

**PARK AND RECREATION ADVISORY BOARD  
REGULAR MEETING  
WEDNESDAY, MARCH 18, 2009  
7:30 PM  
TOWN OF MALABAR  
2725 MALABAR ROAD  
MALABAR, FLORIDA**

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**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 – 2/18/09**  
**Exhibit:** Agenda Report No. 1  
**Recommendation:** Motion to approve
- E. PUBLIC:**
- F. ACTION:**
  - 2. Food Service by Soccer Club**  
**Exhibit:** Agenda Report No. 2  
**Recommendation:** Discussion and action
  - 3. Malabar Community Park Flagpole Lighting/Placement**  
**Exhibit:** Agenda Report No. 3  
**Recommendation:** Discussion and direction
- G. DISCUSSION**
  - 4. Easement to Bathroom at Main Park**  
**Exhibit:** Agenda Report No. 4  
**Recommendation:** Discussion
- H. OLD BUSINESS/NEW BUSINESS:**
  - 5. Playground Shade Structure Cover Repair and Installation**  
**Exhibit:** Agenda Report No. 5  
**Recommendation:** Discussion
  - 6. Update of Malabar Springfest**  
**Exhibit:** Agenda Report No. 6  
**Recommendation:** Discussion
- 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: March 18, 2009**

**Prepared By: Cynthia Kelley, Secretary to Board**

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**SUBJECT: Approval Park Board Minutes**

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**BACKGROUND/HISTORY:**

Attached are the summary minutes for the following meetings:  
Regular Park & Recreation Board Meeting – 2/18/09

**ATTACHMENTS:**

- Draft Minutes from Park and Recreation regular meeting February 18, 2009

**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  
02/18/09 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. 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/DELETIONS/CHANGES**

**D. CONSENT AGENDA**

1. **Approval of Minutes  
Regular Park and Recreation Meeting – 12/17/08**

**Exhibit:** Agenda Report No. 1

**Recommendation:** Motion to approve

**Discussion:** None

**MOTION: Korn/Thomas to approve the minutes from 12/17/08 as presented/with corrections. VOTE: All Ayes.**

**E. PUBLIC**

**F. DISCUSSION**

**G. REPORTS:**

- **Eagle Scout Fence Project Update**

Kemmler gave the Board an update with the progress of this project. He also provided a copy of the drawing that was done by Alex Hoffman, the Eagle Scout candidate. Kemmler stated that he and Carl Beatty met Mr. Hoffman at the Disc Golf Park to take measurements and to map out a route for the fence that would best suit the Town's needs. This fencing project will prohibit vehicles from driving back into the park and stealing the baskets from the golf course. The fence will be constructed to match the fence across the street at the Malabar Community Park; giving the parks a uniformed look throughout the town. Mr. Hoffman had come up with a list of materials and shared it with Mr. Beatty; the project is just about set. Korn asked if the BSA Council had approved the project as of yet. Kemmler stated that he needed to sign off on the project and then it will be presented to the BSA. Kelley asked if the drawing had been submitted to the Town Administrator for her approval. Kemmler stated it had not been presented to her yet. Korn stated the project goes through this Board first.

- **Springfest Update**

Kemmler gave an update to the Board regarding the preparations for Springfest. He said that the planning is underway and asked Kelley to give a report to the Board. Kelley stated there is a meeting on Friday to go over the RFQs that were sent out for vendor services. These will be reviewed and selections will be made. The planning continues and things are falling into place. Korn advised the Board that he will be providing the tents for the event and has a golf cart. We may need to ask Brian Vail for the use of his golf cart since he only has one to donate this year.

At this time, Korn asked to go back to the Disc Golf Park. He had noticed it looks like a road is going down through the middle of the park. Kemmler stated the purpose of the fence is to deter vehicles from driving through the park. Siegmann stated emergency personnel needs to have access to the park once the fence is constructed and the chain goes across the opening.

#### H. **OLD BUSINESS/NEW BUSINESS:**

**OLD:** When reviewing previous minutes, Kemmler stated these were items he found that needed to be discussed:

The developer's fees that have been paid to the Town for new subdivisions, the Board had never had an accounting of these funds. When reviewing the budget at a previous meeting, these funds were not in the information provided to the Board. Kemmler stated he would request, in writing, this information from the Town Clerk/Treasurer.

Trash cans for the Boundary Canal Trail. Thomas reported that there is a great need for these; a lot more traffic along the trail and people are still driving through. She believes that are gaining access by the assisted living facility at Port Malabar Boulevard. Thomas would like to see three trash cans placed along the trail. A suggestion was made that the City of Palm Bay be contacted and ask that they place trash cans along the trail on their side as well.

**MOTION: Pollard/Siegmann makes recommendation to Council to place three trash cans along the Boundary Canal Trail. VOTE: All Ayes.**

Kemmler reported to the Board the shade structure for the playground equipment is being repaired. The Town Administrator contacted the company and this will be repaired under warranty. He is hopeful that this will be completed and the structure placed on the equipment before it gets too hot.

The exercise trail was brought up at that last meeting. Kemmler asked if anyone would like to define it. It was stated that that previous Board member Dave Ruip was instrumental in getting this equipment in the park. It has fallen to disrepair. Korn suggested that Ruip be contacted and do an evaluation on the equipment; report his findings back to the Board. The question was asked if the equipment is used. Pollard stated he is in the park all the time; he has not seen anyone using the equipment. This is to be placed on the next agenda as a discussion item to decide if the equipment should be repaired or taken out of the park all together.

Kemmler stated the boat lighting was discussed at a previous meeting. The Malabar Mariners Association had encouraged all boat owners to put lights on their boats. Malabar could be a future site as a mooring station.

Siegmann stated that he was given a research project a while ago regarding bathrooms for the south end of the park. It has taken a long time to gather the information but he should be ready to provide it to the Board at the next meeting. This would be very good information for the future when the economy is in better shape.

**NEW:** Under new business, Kemmler reported to the Board that he created an agenda for this meeting; it was changed without his approval. It is his understanding as the Chair of the Board, he is to set the agenda. With the e-mail that was sent to him, he felt there is a movement to have the Park Board eliminated. If they want to do this, maybe the Town Administrator, Town Clerk and whoever else can take care of the business the board takes care of. The last meeting was cancelled for no other reason than staff was too busy. Korn stated the code reads that the board will meet once a month; he feels the Chair or his designee should set the agenda and it should be left as it was set. Korn asked that Kemmler not consider leaving the Park Board. Siegmann stated there is one sentence in the code that covers it all: "Subject to the control and direction of the Town Council"; it says nothing about reporting to the Town Administrator or Town Clerk. It is the general consensus of the Board that it is the Chair who sets the agenda.

Kemmler stated he wanted to establish, before leaving the meeting this evening, what is in the Town's code; he wants an honest and open discussion with the Board regarding their effectiveness of accomplishing things for the Town through Council.

Kemmler stated the reason for placing the Soccer Club agreement on the agenda was to find out if it had been executed. Kelley stated that it had been and provided a copy of the document to the Board.

Kemmler reported to the Board a decision made by Council regarding night security for Springfest. This came about because there was an opportunity for an event with a small Civil War re-enactment. The people involved in the re-enactment usually set up the night before the event and spend the night in the park with their belongings. Kelley advised the Board that Council has approved night security in the park as long as it is provided by the vendor; the vendor cannot stay in the park due to liability issues. The Town will not provide the night security for the event. This decision is to be formalized as a procedure for future events. Kelley also advised the Board that this event would not be taking place at this year's event because Mr. Sherear, who heads up the Living History, will be out of town the weekend of Springfest.

Korn stated that he is out of town 48 out of 52 weekends attending various events for his business. He has set up early and stayed in a contained unit on site over night. There have been no problems with the vendors doing this. Thomas made a suggestion that he put his finding in writing for Council. Korn stated he would speak with Council and answer any of their questions.

Kemmler stated the reason for placing the north end bathroom easement on the agenda was to find out how the bathrooms were paid for and if the deal included an easement between Malabar Woods Boulevard. Thomas volunteered to research this information and report back to the Board at the next meeting. Korn stated that Cameron or Wilbur could probably provide this information without too much research being done.

Kemmler stated the reason for placing the baseball and soccer field on the agenda was to find out who takes care of the irrigation system. Korn stated the one of the fields is green and one is brown. Kelley advised the board that the mowing contractor takes care of the chemicals for the fields and the mowing. She thinks Public Works takes care of the irrigation but she would find out and report back to the Board.

As new business, Korn had noticed that the flag pole in the Community Park has no flag. He would like to see one flying day and night. Siegmann stated he would donate the flag but it needs to be lit up at night time. Korn suggested solar lighting. It was stated that flood lights need to light the flag as solar lighting is not strong enough. Kemmler stated this would be on the next agenda as a discussion item. Do we want to move the flag pole to the front of the park where the lighted sign is for the electric to light the pole? This is the question that will be discussed.

Prior to adjourning the meeting, Kelley stated it was not the intention of staff to upset the Board with making changes to the agenda. Members of the Board asked if this was a miscommunication; if so, maybe a new e-mail could be sent to Kemmler. Kelley stated she would make suggestion to staff. Marsh wanted to know; after Kemmler has set the agenda for the last four years, why was there a change with this agenda. Kelley stated staff felt that the items on the agenda should not be addressed by the Board.

**I. ADJOURNMENT;**

There being no further discussion, **MOTION: Siegmann/Marsh to adjourn meeting. VOTE: All Ayes.** This meeting adjourned at 8:30 pm.

By: \_\_\_\_\_  
Hans Kemmler Chair

TRANSCRIBED BY:

\_\_\_\_\_  
Cynthia Kelley, Recording Secretary

Date Approved: \_\_\_\_\_

**TOWN OF MALABAR**  
**PARK AND RECREATION**

**AGENDA ITEM REPORT**

**AGENDA ITEM NO: 2**  
**Meeting Date: March 18, 2009**

Prepared By: Cynthia Kelley, Secretary to Board

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**SUBJECT: Food Service by Soccer Club**

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**BACKGROUND/HISTORY:**

At the last RTCM, Council directed this request from the Soccer Club be presented to the Park Board for their recommendation. I have attached a memo from the Town Administrator and e-mails from the Town Administrator and Barry Wirsch and Mindi Rogers of the Soccer Club.

**ATTACHMENTS:**

- Memo from Town Administrator – 09-TA-022 dated March 11, 2009
- E-mail from Barry Wirsch and Mindi Rogers dated March 11, 2009
- E-mail from Town Administrator dated March 10, 2009

**ACTION OPTIONS:**

Recording Secretary requests discussion and action.

# TOWN OF MALABAR

## MEMORANDUM

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**Date:** March 11, 2009 09-TA-022

**To:** Hans Kemmler, Parks and Recreation Board

**From:** Bonilyn Wilbanks-Free, Town Administrator

**Ref:** Food Service by Soccer Club

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At the RTCM of 3/2/09, the Council reviewed the Soccer Club's request to serve food at their games. Mr. Korn requested that we find out as many details on how it was being proposed. I sent an email to the Club Secretary and I am attaching the response for your review.

## Bonilyn Wilbanks-Free

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**From:** Barry Wirsch [bwirsch@sagrad.com]  
**Sent:** Wednesday, March 11, 2009 9:32 AM  
**To:** Bonilyn Wilbanks-Free  
**Cc:** 'Mindi Rogers'  
**Subject:** RE: Food sales at games

Bonilyn,

Here are my thoughts on the concession arrangement. I would like to see the club purchase Gatorade, water and snacks as a club and have the teams purchase them from us. I don't want a full blown concession stand as it will be too much to maintain. By selling these two (2) types of items, we would only be doing this to support the club with upcoming expenses. All of the teams provide snacks for the players after the game and that means a parent selected for that particular game must run to a store to get the snacks. We were only hoping to buy from somewhere like Sam's and then have the parents buy them from us. I know we could do this behind your backs, but I don't work that way. I would rather have permission to do this from the City of Malabar than to even attempt to do this without your approval. All coaches and parents are responsible for cleaning up after the game. These snacks and drinks are given after the game and that is when the players leave the field.

We would sell the items to the teams prior to the weekend games through our club. We would bring the items and then take the extra back home with us.

We do not want to get into the hotdogs, hamburgers etc.

I would ask you for special permission should we have a special soccer event at the field. If we wanted to do the food items for this special event, we would present a plan to you prior to doing this and have you authorize the event for selling food

You are welcome to call me at this number below should you need more information. We are just trying to have parents buy the items they would from us and help us to raise funds to support the club...

*Thanks,*  
**Barry Wirsch**  
**Material Manager**  
**Sagrad**  
**751 North Drive**  
**Suite 10**  
**Melbourne, FL 32934**  
**Office: (321) 255-0513 xt 128**  
**Fax: 321-214-0315**  
**bwirsch@sagrad.com**  
**www.sagrad.com**

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**From:** Mindi Rogers [mailto:mindi@sweetoniontrading.com]  
**Sent:** Wednesday, March 11, 2009 9:00 AM  
**To:** 'Barry Wirsch'  
**Subject:** FW: Food sales at games

Hi, Barry. Here is the response from the Town of Malabar regarding our question about selling concessions at the soccer field. Will you help me answer her questions?

Thanks,  
Mindi

**From:** Bonilyn Wilbanks-Free [mailto:bwfree@townofmalabar.org]  
**Sent:** Tuesday, March 10, 2009 11:29 PM  
**To:** mindi@sweetoniontrading.com  
**Cc:** Town Clerk / Treasurer; Sharon White  
**Subject:** Food sales at games

This request was considered by the Council previously and they granted it on a onetime event. I brought this back to Council at the 3/2/09 Council Meeting and they requested that I get the following information:

- How many games will this be before
- Who is responsible for removal of the litter and trash this will create
- Who will carry the liability insurance
- Where will the sales take place on the grounds
- Can you provide a diagram of the location in proximity to the playground, soccer fields, and Fire Department

Thanks

Bonilyn Wilbanks-Free  
Town Administrator  
Town of Malabar  
2725 Malabar Road  
Malabar, FL 32950  
Ph: 321.727.7764  
Fax: 321.722.2234  
[www.townofmalabar.org](http://www.townofmalabar.org)

*Please Note: Florida has a broad public records law. As a result, any written communication created or received by Town of Malabar officials and employees will be made available to the public and media, upon request, unless otherwise exempt. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this office. Instead, contact our office by phone or in writing.*

No virus found in this incoming message.

Checked by AVG - [www.avg.com](http://www.avg.com)

Version: 8.0.237 / Virus Database: 270.11.5/1979 - Release Date: 03/10/09 19:51:00

**TOWN OF MALABAR**  
**PARK AND RECREATION**

**AGENDA ITEM REPORT**

**AGENDA ITEM NO: 3**

**Meeting Date: March 18, 2009**

**Prepared By: Cynthia Kelley, Secretary to Board**

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**SUBJECT: Malabar Community Park Flagpole Lighting/Placement**

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**BACKGROUND/HISTORY:**

At the last meeting of the Park Board, Dick Korn stated he would like to see a flag flying at all times in the park. Bob Seigmann stated he would donate a flag but the flagpole must be lit during the evening/night time hours. Chair Hans Kemmler stated this should be brought back to the Board as an action item to decide if the Board should make a recommendation to Council to move the flagpole to the front of the field where the tree lighting takes place; electricity already exists in this area.

The flagpole was originally sited at its current location in the park for the Boy Scouts to participate in Town sponsored events. They provide the opening/closing ceremonies for these functions. The Fire Department has two flags flying 24/7; the American Flag and the MIA/POW. There is electric in place that shines on these flags during the evening/night time hours. In moving the flagpole to the area considered by the Board, you will have two American flags flying within a very short distance of each other. The Town also has the same flags flying 24/7 at Town Hall with lighting provided as well.

Also, the cost to move the flagpole should be considered. As stated at previous meetings, the economic times we are in prohibits any un-necessary spending of tax payers' dollars.

**ATTACHMENTS:**

- N/A

**ACTION OPTIONS:**

Staff requests discussion and direction.

**TOWN OF MALABAR**  
**PARK AND RECREATION**

**AGENDA ITEM REPORT**

**AGENDA ITEM NO: 4**

Meeting Date: March 18, 2009

Prepared By: Cynthia Kelley, Secretary to Board

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**SUBJECT: Easement to Bathroom at Main Park**

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**BACKGROUND/HISTORY:**

At the last meeting of the Park Board, the question came up regarding an easement from the EELs property (the road) to the bathroom. The Park Board wants to know if the Town has information that supports this easement.

The Town has no information regarding an easement. In discussing this with Mike Knight of the EELs, he has offered to check their files for a survey that may show the easement the County granted Malabar for access to the our park. When we receive that we will provide it to the Park Board.

**ATTACHMENTS:**

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**ACTION OPTIONS:**

Discussion

**TOWN OF MALABAR**  
**PARK AND RECREATION**

**AGENDA ITEM REPORT**

**AGENDA ITEM NO: 5**  
Meeting Date: March 18, 2009

Prepared By: Cynthia Kelley, Secretary to Board

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**SUBJECT: Playground Shade Structure Cover Repair and Installation**

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**BACKGROUND/HISTORY:**

The shade structure was shipped back to the manufacturer on February 2, 2009. The Playmore representative had done an inspection here in December and determined that it could and should be repaired under warranty. He provided direction on how to package it for shipping and Sun Shade finally provided shipping instructions in late January. From the first meeting with the representative in December, we have emphasized the importance of having this repaired and replaced ASAP because this is Florida and the summer heat starts early in the year. We also stated we wanted it up before our Spring Fest in April. We checked on the status of the shipment on February 18, 2009, February 26 and March 11, 2009. As soon as we have a completion date and estimated ship date we will share that information with the Park Board.

**ATTACHMENTS:**

- none

**ACTION OPTIONS:**

Nothing at this time

**TOWN OF MALABAR**  
**PARK AND RECREATION**

**AGENDA ITEM REPORT**

**AGENDA ITEM NO: 6**  
**Meeting Date: March 18, 2009**

**Prepared By: Cynthia Kelley, Secretary to Board**

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**SUBJECT: Update of Malabar Springfest**

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**BACKGROUND/HISTORY:**

At the last Park Board meeting, Cindi Kelley provided information regarding the planning of the Springfest. As we have gotten closer to the event, the activities and vendors are falling into place. The two Kid Zone sponsors for the event this year are MIMA, Florida Power & Light. We have received over \$5,000 in free media coverage from Hometown News; they are sponsoring the event right along side of the Town of Malabar. Carroll Distributing has been very generous in their donation to the Town by providing 28 cases of beer to be sold. This event should promise to be another great time for all who attend.

**ATTACHMENTS:**

N/A

**ACTION OPTIONS:**

Recording Secretary requests no action at this time.