

NORTH BREVARD COMMISSION ON PARKS & RECREATION MINUTES

Minutes of the Special Meeting of the North Brevard Commission on Parks & Recreation, an advisory board, and Titusville City Council held Thursday, August 9, 2001, in City Council Chambers at Titusville City Hall, at 5:30 p.m.

Members Present

Ted Beck, Chairman
Dr. Ron Bobay
George Broyles
Starling Bryant
Gigi Henkel
James Mack
Homer Powell
Chris White, Vice Chairman

Member Absent

Ken Carlson

City Council Present

Ron Swank, Mayor
Chris Broome
Conrad Eigenmann

Carl Hughes

City Council Absent

Jeff Rainey

County Staff Present

Charles S. Nelson, Parks & Recreation Director
Greg Minor, Special Projects Coordinator IV
Cheryl K. Page, North Area Parks Operations Manager
Terry A. Lane, Recreation Superintendent
Michael J. Rubacky, North Area Parks Maintenance Superintendent
Mark Dansereau, Parks Supervisor II
Judy Inman, Administrative Secretary

City Staff Present

Tom Harmer, City Manager
Dwight Severs, City Attorney
Jim Herron, Public Works Director
Richard Stillwagon, Grants Coordinator
Judy Renaud, Recording Secretary

I. CALL TO ORDER & INTRODUCTIONS

At approximately 5:30 p.m., Mayor Ron Swank called the joint meeting with Titusville City Council and North Brevard Commission on Parks and Recreation to order followed by a moment of silence and pledge to the flag. Introductions were made following Mr. Nelson's report on status of Referendum project reports.

II. STATUS OF REFERENDUM/PROJECT REPORTS

Mr. Nelson gave a brief update of some of the Referendum projects. Acquisition of the Holloway and Dobbs property at Chain of Lakes has been accomplished. The Dobbs property will give access into the park instead of through the college. The contracts for the A&E have been signed. That project is ready to proceed forward.

Mr. Nelson announced the Referendum committees associated with the North Brevard projects have been formed with over 100 citizens participating, plus the members of the recreation advisory board.

Mr. Nelson continued that property adjacent to W.W. James Park will be ready for closing soon. Other properties to be purchased are an equestrian location for trail riding, adjacent to a publicly owned land, and land adjacent to the Senior Center which is in negotiation. The A&E contracts are coming in on the remainder of the projects. The contract with Honeycutt and Associates is due in tomorrow for the downtown parks including the pier, for which notice to proceed will be given shortly, and Marina Park.

III. STATUS OF VECTORWORKS PROPOSAL

City Manager Tom Harmer gave an update on recent meetings on the issue. As a result of a discussion at the last City Council meeting, a meeting was held on Tuesday with the key players as it relates to Vectorworks and Marina Park, including Jeff Gray–Vectorworks, Mary Pistel–Titusville Little League, Jackie Gregory–representative for Sand Point Park Improvements from the early part of the Referendum, Tony Ortiz–City staff, Mark Leslie and Joe Stone–Marina representatives, Chuck Nelson and Marsha Cantrell–County staff and Ted Beck–NBCPR. Mr. Harmer shared thoughts he believed came from the two-hour meeting:

Common goals include...

- Preserve waterfront property.
- Little League end up with state of the art facility they are pleased with.
- City is very interested in and needs to support economic development efforts.

Mr. Harmer reported that next the group discussed what approach the City or community could take to address this request from a local business that would allow those things to happen. The solution which may have the best potential of success would be if focus was on Marina Park and not move the Little League to any other area or identified park scheduled for Referendum improvements. If the Little League could find a site they would be happy and satisfied with in their charter area, then their goal would be met. If Marina Park wasn't going to be used for Little League fields, then preserving as much of the waterfront and the park as possible would be important.

Mr. Harmer continued his report that the next discussion was for the business owner, Vectorworks, to go back and look at their request and see if they could minimize or reduce their proposal so less park and no waterfront area would be impacted. If this happened, waterfront would be preserved, new fields for Little League would be built, the city's economic development would be supported, with an overall increase in public land for recreation in the city if the ball-fields were relocated to a new park. Mr. Harmer indicated that is how it was left at the meeting, and commented that if this was to work at all, it needs to be a group effort, a common effort, and everyone needs to agree those are common good goals and everyone needs to re-evaluate. This would depend on the Little League identifying a parcel in their charter to satisfy them, and if the business can reduce their request to minimize the impact on Marina Park. At the Tuesday meeting, it was agreed this isn't an issue for the staff or an individual to decide, but rather traditional public policy question of what will be done with existing public recreation property in the city.

These were the suggestions made so that as many people as possible in the community would support it. No decisions were made at the Tuesday meeting.

Mr. Harmer reported the status of the Vectorworks proposal from the City's standpoint, is a survey has been received of the Marina Park property. The City is working with the State of Florida to confirm the application process if it progresses to the next step. City Council will be updated when that information is received.

In response to an inquiry from Councilman Hughes, Mr. Harmer reviewed the process of acquisition of excess land from the State. One of the parts of the process is for the State to designate the land as surplus property. The information is incomplete at this time.

NBCPR Chairman Ted Beck read George Broyles' motion of June 14 which was passed by the NBCPR to continue with the A&E and planning and design of the projects listed in the Referendum post haste and as soon as possible, have a joint meeting with the City of Titusville.

Mr. Harmer reported, as was discussed at the last City Council meeting, the County has been asked not to spend any funds on Marina Park until this issue is resolved.

Mr. Nelson reported County staff is looking for guidance this evening from the NBCPR. Money has not been expended to this point, but the County is in a position to do so now that there is an A & E.

Mayor Swank stated City Council is now in the process of trying to determine what course of action the City is going to take on the issue, but is not at the point of making a decision. He stated it would not make sense for the County to move forward and spend money if the City decides to go another route. On the other hand, Mayor Swank stated he does understand the County wants to move forward expediently on this. Mayor Swank stated the Council wants to explore this option and see if it is an option they want to move forward with, therefore money should not be expended in order not to waste public money.

Councilman Hughes stated he very much wants to support Vectorworks, but on the other hand, wants to support the park. He would like to see Vectorworks accommodated without giving up any of Marina Park.

Mayor Swank stated he doesn't see a decision being made to move forward, but rather not to move forward at this point, to allow the process of finding out some answers and fact finding before making a decision.

Councilman Eigenmann stated he would like an update from Jeff Gray regarding working with the Little League, and he needs more information before making a decision.

Councilman Broome stated his concern as an elected official is to act on the will of the people. The people voted on the Referendum which was very clear that improvements to Marina Park were included in the vote. He wanted to convey to the County that the City can't make a decision when the people have clearly spoken as to how they want Marina Park to continue. He noted it is a \$1.4 million project. His concern is if the City doesn't make a decision and Parks and Recreation decides they will sit on it, then there will be other parts of the County clambering

and saying they want the money. That becomes a credibility issue between the City of Titusville and rest of the County. He also stated he is not sure City Council is in a position to stop the County from proceeding with the project inasmuch as they have clear direction from the Referendum vote and thus far City Council hasn't made a decision. That places the County in a void where they need to act.

Upon Mayor Swank's request for his comment, City Attorney Dwight Severs stated he hopes it doesn't come down to a legal issue because it is really a policy-making decision. Technically, the City, by deed of dedication, owns the property. The City has an agreement with the County whereby anything is done on the property in excess of \$5,000 requires the City's consent.

George Broyles, NBCPR, inquired how waiting on a decision from the City before starting the Marina Park project would impact the development of Sand Point Park. Mr. Nelson stated, at this point, based on the discussions of Tuesday, it shouldn't. The only thing that could have an impact is the implementation of the Sand Point plan based on finding a site for the relocation of the Little League. Construction of Sand Point can't begin before the Little League has a new home constructed.

Mayor Swank inquired of Mr. Nelson what time frame he needs for a decision from North Brevard. Mr. Nelson stated that the original concept was for all planning and permitting to start at the same time and then fall into place as construction was completed. Because softball needs to be relocated, there is a year to 18 month window based on how well the permitting and design goes at Chain of Lakes. Of that, there would be at least a six-month window of design and permitting which is the minimum time without triggering the design and permitting elements for Marina.

Chairman Beck reported the advisory board voted to continue with the project because they have no authority to do anything else. The voters spoke, CRA approved it, City Council approved using Marina Park for ball fields, County Commission approved it, promises were made to the voters. Many hours were spent. Chairman Beck stated the advisory board tries to maintain credibility with the public. The advisory board had similar experiences in Port St. John so it is not new to them. The citizens and committees want the projects to move forward, including the Little League.

When asked, Mr. Harmer indicated he heard Mrs. Pistel say the Little League wants a park they are happy with. They prefer to stay at Sand Point Park. They don't want to go to Marina Park. They would consider another place if one is found. Mr. Harmer agreed she indicated the desire to move forward and everyone at the meeting agreed time is of the essence. On Tuesday it was noted if an ideal spot were found immediately, the Little League could move there more quickly than moving to Marina Park due to the need to relocate softball. Mr. Harmer mentioned, from the public standpoint, as soon as possible is a couple of years.

Mayor Swank stated if the Little League were to find an alternate location, he understands the opinion of the County Attorney to be essentially if the same services were provided as described, it is not necessarily tied to a specific location.

Mr. Harmer stated what he heard on Tuesday from Mrs. Pistel was her opinion, not necessarily representing all 13 of the Little League board members, that she was open to looking at a location that meets their needs and if that idea location could be found, she would be satisfied.

City Attorney Dwight Severs noted the City is waiting for an interpretation from the County Attorney on his earlier opinion.

Chris White stated he doesn't believe the NBCPR agreed to slow down, but also are not expending funds that will be wasted for approximately six more months. Mr. Nelson stated initially the design process was to begin now, but because of time required for construction, the design could be delayed for six months. The window at which the process would be extended more than it would have been is six months. Mr. White stated he doesn't have a problem with giving Vectorworks, the Little League and the City time to see if there is a win-win proposition. Mr. White stated he thinks that ultimately, the NBCPR will have to make a decision about the recreational use of the property, but in the end the City Council has the right to make the final decision. He believes everyone would like to see if it can be worked out. He stated he is happy with that.

Councilman Hughes observed there would be no additional burden to the taxpayers with the six-month window, and therefore no harm would be done.

Mr. Nelson stated sometimes people look for reasons something can't or shouldn't work, and therefore the real reason never gets discussed. He stated he would like the NBCPR to philosophically decide first if this is workable. Can the space be shared for use in some fashion for commercial as well as some public access, or should it all be retained? If they agree there is a workable solution, then move forward with it.

Mr. White stated if the County were to move forward and expend funds, it would put the City in a delicate position which would basically force the issue. He noted it is essentially property the County has no control over. Mr. Nelson clarified that if the NBCPR doesn't believe there is a workable solution, then the vote needs to be made and let City Council know because it is not fair to them in the end, regardless of the deal, it isn't the right idea. If the NBCPR makes a recommendation to the City, they will know straightforward what the NBCPR is looking to do.

In response to an inquiry from Mayor Swank, Mr. Nelson stated he thinks that philosophically some have expressed that in no circumstance should there be a loss of public space. That needs to be expressed in a forum.

Mayor Swank stated that at no time has he said he would support a reduction in public space. In his opinion that has not been an option. There is the possibility of the creation of additional public space, but he has not supported the reduction of public space. Mr. Nelson apologized if his comments were interpreted that way. He understands that, philosophically, some of the NBCPR believe that public space should remain public under any circumstance. That is not an indictment of any individual or particular business.

Mr. Broyles stated he is uncomfortable with the six-month time frame. He thinks the decision needs to be made before the end of this year. He would like to hear before the end of this year, the opinion of the City Council based on the information from the constituents who are paying for it.

Dr. Bobay stated that if the time frame is protracted, it will be pushed to the end of the time frame. He suggested dealing with it within four to six weeks. He agreed with other's comments to determine the advisory board's feelings on the use of the land before the end of the year.

Mayor Swank suggested that if City Council desires, a decision be made in about 90 days which would be near the November 13 City Council meeting. He indicated four to six weeks may not be sufficient to find answers from the State.

Council Broome suggested receiving public comment at the CRA meeting next Tuesday, followed by the regular City Council meeting and put in on new business. Mr. Broome indicated he didn't believe it has been formally discussed at the City Council level. Mr. Harmer indicated he believes it has been on the City Council agenda once, but could be added at the next meeting. Attorney Severs indicated he thinks nothing has been received from the State, but will be shortly, and probably a more formal process will be needed. A formal resolution would need to be adopted by City Council to proceed with the acquisition, the public process involved, what will be done with the property, and all the formal process.

Mayor Swank inquired if it would be appropriate for City Council to ask Parks and Recreation to officially hold off 90 days in spending money. Councilman Broome made a motion to place the item on the August 28, 2001, meeting, seconded by Councilman Hughes, and carried unanimously. (See city minutes for official motion and action.)

Mayor Swank asked Chairman Beck if this action would be sufficient to have Parks and Recreation hold off until it is on the City agenda. Chairman Beck reminded the City the June 14 NBCPR motion was to continue with the planning and design of the project. Mr. Broyles indicated his intention in making the motion was post haste, not six months. He indicated part of the motion is being fulfilled with the joint meeting, and stated he would feel comfortable giving the City the leeway since they will be meeting this month. Chris White indicated he seconded the motion and he agreed that while the County didn't want to hold off, he wanted the City to consider their position, and to hear from Vectorworks and see if there is a way to make it into a win-win situation.

Chairman Beck inquired if the advisory board wanted to make a decision tonight regarding use of the land or have a special meeting. Mr. Nelson indicated he thought it would be of benefit to the City to know what the position of the advisory board is. George Broyles stated he would like to hear public comment on the issue. He would also like to know if Jeff Gray could redevelop his plan to allow for more park usage.

Motion by George Broyles, seconded by Homer Powell, to give City Council the time frame not to exceed 90 days to give a decision for the purposes of spending money on the design of Marina Park.

AYE: Beck, Bobay, Broyles, Bryant, Henkel, Mack, Powell, White

NAY: None

Carried 8-0

Mayor Swank reported the City held a special meeting on July 5 with the main item being public input on the proposed Vectorworks expansion in the area of Marina Park and possible relocation of the Little League baseball fields to Gibson Center. Close to 40 citizens spoke at that meeting.

George Broyles asked if the minutes are available. Starling Bryant wanted to confirm that the Little League fields are not being moved to Gibson Center.

Conrad Eigenmann reiterated Councilman Broome's comments and stated he thinks it is imperative to set an agenda of items for the next meeting because more information is needed. He would like (1) a status of work with the State, (2) current outlook and opinion of the Little League and their ability to find a place, (3) that Mr. Gray make any changes to his proposal and bring any support he has thereof, and (4) it is important that the people attend the meeting. He has received many pros and cons and at this point everybody is right and everybody is wrong.

Councilman Hughes agreed wholeheartedly and added that during the discussion he had with Mr. Harmer, he wanted to see if there were other lands available such as the Poe property and would like a status on that as well as the Nelson property. He would also like Mr. Gray to talk with the City Manager about other possibilities and what the costs would be.

Mr. Harmer indicated the more solutions sought, the more complicated it gets and starts involving other parks, other Referendum projects, and multiple property owners. With the time line, he feels it is best just to narrow the focus as stated at the beginning of the meeting.

Councilman Hughes indicated his concern is rather than saying yes or no to Marina Park, which would also impact Vectorworks, if there is a way to say yes to Vectorworks and still retain all of Marina Park for public access, that would be a wonderful thing. If there are other possibilities, he would like that input at that time. Mr. Harmer agreed but thought that is something Mr. Gray should explore.

Councilman Hughes noted the Poe property might lend itself to a waterfront with amphitheater that was discussed for Sand Point whereby the Little League could remain at Sand Point. Mayor Swank stated there are a lot of issues. If the Little League stays at Sand Point Park and has four fields as outlined in the Referendum, they would take the entire park. That must be considered.

Chairman Beck noted there is talk about the Little League giving, Parks and Recreation giving, the City giving, and related he has been told river front property is not necessary for boat manufacturing in this case and suggested looking at commercial property in Titusville.

Dr. Bobay spoke regarding the advisory board expressing their concerns philosophically and suggested going through that exercise tonight. Chairman Beck stated there has been a lot of input and a decision is needed. Dr. Bobay stated he doesn't think it is in the best long-term interest of the community to give up any water front property. The issue is much bigger than Little League—it is for the long term interest of the community and giving it up might be regretted in the future.

Mr. White wondered if Vectorworks has a counterproposal, if the Little League can be made content, and therefore would prefer to set the issue for the next meeting. James Mack and Starling Bryant agreed with Mr. White. Homer Powell recommended setting a special advisory board meeting within the next two weeks to get the job done. It was noted that would be before the City Council meeting of August 28, which resulted in dialog about which meeting should occur first. Mr. Broyles stated he feels the function of the advisory board is parks and recreation, not business development, however, being in partnership with the City which has other concerns,

if considering other options would be a net gain in park property, he doesn't want to throw that out the window.

Gigi Henkel asked if the board would have the information in two weeks. Mr. Nelson stated he thinks the question to the parks board is whether or not there can be a solution to the process. Then the City can work on a plan.

Mayor Swank asked if the NBCPR is making the decision as an advisory board to City Council, or as the money holders for Parks and Recreation. Chairman Beck stated the decision would be as an advisory board to the City, County Commission and staff.

It was agreed by the NBCPR to meet on August 23, 2001.

IV. PUBLIC COMMENT

Mayor Swank asked for public comment limited to three minutes per speaker.

William Horner related that in 1963 the Titusville City Council passed a resolution which was sent to the State saying Titusville was badly in need of additional land for recreation and other purposes. Nothing has changed much in 40 years. He was glad to hear one advisory board member speak to leave the park alone. Mr. Horner asked if the FEC agreement with Mr. Gray is binding inasmuch as the FEC is notorious in the State of Florida. As to narrowing the expansion, Mr. Gray bought the Sand Point Inn property and has plans to building an assembly building on almost that whole strip of land. At the July 5 meeting, the majority of the public said to leave the park alone. At the August 8, 2000, CRA meeting, Mr. Nelson went through the Referendum process, at one point specifically mentioning Marina Park at \$480,000. The upshot of that meeting was the CRA members indicated their support for the proposed Recreation Referendum and thanked the County and members of parks and recreation for their commitment. In the October 17, 2000, City Council meeting voted to create the North Brevard Recreation Special District which carried unanimously.

Walter Pine indicated there are few pieces of property in the city that have such a heritage which is being considered to be sold. He questioned who gave the right to disenfranchise him, his family and a great deal of the public. He noted the value of the waterfront property is a whole lot more that what it is being traded for. He spoke for going forward with the Referendum vote and questioned if the voter's rights can be taken away. Mr. Pine stated the moment it is voted to take away the voter's rights, he will file a complaint with the Department of Justice. Mr. Pine also stated he will work very hard to keep the property. He noted boats are built all over the city without waterfront property, and stated neither he nor his brother who are fishermen have seen a boat go out of Vectorworks on a barge. He asked if the EPA issues he brought up previously have been checked, and has the research been done on environmental impact and impact to manatees. He stated his opposition to taking away more public property and restated the need to retain the heritage.

Thelma Roper stated she had questions because she heard the State has been contacted to begin the process to take away the deed restriction for the property to be used for recreational purposes. To her, this indicates the decision has already been made and if so, it was done basically out of the sunshine. She would like to know who was contacted at the State level, so when they have public meetings, the people who didn't get to speak here can speak there. She stated she doesn't

want to see any waterfront recreational property in this town to become commercial. The other towns around Titusville have commercialized their waterfronts beyond access. She stated 200' on the waterfront with a commercial business behind it won't be sufficient as the town grows.

Molly Farace stated her biggest concern is if the children and their concerns have been heard. She stated her concern that over 2/3's of the children in this town will not come back after college. She feels the children can help work a solution. She spoke for retaining the family qualities in this town, but there is nothing in the town for children. She spoke against taking the park from the children and for considering what the children want.

Jeff Gray stated there has been a mass of misinformation. He stated he has always been open for suggestion on this. He made a presentation and asked for suggestions. No one has ever come back and asked for modification until Mr. Harmer asked this week. He stated he feels everyone seems to be working against him in what can make everyone seem like heroes by adding jobs, helping the Little League and preserving the waterfront. There is a solution for which he has provided the first step. He stated the adjacent land is an absolute requirement. Deep water access is required for boats that come in and out all the time. The only way to expand the business is to have adjacent land or move somewhere else. As to the Referendum language, nine people out of ten won't know where the Little League fields are to be. As to public space or park land and the general philosophy of giving it away or selling it, in the end there would be a net gain. The whole approach is where he could expand and there would be a net gain in public land. It is a win for everyone. Mr. Gray invited Mr. Pine to fish on his property any time. He spoke of the importance of listening to facts, not misinformation.

Nelly Strickland, stated credibility is at an all-time low and the last election killed a lot of faith in people. She stated her amazement that one man has these meetings going because he wants what the public has. The Referendum was voted in by the public and she knew what she was voting for. She spoke against listening to one man and thereby giving away what isn't your right to give away. She stated this is an impact to her belief in a just system. If one man can haul all these people in here time again, there is something wrong with the system. She spoke for doing what people voted to do in the first place and against having a fiberglass industry next to ball fields. She asked if the little kids need to come in and beg on their knees to leave the ball fields alone. If there are dealings with Mr. Gray, 40,000 people will be betrayed who voted several times for that to be public land.

The City Council and Parks and Recreation meetings adjourned at 7:03 p.m.

The NBCPR special meeting will be held August 23, 2001, 5 p.m. in the Brevard Room north of the North Brevard Government Center.

Respectfully submitted,

Ted M. Beck, Chairman
North Brevard Commission on Parks and Recreation
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