



Trails and Greenways Committee

Monday, June 12, 2023 at 6:00 pm

1. CALL TO ORDER, PRAYER AND PLEDGE
2. ROLL CALL
3. ADDITIONS/DELETIONS/CHANGES
4. CONSENT AGENDA

a. Approval of Minutes of 05/08/2023

Exhibit: Agenda Report Number 4a

Attachments:

- **Agenda Report Number 4a** (Agenda_Report_Number_4a.pdf)

b. Acknowledgement of CM Schoolfield' s Resignation

Exhibit: Agenda Report Number 4b

Attachments:

- **Agenda Report Number 4b** (Agenda_Report_Number_4b.pdf)

5. PUBLIC COMMENTS
6. ACTION ITEMS
7. DISCUSSION ITEMS:

a. Trail, Kiosk and Firebreak Conditions

Exhibit: Agenda Report Number 7a

Attachments:

- **Agenda Report Number 7a** (Agenda_Report_Number_7a.pdf)

b. Eagles Nest Trailhead

Exhibit: Agenda Report Number 7b

Attachments:

- **Agenda Report Number 7b** (Agenda_Report_Number_7b.pdf)

c. Cameron Preserve

Exhibit: Agenda Report Number 7c

Attachments:

- **Agenda Report Number 7c** (Agenda_Report_number_7c.pdf)

d. Next Field Event - TBD

Exhibit: Agenda Report Number 7d

Attachments:

- **Agenda Report Number 7d** (Agenda_Report_Number_7d.pdf)

8. OLD/NEW BUSINESS

a. Board Member Comments

b. Staff Reports: Motion from Council to Remind Board/Committee Members of Policy in Contacting Town Attorney

Exhibit: Agenda Report Number 8b

Attachments:

- **Agenda Report Number 8b** (Agenda_Report_Number_8b.pdf)

c. Next Scheduled Meeting Date - 07-10-2023

9. ADJOURNMENT

Contact: Richard W. Kohler (rkohler@townofmalabar.org 321-727-7764) | Agenda published on 06/08/2023 at 8:54 AM

TOWN OF MALABAR

TRAILS AND GREENWAYS COMMITTEE MEETING

AGENDA ITEM NO: 4.a
Meeting Date: June 12th, 2023

Prepared By: Richard W. Kohler, Town Clerk

SUBJECT: Approve Minutes of 5/08/2023

BACKGROUND/HISTORY:

- a. Summary of Actions at the Trails and Greenways Committee Meeting of 5/08/2023

ATTACHMENTS:

- a. Draft Minutes of T&GC Meeting of 5/08/2023

ACTION OPTIONS:

- a. Request Approval

MALABAR TRAILS AND GREENWAYS COMMITTEE REGULAR MEETING MINUTES
May 8th, 2023, 6:00 PM

This meeting of the Malabar Trails and Greenways Committee was held at Town Hall at 2725 Malabar Road.

1. CALL TO ORDER, PRAYER AND PLEDGE:

Meeting called to order at 6:05 P.M. Prayer and Pledge led by Chair Thompson.

2. ROLL CALL:

CHAIR:	DREW THOMPSON
VICE-CHAIR:	MURRAY HANN
BOARD MEMBERS:	ANNELIE HARVEY
	BOB WILBUR
	MARK BRITT
ALTERNATES:	MIKE SCHOOLFIELD - EXCUSED
	BARBARA CAMERON
GRANT/VALKARIA LIASON:	CRAIG SMITH
BOARD SECRETARY:	RICHARD KOHLER

3. Additions/Deletions/Changes- None

4. CONSENT AGENDA

4.a. Regular Trails and Greenways Committee Mtg Minutes of 4/10/2023

Motion to accept 4/10/2023 as corrected by HANN/HARVEY.

All Ayes: Carried 5-0.

5. PUBLIC COMMENTS: Glenn Williams, states he his here because there was a lot at the May 1st meeting he did not understands and hopes to learn more tonight.

6. ACTION ITEMS: NONE

7. DISCUSSION

a. Trail, Kiosk and Firebreak Conditions

VC Hann states the trails are open and running well. The area is dry, but there are no trail blockages. The new signs look fantastic. He also placed reflectors on the back of signs that are close to the trail. Liaison Smith suggests a "Merge" sign may be required for the end of the Impala Trail. VC Hann states he ran into a group riding the trails backwards, but they were very appreciative of him for correcting them and directing them to the GFT. They stated the trails are fantastic and appreciate our stewardship. The Chair acknowledged the BMBA for their assistance during the last workday.

b. Cameron Preserve Update

Clerk Kohler informed the Committee that Ecor sprayed the Cogan Grass marked by VC Hann with pesticides, and Staff is working to schedule the Forestry Dept to recut the firebreaks. Chair states all signs have been installed. VC Hann states that it rained exponentially the day of application, and he would check to see if the treatment held. He also noted that he has some improved maps ready for printing. He will send a draft to Secretary Kohler for review. Liaison Smith suggests adding an additional kiosk on Briar Creek Blvd. Chair reemphasizes the necessity to work on updating the Cameron Preserve Plan.

c. Eagles Nest Trailhead Update

Secretary Kohler informs the Committee that TM Stinnett and CM Vail indicated they would work with a contractor to install a temporary culvert in the northern exit of the ENT. Additional fill dirt is still being brought in when available. Chair requests Lt. Hooker from Malabar FD attend the next meeting to discuss the applicability of a fire well. Chair states the area is ready for a fence. CM Wilbur states there are still piles to be spread. They should be smoothed out and the area brought to grade before we put in road base. Chair suggests working to expedite the purchase of road base before the rainy season comes. He suggests CM Cameron prepare a volunteer form so vendors may write off any work donated.

d. Joint Conflict Assessment Recap

Chair Thompson gave a brief overview of the Conflict Assessment Meeting that took place on May 1st. Both the Town and County provided presentations on their proposals. VC Hann states proposals for Micco and Grant Flatwoods included extensive surveys and maps of the areas to be reduced. He is confused as to why the Malabar Scrub Sanctuary is being treated differently. Chair explained that Council requested this group to develop a proposal. He expresses frustration that the requested document was not thoroughly examined by the groups. He provided a 10 minute condensed presentation, which included deeper explanations for each specific area. He is disappointed that Council did not use the presentation. He is concerned at how quickly the signs came down. The Town and County came to an agreement on 4 points.

1. County Remove Fences.
2. Town Waive the fees for tree removal and tree survey.
3. Work commences using the tree preservation map prepared by Mr. Knight.
4. Trail relocations as presented by Mr. Knight move forward.

Chair asks if Council has made any changes to their stance since his presentation at the 5.1.23 RTCM. Staff states Council thanked him and the Committee profusely for their work. Chair states he feels we took a major hit in allowing this progress to continue. He even considered returning the Town's Trail Town designation.

The Cameron Preserve is a large 100 acre rectangle, surrounded by EELs land. He is concerned by the unmarked boundaries and hopes to better mark the area to prevent any accidental restoration on the Cameron Preserve. VC Hann expressed concerns in the necessity for a permit, citing previous restoration attempts that caused damage to Town culverts. Will the County be required to get a permit? Secretary states that is currently being decided in the ILA. Chair states there are areas of thick woods with no clear boundary. He asks if the T&GC should make a formal motion to include a permit? CM Wilbur states that he feels the Town should not allow the EELs program to use the Briar Creek Blvd ROW. He feels the Town can and should do this. VC Hann states he does not believe that would be possible. Chair asks if the EELs program will be operating in the Turkey Creek Channel, as Saint Johns gave them a cart blanche permit. VC Hann states he has no clue how the County plans to get heavy equipment into the area. They will likely bring the wood from the core tail area out to Briar Creek Blvd and deteriorate the road. Normal procedures would require a permit and hold the contractor responsible for any damages. Chair asks that the Town perform normal and appropriate efforts to manage the damage from this project. VC Hann states in the past, they have used front end loaders, forklifts, roller choppers and brontosaurus. All of these will potentially damage the roads. CM Wilbur states he has pictures from 1971 that show the whole area as deep woods. Chair states he feels the EELs program won't listen to reason. CM Wilbur said he is disgusted the County allowed Mr. Knight to perform this project. VC Hann suggests a motion to have the Briar Creek Blvd ROW remain open to residents; Briar Creek & Malabar Road damages; Trees inside the Brook Hollow ROW (Let them remove pine and palm trees, and keep all oak trees);

have the Cameron Preserve Boundary survey. If they do not perform the boundary survey, we should put up signs informing the contractors of the property boundary. VC Hann states he feels the Council is going to let the County do what they want, and his goal is to now defend the Town from any collateral damage. CM Wilbur asks if the project would be bonded? VC Hann suggests the Town require the County to perform their own standards on this project. Chair suggests the Town apply the same rules the County would require a vendor to follow, IE road bonds, surveys, and traffic maintenance. Chair states this is stuff the Town Manager should be doing, and he is unsure how to get the message across.

1. Require a formal boundary survey of Malabar Scrub Sanctuary prior to work commencing.
2. If Malabar Road (DOT), Briar Creek Blvd (TOM/City of Palm Bay), or the Boundary Canal Trail (City of Palm Bay) or their margins are damaged, the County shall repair it at their own expense (Bonded).
3. Due to the proximity to the IRL, Saint John's Water Management District imposes protective silt fencing and other protections as appropriate.
4. It is imperative the Briar Creek Blvd ROW remain open and unobstructed. The ROW has been used in the past to evacuate residents during fires.
5. Protect trees within the Briar Creek Blvd ROW (North and South of Brook Hollow) DOT ROW (Malabar Road) and the Boundary Canal Trail (City of Palm Bay). Only remove trees clearly within MSS boundary.

VC Hann states we are not trying to make this difficult, just trying to ensure the project is safe and follows the rules. Chair suggests the Briar Creek Blvd ROW be marked, and no work be allowed in it. He also suggests the County move their fences along the ROW north of Brook Hollow into their own property and remove no trees from the Town of Malabar owned ROW. VC Hann states there are a few oaks that could be saved, but many of the pine trees could be removed. He is greatly frustrated that the area of our core trails will be reduced, and it is all within 300 feet of a forest edge. He is also sure the ROWs will be damaged by the project. He also warns that the state is considering a law that would allow environmentally preserved lands to be sold if they do not meet the expected preservation numbers. He fears the County is planning for that and is clearing the area. CM Harvey asks if we can impose a penalty for any issues that arise? Chair states it would likely be retroactive and take place in court. He asks what are the Town's penalties for not getting a permit? Secretary Kohler states a double fee. CM Harvey states her belief that if we mark the edge, the County should be aware of the penalties for violating any Town of Malabar properties. VC Hann states he feels crazy considering spending money to govern someone else's contracted work, but past EELs action have made it necessary. He is very concerned about the area just north of Malabar Park. The area is identified by EELs as a wetland, and is full of woodpeckers. Why is that land being restored to Scrub habitat? Chair states this group presented a plan showing that the County's plan does not fit the property it has been applied to, but the presentation was passed over. VC Hann states he did see some Scrub Jays in the North West area of the Sanctuary. CM Wilbur states we should restrict their access to MSS West via the Briar Creek Blvd. VC Hann states he is also concerned how the EELs program will work in the bottom of the creek bed. CM Wilbur states he believes they will cross the creek with heavy equipment without oversight. VC Hann states he believes the EELs program will want to place a Firebreak along the Briar Creek ROW. Secretary Kohler states they have already cut firebreaks along the ROW. VC Hann states the original permit had lot of flaws. In reference to number 5, Chair states if Saint Johns has no permit, we are enforcing the rules they left out. VC Hann states that the channels run off to the Indian River Lagoon, we should

require its protection. He states the original request to St. Johns was for the work south of Brook Hollow. Now the work includes the core trail area which go right up to the creek bed. The EELs program should provide the Town will all documents pertaining to the St. Johns permits. Chair suggests that the Town insist St. Johns enforce their rules. He feels the original permit approved by St. John's was vastly different from the approved plan. He is concerned that the EELs program received permission on a lesser project and should be required to get updated permission. VC Hann states the EELs program will want to use the Briar Creek ROW south of Brook Hollow. They should be required to provide road base and grade the ROW upon completion.

Chair asks if the Committee should make preparations for fencing the Cameron Preserve? VC Hann states he believes the County should start in the east, as that is the better scrub habitat. Chair states regardless of what they should do, are we vulnerable? Should we take action? Liaison Smith asks if we should have Cameron Preserve Surveyed? CM Wilbur states we could have the Briar Creek Blvd ROW and the Cameron Preserve Surveyed. It will provide us benchmarks for reference in future disputes. Chair states his biggest concern is for Cameron Preserve. VC Hann states we should not have to go to our own expenses for someone else's work. Chair states he agrees but does not trust regular action will take place. CM Wilbur states there is no firebreak on the southern or western boundary. We should have that area surveyed. Chair states we should have it surveyed and clearly marked so that someone in a bulldozer could see it. CM Britt asks if there is any way to receive notification on when the work was to begin. He requests a schedule or time table be provided to residents. He feels this would help the residents in the area, as well as people who travel to utilize the trails. VC Hann suggests we request 1 weeks notice prior to commencement to any work, so residents and users can plan appropriately.

VC Hann/CM Cameron moves to recommend to Council and TM Stinnett that the 5 discussed items be included in the ILA.

1. Require a formal boundary survey of Malabar Scrub Sanctuary prior to work commencing. The boundary between MSS West and Cameron Preserve must be marked.
2. If Malabar Road (DOT), Briar Creek Blvd (TOM/City of Palm Bay), or the Boundary Canal Trail (City of Palm Bay) or their margins are damaged, the County shall repair it at their own expense (Bonded).
3. Due to the proximity to the IRL, Saint John's Water Management District imposes protective silt fencing and other protections as appropriate.
4. It is imperative the Briar Creek Blvd ROW remain open and unobstructed. The ROW has been used in the past to evacuate residents during fires.
5. Protect trees within the Briar Creek Blvd ROW (North and South of Brook Hollow) DOT ROW (Malabar Road) and the Boundary Canal Trail (City of Palm Bay). Only remove trees clearly within MSS boundary.
6. Request 1 week notice given to Town of Malabar for public posting prior to commencement of any work, so residents and users can plan appropriately. This includes controlled burns, tree reduction, and roller chopping.

All Ayes (5-0)

Chair asks the Committee is they still want to have the Cameron Preserve surveyed and marked. We will likely require a survey in the future for our improved plan. Liaison Smith asks if we plan to put up a fence? VC Hann states he doesn't think a fence is necessary, but would like to add signs across the border. Chair fears we will regret not doing this sooner. CM Wilbur states if the County does the work in house,

it will take time to start. Chair states he feels we should be prepared for the worst. In the past, the EELs program has over reached and done restoration work and burned property that was not theirs. They have crushed culverts, damaged property and not had to repair it. There is no trust here. VC Hann states he fears the Town will not turn tonight's motion into action. Chair states he thinks we should mark and delineate the border, as he feels the EELs program will intentionally over step their bounds and do work on our property. He hopes he is wrong, but he doesn't think he will be. Liaison Smith and VC Hann offer to do an unofficial marking using the GPS. Chair states he is very afraid this will be the end of the Cameron Preserve if we don't take action. He would like to see a border high up and visible along the boundary to prevent intrusions. Would the Committee be available to work on or before Mother's Day? Liaison Smith states he will begin in his free time and work to ensure he is done before May 15th. Chair states he thinks it is the best idea. VC Hann states his frustration with being a member of an EELs advisory Board that has not met in years.

e. Next Field Event – TBD

The next field event is scheduled for Saturday at 8:30 AM at Briar Creek Blvd Trailhead. Long Sleeves and pants are encouraged. We will be putting up Surveying Tape along the Boundary of the Cameron Preserve. Chair states he will provide the tape.

PUBLIC COMMENT: Mr. Gunther states his growing frustration with Council. He cannot make sense of how the Town could fight for 1.5 years and then let it all walk away for nothing. He plans to come to the next Council Meeting to express his disappointment and offers to assist in preservation in any way possible. He would like to learn more about the potential connectivity projects and would like to be more involved.

8. OLD/NEW BUSINESS

- a. **Board Member Comments:** None
- b. **Staff Reports:** None
- c. **New Business:**
 - Next Regular Meeting- June 12th, 2023

9. ADJOURN

There being no further business to discuss;

MOTION: HANN/HARVEY to adjourn. Vote: All Ayes. The meeting adjourned 8:37 PM.

BY:

Drew Thompson Chair

06/12/2023

Date Approved: as presented:

Richard W. Kohler, Board Secretary

TOWN OF MALABAR

TRAILS AND GREENWAYS COMMITTEE MEETING

AGENDA ITEM NO: 4.b
Meeting Date: June 12th, 2023

Prepared By: Richard W. Kohler, Town Clerk

SUBJECT: Acknowledgement of CM Schoolfield's Resignation

BACKGROUND/HISTORY:

- a. On Saturday, June 3rd, Committee Member Mike Schoolfield emailed Town Staff a letter of resignation from the Committee.

ATTACHMENTS:

- a. June 3rd Email from Mr. Schoolfield.

ACTION OPTIONS:

- a. None

Richard Kohler

From: Mike Schoolfield <mikeschoolfield@gmail.com>
Sent: Saturday, June 3, 2023 8:24 AM
To: Richard Kohler
Cc: Drew Thompson; Murray Hann; brushbusterslci@aol.com; twc321956914@earhlink.net; markb1241@hotmail.com; bkcameron.bc@gmail.com
Subject: Resignation from T&GC

Ladies and Gentlemen,

Please consider this correspondence advising of my resignation from the Town of Malabar Trails and Greenway Committee to be effective immediately.

After the May 1st debacle by the Town Council and the "throwing under the bus" of the T&GC and all its work shows an obvious disingenuousness by Council members. This behavior by the TC was appalling and I will not serve under someone I cannot trust.

It has been a pleasure serving with the individuals of the T&GC who really care about Malabar's people as well as its diverse flora and fauna. It is a shame the same cannot be said of the elected officials called the Town Council.

Sincerely,

Mike Schoolfield

TOWN OF MALABAR

TRAILS AND GREENWAYS COMMITTEE MEETING

AGENDA ITEM NO: 7.a

Meeting Date: June 12, 2023

Prepared By: Richard W. Kohler, Town Clerk

SUBJECT: Trail, Kiosk and Firebreak Conditions

BACKGROUND/HISTORY:

- a. Traditionally, members of the Committee share their recent experiences from the trails and at the trailheads.

ATTACHMENTS:

- a. None

ACTION OPTIONS:

- a. Discussion

TOWN OF MALABAR

TRAILS AND GREENWAYS COMMITTEE MEETING

AGENDA ITEM NO: 7.b
Meeting Date: June 12th, 2023

Prepared By: Richard W. Kohler, Town Clerk

SUBJECT: Eagles Nest Trailhead

BACKGROUND/HISTORY:

- a. The Trails and Greenway's Committee has been actively working towards improving the Eagles Nest Trailhead.
- b. The Committee has indicated it wishes to install the fence line next.
- c. The Malabar Public Works Department has been tasked with bringing in additional fill dirt. A PO for 150 additional tons has been opened.
- d. The Malabar PW Department has successfully brought in several loads of fill dirt. TM Stinnett is coordinating with CM Vail to grade the dirt on site as more is brought in.
- e. The Committee has expressed interest in installing a temporary culvert at the northern exit. TM Stinnett has indicated he will coordinate with a contractor to complete this task.
- f. CM Vail has stated he will begin to develop a drainage swale on the Northern edge of the property, running from east to west, along the whole boundary of the property. He plans to leave a 10-foot vegetative buffer, add a 10-foot-wide swale area to include drainage and a maintenance path.
- g. Lt. Borda of Malabar FD plans to attend this meeting to discuss the possibility and applicability of a Fire Well at the Trailhead.

ATTACHMENTS:

- a. None

ACTION OPTIONS:

- a. None

TOWN OF MALABAR

TRAILS AND GREENWAYS COMMITTEE MEETING

AGENDA ITEM NO: 7.C
Meeting Date: June 12th, 2023

Prepared By: Richard W. Kohler, Town Clerk

SUBJECT: Cameron Preserve Update

BACKGROUND/HISTORY:

- a. The Trails and Greenway's Committee has been actively working towards improving the Cameron Preserve with additional signage and potentially updating the Management Plan.
- b. On Friday January 13th, the T&GC were able to build all remaining directional signs and place the southernmost 7 signs on trial.
- c. The remaining signs were installed at the April 15th Trail Day.
- d. The Committee has also been discussing potential changes to the Management Plan, additional trails, and adding a new pavilion.
- e. Town Staff scheduled ECOR Pest Control to spray the Cogan Grass identified by VC Hann on the firebreak immediately north of the Country Cove Subdivision. They sprayed the affected area on Tuesday April 11th.
 - a. The area will be safe to disc 14 days after application of the pesticide.
 - b. Town Hall staff is coordinating with the FD to contact Forestry to complete the firebreak discing.

ATTACHMENTS:

- a. None.

ACTION OPTIONS:

- a. Discussion

TOWN OF MALABAR

TRAILS AND GREENWAYS COMMITTEE MEETING

AGENDA ITEM NO: 7.d

Meeting Date: June 12th, 2023

Prepared By: Richard W. Kohler, Town Clerk

SUBJECT: Next Field Event – TBD

BACKGROUND/HISTORY:

- a. On Saturday May 13th, the T&GC hosted a limited trail workday at the Cameron Preserve to mark the Western and Southern boundaries of the Preserve.
- b. On April 15th, the T&GC hosted a trail workday at the Cameron Preserve. The BMBA was also participating.
- c. The goals of the workday were:
 - Install remaining directional signs.
 - General Trail Maintenance.
 - New Trail Scouting.
- d. The Committee also has the following projects available for potential future workdays:
 - Eschenberg Park Exploration.
 - Eagles Next Trail Head Fence Line
 - Sandhill Trailhead Cleanup

ATTACHMENTS:

- a. None

ACTION OPTIONS:

- a. Discussion

TOWN OF MALABAR

TRAILS AND GREENWAYS COMMITTEE MEETING

AGENDA ITEM NO: **8.b**

Meeting Date: June 12th, 2023

Prepared By: Richard W. Kohler, Town Clerk

SUBJECT: Motion from Council to Remind Board/Committee Members of Policy in Contacting Town Attorney

BACKGROUND/HISTORY:

- a. At the June 5th RTCM, it was brought to Council's attention that a Board/Committee Chair initiated correspondence with the Town Attorney. As the Attorney bills the Town for all work completed on our behalf, Council made a motion to reiterate that all communication between Board/Committee members and the attorney must originate from the Town Manager, by way of the Board/Committee Secretary. The following motion was passed by Council unanimously:

MOTION: CM SCARDINO/CM HOFMEISTER to remind the board/committees that their communications to the attorney flow through the Town Manager.

Vote: All Ayes (5-0)

ATTACHMENTS:

- a. None.

ACTION OPTIONS:

- a. None.