

**TOWN OF MALABAR – PARK AND RECREATION ADVISORY BOARD
4/16/08 MEETING MINUTES**

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

A. CALL TO ORDER - Meeting was called to order at: 7:33 PM by Chairperson, Hans Kemmler. Prayer and Pledge led by Chair Hans Kemmler.

B. ROLL CALL OF MEMBERS

ROLL CALL:

Hans Kemmler – Chair

Dick Korn, Vice-Chair

Bob Siegmann

Vickie Thomas

Scott Pollard – excused

Josh Treadwell, Alt. #1 - excused

Maryann Marsh, Alt. #2

Cynthia Kelley, Recording Secretary

C. ADDITIONS AND DELETIONS –

D. CONSENT AGENDA

1. Approval of Minutes

Regular Park and Recreation Meeting – 3/19/08

Exhibit: Agenda Report No. 1

Recommendation: Motion to approve

MOTION: Siegmann/Marsh to approve the minutes of 3/19/08 with correction. Vote: All Ayes.

Discussion: Kemmler-page 3 top needs additional line space removed from the middle of the first paragraph.

Statement made by Board Secretary: Kelley reminds Board members that the information that is being discussed this evening will be going before Council for action at Monday evening's meeting. She reminds everyone to be mindful of the Sunshine Law and not put themselves in a position to become conduits for members of Council.

Statement made by Board Chair: Kemmler state this is very important but Sunshine doesn't mean you cannot discuss with individual Council members.

Statement made by Board Secretary: Kelley doesn't agree with statement made by Chair as it may open the possibility of having a situation happen between Board Members acting as conduit for Council.

Discussion items were addressed before the public comments.

Prior to having the public speak, Kemmler reviews the history of the Malabar Soccer Club. He makes a presentation to the Board, reviewing previous minutes from both the Park Board and Council; Usage Agreement; Resolution 01-2002; and letters sent to both Mrs. Hofmeister and Ms. Coyle, the Hot Dog Vendor. In his presentation, Kemmler states that he was the one who prepared the initial agreement, with a term of three years, between the Town and the Malabar Soccer Club. Prior to the agreement being executed, it was sent to the Town's Attorney, Karl Bohne, for his review. In the review by Mr. Bohne, the term was reduced to one year. The agreement spells out the obligations that both the Town and the Malabar Soccer Club are to provide. It is stated that the soccer club would provide additional bathroom facilities if they are needed. Kemmler feels that Council was not aware of this when denying

the additional port-o-lets for the soccer club. He also mentioned that Resolution 01-2002 has a fee of \$10 for the use of the soccer field; however, it does not specify whether is paid for by the hour, the day, per game, etc.

There is discussion between the Board members. Korn asked who will be preparing the new contract. Kemmler states that the Town Administrator will be preparing the new contract to include user fees. This was directed by Council at Monday night's meeting, 4/7/08. Korn feels that the Town should be charging a fee; he stated that it was the intent of the Park Board to get the soccer club up and running without the fees but wording was not stated in the agreement to this affect. He is not in favor of an hourly fee. Siegmann states that the Malabar Mariner's Association has done extensive research and the Town is line with everyone in the area with what is being charged for the park facilities.

At this time, Kemmler opens the meeting for public comments, reminding the audience that this Board makes recommendations to Council only with the final decision coming from Council.

E. PUBLIC:

Mary Hofmeister, 2340 Corey Road, came forward and addressed the Board. She has a copy of the contract that was signed by the Malabar Soccer Club. This contract was returned to the Town before the end of March. She feels the contract was held by the Town to go before Council at the April 7th meeting; trying to change the contract. Marsh asks if the contract was signed by all parties. Mrs. Hofmeister states it is signed by herself and Renee David, no one from the Town has signed the contract as of yet. Thomas states that this is not a contract if all parties have not signed; it is an offer. Mrs. Hofmeister states she doesn't want to get anyone in trouble, but last year she was instructed by the Town to use white out and make the necessary changes and get it executed. This was a rotating agreement with Mr. Booth; she never questioned this and has not had any problems. Now she is here tonight to try to find a solution that will make everyone happy. Kemmler states that the Board will make a recommendation to Council of what the best solution is.

Mrs. Hofmeister stated she received an e-mail from the Town Administrator on Thursday with regards to charging fees. She came to Town Hall to meet with Mrs. Wilbanks-Free and was handed a memo from Brevard County which states the different fees charged by them. This memo states that Palm Bay doesn't have soccer fields, all inquiries are sent to Brevard County. The soccer field rental is \$36 per team per game for adult leagues; they don't have a children's league; if they did, they would give a percentage off of the cost. Korn states that Palm Bay does have youth soccer; a friend of his is a coach. Mrs. Hofmeister states she made contact with Brevard County and was given the information that is stated in the memo. Marsh asks what she is seeking from the Board this evening. Mrs. Hofmeister states she is looking to have the fees waived. If she had known there would be fees charged, she would have made changes to the registration fees collected. All the funds that have been paid by the parents for the registration fees have been spent on uniforms, trophies and incidentals needed for the soccer teams. Like the Town, they have a budget also. She can provide a copy of the budget to show the revenues and expenses if that is what the Board would like to see.

Korn stated that the Town pays a lot also including the maintenance of the soccer fields. Marsh makes a suggestion to the Board. The soccer season is over by the end of May; let the soccer league continue playing until June 1, 2008. The Town can work out a new contract with user fees included at this time. It is the general consensus of the Board to make this recommendation to Council.

MOTION: Marsh/Korn recommends Council to allow soccer team to continue using field without a contract or what they have been using in the past until June 1, 2008; at that point in time, reconstruct a new contract for the fall schedule to be signed with user fees.

Discussion: Korn states rather than hit the soccer club with fees for the next three months when they haven't been paying for three years, let's not do it instantaneously. We need to find out what everyone in the area is charging. We need to be fair and look to the future after June 1, 2008. Thomas and Siegmann both

feel the contract should be status quo until June 1, 2008. Korn states that a solution before the next registration period so changes in the registration fees can be made by the soccer club. Mrs. Hofmeister states that the basketball and baseball fields are being used by teams outside the Town; they should be charges. The number of children playing soccer from Malabar has been requested by Council; we have approximately 40 children from the Malabar area. Kemmler states that with his research, those coming from outside the Town should be charged more of a fee than those who are from Malabar. Any fees collected should be able to assist with the maintenance costs incurred by the Town for the use of the facilities; not pay for the land. Marsh states maintenance is maintenance

VOTE: All Ayes.

Charles Smith, 2540 Amberly Road, NW, stated that Mrs. Hofmeister said it all; he gave up his speaking time.

Renee David, 2100 Valley Road, came forward and addressed the Board. She appealed to their emotions. She is a coach and presented pictures and a photo album of the children who play soccer in the soccer club. She is asking the Board to think of the children when recommendations are being made to Council. Kemmler states that she may want attend the Council meeting on Monday night, April 21, 2008 and bring the pictures. Thomas states that the children should be present at the meeting as well and they should come in uniform. Siegmann states that he has an understanding of where she is coming from, the Malabar Mariner's Association instructs youth in sailing.

F. ACTION

G. DISCUSSION ITEMS:

• **Malabar Soccer Club Contract**

This was discussed prior to the public comments. The Board is in agreement to keep the contract as is until June 1, 2008, allowing the soccer club to finish out this season; draft a new contract with user fees as of June 1, 2008.

MOTION: March/Korn recommends Council allow soccer team to continue using field without a contract or what they have been using in the past till June 1, 2008 - at that point in time, draft a new contract for the fall schedule with user fees. VOTE: All Ayes.

• **Park Bathroom at South End of Malabar Community Park**

Kemmler asked that this be put on the agenda. We have been trying to get additional facilities in the park for three years to no avail. He would like the Board to make a wild card suggestion to Council to pay \$80,000 for a bathroom facility and have Public Works construct it. Marsh asks if he is saying to pay \$80,000 as opposed to paying \$1000 a year for port-o-lets. Kemmler states that he is saying this. Korn suggest that it be put back to Council to explore the funding sources for an additional facility for the park. The discussion turned to the cleanliness of port-o-lets. Marsh states that she attends a lot of functions and has not had a problem. If the facilities are maintained, they are fine. You can even have a sink attached to them. Kemmler states he wants to let Council know that the Board is not happy with them for not taking the recommendation for the port-o-lets.

Thomas states that, since we have new Council members, we should pull all the information and research done for the last three years and provide it to Council in a packet. She doesn't want the Board to recommend something so outrageous that Council will not take the Board serious. Siegmann states he will get all information from Kemmler and get new pricing. This will take some time, at least two meeting away with this information. Thomas states she will assist him if he needs it. Kelley states that information was provided to Mrs. Hofmeister and Ms. Coyle regarding portable facilities. Kemmler states this information will need to be provided to Siegmann to be put into the packet for Council as well.

Korn makes a suggestion to the Board; have a reaction to Council's actions of the last meeting. Kemmler states he goes through the Town Administrator. He will draft a memo to this Board asking for input; it will then be sent to the Town Administrator. It will end up in the packet for Council as well.

Mrs. Hofmeister asks if she may speak to the information regarding the portable facilities. She states that they have children ages 4 and 5 and a family who has a handicapped child. This type of facility will not work for them.

H. OLD BUSINESS/NEW BUSINESS

Old Business:

Siegmann asks about the barrier at Marie Street. Kemmler states the survey has been completed; he has not seen it but informed that the property is owned by the EELs. It was asked how Palm Bay was allowed to pave the area. Thomas states the Town gave permission to do this. Siegmann also advises the Board that there are two derelict vessels that have been reported to the County and State; the Malabar Mariner's Association is having these vessels taken care of.

Thomas states the trails are looking good; carpet is being put down for bike riders. There are still vehicles going back there. A trash can would be nice as she picks up trash all the time while out there. Kemmler states that he will address this with the Town Administrator to see if a trash receptacle can be placed out there.

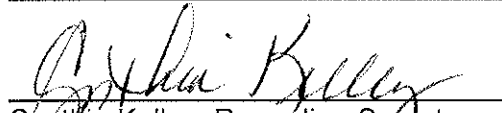
Korn states that the dome storage sheds have all been taken; this was something the Malabar Soccer Club was looking for. He states that Carl Beatty knows someone who has a shed that could be painted to look like a soccer ball. Kemmler states he will speak with Beatty about this; maybe it could be donated to the Town.

New Business:

None

I. ADJOURNMENT

MOTION: Siegmann/ Korn to adjourn. VOTE: All Ayes. The meeting adjourned at 8:45 pm.


Cynthia Kelley, Recording Secretary


Hans Kemmler, Chair

Approved Date 5/2/08