

MALABAR PLANNING AND ZONING BOARD REGULAR MEETING
January 12, 2011 7:30 PM

This meeting of the Malabar Planning and Zoning was held at Town Hall at 2725 Malabar Road.

A. CALL TO ORDER, PRAYER AND PLEDGE:

Meeting called to order at 7:35 P.M. Prayer and Pledge were led by Chair Bob Wilbur.

B. SWEARING IN BOARD MEMBERS FOR NEW TERM:

Note: Mr. Ryan came in before the meeting to ask to be excused from meeting as his wife was sick. Clerk Franklin gave him the Oath to read and sign. Ryan left before meeting. The other new member Mr. Abare had 1/19/11 on his calendar for his first meeting.

C. ROLL CALL:

CHAIR:	BOB WILBUR
VICE-CHAIR:	PATRICK REILLY
BOARD MEMBERS:	DON KRIEGER
	BUD RYAN, excused
	LIZ RITTER
ALTERNATE:	CINDY ZINDEL
ALTERNATE:	WAYNE ABARE, absent
SECRETARY:	DENINE SHEREAR
TOWN PLANNER	KEITH MILLS, excused
TOWN ENGINEER	MORRIS SMITH, P.E. excused

D. ADDITIONS/DELETIONS/CHANGES:

E. CONSENT AGENDA -

1. Approval of Minute- Planning and Zoning Meeting- 10/13/10

Exhibit: Agenda Report No. 1

Recommendation: Action

Motion: Reilly / Krieger to approve the minutes of October 13, 2010. Secretary explained the wrong set of minutes was included in package; October 13 minutes have already been approved with changes and she has made the corrections. Sherear will send out approved minutes to Board members.

F. PUBLIC HEARING: none

G. ACTION:

2. Five-Year Plan Projection for Town of Malabar

Exhibit: Agenda Report No. 2

Recommendation: Action

Don: Districts 2, 3 and 4 are planned out at 1.5 acres.

Pat: review what P&Z went over in 2007 and just update

Liz: Marie St south end needs to be improved; riverfront dockage

Don: Roads, specifically LaCourt. Also cul-d-sacs on dead-end roads, but how to get ROW?

Pat: direct board to look at Chap 9, look at the categories and then look at list of items from 2007 and go thru and update.

Bob: infrastructure: sidewalk/bike path on north side of Malabar Rd

Don: the 5-yr time frame will only allow them to absorb the pending items, like maintenance of infrastructure. Shore up the roads, and he mentioned LaCourt again. Hall Road is also of the same material – glue road (per Bob) that is current need.

Cindy: Are culverts carried under stormwater fees collected with our taxes?

Bob: need to specify the roads by name. Regarding Hall, Atz and Marie paving, the under infrastructure was never done – they were just paved.

Don: Weber and Corey will both need work within 5 years. For a 5-yr vision, take care of basic infrastructure – not expanding water system.

Bob: believes they need to provide specific road for improvement. LaCourt is a neighborhood road and we need Marie St built and we now have the ROW to do so.

Don: roads should be 1st on the 5-yr plan

Liz: all roads should be re-done at least once instead of the same ones over and over.

Bob: The ditch between Camelot and Century Oaks needs to be cleaned – both the baffle/sedimentation boxes and the ditch cleaned. Ditch was cleaned by Sanderson about 8 years ago.

Liz: US1 south of Malabar Rd is doing some work – doesn't look like any baffle or sedimentation boxes are being added.

Don: agreed with Pat to have Board do homework

Cindy doesn't know what has been accomplished from 2001 and 2007 lists. Come down and ask staff.

Pat asked staff to update their 2007 list to same format as 2001 list.

3. Malabar Water and Sewer Utility System

Exhibit: Agenda Report No. 3

Recommendation: Action

Pat: doesn't see how it can expand except from the west.

Bob: Tammaron development had water line infrastructure installed – 1980's. Cindy thought they had subsequently discussed at a Council mtg about hooking up a fire hydrant and the line could not be found. More discussion on the status of the water line – hooked up? Also the property is now owned by the State for conservation and the EELs management it and have proposed tearing up the concrete – they don't think they would support expanding the water system.

Don: Question is do we want to expand it. Personally he thinks no.

Liz: if Malabar controls it, maybe yes.

Bob: recalled historically that Malabar allowed developer to drill wells and the agreement was to only allow enough water to serve BH1. He did not think Town enforced that limit. He did not think Palm Bay should be allowed to "mine" water.

Franklin explained the 1993 agreement provided for wells to be operated. The Town of Malabar never "owned" the wells. The wells were within Malabar jurisdiction. The developer drilled the wells, which were later transferred to GDC and then transferred to Palm Bay. There have been requests to Palm Bay for the total number of gallons that have been pumped out of the wells but we have not received any of that data.

Mayor: gave background – lawsuit was filed by Malabar. As part of the legal requirement the Town must do mediation. The mediation agreement was proposed to Council and they rejected it. Council would like P&Z vision of the future of the Malabar Utility. Mayor stated that with enough customers, the utility would be profitable. He is looking for P&Z to provide "vision" of the utility system.

Liz: if we don't have control of the wells and the water treatment, then we don't have control of the system.

Don: in the next 15 years, he sees no growth along Malabar Road except for the sphere around the hospital.

Liz: you must have provided for funds for upkeep and bill enough to cover the depreciation so you can replace infrastructure as it is needed. This money must be set aside to provide for this and we don't have it.

Franklin: stated Liz had stated it correctly. Our billing does not provide for monies to cover depreciation and upkeep. We have to bill our customers based on what we have to pay Palm Bay and it doesn't leave much for set asides.

Don thought the general fund and rest of Malabar residents would be paying for these repairs. Franklin explained that the utility is an "enterprise" fund and is completely separate and must pay for itself. There was an extension of the waterline along Malabar Road done in 2001 and paid for by general fund and some of that money is still owed to the general fund.

Don: only growth he can imagine is along the commercial areas.

Bob: thinks it can expand along US1, Babcock and Malabar Road

Franklin: explained that utility expansion is paid for by developer. There can be agreements that will provide some pay back to the developer by those who later hook up. Our contract with Palm Bay requires "capacity" charges to be collected and forwarded to Palm Bay and those costs are high. That does not provide for any maintenance or improvements by Palm Bay – it is like an "impact" fee. Palm Bay guarantees the water "capacity" with that payment.

Liz: said that any future contract should provide for businesses that have package plants currently and allow them to continue.

Bob: give up the system but have Palm Bay guarantee a "locked-in" rate for a long period in exchange.

Don: Does not see expansion of system unless the Town allows increased density.

Pat: doesn't see any more subdivisions coming into the town. There is not much land available. He suggests they come up with about three bullets to provide Council for possible future utility growth: US 1, west end and Weber to Corey.

Don: there is not much expansion of water utility in rural communities.

Pat: there must be density to make utility pay.

The consensus of the P&Z Board to forward to Council is that the Malabar Utility is a static utility and has a limited possibility of future growth in the next 15 years on the major corridors.

H. DISCUSSION:

4. Recommendations from Council – Continue US 1 Corridor Review

Exhibit: Agenda Reports No. 4

Recommendation: Discussion

Board wanted County Section maps showing aerial with parcel overlay. Staff will order from County and have for next meeting.

I. PUBLIC:

J. OLD BUSINESS/NEW BUSINESS:

5. Paladin Shores US- 1- Update on Extension of STJRWD Permit

Exhibit: Agenda Report No. 5

Recommendation: Discussion

Chair asked Franklin to update Board. Franklin had handed out the opinion from Town Attorney indicating that the Site Plan for the 114-unit condo project has been extended by the new law created by Senate Bill 360. The law has been challenged by municipalities but until it is overturned, it is the law and the plan is extended two years from last date or four years, depending how you read the law, per the Attorney.

6. Sunshine Information

This is for Member benefit only. If there are any questions, feel free to contact the Clerk's office.

K. ADJOURN:

There being no further business to discuss, **MOTION:** Reilly / Krieger to adjourn this meeting.

Vote: All Ayes. The meeting adjourned 9:10 P.M.

BY:



Bob Wilbur, Chair



Denine M. Sherear, Secretary

Date Approved: 1/26/11