

# The South/Central Brevard Parks and Recreation Advisory Board Minutes

Viera Government Center

2725 Judge Fran Jamieson Way  
Building C. 3<sup>rd</sup> Floor, Room 313-Florida Room  
Viera, FL. 32940

**Tuesday, January 09, 2024, 2:00 p.m.**

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

In accordance with the Americans with Disabilities Act and Section 286.26, F.S., persons needing accommodations or an interpreter for these minutes, should notify Marsha Blizzard, with South Area Parks and Recreation, via email at [Marsha.Blizzard@brevardfl.gov](mailto:Marsha.Blizzard@brevardfl.gov).

## **Members Present**

Nick Galluzzi  
Roger Hardin  
Jack Masson  
Betty Wells  
Skip Taylor  
Mary Jane Nail  
Janice Scott

## **Members Absent**

Leartis Brothers  
Ralph Williams

## **Staff Present**

Terry Lane, Central Area Operations Manager  
Marsha Blizzard, Administrative Secretary  
Shannon Wilson, Brevard County Assistant County Attorney

## **Call to Order**

Meeting was called to order by Chairman, Jack Masson at 2:00pm. Seven (7) members were present and two (2) were absent. It was noted that the board did have a quorum.

## **Pledge**

Pledge of Allegiance was led by Terry Lane, Central Area Operations Manager.

## **New Business**

Mr. Masson led board member introductions.

Assistant County Attorney Shannon Wilson from the Brevard County Attorney's office led the presentation of Sunshine State Law, Public Records Law, and Robert's Rules' training.

The Florida Sunshine Law and Public Records Law are part of the State Constitution and Florida Statutes. The main chapter of the Sunshine Law is 286 of the Florida Statutes.

Important elements of the Sunshine Law are meetings of public boards and commissions must be open to the public, the County is making sure reasonable notice of meetings is given, and minutes of the meeting must be kept. Minutes do not need to be verbatim, nor are they required to be recorded by law.

Citizen auditors videoing meetings are allowed to do so by law, as long as they are not disruptive to the meetings.

This board is an advisory board to the County Commissioners. Under Sunshine State Law, the process is to show how the Commissioners make decisions based on the advice of this and other boards for public understanding.

Another requirement of the Sunshine State Law is that if members know there is an issue coming to the advisory board for a vote or discussion, members cannot discuss the topic outside of the advertised meeting. It is inappropriate for two or more members of the same board to discuss. All communication outside of meetings with staff is allowed, as they are not board members and are to assist in giving and getting information to other board members.

Vice Chair Hardin asked, "What about something not coming up for a vote; for example, sending a letter to members encouraging attendance at meetings." He was informed he couldn't send it directly to the other members and to go through the Chair. Shannon Wilson clarified that as long as the letter doesn't contain substance to be discussed between members, it is not a problem. Bylaws may address procedures of who is to do what when sharing information with members.

Most board meetings are posted on the county website. The county is moving away from, with specific exceptions, posting meetings in the newspaper. County staff are responsible for posting meetings.

All meetings must have a quorum. County ordinance requires a majority vote.

Voting by secret ballot is not permissible. The public is entitled to know which way a member is voting on a particular issue. Votes are recorded, usually verbally, and entered in the minutes. Voting conflicts don't typically happen with advisory boards since board recommendations go to the commissioners. Statute 212 states no member should vote if there is a special private gain. Members can abstain from a vote if there is an appearance of special private gain.

A section for public comment is required and will be listed on the agenda.

Additionally, as long as a member is not trying to get an issue back to a meeting for discussion or vote and the matter has been settled or voted upon previously, members can discuss it outside of the meeting. Ms. Wilson noted that all emails through and between staff and board

members are considered public records. The county does not have to notify board members of a public records request; there is no formalized process for notification.

Mr. Masson introduced member Janice Scott upon her arrival.

Member Betty Wells asked for clarification regarding discussions outside of meetings. She cannot have a discussion with another member concerning an issue she has that may come in front of the board. Ms. Wilson suggested bringing the issue to staff, for example, maintenance, to address and then have it added to the agenda if it's above county staff responsibilities.

Member Janice Scott asked if she were to send an email to staff, copying all, and all responded back to staff, and not member, is that acceptable within the Sunshine Law? Ms. Wilson replied, "Yes, but it's not advised or a safe practice, because people tend to forget and that can be a violation of the Sunshine Law." Member Scott feels that this process leads to staff interpretation and a stumbling block; hands are tied, and no communication. It should be acceptable if the notice at the top of communication reads, "Do not reply to this email." Shannon Wilson stated that meetings are the opportunity to communicate; too many things can go wrong with the practice of copying all. She suggests creating a separate email account for board-only business for easy access if there is a public records request.

Violation of the Sunshine Law under 286, any person knowingly violating the law by not adhering to meeting requirements is guilty of a second-degree misdemeanor. Usually, this is due to not advertising meeting information. Staff will take care of that. Violations of the Public Records Law carry similar penalties.

Regarding Article IX, Public Meetings, Section 2, (3) of the advisory board bylaws, Vice Chair Roger Hardin asked if, "Speakers may be required to give their name and addresses for the record" can be changed to, "shall be required." Also, is there a process if the public refuses to provide the information? Shannon Wilson didn't think this was a requirement and would confer with the County Attorney's office, sending an answer to the board through staff. The board cannot require the audience to sign a form including their identification.

The use of Robert's Rules of Order. Boards should establish order; a way to conduct themselves and a process the board agrees upon. They can use a consensus for voting as long as the vote is recorded in the minutes. A motion may be needed if there isn't a consensus, or an amendment is needed.

Board member Betty Wells inquired on how board members are selected or replaced due to resignation. Typically, a board member will notify the appointing commissioner that the seat is vacated; resigned by sending the resignation directly to the appointing commissioner and a copy to county staff. Chairman Mr. Masson stated that the terms of service are in the bylaws and confirmed county staff tracks those terms. Applications are submitted via the county website.

## **Approval of Minutes**

**Chairman, Jack Masson made motion to accept minutes as written. Member, Skip Taylor made a motion to approve. Seconded by Janice Scott. All members accept motion say, aye. Minutes from October 11, 2022, meeting were approved unanimously.**

### **Public Comment**

Chairman, Jack Masson asked if anyone in the audience had public comment, no public present. Masson acknowledged no public comment before moving to the next agenda item.

### **Board Member Reports**

Mr. Masson opened the floor for board member comments or discussion on topics within their district.

Member, Betty Wells - Cocoa West Community Center has a lot of things that need addressing. In September 2023, she did a walkthrough with Mr. Terry Lane, Central Operations Manager, and the maintenance supervisor to point out the issues; provided a list of items. Wants to go on record that things need to be updated or replaced. Mr. Masson asked her to submit the list to the parks department.

Vice-Chair, Roger Hardin - Commissioner Tobia suggested the advisory board annual report that is submitted to the commissioners, come from the advisory board instead of the county staff, reflecting accomplishments or addressing issues from the board. When Mr. Hardin is in his district, he asks the public what they like or don't like about the parks or improvements they would like to see; does his own survey. Sees a benefit to submit this information to the commissioners via the annual report.

Member, Betty Jane Nail - Wondered why the meetings stopped happening at the local level. What was the basis, by commissioner Tobia, for his decision to move the meetings to the county location and stop having them at the local level? Ms. Nail thinks it's the reason for not having a quorum for a long time. Wants to see the meetings, "Return to the people." "Return to the various areas." Wants to go on record, "I would like to see it return to the way it was."

Member, Janice Scott - In response to Ms. Nail's comments, understood the county commissioner's decision was based on cost savings.

Since County turned over Hightower and Pelican Beach Parks to Satellite Beach, would encourage the county to post that information on the county website. Very little parking at South Patrick Residents Association Park, in South Patrick Shores, because the public is not aware that they can still park at Hightower and Pelican. Just need a parking sticker from Satellite Beach. Also discussed in Florida Department of Natural Resources Statue 161.0, beach renourishment. Statue states any park over one-hundred parking spaces is designated as a premium beach. Can collect parking fees for providing services like security, showers and repairs. Precedent for collecting fees in Collier County, Naples for designed premium beaches. Wants to see the money spent on advertising for lifeguards, by the Tourist Development Council, to pay for the lifeguards. Feels that as a county resident and taxpayer, you should get

the service or access if you're paying for it and not make residents pay for the benefit of tourists.

Member, Skip Taylor - As a new member, thought a good idea, that by splitting with your board members the five districts, your focus is on your district.

Chairman, Jack Masson gave history on the previous separate boards and how the boards were consolidated into the one South-Central Parks and Recreation Advisory Board. After reviewing all county boards and how often they were meeting, if at all, Commissioner Tobia recommended that as a cost savings, all boards would be consolidated or terminated. That proposal or resolution was adopted by and voted upon by the entire Board. It was recommended by a single commissioner but was ratified by the entire Board.

Member Mary Jane Nail commented that those local Boards that were meeting regularly, could have been left alone and would like to see those Boards reinstated. Chairman, Masson, recommended Ms. Nail bring that up to her commissioner, whom she noted, was not part of the Board at the time of the decision. Member Betty Wells, concurred with Ms. Nail that meeting regularly with Parks and Recreation along with community input, worked a lot better at the local level.

Member Nick Galluzzi - From District Four (4) hasn't heard anything from our staff regarding the Viera park. Thinks everything is going well there. Knows the recreation partners would like to see some differences, but more on their level versus the County. Mr. Masson recommended that the recreation partners presidents would need to speak to Richard Tucci, the Operations Manager for that location.

Member Janice Scott wanted clarification on Viera's Public Urban Development. What parts of Viera community are under the financial responsibility of the County? Mr. Masson explained that prior to construction, as part of the Development for Regional Impact for Viera, approved by the Board of County Commissioners, would be to set aside specific acreage for parks, religious institutions, and public areas, such as hospitals. They set aside specific acreage for the parks, County staff met with the Viera Company and decided rather than smaller acreage for multiple parks, they would rather have one large parcel: Viera Regional Park. Viera Company had input on building colors and trash receptacles, but everything else in the park system during development fell to the Board of County Commissioners, creating county facilities within the Viera community. Viera Company also created smaller parks within some neighborhoods that the county maintains. The revenue for that maintenance comes from the Homeowners Association.

Mary Jane Nail commented that though she loves county staff, doesn't know why they need to be present. Since meetings are recorded, an option would be to print out the recorded meetings so staff wouldn't need to be present, if we returned to having meetings around the county. Don't bring additional staff to reduce the burden on county resources.

Also, can't have enough Pickleball. Pickleball rules.

Member Janice Scott wants the Board to consider the time and distance it takes to travel to these meetings, another advantage to making meetings local again.

Further discussion between members and Chairman Masson on how to facilitate bringing back the original boards, citing District One's Board that stayed in Titusville.

Chairman Jack Masson stated we currently have a Resolution for this Board and will continue operating under that Resolution until a change or changes may be made. If anyone has concerns, suggested directing them to their appointed District Commissioner.

Vice Chairman, Roger Hardin added that those changes can only come for the Board of County Commissioners. At our initial meeting in October 2022 the same sentiments were expressed. We are currently operating under a Resolution and can only change the minds or mindsets of the commissioners as a whole to make a change from the current status. We can't make the changes here.

Member Ms. Nail noted, "You've got an example of what was instituted, to have this, this way, has failed because you haven't had a meeting since 2022. So, if you go by how it's working, it isn't. It's broken."

### **Standing Committee Reports**

No Committee reports.

### **Old Business**

Ms. Nail asked for an update on accommodating pickleball players and table tennis players within the whole county.

Mr. Terry Lane, Central Operations Manager - From the Beachline, 528 to Patrick Airforce Base, Viera Boulevard, and beaches, the Merritt Island and mainland side, we've converted every outdoor tennis court to multipurpose with tennis and pickleball played on the same net. Color-coded lines designate the game to be played. With two exceptions in our area, McKnight Family Sports Complex because it's a United States Tennis Association League-Tournament play facility and Kiwanis Island, also restricted by United States Tennis Association; will not allow additional lines added to courts. In the community centers, every indoor gym has four pickleball courts inside the gym. Times are on a scheduled basis, with multiple days and times available. Can't speak to North or South Area.

Mr. Masson added that the City of Cocoa is adding pickleball courts at Provost Park through renovation. Mr. Masson asked if Ms. Blizzard had any knowledge of South Areas progress in Mr. Tucci's absence.

Ms. Blizzard, South Area Administrative Secretary - All South Area community centers are operating as Central, with indoor courts based on scheduling and South Beaches Community center is building four designated outdoor courts.

Terry Lane, additionally, Kiwanis Island Park is budgeted for Fiscal Year 2024 to build four designated pickleball courts like South Beaches. Courts are first come first served unless reserved by leagues or lessons. Court hours are not posted at Kiwanis but have lights for the tennis courts and will have for the pickleball courts. No designated outside area for table tennis. Offered in the community centers.

Mr. Terry Lane - Table tennis or ping pong are set up at each of Central's community centers. Primarily used by the youth. No sanctioned table tennis leagues that he is aware of. Staff will set up tournaments for the youth.

## **New Business**

Original Bylaws stated eighteen (18) members, with ten (10) as a majority, which led to no quorums for the last four meetings. Request to the Bylaws by the Advisory Board, led to the resolution changing membership to nine (9), still representing all Districts and a majority present for voting purposes. Additionally, there are no separate meetings for Cocoa West members before the rest of the meeting and no change to Article VIII. Removal – Section 1, where it states a District Commissioner may remove an appointee to a District Commissioner appointment with or without cause. The board wanted to have language.

Requested County staff get clarification from Administration if Article was voted upon or missed within the Resolution. County staff will get answer from Shannon Wilson, County Attorney's Office, if a Sunshine State violation, with requesting 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.

Roger Hardin made a proposal to accept the bylaws as currently written.

Objection from board member Ms. Nail to not accept the bylaws as written, with the configuration and location of the Advisory Board itself. Opposition to the County Commissioners decision to create this Advisory Board.

Member Janice Scott proposed a motion to approve the bylaws and then seek comment or discussion regarding the bylaws.

### **Mr. Masson put forth a motion to accept the bylaws as submitted. Motion by Roger Hardin. Seconded by Betty Wells.**

Further objection to the bylaws by board member Nail, on Article II requiring board members to meet at the Government Complex. Objects to setting meeting dates too. Doesn't want meetings with this configuration. Made amendment to strike Section 1 and to eliminate setting meeting dates for 2024.

Vice Chairman, Roger Hardin advised having a starting point for these meetings, to set the dates of the meetings and to not accept the amendment. Not something we can resolve here. Back to the Commissioners.

Chairman Masson proposed motion to vote on Ms. Nails amendment to the bylaws. Restated amendment: To not pass the bylaws at this meeting, and location of the meetings to be returned to each representatives' district, as it was before.

Mr. Masson clarified her amendment request was not included in the bylaws. Could only object to portions of what is in the bylaws. Amendment has nothing to do with the existing bylaws. Ms. Wells asked if the bylaws are not approved, would they have to go back to the Commissioners? Mr. Masson stated that if this board disapproves or votes not to accept these bylaws, as a board, need to state why we are not approving these bylaws.

Member Nail moved to not approve the bylaws or voting no to the approval.

**After further discussion, Chairman Mr. Jack Masson, proposed a motion to accept the bylaws as presented. Mr. Roger Hardin made the motion. Second by member Janice Scott.**

**Vote by roll call of the accepted bylaws as submitted.**

**Nick Galluzzi - Yes**

**Skip Taylor - Yes**

**Janice Scott Second - Yes**

**Mary Jane Nail - No**

**Roger Hardin - Yes**

**Jack Masson – Yes**

**Betty Wells – Yes**

**Recorded six (6) affirmatives and one (1) voting no.**

**Approval of Bylaws for South Central Brevard County Parks and Recreation Advisory Board as currently written.**

Mr. Masson asked if there were any amendments in writing that could be presented to this board at our next meeting.

Mr. Hardin introduced a written 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.

Also introduced written request to county staff specifying that speakers, during public comment, shall be required to give their name and address or at least district.

Under Article X - Meeting Frequency Time and Location, board member Ms. Mary Jane Nail wanted to submit an amendment to the language stating that the Advisory Board shall meet a maximum of four times per year at a location determined by a collective body of each county district. To clarify, if advisory board members want to have a meeting of their district at the

prior location or another location, they may do. There would no longer be a unilateral board, but meeting as their district board; back to the way it was.

County staff clarified as the Resolution to create this Advisory Board was drafted, Ms. Nails' amendment request can't be adopted. In essence, she is requesting that the South-Central Brevard Parks and Recreation Advisory Board be dissolved and the previous boards of 2022, be reinstated.

For understanding, Chairman Jack Masson stated that Ms. Nail doesn't have a change to the Resolution. Mr. Masson's recommendation was to put that in writing and present it to her County Commissioner.

Meeting dates set by the rules of the bylaws to be January 9, April 9, July 9 and October 8, 2024.

**Election of Chair and Vice-Chair, led by Central Operations Manager, Terry Lane for the South-Central Parks and Recreation Advisory Board 2024.**

**Nominations for Chairman.**

**Mary Jane Nail nominated Betty Wells-Betty Wells declined.**

**Mary Jane Nail nominated Janice Scott-Janice Scott declined.**

**Janice Scott nominated Jack Masson.**

**Roger Hardin nominated Jack Masson-Skip Taylor second.**

**With no other nominations for Chair, all in favor for Jack Masson-by show of hands and stating aye, motion passed unanimously.**

**Chairman Jack Masson led nominations for Vice-Chair.**

**Skip Taylor nominated Roger Hardin. Mr. Hardin accepted the nomination.**

**Mary Jane Nail nominated Nick Galluzzi-Nick Galluzzi declined.**

**Mary Jane Nail nominated Skip Taylor-Skip Taylor declined.**

**Janice Scott nominated Mary Jane Nail. Ms. Nail accepted.**

**Two nominations for Vice Chair for 2024 are Ms. Nail and Mr. Hardin.**

**By show of hands, five (5) members voted for Mr. Hardin's nomination: Masson, Taylor, Scott, Galluzzi and Hardin.**

**Two members voted for Ms. Nail's nomination, by show of hands: Wells and Nail.**

**By the count, Mr. Roger Hardin will be the Vice-Chair.**

**Public Comment**

No public present. Chairperson acknowledged no public comment.

Mr. Masson gave recap prior to adjournment:

Accepted the bylaws.

Mr. Hardin submitted two amendments. One pending answer from Assistant County Attorney between shall and may.

Discussion about Board makeup, Board locations and returning to the old way. That is an individual board member's decision to take that further with their District Commission.

### **Adjournment**

**Motion by Skip Taylor to adjourn meeting. Seconded by Mary Jane Nail. All in favor, motion passed.**

Meeting was adjourned at 4:23 p.m.

Next regular meeting is scheduled for April 09, 2024

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

/s/ Mr. C. Roger Hardin 04-09-2024