

**PARK AND RECREATION ADVISORY BOARD
REGULAR MEETING
WEDNESDAY, JULY 18, 2012
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. PRESENTATIONS:**
- E. CONSENT AGENDA**
- 1. Approval of Minutes**
 Regular Park and Recreation Meeting – 06/20/12
 Exhibit: Agenda Report No.1
 Recommendation: Motion to approve
- F. PUBLIC:**
- G. ACTION:**
- 2. Dedication to Mayor Eschenberg – Malabar Community Park**
 Exhibit: Agenda Report No. 2
 Recommendation: Recommendation to Council
- H. DISCUSSION:**
- 3. 17 Acres on Weber Road – Culvert Placement for Parking for Bicyclist**
 Exhibit: Agenda Report No. 3
 Recommendation: Discussion
- I. OLD BUSINESS/NEW BUSINESS:**
- New Business:**
 Old Business: Dumpsters at Malabar Community Park - Kelley
- J. BOARD MEMBER/STAFF REPORTS:**
- Cameron Preserve – Thomas
 - Disc Golf Park – Knudson
 - Fern Creek Crossing Park - Siegmann
 - Huggins Park – Marsh
 - Malabar Community Park – Korn & Thomas
 - Trailhead – Siegmann
- K. ADJOURNMENT**

NOTE: THERE MAY BE ONE OR MORE MALABAR ELECTED OFFICIAL 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: 1
Meeting Date: July 20, 2012

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 – 06/20/12

ATTACHMENTS:

- Draft Minutes from Park and Recreation regular meeting June 20, 2012

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 – PARKS AND RECREATION ADVISORY BOARD
06/20/12 MEETING MINUTES**

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

A. CALL TO ORDER - Meeting was called to order at 7:30 pm by Chair Maryann Marsh. The Prayer and Pledge were led by Chair Maryann Marsh.

B. ROLL CALL OF MEMBERS

ROLL CALL:

Maryann Marsh, Chair
Vickie Thomas, Vice-Chair
Bob Siegmann
Dick Korn
Bernadette Knudson
Cynthia Kelley, Recording Secretary

For the record, Council Member Carl Beatty is present as well.

Kelley advised the Board that former Mayor Phil Crews was appointed as interim Mayor for the remainder of Mayor Eschenberg's term. He was sworn in at the RTCM of June 18, 2012 and will remain in the position until a new Mayor is elected in November.

C. ADDITIONS/DELETIONS/CHANGES:

D. PRESENTATIONS: None

E. CONSENT AGENDA

1. **Approval of Minutes
Regular Park and Recreation Meeting – 05/16/12
Exhibit: Agenda Report No.1
Recommendation: Motion to approve**

Discussion: None

MOTION: Siegmann/Thomas to approve the minutes from May 16, 2012 as presented. VOTE: All Ayes.

G. PUBLIC:

G. ACTION:

H. DISCUSSION:

I. OLD BUSINESS/NEW BUSINESS:

Old Business:

- **Dumpsters at Malabar Community Park – Update from RTCM 06/18/12**

Kelley reported that a memo was provided to the Board by the Town Clerk. At the RTCM of June 18, 2012, Council tabled this until it is brought back to the Park Board for their input as to where to place the dumpsters in the Town other than the Malabar Community Park. As it was stated in the memo, the south Marie Street site is not an area that WM is willing to use on a normal operations basis. Council would like input from the Board as to where they would like to have the dumpsters placed. Marsh asked

why WM cannot go down to the south Marie Street site. Kelley stated that in emergency situations, it was okay to use the area. Siegmann stated that this area is usually locked. Kelley stated that for normal operations, WM felt that this would be difficult with the dumpsters in this area with having the trucks going into the site and having to turn around; this would be difficult for them to do. Kelley asked Beatty to correct her if she misspoke. Marsh asked if this was the dump site area where big dump trucks go down and dump stuff and reverse and come back and all that good stuff. He's saying, meaning Zonka that his drivers can't go down there. Korn stated he needs to hire new drivers. He also asked if he could address this issue before Beatty comes forward. Marsh gave him the floor to speak.

Korn stated that he had a synopsis of the meeting discussion from Council Member McKnight. He read it into the record as follows: "This was tabled and referred by to the Park Board. Park Board complained about the roll off containers being parked at the Malabar Park. Convenience of WM said it was unsightly. We discussed parking the containers at the Malabar dump on Marie Street but this was unacceptable; referred back to Park Board for further options."

Korn's comment on this is several fold; one, and I asked Carl earlier this week about unacceptable by whom. Apparently it was unacceptable by Milo Zonka from WM. He has lived in this town since 1987. He know that Siegmann and Beatty have been here longer than him but in all of those years, WM has never had, needed, used, any kind of staging area in Malabar. They've picked up the trash and taken it to their property. Marsh stated that she lived one street over from the site and saw the trucks dumping during that time she live there. Siegmann stated he had seen it as well. He is still in the area of the site. Marsh asked when they started this. Korn stated that this was a request to the Town Administrator a few months ago. He asked Carl to give the exact time if he knew it. He's not sure of the exact time as it just suddenly happened. When he brought it up two meetings ago, he received an email from the Town Administrator, after having called several Council Members, all of whom about this. They didn't even know the containers were there. Beatty may have known they were there. The Town Administrator informed him that, in no uncertain words, that she didn't need Council's permission to make this decision; she was the Town Administrator. His feeling is, and he felt as strongly about this as he did the stop signs, we are the Citizens Advisory Committee to the Council of the Town of Malabar; the elected Council. We are appointed by them to speak for the people of Malabar, not just for us, but for our friends and neighbors as well. He has spoken with his friends and neighbors; he has not found anybody who would like to see those things in the park. He asked Kelley to show the pictures that were taken earlier that day of the containers in the park. Kelley brought them up for the Board to see. Korn stated that it's a trash dump in the park. Marsh stated he knows. Thomas stated that it looks like a trash dump. Korn stated that Council has asked this Board to offer an alternative. His suggestion and he would strongly urge this Board to concur, that we tell Council to tell WM to fend for themselves. They are getting paid to do this; they're not paying us for that property. He felt that WM ought to fend for themselves. They've gotten along for nearly thirty years that he's lived here without this.

Thomas added something to this; people are throwing trash that's not organic in the bins as well. Korn stated he watched one of the drivers today. He backed in and put another trailer as close as he could to the entrance of the bathroom. He placed an empty trailer and picked up a full one and took off. All this trash on the ground is vegetation; we have children out there and adults. We have people as old as he is who could trip over this stuff. He thinks it's unsafe. Marsh stated she agrees with Korn about fending for themselves but the only other thing is; her question is have we seen a greater amount of trash picked up; organic trash, picked up and gotten rid of faster because the containers are here. Kelley stated the answer is yes; we don't receive the calls to Town Hall that vegetation is sitting on the side of the roads or blocking the ditches like we have gotten in the past. Korn stated not on Weber Road; Kelley stated she couldn't speak for Weber Road but the phone calls are not coming into Town Hall with the complaints that the vegetation is not being picked up in a timely fashion. Korn stated that this is not the Park Board's problem. Marsh stated that it is our problem because it's in our parks so it becomes our problem. Korn stated they put it in our park and it needs to be out of the park.

Knudson asked to speak. In the memo from the Town Clerk, it stated that Milo Zonka was willing to bring it down to one container. In the mean time, while we are deciding what to do, let's get in touch with him and tell him to take out the other two containers. Korn stated that he should take all three out. Knudson stated to do this as a stop gap measure until we can figure out where to put the other containers. Korn asked how it is the Board's responsibility of where to put the containers; it doesn't belong there. They can put them wherever they want. Kelley stated that the Board made a suggestion or recommendation to Council. Council has sent it back to the Board so now it is the responsibility of the Board. So need to come to some kind of consensus.

MOTION: Korn/ that it is not the business of the Board to find a space for WM to save money.

For lack of a second, motion died.

Thomas told Korn "the buck stops here" though if the decision. Korn asked why does it stop here. We are not responsible to WM; they are responsible to us. Marsh stated that the Chair had ask it come back to us. Thomas stated that she thought Knudson had a wonderful idea that we have them get rid of two and then take the one and push it back as far away from the bathroom as possible. Knudson stated in addition to having the one container there, we made the stipulation that WM clean up the area. Korn stated he would not support anything less than having all the containers removed from the park. Knudson stated that we are doing WM a favor by allowing one container to remain and they have the responsibility to clean up around the container and keep it looking nice. Korn asked if this would be indefinitely; he would not support this. Thomas stated that this would be like giving them a license to keep the container there. Korn stated that when this first came up and we discussed it, it was a temporary stop gap measure. Marsh stated it has now been three months. Korn stated it's not temporary, but permanent. Marsh stated that if we go down to one instead of three containers, WM is saying to the Town that this helps because it is less time driving it all the way up to Sarno Road. One is not going to be that much less time. Her personal feeling is to get

rid of them all together and find another alternative or we don't find one at all, which she would like to be able to go back to Council and say we want them out of the park; you deal with it. But technically, Council had said that the Park Board brought it up and has a problem with it so you need to fix it. Her issue is, and she said Bob probably knows this, is that when she lived off of LaCourt, there were 18 wheelers and dump trucks coming and going to the site and turning around. She doesn't see how a standard dump truck cannot make it down the street and dump that stuff.

Korn asked Beatty how unsafe it is for them to go get it out to Marie Street; he's not been there and is not familiar with the site. Thomas stated that we have another area off of Weber Road; Korn stated there isn't a culvert to get back in there to access it. Marsh asked if there is anything the Town of Malabar can do to move or change the Marie Street area so the trucks can get to the site a little easier. Beatty gave a brief overview of the discussion at the RTCM of June 18th. Milo Zonka eluded to the fact that he wasn't comfortable with his trucks going there. He started talking about safety, when Beatty pressed it; he backed off and didn't say the road was unsafe. Beatty's stipulation was, with selling building permits on Marie Street, so if the road is unsafe, we need to fix it. With the back to back hurricanes, initially we had tractor trailers going down and dumping off. We had so much debris, we couldn't burn it. We had to get a shredder in place; another hurricane hit and another crew came in with a fleet of clam trucks; not one but a fleet. We also had a fleet of dump trailers on truck and they had Bobcats out picking stuff up. There was a tremendous amount of traffic; they shredded it all because we couldn't burn it. Even after they left the construction debris out, we had to burn it again. His contention was if all those vehicles didn't have any trouble negotiating that road then he didn't think WM should. Beatty understands the reasoning; it's much nicer to pull down the concrete road and have facilities available and put the stuff in. His feeling is we shouldn't have an industrial endeavor operating in a park and we have a restroom there; the kids are in the park. Now if you really want to get picky, we have signs in the park that state no trucks. So we have a sign that says no trucks and we have trucks in the park. He doesn't think they have a problem with the other site; it may not be the one they would like but the bottom line is they can either buy a piece of property or rent something and operate their franchise on that piece of property. We are doing them "a favor" by allowing them there. It was a temporary basis originally and the other fact that Beatty brought up at the meeting was during the hurricanes, we used the park as distribution center for food, ice and water. He can't see those trucks pulling through the middle of that. We have the potential to use the park for a distribution center after hurricanes; can't see anyone complaining about that.

Marsh asked Beatty if he brought all this up at the meeting; he said yes. She stated that she couldn't understand why Council would bring it back to the Park Board. Beatty stated that there was one suggestion to move the staging area to the dirt road off to the left by the soccer field and playground. He stated that's a worse case scenario because now you are taking the trucks down through the parking lot where all the kids are playing. But because Zonka stated he preferred that site, Council wanted it to come back to the Board for their input. Siegmann stated that the Town Administrator stated at the meeting that no park user had complained to Town Hall about problems with the boxes or their placement. Kelley stated, for the record, that we had not received any

calls regarding the containers being in the park. Marsh stated that is until someone gets run over by one of those trucks. Korn stated that he had received complaints. Kelley stated that she is reporting from the standpoint that no call had come into Town Hall.

Korn stated to Beatty that he felt one of the reasons this site is so attractive is the facilities on site. He was at the park today and could see, because of the weather, the footprints of the restrooms being used. Maybe we could offer to let them rent their own port-o-let at the other site. Marsh stated no; the bottom line is it is a park. There are trucks in the park and it's against the rules. It is Marie Street or find your own place and get those containers out of there as soon as possible. Hurricane season has just started; if we have one in three, they are not coming down to pick it up and that's going to be in the middle of everything. The next thing that's going to happen is some kid is going to get run over by one of their trucks or get hurt on one of those containers. That's our park and whose responsible. Bottom line, get them out and we have an alternative and that's Marie Street. If WM doesn't like it, go find a place yourself. That's the bottom line and there shouldn't be anymore discussion. Marsh is surprised that Council threw this back at us. Everything Beatty said is correct and to the point; there is no if, and or buts about it. There should be a discussion about it. Beatty suggested that the Board not just say "don't do it" but to list all the reasons why you don't want to. Marsh stated that Beatty did at the meeting on Monday. Beatty stated he did but it needs to come from this Board to Council. Marsh stated that she couldn't believe the rest of Council didn't feel the same way; it's straight cut. There's a sign right there that says no trucks in the park; that should be enough. There shouldn't be any other discussion. Knudson stated that they shouldn't have been let in there in the first place. Thomas stated that it's not only aesthetics and safety, but in the pond you have fish and larva for mosquitoes. You don't have that there at the containers and it will be a breeding ground for them. Marsh stated that we need to make a motion and list the exact things that they need to be moved to Marie Street or find their own spot.

MOTION: Siegmann/Thomas to recommend to Council that the roll off containers at the Malabar Community Park be removed for the following reasons:

1. **No trucks are allowed in the park.**
2. **Attractive nuisance safety hazards.**
Thomas, for safety reasons, stated that this would be a perfect place for a child to be taken since you don't have a clear view if you are a mother watching another child while another child is using the restroom. She, as a mother, would want a clear view to be able to see her child.
3. **Park is used for hurricane preparedness and recovery.**
4. **Aesthetics/appearance of the park.**
5. **The safety of the trucks going in and out of the park.**
6. **This is a total hazard all the way around.**
7. **Health concerns; breeding ground for mosquitoes.**

VOTE: All Ayes.

MOTION: Korn/Knudson so moved that although we do not feel it is our responsibility to find a dumping place for use by WM, we suggest the Town review and revisit the organic site on South Marie Street. History has shown that this has been a viable site and should not be a problem for WM. VOTE: All Ayes.

Beatty stated for clarification with the back to back hurricanes, all debris was picked up but vegetation was the only debris brought to this site. All other household debris was taken to the dump. Korn stated for clarification to put the containers there as a staging area, not that it will be their dumping area. Beatty stated that they could dump the vegetation there and go back at a later date with the containers or they could contract with the fire department to burn it on a periodic basis. There are many options. Knudson stated that one thing she wants WM to know is that this is the Town of Malabar's waste that they conserving. We are not picking up anyone else's debris, just the Town of Malabar. Korn stated that the other question he has when the dumpsters are moved, who will pick up the debris on the ground. Marsh stated that WM should do the clean up. Marsh is literally appalled that Council through it back; should not be discussed any further. Everything that was stated is viable reasons to take the containers out of the park. Siegmann stated that trucks have been back there for the last four months with the houses being built behind him. He knows this for a fact.

Korn stated that the front yard of Town Hall looks great. All Board Members are in agreement that the job was well done and it looks great.

Thomas thanked Kelley and staff for the personable calls made to advise them of the passing of Mayor Eschenberg. She thought it was very thoughtful rather than just leaving a phone message or email. Kelley stated that staff took care of calling all the boards and we did what needed to be done to get the information out to the community.

New Business:

Bob Siegmann reported on the meeting at Brevard County regarding the bicycle paths for Brevard County. He gave a brief overview of the meeting and what the County is planning for the future. Marsh made statement that the bicyclist park in the area at the corner of Weber Road across from the doctor's office. It looks like this area has for sale signs on the lots. Kelley confirmed that Weber Woods has lots on the market and it looks like development will begin in the near future. Marsh would like to have the area discussed at a previous meeting across from the subdivision that the Town owns and have a culvert put in to allow for parking for the cyclist. This is to be placed on next month's agenda for discussion.

J. BOARD MEMBER/STAFF REPORTS:

- **Cameron Preserve – Thomas**

Thomas reported that the picnic table the gate at the trailhead is overgrown; brought this up at the last meeting. The trash is being dumped on schedule. There continues to be motorized vehicles going into the trail. Marsh asked if we could have the picnic area cleaned up.

- **Disc Golf Park – Knudson**

Knudson reported that the park is very busy and they have started doing another doubles night; Tuesdays and Sundays. The parking has not been addressed yet but it is being worked on.

- **Fern Creek Crossing Park – Siegmann**

Siegmann reported that looks good. A little overgrown but otherwise looks good. Marsh stated that they cut the park grass this week.

- **Huggins Park – Marsh**

Marsh reported that the park is the same.

- **Malabar Community Park – Korn & Thomas**

Thomas reported that the ladies restroom has been fixed. The park benches by the playground equipment need to be cleaned; moldy. Also, if we could have the tennis courts pressure washed to freshen them up. The area where there is a dedication to John Calvington, she would like to see a dedication to Mayor Eschenberg. He is the first elected official to die in office and felt it would be fitting to have a dedication to him in the Malabar Community Park. The suggestion was made by Siegmann to dedicate the pavilion to him. The Board Members are to think on this and bring their ideas back to next month's meeting.

Korn reported that he has heard from the flag pole people and it should be delivered shortly.

- **Trailhead – Siegmann**

Siegmann reported that all is good and the plaque for Dotson is still in place.

L. ADJOURNMENT

There being no further discussion, general consensus. **MOTION: Siegmann/Knudson to adjourn the meeting. VOTE: All Ayes.** This meeting adjourned at 8:27 pm.

By: _____
Maryann Marsh, Chair

ATTEST:

Cynthia Kelley, C.M.C.
Recording Secretary

Date Approved: _____

TOWN OF MALABAR
PARK AND RECREATION

AGENDA ITEM REPORT

AGENDA ITEM NO: 2
Meeting Date: July 20, 2012

Prepared By: Cynthia Kelley, Secretary to Board

SUBJECT: Dedication to Mayor Eschenberg – Malabar Community Park

BACKGROUND/HISTORY:

At the last Park Board meeting of June 20, 2012, Board Member Thomas stated she would like to visit having a dedication in the Malabar Community Park for Mayor Eschenberg. He is the only elected public official that has passed away while in office in the Town. It was suggested by Board Member Siegmann to dedicate the pavilion at the park in his honor. The Board was to think on this and bring their ideas back to the next meeting in July.

ATTACHMENTS:

- N/A

ACTION OPTIONS:

Recommendation to Council

TOWN OF MALABAR
PARK AND RECREATION

AGENDA ITEM REPORT

AGENDA ITEM NO: 3
Meeting Date: July 20, 2012

Prepared By: Cynthia Kelley, Secretary to Board

SUBJECT: 17 Acres on Weber Road – Culvert Placement for Parking for Bicyclists

BACKGROUND/HISTORY:

At the last Park Board meeting of June 20, 2012, Chair Marsh brought up the 17 acres across from Weber Woods subdivision. She would like to revisit the possibility of placing a culvert to allow access to the bicyclists for parking their cars. They have, in the past, used the subdivision but it would appear that the lots are for sale now and development of this subdivision may soon be underway. The placement of a culvert at this area was discussed at previous meetings only to find that it would be a very costly project.

ATTACHMENTS:

- Portion of approved Park Board minutes of January 20, 2010
- Portion of approved Park Board minutes of December 16, 2009
- Portion of approved RTCM minutes 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 and Policies

ACTION OPTIONS:

Discussion and action

PORTION OF APPROVED PARK BOARD MINUTES OF 01-20-10:

F. ACTION:

2. 17 Acre Parcel Entrance

Exhibit: Agenda Report No. 2

Recommendation: Discussion and action

Discussion: Morris Smith, Engineer was at the meeting and gave the explanation for the pipe size required for this project. Kemmler stated about a year ago Eagle Scout Scott Prasse came to the Board for a project; it was thought at that time that this would be a good one for him. He would rid the area of the invasive species and build a bridge. The Board requested information and the cost for a culvert at Weber Road. The access off of Hall Road would not be conducive for accessing the property. Smith explained the requirements for the radius required for right/left turns onto Weber Road as well as the 22' required for a two-vehicle entrance way. We were looking to have the access wide enough for large trucks to come and go. The culvert is 7' now; 10' of mitered end walls on both ends would also be required. That is the reason for the 56' or 60' pipe, depending on the type of pipe used.

Smith also advised the Board that the entrance off of Hall Road could be used with a new product called Gioweb. This is like a chain link fence that is filled in with sand. It's a way to bring in fill to bring the entrance way to where it needs to be to meet code. Siegmann and Thomas both stated they would like to see the entrance off of Hall Road; she could measure and provide the wet areas of the land.

Thomas asked if the Board could go to plan "B" if this project doesn't work out. Scott Prasse, Eagle Scout, came forward and addressed the Board. He would like to work in Fern Creek Crossing Park as an alternative. His plan is to freshen up the walkways with mulch, build a kiosk and plant some additional plants. Marsh asked if he would be willing to do signs to identify the plants in the park. Kelley stated that the Eagle Scout needs to provide information to the Town Administrator for to be advised of what his plan is for this project. Thomas asked if a meeting could be held at the park to see what his plans are. Kelley stated that a special meeting must be noticed. Thomas stated she would be willing to meet Prasse at the park and go over his ideas. Smith stated he would also meet with them and provide aerials of the park for Prasse; all this is being done gratis by Smith. Kelley also advised all parties who are meeting with the Scout at the park that all information is to be reported at the next meeting of the Board. There should be no contact with each other as this is something that will be discussed. Smith asked about himself; Kelley advised him to send all information to her and she would get it to the Board in the next agenda packet.

Siegmann stated the action is the culvert on Weber Road is tabled indefinitely. Prasse will get together with Thomas and Smith on Saturday, January 30, 2010 at 9 am.

4. 17 Acre Parcel Entrance**Exhibit:** Agenda Report No. 4**Recommendation:** Discussion

Discussion: Kemmler stated this may need to be on the next agenda; we need to know why the engineer says we need so much pipe for this project. Korn stated that it is behind a commercial property and may be required to have that much pipe. Marsh stated at the last meeting they voted to postpone this indefinitely due to the cost of the project. Kemmler stated that we supported the Boy Scouts with this project; Korn, as new Chair, will need to explain why the decision was made. Kelley advised the Board that an e-mail was sent to the engineer; he is on vacation until the 18th of December. When a response is received, it will be included in the packet for next month's meeting. Marsh stated we mentioned several other projects that could be completed by the Boy Scouts; Fern Creek Crossing with botanical signs for the species of trees is one project that could be done. Kemmler requested that we wait to speak to the board Scouts until we have a definitive answer from the engineer. If it comes back with the high cost, then it will be explained by Korn. We will need to find a compromise to this before speaking to the Boy Scouts. This will be placed on the agenda for the January meeting.

I. OLD BUSINESS/NEW BUSINESS:**New Business: Property along South US #1**

Kemmler asked that this be placed on the agenda. He provided pictures of the property to be viewed. This property is located just south of Orange Avenue on US 1. Kelley also provided pictures of some ideas that the land could be used for. Again, it was stated by Kelley that no action is required by the Board at this time. This is something that Council is considering and no final decision has been made at this time. Thomas stated she had offered her real estate services to the Town pro-bono.

Old Business:

Siegmann reported that he is still working on the toilets; putting together a packet to explain port-o-lets and composting for the Community Park.

Disc Golf Park Apron

Kelley reported that the apron for this park was approved by Council and the funds would come from the Developer Recreational Fees to pay for it. We have had a lot going on with failing pipes throughout the town; the target date to have this project done was by the end of the calendar year. We are working on getting this done as quickly as possible; it may be that our Public Works crew may be doing the work and they have been very busy with other priorities. Kemmler asked that staff put together a time line to show the progress of the project and a targeted completion date.

J. BOARD MEMBER/STAFF REPORTS:**• Additional Outlet at Malabar Community Park – Staff Report**

Kelley reported that the outlets have been added at the baseball field and the vendor had been paid for their services.

• Playground Equipment Maintenance/Warranty Requirements – Staff Report

Kelley reported to the Board that we have a vested interest in maintaining the equipment. A water faucet has been added in the area so pressure washing the equipment can

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

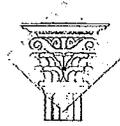
8. **Request from Sandra Tyler regarding Marie Street Improvements**

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 Scouter'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 Badia 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

July 17, 1995

Page 6

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 and "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.

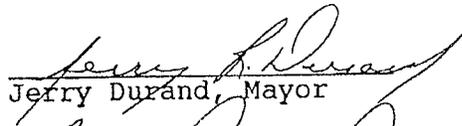
SECTION II. The Town of Malabar will continue to pursue regulatory measures and land acquisition programs which implement this ecological greenway network.

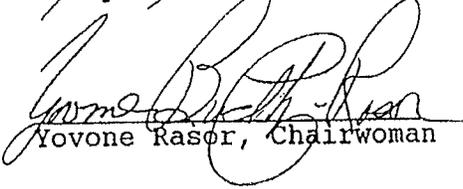
SECTION III. EFFECTIVE DATE. This Resolution shall become effective immediately upon its adoption.

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:

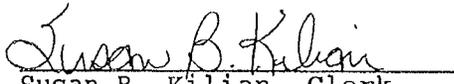
Yovone Rasor	<u>AYE</u>
Phillip Crews	<u>-</u>
John Detwiler	<u>AYE</u>
Julane Kikla	<u>AYE</u>
Connie Chiles-Cooke	<u>-</u>

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

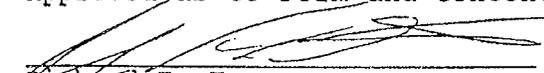

Jerry Durand, Mayor


Yovone Rasor, Chairwoman

ATTEST:


Susan B. Kilian, Clerk

Approved as to Form and Content:


Richard E. Torpy
Town Attorney

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.