

**PARK AND RECREATION ADVISORY BOARD  
REGULAR MEETING  
WEDNESDAY, SEPTEMBER 19, 2012  
7:30 PM  
TOWN OF MALABAR  
2725 MALABAR ROAD  
MALABAR, FLORIDA**

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**AGENDA**

- A. CALL TO ORDER, PRAYER AND PLEDGE**
- B. ROLL CALL**
- C. ADDITIONS/DELETIONS/CHANGES**
- D. PRESENTATIONS: Flag Etiquette – Ben DuBose**
- E. CONSENT AGENDA**
1. **Approval of Minutes**  
Regular Park and Recreation Meeting – 08/15/12  
Exhibit: Agenda Report No. 1  
Recommendation: Motion to approve
- F. PUBLIC:**
- G. ACTION:**
2. **Donation of Batting Cage at Malabar Community Park Baseball Field – Scott McLachlan**  
Exhibit: Agenda Report No. 2  
Recommendation: Recommendation to Council
3. **Move Small Gazebo in Huggins Park to Disc Golf Park**  
Exhibit: Agenda Report No. 3  
Recommendation: Recommendation to Council
4. **Signs at Malabar Community Park “Please Keep Out of the Water”**  
Exhibit: Agenda Report No. 4  
Recommendation: Recommendation to Council
- H. DISCUSSION:**
- I. OLD/NEW BUSINESS:**
- New Business: Save the Recreational Trails Program – Siegmann**  
Preliminary Draft of Bicycle Path for Malabar - Siegmann  
2012-B Recreational Trails Program Mini-Cycle Grant – Kelley
- Old Business: BPTAC Meeting – Pineda Causeway Pilot Program - Siegmann**  
Newsletter Contributions (Kelley)  
Grant Application Update (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: September 19, 2012**

**Prepared By: Cynthia Kelley, Secretary to Board**

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**SUBJECT: Approval Park Board Minutes**

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**BACKGROUND/HISTORY:**

Attached are the summary minutes for the following meetings:  
Regular Park & Recreation Board Meeting – 08/15/12

**ATTACHMENTS:**

- Draft Minutes from Park and Recreation regular meeting August 15, 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  
08/15/12 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 7:40 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, excused for vacation  
Bob Siegmann  
Dick Korn, excused for work  
Bernadette Knudson  
Cynthia Kelley, Recording Secretary

**C. ADDITIONS/DELETIONS/CHANGES:** Kelley advised the Chair that Mr. Kemmler had another appointment and he requested that his action item be moved to be heard after the consent agenda. With no objection, Action Item #G4 was moved.

**D. PRESENTATIONS:** None

**E. CONSENT AGENDA**

1. **Approval of Minutes**  
**Regular Park and Recreation Meeting – 07/18/12**  
**Exhibit:** Agenda Report No.1  
**Recommendation:** Motion to approve

Discussion: None

**MOTION: Siegmann/Marsh to approve the minutes from July 18, 2012 as presented. VOTE: All Ayes.**

**AT THIS TIME, ACTION ITEM #G4 WAS HEARD. SEE BELOW FOR DISCUSSION AND MOTION.**

**F. PUBLIC:**

**G. ACTION:**

2. **Move Small Gazebo in Huggins Park to Disc Golf Park (Korn)**  
**Exhibit:** Agenda Report No. 2  
**Recommendation:** Recommendation to Council

Discussion: Kelley advised the Board that Korn asked to have this on the agenda as a list of equipment in the park was brought to the attention of the Board last month by Council Member Beatty. Since Korn was out of town, Knudson spoke to this; stated that there really is no room to move the gazebo from Huggins Park to the Disc Golf Park. She asked if the fence at the Disc Golf Park had been moved as of yet to take care of the parking issue. Kelley stated that she didn't think it had been moved yet. Knudson stated that if the Board wanted to move the gazebo, it could be used in the Malabar Community Park. Marsh stated that she thought it would stay in Huggins Park and be used once the retrofit is completed. She said this should be tabled until the Board decided what they want to keep in Huggins Park.

**MOTION: Siegmann/Knudson moved that the gazebo in Huggins Park not be moved to Disc Golf Park due to Knudson's comments that there is no room. VOTE: All Ayes.**

**3. Signs at Malabar Community Park "Please Keep Out Of The Water" (Korn)**

**Exhibit:** Agenda Report No. 3

**Recommendation:** Recommendation to Council

Discussion: Kelley advised the Board that this was put on the agenda by Korn. He brought this up at the last meeting stating that he and his wife, while at the Malabar Community Park, saw a couple pull in with a horse trailer. The couple unloaded their two horses and proceeded to wade with the horses in the Damon-Arnold Lake. Staff had made contact with the Health Department to see what would need to take place to close a lake. Staff now has the knowledge needed to close the lake if the Board makes that recommendation to Council. Siegmann stated that the water is shallow and stays hot; this causes the living organism to be in the lake. Marsh stated, at a minimum, there should be something out at the park in the form of signage to protect the Town from liability. Knudson stated the deepest part of the lake is only one to two feet of water. Marsh stated she wants more information as to what signs are posted at the entrance of the park regarding people using the facilities at their own risk.

**MOTION: Siegmann/Knudson recommended that more research and investigation needs to be done in order to determine if there is the proper signage for people to use the Community Park in all endeavors and is there any ordinance in existence reflecting this. VOTE: All Ayes.**

**4. Foot Bridge at Disc Golf Park (Kemmler)**

**Exhibit:** Agenda Report No. 4

**Recommendation:** Recommendation to Council

Discussion: Kemmler came forward and gave a brief over-view of the issue with the area that a foot bridge could be placed. This could be a hazard to get around the wet area as people would have to step into the line of someone throwing a disc. Kelley advised the Board that staff is in support of this; the funds are available in this FY and if a recommendation is sent to Council and Council approves it, the supplies would be purchased before the end of the FY. Kemmler stated that he and one other player are willing to build this bridge as no Boy Scout will be ready for a project before the end of the FY. Siegmann did ask if the 4 foot bridge would be ADA compliant; Kemmler stated it would be and it will only be 1 to 1 ½ feet off the ground so there would be no need for railing. Knudson stated this would be money well spent.

**MOTION: Siegmann/Knudson moved that Council allocate \$500 for the construction of a foot bridge at the Disc Golf Park. VOTE: All Ayes.**

**5. Cow Bell 5K Run – Sunday, March 31, 2013**

**Exhibit:** Agenda Report No. 5

**Recommendation:** Recommendation to Council

Discussion: Kelley advised the Board that staff is trying to lock in the date for this event. The Running Zone, who managed the run last year, has this date available and will give us the same rates as last year as well. The cost would be \$1700 to manage the run and \$2/person who participates in the run. Kelley also advised the Board that the SpringFest

would be a one day event and the Cow Bell 5K would be a stand-alone event on Sunday, March 31, 2012. There would not be a pancake breakfast as the Fire Department is not doing them anymore.

**MOTION: Knudson/Siegmann moved that Council support the Cow Bell 5K Run/Walk be held on Sunday, March 31, 2013. VOTE: All Ayes.**

**H. DISCUSSION:**

**I. OLD/NEW BUSINESS:**

**New Business: Newsletter Contributions (Franklin)**

Kelley advised the Board that this suggestion came from Council Member McKnight; the information that goes into the Mailboat should not just come from the Clerk's office. He suggested that every Council Member write a brief article and each Board, as a whole, write about what their Board is working on. Marsh suggested that each member of this Board write a couple of sentences about the park that they report on and provide to her. She will then combine all the information and provide an article to the Clerk's office by mid October. It is the general consensus of the Board to prepare the Park Board's article this way. Kelley advised Siegmann that the Town Clerk would like an article from him regarding what he's been working on with the bike trails in Malabar.

**Old Business: Recommendations to Council – Culvert Placement at 17 Acres Parcel on Weber Road & Memorial Plaque for Mayor Eschenberg (Franklin)**

Kelley advised the Board that the culvert for the 17 acres was approved by Council at the last RTCM.

With regards to the plaque for Mayor Eschenberg, Council would like to see some cost information for the plaque. They would also like to have ideas of what the Board would like to do in the Park. Kelley advised the Knudson, as she was not at the last Park Board meeting, that Korn and Council Member Beatty suggested a memorial garden at the park. In doing something like this, you can move Kelvington's plaque to this area as well. Marsh stated she likes the plaques that are on a post and tilted so it's easy to read. Kelley asked the Board what type of plaque they would want. Siegmann stated that the plaque should be bronze as it will last forever. Kelley asked who would make the calls to find out the cost of the plaque. Marsh asked if the staff could make calls because the people who do our name plates. Kelley stated she would call to see what the cost is but the Board needs to say how big they want the plaque to be. Marsh stated 8.5 by 11 with the wooden post because, in the park, it will look rustic and fit in perfectly. Siegmann also stated he would help Kelley with the logistics of the plaque.

**J. BOARD MEMBER/STAFF REPORTS:**

- **Cameron Preserve – Thomas**

Thomas was excused for vacation.

- **Disc Golf Park – Knudson**

Knudson reported that with the discussion earlier, the park is in good shape.

- **Fern Creek Crossing Park – Siegmann**

Siegmann reported that is okay; it's a little overgrown at this time. Kelley stated the PW crew is very busy with failing pipe projects.

- **Huggins Park – Marsh**

Marsh reported that is the same; there has been no change.

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

Thomas was excused for vacation and Korn was excused for work.

- **Trailhead – Siegmann**

Siegmann reported that all is good and still there. The gates are still functional and Dotson's plaque is still in place.

**K. ADJOURNMENT**

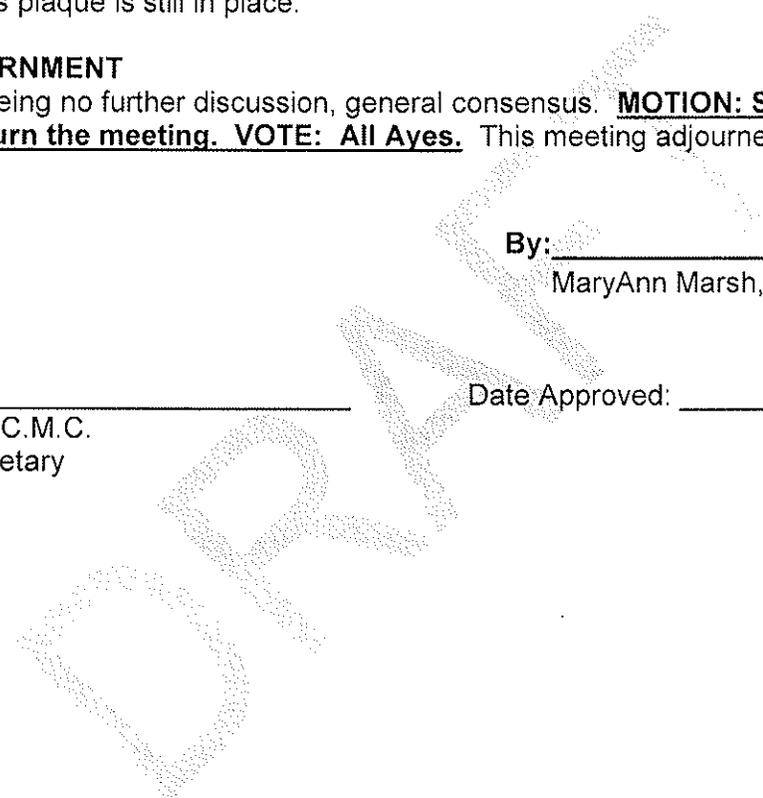
There being no further discussion, general consensus. **MOTION: Siegmann / Knudson to adjourn the meeting. VOTE: All Ayes.** This meeting adjourned at 8:20 pm.

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: September 19, 2012**

**Prepared By: Cynthia Kelley, Secretary to Board**

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**SUBJECT: Donation of Batting Cage at Malabar Community Park Baseball Field –  
Scott McLachlan**

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**BACKGROUND/HISTORY:**

Town resident and business owner Scott McLachlan would like to make a donation of a batting cage in the Malabar Community Park to the Town of Malabar. He is a coach for the local softball team in Town and uses the ball field for game practices. Mr. McLachlan would have the batting cage delivered and set on the east side of the fence between the bleachers and the fenced in irrigation system fence. There would be no cost to the Town for this donation and setting of the batting cage.

**ATTACHMENTS:**

Batting cage information sheet  
Rendering of Park showing placement of the batting cage  
Email dated August 19, 2012 from Debby Franklin, Town Clerk/Treasurer

**ACTION OPTIONS:**

Discussion and recommendation to Council.

Home / Batting Cages / Little League Coach Batting Cages

## Little League Coach Batting Cages

### Shop By

#### Price

- [\\$0.00 - \\$599.99 \(11\)](#)
- [\\$600.00 - \\$649.99 \(9\)](#)
- [\\$650.00 - \\$719.99 \(14\)](#)
- [\\$720.00 - \\$799.99 \(14\)](#)
- [\\$800.00 - \\$899.99 \(10\)](#)
- [\\$900.00 and above \(13\)](#)

#### Availability

- [Stock \(13\)](#)
- [Special Order \(58\)](#)

#### Mesh Shape

- [Diamond \(47\)](#)
- [Squared \(24\)](#)

#### Twine Size

- [#30 Heavy Duty \(24\)](#)
- [#36 Extra Heavy Duty \(47\)](#)

#### Length (Feet)

- [45 \(11\)](#)
- [50 \(12\)](#)
- [55 \(12\)](#)
- [60 \(12\)](#)
- [65 \(12\)](#)
- [70 \(12\)](#)

#### Width (Feet)

- [12 \(35\)](#)
- [14 \(36\)](#)

#### Height (Feet)

- [12 \(35\)](#)
- [14 \(36\)](#)

#### Assembly

- [Assembled \(71\)](#)



### Compare Products

You have no items to compare.

These heavy duty batting cages are perfect for your Little League player or team. Batting Cages are hand crafted in the USA from 100% high tenacity solution dyed nylon, knotted construction.

- Batting cages #36 and above are available in both diamond and squared mesh
- 1-7/8" mesh is ideal for both hard and soft balls
- Batting cages #30 and above are laced with 3/8" polypropylene rope including: (i) around the bottom perimeter of the batting cage, (ii) three ropes lengthwise on top including a center rib line and (iii) two transverse ropes across the top of the batting cage. Lengthwise and transverse ropes extend outward 6' from the batting cage.
- Optional doors are available on all batting cages upon request

**#30 Batting Cage-  
12'x12'x45'-Black**

Regular-Price: ~~\$556.00~~  
**Special Price: \$500.40**

**#30 Batting Cage-  
12'x12'x50'-Black**

Regular-Price: ~~\$603.00~~  
**Special Price: \$542.70**

**#30 Batting Cage-  
12'x12'x55'-Black**

Regular-Price: ~~\$651.00~~  
**Special Price: \$585.90**





BATting Cage 14' wide + 55' Long x 12' Height

## Cindi Kelley

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**From:** Town Clerk / Treasurer  
**Sent:** Sunday, August 19, 2012 7:14 PM  
**To:** Cindi Kelley  
**Cc:** Town Clerk / Treasurer  
**Subject:** agenda item for next Park Bd Mtg

Scott McLaughlin wants to donate and will install a batting cage outside the softball field. If Park Board supports accepting this donation, their recommendation will go to Council on the Oct 1, 2012 meeting.

*Debby K. Franklin, C.M.C.*

Town Clerk/Treasurer  
Town of Malabar  
2725 Malabar Road  
Malabar, FL 32950  
[townclerk@townofmalabar.org](mailto:townclerk@townofmalabar.org)  
321-727-7764 x12  
321-722-2234 Fax  
321-213-8009 Cell  
Town Website: [www.townofmalabar.org](http://www.townofmalabar.org)

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

**TOWN OF MALABAR**  
**PARK AND RECREATION**

**AGENDA ITEM REPORT**

**AGENDA ITEM NO: 3**  
**Meeting Date: September 19, 2012**

**Prepared By: Cynthia Kelley, Secretary to Board**

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**SUBJECT: Move Small Gazebo in Huggins Park to Disc Golf Park (Korn & Knudson)**

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**BACKGROUND/HISTORY:**

At the meeting of August 15, 2012, the Park Board discussed moving the small gazebo from Huggins Park to the Disc Golf Park. At that time, Board Member Korn was not present to discuss this; he asked for it to be placed on the agenda. Board Member Knudson spoke to this and stated that at this time, there is no room for it. However, since the last meeting, Board Members Korn and Knudson had spoken with Hans Kemmler and were told that there is room there since the parking issue had been taken care of. Both Board Members asked that this be re-visited for action. Mr. Kemmler will also be present to speak on this.

**ATTACHMENTS:**

Draft minutes from 08/15/12 Park Board Meeting  
Email dated 09/09/12 from Dick Korn

**ACTION OPTIONS:**

Discussion and recommendation to Council.

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  
08/15/12 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 7:40 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, excused for vacation  
Bob Siegmann  
Dick Korn, excused for work  
Bernadette Knudson  
Cynthia Kelley, Recording Secretary

**C. ADDITIONS/DELETIONS/CHANGES:** Kelley advised the Chair that Mr. Kemmler had another appointment and he requested that his action item be moved to be heard after the consent agenda. With no objection, Action Item #G4 was moved.

**D. PRESENTATIONS:** None

**E. CONSENT AGENDA**

1. **Approval of Minutes**  
**Regular Park and Recreation Meeting – 07/18/12**  
**Exhibit:** Agenda Report No.1  
**Recommendation:** Motion to approve

Discussion: None

**MOTION: Siegmann/Marsh to approve the minutes from July 18, 2012 as presented. VOTE: All Ayes.**

**AT THIS TIME, ACTION ITEM #G4 WAS HEARD. SEE BELOW FOR DISCUSSION AND MOTION.**

**F. PUBLIC:**

**G. ACTION:**

2. **Move Small Gazebo in Huggins Park to Disc Golf Park (Korn)**  
**Exhibit:** Agenda Report No. 2  
**Recommendation:** Recommendation to Council

Discussion: Kelley advised the Board that Korn asked to have this on the agenda as a list of equipment in the park was brought to the attention of the Board last month by Council Member Beatty. Since Korn was out of town, Knudson spoke to this; stated that there really is no room to move the gazebo from Huggins Park to the Disc Golf Park. She asked if the fence at the Disc Golf Park had been moved as of yet to take care of the parking issue. Kelley stated that she didn't think it had been moved yet. Knudson stated that if the Board wanted to move the gazebo, it could be used in the Malabar Community Park. Marsh stated that she thought it would stay in Huggins Park and be used once the retrofit is completed. She said this should be tabled until the Board decided what they want to keep in Huggins Park.

→ **MOTION: Siegmann/Knudson moved that the gazebo in Huggins Park not be moved to Disc Golf Park due to Knudson's comments that there is no room. VOTE: All Ayes.**

**3. Signs at Malabar Community Park "Please Keep Out Of The Water" (Korn)**

**Exhibit:** Agenda Report No. 3

**Recommendation:** Recommendation to Council

Discussion: Kelley advised the Board that this was put on the agenda by Korn. He brought this up at the last meeting stating that he and his wife, while at the Malabar Community Park, saw a couple pull in with a horse trailer. The couple unloaded their two horses and proceeded to wade with the horses in the Damon-Arnold Lake. Staff had made contact with the Health Department to see what would need to take place to close a lake. Staff now has the knowledge needed to close the lake if the Board makes that recommendation to Council. Siegmann stated that the water is shallow and stays hot; this causes the living organism to be in the lake. Marsh stated, at a minimum, there should be something out at the park in the form of signage to protect the Town from liability. Knudson stated the deepest part of the lake is only one to two feet of water. Marsh stated she wants more information as to what signs are posted at the entrance of the park regarding people using the facilities at their own risk.

**MOTION: Siegmann/Knudson recommended that more research and investigation needs to be done in order to determine if there is the proper signage for people to use the Community Park in all endeavors and is there any ordinance in existence reflecting this. VOTE: All Ayes.**

**4. Foot Bridge at Disc Golf Park (Kemmler)**

**Exhibit:** Agenda Report No. 4

**Recommendation:** Recommendation to Council

Discussion: Kemmler came forward and gave a brief over-view of the issue with the area that a foot bridge could be placed. This could be a hazard to get around the wet area as people would have to step into the line of someone throwing a disc. Kelley advised the Board that staff is in support of this; the funds are available in this FY and if a recommendation is sent to Council and Council approves it, the supplies would be purchased before the end of the FY. Kemmler stated that he and one other player are willing to build this bridge as no Boy Scout will be ready for a project before the end of the FY. Siegmann did ask if the 4 foot bridge would be ADA compliant; Kemmler stated it would be and it will only be 1 to 1 ½ feet off the ground so there would be no need for railing. Knudson stated this would be money well spent.

**MOTION: Siegmann/Knudson moved that Council allocate \$500 for the construction of a foot bridge at the Disc Golf Park. VOTE: All Ayes.**

**5. Cow Bell 5K Run – Sunday, March 31, 2013**

**Exhibit:** Agenda Report No. 5

**Recommendation:** Recommendation to Council

Discussion: Kelley advised the Board that staff is trying to lock in the date for this event. The Running Zone, who managed the run last year, has this date available and will give us the same rates as last year as well. The cost would be \$1700 to manage the run and \$2/person who participates in the run. Kelley also advised the Board that the SpringFest

## Cindi Kelley

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**From:** Dick Korn [rumbo@rumbopet.com]  
**Sent:** Sunday, September 09, 2012 10:36 AM  
**To:** Cindi Kelley  
**Subject:** Request for agenda item

Cindi

I apologize for missing the August meeting and the discussion concerning the move of the small Gazebo to Disc Golf Park.

I would like this on the agenda for this month to reconsider.

I asked Hans to determine if there is a need, want and room for this structure at the DGP He has told me yes and that he would be at the P&R meeting in Sept to contribute to the discussion My reason for requesting this move is that it is not being used at Huggins park and would be used a lot at the DGP.

In developing our site plan for the renovation of Huggins park, we can include a new Gazebo (if needed) along with any other facilities and structures deemed appropriate for the projected use there.

There is much to be done at Huggins Park to meet our goal and this should necessitate a Grant request to accomplish the goal. (As one who fits the targeted age group, I can say that restroom facilities and more than adequate shade are a must for a "senior citizens" facility).

Perhaps even an activities building along with the shuffleboard and bocci(?) ball areas.

Lets use what equipment we have now where it can be best used now and make extensive plans for the future use of Huggins park

Thank you

Dick Korn

**TOWN OF MALABAR**  
**PARK AND RECREATION**

**AGENDA ITEM REPORT**

**AGENDA ITEM NO: 4**  
Meeting Date: September 19, 2012

Prepared By: Cynthia Kelley, Secretary to Board

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**SUBJECT: Signs at Malabar Community Park “Please Keep Out of the Water”**

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**BACKGROUND/HISTORY:**

At the meeting of August 15, 2012, the Park Board discussed the closing of the Damon-Arnold Lake at the Malabar Community Park. A motion was made to have more research on this matter before making a recommendation to Council. The Board wants to know if there is proper signage for people to use the community park in all endeavors and if there is an ordinance in existence reflecting this. A copy of the chapter of the Malabar Code Book for Parks & Recreation is included in this packet for the Board's determination regarding an ordinance as stated in the motion from Siegmann/Knudson. Staff will include an informational article in the next issue of the Malabar Mailboat to inform residents of this information.

**ATTACHMENTS:**

Draft minutes from 08/15/12 Park Board Meeting  
Information sheet on Naegleria Infection  
Chapter 12.5 – Park and Recreations Regulations of Malabar Code Book  
Agenda Report from August 15, 2012 Park Board Meeting

**ACTION OPTIONS:**

Discussion and recommendation to Council.

**MOTION: Siegmann/Knudson moved that the gazebo in Huggins Park not be moved to Disc Golf Park due to Knudson's comments that there is no room. VOTE: All Ayes.**

**3. Signs at Malabar Community Park "Please Keep Out Of The Water" (Korn)**

**Exhibit:** Agenda Report No. 3

**Recommendation:** Recommendation to Council

Discussion: Kelley advised the Board that this was put on the agenda by Korn. He brought this up at the last meeting stating that he and his wife, while at the Malabar Community Park, saw a couple pull in with a horse trailer. The couple unloaded their two horses and proceeded to wade with the horses in the Damon-Arnold Lake. Staff had made contact with the Health Department to see what would need to take place to close a lake. Staff now has the knowledge needed to close the lake if the Board makes that recommendation to Council. Siegmann stated that the water is shallow and stays hot; this causes the living organism to be in the lake. Marsh stated, at a minimum, there should be something out at the park in the form of signage to protect the Town from liability. Knudson stated the deepest part of the lake is only one to two feet of water. Marsh stated she wants more information as to what signs are posted at the entrance of the park regarding people using the facilities at their own risk.

**MOTION: Siegmann/Knudson recommended that more research and investigation needs to be done in order to determine if there is the proper signage for people to use the Community Park in all endeavors and is there any ordinance in existence reflecting this. VOTE: All Ayes.**

**4. Foot Bridge at Disc Golf Park (Kemmler)**

**Exhibit:** Agenda Report No. 4

**Recommendation:** Recommendation to Council

Discussion: Kemmler came forward and gave a brief over-view of the issue with the area that a foot bridge could be placed. This could be a hazard to get around the wet area as people would have to step into the line of someone throwing a disc. Kelley advised the Board that staff is in support of this; the funds are available in this FY and if a recommendation is sent to Council and Council approves it, the supplies would be purchased before the end of the FY. Kemmler stated that he and one other player are willing to build this bridge as no Boy Scout will be ready for a project before the end of the FY. Siegmann did ask if the 4 foot bridge would be ADA compliant; Kemmler stated it would be and it will only be 1 to 1 ½ feet off the ground so there would be no need for railing. Knudson stated this would be money well spent.

**MOTION: Siegmann/Knudson moved that Council allocate \$500 for the construction of a foot bridge at the Disc Golf Park. VOTE: All Ayes.**

**5. Cow Bell 5K Run – Sunday, March 31, 2013**

**Exhibit:** Agenda Report No. 5

**Recommendation:** Recommendation to Council

Discussion: Kelley advised the Board that staff is trying to lock in the date for this event. The Running Zone, who managed the run last year, has this date available and will give us the same rates as last year as well. The cost would be \$1700 to manage the run and \$2/person who participates in the run. Kelley also advised the Board that the SpringFest



## ***Naegleria* Infection**

(nigh-GLEER-e-uh)

### **What is *Naegleria*?**

*Naegleria* is an amoeba commonly found in warm freshwater and soil. Only one species of *Naegleria* infects people, *Naegleria fowleri*. It causes a very rare but severe brain infection. Most infections are fatal.

### **How does infection with *Naegleria* occur?**

*Naegleria* infects people by entering the body through the nose. Generally, this occurs when people use warm freshwater for activities like swimming or diving. The amoeba travels up the nose to the brain and spinal cord where it destroys the brain tissue. Infections do not occur as a result of drinking contaminated water.

### **Where is *Naegleria* found?**

*Naegleria fowleri* is found around the world. In the United States, it has caused infections in 15 southern tier states (AR, AZ, CA, FL, GA, LA, MO, MS, NC, NM, NV, OK, SC, TX, and VA). The amoeba grows best in warm or hot water. Most commonly, the amoeba may be found in:

- Bodies of warm freshwater, such as lakes or rivers
- Geothermal (naturally hot) water such as hot springs
- Geothermal (naturally hot) drinking water sources
- Warm water discharge from industrial plants
- Poorly maintained and minimally-chlorinated or unchlorinated swimming pools
- Soil

*Naegleria* is not found in salt water locations like the ocean.

### **Can I get a *Naegleria* infection from a disinfected swimming pool?**

No. You cannot get a *Naegleria* infection from a properly cleaned, maintained, and disinfected swimming pool.

### **How common are *Naegleria* infections in the United States?**

Infections are very rare even though *Naegleria* is commonly found in freshwater. In the 10 years from 1998 to 2007, 33 infections were reported in the U.S. Thirty-one people had contact with recreational water and two people had contact with water from a geothermal (naturally hot) water supply.

### **When do *Naegleria* infections most commonly occur?**

While infections with *Naegleria* are very rare, they occur mainly during the summer months of July, August, and September. These infections are more likely to occur in southern tier states. They usually occur when it is hot for prolonged periods causing higher water

temperatures and lower water levels. Infections can increase during heat wave years.

### **Can infection be spread from one person to another?**

No. *Naegleria* infection cannot be spread from one person to another.

### **What are the symptoms of *Naegleria* infection?**

Infection with *Naegleria* causes the disease primary amebic meningoencephalitis (PAM), a brain infection that leads to the destruction of brain tissue. In its early stages, *Naegleria* infection may be similar to bacterial meningitis.

Initial symptoms of PAM start 1 to 14 days after infection. The initial symptoms include headache, fever, nausea, vomiting, and stiff neck. Later symptoms include confusion, lack of attention to people and surroundings, loss of balance, seizures, and hallucinations. After the start of symptoms, the disease progresses rapidly and usually causes death within 3 to 7 days.

### **Is there effective treatment for infection with *Naegleria*?**

It is not clear. Several drugs are effective against *Naegleria* in the laboratory. However, their effectiveness is unclear since almost all infections have been fatal even when people were treated.

### **What should I do if I have been swimming or playing in warm freshwater and now I think I have symptoms associated with *Naegleria*?**

Infection with *Naegleria* is very rare. The early symptoms of *Naegleria* infection are more likely to be caused by other more common illnesses, such as meningitis. People should seek medical care immediately whenever they develop a sudden onset of fever, headache, stiff neck, and vomiting particularly if they have been in warm fresh water within the previous 2 weeks.

### **How common is *Naegleria* in the environment?**

*Naegleria* is commonly found in most lakes in southern tier states during the summer. This means that recreational water users should be aware that there will always be a low level risk of infection when entering these waters.

### **Is there a routine and rapid test for *Naegleria* in the water?**

No. It can take weeks to grow and identify the ameba. Newer genetic detection tests for ameba are still under development. Water testing suggests that the amebae are so common that recreational water users should assume that there is a low level of risk when entering all warm fresh water in southern tier states.

### **How does the risk of *Naegleria fowleri* infection compare with other water-related risks?**

Although the infections are severe, the risk of *Naegleria fowleri* infection is very low. There have been 33 reported infections in the U.S. during the 10 years from 1998 to 2007, despite millions of recreational water exposures each year. By comparison, during the ten years from 1996 to 2005, there were over 36,000 drowning deaths in the U.S.

## How will the public know if a lake or other water body has *Naegleria*?

Recreational water users should assume that there is always a low level of risk whenever they enter warm freshwater (for example swimming, waterskiing) in southern tier states. Posting signs is unlikely to be an effective way to prevent infections. This is because the location and number of amebae in the water can vary a lot over time. In addition, posted signs might create a misconception that bodies of water without signs are *Naegleria*-free. Information about the risks of *Naegleria* infection should be put into public health messages discussing general issues of water safety and risk.

## How can I reduce the risk of infection with *Naegleria*?

*Naegleria* is found in many warm freshwater lakes and rivers in the United States, particularly in southern tier states. It is likely that a low risk of *Naegleria* infection will always exist with recreational use of warm freshwater lakes, rivers, and hot springs. The low number of infections makes it difficult to know why some people have been infected compared to the millions of other people using the same or similar waters across the U.S. The only known way to prevent *Naegleria* infections is to refrain from water-related activities. However, some measures that might reduce risk by limiting the chance of contaminated water going up the nose include:

- Avoid water-related activities in bodies of warm freshwater, hot springs, and thermally-polluted water such as water around power plants.
- Avoid water-related activities in warm freshwater during periods of high water temperature and low water levels.
- Hold the nose shut or use nose clips when taking part in water-related activities in bodies of warm freshwater such as lakes, rivers, or hot springs.
- Avoid digging in or stirring up the sediment while taking part in water-related activities in shallow, warm freshwater areas.

For further information on protecting yourself from recreational water illnesses, go to <http://www.cdc.gov/healthyswimming>.

Developed by the *Naegleria* Workgroup sponsored by the Council of State and Territorial Epidemiologists and CDC, April 30, 2008.

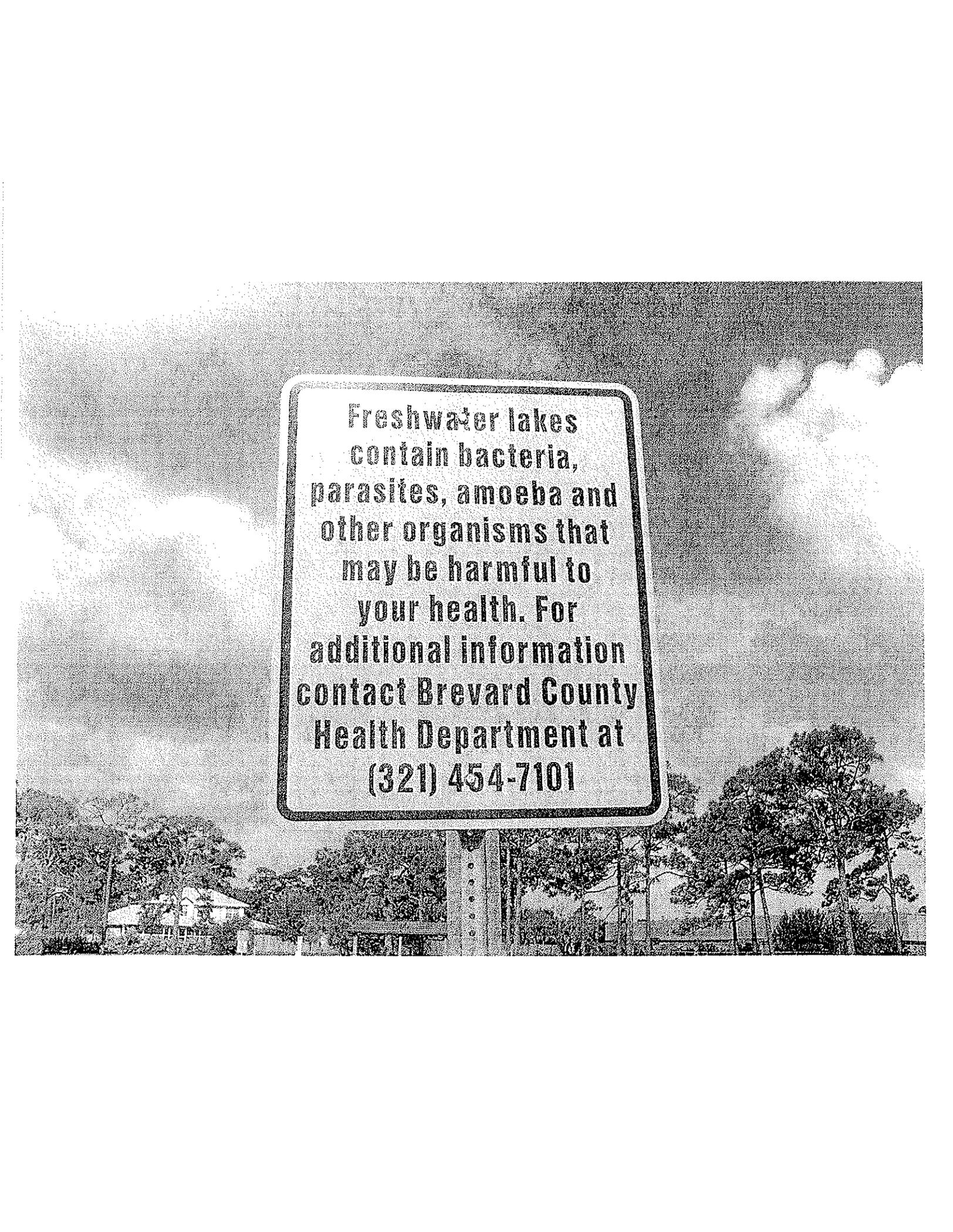
*This fact sheet is for information only and is not meant to be used for self-diagnosis or as a substitute for consultation with a health care provider. If you have any questions about the disease described above or think that you may have a parasitic infection, consult a health care provider.*

From [http://www.cdc.gov/ncidod/dpd/parasites/naegleria/factsht\\_naegleria.htm](http://www.cdc.gov/ncidod/dpd/parasites/naegleria/factsht_naegleria.htm)



DEPARTMENT OF HEALTH AND HUMAN SERVICES  
CENTERS FOR DISEASE CONTROL AND PREVENTION  
SAFER • HEALTHIER • PEOPLE™





**Freshwater lakes  
contain bacteria,  
parasites, amoeba and  
other organisms that  
may be harmful to  
your health. For  
additional information  
contact Brevard County  
Health Department at  
(321) 454-7101**

Chapter 12.5

**PARK AND RECREATIONS REGULATIONS**

- Art. I. General, §§ 12.5-1—12.5-15**  
**Art. II. Rules and Regulations, §§ 12.5-16—12.5-30**  
**Art. III. Violations and Penalties, §§ 12.5-31—12.5-57**

**ARTICLE I. GENERAL**

**Sec. 12.5-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings subscribed to them in this section, except where their context clearly indicates a different meaning:

*Alcoholic beverages* means and includes any beer, wine, fortified wine, liquor or alcoholic beverages defined in F.S. Ch. 561.

*Closing hours* mean the time period during which a park or recreation facility is closed to the general public.

*Motor vehicle* means and includes any vehicle which is self-propelled.

*Park* means and includes any park, reservation, playground, beach, recreation center, refuse, sanctuary or other area owned, leased, operated or maintained by the town and devoted to active or passive recreation.

*Permit* means written document issued by the town granting permission for special activity.

*Recreational facility* means and includes a facility for recreational purposes on property owned, leased, operated or maintained by the town.

*Town administrator* means the town administrator or his designee.

*Vehicle* means and includes any water craft or wheeled conveyance, whether motor powered, animal drawn or self-propelled. This term shall include any trailer in tow of any size, kind or description.

(Ord. No. 00-6, § 1, 3-5-01; Ord. No. 11-43, § 2, 8-15-11)

**Secs. 12.5-2—12.5-15. Reserved.**

**ARTICLE II. RULES AND REGULATIONS**

**Sec. 12.5-16. Regulation of facilities.**

(a) Authority. The Town Council of the Town of Malabar, by and through this chapter, hereby adopt the aforementioned rules and regulations regarding the use of parks and recreational facilities owned or operated by the town which include but are not limited to the

use of supplies and equipment, the charge and payment of fees, the hours of operation, the use and parking of vehicles, the conduct and overall safety of persons within the parks and the general use of parks and recreational facilities for each such park and recreational facility as may be necessary.

(b) The Town Council of the Town of Malabar hereby empowers the town administrator, the town code enforcement officer and the Brevard County Sheriff's office with authority to enforce any and all provisions of this chapter. The town administrator, however, shall be responsible for the day to day operations of any and all parks and recreational facilities located within the town.

(c) Ejectment. The town administrator, the town code enforcement officer, or Brevard County Sheriff's Office shall have authority to eject from the park any person found to be in violation of any provision of this chapter. Ejectment shall be in addition to any penalty hereinafter described.

(d) Penalty for violation. Whoever violates any regulation contained herein, after being given notice of such regulation, either oral or written, or whoever violates a regulation when the regulation is posted on a sign in the park, shall forfeit any fees or deposits paid to the town and may be punished pursuant to the provisions of Chapter 12 of the Code of Ordinances, the Town of Malabar, Florida.

(e) Intent. The general purpose and intent behind this chapter is to establish uniform procedures for individuals and organizations using town parks and recreational facilities.  
(Ord. No. 00-6, § 1, 3-5-01)

**Sec. 12.5-17. Designated areas.**

*Areas designated for specific activities.* The town administrator shall have the power to designate areas and facilities in any park and recreational facilities for specific activities, and to prohibit other activities within the designated area. The town administrator shall be the official custodian of a list of all areas which have been designated for specific activities. Such list shall contain a description of the property which is designated for a specific activity and the nature of the activities which are permitted. The town administrator is authorized to post designated areas when, in his discretion, such posting is appropriate.

(Ord. No. 00-6, § 1, 3-5-01)

**Sec. 12.5-18. Emergency exclusion of public.**

In an emergency, when the town administrator or his designee determines that the public interest, public health, public morals and public safety require such action, any park or recreational facility or any part thereof may be closed and all persons may be excluded from such area.

(Ord. No. 00-6, § 1, 3-5-01)

**Sec. 12.5-19. Right of entry.**

The town administrator and his employees and/or any law enforcement officer shall have the right at all times to enter the premises of any building, structure or enclosure of any park or recreational facility including such grounds, buildings, structures or enclosures as may be leased or set aside for the private or exclusive use of any individual or group.

(Ord. No. 00-6, § 1, 3-5-01)

**Sec. 12.5-20. Permits.**

Permit for special activity—Required. A permit shall be required before any area may be designated as reserved for any special activity. Availability and reservation of a park or recreational facility shall be on a first come first served basis.

The department shall issue a permit when:

- (1) The desired park (or requested portion thereof) or recreational facility has not been reserved for other use at the time requested.
- (2) The applicant has provided a fee as established by resolution of the town council for the activity.
- (3) The applicant has acquired public liability insurance where required by the town.
- (4) The proposed activity or activities will occur in an area designated for such activity or activities.
- (5) The applicant has agreed to indemnify and hold the town harmless in writing for any and all activity of the applicant and/or his guests or invitees.
- (6) The applicant agrees to abide by all the rules set herein.

The town shall deny the permit application if any of the above conditions are not met.

All permits shall be signed by the town administrator or his designee.

The town administrator or his designee shall notify the applicant whether an applicant's permit is granted or denied and if denied, the reasons for such denial.

The applicant may appeal the refusal of a permit to the town council. The appeal shall be made by the applicant within five (5) days after notification of such refusal by filing a written notice with the town clerk. The town council shall consider the appeal at the next regularly scheduled meeting or within forty-five (45) days of a timely filed notice of appeal, whichever is sooner. If the town council does not meet within forty-five (45) days the permit shall be issued by the town administrator or his designees. The town council shall direct the town administrator to issue the permit unless the town administrator demonstrates that the applicant failed to meet the permit requirements. In the event the town council affirms the denial of the permit, the applicant may immediately request a review by a court of competent jurisdiction subject to the rules and laws governing such application to such court. The denial of a permit because the applicant applied for park or recreational facility has been previously reserved is not a basis for an appeal.

The town administrator or his duly authorized designee shall have the authority to revoke any permit upon finding of violation of any rule or regulation contained herein.

(Ord. No. 00-6, § 1, 3-5-01)

**Sec. 12.5-21. Permit application.**

Permit applications shall state: The name and address of the applicants; the name and address of the persons sponsoring the activity; the day and hours for which the permit is desired; the park or portion thereof for which such permit is desired; an estimate of the anticipated attendance; and any other information necessary to make a determination whether a permit shall be issued.

(Ord. No. 00-6, § 1, 3-5-01)

**Sec. 12.5-22. Fees.**

The park and recreation board may recommend appropriate fees and charges for the use of public parks and recreational facilities within the town. Said fees and charges may be adopted by resolution at the town council. The fees at this time shall be treated as a refundable deposit to ensure that the park area is left in a clean, undamaged state.

(Ord. No. 00-6, § 1, 3-5-01)

**Sec. 12.5-23. Liability.**

The following are considered high risk or commercial activities: Athletic activities that involve physical contact; alcoholic beverage usage; sale of food at events open to the public; activities where amplified music is a primary function; commercial activities at events open to the public. For any group utilizing parks or recreational facilities for high risk or commercial activities shall be required to provide general comprehensive liability insurance in the amount of not less than three hundred thousand dollars (\$300,000.00) per occurrence to cover any and all claims and costs arising in connection with any accident or occurrence related to such activity. Additionally, fire damage liability insurance for leased premises in the amount of not less than fifty thousand dollars (\$50,000.00) per occurrence is also required as conditioned to issuance of a permit. Where insurance is required, the town shall be named as an additional insured on any such policy. A copy of the certificate of insurance or letter binding the insurance company shall be provided to the town prior to the issuance of any and all permits.

This provision may be waived at the discretion of the town administrator.

(Ord. No. 00-6, § 1, 3-5-01)

**Secs. 12.5-24—12.5-30. Reserved.**

**ARTICLE III. VIOLATIONS AND PENALTIES****Sec. 12.5-31. Hours of operation.**

Except for unusual and unforeseen emergencies and general maintenance, parks and recreational facilities shall be opened to the public every day of the year during designated hours. The designated hours shall be determined by the town administrator. The opening and closing for each individual park shall be posted therein for public information.

(Ord. No. 00-6, § 1, 3-5-01)

**Sec. 12.5-32. Closed areas.**

Any section or part of any park may be declared closed to the public by the town administrator or his designee, at any time for any interval of time, either temporarily or at regularly stated intervals, daily or otherwise, and either entirely or merely to certain uses. No person in a park shall enter an area posted as "closed to the public" nor shall any person use, or abate the use of any area in violation of posted notices.

(Ord. No. 00-6, § 1, 3-5-01)

**Sec. 12.5-33. Trespass.**

No person shall enter or remain in a park or recreational facility without a permit during closed hours, if the closing hours are posted at the entrance to the park or recreational facility. No person shall enter or remain on park or recreational facilities after such person receives notice of the closing hours from the town administrator or his designee or a law enforcement officer.

(Ord. No. 00-6, § 1, 3-5-01)

**Sec. 12.5-34. Remaining on property after request to leave.**

No person who has violated a rule or regulation contained herein shall remain in a park or recreational facility after the town administrator or his designee, police officer, sheriff's deputy or other sworn law enforcement official requests such person to leave or vacate a park or recreational facility.

(Ord. No. 00-6, § 1, 3-5-01)

**Sec. 12.5-35. Meetings.**

All use of the park involving fifty (50) people or more shall require a permit.

(Ord. No. 00-6, § 1, 3-5-01)

**Sec. 12.5-36. Defacing, tampering with buildings and other property.**

(a) No person in any park or recreational facility shall willfully mark, deface, disfigure, injure, tamper with, displace or remove any building, bridges, tables, benches, fireplaces, railings, paving or paving material, water lines or other public utilities or parts or impertinence thereof, signs, notices, or place cards, whether temporary or permanent, monuments,

stakes, posts or other structures or equipment or any part of any aforesaid facilities, park property or pertinence whatsoever, either real or personal, in any park or recreational facility. Any violator of this section shall also be liable for actual damages caused to the town property.

(b) Restrooms and washrooms. No person in any park or recreational facility located within the town shall fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age of five (5) years shall use the restrooms and washrooms designated for the opposite sex.

(c) Removal of natural resources. No person in a park shall dig or remove any beach sand, whether submerged or not, or any soil, rock, stones, trees, shrubs or plants, downed timber or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency.

(d) Erection of structures. No person in any park shall construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon, or across such lands, except on special written permit issued hereunder.

(e) Trees and shrubbery. No person in a park shall damage, cut, carve, transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds of, any tree or plant. Nor shall any person attach any rope, wire or other contrivance to any tree or plant. The person shall not dig in or otherwise disturb grass areas, or any way injure or impair the natural beauty or usefulness of any area.

(f) Climbing trees and the like. No person in a park shall climb any tree or walk, stand or sit upon monuments, bases, fountains, railings, fences or gun carriages or upon any other property not designated or customarily used for such purposes.

(g) Hitching of animals. No person in a park shall tie or hitch a horse or other animal to any tree or plant.

(Ord. No. 00-6, § 1, 3-5-01)

#### **Sec. 12.5-37. Sanitation.**

(a) *Pollution of waters.* No person in a park shall throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of such waters.

(b) *Refuge and trash.* No person in a park shall have brought it or shall dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, or refuse or other trash. No such refuge or trash shall be placed in any water in or contiguous to any park or left anywhere on the grounds thereof, but shall be placed in the proper receptacles

where these are provided; where the receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence and property disposed of elsewhere according to law.

(Ord. No. 00-6, § 1, 3-5-01)

**Sec. 12.5-38. Traffic.**

(a) The State Uniform Traffic Control Laws, F.S. Ch. 316, are incorporated by reference and made a part of this article and shall apply to the operation of all motor vehicles on streets and roads in the town parks, unless modified herein. Town employees and also law enforcement officers are hereby authorized to direct traffic whenever necessary.

(b) No person shall operate, drive or park any motor vehicle or other vehicle upon any road, driveway, path, parking area or other area unless such road, driveway, path, parking area or other areas has been designated by the town administrator for such purpose. No person shall cause any vehicle for hire to stand upon any part of a park or recreational area for the purpose of soliciting passengers.

(c) No person shall drive a vehicle at a rate of speed to exceed five (5) miles per hour in any town park unless the town administrator has designated, by posting a sign, a greater speed limit.

(d) No person shall park any vehicle in an area other than that which is designated for parking. No person shall leave any vehicle standing or parked at night without lights clearly visible from at least two hundred (200) feet upon said vehicle, except in legally established parking areas.

(e) No person shall enter or exit from any park or recreational facility in any vehicle except on entrance and exits established for such purpose by the town administrator.

(Ord. No. 00-6, § 1, 3-5-01)

**Sec. 12.5-39. Intoxicating beverages.**

*Use of alcohol.* No person in a park shall use alcohol in any form, in any park area or recreational facility located within the town except at designated times in specifically designated areas and buildings as evidenced by permit.

(Ord. No. 00-6, § 1, 3-5-01)

**Sec. 12.5-40. Boating.**

No person in a park shall bring into or operate any motorized boat or other water craft, upon any waters except at places designated for boating by the town administrator. This is not meant to exclude radio controlled model boats.

(Ord. No. 00-6, § 1, 3-5-01)

**Sec. 12.5-41. Camping.**

Overnight camping shall be allowed by permit only.  
(Ord. No. 00-6, § 1, 3-5-01)

**Sec. 12.5-42. Domestic animals.**

Any and all domestic pets which are brought onto property or into recreational facilities, shall be kept on a leash not to exceed ten (10) feet in length. Additionally, person bringing their pet into a park or recreational facility are responsible for immediately cleaning up after their pet. More specifically, any and all fecal matter left behind by a pet must be picked up and disposed of properly by the pet's owner or guardian. For purposes of this section, guardian shall mean the person that is in control of the pet at the time it defecated.  
(Ord. No. 00-6, § 1, 3-5-01)

**Sec. 12.5-43. Wildlife.**

No person in a park or recreational facility shall molest, trap or pursue wildlife at any time.  
(Ord. No. 00-6, § 1, 3-5-01; Ord. No. 11-43, § 3, 8-15-11)

**Sec. 12.5-44. Equestrian activities.**

Horseback riding shall only be allowed on designated bridle trails or mixed use trails. It shall be unlawful for any person to ride a horse in a reckless manner.  
(Ord. No. 00-6, § 1, 3-5-01)

**Sec. 12.5-45. Fires.**

No person in any park or recreational area shall ignite, set or maintain any fire for cooking or any other purpose unless such fire is within designated areas for such purpose.  
(Ord. No. 00-6, § 1, 3-5-01)

**Sec. 12.5-46. Fireworks and explosives.**

No person in a park shall have brought, or have in his possession, or set off or otherwise cause to explode or discharge or burn, any firecrackers, torpedo, rocket, or other fireworks or explosives of inflammable material, or discharge them or throw them into any such area from land or highway adjacent thereto. This prohibition includes any substance, compound, mixture or article that in conjunction with other substance or compound would be dangerous from any of the foregoing standpoints.  
(Ord. No. 00-6, § 1, 3-5-01)

**Sec. 12.5-47. Loitering and unruly conduct.**

No person shall engage in loud, unruly, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behavior that would interfere or detract from the general public's enjoyment of the park or recreational facility.  
(Ord. No. 00-6, § 1, 3-5-01)

**Sec. 12.5-48. Begging and soliciting.**

No person in a park shall solicit alms or contributions for any purpose whether public or private.

(Ord. No. 00-6, § 1, 3-5-01)

**Sec. 12.5-49. Exhibit of permits.**

No person in a park shall fail to produce and exhibit any permit from the town administrator or his designee, which claims to have, upon request of any authorized person who shall desire to inspect the same for purpose of enforcement and compliance with any ordinance or rule.

(Ord. No. 00-6, § 1, 3-5-01)

**Sec. 12.5-50. Interference with permittee.**

No person in a park shall disturb or interfere unreasonably with any person or party occupying any area, or participate in any activity, under the authority of a permit.

(Ord. No. 00-6, § 1, 3-5-01)

**Sec. 12.5-51. Vending and peddling.**

No person in a park or recreational facility shall expose or offer for sale any articles or things, nor shall he station or place any stand, cart, or vehicle for the transportation, sale, or display of any such article or thing. Exception is made as to any regularly licensed concessionaire acting by and under the authority and regulation of the town administrator.

(Ord. No. 00-6, § 1, 3-5-01)

**Sec. 12.5-52. Advertising and signs.**

(a) No person in a park or recreational facility shall announce, advertise, or call the public attention in any way to any article or service for sale or hire except in designated areas.

(b) No person in a park shall paste, glue, tack or otherwise post any sign, placecard, advertisement, or inscription whatsoever, nor shall any person erect or cause to be erected any sign whatever on any public lands or highways or roads adjacent to the park.

(Ord. No. 00-6, § 1, 3-5-01)

**Sec. 12.5-53. Multi-use trails.**

All bridle trails located within the town are designed for shared use between walkers, bicyclists and equestrians. Trail users shall abide by the right-of-way signs along the trails. Additionally, no motorized vehicles are allowed on such trails.

(Ord. No. 00-6, § 1, 3-5-01)

**Sec. 12.5-54. Picnic areas and use.**

(a) The town administrator or his designated employees shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any and all directions given to achieve this.

(b) Availability. No person in a park shall violate the regulation that use of the individual fireplaces together with tables and benches adjacent thereto follow generally the rule of first come, first served.

(Ord. No. 00-6, § 1, 3-5-01)

**Sec. 12.5-55. Bicycles confined to roads.**

No person in a park shall ride a bicycle on, other than a paved vehicular road or path designated for that purpose. A bicyclist shall be permitted to wheel or push a bicycle by hand over any grassy area or wooded trail or any paved area reserved for pedestrian use.

(Ord. No. 00-6, § 1, 3-5-01)

**Sec. 12.5-56. Swimming.**

No individual shall swim, in any waters unless said waters are designated for that purpose.

(Ord. No. 00-6, § 1, 3-5-01)

**Sec. 12.5-57. Wheelchairs.**

Wheelchairs are allowed on all areas and all trails otherwise restricted to vehicles.

(Ord. No. 00-6, § 1, 3-5-01)

**TOWN OF MALABAR**  
**PARK AND RECREATION**

**AGENDA ITEM REPORT**

**AGENDA ITEM NO: 3**  
Meeting Date: August 15, 2012

Prepared By: Cynthia Kelley, Secretary to Board

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**SUBJECT: Signs at Malabar Community Park "Please Keep Out of the Water" (Korn)**

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**BACKGROUND/HISTORY:**

At the last Park Board meeting, Park Board Member Korn stated that while he and his wife were visiting the park, they saw a couple unload two (2) horses and wade with them in the lake. There is a sign there that says "No jumping or diving from the bridge". That was put up because at one time there were persons jumping from the bridges and damaging the bridge railing as well as causing possible liability issues for the Town.

When the 2<sup>nd</sup> FRDAP (Florida Recreational Development Assistance Program) grant was applied for, a sandy beach area with a value of \$500.00 was included. There were no points awarded for this amenity, it was simply one of the enhancements included in the application. Clerk Franklin has contacted FRDAP and confirmed that there is no grant related problem with erecting signage to warn park visitors of possible health risks.

With the recent news of current health concerns in other area freshwater lakes, Korn feels that signage stating "Please Keep Out of the Water" is needed. Clerk Franklin has contacted the Health Department for the proper wording and signs can be placed once Council approves the action. The sign would include contact information for the Health Department for further information. This sign would be in addition to the sign advising users to not enter water, for example, "FOR YOUR SAFETY STAY OUT OF WATER."

FRESHWATER LAKES CONTAIN BACTERIA, PARASITES, AMOEBAS & OTHER ORGANISMS THAT MAY BE HARMFUL TO YOUR HEALTH. For additional information contact the Brevard County Health Department 321-454-7101.

**ATTACHMENTS:**

Email from Dick Korn dated 07/19/12

**ACTION OPTIONS:**

Discussion and recommendation to Council



New Business

shop | eNews | find a trail



- || about us
- || our work
- || get involved
- || news
- | donate/join
- | find an event
- | take action
- | get eNews
- | shop

Donate Now

Register for RTCOnline

Login Send Me My Login Info

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### Save the Recreational Trails Program!

- I want to:**
- find a trail
  - build a trail
  - take action
  - contact RTC
  - donate
  - shop

- resources:**
- trail building
  - active transportation
  - rtc trailblog
  - for the press

The hugely popular, cost-efficient Recreational Trails Program (RTP) has endured multiple attacks over its 20-year history. Most recently, it faced elimination during the drafting of the new transportation bill MAP-21, but thankfully a bipartisan effort led by U.S. Senators Amy Klobuchar (D-Minn.) and Richard Burr (R-N.C.) was successful in preserving the program.

*But, there's a catch.*

Governors can choose to opt out of the program for their state, thereby reallocating these funds to other programs that were not the intended recipients. Doing so ultimately fails to invest in the critical programs your state needs to generate economic activity, attract tourists and encourage people to get outdoors and be active. Governors have to decide whether to opt out by Friday, August 31, 2012.

**UPDATED: Residents of the following states: Your governors have decided *not* to opt out of the RTP! Congratulations! Instead of taking the action below, please visit your state government's home page and thank your governor. Those states are AR, DC, DE, HI, ID, IN, KS, KY, MS, MT, NE, NV, NH, NY, PA, SD, TX, VA, VT, WA, WV and WY.**

*Everyone else, please take action below. And, consider personalizing your note to give it even greater impact. Want to know what projects in your state the RTP has funded? Check out [this database](#), managed by our partners at the Coalition for Recreational Trails!*

Thank you.



#### Contact

Required fields

Title:

First Name:

Last Name:

Your Email:

Address 1:

Address 2:

City:

State / Province:

ZIP / Postal Code:

#### Message

Subject:

Dear [Governor],

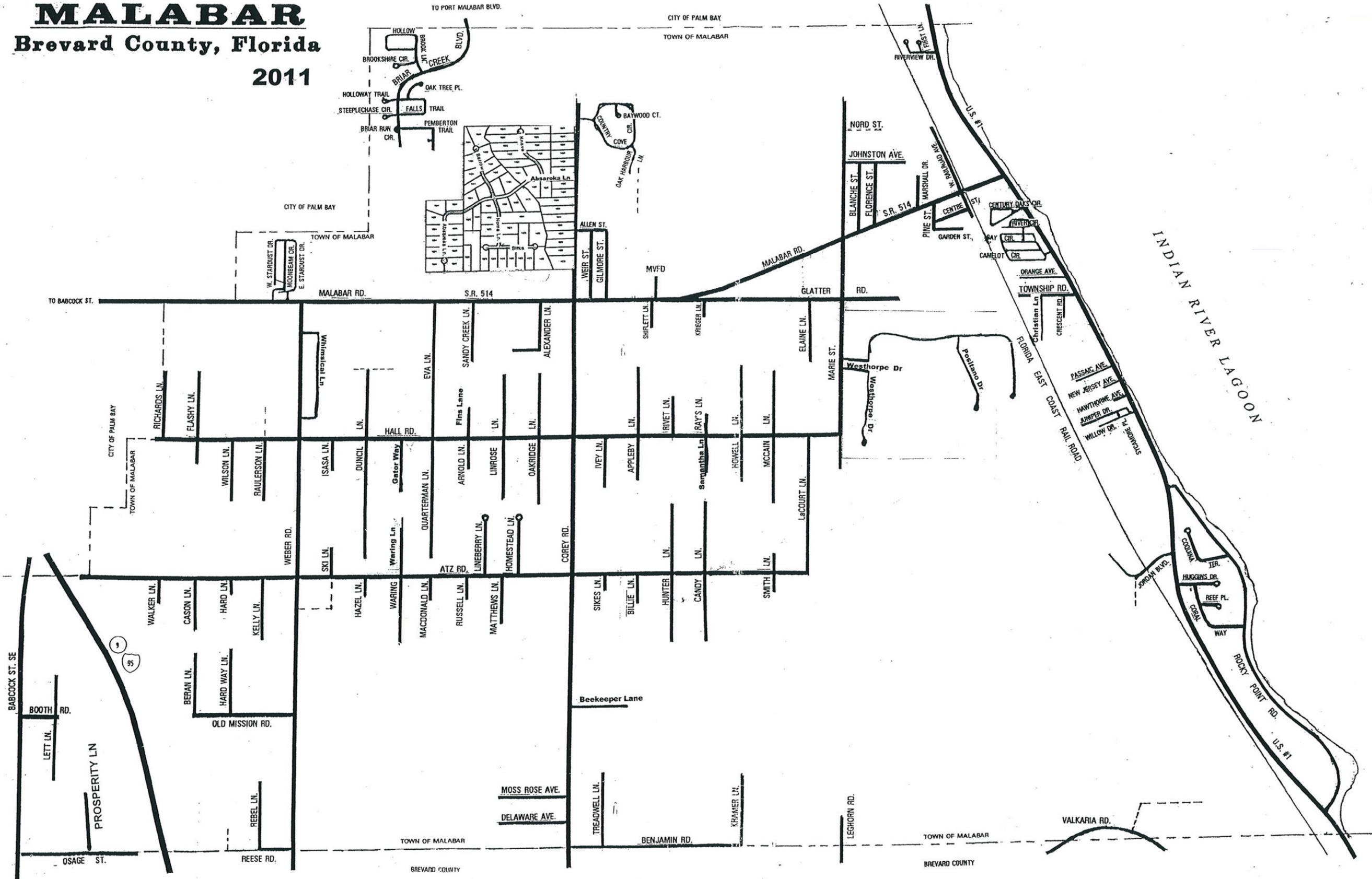
Please do not opt out of the Recreational Trails Program.

Personalize your message

New Business  
Rough Draft of Bike Paths  
for Malabar - Sigmann

# TOWN OF MALABAR

Brevard County, Florida  
2011



New Business

**Town Clerk / Treasurer**

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**From:** Birdsong, Robin [Robin.Birdsong@dep.state.fl.us]  
**Sent:** Thursday, August 02, 2012 11:26 AM  
**Subject:** OGT Funding Alert - Recreational Trails Program 2012-B Mini-Cycle Announcement (10/17-10/31)  
**Attachments:** Adobe Reader - tips for using - 2012-B application - MiniCycle.pdf; RTP Administrative Rule - Chapter 62S-2 FAC.pdf; Fact Sheet - Rec Trails Program 2012-B - MiniCycle.pdf  
**Importance:** High

**The Office of Greenways & Trails announces the 2012-B Recreational Trails Program mini-cycle: to open October 17 through October 31, 2012.**

The Recreational Trails Program (RTP) is administered by the Florida Department of Environmental Protection in coordination with the U.S. Department of Transportation, Federal Highway Administration (FHWA). Grant application proposals are evaluated according to policies and procedures described in **Chapter 62S-2, Florida Administrative Code**. This is commonly known as the Rec Trails Rule. Applicants should familiarize themselves with these policies and procedures.

A request for financial assistance under RTP may be for development or maintenance of recreational trails; purchase of trail construction or maintenance equipment. Project proposals **must address** one of the following recreational trail interests:

- Motorized recreational trails
- Non-motorized recreational trails
- Mixed-use recreational trail projects (either motorized or non-motorized); or projects that provide for innovative corridor sharing with motorized and non-motorized recreation

RTP projects require an extensive environmental review prior to receiving authorization to begin construction. **No retroactive projects are allowed.**

Project sponsors have two years to complete the project.

Reminder

The Office of Greenways & Trails must receive and approve all Commencement Documentation within one year of the project agreement's execution date. In order for this to happen, the environmental process must also be completed by this date.

READ THE RULE

You are highly encouraged to read the entire grant application and **Chapter 62S-2, Florida Administrative Code** prior to completing your grant application. Make sure you, as an applicant, and your project are eligible. Apply only for those projects which you know you can complete within the time requirements of the Rec Trails Rule.

**Maximum Grant Awards for the 2012-B Mini-Cycle**

**Non-Motorized = \$75,000**

**Mixed-Use = \$75,000**

**Motorized = \$800,000**

Submission Cycle Deadline, etc.

Applicants must submit four copies (1 original and 3 copies) of the completed **2012-B Projects Application** and all supporting documents during the announced submission period. **Applications must be postmarked no later than**

**October 31, 2012.**

### Grant Application Workshops

No workshops are scheduled at this time. An OGT Alert will be sent should we hold any. Information will also be posted to our website.

### Where to Find the Application, Etc.

- Additional information is available under the **Recreational Trails Program (RTP)** Section at [www.FloridaGreenwaysAndTrails.com](http://www.FloridaGreenwaysAndTrails.com). Hardcopies of the application may be obtained directly from the Office of Greenways & Trails. If you prepare the application by retyping or downloading it to your computer, the language and format used must match exactly the original application.

**Questions? Please ask them! However, once the cycle opens, staff will only answer technical questions. Read the rule – it really will help you.**

**For additional information contact Alexandra Weiss or Jai Subramanya at 850.245.2052.**

*Please take a few minutes to share your comments on the service you received from the department by clicking on this link [DEP Customer Survey](#).*

OLD  
Business

**Town Clerk / Treasurer**

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**From:** Weiss, Alexandra [Alexandra.Weiss@dep.state.fl.us]  
**Sent:** Thursday, September 06, 2012 9:10 AM  
**To:** Town Clerk / Treasurer  
**Subject:** RE: Malabar Recreational Trails Program Grant

Debby,

Evaluation completed, just received final word from FHWA. The Town of Malabar's project will not receive funding. Application specific letters should be going out within the next few weeks.

The Town may be interested in the 2012-B MiniCycle which accepts applications October 17-31. Application materials may be found on our website - [www.floridagreenwaysandtrails.com](http://www.floridagreenwaysandtrails.com).

Alex

Alexandra H. Weiss, CPM  
Recreational Trails Program Administrator  
Office of Greenways & Trails  
Department of Environmental Protection  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000  
850.245.2065

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**From:** Town Clerk / Treasurer [<mailto:townclerk@townofmalabar.org>]  
**Sent:** Thursday, September 06, 2012 8:32 AM  
**To:** Weiss, Alexandra  
**Subject:** RE: Malabar Recreational Trails Program Grant

Hi Alex, Any word yet on the evaluation? We made application for grant funding for a restroom and ADA parking at our Sand Hill trailhead. I understand that the ranking was done in August. Could you provide a status for me?

Thanks  
Debby

*Debby K. Franklin, C.M.C.*

Town Clerk/Treasurer  
Town of Malabar  
2725 Malabar Road  
Malabar, FL 32950  
[townclerk@townofmalabar.org](mailto:townclerk@townofmalabar.org)  
321-727-7764 x12  
321-722-2234 Fax  
321-213-8009 Cell  
Town Website: [www.townofmalabar.org](http://www.townofmalabar.org)