

Parks and Rec Advisory Board Meeting Minutes

February 24, 2021

Virtual Meeting

Minutes recorded by Deb Martinez, Facilities/Parks & Beaches
Meeting Called to Order at 5:00pm

Board Members in attendance:

Steve Miller
Margie Smith
Darcy Wadsworth
Dr. James Boilini

Board Members not present:

Gayle Glover

Media Present:

No Media Present

Monroe County was represented by:

Kevin Wilson- Assistant County Administrator
Suzi Rubio-Aide to Kevin Wilson
Willie DeSantis- Facilities Maintenance Director
Chrissy Collins-Executive Administrator
Robert Glassmer-Administrator Facilities, Parks & Beaches
Bob Shillinger-County Attorney
Patricia Eables-Assistant County Attorney
Cary Knight-Project Management Director
Mike Forster-Commissioner District 5
Corie McGraw-Executive Assistant to Commissioner Forster

Agenda Changes:

- Dr. Boilini added discussion of an ADA swing at Key Largo Park (D under new business).
- Steve Miller added Dottie Moses HOA Association letter for discussion (E under new business).

Meeting Via CMT:

- A motion was made by Dr. Boilini to approve meeting via Zoom/CMT methods (Resolution 397-2020) - Darcy Wadsworth was the second to the motion. Motion approved.

Election of Chairperson & Vice Chair

- Dr. Boilini nominated Steve Miller as Chair and Darcy Wadsworth was the second to the motion – Nomination approved.
- Steve Miller nominated Darcy Wadsworth as Vice-Chair and Dr. Boilini was the second to the motion -Nomination approved.

Approval of January 13, 2020 Meeting Minutes

- Darcy Wadsworth made a motion to approve the Minutes and Margie Smith seconded the motion- Motion approved.

Discussion of dates & times for 2021 Board Meetings

- The following dates have been approved for the 2021 meetings.
- April 19, 2021 - Zoom Meeting
- July 19, 2021
- October 18, 2021

The April 19 meeting will be at 5:00 pm and the times of the other meetings will be decided at that time.

Sunshine Law (Details in attached presentation)

- Patricia Eables reviewed the Sunshine Law with the Board:
 - Emphasis on the fact that the Board cannot engage in private discussions with each other about issues that may come before the Board in the future.

Project Management Update (Details in attached presentation)

- Cary Knight gave an update on Capital Projects including:
 - Higgs Beach
 - Lower Keys Scenic Viewing Area/Swimming Hole
 - Watson Field
 - Blue Heron Community Park
 - Big Pine Community Park
 - Sheriff's Residence
 - Veteran's Park
 - Key Largo Park
 - Rowell's Waterfront Park
 - Harry Harris Park

Steve Miller asked what the current stipulations for gatherings in County parks are due to Covid-19. Patricia Eables advised currently the only authorized events are for adult or youth athletic associations- though some exceptions have been made for certain events. Everyone still needs to sign a COVID waiver and then the group organizer gives us a certification that they have received all the waivers for the event.

New Business

- **Pickleball**
 - **Key Largo Park** - There were several inquiries to have pickleball courts put in at the parking lot near Walgreens. Six (6) courts were requested, but Dr. Boilini feels there should be eight to ten courts due to how many people use the courts & the park. Steve Miller recommended that it be at staff's discretion on how many courts and to come up with a design as to the courts and parking. Per Cary Knight, if the Facilities Dept. doesn't have the money this could be put on a Capital Improvement worksheet and submitted as part of the budget and see how it comes out when the Commissioners vote on the budget.
 - **Big Pine** - Per Steve Miller, he received a request for more pickleball courts, however, he does not know if there is room. He said he would bring it to staff to see if it was feasible in any of the parks on Big Pine.
- **Beach Tennis**
 - An email was sent requesting new adjustable poles and netting for the volleyball courts, so the ball does not go into the dog park. Willie DeSantis advised that the netting and extended poles were already ordered.
- **ADA Swing Chair**
 - Dr. Boilini advised the ADA swings at Key Largo Park are for younger children. Willie advised we have priced out swings & are ordering swings to accommodate older children.
- **Dottie Moses – Parks & Rec Director Position**
 - Dr. Bolilini advised Dottie Moses is a community activist and part of the Key Largo Homeowner's Association. She has been sending emails to the Board regarding the position that had been talked about approximately a year ago for the Parks and Rec Director. She also had concerns about the events that took place at Harry Harris Park over Valentine's Day. Steve does not feel like the Board should respond to her concerns and asked Kevin Wilson who these emails should go to. Kevin advised to send the emails to him or Roman Gastesi, County Administrator.
 - Kevin advised the Board they need to decide if they want to advocate to reinstate the Parks and Rec Director position. Steve asked if the County could financially afford a Director or will it take money away from work that needs to be done.

- Darcy Wadsworth asked if the position was just on hold because of COVID - Kevin advised that it had been taken out of the 2021 budget because of the expected downturn of revenue due to COVID.
 - Pre-COVID, a job description was developed and advertised, however, before someone was selected, COVID started and the position was placed on hold temporarily.
 - Dr. Boilini asked if it was possible to have a department within a department- basically internally promote someone who will become the Director when the position is developed.
 - The Board would like to have a scope of work and job description so they can look it over and discuss at the next meeting.
 - Darcy feels a Director would help the County be more proactive than reactive.
- **Boca Chica**
 - There are concerns about the dunes being cut. Per Kevin Wilson, the County is obligated to cut certain vegetation. The Navy owns the beach and the County owns the roadway. The Navy requires nothing above grade level.
 - We are going to repair the rip rap to grade with FEMA money once that comes through.

➤ **Public Input**

- **Mike Jones** - Key Largo Attorney - He is part of the pickleball club in Key Largo and stated there are 40-50 players daily. He feels Dr. Boilini is correct that ten (10) courts are needed and his recommendation is for two (2) rows of five (5) courts. The club has put together a petition drive to show the support for these courts. They will meet with Commissioner Forster at some point to show him the support. Lights would be helpful. There is a significant demand for pickleball at Key Largo Park.
- **Kathy Buckard** - Tamarac Park Property Owners Association - The parking area is eroding and the rip rap is decaying at the Boca Chica Beach area. The Navy puts up “no trespassing” signs. It is not a passive park. They would like to see a turn around at the end of the legal driving road. She inquired if it is possible to stop the erosion before we receive the FEMA money, so the Navy does not keep putting up no trespassing signs. They would hate to see it disappear. She also thanked the County for doing trash pick-up in that area.
- **Mimi Stafford** - Resident of Boca Chica Road - There is a lot of erosion and there are 40-50 cars a day using the road. The parking area needs improvement. Park is showing symptoms of lack of care. Would like parking area paved. She does not believe the Navy wanted the County to clear cut the area- it is the only thing slowing the erosion down there.
- **Mary Hemphill** - Representing Key Largo pickleball- reiterated what Mike Jones said regarding pickleball. She would like the County to work with one of their representatives on the positioning of any new pickleball courts at the Park. Kevin will commit that the County will work with them.

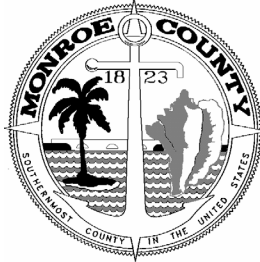
Steve Miller asks for a tone or timer to let a speaking member of the public know their time is almost up. Jethon Williams (TV Multimedia Manager for Monroe County) will send a timer and then give a reminder to the speakers. There will be a tone at three (3) minutes for a regular citizen and five (5) minutes for a group representative.

➤ **Board Input**

- Dr. Boilini asked who owns the property for Boca Chica. Per Kevin Wilson, the Navy owns it- the Courty has a license to use it. We are trying to get it changed to a lease. It is renewed every five (5) years. They have certain guidelines we need to follow.
- Patricia Eables – Advised the Board of their duties as governed by their Ordinance (attached) and encouraged the Board to bring items to the full Board for discussion.

Motion was made to adjourn the meeting by Darcy Wadsworth and seconded by Margie Smith - meeting adjourned at 7:27 PM.

Next Board Meeting – April 19, 2021, at 5:00 p.m.



Government-in-the-Sunshine

Florida's Government in the Sunshine Law, commonly referred to as the Sunshine Law, provides a right of access to governmental proceedings at both the state and local levels. The law applies to both elected and appointed boards and has been applied to any gathering of two or more members of the same board to discuss some matter, which will foreseeably come before that board for action.

There are three basic requirements of Section 286.011, Fla. Stat.:

- (1) meetings of public boards or commissions must be open to the public;
- (2) reasonable notice of such meetings must be given; and
- (3) minutes of the meetings must be taken.

Scope of the Sunshine Law:

Board members may not engage in private discussions with each other about board business, either in person or by telephoning, emailing, texting, or any other type of electronic communication (i.e. Facebook, blogs, etc.).

While an individual board member is not prohibited from discussing board business with staff or a non-board member, these individuals may not be used as a liaison to communicate information between board members. For example, a board member cannot ask staff to poll the other board members to determine their views on a board issue.

Staff meetings are not normally subject to the Sunshine Law. Staff committees may be subject to the Sunshine Law though if they are deemed to be part of the “decision making process” as opposed to traditional staff functions like fact-finding or information gathering.

Only the Legislature may create an exemption from the Sunshine Law and this requires a two-thirds vote.

Boards may adopt reasonable rules and policies to ensure orderly conduct of meetings, but the Sunshine Law does not allow boards to ban disruptive videotaping, tape recording, or photography at public meetings.

Section 286.0114, Fla. Stat., provides, subject to certain listed exceptions, that boards must allow an opportunity for the public to be heard before the board takes official action on a proposition. The statute does not prohibit boards from “maintaining orderly conduct or proper decorum in a public meeting.”

(1) Public boards and commissions -- What agencies are covered by the Sunshine Law?

It was the Legislature's intent to extend application of the Sunshine Law so as to bind "every 'board or commission' of the state, or of any county or political

subdivision over which it has dominion and control." *Times Publishing Company v. Williams*, 222 So. 2d 470, 473 (Fla. 2d DCA 1969).

The Government in the Sunshine Law applies to "any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision." (Monroe County is a political subdivision.) It is equally applicable to elected and appointed boards or commissions. AGO 73-223.

So, the Sunshine Law applies to:

- The Florida legislature
- The BOCC
 - Regular meetings, also workshops
- "Quasi-judicial" proceedings
 - County code enforcement
 - Contractors Examining Board
- **Advisory boards**
- City commissions
- Special district boards--AGOs 74-169 (fire control district), and 73-08 (mosquito control district).

You are an advisory board!

Advisory boards created pursuant to law or ordinance or otherwise established by public agencies are subject to the Sunshine Law, even though their recommendations are not binding upon the entities that create them.

Examples of advisory boards include:

- Community issues advisory bodies
- Tourist Development Council, Parks & Recreation Advisory Board, Older Americans Advisory Board, etc.
- Employee advisory committees, grievance committees (AGO 96-32 and 84-70)

Other types of meetings covered by Sunshine Law:

- Collective bargaining between government and unions (Ex. Firefighters)
- Citizen review boards
- Government purchasing or bid evaluation committees

Types of meetings that can be held “out of the sunshine” (exceptions to Sunshine Law):

- Attorney-client sessions between governing body (e.g., BOCC) and its attorney to discuss litigation – settlement negotiations or strategy
 - But a transcript by a court reporter must be kept, and is available for inspection once the litigation ends
- Meeting between BOCC (as an employer) and its management team during labor negotiations

(2) What is Reasonable Notice?



- Notice must always include date, time, meeting location, agenda or summary.
- There is no precise definition of “reasonable.” Two weeks is okay. Less than that may be okay for minor topics.
- Notice must always be given, even if you think the public knows already.
- Method of delivery depends on topic.
 - Major topics, like taxation and budgeting and zoning: publication in local newspaper of general circulation
 - Others: any method reasonably calculated to get the word out to the general public. Monroe County website and/or TV are ok.

(3) Minutes

- Minutes must be kept (a summary is okay).
- The meeting does not need to be tape-recorded. However, if it is tape-recorded, the tapes need to be kept per the State retention schedule. (2 years after adoption of official minutes)

(4) Other Considerations



The public has a right to attend and – with the exception of a few types of meetings – has the right to be heard at Sunshine meetings. The public can also record (tape record or videotape) the meetings. The government or advisory board can place reasonable restrictions on speaking (e.g., placing a reasonable time limit – 1 to 3 minutes total).

Penalty for Sunshine Law violations:

1. Civil action - Decisions taken at meetings are voidable. (*Pigeon Key* decision; Sugarloaf Volunteer Firefighters.)
2. Suspension or Removal from office.
3. Criminal penalties - If knowing, 2nd degree misdemeanor (imprisonment up to 60 days and/or fines up to \$500).
4. Other violations: fines up to \$500.
5. Attorneys' fees will be awarded.

Florida Public Records Law

Under the Florida public records law (Section 119.011, Fla. Stat.), all public records must be available for inspection and copying upon request, unless the record falls into a statutory exemption. The agency can charge statutory fees (15 cents per page for regular letter size pages, also “reasonable” staff time if extensive research is required; no charge if the document is provided in electronic form).

The rule applies to:

- elected officials
- public employees
- advisory boards
- sometimes, private corporations (if they are “acting on behalf of the public agency”).

What kind of documents are covered?

- Traditional written documents
- Emails (even on your personal computer, if it deals with business of the Board/Council)
- Photographs
- Post-its

What is a “request”?

- Oral is fine
- Agency cannot require the person asking for the document to put the request in writing.

Exemptions:

- Drug testing information as part of Drug Free Workplace Program
- Personal medical information
- Social Security numbers
- Documents created for active criminal investigation
- Juvenile offender records (Section 985.04(1), Fla. Stat.)
- Purely private subject matter (even if written on your official computer)
- Home addresses of police officers, firefighters, many public attorneys, judges, code enforcement, also school addresses for their children and place of employment for spouses
- Criminal or juvenile records information obtained by specific agencies as part of background check for certain positions

Advice: Keep all records for period of time required by State of Florida retention schedule.

Florida Ethics Law and Monroe County's Ethics Ordinance

Florida Ethics Code: Chapter 112, Florida Statutes
Monroe County Ordinances 010- 1990 and 020-1990



1. Gifts

- a. Florida Ethics Code applies to County (and State) elected and appointed officials.
 - i. No gifts from “lobbyists.”
 - ii. Gifts must be reported on appropriate forms.
- b. Monroe County personnel policy applies to County employees.
 - i. No gifts from the public at all if there is an expectation of “quid pro quo.”
 - ii. No gifts from the public over \$25.
- c. Other persons: Refer to Florida Ethics Code or your own personnel policy, in that order.



2. Voting

- a. You must vote, unless there is a conflict.
- b. Definition of conflict: You, or someone in your immediate family, or an organization in which you are an officer or director, will get a financial benefit out of the contract that you are recommending.
- c. In the event of a conflict, you must:
 - i. Disclose the reason for the conflict in advance of the vote. Announce the reason (briefly) at the meeting. And:
 - ii. Abstain from voting.

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Monroe County Parks & Beaches

Capital Projects

February 2021

Higgs Beach

Bathrooms - TDC:

- Final draft of drawings distributed to facilities for feedback.

Sand Re-nourishment -TDC:

- Final NTP pending signoff from ACOE.
- Notice to proceed on construction is delayed due to ACOE final approval. Issue has been escalated to senior management.

Seawall West Martello (Irma):

- Repair plans completed
- Preparing permit application to the Key West building department for seawall repairs.
- RFP being developed – advertisement in Q1 2021.

Bernstein Park

No capital projects approved by the BOCC

Boca Chica Beach

No capital projects approved by the BOCC

Wilhelmina Harvey Park

No capital projects approved by the BOCC

Big Coppitt Volunteer Fire Department Park

No capital projects approved by the BOCC

Bay Point Park

No capital projects approved by the BOCC

Sugarloaf School Park

No capital projects approved by the BOCC

Lower Keys Scenic Viewing Area/Swimming Hole – FDOT, CAP, TDC:

- The revisions required to the plans to satisfy building permit review comments have altered the structural elements of the dock and bathroom thus increasing project costs. Value engineering was implemented to help mitigate some of the additional costs associated with plan changes.
- FDOT reviewing final plans; once approval received construction will commence.

Watson Field Park (Irma):

- Concession stand repairs in progress - cabinets & counter top being installed.
- Plumbing installation waiting for approval of change order for ice maker.
- Sidewalk repaired.
- Batting cage has been ordered from supplier.
- Scoreboard arrived but waiting on change order for new poles-existing wood poles are too split to be reused.
- Hurricane shutters, electrical components and 2nd story floor replaced in score/press tower.

Blue Heron Park Community Center (Irma):

- Change order in progress to add to Park Electric repairs to Teen Center Scope of Work with Teen Center contractor. Will repair tennis court lighting, 2 park security lights and new electric meter in park.
- Building interior demolished. Roof decking demolished & replaced, felt paper installed. Building columns in process of repair.

Palm Villa Park:

No capital projects approved by the BOCC

Big Pine Key Community Park (Irma):

Park Repairs

- Irrigation replacement started. Field irrigation will start after ball season, end of May or beginning June. Other construction repairs in progress.

Sherriff Residence

- Demo permit approved, demo scheduled to start this week (equipment failure postponed from last week).
- House design in progress at 75% complete, will be same as existing but moved back approximately 6 feet due to setback codes.

Veteran's Memorial Park (Irma):

- Request for Proposals for the restroom repairs are due 2/24/2021 at 3:00 p.m
- Design and Permitting Task Order for ADA Pavilion & Tiki Huts are 75% complete. Change order approved week of 2/15/21 for site survey, required by Florida Department of Environmental Protection for pavilion permit approval.

Burr Beach Park

No capital projects approved by the BOCC

Sunset Point Park

No capital projects approved by the BOCC

Key Largo Park (Irma):

- Light poles and fixtures on backorder.

Rowell's Waterfront Park – TDC, FDOT, CAP:

- Design contract for Phase 1 in close-out process; final invoice submitted to FDOT.
- Request for Proposals under review by legal; expecting to begin advertising March 2021.

Harry Harris Park (Irma):

Wilkinson Point & Beach Jetty:

- CPH preparing Army Corps of Engineers (ACOE) permitting for approval of in water work.

Ballfield Sod Replacement:

- 30 day grow in period began 1/22/2020.