

**PARK AND RECREATION ADVISORY BOARD
REGULAR MEETING
WEDNESDAY, MAY 20, 2009
7:30 PM
TOWN OF MALABAR
2725 MALABAR ROAD
MALABAR, FLORIDA**

AGENDA

- A. CALL TO ORDER, PRAYER AND PLEDGE**
- B. ROLL CALL**
- C. ADDITIONS/DELETIONS/CHANGES**
- D. CONSENT AGENDA**
 - 1. Approval of Minutes**
Regular Park and Recreation Meeting – 4/15/09
Exhibit: Agenda Report No. 1
Recommendation: Motion to approve
- E. PUBLIC:**
- F. ACTION:**
 - 2. Fencing for Cameron Preserve**
Exhibit: Agenda Report No. 2
Recommendation: Discussion and recommendation
 - 3. Garbage Cans for Disc Golf Park**
Exhibit: Agenda Report No. 3
Recommendation: Discussion and recommendation
- G. DISCUSSION**
 - 4. Capital Improvement Ideas for 2010-2015**
Exhibit: Agenda Report No. 4
Recommendation: Discussion
- H. OLD BUSINESS/NEW BUSINESS:**
 - 5. Developer Recreational Fees & Calculation**
Exhibit: Agenda Report No. 5
Recommendation: Discussion
- I. BOARD MEMBER REPORTS:**
 - **Disc Golf Park Fence**
- J. 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 insure that a verbatim transcript of the proceedings is made (Florida Statute 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's ADA Coordinator at 321-727-7764 at least 48 hours in advance of this meeting.

TOWN OF MALABAR
PARK AND RECREATION

AGENDA ITEM REPORT

AGENDA ITEM NO: 1
Meeting Date: May 20, 2009

Prepared By: Cynthia Kelley, Secretary to Board

SUBJECT: Approval Park Board Minutes

BACKGROUND/HISTORY:

Attached are the summary minutes for the following meetings:
Regular Park & Recreation Board Meeting – 4/15/09

ATTACHMENTS:

- Draft Minutes from Park and Recreation regular meeting April 15, 2009

ACTION OPTIONS:

Recording Secretary requests approval of the minutes

The following draft minutes are subject to changes and/or revisions by the Park Board and shall not be considered the official minutes until approved by the Park Board.

**TOWN OF MALABAR – PARK AND RECREATION ADVISORY BOARD
04/15/09 MEETING MINUTES**

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

CALL TO ORDER - Meeting was called to order at 7:30 pm by Chair Hans Kemmler. Prayer and Pledge led by Chair Hans Kemmler. Chair stated instead of printing all the packet copies, for the meeting, he would like the package available on the overhead. Members can review their packages via email and then use the projected package on the large screen for discussion and action purposes. Meeting adjourned at 7:35 pm so secretary could get Park agenda package on screen. Meeting reopened at 7:40pm.

B. ROLL CALL OF MEMBERS

ROLL CALL:

Hans Kemmler – Chair
Dick Korn, Vice-Chair, excused
Bob Siegmann
Vickie Thomas
Scott Pollard
Maryann Marsh, Alt. #2, voting for Korn
Josh Treadwell, Alt. #1, excused
Debby Franklin, Recording Secretary

Chair reviewed agenda package and was satisfied with all except there was no budget info regarding developer recreational fees in package.

C. ADDITIONS/DELETIONS/CHANGES: none

D. CONSENT AGENDA

1. **Approval of Minutes**
Regular Park and Recreation Meeting – 3/18/09
Exhibit: Agenda Report No. 1
Recommendation: Motion to approve

Chair said he noticed grammatical error in Section C., Additions. Should read: Korn made addition to agenda under G. Discussion, adding Item #6, Individual park reports. Chair asked if Board had any further corrections. None.

MOTION: Siegmann / Marsh to approve minutes from 03/18/2009 as corrected. **VOTE:** All Ayes.

E. PUBLIC: None

F. ACTION:

G. DISCUSSION:

2. **Easement to Bathroom at Malabar Community Park**
Exhibit: Agenda Report No. 2
Recommendation: Discussion

Chair said the agenda report explained that the County had been given an easement by the Town in order to share access to the bathrooms. Franklin explained the bathroom was part of a FRDAP grant and in making the application, we proposed partnering with Brevard County on the perimeter fencing and the construction of the bathrooms. They were going to provide both the fencing and the restrooms. The fencing would fence the perimeter of the Malabar Community Park. The restrooms would then be used by both visitors to the Malabar Scrub Sanctuary (MSS) and the Malabar Community Park. That is why we granted them an easement. Delays with their scheduling caused problems with meeting our FRDAP grant construction deadlines, and we asked the County Commission if they could just provide the funds and we would bid out the construction. They agreed and paid \$50,000.00 towards the cost of the restrooms construction.

3. Developers Fees for Use in Recreational Development
Exhibit: Agenda Report No. 3
Recommendation: Discussion

Franklin explained that there was no one document that she could find showing what the developer's had paid and what the available balance was. She had provided the previous Clerk with the documents from each developer showing how the fee was calculated and the amount paid. These funds were paid in lieu of dedicating park land within their development for recreation. Stillwater Preserve Subdivision paid, Oakmont Preserve Subdivision paid and Weber Woods Subdivision paid. The calculations were based on how much the developer paid for the land. The subsequent amount the Town paid towards the playground equipment would come out of these funds. She is working on a budget document showing the revenues and the expenditures. They are restricted by their nature and can only be spent on recreational purchases to benefit the Town. They are not shown in the annual budget. They are in the reserves. The Chair asked about the Fund that was set up for park operations. That was Fund 103 and all those small "funds" were not really separate funds and were rolled into the general operating funds. They should have received a copy of that section of the budget after it was approved. She will copy them on it. She took out that section of the budget book and passed it around for review. Franklin will provide the developer recreation fees paid and spent by next meeting.

4. Rules for Expenditure of Developers Fees Within Town Limits
Exhibit: Agenda Report No. 4
Recommendation: Discussion

Chair explained the reason for the amendment to the ordinance. It provided clarification that the developer recreational fees paid could be spent on items that benefited Town wide recreation. Previously it was thought that the recreational improvement had to be adjacent to the development that paid the fees.

5. Explanation of Code (or formula) Used to Determine Developers Obligation for Setting Aside Land or Paying Recreational Fees
Exhibit: Agenda Report No. 5
Recommendation: Discussion

Chair explained that staff was going to work on this and the last Town Administrator (TA) said staff was working on an amendment to make it easier to calculate. Chair asked Board members to review the code and provide ideas on how it can be improved. Thomas asked if and how other municipalities calculate it. Chair asked if anyone wanted to suggest changes, bring them

to next meeting. This will be on agenda for discussion and then for action and the following meeting. Franklin will provide the draft of what staff and the Town Attorney had worked on earlier. Chair suggested that the regulations clarify the reason for open space and recreation. It is a necessary element for a healthy community.

6. Fence at the Disc Golf Park (Eagle Scout Project)

Exhibit: Agenda Report No. 6

Recommendation: Discussion

Chair reported that he had heard from the scout and talked to Carl Beatty. The Scout has scheduled the fence installation for the week-end of May 15 and 16. He spoke to Beatty and he will be available. Chair said the plan had been brought to a prior meeting. Chair wasn't sure if they had all of the materials yet, but reported they can do it within the 2000K – Carl will be there – he works for free on week ends.

H. OLD BUSINESS/NEW BUSINESS:

7. Springfest Event Report

Exhibit: Agenda Report No. 7

Recommendation: Discussion

Chair reported that the ponies were great. Everyone had a good time. Not as big a turnout as last year but a good turnout. Maryann explained she had a conflict and couldn't attend same with Vicky. The tent that was used for eating wasn't up by Saturday morning but it was up before the event and everything went well. People enjoyed the two bands, Swamp Fox and Last Chance Band. John Leach did a fine job announcing. Gary had mix up with date of the event but it turned out ok. He was happy. Suggested they set up an area for him next year with a canopy and some hay bales. Franklin said beer was returned. Bob asked about the bank. Franklin explained that was the amount taken out of the bank to make change in the ticket booth. \$400.00 was then re-deposited. Bob asked about cash taken in on day of event and cash taken in before event. The 2,031.00 was strictly money taken in at ticket booth. The other cash was paid ahead of time for vendor spaces, etc. Franklin said council felt the event was worth the good will it brought the community.

8. Update on Council Decision for Allowing Food Sales in Park

Exhibit: Agenda Report No. 8

Recommendation: Discussion

The recommendation from the Park Board on March 18, 2009 went to Council on April 6, 2009. It had been referred to as the hot dog issue. That is how it went on the agenda and it was not caught until Dick Corn corrected Franklin at meeting. The agenda item was changed and the Council approved pre-packaged sales as recommended by Park Board. Copy of memo and letter to soccer league were handed out to Park Board members.

Chair asked for other Old Business:

Scott said they should change name of park from Fern Creek Crossing to Pepper Tree crossing due to the overgrowth of pepper trees at west end and it is very bad. There is a stand of growth also along the shore.

Chair said in comparison, the pepper trees have been almost entirely removed from the 8.48 acres used for the golf disc course. There is a small amount of Malalueka trees. Board discussed the cutting and treating with Roundup as a good way to get rid of them. Chair will

ask TA to have PW clean out the pepper trees from the west end of Fern Creek Crossing. Chair said he had been told of another way to get rid of them without using chemicals, but it required some labor intensive prep and he did not know if it was successful. Vicky Thomas reported the trash can at the north end of Corey Road, at the entrance to the Cameron Preserve needs to be emptied. Someone has dumped a bunch of trash. She reported the grass has been cut. Bob Siegmann reported that the white rails on the playtime station is rusting and is in need of maintenance. He said they used a salt resistant product - Defender II, at the locks. It is a water based product from Stake Chemical – put 3 coats of Defender II and then paint. Franklin will check with Playmore rep on warranty, but some maintenance is required. She will take picture and send it to representative and then report back.

Chair will contact Town Administrator and ask about the pepper trees, emptying the trash can at Cameron Preserve. Bob asked if other members got the Playmore catalog. Yes.

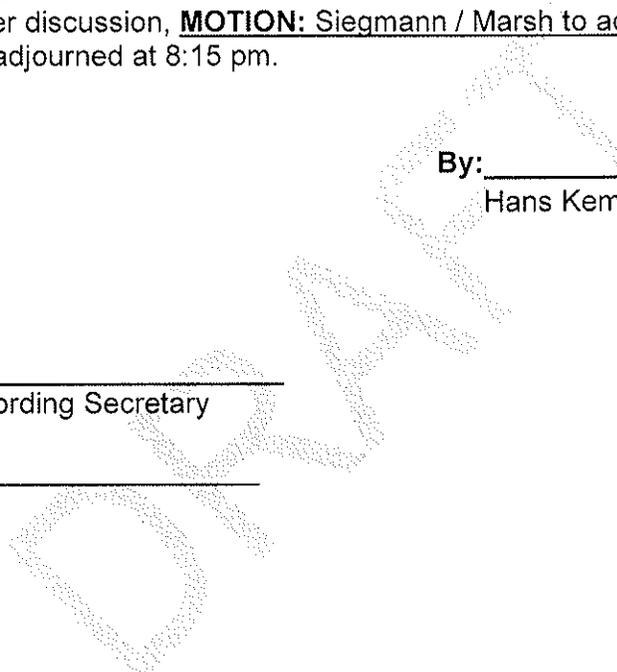
I. ADJOURNMENT

There being no further discussion, **MOTION: Siegmann / Marsh to adjourn meeting. VOTE: All Ayes.** This meeting adjourned at 8:15 pm.

By: _____
Hans Kemmler, Chair

Debby Franklin, Recording Secretary

Date Approved: _____



TOWN OF MALABAR
PARK AND RECREATION

AGENDA ITEM REPORT

AGENDA ITEM NO: 2
Meeting Date: May 20, 2009

Prepared By: Cynthia Kelley, Secretary to Board

SUBJECT: Fencing for Cameron Preserve

BACKGROUND/HISTORY:

In 2006, during Ed Booth's tenure, this was presented to Council by Council Member Pat Dezman. Wild hogs had been coming into Country Cove and tearing up several residents' yards. It was requested that Town place fencing to keep the hogs in the Cameron Preserve. The EELs Program placed fencing to help keep the hogs out of the subdivision. At the RTCM of March 20, 2006, Council heard from residents living in Country Cove; requests were made by two residents to approve the fencing. Several residents spoke against Council approving taxpayer funds being spent on fencing the subdivision to keep the wildlife out. When the motion was made, it was to deny fencing for the Country Cove subdivision. The motion carried with a two to one vote.

Council is now requesting that the Park Board review and make a recommendation to them regarding the placement of fencing at Country Cove; they are also requesting that the funds be taken from the recreational fees paid to the Town by developers in lieu of providing a portion of land to the Town for recreational purposes when a new subdivision comes into the town. The funds are being requested from this account as the funds in the Park budget for 08/09 fiscal year has been expended. If the fees are not approved to come from the developer's fees, this project would have to wait until the 09/10 fiscal year.

ATTACHMENTS:

- Memo TA-09-045 dated May 7, 2009
- Email from Hans Kemmler dated May 7, 2009
- Portion of Minutes from RTCM March 20, 2006 – 2 pgs
- Portion of **Teen** Council Minutes & Agenda Item from April 2, 2009 mtg – 3 pgs
- Fencing Information provided by Mayor Eschenberg – 2 pgs
- E-mail from Scott Pollard dated May 8, 2009 – 1 pg
- E-mail from Dick Korn dated May 8, 2009 – 2 pgs
- Portion of minutes from RTCM January 12, 2006
- Portion of minutes from RTCM January 23, 2006
- Portion of minutes from RTCM February 06, 2006
- Portion of minutes from RTCM August 07, 2006

ACTION OPTIONS:

Discussion and recommendation

TOWN OF MALABAR

MEMORANDUM

Date: May 7, 2009 09-TA-045
To: Hans Kemmler, Parks and Recreation Board Chairman via email
From: Bonilyn Wilbanks-Free, Town Administrator
Ref: Cameron Preserve Fencing For Hog Control

The Country Cove Homeowners Association has requested the Town Council to consider putting up fencing to keep the hogs on the Cameron Preserve and not be allowed to run onto the north-end residents' property. Apparently, during the Ed Booth administration there was a problem and at the time the EEL's were asked to do it on their property which they did. Ed Booth was reported to have agreed to have it done on the Cameron Preserve Property that impacts their property. It did not get completed. There is no documentation to assist me as to why it was not done.

This Council has requested that the Park Board consider this matter at your meeting and if agreed we would take it from the Recreational Funds as we presently have no more funds in the Park & Recreation Budget to handle this matter. If not agreed to we will have to put it on the FY09/10 Budget.

Mayor Eschenberg has requested that I provide you with some documentation regarding the special way the fencing must be done in order to be effective. Cindi will provide it at the meeting.

If you have any questions please let me know. Thanks.

Cc: Cindi Kelley
Debby Franklin

Cindi Kelley

From: Kemmler, Hans [hans.kemmler@lmco.com]
Sent: Thursday, May 07, 2009 3:26 PM
To: Bonilyn Wilbanks-Free
Cc: Town Clerk / Treasurer; Cindi Kelley; Dick Korn; Josh Treadwell; MaryAnn Marsh; Robert P. Siegmann; Scott Pollard; Vickie Thomas
Subject: RE: Council request for consideration of this matter

OK Bonnie,

I will put this on our agenda for the Parks and Recreation board meeting on the 20th. The research I will need includes a sketch (or other document) showing the location and length of the border fence involved, any minutes that show what Ed Booth said, and approximate cost and specifications of the proposed fencing modification.

Thank you,

~Hans

From: Bonilyn Wilbanks-Free [mailto:bwfree@townofmalabar.org]
Sent: Thursday, May 07, 2009 3:10 PM
To: Kemmler, Hans
Cc: Town Clerk / Treasurer; Cindi Kelley; Dick Korn; Josh Treadwell; MaryAnn Marsh; Robert P. Siegmann; Scott Pollard; Vickie Thomas
Subject: Council request for consideration of this matter

Please see the attached memo.

Bonilyn Wilbanks-Free
Town Administrator
Town of Malabar
2725 Malabar Road
Malabar, FL 32950
Ph: 321.727.7764
Fax: 321.722.2234
www.townofmalabar.org

Please Note: Florida has a broad public records law. As a result, any written communication created or received by Town of Malabar officials and employees will be made available to the public and media, upon request, unless otherwise exempt. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this office. Instead, contact our office by phone or in writing.

several businesses such as McDonald's and various banks. This equipment has not been used for what we are asking for. This is the best, commercially, for what we are looking for. Mr. Vail feels that the full Council should be here for this decision. Mr. Booth stated that the happenings in the park are really happening in the woods. The people meet at the park and then take a walk into the woods. This is where the activities are happening. We are not putting cameras in the woods, only in the park and the monitoring equipment at the fire station.

At this time, Mr. Vail asked Mr. McClelland if the tape would or could be used in a court of law. Mr. McClelland stated that the video would be used at a later date for confirmation of the activities; used as supplementary information. Mrs. Dezman stated that, in regards to the quality of the tape, it has already been worked on and enhanced by the time you see something being shown on the news. These people have done everything they can to make it more clear and enhanced. It's not the quality that you are concerned about; it's the format that can be taken farther.

From the audience, Mr. Withers stated that Wal-Mart has good quality cameras. Mayor Eschenberg stated that this whole idea came about as a protection to the children in the park, not the fact that they are going off in the woods. We are looking to have camera equipment installed around the playground equipment and bathroom areas. We also need to factor in the maintenance of this equipment. Mr. Kemmler stated that the equipment comes with a one year warranty. He also stated that this is the best equipment that we are going to be able to have installed.

MOTION: Vail to table until we have a full Council. There was no second, the motion dies.

MOTION: Hickson/Dezman to approve the purchase and installation of the camera equipment. VOTE: All Ayes.



2. FENCING OF TOWN PROPERTY, EFFECTIVENESS OF CONTROLLING WILD HOG MOVEMENTS

At this time, Mayor Eschenberg opened the meeting for public comments. He asked that Mr. Wollard, the HOA president come forward to speak first.

Mr. Wollard, who resides at 1623 Country Cove Circle, came forward and addressed Council. Mr. Wollard handed pictures to Council for their review while he made his presentation. What we are here to discuss is the effectiveness of fencing to keep the hogs out of Country Cove on the south side of Cameron Preserve, which borders the Country Cove subdivision. The east end of the property is already fenced, with an opening at the tennis courts. Does this need to be closed off? The Town will only issue the fence permit to the property owners, who happen to be the State of Florida. This is in the works and the permit should be issued shortly. Mrs. Dezman stated that, while living there for ten years, she has not had any problems with the hogs until recently. This could be because of the land disturbance at Stillwater Preserve. Mr. Wollard had asked the Richard Enstice be at this meeting to also address Council.

Richard Enstice, who resides at 1689 Country Cove Circle, came forward and addressed Council. Mr. Enstice is an electrical engineer with FIT. They have completed two studies regarding wild hogs at FIT. The studies were to show the habits of the hogs; such as what food they eat, where they sleep and how much land do they need to be

comfortable. If they have ten square miles, they seem to be fine. As long as there is food, they are satisfied. Once the food source is gone, they will move to another location. Mr. Enstice advised Council that the wild hogs are the sixth intelligent animal in the world; they know where the food is. They will continue to go back until the food source is gone. There really is no effective way to remove and prevent them from coming into an area. The two ways for the federal government to act on is to place a strong fence or bring dogs in to drive them away. On state lands, hunting dogs and traps are not effective. The hogs will figure them out and then move on to another area. The EELs land is providing the habitat for the hogs. There are three things that the hogs do: 1) primarily, they eat; 2) they don't like to be/get hurt; and 3) if they can't feed and live, they protect their young very violently. The fence, if installed, is one thing that we can do. The fence would be constructed/installed to code and have an inspection done. Mr. Vail stated that the fence would be mandated by the State and there would be a space between the bottom wrung and the ground. Mr. Enstice advised Council that the EELs stated that the fence could go all the way to the ground. Mr. Vail stated that it would have to go on Country Cove's property, because the State would not allow this. Mr. Vail stated that if we decide to put this fence in for one subdivision, then we will have to do for everyone who makes the request. This would be setting a precedent. Mr. Enstice stated that the children of their neighborhood play outside. If one of these children were to be attacked by one of these animals, the liability would be very great.

Pat Reilly, who resides at 1985 Howell, came forward and addressed Council. Mr. Reilly spoke against the Town spending taxpayer dollars and staff time to put up this requested fence. This is not the Town's problem.

Julianna Hirsch, who resides at 1035 Malabar Road, came forward and addressed Council. She, also, spoke against the Town putting in this requested fence. She can see the problem of the hogs. The people of Country Cove need to change their own regulations to fence in their own property. Mrs. Hirsch feels that this request is ridiculous and asks that Council not approve it.

Dan Michael, who resides at 2265 Atz Road, came forward and addressed Council. He also feels very strongly about this issue and asked that Council not approve this request. He has property here in Malabar and has had to spend his own funds to put up the fencing that he has placed on the property.

At this time, Mayor Eschenberg asked the Mr. McClelland if a child is attacked, is the Town liable? Mr. McClelland stated that there would need to be a little research done on this matter. The hogs are owned by whose ever property they are on at the time. The only liability that would be to the Town is if a child was on a portion of the 100 acres that the Town owns.

Mr. Hickson stated that he has owned property where the wildlife has come onto his property. He had a fence and it didn't seem to keep the animals away. He does not want the Town to pay for fencing for a private owner.

MOTION: Hickson/Vail not approve the fencing for the Country Cove subdivision.
VOTE: Hickson and Vail, Aye; Dezman, Nay. Motion carries.

3. ACCEPTANCE OF 930 FEET OF PROSPERITY LANE

Mr. Booth advised Council that this has been accepted by the engineer.

MOTION: Vail/Hickson to accept.

Teen Council
April 2, 2009

Agenda Item 4

Wild Pigs

Background:

The residents of a subdivision in Malabar have complained that wild pigs are rooting up their yards. They claim this is the town's responsibility since they are bordered on the north by a conservation area owned by Malabar. They are asking the town to install a fence along the north side of their subdivision and also pay for a professional trapper to catch the wild pigs.

Current Ordinance:

There is no ordinance that applies to this situation. It is strictly up to the discretion of the Council.

Action Requested:

Motion for the town to spend \$4000 on a fence and \$800 for a professional trapper to solve the wild pig problem.

Typical Arguments:

A fence will not contain the pigs. They will go under or around it.

The subdivision residents have a right to this service from the town since they are taxpayers.

There is another conservation area bordering the east side of the subdivision which is owned by the state and managed by the county. How do we know where the pigs live?

The town is responsible for controlling nuisance wildlife.

The subdivision's homeowners association should take care of the problem.

have to get District's approval before they can stay in the park.

Liz Ritter, 2860 Orange Avenue, came forward. She stated the Boy Scouts have stayed in the park; they have liability insurance. They also clean up, there is no drinking or smoking. The Scouts try to leave a better impression when they leave.

Kelley stated these people are not residents of the town and we don't know them. The town shouldn't have to worry about the vendors belongings; she felt this would be a big liability to allow them to set up early and stay in the park over night.

Amendment to motion to allow more time for set up made by Atkinson. The Civil War group, based on the rules, needs more time to set up. Pagliarulo stated that if something were to happen, the group would be responsible for their stuff. Mahoney asked if they have liability insurance. Mayor Eschenberg stated this could be a condition of the amended motion. Ritter stated they should not be allowed to disrupt the residents and there should be no drinking. Eschenberg stated they should clean up after themselves.

Amendment to the motion: require liability insurance, no catholic beverages and no smoking in the park.

Mayor Eschenberg stated that the Boy Scouts were allowed to have a fire. Pagliarulo stated that they need to have a barrier around the fire. Mayor stated that liability insurance needs to have an amount attached to it.

Amendment to the motion: no alcoholic beverages, not disturbance to residents, \$30,000 liability insurance required a littering, protected ring around fire of 10x5.

Atkinson asked what the regulations are for the Boy Scouts regarding a fire ring. Do we want fire extinguishers or pails of water standing by if something should happen? After much discussion, it was decided that fire-extinguisher would be required; they can be hidden in a tent since they were not within that time period.

Pagliarulo felt that \$30,000 is too much for the insurance requirement. Mayor Eschenberg stated that if someone gets hurt, Council needs to think of the possibility because the Town would be liable also.

Amendment to the motion: No alcoholic beverages, not disturbance to residents, \$30,000 liability insurance required, no littering, protected ring around fire and fire extinguishers be on site. Amendment to the motion VOTE: 8 Ayes - 1 Nay.

MAIN MOTION WITH CONDITIONS OF AMENDMENT VOTE: 7 AYES - 2 NAYS.

4. RESIDENTS REQUEST FOR FENCING AND PROFESSIONAL TRAPPER SERVICES

Liz Ritter, 2860 Orange Avenue, stated if we have a problem with pigs, the trapper needs to have a license and see if Council will put an ordinance in place to trap the pigs for the meat.

Lisa Pagliarulo, need address, came forward and addressed Council. She stated that we have

encroached on nature's houses; the pigs have a right to roam freely and doesn't think this is the responsibility of the Town.

Sheila Eschenberg, 2835 Beran Lane, stated that this is so much land for one subdivision to be considered; would the Town consider putting fencing up anywhere else?

MOTION: Houston/Eschenberg to spend \$4,000 on fencing and \$800 for trapper.

MOTION: Ritter/ for no funds to be spent on fencing and use funds for trapping. Ritter asked if hunting could be allowed. Mayor Eschenberg stated the pigs are not protected unless they are in the conservation areas. There is no hunting allowed in the conservation areas; private property needs permission from the homeowner. Eschenberg felt the Town is not responsible; it's up to the residents to take care of the issue. Ritter spoke against the fence; the pigs can dig under the fence or go around it. They will also breed. It would be a large waste of funds to build the fence. Sows have two litters a year and they have six to twelve piglets in each litter.

Amendment to Motion: Ritter/Eschenberg to remove the fence and spend funds for trapping. Houston is against the Town spending funds for fencing. Pagliarulo stated the residents can place the fence on their property themselves. Kelley is in agreement with Pagliarulo.

The \$4,000 for fencing is to be deleted from the motion.

Amendment Vote: All Ayes - motion carries unanimously.

It was stated to spend \$800 to trap the pigs. Kelley felt this is a waste of funds to hire a trapper. Houston stated they should be trapped and relocated away from the town. Mahoney stated it's easier to have a trapper; there are wild pigs everywhere. Ritter asked where to relocate the pigs. Houston stated to move them to another area with pigs. Mayor Eschenberg stated that the trappers could take them home. Ritter stated to amend the \$800 to \$200. If they take them home, the trappers could fatten them up and sell them. Pagliarulo stated that we should pay per pig that is trapped; \$50 per pig. Atkinson stated that we should pay \$100 down to trapper and \$25 per pig up to 50 pigs; Ritter seconds. The Town would have an obligation of \$1,350 maximum.

Mahoney stated this should be tabled until we know how many pigs. We should then vote if this is the Town's responsibility; if it is, then table until we know how many pigs we are talking about.

Amendment to Motion: \$100 down; \$25 per pig up to 50 at \$1,350 maximum.

VOTE; 8 Ayes - 1 Nay

Main Motion: the main motion with removal of spending funds on fencing; \$100 down, \$25 per pig up to 50 pigs with a maximum obligation of \$1,350. VOTE: 6 Ayes - 3 Nays.
Motion carries.

<http://abcnews.go.com/Technology/DyeHard/story?id=827155&page=1>

<http://www.sciencedaily.com/releases/2005/06/050607012122.htm>

*Mayer -
provided
5/8/05*

Fencing is an effective but expensive control option for a small area such as a garden, but hogs are intelligent and resourceful animals that often find ways through many types of fences, Tanner said. Chain link fences buried at least 12 inches under the ground with heavy supports and posts, and various types of mesh or multi-stranded electric fence provide the best results.

Pigs on private land may be taken year round by landowners. With the landowner's permission, there is no bag limit, size limit or closed season.

Without hunting, Florida's wild hog population would quickly grow out of control. Sportsmen play an important role in helping to keep this invasive species in check.

Wild hogs were first declared game animals in Florida on the J.W. Corbett, Eglin Field, and the Everglades Wildlife Management Areas (WMAs) during 1956. They are now game animals on 45 WMAs; 2 Wildlife and Environmental Areas; and in portions of Collier, Dade, and Monroe Counties. Public hog hunting is also allowed on the 3 National Forests in Florida although wild hogs have not been declared game animals on these lands due to Forest Service policy which recognizes them as domestic livestock. Although hunting regulations are specific for each area, in general, wild hogs may be taken only during the open deer season, generally mid-November through the first weekend after New Years, either sex is legal, and hogs less than 15 inches high at the shoulder are protected. The bag limit is 1 per day with no season limit. Outside of WMAs, wild hogs are considered domestic livestock and are the property of the landowner upon whose land they occur. With landowner permission on private property, there is no closed season, bag limit, or size limit.

Damage Prevention and Control Methods

Exclusion

Fencing is generally not practical except in small areas around yards and gardens. Heavy wire and posts must be used, but if hogs are persistent, exclusion is almost impossible. Electric fencing on the outside of the mesh may be of some help, but it is difficult to maintain over large areas. Electric fencing has been used effectively in New South Wales, Australia. See the Deer chapter for details on electric fencing.

Economics of Damage and Control

In most areas it is unlikely that wild pigs can be exterminated. It is theoretically possible, but the cost to do so is usually prohibitive. Landowners must generally accept the fact that they will always have some wild pigs and should therefore plan for a long-term control program.

Feral hog damage can be extensive and costly if not controlled. Control for disease suppression is extremely expensive because many hogs need to be eliminated. Crop depredations may cease after one or two hogs are shot or trapped, or intermittent hunting pressure is put on them. They simply move to new areas. If depredations are heavy enough to require a reduction in the overall population then a program can be very costly, depending on the size of the area involved.

Fences

A number of fence designs have been described for controlling hog ingress into crop fields or lambing pastures. Nonelectric fences must be of net wire or diamond mesh construction with the spacing of vertical wires at about 15 cm (6 inches) or less to be pig-proof (Hone and Atkinson 1983, Tilley 1973). However, rectangular net wire in goat producing areas must have spacings of either < 10 cm (4 inches) or > 30 cm (12 inches) between vertical wires to keep goats from having their heads caught (R. Craddock, Ext. Sheep and Goat Specialist, Texas Agricultural Extension Service, pers. comm). In general, fences must be at least 91 cm (36 inches) tall and must be tightly stretched and/or buried beneath the ground at the bottom to be

effective (Tilley 1973). Hog-proof fencing is difficult to achieve across terrain with dips and gullies and can increase costs substantially.

Exclusion

Modifying habitat, changing animal husbandry practices, and building fences are a few of the ways feral hogs can be excluded from an area.

However, these methods may be cost prohibitive, especially over large acreages. Fencing small areas may be helpful. Mesh wire fencing used in combination with electric fencing is most successful at excluding hogs.

Chain link fencing also can be used if a sufficient portion is buried underground.

Unfortunately, fencing seldom controls hogs permanently. They eventually find their way through most fences, regardless of the design.

Also, fences have to be maintained, which increases the cost.

Excluding hogs using fencing can be an effective but expensive control option for relatively small areas such as a garden (Figure 14). However, hogs are intelligent and resourceful animals and often find ways through many types of fence. Chain link fences buried at least 12 inches under the ground with heavy supports and posts, and various types of mesh or multi-stranded electric fence provide the best results.

Cindi Kelley

From: Mr. Scott [bpollard@cfl.rr.com]
Sent: Friday, May 08, 2009 10:07 AM
To: Bonilyn Wilbanks-Free; Kemmler, Hans
Cc: Town Clerk / Treasurer; Cindi Kelley; Dick Korn; Josh Treadwell; MaryAnn Marsh; Robert P. Siegmann; Vickie Thomas
Subject: Re: Council request for consideration of this matter

Dear Ms. Wilbanks,

I have to agree with Dick Korn. This is not a recreational fund matter. In addition, who's going to pay for fence maintenance. The rec fund? To get an idea, look at the westside fence that runs from the firestation to Malabar road.

Fences will not stop the hogs, they'll just go around until they find an opening, which they will. IMO: The only way to deal with them would be to call in a trapper.

Respectfully

Scott Pollard

----- Original Message -----

From: Bonilyn Wilbanks-Free

To: Kemmler, Hans

Cc: Town Clerk / Treasurer ; Cindi Kelley ; Dick Korn ; Josh Treadwell ; MaryAnn Marsh ; Robert P. Siegmann ; Scott Pollard ; Vickie Thomas

Sent: Thursday, May 07, 2009 3:09 PM

Subject: Council request for consideration of this matter

Please see the attached memo.

Bonilyn Wilbanks-Free
Town Administrator
Town of Malabar
2725 Malabar Road
Malabar, FL 32950
Ph: 321.727.7764
Fax: 321.722.2234
www.townofmalabar.org

Please Note: Florida has a broad public records law. As a result, any written communication created or received by Town of Malabar officials and employees will be made available to the public and media, upon request, unless otherwise exempt. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this office. Instead, contact our office by phone or in writing.

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>
>

I cannot see how this would enhance recreation in the community and therefore would oppose using the suggested funds for this purpose. It seems to me this would violate the intent of the fund.

This request is not recreational. If the fence is to be put up it should come from general funds .

I also do not believe this would solve anything and question the problem. There are Hogs, bobcats, feral cats and other wildlife were I

live Will our area be fenced as well?

Dick Korn

it doesn't have to be Don Krieger. Mayor Eschenberg asked that this be placed on the January 23, 2006 agenda as an action item.



Bill Withers-Malabar resident – came forward and addressed Council. There are five hogs in the park. They are staying over by the fence in the area where the new town hall is being looked at. The EELs were called and they are passing the buck. The law states that the animal on the land belongs to the owner of the property.

With regards to ATVS, Mr. Withers reported that on January 3rd or 4th, it was stated on the news that a fourteen year old was injured while riding. The child's mother was charged with culpable negligence. It is against the law to ride on the side of the road, not on the roads, which was written in the Mailboat. We have nothing in writing on ATVs. Mr. Withers asked Council why we don't have anything regarding this matter. It is Council's responsibility to protect the citizens of the town. If we had an ordinance, the County would enforce it. Mr. Withers stated that last June/July, a gentleman on Hunter Lane had an eight year old riding an ATV. The sheriff was two blocks away, a citation was issued and a tow truck called to take the ATV away. The County can't do anything if we don't pass an ordinance. You can't make it less restrictive, you can make it more restrictive. The County has been told by Sheriff Parker not to chase them

ADJOURNMENT

There being no additional discussion, **MOTION: Dezman/Vail to adjourn at 10:40 p.m.**
VOTE: All Ayes.

BY:

Mayor Thomas Eschenberg, Chairman

ATTESTED:

Cindi Kelley, Deputy Town Clerk

Date

Booth – this letter came and he presented it to Council. Rivet – if we need a lobbyist we can look for one, otherwise the Town Administrator can act as our lobbyist.

MOTION: Hickson/Rivet to have Booth write a letter to say no thank-you. VOTE: All aye.

5. PENCE REQUEST FOR 120 DAY EXTENSION FOR OAKMONT PRESERVE SUBDIVISION

Booth – instead of entering into a three-party agreement or bond, staff would like to give them an extension. They are having issues with St. John’s. Stephenson – Oakmont has have had a difficult time getting information from St. John’s and they have changed an out-fall and some drainage.

MOTION: Rivet/Moccia to approve the extension. VOTE: All aye.

REPORTS: MAYOR, COUNCIL



- Vail – Country Cove is asking for work on their bridge. Booth – we just received that letter today and will address it.
- Moccia – the Eagle Scout and Moccia will put up a sign asking for help for the next three Saturdays, she will getting free mulch.
- Hickson – has finally seen the hogs, are they still around? Booth – oh yes.
- Rivet – where are we at with the recycled asphalt on the roads? Booth – we have done half and will do the rest next year.
- Rivet – do the plans for the foot park include plans for a fence? Moccia – it should, and possibly even a bridge and a place to park bikes.
- Booth – the bus stops: we have the benches and we are scheduling the cement.
- Eschenberg – has a letter from Helen Voltz regarding recycling in the parks. Bill Withers – we are doing this and give the cans to the Scouts. At the big park we can’t because we’d have to double the number of receptacles and people put diapers, dog feces, and whatever else in there.
- Eschenberg – has a letter from the Palm Bay Community Hospital Advisory Council asking him or another member of Council to be an official representative. Phil Crews is still a member of this council. They have quarterly meetings, usually around lunch. He asks Council if they’d like to attend, no one can do it. Eschenberg will do it if no one else wants to.

PUBLIC COMMENTS: GENERAL ITEMS

Mayor – there are no public comment cards tonight.

ADJOURNMENT

MOTION: Rivet/Moccia to adjourn. VOTE: All aye.

The meeting adjourned at 8:40 pm.

BY:

ATTEST:

Mayor Thomas Eschenberg, Chairman

Susan Kabana, MMC
Town Clerk/Treasurer

Date: _____

people to handle the technical things. It will meet the requirements or it will not make it at all.

THE ROLL WAS CALLED: Dezman, Rivet, Vail and Moccia – All Ayes. Councilman Hickson was excused.

3. **RESOLUTION 02-2006, SUPPORTING THE FLORIDA LEAGUE OF CITIES
2006 LEGISLATIVE ISSUES**

By unanimous consent, Mayor Eschenberg read the ordinance by title only.

MOTION: Rivet/Vail to approve as presented. THE ROLL WAS CALLED: Vail, Rivet, Moccia and Dezman – All Ayes. Councilman Hickson was excused.

REPORTS: MAYOR, COUNCIL

Dezman-received a letter from Leslie King asking questions about Dr. Gentile. She is asking when he will be brought before the Special Master. The lights are shining brightly in her yard. Mr. Booth stated that he did go out to Dr. Gentile's property and feels that the lights are out of compliance.

Mrs. Dezman asked Council if we have an ordinance regarding guns. Mr. Bohne stated that this was tried before but did not go through. Therefore, the Town of Malabar does not have an ordinance regarding guns.

Rivet-nothing to report at this time.

Moccia-stated that Mr. Rossi is having problems with his neighbors and his culvert is crushed. She advised Council Mr. Booth stated that the culvert is to be fixed. A date was provided for this to be corrected and it did not happen. Mrs. Moccia requested that she receive a copy of the letter stating when this is to go before the Special Master. She also reported that we do have something in place for size of vehicles.

With regards to the Foot Park, Mrs. Moccia asked that Mr. Withers meet with her and the Boy Scouts. She would like to discuss what is needed for the fence and bridges.

Vail-stated that the Fire Department Corporation is now fully staffed. Leadership has been an issue for some time now. Mr. Vail asked Deputy Chief Foley if the pump at the park could be used to top off the fire trucks and maintenance. Deputy Chief Foley, stated from the audience, that only in non-emergency means, it could work. Mr. Vail stated that if it is feasible, that would be fine, but if not, that's okay too. Deputy Chief Foley advised Mr. Vail that he didn't want to see the pump burn up.

Mr. Vail asked if the Cameron Preserve is owned by the Town. Mr. Booth advised that it is. Mr. Vail asked if there are any other areas that the Town needs to fence. Are we setting a precedent? Mr. Bohne stated that we are not, it is up to Council as to how to spend the funds. This is a unique circumstance.



Mr. Vail advised Council that there have been complaints from the residents on Atz Road regarding vandalism to culverts. The vandalism is be done by area kids. At the corner of Atz and LaCourt, numerous complaints with regards to ATVs. Mrs. Dezman stated that while walking the trails, there has been a lot of damage by the ATVs. The hogs are migrating to the road. Two vehicles have been totaled because the hogs have run out into the road.

Booth stated it was supposed to be done sixty days ago, if that gives you any idea of the back-log.

Mr. Rivet stated he attended the EELs Advisory meeting. They were all cordial and polite and made a passionate plea to work with us. The Committee members thought it was a wonderful idea that they cooperate with us. Mr. Rivet made a suggestion to put a cap on the land in Malabar; we won't fight them while they are under the capped amount but they cannot go over the capped amount. No one from the Committee made an attempt to respond to this suggestion. Mr. Rivet made a suggestion to Council that no one else wastes their time in going to these meetings.

Mrs. Moccia re-joined the meeting at 10:33 pm.

Dezman-reminded Mr. Booth that she needs a letter for her employer regarding the Gentile court case by August 23rd, sixty days prior to attending court. She has already brought to Council the issues with Mr. Gentile earlier this evening.



Mrs. Dezman advised Council the hogs are back in Country Cove. Mr. Withers stated that they have shown up on Candy Lane as well. Mrs. Dezman stated this issue is going to have to be re-visited.

Mayor-the issue of re-zoning of Weber and Malabar Road, it got tabled until Council can look at the big picture. A previous Council told the MPO that they didn't ever want to see Malabar Road as a four-laned road. Does this Council still feel this way? This is something that should be thought about. If this Council decides that they would want this, we would need to address it and let the MPO know. Mr. Booth sits on this board. This was looked at and if there were going to be traffic lights along Malabar Road, this would be possible. However, this is at least twenty (20) years away. There are no funds to do the projects. They are thinking of doing the Palm Bay by-pass as a toll road to get funds in.

Mr. Booth also advised Council that FDOT has agreed to allow a light for the Fire Department at Malabar Road. They are estimating the cost at \$75,000 to the Town. Mrs. Moccia stated she would rather see it at Corey or Weber, but especially Corey Road.

Mayor Eschenberg reminded Council of the workshop for August 8th. He gave a handout to Council regarding this.

PUBLIC COMMENTS: GENERAL ITEMS:

Pat Reilly-1985 Howell Lane-came forward and addressed Council. He was a little surprised that Council voted down Ordinance 2006-10. It passed the first reading without any discussion at all. It is non-consistent with other municipalities. It was approved by the Planning & Zoning Advisory Board and Norm Smith has done a lot of research on this. The main reason is the maximum

TOWN OF MALABAR
PARK AND RECREATION

AGENDA ITEM REPORT

AGENDA ITEM NO: 3

Meeting Date: May 20, 2009

Prepared By: Cynthia Kelley, Secretary to Board

SUBJECT: Garbage Cans for Disc Golf Park

BACKGROUND/HISTORY:

The Disc Golf Park is being used more frequently. There are a few trash cans in the park; this does not seem to be enough with all the new traffic. It has been recommended by Hans Kemmler, Chair of the Board, that the Board Members discuss the possibility of placing an additional two trash cans in the park

ATTACHMENTS:

N/A

ACTION OPTIONS:

Discussion and recommendation

TOWN OF MALABAR
PARK AND RECREATION

AGENDA ITEM REPORT

AGENDA ITEM NO: 4
Meeting Date: May 20, 2009

Prepared By: Cynthia Kelley, Secretary to Board

SUBJECT: Capital Improvement Ideas for 2010-2015

BACKGROUND/HISTORY:

Town staff is putting together a five year forecast for capital improvement projects. Please think of some ideas for discussion at the meeting.

ATTACHMENTS:

- To be provided at the meeting

ACTION OPTIONS:

Discussion

TOWN OF MALABAR
PARK AND RECREATION

AGENDA ITEM REPORT

AGENDA ITEM NO: 5

Meeting Date: May 20, 2009

Prepared By: Cynthia Kelley, Secretary to Board

SUBJECT: Expenditure of Developer Fees Within Town Limits

BACKGROUND/HISTORY:

At the Park Board meeting of April 15, 2009, Franklin explained the lack of clear ready documents showing the developers payment for recreational fees due in lieu of land dedication.

ATTACHMENTS:

Schedule of Developers Payments and park related expenditures – to be provided at the meeting

ACTION OPTIONS:

Discussion