



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 1281, **Version:** 1

Subject:

Staff Direction, Re: Transfer of Lori Wilson Park to City of Cocoa Beach

Fiscal Impact:

\$5 million is budgeted in the Beach Improvement fund 1442/293100

Dept/Office:

Tourism Development Office

Requested Action:

It is requested the Board of County Commissioners provide staff with direction to develop an Interlocal agreement for the transfer of ownership of Lori Wilson Park to the City of Cocoa Beach, including obtaining any necessary approvals from the Florida Department of Environmental Protection and the National Park Service. The interlocal agreement will be brought back to the Board for approval.

Summary Explanation and Background:

The Board of County Commissioners, in regular session on November 13, 2018, approved advertisement of an RFQ for design/build renovation project at Lori Wilson Park, a 32.43 acre park with 1,145 feet of ocean frontage. There is currently \$5 million in the Beach Improvement Fund to fund that renovation. Since that time, the Tourism Development Office received an unsolicited proposal for a public/private partnership from Driftwood Acquisitions and Development, LP and its affiliates ("DAD") regarding the renovation. But prior to responding to the proposal, transferring the ownership of Lori Wilson Park to the City of Cocoa Beach, Florida has been proposed. At the November 19, 2019 Cocoa Beach City Commission meeting, it was voted that the City was interested in entering into discussion with Brevard County regarding the transfer of the park and the City Manager was directed to begin work on an Interlocal agreement with Brevard County.

Staff is seeking permission to work with the City of Cocoa Beach to draft an interlocal agreement which would transfer the ownership of the park to the City, along with the \$5 million to fund the renovation. This request is consistent with the goal of conveying selected County owned parks within municipalities with no loss of service to the resident and visitors. In addition, this action allows the city to manage a park within its jurisdiction. It is suggested the conditions of the transfer would include the following:

- The City must agree that the park will remain open to the public and serve public use in perpetuity
- The Florida Department of Environmental Protection and the National Park Service must approve the transfer
- The \$5 million in Beach Improvement funds will be used in total to make park improvements as defined in the master plan (attached) and the best efforts will be made to make as many of the defined improvements as the funding will allow

- The City must take responsibility for the ongoing maintenance of the Park in perpetuity and the County will not be asked for any future funding
- The City may pursue revenue sources such as parking fees, pavilion rentals, etc. to help fund the ongoing maintenance needs. The City shall not charge County residents a higher rate for parking than City residents. Per conversations with officials with the Florida Department of Environmental Protection, any parking fees must be approved by the State DEP and National Parks Service. Additionally, such approval is expected to constrain the City's ability to charge residents a different rate than visitors from within the State (but they could potentially charge a higher rate for out of state residents)
- The City will allow the County to rent all or parts of the Park for major events such as TV/movie filming, Air Shows, Boat Races, Surf events, marathons/other runs, etc. as needed, or will rent all or part of the park directly to event producers
- If for some reason the City determines it does not want to keep the Park open to the public, the ownership of the Park will revert back to Brevard County, the City shall return it in the same condition it was in after the expenditure of the \$5 million in improvements
- City must agree to maintain a certain number of parking spaces and certain public amenities in order for the County to use those to qualify for State Beach Renourishment funding
- The Park is located in the North Reach section of the Federal Brevard County Shore Protection Project. The County would also retain a perpetual easement over the sandy portion of the beach to fulfill its requirements as the local sponsor of the Project
- City must agree to maintain adequate space for lifeguard tower coverage and Brevard County Fire Rescue Lifeguard associated buildings

Due to restrictions on the Park from previous grants, the renovation does require coordination and approval from the Florida Department of Environmental Protection and National Park Service which would need to be factored into the timing of the transfer. If the Board wishes to proceed, staff will begin work with the City to develop the Interlocal agreement and simultaneously work with Florida DEP and NPS to gain the necessary approvals. The final agreement for the transfer of the Park will be brought back to the Board for consideration and approval.

Clerk to the Board Instructions: