

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, July 9, 2009, in the Brevard Room of the Brevard County Government Complex-North.

Members Present

Ted Beck, Chairman

Rev. Vernor Clay

Rev. Glenn Dames

Barry Gainer

Dick Gossett

Neta Harris

George Newman

Members Absent

Jan Alwine

Dr. Ron Bobay, Vice Chairman

City of Titusville Elected Officials/Staff Present

Walt Johnson, Councilmember Alternate Liaison

Grace Galiano, Redevelopment Planner

Richard Wheelus, Director of Building

Brevard County Staff Present

Liz Lackovich, Legislative Aide to Commissioner Fisher

Kathie England, Administrative Aide to Commissioner Fisher

Don Lusk, Parks & Recreation Director

Marsha Cantrell, Parks Support Services Manager

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

Michelle Summers, Area Finance Manager

Judy Inman, Administrative Secretary

I. CALL TO ORDER & ROLL CALL

Chairman Beck called the meeting to order at 5:05 p.m. Terry Lane reported Jan Alwine and Dr. Bobay are out of town, and Neta Harris and George Newman called saying they will be late.

Motion by Glenn Dames, seconded by Barry Gainer, to excuse the absences.

AYE: Beck, Clay, Dames, Gainer, Gossett

NAY: None **Carried 5-0**

Chairman Beck asked Rev. Vernor Clay to open the meeting with prayer. Chairman Beck also welcomed City Councilmember Walt Johnson.

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

Joan Wheeler stated she hears that the City owns Marina Park and wonders if something has been done in Tallahassee. She noted the road being widening between Marina Park and the marina and the road moved north 20-40'. She wants markings showing what is owned by City and what is owned by State. She commented the groundbreaking ceremony was just a gesture to keep us quiet because she doesn't see anything being done. She asked if the boat ramps are the first thing, and if the birds will come and build more nests before the poles are moved. She also stated if she comes in late for a meeting, she would expect the same courtesy as Laurilee received at the last meeting.

Charlie Mars thanked the board for the contribution to the Apollo monument that was completed not 30 minutes ago. He personally invited all to attend the dedication ceremony Friday, July 17, from 10 to 11 a.m.

III. APPROVAL OF MINUTES

Motion by Glenn Dames, seconded by Dick Gossett, to accept the minutes of June 11, 2009, with any necessary corrections if there be any.

AYE: Beck, Clay, Dames, Gainer, Gossett

NAY: None **Carried 5-0**

IV. REFERENDUM & OTHER PROJECTS

A. Reports—Because Chuck Mays was on annual leave, Terry Lane gave changes to report as follows:

- Chain of Lakes—The 30% drawings on the relocation of the lakes are due July 23. The trailhead restroom 30% drawings were moved to July 23.
- Cuyler Park—The topographical survey has been completed.
- Gibson Field project was awarded to Goodson Paving and start is anticipated in the next few weeks.
- Marina Park boat ramps are being done by Tedder Construction who is to start the week of July 20 which is when Road & Bridge is to start the site work. Mr. Lane did not have an update from Mr. Mays on the light poles.

Dick Gossett requested construction completion dates be added to the report to which Terry Lane agreed once the projects start for Marina boat ramps and site work. Mr. Lane noted the boat ramps will be finished before the site work is completed.

Motion by Barry Gainer, seconded by Glenn Dames, to accept the construction report.

AYE: Beck, Clay, Dames, Gainer, Gossett

NAY: None **Carried 5-0**

B. North Brevard Referendum Projects—Mr. Lane reported the work halted on the Titusville Veterans' Memorial Fishing Pier (Pier) because of a cable resumed a couple of weeks ago. Test piles were driven to determine required length for the piles that have been ordered and should arrive in the next few weeks.

Dick Gossett reported several people asked when the stolen railing will be replaced. Mr. Lane reported there was a dispute between City and County risk management as to who is responsible for the insurance. The County put up a temporary fence for safety. The road over the existing bridge is to be made a parking lot and is to be brought up to the level of Pier concession deck and railing that will be removed could be reused to replace the stolen railing. County staff is getting quotes to accomplish that.

Neta Harris asked about the timeframe and cost increase associated with the delay due to the cable at the Pier and suggested NASA be asked to pay any costs. Mr. Lane indicated there should be sufficient FEMA dollars to cover the cost including redesign required. North Area Parks Operations will not be funding any additional dollars, and there is no additional cost to the North Brevard Referendum. Mr. Lane expressed appreciation for Commissioner Fisher and representatives for the state helping to keep the project moving forward. The completion date is still April 19, 2010, and hopefully there will be no issues with storms that could delay it. Rev. Clay suggested not closing the door on having FEMA and other federal restraints on classified information that are in place to keep others from sharing in the cost. Mr. Lane confirmed for Councilmember Johnson that there is no carryover of excess FEMA funding.

V. OLD BUSINESS

A. Titusville Veterans' Memorial Fishing Pier Railing Height—Terry Lane reported Commissioner Fisher wrote to Simon Hagedoorn, the engineer for the project who couldn't be present today, asking him to appeal the railing height to the State. Mr. Lane indicated there was discussion as to who will actually apply for the appeal; however, the City can't because they are the ones making the building permit decision. Mr. Lane stated it is hoped that before having to make an appeal, Mr. Hagedoorn, Richard Wheelus from the City and staff can discuss other design possibilities for ADA accessibility that will still protect citizens such as portions that could be temporarily lowered. Mr. Lane noted the appeal process could take three months and reported the City is willing to work with County and with Mr. Hagedoorn to come up with a safe design. Mr. Lane indicated he met

with City Manager Mark Ryan, Commissioner Fisher and staff.

Richard Wheelus reported the building code is quite clear about railings where there is an adjacent grade or surface 30" or lower which in this case is 5' plus. The code allows the City to accept alternative compliance methods. Jacksonville pier has segments lowered to 34" with a chain at 42" and the deck moved out to provide equivalent protection. There could be a diagonal railing, coupled with an ordinance regarding authorized use. Mr. Wheelus suggested there can probably be some reasonable accommodation, but it must be presented by Mr. Hagedoorn, and stated that the City does not want to disenfranchise any part of the citizenry.

Mr. Gossett suggested checking with Daytona. Mr. Wheelus stated as he hears about such, he checks into things. So far the only people he has spoken with is the Jacksonville building department and the construction company who provided pictures of that pier. Chairman Beck inquired if the modification will interfere with the pier work going on now and if it will stop work on the pier. Councilmember Johnson responded it depends on the modification and noted the City wants to cooperate and do what it can to make it happen. However, the City can't do the redesign that will be reviewed by the City. Richard Wheelus expressed his thought that as long as the supportive posts for the railing are not required to be moved, it probably won't delay the project that much.

Public Comment

Vicki Jo Weston spoke for the Pier, for which FEMA money is being used, being built for handicapped citizens and stated it needs to be accessible for veterans. She stated she will make what calls she needs to stop it and to stand up for the veterans. Mr. Lane stated City and County staff want it to be up to 100% ADA accessible. Mr. Wheelus indicated part of the evaluation process involves ADA requirements; assuredly there are minimum ADA standards that have been met, but additional accommodation is what is needed as opposed to ADA compliance.

Chuck Weston, DAV Commander in Titusville, spoke for having the Pier as handicapped accessible as possible, noting many veterans in wheelchairs wanting to fish. He stated if it can't be done, don't call it a veterans' pier.

Molly Farace noted the current ADA laws are on hold, however, the Architectural Barriers Act of 1968 says any federal funding that goes into a structure must be compliant with all current laws. The restaurant must be accessible to all. In 1975, when the Pier was built, two spots were made handicap accessible but money was

saved by not making the restroom stalls ADA. She spoke for doing it right so that all can enjoy the Pier.

Terry Lane confirmed for Councilmember Johnson that the restaurant, facilities inside and the deck are all fully ADA accessible.

Robert O'Neil, Examiner with American Legion Post 1, noted the handrails are at 42" and OSA states the top handrail is to be 4' 2" high. Mr. Lane confirmed the ramp to the pier will be wheelchair accessible. Mr. Wheelus indicated the Florida Building Code is quite clear on 42" as a standard; there may be some confusion with guardrails on elevated working spaces. The pier is not a workplace; it is a recreational facility.

Eric Ackler spoke for accessibility for the Veterans' Memorial Pier and for planning for the future. Mr. Lane responded staff is for 100% ADA, but what is being addressed is the Florida Building Code.

Chairman Beck suggested giving staff and necessary individuals applying for the waiver a chance to operate before we step off the deep end.

Dick Gossett made reference to page 10 of 11 of an email in the packet where the information was provided to Senator Posey's assistant to pass on to County staff. He noted someone dropped the ball somewhere along the line and he suggested picking it up expeditiously.

Rev. Clay made inquiries including how many feet are being discussed to be compliant. Mr. Lane responded Commissioner Fisher, in his letter, asked for a minimum of 25% of the linear railing to be ADA accessible. The lower the rail, the more distance is required from the edge. Most railings are aluminum, but when using concrete it is a totally different challenge for accessibility. This Commission voted on 100% concrete railing. If lowered, the railing will have to be brought back from the edge of the deck to make it acceptable with the Florida Building Code. Those are the challenges for Mr. Hagedoorn with DRMP. Mr. Lane noted that if the concrete railings remain, some of it may have to be adaptable to aluminum for lowering. It is hoped that instead of the waiver process, a suitable plan can be developed.

Mr. Lane confirmed for Rev. Dames that in the former pier there were a couple of sections that were lower and that is the historic portion referred to by Commissioner Fisher in his letter to make it a minimum of 25% ADA accessible.

Neta inquired how the decision was made for concrete railing. Mr. Lane responded it was a lengthy process in several meetings. The original design was similar to the aluminum railing as is at the concession. Several

citizens came to meeting asking for concrete railing. Mr. Lane noted the catwalk will have aluminum railing. The advisory board voted to have concrete railing. In response to Ms. Harris' inquiry about additional cost for concrete, Mr. Lane responded concrete is stronger for leaning over to shrimp and fish, has a longer lifespan, can't be stolen—as occurred with aluminum railing at the concession—but concrete railings did require an increase in the strength of the deck and piles.

Mr. Gossett clarified 25% is the ADA requirement that has not been approved as yet by the Justice Department. He said he has been involved with this since inception, first as chairman of the Pier Committee and then appointed to this board and stated that at the time the decision was made on the concrete, we were led to believe it would be ADA compliant and didn't foresee the present problem, otherwise aluminum might have been chosen.

In response to a direct inquiry of his desire by Rev. Dames, Chuck Weston DAV Commander, stated he would be happy with 25%, but will be happy with anything to accommodate those in wheelchairs, and will work with anyone to make it happen.

Chairman Beck spoke for tabling at this time. Ms. Harris suggested a timeframe of no longer than the next meeting. Chairman Beck stated he would hate to put an unrealistic timeframe on staff. Mr. Lane reported Mr. Hagedoorn was not available this week but said he would contact him as soon as he is back. Mr. Lane stated he will have it on the agenda next month and give a status or outcome of where staff is with the engineer and City permitting. Mr. Lane suggested the advisory board may have to look at options other than concrete if a design such as aluminum at Jacksonville is lowered for ADA.

Motion by Neta Harris, seconded by Barry Gainer, to table Old Business A until the next meeting, but in the meantime, staff is requested to (A) make contact with Jacksonville to find out what they have and how they solved their problem and (B) for staff to have a meeting with Mr. Hagedoorn with Mr. Wheelus present, with the permission of the City, so it doesn't have to be repeated second hand and bring back to the next meeting as much information as staff has so that this Commission has information to either go forward or to table it again.

AYE: Beck, Clay, Dames, Gainer, Gossett, Harris, Newman

NAY: None

Carried 7-0

Councilmember Johnson suggested being open to any type of railing or combination thereof.

B. Mims-Scottsmoor Community Center Potential Properties—Terry Lane reviewed that negotiations for the Marr property were discontinued at the last meeting and staff has updated information on potential properties presented last month. Marsha Cantrell reported staff used sites previously identified and to start the negotiations, made offers to owners for 10 acres or close, using the values from the Marr property appraisal at \$33,500 per acre for residential and \$87,120 for commercial. Offers are contingent on the advisory board wanting to go forward with the property and on an appraisal. If the appraisal comes in higher, the County would raise the offer to support the appraisal. If lower, the owner could agree to the lower price or walk away.

Ms. Cantrell reviewed the properties as follows:

- #1 Salib—\$470,000 was offered for 10.38 acres off Lionel, the property that was originally considered and does not border the trail. Dr. Salib accepted the offer.
- #2 Rust—An offer was made for 10 acres bordering the trail. In a counter offer the owner wants the County to purchase all 13.66 acres for \$457,610. If only 10.28 acres are purchased, the counter offer is \$40,000 per acre and the County would have to go to the expense of rezoning the remaining property to commercial/professional.
- #3 Marr—The County received an email saying the owners regret the County is no longer negotiating with them.
- #4 & #5 Ag Ventures—Owners are interested and counter offered 5b at 10.28 acres for \$344,400. The property abuts Wiley Road on the east side of U.S. 1, and would have indirect access to the trail down Wiley and through Kelly. [Counter offer for 5a was \$455,265 for 13.59 acres.]
- #6 Vero-Pittsburg—Owners counter offered 10.28 acres at \$951,360, because it is platted as Meadow Lakes subdivision with some infrastructure in, and therefore they feel the County should purchase a fair share of the infrastructure. Interior roads are private which may present a problem in building a community center.
- #7 Whitten—The County offered \$335,000 for 10 acres. The owners counter offered \$350,000 for 10 acres.
- #8 Sorensen—There is a discrepancy in acreage, so staff is not sure if it is 8.3 or 11.06 acres. The County offered \$278,100 for 8.3 acres. Staff has not received a response. A July 1 deadline was given to all owners.

Ms. Cantrell indicated staff would like the advisory board to consider responses received that are listed in the right column and to prioritize the properties so staff can attempt to get the first choice under a contract and then order an appraisal.

Public Comment

Lee Bird, a resident of Scottsmoor and one of the charter members of the Mims-Scottsmoor Community Center Referendum Committee (MSCCRC), stated he understands the committee was formed because the original deal fell through on Salib property. The committee went through a lengthy process, identified property adjacent to Parrish Park—Scottsmoor and after that fell through, the Marr property was identified. All three community groups said the Marr property was desirable, but that was based on information available at that time. Mr. Bird stated he believes the Salib property #1 is by far the most desirable as it is far enough north, 5 miles from Scottsmoor and 3 miles from Mims at U.S. 1 and SR 46. As member of MSCCRC his choice is for #1, because it is close to library and the elementary school that is convenient for kids after school. County water is up there. It is located on US 1 which was a criteria of the Committee. Properties #3 and #4 are not located on US 1. Properties #2 & #6 might be great for equestrians but are not on US 1. The community center needs to be accessible and the Salib property being near the elementary school and library makes it ideally located. Mr. Bird thanked the advisory board for their time and service to Brevard County.

Arnold Benson, vice president for Scottsmoor Community Association, stated the feeling of the people in Scottsmoor is for it to be as far north as possible and therefore #1 would be their choice.

Fred Kusterer, Mims Community Group, suggested doing the same as last time, and get Scottsmoor, Mims and East Mims community groups together and hash over the different properties and bring it back to this committee.

Bob Keller, Coldwell Banker Commercial, with extensive experience with land acquisition for various government groups, stated that for him it is a pretty quick decision. Sewer service goes to a certain point. He stated he represents the Whittens, property #7, and they are offering a very fair price and want to work with the County. He noted that to run sewer that distance would cost a small fortune as well as other utility extensions.

In response to an inquiry from Rev. Dames about the previous Salib property appraisal of \$209,900, Ms. Cantrell responded the County purchased that appraisal in 2001. It was noted that Dr. Salib has always said he was willing to sell at appraised value; he just didn't like the appraised value by the County's appraiser. Ms. Cantrell noted he accepted the offer that includes 2.28 acres assumed as commercial. If appraised higher, the offer would match appraised value. Staff made the offers because the various owners were saying they were interested but were not stating a price.

Ms. Cantrell indicated access from US 1 to Rust property #2 is Glenn Road then Folsom.

Barry Gainer stated #1 is way too far north, but does agree with Fred Kusterer in giving it back to the committee for all three communities to decide what is best for them. When asked by Mr. Gainer, Ms. Cantrell indicated the County is under no time constraints, but tax laws change this year so some owners want to close by December. Mr. Gainer asked about waiting until next month. Ms. Cantrell estimated the appraisal will take about 30 days, then two to three weeks are needed to place it on the Board of County Commissioners agenda, and 30 days for title work, then closing, etc.

Anjelika Teynor, the listing agent for the Marr property reminded the board that contrary to the belief that the trail is not important, it is extremely important, and will be built possibly before the community center is built, and there are multiple reasons to be on it including safety for children. The Marr property is in a central location, has access from US 1 and is very visible from US 1, is on the trail, the negotiations are very close and the owners would like to entertain a higher offer. She stated adjustment needs to be made for access to US 1 through commercial property and that the trail has a value.

Lee Bird stated he understands Barry Gainer's concerns about being that far north, but pointed out the library and public school are that far north. It doesn't have County sewer, but there is sewer service at the school and library. As far as the three community associations, Mr. Bird questioned why the committee isn't meeting. He noted the committee that hasn't met in 1-1/2 years and suggested dissolving the committee if it isn't needed. He pointed out that Mims has two community centers already in downtown Mims—Cuyler and Harry T. & Harriette V. Moore. He spoke for getting this where some of the Scottsmeer people can use it. Otherwise just call it Mims Community Center.

In response to comments from Dick Gossett about EEL working on a trailhead at Blounts Ridge and therefore a trailhead doesn't have to be a part of this project, Mr. Lane confirmed EEL is working on a management plan with a caretaker and trailhead, possibly. Mr. Gossett noted a committee appointed by the advisory board is being bypassed and made a motion, seconded by Barry Gainer, to put it back to the committee and come back to the next meeting.

Neta Harris asked Mr. Bird if he was speaking on behalf of the committee or personally. Mr. Bird responded he was speaking personally and noted the committee was not presented the Salib, Rust, AG Ventures or Vero-

Pittsburg properties. Mr. Bird stated he didn't feel slighted that the committee hasn't met in 1-1/2 years and that it looked to him like it could be prioritized at this meeting, commenting that Marsha Cantrell did a great job. Mr. Lane reported the committee members were invited to be a part of this process and the chairman and one member are present. He noted the need to move as quickly as possible if this is to be fast tracked.

Motion by Dick Gossett, seconded by Barry Gainer, to send it back to the Mims-Scottsmeer Community Center Referendum Committee and come back with a recommendation at the next meeting on August 13.

AYE: Beck, Clay, Dames, Gainer, Gossett, Harris, Newman

NAY: None

Carried 7-0

In response to an inquiry from George Newman, staff indicated the committee has seven members, but one is not available by phone and the community associations and equestrians can be notified as well.

Mr. Kusterer stated he was notified of this meeting yesterday and he would like for this committee that is going to meet to make sure the community groups are invited to get input from the people. It was agreed staff will schedule the committee meeting after July 27 to allow the community groups to meet first individually.

VI. NEW BUSINESS—None.

VII. REPORTS

A. Advisory Board Members on Assigned Parks & Park Assignments—None.

B. City of Titusville—Councilmember Johnson stated he was asked by staff to report the money for the Pritchard House is in finance and the check should be disbursed shortly.

C. North Area Parks Operations Staff—Mr. Lane announced the Scottsmeer Meeting Hall ribbon cutting ceremony is July 30 at 6 p.m. Next Tuesday at City Council there will be discussion to amend the interlocal agreement for operation of the Pier concession. Tuesday the BoCC approved the RFP for the Pier concession as well as an agreement with the North Brevard Heritage Foundation for operation of the Pritchard House. The City CDBG approved \$77,660 for Isaac Campbell, Sr. Park for FY 09-10. Mr. Lane responded to an inquiry from Dick Gossett that the Pier concession had to be rebid due to the time involved since the original RFP.

The meeting adjourned at 7 p.m.

Respectfully submitted,

Ted M. Beck, Chairman

jbi