

MARINA PARK REFERENDUM COMMITTEE MINUTES

Minutes of the Marina Park Referendum Committee, appointed by the North Brevard Commission on Parks & Recreation, held Monday, August 11, 2003, 6 p.m., in the Brevard Room at the Brevard County Government Center-North.

Members Present

Paul Nydam, Chairman
JiJi Connolly
William Horner
Pat Lafferty
Francis Reilly
Mark Leslie, City Liaison
Ted Beck for Ken Carlson, NBCPR Liaison

Members Absent

Rick Manning
Ken Carlson, NBCPR Liaison

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

City Staff Present

Roy Crawford, Executive Director of Development

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

Minutes of July 14, 2003, were approved at the motion by JiJi Connolly, second by William Horner.

AYE: Connolly, Horner, Lafferty, Nydam, Reilly

NAY: None

Carried 5-0

Mr. Nelson suggested that while the computer was re-starting, the committee review the additional correspondence which was received since the packet went out.

III. STAFF REPORTS

Mr. Nelson reported representatives of the City of Titusville made a presentation to the Board of County Commissioners (BOCC) about two weeks ago. At that time the BOCC took no action, so the Committee is to continue to proceed under their original direction from the Board. Additionally, 14 pages of correspondence were received since the packet went out, relevant to the discussion this evening. The last letter is a request to look at continuing this meeting to a later date to allow Walter Pine to prepare a presentation, and he has requested a specific amount of time for a presentation. The Committee took several minutes to review the information.

IV. OLD BUSINESS

Chairman Nydam, noted that at the last meeting, the Committee adopted the County plan but asked for additional detailed work, which means the Committee has not submitted it for approval.

Chairman Nydam stated the need to focus on the details of the County plan. He understands the City wants to make a formal presentation on their plan unless the Committee objects. Chairman Nydam stated he would like to hear the City present their ideas. The Committee could then see if some of the City's ideas or other ideas could be incorporated into the County plan.

Bill Horner raised a point of order. He objected strongly to the order of the agenda as printed for numerous reasons. He distributed copies of documents to the Committee, liaisons, staff and copies for the public. He asked for time for perusal by the Committee, liaisons and staff. Chairman Nydam asked Mr. Horner to summarize the documents.

Mr. Horner directed attention to the top page which is an enumeration of attachments. The second is a letter which sets forth reasons why he thinks the agenda is in improper order, primarily because at the last meeting, the order of business was County first and then the City. He hasn't been able to come up with any rationale why the order of business at a previous meeting has now been flip-flopped. He thinks the Committee should stick with the original agenda order. It is a question of perhaps semantics. Two drawings are attached. First is the drawing of April 2002, which makes the County plan which was presented to the North Brevard Commission on Parks and Recreation (NBCPR) a lot older than the City plan. The second drawing is from August 2002, which he refers to as the Vectorworks drawing, which carves out the five acres in the NW corner for parking and stormwater. Mr. Horner stated the oldest business should be taken first.

Mr. Horner stated he wanted to make a motion, and noted the Committee knows the chairman has the responsibility, with the executive secretary, to prepare the agenda. He does not believe this particular agenda was prepared by either both or one of them. Chairman Nydam explained that he specifically asked to have the City plan first, and the County plan second, because the Committee would need information from the City presentation and their input would affect the second part of the discussion, which just makes sense. Mr. Horner asked the chairman if he was involved in this agenda prior to or subsequent to distribution. Chairman Nydam stated prior to.

Mr. Horner stated that the City plan was presented at the June meeting. It was discussed and evaluated. It was again discussed when the Committee had the City's drawing of their concept. The Committee has already discussed the City plan at two meetings and at the second meeting this Committee voted 4-1 to adopt the County plan. Mr. Horner questioned why the Committee was hearing the City plan again. This is a critical point because the Committee voted for the County plan. He would characterize this as the City wanting a third bite of the apple. It was presented at two of the meetings which he would consider as one bite. The City then decided to bypass this Referendum Committee and the NBCPR and went to the BOCC, bite number two. Now the City of Titusville, not their representatives present, wants a third bite which he thinks is not proper. But even more importantly is that in the order of old business, the Referendum Committee business comes first.

Motion by William Horner that the Committee consider and vote on the order of business. Will it be the City first or the County first in continuity with the previous orders or business? The motion failed due to lack of a second.

A. City of Titusville Presentation

Roy Crawford, Executive Director of Development for the City of Titusville, stated the City Council did present the City concept plan to the BOCC on July 22. The BOCC did ask the City to come back through this process. Mr. Horner is right, the City has presented it's conceptual layout, for the third bite as Mr. Horner calls it at what the City thought was the request of the BOCC. What the City is asking the Committee to do is to present a park concept. The City's

intent never has been for it to be a detailed engineering drawing. It is a concept which was not prepared by engineers. The City Council has always said it has three goals in mind with this concept: (1) a north parking lot, (2) adequate boat and trailer parking, and (3) to separate the first two concepts. Mr. Crawford stated that most of the concepts the Committee has talked about could be incorporated. He thinks the City would welcome the chance to have an engineer look at the design concept. The final thing that everyone should be aware of is that this park is within the City's Community Redevelopment Agency's (CRA) area. Marina Park is a part of the City's downtown and the reason he mentioned that is to make everyone clearly aware that both the City's Planning and Zoning Commission and the CRA must approve any plans for any construction worth more than \$50,000 in the CRA area. Also the City's interlocal agreement with the County requires City approval for construction more than \$5,000. Mr. Crawford stated that is just information for the Committee's use; it is not meant as a threat.

Chairman Nydam asked Mr. Crawford, if he had a good opportunity to review the County plan and compare to the City plan. Mr. Crawford stated he wasn't sure he has seen the latest plan before the Committee. Chairman Nydam noted that the perk tests will affect a lot and may not support parking lot in the north. That is why the Committee must consider all options.

Francis Reilly requested that the chairman ask Walter Pine to take a seat as it was making him nervous seeing him walking back and forth. Mr. Reilly stated that with the way things are today with everything going on and lawsuits being threatened, he was uncomfortable seeing Mr. Pine walking around. Mr. Nelson stated he had never run into that before, but believes so long as Mr. Pine is not interfering with conducting business, he would be able to continue inasmuch as he is in the back of the audience. Mr. Reilly noted that Mr. Pine has a habit of coming up to the front table and talking to people and moves all over the room. If everyone were to get up and start moving around the room, there wouldn't be much of a meeting.

Mr. Horner asked to follow the agenda when Susan Canada asked to speak on Mr. Pine's behalf regarding a disability. Mr. Horner stated the Committee is headed down the path as in two previous meetings when the agenda is not followed. Mr. Horner stated he thinks there has been a precedent in other meetings where people have stood, milled about in the back of the room with signs in City Council and BOCC meetings, but it is a little distracting. Mr. Horner stated he doesn't take serious objection to it, but prefers people be seated.

Mr. Nelson apologized in that he has never had this particular question raised during 30 years of service. He would think Mr. Pine has the ability to continue to walk back and forth as long as it is not interfering with conducting the meeting and suggested erring on the side of caution. Mr. Nelson will get an actual ruling for the next meeting.

Woody Rice explained as to percolation, typically, in the design process it starts with a conceptual plan for a general idea of where to locate the stormwater pond to reduce the area to be tested, but can have alternative sites for testing at the same time to avoid the expense of the geo tech coming back two or three times. Drilling is also done for parking areas and for structures.

Chairman Nydam asked Mr. Crawford if he has any specific questions or suggestions about modifying the County plan. Mr. Crawford stated that of the three things mentioned that City Council is most interested in, two are already met with boat and trailer parking and a separation between the two types of parking. He doesn't know if the marina people think the boat and

trailer parking is adequate. The third that is not included is the north parking. He thinks an engineer could look at it and meet all the goals.

Chairman Nydam asked if the Little League parking were moved to the north side and still had a curve, would that work for the City and if it would be a longer distance for people to walk from their cars to the baseball fields. Mr. Crawford stated that on the face of it, it looks like it would meet the City's goals. Mr. Nelson stated it would be 120 additional feet to walk to the senior field. Chairman Nydam stated then it would be good to also flip-flop the fields.

Mr. Horner asked Mr. Crawford if anything had changed on the City's drawing that was submitted at a previous meeting. Mr. Crawford stated that the plan on the table should be the same plan that was seen before. Horner asked, as to the plan not being drawn by an engineer, who JMS is on that plan. Mr. Crawford stated he believes it was Jim Stevens who is CAD technician in the planning office, under Keith Cunningham. Mr. Horner stated he believes the City has a certified engineer. Mr. Crawford stated Mr. Votpka is a P.E.

Mr. Horner asked Mr. Crawford if he knew why the City reconfigured the ballfields and put the senior field on the north. Mr. Crawford stated he didn't know, but didn't think it was anything magic about where the ballfields were located. Chairman Nydam noted Mark Leslie had addressed that during his presentation. Mr. Leslie confirmed it was due to the walking distance from the parking lot. The largest field is on the south on the City concept. It is 120' less to the center of the complex by having the smaller field to the north. Mr. Horner noted that the stormwater was reversed on the City plan. Chairman Nydam stated that will be determined later.

Mr. Horner asked why the City eliminated the south parking on the County plan which he took was to make room totally and completely for boat trailers. Mr. Crawford stated, not entirely. There is a small lot along Marina Road in the SW corner to accommodate cars. Mr. Horner asked why the City put the parking on the north when the County had none on the north. Mr. Crawford stated the City was trying to separate the boat parking from the car parking. Mr. Horner noted the County plan has the boat parking totally separate from the Little League parking. Mr. Crawford noted the distance probably is about the same either way to get to the center of the quad.

Mr. Horner asked why the City put all the parking on the point. He observed the County had none, but had gazebo, trees, walkway. The City has about 25 parking spaces almost filling up the point. Mr. Crawford stated the intent was to put parking there for persons using the gazebo, not necessarily for boat/trailer parking. City Council has heard people would like more picnic shelters and that is why the gazebo was put there.

Mr. Horner noted the City takes up the entire south portion of the park and almost half of the waterfront for boat/trailer parking. The County has parking consolidated in a clump in the SE portion.

Chairman Nydam noted the Committee is to get ideas from the City which could be incorporated into the County plan and he restated the need to focus on the County plan.

Mr. Horner asked if the stormwater that is depicted on the City plan is intended to accommodate the park as well as what Vectorworks wants to share with the park. Mr. Crawford stated he

doesn't think so, but he is not an engineer and neither are the people who drew the plan. He noted that would be addressed after the geologist reports are received, to which Chairman Nydam concurred. Mr. Horner wanted to know if the City plan incorporates Vectorwork's desire to share stormwater, noting the County plan stormwater is limited to County park needs.

Mr. Reilly noted the City's plan is not professionally drawn and asked if Woody Rice could draw the City plan. Chairman Nydam stated the focus tonight is not on the City plan, but rather on the County plan which the Committee might want to modify. Mr. Reilly stated he wants the record to show he asked for a professional drawing of the City plan. Chairman Nydam asked why. Mr. Reilly stated so the Committee can see where the water retention will be. Chairman Nydam noted that won't be known until further down the road.

Mr. Horner asked staff if it would be appropriate to spend Referendum dollars to more professionally layout the City's plan which would support a plan that another entity proposes. There was another plan floating out there that wasn't done by an engineer. He believes that was cast aside for spending Referendum money because so many could ask for drawings. Chairman Nydam stated he didn't think it would be a wise move because the Committee has already adopted a plan.

Mr. Reilly pointed out that the City has the approval for any expenditures over \$50,000.

Mr. Nelson stated that in terms of the process, the question is could this Committee authorize the A&E to create a drawing. He thinks the answer is probably yes, but thinks as staff person, there are some problems with the plan that he would want to discuss with the Committee, because of some of the layout issues discussed previously. More appropriately the Committee has the ability to take the County plan and tweak and make minor changes that ultimately leads to a plan, absent all the issues of joint use. The typical process is for a committee to look at a plan and continue to complete it. Mr. Nelson stated that he thinks playing one plan against the other pushes the envelope. Chairman Nydam concurred. Mr. Nelson stated he thinks the Committee has the option to make whatever final modifications they believe to be appropriate.

Mr. Horner stated that as far as tweaking the plan that the Committee voted for, he had the impression this Committee had gotten to the end of the line. Chairman Nydam stated that was adopted four to one. Mr. Horner noted there was no reference to tweaking, but staff and the engineer will have to tweak things. He stated he has no tweaks and asked if anyone else on the Committee had any tweaks. There was no response.

Chairman Nydam asked if there was any more discussion on the plans. He gave an overview. Focus is on the County plan which was adopted, and the Committee can make little or substantial changes. He thought if the Committee took some ideas from the City which Mr. Crawford presented, take the City plan for the ballfields where the small ballfield is on the north which would flip-flop the ballfields on the County plan. The large field would be on the south. For the ballfield parking that is on the south, move the entrance and parking loop to the NW. Starting at the north, the 50 foot buffer would be next to the fence, then there would be the wet retention, then the parking loop around the north end of small field. Discussion ensued.

Mr. Horner raised a point of order that some of the discussion was not going into the record. He also raised a point of order on moving on to public input. Chairman Nydam stated it is

comments on the agenda item. Mr. Horner asked when the Committee will get to item B under Old Business. Chairman Nydam moved on to comments from the public.

Susan Canada stated one of the reasons the County plan was adopted is that it includes hedges for safety to separate parking. She spoke of safety of children, noting the less areas of traffic or roads the better.

Ms. Canada asked if the Committee was aware of Composite Construction and Real Estate. They purchase large warehouses and large buildings which they divide up into separate little areas for leasing sections to different business, industries, and commercial property. At a recent City meeting it was stated by Jeff Gray that Vectorworks didn't need this, but if someone else were to come along, they may need it for retail, which is exactly what Composite Construction and Real Estate does.

Ms. Canada continued by saying that on Vectorworks applications, they are now asking if one can work a second shift. Ms. Canada asked how a second shift would be worked at Vectorworks and still have parking for Little League.

Ms. Canada stated she has contacted several attorneys, including the County Attorney. Since this would be exclusive parking for the building that Composite Structures or Vectorworks Marine is putting in, they do have vested rights no matter what is signed. The building cannot be built without this parking and retention.

Ms. Canada reported she checked into some of the adjoining property owners. Most are the City or Rick McCotter.

Ms. Canada noted that under the City plan, there is less area for waterfront as more is covered with parking.

Ms. Canada stated the County could always pull their money, go to the State and ask for the park. She thinks that before moving parking for one business, it should be checked as to how feasibly sound it is and what businesses are included in it. If the building ends up like others that Composite Structures or Composite Construction and Real Estate has, it will be divided into retail. She asked where Little League will park if Vectorworks works a second shift. She thinks the park should be designed for the community, not for one business. She urged the Committee to leave the County plan as it was adopted except for the addition of the building and other thing Little League needs. She encouraged making this a good park for Little League and a good park design for children, not one business.

Joan Wheeler stated she wanted to speak on both A and B. Mr. Nelson noted B was not for a presentation, but for the Committee to make a final vote for the park plan to be presented to the advisory board.

Joan Wheeler stated she hoped that all had a chance to read the information she sent to the Committee. There is an ordinance she found from 1995 that gives the last word to the County Commission. When she heard the City presentation to the BOCC, she understood Mr. Nelson tell the Commission that this Committee had voted for the County's plan. She stated she was on the Pier Committee which met for at least four months until the Committee could come around to

do exactly what the City wanted as to size. She stated she looks at this the same way if it has to keep coming back to accommodate the City. The Pier Committee had a conceptual plan which was approved with one dissension, but the restrooms have been tweaked from east side to the west side. There will be tweaking that the Committee will not have the ability or information to do any about. As she remembers, there was one of the Little League men that made a speech at City Hall who said he would like this to look like a park, not a parking lot. It looks like that is how it will look if the plan is jiggled around for Vectorworks to have parking next door. She concluded with saying, as to things about safety, parking on the north side is for Vectorworks, let's not fool anyone.

Bea Polk stated she guessed the public will be coming back for four or five years. The more meetings, the worse it gets. She asked the Committee to go ahead and finish the County plan tonight which was voted on. If something else has to come up, it can be brought back. She asked if it was thought that the public would give up after awhile if there are more meetings. She asked if the Committee is interested in giving the public a park or a parking lot. She noted there is more interest in giving Vectorworks parking places than in giving recreation for everyone, not just children. She asked how many more pieces of land on the river Titusville has. She has fought for this riverfront for years but never has she seen anything like this for a parking lot for a private business. She said the City does not have the final say. When the City was giving money to the County, they might have said that, but this is different. This is County and City money. She suggested the Committee finish what they started last time and get things going. She noted that if the park is not built soon, some may not be here to enjoy it.

Walter Pine first asked for a public records request as to who unilaterally imposed the three minute limit. Mr. Horner has made some issues very clear in regards to this.

Mr. Pine continued by stating that this Committee adopted a plan with certain amendments which is being reconsidering without so much as a vote. He stated he doesn't know who chose to reconsider it. He may not agree with it and may not like it, but that is the Committee's job. When a committee adopts something, that means something. If the Committee hasn't adopted it, then this floor is open to all proposals, Mr. Pine's included. If the plan has been adopted, then someone has exceeded their authority tonight, because the Committee is clearly reconsidering the issue of the proposal.

Mr. Pine further stated that he believes that certain issues of the proposals currently before the Committee violate the dedication which puts the park at risk and could be turned over to the Public Lands Trust and vested interest could be exercised to have that land removed from the County and City. The City has consistently supported Vectorworks and has consistently said they want the shared use agreement for stormwater and parking.

Mr. Pine reminded the Committee the first time he appeared he stated that none of the plans mean anything before the percolation tests. He said it was explained to him that the tests weren't needed because reasonable conjecture could be made. Now the Committee is being told they have to have percolation tests. Those tests determine where anything can be put. This Committee has certain duties and responsibilities which have not been exercised in an appropriate manner. Mr. Pine stated he has chosen to test those in court. Equal access is one of those. If the Committee is unwilling to comply with their own County policy, and the Constitution, then he thinks there is a significant problem. The proposal should not be

reconsidered without a vote by the Committee. The Committee deserves the respect to be given the opportunity to determine whether or not that will be reconsidered. They have not been given that respect. The City of Titusville is on the agenda presenting other issues and reconsideration is clearly being discussed.

Mr. Pine continued by saying in regards to some of the other issues such as whether or not the City has the right to authorize or vote on this, it is clear in the Referendum that maintenance and care of the facility shall be according to the tax proceeds. That supercedes the previous interlocal agreements which was for maintenance and care of parks. Where it supercedes or conflicts, it invalidates the previous agreement. In regards to those financial considerations it puts the burden on the County and this Committee. The Committee is here to make a recommendation to the NBCPR who will make a recommendation to the BOCC who will actually vote on it. The Committee is not here to continually rehash the same issues. He stated that if the Committee can't do their job, then get someone who can. The Committee has made and adopted a proposal. Formalize it and send it forward and let's be done with it.

B. Formal Presentation to the North Brevard Commission on Parks and Recreation—Chairman Nydam asked for comments from Committee members.

Pat Lafferty asked what the Committee's next step is and stated he tends to agree with some of things said tonight. He stated he wasn't at the last meeting, unfortunately, and the Committee adopted a plan. Mr. Lafferty stated he is ready to move on. Tweaking is one thing, but totally redoing parking, moving fields back and forth is another thing.

Mr. Nelson reported this item on the agenda is the reaffirmation or whatever the Committee chooses to do related to the plans. Mr. Pine's point, if the Committee wants to modify the plan, a member who voted in the majority must make that motion to reconsider; a minority member could not make that motion to reconsider. The idea for this evening was to reaffirm the original vote and send it on the NBCPR.

Pat Lafferty made a motion to continue with the adoption made at the last meeting with allowance for storage and batting cage, and moving the jutout on northeast corner to keep it away from parking, and adopt the motion as stated at the last meeting with those three changes and move on. Second by JiJi Connolly.

Mr. Horner stated he agrees to move on. The Committee did vote for the one plan, but would like to offer an amendment to what Mr. Lafferty has offered.

Mr. Reilly asked for Mr. Horner to wait because Mr. Pine was interrupting Mr. Nelson who was not able to pay attention to the Committee.

Mr. Horner continued, with the amendment to include the following words:

Recommendation to the North Brevard Commission on Parks and Recreation. (1) During the meetings from April 2003 to July 14, 2003, the Referendum Committee considered, discussed, evaluated and compared all the plans submitted to it. These plans came from the Parks and Recreation Department and it's A&E, the City of Titusville, and citizens of North Brevard. Substantial input from citizens speaking was considered by the

Referendum Committee. (2) At the July 14, 2003, meeting, the Referendum Committee voted four to one for the County plan that was presented to them that evening. (3) Therefore, the Referendum Committee is recommending this County Plan to the North Brevard Commission on Parks and Recreation for its consideration. Provide copies to Members of the Board of County Commissioners, Members of the City Council and Community Redevelopment Agency, the Parks and Recreation Department, North Area Parks Operations, *Florida Today*, *Star Advocate*, and the *News Observer*.

Mr. Horner noted that in the guidelines of duties for the committee, the paramount duty is that the committee shall act solely as an advisory capacity to the NBCPR and prepare recommendations.

Chairman Nydam inquired of Mr. Nelson how the Committee is on the overall project timeline for presenting this and if it is behind. Mr. Nelson responded the design needs to be completed because there is a permitting process. This project is tied to Chain of Lakes, and the permitting issues there have been resolved, so it is ready to move forward shortly. The Marina project needs to move forward within a minimum of 60 days.

Mr. Lafferty and Ms. Connolly agreed to incorporate the amendment from Mr. Horner.

It was determined there were no speaker cards from the public on this item.

Motion by Pat Lafferty, seconded by JiJi Connolly, both of whom accepted an amendment by William Horner as follows: Recommendation to the North Brevard Commission on Parks and Recreation.

(1) During the meetings from April 2003 to July 14, 2003, the Referendum Committee considered, discussed, evaluated and compared all the plans submitted to it. These plans came from the Parks and Recreation Department and it's A&E, the City of Titusville, and citizens of North Brevard. Substantial input from citizens speaking was considered by the Referendum Committee.

(2) At the July 14, 2003, meeting, the Referendum Committee voted four to one for the County plan that was presented to them that evening, with allowance for storage and batting cage, and moving the jutout on northeast corner to keep it away from parking.

(3) Therefore, the Referendum Committee is recommending this County Plan to the North Brevard Commission on Parks and Recreation for its consideration.

Provide copies to members of the Board of County Commissioners, members of the City Council and Community Redevelopment Agency, the Parks and Recreation Department, North Area Parks Operations, *Florida Today*, *Star Advocate*, and the *News Observer*.

AYE: Connolly, Horner, Lafferty, Nydam

NAY: Reilly

Carried 4-1

V. NEW BUSINESS

Mr. Reilly stated he was a little concerned about telling the newspapers what to say. Mr. Horner

said he indicated a copy of the formal recommendation was to be provided to the newspapers.

Chairman Nydam asked about zoning for business use should the City override the Committee and parking is put in the north. Mr. Horner stated he doesn't see any parking on the north in the plan voted on. Chairman Nydam stated it was just a general information question he wanted to know about. Mr. Horner noted it is outside the plan adopted. Ms. Connolly stated she doesn't think it is the Committee's concern at this particular moment. Mr. Nelson stated the chairman has the ability to ask that question of staff independent of the Committee and the rest of the Committee members will be copied.

In response to a question from Mr. Nelson, it was agreed that Chairman Nydam would make the presentation to the NBCPR on August 21 at their 5 p.m. meeting. Mr. Nelson stated that because it is an advertized meeting, other committee members are welcome to attend the meeting.

VI. PUBLIC INPUT

Walter Pine stated he is glad that it has gotten to this part. He thanked Mr. Reilly for his comments earlier regarding his walking around. In regards to his talking to Mr. Nelson, Mr. Pine stated that it is clear and precedent of the law that any member of this Committee or the public may get up and talk to staff if it does not interrupt the meeting. He announced he is contesting the decision of this Committee and the way this Committee has be set in court. He does believe there have been some things done that are inappropriate. He doesn't think any member of the Committee, with perhaps the exception of one or two, or the staff, have done anything individually with the intent of causing any harm to his civil rights. However, the situation in it's totality has served to destroy voters' rights, his right of equal access, and civil rights. He thinks it is very important those be tested. If he is wrong, he'll lose. If he is right, it will be upheld. That will be determined by a judge of independent opinion. In regards to the way staff has handled this, he thinks staff has been overloaded. Mr. Pine stated he wants it on the record that he thinks it is inappropriate that administrative staff be required to carry the additional load of these committees without additional resources or manning while at the same time other departments of Parks and Recreation, such as planning and project management are receiving additional personnel. He feels this is a major burden on the people in the North, Central or South Areas. These committees take up a significant amount of time and effort. He feels they should have additional manning and resources. He thanked the Committee for putting up with him and he hopes things work out for the best.

Mr. Horner asked to address Mr. Pine. He stated that Mr. Pine's language on occasion is rather strong and wonders himself if this Committee has done anything properly or correctly or reasonably. He asked Mr. Pine about the opening sentence in his letter of August 11, 2003, written to the chairman, attention Cheryl Page, as follows: "It has become the habit of the Marina Park Referendum Committee to deny equal access." Mr. Pine stated that is very simple and very plain. Tonight when there was a discussion to reconsider issues of an already adopted plan without providing or opening the floor to additional proposals; that is a problem; that is not equal access. Mr. Pine stated that if the Committee just discussed and went on forward with the adopted plan, he would have had no grounds for complaint. Mr. Horner asked Mr. Pine if he was in the room when he made his initial presentation about the agenda. Mr. Pine stated "yes, sir." Mr. Horner asked if he still feels that he (Mr. Horner) had denied equal access after his suggestion that the Committee go with the County first, and the City next. Mr. Pine stated he didn't hear any motion to go forward with the adoption without considering the City's proposal.

Mr. Horner asked Mr. Pine if he heard what Mr. Horner just said. Mr. Pine stated, "yes, sir." Mr. Horner noted this was once again a complete broad speaking overstatement regarding the entire Committee that has denied him equal access. Mr. Pine thanked Mr. Horner for agreeing with him.

Thelma Roper thanked the Committee for going ahead and going forward with this right now. She indicated she doesn't think anything else could have been done. She did have one comment though, the Committee members all have microphones on the desks which is at her request, so she can attend the meetings. She stated that if anyone would be distracted with extra conversations, it would be her. She guaranteed she could hear. She stated she really doesn't think that any of the other comments that were made tonight were necessary. She thinks there is a precedent in any number of meetings where members of the audience will talk to the side for a moment, or another member of the committee will get up and go talk to another member of the committee, which technically, if the two are voting members of the committee, is against the Sunshine Law. She thinks the little conversations that go on up here that are inaudible are a bigger complaint than anything else. As far as calling down a citizen the way Mr. Reilly did, is very inappropriate especially if one doesn't know all the circumstances, and requested that comments are withheld until one has spoken with the person involved.

Mr. Reilly responded by saying he has been told that Mr. Pine is going to subpoena him and bring him into court. He mentioned that today people worry about people walking in armed with guns. Metal detectors are in all the schools and public buildings. There are people that will do strange things. To him a man who is about to hand him a subpoena and is prancing back and forth throughout a room is very distracting. Mr. Reilly said he stopped the meeting because the Director of Parks was interrupted by Mr. Pine, so that Mr. Nelson could not listen to what the Committee was saying. Mr. Reilly stated he did not tell him he couldn't. He stopped the meeting until he finished.

VII. ADJOURNMENT

Motion by Francis Reilly, seconded by JiJi Connolly to adjourn.

Chairman Nydam thanked Mr. Roy Crawford from the City for appearing, and for all the public input.

Mr. Nelson confirmed for Mr. Horner that this Committee is ongoing and still exists and will be given some periodic reports on the progress of the project by email and printed form and the Committee may be asked to meet periodically for updates on the progress.

The meeting adjourned at 8:12 p.m.

Respectfully submitted,

Paul Nydam, Chairman

jbi