PARK AND RECREATION ADVISORY BOARD
REGULAR MEETING
WEDNESDAY, SEPTEMBER 17, 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 – 7/16/08
   Exhibit: Agenda Report No. 1
   Recommendation: Motion to approve

E. PUBLIC

F. ACTION

G. DISCUSSION ITEMS

2. **Consider Amending Park Fee Resolution**
   Exhibit: Agenda Report No. 2
   Recommendation: Discussion and direction

3. **Waterfront Improvement**
   Exhibit: Agenda Report No. 3
   Recommendation: Discussion and direction

4. **Cleared Land Tree Use (Parks and Disc Golf Park)**
   Exhibit: Agenda Report No. 4
   Recommendation: Discussion and direction

5. **Bluegrass Bunch Pavilion Use (Electricity Access)**
   Exhibit: Agenda Report No. 5
   Recommendation: Discussion and direction

H. OLD BUSINESS/NEW BUSINESS:

6. **Trails and Greenways Meeting**
   Exhibit: Agenda Report No. 6
   Recommendation: Reminder to Committee Members

7. **Cameron Preserve / EELs Property Access**
   Exhibit: Agenda Report No. 7
   Recommendation: Discussion and direction

I. ADJOURNMENT

If an individual decides to appeal any decision made by this board with respect to any matter considered at this meeting, a vertabim transcript may be required, and the individual may need to insure that a verbatim transcript of the proceedings is made (Florida Statute 286.0105). The Town does not provide this service.
In compliance with the Americans With Disabilities Act (ADA), anyone who needs a special accommodation for this meeting should contact the Town's ADA Coordinator at 321-727-7764 at least 48 hours in advance of this meeting.

TOWN OF MALABAR

PARK AND RECREATION

AGENDA ITEM REPORT

AGENDA ITEM NO: 1
Meeting Date: SEPTEMBER 17, 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 – 7/16/08

ATTACHMENTS:
- Draft Minutes from Park and Recreation regular meeting July 16, 2008

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 – PARK AND RECREATION ADVISORY BOARD
7/16/08 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: 7:31 pm by Chairperson, Hans Kemmler. Prayer and Pledge led by Chair Hans Kemmler.

B. ROLL CALL OF MEMBERS

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

C. ADDITIONS AND DELETIONS: None

At this time, Kemmler states he likes the new format of the agenda packets; feels they should have page numbers when uploaded to the website for research purposes. It took ten minutes to find information in a Council packet that had more than 150 pages.

D. D. CONSENT AGENDA

1. Approval of Minutes
Regular Park and Recreation Meeting – 5/21/08
Exhibit: Agenda Report No. 1
Recommendation: Motion to approve

MOTION: Korn/Seigmann to approve minutes from 5/21/08 as presented.
Discussion: None
Vote: All Ayes.

E. PUBLIC: None

F. ACTION: None

G. DISCUSSION ITEMS

2. Shade Structures in Malabar Community Park
Exhibit: Agenda Report No. 2
Recommendation: Discussion and direction

Discussion: An anonymous benefactor contacted the Town to donate trees to the park; at the last meeting pictures were shown of the park where these trees could be placed to provide shade. Marsh had made a suggestion that we use some other type of shade structure due to the trees taking time in providing shade due to size and growth. Korn states that the providing of these trees was due to land mitigation and is time sensitive. He suggests that Kemmler contact the Town Administrator for the status of this; it could be a mute point. Kemmler states he was contacted by Town staff to get input for the size and caliber of trees after the last meeting but was not given the final outcome of the price of the trees or the amount that would be donated. He suggested the largest caliber of tree possible and the amount of ten trees or as close to this as possible with the size factor. Thomas asks what type of trees would be placed. Kelley advised the type to be oak trees. Pollard asks if the placement of the trees would interfere with any new soccer fields placed in the park. Kemmler advised that Council has said

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there will be no more soccer fields added to the park. He stated that he would make contact with the Town Administrator to get the status. If he finds that this will not be taking place, he will advise the Board and discussion of shade structures will be brought back for discussion and recommendation would be made to Council regarding this. Korn made a suggestion that we put something with ads on them and let someone else pay for the shade structures. Kemmler states that this will be placed on hold until speaking with the Town Administrator.

3. Green Bridges at Linear Trail
Exhibit: Agenda Report No. 3
Recommendation: Discussion and direction

Discussion: Kemmler brought this to the Board for consideration. This is a long-range goal and something that we would need assistance with funding. People are realizing that wildlife is being hemmed in and can't get around their natural habitat. Areas are being bridged to assist the wildlife with their habitats. This is something that the Trails and Greenways Committee could look into; this would be a perfect place for Brevard County to have something of this nature. Kemmler states he would like to spark the thought that we are considering this type of project; the trail is supposed to come down Marie Street and cross over Malabar Road and continues south; he doesn't know what the crossing would look like. Thomas states she has seen this type of bridge, one in Gainesville and after being in place for two days, you could see the animal tracks all around it. Korn suggest that Bob Wilbur come and address the Board regarding the trail crossing Malabar Road.

Bob Wilbur-2500 Glatter Road came forward and addressed the Board. There is a bridge that crosses I-4 over the highway. This bridge is big enough for a truck to cross. Trees are planted all along the crossing, green vegetation and grass. He did the trail and took a trail ride across the bridge. Marsh asks what the bridge is made of. Korn states it is just like the bridges that the kids use to cross the roads to get to school. Wilbur states that in order to qualify for a land bridge, the destination is a very serious factor. This is also very expensive; a matching grant would be needed to assist with a project like this.

Korn asks about the current plan to bring the trail across Malabar Road to continue south on Marie Street. Wilbur states he would be happy to see lines on the road. Kemmler states that DOT has their own rules; they could put up a caution sign. Thomas states she would like to have pedestrians push a button to cross the street and have crossing on demand. Marsh states that she is a horse rider and there have been plenty of times that she would have like to cross Malabar Road to continue but this is impossible with the traffic on Malabar Road at this time. Wilbur would like to see a sign approaching trail crossing in either direction for whatever distance is required indicating horse, pedestrian and bicycle crossing. Korn asks if this is something the Town can do. Kemmler states that Malabar Road is a state road and DOT has the jurisdiction. Wilbur advises that DOT has the signage; we shouldn't have to take the funds from the Town. Kemmler states we need to convince them and that can be hard to do. He advises Wilbur that this Board will assist in any way to help with this project. Wilbur states this should be a priority before an accident happens

Korn states that a previous Council advised the MPO that the Town was opposed to four laning Malabar Road; this has been brought back to them for consideration. Wilbur would be happy with sidewalk on north side of Malabar Road before the four laning of Malabar Road; need connection of sidewalk alignment on the north side for the hospital expansion. He did not see MIMA's plan for sidewalk coming down to the trailer park. Korn states that MIMA is in Malabar and the hospital is in Palm Bay; Palm Bay probably required the sidewalk and Malabar didn't. Wilbur states that grants for sidewalks are available but with the amount of room the ditch may need to be piped; this is rather expensive but is feasible.

Kemmler states this pretty much covers what he is trying to say about the green bridge and Linear Trail. He would like it on record that we thought of doing something in case, in the future, the hard times end and money is available, we can continue with this.

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4. Trails and Greenways Committee First Meeting
Exhibit: Agenda Report No. 4
Recommendation: Discussion and direction

Discussion: Kemmler brought this to the Board to get the first meeting scheduled. Korn and Wilbur are two of the people on the Committee with himself. Cameron and Murray Hann are the other two people who have volunteered. After discussing days of the week that are good for the three present, it was decided to have the meetings scheduled for the third Thursday of each month, beginning with August 2008. Wilbur suggests that Kemmler advise Cameron and Hann of this. Kelley advises that this will be added to the monthly calendar and placed on the website; staff will also have the meetings noticed for the public. Kemmler comments on whether Town staff needs to be present to take minutes of the meetings. Kelley states she will find out and advise by e-mail findings to Kemmler. Kemmler states an action item of making contact with Town Administrator to get the rules and regulations for this Committee on how to conduct the meetings.

5. Park Survey for Website
Exhibit: Agenda Report No. 5
Recommendation: Discussion and direction

Discussion: Kelley advises the Board that this survey was brought before them at a previous meeting. This was in the Mailboat and it needs to be gone over one last time for final review. After discussion, the only addition made by the Board was to add grills under the "added feature" section. Kelley advises that staff will make the necessary grammatical changes to the form. Kemmler would like this document to be added to the website with form elements so that the people filling it out can "click and send" their information right to Town staff. This is something that can be done by the web people with very little trouble. If this cannot be done, he asks that the Town Administrator advise the Board of this.

H. OLD BUSINESS/NEW BUSINESS:

Old Business:

Pollard states he has a couple of things to be addressed. At the Trailhead, the eyelet and chain were forcibly removed. Korn stated this issue is being addressed. What happened is someone entered the Trailhead from Palm Bay's end and came through. They realized they couldn't get out unless they ran right through the chain; this is what they did and took the equipment. The second incident was someone cut the chain. This equipment had been replaced with no other incidents. Palm Bay is in the process of making their end look like ours to keep the traffic out of the Trailhead.

Thomas states that at the entrance of the Cameron Preserve, there is a gofer turtle hole that is being run over. She would like to see some stakes and ribbon placed out there so people can see this area is being protected. Pollard suggests concrete poles. Kemmler states this is something the Trails and Greenway Committee could address.

Bob Wilbur-2500 Glatter Road came forward and addressed the Board. The entryways to the Trailhead sounds like a job for intergovernmental coordination. To keep the traffic out, he suggests that PVC piping and cables be used. People will not take cable; chains have several uses, cable doesn't. This is something that Public Works could do in-house, it's not expense and it could be taken down should the need arise without much trouble.

Kemmler asks if there is any other access to the Trailhead, as we seem to have the Palm Bay entry and our entry taken care of. Thomas states that you can enter the Trailhead from the parking area at Brookglen off of Port Malabar Road. Kemmler states that this would need to be addressed by the assisted living facility; we have no jurisdiction in this area. Korn suggest a sign be placed to keep people from going across the grass. The Town Administrator has been coordinating with Sue Hann regarding the Trailhead.

Pollard states that the water trough at the Marie Street Trailhead has been in place for a while and this is good. The tree due west of the fire pit is still there and he feels this could be a safety issue.

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Kemmler states he will contact the Town Administrator to see if Public Works can take care of this issue.

New Business:
None

I. ADJOURNMENT:
There being no further discussion, **MOTION: Pollard/Korn to adjourn meeting. VOTE: All Ayes.**
This meeting adjourned at 8:25 pm.

_____ _____
Cynthia Kelley, Recording Secretary Hans Kemmler, Chair

Approved Date: _____

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TOWN OF MALABAR

PARK AND RECREATION

AGENDA ITEM REPORT

AGENDA ITEM NO: 2
Meeting Date: SEPTEMBER 17, 2008

Prepared By: Cynthia Kelley, Secretary to Board

SUBJECT: Consider Amending Park Fee Resolution

BACKGROUND/HISTORY:
At the RTCM of August 4th, Mayor Eschenberg asked that this be placed on the agenda as a discussion item. There was Council consensus to do this. Attached is a copy of a draft resolution that has been drafted by the Mayor. At the direction of Council, the Park Board needs to review this resolution and make their recommendations to Council. The portion of the draft minutes from the RTCM of August 4th is also attached for background information.

ATTACHMENTS:
- Portion of draft minutes from RTCM August 4, 2008
- Resolution XX-2008 Park Fees

ACTION OPTIONS:
Discussion and recommendations to Council

Portion of RTCM Draft minutes from 08/04/08

12. Consider Amending Park Fee Resolution (Eschenberg)
Exhibit: Agenda Report No. 12
Recommendation: Discussion and Direction

Mayor said he wants to be clear on this. He saw signs advertising for sign ups of the youth sports and thought BWF will be negotiating soon so he wanted this on agenda. He has a change to #6 scratch rental fee.

Dezman asked if we have been provided a list of names of children who play on these teams that reside in Malabar. No. McKnight said under section 2 there should not be a period . Pertaining to the pavilion, do we charge per hour. Yes we do. Mayor asked how much more does it cost the town – we can't charge the residents because we have to mow it. We should have a right to use it. The Mayor said his resolution does not charge anyone but commercial operations. McKnight agrees. He goes to other cities and uses the parks and does not pay a fee.

Show the Brevard County Rec

Mayor said the deposit is $2 or $50.00. Vail asked about the deposit. Franklin can't remember how the $50.00 deposit was determined. Mayor wants the resolution going to get fixed up and come back as a reso for adoption. BWF said the Park Board needs to have input. Is It is ok to send to Park Board. Consensus to send it to Park Board for comment.

Speaker Card: Bob Rowan, Waring Lane, said it is difficult to get the cards in until you hear what is going on. He mentioned problems with ATVs that know the deputy can't follow them. Also the Fire Dept SOP is that the fire truck back down. He would recommend cutting the road through.

Bridget Ports, 1340 Halls Road, we practice at Veterans Park. We have to pay $10 per child to use the electric. And have to pay $1500 per year. The park fees are needed. There are people from outside the area are using our facility. We are paying extra to police the park and how do they plan on paying for these if we don't charge? Our organization has to pay Palm Bay and pay $50 per hour and a $250 deposit. A $500 deposit to use the community center. They charge us to put paint on field, pick trash up after games, maintenance, we have to pay to have field sprayed for cinch bugs.
Thinks everyone should pay.

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RESOLUTION XX-2008

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, ESTABLISHING A POLICY FOR THE USE OF PARKS; SETTING FEES AND DEPOSITS PER CHAPTER 12.5 SECTION 20 AND 22 OF THE CODE OF ORDINANCES; PROVIDING FOR WAIVER OF SAID FEES AND DEPOSITS; PROVIDING FOR CERTAIN PROCEDURES FOR USE AND RENTAL OF THE PARK; PROVIDING FOR THE REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Malabar adopted Ordinance 06-00 which became Chapter 12.5 of Malabar's Code of Ordinances providing for rules and regulations within Malabar parks; and

WHEREAS, this Chapter also provides that in order to designate an area of any Malabar park as reserved, a permit must be issued; and

WHEREAS, the Town Council of the Town of Malabar has determined that a resolution providing for the various fees be established; and

WHEREAS, it is the clear intent of the Town Council to only require a **rental** fee when the applicant **is a commercial entity and** clearly desires to reserve that area of a park for their use. All rules regulations adopted as Chapter 12.5 of the Code of Ordinances must be met prior to issuance of a permit.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. USER CATEGORIES

When determining if deposits or user charges are applicable the Town staff shall use the following categories:

CATEGORY	FEE	COMMENTS
1. Government agency, school district ~~administration (under 30 in attendance & limit of 1 time a month only)~~	~~60% of normal rate, youth group may be exempt from fees for meeting rooms.~~ Damage deposit ~~may be required, depending on activity.~~ and all appropriate direct costs.	~~Maintenance, cleaning staff and any other direct costs will be included in the rental to be charged.~~
2. Civic/non-profit/fundraiser or special event (Scout groups, Charter Schools, youth sports.)	~~Rental fee~~, damage deposit and all appropriate direct costs.	~~Request groups pay % of gross concession proceeds in addition to defray cost for usage of facility.~~
3. Private – any event not open to the public.	~~Charge rental fee~~, damage deposit, and all appropriate direct costs.	Includes all functions not open to the public.
4. Commercial – any venture that involves a private business and/or a "for profit" activity.	Charge rental fee, damage deposit, and all appropriate direct costs plus 10% of gross proceeds on gate, merchandising, and concessions.	Commercial contracts may require additional negotiation, depending on function or event. Contracts to have Town Administrator or designee approval.

5. Youth sports league season reservation of a field.	Damage deposit, and all appropriate direct costs.	Seasonal reservation may require a contract with the league. Contracts to have Town Administrator or designee approval.
6. Adult sports league season reservation of a field.	Damage deposit and all appropriate direct costs.	Request groups pay % of gross concession proceeds in addition to defray cost for usage of facility. Seasonal reservation may require a contract with the league. Contracts to have Town Administrator or designee approval.

~~SECTION 2. USE OF PARK WITHOUT PERMIT FEES.~~

~~It is the clear intent of the Town Council to not require a user fee for individuals or families that desire to use the park on a first come, first serve basis, without a reservations.~~

SECTION 2. RENTAL ~~PERMIT USER~~ FEES.

Reservation of the large pavilion at Malabar Community Park:

$10.00 per hour. Hours must be stated on the application.

Reservation of the ball field ~~by Category 2 users:~~

$10.00 per hour.

Reservation of the soccer field by ~~Category 2 users:~~

$10.00 **per hour**

Reservation of the tennis or basketball courts ~~by Category 2 users:~~

$3.00 per hour

SECTION 3. DEPOSITS

Damage deposit shall be $2.00 for each person in attendance with a minimum of $50.00. All or part of the damage deposit shall be returned after inspection of the event area by the Town. The Town shall retain all or part of the deposit required to cover the cost of clean up or repair.

SECTION 4. CONFLICTS. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict with this resolution.

SECTION 5. SEVERABILITY. In the event a court of competent jurisdiction shall hold or determine that any part of this resolution is invalid or unconstitutional, the remainder of the resolution shall not be affected and it shall be presumed that the Town Council of the Town of Malabar did not intend to enact such invalid or unconstitutional provision. It shall further be assumed that the Town Council would have enacted the remainder of this resolution without said invalid or unconstitutional provision, thereby causing said remainder to remain in full force and effect.

SECTION 6. EFFECTIVE DATE. This Resolution shall become effective immediately upon

its adoption.

The foregoing resolution was moved for adoption by Council Member _____. The motion was seconded by Council Member _____ and, upon being put to a vote, the vote was as follows:

Council member Nancy Tinio-Borton

Council member Brian Vail

Council member Chuck McClelland

Council member Jeff McKnight

Council member Pat Dezman

This Resolution was then declared to be duly passed and adopted this xth day of xxxxx, 2008.

TOWN OF MALABAR

BY:

Mayor Thomas M. Eschenberg, Chairperson

ATTEST:

Debby K. Franklin
Town Clerk

(Seal)

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TOWN OF MALABAR

PARK AND RECREATION

AGENDA ITEM REPORT

AGENDA ITEM NO: 3
Meeting Date: SEPTEMBER 17, 2008

Prepared By: Cynthia Kelley, Secretary to Board

SUBJECT: Waterfront Improvement

BACKGROUND/HISTORY:
Hans Kemmler, Park Board Chair, has asked this to be placed on the agenda. He will provide more information at the time of the meeting.

ATTACHMENTS:
- N/A

ACTION OPTIONS:
Discussion and direction

TOWN OF MALABAR

PARK AND RECREATION

AGENDA ITEM REPORT

AGENDA ITEM NO: 4
Meeting Date: SEPTEMBER 17, 2008

Prepared By: Cynthia Kelley, Secretary to Board

SUBJECT: Cleared Land Tree Use (Parks and Disc Golf Park)

BACKGROUND/HISTORY:
Hans Kemmler, Park Board Chair, has asked this to be placed on the agenda. He will provide more information at the time of the meeting.

ATTACHMENTS:
- N/A

ACTION OPTIONS:
Discussion and direction

TOWN OF MALABAR

PARK AND RECREATION

AGENDA ITEM REPORT

AGENDA ITEM NO: 5
Meeting Date: SEPTEMBER 17, 2008

Prepared By: Cynthia Kelley, Secretary to Board

SUBJECT: Bluegrass Bunch Pavilion Use (Electricity Access)

BACKGROUND/HISTORY:
Hans Kemmler, Park Board Chair, has asked this to be placed on the agenda. He will provide more information at the time of the meeting.

ATTACHMENTS:
- N/A

ACTION OPTIONS:
Discussion and direction

TOWN OF MALABAR

PARK AND RECREATION

AGENDA ITEM REPORT

AGENDA ITEM NO: 6
Meeting Date: SEPTEMBER 17, 2008

Prepared By: Cynthia Kelley, Secretary to Board

SUBJECT: Trails and Greenways Meeting

BACKGROUND/HISTORY:
Due to Tropical Storm Fay, the meeting that was scheduled for Thursday, August 21, 2008 at 7:30 was cancelled. A new meeting date needs to be set. As a reminder this is an informal committee, not a Town board and as such, there is no conflict with the Sunshine Amendment. In the past the Trails and Greenways Committee met for work parties and made recommendations to the Town Administrator for trail improvements.

ATTACHMENTS:
- N/A

ACTION OPTIONS:
- N/A

TOWN OF MALABAR

PARK AND RECREATION

AGENDA ITEM REPORT

AGENDA ITEM NO: 7
Meeting Date: SEPTEMBER 17, 2008

Prepared By: Cynthia Kelley, Secretary to Board

SUBJECT: Cameron Preserve/EELs Property Access

BACKGROUND/HISTORY:
Hans Kemmler, Park Board Chair, has asked this to be placed on the agenda. He will provide more information at the time of the meeting.

ATTACHMENTS:
- N/A

ACTION OPTIONS:
Discussion and direction