



REGULAR TOWN COUNCIL MEETING

Monday, September 23, 2019 at 7:30 pm

Attendees: Fire Chief Micheal Foley; Town Engineer Morris
Smith; Town Planner Todd Mowrey

1. CALL TO ORDER, PRAYER AND PLEDGE
2. ROLL CALL
3. APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES
4. CONSENT AGENDA

- a. Approve Minutes

Regular Town Council Meeting Minutes of 09/09/2019

Exhibit: Agenda Report Number 4a

Attachments:

- Agenda Report 4a (TownCouncilMinutes0909_2019Draft.pdf)

5. ATTORNEY REPORT
6. STAFF REPORTS

- a. Administrator
 - b. Fire Chief
 - c. Clerk

7. 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)

Five (5) Minute Limit per Speaker

8. PUBLIC HEARINGS (3) / SPECIAL ORDERS (0)

- a. Ordinance 2019-11 Setting Millage for Fiscal year 2019/2020 - Second Reading

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA' ADOPTING THE MILLAGE

RATE OF 2.2680 FOR THE LEVY OF AD VALOREM TAX WITHIN THE TOWN FOR THE PERIOD FROM OCTOBER 1, 2019 THROUGH SEPTEMBER 30,2020, AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report Number 8a

Attachments:

- Agenda Report 8a (201911OrdinanceMillage.pdf)

b. Ordinance 2019-12 Adopting Budget for Fiscal Year 2019/2020 - Second Reading

AN ORDINANCE OF THE TOW OF MALABAR, BREVARD COUNTY, FLORIDA, ADOPTING THE BUDGET OF \$2,204,996.00 FOR THE FISCAL PERIOD FROM OCTOBER 1,2019 THROUGH SEPTEMBER 30, 2020; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report Number 8b

Attachments:

- Agenda Report 8b (Ord_2019_12_Budget.pdf)

c. Ordinance 2019-08 Land Use and Zoning Change for Stuart J Borton and Nancy Tinio Borton Trust - Second Reading

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; AMENDING LAND USE MAP AND ZONING MAP FOR THE .31 ACRE (+/-) ON THE EAST SIDE OF US HIGHWAY 1 IN TOWNSHIP 28S, RANGE 38E, SECTION 31, PARCEL 205.4, MALABAR, FLORIDA, FROM COASTAL PRESERVE (CP) TO COMMERCIAL GENERAL (CG); PROVIDING FOR AMENDMENT TO THE OFFICIAL TOWN LAND USE AND ZONING MAPS; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report Number 8c

Attachments:

- Agenda Report 8c (Agenda_Report_8c.pdf)

9. UNFINISHED BUSINESS/GENERAL ORDERS MAY INCLUDE ITEMS DIRECTLY RELATED TO RESIDENTS PRESENT AT MEETING

(RECOMMENDATIONS FROM BOARDS, HOA REQUESTS, RESIDENT GRIEVANCES)

10. ACTION ITEMS - Miscellaneous (1)

a. Accept Raulerson Lane for Town Maintenance

Exhibit: Agenda Report Number 10a

Attachments:

- Agenda Report 10 a (Agenda_Item_10a.pdf)

11. DISCUSSION/POSSIBLE ACTION

12. PUBLIC COMMENTS

General Items (Speaker Card Required)

13. REPORTS - MAYOR AND COUNCIL MEMBERS

14. ANNOUNCEMENTS

(1) Vacancy on the Board of Adjustment; (2) Vacancies on the Parks and Recreation Board.

15. ADJOURNMENT

If an individual decides to appeal any decision made by this board with respect to any matter considered at this meeting, a verbatim transcript may be required, and the individual may need to ensure that a verbatim transcript of the proceedings is made (Florida Statute 286.0105).

The Town does not provide this service. In compliance with F.S. 86.26 and the Americans with Disabilities Act (ADA), anyone who needs a special accommodation for this meeting should contact the Town's ADA Coordinator at 321-727-7764 at least 48 hours in advance of this meeting.

MALABAR TOWN COUNCIL REGULAR MEETING MINUTES
SEPTEMBER 09, 2019 7:30 PM

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

1. CALL TO ORDER:

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

2. ROLL CALL:

CHAIR:	MAYOR PATRICK T. REILLY
VICE CHAIR:	STEVE RIVET, excused
COUNCIL MEMBERS:	GRANT BALL
	BRIAN VAIL
	DICK KORN
	DANNY WHITE
TOWN ADMINISTRATOR:	MATT STINNETT, excused
TOWN ATTORNEY:	KARL BOHNE
TOWN ENGINEER	MORRIS SMITH
TOWN PLANNER	TOD MOWERY
BLDG DEPT MGR	DENINE SHEREAR
TOWN CLERK/TREASURER:	DEBBY FRANKLIN

Clerk said for the record the Fire Chief Mike Foley was also present.

3. APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES:

Chair asked Franklin to speak first. Franklin requested the naming of a new right-of-way be added for Council action. It is in the form of a resolution naming the new road off Benjamin between Treadwell and Kramer Lanes. If approved for addition to the agenda it would be Agenda Item 6.

Also, on behalf of the TA, she asked that an emergency item be added as Agenda Item 7 under Misc. to approve his recommendation for emergency road repair on Rocky Point Road. TA would like to get this done in this current budget from the funds in the roads department. Council approval to add both.

Chair then called on Attorney Bohne to speak. Attorney Bohne said he sent an email regarding options Council could use for Agenda Report #2; request postponement until 9/23/19. An alternative suggestion is to allow CM Rivet to attend the meeting via the phone. This would require an affirmative vote on the procedural motion by Council. CM Ball would be allowed to vote of this procedural motion. This could be for only this item or for all items. Due to extraordinary condition of his care for his wife. It would take a motion of Council to appear by telephone. Other options available – could hold the public hearing and postpone the vote.

MOTION: CM Korn / CM Vail to support the request from CM Rivet to attend via telephone.

CM Korn explained he attended via phone once and it was very cumbersome. Mayor suggested it could take hours. CM Korn suggested then only allowing the input from the public tonight and postpone the vote. CM Korn withdraws his motion.

MOTION: CM Korn / CM Vail to support the request from CM Rivet to postpone second reading of Ordinance 2019-08 Land Use and Rezoning Change Request until 9/23/19.

Discussion: Council discussed allowing the public input before the vote tonight would not provide CM Rivet the ability to be present. Chair said it had already been postponed once. Attorney said that was due to applicant's attorney. CM Ball said what about the people that have appeared four times to voice their position; will be postponed again. CM Korn is not in favor of asking CM Rivet to appear via phone when he is caring for his wife. CM White agreed.

Discussion: CM Danny White not comfortable with this item going forward without a full Council, CM Vail agrees. CM White stated the people that had filled out comment cards should be heard. Attorney Bohne said they can attend the re-advertised public hearing on 9/23/19. **Vote: All Ayes.** Second reading postponed to September 23.

CM Korn asked to add discussion item – title of TA.

Mayor then called the Representative from the Brevard County Economic Development Council to the podium and read the Proclamation supporting Brevard's military and presented it to her. She spoke briefly and thanked Malabar for their support of the military.

4. CONSENT AGENDA: Chair asked for a motion on the consent Agenda -

Exhibit: Agenda Report 4.

4.a. Regular Town Council Meeting Minutes 8/19/19.

4.b. Council Workshop Meeting Minutes 8/26/19.

4.c. MOU with Brevard County re: EELs

MOTION: CM White / CM Ball to approve the Consent Agenda as presented. **Vote:** 4 Ayes (CM Rivet excused).

5. ATTORNEY REPORT: nothing

6. BCSO REPORT: Lt. Cline is present and made report. Corey and Benjamin. That has been a hot spot. July and August 29, 69 traffic stops. For August, 7 alarms to businesses. Vehicle burglary, 33 traffic stops. People are not locking their vehicles and keys and garage door openers are being left in unlocked cars. Talked about berry picking. CM Korn said the traffic is slower on Weber. He appreciates the increased efforts.

7. BOARD / COMMITTEE REPORTS:

Drew Thompson, Chair, T&G Com: Drew said he would be quick. Update on recent changes. Met with TPO. Went with TA and Murry Hann. The TPO is considering – they are on the list. Talking about FDOT funding. Main one is #1. Then #6 and #7. #1 down Marie Street working with GV and City of Palm Bay. #6 Tillman Canal, crossing Babcock to go to a future bike path at the Grapefruit trail. Leaning to ride a trail bike. Bridge across the Melbourne Tillman going east/west. Last one is Jordan Scrub – another major east/west connector. In summary they have gotten Space Coast Transportation Planning Organization and their support for three major joint projects. Mayor asked if Drew could modify his map to include the section of Marie Street north of Malabar Road. Drew will make the change and it will be available on Malabartrails.org.

Eric Bienvenu, Chair Park & Rec Board: Not Present

Wayne Abare, Chair, P&Z Board: Wayne Abare they had one meeting last month. CM Korn asked about temporary (snipe) signs in ROW. They discussed that and looked at it again. They are not allowed except at election time.

8. STAFF REPORTS:

8.a. ADMINISTRATOR: nothing

8.b. PW DIRECTOR: submitted written report.

8.c. FIRE CHIEF: Next meeting.

8.d. CLERK: Nothing.

9. 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) Five **(5) Minute Limit per Speaker. Speaker Card:**

Jim Roulston had comment not about zoning change. Wanted to bring to Council attention that he works for Asplundh which contracts with FPL and they have worked many hours of overtime to make sure power losses were at a minimum during recent hurricane Dorian. He also did 12 hours in the COP vehicle last week, patrolling Malabar.

10. PUBLIC HEARINGS/SPECIAL ORDERS: 3**~~10.a. ORDINANCE 2019-08 Land Use and Zoning Change for Stuart J Borton and Nancy Tinio Borton Trust – 2nd Reading~~**

~~AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; AMENDING LAND USE MAP AND ZONING MAP FOR THE .31 ACRE (+/-) ON THE EAST SIDE OF US HIGHWAY 1 IN TOWNSHIP 28S, RANGE 38E, SECTION 31, PARCEL 250.4, MALABAR, FLORIDA, FROM COASTAL PRESERVE (CP) TO COMMERCIAL GENERAL (CG); PROVIDING FOR AMENDMENT TO THE OFFICIAL TOWN LAND USE AND ZONING MAPS; PROVIDING FOR AN EFFECTIVE DATE.~~

TABLED UNTIL 9/23/19

10.b. ORDINANCE 2019-11 Setting Millage for FY 19/20 – 1st Reading

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, ADOPTING THE MILLAGE RATE OF 2.2680 FOR THE LEVY OF AD VALOREM TAX WITHIN THE TOWN FOR THE PERIOD FROM OCTOBER 1, 2019 THROUGH SEPTEMBER 30, 2020, AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 3

Ordinance read by title only.

PH OPEN: none **PH CLOSED:**

MOTION: CM White / CM Ball to adopt Ordinance 2019-11.

Discussion: CM Korn said the increase is minimal. CM White said his went up \$32. Total tax bill only went up \$10.

Roll Call VOTE: CM Ball, Aye; CM Vail, Aye; CM Rivet, Excused; CM Korn, Aye; CM White, Aye. Motion carried 4 to 0 (CM Rivet excused).

10.c. ORDINANCE 2019-12 Adopting Budget for FY 19/20 – 1st Reading

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA ADOPTING THE BUDGET OF \$2,204,996.00 FOR THE FISCAL PERIOD FROM OCTOBER 1, 2019 THROUGH SEPTEMBER 30, 2020; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 4

Ordinance read by title only and Section 1 of the ordinance.

PH OPEN: none **PH CLOSED:**

MOTION: CM Korn / CM Vail to adopt Ordinance 2019-12.

Discussion: CM Korn to complement staff. CM White said he wasn't in favor of increasing FD budget to cover the FTE costs but said the Chief did a great job of mitigating the increased costs and keeping the total department cost down. CM Vail said they only had to do minor modifications to the budget. Probably the smoothest budget process in the last 15 years. CM Ball said the setting aside of funds for vehicle replacement and road improvements is something he has requested. They did a very good budget. Keep trimming as much as possible.

Roll Call VOTE: CM Ball, Aye; CM Vail, Aye; CM Rivet, Excused; CM Korn, Aye; CM White, Aye. Motion carried 4 to 0 (CM Rivet excused).

11. UNFINISHED BUSINESS/GENERAL ORDERS - 0**12. ACTION ITEMS:**

ORDINANCES FOR FIRST READING: 0

RESOLUTIONS: 2**12.a. Appointment to Board of Adjustment (Reso 14-2019)**

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE APPOINTMENT OF KATIE ABARE TO THE MALABAR BOARD OF ADJUSTMENT AS AN ALTERNATE MEMBER; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 5

Resolution read by title only.

MOTION: CM Korn / CM White to approve Resolution 14-2019.

Discussion: none

Roll Call VOTE: CM Ball, Aye; CM Vail, Aye; CM Rivet, Excused; CM Korn, Aye; CM White, Aye. Motion carried 4 to 0 (CM Rivet excused).

12.b. Name Grace Lane (Reso 15-2019)

A RESOLUTION OF THE TOWN OF MALABAR PROVIDING FOR THE NAMING OF A NEWLY DEDICATED PUBLIC ROAD RIGHT-OF-WAY AS GRACE LANE FOR A DISTANCE OF 1,200 FEET +/- NORTH OF BENJAMIN ROAD IN SECTION 12, TOWNSHIP 29, RANGE 37; PROVIDING FOR THE FORWARDING OF THIS INFORMATION TO BREVARD COUNTY ADDRESS ASSIGNMENT FOR E 9-1-1 EMERGENCY IDENTIFICATION PURPOSES; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 6

Resolution read by title only.

MOTION: CM Vail / CM White to approve Resolution 15-2019.

Discussion: none

Roll Call VOTE: CM Ball, Aye; CM Vail, Aye; CM Rivet, Excused; CM Korn, Aye; CM White, Aye. Motion carried 4 to 0 (CM Rivet excused).

MISCELLANEOUS: 1

12.c. Rocky Point Road Restoration: Further, at the request of the TA, Franklin requested action on selecting the lowest and best bid recommended by the TA for the emergency repair to the subbase of a portion of Rocky Point Road. The desire is to have this done in this fiscal year with funds on hand in the roads department.

He sent the request to four vendors and got two estimates back, one from Ken Farrington for \$14,380.00 and from Lunn Development for \$12,300.00.

MOTION: CM Ball / CM Vail to select Lunn Development for the Rocky Point Road repair for \$12,300.00.

Discussion: CM Vail asked if Town had experience with either vendor? Engineer Morris Smith replied that the Town has had good experience with both as both have done projects with the Town.

VOTE: 4 Ayes (CM Rivet excused)

13. DISCUSSION/POSSIBLE ACTION:

Added by CM Korn – change title of Administrator to Manager. Clerk will have ordinance on October 7 agenda to amend Chapter 2 of Code making this change.

14. PUBLIC COMMENTS: General Items (Speaker Card Required) none**15. REPORTS – MAYOR AND COUNCIL MEMBERS**

CM Ball: nothing

CM Vail: nothing

CM Rivet: excused

CM Korn: Said he had recently read the 2003-15 Ordinance describing duties of Administrator. The occupant of this position performs these duties and they are better defined as a Manager's duties. The position remains subject to Council review; he has a lot of responsibilities. Out of the 412 cities there are only eleven with administrators. Franklin to prepare an ordinance to make this change. This office should be in the Charter. CM Korn said Malabar has a strong Council form of government.

CM White: During recent rain, his neighbor commented that he never saw the water flow so well. Made a big difference.

Mayor: nothing

16. ANNOUNCEMENTS: Openings on Bd of Adjustment and Park and Recreation Bd.

17. ADJOURNMENT:

There being no further business to discuss and without objection, the meeting was adjourned at 8:25 PM.

BY: _____
Mayor Patrick T. Reilly, Council Chair

ATTEST:

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

Date Approved: 9/23/2019

DRAFT

ORDINANCE 2019-11

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, ADOPTING THE MILLAGE RATE OF 2.2680 FOR THE LEVY OF AD VALOREM TAX WITHIN THE TOWN FOR THE PERIOD FROM OCTOBER 1, 2019 THROUGH SEPTEMBER 30, 2020, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, public hearings as prescribed by Florida Statutes have been duly held in accordance with the laws of the State of Florida;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, THAT:

SECTION 1. The Town Council, in regular session duly assembled adopted the millage rate of 2.2680, to be levied for the General Fund upon all real and tangible personal property located within the boundaries of the Town of Malabar taxing authority.

SECTION 2. The final levy of 2.2680 mils will result in a 10.00% increase to the rolled back rate of 2.0615.

SECTION 3. This final millage rate of 2.2680 is to fund the general fund expenses for the fiscal year commencing October 1, 2019 and ending September 30, 2020.

SECTION 4. This ordinance shall become effective October 1, 2019 upon its adoption after the second public hearing.

This ordinance was moved for adoption by Council Member _____ and was seconded by Council Member _____ and, upon being put to a vote, the vote was as follows:

Council Member Grant Ball	_____
Council Member Brian Vail	_____
Council Member Steve Rivet	_____
Council Member Dick Korn	_____
Council Member Danny White	_____

This ordinance was then declared duly passed and adopted this 23rd day of September, 2019.

TOWN OF MALABAR

By: _____
Mayor Patrick T. Reilly, Council Chair

ATTEST:

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

(seal)

First Reading: 09/09/19 Vote 4 to 0.
Second Reading: 09/23/19

ORDINANCE 2019-12

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA ADOPTING THE BUDGET OF \$2,204,996.00 FOR THE FOR THE FISCAL PERIOD FROM OCTOBER 1, 2019 THROUGH SEPTEMBER 30, 2020; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Malabar has set forth the appropriations and revenue estimates for the budget for the period from October 1, 2019 through September 30, 2020; and in accordance with the laws of the State of Florida;

WHEREAS, The Town Council has held Public Hearings as required by F.S. 200.065.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, THAT:

SECTION 1. The Town Council, in regular session duly assembled adopt the Fiscal Year 2019/2020 Budget of \$2,204,996.00 consisting of \$1,910,996.00 for general fund expenditures and \$294,000.00 in approved expenditures for Stormwater projects funded through non-ad valorem fees DEP financing.

SECTION 2. This budget may be amended during the year if necessary, by ordinance.

SECTION 3. This ordinance shall become effective on October 1, 2019 upon its adoption after the second reading and public hearing.

This ordinance was moved for adoption by Council Member _____ and was seconded by Council Member _____ and, upon being put to a vote, the vote was as follows:

Council Member Grant Ball	___
Council Member Brian Vail	___
Council Member Steve Rivet	___
Council Member Dick Korn	___
Council Member Danny White	___

This ordinance was then declared duly passed and adopted this 23rd day of September 2019.

TOWN OF MALABAR

Mayor Patrick T. Reilly, Council Chair

ATTEST:

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

(seal)

First Reading: 09/09/2019 Vote 4 to 0
Second Reading: 09/23/2018

TOWN OF MALABAR AGENDA ITEM REPORT

AGENDA ITEM NO: 8.C.
Meeting Date: September 23, 2019

Prepared By: Debby Franklin, C.M.C., Town Clerk/Treasurer

SUBJECT: Land Use Map Amendment and Zoning Change Request for the .31 acre (+/-) parcel on the east side of Highway 1 in Township 28, Range 38, Section 31, Parcel 250.4 in Malabar (Ordinance 2019-08) - Applicants: Stuart J Borton and Nancy Tinio-Borton Trust

BACKGROUND/HISTORY: Tabled at the 9/9/19 meeting to this date.

This applicant's request to amend the future land use designation on the FLUM and the corresponding Zoning Map to Commercial General (CG) from the Coastal Preservation (CP) is due to the applicant's stated desire to construct a small boutique hotel.

As stated by the applicant's representative, Attorney Jeff Smith and the P&Z Board Chair, discussion of the ultimate use will be done at a subsequent site plan review meeting. That is when the size and dimension regulations will be reviewed, as well as review of the permits received from the other State regulatory agencies, specifically, FDOT, FDEP, St. Johns RWMD, the Florida Health Department, and possibly the Army Corp of Engineers.

The Comprehensive Plan is a living document that requires ongoing review and update to keep it current and applicable. As a point of information, the land use and zoning were changed 77 times from 1978 to 1988 to accommodate the evolving desires of Council and property owners. Lots 1 – 7 of Riverview Homes subdivision were classified as Commercial General in 1991 (see attached map).

Staff has found that the proposed CG classification is consistent with the Comprehensive Plan, (see Sections 1-1.2.1 and .2, attached) Compatible with the surrounding areas, (apartments and multi-family to the north and commercial to the west) Conforms with the stated desire of Council to encourage commercial development along the main corridors.

Staff has evaluated the requests based on the language in the Land Development Code and the Comprehensive Plan and recommends approval of the land use designation change and corresponding zoning change.

This was heard at the P&Z Board meeting on July 24, 2019. The Planning and Zoning Board voted 4 to 1 to recommend denial of the requests.

The first reading of this ordinance was heard at Council on August 19, 2019, after being postponed from August 5, 2019. On August 19, 2019 Council voted 3 to 1 in favor of the request. CM Ball abstained and filed the required Form 8b.

ATTACHMENTS:

Ord 2019-08 Amendment to Comprehensive Plan Future Land Use Map and Zoning Change
Applicant's package with radius map
Town Atty, Planner, Engineer review comments
Legal notice

ACTION OPTIONS:

Action on 2nd Reading of Ord 2019-08

ORDINANCE 2019-08

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; AMENDING THE LAND USE MAP AND ZONING MAP FOR THE .31 ACRE (+/-) ON THE EAST SIDE OF US HIGHWAY 1 IN TOWNSHIP 28S, RANGE 38E, SECTION 31, PARCEL 250.4, MALABAR, FLORIDA AS MORE PARTICULARLY DESCRIBED IN THIS ORDINANCE, FROM COASTAL PRESERVE (CP) TO COMMERCIAL GENERAL (CG); PROVIDING FOR AMENDMENT TO THE OFFICIAL TOWN LAND USE AND ZONING MAPS; PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, as follows:

Section 1. The Town Council has considered the recommendation of the Planning and Zoning Board and approves the land use and zoning change for the property described below and is hereby re-designated on the land use map and rezoned on the zoning map from *Coastal Preserve (CP)* to *Commercial General (CG)*:

All That Property Lying S Of The N Line Of Lot 1 Of Pb 13 Pg 3 Extended E To The Indian River & Lying N Of The S Line Of Lot 5 Of Pb 13 Pg 3 Extended E To The Indian River & Part Of NE 1/4 Of NW 1/4 As Desc In Orb 5890 Pg 8284 & Orb 7441 Pg 2670 All Lying E Of US Hwy 1.

Section 2. The Town Clerk is hereby authorized and directed to cause the revisions to the Land Use Map and Official Town Zoning Map as referenced in Article II of the Land Development Code to show the zoning change set forth above.

Section 3. The provisions within this ordinance shall take effect in accordance with State Law and the Town Code.

The foregoing Ordinance was moved for adoption by Council Member _____. The motion was seconded by Council Member _____ and, upon being put to a vote, the vote was as follows:

- Council Member Grant Ball _____
- Council Member Brian Vail _____
- Council Member Steve Rivet _____
- Council Member Dick Korn _____
- Council Member Danny White _____

This ordinance will become effective and considered adopted by the Town Council, Town of Malabar, Brevard County, Florida six (6) business days from the date of this meeting: September ____, 2019.

(seal)

BY:
TOWN OF MALABAR

Mayor Patrick T. Reilly, Council Chair