PARK AND RECREATION ADVISORY BOARD
REGULAR MEETING
WEDNESDAY, OCTOBER 17, 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 – 9/19/12
   Exhibit: Agenda Report No.1
   Recommendation: Motion to approve

F. PUBLIC:

G. ACTION:

H. DISCUSSION:

I. OLD/NEW BUSINESS:

New Business: Save the Recreational Trails Program – Siegmann
Preliminary Draft of Bicycle Path for Malabar - Siegmann

Old Business: BPTAC Meeting – Pineda Causeway Pilot Program – Siegmann
Recommendations to Council from 9/19/12 Park Board Meeting

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: October 17, 2012

Prepared By: Cynthia Kelley, Secretary to Board

SUBJECT: Approval Park Board Minutes

BACKGROUND/HISTORY:
Attached are the summary minutes for the following 09/19/12

ATTACHMENTS:
- Draft Minutes from Park and Recreation regular meeting September 19, 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
09/19/12 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, excused for work
Dick Korn
Bernadette Knudson
Cynthia Kelley, Recording Secretary

Also present is Council Member Carl Beatty.

C. ADDITIONS/DELETIONS/CHANGES: None

D. PRESENTATIONS: Flag Etiquette – Ben DuBose

Ben DuBose came forward and addressed the Board. He is a long-time Brook Hollow resident; very active with the HOA and with the Sons of the Revolutionary War. He also stated that the flag set-up in Council Chambers is incorrect. The American Flag should be to the right of the speaker and to the left of the viewer (audience); the Chair is considered the speaker of the meeting. Mr. DuBose gave a brief history of the American Flag and an overview of flag etiquette. There was no real flag code until 1918. The basic principles of flag; the stars should always be displayed at the top left as seen by the viewer. Biggest offender of the flag code is the United States Post Office; cannot be used on anything that will be thrown away. Only time the flag can be flown upside down is to show sign of distress.

E. CONSENT AGENDA

1. Approval of Minutes
Regular Park and Recreation Meeting – 08/15/12
Exhibit: Agenda Report No.1
Recommendation: Motion to approve

Discussion: None

MOTION: Thomas/Knudson to approve the minutes from August 15, 2012 as presented. VOTE: All Ayes.

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

Discussion: Scott McLachlan was not present. Korn has an issue with the placement of the cage. During SpringFest, there are booths in that area. Korn stated that it should be along the left field instead of the right field. Marsh asked if the batting cage could be

moved; if so, there would be no issue as to the placement. Kelley offered to make a call to Mr. McLachlan to see if he could attend. Board decided to accept the donation with the placement being discussed at a later date.
MOTION: Korn/Thomas to accept Scott McLachlan's donation of the batting cage and have the placement of the cage designated at a later date.
VOTE: Ally Ayes

Maryann Marsh stated that if Scott McLachlan comes in before the end of the meeting, they could discuss the placement of the cage.

3. Move Small Gazebo in Huggins Park to Disc Golf Park
Exhibit: Agenda Report No. 3
Recommendation: Recommendation to Council
Discussion: Hans Kemmler came forward; he was not around when this was discussed at the last meeting. The fence has been moved and they can put it on the other side of the fence. They stand in the rain and wait for it to stop and they do need it. Korn also asked this to be reconsidered with the plans with Huggins Park, his proposal is to do this right and get a grant with the senior center, bacchi ball and gazebo. This gazebo is small; we can ask for a bigger gazebo in the grant package.
MOTION: Knudson/Korn to move the gazebo from Huggins Park to the Disc Golf Park and be placed to the left of the chain gate.
Korn asked Kemmler to check with Vail about transportation to move the gazebo. Kemmler stated that the sign is showing wear and in the next few years should be maintained; also would like to see it facing he road, can't see it now.
VOTE: All Ayes.

4. **Signs at Malabar Community Park "Please Keep Out of the Water"**
Exhibit: Agenda Report No. 4
Recommendation: Recommendation to Council
Discussion: Korn asked this to be addressed. He came to the office and was informed by staff that a more-friendly worded sign had been drawn up. Kelley advised the Board that we had not heard back from the sign company today because their computers were down and they could not give a price. She stated that two signs should not cost more than $50. She also reported that we had heard back from Alltech and it would cost $300 to test the water in the lake.
MOTION: Korn/ to erect a couple of signs in the center of the park warning the people and to stay out of the water. For lack of a second, motion died.
Knudson and Thomas stated they have an issue with this. They are using the park at their own risk. Marsh read the sign that is in the Palm Bay Park. Do we want it re-written like the Palm Bay Park signs?
AMENDED MOTION: Korn/Thomas to erect signs that are the same as the ones that Palm Bay used with the Brevard County Health Department information on it.
VOTE: All Ayes.

H. DISCUSSION:

I. OLD/NEW BUSINESS:

New Business:

- **Save the Recreational Trails Program – Siegmann, excused**
  Moved to the October agenda

- **Preliminary Draft of Bicycle Path for Malabar – Siegmann, excused**
  Moved to the October agenda

- **2012-B Recreational Trails Program Mini-Cycle Grant – Kelley**
  This is a smaller grant that is available that we have asked Deanne Kohler to apply for. The grant application that was submitted earlier was not approved and we can use this grant for the same; just need to complete the application forms for this grant. There will be no change in the grant request.

Old Business:

- **BPTAC Meeting – Pineda Causeway Pilot Program – Siegmann, excused**
  Moved to the October agenda

- **Newsletter Contributions (Kelley**
  Reminded the Board that the article is due to the Clerk's office by mid-October. Marsh requested that she have their Board's input by the 8th of October to allow her time to get the article written and to the Clerk's office.

- **Grant Application Update (Kelley)**
  This is the grant application that was submitted; we did not receive the grant funds and a formal letter is being sent to the Town. Upon receipt, the Board will receive a copy of the letter.

- **Malabar Road –**
  Korn asked that this be added to the agenda. With the Disc Golf Park across the street and people possibly parking in the Malabar Community Park and walking across Malabar Road to get to the Disc Golf Park, he has concerns with the 55 mph speed limit. He has made contact with the State and was informed that they had not received any request from the Town of Malabar to change the speed limit on Malabar Road. He asked Mr. Beatty if he knew anything about this. Beatty came forward and stated that the he had brought this up at a Council meeting that between the turn in Malabar Road and down to the and past the Fire Department to the next available street; the speed limit posted was 45 mph. He watched as the sign got knocked down; it was never put back up. Beatty stated he would get in touch with the Town Administrator about this and see what the status is.

  Beatty also stated that a feasibility study will be done for the widening of Malabar Road to four lanes. This has to be done on an existing road. He was just advising the Board of this information.

J. BOARD MEMBER/STAFF REPORTS:

- **Cameron Preserve – Thomas**

Thomas reported that is the same issues again, the picnic table area is still overgrown. Right behind the trail head fence, behind Corey Road. Marsh stated that this has been requested for the last several months. She asked Kelley to see if the Town Administrator could direct staff to address this issue. Kelley said she would bring it to her attention but again, we have had failing pipes that take priority over this.

- **Disc Golf Park – Knudson**

Knudson reported that is good.

- **Fern Creek Crossing Park – Siegmann**

Siegmann was excused. Marsh stated that it is so wet; you can't get in there to cut the grass.

- **Huggins Park – Marsh**

Marsh reported that it is the same.

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

Thomas reported that she did not have time to view it.

Korn reported that the bathrooms look very nice, clean. He asked if the bathrooms are locked; Kelley stated that the F.D. takes care of that.

A bike rack is needed in the Malabar Community Park; it was suggested to a while ago to move the bike rack from the Fern Creek Crossing Park to this park. It never took place and now the bike rack is in bad shape. Korn made a suggestion to ask the Town Administrator to make a recommendation to the Board regarding this.

The bridge ramps need to be done before someone gets hurt. His suggestion as a stop-gap measure is to put a chain across so no one gets hurt.

The infield of the baseball field needs attention. It is overgrown with weeds and they are fast moving throughout the field. Kelley stated that we have the weeds sprayed monthly. Korn stated that it's not working and the field needs to be kept safe and look good as we have a group using it at this time.

The tarp over the playground equipment is down. He asked Beatty if he knew anything about this. Beatty stated that typically, with the first storm of hurricane season, it is taken down and kept down until after hurricane season. Korn stated that typically it comes down and doesn't go back up until a week before SpringFest. Kelley stated that staff took it down with the threat of Hurricane Isaac and it will remain down until after the season is over which is November 30th. Marsh stated that since Korn reports on this park, he can be the one to address the tarp issue after the hurricane season if it still has not be put back up.

- **Trailhead – Siegmann**

Siegmann was excused.

K. ADJOURNMENT

There being no further discussion, general consensus. **MOTION: Korn/Knudson to adjourn the meeting. VOTE: All Ayes.** This meeting adjourned at 8:25 pm.

By:_____
MaryAnn Marsh, Chair

ATTEST:

_____ Date Approved: _____
Cynthia Kelley, C.M.C.
Recording Secretary

DRAFT

New Business

Save the Recreational Trails Program!

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:
Choose a State

ZIP / Postal Code:

Message

Subject
Preserve the Recreational Trails Program

Dear [Governor],

Please do not opt out of the Recreational Trails Program

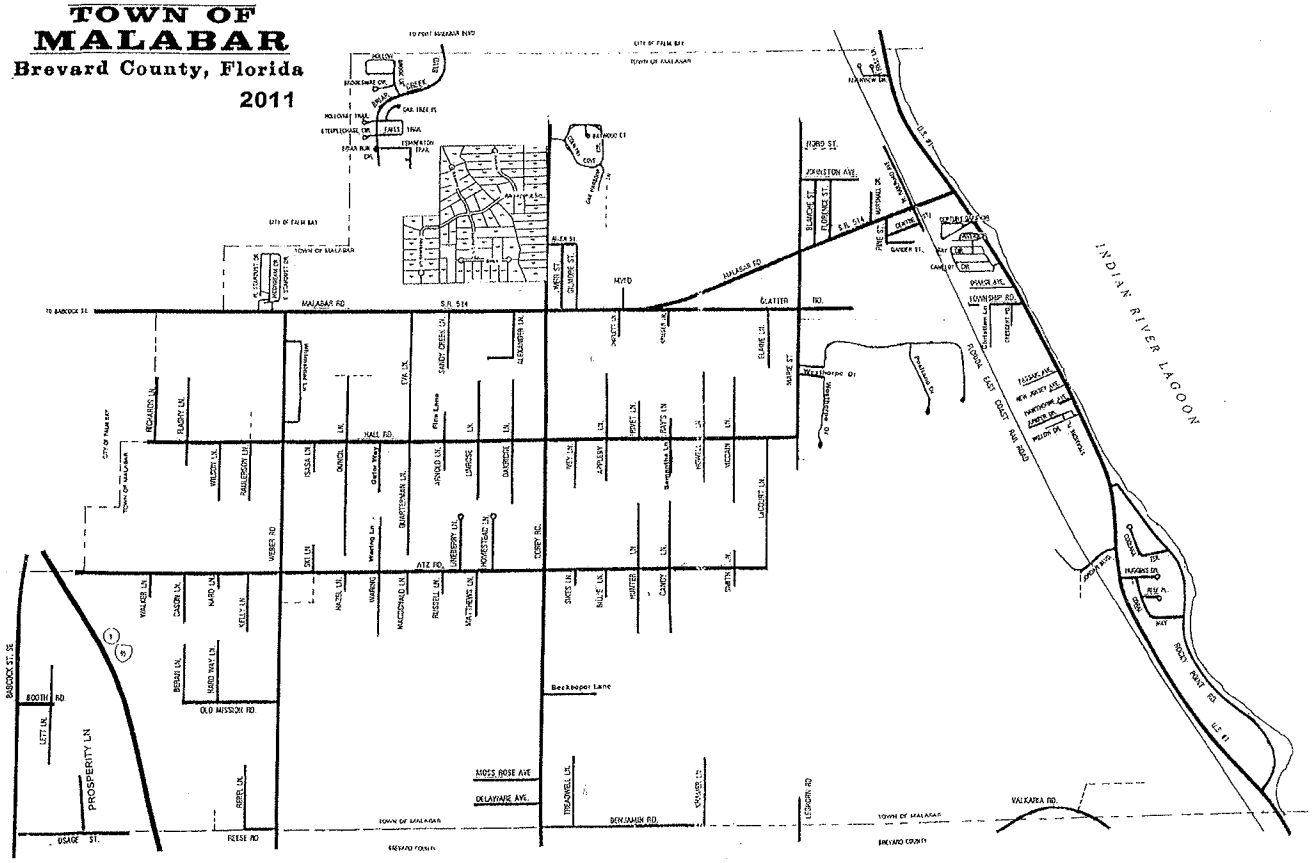
Personalize your message

New Business
Rough Draft of Bike Paths
for Malabar. Seigman

TOWN OF MALABAR

Brevard County, Florida

2011



New Business

Town Clerk / Treasurer

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**. 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 OF MALABAR

MEMORANDUM

Date: September 25, 2012 2012-TC/T-069

To: Park & Recreation Board Members
Cynthia Kelley, Secretary to Park & Recreation Board

From: Debby K. Franklin, Town Clerk/Treasurer

Ref: Park Board Recommendations

Park and Recreation Board Member Dick Korn was present at the regular Town Council meeting of September 24, 2012 to present the Board's recommendations.

BATTING CAGE DONATION:
Mr. Korn stated that he had originally voiced concerns about the proposed location of the batting cage but was assured by Town staff that there would not be a conflict. Mr. McLachlan was also in the audience and said he would handle the installation at no cost to the Town. The Council thanks him for his generous donation.

GAZEBO MOVE FROM HUGGINS TO DISC GOLF PARK
Council supported the Park Board's recommendation to move the gazebo. The Mayor stated that Huggins Park use has fallen off in recent years. Mr. Korn stated that Hans Kemmler, a prior Chair of the Park Board and a current Disc Golf was in audience and had done research on having the gazebo professionally moved for an estimated cost of $350.00. Mr. Korn explained that the disc golf users would now have a place to use during summer rain storms. Mr. Kemmler explained that the placement would be on the inside of the fencing, not out by the road. Council thanks Mr. Kemmler for his efforts.

INFORMATIONAL SIGNAGE AT MALABAR COMMUNITY PARK RE: AMOEBA
Mr. Korn explained that the Park Board did not want to put up "Do Not Swim" and "Keep Out of Water" signs but was not against placing informational signage to alert park visitors of the concerns with freshwater lakes. Council discussed this at length after the Town Attorney said that there may be a liability issue if the Town places the informational sign and does not prohibit swimming in the lake. He said by not placing any signage we do not have that problem. The Town Administrator was asked to contact our insurance carrier and find out what if any signage should be placed in the park.

The Council thanks Mr. Korn and the Park and Recreation Board for their continued support of the Town.

OLD Business

Cindi Kelley

From: Dick Korn [rumbo@rumbopet.com]
Sent: Wednesday, September 26, 2012 10:53 AM
To: Cindi Kelley
Subject: Council Action on P & R Board Items

Cindi
Please pass this on to the rest ot the Parks & Recreation Board.
As I will be in Atlanta at the time of our next meeting, I would answer any questions about these matters by email before then.

Item 1: Acceptance of the donation of a batting cage for the ball field. This was approved 4-0. Mr McLachlan was present and was recognized and thanked.

Item 2: Moving of the Gazebo from Huggins park to Disc Golf park. This was approved 4-0. The town will have a professional shed moving company make this move and installation. The installation will be inspected by the building official to be certain it meets all requirements. Using information provided by Hans Kemmler, the cost is estimated to be $350.00. The Town Administrater has already been in contact with one of these companies about doing this.

Item3: Signs at the lake in the community park.. This action is on hold at the suggestion of the Town Attorney. He believed that the town could put it self at liability risk with incorrectly worded signs. The Town Administrator is contacting the League of Cities (our insurance carrier) to determine what other cities have done in matters like this and to get their recommendations. This will be reconsidered by the Town Council at their first meeting in November.

Dick Korn

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

MALABAR TOWN COUNCIL REGULAR MEETING
September 24, 2012 7:30 PM

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

A. CALL TO ORDER:
The meeting was called to order at 7:32 pm by Interim Mayor/Chair Phil Crews. The prayer and pledge were led by Council Member District 2 David White.

B. ROLL CALL:

MAYOR/CHAIR (Interim)	PHILLIP CREWS
VICE-CHAIR:	MARISA ACQUAVIVA
COUNCIL MEMBERS:	CARL BEATTY
	DAVID WHITE
	STEVE RIVET, excused
	JEFF MCKNIGHT
TOWN ADMINISTRATOR:	BONILYN WILBANKS
TOWN ATTORNEY:	KARL BOHNE
TOWN CLERK/TREASURER:	DEBBY FRANKLIN

Franklin said for the record, Town's PW Dir Tom Miliore and Interim Fire Chief Robert Strandell and Lt. Hooker are also present.

C. ADDITIONS/DELETIONS/CHANGES: none.

D. CONSENT AGENDA: To Be Approved as a Group with one Roll Call Vote on All Items if Resolution is included, otherwise a voice vote.
(Any Council Member may request an item on the Consent Agenda to be removed and placed on regular agenda immediately after new business to be discussed and voted on separately by the Town Council).

1a. Approval of Minutes Regular Town Council Meeting – 9/12/2012
Exhibit: Agenda Report No. 1a.

1b. Budget Adjustment – Reso 28-2012
A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PERTAINING TO A BUDGET ADJUSTMENT IN THE FISCAL YEAR 2011-2012; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.
Exhibit: Agenda Report No. 1b.

1c. Acknowledge Receipt of August Financials
Exhibit: Previously Distributed.
Recommendation: To Be Approved as a Group with one Roll Call Vote on All

Chair directs Clerk to read Resolution by title only.
MOTION: White / McKnight to approve the consent agenda.
ROLL CALL VOTE: 1) Beatty, Aye; White, Aye; Rivet, Excused; McKnight, Aye; Acquaviva, Aye. Motion carried 4 to 0.

E. PUBLIC COMMENTS: General Items not related to agenda items**; Speaker Card Required**
Bromley Ball, regarding MSTU we pay 1.6mil in county taxes to fund the sheriff services and then they are asking us to give an additional 1.3 mil with the MSTU. Does anyone get this? TA said the MSTU pays for patrols. We pay 1.6mil for general county tax. Then the MSTU asks us to give an additional 1.3mil. What do we get for that? TA said we would get an additional four deputies for south area. Malabar is 1/10 of the south precinct.

McKnight agreed with that whole heartedly. The year the MSTU went into affect we got 4 new deputies. Then in the following year we heard that they were lost to normal attrition of 4 officers. That is a lot of money going for a little service. Do we continue this or not. He addressed the audience. Does everyone pay the MSTU?

TA said we were the only town that was not paying. The other cities that don't pay have their own police depts.

Chair said when he was Mayor, this was an issue. The State statute requires the sheriff. Cape Canaveral was paying the MSTU and stopped when they got their own police dept. Then they got rid of their police dept and now they have to do the contract with BCSO for services.

TA said the general fund taxes pay for jail services and those types of expenses. TA did verify that they still have four bodies in the south precinct area.

McKnight said the website showed that the south precinct was identical to what they are providing Malabar. There is no control over the millage rate. It has gone up.

TA said she could ask Cmdr Ambrose to come to next meeting and speak to this issue.

Bud Ryan, MSTU, since this referendum came up and he has talked to trash men, anybody, post office, telephone guy, Eagle Patrol lady. They have all said they rarely see BCSO in Town. He questions what we are getting for the money we are paying. The Eagle Patrol is down to one day a week, on Tuesday.

Mayor said if you reject the MSTU then you have to provide your own policing.

Bohne said the constitution requires the sheriff to provide law enforcement. You will eventually get a law enforcement response to incidents and criminal law. They will not enforce local law and they won't be here to run radar.

TA said they are out at Corey, is due to the new 4-way stop. McKnight said that was on Weber.

McKnight said the Statement of Work listed that they provide the citizen patrol. TA said they did offer and former Mayor Tom wanted our own patrol.

Bud Ryan asked when they are going to resume the taping of council meetings. Council replied that this was discussed at a recent council meeting. The taping creates public records issues when they have to be duplicated. The recent lawsuit tapes had to be copied in real time. A better method has to be found. TA will be bringing proposal from vendor that does our website.

Ryan asked - bottom line, what would happen if they don't approve MSTU. Bohne said they will still enforce criminal law.

Beatty said look at an MSBU, "benefit area", we control the millage rate and then structure what kind of coverage we want. He suggested having a meeting with sheriff.

Brain Vail, if you don't have the MSTU deputies he said you will get general fund officers. They would not be easily available. If you want quick response you need to pay the MSTU. That is the difference. The actual guys on the roads are paid by the MSTU dollars.

Acquaviva said we have a sub-station, do we get any for that. TA said using this substation allows the deputy to get back on the road quicker. McKnight said he brought that up before. They are taking our space for free and we are in need of more space. McKnight said another thing that bothered him was the parking spaces. There are a lot of cars here tonight and many of the spaces are taken by patrol cars. TA said there are three cars that park here at end of lot. Tonight was an unusual situation with a call finishing up from this afternoon.

DRAFT

F. ATTORNEY REPORT:
Atty said he will be on vacation on Oct 15 mtg. As for litigation the legal counsel is moving along.

G. BREVARD CTY SHERIFF:
Dep Hammer asked TA to report that up to tonight it was quiet.

H. PUBLIC HEARINGS: 3 each Millage and Budget advertised in Florida Today 9/21/12. Ordinance 2012-57 advertised 9/14/12.

2. Ordinance Setting Millage FY 2012/2013 (Ord 2012-58)
AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, ADOPTING THE MILLAGE RATE OF 1.6630 FOR THE TOWN OF MALABAR FOR THE PERIOD FROM OCTOBER 1, 2012 THROUGH AND INCLUDING SEPTEMBER 30, 2013, PROVIDING FOR REPEAL AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 2
Recommendation: Request Action

Chair directed Clerk to read Ordinance by title only. Mayor read the Truth in Millage Statute requires a Public Hearing on the Millage rate Malabar intends to levy:

1) the proposed millage rate is 1.6630
2) a final levy of 1.6630 mills will result in a decrease from the rolled-back (forward) rate of 1.6746
3) the final millage rate of 1.6630 is to fund the expenses for the fiscal year commencing October 1, 2012 and ending September 30, 2013

Chair declared **Public Hearing open** – no public comment.
Chair declared **Public Hearing closed**
MOTION: Beatty / Acquaviva to approve Ord 2012-58.
Discussion: Mayor said they held several workshops to work out these ordinances.
ROLL CALL VOTE: Beatty, Aye; 1)White, Aye; Rivet, Excused; McKnight, Aye; Acquaviva, Aye. Motion carried 4 to 0. Chair explained to audience that the lack of discussion was because they had held workshops to discuss the millage and reached consensus.

3. Ordinance Setting Budget FY 2012/2013 (Ord 2012-59)
AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA ADOPTING THE BUDGET FOR THE TOWN OF MALABAR FOR THE PERIOD FROM OCTOBER 1, 2012 THROUGH AND INCLUDING SEPTEMBER 30, 2013; PROVIDING FOR ADJUSTMENTS, AMENDMENTS AND REPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.
Section 1. The Town Council of Malabar in regular session duly assembled adopt the final budget of 1,861,349.00 for the proposed expenditures from October 1, 2012 through Sept 30, 2013, reflecting the general operating millage of 1.6630. This total budget is comprised of $1,564,126.00 in the General Fund which includes $250,000.00 in one-time revenue from the sale of the utility and $297,223.00 in the Stormwater Fund.

Exhibit: Agenda Report No. 3
Recommendation: Request Action

Chair directed Clerk to read Ordinance title and Section 1 in full.
Chair declared **Public Hearing open** – no public comment.
Chair declared **Public Hearing closed**
MOTION: Beatty / White to approve Ord 2012-59.
Discussion: none.
ROLL CALL VOTE: Beatty, Aye; White, Aye; Rivet, Excused; 1)McKnight, Aye; Acquaviva, Aye. Motion carried 4 to 0.

4. Town Speed Limits (Ord 2012-57)
AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; AMENDING CHAPTER 13 OF THE CODE OF ORDINANCES OF THE TOWN; CREATING NEW SECTION 13-1; PROVIDING FOR A TOWN SPEED LIMIT ON CERTAIN STREETS AND ROADS IN THE TOWN; PROVIDING FOR CODIFICATION;

PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 4
Recommendation: Request Action

Chair directed Clerk to read by title only.

Chair declared **Public Hearing open –** Question from audience on purpose of this ordinance. She asked if this is to keep it the same. Mayor explained that on certain streets some speed limits may be reduced. It was first requested by residents in Brook Hollow for Briar Creek blvd. Atty Bohne added that it authorizes Council to order the reduction of speed in all residential areas. This gives town authority to do so.

Chair declared **Public Hearing closed**

MOTION: Acquaviva / Beatty to approve Ord 2012-57.

Discussion: McKnight said we are reacting to a group of people and we need to be careful. Evidently this is not a complete community consensus. We have complaints coming in about the speed humps. Acquaviva said you will never get 100% support and they had brought in lots of people to support their request. Mayor said this is a closed community. He said if you go to any military base it is 15mph in the residential areas.

ROLL CALL VOTE: Beatty, Aye; White, Aye; Rivet, Excused; McKnight, Aye; **1)**Acquaviva, Aye. Motion carried 4 to 0.

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

5. Rationale from P&Z Board on their Recommendation re: R/LC (tabled 8/20/12 to this date)

Exhibit: Agenda Report No. 5
Recommendation: Request Action

Bromley Ball, US 1, you are proposing reducing land use in areas on property he owns. Initially looked at it and if he wants to sell it to someone to put on townhomes on the buyer couldn't put six per acre; only four. He said he had been paying taxes on this land based on the land use permitting developing at six per acre. Will his taxes go down? Is there any provision in there - any grandfather clause. Seems to be taking away some right we have already have. Mayor said zoning changes always do that. Acquaviva said we brought this up at other discussions.

McKnight said could we add in a clause to allow the current property owners. Bohne said the question becomes what are you grandfathering. You have to figure out who owns what and specify it in the ordinance. It could be done. He did something like this in W Melb years ago and it is conceivable. Create a grandfathering clause to do so. McKnight asked Reilly to come up.

McKnight asked P&Z Vice Chair Reilly about grandfathering; could Board consider that? Reilly said the rest of the ordinance needs to be done, the changes to the definitions and wording in the code. Council could approve the recommendation and strike the one issue of reducing density from six to four. The Engineer or Franklin did a map and there was no way they could do six per acre with the other requirements anyhow. That is the way more than half the Board felt. Don't send it back to P&Z; they have been on it for a year. The drawing they had reviewed showed how much building area you could have with the other requirement and you can't do six per acre.

Juliana Hirsch, 1035 Malabar Road, said she did not support the reduction in density. The dimension requirements will take care of the development allowed. She said the idea of reducing the density to four was an off the cuff remark by one of the P&Z Members and it went from there. It has been six for all of this time and we have had no problem. She would like to request it to remain at six. If they can't do it then do a smaller development. All agree.

Brain Vail, relayed a situation in Palm Bay, was multi family, assessed for water, per unit of what the zoning was in area. The building department would not give permit to build 10 per acre. That is a potential problem and gave them food for thought.

McKnight explained to Ms. Hirsch about the change in policy to allow comments from the audience once recognized by a Council Member.

Consensus of Council to approve the P&Z recommendation on R/LC but striking the change to the reduction in density from six to four.

6. Recommendations by Park Board: re:

- **Pavilion at Disc Golf Park**
- **Swimming at Malabar Community Park**
- **Donation of Batting Cage by Scott McLachlan**

Exhibit: Agenda Report No. 6
Recommendation: Request Action

Chair asked if Park Board representative would like to address Council. Dick Korn addressed the batting cage. He challenged where it would be placed. They said that was not a problem. Recommendation was unanimously made by Park Board, Scott will install and it will be used by existing league and future leagues. It is a generous donation. Accept his generous donation.
Council approves.

Huggins Park – move gazebo from here where it is not being used much and Park Board is working on changing it into senior citizen attractions. To that end we will apply for grants and may get a new one or pavilion as part of the retro. The gazebo is not being used. Hans Kemmler is very involved with Disc Golf Park and the gazebo would be used by members and players. Hans has done research and cost is $350.00 to have it professionally moved. Thinks this is a worthwhile expense.

White commented that just like McKnight's previous comments, once Council agrees to move it we may still get complaints from others that want it to remain. Mayor said he could speak to this item as Huggins Park is next to his home. It had been a children's park but before that it was used for prostitution. The gazebo gets almost no use. Korn said Dep Hammer is grandson of Huggins and he has no problem. Disc Gold is so popular. Hans explained that it would be near the front of park on the back side of the fence.
Council approves.

Original FRDAP grant included a sandy beach and it has not been maintained. But it could be used for swimming.

Board felt they did not want to include a lot of do not and no not. They would like the information posted.

Mayor said the cases of amoeba are much less than the number of deaths by drowning.

Bohne said the issue is the liability if they don't put the no swimming signs up and you have the signs warning of the dangers.

Korn said Park Board's two concerns – health is addressed with the sign
2nd is swimming at your own risk – per Bohne

McKnight said less risk by doing nothing. Bohne agreed. Nothing is better than something in this case.

Ben DuBose, 950 Falls Trail, this is the sign at Veterans Park. He was at Park Board meeting. Franklin explained they do also have other signage at Veterans Park that says no swimming. We did not show that at Park Board meeting.

Consensus to table this part until Council meeting on November 1, 2012.
TA said she will have information on this for this meeting.

J. ACTION ITEMS:
ORDINANCES: First reading - 0

RESOLUTIONS: 3

7. Resolution to Appoint and Name Drew Thompson as Chair of Trails & Greenways Volunteer Committee (Reso 29-2012)

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR COUNCIL APPOINTMENT OF ANDREW "DREW" THOMPSON TO THE REACTIVATED TRAILS AND GREENWAYS COMMITTEE AND NAMING HIM CHAIR AND AUTHORIZING HIM TO RECRUIT OTHER COMMITTEE MEMBER APPLICANTS AND VOLUNTEERS; PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 7
Recommendation: Request Action

Chair directed Clerk to read by title only.
Chair asked for motion.
MOTION: Acquaviva / McKnight to approve Reso 29-2012 to appoint Drew Thompson to Trails and Greenways Committee and name him Chair.
Discussion: Beatty said this is not against him but rather: 1) we already have one person working on bikeways. And the Trailhead has been put under the control of Park Board. Need to have council define what you are going to have them do. 2) First need to reactivate the Trails and Greenways Committee and 3) this resolution would appoint him Chair and that is not done.

McKnight met him at TBRB and is all for it. To work on this at any level possible.
Dick Korn thanked Franklin for doing research on the reactivation of the committee. They reactivated it as a committee not a board. We never had a meeting. The committee exists and is dormant. He pushed it at the time. Appoint someone to be Chair of this committee.

As long as it is not a fact finding. Franklin then explained the need for two groups.
Marisa asked about difference on the SpringFest Committee, sometimes it is sunshine and sometimes not. It depends on what they are doing.

Drew Thompson, basically his perception, there was a budget allocation. Town's needs a great trail plan. Sense of desire to get involved. Bring together aspects the committee could also be on the work party. They want to be presenting to council when decisions are warranted and then volunteers, could be both. Further in the woods those decisions, are not sunshine, minimize the recommendation and get more. Mr. Thompson. Separately we had right to pull the right people together. Committee would be a recognized. Those same 2 or 3 or 1 persons could be working a tree. Don't mean to beleaguer it. Change language in body, to match title, subject to council approval. Acquaviva applauds him for willing to do this.
ROLL CALL VOTE: 1) Beatty, Aye; White, Aye; Rivet, Excused; McKnight, Aye; Acquaviva, Aye. Motion carried 4 to 0.

8. Resolution to Appoint Malabar Fire Chief (Reso 30-2012)

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR COUNCIL APPROVAL OF ROBERT STRANDELL TO SERVE AS THE FIRE CHIEF FOR THE MALABAR FIRE DEPARTMENT FOR AN ANNUAL STIPEND OF $9,162.92; PROVIDING

FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 8
Recommendation: Request Action

Chair directed Clerk to read by title only.

MOTION: Beatty / McKnight to approve Reso 30-2012 to appoint Robert Strandell as Fire Chief.

Discussion: TA asked to have opportunity to watch him. She feels the structure has been more beneficial and in talking with others they also feel morale has improved. Acquaviva said the Council approved the $500 in start up funds for the community breakfast. Strandell will address fund raising.

ROLL CALL VOTE: Beatty, Aye; 1)White, Aye; Rivet, Excused; McKnight, Aye; Acquaviva, Aye. Motion carried 4 to 0.

9. Resolution to Approve Interlocal Agreement with Palm Bay for IT Services (Reso 31-2012)

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR COUNCIL APPROVAL OF THE INTERLOCAL AGREEMENT WITH THE CITY OF PALM BAY FOR IT SERVICES ON AN AS NEEDED BASIS FOR THE TOWN OF MALABAR; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 9
Recommendation: Request Action

Chair directed Clerk to read by title only.

MOTION: Acquaviva / White to approve Reso 31-2012 to approve the ILA with Palm Bay for IT services.

Discussion: Bohne had his partner look at this and he thought it was a very competitive price. Acquaviva likes to see the two towns working together and pooling resources. Mayor said it is a win win.

ROLL CALL VOTE: Beatty, Aye; White, Aye; Rivet, Excused; 1)McKnight, Aye; Acquaviva, Aye. Motion carried 4 to 0.

MISCELLANEOUS:

10. Approve Special Edition of Newsletter for Candidates and Malabar Amendments and Florida Amendment 4.

Exhibit: Agenda Report No. 10
Recommendation: Request Action

Discussion: Acquaviva said reading through the packet, using the newsletter for your campaign and it is paid by taxpayer money. After reading the packet, she felt different. Beatty agreed with Marisa. White said it is a tool for residents to use. Bohne said if the expenditure has a public benefit. Town is not promoting one candidate over another. Decide if you want to pay. Special edition because it is election time. If they have a link on the website that would also be helpful.

McKnight said by putting information on ballot question, unless you define all the pros and cons you will still be biased. Franklin does a good job. For instance, it gives the stats on the last two times. He thinks it should also state that we do not have to do this.

White doesn't see a problem with this. They introduce themselves. Acquaviva said you have to be accountable. Mayor said without the resource of having your own paper, this may be a method.

McKnight is on the fence. He doesn't think it will be unbiased.

VOTE: 1 Aye (White); 3 Nays (McKnight, Acquaviva, Beatty)

11. Approve Malabar Candidate Forum using Professional Moderator

Exhibit: Agenda Report No. 11

DRAFT

Recommendation: Request Action

MOTION: Acquaviva / McKnight to approve holding a candidate forum.

Discussion: Beatty talked to Tom Eschenberg about the one in 2010. Beatty had declined the invitation. Acquaviva attended and thought it was a good experience. White said if the Town wants to do it why not do the newsletter. Beatty would like to have link on town website. If someone is interested they can click on link. McKnight said if only 10 people are in audience then you may have won those ten.

Candidate Ben DuBose likes the website link idea.

VOTE: Ayes 2 (Acquaviva, White); Nays 2 (Beatty, McKnight) Mayor votes to break tie – Mayor votes Aye. Motion approved.

McKnight said if we have a day advertised on sign to be at pavilion. TA will get a schedule from candidates and put it on the website.

Acquaviva asked if Beatty was invited to participate in candidate forum in 2010. Yes, but declined.

12. Confirm Council Intent of Water Franchise Charges

Exhibit: Agenda Report No. 12

Recommendation: Request Action

MOTION: Beatty / McKnight to confirm the intent of Council meaning that there will be no franchise fee on wastewater charge, NSF. Returned check charge, temporary turn-on and turn-off charges, credit card charges.

Discussion:

VOTE: All Ayes.

K. PRESENTATIONS: Certificate of Appreciation – Dwayne Vitaliano, Melva Howell
Certificate of Appreciation – Town Hall Front Yard Beautification Project
Certificate of Distinction from FLC – Teens and Parents attending FLC Annual Conference

L. PROCLAMATION:

M. STAFF REPORTS:

ADMINISTRATOR: TA called on Fire Chief Bob Strandell to report on Fire Dept.

Chief thanked everyone for their support. His hats off to the people who are paid and volunteer. He retired after 30 years from down south. Started 9 months ago. Announced they did form a committee headed up by Asst Chief Dan Welton to do fund raising.

Regarding the earlier discussion on MSTU, they had two trauma calls today. One was in the middle of the road. If the response had not been in the 2-3 minutes it could have ended differently. And in two more minutes there were two more units and then when they left there were five units. He referred to the prostitution issue as one thing they deal with but BCSO has also been call to respond to the so have homeless in the woods. He just wanted them to know that.

CLERK: No report

O: DISCUSSION ITEMS:

P. REPORTS - MAYOR AND COUNCIL MEMBERS:

) Beatty: nothing
) White: nothing
) Rivet: excused
) McKnight: nothing

DRAFT

) Acquaviva: Proud of everyone that steps up and volunteers in a short amount of time.
) Interim Mayor: Results are stunning and thank you again to all.

Q. PUBLIC COMMENT: General Items related or not to agenda items (Speaker Card Required)

R. ADJOURNMENT:
There being no further business to discuss, Chair stated that without objection the meeting was adjourned. The meeting adjourned at 9:30 PM

BY:_____
Mayor Phillip R. Crews, Council Chair

ATTEST BY:

_____
Debby K. Franklin, C.M.C. Town Clerk/Treasurer

Date Approved:_____

DRAFT