



**PARK AND RECREATION ADVISORY BOARD
REGULAR MEETING
WEDNESDAY, APRIL 16, 2008
7:30 PM
MALABAR COUNCIL CHAMBER
2725 MALABAR ROAD
MALABAR, FLORIDA**

AGENDA

- A. CALL TO ORDER, PRAYER AND PLEDGE**
- B. ROLL CALL**
- C. ADDITIONS/DELETIONS/CHANGES**
- D. CONSENT AGENDA**
 - 1. Approval of Minutes**
Regular Park and Recreation Meeting – 3/19/08
Exhibit: Agenda Report No. 1
Recommendation: Motion to approve
- E. PUBLIC**
- F. ACTION**
- G. DISCUSSION ITEMS:**
 - **Malabar Soccer Club Contract**
 - **Park Bathroom at South End of Malabar Community Park**
- H. OLD BUSINESS/NEW BUSINESS**
- I. ADJOURNMENT**

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: APRIL 16, 2008

Prepared By: Cynthia Kelley, Secretary to Board

SUBJECT: Approval Park Board Minutes

BACKGROUND/HISTORY:

Attached are the summary minutes for the following meetings:
Regular Park & Recreation Board Meeting – 3/19/08

ATTACHMENTS:

- Draft Minutes from Park and Recreation regular meeting March 19, 2008

ACTION OPTIONS:

Recording Secretary requests approval of the minutes

**TOWN OF MALABAR – PARK AND RECREATION ADVISORY BOARD
3/19/08 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 Chairperson, Hans Kemmler. Prayer and Pledge led by Chair Hans Kemmler.

B.

The Recording Secretary asked the Chair to stop for a moment; the tape was not recording. After re-setting the machine to record, the meeting was called back to order at 7:35 pm.

B. ROLL CALL OF MEMBERS

ROLL CALL:

Hans Kemmler – Chair
Dick Korn, Vice-Chair
Bob Siegmann - excused
Vickie Thomas - excused
Josh Treadwell - excused
Scott Pollard, Alt. #1
Maryann Marsh, Alt. #2 – arrived at 7:34 pm
Cynthia Kelley, Recording Secretary

C. ADDITIONS AND DELETIONS – Kelley reported there are additions to the agenda. The Board agreed to add the following items to the agenda: Action Items: Port-o-Lets at Park for soccer games and Food Vendor at Park for soccer games as items 2 and 3; Discussion Item: Newsletter Survey as last item. Korn adds the measurements of the soccer field as part of the first Discussion Item.

D. CONSENT AGENDA

- 1. Approval of Minutes**
Regular Park and Recreation Meeting – 2/20/08
Exhibit: Agenda Report No. 1
Recommendation: Motion to approve

Bottom of page 1 and 2; Statement made by Korn should be as follows: The third area for consideration has a lone slide located east of the area. Kemmler states on page 1 in the first paragraph under Soccer Field Space Measurements needs to be a corrected; the sentence stating "The third area is near the playground equipment south of the parking lot; it should state north of the parking lot. Korn states a correction on page 2 under the County-wide Linear Trail System-Grant Ideas needs to be made. The sentence stating "The Town applied for a grant to have bathrooms put in the Community Park near the playground equipment; it should state "The Town applied for a grant to have bathrooms put in at the Trailhead #1 near the existing pavilion. Korn stated that the fencing at the Disc Golf Park is not stated in the minutes regarding funding for this fence. Kelley reports that this is on page 3 of the minutes. No corrections were made to page 3 or 4 of the minutes.

MOTION: Korn/Pollard to approve the minutes of 2-20-08 with corrections. Vote: All Ayes.

E. PUBLIC:

Denise Cayle, 1898 Delaware Street, NW, Palm Bay-came forward and addressed the Board. Ms. Cayle reported this item was presented to Council at the last meeting; which she was not notified of. Korn and Kemmler ask why she felt she should be notified of the meeting. Ms. Cayle states she received an e-mail from Bonilyn Wilbanks-Free stating that notification of the meeting would be provided to her. Kemmler states that all public meetings are posted outside of Town Hall and are on the website well in advance of any meeting. This would be how to find out about the public meetings. Ms. Cayle states she should not have received an e-mail stating she would be notified of the meeting.

Kemmler was at the Council meeting of March 17, 2008; this item was presented to Council and was referred back to the Park Board for discussion and recommendation to Council. Kemmler asks what the Board can do for Ms. Cayle this evening. She has requested that she be allowed to be a hot dog vendor in the Community Park on Saturdays during soccer season; she was approached by the coach of the soccer team. Ms. Cayle provided services for one Saturday and is asking that she be allowed to continue. The application and paperwork have been submitted to the Town for her to be approved. She is also seeking to have port-o-lets placed closer to the soccer field so her employees do not have to walk so far to the facilities.

Korn states he has concerns regarding the hot dog vendor in the park. He wants to make sure we have specified guidelines for any and all food vendors conducting business on Town of Malabar property. Ms. Cayle filled out paperwork as a one-time event at a soccer game. The vendor application provided was an application used for Springfest vendors; modified to be used for this one time of selling hot dogs in the park. This application has a hold harmless agreement that releases the Town of Malabar from any liability. Ms. Cayle states that she is licensed by the State, has a food handling license and she has completed everything required to be able to operate her business. Korn has concern for the amount of insurance of \$350,000; Ms. Cayle states she has supplied her application and paperwork to the Town. Korn states that the Town should be listed as an Additional Insured and that we should have a minimum requirement of \$1,000,000 aggregate insurance; \$500,000 per incident and \$50,000 medical. It would be a very minimal cost for the insured to have the insurance increased.

Kemmler brought the meeting back to order. It his understanding that Ms. Cayle would like to sell hot dogs every week on a continuing basis. Ms. Cayle states she would like to be able to do this for the soccer season. Kemmler states that the Parks and Recreation Advisory Board make recommendations to Council only; they cannot set policy. Ms. Cayle states, again, that the application and paperwork has been submitted to the Town; she followed all the requirements and obtained \$300,000 in liability insurance, which was what is required by the Town. If this policy were to be cancelled or lapse, the Town would be the first to know because this is what insurance companies do. She is also subject to being inspected by the State at any given time. Her food cart must be kept at all times or she can be fined and shut down.

Kemmler asks specifically what Ms. Cayle is requesting the Board do for her this evening. She states she would like to be a food vendor in the park and that port-o-lets be placed closer to the soccer fields in the park.

Charles Smith, 2540 Amberly Road, NW, Palm Bay-came forward and addressed the Board. He is here to speak on behalf of the Malabar Soccer Club. Mr. Smith stated that he has petitions with at least 50 signatures from parents of the children playing soccer; these signatures are in favor of having a sponsor food vendor and port-o-lets in the park for the soccer club. He states that a bigger storage area was promised and it has never been seen. There are some portable storage areas but they have never been used. Kemmler asks who promised larger storage. Korn states that when Mr. Withers was on this Board, he spoke about storage for the soccer club. Kemmler states that he has been the Chair of this Board for four years; never has the Board asked for someone to speak and then promises were made. Mr. Smith states the club was informed of storage a few years back; he used the wrong wording of "promise", with regards to "igloo" shaped cones. If there is one available, they would like to be able to use it for soccer equipment to be stored.

Kemmler states once again that this Board makes recommendations to Council. He needs to know what Mr. Smith is looking for in the park regarding the soccer club. Mr. Smith states he would like to see a larger storage area, additional fields, sponsored food vendors and port-o-lets. Kemmler states that there are a few of these issues being addressed this evening and recommendations will be made to Council. Mr. Smith is asking the Town to do as much as possible for the soccer club.

Korn asks what the smallest size field would be for soccer. Mr. Smith states it is a field of 60'x120'. Mr.

Smith also stated that there is the possibility of obtaining land owned by the EELs if it is designated as recreational. This information has been researched by some of the board members of the Soccer Club. Kemmler states that the Soccer Club needs to go to the EELs and speak directly to them regarding their request. Mr. Smith stated that it was Mr. Knight who was spoken to about this. Kemmler states this is hard to believe because the Town has tried on different occasions to obtain land from the EELs program to no avail.

Kemmler brought the discussion back to the Board and asked each member if they had any more questions for Mr. Smith. Marsh states she has nothing; Korn asks for the sizes of field, Mr. Smith states he doesn't have the paperwork to show the different field sizes; Pollard has nothing to ask at this time. Kemmler reports that he drew up the original contract for the Malabar Soccer Club. The terms state that the Town owns the field and the equipment; the Soccer Club has to have insurance of \$1,000,000; the Soccer Club can use the park free of charge if they agree to abide by certain rules and doesn't trash the park. He asks Mr. Smith if this agreement is current. Mr. Smith states that he is not sure; he believes that it is.

Korn asks about the soccer season; when does it start and how long is it? Mr. Smith states that it starts in February and ends in May. This is the spring season; the fall season is from September to November. This information is asked so the Board and see when the field can be maintained and be taken care of if any needs arise. The field would be maintained between the two soccer seasons.

Mary Hofmeister, 2340 Corey Road-came forward and addressed the Board. She is asking that the Board support the Malabar Soccer Club. This soccer club has taken off and she is proud that they are able to keep the kids off the street and out from in front of the computer. Everyone is happy with the Soccer Club; all facilities are being used. This club has grown and hopes the Board will continue to support the club. Kemmler asks what she is looking for from the Board this evening. She states she would like to see additional fields, sponsored food vendors, port-o-lets and storage. Kemmler states, as she arrived after the meeting began, that the Board only makes recommendations to Council. A few items on the agenda this evening will be brought to Council with the Board's recommendations. Kemmler makes mention that Council would like to know how many children from Malabar are involved in the Malabar Soccer Club. This information needs to be provided to Council. Ms. Hofmeister states this information comes from the registrar and she will make contact to obtain this information.

At this time, the discussion turned to building an additional soccer field in the park. Kemmler asked Kelley if it would be possible to have the presentation made to Council available so the Board could see what Council saw. Kelley provided the presentation and Kemmler went through this with the information regarding the three areas that the Board feels is available in the park for an additional soccer field. He reported that all the property owned by the Town has been looked at for additional fields. He went over the three areas; providing measurements and the availability of irrigation. Mr. Smith asks if the club would have a say in where the field is placed. Kemmler states this is not possible; it will be recommended by the Board to Council and Council will have the final say in this. The first area is in the field in front of the Fire Department; this location is not the best, it is close to the road and does not have irrigation; it would be very costly to build a field in this area. The second choice is by the main pavilion in the park. This area does have irrigation but it is not very well suited because of the other activities that take place in the park. This area is used for Town functions as well as rental of the pavilion for parties. The third choice is north of the south parking lot next to the existing soccer field. Korn came forward and gave information regarding this area. This area seems to be the best place; it will hold a 60'x120' field; irrigation can be brought to this area at a minimal cost; the lone slide can be left there if it needs to be. There is vegetation, inspected by Korn and Carl Beatty for endangered species that can be moved. Fill dirt would have to be brought in to level the area; the drainage ditch will need to stay in tact at this area.

Mary Hofmeister asks if it is possible to have the field between the fence at the south side of the baseball field and fenced driveway leading to the playground parking lot. Kemmler states that he was

out at the park with measuring tape; this area is not big enough. Ms. Hofmeister states that people from the soccer club measured this area and found it to be able to hold a soccer field. Kemmler states that he would need to have proof of this as he was out there and found it not to be big enough. Marsh asks if the soccer club has a problem with the areas that has been presented this evening. It was stated that they don't. It would seem that the area south of the existing soccer field is the best and most cost effective area to have an additional field if Council approves it.

MOTION: Korn/Pollard recommends that Council approves building a 60'x120' soccer field north of the south parking lot fence south of the existing soccer field. VOTE: All Ayes. This is to be placed as the first action item in the minutes (it was not added to the agenda as additions/deletions/changes).

Kemmler states that this is the action taken for recommending to Council for an extra soccer field in our park.

F. ACTION

2. Port-o-Lets at Park for Soccer Games

Kemmler asked each Board Member how they felt about having port-o-lets in the park for the soccer games. Marsh states she doesn't like them but understands the need for them. Korn feels the same way. He spoke to a Council Member about this; it is their understanding that the Soccer Club will pay for the rental of the port-o-lets. However, Korn states that the Town is not in the subletting business and feels that the Town should pay for the port-o-lets and maintenance of them. This would allow anyone in the park to use the facilities. This would be done on a temporary basis. Kemmler reports that the Trailhead has permanent port-o-lets and there has not been a problem as of yet. Each Sunday there are approximately 35 to 40 cars in the park listening to the bluegrass music. They have been there for about two years. Pollard states he doesn't like them either but also understands the need. This could be the incentive needed to get the funding for additional bathrooms in the park. Marsh, Korn and Pollard state the port-o-lets should be placed in the park. Kemmler asks what the cost of the port-o-lets at the Trailhead costs monthly. Kelley reports that it \$107 and change each month. It is the general consensus of the Board that the Town place two handicap port-o-lets in the Malabar Community Park; Kemmler feels that cost will be approximately \$200/month. This will be recommended to Council; they don't have to approve this recommendation.

Ms. Hofmeister came forward and stated that the Soccer Club is willing to pay for the port-o-let at \$70/month with service on it once a week. Kemmler states that it was just stated that the Town pays \$107 for the Trailhead. Ms. Hofmeister states the Soccer Club has done research and had three bids. Kelley reports that the Town uses Waste Management for the Trailhead. Kemmler states that we are recommending the Town put the port-o-lets in and have them maintained. Ms. Hofmeister states the Soccer Club is willing to pay for one of the facilities.

The question went to where the port-o-lets should be placed. **MOTION: Marsh/Pollard to place two handicap port-o-lets, paid by the Town, on the west side of the parking lot close to the fence. VOTE: All Ayes.**

3. Food Vendor at Park for Soccer Games

Kemmler states that it is his understanding that there was a misunderstanding between the vendor and staff; it could have been something as simple as hearing "Saturday" when it was meant as "Saturdays".

Korn moved to suggest that the Town Administrator develop a set of guidelines for permitting food vendors in the park on any occasion. Kemmler states that these guidelines will be far-reaching for anyone who comes to Town to sell food in park. Korn states the guidelines will take all the questions

out of what is being applied for. The Town Administrator could develop the guidelines and have Council approve them.

MOTION: Korn/Pollard recommend the Town Administrator develop a set of guidelines for any and all food vendors doing business on Town property and to present them for approval to Council.

Kemmler brings to Board for discussion. Korn is suggesting we do something to solve a problem that's come up now. The problem has been that we don't have a policy for recurring people selling food in our park. We have tried as a Board, 2 1/2 years ago, to get a concession stand but no one wanted it. This is something that people may want and would enjoy. It may take some time for the guidelines to be put together and approved by Council. This could be something as simple as modifying the food vendor application used for Springfest; it could be extended for repeated use. He's not sure the insurance requirement is on the form. Kelley reports that it is. Kemmler states he doesn't like the idea of people bickering over prices of imaginary accidents that might or might not happen. Marsh states this would be up to the Town Administrator. Korn recommends that the Town Administrator research with other communities. It would be beneficial if she could expedite this as well. Kemmler states that the motion is far-reaching.

March takes time to apologize to the applicant. We are trying to do this the best way we can, obviously people didn't know what they were doing. It is possible that it was thought that with one signature, this was taken care of; there were other issues, we're just trying to get this done correctly. Once we have the guidelines, we will be in a better position to discuss this more when the Town Administrator decides what we have to do.

VOTE: All Ayes.

Kemmler states the Board needs to try to take care of the situation before them this evening. Marsh make suggestion that we do a temporary thing since they only have a month and a half left in the season. We will have all summer to get the guidelines into place. Korn states we have all the paperwork needed from the applicant; for the duration of the spring season, the Board has no problem granting permission for the vendor to sell hot dogs. Kemmler states we need to advise the Town Administrator. Korn states this would be a temporary solution and it would expire upon the permanent solution being approved.

It is the general consensus of the Board to advise the Town Administrator to go ahead and allow the vendor to sell hot dogs once a week on Saturdays at the park during the spring soccer season. Marsh asks if this is for the hot dog vendor only. Kemmler states we cannot limit this to one vendor.

Ms. Cayle comes forward and addresses the Board. She is confused; she has filled out an application that was obtained on line. The code under 12.5-20 states that insurance requirements are \$300,000 which is what was obtained for the insurance coverage. Kelley asks if this is a Business Tax Receipt application; Ms. Cayle is not sure. Kemmler asks if it is the food vendor application used at time of Springfest. Ms. Cayle states the application has the code on it; she did everything that was asked on the form and provided the paperwork to the Town. Korn states, with the grey areas, this is why the Board has asked that the Town Administrator develop the specific guidelines, clearing up any indecision that may come up with an application to sell food within the Town of Malabar. Marsh feels this is needed within the Town regardless. Kemmler feels that the Town Administrator may already be working on this issue.

G. DISCUSSION ITEMS:

- **Pricing of Irrigation & Construction of Second Soccer Field**

Korn brings up the subject of the Board obtaining pricing for projects at the park. In the past, it was

mentioned that this was not part of the Board's responsibilities. This being said, Kemmler pulls this discussion item from the agenda. If Council approves the second soccer field in the park, he feels they will direct staff to obtain the pricing needed.

- **Trails & Greenways Committee Coordination**

Kemmler reports that members of this committee have been trying to get a meeting put together. Wilbur is not available on Tuesday or Wednesday but is available on Thursdays. Korn is available on Tuesdays, Wednesdays and Thursdays. Kemmler states he is available on Thursdays. He will contact the members of the committee, to include Murray Hann and Richard Cameron to get a meeting set up.

- **Trash Cans at Disc Golf Park**

Kemmler reports that the trash cans have been placed; a total of 4. It was thought that they would be emptied by Public Works once every two weeks. It turns out that the cans are full and need to be emptied every week. The park is being use and this is good news.

- **Malabar Springfest 2008**

Kemmler reports that Malabar Springfest is to be held on Saturday, April 5th from 10 am until 4 pm. The bands have been set; Castaway Bluegrass Bunch, All About Nothing and The Johnny Quinlivan Band. He hopes that everyone will be able to make it to the park.

- **Newsletter Survey**

Kelley stated a hand-out was provided to each member at their seat before the meeting. This is a survey that we are thinking of putting on the website for people to advise Town staff about park issues. It was asked that the Park Board have some input regarding the survey. The only changes made to this form is adding "exercise trails" to "What additional features would you like to see in the park?" The wording to this question was changed to read as exactly this. Kelley stated that the first paragraph will be placed in the Mailboat to let people know about the survey; they just need to go to the website and complete the survey. This will give the Town an idea of what is happening in the Town parks.

H. OLD BUSINESS/NEW BUSINESS

Old Business:

None

New Business:

Korn reports that Josh Treadwell is now on active military duty. Kelley states that he is gone. Korn feels that the Board needs to have all the full member positions filled. Treadwell is a full member; he believes that Pollard, as first alternate, should be moved into the full member space of Treadwell. Kelley explains that the Board can do this one of two ways. At each meeting, you could have an alternate vote in the absence of Treadwell or you can move an alternate to the full member position until such time as Treadwell comes back and is actively involved in the Park Board. It needs to be understood that upon his return, Treadwell would move back to his original full member status and the alternate replacing him would go back to an alternate position.

MOTION: Korn/Marsh nominated Scott Pollard to be placed in the full-time position and Josh Treadwell to be placed in an alternate position until such time as Mr. Treadwell returns from active duty. VOTE: All Ayes.

Pollard reports on the following issues at the Trailhead: the water trough, dead tree and picnic tables. He states that there has not been any action taken on placing a water trough at the Trailhead. The dead tree is still in place and the picnic tables have green slime growing on them. Kemmler states he will ask if Public Works can address the tree and the picnic tables at the Trailhead Park.

I. ADJOURNMENT

MOTION: Marsh/Pollard to adjourn. VOTE: All Ayes. The meeting adjourned at 9:00 pm.

Cynthia Kelley, Recording Secretary

Hans Kemmler, Chair

Approved Date _____

DRAFT

TOWN OF MALABAR

MEMORANDUM

Date: April 9, 2008 08-DTC-033

To: Hans Kemmler, Chair
Park Board Members

From: Cindi Kelley, Deputy Town Clerk

Ref: Draft Minutes – RTCM 04/07/08

Attached is an excerpt, in draft form, from the RTCM minutes of the April 7, 2008 meeting. The portion of the minutes reflects the actions taken by Council regarding the Malabar Soccer Club. The addition of the port-o-lets at the south end of Malabar Community Park was denied by Council.

The Town Administrator asked Council for approval to solicit an agreement for the baseball field with Brevard Stars Baseball Team. This team has been paying \$50 per month; the Malabar Soccer Club has not been paying for use of the park. Council has approved the approval of an agreement with the baseball team, keeping it consistent with our code to charge both teams the appropriate fees.

EXCERPT OF RTCM 04/07/08:

I. PUBLIC: ITEMS DIRECTLY RELATED TO RESIDENTS PRESENT AT MEETING

3. Recommendations from Park Board

A) Additional Soccer Field

B) Port-a-lets

C) Hot Dog Vendor

Exhibit: Agenda Report No 3

Recommendation: Request Action on A, B, C

BWF showed pictures of drainage considerations and stated the engineer will have to be tasked with redesign. Then she showed the slide and the safety factor of moving the slide due to warranty. Study the drainage. Bob also said the layout s/b

Regarding A)

MOTION: Dezman / Vail to approve the additional soccer field. Discussion. Dezman said she is against this. It is not the Regional Park for the purposes of soccer. She is not in favor changing the drainage especially since it works. Borton agrees. Vail said we have a nice diversity within the park and it is user friendly for a large group of people. Until we get more land to expand we should leave it as it is. Maybe in the future we could change it. McClelland called for the question.

VOTE: All Nays. Motion failed 4 - 0.

Regarding B)

MOTION: Vail / Borton to approve Park Board recommendation to have Town pay for them. Discussion. Vail said he would support allowing them to have them but make them pay for it. How we would control that he didn't know. Possibly the usage fee. It is Dezman said the catalyst for the request was for the referee to use for insulin shots. Borton said they are smelly and get knocked over. Mayor suggested changing the motion. Attorney stated it should be withdrawn. Vail withdraws the motion. Do this for a trial period.

MOTION: Vail / Dezman to allow the soccer league to install one or two port-a-lets at their expense and remove them at the end of the season. McClelland called the question.

Vote: Vail, Aye; Nay, 3. Motion Failed 3 - 1.

BWF explained background and when the baseball league wanted to do the same thing Council denied. Mayor read the special event section of the code. Did the former administrator deny the baseball team? BWF said the county does get a percentage but they also have a full concession. Mayor said he read Chap 14 as the business should have a permanent location.

Regarding C)

MOTION: Dezman / Borton to approve the hotdog vendor for the balance of the season, and be responsible for the litter clean up under the authority of the Town Administrator. Dezman has a problem with the lack of consistency. Her other concern is trash. It is nice to have it handy. BWF said it is not her responsibility to set policy. Do you want her to allow it and require litter control? Vail said we need to come up with something. Vail said let's try it out for 6 weeks.

Borton asked how the trash was after she was there for opening. BWF explained we do not clean up until Monday. Do you want to put on someone at overtime to come in a clean up on Saturday or Sunday? Vail said the cans by the soccer field are animal proof. He doesn't think the litter would be a problem.

VOTE: Aye, -2 (Vail, Dezman); Nay, 2 (Borton, McClelland); Mayor voted Aye. Motion approved 3 - 2.

J. ACTIONS ITEMS:

MISCELLANEOUS:

5. Approval to Solicit Agreement – Brevard Stars Baseball Team

Exhibit: Agenda Report No 5

Recommendation: Action

BWF said we charge to baseball team \$50.00 a month and don't charge the soccer. They come in and reserve the baseball field. We don't have a contract – they are paying per the fee resolution.

MOTION: Dezman / Borton solicit an agreement and be consistent and make both pay the same to use the park according to our fee schedule and effective immediately.

VOTE: All Ayes. .

DRAFT