

**PARK AND RECREATION ADVISORY BOARD
REGULAR MEETING
WEDNESDAY, OCTOBER 20, 2010
7:30 PM
TOWN OF MALABAR
2725 MALABAR ROAD
MALABAR, FLORIDA**

REVISED 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 – 09/15/10
 Exhibit: Agenda Report No.1
 Recommendation: Motion to approve
- E. PUBLIC:**
- F. ACTION:**
- 2. Agenda Item Request from Malabar Soccer Club – Paul Yolles**
 Exhibit: Agenda Report No. 2
 Recommendation: Request action
- 3. Purchase Bleachers for Soccer Field at Malabar Community Park**
 Exhibit: Agenda Report No. 3
 Recommendation: Request action
- 4. Malabar Soccer Club Use of Malabar Community Park for End of Season Party**
 Exhibit: Agenda Report No. 4
 Recommendation: Request action
- G. DISCUSSION:**
- H. OLD BUSINESS/NEW BUSINESS:**
 New Business:
 Old Business:
- 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**
 - **Shade Canopy - Kelley**
- 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: October 20, 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 – 09/15/10

ATTACHMENTS:

- Draft Minutes from Park and Recreation regular meeting September 15, 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
09/15/10 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 7:30 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
Bob Siegmann, Vice-Chair
Vickie Thomas
Scott Pollard
Maryann Marsh
Bernadette Knudson – Alt. #1
Cynthia Kelley, Recording Secretary

C. **ADDITIONS/DELETIONS/CHANGES:** At the request of the Town Administrator, Discussion Item 3 has been moved to being heard after the consent agenda.

D. CONSENT AGENDA

1. Approval of Minutes

Regular Park and Recreation Meeting – 08/18/10

Exhibit: Agenda Report No. 1

Recommendation: Motion to approve

Discussion: Fern Creek Crossing Park report, Pollard stated he did not say the comment about the spraying of the trees; it should be stricken from the minutes.

MOTION: Thomas/Pollard with correction. Vote: All Ayes.

At this time, Discussion Item 3 was heard. See below for the taking of the minutes.

E. PUBLIC:

F. ACTION:

2. Agenda Request Form from Paul Yolles – Malabar Soccer Club

Exhibit: Agenda Report No. 2

Recommendation: Request action

Discussion: Korn introduced Paul Yolles and gave him an opportunity to address the Board.

Paul Yolles - 2365 Malabar Road; came forward and spoke regarding the cutting of the soccer field. It needs to be mowed before the games on Saturdays. A few of the soccer parents owns landscaping businesses and are willing to cut the fields; they will not be putting down the required fertilizer or pesticides on the field. He stated that he had called Town Hall on several occasions. Kelley confirmed that and advised the Board that she would make contact with Taylor Maid, the Town's mowing contractor, and have the field cut for the Saturday games.

Korn advised the Board that an opinion was obtained from the Town's attorney advising against allowing this for liability reasons. Yolles stated he felt this was the opinion of the

attorney because he may not have known that they would only be doing the cuts and not the chemicals. Korn advised that this was not the basis of the opinion of the attorney. Marsh asked if Taylor Maid had been contacted to see if additional cuts could be provided and what the cost would be. Kelley stated that there are no additional funds in the budget for additional cuts. She would find out the number of cuts provided and advise the Board of her findings. Korn stated that the contractor should be provided the schedule of the soccer club so they know when the games are and the field could be cut in a timely fashion. What the Board can do is ask staff to monitor the function of the contract to make sure that the contracted mowing is being done.

Pollard stated that if the attorney advised against the soccer people doing the mowing, then they cannot do it. Again, Yolles stated he felt this was because of him not knowing they wouldn't be spreading the chemicals on the field. Yolles stated that the grass would be cut and they would leave the field. He also stated that the church had been great letting them use their facilities for practices; practices are held Monday through Friday each week and the games are played on Saturdays.

Korn advised the Board that the irrigation system at the soccer field had been hit by lightening and was not working for a period of time. When this was found out, it was fixed and the timers were set to water the grass every day until it came back. He suggests that a liaison between the Board and the soccer club be set up to work on these issues. Knudson was asked as first choice and Thomas will be back-up person to interact with soccer club.

Knudson stated that the bleachers taken from the basketball court and placed at the soccer field had been moved back and are not sitting in a safe place. Korn stated he would advised Town Administrator; Pollard recommended that the bleachers be placed at the soccer field and anchored down so they cannot be moved again. Korn suggested that we try to bring the mowing contractor's activities in concert with the soccer club's activities. This has already been discussed and will be taken care of with the liaison.

No action was taken at this time.

This item was heard after the consent agenda.

G. DISCUSSION:

3. Huggins Park (B. Wilbanks – TA)

Exhibit: Agenda Report No. 3

Recommendation: Discussion

Discussion: Korn stated he asked the Town Administrator to be present to discuss our options for Huggins Park and then to go out for grants that may be available to assist in accomplishing what we would like to see in the park. He advised the Board that the flagstones were placed under the picnic table legs so the table sits level and the bottoms are protected. He turned the discussion over to Town Administrator at this time.

Wilbanks advised the Board that she wants them to come up with their ideas and advised that there are grants out there. It is better to come up with the ideas and place

them so that when getting a grant all is in line. It would be very difficult to piece place amenities as you don't know if something would be in the way of another amenity in the park. Thomas asked if it would be a sunshine violation if she and Knudson were to meet as a sub-committee on this matter. Wilbanks stated it would be a sunshine violation; however, they could e-mail their ideas to her and she could then put a memo together to the Chair of the Board. She cannot, however, become a conduit between the Chair and the Board Members. She suggests that if the Board wants to make this park a Senior Citizens Park, they should dream big. This may take a little more time but she, again, explained the value of taking time to put everything together and placing it on a map of the park to make sure it will all work; you also end up with more with grant funds. We could look into a FRDAP grant and see when they have to be turned in; specific dates for filing for grants. With making this into a park for senior citizens, we may have a better chance of getting a grant.

At this time, Wilbanks explained the importance of going out for quotes. If you solicit services, you can go down the wrong road to get the job done. It is better to provide the names of people who provide the services we are looking for to her so she can provide the quote to them; everyone would then have the same information to bid on. It's doing due diligence that gets the job done. Korn stated the Boy Scouts have done a lot of work on their projects for the Town. Did we get quotes on the supplies they would need? Wilbanks stated that they have a certain criteria when applying to their Council for putting together a project. They must provide all the information about what is needed in planning and the supplies for the project. They came in with what and how much was needed and supplies needed. With due diligence, we were able to get it at the best prices; if done the right way, the jobs are performed with no issues. Korn asked if Wilbanks could put together a document to show the guidelines for RFQs or proposals.

Thomas asked Wilbanks if there are people who volunteer to write grants. Wilbanks advised the Board that former Council Member Pat Dezman was sent to a class on writing grants; the Hann's have also been very helpful with writing grants. Wilbanks has also worked with them in the past.

Knudson asked Wilbanks how to go about getting a copy of the plans for Huggins Park; she would like to start placing the amenities on the map and see where things can go. Wilbanks stated that the Town Engineer could possibly assist with the placement. She also asked the Board to visit various parks in the areas to get ideas as well. We can make contact with that municipality and ask for those plans; it's all public records. Wilbanks gave an overview of the park at Snug Harbor Lakes; they have shuffle board and bachi ball. The Board is trying to get the park used; it is their intention to move the swings from Huggins Park to the Malabar Community Park. Knudson stated we should leave them where they are for now; we have a lot of work to do before we should consider moving that equipment.

Wilbanks thanked the Board for their time and efforts that they volunteer to the Town and to keep up the good work. She also thanked them for going to the parks and advising when issues come up; this service is valuable to keep the parks in good shape for public use. She left the meeting at 7:50 pm.

H. OLD BUSINESS/NEW BUSINESS:**New Business: Town's Potential Purchase of Old School House**

Discussion: Korn stated this was placed on the agenda at the request of the Mayor. He also asked the Korn visit the property. Korn advised the Board that it is in much better shape since the last time he was there. Thomas stated that she will work for the Town on real estate deals pro bono. Mayor wanted to know if we purchased the building, is this something that the Parks Board could use for activities; Korn advised yes. Pollard asked what this issue had to do with the Park Board. Korn stated this could open the door for community activities; we are more than just a Park Board, we are recreation as well. The downstairs is finished off; the upstairs is not as it is being rented out at this time to an artist. We would not be able to get grants for this building because a lot of the work is already completed. Marsh asked if the entire building would be used for parks and recreation; Korn stated this is not the sole purpose. He asked if we wanted to advise Council that the Park Board could hold activities there. It is the general consensus of the Board.

Knudson stated she had some new business. Before the Mailboat goes out, she will make contact with the Disc Golf people to see if they would be willing to do an instructional session so we could learn about and how to play the game. Korn provided John Leach's number to Knudson. Knudson will put together a small article and provide to Kelley for the Mailboat.

Pollard stated that the Brazilian Pepper trees are still in Fern Creek Crossing Park. Korn stated he will ask Wilbanks to schedule prisoners to assist with this project.

Old Business: Adding Hans Kemmler's Name to Disc Golf Park - Thomas

Discussion: Thomas had asked that this be placed on the agenda. Korn advised the Board that the park had been purchased with Florida Communities Trust funds. Wilbanks stated that she had asked for a legal opinion and had not received it back yet. Korn also advised the Board that several people had been key in getting this park up and running. Thomas stated she was not aware of this and therefore withdrew the suggestion of adding Hans Kemmler's name to the park. Korn did state that he would like the history of how the park came to be to be placed in the kiosk. He will work on putting this information together.

Korn advised the Board that Siegmann's appointment is due to expire in October. He asked the Board if they would like to make a recommendation to Council to re-appoint him.

MOTION: Thomas/Pollard to recommend that Council re-appoint Siegmann to the Parks & Recreation Advisory Board. VOTE: All Ayes.

I. BOARD MEMBER/STAFF REPORTS:**• Cameron Preserve**

Thomas reported everything is still status quo. Kelley advised that the trash can she reports on each month belongs to Palm Bay and is on their side of the property. Staff went out and visited the Park and found this is where the trash can is. Thomas reported that there is a lot of broken glass and the park is now being used as a trysting place.

- **Disc Golf Park**

Korn reported dog pot is in place; we have solved the problem with the discs flying into Mr. Thomas' yard. The park is in good maintenance.

- **Fern Creek Crossing Park**

Pollard reported there is a plastic bin in the creek that needs to be fished out. The pepper trees were reported on earlier in the meeting.

- **Huggins Park**

Marsh reported the park is in perfect condition; the fence posts that were missing are back in place.

- **Malabar Community Park**

Knudson reported that new basketball nets are in place. The bathrooms were in good shape; toilets are clean. The volleyball net had a tear in it. She would really like to see recycle bins in the park; the trash cans are $\frac{3}{4}$ full of recyclable waste. The volleyball court does have a lot of weeds around it but it is still usable. The situation with the bleachers should be addressed as soon as possible; she feels it could be a safety issue.

- **Trailhead**

Siegmann reported the park is in good shape.

J. ADJOURNMENT

There being no further discussion, general consensus. **MOTION: Marsh/Thomas to adjourn meeting. VOTE: All Ayes.** This meeting adjourned at 8:50 pm.

By: _____
Dick Korn, Chair

ATTEST:

Cynthia Kelley, Recording Secretary

Date Approved: _____

TOWN OF MALABAR
PARK AND RECREATION

AGENDA ITEM REPORT

AGENDA ITEM NO: 2
Meeting Date: October 20, 2010

Prepared By: Cynthia Kelley, Secretary to Board

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

BACKGROUND/HISTORY:

Mr. Yolles would like to ask the Park Board for consideration to replace the Rubbermaid shed the Soccer Club uses at the soccer field. He would like permission to purchase and install (anchor down) a used shed; the size to be approximately 12' by 16' or smaller with a lockable door.

ATTACHMENTS:

- Agenda Item Request Form dated October 11, 2010
- Email from Chair Dick Korn dated October 12, 2010

ACTION OPTIONS:

Discussion and action

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

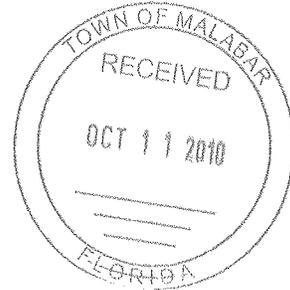


TOWN HALL
2725 MALABAR ROAD
MALABAR, FLORIDA 32950-4427

**AGENDA ITEM REQUEST FORM
MALABAR TOWN COUNCIL**

Please mail completed form to:

Town of Malabar
2725 Malabar Road
Malabar, Florida 32950



NAME: Paul Yalles
ADDRESS: 2365 Corey Road
Malabar, FL 32950
TELEPHONE: 951-3962 727-6405
(Home) (Business)

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

Consideration for replacing the Rubbermaid shed the Malabar Soccer
Clubuses at the soccer field

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

Current shed is small and in disrepair

Please state desired action by Town Council:

Request permission to purchase and install (i.e., anchor) a used shed, size to
be approximately 12x16 or smaller, with lockable door.

Signed: Paul Yalles

Date: Oct. 11, 2010

Cindi Kelley

From: Dick Korn [rumbob@rumbopet.com]
At: Sunday, December 12, 2010 9:01 AM
Subject: Cindi Kelley; Bonilyn Wilbanks
P & R Bldg for soccer program

I spoke with Mr. Yolles last evening about this and explained the difficulty of establishing a structure in the park for the soccer balls and other equipment and why I thought an enclosed trailer would be both more appropriate and secure and "Do-able".

After our talk he actually thought it a good idea and said they would begin shopping starting with Craigs list.

I would like to see Council agree to a "mooring" site for the trailer to be used during their season and to agree that, if necessary, it could be stored in the public works lot at other times.

Probably, this site should be over near the firehouse where it could be watched.

Dick Korn, Chm

TOWN OF MALABAR
PARK AND RECREATION

AGENDA ITEM REPORT

AGENDA ITEM NO: 3
Meeting Date: October 20, 2010

Prepared By: Cynthia Kelley, Secretary to Board

SUBJECT: Purchase Bleachers for Soccer Field at Malabar Community Park

BACKGROUND/HISTORY:

Chair Dick Korn has requested this be added to the agenda as an action item. The bleachers are now back at the basketball court; their original place. He feels that both groups have a need for bleachers; Mr. Korn is asking the Board for a discussion and recommendation to Council. If the Board makes a recommendation to Council, he is suggesting that a small portion of the Developer's fees be used for this purchase.

ATTACHMENTS:

- Email from Chair Dick Korn dated September 30, 2010

ACTION OPTIONS:

Discussion and action

Cindi Kelley

From: Dick Korn [rumbo@rumbopet.com]
At: Thursday, September 30, 2010 8:06 AM
Subject: Cindi Kelley; Bonilyn Wilbanks-Free
Parks & Recreation Board October Agenda item

Cindi,

In follow up to our conversation yesterday:

At our last meeting concern was expressed about the moving of the bleachers near the soccer and basketball areas.

I have researched this and found the following:

1. The bleachers were originally placed adjacent the basketball courts - perhaps even before the soccer field was developed.
2. representative(s) of the soccer organization asked that the bleachers be moved to a spot adjacent the soccer field for the convenience of parents and others watching the activity there.
3. Public works personnel complied with this and moved the bleacher unit to the soccer field.
4. Someone or group moved the bleacher unit back to or near its original place at the basketball courts.

My conclusion is that both groups have a need or use for the bleachers. While there is no formal organization using the basketball courts, I am told that there is a good bit of usage there on a regular basis.

We need to stop the movement of our equipment without authorization. I have spoken with the TA and public works supervisor and asked that the bleachers be put "where they belong" and anchored there.

However, it seems to me that we need an additional set of bleachers to meet the needs of the users of our community park.. Please put this item on the agenda to see if the board would recommend to council this acquisition. If the Board agrees and council questions funding of this What is the opinion of the board on using s bit of the developer funds for this? Personally, I think it is a good idea. I have been reluctant in the past to use these funds because they will be needed to help with future grant matching funds. But, in this case there seems to be a need to be addressed immediately, and I feel this would be an appropriate use of the funds.

Dick Korn, Chairman
Malabar Parks & Recreation Advisory Board.

TOWN OF MALABAR
PARK AND RECREATION

AGENDA ITEM REPORT

AGENDA ITEM NO: 4
Meeting Date: October 20, 2010

Prepared By: Cynthia Kelley, Secretary to Board

SUBJECT: Malabar Soccer Club Use of Malabar Community Park for End of Season Party

BACKGROUND/HISTORY:

Mr. Yolles came into Town Hall to request the use of the Malabar Community Park for their end of season picnic on Saturday, November 20, 2010. I gave him an application to reserve the pavilion at the park and collected the rental and deposit fees before the application was approved. I later provided Mr. Yolles with the Special Activity Permit Application via an email implying that the number of people tripped the need for this type of permit. Mr. Yolles made contact via email with the Deputy Town Clerk to see what number of people he would have to be under to not have to have a Special Activity Permit.

The Clerk notified Mr. Yolles that park permit application was denied as a Special Activity Permit would be needed for his Season End Club Party with attendance estimated at 300. She apologized for the misunderstanding, but explained the special activity as defined in the Code.

ATTACHMENTS:

- Email from Dick Korn dated 10/19/10
- Mr. Yolles application for use of Malabar Community Park – dated 10/11/10
- Email from Clerk to Mr. Yolles dated 10/14/10
- Special Activity Application and Code
- Approved Special Activity permit for Pop Warner Palm Bay Rockets for similar use dated 8/17/10 (Family Fun Day – held at park 8/28/10)
- Brevard County Parks & Recreation Department Application for Use Permit
- Application for Facility Rental from Town of Melbourne Beach
- Parks and Recreation Facility Rental Rate Chart from Town of Melbourne Beach
- Staff Research for Rental Fees for Brevard County, City of Melbourne and Melbourne Beach
- Memo from Town Administrator dated 10/19/2010

ACTION OPTIONS:

Discussion and action

Cindi Kelley

From: Dick Korn [rumbo@rumbopet.com]
Sent: Tuesday, October 19, 2010 8:24 AM
To: Cindi Kelley
Cc: president@malabarsoccer.com; rick@logicaldata.com
Subject: Youth soccer picnic Addition to This week's parks and recreation Board meeting

Cindi

This should be added to the P & R Board meeting agenda for this week.
Please forward to all P & R board members and Town Council Members this morning.

I feel the board should have some input on this.

Thursday, Rick Whitworth of the Malabar Baptist church approached me with a question concerning what the Soccer group was being charged in order to have their end of season picnic at the community park.

Because they were to be charged \$575.00(100.00 possibly refundable if pavilion left clean) the Soccer Association asked the if they could move their picnic to the church. The church is with holding their decision to see if the town reconsiders the charges.

I believe all this has come about because of a communication problem.

Mr Yolles told the clerk there would probably be in excess of 200 people there, which seems a lot. However, after a long talk with Mr Yolles, I find that there are generally at least that many soccer players and family and friends in the park on any given Saturday during their season. The difference for this day would be that they would all be there during the same time period rather than spread out over 3 games during the whole day.

The charges along with my comments and feelings, are as follows:

1. Fee for Special Activity Permit - *\$100.00*. When asked by Mr. Yolles what the threshold or requirements for requiring such a permit The Town clerk emailed back that there is no threshold. The ordinance allowing for this permit also enables council to waive this fee if it sees fit. I believe we should ask for such a waiver.
2. Bathroom Cleaning Fee *\$40.00* Why? If the same number of soccer people are there that Saturday as on other Saturdays why charge it now when it has not even been considered previously. Also, does this mean only soccer people can use the bathroom? If the bathroom is really left in more of a mess than usual and it can be determine to be the fault of the soccer people, I believe item 3 below would apply. My feeling is that this fee should be eliminated.
3. Deposit fees *\$100.00 * (to be returned if park is clean) I am fine with this but ask who decides if the park is left clean? Perhaps a volunteer from this board can help with this.?
4. Electric / water fees \$50.00 How much water and electricity will they use? I believe they do plan to have "bounce house" which will use some electricity. Any water used would be from our well there (I know, an electric pump) But \$50.00?? Why not \$5.00 if any at all.
5. Port-O-Let Rental \$235.00 They have not asked for any and do not believe they will need them. Where did this figure come from? I suggest we eliminate this or rent one only at a rate less than what we pay for a whole month for the one at trailhead.

6. Facilities Rental fee \$50.00 This is fair and has been customary. I have no problem with this

*TOTAL FEES \$575.00 *(With the possibility of up to \$100.00 refunded)

These requirements appear to some to be punitive and vindictive whether they are intended to or not.

This Soccer organization has been an asset to our community and its youth. It has provided a healthy environment for physical and intellectual growth of our children. It must be supported to the best of our ability.

I know there have been times when we have all felt they were asking for more that we could provide.

However, all they are asking for here is the use of the pavilion on Nov 20 to have a picnic to celebrate the conclusion of their season. They are willing to pay the normal rental for the pavilion. This is not asking too much.

I ask the board to consider these things and make a recommendation to Council for their decision.

If necessary, I can attend the next Council meeting.

Thank you

Dick Korn

TOWN OF MALABAR

MALABAR COMMUNITY PARK PERMIT APPLICATION

Today's Date: Oct - 11 - 2010 Requested Dates & Times: From: Nov - 20 - 2010 10:00 am

Park Name: Malabar Community Park To: Nov - 20 - 2010 3:00 pm

Group: Malabar Soccer Club Estimated Attendance: 300

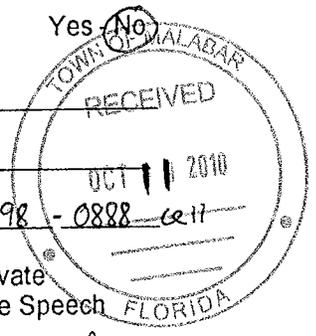
Description of Activity: Season end club party Alcohol Served: Yes No

Applicant's Name & Address: Paul Yellos
2365 Corey Road, Malabar FL

Telephones: Day: 727 - 6405 office Evening: 298 - 0888 cell

- Permit Categories:
- Category I Sponsored/Co-sponsored
 - Category II Sanctioned
 - Category III Non-Profit. Tax Exempt No _____
 - Category IV - Private
 - Category V - Free Speech

Fee Permit: \$ _____ Deposit Fee: \$ 50.00 - #1457



\$55.00 for actual permit #1458

The following activities require proof of insurance/food server permits:

1. Physical contact sports.
2. Alcoholic beverage usage (Special written permission required).
3. Sale of food items that has been permitted at functions open to public.
4. Gatherings that will have amplified music as its primary function.

Liquor Liability Insurance Certificate of Coverage attached: Yes - No
 General Comp. Liability Insurance Certificate of Coverage attached: Yes - No

Special Limitations or Conditions:

1 - No vehicles on the grass anywhere within the Malabar Community Park.	Initials
2. No activity on the Soccer Field.	<u>Py</u>
3. No open fires permitted in the Malabar Community Park.	<u>Py</u>
	<u>Py</u>

Park Services Requested:
 Main Pavilion: Water N, Electrical Receptacles N, Electricity fee paid \$ _____

Please be advised that the restrooms will be setup for normal use. It is recommended that large groups bring additional toilet paper and hand towels. All refuse not placed in trash cans, will be removed from the park by the applicant.

I hereby accept responsibility for any and all damages and clean-up costs for the above referenced park facilities. By signing below I attest that I will comply with Malabar Ordinance 00-06 and agree to the terms and conditions set forth.

Paul Yellos Signature of Responsible Applicant Paul Yellos Print Name as signed

 (Town Administrator) APPROVED DISAPPROVED Date: _____

+++++
 The park facilities referenced above have been inspected after use. It is recommended that the Deposit Fee be RETURNED NOT RETURNED.
 Comments _____

 (Inspector) (Title) (Date)
 (R: October 27, 2003) (R: February 27, 2004) (R: February 8, 2005) (R: March 12, 2006)

Town Clerk / Treasurer

From: Town Clerk / Treasurer
Sent: Thursday, October 14, 2010 10:14 AM
To: president@malabarsoccer.com; Bonilyn Wilbanks
Cc: Cindi Kelley; Town Clerk / Treasurer; Thomas Miliore
Subject: RE: Special Activity Permit - November 20, 2010
Attachments: Special Activity Application.pdf

Mr. Yolles, The application for reserving the park on November 20, 2010 has not been approved. . I will refund your check for the use of the park on November 20, and put it into the mail next week. I apologize for the misunderstanding

Under the definition of "special activity" it defines the parameters for such a permit. Your proposed use fits those parameters. There is not a attendance threshold. My Deputy should have known to provide you with the special activity application instead of the use of the park application. We just did a similar permit in August. I had even advised you then of the requirements they had to meet when we met to discuss your contract renewal.

Again, I apologize for any misunderstanding, but your event cannot be held at Malabar Community Park without an approved Special Activity Permit and paying the associated costs after approval.

Regards,

Debby K. Franklin, C.M.C.
Town Clerk/Treasurer
Town of Malabar
2725 Malabar Road
Malabar, FL 32950
townclerk@townofmalabar.org
321-727-7764 x12
321-722-2234 Fax
321-213-8009 Cell
Town Website: 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.

From: Cindi Kelley
Sent: Thursday, October 14, 2010 8:15 AM
To: Town Clerk / Treasurer
Subject: FW: Special Activity Permit - November 20, 2010

From: Paul Yolles [mailto:president@malabarsoccer.com]
Sent: Monday, October 11, 2010 5:03 PM
To: Cindi Kelley
Subject: Re: Special Activity Permit - November 20, 2010



2725 Malabar Road
Malabar, Florida 32950-4427
321-727-7764 – Telephone
321-727-9997 – FAX

SPECIAL ACTIVITY APPLICATION

ACTIVITY TYPE

- Block Party
- Carnival or Circus
- Concert or Festival
- Foot Race/Bike Race/Walk-a-thon
- Other (describe) _____
- _____
- _____

EQUIPMENT

- Alcoholic Beverage Use
- Balloon or Banner
- Food Preparation
- Sound Amplification
- Temporary Electrical
- Temporary Restrooms
- Temporary Signs
- Temporary Structure
- Tent

FEE FOR SPECIAL ACTIVITY IS: \$100.00

ACTIVITY NAME: _____

Applicant (person): _____

Organization/Sponsor (If applicable): _____

The Organization /Sponsor is (Check one) Profit Non- profit

Address: _____

Telephone: _____ (Please list the telephone number where we may contact you during the day. If we are unable to contact you, the permit may be delayed).

Date of event: _____

Time of event: _____

Location of event/ street address (A site plan **must** be attached): _____

*Please note: If the applicant / sponsor listed is not local, complete the following:

Local contact person: _____ Phone: _____

Address: _____

Description of event: _____

If you are requesting Town assistance with your event, please describe: _____

Describe any temporary structures planned for use during event: _____

If sound amplification is associated with this event, I agree to monitor the sound level so that it remains within the limits of the Town Code. If valid noise complaints are received, I agree to reduce that noise to a satisfactory level. Further, I understand that if reducing the noise does not control citizen's complaints, the source of the noise will be terminated.

Signature of applicant: _____

Date: _____

The space below may be used for your site plan.

exterior door or curtain of such cubicle, room or booth. Nothing contained herein shall be construed to eliminate other requirements of any statute or ordinance concerning the maintenance of premises, nor to preclude authorized inspection thereof, whenever such inspection is deemed necessary by the town council, sheriff or their duly authorized agents. (Ord. No. 3-12-85, § 27(p), 4-2-85)

Sec. 10-243. Supervision.

An adult massage establishment licensee shall have the premises supervised at all times when open for business. Any massage establishment shall have one individual who qualifies as a massager on the premises at all times while the massage establishment is open for business. The adult massage establishment licensee shall personally supervise the massage establishment, and shall not violate, or permit others to violate, any provisions of this article. (Ord. No. 3-12-85, § 27(q), 4-2-85)

Secs. 10-244—10-255. Reserved.

ARTICLE III. SPECIAL ACTIVITY PERMITS*

Sec. 10-256. Purpose.

The intent of the town council in adopting this section is to recognize that there are certain special or unique activities not recognized in the code, which provide for an economically viable community. Special activities have been determined to be in the best interest of the public and may call for temporary waivers from the Town Code.

(Ord. No. 02-02, § 1, 4-1-02)

Sec. 10-257. Town administrator to issue permits.

The town administrator, under the direction of the town council, is hereby authorized to issue a special activity permit. The town council may grant temporary waivers to the Town Code for special activities. The permits shall be subject to all conditions imposed by the town council. Prior to any special activity permit being issued, the town council shall first approve the issuance of such a permit to an applicant.

Waivers may include but are not limited to: open container ordinance, subject to all conditions contained in the special activity permit as may be from time to time established by the town council; use of barricades on public streets or closure of public streets; and sound amplification; provided, however, a permit for sound amplification does not allow an applicant to violate any noise provisions provided elsewhere in this Code.

In granting waivers to the open container provision of the Town Code, no waiver to the hours of operation established by this Code shall be permitted.

***Editor's note**—Ordinance No. 02-02, § 1, adopted April 1, 2002, set out provisions intended for use as §§ 10-1—10-9. For purposes of classification, and at the editor's discretion, these provisions have been included as §§ 10-256—10-264.

Notwithstanding any of the foregoing, no permit or waiver shall be issued for any special activity which would meet the definition of a rave club as that term is defined in Ordinance No. 2001-25, an Ordinance of Brevard County.
(Ord. No. 02-02, § 1, 4-1-02)

Sec. 10-258. Definitions.

For the purpose of this section, the following words shall have the meanings indicated:

Gated street event shall mean an event held on public right-of-way in the town where admission is charged for access to the event area.

Special activity shall mean an event activity or any occasion that is characterized by its limited duration, infrequent occurrence, or seasonal nature and by the fact that permanent improvements are not made to the site. Temporary activities include but are not limited to, exhibitions, celebrations, festivals, shows, parades, carnivals, block parties, outdoor seasonal sales, concerts, marathons, races, walks, fund raisers, taking place within a specifically defined area of the town which event, activity or occasion does not fall within the normal categories of permitted uses, activities, accessory uses or activities within the applicable town zoning district.

Special activity applications shall mean the form provided by the town for the purposes of processing a select activity.

Special activity fee shall mean the fee an applicant is required to pay in accordance with the special activity permitting procedure, before a special activity application can be processed.

Special activity permit shall mean the permit that is issued by the town council.
(Ord. No. 02-02, § 1, 4-1-02)

Sec. 10-259. Penalty.

It shall be unlawful for any person, group of persons, firm, corporation or entity to advertise, hold, conduct, engage in, permit or allow any special activity to occur unless a permit has been obtained from the town. A violation of this section is punishable by the imposition of a fine not exceeding five hundred dollars (\$500.00) and/or imprisonment for a term not exceeding sixty (60) days.

(Ord. No. 02-02, § 1, 4-1-02)

Sec. 10-260. Time for submitting application.

A special activity application must be submitted to the town no later than thirty (30) days before the scheduled event, activity or occurrence.

(Ord. No. 02-02, § 1, 4-1-02)

Sec. 10-261. Fees.

All applications for a special activity permit will be charged a special activity fee of one hundred dollars (\$100.00). This fee may be waived by the town council.

(Ord. No. 02-02, § 1, 4-1-02)

Sec. 10-262. Application processing procedure.

(a) The town shall provide an application for a special activity permit. Upon submittal of the application, along with the applicable fee and attachments, the town administrator shall distribute such applications to the building and zoning department and such other staff members as may be necessary for comment. The completed application and comments shall be submitted to the town council at the next regularly scheduled town council meeting for approval or disapproval. The town council may impose any and all reasonable conditions on the issuance of the permit.

(b) Criteria for approval. The town may approve or conditionally approve the issuance of a special activity permit, unless one of the following circumstances exists:

- (1) The applicant has been convicted of a felony or misdemeanor involving moral turpitude and has not subsequently demonstrated rehabilitative characteristics;
- (2) The applicant has made a material misrepresentation on the application;
- (3) The applicant has not complied with the town's request for further information necessary for the town to fully evaluate the application;
- (4) The proposed special activity will substantially disrupt peace and quiet within any area of the town;
- (5) The proposed special activity will have a substantial negative impact upon traffic in any area of the town;
- (6) The proposed special activity damages or degrades the image of the town;
- (7) The proposed special activity will have a material negative impact upon the neighboring property;
- (8) The proposed special activity will create a safety hazard;
- (9) The proposed special activity is not appropriate for the location due to zoning requirements for that location;
- (10) The proposed special activity subjects the town to contingent liability which cannot adequately be addressed by requiring the applicant to name the city as an insured on the applicants general liability insurance policy;
- (11) The applicant has failed to supply the town an insurance certificate naming the town as an additional insured on the applicant's general liability policy;

- (12) The special activity fails to comply with any of the criteria designated under this section for the issuance of a special activity permit or rules and regulations governing this special activity;
 - (13) An applicant has violated conditions of a previous special activity permit or any ordinances or regulation of the town in the conduct of a prior special activity.
- (c) The following provisions are not intended to be all-inclusive and may be amended based on the type of event or the information submitted by the applicant:
- (1) *Special activity application/fee.* The applicant will be required to complete a special activity application prior to the activity and submit it to the town with the application fee. A site plan is required with each application and may be hand drawn. The site plan should be detailed enough to indicate major streets, a north arrow, and event set-up. The application shall set forth the anticipated attendance, arrangements for off-street parking, a plan for dealing with disposed of waste and refuse and the placement of portable toilet facilities if applicable.
 - (2) *Special activity permit.* Once an applicant has submitted all required documents, met all conditions and staff concerns with the issuance of a permit, and the town council has approved the permit, the town will issue a special activity permit. The activity shall not be considered approved until the town has issued a permit.
 - (3) *Frequency of events.* An applicant may apply for a special activity one time per year. A year is defined as January 1 through December 31. An event shall not exceed one day in duration.
 - (4) *Set-up and take down period for events.* An applicant will be allowed a reasonable set-up and take-down period for an event. The period will be based on the type and complexity of the event. Balloons and banners will be allowed a one-day set-up and one-day take-down period. Violations of this section may result in future permits being denied.
 - (5) *Alcoholic beverages.* The provisions contained in the Town Code (open container), may be waived by a special activity permit. The waiver will be subject to all conditions contained in the permit.

If an applicant operates a licensed premises for the sale of alcoholic beverages, that applicant will be required to obtain an extension of the permit from the department of business and professional regulation, division of alcoholic beverages and tobacco for alcoholic beverages sold/consumed outdoors. Non-profit civic organizations will be required to obtain a temporary permit for sale/consumption of alcoholic beverages in accordance with F.S. § 561.422.

Additionally the applicant is responsible for controlling alcoholic beverages by ensuring under-age consumption does not occur.
 - (6) *Balloons.* Tethered balloons that are no larger than fifteen (15) cubic feet may be considered for a permit. Small, helium-filled balloons are prohibited.

- (7) *Barricades.* The town will determine if barricades are required for an event. Applicants will need to obtain barricades from a private source. Once barricades are placed, signs, balloons, or other items may not be placed on the barricades.
- (8) *Block party.* In addition to a special activity application, a petition is required to be signed by all the residents who live on the portion of the street that will be closed/barricaded indicating their support of the event.
- (9) *Carnival.* In addition to any applicable fees, an occupational license is required regardless of non-profit status. Each carnival ride is required to have a current inspection certificate from the Bureau of Fairs, Rides Inspection (850-488-9790).
- (10) *Circus.* In addition to any applicable fees, an occupational license is required regardless of non-profit status. The following stipulation shall apply for all circuses:

The permit is conditioned upon the exhibitor complying with all applicable requirements of F.S. §§ 372.921 and 377.922, and the regulations contained in the Florida Administrative Code, Rule 39-6, of the Florida Fish and Wildlife Conservation Commission.
- (11) *Co-sponsorship.* The town may from time to time provide services for an event (police, barricades, etc.) which may result in reduced charges.
- (12) *Fire prevention/code enforcement inspections.* Most events require an on-site review and final inspection by fire/code personnel. If the event requires extraordinary inspections, including inspections after hours, the applicant will be required to pay the staff time at fifty dollars (\$50.00) per hour.
- (13) *Hold harmless and indemnification.* The applicant, by submitting a special activity application, agrees that at all times they will indemnify and hold harmless the town from and against any and all liability, claims, demands, damages, expenses, loss, injury, death, fees, costs, attorney's fees, fines, penalties, or suits to or by any person, firm, corporation, or entity arising from or out of the special activity.
- (14) *Insurance.* An applicant for an event held on public property or on a public right-of-way will be required to provide a general liability insurance policy in the amount of one million dollars (\$1,000,000.00). Additionally, if alcohol is being served at the event, liquor liability in the amount of one million dollars (\$1,000,000.00) will be required. A certificate of insurance will be required and the following language must appear on the certificate: "The Town of Malabar is named as additional insured as the Town of Malabar's interest may appear only."
- (15) *Additional permits.* Additional permits may be required from the town or other governmental authorities. The applicant shall submit proof of compliance with the permitting requirements of all governmental authorities, including, but not limited to, disabled parking and sanitation requirements.

- (16) *Medical services.* Late night events involving alcohol and events that, due to their nature, may have injuries will require medical coverage. The applicant shall be responsible for payment of medical services. The cost will be based on the hourly rate of the medical team.

A medical team is defined as at least one paramedic and one emergency medical technician. Additional medical team personnel may be required depending on the special event. The town administrator shall determine if additional medical team personnel are needed.

- (17) *Outdoor seasonal sales.* The following stipulations shall apply:

The applicant must obtain an occupational license and a special activity permit prior to set-up.

Adequate paved parking, including handicapped parking, must be provided within one hundred (100) feet of the sales/display area. Restrooms, including handicapped accessible restrooms, must be provided on the site within five hundred (500) feet of the sales/display area.

Hours of the sales must coincide with the hours of availability for the restrooms and parking.

The sale/display shall not be located within a required landscaped area and on-site vegetation shall not be disturbed.

Proof of ownership or a lease agreement with the property owner must be submitted with the application.

A maximum of one recreational vehicle and one private vehicle may be maintained on site by the applicant.

- (18) *Law enforcement.* Law enforcement services are required for any special activity. The applicant shall be responsible for the presence and payment of law enforcement services. The cost will be based on the average hourly rate of Deputy Sheriffs for Brevard County.
- (19) *Sound amplification.* A permit for sound amplification does not allow the applicant to violate the noise levels in the Code of Ordinances. The applicant agrees to control noise, and in the event surrounding residents complain of excessive noise, to reduce that noise to a satisfactory level. The applicant further understands that if reducing noise cannot control citizen complaints, the source of the of the noise will be terminated.
- (20) *Signs in the right-of-way.* No signs in the public rights-of-way are permitted.
- (21) *Tents.* A flame retardant certificate must be attached to the application for a tent permit.

(Ord. No. 02-02, § 1, 4-1-02)

Sec. 10-263. Permit.

The town administrator will issue a special activity permit once an applicant has completed a special activity application, submitted all required documents, met all conditions and staff concerns with the issuance of the permit, and the special activity permit has been approved by the town council.

(Ord. No. 02-02, § 1, 4-1-02)

Sec. 10-264. Revocation or suspension of special activity permit.

A special activity permit may be revoked or suspended immediately for any of the following reasons:

- (1) A material false statement in the application.
- (2) Failure to comply with any federal, state or municipal laws and regulations.
- (3) Failure to comply with any limitation or condition imposed by the town on the issuance of a special activity permit.
- d. To conduct any special activity in such a manner as to create a public nuisance or conducting the special activity in a fraudulent disorderly manner or in a manner which endangers the public health safety and welfare or any manner in which disrupts the public peace.

(Ord. No. 02-02, § 1, 4-1-02)



2725 Malabar Road
 Malabar, Florida 32950-4427
 321-727-7764 – Telephone
 321-727-9997 – FAX

SPECIAL ACTIVITY APPLICATION

ACTIVITY TYPE

- Block Party
- Carnival or Circus
- Concert or Festival
- Foot Race/Bike Race/Walk-a-thon
- Other (describe) SOCCER
Cheerleaders Family
Sun Day + Photos

EQUIPMENT

- NO Alcoholic Beverage Use
- Balloon or Banner
- Food Preparation
- Sound Amplification
- Temporary Electrical
- Temporary Restrooms
- Temporary Signs
- Temporary Structure
- Tent

FEE FOR SPECIAL ACTIVITY IS: \$100.00

ACTIVITY NAME: FAMILY FUN DAY

Applicant (person): Johnna Noble-Filomena

Organization/Sponsor (If applicable): POP WARNER PALM BAY ROCKETTS
 The Organization /Sponsor is (Check one) Profit Non-profit

Address: 3396 Sage Ave SW Palm Bay, FL 32908

Telephone: 321-917-3948 (Please list the telephone number where we may contact you during the day. If we are unable to contact you, the permit may be delayed).

Date of event: AUGUST 28, 2010

Time of event: 10 am to 7 pm

Location of event/ street address (A site plan **must** be attached):

malabar Park

*Please note: If the applicant / sponsor listed is not local, complete the following:

Local contact person: Johnna Noble-Filomena Phone: 321-917-3948

Address: 1240 EMERSON DR NE PALM BAY, FL 32907

Description of event: A family fun day w/ bounce houses,
food, crafts, games, Jaz, vendors, small
local kids band playing, pony pictures &
football + cheerleaders pep rally, + photos.

If you are requesting Town assistance with your event, please describe: _____

? Advertise on Sign at Park?

Describe any temporary structures planned for use during event: Possible small stage
for band to play on. Food vendor will
be under tents.

If sound amplification is associated with this event, I agree to monitor the sound level so that it remains within the limits of the Town Code. If valid noise complaints are received, I agree to reduce that noise to a satisfactory level. Further, I understand that if reducing the noise does not control citizen's complaints, the source of the noise will be terminated.

Signature of applicant: Johanna Noble - Jelone

Date: 8/17/2010

The space below may be used for your site plan.

Will Bring In:

TOWN OF MALABAR

MALABAR COMMUNITY PARK PERMIT APPLICATION

Today's Date: 8-17-2010 Requested Dates & Times: From: 8-28-2010

Park Name: Malabar To: 8-28-2010

Group: Pop Warner Palm Bay Rockets Estimated Attendance: 500

Description of Activity: Family Fun Day Alcohol Served: Yes - No

Applicant's Name & Address: Johnna Noble - Filomena

1240 Emerson Dr NE Palm Bay.

Telephones: Day: 321-917-3948 Evening: 321-917-3948

- Permit Categories:
- Category I Sponsored/Co-sponsored
 - Category II Sanctioned
 - Category III Non-Profit. Tax Exempt No 85-801260 2957C-5
 - Category IV - Private
 - Category V - Free Speech

Fee Permit: \$ 100.00 Deposit Fee: \$ 100.00

- The following activities require proof of insurance/food server permits:
1. Physical contact sports.
 2. Alcoholic beverage usage (Special written permission required).
 3. Sale of food items that has been permitted at functions open to public.
 4. Gatherings that will have amplified music as its primary function.

Liquor Liability Insurance Certificate of Coverage attached: Yes - No
General Comp. Liability Insurance Certificate of Coverage attached: Yes - No

Special Limitations or Conditions:

- 1 - No vehicles on the grass anywhere within the Malabar Community Park. Initials JNF
2. No activity on the Soccer Field. Initials JNF
3. No open fires permitted in the Malabar Community Park. Initials JNF

Park Services Requested:
Main Pavilion: Water N, Electrical Receptacles N, Electricity fee paid \$ 50.00 BR 40.00
Porta Pots Anderson Rentals \$ 300.00

Please be advised that the restrooms will be setup for normal use. It is recommended that large groups bring additional toilet paper and hand towels. All refuse not placed in trash cans, will be removed from the park by the applicant.

I hereby accept responsibility for any and all damages and clean-up costs for the above referenced park facilities. By signing below I attest that I will comply with Malabar Ordinance 00-06 and agree to the terms and conditions set forth.

Johnna Filomena Signature of Responsible Applicant
JOHANNA FILOMENA Print Name as signed

Bev. Vranits (Town Administrator) APPROVED DISAPPROVED Date: 8/19/10

The park facilities referenced above have been inspected after use. It is recommended that the Deposit Fee be RETURNED NOT RETURNED.
Comments _____

Theresa Wilson (Inspector) Public Works Manager (Title) 8-19-10 (Date)

(R: October 27, 2003) (R: February 27, 2004) (R: February 8, 2005) (R: March 12, 2006)

for
Pop
Warner
Palm
Bay
Rockets

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
08-19-2010

PRODUCER
Marsh USA, Inc.
Two Logan Square
Philadelphia, PA 19103
Email: Gwen.Steele@marsh.com

INSURED
East Coast Pop Warner
Palm Bay Pop Warner Rockets
P.O. Box 61466
Palm Bay, FL 32906

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE

INSURER A: Lexington Insurance Company
INSURER B: National Union Fire Insurance Company
INSURER C:
INSURER D:
INSURER E: Chartis Specialty Insurance Company

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED TO THE INSURED NAMED ABOVE OR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS

INSR LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS				
A	GENERAL LIABILITY	9471730	08-01-2010	08-01-2011	EACH OCCURANCE	\$ 1,000,000			
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY				FIRE DAMAGE (Any one fire)	\$ 50,000			
	<input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR				MED EXP (Any one person)	\$			
					PERSONAL \$ ADV INJURY	\$			
					GENERAL AGGREGATE	\$ 5,000,000			
					PRODUCTS - COMP/OP AGG				
					GEN'L AGGREGATE LIMIT APPLIES PER				
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC				Delaware # 9471731	08-01-2010	08-01-2011	Sexual Abuse	1Mil/1Mil
	AUTOMOBILE LIABILITY							COMBINED SINGLE LIMIT (Ea accident)	\$
	<input type="checkbox"/> ANY AUTO							BODILY INJURY (Per person)	\$
<input type="checkbox"/> ALL OWNED AUTOS				BODILY INJURY (Per accident)	\$				
<input type="checkbox"/> SCHEDULED AUTOS				PROPERTY DAMAGE (Per accident)	\$				
<input type="checkbox"/> HIRED AUTOS									
<input type="checkbox"/> NON-OWNED AUTOS									
	GARAGE LIABILITY				AUTO ONLY -- EA ACCIDENT	\$			
	<input type="checkbox"/> ANY AUTO				OTHER THAN EA ACC	\$			
					AUTO ONLY: AGG	\$			
	EXCESS LIABILITY				EACH OCCURANCE	\$			
	<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE				AGGREGATE	\$			
	<input type="checkbox"/> DEDUCTIBLE					\$			
	<input type="checkbox"/> RETENTION \$					\$			
	WORKER'S COMPENSATION AND EMPLOYER'S LIABILITY				WC STATUTORY LIMITS	\$			
					OTHER	\$			
					E.L. EACH ACCIDENT	\$			
					E.L. DISEASE - EA EMPLOYEE	\$			
					E.L. DISEASE - POLICY LIMIT	\$			
A	OTHER Inland Marine/Sports Equip	010008403	08-01-2010	08-01-2011		\$ 0			
B	Excess Accident Medical	SRG9471730	08-01-2010	08-01-2011		\$ 100,000			
						\$			

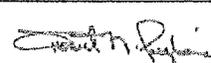
DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS
Pop Warner Tackle and Flag Football Activities including Cheerleading and Dance Programs.
Additional Insured Status is provided as per Form 72984 (4/99) and CG2026 (11/85) attached to the policy.
This is primary per the terms of policy form CG0001 (12/07)

CERTIFICATE HOLDER **ADDITIONAL INSURED: INSURER LETTER :A**

Town of Malabar
2725 Malabar Road
Malabar, FL 32950

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, IT'S AGENTS OR REPRESENTATIVES

AUTHORIZED REPRESENTATIVE 

POLICY NUMBER: 9471730

COMMERCIAL
GENERAL LIABILITY
CG 20 26 11 85

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**ADDITIONAL INSURED – DESIGNATED PERSON OR
ORGANIZATION**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART.

SCHEDULE

Name of Person or Organization: Town of Malabar

2725 Malabar Road
Malabar, FL 32950

(If no entry appears above, information required to complete this endorsement will be shown in the Declarations as applicable to this endorsement.)

WHO IS AN INSURED (Section II) is amended to include as an insured the person or organization shown in the Schedule as an insured but only with respect to liability arising out of your operations or premises owned by or rented to you.

CG 20 26 11 85

© Insurance Services Office, Inc., 1984

00020



Consumer's Certificate of Exemption

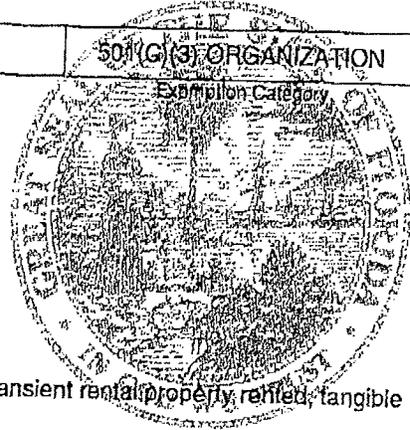
Issued Pursuant to Chapter 212, Florida Statutes

DR-14
R. 04/05
06/23/06

85-8012602757C-5	09/12/2006	09/30/2011	501(C)(3) ORGANIZATION
Certificate Number	Effective Date	Expiration Date	Exemption Category

This certifies that

POP WARNER LITTLE SCHOLARS INC
586 MIDDLETOWN BLVD STE C100
LANGHORNE PA 19047-1867



is exempt from the payment of Florida sales and use tax on real property rented, transient rental property rented, tangible personal property purchased or rented, or services purchased.



Important Information for Exempt Organizations

DR-14
R. 04/05

1. You must provide all vendors and suppliers with an exemption certificate before making tax-exempt purchases. See Rule 12A-1.038, Florida Administrative Code (FAC).
2. Your *Consumer's Certificate of Exemption* is to be used solely by your organization for your organization's customary nonprofit activities.
3. Purchases made by an individual on behalf of the organization are taxable, even if the individual will be reimbursed by the organization.
4. This exemption applies only to purchases your organization makes. The sale or lease to others by your organization of tangible personal property, sleeping accommodations or other real property is taxable. Your organization must register, and collect and remit sales and use tax on such taxable transactions. Note: Churches are exempt from this requirement except when they are the lessor of real property (Rule 12A-1.070, FAC).
5. It is a criminal offense to fraudulently present this certificate to evade the payment of sales tax. Under no circumstances should this certificate be used for the personal benefit of any individual. Violators will be liable for payment of the sales tax plus a penalty of 200% of the tax, and may be subject to conviction of a third degree felony. Any violation will necessitate the revocation of this certificate.
6. If you have questions regarding your exemption certificate, please contact the Exemption Unit of Central Registration at 850-487-4130. The mailing address is PO BOX 6480, Tallahassee, FL 32314-6480.

Brevard County Parks & Recreation Department APPLICATION FOR USE PERMIT

SOUTH AREA PARKS OPERATIONS
 WICKHAM PARK
 2500 PARKWAY DRIVE
 MELBOURNE, FL 32935
 PH: 321-255-4307 FX: 321-255-4343

Date _____
 Applicant's Name _____
 Email _____ Driver's License # _____
 Day Phone _____ Evening Phone _____ Fax _____
 Organization/Group Name (if applicable) _____ Non-Profit Corp. Yes No
 Applicant's position/connection with Organization/Group (if applicable) _____
 Mailing Address _____
Street/PO Box City State Zip

Park Name and Facilities Requested _____
 Event Name _____ Type of Activity _____
 Event Date(s) Requested _____ Estimated Attendance _____
 Times (Including Preparation/Cleanup) _____
 Received Facility Rental Rules Yes No

THE FOLLOWING TO BE COMPLETED BY STAFF

PERMIT CATEGORIES (CHECK ONE)

- CATEGORY I Sponsored/Co-Sponsored
- CATEGORY II Recreation Partner
- CATEGORY III Not-for-Profit/Exempt (Must qualify for tax exempt status pursuant to 501(c) criteria of the IRS Code)
- CATEGORY IV Private (Private Groups, Organizations, Individuals)
- CATEGORY V Public Issue Speech

Consumers Certificate of Exemption (Florida) 501(c)() _____
 501(c)Criteria # _____

CONDITIONS (CHECK ALL APPLICABLE)

- Activity open to public
- Admission charged
- Alcohol
- Food/beverage sales
- Music (Type _____)
- Letter of Request
- Security
- Other

HIGH RISK CONDITIONS: INSURANCE REQUIRED (CHECK ALL APPLICABLE)

- Activities that involve physical contact and/or inflatable structures
- Alcoholic beverages and open to the public: liquor liability required
- Sale of food items and/or beverages at functions open to the public
- Amplified music primary to function with over 200 people expected open to the public
- Commercial activities as defined in Chapter 78-76, Code of Ordinances of Brevard County, and herein, where such activities are open to the public

THE PARK/FACILITY YOU HAVE REQUESTED IS LOCATED WITHIN THE CITY LIMITS OF _____. PLEASE CONTACT THAT CITY TO DETERMINE IF IT HAS ANY REQUIREMENT(S) YOU MUST MEET.

<p>(A) TAXABLE FEES</p> <p>Facility Rental Fee: \$ _____</p> <p>Additional Fees: _____ \$ _____</p> <p>Tourist Tax \$ _____</p> <p>Fla. State Sales Tax: \$ _____</p> <p>Sub Total \$ _____</p> <p>RECEIPT # _____ DATE _____</p> <p>AMOUNT \$ _____</p>	<p>TAXABLE FEES FROM COLUMN A \$ _____</p> <p>(B) Non-Taxable Fees</p> <p>Facility Rental Fee: \$ _____</p> <p>Employee Fee: \$ _____</p> <p>Additional Fees: _____ \$ _____</p> <p>Sub Total \$ _____</p> <p>GRAND TOTAL \$ _____</p> <p>RECEIPT # _____ DATE _____</p> <p>AMOUNT \$ _____</p>	<p>(C) DEPOSITS</p> <p><i>A separate payment is always required for deposits</i></p> <p>Cleanup/Damage Deposit \$ _____ <input type="checkbox"/> Cash <input type="checkbox"/> Check</p> <p>Receipt # _____ Date _____</p> <p>Key Deposit \$ _____ <input type="checkbox"/> Cash <input type="checkbox"/> Check</p> <p>Receipt # _____ Date _____</p>
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PURSUANT TO CHAPTER 119, FLORIDA'S PUBLIC RECORDS ACT, THIS RECORD IS A PUBLIC DOCUMENT THAT MAY BE INSPECTED AND/OR COPIED. IF YOU BELIEVE ANY PORTION OF THIS DOCUMENT CONTAINS INFORMATION THAT IS EXEMPT FROM DISCLOSURE, PLEASE NOTIFY US IN WRITING AT:
 SOUTH AREA PARKS OPERATIONS
 1515 SARNO ROAD, B-2, MELBOURNE, FL 32935

I am 18 years of age (21 years of age if alcohol will be present) or over and understand as a representative of said event/organization, that I take full responsibility for each and every participant of said function. I have read and agree to follow the rental rules I have been given for my activity. I hereby waive any and all claims against the Board of County Commissioners and its employees and agents arising out of any personal injury or property damage that is incurred during said function. I have also read the information on the reverse side of this permit and agree to the terms and conditions hereof.

X _____
Applicant's Signature Date

_____ Print Your Name As Signed

_____ Title

_____ Date

_____ Parks and Recreation Approval

Brevard County Parks and Recreation Department

OTHER INFORMATION AND CONDITIONS FOR ISSUANCE OF USE PERMIT

Prior to granting a permit, the individual and/or organization sponsoring the activities or events shall agree to indemnify and hold Brevard County harmless from any and all liability, claims, damages, expenses (including attorney fees) proceedings and causes of action of every kind and nature arising out of or connected with said sponsor's use, occupation or control of the park or recreational facility (or any improvements thereon or any furniture, furnishings, equipment and fixtures utilized in connection therewith), unless liability, claims, damages, or expenses are a result of Brevard County's sole negligence. The sponsor shall further agree that it will, at its own expense, defend any and all actions, suits or proceedings which may be brought against Brevard County in connection with said parks and facilities arising from said sponsor's activities and will satisfy, pay, and discharge any and all judgements that may be entered against Brevard County in any such proceeding.

Any material misrepresentation, whether written or oral, by a permit applicant on an application or during the application process, where the Department relied on such misrepresentation in granting a permit, shall be grounds for the Department's immediate revocation of such permit and/or deposit, and is punishable pursuant to Chapter 78-101, Code of Ordinances of Brevard County.

Five business days are required to communicate whether an applicant's permit is granted or denied and, if denied, the reason for such denial. Applicant may appeal the refusal of a permit by written notice to the County Manager.

In any event, liability will be assumed by the sponsoring individual and/or organization with regard to any personal injury, liability, and/or property damage arising from the activities of such sponsoring group or individual.

All persons granted a permit to use a county park or recreational facility must agree to abide by all applicable established rules, regulations, laws and ordinances of state, federal, county and city governments and their respective agencies.

Upon completion of the activity, the facility and adjacent area must be clean, orderly and free of any obstruction, or litter.

Applicant shall be responsible for all costs associated with damages to park facilities and grounds. These costs shall include the personnel hours, materials and equipment required to complete repairs.

Cancellation of a reservation may be initiated by applicant not less than 10 working days prior to the scheduled use; however, a **\$20.00 administration fee** will be assessed and/or deducted when the reservation fee is refunded.

Individuals, groups and/or organizations utilizing facilities for High Risk or Commercial Activities are required to provide General Comprehensive Liability Insurance in an amount up to \$1,000,000.00, and not less than \$500,000.00, per occurrence to cover any and all claims and costs arising in connection with any accident or occurrence related to such activities must be provided. Coverage amount will be determined by the Area Operations Manager and Insurance Director. Brevard County Board of County Commissioners shall be named as an additional insured on any such policy. Also, Fire Liability Insurance not less than \$50,000 per occurrence must be provided. Also, Brevard County must be named as additional insured on the Certificate of Insurance. A copy of a certificate(s) of insurance or letter(s) of binder shall be provided to the County prior to the issuance of the permit.

Insurance provided by:

A copy of the insurance policy binder must be provided to Area Parks Operations Office by: _____

Date

Security Plan required if event has commercial activity, is open to the public, and 50 or more persons expected to attend event.

Security provided by:

Use Permits are not transferable.

COMMENTS: _____



APPLICATION FOR FACILITY RENTAL

TOWN OF MELBOURNE BEACH
507 OCEAN AVENUE, MELBOURNE BEACH, FLORIDA 32951
PHONE: (321) 724-5860
FAX: (321) 984-8994

Please complete this form and return it to the Melbourne Beach Town Hall at the above address.

1. Today's date _____ Date of Event _____
2. Hours of event (include time for decorating and clean up) _____
3. Type of event _____ Will it be catered? _____
4. Name of applicant _____
5. Applicant's date of birth _____
6. Address: Street _____ City _____ State _____ Zip _____
7. Phone (mandatory) _____ e-mail (optional) _____
8. What facility or facilities do you plan to rent?
 - Community Center (capacity 114) _____
 - Pavilion (capacity varies) _____
 - Masny Room (capacity 47) _____
9. How many people will attend the event? _____
10. How many vehicles will be parked during the event (approximately)? _____
 - **You must purchase liability insurance if 50 or more persons or vehicles are involved (see Chapter 52 of the Melbourne Beach Town Code).**
 - **You must show proof of insurance. We require \$1,000,000 public liability coverage.**
 - **Proof of coverage is due no later than two weeks prior to the date of the event.**
11. Will alcoholic beverages be present? _____
 - **If yes, a permit is required. (See Chapter 53 of the Melbourne Beach Town Code.) You may obtain this permit application at Melbourne Beach Town Hall.**
 - **Only licensed bartenders and caterers are allowed to take alcohol into a municipal facility.**
 - **If alcohol will be served, you must purchase liability insurance.**
 - **You must show proof of insurance. We require \$1,000,000 public liability coverage.**
 - **Proof of coverage is due no later than two weeks prior to the date of the event.**

PLEASE INITIAL BESIDE EACH OF THE FOLLOWING POLICIES TO INDICATE THAT YOU UNDERSTAND, ACCEPT, AND WILL ADHERE TO THEM:

General Terms of Rental

- Damage/clean up deposit is due at time of reservation and will be refunded after the event provided (1) no damage occurs or (2) no clean up by the Town is necessary. I accept responsibility for damages to and cleaning of the Melbourne Beach facility or facilities rented by me. The balance is due no later than two weeks prior to date of event.
- I understand the Town Manager will determine the cost of damages and the Public Works Superintendent will determine the need for additional cleaning by Town employees and that the price for further cleaning (\$31.80/hour) will be deducted from my deposit. **The minimum charge for damage/cleanup is \$100.00.**
- I understand that the key deposit (\$100) will be refunded only if the key is returned to the Town Hall on the first business day after the event. If the key is not turned in on the first business day after the event, no part of the key deposit will be refunded.
- I understand that rental of a Town of Melbourne Beach facility does not guarantee parking near the facility. Parking is on a first come, first served basis.
- I understand that rental of a Town facility does not preclude other patrons from using the park, but they may not enter the facility that is being rented.
- For weekend rentals, the key to the Community Center and Ryckman Park Pavilion must be picked up at Town Hall on the business day before the event. For rentals on Monday through Friday, the key to the Community Center is available on the day of the rental.
- I have reviewed the cancellation policy summarized below.

All Facilities

- No tacks, nails or staples can be used while decorating.
- Use of candles is prohibited.
- Only licensed bartenders and caterers are allowed to take alcohol into a municipal facility.
- No smoking is allowed anywhere in the municipal complex or the park.
- Trash must be disposed of; you may use the dumpster behind the Town complex.
- All events must end and cleanup must be completed by 11:00 p.m.
- Lock all doors when you leave.

Community Center Only:

- Tables and chairs may not be moved outside.
- Do not adjust or move stage or wiring in the Community Center.
- Do not drag tables and chairs across the floor.

Ryckman Park Pavilion Only:

- No grilling under the Pavilion.
- No vehicles are allowed on the lawn of the park.
- No tents, jumping equipment without approval and instructions from the Public Works Superintendent.
- No animals of any kind including ponies and petting zoos.

Masny Room Only:

- Tables and chairs may not be moved outside.

Note: Neglect of the above responsibilities could result in loss of the damage/clean up and key deposits. An inspection will be made of the facility prior to refunding any deposit.

Signature of Responsible Person

Date

For Town Use Only

Facility	Damage and Clean Up Deposit	Key Deposit	# of hours x Rental Rate** + 6% tax	Total Owed	Amount Paid Check # or Cash Date Paid
COMMUNITY CENTER	\$250.00	\$100.00			
PAVILION	\$250.00	\$100.00*			
MASNY ROOM	\$200.00	\$35.00			
RYCKMAN PARK	N/A	\$100.00*			

*Restroom key

**Please refer to rate chart below. Rate will be filled in by the staff member booking your event.

Private Function Inspection Report: Refund check: Yes ____ No ____

DEPOSIT PAID	
CLEAN-UP CHARGE	
DAMAGE CHARGE	
FAILURE TO RETURN THE KEY	
TOTAL DEDUCTIONS	
TOTAL REFUND (Deposit paid - Total deductions)	

Total Owed	
Amount Paid	
Balance Due	
Due Date	

Town Representative

Date

Facility Rental Rates and Cancellation Policy

The State Department of Revenue requires the Town of Melbourne Beach to charge sales tax on fees charged for rental of a facility. The sales tax is not included in the rental fees below.

Facility Rental Rate Chart		
Community Center:		
Monday – Friday	Resident	\$30.00 per hour, plus sales tax
	Non-Resident	\$45.00 per hour, plus sales tax
Saturday, Sunday, Holiday	Resident	\$180.00 up to 6 hours, plus sales tax
	Non-Resident	\$270.00 up to 6 hours, plus sales tax
Ryckman Park Pavilion:		
	Resident	\$30.00 per hour, plus sales tax
	Non-Resident	\$45.00 per hour, plus sales tax
Masny Room:		
	Resident	\$25.00 per hour, plus sales tax
	Non-Resident	\$37.50 per hour, plus sales tax

Cancellation Fees (All Facilities)	
Refunds for cancellations as follows:	
31+ days prior	100% refund
16-30 days prior	75% refund
8-15 days prior	50% refund
0-7 days prior	NO refund

Brevard County Private Rental - Wickham Park Main Pavillion @ BCC & Fire Dept. Area for November 20, 2010

	For Profit Organization	Non-Profit w/taxes	Non-Profit tax exempt
Rental Fee	\$500.00 + tax = \$530	\$375.00 + tax = \$397.50	\$375.00
Clean-Up Deposit - check held & returned if cleaned	\$400.00	\$400.00	\$400.00
Required Maintenance person \$25/hr (7 hours total); must have maintenance person on site 1 hour before event and 1 hour after event	\$175.00	\$175.00	\$175.00
TOTAL FEES COLLECTED AT TIME OF CONTRACT	\$1,105.00	\$972.50	\$950.00
TOTAL FEES PAID TO BREVARD COUNTY FOR PARK USE	\$705.00	\$572.50	\$550.00

City of Melbourne - Ballard Park Rental for November 20, 2010

Rental Fee - Pavillion Fee for all day (paid by check or cc)	\$66.00
Security Deposit - paid by Money Order or Credit Card	\$25.00
TOTAL FEES PAID TO CITY OF MELBOURNE FOR PARK USE	\$66.00

City of Palm Bay - Fred Lee Park Rental for November 20, 2010

	Palm Bay Resident	Non-Palm Bay Resident
Rental Fee	\$75 + tax = \$79.50	\$115.00 + tax = \$121.00
Clean-Up Deposit	None	None
TOTAL FEES PAID TO BREVARD COUNTY FOR PARK USE	\$79.50	\$121.00

if large mess or damage left, they will come back to you for clean-up/damage fees

TOWN OF MALABAR

MEMORANDUM

Date: October 19, 2010 10-TA-032

To: Dick Korn, Parks and Recreation Board Chairman via email

From: Bonilyn Wilbanks, Town Administrator *BW*

Ref: Soccer Team End of Year Event

After reviewing Mr. Korn's email and paying attention to Rev. Whitworth's comments as requested by Mr. Korn I feel that a clarification should be provided.

First and foremost, the Town Council and Town Staff have supported this organization in all manner possible. In 2008, the Parks and Recreation Board reviewed and recommend the fee structures for organizations wanting to use the park. The Town Council accepted the Park & Recreation Board's recommendation and revised the park fee structure with the approval of Resolution 38-2008 adopted and amended on October 19, 2009.

Through this resolution and the Special Event Permit adopted with Ordinance No. 02-2002, the Town Council set the policy and Town staff is expected to follow it. Town staff does not have the authority to apply the rules for some groups and not for others.

Mr. Yolles planned end of the season celebration clearly meets the definition contained under Town Code - Article III Special Activity Permits Section 10-258 - Special Activity. The Fee for this permit is set out in Article III Special Activity Permits Section 10-261 which is \$100.00.

The criteria for me to approve this permit are identified in Article III Special Activity Permits Section 10-262.

All of the above is what Debby was following when she notified Mr. Yolles of the requirements to receive approval for his Special Event Permit after reviewing a Park Reservation Permit that had not been approved by me. Staff has been given remedial training on the Park Reservation and Special Permit requirements to insure this does not happen in the future.

In the past, the Town's budget was never constrained to the level that it is now. We had the luxury of calling in the cleaning person for additional cleaning without having to pass the cost down to the users. This goes along for the extra use of electricity and water and restroom supplies. Today that is no longer the case. Town services have had to be closely monitored and adhered to the budget laid out for us by the Town Council. That is what Town Staff is attempting to do.

After researching this in depth, I wanted to also point out that the First Baptist of Malabar required the Town had to follow when we reserved the Fellowship Hall of the First Baptist of Malabar last year. We were required to put up a \$150.00 cleaning/damage deposit for the use of the Fellowship Hall and we paid \$75.00/hour for the use of their facility for a dispute resolution meeting.

TOWN OF MALABAR
PARK AND RECREATION

AGENDA ITEM REPORT

STAFF REPORT

Meeting Date: October 20, 2010

Prepared By: Cynthia Kelley, Secretary to Board

SUBJECT: Shade Canopy at Malabar Community Park

BACKGROUND/HISTORY:

This is being brought to the Board as an update on the shade canopy over the playground equipment. We are five years into the ten-year warranty on the shade canopy and have had to have it repaired twice. It is now coming apart at the corners of the canopy due to the stress that is put on the canopy from the wind blowing up underneath it. There is no outlet for the air to escape at it blows, so it puts pressure on the canopy at the corners and tears the material.

We have been working with Playmore, the company we purchased the equipment from on this issue. Both Playmore and the Town have been in touch with the manufacturer and their Quality Control people believe this canopy may be replaceable. They must have it in their facility in order to make that determination. I will keep you updated on this issue.

ATTACHMENTS:

N/A

ACTION OPTIONS:

Discussion