



MERRITT ISLAND REDEVELOPMENT AGENCY BOARD MEETING MINUTES

August 24, 2006

MEMBERS PRESENT

Ralph Perrone, Chair
Marcus Herman
Steve Carberry
Stan Allen

MEMBERS ABSENT

Duane Watson
Mike Selig
Roddy Kring

AGENCY STAFF

Greg Lugar, MIRA Executive Director
Lisa Nicholas, MIRA Special Projects Coordinator

COUNTY STAFF

Terri Jones, County Attorney's Office
Jim Statlick, Land Development
Holly Pardi, Land Development
Rick Enos, Planning and Zoning
George Clark, Parks and Recreation
Scott Wallace, Parks and Recreation

GUESTS

Marc Brenner
David Brenner
Edward Jaynes
Scott Blaue
Nick Stipanovich
Doug Baker
Rebecca Adamus
Rochelle Lawandales

CALL TO ORDER

Mr. Perrone called the meeting to order at 2:01 p.m. Ms. Nicholas called the roll and noted that a quorum was present.

APPROVAL OF MINUTES

Board members reviewed the minutes of the June 22, 2006, regular meeting, as well minutes from the July 14, 2006, Board Workshop.

MOTION MADE BY MR. CARBERRY, SECONDED BY MR. ALLEN, TO APPROVE THE MINUTES OF THE JUNE 22, 2006, MIRA BOARD MEETING AS WRITTEN. MOTION PASSED UNANIMOUSLY.

MOTION MADE BY MR. CARBERRY, SECONDED BY MR. HERMAN, TO APPROVE THE MINUTES OF THE JULY 14, MIRA BOARD WORKSHOP AS AMENDED. MOTION PASSED UNANIMOUSLY.

ITEMS FOR DISCUSSION

I. Commercial Façade Improvement Program Grant - Dollar Tree Center

Mr. Perrone acknowledged Mr. Marc Brenner from Edwards Macy Brenner's East, Inc., for the purpose of making a presentation. Mr. Brenner informed the Board that he had applied for a Commercial Façade Improvement Program grant in order to repaint the Dollar Tree Center, which is located at 755 North Courtenay Parkway (where the former Publix used to be). This application was approved by the MIRA Beautification Committee at its July meeting.

Mr. Brenner explained that, currently, the shopping center looks run down and is in need of some refurbishing. Right now, the complex is painted in varying shades of blue and gray, and it is rather drab. Mr. Brenner referred to a computer-generated photograph in which the new color scheme was illustrated. Mr. Brenner noted that the architecture of the facility was excellent and that repainting the structure would motivate shoppers to come there and that they would probably feel safer because the area would be much brighter. In addition, repainting the shopping center may encourage other businesses in the vicinity to follow suit. Mr. Brenner explained that the paint being used would be Richard's Paints, which is manufactured in Brevard County.

Mr. Perrone indicated that he thought the painting project was great for the Plaza and ultimately all of Merritt Island but raised concerns with regard to excessively painted vehicles that are parked in the front of the Plaza and never move. These vehicles are painted for the purpose of advertising businesses that are tenants of Mr. Brenner. Mr. Perrone asked Mr. Brenner if it would be feasible to advise his tenants to remove the vehicles or, at a minimum, not have them parked in front on a perpetual basis because it clutters the look of the Plaza. Mr. Brenner responded that the only vehicle he was aware of presently was the Cingular truck. Mr. Lugar indicated that the vehicles used to be draped with banners but the banners have since been removed.

Mr. Perrone inquired as to whether Mr. Brenner would consider putting a clause in future leases stating that such vehicles are not permitted to be parked in the lot on a permanent basis. Mr. Brenner responded that he would consider that and also mentioned that he had denied a couple of drive-thru type establishments that wanted to locate their businesses in front of the Plaza because the structures would block the view of the Plaza.

Mr. Allen asked if anyone had checked with Code Enforcement on the legality of the vehicles, and Mr. Lugar responded that he had and that the vehicles were legal. Ms. Jones indicated that painted pick-up trucks, passenger trucks and passenger vans were permitted to be parked in lots of businesses that are zoned B-1.

Mr. Perrone called for a motion to approve Edwards Macy Brenner's East, Inc.'s, Commercial Façade Improvement Program grant application for the amount of \$10,000 for improvements to the Dollar Tree Plaza.

MOTION MADE BY MR. HERMAN, SECONDED BY MR. CARBERRY, TO APPROVE EDWARDS MACY BRENNER'S EAST, INC.'S, COMMERCIAL FAÇADE IMPROVEMENT PROGRAM GRANT APPLICATION FOR THE AMOUNT OF \$10,000 FOR IMPROVEMENTS TO THE DOLLAR TREE PLAZA. MOTION PASSED UNANIMOUSLY.

II. Request for Variance - Southeast Corner of Tangerine Avenue & North Tropical Trail

Mr. Perrone acknowledged Mr. Nick Stipanovich for the purpose of making a presentation. Mr. Stipanovich indicated that he was requesting a variance to provide for an additional four feet of height on a fence being constructed on the applicant's property for the purpose of improving security and enhancing privacy for the neighbors. The property is currently zoned as BU2 and will eventually be converted to a mini-storage facility. Mr. Stipanovich stated that he and his wife are in the landscaping maintenance business and that their intention was to install decorative planters on top of the fence in order to enhance the fence's appearance.

Mr. Herman inquired as to what material would be utilized for the construction of the fence, and Mr. Stipanovich responded that it would likely be brick or stucco. Mr. Allen asked what was currently on the property, and Mr. Stipanovich replied that there were many dilapidated trailers but that they would be removed when construction of the mini-storage facility commenced. Mr. Allen stated that perhaps the increased fence height may not be necessary if the trailers were removed, and Mr. Stipanovich stated that could be the case but that the neighbors in the area asked him to look into heightening the fence so he was following through on that request for the community.

Mr. Perrone called for a motion to approve the request for a variance for Mr. Stipanovich's property located at the southeast corner of Tangerine Avenue and North Tropical Trail.

MOTION MADE BY MR. CARBERRY, SECONDED BY MR. HERMAN, TO APPROVE THE REQUEST FOR A VARIANCE FOR MR. STIPANOVICH'S PROPERTY LOCATED AT THE SOUTHEAST CORNER OF TANGERINE AVENUE AND NORTH TROPICAL TRAIL. MOTION PASSED UNANIMOUSLY.

III. Review and Approval of Site Plan - 127 Tangerine Avenue

Mr. Perrone acknowledged Mr. Ed Jaynes for the purpose of making a presentation on the site plan for his property located at 127 Tangerine Avenue. Review of the site plans for Mr. Jaynes' redevelopment project was being requested by the Land Development Office.

Mr. Jaynes noted that this project consists of an existing 864 square-foot single-story building and an existing 1,165 square-foot two-story building. The single-story building is to be converted to an office. The building's roof would be removed and heightened, additional parking spaces would be added, and provisions would be made for drainage and landscaping.

A question arose as to how many parking spaces would be added, and Mr. Jaynes responded that he was not sure of the exact number but that Carmel Development had done the site plan, and the number of spaces being added meets what is required by County code. Because of their impervious nature, pavers will be used. Mr. Statlick noted that the site plan is being reviewed by the Land Development Office and looks very favorable.

Mr. Perrone called for a motion to accept the site plan for Mr. Jaynes redevelopment project for the property at 127 Tangerine Avenue.

MOTION MADE BY MR. HERMAN, SECONDED BY MR. ALLEN, TO ACCEPT THE SITE PLAN FOR MR. JAYNES' REDEVELOPMENT PROJECT FOR THE PROPERTY LOCATED AT 127 TANGERINE AVENUE. MOTION PASSED UNANIMOUSLY.

IV. Request for Change in Zoning - 585 Courtenay Parkway

Mr. Perrone recognized Ms. Rochelle Lawandales for the purpose of a presentation. On behalf of applicants Ralph and Cynthia Perrone, Ms. Lawandales explained that a change in zoning from RU2-10 to BU-1A was being requested for the Perrones' property located at 585 Courtenay Parkway.

Ms. Lawandales noted that, at present, a dilapidated home is situated on the property, and the applicant is seeking to make substantial upgrades to the structure and convert it into a professional office building. Ms. Lawandales referred to an aerial map, which illustrated that nearly all of the abutting property is zoned as BU-1. Furthermore, the surrounding area currently encompasses commercial activity. Mr. Perrone indicated that, to repair the current structure would be a considerable expense, but it would still be the most economical way to proceed, considering that impact fees had recently tripled.

Mr. Perrone requested a *CE Form 8B (Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers)* from staff, which he completed. Mr. Perrone then called for a motion to approve the change in zoning from RU2-10 to BU-1A for Mr. Perrone's property located at 585 Courtenay Parkway.

MOTION MADE BY MR. ALLEN, SECONDED BY MR. CARBERRY, TO APPROVE THE CHANGE IN ZONING FROM RU2-10 TO BU-1A FOR MR. RALPH PERRONE'S PROPERTY LOCATED AT 585 COURTENAY PARKWAY. MOTION PASSED UNANIMOUSLY.

V. Waterway Park Boardwalk Repair Update

Mr. Perrone recognized Scott Wallace and George Clark from the County Parks and Recreation Department for the purpose of presenting an update on the boardwalk repairs at Waterway Park.

Mr. Wallace explained that the boardwalk repair project at Waterway Park has changed a number of times in the past year, in terms of both scope of work and the costs involved to complete the project. The purchase of enhanced materials for construction is now also being considered to spare the boardwalk from future storm damage.

The project, which is classified by FEMA as non-obligated (not officially approved), is currently being reviewed by FEMA's environmental specialist, and FEMA's estimated cost for repairs is \$794,000. Mr. Wallace noted the importance of not changing the footprint because this will assist with permitting issues, but the project still requires an Army Corps permit.

In order to receive reimbursement, the Parks and Recreation Department must agree with and follow exactly the scope of work set forth by FEMA. If that occurs, FEMA will pay 75 percent of reimbursement, the state will pay 12.5 percent, and the County will therefore be responsible for 12.5 percent.

A question arose as to what the time frame would be to start and complete construction, if FEMA approves the project. Mr. Clark indicated that, once the project becomes obligated (approved) by FEMA, it can be expedited by coupling with existing School Board and County contracts. Construction should begin 60 to 90 days from when the project becomes obligated. At that time, the engineer will determine how long the actual construction will take.

Damage to the boardwalk structure on the south side of Waterway Park is already obligated and is considered, by FEMA, to be a small project.

The Board thanked Mr. Wallace and Mr. Clark for providing the information.

VI. Brevard County vs. Laretta

Mr. Perrone recognized Mr. Scott Blaue, attorney for Mr. Laretta. The situation was briefly reviewed: a very large oak tree had been cut down in Merritt Park Place, which is zoned BU-1. The owner, Mr. Laretta, was cited by Code Enforcement for land clearing without a permit and cutting down trees in excess of 10 inches in diameter. A hearing had been scheduled with the County Special Magistrate for mid-July but was continued. At that time, the Board inquired as to whether the owner could be asked to replace those trees with others of similar caliper.

Ms. Jones indicated that a conceptual settlement had been reached, which would provide for the replanting of trees by Mr. Laretta as opposed to a fine. Mr. Blaue indicated that his client, Mr. Laretta, was willing to work with the County on what the replanting would consist of.

Mr. Perrone stated that he was in favor of reaching a settlement in which trees could be replaced. Mr. Lugar noted that Ernie Brown, Director of the Office of Natural Resources, was also working with the County Attorney's office on what the settlement should entail. It was suggested that Mr. Perrone could be the point person for MIRA with regard to the negotiations. Ms. Jones stressed that the settlement would not be taken to the Board of County Commissioners for approval until the MIRA Board granted approval. It was suggested that the individuals working on the settlement should perhaps approach the MIRA Beautification Committee for suggestions on where in the district the trees should be planted.

A question arose as to what the dollar amount of a fine would have been, and Ms. Jones responded that there was a cap of 35 percent of the assessed value of the trees for a Code Enforcement violation.

MOTION MADE BY MR. ALLEN, SECONDED BY MR. HERMAN, TO ACCEPT THE CONCEPTUAL SETTLEMENT IN WHICH TREES WOULD BE PLANTED BY MR. LAURETTA IN LIEU OF A FINE. MOTION APPROVED UNANIMOUSLY.

MOTION MADE BY MR. CARBERRY, SECONDED BY MR. ALLEN, TO APPOINT RALPH PERRONE AS THE DESIGNEE FROM THE MIRA BOARD TO WORK WITH THE COUNTY ATTORNEY AND THE DIRECTOR OF THE OFFICE OF NATURAL RESOURCES ON THE SPECIFICS OF THE REPLANTING PROVISIONS OF THE SETTLEMENT. MOTION APPROVED UNANIMOUSLY.

VII. Amendment to Zoning Ordinance with Respect to MIRA Regulations

Mr. Perrone recognized Mr. Rick Enos for the purpose of a presentation. Mr. Enos provided a handout that set forth various zoning provisions and how they related to MIRA.

Mr. Enos explained that the Board of County Commissioners recently directed staff to advertise a zoning code amendment that excepted the MIRA expansion from those provisions in the zoning code that apply only to MIRA. If the ordinance is approved, the MIRA expansion would continue to be treated in the zoning code like any other area outside of MIRA, just as it was prior to the expansion. The BOCC directed this ordinance because the additional building height provisions allow additional height in MIRA. They were concerned about the expansion of such "relaxed" provisions outside of the original MIRA region. However, not all of the differences in the zoning code between MIRA and non-MIRA areas are relaxations of the code; conversely, many of the provisions in the code that apply only to MIRA are more restrictive, not less.

Essentially, the main question would be should the regulations apply any differently in the expanded portion of the district. Mr. Lugar stated that the MIRA Board would need to absorb the information set forth in the handout and indicated that it would be helpful to get feedback on this issue from Mr. Selig and Mr. Watson, who could not be present at the August meeting, as they could offer a more historical perspective.

It was suggested that the issue be revisited in one month; Mr. Enos would come back to the Board in 30 days, and staff would provide copies of Mr. Enos' handout to Mr. Watson and Mr. Selig for their review.

VIII. Beautification Committee Report

Mr. Herman reported that, at its meeting on July 20, 2006, the Beautification Committee voted unanimously to approve Beautification Awards and Commercial Façade Improvement Awards for three business owners. Approval was being requested from the MIRA Board so that the recipients could be honored and receive the awards.

- Mr. Herman recommended that a Beautification Award and Commercial Façade Improvement Award be granted to Affordablebraces.com P.A., 455 Magnolia Avenue (Dr. Paul Ouellette).

Ms. Nicholas reported that River's Edge Professional Center is the first structure that is seen on the right-hand side when entering Merritt Island on eastbound SR 520. The appearance of the building's roof and façade has been enhanced dramatically by adding new colors and Bahamas shutters. The exterior has been designed to more closely resemble old-Florida architecture, and porch railing updates include Victorian brackets and other old-Florida ornamental accents. Gables and cupolas have been added to the roof's façade. A CFIP grant in the amount of \$10,000 helped to contribute to the impact of the improvements.

MOTION MADE BY MR. HERMAN, SECONDED BY MR. ALLEN. MOTION APPROVED UNANIMOUSLY.

- Mr. Herman recommended that a Beautification Award and Commercial Façade Improvement Award be granted to 60 McLeod LLC, 60 McLeod Street (Linda Brandt and Bill Ronat).

Ms. Nicholas reported that, with the assistance of a CFIP grant in the amount of \$20,000, the property at 60 McLeod has been transformed into a structure that is fashionable and contemporary, yet still maintains the earlier style of the original building's 1920's architecture. The front of the building features a repetition of arched openings, which also provide ADA access. In addition, a new roof, stucco and other repairs have greatly enhanced the exterior look of the structure.

MOTION MADE BY MR. HERMAN, SECONDED BY MR. CARBERRY. MOTION APPROVED UNANIMOUSLY.

- Mr. Herman recommended that a Beautification Award and Commercial Façade Improvement Award be granted to Piece of Paradise, 224 Parnell Street (Christine Black and Carol Skagseth).

Ms. Nicholas explained that, with the assistance of a CFIP grant in the amount of \$5,464.88, a stylish three-dimensional urethane sign was designed and constructed, landscaping was greatly enhanced, and pavers were installed for the parking area in the front of the property. These improvements have resulted in an original and distinctive look.

MOTION MADE BY MR. HERMAN, SECONDED BY MR. CARBERRY. MOTION APPROVED UNANIMOUSLY.

Mr. Herman noted that there are now a total of four businesses that will be receiving awards. Hayes Meats at 285 Fortenberry Road had been approved previously by the Beautification Committee and the MIRA Board for a Beautification Award, but the owner could not be reached for scheduling. With regard to award ceremonies, two recipients will be honored in early September, and two will be honored in early October.

Mr. Herman stated that the issue of removal of the Washingtonia palms from the median on the SR 520 Causeway had been discussed at the Beautification Committee meeting. Mr. Herman did not know why removal of the trees was being proposed and was seeking further information. Mr. Lugar indicated that the Parks and Recreation Department had been tasked with doing some work to come up with alternative palms that could be planted in place of the Washingtonias. Mr. Perrone stated that he would like to see the Washingtonias remain along SR 520, as it could be years for other trees to have the kind of impact that they do. The Washingtonias just need to be on a regular trimming schedule, which will not do damage to the trees. It was suggested that staff could perhaps have a discussion with the City of Cocoa in order to find out about their trimming practices and costs.

IX. Staff Report

Tree Trimming - Sykes Creek Parkway & SR 520: Mr. Lugar stated that, at a previous MIRA Board meeting, Board members had requested that staff look into a schedule for trimming the oak trees in the vicinity of Sykes Creek Parkway and SR 520. Mr. Lugar conferred with Loren Rapport, County Landscape Manager, who indicated that the trees should be trimmed and that the trimming should occur sometime during the winter months.

South Tropical Trail "S" Curve Realignment: Staff has had discussions regarding acquiring the parcels on South Tropical Trail. The property has been appraised at approximately \$210,000, and the owner is asking \$420,000. Land Acquisition

Supervisor Holly Pardi approached the owner again, but he would not deviate from the \$420,000 asking price. Mr. Lugar therefore advised that the road realignment project be put on hold so that the sanitary sewer project could move forward. Mr. Lugar indicated that it would not be feasible to perform the realignment until the price for the property could be negotiated and further stated that it did not make sense to delay the sewer project.

MOTION MADE BY MR. ALLEN, SECONDED BY MR. CARBERRY, TO DIRECT STAFF TO PROCEED WITH THE SANITARY SEWER PROJECT AND NOT WAIT FOR THE REALIGNMENT OF THE "S" CURVE ON SOUTH TROPICAL TRAIL. MOTION PASSED UNANIMOUSLY.

X. Other Business

Mr. Perrone indicated that impact fees within the County had recently tripled. Essentially, the price per foot for commercial properties had increased from \$2.80 to \$8.40. Mr. Perrone emphasized that he was not opposed to paying impact fees and recognized their importance. Mr. Perrone raised the question, however, as to whether business owners in the MIRA district could possibly be exempt from the increase in fees, not from the fees themselves. Mr. Perrone asked if redevelopment agencies could pay for a portion of impact fees and questioned if perhaps the City of Rockledge did things differently. Mr. Lugar responded that he would attempt to have experts present at the next meeting in order to address the inquiry. Mr. Perrone reiterated that any relief would be requested on the fee increase, not on the actual fees, and further stated that the increase in fees has already discouraged some individuals from proceeding with building projects. Some have already canceled their projects.

Mr. Carberry asked if there were anything to report on the Myrtice Avenue / Island Point situation, which had been discussed at the Board's workshop in July. Mr. Lugar indicated that he had a meeting with Town Realty approximately three to four weeks ago and that he would be having discussions with the Transportation Department and the owners of the condos.

Mr. Perrone thanked Mr. Herman for stepping up to fill the role of Chairman on the MIRA Beautification Committee.

Ms. Nicholas noted that the award plaques for former Board members Sandee Natowich and Nick Gigante had been completed and picked up, and Mr. Perrone indicated that staff should contact them and invite them to the September MIRA Board meeting to be recognized. Mr. Herman stated that the Beautification Committee may want to do something for Ms. Natowich in addition to the plaque because of her efforts on that Committee. Ms. Jones added that, if a decision is made to have a luncheon or some sort of special recognition ceremony, it must be advertised like any other public meeting in order to be in compliance with the Sunshine Law.

XI. Public Comments

None.

ADJOURNMENT AND NEXT MEETING

Mr. Perrone adjourned the meeting of the Merritt Island Redevelopment Agency Board of Directors at 3:55 p.m. and noted that the next regular meeting was scheduled for September 28, 2006, 2:00 p.m., at the Merritt Island Government Center, 2575 North Courtenay Parkway, Room 205, Merritt Island.