

## **Mims-Scottsmoor Community Center Referendum Committee**

Appointed by the North Brevard Commission on Parks and Recreation (NBCPR)  
Minutes of the Meeting of February 20, 2006, 7:00 p.m., at the Mims-Scottsmoor Library

### Committee Members Present

Lorene Shafer, Chairman

Lee Bird

Douglas Chamberlain

Robert Robbins

Thelma Roper

### NBCPR Liaison

Gigi Henkel

### Staff Present

Terry A. Lane, North Area Parks Operations Manager

Judy Inman, Administrative Secretary

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### I. CALL TO ORDER

Chairman Shafer called the meeting to order at 7:25 p.m.

### II. ROLL CALL

As noted above, all members were present. Terry Lane reported the two vacancies on the committee have been advertised. Judy Inman reported applications have been received from Dr. Rinaldi and Mrs. Syverson. Walter Pine pointed out his earlier application on file should be included. Applicants are to appear before NBCPR on March 9.

### III. APPROVAL OF MINUTES

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**Motion by Douglas Chamberlain, seconded by Thelma Roper, to approve the minutes of January 30, 2006.**

**AYE: Bird, Chamberlain, Robbins, Roper, Shafer.**

**NAY: None**

**Carried 5-0**

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### IV. STAFF REPORTS

A. North Area Referendum Projects Budget Summary –Terry Lane reported on expenditures of \$3639.56 for property appraisals for the original site that didn't work out because the appraised value was much less than the asking price. Encumbrance of \$3500 is for the design of the hurricane standard community center which will be spent if the center design is used. Interest is in a separate account for all the funds. Three prices on design are because of design changes such as change in size and type of generator to handle full load including air conditioning. Gigi Henkel noted the saving of money by sharing design costs with other projects. Mr. Bird was concerned the design may have been picked for the Committee since charges for design were already showing. If the Committee goes to a different design there will be additional design charges.

Robert Robbins asked when the Committee gets to pick the design. Mr. Lane stated he will provide drawings of designs from previous meetings for new members of the Committee.

Mr. Bird inquired about the drawing which was expected at this meeting to see location of building on possible donated land. Mr. Lane responded there is not a drawing right now and mentioned the article in the newspaper about the donation of seven to ten acres on the south side of Parrish Park-Scottsmoor. Mr. Nelson asked for a drawing but it was not real clear what was being asked, as far as infrastructure, so the drawing is not ready. The proposed location of the community center was shown as being in the eastern portion of the 17 acres south of Parrish Park-Scottsmoor on a drawing from a previous meeting. Mr. Bird stated he doesn't want to risk a potential donation by not providing the drawing to Mr. Gardner. Mr. Lane reported Mr. Nelson will not be attending the meetings in the future. Terry Stoms was doing a drawing with actual infrastructure. Mr. Bird asked if Mr. Gardner was disappointed the ball was dropped. Mr. Lane indicated from his conversation with Mr. Nelson, he believes Mr. Gardner is still a willing participant and wants a drawing with all the infrastructure. Mr. Bird urged staff to stay after Mr. Stoms.

Thelma Roper asked if shared drainage will be on the westerly portion of the 17 acres. Mr. Lane responded he does believe the drawing will show community center and parking to the east and shared retention on the west portion, as recollection from conversations, but he hasn't seen a drawing.

#### Public Comment

Walter Pine stated the issue is that Don Lusk told him that Chuck Nelson's letter was made without authority, he had no authority to make those negotiations and may have violated County policy by doing so. This Committee gets to decide the location of the building. There is a problem because he was told there would be no drawing. Mr. Pine stated he spoke to Truman Scarborough today who said Chuck Nelson would not be involved. He also said the location would be up to this Committee, that Mr. Gardner would have to come before this Committee because Government in the Sunshine requires that. It would be in violation for Mr. Nelson to negotiate and to make a decision that would bind this Committee or limit this Committee. Gigi Henkel asked if this Committee didn't ask for a drawing. Mr. Pine stated this Committee voted previously they preferred to have the community center on the North side. There is no Committee or public comment on this being on the southeast side. It is important the public gets the opportunity to comment and that the Committee makes the decision. Mr. Lane stated that may be the reason I didn't get the drawing today. Chairman Shafer stated she would speak with Mr. Scarborough if necessary.

Gigi Henkel commented she thought it was the direction of this Committee to have staff go locate properties. Chairman Shafer stated that is correct, but they didn't go further with because of waiting to see how this offer works out.

Thelma Roper stated a few meetings ago the Committee thought property around the park was prime, and picked one or two other places as possibilities if that fell through.

Mr. Bird noted that in reviewing the minutes from the meeting of February 21, 2005, it appears the Committee did talk about the south. Chairman Shafer stated she remembers the Committee talked about the south being the best way to go. Mr. Bird remembers empowering Mr. Nelson to

look at both sites, and go with what was available, or bring it back to the Committee if both were available from Mr. Gardner.

At the end of the meeting, Mr. Pine had further comments on the budget and stated the expenditures that were done without a vote of this Committee are invalid and should be put back into the account. He continued by saying that in order to spend Referendum funds, first the Committee has to propose what they are going to do, and then the County has to approve it. Once the County Commission has approved it, then it becomes policy for expenditure of funds. There are certain funds for administrative purposes that may be expended ahead of time, but those direct to the specific site or plan cannot be done without a vote of the Committee. Chairman Shafer noted there may have been Committee discussion in meetings prior to Mr. Pine attending. Mr. Pine likened expending funds for appraisal without first choosing a piece of property to shooting in the dark. Chairman Shafer indicated she is a professor of real estate, taught real estate law at the college, and also is an accredited appraiser and doesn't think the Committee has done anything underhanded or against the law and asked that the minutes reflect that. Mr. Pine stated he wants a public record that shows where the appraisals were done per an approved parcel of property. Chairman Shafer stated she was told that particular property was under consideration before coming on the committee.

## V. OLD BUSINESS

### A. Potential Properties

Walter Pine noted the large piece behind Scottsmoor with the cutout which was recounted to the Committee as being environmentally prohibitive is not necessarily the case as it was developed at one point. It was decided Mr. Pine was referring to the property on Huntington Avenue which had Tampa Verbain. Mr. Bird thought the reason it was not considered was that it was so far removed from U.S. 1. Mr. Pine stated that comments during a meeting don't empower anyone, it has to be a vote. Chairman Shafer stated she is aware of that.

## VI. NEW BUSINESS

Mr. Bird inquired if this Committee could swap times with Equestrians who run meetings past 7:00 p.m. Gigi Henkel stated that may be good because of all the Equestrian Committee will be doing in future meetings. Mr. Lane stated the Equestrians can talk about meeting times on March 25.

### Public Comment

Walter Pine reported the Scottsmoor Volunteer Fire Station will be excessed. There may have been some discussion that may have violated the Government in the Sunshine in relation to activities of this Committee. He discussed this today with Commissioner Scarborough. It does operate as a community center right now and there is the potential the property could be excessed out, turned over to Parks, be a library, or a community center. According to Mr. Farmer the property will probably be available in about six to nine months. There is also apparently some contracts that may or may not have been let out for repairs on that building, so repairs may already have been budgeted. The building is one block east of the Post Office on Magoon. Also the undeveloped vacant property behind it is possibly a consideration. There is nothing to prohibit splitting the function if property is donated. It may be possible to accomplish the library and a special needs shelter in one location and a community center at another location. Parks

may not want to have to maintain and manage an additional building. Chairman Shafer asked the acreage. It was estimated to probably be less than one acre. Chairman Shafer noted the library is looking at five acres. Mr. Pine noted the property behind the fire station may or may not be available. Mr. Pine noted if the property is exceeded, that historic community site will be lost.

Gigi Henkel asked what makes it historic and inquired the age of the facility. Mr. Pine indicated the historic value is not so much from age, but community involvement and the Volunteer Fire Department has been there forever. It was estimated the building may have been built in the 50s or 60s. Thelma Roper remembers going there as a child for Sunday breakfast. Ann Foster, noted it has been used for community functions. Chairman Shafer asked if there is a Sheriff's Department offsite location, and suggested that might be a use for the building.

#### VII. PUBLIC INPUT

Walter Pine stated he had no further comments since there were no proposed decisions. He suggested inviting Chris Gardner to the next meeting which could cure the issue of potential Sunshine violations. Thelma Roper stated she had asked for him to come back in October or November so he could hear where the Committee was coming from, and was disappointed he hasn't come. Chairman Shafer noted he is extremely busy promoting about seven different locations. Mr. Lane will make a contact with him to invite him to the next meeting.

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**Motion by Thelma Roper, seconded by Lee Bird, to ask Chris Gardner to come at his earliest possible convenience.**

**AYE: Bird, Chamberlain, Robbins, Roper, Shafer**

**NAY: None**

**Carried 5-0**

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It was agreed the committee would work with Mr. Gardner, whenever he is available.

#### VIII. NEXT MEETING DATE

It was agreed the next meeting will be March 20 at 6 p.m., unless a special meeting to meet with Mr. Gardner is called.

#### IX. ADJOURN

The meeting adjourned at 8:08 p.m. at the motion by Lee Bird.

Respectfully submitted,

Lorene Shafer, Chairman

jbi