

MARINA PARK REFERENDUM COMMITTEE MINUTES

Minutes of the Marina Park Referendum Committee, appointed by the North Brevard Commission on Parks & Recreation, held Monday, July 14, 2003, 6 p.m., in the Brevard Room at the Brevard County Government Center-North.

Members Present

Paul Nydam, Chairman
JiJi Connolly
William Horner
Rick Manning
Francis Reilly
Mark Leslie, City Liaison
Ken Carlson, NBCPR Liaison

Members Absent

Tommy Grimes

Pat Lafferty

A&E–Woody Rice, Honeycutt & Associates

County Staff Present

Charles Nelson, Parks & Recreation Director
Jack Masson, Assistant Parks & Recreation Director
Cheryl K. Page, North Area Parks Operations Manager
Chuck Mays, Construction Coordinator
Terry A. Lane, NAPO Recreation Superintendent
Judy Inman, NAPO Administrative Secretary

I. CALL TO ORDER

Chairman Paul Nydam called the meeting to order at 6:05 p.m.

II. APPROVAL OF MINUTES

Minutes of June 23, 2003, were approved at the motion by William Horner, second by JiJi Connolly.

AYE: Connolly, Horner, Manning, Nydam, Reilly

NAY: None

Carried 5-0

Mr. Horner raised a point of order on ground rules for speakers, noted length of previous meetings, the number of times various speakers spoke, and made the following motion:

Motion by William Horner, second by JiJi Connolly, for speakers to have three minutes on agenda items and five minutes on public input in this and future meetings.

AYE: Connolly, Horner, Manning, Nydam, Reilly

NAY: None

Carried 5-0

Mr. Horner raised another point of order related to Ken Carlson's summary memo dated June 23 to the North Brevard Commission on Parks and Recreation (NBCPR) which was discussed at their meeting on July 10. **He suggested the Committee discuss the memo at this time and he so moved.**

Mr. Horner stated that the memo hit on a couple of salient points and he proceeded to read concern 1 regarding the June 23 Marina Park Referendum Committee meeting. He thanked Mr. Carlson for the letter which was a very fair-handed assessment in Mr. Horner's eyes as to what took place.

The motion failed due to lack of a second.

Mr. Reilly suggested that the quickest way to cut to the chase is to ask Mr. Nelson to clarify the Committee's purpose here tonight. Mr. Horner suggested the agenda tells what will be discussed. Mr. Reilly stated not everyone present has a not so hidden agenda. He asked Mr. Nelson to clarify the purpose, the partnerships between the City and County, then to get on with the Committee's mission. Discussion ensued.

Mr. Nelson stated the purpose of the Committee is to facilitate the design and development of a Referendum project from the 2000 Referendum, specifically the Marina Park improvements, and to work with the County and the A&E to create a plan to present to the NBCPR and the Board of County Commissioners (BOCC).

Mr. Reilly questioned, just a park period, not getting legal opinions. The City and County attorneys should be handling that. Mr. Nelson responded that other committees have asked for opinions of various sorts related to issues that impact their park, such as land development on adjoining properties. It is not precluded, as long as it is an impact to the project. There is a right for this Committee or the NBCPR to ask questions related to the project that might impact it.

Mr. Reilly mentioned a legal opinion being requested at the last meeting. Mr. Horner stated he did not recall this Committee asking for any legal opinion and asked Mr. Reilly to explain that. Mr. Nelson stated he didn't come away from the meeting thinking an opinion was requested.

Upon request from Mr. Reilly, Mr. Nelson explained the relationship between Parks and Recreation, the BOCC, and the City in the Interlocal Agreement between the parties for operation and maintenance of the facilities that are considered to be City parks. Marina was deeded by the State to the City with certain restrictions. The Interlocal Agreement also allows for a collection of a millage within the City limits. In the beginning of the relationship, the City actually paid City dollars to the County for operation of the parks, but that was amended with the MSTU created with the Interlocal Agreement. Chairman Nydam stated it is not just for City residents. Mr. Nelson responded the Referendum created a different entity as a special district for both incorporated and unincorporated areas and dollars cannot be identified separately.

Mr. Horner, in response to Mr. Reilly, read part of Section 4 of the Interlocal Agreement stating: The City hereby grants to the County exclusive use, jurisdiction and control of the properties listed. He noted Marina is one of many parks listed in that Agreement.

Mr. Reilly asked if Mr. Horner would say the City still has the right to declare usage for the park. Mr. Horner responded they certainly have a voice.

Mr. Reilly reported that in a recent meeting, City Council voted to put parking in the NW corner of the park without naming Vectorworks. If the Committee gets out of the politics, it can go ahead and give the City what it wants and then get on with the project. Mark Leslie noted the concept will work with or without the Vectorworks shared use issue. The City likes this concept. Mr. Reilly reported the City did submit a plan showing that was their desire and they are so adamant they are going directly to the BOCC. In a way the Committee forced their hand on this. They saw this Committee was not putting parking in that area. If the City wants this, the Committee is here to help the City, and if the Committee could get over this mountain it could design a Little League ballfield. Mr. Reilly stated the Committee is not the politicians, the politicians are working on this.

Chairman Nydam asked if the Committee members had read the letter from DEP. Chairman Nydam's interpretation is that if the Committee facilitates Vectorworks, they would be on pretty shaky ground.

Mr. Horner suggested all should recognize it was a County Referendum, not a City Referendum. The City's desires must be considered for their facilities within the corporate limits of the City, but not to the exclusion to the 40,000 other citizens in North Brevard. They are thinking this is a Titusville matter, and this is not a Titusville matter, and that has been the predicament. After three years, some of the folks in Titusville should recognize this. They took five acres out and they had to turn around and eat crow after the BOCC expressed their feelings.

Mr. Reilly stated that people in Titusville should be able to have what they like. The Committee should not be deciding if the City or County are in charge of this. The Committee should be designing the park. Mr. Horner asked if the Committee is to neglect the other 40,000 residents in the Referendum area who are paying for this. Mr. Reilly noted the Committee has seen three different plans and have moved the footprint back and forth. He stated it is not the end of the world if the parking is in the NW corner. He suggested letting the powers that be design the parking in the NW corner and get on with what the Committee was tasked to do and build a ball park.

Motion by Francis Reilly, second by Rick Manning for discussion, to go with the plan putting the parking in the NW corner of this park. As noted below, the motion was later amended to also have Mr. Rice draw up a good set of plans, starting from scratch. The motion was later reluctantly withdrawn by Mr. Reilly

Mr. Manning referred to concern 2 of Ken Carlson's memo relating to legal concerns and asked if it is okay for parking in the NW corner.

Mr. Reilly reported he talked to the mayor this weekend, and the City won't do anything illegal. He also spoke with the city manager who said the City is not going to let Vectorworks get away with that property.

Chairman Nydam asked how Vectorworks would be kept out in the evenings. Mr. Reilly stated by writing it into an agreement.

Mr. Manning reported the Little League asked for many years for improvements. The City had other plans for the Sand Point area and offered the league to move to Marina. Since then Vectorworks came in and the Municipal Marina wants more parking. The focal point has changed from ball fields. He is not against parking for a company or more boat parking. Chairman Nydam noted there is a zoning question regarding business parking.

Mr. Nelson inquired if there are questions for which the Committee would like specific legal opinions. Chairman Nydam suggested holding such questions until towards the end of the meeting.

Mr. Horner commented he thinks it would be a bad mistake to adopt the City plan. He referred to the minutes of the last meeting and added that the City's plan as was discussed is going to utilize about half of the riverfront of this entire park for parking. The County's plan is much, much better from the standpoint of parking than the City's. The only thing left on the point is a gazebo. The Committee has had no justification from the City as to why they want to move the ballfields around, why they want the wet and dry retention moved around, with no explanation, no justification, no rationale other than what the liaison provided. At the last meeting the Committee agreed the County would increase the boat parking by five which the City seemed to acquiesce to. Mr. Horner noted that at the March 14 meeting between the City and the County staff, after the BOCC directed the County to work with the City after the five acres were put back into the park, it was agreed there should be a landscape buffer, preferably 50' with a sidewalk, between the Municipal Marina and Marina Park. He stated he would defy anyone to show him where that has been incorporated into the City plan.

Chairman Nydam agreed with Mr. Horner fully, not only that, on the City plan they show the dry retention at the north end. He asked if percolation is better for wet or dry retention. Mr. Rice responded, for dry.

Mr. Leslie reported that most of the people who visit the park, park on the point to fish. Currently 50 trucks with trailers can be fit into that area. He meant to say last time that taking away boat parking was not part of the Referendum. The stormwater issue has not been resolved. The 50' buffer is a conceptual plan. If Mr. Rice could work on it, it might be nearly possible. It isn't even known if wet retention is needed. Mr. Rice explained that if there is a good percolation area, typically that makes it ideal for dry retention. But in a high water table it makes it undesirable for dry retention. The dry retention on the County's plan is more channelization to get the water to the wet retention. The water table is so high, he doesn't expect to get good percolation. The potential of raising the elevation of the entire park was discussed.

Mr. Reilly amended the motion to put parking in the NW corner of the property and have Mr. Rice draw up a good set of plans, starting from scratch. Rick Manning seconded for discussion.

Mr. Nelson noted the meeting had gotten off track pretty badly, at least from the perspective of the agenda, and noted the need to allow the public to speak. He suggested working to the point on the agenda where that type of motion is appropriate.

Mr. Horner concurred with that, noting the City plan is on the agenda.

Reilly reluctantly withdrew his motion.

III. STAFF REPORTS

A. Skate Park—Cheryl Page reported staff is still searching for a location. There has also been a request for a skate park in Port St. John.

Mr. Reilly reported he read in the newspaper about a commercial skate park on SR 50. Mr. Horner stated it was in the July 5 *Florida Today* at the old Carousel roller rink.

Bill Grimes spoke regarding the possible commercial skate park, noting it will cost money for people who may not be able to afford it. He doesn't expect it to be long term. Those who can afford it can go out of town for a larger park. It also would exclude bikes which would leave out another group which is probably the group that does the most damage. He inquired, assuming Vectorworks is not involved, if the north area of the City's plan could be used for skating. He noted the parking in the NW makes no sense if it isn't for Vectorworks.

Mr. Reilly noted parking in the north gets the kids away from the boat parking in the south.

B. Other—None

IV. OLD BUSINESS

A. County Plan—Mr. Nelson reported that as a result of the comments from the last meeting, there were some minor changes made to the boat parking which was increased to 30 spaces. There was some movement of some of the handicap spaces to bring them the closer to the sidewalk leading to the seating area and playground area. Mr. Rice reported subtle softening of some of the curves. Mr. Nelson stated he asked that the parking lot on eastern side be made more gentle so it is a little safer.

Mr Horner stated that shortly he would be offering a couple of motions regarding the open spaces in the NE and NW corners regarding the Parks and Recreation plan that was before the Committee. He also stated he would be offering to the Committee to discuss the potential of Parks and Recreation and the A&E looking at (1) outdoor basketball court in the NE and/or NW corner(s), (2) volleyball courts NE and/or NW corner(s), (3) shuffleboard courts in the NE and/or NW corner(s), and (4) a series of small picnic shelter facilities along the lagoon north of the north gazebo that would accommodate small family gatherings. He suggested discussion at this point and after discussion that the public be allowed to speak, and he then would offer four formal motions.

Mr. Reilly asked to go on record that the County plan does not meet the City requirements. Mr. Horner asked what the City's requirements are. Mr. Reilly stated they require the Committee to put the parking in the NW corner. They have asked the Committee in many, many ways to put parking in the NW corner.

Mr. Horner stated he believes the only thing he was aware of and only semi-formally, is the City plan. He asked if there were any memos, letters, faxes, etc., that reflect the City's desires. Mr. Reilly stated that as a member of this Committee, he met with the mayor, city manager and Vectorworks. These were their concerns they were going to present to the BOCC on July 22.

He stated he was voicing what they had told him as a private citizen and as a member of this Committee.

Mr. Horner asked Mr. Reilly if he thought the City should present their comments and plan to the entire Committee. Mr. Reilly responded they did present one plan with their ideas/concept. The County prepared a plan, Mr. Pine presented a plan, the City presented a plan. He stated the Committee can ask the County to draw up the other plans professionally.

Chairman Nydam asked staff if the City has actually voted or come out and said they want the plan a specific way. Mark Leslie responded that Titusville City Council voted for the concept presented tonight which they also voted to take to the BOCC for presentation. It is a concept that City Council favors strongly.

JiJi Connolly asked if no matter what plans or concepts the Committee discusses, if the bottom line is going to get down to the whole concept being okayed by the County. Mr. Leslie stated that he believes in a couple North Area meetings that was discussed and it is a legal question. Mr. Nelson responded, as to who has final authority, it is actually a two-part question. One would be the Interlocal Agreement and the second would be the relationship with the City. Mrs. Connolly observed that most of this is moot unless the Committee agrees on a more definite plan. Mr. Leslie noted, as Ken Carlson wrote, this is a recommending body and it is ultimately up to the elected officials. Mr. Horner stated that in his opinion and understanding the procedure is and has been for each of the Referendum committees to sit and consider what individuals and organizations have to bring before them. Parks and Recreation staff was directed by the BOCC to design a park. Parks and Recreation did exactly what they were told to do and brought back to this Committee a plan. The Committee massaged it, brought it back, the Committee voted for the plan unanimously and adopted this plan with the exception of a few boat parking and handicap spaces location. Subsequent to the adoption of this plan by the Committee, the City came up with a rough-cut plan which they submitted to City Council on June 10. The Titusville City Council said they liked that plan, after they had minutes of the meeting and an actual approved plan. The City adopted their own plan.

William Horner made a motion to direct Parks and Recreation and/or the A&E to look into the feasibility of outdoor basketball courts in the NE and/or NW corner at Marina Park that are open spaces in the County plan. Rick Manning seconded the motion for discussion. The motion was later withdrawn.

Mr. Manning noted that all the elements suggested by Mr. Horner would be shoved up into the corners of the park. The public previously asked for green space in this area. Basketball courts take up a lot of area. Mr. Horner stated that is why he broke it down into four separate pieces.

Mr. Nelson stated he really believed it would be appropriate to take public comment before the first motion is made. He suggested it would be appropriate to withdraw the motion, take public comment, then proceed with Committee discussion and vote.

Mr. Horner suggested the Committee now discuss these items, outdoor basketball, volleyball, shuffleboard and small picnic shelters, then hear from the public, then he would offer motions.

Mr. Nelson suggested the agenda item should have said “Review of Plans.” Chairman Nydam asked if both City and County plans can be discussed. Mr. Nelson suggested, if so, amending rules to five minutes. It was decided to do items separately.

Mr. Horner asked if the Committee was going to discuss before the public does, then come back for motion.

Mr. Pine noted that Government in the Sunshine requires the agenda be honored.

Mr. Horner noted the Committee usually discusses the items before public input.

Chairman Nydam asked for public input for the County plan.

Peggy Lafferty, treasurer of Titusville Little League (TLL), stated that until the Committee adopts a concept, she doesn’t see how one would know where the open spaces are. The County plan has open space, but the City plan has virtually none. It is hard for the public to have input until it is known how the Committee is leaning. The Referendum was drawn up with specifics in mind, with the central piece being a new baseball park. She expressed concern that the additions of basketball, volleyball, and shuffleboard could cause cutting corners. One of the main reasons was to make a nice Little League complex park, but the Little League will end up cutting corners. What isn’t shown in the plan is a batting cage and a place for an equipment shed. Marina is only one of many items on the Referendum. Mrs. Lafferty stated she thinks Sand Point would be a wonderful place to have volleyball or shuffle board and picnic tables. She stated everything doesn’t need to be put at Marina.

Thelma Roper stated that as far as funds go, especially on the County plan, the boat parking and improvements to the boat ramp would be partially funded by FIND and other grants and would not all come out of the park budget. She stated she thinks that horseshoes is a really good idea as that doesn’t take up a large area. She stated that Mr. Reilly talked with Mr. Gray who said he would pay for parking and water retention. She is concerned it would be at a great cost to all the citizens. The City has a fenced parking area at the water treatment plant and if Mr. Gray wanted to pay for a walk over that would be great. There could also be an aviary and it would avoid the question of the dedication.

Francis Reilly stated that since she brought his name into this, Ms. Roper was right on funding, but if Mr. Gray has to pay for all the parking at this facility it would be over \$250,000 to be added to the Little League funding. Ms. Roper asked at what cost. If in allowing him to pay for the parking would it be at running the very strong risk of losing the entire park altogether. Mr. Reilly stated that would not happen. County legal and City legal will review any documents before they are closed.

Walter Pine inquired if a representative from the City of Titusville was present. Mr. Reilly stated he was not representing the City, but rather representing his position but is concerned about the City being where they should be in the discussion. Mr. Pine noted there are significant legal issues and asked what authority the County has over the park, and what restrictions must they comply with. He thinks there should be formal written legal opinions regarding dedication and potential violations. He referred to a letter from Mr. Ed Wood, Chief of Bureau of Land

Administration, who decides what would violate the dedication. He thinks Mrs. Connolly made an important point regarding wasting time and so it is very important to get legal opinions. The agenda is a very important thing. Mr. Horner's comments should have been on the agenda for the public to discuss. He spoke of voter's rights and what responsibility the County has in regards to the Referendum. He stated that nowhere does it say on the Referendum it is a baseball park. If the Referendum doesn't say it, then everything is fair game. All should be given equal consideration based on public support. Mr. Pine stated that Mr. Horner said earlier that the County plan was adopted. He would like to know when in a formal response. If it has been adopted, the City plan shouldn't be discussed. If it hasn't been adopted, then there should be discussion on the City and Mr. Pine's plan. Mr. Horner remembers the Parks and Recreation plan was adopted unanimously.

Susan Canada stated that regarding Bill Horner's plan, let's make it a fun place for the community. She noted no one was worried about finances when planning Sand Point Park. The community is willing to donate covered picnic tables. Mrs. Canada stated she also presented a proposal for the park with a lot of covered picnic tables or pavilions which would be donated by businesses in the area. Vested rights are mentioned at meetings weekly. She noted a private business is wanting to go into a park on Julia Street and noted the problem with that. She noted Chris Broome was not encouraged with the City plan. Conrad Eigenmann said for the point of discussion, let it go to the County. If something is going over the railroad tracks, that is fine with him. She stated Mr. Gray's statements about not owing taxes and B&I lending were not the truth. She spoke for going for Bill Horner's ideas which would be wonderful in any corner of the park. She suggested making the park for people of all ages to enjoy.

Francis Reilly stated that the Sand Point Park Referendum was approved for a \$1 million budget, but when the plan was drawn up it was \$2.7 million. Chairman Nydam inquired if that amount is ball park or pretty narrowed down. Mr. Nelson responded the Committee was encouraged to master plan the site which was designed for future needs. Building will be in stages. The committee did what they were asked to do. One of the elements is a significant amphitheater which is drawn into the plans. Mr. Nydam asked if the Committee can plan for future elements. Mr. Nelson responded, yes, noting there are more pavilions than in the original Referendum information. Mr. Nelson stated that he always encourages appropriate master planning to meet needs beyond today.

Mr. Reilly said to Mr. Nelson that the way these parks were laid out, staff figured out early on what sports were wanted in what parks. It seems if this is made multi-use, the Little League will suffer. Mr. Nelson responded that (1) there was significant public discussion including TV on the process. Needs including TLL were discussed and the NBCPR decided to relocate them to this site. There is no problem with the Little League being there and they almost had to be convinced to move there from Sand Point. (2) The hierarchy of funding is that the elements on the green sheet (Referendum brochure) will be built first. It is staff's intent to be sure the Little League needs are met, and then look at funding other elements of the project. Mr. Reilly asked if any of these other sports are being planned in any of the other parks. Mr. Nelson stated he doesn't recall any outdoor basketball courts or horseshoes, but horseshoes may evolve at some of the more passive parks. No shuffleboard is being discussed at this time.

Mr. Horner restated the motion that was determined to still be on the table.

Mr. Reilly asked if Mr. Horner would consider amending the motion to not be specific to NE or NW corner. Mr. Horner stated he was reluctant until he is shown where it could be located. Mr. Reilly suggested that if anchored into a certain position, the Committee would be digging a bigger hole to get out of with the City. Discussion ensued between Messrs. Reilly and Horner. Mrs. Connolly suggested amending the motion to say, in the future and request leaving it open for other sports and other recreational facilities and not be so specific tonight.

Horner withdrew the motion at this particular point.

Motion by William Horner, seconded by JiJi Connolly, for several small picnic-type shelters along waterfront north of the northern gazebo for small family groups.

AYE: Connolly, Horner, Nydam, Reilly.

NAY: Manning

Carried 4-1

Mr. Manning asked if the additional facilities were for any plan, or just the County plan. Francis Reilly asked if Mr. Manning, as a Little League representative, has a concern with other activities in the park. Mr. Manning stated he sees no problem or conflict with the other activities or picnic tables. He doesn't see how it directly impacts the center point of the plan or the Referendum. Mr. Manning stated he is on the Committee to lend any advise he can on baseball fields and what should be included in that.

Mr. Nelson requested understanding that the final drainage calculations haven't been done so things may change, based on percolation. In response to Chairman Nydam's inquiry as to when the results will be known, Mr. Nelson stated the testing that is required is based on a plan. If retention needs to be expanded then things begin to disappear.

Mr. Horner asked if he was mistaken in his understanding that this Committee did in fact adopt the Parks and Recreation County plan. Chairman Nydam stated he made a motion but withdrew it at the last meeting. Mrs. Page reported she reviewed the minutes from the first meeting where staff was directed to bring back some specific things to the May meeting, but didn't adopt a plan. Mrs. Page stated that Chairman Nydam is correct that at the last meeting he did bring up adopting the plan but withdrew his motion. Mrs. Page read the April motion which gave direction but didn't specifically adopt a plan. Mr. Horner stated that is up to interpretation.

Chairman Nydam called for discussion of the City plan.

William Horner made a motion to adopt the County plan that has been submitted to the Committee this evening with the suggestion of the small picnic shelters as previously voted.

Mr. Manning asked that the baseball fields show a batting cage and storage shelter, which Mr. Horner agreed to add that to the motion.

JiJi Connolly asked if the feasible location for the batting cage, etc., could be left up to the engineer.

Mr. Reilly stated it is apparent Mr. Horner is trying to bypass a chance for the City to have a

plan, and asked if the Committee could wait until given a professional review of City plan. Chairman Nydam stated the need to focus on one.

Chairman Nydam asked for a modification to the motion, to move the jut-out on the NE corner north of the gazebo to keep it away from the playground. Messrs. Horner and Manning agreed to the amendment.

Jack Masson stated he believes there was discussion at the previous meeting. Chairman Nydam responded he made a similar motion at the last meeting which he withdrew.

Mr. Reilly stated his concern with kids close to the water in the NE corner, and pointed out the entire parking lot at the south end is where kids will be. It makes to him sense to use City's plan where parking is in the NW. Chairman Nydam pointed out that is why there is a separate entrance for boating. Fencing between the south roadways could be added later.

Mr. Horner inquired on that particular proposal, if the southern most jut-out could be moved to the north of the boat trailer parking to get it out of the way of traffic. Mr. Manning agreed. Mr. Horner later withdrew this suggestion.

Mr. Nelson stated that in the end, probably no one in this room will have the say, as it probably will be placed where the sea grasses are the least, so understand they may move based on environmental circumstances. Mr. Nelson noted moving the jut-out north of the parking would make it almost adjacent to or touching the other one. Horner withdrew the suggestion.

Mr. Reilly stated he wanted to reiterate what Mr. Carlson said in the letter, that this Committee is twice removed from the County and what he understands the Committee is going to vote on is to overrule what the committee knows the City wants to do and precludes it going to the BOCC on July 22.

Mr. Horner stated the primary reason for his motion is that there seems to be some question as to whether the Committee had adopted a plan with some modifications and he wants it on the record and to try to move this Committee forward. In his opinion it is to re-adopt the plan.

Mr. Reilly stated he feels that Mr. Horner is thinking the plan was adopted was prior to the City plan coming on line. If the Committee votes yes, it is going dead against what the City is taking to the BOCC.

Following is the complete motion as amended:

Motion by William Horner to adopt the County plan that has been submitted to the Committee this evening with the suggestion of the small picnic shelters as previously voted, that the baseball fields show a batting cage and storage shelter, and move the jut-out on the NE corner north of the gazebo to keep it away from the playground. Rick Manning seconded for discussion.

AYE Horner, Manning, Nydam, Connolly

NAY: Reilly

Carried 4-1

Francis Reilly moved to adjourn which JiJi Connolly seconded. However, Mr. Reilly

withdrew the motion when Mr. Nelson pointed out the rest of the agenda needed to be heard and public comment received.

B. City Plan

Chairman Nydam called for discussion on the City plan. None was forthcoming from the Committee. He then called for public input.

Susan Canada noted that regarding safety issues, when parking is scattered in more directions, it is more difficult to keep track of children. In the City plan, even without Vectorworks, there is a lot of area for the parents to cover. She agreed with Mr. Reilly that between the boat parking and Little League parking it would be nice for a low row of decorative hedges rather than fencing. She noted in the City plan the road must be crossed to get to each of the two areas of playground which is a safety hazard for children. Also at the boat parking to the south, there is no room to turn due to the angle. She stated that a road through the park would correct that but would make it dangerous for children.

Walter Pine stated that he believes it is a moot discussion at this point. Once the Committee has adopted a plan it has fulfilled its responsibility. At this point it has gone beyond the scope of this Committee and it is ridiculous to discuss other plans. The motion to close the meeting was very appropriate. To continue at this point it is a farce.

Mr. Nelson stated that since there has been such significant discussion about following the agenda, it should be followed. Mr. Nelson agreed there is probably nothing to be gained at this point, however, he also believes someone may have a comment and they have the right to be heard.

Mr. Pine stated that public comments are for decisions which will be made, but has no purpose at this point except for keeping people present. Mr. Nelson asked if anyone with cards under public comment would like to withdraw their cards. There was no response.

Mr. Horner spoke for following the agenda.

C. Other

Mr. Pine stated he does not believe it is appropriate at this time for him to present his plan. Under Sunshine he believes comments should be considered not given as performance.

Mr. Pine stated that his proposal was never put on the agenda. He has in fact been repeatedly denied access to the process. Mr. Pine stated he was denied the right to make a proposal and presentation in an appropriate fashion to the Committee. In view of the adoption tonight, the Committee has made that issue ripe for challenge and he will do so. He stated the Committee has a legal responsibility to abide by laws, which it has failed to do. He also feels the Committee has failed to abide by the voters' intent. Mr. Pine stated he will allow the courts to decide that.

Mr. Horner inquired of Mr. Pine if since he submitted the colored sketch, had he submitted anything to the Parks and Recreation. Mr. Pine stated, no, and asked if the City of Titusville had. Mr. Horner asked Mr. Pine if he believes he has been denied the the opportunity to expand and expound on his plan. Mr. Pine stated that he believes that it is his position that he has not only

been denied an equal opportunity to make the original presentation, he has been denied the opportunity to respond to requests from this Committee. He has been denied access to the agenda, as well as expounding on the issue. Mr. Horner asked Mr. Pine how many times he spoke at the last meeting. Mr. Pine stated that is irrelevant. Mr. Horner stated five. Mr. Pine stated that is not relevant to making a presentation to this Committee. He stated he has commented many times that he be allowed to be on the agenda. That does not affect his right to make a presentation.

Thelma Roper stated she had originally put in a card under this because she was under the impression there would be additional discussion. She asked that if the City's plan were to be drawn by Mr. Rice, could Mr. Pine's plan be drawn by Mr. Rice. But since it is no longer in discussion, it is not necessary. Ms. Roper stated she has seen from the Committee about what she expected.

V. NEW BUSINESS

Mr. Nelson stated the only question would be when to meet again. He asked to reserve the right to call the Committee into session based on action by the BOCC after July 22. The only other thing to bring the Committee back would be to update the status of the project based on how the design is going.

Mark Leslie congratulated all for going through the process which hasn't been easy and encouraged all to look to the future where decisions will be easier.

VI. PUBLIC INPUT

Joan Wheeler thanked the Committee. She said that staff has bent over backwards to accommodate the City of Titusville on these projects, not only Marina Park, but others too. She wanted to suggest one thing, as these plans are being made, one of the Little League board members said at one of the City Council meetings, their main interest was their ball fields but wanted it to look like a park, not a parking lot. She hopes that is kept in mind. She also hopes low maintenance shrubbery is placed against the north fence to hide the industrial business to make the park look like park.

Thelma Roper stated she does agree with what "we" have now, she's glad the plan with parking to the north is not being done, and agrees with shrubbery along the northern fence. She stated she doesn't think that everyone has been considered with everything that has gone on here, but is glad to see it came out the way it has. She does wish other interests had been considered.

Walter Pine stated he does believe there have been a number of things left out. There are a number of legal issues that have not been properly clarified. The State requires certain processes before taking some of the actions the Committee has taken, which the Committee has failed to complete or even apply for. He stated he is glad it has gotten to this point because the question is ripe for him to do something with it. He stated he is saddened that the Committee failed to meet their duties as a citizens of the State and as members of this Committee. He has stated a number of times there are legal questions which need to be defined. The Committee has stuck their heads in the sand, and he believes some have done so intentionally. This process has been extremely contentious because some people want to benefit from it. There was not intent on the public Referendum for any private benefit. While he doesn't believe it is explicitly excluded (he

later said included), he does believe the input that was included by altering the plan violates the intent. If the plans had been made without including special interests and benefitted them, there would have been no problem. However, the County has intentionally altered the composition of this Committee to benefit certain special interests and this Committee has shown no difficulty in benefitting those special interests. The Committee is supposed to act for the voters in general. That is the one thing people complain about with all the politicians. He stated he hopes that next time special interests won't be given such extreme consideration.

Mr. Horner stated he takes exception to most of what was just said, but admits to having a special interest since this first came up. His special interest is the park, has been, is now and will be—just the park.

Susan Canada thanked all, even though she has disagreed on many of the items. It means a lot to have a park for the whole community not just one business. There are several companies there and when you check into their backgrounds there are facts out there that could be an embarrassment to the community and to City Council. She reviewed the various companies in the area. She made an offer if it is decided to build a walkway over the tracks to property which is for sale to the north of Mr. Gray and he would build an aviary, she will donate a lot of parrots and cockatiels and maintain the aviary as long as he redoes his reception area.

Chairman Nydam asked about getting a ruling on the zoning on the parking for business or recreational or if there is a difference. He spoke of future use if feasible in the long run when money comes available.

Mr. Horner requested a clarification from Mr. Nelson whom he heard to say earlier that the Committee would be on call depending on what happens at the BOCC meeting if anything. Mr. Horner asked if the Committee would like to set a firm date to close out subsequent to the BOCC July 22 session. As there were conflicts on July 28 and August 4, it was decided August 11 would be the best date. Mr. Nelson stated that if the BOCC gives a date within a fixed time period to get something accomplished, he will let the Committee know.

VII. ADJOURNMENT

The meeting adjourned at 9 p.m.

Respectfully submitted,

Paul Nydam, Chairman

jbi