

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

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

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

**B. ROLL CALL OF MEMBERS**

**ROLL CALL:**

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

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

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

**C. ADDITIONS/DELETIONS/CHANGES:**

**D. PRESENTATIONS:** None

**E. CONSENT AGENDA**

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

Discussion: None

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

**G. PUBLIC:**

**G. ACTION:**

**H. DISCUSSION:**

**I. OLD BUSINESS/NEW BUSINESS:**

**Old Business:**

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

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

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

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

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

Thomas added something to this; people are throwing trash that's not organic in the bins as well. Korn stated he watched one of the drivers today. He backed in and put another trailer as close as he could to the entrance of the bathroom. He placed an empty trailer

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

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

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

For lack of a second, motion died.

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

a problem with it so you need to fix it. Her issue is, and she said Bob probably knows this, is that when she lived off of LaCourt, there were 18 wheelers and dump trucks coming and going to the site and turning around. She doesn't see how a standard dump truck cannot make it down the street and dump that stuff.

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

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

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

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

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

**VOTE: All Ayes.**

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

Beatty stated for clarification with the back to back hurricanes, all debris was picked up but vegetation was the only debris brought to this site. All other household debris was

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

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

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

#### **New Business:**

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

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

- **Cameron Preserve – Thomas**

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

- **Disc Golf Park – Knudson**

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

- **Fern Creek Crossing Park – Siegmann**

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

- **Huggins Park – Marsh**

Marsh reported that the park is the same.

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

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

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

- **Trailhead – Siegmann**

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

**L. ADJOURNMENT**

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

By: Maryann Marsh  
Maryann Marsh, Chair

ATTEST:

Cynthia Kelley  
Cynthia Kelley, C.M.C.  
Recording Secretary

Date Approved: 07/18/12