafted and how the plan has changed. The planner would make this presentation to the planning agency, the planning agency would make a recommendation to Council to accept the amendments to Council and Council has a formality to pass a resolution/ordinance. From there, the amendments are sent to Tallahassee to be reviewed by Community Affairs. Community Affairs would then respond back to the Town. It is a time-sensitive issue; there is a planner that Mrs. Wilbanks-Free has worked with in the past, who she hopes will bid for the project. Ms. Franklin was trying to find other communities that are in a similar time crunch; the larger cities have bigger departments and can do the 18 to 24 months. There was a city that was able to complete the process in 4 months; it was accepted without comments from DCA. The person that Mrs. Wilbanks-Free is speaking of jumped out at Ms. Franklin. Mrs. Wilbanks-Free is working on getting the RFP that has been used in the past; she hopes to have it available for Mrs. Kabana to run the advertising next week.

Ms. Franklin advised Council and P&Z that this plan is 18 years old and needs to be updated. Once we get over this hump, it will be a much easier process. We will update the plan every three to five years. Mr. Wilbur stated we have tried to do this a few times. We were told to stop because there may be exemptions. The most important document the Town has is the comp plan. Ms. Franklin stated that January, 2008 is the due date for the beginning of this E.A.R. process; we provide a list of what we feel needs to be addressed. DCA will respond back with their comments and suggestions. Then we proceed with making those changes.

Mrs. Zindel asked what comes first; does DCA come and meet with us to advise if funds are available for this update? Shouldn't we meet with them so everyone knows what they are all about? Ms. Franklin stated when the planner comes aboard, this may fall into his/her realm. Mrs. Zindel stated she is more interested in DCA because they have funds/grants. Mrs. Wilbanks-Free stated that there were funds in the beginning when the comp plan was being prepared in the 1980's. However, that doesn't mean there aren't funds available; she doesn't know of any grants available at this time. DCA assisted in the initial process; she doesn't know why they would assist if we didn't meet our time frames.

Mayor Eschenberg asked about the time-frame for obtaining a planner. Mrs. Wilbanks-Free stated we would need to advertise for 30 days; it is possible to have someone on board within 60 days. Mayor Eschenberg stated the 1<sup>st</sup> of August sounds like a good estimate. Mrs. Zindel asked when we meet with state and local agencies to gather information? What are we supposed to do until we have a planner; the only thing that we can do is to prepare a list of issues we would like addressed. Mayor Eschenberg made a suggestion; since capital improvements are a part of this, we should make a list and provide it to the planner of what we need.

Mrs. Wilbanks-Free asked if a report was given to the Town by the planner with the information that was obtained. She read a message from Mr. Mills that stated he may not be able attend the meeting; he was not sure what his role would be in attending this meeting; he doesn't receive adequate notice and he needs to be prepared. Mrs. Wilbanks-Free will contact Mr. Mills and ask for a report; which will be provided to all members to assist with productive discussions.

Mayor Eschenberg stated the new town hall site is well underway. Mrs. Wilbanks-Free reported that the RFP for the architect is being reviewed and will be placed for advertising this week. The ad will run for 30 days; June 25<sup>th</sup> is when the bids will be opened. Between now and the 25<sup>th</sup> of June, the committee that has been selected and approved should meet for direction of what they are supposed to do; the technical expertise should already be identified. The bids will be provided to the committee on the 25<sup>th</sup>.

Mayor Eschenberg asked if there were any more questions or further discussion regarding the EAR. Mr. Wilbur feels we should contact Grant-Valkaria and let them know what we are doing and get their input. We should also contact the County and Palm Bay to obtain any information that may be useful to us. Mr. Reilly also feels we should have contact with the neighboring cities. Mrs. Zindel stated we are supposed to have cooperation with the other governmental agencies that surround us. We need to come together with their ideas and what they are doing. It is up to us to make the effort. Mayor Eschenberg stated that it should be the planner who makes contact with the various agencies. Mr. Cameron stated the key person in this project is the planner. The planner will need input by the Town and staff; hopefully we will have this person on board by August 1<sup>st</sup>.

The discussion turned to the new town hall. Mrs. Borton advised the group that several people are working very diligently on this project. Mrs. Wilbanks-Free stated a grant has been received and we are closing in on a deadline for getting the architect into place; this is why we are pushing for the architect. Mayor Eschenberg stated there is a road block with the land; the EELs are the road block. Mrs. Borton stated she will be meeting with the EELs and working hand in hand with them.

Point of order was called by Mr. Reilly; we need to get back to why we are here. Mr. Reilly stated each one of the issues on the list needs to be looked at by staff. Mr. Wilbur mentioned the access to the river, right-of-ways like south Marie Street to Atz, and the extension of Foundation Park Boulevard coming east from traffic light beside the Knights of Columbus. We need access to give the ability to do something with the industrial area in back of Callagy Tires. Mayor Eschenberg stated the water needs to be expanded. Mr. Wilbur stated water will be the most important element; we need to look at future well sites. Briar Creek Boulevard is a multiple well site; it could only pump as much water as Brook Hollow could use at build-out. Mayor Eschenberg asked if this was in the agreement. Mr. Wilbur stated it was in the discussions. Mrs. Wilbanks-Free asked if the agreement was ever revised; she doesn't remember seeing this in the agreement. Mr. Wilbur doesn't know if it was ever revised. Mr. Cameron gave a brief overview of conversations that transpired with the Brook Hollow right-of-way. The property adjacent to the entire road right-of-way has been set aside and the County is now overseeing it. He believes that the Town needs to indicate that they do have a right-of-way there they are going to put road in; at some point this town is going to need an additional exit to get out of town. Mr. Vail stated there are fire issues with accessing Brook Hollow as well.

Mrs. Zindel, referring to the capital improvement list, asked if someone could go down the list point by point and say what has been done. Mayor Eschenberg stated that not one person at this table knows. As far as the fire department is concerned, the chief has already put out a wish list. Mr. Reilly asked if we need another five year plan; is this a requirement? Ms. Franklin stated this is goal number 9. Also, if we are going to do this, we need to show how we're going to fund it. Mr. Ryan asked if staff could go through and update the list; what items are done and what has been dropped. Mrs. Wilbanks-Free stated she will be happy to present it to staff.

Mr. Cameron stated under the Land Acquisition section, we are working on the town hall/library/community center; the well water sites, he doesn't know of any specific sites set aside for putting down future public wells. Wells have been put down by Palm Bay and they are owned by Palm Bay; GDC was the original owner and now they belong to Palm Bay through

condemnation. We have no areas set aside for public wells that we could use to re-charge our own system; we buy from Palm Bay. Re-charge areas to collect storm water; we have no areas designated let alone built at this time. The parks, we have one large park and some small sub-site areas for the town with no future land set aside for recreation to expand. We had spoken to Brook Hollow at one time about taking their piece; it was inaccessible, therefore nothing was ever heard back from Council on this. Mayor Eschenberg stated it has been sold to the EELs. Mr. Cameron stated we have no way to create industrial land; it was all bought and stated as wetlands. Mr. Wilbur stated we have potential industrial land through mitigation. The land is owned by someone else, but it is still industrial. He asked if the EELs have purchased the land. Ms. Franklin advised the group the Balkiny's have contacted EELs about purchasing the land; the appraiser has been out there but she doesn't know the outcome. Mr. Ryan stated that all things should be revealed after staff reviews the information.

Mr. Cameron stated that this has been talked about for quite a few years and to his knowledge, there is nothing in the works of trying to resolve these issues. How can we sit here and plan what we want to do with our town when nothing has happened in the two years past when plans have been made to try to resolve some of the issues. Mrs. Borton stated it comes to a money issue. Mayor Eschenberg stated we need to put in the plan what we can foreseeably afford; if we can't afford it, take it out of the plan. Mrs. Klasen stated it will be a very small plan; we have no commercial or industrial tax base and we will not grow at this time without this.

Mr. Cameron stated the property at the corner of Malabar and Corey Roads at Stillwater Preserve is waiting to get re-zoned. The town is not ready to do this type of development. Mayor Eschenberg stated this is because we are in this process; looking at the grand plan. We want to make sure that this request will fit into this grand plan; which is going to be done by next year. We need to remember the reason that Grant-Valkaria incorporated. They wanted to be in control of their land. The discussion turned to the affordability of the town and the tax base. Mr. Ryan stated we currently have four major projects in the works; Stillwater Preserve, Weber Woods, Oakmont Preserve and Paladin Shores. Once these projects are completely built out, the town will be okay. Mrs. Klasen stated residential property does not pay for itself; you need commercial and industrial in order to carry the tax base.

#### **SUGGESTED CHANGES TO TOWN CODE, CHAPTER 13, ARTICLE II, STREETS**

Mr. Reilly stated he received a phone call asking why this was on the agenda since Council tabled the discussion at the last Council meeting. Mrs. Wilbanks-Free stated, for advertising reasons, it was placed on this agenda; meeting are required to be posted 60 hours in advance. This was not intended to force a discussion on this issue this evening.

Mayor Eschenberg provided a brief overview regarding this. Originally, he proposed a change to the ordinance; Mr. Stephenson also made changes to the ordinance to get the Town out of the road building business. Mr. Marpil addressed Council regarding this ordinance and the way it has been written. Mayor Eschenberg has volunteered to go through the entire chapter of the code and make recommendations for changes. Before bringing the changes back to Council, he will have a meeting with Mr. Stephenson to go over the recommended changes.

**ADJOURNMENT**

There being no additional business to discuss, **MOTION: Borton/Ryan to adjourn. VOTE: All Ayes.** This meeting adjourned at 8:55 pm.

By: \_\_\_\_\_  
Mayor Thomas Eschenberg, Chair

ATTESTED BY:

\_\_\_\_\_  
Cindi Kelley, Deputy Town Clerk      Date