



MERRITT ISLAND REDEVELOPMENT AGENCY BOARD MEETING MINUTES

June 28, 2007

MEMBERS PRESENT

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

MEMBERS ABSENT

None

AGENCY STAFF

Greg Lugar, Executive Director
Liz Villafane, Special Projects Coordinator

GUESTS

Barry Cabaniss, Bussen-Mayer Engineering
Agatha DeFrancesco, Bizzarro's Pizza

CALL TO ORDER

Sue Nisbet-Lawrence called the meeting to order at 2:06 p.m. Staff called the roll; quorum was present.

APPROVAL OF MINUTES

Members reviewed the minutes of the May 24, 2007, regular meeting; being no corrections,
MOTION MADE BY RODDY KRING, SECONDED BY MARCUS HERMAN, TO APPROVE THE MINUTES OF THE MAY 24, 2007, MIRA BOARD MEETING. MOTION PASSED UNANIMOUSLY.

ITEMS FOR DISCUSSION

I. Consideration for Approval: Site Plan - Prime Bank - Merritt Ave. and McLeod

Greg Lugar advised Jim Swann from Prime Bank came to the Board last month requesting a change in zoning for one of the 3 parcels to be purchased. Today Prime Bank is requesting approval of their site plan which has been refined since the previous meeting. Mr. Lugar stated that Barry Cabaniss, Bussen-Mayer Engineering is here to discuss the site plan and answer any questions.

Mr. Cabaniss presented the site plan which is surrounded by SR 3 to the east, Merritt Ave. to the north and McLeod Street to the west. Mr. Cabaniss stated that the site plan includes Dr. Roddy Kring's current dental office and another structure on the south end. Both structures will be removed. He advised that the site plan includes the required parking. Mr. Cabaniss stated that there are a couple of large oak trees that they are trying to save and because the site is so compact they will not get any credit from the Natural Resources Department for saving the trees. The County ordinance states that if there is any pavement under the canopy credit will not be given. Mr. Cabaniss stated that it is a high priority to work around the trees. Mr. Cabaniss advised the Board that the applicant is asking for a median cut in the traffic island on McLeod Street, which will allow better access to the site. The driveway going out to SR 3 is a one-way driveway out only. The other driveway on Merritt Ave. will remain as it exists. Mr. Lugar stated that originally the median cut was a concern and he will rely on the County's Engineering Department to make sure that everything has the right distances from the intersections. Mr. Cabaniss advised that they have gone through the pre-application

process with Brevard County. Traffic Engineering had a couple of minor comments but nothing to do with the location of the median cut. Transportation Engineering had no comments. Mr. Lugar asked if there was anything in the medians that would have to be displaced such as trees, etc. Mr. Cabaniss advised that there is landscaping, maybe one palm, some small bushes and possibly two lights that may need to be relocated from the proposed cut area. Mr. Lugar asked about the location of a trash bin enclosure which will be viewed by everyone on Merritt Ave. and McLeod. Mr. Cabaniss advised that it will be heavily landscaped and stated that there will be trash cans in the enclosure and not a dumpster.

Marcus Herman asked Mr. Cabaniss to reiterate what he had said about trying to save the oak trees. Mr. Cabaniss advised that the large oak trees will all be staying but they may have to relocate or possibly remove the palms. Tanya Knappman asked if pavers or concrete would be placed around the trees. Mr. Cabaniss advised that there will be parking underneath the canopy of the oak trees and that pavers are there now.

Mr. Cabaniss advised that the SR 3 sidewalk is existing and that the Merritt Ave. sidewalk is proposed. The Office of Natural Resources has stated that the landscape buffer must begin at the inside edge of the sidewalk and must be 15' into the property which would actually put it 20' into the property. Mr. Cabaniss informed the Office of Natural Resources that the sidewalk is a County sidewalk put in by MIRA. Mr. Cabaniss is now looking to find what the agreement was for the easement that was obtained for building the sidewalk. He is looking for support from MIRA by agreeing that this is a sidewalk proposed by MIRA and does not feel that this site plan will work if an extra 5' is required and furthermore, 2-3 parking spaces will be lost if this is required. Mr. Lugar recalls Doug Robertson and Barbara Carta doing this project and working very diligently to get easements throughout Grove and McLeod in order to get the slant parking spaces.

Mr. Lugar asked what type of landscaping will be planted in the median. Mr. Cabaniss advised that he has not seen a description of plants but knows that it will be heavily landscaped. Mr. Cabaniss advised that building #2 on the south side of the property may change shape a little in order to shift it over to the east side away from McLeod and make the retention pond fit. Mr. Herman asked what was going to happen with the current buildings on the property. Mr. Cabaniss advised that all the buildings were to be demolished. Building #1 will be the bank and building #2 will be a professional office building with two units.

MOTION MADE BY MARCUS HERMAN, SECONDED BY STAN ALLEN, TO APPROVE THE SITE PLAN FOR PRIME BANK AT MERRITT AVE. AND MCLEOD. MOTION PASSED UNANIMOUSLY.

II. Consideration for Approval: Conditional Use Permit - Agatha DeFrancesco, Merritt Island Associates - 325 E. Merritt Island Causeway

Agatha DeFrancesco introduced herself and stated that their current suite has a CUP which permits beer and wine. She is looking to expand the restaurant over to the next suite and needs a CUP for that suite. Attorney Morris Richardson stated that the requirement is dependant on the square footage and seating. Mr. Lugar advised that he has spoken to Cindy Fox who could not attend but has informed him that there were no objections from any of the adjacent owners. Attorney Richardson stated that if the Board wanted to approve the request today they could approve it with the understanding that the restaurant is not located within 400' of a church or school.

MOTION MADE BY STEVE CARBERRY, SECONDED BY RODDY KRING, TO APPROVE THE CONDITIONAL USE PERMIT FOR AGATHA DEFRANCESCO AT 325 E. MERRITT ISLAND CAUSEWAY UPON THE CONTINGENT THAT THE ZONING DEPARTMENT HAS NO ISSUES AND RECOMMENDS APPROVAL. MOTION PASSED UNANIMOUSLY.

III. Commercial Façade Grant Program Update

Greg Lugar discussed the current six grant agreement projects. Island Grill has finished their improvements and has submitted project invoices. Jr. League is still making improvements and is lacking landscape. Mr. Herman requested that staff inform the Jr. League in writing that their time will expire soon. Ed Jaynes has

made significant progress on their improvements and the project is looking good. The other three CFIP projects are Victoria's Restaurant, WS Badcock and Dr. Wilkins. These projects have made no progress as of yet since the Agency only approved the grants at their previous meeting.

Liz Villafane advised that Island Paint on N. Courtenay Parkway is a prospective applicant and will have their application ready by the next Beautification Committee meeting. Mr. Herman informed the Board that it looks like Island Paint has started their improvements with replacing their awnings. He requested staff inform them that the Beautification Committee and Board need to approve their grant before continuation of improvements.

Mr. Lugar advised that Isles of Merritt Condo has contacted the office and has agreed to accept the award. He advised that Ms. Villafane will work on setting up the award ceremony.

Mr. Lugar stated that a Beautification Committee meeting was canceled this month due to no items to be considered. Sue Nisbet-Lawrence inquired about the money in the Commercial Façade Program account and if there were more applicants. Mr. Lugar advised that there is a budget of \$200,000 and the Committee has spent around \$50,000 - \$60,000. Mr. Lugar advised that in the fall, MIRA will mail out a brochure about the Commercial Façade Program to the businesses in the redevelopment area. Ms. Nisbet-Lawrence inquired about the funds not used. Mr. Lugar advised that at the beginning of the next fiscal year, which will be October 1st, funds not spent from this budget year will be re-budgeted in the next fiscal year.

IV. Other Business

Mr. Lugar advised that he has included a legal ad and ordinance amendment provided by Rick Enos. A public hearing will be held on July 10, 2007 in regards to the change that was recommended by the Board which amends Chapter 62 regarding height. The amendment makes the height regulation in the MIRA district the same as it is in the rest of the unincorporated areas of the County.

Mr. Lugar advised that a copy of an email from Mary O'Neal with the Road & Bridge Department has been distributed in regards to the SR 3 landscape project. Mr. Lugar discussed briefly the Joint Participation Agreement between the County and FDOT for \$150,000 to landscape the medians. FDOT has finally received an acceptable bid for the transportation work. The project is under budget by a little over \$200,000 and they plan to let this project hopefully in the next 60 days after checking the credentials of the contractor. The contractor will probably not start until September or October. In the next couple of months, the County and MIRA must have an irrigation system designed so that the contractor can include the irrigation work into the construction of the project.

Ms. O'Neal has asked Mr. Lugar if the Agency thinks this project is still a real project due to the budget cuts. The Road & Bridge MSTU funds are committed to paying a percentage of the irrigation work. FDOT requires that the local government accept the maintenance of the landscape and any sodded areas. The Road & Bridge Department will budget only \$10,000 annually out of their MSTU funds for maintenance. The Road & Bridge Department would like to meet with Commissioner Nelson on this project. Mr. Lugar asked the Agency what they would like to do regarding this project so that he may forward the information to the Commissioner when they meet.

Mr. Herman expressed concern that there may not be enough money to fund the SR 3 landscaping project and maybe some of the other projects. Mr. Lugar advised that there are budget cuts being considered in the County and confirmed Mr. Herman's concern. Mr. Herman stated that this is a project that needs to be completed. Ms. Nisbet-Lawrence would like to keep the SR 3 landscaping project. All Board members expressed their agreement.

Attorney Richardson asked Mr. Lugar if any calculation has been provided by the legislature on the impact to MIRA. Mr. Lugar had spoken with Stockton Whitten and the language was not clear. Mr. Lugar advised that

the Board of County Commissioners has determined from recommendations by the County Manager to cut almost \$500,000 out of MIRA's budget for next year; \$470,000 of capital projects and the full time position. Mr. Lugar advised that he did not think MIRA could function with these proposed budget cuts.

Mr. Lugar provided the MIRA Board with the information that was submitted to the County Commission. The information shows that every Agency has some proposed cuts in their budget. Mr. Lugar went on to discuss page 7 of the handout that describes what was recommended for MIRA; a reduction of capital improvements by 30% and to eliminate the single full time position. Mr. Lugar explained the schedule of workshop dates that the Board of County Commissioners is going to have and advised that on Monday, July 16, 2007 the Board will be discussing MIRA and the Economic and Financial Programs Office budgets. Mr. Lugar explained that every department was asked to prepare a budget that was status quo, meaning the same as the current year budget.

Mr. Lugar had spoken to Commissioner Nelson yesterday and the Commissioner has asked him to prepare a list of projects that MIRA currently has and discuss the current revenue in hand. For Capital Projects as of yesterday MIRA has \$3,080,000. MIRA has been saving this money for the last several years to accomplish the planned sewer and drainage projects. There are 3 projects that are in the final stages of permitting with the Department of Environmental Protection. Barry Cabaniss of Bussen Mayer Engineering has submitted the Merritt Ave. and N. Tropical Trail sewer project applications. The Agency has been working with the Road & Bridge Department to coordinate the construction of these projects. Mr. Lugar discussed the project cost estimates on all projects except for the last two on the sheet. He advised that the Fortenberry/Plumosa intersection project came from the Transportation Engineering Department. Mr. Lugar explained that the projected revenues next year will be \$470,000 less leaving \$839,000. Mr. Herman asked if the Board could pick out the projects they consider to be the most important or is MIRA married to some of these projects. Mr. Lugar believes that MIRA is committed to the sewer projects but there are projects that could be delayed.

Stan Allen stated that he was under the impression that MIRA money was from the increment tax that was collected following the beginning of the Redevelopment Agency and asked how the County has authority over MIRA funds. The County Commission could affect MIRA only if they were to dissolve or become the Agency Board. Merritt Island is unique in that it is the only unincorporated CRA in the County. Attorney Richardson stated that under the statutes there are limitations to what the money may be used for. Mr. Herman suggested finding out what has been invested in the sewer projects. He also stated that the Agency needs to protect the taxpayer's money. Mr. Herman stated that all the projects are very important. Mr. Lugar advised that not all the projects were listed on the handout. Two streets behind Hurwood Plaza are still on septic tanks; this is a future sewer project that MIRA has discussed during the expansion of the district.

Steve Carberry stated that out of the \$3.08 million MIRA should find the funds to keep their secretary. The Board agreed with Mr. Carberry. Mr. Herman stated that the program from the Beautification Committee projects stand point would suffer without someone in that position. Mr. Carberry stated that \$20,000 out of the \$3.08 million is a small percentage. Mr. Lugar stated that he will be asked to answer several questions that will come up from now until the July 16, 2007 workshop. Mr. Herman suggested the Board be educated with information in case they needed to inform the Board of County Commission of the hundreds of thousands of taxpayer's money that MIRA has spent to get these projects on schedule. To make these cuts now would be a waste.

Ms. Nisbet-Lawrence commented that Mr. Allens previous question was a good one. What doesn't make sense is that they can cut or take MIRA funds. She will need an understanding if that is what they can do, if so, why and how. She has also asked to look at the list of projects and agrees with Mr. Carberry in finding the \$20,000 to keep the secretary.

Ms. Nisbet-Lawrence suggested getting all the information together and scheduling a workshop to discuss with the Commissioner before the July 16, 2007 Board of County Commissioners meeting. Attorney Richardson advised that some of the questions will be legal and he can look into them. A discussion followed that no

other CRA's were discussed other than MIRA and yet the other twelve CRA's receive over \$3.5 million from the County's general fund. Ms. Nisbet-Lawrence would like Attorney Richardson to look into the legal questions. He is not certain if the statute leaves any discretion. Attorney Richardson suggests he and Mr. Lugar sit down with Mr. Whitten and Mrs. Bussacca to discuss how they came up with the proposed cuts.

Mr. Herman advised the MIRA does not want to get in the position of getting sunsetted but would like to state a case that says MIRA has invested moneys into these projects which will benefit the County and benefit Merritt Island. Mr. Herman suggested MIRA prioritize projects in case the Board has to pick and choose what projects to complete. The Board needs to educate themselves in case members need to speak. Ms. Nisbet-Lawrence confirmed the plan of action to be (1) Attorney Richardson research legal questions, (2) meet again before July 16th if necessary.

Mr. Lugar discussed the last item of a handicap parking space for 211 McLeod Street. Mr. Lugar informed that at the previous meeting staff was asked to send a letter to Code Enforcement regarding a possible violation at the flooring shop (cars for sales) and the laundry mat (sign) on N. Courtenay. Mr. Herman inquired of a rule of how many cars can be in a business and stated Cowling Eye Center has a few on their lot. Mrs. Kring inquired if there are any complaints about the vacant lot next door to Dr. Ouellete's property that is used as a car lot. Staff to research the questions.

ADJOURN

Ms. Nisbet-Lawrence adjourned the meeting of the Merritt Island Redevelopment Agency Board of Directors at 3:26 p.m.