

## **NORTH BREVARD COMMISSION ON PARKS & RECREATION MINUTES**

Minutes of the Regular Meeting of the North Brevard Commission on Parks & Recreation, an advisory board, held Thursday, August 9, 2001, in City Council Chambers at Titusville City Hall, at 5 p.m.

### Members Present

Ted Beck, Chairman  
Dr. Ron Bobay  
George Broyles  
Starling Bryant  
Gigi Henkel  
Homer Powell  
Chris White, Vice Chairman

### Members Absent

Ken Carlson  
James Mack

### County Staff Present

Charles S. Nelson, Parks & Recreation Director  
Greg Minor, Special Projects Coordinator IV  
Cheryl K. Page, North Area Parks Operations Manager  
Terry A. Lane, Recreation Superintendent  
Michael J. Rubacky, North Area Parks Maintenance Superintendent  
Mark Dansereau, Parks Supervisor II  
Judy Inman, Administrative Secretary  
City Council & City Staff Present  
Conrad Eigenmann, City Councilman  
Jim Herron, Public Works Director

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### I. CALL TO ORDER

Chairman Ted Beck called the meeting to order at 5 p.m.

### II. APPROVAL OF MINUTES

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**Motion by Homer Powell, seconded by Starling Bryant, to accept the minutes of the meeting of June 14, 2001, as written.**

**AYE: Beck, Bobay, Broyles, Bryant, Henkel, Powell**

**NAY: None**

**Carried 6-0**

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Starling Bryant presented Cheryl Page, Terry Lane, and Mike Rubacky with a plaque to North Area Parks Operations from Titusville Police Athletic League in appreciation for work with the Kars for Kids Show.

### III. REFERENDUM/PROJECT REPORTS

Mr. Nelson announced the project reports will be given during the 5:30 p.m. joint meeting with Titusville City Council. Chairman Beck reported he has been to many meetings, but has not committed the advisory board to anything. Mr. Nelson reported he met Tuesday with Jeff Gray, Tom Harmer, Marsha Cantrell, Cheryl Page, Jackie Gregory, Mary Pistel to begin to discuss if

there is the potential for a solution to this. This will be reported in the 5:30 p.m. meeting with City Council.

Mr. Nelson reported the Referendum committees are formed with sufficient numbers to proceed. Well over 100 persons are serving on the various committees. Committee meetings are being scheduled. As to Marina Park, more will be discussed in the following meeting. The signed contract from the A&E firm is expected tomorrow, but staff has been asked to wait on the notice to proceed until this discussion has moved further along. This will avoid spending money if that project goes in a different direction.

#### IV. PERSONAL APPEARANCES

Maureen Rupe presented information on two proposed Brevard County Charter Amendments entitled: Limit County-owned Tax Exempt Property and Protection of Private Property Rights. (See attached August 1, 2001, memo from Tom Jenkins to the Board of County Commissioners.)

Mrs. Rupe related she was on the 97-98 Charter Review Committee which had much controversy surrounding it due to a faction of members who by the nature of their proposals for amendments to the Charter created a recipe for chaos and collapse of local government. The three amendments which will be on the November ballot were turned down by the Charter Review Committee. After that committee was disbanded, the factions formed the Home Rule Charter Committee and after three years, one amendment was on the ballot and two were unconstitutional. After taking them to the Supreme Court, there are three amendments on the ballot. Mrs. Rupe desires to educate the voters before November.

Amendment for Protection of Property Rights: Mrs. Rupe explained the protection of these rights are already covered in the Florida Fair Tariff Act. This amendment is an expansion of State Law and is retroactive to the formation of the County in 1854. This could undo many codes and prohibit the County from collecting fees for many services.

Amendment to Limit County-owned Tax Exempt Property: Mrs. Rupe explained that even though Brevard County owns only 5% of the total land area of the County, because submerged lands and other government agencies including the Federal Government would be included in the 45% limit, passage would essentially require park lands and most other County property to be sold. (See attached memo.)

Amendment for Citizens Bill of Rights: Mrs. Rupe noted this was turned down at the Charter Review Commission because the rights are covered in State Law. If passed, this amendment could in effect make every Planning and Zoning meeting a court case.

Mrs. Rupe cautioned about the ramifications of the limiting County-owned tax exempt property and the impact of the protection of private property rights. Mrs. Rupe stated the Supreme Court looked at only the right for the amendments to go on the ballot, not their content. If passed, the citizens of Brevard County would have to have a class-action law suit against Brevard County, and the County would find itself in the ludicrous position of defending these amendments.

In response to an inquiry from George Broyles, Mr. Nelson indicated he is aware of the amendments and if passed, the County would basically be out of the park business. Based on the Referendum passage, this is really inconsistent in that part of the Referendum was to acquire land for Parks and Recreation. This amendment would require the County to sell that land as well as any other park land. The impact obviously is catastrophic. The County is required by State Law to have parks and selling those parks would make the County inconsistent with the Comprehensive Plan and potentially the County unincorporated area would be under a moratorium for building.

At the suggestion of George Broyles, consensus was the advisory board should study this issue and revisit it at their September meeting.

## V. OLD BUSINESS

### A. New Appointments to Referendum Committees

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**Motion by Starling Bryant, seconded by Chris White, to appoint the following to Referendum Committees:**

**Mark Mitchell, Causeway Improvements**

**Charles Daniel, Chain of Lakes**

**Donna Stevens, Equestrian Trails**

**William Horner, Marina Park**

**Kathryn Carver, Parrish Park–Scottsmoor**

**AYE: Beck, Bobay, Broyles, Bryant, Henkel, Powell, White**

**NAY: None**

**Carried 7-0**

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### B. Port St. John Community Center–Victory Baptist Church–

Mrs. Page reported the appraiser contacted her about 10 days ago and she gave him additional information provided by the church. The appraisal should be received shortly.

Mr. Nelson reported another issue being considered is that the taxable value of the district went down this year. Staff is trying to find out what caused that and what that impact will be. It is believed it is related to some adjustment of FPL property values. Mr. Broyles noted that will be very pertinent to the discussion. Mrs. Page stated it is her intent to call a meeting of the Port St. John Community Center Committee once she has the information.

## VI. NEW BUSINESS–None

## VII. REPORTS

A. Advisory Board Reports–Homer Powell reported the parks he has been working with are in excellent condition and asked for special recognition for Mike Rubacky’s super job of coordinating the maintenance of the parks.

George Broyles reported the PSJ Youth Football is asking for a way to communicate from the concession building to the fields during Jamborees, etc. Mrs. Page reported they have walkie-talkies, but this is not meant to be a press box. Mr. Nelson indicated he got involved in this the last few days but wasn’t sure what their use is. Perhaps some hardwiring for communication

would be needed. To retrofit for a window for that purpose would create some problems with the existing structure. He would like to meet with those involved to find out what they really want to accomplish as opposed to going in and just putting in a window. Mr. Broyles indicated he has had some mixed messages on the subject and asked the league to get directly with staff. Mrs. Page indicated she received verbal and written communication and responded with a letter. She is waiting to hear back from the league. Mr. Nelson indicated part of the problem is staff is dealing with multiple parties when it is preferred to deal with one or two. Mr. Broyles asked staff to let him know if he needs to be involved.

B. City Report–None.

C. Staff Reports–Mrs. Page introduced Mark Dansereau who was promoted to Parks Supervisor II, filling Ralph Dominguez’s position who recently retired.

The meeting recessed at 5:25 p.m.

Respectfully submitted,

Ted M. Beck, Chairman

jbi