

NORTH BREVARD COMMISSION ON PARKS & RECREATION

Minutes of the regular meeting of the North Brevard Commission on Parks & Recreation (NBCPR), an advisory board, held Thursday, June 11, 2009, in the Brevard Room of the Brevard County Government Complex-North.

Members Present

Ted Beck, Chairman
Dr. Ron Bobay, Vice Chairman
Jan Alwine
Rev. Vernor Clay
Rev. Glenn Dames
Barry Gainer
Dick Gossett
Neta Harris

Members Absent

George Newman

City of Titusville Elected Officials/Staff Present

Conrad Eigenmann, Council Person Liaison

Brevard County Staff Present

Liz Lackovich, Legislative Aide to Commissioner Fisher
Marsha Cantrell, Parks Support Services Manager
Holly Pardi, Land Acquisition Supervisor, Transportation Engineering Department
Terry A. Lane, North Area Parks Operations Manager
John Dacus, Parks Maintenance Superintendent
Jeff Davis, Jr., Recreation Superintendent
Michael J. Rubacky, Parks Maintenance Superintendent
Richard L. Tucci, Recreation Superintendent
Chuck Mays, Construction Coordinator
Judy Inman, Administrative Secretary

I. CALL TO ORDER & ROLL CALL

Chairman Beck called the meeting to order at 5 p.m.

Motion by Barry Gainer, seconded by Glenn Dames, to excuse the absence of George Newman.

AYE: Alwine, Beck, Bobay, Clay, Dames, Gainer, Gossett, Harris

NAY: None

Carried 8-0

II. PUBLIC COMMENT (items not appearing elsewhere on the agenda)

Bea Polk stated she and others would like public comment to be later in the meeting and asked what is going on at the Titusville Veterans' Memorial Fishing Pier (pier). Mr. Lane responded the old pier is being demolished and test pile driving started. As to the ADA accessibility, Mr. Lane stated there have been many meetings and dialog with every permitting agency possible. The Florida Building Code allows no more than 4" openings, and railings must be 42" high. The County is on record as wanting as much ADA accessibility on the pier as possible. Today the design is at 42" based on the Florida Building Code and until that code is changed, staff receives the same answer each time.

Cindy Deleo spoke for having a dog park at Marina Park as a safe place for dogs, stating she has a petition with list of names. Terry Lane reported a dog park is part of the master plan for Marina Park, but didn't make it into the funding. He noted there is interest by other dog owners and suggested that possibly they could find corporate sponsors for funding. The County Manager can accept donations that would also have to be approved by the City of Titusville (City). The Fay Lake Wilderness Park project in Port St. John includes a dog

park. Construction should be completed within a year. Historically dogs on a short leash have been allowed at Sand Point Park that was grandfathered in as it is a City park. Chairman Beck suggested Ms. Deleo talk to Terry Lane if she knows of people interested in participating.

III. APPROVAL OF MINUTES

Motion by Barry Gainer, seconded by Dick Gossett, to approve the minutes of May 14, 2009.

AYE: Alwine, Beck, Bobay, Clay, Dames, Gainer, Gossett, Harris

NAY: None

Carried 8-0

IV. REFERENDUM & OTHER PROJECTS

A. Reports— Chuck Mays reported:

- Parrish Park-Titusville—Work started this week on the boat docks that should be open in 4-5 weeks.
- Titusville Veterans' Memorial Fishing Pier—Work started and most of the old pier is demolished. Mr. Lane reported that during the driving of the first test pile, a small delay was encountered to avoid interruption of service or damage to a cable. It is hoped work will resume early next week.
- Dick Gossett inquired about a topo survey at Cuyler Park. Mr. Mays responded it is needed to install sidewalks per ADA at the new pavilion.
- Neta Harris reported she had a question from the public about the Pritchard House being over budget. Mr. Lane responded the house was purchased as is, with \$300,000 including termite control, hurricane preparation, and closing costs. Funding includes a \$350,000 grant from Florida Historical Society, over \$350,000 from North Area Parks Operations (NAPO), \$40,000 City CRA, and staff has identified over \$30,000 additional from NAPO to continue

moving forward with the project. Another \$50,000 is needed for ADA ramps, sidewalks, restrooms, and electrical and air conditioning needs to be upgraded. Commissioner Fisher wrote a letter to FPL asking for support to upgrade the electrical. Staff wants to get the building usable so the North Brevard Heritage Foundation can operate the house as a historical museum under an agreement staff is in the process of completing. Chairman Beck noted this was not a Referendum project. Mr. Lane announced paint was donated by Benjamin Moore and the first coat has been applied. The new roof shingles will darken with age. Mr. Mays confirmed for Ms. Harris that the agreement with the contractor includes the contractor's cost and all the expenses including paying employee expenses, etc.

B. North Brevard Referendum Projects

Terry Lane indicated there were no major changes to the report other than continually moving forward with some of the projects. Funding is in place for Cuyler Park pavilion with gas that is designed and ready to put in soon. Staff is looking for additional dollars to complete the Pritchard House that is not a Referendum project. Rev. Dames inquired about the money requested from the City for the Isaac Campbell project. Mr. Lane reported that typically the agreement for the City CDBG funding request of about \$77,000 to replace glass block, cabinetry in building and pavilion, and VCT tile in the community center with ceramic tile will come in October. Rev. Dames requested a status from the City.

Chairman Beck stated he attended one meeting with the Commissioner Fisher and Terry Lane and only items on today's agenda were discussed.

C. Mims-Scottsmoor Community Center Referendum Project—Marr Property Negotiations—Chairman Beck stated that he and Jan Alwine need to excuse themselves from voting because of conflict of interest and handed the gavel to Vice Chairman Bobay. There were no speaker cards at this time. Terry Lane drew attention to the information in the packet and on the information table including offer made and counter offer from the seller and asked Marsha Cantrell and Holly Pardi to give an overview.

Holly Pardi reviewed that the Marr Property appraisal came in at \$650,000 in August 2008 based on residential use. Additional zoning information was given to the appraiser who in December 2008 came back with \$1,025,000 based on residential zoning in the back and the front as commercial. Ms. Pardi noted it is commercial potential, not zoned commercial. The

County made an offer of \$357,000 for 10 acres and a 50' drive from U.S. 1. A counter offer of \$734,000 was made by the seller in May 2009. On June 9, staff received an email indicating the seller may negotiate to middle ground of \$547,500. Ms. Pardi noted there are other interested landowners. Mr. Lane suggested it would be prudent to discuss the Marr Property first, noting three community groups identified the Marr property as being desirable. To pay anything over appraised value would require a super majority of Board of County Commissioners (BoCC). He reported he has received many emails and phone calls saying not to pay over appraised value. Staff is looking for a vote to continue with the Marr property or otherwise.

Marsha Cantrell pointed out the counter offers have not been based on a new appraisal. The counter offer is at 10.62 acres.

Response to questions and comments from the advisory board revealed:

- Staff needs a recommendation to send to the BoCC from this board as to whether or not to move beyond appraised value.
- Money spent to date is for appraisals on the Salib property two or three times, and the Marr Property. None of the interested parties have provided their own appraisals to justify their price.
- 2000 Referendum (green) brochure identifies elements which Mr. Lane estimated as \$350,000 for lighted softball field and the same for soccer (however brochure does not call for lighted fields), less than \$100,000 for pavilions, \$50,000 to \$100,000 for playground, parking varies depending on surface used, \$50-\$75,000 for prefab restrooms, and noted the amount for the infrastructure isn't included. Mr. Lane anticipates about half of the Referendum money for the project would be needed to build elements listed in brochure.
- Marsha Cantrell reported five acres are needed for a community center and the other five acres are based on area needed for other amenities.

Holly Pardi reported the amount offered by the County for the 10.62 acres was based on the values the appraisal came in at for residential and commercial potential. An appraisal from another company would be needed in order to support any offer above appraisal.

Dr. Bobay asked for public comment that would then be followed by deliberation by the NBCPR.

Public Comment

Anjelika Teynor reported a recent communication with the owners indicated they will entertain a counter offer or another offer. Ms. Teynor stated that could be beneficial to everyone because first of all there are a limited number of sites and many of the suitable ones will be zoned commercial which will increase the value. Ms. Teynor proposed viewing it as semi-commercial. The portion the County proposes to buy is described in the appraisal as residential at \$33,500 per acre, but access from US 1 is added and the large frontage on the trail makes a difference. Therefore, the value in the appraisal still may be in question. Ms. Teynor stated she thinks that no matter what the County does, probably between \$500,000 and \$700,000 will be spent for any other property. She noted the appraisal gives no adjustment for the trail and one of the comparables is in Malabar that is too far to really compare, which in addition to the U.S. 1 frontage which may potentially raise the value of the appraisal. She also noted the desirability of the children riding bikes to the center.

Marieanne Syverson, president of Scottsmoor Community Association and member of the Mims-Scottsmoor Community Center Referendum Committee stated she doesn't agree with the counter offers by the owners even though the property is desirable. She is concerned there is only \$700,000 from the Referendum and questions the point of buying the property without being able to build the community center for years. She stated she has been part of this for five years and it hasn't moved forward and noted a hurricane shelter is needed for emergencies. She spoke against buying property that is just going to sit.

Fred Kusterer, Mims Community Group, spoke in favor of the location of the Marr Property, and rather than make a motion tonight, he suggested letting it soak for another month and in the meantime talk to the Genoni people with property across the street (AG Ventures). He noted that property is not as good because it is not on the trail.

Mr. Lane pointed out there will be a trailhead at Chain of Lakes. Also staff has been in discussion with EEL who purchased property at the north end of Blounts Ridge and are working on a management plan that could include a trailhead in that location. The Equestrian Trails & Facilities Referendum Committee supported the Marr property, because they would like as many trailheads as possible, but the trailhead doesn't have to be a part of this project.

Mr. Kusterer countered a trailhead doesn't have to be just for equestrians; it can be used for kids to ride their bikes to the community center.

Dr. Bobay closed public comment as there were no other speaker cards and opened discussion by the NBCPR.

Rev. Clay expressed concern about the appraisal and asked (1) if the appraisal is based on it being zoned differently in the future, will that affect the appraisal; (2) what is being lost by reducing the property to 10.62 acres; and (3) how much do we want to invest of Brevard County people's money even at the property being valued at a lesser acreage? Holly Pardi responded the original appraisal was based on agricultural use with potential for residential. The real estate agent felt it should be zoned commercial. Staff went through a long exercise and discussion with the real estate agent and the appraiser regarding potential for commercial. The small area study said in order for it to be commercial, it had to service just the immediate community. The appraiser conceded it might have potential to be rezoned but that could only be proved if it goes through the zoning process. Ms. Pardi noted there are sufficient vacant parcels already zoned commercial that are undeveloped. The appraiser flexed saying the front parcels could have that potential. Ms. Pardi stated she can't say if another appraiser would do so. Zoning says the Marr property is below the Lionel Road and would have the potential for commercial. Ms. Pardi stated that in her mind it would be a hard decision for any appraiser to say it should definitely be zoned commercial, and certainly not all of the property. She also noted trail access would be more advantageous to the County than to commercial use unless for recreational activities.

The location for property #2 (Rust) was identified for Mr. Gainer as being west of Folsom, across from the trail. Mr. Gainer asked if the board votes to suspend negotiations with Marr Property does it need to be sent back to the Mims-Scottsmoor Community Center Referendum Committee. Dr. Bobay noted the board had entered discussion but didn't think that necessary at this point. Dick Gossett stated he didn't think the board was in a position to make a decision tonight and suggested waiting another month to go back to the committee or whoever for negotiations on this or other property and come back with something concrete and firm. Ted Beck noted, per Commission Fisher, there is a deadline of July 1. Terry Lane explained that was a deadline set by staff to have time to take it to the Board of County Commissioners on July 7.

Dr. Bobay stated that the fact that the trail is not the focus, he personally didn't see going above appraised value. He noted the board has been very sensitive to respond to the subcommittee and suggested abandoning negotiations on the Marr property at this point and leaving it to Parks and Recreation to continue to work to identify other parcels to be considered for future discussion which could include the Marr property if they want to come back with an offer.

Motion by Barry Gainer, seconded by Neta Harris, to suspend negotiation on the Marr property and staff to explore the possibility of using parcel number #4, Ag Ventures, and other parcels.

ABSTAINED: Alwine, Beck

AYE: Bobay, Clay, Dames, Gainer, Gossett, Harris

NAY: None **Carried 6-0**

Just prior to the vote, it was established the County is roughly \$170,000 apart in negotiations for the Marr property. Rev. Dames suggested that considering the economic climate of today, it is a disservice to taxpayers to enter into such an agreement and called for the question.

V. OLD BUSINESS

Dick Gossett expressed concern that some veterans will not be able to fish at the Titusville Veterans' Memorial Fishing Pier and if the project is continued as designed, veterans will be abandoned. He noted Section 15 for ADA has not been adopted by the Department of Justice for accessibility standards, but there is a lot of ADA published in the Federal Registry that is being done, i.e. sidewalks. He asked why some things are being done, but others are not. He noted the discrepancy between what some veterans think is ADA and what staff means by ADA standards at the Pier. He stated a first class facility is being built and the disabled are not even being considered. Mr. Gossett reported he talked to Cindy Hoffman, an ADA coordinator in Tallahassee, who sent him some information and though it hasn't been incorporated by the Justice Department everybody feels it should be done. He stated it is up to us to find a way to do it or we will really be open for criticism otherwise. He noted it would cost a fortune to change once concrete railings are in. He stated he understands Richard Wheelus with the City wouldn't sign off on the permit because of the Florida Building Code where the height of rails is for condominiums, stairs, etc., not a recreational fishing pier. Mr. Gossett asked if it is possible to have a meeting with Richard Wheelus, Terry Lane, himself, and the Commissioner to get this straighten out.

Dr. Bobay indicated he is sympathetic to what Mr. Gossett said, but there are a number of ADA requirements from the federal government that haven't been incorporated into the state level. Dr. Bobay stated that to him it is more than just the City, but everybody involved looking at the standards and unless there is an authoritative source that says the rules can be interpreted differently, he doesn't see how it can change. Dr. Bobay noted the plan didn't start with concrete rails and that may make for longer term problems. He noted the A&E and others have been looking at this and he spoke against further delaying the project. Barry Gainer asked if portable ramps could be used. Dr. Bobay noted the safety issue and the danger of people falling over the edge. Mr. Gossett reported the railings must be at 42" in Florida Building Code. ADA is 32" with 9" space for shoes. Mr. Gossett stated he doesn't want to delay the project either and suggested maybe Richard Wheelus could go to State of Florida to get a variance for 25% of the pier. Chairman Beck stated he thinks City and their Code Enforcement should be asked if they want to stop the progress of the pier that has been approved from the federal government down.

Terry Lane reported that Richard Wheelus has corresponded extensively about the railing height and it isn't a City issue, but rather it is a State of Florida Building Code matter. Ironically, the catwalk that is a couple 100 feet south of where the pier will be at ADA accessible, with aluminum railings, slanted to accommodate toes, and ADA height. Staff has met with Mr. Wheelus and one of the aides for Senator Nelson to discuss these issues. Staff has tried to get as many people involved as possible, but they all go back to the Florida Building Code. Dr. Bobay asked if the Florida Building Code isn't supposed to be ADA compliant. Mr. Lane stated, yes for ramps, but that the only thing that is the issue is the height of the railing, with a separation of safety and ADA and Mr. Lane believes the State errs on the side of safety. Mr. Gossett stated that it doesn't make sense that it can be ADA at the catwalks and not at the pier that so close by. He also stated this isn't over and he will push this to the bitter end. Conrad Eigenmann stated he will contact the city manager to see the City's stance on this that he thinks is a liability issue, and will report to the Board. Chairman Beck suggested checking with the County Attorney about deviating from code. Mr. Lane pointed out the pier is City owned, County maintained and both will be liable if negligent even if someone falls over at 42". He also noted the A&E's license is on the line, so he can't veer from the Florida Building Code or he could be sued and would lose his license.

VI. NEW BUSINESS

A. Letter to City of Titusville—FY 09-10 Budget—

Terry Lane reported that per the interlocal agreement, the County is to supply the City with a preliminary budget by June 15, however staff doesn't have information on funding and subsequent percentage cuts needed. In lieu of that, a letter was presented to Mark Ryan saying a preliminary budget will be given by August 15 and the approved budget by October 15. Certified numbers should be received from the State by July and staff will then have information from the County on cuts. He noted public safety won't take the cuts as deeply as others take. Mr. Lane noted he believes Parks and Recreation is one of the largest public safety groups in Brevard County because they protect children, disabled and other citizens.

VII. REPORTS

A. Advisory Board Members on Assigned Parks & Park Assignments—

Terry Lane explained board members periodically look at particular parks and bring any suggestions to staff for use, programs, needs, and/or improvements. If a committee is established, the member assigned the park could become the liaison.

The following assignments were agreed upon:

Neta Harris—Manatee Hammock, Sherwood Park, Tom Statham Park, and Wuesthoff Park.

Rev. Vernor Clay—Bernice G. Jackson Park, Cuyler Park, Fay Lake Wilderness Park and Committee, Fay Park, Friendship Park, and alternate for Pier Concession RFP Selection Committee.

Rev. Glenn Dames—Gibson Gymnasium & Fields, Isaac Campbell, Sr. Park, Port St. John Community Center, and Space Coast Communities Sports Complex.

Mr. Lane stated staff will make the changes and bring the list back for review and any additional changes.

B. City of Titusville—Councilman Eigenmann stated he will check on ADA requirements for the pier and the CDBG grant for Isaac Campbell, Sr. Park.

C. North Area Parks Operations Staff—Terry Lane reported July 7 is the target date to have the RFP for the pier concession on the BoCC agenda. The Marina Park groundbreaking and celebration for commencement of projects on the causeway is June 23 at 4 p.m. with refreshments at the pier concession.

Chairman Beck expressed thanks to audience for coming and speaking as the board likes their input.

Additional Public Comment—Laurilee Thompson who lives in Mims, spent her childhood on the old original wooden pier, and was a member of the pier committee, stated she understands the rail issue has not been resolved. She wanted to go on record saying we have the opportunity to have absolutely the finest fishing pier complex in the entire State of Florida that is wonderful for the downtown area and stated it would be a shame not to make it easy for people in wheelchairs to fish. She expressed it will be a world-class facility and a portion of the population will not be able to use it. It will be a huge tourism draw for the City and quality of life for the residents of this area.

The meeting adjourned at 6:40 p.m.

Respectfully submitted,

Ted M. Beck, Chairman

jbi