

**PARK AND RECREATION ADVISORY BOARD
REGULAR MEETING
WEDNESDAY, DECEMBER 16, 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. NOMINATIONS FOR CHAIR AND VICE-CHAIR TO SERVE 2009/2010**
- E. CONSENT AGENDA**
- 1. Approval of Minutes**
 Regular Park and Recreation Meeting – 11/16/09
 Exhibit: Agenda Report No. 1
 Recommendation: Motion to approve
- F. PUBLIC:**
- G. ACTION:**
- 2. Signage for Huggins Park**
 Exhibit: Agenda Report No. 2
 Recommendation: Discussion and action
- H. DISCUSSION:**
- 3. Transplanting of Sea Grapes**
 Exhibit: Agenda Report No. 3
 Recommendation: Discussion
- 4. 17 Acre Parcel Entrance**
 Exhibit: Agenda Report No. 4
 Recommendation: Discussion
- I. OLD BUSINESS/NEW BUSINESS:**
 New Business: Property along South US #1
 Old Business: Disc Golf Park Apron
- J. BOARD MEMBER/STAFF REPORTS:**
- **Additional Outlet at Malabar Community Park – Staff Report**
 - **Playground Equipment Maintenance/Warranty Requirements – Staff Report**
- K. ADJOURNMENT**

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

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: D
Meeting Date: December 16, 2009

Prepared By: Cynthia Kelley, Secretary to Board

SUBJECT: Nominations for Chair and Vice Chair to Serve 2009/2010

BACKGROUND/HISTORY:

The nominations for Chair and Vice Chair positions usually take place during the November meeting. This item was postponed to the December meeting as the full Board was not present last month.

ATTACHMENTS:

N/A

ACTION OPTIONS:

Discussion and action

TOWN OF MALABAR
PARK AND RECREATION

AGENDA ITEM REPORT

AGENDA ITEM NO: 1
Meeting Date: December 16, 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 – 11/18/09

ATTACHMENTS:

- Draft Minutes from Park and Recreation regular meeting November 18, 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
11/18/09 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 Vice-Chair Dick Korn. Prayer and Pledge led by Chair Hans Kemmler.

B. ROLL CALL OF MEMBERS

ROLL CALL:

Hans Kemmler – Chair, excused
Dick Korn, Vice-Chair
Bob Siegmann
Vickie Thomas
Scott Pollard
Maryann Marsh, Alt. #2
Josh Treadwell, Alt. #1, excused, advised board of status
Cynthia Kelley, Recording Secretary

C. ADDITIONS/DELETIONS/CHANGES:

Korn made mention that the meeting in November is when the new Chair and Vice-Chair are voted on. We will do this in December. Add Discussion Item for memo from Franklin as G4 and move all other discussion items down by one item number.

D. CONSENT AGENDA

1. Approval of Minutes – 10/21/09

Discussion: Siegmann asked that his name spelling be corrected throughout the minutes.

MOTION: Pollard/Thomas to approve the minutes of 10/21/09 with corrections. VOTE: All Ayes.

E. PUBLIC: None

F. ACTION:

2. Signage for Huggins Park

Discussion: Kelley advised the Board that the right of way belongs to FDOT; we cannot place a large sign on their property. The sign that was there is no longer available at the Public Works complex. It was a double sided sign approximately 12 x 12 painted green and white with arrows pointing down Florence Street to show the way to the park. Thomas reported to the Board her findings with the height for signs in the Town. The maximum height would be 25' as a detached sign. Kelley also showed pictures of Huggins Park with a sand-blasted sign in place at the park showing the address. This sign keeps with the theme of the other signs in Town for our park facilities. Korn stated he was contacted by Phil Crews; he felt that there should not be sign on Malabar Road because of the area of the park and the type of people who used the park. We don't need to be encouraging the wrong people to use the park. With all of that said, do we want to pursue the sign or put in abeyance? Thomas stated we have a sign at the park; Pollard stated the residents know where the park is.

MOTION: Pollard/ to drop this all together.

Thomas stated it should be tabled because the Chair is very interested in this.

Motion failed for lack of a second.

AMENDED MOTION: Pollard/Thomas to table this to the next meeting.

VOTE: All Ayes.

The fencing has been fixed and looks very nice.

3. Engineering Requirements for Culvert at 17 Acre Parcel

Discussion: Kelley advised the Board that the Engineer provided the cost to put in the culvert at this area. Korn stated that the parcel is the way it is due to lack of maintenance. He also has an issue with fund raising or using Developer Impact Fees for this project. Pollard stated this should be put into the budget process. If there are funds available, we could do this project at a later date. Thomas stated that we need to take care of what we have; it's a tight budget. We are going to spread ourselves too thin. Korn stated this project could be done like the Disc Golf Park was done; Kemmler put together a work day and clean up the area for the park. Korn stated he had not spoken to the Town Administrator about the pipe that is in the PW yard. Kelley advised that the pipe in the yard has been used, in the past, to take care of culverts that have failed in the Town. Marsh stated this could be tabled indefinitely until the next budget for the next fiscal year is available.

MOTION: Marsh/Pollard to table indefinitely until the next year's budget is available.

VOTE: All Ayes.

G. DISCUSSION:**4. GOVERNMENT IN THE SUNSHINE:**

Thomas read an e-mail sent to the Town Clerk/Treasurer for the record with regards to her appreciation for the research on Government in the Sunshine. She is very appreciative that the Town takes care of the volunteer board members with keeping them from possible violations. She thanked staff for their efforts. Korn made suggestion as two-fold: if someone has an agenda item to be put on the agenda, send directly to secretary. What she does with it is up to her. If someone is going to be absent from a meeting, who has comments, e-mail to secretary so it is read into the record. I think that would keep us all from tripping over the sunshine. BWF explained to Thomas that Board can give information but it cannot be anything but one way communication.

5. Transplanting of Sea Grapes

Discussion: Since this was put on the agenda by the Chair, it was the general consensus of the Board to table this item until the next meeting in December.

6. Archery Park at Huggins Park

Discussion: Siegmann reported to the Board that most of the membership for the Brevard County Archery Association is in north Brevard; there is no interest to have archery in south Brevard at this time. Marsh reported that everyone is looking for a dog park; Korn stated that Brevard County has dog parks and asked that Marsh research this to find out what the requirements are and report back to the Board. Thomas asked if the dog park would need to be fenced in; this would be something that would be included in the research and reported back to the Board. Korn stated that we need to look for sponsors for the parks and activities. Marsh stated her reason for bringing up the dog park is that Florida Today bumped their Alpaca Day for the dog costume extravaganza. Thomas asked if sponsors for wish list items or for the parks need to go to Council before putting it in the Mailboat. **Kelley stated she would find out and advise the Board.**

H. OLD BUSINESS/NEW BUSINESS:

New Business: Property along South US #1 – This was placed on the agenda by Chair Kemmler. Kelley stated that the Town has pictures, if Council decides to proceed with the purchase, of ideas of what to do with the land. Korn stated we could Google Florida Community Trust to see what could be done with the land. Kelley advised the Board that at the last meeting staff was letting them know that Council was considering this; there is nothing for the Park Board to do at this time; staff wanted them to be in the know. Marsh stated a fishing pier would be a nice idea. Pollard spoke against this because people tend to leave the dock with dead fish and trash along the way; they abuse the dock. Marsh stated that a lot of piers have locked gates. It could be opened to the Town; make reservations to use the dock. Korn stated we are getting ahead of ourselves. It was general consensus to table this until the December meeting for the Chair to share his pictures with the Board as well as the Town.

Old Business:

I. BOARD MEMBER/STAFF REPORTS:

• **Playground Equipment at Malabar Community Park – Staff Report**

Kelley advised the Board that there is no set schedule for the maintenance of the park equipment. It is be maintained as needed. If you see an issue, please bring it to the attention of staff so it can be corrected. The Public Works staff is down by one person at this time, so they have been very busy with their work load.

• **Disc Golf Park Apron – Staff Report**

Kelley advised the Board of the cost for this apron as provided by the Town’s Engineer. With this being a FDOT road, the cost is going to be expensive as we must follow their guidelines. Korn suggested that Franklin ask if FDOT would put this in because it is access to come out onto their road.

• **Additional Electrical Outlet at Malabar Community Park**

Kelley advised the Board that this has been put on the schedule with Commercial Electric to be done on Tuesday, November 24th. We have made arrangements for the locates for electrical and irrigation to be placed out at the site.

J. ADJOURNMENT

There being no further discussion, **MOTION: Siegmann / Marsh to adjourn meeting. VOTE: All Ayes.** This meeting adjourned at 8:10 pm.

By: _____
Hans Kemmler, Chair

ATTEST:

Cynthia Kelley, Recording Secretary

Date Approved: _____

TOWN OF MALABAR
PARK AND RECREATION

AGENDA ITEM REPORT

AGENDA ITEM NO: 2
Meeting Date: December 16, 2009

Prepared By: Cynthia Kelley, Secretary to Board

SUBJECT: Signage at Huggins Park

BACKGROUND/HISTORY:

At the last Park Board Meeting, Kelley advised the Board that the right of way belongs to FDOT; the Town cannot place a large sign on their property. A small green and white sign used to be posted; it was removed by Public Works as requested by the residents living in this area. The sign is still available. While discussing this item, Board Members Thomas and Pollard both felt that the sign posted at the park is all that is needed at this time due to the constraints of the budget. It was also stated that Chair Kemmler is very interested in this item; the Board decided to take action to table until this meeting.

ATTACHMENTS:

Aerial map to show right-of-way (FDOT Road)
Article XIX – Sign Code

ACTION OPTIONS:

Discussion and action



South  Pictometry® imagery provided by the Brevard County Property Appraiser 11/13/2009. Image Date: 12/29/2008

DOT right of way

Signage @ Huggins Park

Article XIX

SIGNAGE

Section 1-19.1. Definitions.

For the purposes of this article certain words and terms shall be interpreted as follows:

District shall mean the various zoning districts established and described by the land development code.

Erect shall mean to build, construct, attach, hang, place, suspend, affix, print, or paint; this shall include the painting of wall signs.

Height. Maximum height is the vertical distance between the uppermost portion of a sign and ground level and minimum height is the vertical distance between the lowermost point of a sign and ground level.

Non-Conforming shall mean any existing sign which was lawful at the time of the enactment of the ordinance from which this article was derived but which does not conform to the provisions of this article and to the most recently enacted land development code of the Town.

Placement shall mean the location which a sign occupies on a lot or building.

Public Body shall mean any government or government agency of the Town, Brevard County, State of Florida, or the United States Government.

Replacing shall mean rebuilding, enlarging or any change in size, structure, or lettering other than repainting to an original status and repair of original electrical apparatus.

Sign shall mean any device or display consisting of letters, numbers, symbols, pictures, illustrations, announcements, cut-outs, insignia, trademarks, banners, or demonstrations; designed to advertise, inform, identify, or to attract the attention of persons, which is visible from outside the premises on which the device or display is located. A sign shall be construed to be a display or device containing elements related and composed to form a single unit. In cases where material is displayed in a random or unconnected manner without organized relationship of the components, each component or element shall be considered to be a single sign.

Sign Area shall mean that area within a line including the outer extremities of all letters, figures, characters, and delineations, or within a line including the outer extremities of the framework or background of the sign, whichever line includes the larger area. The support for the sign background, whether it be columns, a pylon, or a building; or part thereof, shall not be included in the sign area. In measuring the area of a double-faced sign, only one face shall be calculated to determine the total area.

Sign, Indirectly Illuminated shall mean a sign which does not produce artificial light from within itself but which is opaque and backlighted or illuminated by spot lights or floodlights.

Sign, Number shall mean for the purpose of determining the number of signs, a sign shall be considered to be a display and/or display device containing elements organized, related, and/or composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, each element shall be considered a single sign. A double-faced sign shall be considered a single sign.

Sign Structure shall mean any construction designed to support or to provide a surface for a sign, and including any marquee, canopy, awning, or clock.

Sign Type shall mean any one of the various signs as differentiated by their purpose, and in this ordinance shall include accessory, billboard, construction, directional, directory, future improvement, general outdoor advertising, outdoor display, real estate, and subdivision as defined below:

- (1) *Accessory* shall mean a sign relating only to the uses of the premises on which the sign is located, or indicating the name and address of a building or the occupants or management of a building on the premises where the sign is located.
- (2) *Billboard* shall mean any sign or display which is not a directional sign, which advertises, illustrates, demonstrates, or identifies product, service, or place of business at another location not within two hundred (200) feet of the sign, and/or any sign of a size over sixty (60) square feet.
- (3) *Construction* shall mean a temporary sign erected on a building site between the time of the issuance of the building permit and the completion and/or occupancy. Such signs may display thereon any or all of the following: a designation of the job, the name of the owners, architect, general contractor, subcontractor, building or project under contraction [construction], and building permit.
- (4) *Directional* shall mean any sign less than three (3) square feet in area used for public direction and containing no advertising or commercial identification of any product, service, or place of business.
- (5) *Directory* shall mean signs which give the name and/or occupation of the occupants of the building or gives the use of the building, including office building directories, church directories, and apartment house directories.
- (6) *Future Improvement* shall mean a temporary sign announcing the construction of a facility in the near future on the site on which the sign is located.
- (7) *General Outdoor Advertising* shall mean any sign which is not herein described or limited by these definitions and regulations.
- (8) *Outdoor Display* shall mean each piece or portion of any matter, merchandise, or device displayed outside a building with the intent of advertising, demonstrating, or identifying the nature of business or articles for sale or other merchandise inside or

- (6) Noncommercial flags and insignia of any government when not displayed in connection with a commercial promotion or as an advertising device;
- (7) Changing the copy of a bulletin board, poster board, display encasement, or marquee provided, however, that the device upon which the copy is located meets all the requirements of this article;
- (8) Decals affixed to or signs painted on equipment used for dispensing retail products or services where such signs are not displayed in connection with a commercial promotion or as an advertising device;
- (9) Temporary signs, within five (5) feet inside of a store window, not exceeding twenty (20) inches of the glassed area of the window in which the sign is located, which advertise a bona fide "going out of business" sale, or other service or merchandise sale, and which are erected for a period of not over fifteen (15) days;
- (10) Signs on motor vehicles while in use in the normal course of business. This section shall not be interpreted to permit parking of a vehicle on which signs are attached or painted in a manner or location where such signs are not permitted in order to avoid the requirements of this article. Similarly, this section shall not be interpreted to permit parking of portable trailer signs in a manner or location where the signs are not permitted in order to avoid the requirements of the article.

Section 1-19.4. Administration requirements.

A. *Permits.* Before any sign is erected, constructed, posted, painted, altered, affixed, or relocated in the Town, a permit for such sign shall be obtained from the Building Official.

The contractor or owner securing the permit for any sign shall call the Building Official and request an inspection whenever any sign requiring a permit is being installed, and before any concrete is poured; a final inspection shall be requested upon completion. At the time of a request for final inspection, a photograph of the completed sign shall be taken by the inspector. (Minimum 2¼" × 2¼", maximum 3" × 5" for filing purposes.)

B. *Filing of Application.* Before any permit is issued, an application provided by the Building Official shall be filed in triplicate together with two (2) sets of drawings and/or specifications as may be necessary to fully advise and acquaint the Building Official with the location, construction, materials, manner of illumination, securing, wording of the sign, and any other data that may be required to ensure the enforcement of these regulations. One (1) set of drawings and/or specifications will be returned to the applicant with the permit. A separate application shall be made for each and every sign.

As a minimum the sign application shall include the following information:

- (a) Name, address and telephone number of the sign erector and the sign owner.
- (b) Written statement signed by landowner, or a lease or rental agreement, authorizing the placement of the proposed sign.

Section 1-19.5. Annual license required.

A. *Application for Annual License.* At the same time a permit to build or erect or certification of nonconformity is issued, an annual license must be applied for and granted for each sign of over five (5) square feet defined in this article as any of the following:

- (1) Residential and mobile home or trailer park zoning districts:
 - a. Accessory;
 - b. Construction;
 - c. Future Improvement;
 - d. General Outdoor Advertising;
 - e. Subdivision.
- (2) Nonresidential zoning districts and bona fide agricultural uses within the RR-65 district:
 - a. Accessory;
 - b. Construction;
 - c. Directory;
 - d. Future Improvement;
 - e. General Outdoor Advertising;
 - f. Subdivision.
- (3) All other categories and signs under five (5) square feet are exempt from licensing.

B. *Licenses to be Displayed.* The license number for the current term of one (1) year shall be displayed clearly on each sign which requires a license.

C. *Renewal of License.* License will require renewal each year on the first day of the month in which the original license was purchased. Within thirty (30) days of expiration and nonrenewal of license, the sign must be removed by the owner or it shall be illegal and subject to removal by the Town at the owner's or property owner's expense ten (10) days after written notification by the Town.

Section 1-19.6. Appeals and variances.

Matters involving appeal of an administrative decision or variance of these regulations shall be handled by the Planning and Zoning Board with further appeal to the Council.

Section 1-19.7. Nonconforming signs.

A. *Replacement of Nonconforming Signs.* Within the Town, there presently exist certain signs that are not in conformance with these regulations. Such signs are declared by this article to be incompatible with the development of the Town. It is further the intent of this article that these non-conforming signs shall not be replaced, enlarged, expanded or extended and are not to be used as grounds for adding or enlarging other signs not permitted in the district.

other applicable codes and ordinances, including the building code, electrical code, and land development regulations. Unless otherwise specified, all signs shall comply with the yard requirements of the zoning district in which they are located.

Section 1-19.10. Temporary permits.

A. The building inspector upon application, may issue temporary permits for the following signs and displays for a period not exceeding thirty (30) days, when in the building inspector's opinion, the use of such signs and displays would be in the public interest and would not result in damage to private property. There will be no license or license fee for these signs, but the regular permit fee shall apply. Temporary signs shall not be illuminated except for holiday signs which may be illuminated or special event signs approved by the Town Council. Such signs shall be located in private property outside of a public right-of-way or easement.

- (1) Special decorative displays used for holidays, public demonstrations, or window signs which do not cover more than twenty (20) percent of the surface area of the transparent portion of the window or door to which they are attached.
 - (2) Temporary signs announcing any public, charitable, education, religious or other special event or function may be installed subject to compliance with the following conditions.
 - (a) *Timing of Placement and Removal.* Such signs shall be placed not more than fourteen (14) days prior to the event and must be removed not later than twenty-four (24) hours after termination of the event.
 - (b) *Character of Signs.* Such signs shall satisfy the sign area, location, setback, and height requirements of similar type signs in the district where placed.
 - (c) *Waiver from Requirement of Section.* The Building Official shall advise any applicant desiring relief from the requirements of this sub-section of his right to approach the Town Council to request a waiver of such requirements. A waiver by Town Council may be obtained only after introduction of the matter on an agenda of a Town Council meeting. Said waiver shall be in writing signed by the Chairperson or designate.
 - (3) Special sale promotion displays in a district where such sales are permitted if such signs are not within five (5) feet inside a store window.
- B. [A permit fee for] the following signs will not be required:
- (1) Signs advertising a special civic or cultural event such as a fair, exposition, play, concert, or meeting sponsored by a governmental, religious, cultural, civic, nonprofit, or charitable service organization;
 - (2) Special decorative displays used for holidays when sponsored by a religious, governmental, cultural, civic, nonprofit or charitable service organization;

C. *Signs Affixed to Public Property or Infrastructure.* No signs shall be attached to or painted on utility poles, seawalls, retaining walls or other unapproved supporting structure.

D. *Illegal Signage.* No sign shall be constructed, erected, used, operated, or maintained which:

- (1) Displays intermittent lights resembling or seeming to resemble the flashing lights customarily associated with danger or such as are customarily used by police, fire, ambulance, or other emergency vehicles, or for navigation purposes;
- (2) Uses the word "stop" or "danger," or presents or implies the need or requirement for stopping or the existence of danger, or which is a copy or imitation of an official sign. This provision regarding the word "stop" or "danger" does not apply when they are part of attraction titles for a broadcast, motion picture, theater event, opera, or concert, or when they are used in descriptive lines of advertising so long as they are not used to simulate, copy, or imply any official warning, either for vehicles or persons;
- (3) Is so located and so illuminated as to provide a background of lights blending with traffic signal lights to the extent of confusing a motorist when viewed from normal approaching position of a vehicle at a distance of less than three hundred (300) feet;
- (4) Is erected in such a manner at any intersection so as to obstruct free and clear vision or at any location where, by reason of the position, shape, or color, [the sign may] obstruct the view of or be confused with any authorized traffic sign, signal or device.

E. *Signs On or Over Public Streets.* No sign shall be erected or located on or over any public street, sidewalk, alley, or right-of-way other than duly approved traffic signs authorized by a governmental entity.

F. *Illuminated Signage.* The lighting of illuminated signs shall be controlled in direction, focus, and intensity so as to prevent glare on surrounding streets or property, or any objectionable illumination of nearby property or buildings.

G. *Beacon Light.* No beacon light shall be permitted on a sign in the Town.

H. *Animated Signs.* No animated sign shall be permitted in the Town except where specifically provided by these regulations.

I. *Flashing Signs.* No flashing sign shall be permitted in the Town except where specifically provided by these regulations.

J. *Portable Signs.* No portable sign including trailer signs shall be permitted in the Town.

K. *Billboards*. No billboards shall be permitted in the Town.

L. *Outdoor Display Signs*. No outdoor signs shall be permitted in the Town. This shall not be construed to prevent merchandise display in the following cases:

- (1) Rear yards or side yards if such merchandise is rendered nonvisible from off the premises by means of a solid fence, building or other solid barrier in good repair and appearance;
- (2) New and used autos, trucks, tractors, and other large and/or heavy machinery, provided the same are displayed in an orderly fashion and the appearance is kept attractive and neat, visibility at any intersection or roadway is not impaired, and the display constitutes no safety or other hazard, nor shows gross neglect and disrepair.

M. *Multiple Street Frontage*. The regulations contained in this article shall apply separately and individually to each street frontage of a premises.

N. *Signs in Excess of Sixty Feet*. Notwithstanding other provisions of these regulations, no general advertising or other sign shall be erected in the Town which exceeds sixty (60) square feet in area.

Section 1-19.12. Construction standards.

All signs shall comply with all applicable standards of the Town's building code, fire code, health code, and all other applicable codes.

Section 1-19.13. Maintenance.

All signs, together with all their support braces, guys, and anchors, shall be maintained in good repair and appearance. The Building Official may, upon written notice, cause to be removed within ten (10) days any sign which becomes a safety hazard, or which shows gross neglect or becomes dilapidated or where the area around such sign is not well maintained. Such removal shall be at the expense of the owner or lessee of any sign that is not properly maintained.

Section 1-19.14. Obscenity prohibited.

It shall be unlawful for any person to display upon any sign or other advertising device or structure any offensive, obscene, indecent, immoral or degrading matter.

Section 1-19.15. Obstructing exits prohibited.

No sign, including guys and supports, shall be erected, constructed or maintained so as to obstruct any fire escape, or any window or door opening, used or required as a means of ingress, egress or ventilation, or so as to prevent free passage from one part of a roof in any form, shape, or manner to a fire escape.

SIGNAGE

§ 1-19.18

<i>Sign Type</i>	<i>Future Improvement</i>	<i>General Outdoor Advertising</i>	<i>Real Estate</i>	<i>Subdivision</i>
Construction Class	Detached	Wall or Detached	Detached	Wall or Detached
Maximum Number	1	1	1	1 per public entrance
Maximum Area	10 sq. ft.	32 sq. ft.	5 sq. ft.	32 sq. ft.
Maximum Height	10 ft.	10 ft.	4 ft.	10 ft.
Placement	Front setback: 10 ft. Side and Rear: 25 ft.	No signs to impede vision at any intersection	Front setback: 10 ft. Side and Rear: 25 ft.	No signs to impede vision at any intersection
Illumination	None	None	None	Indirect
Special Regulations	None	See Footnotes 1 and 2	None	None

(2) Sign Regulations Within Non-Residential Zoning Districts:

<i>Sign Type</i>	<i>Accessory</i>	<i>Accessory</i>	<i>Accessory</i>
Construction Class	Wall	Detached, Marquee, and Projecting	Snipe
Maximum Number	3	2 total from this group	4
Maximum Area	10% of the wall area, and no more than 60 sq. ft. of cumulative area	60 sq. ft. total cumulative area	1½ sq. ft. each
Maximum Height	Roof line of building	Detached: 25 ft. Others: Roof line of building	Roof line of building
Placement	Non-Restricted	Must observe yard regulations and Front setback: 10 ft.	Must observe yard regulations
Illumination	Direct, Indirect	Direct, Indirect	None
Special Regulations	See Footnotes 1, 3, and 4	See Footnotes 4 and 5	None

<i>Sign Type</i>	<i>Construction</i>	<i>Directory</i>	<i>Directional</i>	<i>General Outdoor Advertising</i>
Construction Class	Wall or Detached	Wall or Detached	Wall or Detached	Wall or Detached
Maximum Number	1	2	2	1
Maximum Area	32 sq. ft.	Sum of 30 sq. ft.	3 sq. ft. each	Detached: 3 sq. ft. Wall: 10 sq. ft.
Maximum Height	Detached: 10 ft. Wall: Roof line of building	10 ft.	Detached: 3 ft. Wall: 10 ft.	10 ft.
Placement	Front Setback: 10 ft. Rear and Side: 25 ft.	Must observe all yard regulations	Non-Restricted	Front setback: 10 ft. Rear and Side: 25 ft.
Illumination	Indirect	Indirect	Indirect	Indirect
Special Regulations	Must be immediately removed upon completion of construction	None	None	See Footnotes 1 and 2

(3) Sign Regulations Within Non-Residential Zoning Districts:

<i>Sign Type</i>	<i>Future Improvement</i>	<i>Real Estate</i>	<i>Subdivision</i>
Construction Class	Detached	Wall or Detached	Wall or Detached
Maximum Number	1	3	1 per public entrance
Maximum Area	32 sq. ft.	9 sq. ft. each	12 sq. ft.

TOWN OF MALABAR
PARK AND RECREATION

AGENDA ITEM REPORT

AGENDA ITEM NO: 3
Meeting Date: December 16, 2009

Prepared By: Cynthia Kelley, Secretary to Board

SUBJECT: Transplanting of Sea Grapes

BACKGROUND/HISTORY:

At the Park Board Meeting of October 21, 2009, Chair Kemmler reported that he had received good information regarding the lease with FEC from Franklin; research is being completed and he will then contact FEC to see what can be done to save these plants. He will be making a report at this meeting.

ATTACHMENTS:

MLS Monthly Statistics Report October 29, 2007 thru October 29, 2009

ACTION OPTIONS:

Discussion

**MLS Area 342 Malabar/Grant-Valkaria Florida
Vacant Land
Statistics provided by
Melbourne Area Association of Realtors**

Monthly Statistics Report - 10/29/2007 - 10/29/2009

Melbourne Area Assoc. of REALTORS - Compiled on October 29, 2009

10/29/2007	Change from	10/29/2006	Change from	YTD	YTD	2006
-	10/27/2005	-	10/29/2006 -	2007	2006	-
10/29/2009	10/28/2007	10/29/2008	10/29/2008 to			2007
			10/29/2007 -			YTD
			10/29/2009			

Vacant Land

New Listings	499	-37.78%	652	-23.47%	834	990	-15.76%
Sold Listings	77	-21.43%	76	1.32%	109	126	-13.49%
Volume - Sold Listings	\$3,470,701	-66.62%	\$5,520,900	-37.14%	\$6,948,701	\$10,788,100	-35.59%
Average Sale Price	\$45,074	-57.51%	\$72,643	-37.95%	\$63,750	\$85,620	-25.54%
High Sale Price	\$310,000	-58.67%	\$300,000	3.33%	\$310,000	\$750,000	-58.67%
Low Sale Price	\$1,800	-80.22%	\$1,800	0.00%	\$1,800	\$1,800	0.00%
Average Days on Market	180	27.66%	131	37.40%	162	146	10.96%

	New	BOM	Pend	Cntg	Expr	With	Sold	Avg Sold\$	DOM	Median Sold\$
Oct 2007	0	2	0	0	2	0	1	\$65,000	29	\$65,000
Nov 2007	24	14	2	3	17	4	1	\$1,800	28	\$1,800
Dec 2007	18	4	1	0	18	5	4	\$73,000	56	\$70,000
Jan 2008	25	16	4	3	39	8	4	\$47,725	49	\$46,950
Feb 2008	29	6	2	1	25	5	2	\$81,750	66	\$81,750
Mar 2008	29	5	2	1	19	2	5	\$19,800	196	\$23,000
Apr 2008	18	4	3	0	6	2	3	\$68,667	284	\$88,000
May 2008	28	16	1	2	26	10	5	\$20,200	317	\$12,000
Jun 2008	18	11	2	0	19	2	4	\$27,500	116	\$17,000
Jul 2008	31	12	2	0	31	12	2	\$59,450	68	\$59,450
Aug 2008	17	6	3	2	22	4	4	\$32,500	248	\$15,250

Sep 2008	23	12	1	1	17	2	3	\$16,267	60	\$6,800
Oct 2008	10	7	1	2	35	2	2	\$60,000	267	\$60,000
Nov 2008	11	7	1	1	21	2	3	\$12,333	214	\$6,700
Dec 2008	10	7	1	1	28	3	1	\$75,000	268	\$75,000
Jan 2009	14	16	0	1	91	7	0	\$0	0	\$0
Feb 2009	42	5	1	0	10	7	2	\$52,000	134	\$52,000
Mar 2009	32	12	1	2	15	7	3	\$70,167	395	\$70,000
Apr 2009	17	9	2	2	13	4	1	\$17,000	62	\$17,000
May 2009	11	12	3	4	19	12	2	\$35,500	74	\$35,500
Jun 2009	17	4	1	4	23	1	5	\$92,180	142	\$53,900
Jul 2009	13	9	3	3	23	3	2	\$85,000	416	\$85,000
Aug 2009	27	17	0	2	24	3	6	\$46,584	88	\$45,500
Sep 2009	50	14	4	3	38	5	4	\$53,250	375	\$41,250
Oct 2009	14	8	2	3	21	2	5	\$19,580	344	\$6,000

BOM: Back on Market
 Pend: Pending
 Cntg: Contingent
 Expr: Expired
 With: Withdrawn
 DOM: Days On Market

TOWN OF MALABAR
PARK AND RECREATION

AGENDA ITEM REPORT

AGENDA ITEM NO: 4

Meeting Date: December 16, 2009

Prepared By: Cynthia Kelley, Secretary to Board

SUBJECT: Engineering Requirements for Culvert at 17 Acre Parcel

BACKGROUND/HISTORY:

At the last Park Board Meeting, Cindi Kelley reported that the Town Engineer had been out to the site and taken pictures. He has prepared a cost sheet to show what the costs for installing this culvert as a donation and the total costs including the culvert (in case culvert is not donated) will be. This culvert is to provide access to the 17 acres off of Weber Road as part of the grant received from the Florida Communities Trust. Upon installation of the culvert, Eagle Scout Scott Prasse will be submitting a proposal to cut in trails and build a bridge as his Eagle Scout project.

While discussing this item at the last meeting, the Board, with budget constraints, made a decision to table this item indefinitely until viewing the budget for the 2010/2011 fiscal year. This item was provided to Council for approval at the RTCM of September 9, 2009; Council sent it back to the Park Board for ideas of how to fund the project; i.e. Developer Recreational Fees or donations from local businesses. Korn stated at the last meeting that he would rather not use Developer Recreation Fees; other projects may be coming that may need these funds. Thomas stated that the Town needs to take care of what it already has and not to spread ourselves too thin; it's a lean year.

Chair Kemmler requested this be placed on the agenda for further discussion. This Board was in agreement to support Eagle Scout Scott Prasse; once the culvert was put in, Prasse would cut in trails and build a bridge in the park as his Eagle Scout project. This project must be completed by him by August of 2010. Kemmler would like to discuss alternative ways to access the property so that he can continue with his project.

ATTACHMENTS:

Portion of RTCM of September 9, 2009
Cost sheet as prepared by Morris Smith, Town Engineer
Portion of Council minutes from July 17, 1995
Resolution 10-1995
Portion of Greenway II Management Plan – Goals, Objectives & Policies

ACTION OPTIONS:

Discussion and action

developed along the river in Palm Shores and also the 1.1 acre site Sebastian developed across from their Main Street, with grant monies. There are FIND and USFW and other funds available to improve access for water use even with the present economy.

Vote: All Ayes.

7. **Recommendation from Park and Recreation Board – Culvert to Access 17 acre conservation parcel on Weber Road**

Exhibit: Agenda Report No. 7

Recommendation: Request Action

Franklin said the property is located just south of Dr. Leedy's property on the west side of Weber Road. How can we get access. McKnight asked if the pepper busters group are still active. Borton said not very. BWF said it should not be a priority in such a lean year. Vail said for the price of a culvert we could get volunteers to clean up the property. Let them come in and help. As long as it is not an excessive cost for the culvert. Borton said once we clear it we must maintain it. Rivet said to ask Park Board to come up with ideas on how to pay for it; developer's recreation fee monies or donations from local businesses. Mention the incentives to the Scouts to allow them to use it for their scout meetings. They could solicit donations.

MOTION: Rivet / Vail to request Park Board to recommend a funding source and provide a plan to maintain the park.

Discussion: Franklin said management is required in the plan. Borton said we don't want to go overboard. What type of commitment for long term care? Franklin said we are responsible to manage the property. That includes eradicating the invasives and surveying the plant and wildlife. BWF said we pay \$250/month to mow the 8.48 acre parcel. Franklin said managing does not mean mowing; it is conservation land. We developed that parcel into a golf disc park. It could be left natural. Franklin said we maintain the other FCT properties – the Fern Creek Crossing was just cleared of invasives using a crew of prisoners from the County. The Cameron Preserve has had wetlands work and plant survey and a recent fire break installed. It is conservation land and it should not require mowing.

Vote: All Ayes

8. **Request from Sandra Tyler regarding Marie Street Improvements**

Exhibit: Agenda Report No. 8

Recommendation: Request Action

Sandra Tyler, 1360 Blanche Street, own property on Marie Street. Several people are interested but we want to determine what the requirements are. They want something in writing from the Town. The road is in place, and they have had it bore tested and it is good; it just veers to the east. They had it surveyed. Nothing has been done to that road. Can she get a letter from the Town stating what the requirements are? She has been here for years. She babysat for people on Marie that still live there. Mayor asked who she babysat for. She baby sat the Souter's. Franklin said our engineer Bill Stephenson reviewed the soil borings and the survey. It is good base but is not entirely in the right of way.

Franklin explained the situation with the road and the recent meeting with EELs. There are lots beyond the Town's property that are available for development. The Town has been maintaining the road to their PW yard. The east side of the property never gave road ROW. Vail said the question is do we have to improve to get access to land if we don't develop. Franklin said we require residents to improve the roadway if they wanted to fence. Rivet said it is our responsibility to comply with our own requirements. Mayor said we have two roads that were accepted; Kelly and Beekeeper. Franklin said that Beekeeper is not an accepted road. There was a property owner that paid money to the Town. They later requested their money back and were given a full refund. The only improvements done were by order of Town Administrator, PW took millings to the roadway. Beekeeper was named for fire-fighting response purposes only. Franklin will check on Kelly Lane. Town will be improving the south end of Marie for the trail. BWF asked when the property was donated. 1983. When did road



JAMES MORRIS SMITH, JR.
 Professional Engineer
 Professional Surveyor & Mapper

Town of Malabar - 17 Ac. Park Entrance Drive

Weber Road

Engineer's Opinion of Probable Costs

Prepared for: Cindi Kelley

Prepared by: J. Morris Smith, Jr., PE

Sq.Ft. = Square Feet

11/13/2009

Ft. = Feet

L.S. = Lump Sum

Ea. = Each

Sq.Yd. = Square Yards

L.F. = Lineal Feet

C.Y. = Cubic Yards

Item No.	Description	Quantity	Units	Unit Price	Total Price
1	Land Surveying for Permit Application and Engineering Design	1	L.S.	\$ 400.00	\$ 400.00
2	Create CAD File of Survey Data for Basis of Engineering Design	1	L.S.	60.00	60.00
3	Engineering Design	1	L.S.	240.00	240.00
4	Mobilization	1	L.S.	200.00	200.00
5	Silt Barrier (Rolled Hay Wattle) Best Management Practice	2	Ea.	80.00	160.00
6	Erosion Control Soil Management - Silt Fence	150	L.F.	1.20	180.00
7	Saw Cut Asphalt to True Edge Prior to Excavation	72	L.F.	2.00	144.00
8	Remove Existing Asphalt, Base Rock, Stabilized Base	72	Sq.Ft.	3.00	216.00
9	Excavation of Installation Area	20	C.Y.	16.00	320.00
10	Install and Compact Base for Concrete Driveway	18	C.Y.	28.00	504.00
11	Install Concrete Driveway	20	C.Y.	210.00	4,200.00
12	Install Mitered End Section	2	Ea.	260.00	520.00
13	Install Stop Sign	1	Ea.	200.00	200.00
14	Install Pavement Markings	1	L.S.	150.00	150.00
15	Install Bahia Sod	144	Sq.Ft.	0.25	36.00
16	Maintenance of Traffic	1	L.S.	\$ 200.00	\$ 200.00

Project Sub-Total \$ 7,730.00

17 5% Contingency

400.00

Project Total Cost - With Donated Drainage Pipe \$ 8,130.00

18	Install 24" Diameter - Concrete Pipe	56	L.F.	65.00	3,640.00
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Project Total Cost - With Concrete Drainage Pipe \$ 11,770.00

19	Install 24" Diameter - ADS-HDPE Pipe	60	L.F.	35.00	2,100.00
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Project Total Cost - With Concrete Drainage Pipe \$ 10,230.00

Floor was opened to public regarding Public Hearing.

-John Kelvington thought charter states that Council will only have one meeting a month. Council and Attorney thought it read 'at least' one meeting a month. Attorney will check into this.

Floor was closed to public.

RESOLUTION 10-95:

MOTION: Kikla/Detwiler to read resolution 10-95 by title only.

VOTE: All aye.

Mayor read:

RESOLUTION 10-95

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, RECOGNIZING THE "INDIAN RIVER LAGOON AND TURKEY CREEK GREENWAYS"

MOTION: Detwiler/Kikla to approve resolution 10-95.

VOTE: AYE NAY
Rasor
Detwiler
Kikla

RESOLUTION 11-95:

MOTION: Detwiler/Kikla to read resolution 11-95 by title only.

VOTE: All aye.

Mayor read:

RESOLUTION 11-95

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, DOCUMENTING ON RECORD THEIR OPPOSITION TO THE BMPO PLAN TO EASE PALM BAY'S TRAFFIC CONGESTION BY MAKING BRIARCREEK BOULEVARD A MAIN CORRIDOR FROM PORT MALABAR BOULEVARD TO MALABAR ROAD; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Detwiler/Kikla to approve resolution 11-95.

VOTE: AYE NAY
Rasor
Detwiler
Kikla

RESOLUTION 12-95:

RESOLUTION 10-95

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA,
RECOGNIZING THE "INDIAN RIVER LAGOON AND TURKEY CREEK GREENWAYS"

WHEREAS, the Town Council of Malabar, Florida has made the following determinations:

1. The Town of Malabar adopted the Comprehensive Plan by Ordinance 88-22; and
2. The adopted comprehensive plan contains objectives and policies which protect the coastal zone and freshwater streams and sloughs; and
3. The Town has adopted policies and regulations which protect the habitat of viable populations of threatened, endangered or species of special concern; and
4. The Town of Malabar wishes to establish a greenway corridor through the Town to enhance the aesthetic values of its rural character; and
5. The County has utilized such available measures such as conservation zoning and fee simple acquisition to protect these conservation areas; and
6. The Town of Malabar and the City of Palm Bay in Brevard County and the State of Florida have worked toward the establishment of an "Indian River Lagoon Greenway" network which includes a coastal protection zone, the Indian River Lagoon Aquatic Preserve and environmentally endangered lands designated by the County; and
7. The Town of Malabar intends to continue to work toward linking these habitat greenway networks along the Indian River Lagoon and Turkey Creek.

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Malabar, Florida, as follows;

SECTION I. Town of Malabar will initiate an amendment to its Comprehensive Plan which, if adopted, will establish one or more policies which will recognize the use of the Indian River Lagoon and Turkey Creek and adjacent lands by various plant and animal species, and which will provide for the protection of the unique habitat and native vegetative communities which may be found in this greenway network.

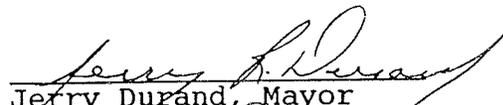
SECTION II. The Town of Malabar will continue to pursue regulatory measures and land acquisition programs which implement this ecological greenway network.

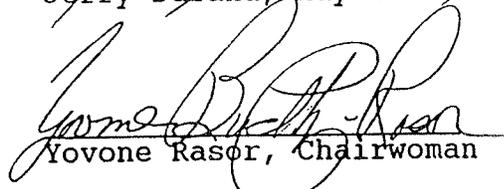
SECTION III. EFFECTIVE DATE. This Resolution shall become effective immediately upon its adoption.

SECTION IV. This Resolution was moved for adoption by Councilmember DETWILER, seconded by Councilmember KIKLA and, upon having been put to a vote, the vote was as follows:

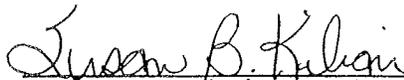
Yovone Rasor	<u>AYE</u>
Phillip Crews	<u>-</u>
John Detwiler	<u>AYE</u>
Julane Kikla	<u>AYE</u>
Connie Chiles-Cooke	<u>-</u>

Passed and adopted by the Council of the Town of Malabar, Brevard County, Florida, this 17 day of JULY, 1995.

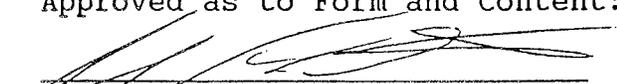

Jerry Durand, Mayor


Yovone Rasor, Chairwoman

ATTEST:


Susan B. Kilian, Clerk

Approved as to Form and Content:


Richard E. Torpy
Town Attorney

FROM GRNWAY II
Mgmt Plan

**GOALS, OBJECTIVES, AND POLICIES
RECREATION AND OPEN SPACE ELEMENT**

GOAL 7-1: PROVIDE ADEQUATE RECREATION AND OPEN SPACE. INSURE PROVISION OF AN ADEQUATE COMPREHENSIVE SYSTEM OF PUBLIC AND PRIVATE RECREATION AND OPEN SPACE SITES WHICH MEET THE NEEDS OF EXISTING AND PROJECTED USER GROUPS.

OBJECTIVE 7-1.1: SYSTEM OF PARKS AND RECREATION. The system of parks and recreation facilities shall be improved and maintained over time in order to meet the needs of the existing and projected future population.

Policy 7-1.1.1: Level of Service Standards for Parks and Recreation Facilities. In systematically planning for needed recreation land and facility improvements, the Town shall apply the level of service standards cited in Tables 1 and 2 of the Comprehensive Plan: Goals, Objectives, and Policies. These standards shall be used as level of service criteria in reviewing proposals for development orders or permits.

Policy 7-1.1.2: Monitor and Update Recreation Demand and Supply Analysis. The Town shall update on a continuing basis the recreation land and facility demand/supply analysis contained in Tables 12 and 13 of the Comprehensive Plan: Data Inventory and Analysis. The Comprehensive Plan: Data Inventory and Analysis indicated that existing recreational lands and facilities identified in Table 11 satisfy the existing demand. However, the Town shall refine the land development regulations in order to assure that new development provides necessary recreation lands, facilities, and/or fees in lieu thereof in order to accommodate respective demands of such new development.

Policy 7-1.1.5: Maintenance of Existing Recreation Land and Facilities. The Town shall maintain existing recreation and facilities through the use of proper management and funding techniques.

OBJECTIVE 7-1.2: PROTECT OPEN SPACE SYSTEMS. The Town shall protect lands designated as open space from incompatible land uses and such designated lands remain functionally intact.

Policy 7-1.2.1: Implementing Land Development Regulations. The Town shall adopt, within one (1) year after plan submission, land development regulations which include specific open space definitions and standards addressing protection of open space, natural vegetation, landscape, and signage. Regulations shall include stipulations governing the provision and use of open space for buffering, protection of natural corridors, including drainageways, as well as other commonly accepted uses.

OBJECTIVE 7-1.3: ACCESS FACILITIES. By 1992, all public recreational facilities shall have operational automobile, bicycle and pedestrian access facilities as deemed appropriate by the Town Council.

Policy 7-1.3.1: Right-of-Way Improvements. The Town shall improve rights-of-way as needed for access to public parks and facilities.

Policy 7-1.3.2: Design of Access Facilities. Public parks and facilities shall be designed and constructed with accessways which are compatible with the character and quality of on-site natural resources.

OBJECTIVE 7-1.4: ACCESS TO INDIAN RIVER LAGOON AND TRIBUTARIES. The Town shall promote new access to points and preserve existing access facilities to the Indian River Lagoon and its tributaries.

Policy 7-1.4.1: Require Access Points be Provided as Needed. The Town shall assure that appropriate access is provided to the Indian River Lagoon, Turkey Creek and Goat Creek through the most economically feasible methods. The Town has no beach frontage.

OBJECTIVE 7-1.5: PUBLIC AND PRIVATE COORDINATION IN PLANNING FOR RECREATION IMPROVEMENTS. The Town shall coordinate planning for recreation improvements with each level of government, including the Brevard County School Board, the Audubon Society, and the private sector in order to promote recreational opportunities in a cost effective manner.

Policy 7-1.5.3: Coordinate with the Private Sector. The Town shall coordinate with the private development sector as well as existing and future industry located within the Town in order to develop additional fair and equitable measures for accommodating future recreation land and facility needs.

TOWN OF MALABAR
PARK AND RECREATION

AGENDA ITEM REPORT

AGENDA ITEM NO: New Business

Meeting Date: December 16, 2009

Prepared By: Cynthia Kelley, Secretary to Board

SUBJECT: Property Along South US 1

BACKGROUND/HISTORY:

At the meeting of October 21, 2009, Kelley advised the Board that Council may be considering a land purchase of property along US 1 just south of Orange Avenue. At that time, Kelley stated that no action was required by the Park Board, staff wanted them to be aware of the possible purchase.

At the last meeting, Chair Kemmler was out of town; he had provided pictures of the property for the Board to view. These pictures, along with pictures provided by the Town for ideas of what to do with the property if purchased, will be available at this meeting. No action is required at this time from the Park Board.

ATTACHMENTS:

Portion of Park Board minutes from November 18, 2009

Portion of Park Board minutes from October 21, 2009

Portion of RTCM minutes from October 5, 2009

ACTION OPTIONS:

Discussion

H. OLD BUSINESS/NEW BUSINESS:

 **New Business: Property along South US #1** – This was placed on the agenda by Chair Kemmler. Kelley stated that the Town has pictures, if Council decides to proceed with the purchase, of ideas of what to do with the land. Korn stated we could Google Florida Community Trust to see what could be done with the land. Kelley advised the Board that at the last meeting staff was letting them know that Council was considering this; there is nothing for the Park Board to do at this time; staff wanted them to be in the know. Marsh stated a fishing pier would be a nice idea. Pollard spoke against this because people tend to leave the dock with dead fish and trash along the way; they abuse the dock. Marsh stated that a lot of piers have locked gates. It could be opened to the Town; make reservations to use the dock. Korn stated we are getting ahead of ourselves. It was general consensus to table this until the December meeting for the Chair to share his pictures with the Board as well as the Town.

Old Business:

I. BOARD MEMBER/STAFF REPORTS:

• **Playground Equipment at Malabar Community Park – Staff Report**

Kelley advised the Board that there is no set schedule for the maintenance of the park equipment. It is be maintained as needed. If you see an issue, please bring it to the attention of staff so it can be corrected. The Public Works staff is down by one person at this time, so they have been very busy with their work load.

• **Disc Golf Park Apron – Staff Report**

Kelley advised the Board of the cost for this apron as provided by the Town's Engineer. With this being a FDOT road, the cost is going to be expensive as we must follow their guidelines. Korn suggested that Franklin ask if FDOT would put this in because it is access to come out onto their road.

• **Additional Electrical Outlet at Malabar Community Park**

Kelley advised the Board that this has been put on the schedule with Commercial Electric to be done on Tuesday, November 24th. We have made arrangements for the locates for electrical and irrigation to be placed out at the site.

J. ADJOURNMENT

There being no further discussion, **MOTION: Siegmann / Marsh to adjourn meeting. VOTE: All Ayes.** This meeting adjourned at 8:10 pm.

By: _____
Hans Kemmler, Chair

ATTEST:

Cynthia Kelley, Recording Secretary

Date Approved: _____

• **Condition of Trail Head 1 – Chair Report**

Kemmler reported all things that were brought up by Korn have been addressed and taken care of per BWF.

• **Disc Golf Park Apron – Staff Report**

Kelley reported that the Town Engineer is working on the drawings for this project; a report will be provided to the Board on the status of this project at next month's meeting.

• **Concrete Tee at Disc Golf Park – Chair Report**

Kemmler reported the tee had been installed at tee 16; it's equivalent of a 4x8 pad. It took 25 bags of concrete to get this done; dirt was also added to bring the area level. Thomas asked what materials would be needed to have the concrete tees at each "hole". Kemmler stated that rebar and concrete are the main items needed. She will add these items to the wish list. Kemmler also stated that in the future, they may be able to have road millings for the concrete tees as well. Kemmler reported that a competition was held out there and John Precious was the winner. Kemmler would like to do an article about the Disc Golf Park for the Mailboat as well and he will announce the winner of this competition in the article as well.

Thomas asked when the trails would be worked on; her husband had stated that he would like to assist in the work day. Kemmler stated that a new date would need to be picked as his schedule did not allow for the time that had been chosen. Kelley will provide calendars to the Board and a new work date will be scheduled at next month's meeting.



At this time, Kelley advised the Board that Council is looking into a possible purchase of the Logue property on south US 1. No action is required by the Park Board, staff wanted the Board to be aware of this. Thomas stated she is in real estate and any work for the Town would be pro bono.

Kelley reported that Franklin nominated the Disc Golf Park and Fern Creek Crossing Park for awards with Keep Brevard Beautiful. The Disc Golf Park was awarded a Certificate of Recognition for major renovations on October 16, 2009.

J. ADJOURNMENT

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

By: _____
Hans Kemmler, Chair

ATTEST:

Cynthia Kelley, Recording Secretary

Date Approved: _____

Exhibit: Agenda Report No. 8

Recommendation: Request Action

MOTION: Dezman / Borton to keep building permit fees as stated in Reso 11-2004

Discussion: Mayor said this is not really what he asked for from staff. Vail said have we averaged the inspections in the last two years to four years ago. You still have the overhead. When the building projects are slow, you still have expenses. Mayor believes that in some cases that we are charging too much. Rivet said figure out how much we spend on inspection time and overhead and not value of project. It makes more sense to charge according to the square footage of the house than the price of the house. The Building Official ought to know what it costs him to do an inspection. McKnight compared same size house - one has basic house and another that has a 500K house. Inspection time should be the same.

BWF said he selected a SFR and a shed. Dezman asked who brought this up. The Mayor said that he did not get what he wanted. McKnight said we are trying to make sure we don't overcharge. It is not supposed to make a profit. McKnight gives a 2000 SF project valued at 200K house and one at 400K. There are a lot of variables with that may affect the cost of the house. Dezman said there is a motion on the floor.

Roll Call Vote: Borton, Aye; Vail, Aye; Rivet, Aye; 1) McKnight, Nay; Dezman, Aye.

Motion carried 4 to 1.

9. Follow Up With Property Owner on US 1 - Logue

Exhibit: Agenda Report No. 9

Recommendation: Request Action

Mayor is against operating like the federal government. Dezman said it would only benefit a small number of people – mostly outsiders.

MOTION: Vail / Rivet to pursue the purchase of this property.

Discussion: Vail is for purchasing but is not for this price. Borton asked if Dezman had figures on how many people would want it. Borton asked McKnight – possibly. He thinks the majority of use would come from Camelot and Century Oaks. Camelot has their own dock. Rivet said his constituents are in the whole Town and there are a lot of people that would use such a property. It is not for motorized boats. Rivet asked if you could you get a kayak down to the river. Yes said McKnight. Vail said his constituents would support this. When the economy gets better we won't be able to purchase it. Dezman said what is the difference between the property next door and this property. Start the process. Find out what they are asking.

Roll Call Vote: Borton, Aye; Vail, Aye; Rivet, Aye; McKnight, Nay; 1) Dezman, Nay.

Motion carried 3 to 2.

Dezman said we need to remember management. Vail wants to purchase property next door.

10. Evaluation of Town Administrator and Clerk

Exhibit: Agenda Report No. 10

Recommendation: Request Action

McKnight said he did not ask for this. Mayor said he said to put it on for an up or down vote.

MOTION: Borton / Rivet to take no action. Discussion:

McKnight said it is common to have this done. It is called a 360 assessment. BWF said the 360 assessment was done in the 1990's and when she checked with the ICMA she found it is not supported anymore. There some legal issues that came back.

Roll Call Vote: 1) Borton, Aye; Vail, Aye; Rivet, Aye; McKnight, Nay; Dezman, Aye. Motion

carried 4 to 1.

11. Approve Contribution Payment to FSA for Hearing

Exhibit: Agenda Report No. 11

Recommendation: Request Action

Attorney said it is an unknown factor and it was worth the small contribution.

MOTION: Rivet / Borton to direct payment. Discussion: none. Vote: All Ayes.

TOWN OF MALABAR
PARK AND RECREATION

AGENDA ITEM REPORT

AGENDA ITEM NO: Old Business
Meeting Date: December 16, 2009

Prepared By: Cynthia Kelley, Secretary to Board

SUBJECT: Disc Golf Park Apron

BACKGROUND/HISTORY:

At the meeting of July 15, 2009, this Board made a recommendation to Council to place funds for an apron to be at the entrance of the Disc Golf Park. At the RTCM of July 20, 2009, Council approved the apron costs; to be paid from the Developer Recreational Fee funds.

Chair Kemmler asked that this be placed on the agenda; a status report from staff is requested to see where we are with this project. It was reported several meetings ago that this project would be completed by the end of the calendar year.

ATTACHMENTS:

Portion of Park Board minutes from July 15, 2009

Portion of RTCM minutes from July 20, 2009

Proposal for Land Surveying/Engineering Design/Permitting dated November 4, 2009 from Town Engineer

ACTION OPTIONS:

Discussion and action

2. Recommendation to Council to Install Culvert at Road Entrance to 17 Acre Parcel

Exhibit: Agenda Report No. 2

Recommendation: Discussion and recommendation

Discussion: This item was discussed in Discussion item 6. At this time, the Board decided to wait until further research is provided by staff to make a recommendation to Council. A copy of the original application for the grant monies to purchase the land is to be provided to the Board at the next scheduled meeting of August 19, 2009.

MOTION: NO MOTION MADE AT THIS TIME.

3. Recommendation to Council to Pave Entrance Driveway to Disc Golf Park (to be included in next year's budget)

Exhibit: Agenda Report No. 3

Recommendation; Discussion and recommendation

Discussion: Kemmler stated that the Board needs to start somewhere. He would like the Board to make a recommendation to Council to add funds in the 2009/2010 FY budget to pave the immediate entrance way to the Disc Golf Park. This area has millings; when you have to speed up a little to get out of the park, the millings are spun out and then maintenance is required to keep the millings in place. He is suggesting that this area of the driveway be paved to keep the millings and maintenance of the driveway Richard Cameron stated that this is FDOT road and we would need to make sure that their requirements are followed as well.

MOTION: Korn/Seigmann to recommend to Council to include funds to pave the immediate entrance driveway to Disc Golf Park in the 09/10 FY budget. VOTE: All Ayes.

4. Set Date for Cameron Preserve Trail Cleaning Work Party

Exhibit: Agenda Report No. 4

Recommendation: Discussion and recommendation

Discussion: Kemmler would like to clear out the trail within the next month. Korn stated that he is only available the weekend of August 29th. Pollard and Seigmann stated this would be good for them as well. Thomas stated her husband had also volunteered to help with this project. Kemmler stated that he would provide water for drinking. PW would not be needed for this project; the only thing needed is the tools and they will be provided by the people working on the project.

MOTION: Seigmann/Thomas to set August 29, 2009 at 8:00 am for cleaning work party for the Cameron Preserve Trail.

Thomas gave brief over view of preserve. Alligator is gone; trash is increasing, needs to be cleaned constantly; rescued an animal that was hit by a motor vehicle as people are still driving back there. Korn asked if another trash receptacle is needed at the Boundary Trail. Disc Golf Park trash cans have been placed. Thomas reported that rescued animals can be taken to LaCourt Lane.

VOTE: All Ayes.

G. DISCUSSION

5. Speedway Proposal in Malabar

Exhibit: Agenda Report No. 5

Recommendation: Discussion

Discussion: Kemmler stated that there was a presentation made to Council and P&Z at a joint meeting OF July 8, 2009. Kelley advised the Board that this is brought as a concept only to get a feel for how it would be accepted. No land has been purchased

ADMINISTRATOR:

- Spoke with Brian Banchy hog trapper, got 4 before controlled fire and 4 after the controlled fire. He wants us to pay him \$20.00 a week. There is another trapper that Debby has found that she will call. Banchy said the hogs are actually on the EELs property. She then showed the hot wire solar powered fence. As an alternative. Give to residents. Should cost less than a \$100.00

CLERK: Candidate qualifying will be from August 5 – 19. If there are candidates, then the two referendum items will also be on ballot.

I. **PUBLIC HEARINGS:** Are legally advertised for 7:30 PM *or as soon thereafter as possible.*
ORDINANCES: (0)

J. **PUBLIC: ITEMS DIRECTLY RELATED TO RESIDENTS AND RECOMMENDATIONS FROM TOWN BOARDS/COMMITTEES PRESENT AT MEETING**

2. **Recommendation from Park Board regarding Driveway Entrance to Golf Disc Park**
Exhibit: Agenda Report No. 2
Recommendation: Action

Borton asked if the Dev Rec Money could be spent.

MOTION: Borton / Vail to approve use of the Developer Recreational Fee paid and on deposit for recreational improvements to improve the entrance.

Discussion: Vail said to price both concrete and asphalt. **VOTE: All Ayes.**

K. **ACTIONS ITEMS:**
ORDINANCE: First Reading – 0

RESOLUTIONS:

3. **Adopt (Reso 14-2009)**

Chair/Mayor introduced some items that also needed corrections by the TA. He caught these late – one in 511.4100 and the other is in the fire dept. 522.3200. He shows a budget adjustment on 5/18 that changed one of the line items.

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PERTAINING TO A BUDGET ADJUSTMENT IN THE FISCAL YEAR 2008-2009; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 3

Recommendation: Request Action

Without objection, Mayor read by title only.

MOTION: Borton / Rivet to approve Resolution 14-2009 as presented.

Discussion: The changes the Mayor referenced do not change the bottom line.

Roll Call VOTE: 1) Borton, Aye; Vail- Aye; Rivet- Aye; McKnight- Aye; Dezman- Not present.

Motion carried 4 to 0.

4. **Adopt (Reso 15-2009)**

Mayor said this is another unfunded mandate from the State.

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, ADOPTING GREEN BUILDING STANDARDS FOR THE

Civil Engineering Fee Proposal

Date	Proposal No.
------	--------------

11/4/2009 25

James Morris Smith, Jr., PE, PSM

1754 Barker Street NE
Palm Bay, FL 32907

Phone #	Fax #	E-mail
321-745-0234...	321-723-2371	morris@morrissmitheng.com

Proposed Client Information

Debby K. Franklin
Town of Malabar
2725 Malabar Road
Malabar, FL 32950

Project No.

Task	Description	Proposed Fee
3008	Land Surveying, Civil Engineering Design and Permitting to Meet Florida Department of Transportation Requirements and Town of Malabar Requirements to Design and Permit a Paved Driveway at the Town's Disc-Golf Park Parking Lot	4,680.00

This Proposal does Not include the cost of the Culvert pipe. Only for services as stated on the Proposal.

Fee Proposal Total >>

\$4,680.00