

MALABAR PLANNING AND ZONING BOARD REGULAR MEETING
January 26, 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 7:30 P.M. Prayer and Pledge were led by Chair Bob Wilbur.

B. ROLL CALL:

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

Also present is Tom Eschenberg, Mayor of Malabar

C. ADDITIONS/DELETIONS/CHANGES: none

Vice-Chair Pat Reilly would like to switch Action Items 3 and 4 and have 4 go first. No objection. Ryan stated there is much on the agenda and asked if the meeting could be split into two meetings. No action. Ryan also suggested they should institute a cut-off time of 10PM or 10:30 PM like Council does. No action.

D. CONSENT AGENDA -

1. Approval of Minute- Planning and Zoning Meeting- 1/12/11

Exhibit: Agenda Report No. 1

Recommendation: Action

MOTION: Reilly / Krieger to approve the minutes of January 12, 2011.

Liz pg 2, she questioned Tammaron, thought it was Malabar Woods and has too many r's;

Krieger wanted minutes to say "total number of gallons" instead of gallon-age.

Vote: All Ayes.

E. PUBLIC HEARING:

2. Sunrise Centre Assisted Living Facility-725 Malabar Road for Site Plan and Conditional use for 96 Bed Assisted Living Facility- Applicant is Plata Engineering, Inc Frank Plata and Ben Elliot

Exhibit: Agenda Report No. 2

Recommendation: Action to Council

Chair called applicant to present: Ben Elliot with Plata Engineering 3700 N Harbor City Blvd, in Melbourne, Florida 32935. They are submitting a site plan and a conditional use application for an assisted living facility known as Sunrise Centre to be built on the remaining undeveloped portion of the overall five acre Berri Patch parcel across from the hospital. When Berri Patch was originally developed all the infrastructure was placed, all the stormwater, the underground water and sanitary sewer for the eventual development. Working with Don Foley the property owner and Frank Plata, they developed this proposal which fits in nicely and will be connecting to existing driveway and parking. Mr. Elliott showed on a paper copy of a rendering of the project showing the Malabar Vernacular and compliance with the Malabar height requirement of 35 feet. They have met with Town staff and responded to their comments and concerns. As an overview, he felt it was a good fit and complements the vicinity with the close proximity of the

hospital and neighborhood relationship. He will leave it at that and answer any questions or wait for comments from Board and public. Mr. Elliott stated the Town Engineer is present to speak to the engineering aspects and the owner of the property is here also they have had much correspondence with the Building Official, Town Engineer and Town Attorney.

Krieger wanted the applicant to explain the 3-stories and how they relate to the 96 beds. Elliott said the majority of the first floor will have the administrative offices, the dining hall the kitchen area and just a small number of units on the first floor. The second and third floor will have common living areas at the center by the elevators and units going off down the halls from there.

As far as the bed distribution, that will be in the construction plans; what they are proposing is 48 units and with that the maximum scenario would be 96 beds. Some residents may only want one bed where others may want a second bed option for a spouse or friend. Frank Plata said that the concept is to provide several layouts for flexibility - some may want a walk in closet or larger dressing area so they can be flexible. They want to provide privacy while still being able to check on everyone by opening main door but still keep it like a home like. Don asked about the 14-units on the first floor. Areas left on the two corners for possible sun rooms. Important for them to have exercise room and also a video area. The visual part of it - the largest common area on the first floor is the dining area. Liz said the maximum she counted for beds was 88 but understands how that could be modified. This view is pleasant and that was important to the owner. When they have this project this is the maxed out at 96 for the level of price they are trying to do. They are trying to target an affordable price and pass it on to the residents. Bud asked if the third floor could be expanded to cover the 2nd floor entirely. No, that is not in the plan. The drawing is the final plan and has been worked out with the owner to provide a pleasant visual appearance. The roof line on the second floor wings will not provide for a third floor. Their target is to design the project so it is middle cost and keep the price affordable. Pat asked if these would be bought or rented. Rented. Liz asked if any would have kitchens. No, some may have microwaves for re-warming. Liz asked about the term of living there. Plata said they would sign for a year.

Plata explained the three levels that are licensed by the State:

Start with Independent living - hotel setting, parks their own car; congregate care - no medical needs but they want to share common areas, laundry and eating;

- Congregate living - no medical needs but want a shared dining area, laundry services provided, security provided.
- The next is intermediate assisted living - someone will remind them to take pills or bath. Limited assistance; no medical services provided; that is what they are proposing
- The third step is the nursing homes, which is across the street west of the hospital.

What they are proposing is the limited assisted living facility almost the congregate living type facility, with no medical.

Wayne asked who they are targeting. Plata said those needing assisted living. Wayne asked if they could take resident with dementia. No, that needs separate licensing. It could be converted but when you try to do the two types, something gets neglected. Need a separate area for them. When you try to do both together something is always lacking. It is needed but the size of this project it is easier to handle as assisted living. If you have a resident and they become incapacitated, they need to transfer to another facility. Wayne asked about the Glen Brook facility in Palm Bay. Plata said it is good to have transition between levels of care but it becomes too large for most management companies.

In the level they are proposing, assisted living, it is mostly reminders. No prescriptions will be written, only reminders to take their meds. Cindy asked what process is used to determine who gets in. Would you have to have doctor note? Ben Elliot said that there is a lengthy interview process of resident and their family. The management company handles that. They are not

free to come and go; there is security and a controlled environment, and 24 hour staffing. They are proposing the next level from independent living.

Bud asked about rapid exit in case of emergency. Frank Plata explained the SOPs spell out the process for emergency response. Elevators could accommodate a gurney? Yes. Bud asked what else this building can be used for if this use ceased. Frank Plata said it would have to be congregate living or assisted living. It would not work for independent living because you would want to give them more of an apartment living and a kitchen. Building is intended for the intermediate level – assisted living for elderly. Bud said it can't transfer into a hotel? Frank Plata said no, the parking alone would not allow this for a hotel. Bud said it is a single purpose building. Bob said is there an age threshold or is it open to everyone? Plata said 55 and up. They are not mixing the different types or stages of care, so their user will be the intermediate assisted living level. Bob said so some would be mobile. Frank Plata said the majority would be mobile. Some may still have a driver's license but not have a car. Bob asked if they would provide three meals a day – yes. There will be a vehicle available for transport. Bob asked about emergency power – yes, they will have strict rules to follow for emergency situations. Bud asked if the emergency power is just for the lighting or can it also operate the elevator. It does not cover the elevator – they would carry them down stairs if necessary. If timing is important, like in case of a fire. Liz asked where the back-up generator is located – yes it is the mechanical room. The lift station has a separate back-up generator. Liz said most generators are diesel and are outside. It is diesel but the room is ventilated.

Wayne asked about the parking. Frank Plata explained the National Standard from the Institute of Traffic Engineering and is 36. The Town Code only listed nursing homes and they have medical staff and the comparison is not the same. Wayne asked about the number of residents with cars. Plata said for the independent living facilities, it is about 30%. Wayne said if a third have cars, plus staff and guests and you have run out of parking spaces. Plata stated this is not independent living, it is the next one, assisted living and they reviewed other assisted living facilities in the area and the national average is 5% of residents that have car so about 5 would have cars. Bob said he did not see plans for visitor parking. Frank Plata said parking for staff would be about 10-12 with a few more for overlap at shift changes. Those spaces for staff and residents and the rest are for guests. Plata said they have put 70 units in other places and half of the spaces are empty. It is mostly pick ups and drop offs and they are spread out throughout the day. Wayne asked about holidays. Most are drop offs or pickups. There is also some parking at Berri Patch that could be used. They are closed on weekends and holidays. They do not expect to need them. The normal use for these facilities does not use a lot of spaces. Liz asked about staffing for third shift. Plata said there is wide range for such facilities and varies between 12-22. They will have one maybe two staff on third shift. Liz asked about the vehicle. Plata said barber and beauty will be provided. They will have one vehicle and it is mostly for pleasure. The hospital is across the street if they need it. Liz asked about the only 2 hydrants, and they are both in front and three stories. The building is fully sprinkled also. Most of the trucks can get to the back of the building. The requirements call for sprinkled buildings for this use. Otherwise they have to have more hydrants. Wayne asked about the agreement with Berri Patch. These properties are linked together on the drainage, the sewer and they have to share. Wayne asked if the property could be sold separately. The use of the security for Berri Patch is separate. This use requires inside security. That is why they don't want to get into heavy care. Keep at same experience level. Cindy asked about the property owner. Foley is the owner of all of it. Plata is trying to secure everything and then market it to a management company. The project as proposed is for one and no one can come in without the full approval of the owner. They are trying to secure all the permits and cover all aspects and will not turn anything loose. Most other projects, you have separate parcels owned by different people. This project is already owned by one owner. Cindy asked if he thought the old people and the young people would be a good fit. There is a lot of good potential from this mix. Ben Elliot said his wife works at a pre-school and they do field trips to the local facilities with the elderly. Bob asked about senior daycare. Plata agreed there is a great need for that market. Don asked

about the set backs – they appear to include the paved areas and the stormwater system. Krieger has problem with the stormwater system being comingled.. This is a five-acre parcel and Krieger wanted to know who evaluated that. Ben Elliott said St. Johns RWMD. Krieger said they are proposing 96 beds and a third of those people will want to walk around the land. Are they going to be walking in the retainage/detainage areas? Frank Plata said they had outside areas in their other projects and they weren't used. The exercise areas will be indoors with lots of activities for them. Plata said in the future there may be Malabar park land available to the south, but for now they do not see a need for that.

Don asked if residents could have multiple cars – Plata said no, they are proposing an assisted living facility, not an independent living facility. Don asked about covered parking – Ben Elliott said no, but there would be a covered drop off area in front. Don said they referred to driveway that splits the property into two parts and this development will be on 2.5 acres. What about walking in the area after a storm event. No. Don asked if the permits were being pulled with multiple corporate entities? No, St. Johns has reviewed this plan and there is a permit approved for this. Plata explained it cannot be split and there is only one owner of the property and one stormwater permit – it is a master system. Don stated there is only one corporate owner that owns the stormwater system. Plata said yes, it is like having a single family home in a subdivision. Krieger said normally, when you have a five-acre parcel, you have a single corporation that is the landlord and different corporations work within it. Krieger said this is different; this is separate corporations with not a street but a driveway separating them. First you have a children's facility on one side but usually adult communities are gated to prevent people from getting in. Krieger asked if they will have gates on that side of the driveway. Plata explained that the building is what will be secure – that is part of the assisted living aspect; they will have control from the doors. Krieger said the people can go out and cross the street or go to the other side. Plata said residents will not be able to do that. Liz asked for Plata to give an example or two of a typical resident and why they can't just walk out the door. They will have security and the residents won't be just walking outside. Plata referred Board to the Cedar Creek facility on Hall Road in Merritt Island if they want to see a similar facility. This proposal improves on that facility. The majority of the facilities are inside. Field trips are in controlled areas and by staff. They can't wander out.

Liz asked Frank Plata to describe the typical resident – Ben Elliott explained that the typical resident would be 65 - 70 years old and they only need physical help, either walkers or staff assistance. If they go out they will have a staff person with them. They are assisted with physical things. They aren't going to be wandering outside on their own. If they go out it is to access the vans. The gazebos are only accessible from the facility, not the parking lot and they are fenced in – it is a controlled environment. If they are out, it will be negligence on staff's part. There will be locks on their doors. Bob has conflict; has issue – thought Plata said earlier that they would have three levels of care for persons over age 55 and that 50 – 60% of possible residents would move there because they wanted independent living, but wanted to downsize from their homes. Plata said that 50% - 60% would voluntarily want to give up their cars and homes and have room and board provided for them in a secure environment. Now it seems you are saying something different. You are going to take their keys away from them? Bob said there is no bus service and if a resident wanted to go somewhere and there is only one van; it sounds more like an institution, not voluntary. Frank Plata said there are a lot of businesses that are related to this that would also supporting the facility; like the hospital providing meals and van services providing trips. Plata said there is a need for this and people will voluntarily apply. Liz said that is why she asked for the description of the typical resident. Bob said he thought they were offering three levels of care – first you can walk in and carry your own bags and drive your own car. Plata said no, those are separate businesses.

Plata again described the three types of service or levels of service that the State issues licenses for:

- Independent living has zero living restrictions – like moving to a condo or apt

- Then they have congregate living – drop the car and need help with walking and bath – that is what they are calling “assisted living”
- The last level is mostly bed ridden in a nursing home.

Plata said what they are proposing to offer is the second one. They will not be providing services to the other levels; that is for across the street.

Wayne asked if a 93 yr old that still drives and has some short memory loss would be a candidate. Could she go? Plata said it would depend; they would need to screen. They are not offering medical treatment. The main part is the person is ready for some assistance, give up their car and don't need medical care. Plata said none of these types of facilities have a fleet of their own vans; the management companies have leases with other companies that provide transportation. Same with laundry services. There are some fixed costs. If it costs more to do laundry yourself, you lease it out.

Bud asked about the lease – typically one year. Who decides – typically the mgnt company and the family? Bud wanted to know what happens if they can't live through the terms of the lease. Frank Plata said some management companies have pre-pays for the year. Depends of the pricing breakdown. Some companies have two or three months free.

They have different mgnt companies that work in these places for day to day operations. Bud wants to make sure a resident isn't caught in this. Frank said that is the target is to keep it affordable. Bob asked about the entire property; the original Berri Patch property and this property; is there a separation in ownership. Plata said a separate corporation may own the second building; similar to a duplex. It will be limited to the perimeter of the building only and then the rest of the areas are common. Bob asked if once it is built it will be sold to a management company. Plata said typically they are 5 or 10 year contracts to operate the facilities and they are the secondary layer. Bob asked if either the ownership entities or the management companies will be a not-for-profit? Bob is asking because the Berri Patch portion of the development is tax exempt under educational exemption. His concern is that the Town to benefit in the tax collected as well as population. Plata said depending on ownership and management companies, there is usually a for profit business. The ultimate goal is to have an affordable facility. Plata said the target is for a “for profit” company.

Don referenced the green space – his concern is that they are using the same areas that the original development used. Krieger asked how is it calculated; is the dry-retention area considered green space. If it is not always dry how can it be used as green space? Plata stated to respond.

Krieger said another question, is the traffic concerns - the driveway poses some traffic problems. He asked if FDOT had been contacted. They are talking about 96 people, 16 employees, plus all the kids and however many employees are the other facility.

Plata said regarding the open space area – it is more that the Code requires by 12%. This was mater planned and the Code requires 20%.

Plata said for the traffic part – the owner did the improvements for the 5-acre site in 2000-2002 period and did the planning for the five-acre site and provided for 25,000sf of medical offices. That is an incredible amount of traffic, almost 900 trips per day. That was what was planned before when we reviewed the driveway part. The development that was in place, the main building was 10,000sf. Based on the current standards of the Institute of Traffic Engineering, (ITE) latest edition, you have 907 trips per day on the day care center part. This building will be adding 198 trips and is under the threshold from the original plan that proposed more. The FDOT should be a clerical step. The will contact them after this approval. They had a preliminary meeting. They will submit to FDOT. The parking at the day care is 47. That is a different use. The FDOT part they only go by the ITE number – they have a 10K sq ft. – that is what they go by. Based on the pattern they have 1 trip in and out for this use. The addition for

the 96 is within the parameters of the permit that was approved in 2002 by FDOT. They have already told us it is based on the 2002 submittal.

Pat asked Franklin about the setbacks listed as (i) and the (c) on the Table 1-3.3 in District III – Franklin responded that c means corner and I means inside or interior.

Don asked about fencing – was barbwire coming down? The barb wire belongs to neighbor. The landscape buffer on the east side will be hedging and shrub combination. They will have combination hedges and fencing in the front. The courtyard is enclosed. The gazebos will be enclosed with lattice.

Wayne asked about a nearby similar facility. Plata said there is one in Merritt Island, Cedar Creek facility on Hall Road. They checked the licenses and there are many with six beds or less that have minimal licensing but the type they are proposing are lacking except for the one in Merritt Island. They are trying to upgrade and improve from that one. Cindy asked about the one by the hospital. The one by the hospital is not an assisted living facility – it is a nursing and rehab center. People are not living there. Don said he went to that one across the street this date around 3PM and asked about their services. It seemed like there were a lot of cars in the parking lot and lining the entrance road.

Town Eng Morris Smith explained the expanded parking at that spot is due to their offering of outpatient rehab services. That is not what the applicant will be offering.

Chair asked applicant to sit and let Staff speak.

Pat asked about compliance with Table 1-3.3A; it meets requirements for size, setbacks, open space – Morris Smith said yes.

Pat asked how it will be split – Frank Plata said it will be in fee simple ownership – one owner of the master plan and if something happened what would happen. Wayne said he heard that they are sharing the curb cut and the stormwater and sewer are master planned. .

Don has problem with comingled use and the intensive use of the property with 96 beds. If it fits all the criteria, then it fits the criteria. He would like to know there is one owner of the property as landlord that you go to when the green area hasn't been cut. When there is a problem you can't have multiple persons involved in the property. Wayne said if there need spill over parking and they are sold separately, they won't have spill over parking. Krieger said there is no way they won't use the spill over parking as it is a five-acre parcel. If it is a 2.5 acre site, they need to do the calculations on it, without the stormwater being connected. When that person sells the property it is sold as one property.

Frank Plata said it is a commercial condominium. He gave example of person can buy a bay and 3 parking spaces but he will never own the entire property. The ownership only applies to the buildings and the parking and everything else is common and you can't really split those. Liz said you can sell the buildings and the management but not the grounds. Plata said yes, that is the commercial condominium concept. Don said his point is, if there is a problem, the Town needs to know who they can communicate with. There can't be two applicants for the stormwater permit with St. Johns. Don said St. Johns reviewed it. Town Engineer Morris Smith said St. Johns reevaluated it and the proposed project is a less intense use than what was originally approved for the whole five-acres as a master plan. Liz said this is a phased development and this is the second or third phase. Pat asked Morris Smith about the work done on the east side of the property. Was it part of the original permit? Morris Smith said yes, St. Johns contacted the owner and said some milestones and thresholds would be changing and recommended they finish the stormwater system before they went into effect.

St John's has looked at this as a one master plan and this is the second phase of the plan. There is more green area and impervious area provided than the Code requires.

Pat asked staff – Morris said they have met all the Town standards. This is good for the Town. Morris said this is one of five sites and they chose the Town of Malabar because of the lack of complexity. The hospital is nearby. Bob asked Morris about the number of parking spaces – is he comfortable with the number provided? Morris said the Institute of Traffic Engineering is the official expert for these types of requirements and he has no issue with the number provided. Cindy thinks this is a CUP for ALF and it should be added to the list in the Code and have its own requirements specified. Pat said it is almost impossible to put everything into a table. Cindy said the setbacks are different. Different uses have different setbacks.

Don said one of the differences – these are residences. This could be 96 separate residences with addresses in the Town. Wayne asked if they build this and they find out they can't fill it up – can they change it to an independent living facility? Can these folks decide to change it after approval to an independent facility? It is his suggestion to permit it as an ALF on the CUP application. Bldg Ofc Roger Cloutier said the licensing is determined by hotels and restaurants. They take care of the requirements.

Chair opens the Public Hearing

Juliann Hirsch, 1035 Malabar Road, welcomes a new facility on this road. However we don't know if it will be a hotel. What is a conditional use? What conditions are we putting on this use? Questions were asked if there is only one owner. She asked Mr. Foley before the meeting who would be the owner. We need to be aware of it. It won't be good for town if we don't get taxes. It costs a lot of money to run the town and we need to get tax money. She says we need to be careful and one of the conditions should be that it can't be a non-profit and can't be subsidized by the government. Is it going to be a residence? We need to get some money in this town. She would like to see a park attached to it. She thinks it is a multi-family complex. The conditional use is explained in Art VI. Juliana said that each person can have a car. She has problem with owner saying he is selling the land. She is elated that something coming but it does not need to grow where we lose the money. They are making a lease for a year.

Board asked Franklin to explain the CUP part of the Code. Franklin explained the CUP process is explained in Article VI and the statements in parenthesis in the table can be referred to on the next page. Pat stated to Ms. Hirsch that there are only 48 rooms with 2 beds in each proposed and that is the maximum usage. Bud said the point on amenities was a good one. Liz said take them at their word.

Tom Eschenberg, Mayor of Malabar, resides on Beran Lane, stated the makeup of the population of the proposed facility and the higher incidence of response requests from the Malabar Fire Dept. should be considered. It could be a facility that pays no tax. He asked the Board to consider what types of services would such a facility require from the Town?

Chair closed Public Hearing portion and brought back to Board.

Chair asked all members to make any disclosures as this is a quasi-judicial issue. If Board Members had spoken to anyone involved with this application they should make such a disclosure. All have driven by it due to its location on Malabar Road. All Board Members stated they had no disclosures to make. Chair stated Board had asked the staff if the application meets the criterion in the Code and the staff stated it does.

MOTION: Reilly / Ryan to recommend Council approve the Site Plan for the Sunrise ALF at 725 Malabar Road and the Conditional Use Permit for a 96-bed facility.

Discussion:

Don thinks it is an intensive use and is confused by the ownership. Board did not look at Florida Vernacular. From the general design, you will see this 260' length of a 3-story building from Weber Road. Pat thought the site plan was done correctly and thinks it is a viable project especially for this location. Thought it would be better with more parking. He sees no reason to

deny it. Bud said he agrees with Pat and also the Mayor. He can see a higher number of Fire Rescue calls going to the site. Cindy thinks it is a good project for the Town. Wayne referred to Don's comment about 96 residences – it is a nice facility, but the tax for the town would be the property tax on the building, the residents wouldn't pay separate tax on each unit. Wayne again mentioned the concern of changing the use after council approval. He would like the definition as provided by the applicant to be included in the recommendation to Council. Liz it is a good project. As for the concern about EMS runs, she said the Fire Dept should come up with a standard fee to respond and then charge for each. The proposed project has gone to lesser density. They can't change the master plan. They are trying harder to do a good job for the Town. Bob is not 100% convinced they have enough parking. He would be more on board with this if they would be paying their way. He does not see any assurance of that. The plan was exceptional and everything was there. It is an intensive use.

Roll Call Vote: Krieger, Aye; Reilly, Aye; Wilbur, Nay; Ryan, Aye; Ritter, Aye. Motion approved 4-1.

F. ACTION:

4. Purchase of "Old School House" 1490 Marie Street, - Community Center for Town of Malabar

Exhibit: Agenda Report No. 4

Recommendation: Action

Per Section "C" above, this went next:

Chair said the Mayor asked him to put this on agenda as he wanted the P&Z Board's opinion on this. Don said the Town has had interest in this over the years, and one of the comp plan requirements is the preservation of historic sites. He knows of no other site unless it is a cracker house that can be picked up and moved. This is a 2.5 acre facility. This is a nice piece of property surrounded by park land. There is an opportunity here and you can take it or leave it.

V-Chair Pat thought the presentation was good. He would support a recommendation to approve purchase. He would want to list who would be the primary users; so it is not for non-profit.

Bud thought long and hard on this. He has met with the owner who he thought very highly of. We are dealing with a depreciated asset. This might reflect the overall drop in property values. It's suitable. The oak floors are beautiful but are high maintenance. The upstairs can only be used for storage because elevators would have to be put in. He said they would be buying the 2.5 acres, with a 2-story 5557 sf building. He checked with the Building Official and to build a new 2700 CBC single story building it could be done for \$54,000.00. The Town could build the building brand new. This is not on the federal historical register; it is on the county register. Should we put this tax burden on the residents? Bob explained that it has historical significance.

Cindy is all about preserving history and the Town has been looking for a new town hall for many, many years. There are no sites more suitable than that that would be more suitable. It is something the Town should do. It is an historical bldg and we need to keep it. The citizens should speak on this. Make it Town hall and have this building for a community center.

Wayne said it seems like a neat old building, but if you need a new town hall and there is only so much money; you should put the money where you need it.

Liz, major problem is the Town not acting in the past. We need a community center. It is a perfect location next to the parks. The perfect location for town hall to be built next to school house or behind it. Lots could be done as a community center. Won't have this opportunity again.

Bob, we have been looking at the past 5-year plans and the only stuff checked off is fire service related. We need things that can benefit the Town in a social way. There is no place for the residents to get together and exchange ideas. The connectivity in the social aspect is just as important as the connectivity with the trails between our parks. The School House Committee did a lot of work for how to make this work. Thinks the Town would be backing up if they don't go forward. We can utilize the building right now. We lost it before because of Council inaction; we lost out getting it for nothing because of fear of the cost to deal with the asbestos and that has been dealt with. Ten years later from the 2001 5-year plan stating we need a community center and we still have no community center. He has sat on many town hall site selection committee and we had owners willing to negotiate. He lived in this town when this building was the community center and we had a full kitchen. We had pioneer days here.

Bud said he is proposing building a new multipurpose building as well. Then this could be the community center here. Building to suit would cost less money and better suited. Liz said this is ready to go. Council doesn't have to do anything. Once you advertise, people will come from everywhere. Don said it is not about the money. It is about history. It is in a good location. Through financing we can change to the RLC land use and zoning. There are certain covenants that are attached to this building.

Wayne said someone would have to operate it. Someone has to be in charge and responsible for the day to day operations. Bob said a committee could continue and they could come to the P&Z Board.

MOTION: Reilly / Krieger recommend to Council the purchase of the old school house at 1400 Marie St. **Vote:** Ayes: Krieger, Reilly, Wilbur, Ritter. Nay: Ryan, Motion approved 4 to 1.

3. ~~Five-Year Plan Projection For Town of Malabar~~ TABLED TO 2/9/11

Exhibit: Agenda Report No. 3
Recommendation: Action

MOTION: Reilly / Krieger to table 5-year plan until next meeting.
Put on next agenda and also put on the continuation of US 1 land use discussion. Keep maps for next meeting.

H. DISCUSSION:

I. PUBLIC:

J. OLD BUSINESS/NEW BUSINESS:

Question on property tax exemption for Berri-Patch -- per FS 402.305 and 402.316 it is exempt from ad valorem taxes. If anyone wants the statutory reference, Franklin will send it.

K. ADJOURN:

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

Vote: All Ayes. The meeting adjourned 10:14 P.M.

BY: Patrick T. Reilly for Bob Wilbur
Bob Wilbur, Chair

Debby K. Franklin
Debby Franklin, Recording Secretary

Date Approved: 3/9/11