

MALABAR COUNCIL WORKSHOP MEETING

January 22, 2018

7:30 PM

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

A. CALL TO ORDER:

The meeting was called to order at 7:30 pm by Chair Mayor Reilly. Prayer & Pledge were said by Council Chair, Mayor Patrick T. Reilly.

B. COUNCIL/COMMITTEE:

COUNCIL CHAIR:

MAYOR PATRICK REILLY

VICE-CHAIR:

STEVE RIVET

COUNCIL MEMBERS:

GRANT BALL

LAURA MAHONEY

DICK KORN

DANNY WHITE

ADMINISTRATOR

DOUG HOYT

CLERK/TREASURER:

DEBBY FRANKLIN

C. WORKSHOP ACTION: DISCUSSION ON R/LC -

b

Chair recapped previous workshop meetings and mentioned the one request by Mr. Krieger to be removed from the proposed change. He will make that change to the maps.

Chair went over the need to proceed with the FLUM update referencing the seven-year cycle of Evaluation and Appraisal Report. Malabar's was due by August of last year with the changes Council agreed to in 2016. That deadline was not met. We are now out of compliance.

CM Rivet reiterated that we need to fix it. CM Korn asked specifically about the question about if Council changes the FLUM – Council will not change the zoning. He has been asked by constituents if doing this will increase the tax value.

Mayor explained the difference. Updating the FLUM will not cause an increase in property value. If and when a property owner desires to develop in accordance with the updated FLUM, they would make application for the corresponding zoning change. That process as described in the Land Development Code would require the request to be reviewed by P&Z and then put to Council for action. The Mayor said since the request is in line with the approved FLUM it should be approved. Discussion about the need to send to P&Z. The LDC does not provide an expedited process when a request is in line with the approved FLUM. Council could consider an amendment to provide for this in the future.

CM Ball and CM White both expressed concern that this change will only update the Future Land Use Designations for Future Development as approved by Council. Franklin said there will be language stating that the legislative body supports R/LC (Residential/Limited Commercial) development along the main corridors; it will be an overlay for the perceived future development of Malabar. The text will emphasize the intent for such future R/LC growth only within this area is done in order to protect the rural residential character of the interior of the community. Franklin said that is why Council voted at the last meeting in April 2017 to reduce the depth from 1,320' to 660'. The LDC already provides for buffering requirements.

CM Mahoney said the only thing we are out of compliance with is the conservation area. She stated if the Council were to make that change they would be in compliance. Chair asked Franklin if that was correct. Franklin referred to the Agenda Report, bottom on page 1 and continuing to the next page of what the State Dept. of Economic Opportunity has stated they will be looking for in order to determine compliance.

Franklin said we can make the changes to the conservation and submit it, after legal ads, notices, etc. and be found lacking. Then the Town would have to make additional changes to the R/LC, time lines, horizons and amendments due to state legislation and publish additional legal ads, notices, etc.

The State has told us what they will be looking at in order to determine compliance. They want to help us get compliant; they are not adversarial.

CM Mahoney then asked if language should be added that clarified that if a developer brings water and sewer that adjacent property owners would not be required to hook up. CM Korn thought that had been addressed. The Mayor asked Franklin.

Franklin said this concern raised and there is nothing that would require a SFR to hook up to water and the only requirement to hook up to sewer was if the State determined the septic had failed and was polluting the water table, adjacent wells or the IRL and could not be repaired. Franklin was not aware of the scenario CM Korn stated.

CM Ball said the language of "unless required by the State" is the cause for concern.

CM Mahoney requested that the language be added to restrict the rights for water and sewer hook-up. CM Rivet stated he was insistent on the language requirement she referred to in the sales contract. The Town of Malabar will never require or mandate hook-up to water or sewer by any property owner. The contract includes statutory language that does state that if the Florida Department of Health determines that the septic system is failing and cannot be corrected that "the State" shall mandate hook-up to the sewer. Franklin will get CM Mahoney another copy of the sales contract documents.

CM Ball is concerned that if the current areas under State conservation are determined in the future to no longer be conservation the current FLUM designation could allow for undesired development. CM Mahoney asked about changing the land use from RR to CON in the map 13. That is the Jordan Scrub Sanctuary; 400+/- acres of conservation managed by the EELs. Franklin explained the reasoning to make the FLUM designation changes for those areas.

CM Korn asked about the table for the mixed-use allowance. Mayor said the language had already been approved by Council and was needed so there is no question when a person asks what can be done in R/LC. Mayor said if it is not well defined then there is wiggle room for other interpretations.

CM Rivet said we have gone through all the maps and the consensus is to make the change regarding Mr. Krieger's property and move forward with compliance.

The Mayor brought up the issue that the last Comp Plan was contracted for with a vendor and did not provide for the document in Word. We need to have it in a format we can amend in the future. He said Franklin has contacted the vendor for a cost to get the document in Word. Franklin has also got a resource to transcribe it into Word. Franklin stated we can work with the vendor for a compromise but the backup is to have it transcribed one element at a time. That way we can do future updates in house. Maps and tables would be additional expense.

CM Ball asked about the estimate of costs to accomplish this step; legal ads, notices, maps, typing etc. Could it be as much as 5K? Franklin thought that was a high estimate but probably a good working estimate. Franklin is proposing PH at Council at the 2nd mtg in March.

Council consensus to move forward and hold the next WS on 2/26/18 at 7:30pm. Franklin will work with Mayor to get map put together and order the radius maps to get updated parcel owner information for the USPS notices for the owners within 1000' of the proposed changes.

Chair Reilly, without objection, adjourned the meeting at 8:21 pm.

BY: Patrick T. Reilly
Mayor Patrick T. Reilly, Council Chair



ATTEST: Debby Franklin
Debby Franklin, C.M.C.
Town Clerk/Treasurer

Approved: RTCM 2/5//2018