

**NORTH BREVARD COMMISSION ON PARKS & RECREATION AND  
MARINA PARK REFERENDUM COMMITTEE MINUTES**

Minutes of the Joint Meeting of the North Brevard Commission on Parks & Recreation (NBCPR), an advisory board, and the Marina Park Referendum Committee (MPRC), appointed by the NBCPR, held Thursday, September 11, 2003, in the Brevard Room at the Brevard County Government Complex North in Titusville, Florida.

NBCPR Members Present

Ted Beck, Chairman  
Dr. Ron Bobay  
Barry Gainer  
Gigi Henkel  
Scott Johnson  
Charlene Neuterman  
Chris White

NBCPR Members Absent

Ken Carlson  
James Mack

A&E Present

Woody Rice, Honeycutt & Associates

City Staff Present

Roy Crawford, Executive Director of Development  
Jim Herron, Public Works Director  
Richard Stillwagon, Grants Coordinator

MPRC Members Present

Paul Nydam, Chairman  
Susan Canada  
JiJi Connolly  
Pat Lafferty  
Francis Reilly

MPRC Members Absent

Rick Manning  
Mark Leslie, City Liaison  
Ken Carlson, NBCPR Liaison

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 Lane, Recreation Superintendent  
Mike Rubacky, Parks Maintenance Superintendent  
Judy Inman, Administrative Secretary

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**I. CALL TO ORDER**

Chairman Ted Beck called the NBCPR to order and Chairman Paul Nydam called the MPRC to order at 5:08 p.m.

**II. APPROVAL OF MINUTES**

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**Motion by Charlene Neuterman, seconded by Barry Gainer, to approve the North Brevard Commission on Parks and Recreation minutes of August 21, 2003.**

**AYE: Beck, Bobay, Gainer, Johnson, Neuterman, White**

**NAY: None**

**Carried 6-0**

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**Motion by Francis Reilly, seconded by Pat Lafferty, to approve the Marina Park Referendum Committee minutes of August 11, 2003.**

**AYE: Connolly, Lafferty, Nydam, Reilly**

**NAY: None**

**Carried 4-0**

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**PUBLIC COMMENT**

William Horner praised the recording secretary, Judy Inman, on the minutes of the NBCPR and the MPRC and stated the minutes are almost like being there.

### III. COMMITTEE APPOINTMENTS

Cheryl Page reported the NBCPR tabled the appointments pending the results of the lawsuit. On September 8, the judge dismissed it without prejudice and gave the petitioner 20 days to re-file.

Mrs. Page read the vacancies and alternates for the seats for the Causeway Referendum Committee and MPRC. Chairman Beck noted that if appointments are not made at this time, both committees have enough to have a quorum.

Dr. Bobay suggested that if it is felt the recommendations of the MPRC would be completed tonight, he would suggest delaying appointments if the Committee is going to end.

#### PUBLIC COMMENT

William Horner congratulated Ted Beck and Barry Gainer on their reappointments to the NBCPR by the City of Titusville. He stated that it was with much regret that he submitted his resignation from the MPRC on August 22. He wished the MPRC all the luck in the world, but indicated he is afraid that it has ceased to exist for all intents and purposes. He stated it had been a privilege to work with the Committee and concluded by stating "Let's play ball."

Thelma Roper stated that the lawsuit was dismissed and even though there are 20 days to re-file, that should have no bearing on the Causeway Committee or the MPRC appointments. She stated she was totally appalled by what she heard and saw here last time regarding committee appointments. She noted the limited time for speakers. She stated she has heard some things about Mr. Pine being so argumentative. She has seen him in committees at the State level in a room where there is disagreement, but all spoke rationally and both listened. Comments made last time were totally out of line and should not have been spoken in this type of a forum. She suggested if board members can't work with the other members of the public, they don't need to be on the board and should resign.

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**Motion by Barry Gainer, seconded by Gigi Henkel, to appoint Susan Canada to the Marina Park Referendum Committee.**

**AYE: Beck, Gainer, Henkel, Johnson, Neuterman**

**NAY: Bobay, White**

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**Carried 5-2**

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**Motion by Barry Gainer, seconded by Chris White, to delay the appointment of Walter Pine to the Causeway Committee and the Marina Park Referendum Committee to the outcome of the 20-day waiting period.**

**AYE: Beck, Bobay, Gainer, Henkel, Johnson, Neuterman, White**

**NAY: None**

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**Carried 7-0**

### IV. MARINA PARK REFERENDUM PROJECT

It was agreed three minutes should be sufficient for public speakers in as much as public comment has already been received, and extensions can be made. Speakers will be allowed to speak one time to an agenda item. Mr. Nelson noted for the record that three minutes with extensions has been the practice for all advisory boards.

Chairman Beck turned the meeting over to the MPRC Chairman Paul Nydam.

Chairman Nydam reviewed the mission which was to reconsider, take a look at the plan, and try to incorporate the City comments at August 21 NBCPR meeting. Based on their comments and ideas, staff had Honeycutt & Associates incorporate the ideas into the plan.

Mr. Nelson reviewed the suggested changes:

- Parking be placed on the north side. In response to Ms. Polk's questioning if it was some or all of the parking, Chairman Nydam stated he understood all the ballfield parking was to be on the north.
- Boat parking was increased to 38 spaces. Woody Rice reported two general parking spaces were lost, primarily due to placement of the playground, and he doubted they could be regained in that area because the City of Titusville requires a landscaping separation after 15 spaces in a row. He could look elsewhere for two spaces.
- Parking will be available along Marina Road for overflow situations.

Chairman Nydam stated the focus was to look at the County plan and incorporate any ideas from the public or the City into the plan. He noted that because of Vectorworks, some didn't want any parking in the North. He stated the Committee's goal has nothing to do with Vectorworks. The new design looks well balanced. Comments at the last meeting were that it looked congested at the south. Moving parking to the north will improve traffic flow. He noted the Committee's mission is to design a park and not get into the political issues.

Susan Canada noted that Councilmen Eigenmann and Broome said they did not see the plan where the Committee separated boat and general park parking. Their main concern was that there was enough boat parking and that it was separated from the Little League parking. They and Mayor Swank didn't think all the parking would have to be on the north. She spoke against parking on Marina Road, in the north and the southeast because of the difficulty of watching children. She suggested keeping the parking more to one side and away from the children.

Francis Reilly stated he likes the plan presented tonight and that it looks compatible to him with the Municipal Marina.

JiJi Connolly agreed with what Mr. Reilly said and added it looks very feasible to her.

Pat Lafferty asked if the Committee had rescinded it's previous recommendation because the plan before them is not what was approved. Mr. Nelson explained it was sent back by the NBCPR for consideration. JiJi Connolly stated it was denied. Mr. Nelson noted the MPRC serves on behalf of the NBCPR. The plan approved by the MPRC went forward to the NBCPR. The NBCPR commented, wanted to see some alterations made and wanted to send it back to the Committee to view in conjunction with the other plan. The Committee still has the opportunity to consider both plans and decide if their first decision was right or if the new plan is more appropriate.

Pat Lafferty noted the Committee has not been given any legal opinion if the north parking were to be used by Vectorworks on a consistent or daily basis.

Mr. Nelson explained that at the last meeting, the Mayor said no consideration was being given to Vectorworks at this time. Therefore, no arrangements have been made for other than park users. The challenge given at staff level was come up with a plan that encompassed some of the desires of the City into a good park plan. In terms of a good park perspective, either plan would work.

Susan Canada reported she spoke informally with Scott Knox, the County Attorney, who stated if Vectorworks needed the parking for the 60,000 square foot building requirements, they will have vested rights. She noted Vectorworks said "short term" and "a portion of the parking." She stated it looks like the park is being designed as a parking lot for an industrial park, not a park. She suggested the possibility of going back before City Council to show both plans and to get their ideas.

Mr. Nelson stated that if the Committee wants to, they could send both plans forward and let the City choose. The plans would go to the BOCC who could send both to the City. Ms. Canada reported that when she talked to the State today, she was told Referendum money has to go to public use. Mr. Nelson agreed that is true but is not the question at this point. Ms. Canada suggested perhaps the Committee should go before City Council and talk to them for more direction.

Francis Reilly liked the idea to send both on to the City and the County and get the Committee out of it. He noted the Committee was tasked to design a park only, and not get into legal issues. He noted the domino effect in that Marina Park needs to be completed before improvements at Sand Point Park can be made.

Chairman Nydam referred to a March 13, 2003, letter from the State indicating the land can be used for public purposes only, including recreation, under the supervision and management of the City of Titusville. He reported that at the end of the August 21, 2003, NBCPR meeting, he met informally with City Manager Tom Harmer and Mayor Swank regarding moving parking and flip flopping the baseball fields and they were in full agreement, but it would have to be voted on by Titusville City Council.

Chairman Nydam noted two general parking spaces were lost. Also the boat parking area was separated from the park parking before the City plan came into existence. He stated it looks more balanced now with it separated even further.

Susan Canada stated that in reference to the dedication, the City can always approach the State and have it surplused. She also stated she is adamantly against parking on all four sides due to safety concerns for children. She suggested that before it is said this is what the City wants, one might want to make sure this is what all of City Council wants. She noted the plan is for the North area, not just about City Council, and suggested using the Committee's plan as she didn't feel the new plan is safe and won't vote for it.

#### PUBLIC COMMENT

Thelma Roper stated the plan before the Committee is the City plan and suggested the Committee send both plans forward, but let it be known the plan with the parking on the south is preferred. It shouldn't be a rubber stamp. The NBCPR should have the opportunity to see both and take the Committee's advice or not. She questioned what the SW corner parking is being put there to benefit the most, noting there is a tour boat that docks in the Municipal Marina at that corner and asked if that parking is going to be used by patrons of that business. She stated she has no problem with parking there as long as it is used properly. As to the dedication, if the property is used with or without permission, the State can take the whole park back. The violation is the concern.

In response to an inquiry from Chairman Nydam regarding the parking in the SW, Mr. Nelson stated it is general purpose and an impact for the Municipal Marina. He noted Thelma Roper raised an excellent point and staff will need to find out the ramifications. He noted that the SW parking will be funded from boating registration fees, not the Referendum.

Mr. Reilly noted it would be more convenient for tour boat patrons to cross the road to the west for parking.

Bea Polk noted Chairman Nydam has changed his mind after lobbying by the mayor. She stated Mr. Reilly hasn't changed his mind, as he said it was for Vectorworks. She questioned if the advisory board asked the MPRC to reconsider their vote after they voted twice for the County plan and stated that if so, then the NBCPR is running the Committee and thus questioned the need for the Committee. It should be what the people want, not what the Committee wants. She stated the City knows Vectorworks is coming back because they need this place for parking for that big building. She stated it would be good if both plans were sent to the BOCC.

Susan Canada asked Chairman Beck if the NBCPR directed the Committee to re-vote. Mr. Nelson read the motion from the last meeting which was to allow Parks and Recreation to incorporate the City's comments into the plan for presentation back to this board in a joint meeting with the MPRC. Chris White stated they don't have to re-vote. If someone who voted in favor wants to bring it up for a re-vote, they can. Bea Polk objected to a member of the NBCPR speaking while the MPRC was in session. Mr. Nelson stated that in a joint meeting, the two groups have the opportunity to talk back and forth to each other and Ms. Canada asked a question of the NBCPR.

William Horner noted it was supposed to be a joint meeting between the two groups. The Referendum Committee is now in session, not the NBCPR, however there have been opinions injected into the Committee by a member of the NBCPR. His objection was noted by Chris White. Chairman Beck also noted the objection and asked Chairman Nydam to continue.

Ray Haskell stated he doesn't know why the City can't be honest about what they want and this can't come to some solution. He noted the Committee voted 4-1 twice and the advisory board voted against the Committee. He would like to see some honesty from both groups, get it done, and build the park.

William Horner stated he doesn't recall, as a former member of the MPRC, the Committee voting to have a joint meeting. It was dictated by a superior board. That was one of the reasons he resigned from the MPRC because he felt the Committee died a quick death at that meeting and he hadn't changed his mind. He recalled that at the August 21 meeting of the NBCPR, he asked the advisory board if they wanted the Committee to reconsider the City's plan, giving the City another bite of the apple, the least they could do was to call the MPRC back into session, let the City present their plan, let the Committee evaluate and consider it and then make another recommendation to the NBCPR.

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**Motion by Susan Canada, seconded by JiJi Connolly, to extend Mr. Horner's time.**

**AYE: Canada, Connolly, Lafferty, Nydam, Reilly**

**NAY: None**

**Carried 5-0**

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Mr. Horner noted it has been said many times by both sides of this issue it doesn't really matter where the parking is, on the north or on the south. He noted that in the very first plan two years ago by the professionals, the parking was on the south. He stated he wonders how many parks the City has designed and built, noting the professionals and their predecessors have been doing it for 30 years. He suggested asking the City representatives why the ball fields were shifted. He stated the Parks and Recreation people have accommodated the City Titusville no end.

Walter Pine stated he may not agree with the Committee but the process is important. He may not agree that the NBCPR has the right to return it to the MPRC. Rule 13 says it can be reconsidered by a proposal of a person in the majority vote. No one motioned Rule 13 so the vote still stands and unless the Committee does something otherwise, they are violating their own vote which is disingenuous. He noted a legal opinion was requested and not given. He stated the Committee has the right to ask if the design will stand for legal reasons or physical constructions the full length of the Referendum, and staff has not answered that question.

Mr. Pine referred to a letter from the City Attorney stating that any parking for the Municipal Marina on Marina Park violates the dedication, but the Committee is still discussing it. He stated he believes at this point it is into the area of malfeasance because the Committee still has a decision that has already been made that they don't have the backbone to either turn over or decide. He stated the Committee should honor their decisions, or they are disingenuous at best.

Joan Wheeler stated it seems to her that some people can get easily compromised and therefore don't need to be here. When the City comes in and tries to blackmail people on their boards, if they don't have the integrity to stick with their decision, then they get the government they deserve. One can only go so far on compromise. Some people start out not knowing what is right or wrong.

Kathe Taylor, president of Titusville Little League, stated she believes either plan will meet the needs of the Little League and will allow the children to play baseball safely. There is enough room for batting cages and utility storage shed. Her personal preference would be for the Committee's plan. She challenged everyone in the room to get this done so her son can play baseball at Marina Park before he is too old. Decide on something tonight, make it happen and build a park.

Chairman Nydam asked why she prefers one plan over the other. Ms. Taylor stated anyone who believes Vectorworks is not going to take that land is foolish. Parking was already separated and in a concise area. It doesn't give any possibility later that the decision will be regretted. Chairman Nydam asked what if Vectorworks was never there? Ms. Taylor stated that in that case, either plan would work. She stated that near future and short term doesn't mean there aren't designs on it for a later date.

JiJi Connolly stated she came here tonight thinking that both of the concepts, what Titusville wanted and what the Committee had, would be presented and she could see what the compromises were. She suggested that perhaps it would be feasible to do what Rick had suggested in the first place and stop all this and not make any decisions. She stated she would like to agree with all and to please get this together and make a feasible happy place for everyone to use. She suggested making two proposals and presenting it and asked where the final acceptance of the plan comes from.

Chairman Nydam asked about Rule 13. Mr. Nelson stated he disagrees with what Mr. Pine said but there is nothing prohibiting the Committee from doing that. He noted the Committee serves at the pleasure of the NBCPR. Their choice was to have some changes made and have the Committee participate in the step. From this point, the Committee can vote to reconsider. The NBCPR will then take that under advisement and they can choose to agree, disagree, or send it on. The BOCC can choose to approve, disapprove, send back or send it to the City. If the City doesn't agree, it goes back down the chain. The City has the ability to approve as custodian for the State.

Chairman Nydam reported there were no more speaker cards on this item and closed public input.

Francis Reilly stated he thought the Committee had accomplished all they can and moved to either sunset the Committee or send both plans back to the NBCPR. Mr. Reilly then made a motion to sunset the MPRC.

Chris White made a point of order in that the Committee can't sunset themselves. Mr. Nelson stated they can make a recommendation they are at an impasse.

Chairman Beck stated that the intention of the NBCPR was not for the Committee to change their vote, but for their consideration. The Committee was included in the process to see if it likes the new plan better. Mr. Nelson stated that no action would be adoption with the first decision. Discussion ensued.

Susan Canada made a motion to stay with original decision, which was voted twice 4-1.

Francis Reilly pointed out he was trying to put a motion on the floor and was interrupted.

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**Motion by Francis Reilly, seconded by JiJi Connolly, to send both plans to the NBCPR which was amended at the request of Susan Canada to clarify and make it abundantly clear that on two different occasions this Committee voted 4-1 for the original County plan.**

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Mr. Reilly noted that different committee members voted, the composition of the committee has changed and since then the Committee has received a lot more information. There was some question as to whether or not that was included in the amendment.

There was some discussion regarding if the Committee voted once for the plan and the second time to send it on to the NBCPR which Mr. Reilly also wanted included in the motion.

William Horner asked if the Committee was on agenda item IV and asked when item V, public input will be taken. Discussion ensued on public input. Mr. Nelson apologized to both the MPRC and the NBCPR. He stated the intent was to have one discussion to avoid repeated cards on the same topic. Mr. Horner withdrew his card on item V.

Chairman Nydam asked that the motions be withdrawn until all public input is heard. Susan Canada stated that if someone has something to say it should be heard because the Committee might need to know.

Mr. Reilly stated he didn't want to withdraw the motion. Chairman Nydam asked if the Committee needed to withdraw the motion before public input or table it. Mr. Nelson indicated they could do either.

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**Motion by JiJi Connolly, seconded by Sue Canada, to table the motion until after public input.**

**AYE: Canada, Connolly, Lafferty, Nydam, Reilly**

**NAY: None**

**Carried 5-0**

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Chairman Nydam called for a break at this point. Mr. Nelson reminded the Committee not to speak to each other about the issue during the break due to the Sunshine Law.

When Chairman Nydam called the meeting back to order, Mr. Nelson reported there was a question with *Roberts Rules of Order* and tabling the motion. He reported he couldn't find it in the County ordinance that the Committee was to follow *Roberts Rules of Order* and didn't believe it applies to the same extent as pointed out to him. He suggested the Committee could chose to bring the motion back up for a vote, or they could motion to adjourn themselves, not speak on the issue, and let the NBCPR move forward with their decision.

Chairman Nydam stated he is strongly in favor of the modified plan with the balance of parking on both sides.

Susan Canada stated she is adamantly against parking on both sides and one councilman said they asked Vectorworks to withdraw temporarily. She likes another plan better than the County or City plan because it limited parking to the south side and along Marina Road. She is frustrated no one is considering parents taking five to six children with them. She likes the other plan with addition of amenities.

## V. PUBLIC INPUT—MARINA PARK REFERENDUM PROJECT.

Bea Polk stated she would like a legal opinion if a business came in later and takes parking on the north side. As far as she can find, they can take that part of the park. She stated it is known beyond a shadow of doubt why the parking is on the north—It might not be Vectorworks; it might be another company. A judge told her there are many times the public has lost land by cover-ups. She does not want to give away the last riverfront that North Brevard has. The County has the Referendum and therefore has the last say. She said that another Referendum could move that money away. She stated she doesn't want that, but rather wants a place for the children to play at that park.

Walter Pine stated the Committee was supposed to be making this decision on the greatest public benefit. That begins with obedience of the law. If there are legal requirements, then that is where it begins. Several have asked for legal opinions and have not received them. As to the process, he believes there are many present who don't understand how it should work. In the future, each committee or board member should be instructed in the process and whether or not *Roberts Rules of Order* is required. What has happened here is due to incompetence, not whether or not anyone is smart. It is not the Committee's job to go out and study the statutes. Mr Pine believes that *Roberts Rules of Order* does govern here and that in *Roberts Rules of Order*, a tabled motion cannot be brought back until the next meeting. He stated he will hold the Committee's feet to the fire to ensure they act according to the will of the people. If not, the Committee will have violated the duty of the citizens, but he doesn't think the Committee desires to do anything wrong. He suggested that there are some issues that need clarification before continuing.

Mr. Nelson inquired which State Statute Mr. Pine was referring to during the break. Mr. Pine stated he thinks it is State Statue 431 and is in Ordinance 1966 which created the NBCPR.

William Horner stated he withdrew his card due to the confusion about elongation of the meeting, but desired to speak. He questioned why the City (1) wants the parking on the north when the County had it on the south for two years, and (2) why the City shifted around the ball fields. He reviewed the many concessions made to the City during the course of the Committee meetings regarding boat parking. He stated the County staff has attempted to cooperate with the City. He stated the SW parking will be used primarily by the patrons of the Municipal Marina. He stated when the BOCC adopts a plan from the NBCPR and the City doesn't go along with it, there will be a lot of people asking who is holding up the Little League ballfields.

Mr. Pine corrected information he gave earlier by saying the 1996 ordinance by City stated the NBCPR shall have the power and authority provided for by Chapter 418 of Florida statutes. The County resolution of 1966 refers to the City ordinance of 1966. Mr. Nelson indicated there has been one done since then. Mr. Pine stated it is what was given to him by the County Clerk as being the authority of the Commission.

Susan Canada asked if she could ask questions of representatives of the City, and then asked Roy Crawford why the City has been sending so many people to the meetings when there isn't at other projects. Mr. Crawford stated that he was present as the City's official representative. Jim Herron attends all NBCPR meetings as the City's liaison. Richard Stillwagon stated he was present to report on a grant. Ms Canada asked what options he was referring to when she asked him during a break in a City Council meeting why the City still wants parking in the north when Vectorworks sent a letter withdrawing and Mr. Crawford had stated the City wanted to leave their options open. Mr. Crawford stated there are no options and he didn't remember using those words. Mr. Crawford stated the things the City has been concerned about all along are additional parking for the Municipal Marina. Ms. Canada asked where would that be. Mr. Crawford stated they have other land.

Mr. Crawford continued by stating the second interest of the City is in boat traffic on Indian River Lagoon. It is increasingly difficult to get additional landings or docks. The City is interested in protecting the Marina Boat Ramp for everyone and would like to see the separation from the rest of the park. The City is in favor of Titusville Little League and wants to see the ballfields built too. What the City has been asking the Committee to do is three things: (1) Protect the ability for boat ramp, (2) have a viable Little League fields with adequate parking and other more passive uses of Marina Park, and (3) have those conflicting uses separated. The engineer was asked to go back and look. Either plan was viable, but he thinks what the engineer has done is to take the best of both words and put it together.

Ms. Canada stated it seems to her that on both these plans the Municipal Marina has been protected, also there is ample boat parking on both plans, and the Little League would have a safe place to play ball, and on either plan there is a buffer between the parking. Therefore it seems that either plan would succeed for the City. Mr. Crawford stated he is not sure a hedge buffer would protect the children from an attractive nuisance of the water. Discussion ensued on the buffer and when asked, Mr. Nelson stated it would have been vegetative rather than fencing. Ms. Canada observed it seems like both plans would accomplish what the City wanted.

Mr. Crawford stated his understanding of what had happened was the NBCPR asked the engineer to take the best of both of the plans. The CRA saw this new plan on Tuesday and he thinks they would support it. Ms. Canada asked if they had ever seen the County plan with the buffer between boat and car parking. Mr. Crawford indicated he was not sure. Ms. Canada stated she watched the meeting and they didn't.

Chairman Nydam asked Mr. Crawford if a business came in and occupied part of the parking at Marina Park if that would be any different from a nearby business parking in the City Hall parking lot and then saying they have been parking there for years so it's their land. Mr. Crawford stated he was not in a position to give a legal opinion.

Pat Lafferty reiterated that the Committee has never voted to reconsider another plan or rescind the plan on which the Committee voted twice. Now another plan is being discussed. He stated he thinks the Committee has been unduly influenced by the boating and business interest. He thought this would be a Little League park with greenway along the waterfront. The major discussion has been about boating parking and Vectorworks. He stated the Committee recommended a plan for forwarding to the NBCPR and he sees no reason to change that plan.

Francis Reilly reiterated that the State will not allow any more boat ramps, thus the need to protect this ramp and get as many boat parking spaces as possible. It is only possible to improve existing boat ramps. As the Municipal Marina sits, it is the only recreation entity in Brevard County that is making money. The plan that is on the board keeps a minimum people away from the Municipal Marina where people are paying year round. The lights on the largest ballfield on the plan are pointed away from the Municipal Marina.

Chairman Beck reported one of the NBCPR members was ill and needed to leave. Charlene Neuterman asked to speak, saying she dragged herself out of bed to come to the meeting and apologized because she could not stay much longer for her benefit and her family's benefit. She stated regret that she could not stay for the decision, but had to leave.

Chairman Nydam reiterated the need to concentrate on the modified plan which puts the parking on the north in the spirit of cooperation between the City and the County and not get wrapped up in the business issues. He suggested designing it for what is effective now and useful today, and not what might be in 50 or 100 years.

Susan Canada stated the need to look to the future. She reported she heard Jeff Rainey say there are too many riverfront parks. She doesn't mind a spirit of cooperation, but doesn't want to compromise values.

JiJi Connolly stated she was disappointed the Committee's work was not accepted, and really feels both plans should be submitted.

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**Motion by JiJi Connolly, seconded by Francis Reilly to submit both plans to be reviewed.**

**Aye: Connolly, Nydam, Reilly**

**NAY Lafferty, Canada**

**Carried 3-2**

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Discussion prior to the vote follows:

Mr. Reilly stated that after looking at this plan, if it was his motion, he would have voted on the plan presented tonight, as it is a good viable plan, and suggested choosing it.

JiJi Connolly stated she likes it also, but the motion was seconded to submit both.

Susan Canada disagreed with that and asked what if Vectorworks sells. Ms. Connolly stated that all the Committee is doing is presenting two plans.

Ms. Canada stated she would rather see two submitted than see the one worked so hard on thrown out the door. She noted there are four corporations to the north and is concerned because some of them ask if applicants can work a second shift.

Chairman Nydam called for the question on the motion which carried. Results noted above.

#### VI. ADJOURN MARINA PARK REFERENDUM COMMITTEE MEETING.

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

**AYE: Canada, Connolly, Lafferty, Nydam, Reilly**

**NAY: None**

**Carried 5-0**

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It was noted the Committee still exists and therefore should not discuss Committee business among themselves.

#### VII. PERSONAL APPEARANCES--None

#### VIII. REFERENDUM & OTHER PROJECTS

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**Motion by Barry Gainer, seconded by Chris White, to reject the Marina Park Referendum Committee's decision and approve the Marina Park project as presented tonight, with Woody Rice's latest revisions.**

**AYE: Beck, Bobay, Gainer, Johnson, White**

**NAY: Henkel**

**Carried 5-1**

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Discussion and public comment prior to the vote follows:

Gigi Henkel asked Mr. Nelson the legal aspect of the parking, and what the ramifications would be if it were taken over by any private industry. Mr. Nelson stated he is not an attorney, and is not sure how the concept of take over without City approval could occur. Government is protected from adverse possession. It would take an action of the City Council to cause that to happen and could potentially require approval from the State.

As to adverse possession, Chris White understands it to be exclusive possession and it be adverse to the owner of the property in order to take it, which won't happen here. Chris White stated he sees no problem if Vectorworks uses the parking when it is sitting idle. He is not concerned about legal ramifications. Anyone who thinks the State would take the park back if Vectorworks were to use the parking during the day when it's not being used otherwise, is fooling themselves. As to safety issues, it makes no difference to the kids if the parking is at the north. It is unsafe to have both ingress and egress so close together as on the other plan. He thinks the Municipal Marina is entitled to some deference and moving the noise of car parking away from them would be beneficial to the Municipal Marina. The concern should not be over what someone worked on or if Vectorworks is involved, It should be about the best plan. If it is looked at it without the other issues, it is the best plan in that it gives the Municipal Marina privacy. As to corner parking, if it is done it will be paid for out of other money. He stated he sees no reason not to back the motion.

Scott Johnson asked about the boat study. Mr. Nelson reported counts from July 12 have been in the teens except for Labor Day Weekend when it peaked at 28. Mark Leslie reported in an earlier meeting that there were about 40 on July 4<sup>th</sup> weekend. Mr. Nelson stated he would expect to see some increase because it is now an undefined parking. Mr. Johnson inquired how many spaces there are at Parrish Park. Mr. Reilly stated that on a typical weekend the park is full with parking on the roadway. Mr. Nelson stated he thinks there are 50-60 spaces. Counts there have been in the 70s and 80s, so they are parking on the shoulders and on the other side of Fish and Wildlife building.

Scott Johnson stated he thinks the Committee did a good job with the buffer, but the newer plan has additional buffer which is a benefit. He doesn't agree with parking along the Marina for children, except for overflow. He stated government and business have to work together. There is enough fortitude in this room that there will be enough protection to keep adverse possession from happening. He never thought it was part of this board's decision to include or exclude Vectorworks. That is for an elected body to deal with. He stated he is in favor of the motion.

Dr. Bobay stated in looking at the total situation, he felt the MPRC was advisory to this board which is advisory to the BOCC. Obviously it is in the best interest to incorporate City's desires as it will go to them at some point. It protects the waterfront. He likes the separation of boat parking from the general parking. He agreed with Kathe Taylor of the need to get on with this.

Chairman Beck stated he agrees with MPRC, and likes their plan. He stated he wanted to throw out a suggestion to make the newest plan #1 priority and the earlier County plan priority #2 in case tonight's plan is turned down. The MPRC worked hard on the first plan and the board asked them to go back and look again. He asked Mr. Nelson if that would benefit any. Mr. Nelson stated that listing the two priorities might stop the process of coming back if the BOCC or the City Council decides not to approve the #1 plan. Chairman Beck noted it might save rehashing.

Gigi Henkel noted that at one time it was discussed to use signs to remedy the problem of private industry parking and to alleviate some worries. Mr. Nelson stated there is the ability to use signs to enforce prohibiting parking by businesses. If at some point in the future the City decides they think it is appropriate, the signs could be addressed then. There is the ability to ensure the parking is used by park users first and foremost unless other arrangements are made.

Chairman Beck asked what the board thought about prioritizing the plans. Barry Gainer stated the need to approve one plan or the other.

Gigi Henkel suggested putting signage in the motion. Chris White stated the board should just decide if this is the best park and trust staff and the attorneys to take care of the legal issues.

Chairman Beck called for the question, but was reminded to take public comment. Discussion ensued.

In response to an inquiry from William Horner, it was noted the NBCPR was at VIII. Referendum and Other Projects. Mr. Nelson noted that rules as established under County policy requires taking public comment and apologized for the confusion.

#### PUBLIC COMMENT

Walter Pine noted the MPRC comments about consolidation of free space, level of overflow parking for the boat ramp, and the issue of greatest public benefit. He noted free space is split up and not usable and that other designs have better uses and greater public benefit. He noted other issues as to ADA accessibility that the new plan doesn't properly address which may affect the layout. He noted some question of docks being shifted north or south. He stated some issues need to be properly explored and the board has not had the opportunity to properly explore what was being provided to them. Otherwise the board would be rubber stamping another Committee.

Mr. Nelson asked Mr. Pine what ADA isn't being addressed. Mr. Pine responded the distance from various fields to parking, distribution of parking, widths of some of the sidewalks and access areas, and the docks. Mr. Nelson stated all those have all been addressed. Mr. Pine stated a six foot sidewalk is not adequate. Messrs. Nelson and Masson stated it is.

Woody Rice confirmed for Mr. Gainer that all of this is addressed in the plan process. Mr. Gainer stated the board's job is to approve the concept.

William Horner reiterated that if the NBCPR wanted the MPRC to consider working further on the City plan that it would be appropriate for the MPRC to come back into session to hear from the City. The MPRC could have then made a decision and forwarded a recommendation to the NBCPR. He noted joint meetings rarely work. That is the kind of thing that led him to resign from the MPRC. He stated they were on life support tonight and we pulled the plug. He thanked all the staff, noting it has been an experience.

Joan Wheeler stated she understands the board is tired of working with it. She stated just give the City what they want. Thank you very much for nothing.

Paul Nydam suggested shifting the wet retention at north further north to free up an area in the NW for a potential skate board park. He also suggested shifting the playground five to ten feet to the east to protect from flyovers from the big ballfield. Jack Masson stated he actually had the engineer move playground back to have adequate space for that concern.

Susan Canada made reference to Chris White's comments doubting the State would care. Mr. White stated he heard the language in the letter and stated he stands by his position. Ms. Canada stated that Referendum money cannot be spent on private business, it can only be used for public parking. As to bottlenecking, boaters come in at different times. Some Little League games may get out at the same time, some are mornings, and not many go on at 10 or 11 at night. As far as bottlenecking, your chances are slim to nothing. She noted boating events aren't held here.

As there were no other speaker cards submitted, Chairman Beck closed public comment and called for question on the motion which carried. Results noted above.

PUBLIC COMMENT ON OTHER PROJECTS

Thelma Roper stated concern about the fencing at Harry T. & Harriette V. Moore Memorial Park in Mims. She explained most of the property around the park is agricultural, with horses, pigs, cows. Many of these farm animals are attractive nuisances. Even though the owners have the responsibility to keep their animals on their property, by the same token the County has the responsibility to ensure children in the park don't go onto their property to injure the animals or to be injured by the animals. She doesn't think all the expense should be to the property owners beside the park because they should not have to put up extra fencing to keep people from the park out of their property. She stated the need to take a really good hard look at this and do what is necessary from the start.

X. OLD BUSINESS

A. Vacancies at Gibson Complex–Mrs. Page

presented staff's recommendations for the two facilities with vacancies.

In Building A, staff's recommendation is that Brevard Alzheimer's Foundation stay in the five rooms they are currently using, and NTA's Project Star continue to use the one long room which they have used historically.

For Building H, staff recommends holding a decision pending construction of the concession stand for the North Brevard Bears. One concept has more storage than another. The Bears need storage now for the short term. Some space is needed for small user groups in the middle of the building.

John Katrick from the Titusville Area Model Railroad Club thanked the board for considering them for Gibson. Mr. Katrick thanked staff for their support and reported the club has the corporation certificate and is working on other papers. If the club gets a spot they would like to have open house and offer to host class trips. He thanked the board again.

Mrs. Page stated she would recommend the railroad club if the Bears don't need the space.

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**Motion by Gigi Henkel, seconded by Chris White, to accept staff's recommendation for Gibson.**

**AYE: Beck, Bobay, Gainer, Henkel, Johnson, White**

**NAY: None**

**Carried 6-0**

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B. Port St. John Skate Park–Cheryl Page recommended receiving permission to establish a committee to study the feasibility of a skate park in Port St. John. It would be advertised in *The Happenings*, and it would take about six weeks to get it established and go forward with the project.

William Horner had submitted a speaker card on the subject but was not present for comment.

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**Motion by Barry Gainer, seconded by Scott Johnson, to accept staff's recommendation to establish a Port St. John Skate Park Committee.**

**AYE: Beck, Bobay, Gainer, Henkel, Johnson, White**

**NAY: None**

**Carried 6-0**

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Mrs. Page reported Fox Lake will be drained in October or November. Once drained, demucking will start in January requiring the park to be closed until May 2004. Jack Masson reported between 350,000 and 400,000 cubic yards of muck will be removed from the lake.

XI. NEW BUSINESS–None

Mr. Horner was not present for his speaker card.

XII. REPORTS

A. Advisory Board Members on Assigned Parks

Scott Johnson reported a problem at Parrish Park-Titusville where 26 vehicles without trailers were parked in boat trailer parking last Sunday. Mrs. Page indicated she would ask the City of Titusville to enforce parking for boat trailers only. In response to an inquiry from Chairman Beck, Mrs. Page reported Hatbill Park is under water.

B. City of Titusville Staff Report

Jim Herron reported the Titusville Veterans' Memorial Pier project is ready to go to bid soon. Mrs. Page indicated that would be in October.

Richard Stillwagon reported he is working well with the County and making real progress on the W.W. James/Wuesthoff Trail. There is no problem with the SJRWMD. Scrub jays are the biggest problem. FRDAP assistance is being requested to extend Space Walk of Fame walkways up to the new downtown stormwater park where the old YMCA/McCotter Ford property was. Mr. Stillwagon reported he enjoyed working with County staff.

C. Parks Maintenance Superintendent–No report.

D. Recreation Superintendent–No report.

XIII. PUBLIC INPUT–None.

The meeting adjourned at 8:25 p.m.

Respectfully submitted,

Ted M. Beck, Chairman  
North Brevard Commission on Parks & Recreation

Paul Nydam, Chairman  
Marina Park Referendum Committee

Marina Park Referendum Committee portion of meeting approved on 06/18/07

jbi