

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, November 12, 2009, in the Brevard Room of the Brevard County Government Complex-North.

Members Present

Ted Beck, Chairman
Dr. Ron Bobay, Vice Chairman
Rev. Glenn Dames
Barry Gainer
Dick Gossett
Neta Harris
George Newman
Members Absent
Jan Alwine (verbal resignation)
Rev. Vernor Clay

City of Titusville Elected Officials/Staff Present

Walt Johnson, Council Member, Alternate Liaison
Grace Galiano, Redevelopment Planner

Brevard County Staff Present

Kathie England, Administrative Aide to Commissioner Fisher
Terry A. Lane, North Area Parks Operations Manager
Richard L. Tucci, Recreation Superintendent
Jeff Davis, Jr., Recreation Superintendent
John Dacus, Parks Maintenance Superintendent
Chuck Mays, Construction Coordinator
Judy Inman, Administrative Secretary

I. CALL TO ORDER & ROLL CALL

Chairman Beck called the meeting to order at 5:03 p.m. Terry Lane reported Rev. Vernor Clay was in Washington, D.C., and Jan Alwine had given verbal notice of resignation.

Motion by Dick Gossett, seconded by Barry Gainer, to excuse the absences of Rev. Clay and Rev. Dames.

AYE: Beck, Bobay, Gainer, Gossett, Harris, Newman

NAY: None **Carried 6-0**

Rev. Glenn Dames arrived during discussion following approval of the minutes.

II. PUBLIC COMMENT (items not appearing elsewhere on the agenda)—None.

III. APPROVAL OF MINUTES

Motion by Barry Gainer, seconded by Neta Harris, to approve the minutes of October 8, 2009.

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

NAY: None **Carried 7-0**

Terry Lane offered to answer any questions about what items are placed the agenda, noting discussion during the October meeting when he was not present. He indicated staff's direction has been to place items on the agenda that need to be moved forward to the City of Titusville, County Commissioners, or School Board. Reports cover a broad area and those projects can be discussed. Typically once the NBCPR has approved an item, follow up documentation not requiring action is given for information or as an update, but not as an agenda item.

- Chairman Beck spoke for placing follow up documents in the packet for information, but not on the agenda unless additional action is required.

- Dick Gossett spoke for items coming back for information to keep the board informed of action, but asked if it would be included in the minutes if it is not an agenda item. Mr. Lane stated that the FYI items in the packet could be reviewed under reports.
- Neta Harris spoke for including information items in the packet on the agenda in order to speak to the item, particularly if there is a change along the line or for additional information for the BoCC. When asked, Chairman Beck assured Mrs. Harris that he reviews the agenda item by item, along with Commissioner Fisher, in a briefing the week before the meeting.
- Dr. Bobay suggested reviewing the guidelines for operation of the NBCPR, noting his understanding is that the board is advisory. He also noted there may be decisions made where advice from the NBCPR is not sought. He also indicated he was comfortable with staff reports on information items.
- Walt Johnson stated his understanding is an item not on the agenda can be spoken to but items need to be on the agenda to take action.
- Rev. Dames expressed that even if an item is not changed, the board still needs to hear about it.

It was decided the guidelines would be on the agenda for next month.

IV. REFERENDUM & OTHER PROJECTS

A. Reports—Chuck Mays reported on recent changes:

- Gibson practice fields are finished.
- Moore Home Replica substantial completion was on November 10 and most items on the punch list inside are finished. The house will be released to the Harry T. & Harriette V. Moore Cultural Complex, Inc., on November 12 so they can start placing furniture.

- Titusville Veterans' Memorial Fishing Pier—The first section of deck was poured and work is starting on other sections and the platform.

Mr. Mays confirmed for Dick Gossett that as far as he knows, the April 30, 2010, completion date for Marina Park is still good, but he will update it next meeting, and the completion date on the pier seems to be holding.

Mr. Lane confirmed for Rev. Dames that sod has been laid in the disturbed areas at Moore Memorial Park, everything is getting cleaned up, and the sprinkler is operational. Mr. Lane announced the ribbon cutting for the Moore Home Replica will be held on November 22 at 3 p.m. Rev. Dames thanked staff for taking care of the landscaping.

Chairman Beck commented dirt is flying at Marina Park.

B. Fay Lake Wilderness Park Sale of Four Acres to Fires Rescue Update—Mr. Lane announced on November 10, the Board of County Commissioners' (BoCC) approved the transfer of funds from Fire Rescue to Parks and Recreation. The sale was approved by the Fay Lake Wilderness Park (FLWP) Committee on February 7, 2008, and by the NBCPR on February 14, 2008. The \$174,000 will be placed into the FLWP project account and used to complete some of the amenities. Dick Gossett questioned the \$1,471,000 approved for the project not covering all the expenses. Mr. Lane reviewed the history of the project with sale of land for the west connector and Fire Rescue and noted dealing with gopher tortoise issues, changes to boat ramp, extension of fishing docks due to low water level from the drought, and other change orders along the way. Now the project can be completed as designed and approved by the advisory group. Any left over dollars would have to be spent on Port St. John/ Canaveral Groves MSTU Referendum projects.

Bill Bender, chairman of the FLWP Committee reported the committee wanted to keep a green space within the community and looked at the sale of land for the west connector and Fire Rescue as a trade off to be able to complete park improvements for the community.

C. Mims-Scottsmoor Community Center Referendum Project Update—Terry Lane reported per the direction of the NBCPR, staff ordered an appraisal for the Salib property that came in at \$300,000, however Dr. Salib made it known he wouldn't accept that and wanted another appraisal. The BoCC decided not to do any additional appraisals on that property and Dr. Salib was informed of such in a letter of October 29, 2009, from the Public Works Department. Staff has since then been in contact with the second choice, Whitten property. Before spending any money on an appraisal, Natural

Resources staff and Parks and Recreation staff will look at the wetlands and lay of the land.

Neta Harris reported there were some concerns from two committee members who didn't know about the wetlands when they voted on the property and that County Attorney Scott Knox said it could be brought back to the NBCPR for discussion at any time. She spoke for finding property closer to the Scottsmoor community. Mr. Lane remembers the committee was told there are wetlands but they were not delineated. Chairman Beck stated his feeling is the vote has been taken, and would have a problem changing direction without talking to the committee. Barry Gainer suggested hearing from staff next month. Dr. Bobay indicated he didn't have a problem with going back to the committee in the interim to see if they have any further suggestions. Mr. Lane indicated if it is determined the wetlands aren't going to be a major impact, staff was planning to move forward with appraisal. If that direction is not the same, staff needs new direction.

Mr. Lane confirmed for Mr. Gossett that the committee was emailed the subject information contained in the NBCPR packet, that no one from the committee contacted staff, and that the costs for appraisals vary from about \$2,400 to \$3,000 and are charged against the project. Mr. Lane stated he also heard from Fred Kusterer, not a committee member, and explained the same thing to him.

Walt Johnson suggested if there are no time constraints, it may be prudent to put off the appraisal until contacting the committee. Neta Harris stated she thinks the committee should be contacted because there was some confusion. Chairman Beck suggested contacting the realtor and asking for a copy of an environmental study and that he thinks the experts should be allowed to operate. Rev. Dames stated he realizes the NBCPR can't do everything, staff does a fine job, and the NBCPR takes their job seriously, but once the wetlands are known, the committee should be contacted to let them know the result and make sure it is their final answer.

Motion by Glenn Dames, seconded by Neta Harris, to look at the environmental issue and if that precludes it being done or if it is acceptable, then go to the Mims-Scottsmoor Community Center Referendum Committee to ask if they concur with the plan.

AYE: Dames, Harris

Failed 2-5

NAY: Beck, Bobay, Gainer, Gossett, Newman

Discussion between making the motion and the vote included:

Walt Johnson stated this would be prudent, if there are no particular time constraints, to save problems down the road. Ms. Harris stated this is no reflection on staff.

George Newman stated he didn't see a need to take it back to the committee if the environmental study comes back clean as that would only extend the time period and the NBCPR has been criticized before for not moving forward. Rev. Dames suggested it wouldn't take that long. Mr. Newman reviewed the history of decisions by Mims, East Mims and Scottsmoor communities and the need for their concurrence. Chairman Beck agreed with Mr. Newman. Dr. Bobay questioned why the project wouldn't go forward based on earlier direction if there is enough acreage for the project, even if mitigation is needed. Ms. Harris stated that when the realtor came he said he didn't know the acreage of the wetlands and she understood him to say there was no environmental study.

Chairman Beck stated the matter will come back if there is a problem with wetlands. Terry Lane indicated staff estimates approximately 3.5 acres of wetlands on the 12.5 acre (approximate) property. Dr. Bobay noted it is fairly common to mitigate wetlands and the amount of mitigation will affect the appraisal, but the bottom line question is if there will be enough acreage for the project.

Following the vote, Mr. Johnson reported he and Conrad Eigenmann are only liaisons who can advise and speak, but not vote on anything.

Terry Lane summarized staff will visit the property next week and if the wetlands won't change the direction of the property, staff will move forward with the appraisal.

D. Referendum Committee Vacancies

1. Mims-Scottsmoor Community Center Referendum Committee—Terry Lane reported Dr. Nicholas Rinaldi resigned and Thelma Roper gave a verbal resignation and staff cannot contact her with information available.

Motion by Dick Gossett, seconded by Glenn Dames, to accept the resignations of Nicholas Rinaldi and Thelma Roper from the Mims-Scottsmoor Community Center Referendum Committee and reduce the membership of the committee from seven to five members.

AYE: Beck, Bobay, Dames, Gossett, Harris, Newman

NAY: Gainer **Carried 6-1**

In discussion prior to the above vote, Barry Gainer noted most of the committee members live in Scottsmoor and thought there should be a few representatives from Mims.

2. Equestrian Trails & Facilities Referendum Committee—Mr. Lane announced Dr. Rinaldi resigned from this committee as well and that the project is on hold pending the Rails-to-Trails project.

Motion by Barry Gainer, seconded by Neta Harris, to accept the resignation of Nicholas Rinaldi from the Equestrian Trails & Facilities Referendum Committee and advertise filling the vacant seat.

AYE: Beck, Dames, Gainer, Gossett, Harris

NAY: Bobay **Carried 5-1**

In response to an inquiry from Dr. Bobay, Mr. Lane indicated the committee is probably on hold until the first of 2011. EELs purchased property next to the trail and they are developing a management plan that takes about a year. Dr. Bobay suggested there may be other resignations before the committee is reconvened. Mr. Lane reviewed the committee appointment procedure for Walt Johnson.

E. North Brevard Referendum Projects—Mr. Lane offered to answer any question on the report that is updated as dollars are spent or contracted. In response to Neta Harris' inquiry about Chain of Lakes, Mr. Lane indicated there is approximately \$10 million in other people's money included in the total, noting the original Referendum was to purchase 90 acres, but with all the additional partners, it is going to be well over 300 acres.

Mr. Gossett asked if there was money to replace the gazebo that was removed from Fox Lake Park years ago noting it would be revenue producing. Terry Lane responded there is no money for capital projects, only what might be unallocated in balance forward. Nearly \$400,000 of balance forward was used to save 10 jobs this year and if there is no additional balance forward for next year, those positions will be lost, in addition to other tax revenue losses.

V. OLD BUSINESS

A. Update on Titusville Veterans' Memorial Fishing Pier Concession Agreement—Mr. Lane reported there was only one bidder and that was from Jason Reichman who is owner of The Irish Pub and will be operating the concession through Capital Seas, Inc., a separate corporation. Staff's plan is to take it to the BoCC on December 1 for approval and moving forward. The agreement is for an initial five years with two three-year renewals. Walt Johnson expressed concern that the cash bond should be more than \$1,000 to cover any County property that might be removed from the concession. Terry Lane stated he will ask Jerry Visco, County Insurance Director. Mr. Gainer reported that at one point Mr. Reichman wanted the County to put in

propane gas appliances, but the concessionaire will pay for conversion to gas.

Mr. Lane noted the design for the fold-down aluminum railing at the pier was included in the packet for information.

VI. NEW BUSINESS—None.

VII. REPORTS

A. Advisory Board Members—Barry Gainer asked if the City is still planning for a mooring field in the river. Walt Johnson reported a grant was turned back recently because it couldn't be done in the required timeframe. However, the City is applying to be one of three grants in the state. Mr. Gainer asked if the pier is covered if boats come loose in the mooring field. Mr. Johnson stated the moorings are very substantial and the theory is the boats wouldn't come loose unless the ropes break.

Rev. Dames asked about a break in at the Walter Butler Community Center (WBCC). Mr. Lane responded there was a break in this past weekend and 10 computers, a PA system, flat screen TVs, cameras, etc., were stolen. Staff is going through the process of upgrading and adding security to all the community centers. In response to an inquiry about insurance from Dick Gossett, Mr. Lane reported the County is self insured with a \$500 deductible and there is an insurance policy above a particular threshold. Rev. Dames commended staff for taking the initiative to add security to make sure all the parks facilities are safe for all. Mr. Lane reported there was a luncheon today at WBCC with about 150 present including the Fairglen Elementary choir. There was a special presentation to Walter Butler and for Bernice G. Jackson in the form of plaques with their photos and biographies to be mounted in the center. Commissioner Fisher was present. Mr. Lane thanked staff and volunteers who prepared the food. Rev. Dames noted Mr. Butler has devoted his life to that community. Mr. Lane announced the seniors at Isaac Campbell, Sr. Park are having a fish fry on November 13.

B. City of Titusville—None.

C. North Area Parks Operations Staff—Mr. Lane announced the BoCC approved the naming of Judge Dean Moxley pavilion at Chain of Lakes on October 6, and staff will be getting with the Titusville Soccer Club for a dedication.

Mr. Lane reported he met with concerned citizens of East Mims, not the East Mims Civic League, at the Crandall J. Warren Community Building (CJWCB) at Cuyler Park on October 26 and answered questions for about an hour about possible use of the building by the East Mims community. There is an agreement with the

East Mims Civic League that runs through December 31. The League needs to appear before the NBCPR on December 10 to request a recreation partner agreement. If they fail to do that, the agreement will cease.

Chairman Beck asked if any present from the community had any questions. Mr. Lewis from East Mims offered to answer questions, but there were none.

Rev. Dames asked if there can be more than one agreement for a park. Mr. Lane indicated there could be such as at Gibson. The current presentation to the East Mims Civic League is for use of the entire park, paying direct costs only when used, with Parks and Recreation co-sponsoring some events. The League is having elections next Monday and a decision on the direction of the group will be made then.

Pastor Michael Imparato who lives in Mims stated he attended the meeting, noted there has been a lot of misunderstanding and he is coming in at the tail end. He noted if the Civic League were to take over the CJWCB, they would have to pay the electric bill and asked if it is about the whole park or just the CJWCB. Pastor Imparato noted there was a question if the decision was from the Civic League or one individual, that there is still confusion that needs clarification, and new officers come up next month. Mr. Lane explained the dollar figure presented was approximately \$1,300 per month for electricity for the CJWCB only. The East Mims Civic League president is Dwight Seigler who has been in correspondence with the North Area office stating he would like the CJWCB under their operation like the Scottsmoor Meeting Hall is under Scottsmoor Community Association who pays the electric bill. Mr. Lane explained the difference is that the County has paid staff at Cuyler Park to operate that facility. PAL pays \$1,200 per month at Gibson. Staff presented them using the whole park as a recreation partner, but the president wants the CJWCB only and they would pay the bills/ direct costs. The League's request must be presented in writing to staff so it can be brought to the NBCPR on December 10.

The meeting adjourned at 6:37 p.m.

Respectfully submitted,

Ted M. Beck, Chairman

jbi