



# MERRITT ISLAND REDEVELOPMENT AGENCY BOARD MEETING MINUTES

*February 22, 2007*

## MEMBERS PRESENT

Ralph Perrone, Chair  
Stan Allen  
Roddy Kring  
Marcus Herman  
Steve Carberry  
Sue Nisbet-Lawrence  
Tanya Knappman

## MEMBERS ABSENT

None

## AGENCY STAFF

Greg Lugar, Executive Director  
Sherry Ferrell, Special Projects Coordinator (TEMP)  
Terri Jones, Assistant County Attorney

## COUNTY STAFF

Jim Statlick, Land Development  
Matt Culver, Office of Natural Resource Management  
Liz McDuffee, Administrative Assistant

## GUESTS

Commissioner Chuck Nelson - District 2  
Ed Jaynes  
Sue Cody  
Rebecca Adamus, Florida Today  
Sean Michaels, Five Frogs Property Management

## CALL TO ORDER

Introduction of two (2) new members, Sue Nisbet-Lawrence and Tanya Knappman.

Commissioner Chuck Nelson introduced himself and discussed several issues related to MIRA; he explained the perception the public has in reference to membership of the Agency. Commissioner Nelson talked to Ralph Perrone regarding transition and stated that Mr. Perrone advised that he will stay on the Agency Board until violation of oak trees is concluded. Commissioner Nelson expressed his support of MIRA's good work and also for Matt Culver with the Waterfronts Florida Partnership Program.

## APPROVAL OF MINUTES

Members reviewed the minutes of the January 25, 2007, regular meeting; being no corrections.

**MOTION MADE BY STEVE CARBERRY, SECONDED BY MARCUS HERMAN, TO APPROVE THE MINUTES OF THE JANUARY 25, 2007, MIRA BOARD MEETING. MOTION PASSED UNANIMOUSLY.**

## ITEMS FOR DISCUSSION

### I. Code Violation at 340 Hibiscus Ave.

Attorney Terri Jones provided an update of the case involving the clearance of the huge oak trees at 340 Hibiscus. Ms. Jones stated that several months ago MIRA approved Mr. Perrone taking the lead in the settlement effort. Under the code the violation would require payment of a fine; however, that money could be set aside to acquire landscape in the MIRA district. A phone conference was held about three (3) weeks ago and an agreement was decided that Mr. Loretta would pay into an arbor fund because it's not the right time to plant. Parks & Recreation Department and Road & Bridge Department would like to have more flexibility on the schedule of the planting. Four (4) oak trees would be planted on Mr. Loretta's property and the other trees would be planted in the MIRA district with the assistance of the Parks & Recreation Department.

Ms. Jones stated even though this was in the paper, a second property owner on Hibiscus Avenue cut down two (2) trees. It was agreed that MIRA should take steps to notify Merritt Park Place owners of the consequences of cutting trees without permits from the County. Mr. Perrone stated that Mr. Loretta was under the impression that his property was residential and would be allowed to remove the trees without a permit. All property in Merritt Park Place is BU-1 therefore, even if there is a duplex on the property, it is not residential zoning, that is why the case was reopened.

Ms. Jones stated that Mr. Loretta's attorney at the last meeting asked for the County arborist to determine if the large oak was diseased and which ones were viable. The County arborist advised that the largest oak was in fact a viable tree. Ms. Jones will recommend that the largest oak tree is non negotiable to Mr. Loretta's attorney.

Ms. Jones stated that the final decision is to plant 4" dbh and 44 (four on site) trees at \$350 each, equaling up to \$15,000. Parks & Recreation Department has agreed to water the planted trees.

**MOTION MADE BY STEVE CARBERRY, SECONDED BY STAN ALLEN, FOR MIRA TO RECOMMEND ACCEPTING THE SETTLEMENT AS PROPOSED. MOTION PASSED UNANIMOUSLY.**

**II. Proposed Application to the Waterfronts Florida Partnership Program, Matt Culver, Boating and Waterways Program Coordinator**

Matt Culver introduced himself and explained the two (2) year waterfront revitalization planning project. Mr. Culver stated that the proposed study focuses on environmental, cultural resources, public access, retention of traditional waterfront economies and hazard issues. The grant program offers training and technical assistance. The City of Melbourne finished their two (2) year planning study and the City of Titusville is applying this year for the grant. MIRA's responsibility would be to create an organizational structure. The program requires that a committee be established to assist and oversee what could be considered in the waterfront area. Mr. Culver stated that he would be the program manager; he also stated that the funding is \$25,000 per year.

Greg Lugar suggested increasing the study area and look at the whole area including Merritt Park Place and the area south of SR 520. Mr. Lugar expressed his support to develop the areas around Waterway Park for waterfront opportunities.

**MOTION MADE BY STEVE CARBERRY, SECONDED BY STAN ALLEN, TO SUPPORT THE GRANT APPLICATION AND ADOPT THE RESOLUTION. MOTION PASSED UNANIMOUSLY.**

**III. Consideration for Time Extension: Commercial Façade Grant Agreement Village Flooring - Edward and Noreen Jaynes - 127 Tangerine Ave.**

Greg Lugar reviewed the history of Ed Jaynes CFIP Grant at 127 Tangerine Ave, Merritt Park Place. MIRA's grant agreements provide 365 days to complete construction work. Mr. Jaynes has requested a six (6) month time extension. Mr. Lugar advised that the Beautification Committee approved the request at its previous meeting.

**MOTION MADE BY MARCUS HERMAN, SECONDED BY STAN ALLEN, TO APPROVE A TIME EXTENSION FOR SIX (6) MONTHS FOR ED JAYNES AT 127 TANGERINE AVE. MOTION PASSED UNANIMOUSLY.**

**IV. Commercial Façade Program Status Report**

- A. Nomination for Beautification Award - Marcus Herman stated that an award for 595 N. Merritt Island Parkway was previously made. Mr. Herman has asked the staff to compile a list of all the recipients who have received the Beautification Award and Commercial Façade Beautification Award.
- B. Status of Current Projects - Three ongoing grant projects were reviewed, those being (1) Island Grill (2) KLD Youth and (3) Junior League. Staff provided an overview of the new applicants (1) Midas Muffler and (2) Dr. Wilkins and potential applicants (1) Furniture Gallery (2) Victoria's Restaurant and (3) East Coast Christian.

**V. Discussion: Lighting Option at Waterway Park / SR 520**

Mr. Lugar suggested continuing this item to the next MIRA meeting in March.

## VI. Other Business

Mr. Perrone talked about the possibility of a new sign at the Hensley Park. Mr. Lugar advised that he talked to Greg Minor, supervisor of the Central Brevard Parks & Recreation Department. Mr. Minor was meeting with the little league baseball association and other users of the park to get their input. Mr. Lugar suggested discussing this topic when Mr. Minor could address this subject at a future meeting.

Greg Lugar introduced Mr. Sean Michaels of Five Frogs Property Management. Mr. Michaels explained the issue of the dumpster on side of building. Originally that building used trash cans; however, the trash cans presented a problem for the six (6) tenants carrying trash cans to the street. The old owner (10 years ago) placed a dumpster to the rear of the building which is the west side of the building. It ended up being side by side with the adjacent building owners dumpster. It was determined that by allowing Waste Management to access the building dumpster they were granting a prescriptive easement. Therefore, the neighbor denied the previous owner locating the dumpster at that site and the dumpster was moved to its present location where it has been for seven (7) years. Waste Management continues to drive over the curb to get to the dumpster.

Mr. Michaels is requesting that they be permitted to move the dumpster and cut the curb granting access to the dumpster. This will require two (2) waivers; (1) waiving the minimum distance requirement between two driveways, and (2) permitting authorized commercial vehicles to back out into public right of ways. The proposal is to move the dumpster approximately 30 ft over, constructing a driveway and placing the dumpster against the building with an enclosure.

It was asked if an agreement with the owner of the adjacent property would be feasible in order to continue with what was being done without giving up ownership. Mr. Michaels stated that they have requested the gentlemen meet them at the property but with no success. The owner advised them that he did not want his driveway being used.

Mr. Perrone asked how they are planning to screen the dumpster. Mr. Michaels stated he is open to suggestions. Currently they plan to construct a 6' privacy fence; wood with concrete poles in the front.

Mr. Perrone suggested building the privacy enclosure; bring the fence out about 3' further, so tenants could come in between the sides. The dumpster would then not be seen from the road and Waste Management opens the gate, empties the dumpster and unloads. This set-up would allow the tenants to not have to open the gate.

Mr. Perrone suggested planting landscape to make it more attractive. Mr. Perrone asked if Land Development supported this option. Mr. Statlick of Land Development concurred.

**MOTION MADE BY MARCUS HERMAN, SECONDED BY STEVE CARBERRY, TO APPROVE THE TWO (2) WAIVERS. MOTION PASSED UNANIMOUSLY.**

## Other Business

Greg Lugar stated Rick Enos (Zoning Manager) was previously directed to come to this agency for input on whether or not the existing MIRA regulations should apply to the new district and after two (2) meetings the Agency voted to have the same regulations in both districts.

After discussion of the issue, the Agency members were in agreement that the height restriction should be the same in the new and old MIRA areas as it is in the unincorporated areas of the County. It was suggested that Mr. Enos attend the next MIRA meeting and discuss the height issue.

Marcus Herman suggested that since there are new members perhaps having a workshop to educate members on the history of MIRA's capital project would be beneficial. He further requested written information summary on MIRA's projects. Mr. Herman asked about a recommendation for a co-chairman for MIRA. It was suggested that this be considered at the next meeting.

Terry Jones asked if everyone understood the Sunshine Law and ethics rules as it pertained to MIRA. Ms. Jones stated that she is not implying anything wrong was done, but that it is a very gray area. It came to Greg Lugar's attention after the last meeting that during the discussion regarding the acquisition of the parcel at 45 North Tropical Trail, Mike Selig may have had a conflict. There is a question as to whether Mr. Selig may benefit from the sewer and road project. Mr. Lugar advised that he suggested to Mr. Selig to act on the safe side and complete the conflict of interest Form 8B. Mr. Lugar stated that Mr. Selig believed he did not have a conflict in his voting on the item. Attorney Terri Jones stated she is only looking at the legal aspect of the vote. The County Attorney's office is recommending that you bring this action back up again; ratify your previous vote, so that there is a clean recommendation to the board so that it can not be challenged later. After discussion of the matter, the Agency took a vote.

**MOTION MADE BY STEVE CARBERRY, SECONDED BY STAN ALLEN, TO RATIFY PREVIOUS DECISION REGARDING THE PURCHASE OF THE PROPERTY LOCATED AT 45 N. TROPICAL TRAIL.**

**MR. ALAN, MR. CARBERRY AND MR. HERMAN VOTED YES; MS. KNAPPMAN, MS. NISBET-LAWRENCE VOTED NO; RALPH PERRONE DID NOT VOTE.**

## **ADJOURN**

Ralph Perrone adjourned the meeting of the Merritt Island Redevelopment Agency Board of Directors at 4:40 p.m.