

**PARK AND RECREATION ADVISORY BOARD
REGULAR MEETING
WEDNESDAY, SEPTEMBER 15, 2010
7:30 PM
TOWN OF MALABAR
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 – 08/18/10
 Exhibit: Agenda Report No.1
 Recommendation: Motion to approve
- E. PUBLIC:**
- F. ACTION:**
2. **Agenda Request Form from Paul Yolles – Malabar Soccer Club**
 Exhibit: Agenda Report No. 2
 Recommendation: Request action
- G. DISCUSSION:**
3. **Huggins Park (B. Wilbanks – TA)**
 Exhibit: Agenda Report No. 3
 Recommendation: Discussion
- H. OLD BUSINESS/NEW BUSINESS:**
- New Business: Town's Potential Purchase of Old School House**
- Old Business: Adding Hans Kemmler's Name to Disc Golf Park - Thomas**
- I. BOARD MEMBER/STAFF REPORTS:**
- **Cameron Preserve – Thomas**
 - **Disc Golf Park – Korn**
 - **Fern Creek Crossing Park – Pollard**
 - **Huggins Park – Marsh**
 - **Malabar Community Park – Knudson**
 - **Trailhead – Siegmann**
- J. ADJOURNMENT**

NOTE: THERE MAY BE ONE OR MORE MALABAR ELECTED OFFICIALS ATTENDING THIS MEETING.

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: September 15, 2010

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 – 08/18/10

ATTACHMENTS:

- Draft Minutes from Park and Recreation regular meeting August 18, 2010

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
08/18/10 MEETING MINUTES**

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

CALL TO ORDER - Meeting was called to order at 7:35 pm by Vice Chair Bob Siegmann. Prayer and Pledge led by Vice Chair Bob Siegmann.

B. ROLL CALL OF MEMBERS

ROLL CALL:

Dick Korn, Chair – excused (out of town)
Bob Siegmann, Vice-Chair
Vickie Thomas
Scott Pollard
Maryann Marsh
Bernadette Knudson – Alt. #1
Cynthia Kelley – excused (out of town)
Debby Franklin, Recording Secretary

C. ADDITIONS/DELETIONS/CHANGES: none

D. CONSENT AGENDA

1. Approval of Minutes

Regular Park and Recreation Meeting – 07/21/10

Exhibit: Agenda Report No.1

Recommendation: Motion to approve

Discussion: none

MOTION: Scott Pollard / Maryann Marsh to approve the minutes of July 21, 2010 as presented. VOTE: All Ayes.

E. PUBLIC: none

F. ACTION: none

G. DISCUSSION:

Marsh said that she handed out costs for shuffleboard court construction at Huggins Park as discussed at an earlier meeting. Her cost breakdown is for donated labor and it could be done for 2K using Knudson's mixer. The price and dimensions are attached. The 4 inches is so it can be real smooth. Discussed putting mesh in for strength – 60 feet is a long distance to have concrete without cracks. We will add more money for that. Then will need a high grade epoxy and sealant from Sherwin Williams to last in the outside with the sun. Thomas suggested adding it to the wish list in case someone wants to donate towards it. Add it to article in the next newsletter. Knudson said we have two large concrete companies in the area that we could ask to donate the concrete. It would be a lot to do ourselves. Marsh said this price is for us doing it. Thomas will do article for the newsletter. Marsh said she did not include seating and a scoreboard. On the ends there are shaded areas. This can come later with trees; or with donations.

Siegmann said the trailer park by the Melbourne Airport that was closed may have old equipment. Marsh said if we get the shuffleboard then we can look at bacchi ball.

Board then discussed method to recognize donations. They discussed different markers for different levels of donations: plaques, bricks, boards, etc. After the article goes into the newsletter and the Town receives its first donations, staff will bring it back to Park and Recreation Board for their recommendation. Board will discuss again when Chair Dick Korn is present.

Marsh also asked about the sign at Golf Disc Park. Chair asked Franklin to report. Franklin stated that Council on Monday was set to select a contractor based on two quotes submitted. That afternoon, one of the quoters withdrew their quote, it required no Council action. The Town Administrator told Jim Noble we would go with his quote. He is to provide the schedule for construction so Town Administrator can inform Park Board. He has asked for half of the cost up front. We will provide check when we get the schedule. Jim Noble and Richard Cameron built the kiosk at the Trailhead. The plans for the kiosk were drawn by Art Owens to apply for the grant. The kiosk they built was similar to the sketch but not identical.

Thomas wanted to discuss having Hans Kemmler's name added to the Golf Disc Park somehow. He has worked very hard in getting that park established. The Board will defer discussion until Chair Dick Korn is here and then they can make motion to Council. If approved, staff will do a resolution changing the name.

Marsh asked if the getting of quotes cost anything. Franklin said no.

H. OLD BUSINESS/NEW BUSINESS:

New Business:

Old Business:

I. BOARD MEMBER/STAFF REPORTS:

- **Cameron Preserve – Thomas**

Thomas reported the blue trash can is still in the ditch. They continue to drive through there. When they did the fire break it was at first like strip mining but now there are many butterflies and honey bees. It is very nice.

- **Disc Golf Park – Korn**

- **Fern Creek Crossing Park – Pollard**

Pollard stated the mowing is excellent on the front and the back is left wild which is good. He reported the Brazilian Peppers are making comeback in the SW corner of the property. If they spray the trees, other vegetation will also be lost. Let the Town Administrator know they are doing a good job on the mowing.

- **Huggins Park – Marsh**

Marsh said the fences are in good shape and the gates are in good shape. Whoever was causing the earlier damage has stopped and it looks good. As we discussed, would like the shuffleboard on the east side of the park so we don't have to change the children's equipment.

Thomas said perhaps with the sun, they should change it. Knudson said the shade provided on each end of the court will protect against the need to realign.

• **Malabar Community Park – Knudson**

The park is the jewel of Malabar. She checked it out yesterday. The soccer field was being used, tennis courts were being used; the picnic areas were being used. She inspected the bathrooms; the toilet in men’s bathroom wasn’t working. There was trash in bathroom but it was later in the day and could have been cleaned earlier and then got messy. The women’s side was fine. Trash cans throughout park were well emptied. Suggest a recycle container be put by the soccer field to encourage users and visitors to use them. Both the soccer and the baseball fields have players and visitors that drink a lot of bottled water. There were more than 35 bottles in the trash can. Recycle container is an idea.

The Basketball nets need replacing. No safety issues in park. Saw the new entrance bridge. That was a wonderful job. Volleyball court looked good. In all, the park looks great. Franklin gave update on shade over equipment. They are half way through the 10 year warranty have already sent it back once to manufacturer for repair and we had to pay shipping. They are now reviewing the level of prorating the warranty. In meantime, we have a quote from local vendor who can repair all four corners and the other wear from the frame and has quoted \$250.00. We were going to have it done when we have to take it down for a storm. We will keep Park Board updated.

• **Trailhead – Siegmann**

The benches need footers – you can pour them or buy them to spread the load pretty well. Knudson said use the landscape slabs and get four per table. There is a place south of Town on Highway 1 that had them for a very reasonable cost. Siegmann will find out if they are still there. That will extend the life of the picnic tables.

J. ADJOURNMENT

There being no further discussion, general consensus. **MOTION: Scott Pollard / Maryann Marsh to adjourn meeting. VOTE: All Ayes.** This meeting adjourned at 8:00 pm.

By: _____
Bob Siegmann, Vice Chair

ATTEST:

Debby K. Franklin, Recording Secretary

Date Approved: _____

TOWN OF MALABAR
PARK AND RECREATION

AGENDA ITEM REPORT

AGENDA ITEM NO: 2
Meeting Date: September 15, 2010

Prepared By: Cynthia Kelley, Secretary to Board

SUBJECT: Agenda Request Form from Paul Yolles – Malabar Soccer Club

BACKGROUND/HISTORY:

Paul Yolles, President of the Malabar Soccer Club, has asked to speak to Parks & Recreation Advisory Board regarding mowing the soccer field. Attached is the Agenda Item Request Form that has been completed by Mr. Yolles giving the details of what he would like to address. As stated in the request, Mr. Yolles is requesting to do the mowing only; not any of the fertilizing or dispensing of insecticides.

ATTACHMENTS:

- Agenda Item Request Form dated September 9, 2010
- Various e-mails from Karl Bohne, Town Attorney, Bonilyn Wilbanks, Town Administrator & Paul Yolles dated from 6/23/2010 to July 14, 2010

ACTION OPTIONS:

Recommendation from Park Board to Council

OFFICE OF THE TOWN CLERK
PHONE (321) 727-7764
FAX (321) 722-2234



TOWN HALL
2725 MALABAR ROAD
MALABAR, FLORIDA 32950-4427

9/15

**AGENDA ITEM REQUEST FORM
MALABAR TOWN COUNCIL**

Please mail completed form to:

Town of Malabar
2725 Malabar Road
Malabar, Florida 32950

NAME: Paul Yolles
ADDRESS: 2365 Corey Road
Malabar, FL
TELEPHONE: (321) 951-3962 (321) 727-6405
(Home) (Business)

Please state the item you wish to have placed on the Town Council Agenda:

Malabar Soccer Club wishes to taking over mowing of the soccer field
(NOT dispensing fertilizer or insecticides)

Please summarize pertinent information concerning your request Agenda item and attach applicable documents:

Malabar Soccer Club has current and past members with commercial landscaping licenses, who would be glad to use their license and insurance to keep the field mowed and defray the cost and liability to the Town for same.

Please state desired action by Town Council:

Formal written approval from Town Council, and modification of the current contract between the Town and Malabar Soccer Club to incorporate this agreement

Signed: Paul Yolles
Date: Sept. 9, 2010

Cindi Kelley

From: Bonilyn Wilbanks-Free
Sent: Friday, September 10, 2010 2:10 PM
To: Cindi Kelley
Subject: FW: field maintenance

Bonilyn Wilbanks
Town Administrator
Town of Malabar
2725 Malabar Road
Malabar, FL 32950
Ph: 321.727.7764
Fax: 321.722.2234
www.townofmalabar.org

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-----Original Message-----

From: Karl Bohne [mailto:kbohne@fla-lawyers.com]
Sent: Wednesday, July 14, 2010 4:41 PM
To: Bonilyn Wilbanks-Free
Subject: RE: field maintenance

The problem with any type of agreement between the Town and the club that may provide for no liability on the part of the Town is that while that is enforceable between the parties to the agreement a third party not part of the agreement will go after all those who have the proverbial "deep pocket". We could seek indemnity from the club but the club may not be in a position to pay such an indemnity which means the Town could foot the bill. Also, as it relates to the Town's landscaping contractor I assume that contractor maintains liability insurance. Yes, we could still have liability, but at least there is insurance from the current contractor to fall back on. As I recall the club would not have coverage for mowing the field and that would mean that the potential for paying a claim in full would fall on the "deep pocket". Please understand that the potential for liability is somewhat slim as it relates to the mowing; however, the potential is there and it is my job to make you aware of the legal issues. Of course the ultimate decision is for the Town.

-----Original Message-----

From: Bonnie Wilbanks-Free [mailto:bwfree@townofmalabar.org]
Sent: Wednesday, July 14, 2010 3:48 PM
To: Karl Bohne; Debby Franklin
Subject: Fw: field maintenance

Sent from my Blackberry. Please excuse typos. all thumbs.

-----Original Message-----

From: Paul Yolles <president@malabarsoccer.com>
Date: Wed, 14 Jul 2010 15:41:20
To: Bonilyn Wilbanks-Free<bwfrees@townofmalabar.org>
Reply-To: president@malabarsoccer.com
Subject: field maintenance

Bonnie,

To resume our conversation about us maintaining the soccer field:

Not sure what risk there is of someone coming to harm because we are mowing the field instead of a town contractor. I can envision someone suing if they trip over the bleachers or run into a goal, but not anything related to cutting grass. Can the lawyer not write an airtight clause in our lease that the Town is in no way to be held responsible for anything that occurs related to our mowing?

As it stands now with your landscaping contractor, isn't the Town currently liable? All we are asking then is to take the burden of maintenance off the Town and assume it under the Club's responsibilities as leasees, so we can mow in a cycle to keep the coaches happier (good coaches are very hard to come by, so anything we can do to keep them happy is my priority).

Perhaps you, the Town lawyer and I ought to have a quick meeting to discuss this? We are getting ready to start practices and I feel we should get a signed lease soon.

thank you
Paul Yolles

No virus found in this incoming message.

Checked by AVG - www.avg.com

Version: 8.5.441 / Virus Database: 271.1.1/2989 - Release Date: 07/14/10

06:36:00

Cindi Kelley

From: Bonilyn Wilbanks-Free
Sent: Friday, September 10, 2010 2:11 PM
To: Cindi Kelley
Subject: FW: Fall registration

Bonilyn Wilbanks
Town Administrator
Town of Malabar
2725 Malabar Road
Malabar, FL 32950
Ph: 321.727.7764
Fax: 321.722.2234
www.townofmalabar.org

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-----Original Message-----

From: Karl Bohne [mailto:kbohne@fla-lawyers.com]
Sent: Thursday, June 24, 2010 2:19 PM
To: Bonilyn Wilbanks-Free
Subject: RE: Fall registration

I do have a concern about liability. It is still the Town's park and we have the deep pocket. The indemnity is not enough security for liability. My concern is not with the use of the park but the maintenance, including the condition of the field. I do not want the Town to be caught up in a potential suit if some non-soccer club person is injured due to improper maintenance. If their policy covers injuries to non-soccer club members injured because of the improper maintenance of the field I would feel better.

-----Original Message-----

From: Bonnie Wilbanks-Free [mailto:bwfree@townofmalabar.org]
Sent: Thursday, June 24, 2010 1:24 PM
To: Karl Bohne
Subject: Fw: Fall registration

Sent from my Blackberry. Please excuse typos. all thumbs.

-----Original Message-----

From: Paul Yolles <president@malabarsoccer.com>
Date: Thu, 24 Jun 2010 13:09:21
To: Bonilyn Wilbanks-Free <bwfree@townofmalabar.org>
Reply-To: president@malabarsoccer.com
Subject: Re: Fall registration

We would be happy to do the the indemnity and hold harmless, but we have

no control over the liability policy, its written through FYSA (Florida Youth Soccer Association) on our behalf. Any other option for this?

Paul

On 6/24/2010 11:48 AM, Bonilyn Wilbanks-Free wrote:

> Mr. Yollee,

> The information below is the response from the attorney.

>

> We would need to get an additional indemnity and hold harmless from the soccer club and as well as the company performing the service and we should also request that the Town is listed as an additional insured on each one's liability policy.

>

> Please advise if you are going to go forward with this or not.

>

> Thanks

>

>

> Bonilyn Wilbanks

> Town Administrator

> Town of Malabar

> 2725 Malabar Road

> Malabar, FL 32950

> Ph: 321.727.7764

> Fax: 321.722.2234

> www.townofmalabar.org

>

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>

> -----Original Message-----

> From: Paul Yolles [mailto:president@malabarsoccer.com]

> Sent: Monday, June 21, 2010 1:50 PM

> To: Bonilyn Wilbanks-Free

> Subject: Fall registration

>

> Bonnie,

>

> I was wondering if you could update the link on the Town website to

> be "Fall registration", and have it point to

> http://sharepoint.malabarsoccer.com/Forms/Fall_2010_MSC_reg_form.pdf ?

> Perhaps those who object to our presence on your website won't even

> notice ...

>

> Also, have you heard anything back from the Town's lawyer about our

> contract? We have identified a lawn service to use and are ready to sign!

>

> thank you

> Paul Yolles
>
> p.s. our club President resigned, so the role has defaulted to me for
> the 2010-11 season. Our new vice-president is Robert Bolton, I'll give
> you all the contact info when I see you next.
>
>
>

No virus found in this incoming message.

Checked by AVG - www.avg.com

Version: 8.5.439 / Virus Database: 271.1.1/2960 - Release Date: 06/24/10
06:35:00

Cindi Kelley

From: Bonilyn Wilbanks-Free
Sent: Friday, September 10, 2010 2:11 PM
To: Cindi Kelley
Subject: FW: Please advise

Bonilyn Wilbanks
Town Administrator
Town of Malabar
2725 Malabar Road
Malabar, FL 32950
Ph: 321.727.7764
Fax: 321.722.2234
www.townofmalabar.org

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From: Bonilyn Wilbanks-Free
Sent: Wednesday, June 23, 2010 11:35 AM
To: 'Karl Bohne'
Subject: Please advise

I met with the soccer vp and he has requested a change to the contract concerning our maintaining of the mowing and spraying of the soccer fields. They want to have their own lawn service handle the area. I do not know if this presents any liability for us. They also want to add a soccer field and I will bring that to Park Board first.

Bonilyn Wilbanks
Town Administrator
Town of Malabar
2725 Malabar Road
Malabar, FL 32950
Ph: 321.727.7764
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TOWN OF MALABAR
PARK AND RECREATION

AGENDA ITEM REPORT

AGENDA ITEM NO: 3
Meeting Date: September 15, 2010

Prepared By: Cynthia Kelley, Secretary to Board

SUBJECT: Huggins Park (B. Wilbanks – TA)

BACKGROUND/HISTORY:

Bonilyn Wilbanks, Town Administrator, will be addressing the Parks & Recreation Advisory Board regarding Huggins Park and the proposed changes for this park.

ATTACHMENTS:

- N/A

ACTION OPTIONS:

Discussion