

The South/Central Brevard Parks and Recreation Advisory Board Minutes

Viera Government Center
2725 Judge Fran Jamieson Way
Building C. 3rd Floor, Room 313-Florida Room
Viera, FL. 32940

Tuesday, April 09, 2024, 2:00 p.m.

The regular meeting of the Parks and Recreation Department, South / Central Parks and Recreation Advisory Board, was conducted on Tuesday, April 09, 2024, at 2:00 p.m.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statue, persons needing special accommodations or an interpreter to participate in the proceeding, please notify South Area Parks and Recreation, no later than forty-eight hours prior to the meeting by contacting Richard Tucci at (321) 255-4400.

If a person desires to appeal any decision made by this board, agency or commission (as appropriate) with respect to any matter considered at this meeting or hearing, such person will need a record of this proceeding and that, for such purposes, such person may need to ensure that a verbatim record of this proceeding is made, at his/her own expense, which record includes testimony and evidence upon which any such appeal is to be based.

Members Present

Roger Hardin
Betty Wells
Skip Taylor
Mary Jane Nail
Janice Scott

Members Absent

Jack Masson
Nick Galluzzi
Leartis Brothers
Ralph Williams

Staff Present

Terry Lane, Central Area Operations Manager
Richard Tucci, South Area Operations Manager
Marsha Blizzard, Administrative Secretary

Call to Order

Meeting was called to order by new Chairman, Roger Hardin at 2:15pm. Five (5) members were present and four (4) were absent. It was noted that the board did have a quorum.

Pledge

Pledge of Allegiance was led by Chairman, Roger Hardin.

New Business

Mr. Roger Hardin notified the Board of Mr. Jack Masson's resignation on February 23, 2024.

Per Bylaws, Article III - Board Officers, Section 2. In the event of the resignation of the Chair, the Vice Chair will assume that office and the Advisory Board shall elect a new Vice Chair to complete the remainder of the term.

Approval of Minutes

Chairman, Roger Hardin made motion to accept minutes, as written. Member, Skip Taylor made a motion to approve. Seconded by Betty Wells. All members accepted motion saying aye and Minutes from January 9, 2024, meeting were approved unanimously.

Public Comment

Chairman, Roger Hardin acknowledged there were no public comments as there were no public present.

Standing Committee Reports

Ms. Nail informed Board of her attendance of the last Commissioners meeting. Expressed comments and concerns regarding the Boards go back to meeting locally.

Ms. Janice Scott also seconded the motion to have the meetings return to their local. Suggested using Zoom to hold the meetings.

Chairman Hardin asked members to wait until New Business to address concerns.

Old Business

A. Update on written By-Law change requests submitted, during last meeting, by Vice Chair Roger Hardin to the Board of County Commissioners:

Requested a change from, **may** to **shall** in Article IX - Public Meetings, Section 1 (3), regarding the public give their name and address for the record during public comment and if requirement would be a Sunshine State violation.

January 19, 2024, email response from Shannon Wilson, County Attorney's Office.

"In follow up to the question, whether a person is required to provide their name and address in order to give public comment at a meeting operated pursuant to the requirements of the Florida Sunshine Law, Chapter 286, Florida Statutes, the answer is, no. Florida Statutes do not speak to this issue. The County code, Chapter 2, Article VI - Division 4, Section 2-214 on Advisory Boards, speakers may be required to give their names and address for the record, so it is not required."

Request to change the language in Article VIII – Removal, to read as, A District Commissioner may remove an appointee to **their own** District Commission appointment with or without cause.

Requested County staff get clarification from Administration if article was voted upon or missed within the Resolution.

February 14, 2024, response from Parks and Recreation Director, Mary Ellen Donner.

“The South-Central Brevard Parks and Recreation Advisory Board proposed By-Law modifications were recommended-suggested to the Board of County Commissioners at the October 11, 2023, meeting in the 2023 Annual Report. As no By-Law modification action taken by the Board of County Commissioners, the By-Laws will not be modified.”

Chairman Roger Hardin clarified to the other member that the requested changes were denied. This board cannot require the public to state their names or addresses during public comment for the record and that any member of this Advisory Board can be removed by any Commissioner; with or without cause; not just the Commissioner from your own district. Board will be working under the current By-Laws, as written. Any changes need to be submitted in writing and voted upon at the following meeting.

Member Ms. Betty Wells complimented county staff on the repairs and progress of punch list. A lot of the changes have been made to the lake and Cocoa West Community Center has been greatly enhanced.

New Business

Election of new Vice-Chair run by Chairman Hardin.

Janice Scott nominated Mary Jane Nail.

Mary Jane Nail nominated Skip Taylor.

Betty Wells moved to close the nominations with said two names. Janice Scott seconded motion. Charles Hardin, all in favor to close nominations say aye. Nominations closed with all members stating aye.

Chairman Hardin, those in favor of Mary Jane Nail for Vice Chair, by show of hands. Three (3) members voted for Ms. Mary Jane Nail’s nomination: Scott, Wells, and Nail. Two (2) members voted for Skip Taylor’s nomination: Hardin and Taylor.

By majority vote, Ms. Mary Jane Nail was made Vice Chair.

Discussed the request for Brevard County Commissioners to adopt the Florida Statutes’ designation of “premium” beaches and assess parking fees, introduced by member Janice Scott.

Florida Legislature adopted Statue, didn’t remember the number, to charge fees for premium beaches. Communities don’t want to pay for the lifeguards; should be the responsibility of visitors that frequent the parks like Lori Wilson park and the Tourism Development Council that

bring in visitors with the tourist tax. Parking fees would offset the maintenance costs the county provides and pay for the lifeguards. Cocoa Beach, via interlocal agreement, provides security and emergency response to Lori Wilson park.

Clarification needed by Chairman Hardin, in regard to the Florida Statue, that it's up to the county commission to designate certain beaches as premium beaches, so they could assess parking fees to non-county residents.

Janice Scott agreed with his assessment of the request. It would behoove the commission to set up a system where county residents would be exempt from the fees. Vice-Chairwoman Nail asked if all residents would be exempt at approximately 600,000 residents. Suggested only beachside residents be exempt, not the whole county.

Janice Scott stated this is a way to offset maintaining parking. Satellite has started a system where if you are a resident and apply, you get a sticker. Another example is Hightower location.

Mr. Terry Lane stated that the county owned properties within the city limits of Cocoa Beach, including Lori Wilson park, has been before the Board of County Commissioners, discussing parking fees and has been voted down. It would be a county commission decision to do that. The municipalities Cocoa Beach and Cape Canaveral do charge for beach access. Brevard County has chosen not to at Lori Wilson, Cherie Down and Murkshe Memorial parks and are free for everyone.

Mr. Richard Tucci added that two parks were turned over to Satellite Beach and there were discussions of charging for parking at Hightower and Pelican.

Chairman Hardin suggested going to their own commissioner to discuss the parking fees.

Vice Chairwoman Nail suggested speaking to the Commission as a group.

Motion by Janice Scott requesting Brevard Commission to adopt Florida Statue on designating what are "premium" beaches and allow parking fees, therein to offset the cost to county residents.

Vice Chair Nail seconded the motion.

Chairman Hardin stated all those in favor to the motion to present to the county commission that they adopt the designation of premium beaches and assess parking fees, accordingly.

By a show of hands, three (3) members voted yes: Nail, Scott and Wells. Two (2) members voted no: Taylor and Hardin. The motion passed.

Ms. Scott to send detailed information and the Statue number to be included in the memo for the May Commissioners meeting.

Discussed Tourism Development Council's collection of monies and redistribution for cultural events that attract tourists introduced by Vice Chairwoman Nail.

Anything the County Commission votes to distribute money to must have significant tourist related connection. Examples given were the Renaissance Festival and beachside Super Boat races.

Per Mr. Lane, the Tourism Development Council has their own Advisory Board to their own Council that goes to the Board of County Commissioners for final approval. Monies are distributed throughout the County for cultural, sports and other programs. Contributions for some development as with United States Specialty Sports Association Stadium in Viera, receiving funding for additional fields per the agreement they would produce tourist dollars through the expansion.

Vice Chair Nail wanted to stress the significance of beach related tourism since the entire county benefits from the monies collected.

Discussion of South Patrick Residents Association Park, S.P.R.A. Park, introduced by member Janice Scott.

Were there plans for the county to purchase and expand parking in the area near S.P.R.A. Park, where former Lum's restaurant property was located?

Richard Tucci responded that beach renourishment was complete and there were no actions on buying the property. Last heard, a potential purchaser would have a very narrow and multi-storied building, so not an option.

Member Janice Scott recommended the county purchase Lum's property in order to expand parking, thereby enhancing South Partick Residents Association Park, S.P.R.A. Park.

Motion seconded by Vice Chair, Mary Jane Nail.

Chairman Hardin stated all those in favor to the motion to recommend the county purchase Lum's property in order to enhance parking at the South Partick Residents Association Park, S.P.R.A. Park.

By show of hands, all five (5) members voted yes. Motion passed unanimously.

Send Memo to Administration to be presented at the May Commissioners meeting.

Discussion on Malabar Scrub Jay Park presented by member Janice Scott requested information and update by county staff; heard they had cut the trees.

South Area Operations Manager, Richard Tucci stated it's an Environmentally Endangered Lands or EELS property. EELS is a division of Parks and Recreation, with Mike McKnight as the current manager. Previous discussions between the City of Malabar and the county, on the care of the park.

Mr. Tucci offered to send park information ahead of the next meeting for board member review. Noted that EELS does have their own Advisory Board. Mr. Lane, Central Area

Operations Manager stated that if there was a recommendation by this board, it could go to their Advisory Board for consideration.

Additional discussion regarding signage to the entrance to Rotary Park. Mr. Lane previously talked with his maintenance superintendent and will look at the area himself regarding the vegetation. Ms. Scott recommended that if cutting the shrubbery is an issue, add additional signage to the current sign. County staff stated permission for signage must come from Florida Department of Transportation.

Discussion of Interlocal Agreements where Parks maintain School Board Properties. Mr. Lane confirmed the County does not get reimbursed for maintaining said properties, like public schools throughout county, but have Joint Use Agreements between Board of County Commissioner and the School Board to give joint use of these facilities. One example, Central uses the Merritt Island High School pool, during the summer and each share the cost for maintenance. Additionally, when the referendum was passed in 2000, those school facilities were identified as part of the vote, so the County built referendum dollars to make school board property improvements for Recreation Partner Programs like little league and football.

Member Scott's objection. As a taxpayer, if we all pay county taxes to the support the schools, why do we need a Joint Use Agreement to allow County or public usage when not being used by the School Board? Requesting Brevard County School Board reimburse Brevard County Parks for maintenance.

Mr. Lane further explained that the facilities being used on School Board properties, are by not-for-profit Recreation Partners and are only charged for direct costs, like lights. The Referendums specified these facilities were to be built on school board properties for use by Recreation Partners and run through Brevard County Parks and Recreation. The reimbursement is that we are doing this for the Recreation Partner Programs and their benefit, not the School Boards. The maintenance is to support the organizations and the kids in the community, not for the school. The referendums proposed the citizens would vote to tax themselves to build these recreation facilities in the North County, Central Area, Merritt Island, the Central Area, Mainland and South Area. Of the four, three passed. Central Area, Mainland, including central Cocoa and Rockledge, failed. Now, the citizens of Cocoa, Rockledge unincorporated area state they do not have the facilities that the other areas have.

Member Scott maintained that parks in Rockledge and Cocoa that were not voted upon by this referendum, are still maintained by Parks and Recreation. Mr. Lane stated that there are still special taxes included for this and other areas prior to this agreement; District Four Special Taxes; interlocal agreements within Cocoa and Rockledge. Citizens are paying into this Special Tax to maintain these parks.

Board Members recognized staff for their work within the parks.

Questions from Chairman Hardin

County's fiscal year runs October through September. Annual board reports need to be submitted within thirty (30) days of the first day of the fiscal year. Next meeting July 9, 2024. Need to submit report for the October deadline.

Noticed fire rescue emergency vehicles during construction on bathrooms at Val M Steele Park. Mr. Tucci stated they belong to subcontractors and painted to look like emergency vehicles.

Pickleball courts constructed at South Beach Community Center. Were they striped for dual usage? Mr. Tucci stated no because their court dimensions were specifically smaller for pickleball. Public have asked Mr. Hardin about additional tennis and basketball courts at South Beaches. Mr. Tucci stated that all south area tennis courts have been painted for pickleball usage. Push from the pickleball community, at Flutie, to designate one court for tennis, then remove the poles and net from the second court to make two to three pickleball courts. Mr. Tucci recommended getting input from tennis groups before that decision, since the nets are different heights, by two inches, and players usually dislike the idea of dual courts. South Area looking into the possibility of adjustable nets. The area dictates to tennis versus pickleball in popularity.

Members asked about the vacancy with Mr. Masson's resignation for District Two. Commissioners appoint. Applications are submitted online through the county and sent up to the commissioner for selection. Board also has an attendance criteria. Missing fifty percent of meetings, is cause for dismissal.

Member Skip Taylor asked about using Zoom or Teams. Was that a possibility to use for meetings if members can't be present. Would be a question for the County Attorney's Office since there may be an issue with Sunshine Law statues.

Public Comment

No public present. Chairman acknowledged no public comment.

Adjournment

Motion to adjourn meeting by Chairman Roger Hardin. Seconded by Skip Taylor. All in favor, motion passed.

Meeting was adjourned at 3:57 pm

Next regular meeting is scheduled for July 09, 2024

Approved Minutes from April 09, 2024, South Central Brevard Parks and Recreation Advisory Board Meeting.

/s/ Mr. C. Roger Hardin 07-09-2024