

TOWN OF MALABAR
TEEN COUNCIL MEETING
TUESDAY, APRIL 23, 2013
7:00 PM
MALABAR COUNCIL CHAMBERS
2725 MALABAR ROAD
MALABAR, FLORIDA

AGENDA

- A. CALL TO ORDER, PRAYER & PLEDGE
- B. ROLL CALL
- C. APPROVAL OF MINUTES:
 - 1. TEEN COUNCIL MEETING MINUTES – 02/19/13
- D. PUBLIC COMMENTS (NON-AGENDA ITEMS)
- E. DISCUSSION:
 - 2. Town Property Outside of Corporate Limits
 - 3. Continuation of Teen Council
- F. COUNCIL COMMENTS
- G. PUBLIC COMMENTS
- H. SCHEDULE NEXT MEETING – MAY 21, 2013
- I. ADJOURNMENT

NOTE: THERE MAY BE ONE OR MORE MALABAR ELECTED OFFICIALS ATTENDING THIS MEETING.

If any individual decides to appeal any decision made by this Council with respect to any matter considered at this meeting, a verbatim transcript may be required and the individual may need to insure that a verbatim transcript of the proceeding is made (FS 286.0105). The Town does not provide this service.

In compliance with the Americans with Disabilities Act (ADA), anyone who needs a special accommodation for this meeting should contact the Town Clerk at 727-7764 at least 48 hours in advance of this meeting.

**TOWN OF MALABAR
AGENDA ITEM REPORT**

AGENDA ITEM NO: 1
Meeting Date: April 23, 2013

Prepared By: Cynthia Kelley, C.M.C., Deputy Town Clerk

SUBJECT: Approval of Minutes

BACKGROUND/HISTORY:

Attached are the summary minutes for the following meetings:

- Regular Town Council Meeting – 02/19/13

FINANCIAL IMPACT:

N/A

ATTACHMENTS:

Draft Minutes of Teen Council Meeting – 02/19/13

ACTION OPTIONS:

The Recording Secretary requests approval of the minutes.

"The following draft minutes are subject to changes and/or revisions by the Teen Council and shall not be considered the approved minutes until approved by the Teen Council."

MALABAR TEEN COUNCIL REGULAR MEETING
February 19, 2013 7:00 PM

Purpose: This program provides the opportunity to teenage students to learn first-hand how a local government operates by participating in simulated town council meetings. The Teen Council will meet once a month on Tuesday during the school year.

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

A. CALL TO ORDER: The meeting was called to order at 7:00 pm by Chair Darien Mahoney. Prayer and pledge were led by Council Member Briana Mahoney.

B. ROLL CALL:

CHAIR

DARIEN MAHONEY

TEEN COUNCIL MEMBERS:

BRIANA MAHONEY

CONNOR MAHONEY

JACOB ADKINS

DENIS RIVET, excused

BECKY VAIL, not present

JERRY VAIL, not present

SAM RITTER, not present

MAYOR/TECHNICAL ADVISOR:

CARL BEATTY

RECORDING SECRETARY:

CYNTHIA KELLEY

C. 1. APPROVAL OF MINUTES:

Discussion: page 1 under backyard chickens, Hhe should be he; page 3 where it says month's should be month's. Corrections were brought to Teen Council by Kelley.

MOTION: C. Mahoney/B. Mahoney to approve the minutes from January 15, 2013 with corrections. VOTE: ALL AYES.

D. PUBLIC COMMENTS (NON-AGENDA ITEMS):

E. DISCUSSION:

2. PLANTING VEGETABLE GARDENS IN FRONT YARDS

Chair gave background to the public to Council and the audience. She then opened up to public comments.

Public Comments:

Laura Mahoney, 2475 Malabar Road, came forward. Personally feels we have enough ordinances to keep properties within the town looking nice and kept accordingly. If the garden is kept nice, it can be an enhancement to the property; if isn't kept nice, then the garden should be addressed. It would fall under the neatness of the property in the ordinance.

MOTION: C. Mahoney/B. Mahoney to allow gardens in the front yards with no restrictions.

Discussion: C. Mahoney is wondering what is behind this; to make the place look nice or is there a problem with possible house damage or irrigation issues. Mayor stated that

there may be some who don't want this because it makes the yards look "tacky" and won't meet the landscape standards. This issue came up in Orlando. They can't grow a garden in the back yard because of restrictions; they only have the front yard available to the property owners. The garden could be put in in such a way that others wouldn't even know it's there. To grown in quantities to feed a family, it will show; tomato and corn crops would "stick out". In Malabar, you could ask for a 5 foot buffer. Then again, if Council puts restrictions on front yard gardening, it may hinder what the property owner is trying to accomplish. These are things Council should discuss. Mayor Beatty gave a brief history of "victory gardens". These were used to help the war efforts. We are in an economic time where people are trying to do whatever they can to save money. Having a front yard garden could be beneficial. You used to be able to use food stamps to purchase seeds for garden; now it is very different. Deed restricted communities would have issues with allowing front yard gardens. Mayor stated that these are things the Council needs to look at and discuss to see what they want to do with this issue. If Council allows this, do they want to put restrictions on front yard gardening.

Chair Mahoney asked if Malabar has an ordinance that has restrictions of what you can do in the front yard. Mayor Beatty stated that we have landscaping requirements with new homes being built; this issue is about existing homes. Chair Mahoney asked if there is any ordinance that states you have to keep your property accordingly. Mayor Beatty stated that we have a nuisance ordinance that says the grass cannot be over 12 inches tall or a letter can be sent out to the property owner. C. Mahoney stated that it is not within the Town's best interest to regulate gardens nor are we in the position to do so; we are a rural community. B. Mahoney stated that unless the garden is taking over the property, the gardens should be allowed. Adkins stated that there should be some type of regulations for front yard gardens. Mayor Beatty brought up "square foot" gardens. This has to do with front yard gardens. It is a raised garden and it helps to keep each section to one square foot. You can have tomatoes in one square foot, peas in another square foot, etc. Mayor Beatty stated this has to do with property rights; he asked Council what they thought they should do with this issue.

C. Mahoney stated that we should give reasonable freedoms to the property owners and let them do what they want. B. Mahoney stated the garden should be taken care of and not look bad. If it looks bad, then Council would step in. Mayor Beatty asked if a group of volunteers that consisted of gardeners would be set up to help keep front yard gardens in check. There are decorative vegetable as well as "regular" vegetables.

C. Mahoney asked Council if they thought there should be any restrictions. Adkins stated that there needs to be some restrictions; like the Mayor suggested, have a volunteer group regulate what can and cannot be done. Mayor Beatty stated it should be a minimum amount of control. There should be good house-keeping on the garden to keep them from becoming an eye-sore.

VOTE: All Nays. Motion failed unanimously.

MOTION: Adkins/B. Mahoney to form a committee that will make proposals to Town Council regarding gardens in front yards.

Laura Mahoney, 2475 Malabar Road, came forward. She would like the property values to be the same or not go down with these gardens coming into the town. She suggested to Council that they wait and see what comes up, if anything, before making restrictions.

C. Mahoney stated he agreed with Laura Mahoney. He is not entirely comfortable with a group of volunteers making restrictions and regulations. Mayor Beatty stated that, to date, there has been no issue with this in the Town of Malabar. He doesn't believe that there are any front yard gardens in Malabar. B. Mahoney stated that we have no issues right now; we don't need to put any restrictions on this. Adkins asked if we could just say no on this subject. Mayor Beatty stated that you can decide tonight to do nothing at this time.

VOTE: All Nays. Motion failed unanimously.

F. COUNCIL COMMENTS:

C. Mahoney would like the topics brought before Teen Council to be issues that have happened or been brought to Town Council. This way they will have information and know how to discuss the issue to make their motions and then vote on the motion.

G. PUBLIC COMMENTS: None

H. SCHEDULE NEXT TEEN COUNCIL MEETING

Next scheduled meeting is March 19, 2013. Mayor will be absent from meeting; he will provide a stand-in.

I. ADJOURNMENT

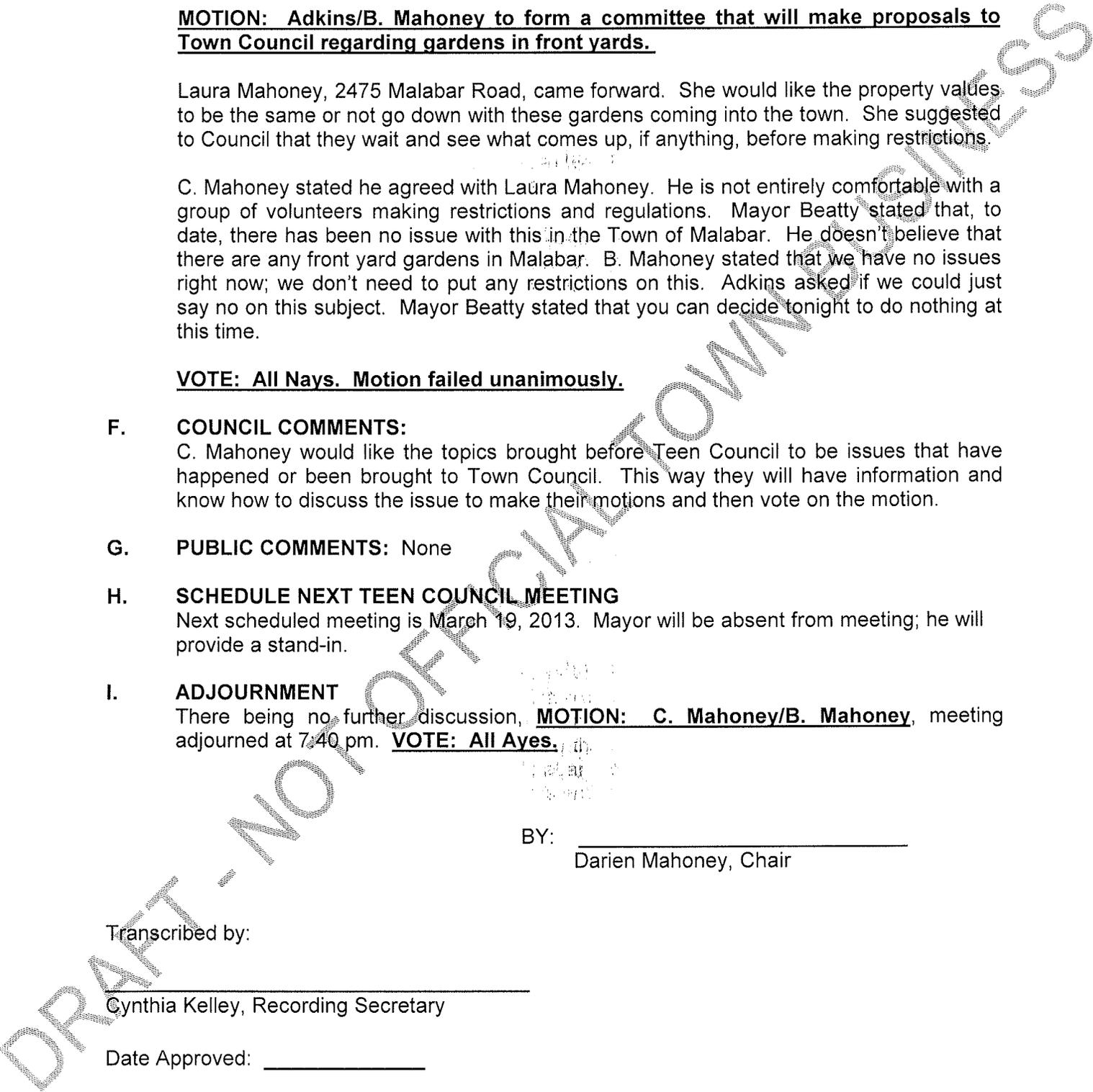
There being no further discussion, **MOTION: C. Mahoney/B. Mahoney**, meeting adjourned at 7:40 pm. **VOTE: All Ayes.**

BY: _____
Darien Mahoney, Chair

Transcribed by:

Cynthia Kelley, Recording Secretary

Date Approved: _____



**TOWN OF MALABAR
AGENDA ITEM REPORT**

AGENDA ITEM NO: 2
Meeting Date: April 23, 2013

Prepared By: Cynthia Kelley, C.M.C., Deputy Town Clerk

SUBJECT: Town Property Outside of Corporate Limits

BACKGROUND/HISTORY:

Mayor Beatty has brought to the Teen Council for discussion and recommendation.

FINANCIAL IMPACT:

N/A

ATTACHMENTS:

- Background information provided by Mayor Beatty
- Letter from Brevard County date November 5, 1999 – Transfer of Rights-Of-Way to the Town of Malabar

ACTION OPTIONS:

Discussion and recommendation

DISCUSSION ITEM #2 - Town property outside of corporate limits:

When the Town was incorporated in 1962, the corporate boundary was the center of Benjamin Road. The roadway was established on the Town of Malabar side. Later the Town accepted the deeded right of way south of the corporate boundaries from the County. The result was the Town owned a strip of land outside of the corporate boundary that was designated as a right of way. The Town's laws don't extend outside the town limits. That same strip of land is now in Grant Valkaria. The dilemma is for the Town to control the strip of land that is designated as an R O W, the same as the other half of the road.

1. SOURCE:
2. LOCATION:
3. TYPE:
4. VALUE:
5. COMMENTS:

1. SOURCE:
2. LOCATION:
3. TYPE:
4. VALUE:
5. COMMENTS:

NOV 06 1999

FLORIDA'S SPACE COAST



ROAD and BRIDGE ADMINISTRATION
2725 Judge Fran Jamleson Way,
Building A, Room 208
Viera, FL 32940

Phone: (407) 690-6840
Fax: (407) 690-6841

November 5, 1999

Mr. Bill Hall
Town Manager
TOWN OF MALABAR
2725 Malabar Road
Malabar, FL 32950

Dear Mr. Hall:

RE: TRANSFER OF RIGHTS-OF-WAY TO THE TOWN OF MALABAR

As a follow-up to my letter dated October 14, 1999, enclosed is the original recorded County Deed and Resolution approved by the Board of County Commissioners on September 21, 1999 which transfers certain rights-of-way known as Benjamin Road, Reese Road and Osage Street to the Town of Malabar.

Your assistance in completing this transfer is greatly appreciated; and if you have any questions, please call me at 690-6877.

Sincerely,

A handwritten signature in cursive script that reads "Mary O'Neal".

Mary O'Neal, Assistant Director
Road and Bridge/Admin Services

mo

Enclosure

C: Ed Washburn

Return to: Susan Weller
BCCG, Bldg A, Ucia



CFN:99204971

10-20-99 09:46 am

OR Book/Page: 4080 / 1371

RESOLUTION NO. 99-202

A RESOLUTION AUTHORIZING THE CONVEYANCE OF REAL PROPERTY INTEREST BY THE COUNTY, PROVIDING FOR CONDITIONS UPON TRANSFER.

WHEREAS, Brevard County, Florida (county), owns certain real property described in Exhibit "A", which is known as Benjamin Road, Reese Road and Osage Street and which runs from east of Kramer Lane westerly to Babcock Street; and

WHEREAS, Brevard County does not maintain this property and has determined that the rights-of-way described in Exhibit "A" are no longer needed by the County; and

WHEREAS, on February 16, 1999 the Town Council of Malabar expressed their willingness to accept the rights-of-way described in Exhibit "A" for maintenance and other jurisdictional control if the County would deed same to the Town of Malabar; and

WHEREAS, the County desires to act favorably on this request,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, that:

The County hereby agrees to convey all its interest in the property described in Exhibit "A" for road rights-of-way contained therein by County Deed to the Town of Malabar, Florida.

The land interest is being transferred to the Town of Malabar without charge.

This resolution shall take effect immediately.

DONE, ORDERED AND ADOPTED in regular session this 21st day of September, 1999.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

Sandy Crawford
Sandy Crawford, Clerk

Truman G. Scarborough, Jr., Chairman
As approved by the Board on 9-21 -99

STATE OF FLORIDA
COUNTY OF BREVARD
This is to certify that the foregoing is a true and correct copy of Resolution No. 99-202, witness my hand and official seal this 21st day of September, 1999.
SANDY CRAWFORD
Clerk of Courts
BY *E. W. Weller* D.C.

Sandy Crawford

Clerk Of Courts, Brevard County

#Pgs: 3 #Names: 2
Trust: 2.00 Rec: 13.00 Serv: 0.00
Deed: 0.00 Excise: 0.00
Mtg: 0.00 Int Tax: 0.00

Exhibit "A"



CFN:99204971

OR Book/Page: 4080 / 1372

LEGAL DESCRIPTION:

All of Benjamin Road Right of Way located in Brevard County, Florida and being particularly described as follows:

All in Township 29 South, Range 37 East, Section 12
Indian River Land Company, as recorded in Plat Book 1 Page 165

- The South 35 Feet of Lot 1*
- The South 35 Feet of Lot 2*
- The South 35 Feet of Lot 3*
- The South 20 Feet of Lot 4*
- The South 20 Feet of the East 1/2 of Lot 5*
- The South 35 Feet of the West 1/2 of Lot 5*
- The South 20 Feet of Lot 6*
- The South 20 Feet of Lot 7*
- The South 35 Feet of Lot 8*

All in Township 29 South, Range 37 East, Section 13
Indian River Land Company, as recorded in Plat Book 1 Page 165

- The North 35 Feet of Lot 25*
- The North 35 Feet of Lot 26*
- The North 35 Feet of Lot 27*
- The North 35 Feet of Lot 28*
- The North 25 Feet of Lot 29*
- The North 25 Feet of Lot 30*
- The North 25 Feet of Lot 31*
- The North 25 Feet of Lot 32*

All in Township 29 South, Range 37 East, Section 11
Indian River Land Company, as recorded in Plat Book 1 Page 165

- The South 20 Feet of Lot 1*
- The South 20 Feet of Lot 2*
- The South 20 Feet of Lot 3*
- The South 20 Feet of Lot 4*
- The South 20 Feet of Lot 5*
- The South 35 Feet of Lot 6*
- The South 35 Feet of Lot 7*
- The South 20 Feet of Lot 8*

Exhibit "A"

All in Township 29 South, Range 37 East, Section 14
Indian River Land Company, as recorded in Plat Book 1 Page 165

The North 40 Feet of Lot 25
The North 40 Feet of Lot 26
The North 35 Feet of Lot 27
The North 40 Feet of Lot 28
The North 35 Feet of Lot 29
The North 40 Feet of Lot 30
The North 40 Feet of Lot 31
The North 40 Feet of Lot 32



All of Reese Road Right of Way Located in Brevard County, Florida and being more particularly described as follows:

All in Township 29 South, Range 37 East, Section 15
Indian River Land Company, as recorded in Plat Book 1 Page 165

The North 20 Feet of Lot 29, Lying East and West of Interstate 95 Right of Way Line
The North 20 Feet of Lot 30
The North 40 Feet of Lot 31
The North 40 Feet of Lot 32

All in Township 29 South, Range 37 East, Section 10
Indian River Land Company, as recorded in Plat Book 1 Page 165

The South 35 Feet of Lot 1
The South 35 Feet of Lot 2
The South 20 Feet of Lot 3
The South 20 feet of Lot 4, Lying East and West of Interstate 95 Right of Way Line

All of Osage Road Right of Way Located in Brevard County, Florida and being more particularly described as follows:

All in Township 29 South, Range 37 East, Section 15
Indian River Land Company, as recorded in Plat Book 1 Page 165

The North 35 Feet of Lot 25
The North 35 Feet of Lot 26
The North 35 Feet of Lot 27
The North 35 Feet of Lot 28

All in Township 29 South, Range 37 East, Section 10
Indian River Land Company, as recorded in Plat Book 1 Page 165

The South 35 Feet of Lot 8
The South 35 Feet of Lot 7
The South 20 Feet of Lot 6
The South 20 Feet of Lot 5

COUNTY DEED

THIS DEED, made this 21 day of September, 1999, by the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida, whose address is 2725 Judge Fran Jamieson Way, Viera, Florida, 32940, party of the first part, and the TOWN OF MALABAR, whose address is 2725 MALABAR ROAD, MALABAR, FL 32950-4427, party of the second part.

WITNESSETH that the said party of the first part, for and in consideration of the sum of \$10.00 to it in hand paid by the party of the second part, receipt whereof is hereby acknowledged, has granted, bargained and sold to the party of the second part, his heirs and assigns forever, the land described in Exhibit "A", attached hereto and made a part of this Deed said land lying and being in Brevard County, Florida.

PARCEL ID NUMBER:

IN WITNESS WHEREOF, the said party of the first part has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairman and said board, the day and year aforesaid.



BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA

By: _____
TRUMAN G. SCARBOROUGH, JR., CHAIRMAN

As approved by the Board on 9-21-99.

WITNESSES:

Susan Lyle
Witness:

Susan Lyle
(Print or Type Name)

Tamara Ricard
Witness

TAMARA RICARD
(Print or Type Name)

STATE OF FLORIDA
COUNTY OF BREVARD



CFN:99204970 10-20-99 09:46 am
OR Book/Page: 4080 / 1368

Sandy Crawford

Clerk Of Courts, Brevard County

#Pgs: 3 #Names: 2
Trust: 2.00 Rec: 13.00 Serv: 0.00
Deed: 0.00 Excise: 0.00
Mtg: 0.00 Int Tax: 0.00

The foregoing instrument was acknowledged before me this 21st day of September, 1999, by Truman Scarborough, Chairman of the Board of County Commissioners of Brevard County, Florida, who is personally known to me or who has produced _____ as identification.

Bernadette S. Talbert
Notary Public



Bernadette S. Talbert
MY COMMISSION # CC540700 EXPIRES
May 10, 2000
BONDED THRU TROY FAIN INSURANCE, INC.

Notary name printed, typed or stamped
My Commission expires: _____
(SEAL)
Commission number: _____

Exhibit "A"



CFN:99204970

OR Book/Page: 4080 / 1369

LEGAL DESCRIPTION:

All of Benjamin Road Right of Way located in Brevard County, Florida and being particularly described as follows:

All in Township 29 South, Range 37 East, Section 12
Indian River Land Company, as recorded in Plat Book 1 Page 165

- The South 35 Feet of Lot 1*
- The South 35 Feet of Lot 2*
- The South 35 Feet of Lot 3*
- The South 20 Feet of Lot 4*
- The South 20 Feet of the East 1/2 of Lot 5*
- The South 35 Feet of the West 1/2 of Lot 5*
- The South 20 Feet of Lot 6*
- The South 20 Feet of Lot 7*
- The South 35 Feet of Lot 8*

All in Township 29 South, Range 37 East, Section 13
Indian River Land Company, as recorded in Plat Book 1 Page 165

- The North 35 Feet of Lot 25*
- The North 35 Feet of Lot 26*
- The North 35 Feet of Lot 27*
- The North 35 Feet of Lot 28*
- The North 25 Feet of Lot 29*
- The North 25 Feet of Lot 30*
- The North 25 Feet of Lot 31*
- The North 25 Feet of Lot 32*

All in Township 29 South, Range 37 East, Section 11
Indian River Land Company, as recorded in Plat Book 1 Page 165

- The South 20 Feet of Lot 1*
- The South 20 Feet of Lot 2*
- The South 20 Feet of Lot 3*
- The South 20 Feet of Lot 4*
- The South 20 Feet of Lot 5*
- The South 35 Feet of Lot 6*
- The South 35 Feet of Lot 7*
- The South 20 Feet of Lot 8*

Exhibit "A"

All in Township 29 South, Range 37 East, Section 14
Indian River Land Company, as recorded in Plat Book 1 Page 165

The North 40 Feet of Lot 25
The North 40 Feet of Lot 26
The North 35 Feet of Lot 27
The North 40 Feet of Lot 28
The North 35 Feet of Lot 29
The North 40 Feet of Lot 30
The North 40 Feet of Lot 31
The North 40 Feet of Lot 32



CFN:99204970

OR Book/Page: 4080 / 1370

All of Reese Road Right of Way Located in Brevard County, Florida and being more particularly described as follows:

All in Township 29 South, Range 37 East, Section 15
Indian River Land Company, as recorded in Plat Book 1 Page 165

The North 20 Feet of Lot 29, Lying East and West of Interstate 95 Right of Way Line
The North 20 Feet of Lot 30
The North 40 Feet of Lot 31
The North 40 Feet of Lot 32

All in Township 29 South, Range 37 East, Section 10
Indian River Land Company, as recorded in Plat Book 1 Page 165

The South 35 Feet of Lot 1
The South 35 Feet of Lot 2
The South 20 Feet of Lot 3
The South 20 feet of Lot 4, Lying East and West of Interstate 95 Right of Way Line

All of Osage Road Right of Way Located in Brevard County, Florida and being more particularly described as follows:

All in Township 29 South, Range 37 East, Section 15
Indian River Land Company, as recorded in Plat Book 1 Page 165

The North 35 Feet of Lot 25
The North 35 Feet of Lot 26
The North 35 Feet of Lot 27
The North 35 Feet of Lot 28

All in Township 29 South, Range 37 East, Section 10
Indian River Land Company, as recorded in Plat Book 1 Page 165

The South 35 Feet of Lot 8
The South 35 Feet of Lot 7
The South 20 Feet of Lot 6
The South 20 Feet of Lot 5

**TOWN OF MALABAR
AGENDA ITEM REPORT**

AGENDA ITEM NO: 3
Meeting Date: April 23, 2013

Prepared By: Cynthia Kelley, C.M.C., Deputy Town Clerk

SUBJECT: Continuation of Teen Council

BACKGROUND/HISTORY:

At the last RTCM of April 15th, Teen Council was discussed. The suggestion came from Town Council to see if the interest is still there to keep the program going. Liz Ritter stated at that meeting she would make contact with Brian Vail to see if his children would be participating. Her son, Sam Ritter, will have a birthday very soon and will be beyond the age to participate.

As of right now, we have a total of eight people who have participated in this program in the past. However, with the schedules of the kids, several have not been able to participate. At the February meeting, we had four present; one was marked excused and three marked "not present" as we did not hear from them to say they wouldn't be able to attend the meeting.

FINANCIAL IMPACT:

N/A

ATTACHMENTS:

- N/A

ACTION OPTIONS:

Discussion and recommendation