

MALABAR TOWN COUNCIL REGULAR MEETING MINUTES

OCTOBER 01, 2018 7:30 PM

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

A. **CALL TO ORDER:**

Chair, Mayor Patrick Reilly called the meeting to order at 7:30 pm. CM Rivet led P&P.

B. **ROLL CALL:**

CHAIR:

MAYOR PATRICK T. REILLY

VICE CHAIR:

STEVE RIVET

COUNCIL MEMBERS:

GRANT BALL

LAURA MAHONEY

DICK KORN

DANNY WHITE

DOUGLAS HOYT

KARL BOHNE

DEBBY FRANKLIN

TOWN ADMINISTRATOR:

TOWN ATTORNEY:

TOWN CLERK/TREASURER:

Fire Chief also present.

C. **APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES: none**

D. **CONSENT AGENDA:**

1. **Regular Town Council Meeting Minutes 9/17/18**

Exhibit: Agenda Report No. 1

Recommendation: Request Approval

MOTION: CM Rivet / CM Ball to approve the 9/17/18 minutes with clarification requested by CM Korn on pg. 2 mid-page. **Vote:** Ayes, 4; Nay, 1 (CM Mahoney).

Discussion: pg. 2, in the middle it reads that the TA violated F.S. 112. Make it clear that there was no violation.

CM Mahoney said the minutes are too lengthy and don't include all the dialog. CM White argued the same point 9 months ago. There is legitimate. Say what was the topic of discussion. It went nowhere. Change the minutes to be very brief. State the motion, 2nd and vote. Include none of the "he said, she said."

MOTION: CM Mahoney / CM White to reduce the minutes in the future to motion, 2nd, and vote. **Vote:** All Ayes.

E. **PRESENTATION: Malabar Road Project by Daryl and Christina Slate**

They are asking for land use and zoning change for the first two parcels. They need CG for a larger footprint.

F. **ATTORNEY REPORT:** none

G. **BCSO REPORT:** not present

H. **BOARD / COMMITTEE REPORTS:**

Drew Thompson, Chair, T&G Com: gave report on Trail Town designation

Eric Bienvenu, Chair Park & Rec Board: Not present

Liz Ritter, Chair, P&Z Board: gave report on Board progress on sign ordinance

I. **STAFF REPORTS:**

ADMINISTRATOR: nothing

PW DIRECTOR: Tom Miliore – postponed until 10/15

CLERK: We have done the second issue in last Friday's Hometown News. Also, have received a request to put an article in an upcoming MailBoat to ask for tree donations for the Malabar Community Park playground. Unless there are any objections it will be placed in the issue that goes out before the holidays.

FIRE CHIEF: Starting new FY off good. Just received a 33K grant with no match. Trying for a training tower. Also have two more for drones. Starting this year. Got Medical Director letter to continue the BLS.

CM Mahoney asked about negotiations. Chief believed the negotiations were compete.

CM Rivet how much money did he bring in last year. \$220K in grant and only spent 20K.

J. PUBLIC COMMENTS: Comments at this point may address items NOT on the Agenda. Comments related to subsequent Agenda Items may be made as those items come up. Public comments do not require a Council response. (Speaker Card is Required) **Three (3) Minute Limit per Speaker.** Speaker card:

Card: Lisa Alford, 2545 Johnston Ave. Asked why Huggins Park isn't it being cared for. Franklin stated Council voted that Huggins Park is surplus and would sell it but until we are compliant with the State we can't change the land use designation and zoning to residential. TA also said we have enough public land for 30,000 population.

K. PUBLIC HEARINGS/SPECIAL ORDERS:

Mayor passes gavel and came down to podium and went through the Comprehensive Plan Amendment that is to be transmitted to the State.

Mayor went through Power Point and explained the changes for Conservation and expanded RLC

2. Approve Ord 2018-06 providing for Transmittal of Large Scale Comprehensive Plan Amendment 2018-01 to the Florida Department of Economic Opportunity and other Reviewing Agencies

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; AUTHORIZING TRANSMITTAL OF THE PROPOSED COMPREHENSIVE PLAN LARGE SCALE AMENDMENT (LSA) NO. 2018-01 TEXT AND MAP PERTAINING TO THE FUTURE LAND USE, TRANSPORTATION, PUBLIC FACILITIES AND COASTAL MANAGEMENT ELEMENTS TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY, THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, THE FLORIDA DEPARTMENT OF TRANSPORTATION, THE EAST CENTRAL FLORIDA REGIONAL PLANNING ORGANIZATION AND THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT FOR A 30 DAY REVIEW; PROVIDING FOR SUBSEQUENT ADOPTION AND INCORPORATION INTO THE COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 2

Recommendation: Approve Ord 2018-06

Passed gavel back to Mayor.

Chair directed Ord to be read by title only.

Chair opened PH: Speakers:

Brian Vail, 2700 Smith Lane: He disagreed with the 660' depth; it should follow the parcel depth

Roberta Lautenberg. One of 15 residences on Malabar Road. Objected to language that residences are deemed inappropriate along Malabar.

David Scardino, 3105 Lett Lane. Came with 12 others from the area. They oppose the commercial in their area.

Lisa Alford, Johnston Ave. They like the rural and want to keep it.

Shawn Porter, Lett Lane, they bought the house on Lett Lane because it is a dead-end lane. Now his house will back up to the CG.

Scott Lurken, 700 Hall Road, thanked council for their service. Bought here 10 years ago. The notification to come to see the conclusions they have made. He would expect a notification at the beginning of the process.

Liz Ritter. She would welcome them to get on a board. Notice did go out in the Mailboat. Liz said they did the R/LC for small parcels with homes along Hwy 1. Liz said "OI" you can't live in that zoning. Liz then stated that RLC 1-2.2.5 of Comp Plan should be interpreted as "residential" not commercial. Franklin said no further change to the Comp Plan could be made without direction of Council. The section she references is in the adopted 2010 Comp Plan. The Mayor

said the commercial is more restrictive. She stated that it should be "residential". Liz stated another issue is the 4000sf footprint vs. .20 coverage. The Land Development Code refers to .20 coverage. Mayor said the reason the 4000 they didn't want huge buildings that was the reasoning. Attorney stated that the .20 coverage was to be removed from the Land Development Code because of the conflict. The legal opinion ruled that the intent was to allow the maximum footprint to be 4000sf.

Chair closed PH:

Chair asked for motion.

MOTION: CM Korn / CM Rivet to approve Ord 2018-06 to allow transmittal to the State for 30-day review. Attorney said the land use map only changes the future land use designation. Future changes considered on a case by case basis.

Discussion: CM Mahoney suggested adding wording to the ordinance that none of the proposed land use changes will prevent the current use from continuing.

Franklin gave the synopsis of changes. No zoning is changing. CM Ball we have they been working on this for the last two years. He worked on this five years ago on P&Z. This is one of the problems. They try and do the best they can for the Town.

ROLL CALL Vote: CM Ball, Aye; CM Mahoney, Aye; CM Rivet, Aye; CM Korn, Aye; CM White, Aye. Motion carried 5 to 0.

L. UNFINISHED BUSINESS/GENERAL ORDERS

M. ACTION ITEMS: none

RESOLUTIONS: none

MISCELLANEOUS: none

COUNCIL CHAIR MAY EXCUSE ATTORNEY AT THIS TIME

N. DISCUSSION/POSSIBLE ACTION:

3. Update on Memorial for Mayor Carl Beatty

MOTION: Korn / Ball to approve sign as depicted. **Vote:** All Ayes.

O. PUBLIC COMMENTS: General Items (Speaker Card Required) none

P. REPORTS – MAYOR AND COUNCIL MEMBERS

CM Ball: Set a date to do a PW workshop where we get a plan and show how we are progressing. When is it normally done. If we had a plan and we did workshops twice a year. Here is the whiteboard these are the critical projects. CM Rivet said he had been talking with Matt about drainage.

CM Mahoney: Regarding the potable water usage in Comp Plan, the amounts being pulled out seem very high. CM Ball said wells usually last about 20 years. Deep wells aquifer from North Carolina. She also stated that the R/LC use should fit for the people that presented their proposal tonight. She can't seem to find the graph showing the regulations. She has had several people that agree that Felix should train other employees.

CM Rivet: He agrees there are some concerns about the RLC. Let's start looking at it for the next meetings. Clerk said there will be two more public hearings after they hear back from the State.

CM Korn: Asked about the stormwater priorities set back in 2014 on the A, B, C, projects. Are we still following that plan? TA said the engineer worked with Council to develop that plan then, but it has been updated. TA gave a brief update. Just about finished the Atz Road project. Then will work on the Hall Road north side. The ditcher should be here by a

specific date. Allow us to move forward in more efficient manner. In theory PW tries to work these projects in order. They did the Marie Street culvert but then found there is about 40 foot of pipe that was installed incorrectly that will require digging it up and or replacing it. In general, they have a plan but then encounter the unforeseen and that needs to be communicated. He agrees a workshop would be beneficial with PW and information to the citizens. CM Korn said we owe it to the citizens that there is a plan. We have some of that year-round. His comment to TA is the Town looks like hell. It looks like trash. Need to get back to keeping the Town looking good. Why are we down to two employees in PW? We need six employees. He stated he would not be at the next meeting.

CM White: Looking at November calendar, let's look at a workshop meeting in December. He said it is not our purview to direct Felix. We can transmit these ideas to TA who can transmit to PW Director. They can set a plan for the first part of December with the TA. TA said Matt has been working with Tom as well.

CM White said that when they found out about the damaged pipes on Marie St back to manhole that need to be replaced or repaired; that information needs to be transmitted to the citizens. Thanks for the people that sit here meeting to meeting. It takes a little bit of participation to make the Town better.

Mayor: asked CP for the next agenda. She will get it on the next agenda.

Q. ADJOURNMENT:

There being no further business to discuss and without objection, the meeting was adjourned at 9:50 PM.

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

ATTEST:

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

Date Approved: 10/15/2018