



MERRITT ISLAND REDEVELOPMENT AGENCY BOARD MEETING MINUTES

July 26, 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

Brandy Snyder, Hoyman Dobson/Internal Audit
Terri Pentz, Island Paint & Decorating
Cindy Fox, Planning & Zoning
Linda Cook, Consolidated Growers Inc.
Christine Vogt, Consolidated Growers Inc.
Ivy Smith, Consolidated Growers Inc.

CALL TO ORDER

Sue Nisbet-Lawrence called the meeting to order at 2:00 p.m. Staff called roll; quorum was present.

APPROVAL OF MINUTES

Members reviewed the minutes of the June 28, 2007, regular meeting; correction to be made on Page 3, last paragraph, change "math" to "calculation".

MOTION MADE BY MARCUS HERMAN, SECONDED BY STEVE CARBERRY, TO APPROVE THE MINUTES OF THE JUNE 28, 2007, MIRA BOARD MEETING AFTER CORRECTION IS MADE. MOTION PASSED UNANIMOUSLY.

ITEMS FOR DISCUSSION

I. Consideration: Conditional Use Permit - Larry and Judy Lindsey, Island Grill

Greg Lugar introduced Larry Lindsey owner of Island Grill. Mr. Lindsey thanked the Board for the commercial façade grant him and his wife received. Mr. Lindsey's intention in applying for a Conditional Use Permit is to make an addition to the things that are available to their customers. He does not now or ever intends to be a bar or pub and does not want to attract that type of crowd. Mr. Lindsey's customers in the evening the average demographics are 45+. He is in the process of changing the menu dramatically. The barbeque will remain but will be upgrading the menu which will consist of Angus beef, lobster, Alaskan king crab, and shrimp. As of yesterday they have hired a certified chef who will be on board in the evening. Mr. Lindsey stated that what he hopes to accomplish by obtaining this license is that there are many people who drive by the Island Grill every night but go somewhere else to have a cocktail with their meal. Mr. Lindsey's vision is to be a nice upper scale family dining restaurant where a person can come on their anniversary or birthday have a drink with dinner and not feel like they are in a fast food restaurant but feel like they are in a hometown type atmosphere. Mr. Lindsey advised that there are many people out there that enjoy and are custom to having a cocktail with their meal and feels that they are losing a large

portion of that market. Island Grill does great business at breakfast and lunch time but it does not carry the load of the real estate which takes a toll on the business. Now that the exterior has been taken care of thanks to the grant Mr. Lindsey has started to upgrade the interior with new carpet, chairs, tables, booths and paint and still has more to do such as a more attractive lighting system, edge glass with a tropical scene to replace the current divider that separates the dining room. Mr. Lindsey reiterated that he does not want to be a bar because at his age there is just too much that goes with a bar and he is not interested; insurance cost, liability, etc. but would like the opportunity to build his business. Mr. Lindsey stated that sometime in the future he would like to have a jazz musician on a Friday or Saturday night either playing a guitar or piano or even a classical guitar player but not a band. He would like to give the people a nice comfortable place to go, listen to good music, and have a cocktail and dinner.

Steve Carberry asked about the proximity to the school. Mr. Lindsey stated that he falls within the 400'. He has met with zoning who have reviewed the criteria's and had a survey done and he meets all the requirements. On October 3, 2007 Mr. Lindsey will go in front of the County Commission for their approval. Cindi Fox advised that notices will be sent to everyone within 500' of the restaurant and there will also be a legal notice in the newspaper. Ms. Fox asked how many parking spaces were on site. Mr. Lindsey advised that he does not know the answer. Ms. Fox asked if seating was in compliant with the Land Development regulations. Mr. Lindsey advised that he was in compliant.

Marcus Herman asked were the drinks were being made if he does not have a bar. Mr. Lindsey advised that it will be behind a counter and intends to build a wall to try to hide it or may place it where the salad bar used to be just with no bar stools. Mr. Herman asked if there will be drinks served with the entertainment without dinner. Mr. Lindsey advised yes. Mr. Lindsey is asking for the chance to survive. Attorney Morris Richardson asked if he was going for the classic liquor license that ties your liquor sales to a percentage of food sales. Mr. Lindsey advised yes.

MOTION MADE BY STAN ALLEN, SECONDED BY TANYA KNAPPMAN, TO APPROVE THE CONDITIONAL USE PERMIT FOR LARRY AND JUDY LINDSEY OWNERS OF ISLAND GRILL LOCATED AT 1050 N. COURTENAY PARKWAY. MOTION PASSED UNANIMOUSLY.

Mr. Herman expressed concern with the fact that alcohol sales help and in the evening time when dinner is done he can see that it will end up being promoted as time goes on to help with the cost of the expenses. Mr. Lindsey stated that it certainly would be but will still want to appeal to his clientele and is looking to play 40's and 50's music not having a rock-n-roll party. Mr. Lindsey stated it is meant to be easy listening and encompass a portion of the dinner hour with good background music.

Ms. Fox asked if there would be outside seating. Mr. Lindsey advised no and never will be. Ms. Fox stated that this Conditional Use Permit will be on the Planning & Zoning agenda September 10, 2007.

II. Consideration: Island Paint & Decorating Commercial Façade Grant Application

Marcus Herman advised that Island Paint & Decorating came before the Beautification Committee last week to ask for a grant. Island Paint & Decorating had started their improvements with replacing the canopy but was not completed before the application was submitted. At that point in time they were advised to stop all work until the Beautification Committee and the MIRA Board approved the commercial façade grant which they complied.

Greg Lugar discussed tally sheet and stated that Island Paint & Decorating is looking to replace the awning, paint the building, landscape, replace the sign and put in more lighting. The Beautification Committee last week had requested a copy of the Warranty Deed from Island Paint & Decorating which was not included in thier agenda package; the Agency has received it since. Mr. Herman explained that the Island Paint & Decorating sign was to be moved due to cars backing up into it. Mr. Herman also explained that they are planning to place big potted plants in the front of building to keep skateboarders off. Tanya Knappman asked where the fencing with landscaping will be placed. Terry Pentz, Island Paint & Decorating advised it

would be on the south side of the building to replace the oleanders which are not looking so nice and to cover the U-Haul trucks at the gas station next door.

Ms. Pentz stated the color of the building will be olive green. Ms. Pentz asked if they decide to make any changes how does the grant work. Mr. Herman stated that they will go with the lower bid.

MOTION MADE BY MARCUS HERMAN, SECONDED BY RODDY KRING, TO APPROVE THE COMMERCIAL FAÇADE IMPROVEMENT PROGRAM GRANT FOR ISLAND PAINT & DECORATING AT 860 N. COURTENAY PARKWAY. MOTION PASSED UNANIMOUSLY.

III. Consideration: Consolidated Growers Inc. Commercial Façade Grant Application

Linda Cook, Consolidated Growers Inc. came before the Beautification Committee last week to request a commercial façade grant. Ms. Cook is looking to paint both buildings, replace rotting wood, replace gutters, repair steps, replace the sign, landscape and place pavers on the north side of the building to add additional parking.

Marcus Herman stated that at the Beautification level there was a long discussion about the amount of pavers being placed and it was suggested by Susan Hall, Beautification Committee Member who is a Landscape Architect to break the pavers up with some landscape as apposed to one big sheet of pavers. Ms. Cook advised that a diagram was faxed over to Liz Villafane which gave some spacing between the pavers to plant trees. She also advised that she has not received an estimate of those trees from the landscapers as of yet. Mr. Herman asked if using less pavers would be the same price. Ms. Cook advised that the less pavers and extra landscape will compensate for each other. Greg Lugar stated that Ms. Hall also suggested the separation of parking lots with the neighbor by placing landscape.

Ms. Cook advised that the dieing looking tree next to building B will be removed. Ms. Cook had spoken with Nick in the Natural Resources Department who suggested getting an arborist to look at the tree and submitting something in writing stating the tree is diseased and needs to be removed which she has done. There will be a living fence placed in the back to eliminate cars cutting through. Ms. Cook advised that by placing pavers for parking would help them out due to a restaurant going in next door. Mr. Herman stated that getting parking on the side or back is what the Beautification Committee is looking for.

MOTION MADE BY STEVE CARBERRY, SECONDED BY MARCUS HERMAN, TO APPROVE THE COMMERCIAL FAÇADE IMPROVEMENT PROGRAM GRANT FOR CONSOLIDATED GROWERS AT 211 MCLEOD STREET. MOTION PASSED UNANIMOUSLY.

Christine Vogt, Consolidated Growers Inc. asked to reiterate what the Beautification Committee was looking for as far as the landscape and pavers. Mr. Lugar advised that the Committee is looking for landscape between the two parking lots to separate them and landscape between every other parking space to break up the pavers.

IV. Commercial Façade Grant Program Update

a. Existing Grant Agreement Projects

Greg Lugar advised that the Jr. League is at a stand still and is lacking landscape. On July 11, 2007 a letter regarding the amount of time left was sent to the Jr. League. Mr. Herman suggested keeping trying to get a hold of them. Tanya Knappman suggested trying to get a hold of Linda Molica, head of the Jr. League. Ed Jaynes has done a remarkable job and is almost completed. Dr. Wilkins has no progress as of yet. Victoria's Restaurants sign and the paint on the wall are complete. Ralph Perrone has no progress as of yet.

b. New Prospective Applicants

No inquiries.

c. Award(s) Nomination

Greg Lugar advised that on July 13, 2007 a Beautification Award was given to The Wellness Building formally known as the Isles of Merritt Condo at 595 N. Courtenay Parkway.

V. Project Update Report

a. Arbor Fund Project(s) Planning

Greg Lugar discussed briefly of the Lauretta and Essery violation in which several huge trees in Merritt Park Place were cut down without permits. Both violations have been settled and fined. Mr. Lauretta was fined \$15,400.00 which was paid in full on June 20, 2007. Mr. Essery was fined \$5,250.00 which the first installment was received on July 10, 2007 in the amount of \$300.42. To date, the balance in the arbor fund is \$15,700.42.

Mr. Lugar discussed slide presentation of Hensley Park. He advised that the Agency has paid \$32,000 for a fence around the perimeter due to the school principal complaining about the homeless people sleeping in the park and people cutting through the fields. Dave Pimberton, Supervisor of the Parks & Recreation Department has asked Mr. Loholds, Landscape Architect to develop a landscape plan for Hensley Park. Mr. Lugar will give more information as he receives it. Marcus Herman stated that the advantage of planting the trees in the park is the lack of shade and the park already having irrigation. Mr. Herman stated that elms were suggested but Hensley Park is a good place for oaks to grow and provide shade.

b. S. R. 3 Landscaping Project

Greg Lugar stated that in the agenda packages is an email from Mary O'Neal, Road & Bridge who has spoken with the contractor and FDOT in regards to S.R. 3 landscape. This project was out to bid twice and rejected due to over budget. It was put out to bid again and has come back within budget. The contract has not been signed but will move forward with the road transportation work on S.R. 3 from S.R. 520 to Skylark. If this happens in the next month it will be very important for the Agency to have a set of irrigation plans developed to be reviewed by FDOT. Marcus Herman asked if there were any ideas of contractors. Mr. Lugar stated that until a few years ago the Agency has used Herbert Holback, subcontractor of DRMP. Mr. Lugar suggested using a local landscape architect due to the hardship on the Agency when using an outside contractor. Plus the cost is much more due to the travel and calls. Mr. Lugar commented on his liking of working with Bussen-Mayer who are local and do more than an outside contractor. Mr. Lugar had spoken with Joe Mayer, Bussen-Mayer and Lorren Rapor on who they would recommend and Mr. Rapor stated he likes working with two landscape architects, (1) Susan Hall, who is on the Beautification Committee (2) Brad Smith, Landscape Architect in Melbourne. Mr. Lugar discussed with Ms. Hall that he would personally like to utilize her through Bussen-Mayer Engineering which has an existing on going contract with the Board of County Commissioners. Mr. Lugar advised that if the Agency does not appose he would like to start the discussion to bring a proposal back to the Agency at the next meeting. Since Ms. Hall is on the Beautification Committee she will need to step down from the Committee if a negotiation is made.

Mr. Lugar discussed slides of the existing S.R. 3 medians and landscaped medians in Port St. John Parkway, NASA Parkway (S.R. 405), Dairy Road in Palm Bay, New Haven, Wickham Road and Viera. Irrigation will run north and south. Mr. Lugar stated that Mr. Rapor is pushing the Dairy Road landscape design since it is maintenance free. The Viera design is one of the most low maintenance and more attractive concept.

Mr. Lugar advised that the Agency has a \$150,000 grant from FDOT. In addition MIRA has budgeted \$65,000 for landscape and irrigation design, and irrigation work. Road & Bridge has \$10,000 - \$12,000 from their MSTU project dedicated for maintenance work for maintaining this area. Mr. Lugar advised to get Ms. Hall

acclimated to the project and pick ideas of what the Agency would like to see. Commissioner Nelson is very adamant in conducting this project. Mr. Lugar advised that he will negotiate with Joe Mayer and Susan Hall.

Mr. Lugar advised that the Agency may have lost the opportunity to construct landscaped medians on S.R. 520. FDOT started the drainage improvements. Mr. Herman suggested staff to find out if the opportunity has been lost to join FDOT on the S.R. 520 project.

c. Hensley Park Sign and Waterway Park Lights

Greg Lugar stated that the Parks & Recreation Department acquired 4 quotes for the digital sign. The Beautification Committee has reviewed them but was not appropriate to present to the Board due to the quotes not being the same as the other. Denise Berg who is with a sign company and expert in the requirements the County has on signs has volunteered to work on a sign design. The sign design will be ready by the next meeting. Dave Pimberton has agreed to submit the sign design out to bid.

Marcus Herman discussed the location of the sign. Mr. Herman suggested placing moderate landscape along the fence line but there is the question of who will take care of it. Mr. Herman stated that Mr. Pimberton has asked Ms. Berg for a telephone line so that he can manage the sign remotely.

Mr. Lugar stated that he has been working on the Waterway Park lights for over a year. The Agency asked for decorative light pole to replace the current poles and originally there was a quote from Dickson Electric for concrete poles which was rejected. The Parks & Recreation Department went to looking into castellan to aggregate concrete and the cost is prohibited in terms of both, so once again they came back with concrete poles at select sites. Mr. Lugar recommends putting this project on hold for a least a year. The Agency has \$75,000 budgeted for replacing the poles and fixtures and also to assist in placing lighting on the fishing pier. Mr. Herman asked if anything was done to fix the board walk. Mr. Lugar advised that in talking with George Clark, Parks & Recreation assigned Stetler Stag Associates to design the work and is 75 percent complete and ready to turn it in to DEP for permitting. Mr. Herman stated that it is something that needs to be discussed.

VI. Other Business

Greg Lugar discussed memo from the Clerks Office to John Denninghoff, Transportation Engineering Director in regards to Item VI.B, Resolution to Vacate Alley in Merritt City Subdivision; Sutton Pool's has asked the alley way to be vacated. The Transportation Department is uncertain about the request since the Agency had plans in the area for storm water. The Agency currently reviews site plans, rezoning and waivers and now will need to review the vacating of easements and road right away. Stan Allen advised that the Agency has never reviewed vacating of easements and road right away. The County Commission voted to request the redevelopment agency for their review and comments on all vacating. Mr. Lugar suggested Mr. Denninghoff and Sutton Pools to attend the next meeting to discuss. Mr. Lugar advised that this is an FYI that it will be added to the Agency's to do list.

Mr. Lugar stated that there is a sewer project on Merritt Avenue and North Tropical Trail and has received a permit from the Department of Environmental Protection Permit which had been submitted to the County for their process. The Road & Bridge Department has agreed to construct the project. DEP during the review process determined that there is a water line too close to where the sewer line will go. The water line which belongs to the City of Cocoa will be required to be moved to the other side of the road. The County has done projects like this but the County would enter into an agreement with the City of Cocoa and the interlocal would state that the City of Cocoa would allow the County to relocate and replace the water line which after completed the City of Cocoa would reimburse the County for the design and work. A proposal for the design work from Bussen-Mayer had been submitted to the City of Cocoa. The preliminary cost estimate for the new water line which will benefit everyone on the system will be approximately \$147,000. Mr. Lugar has asked, if doable, to have the Agency enter into an agreement with the City of

Cocoa. The Agency has the power to enter into agreements since the Agency is the one paying and owns the project; however, the City of Cocoa may not accept the Agency as a legal entity.

Mr. Lugar had made two (2) interlocal agreements due to the uncertainty of which will be utilized; one is between MIRA and the City of Cocoa and the other is between the County and the City of Cocoa. A preliminary agenda will go in front of the County Commission for August 7, 2007. Mr. Lugar is seeking permission from the Agency to enter into an agreement with the City of Cocoa and baring that then recommending the Board of County Commissioners enter into an agreement with the City of Cocoa to do the same. Mr. Herman asked if the agreement was for the Agency to pay for the project up front and the City of Cocoa will then reimburse the Agency. Mr. Lugar stated that was correct.

MOTION MADE BY MARCUS HERMAN, SECONDED BY RODDY KRING, TO ASK THE CITY OF COCOA TO ENTER INTO AN INTERLOCAL AGREEMENT WITH EITHER THE AGENCY OR THE COUNTY COMMISSION FOR THE DESIGN, PERMITTING AND CONSTRUCTION OF A WATERLINE ON MERRITT AVENUE. MOTION PASSED UNANIMOUSLY.

Mr. Lugar discussed an email from Scott Knox to the Commissioners in regards to the Merritt Island Redevelopment Agency as well as other CRA's in terms of what can and can't be done in regards to the budget. Attorney Richardson stated that several questions were asked from the Board whether they can reduce the incremental funding to MIRA and a portion of the statue says they can not. Any CRA's created after the Charter in July 1, 1994 the Board could reduce funding down to 95 percent and all the way down to 50 percent but MIRA was created well before that date. Mr. Lugar stated that Commissioner Nelson brought the issue up as to why the other 12 CRA's are not being discussed; the people in Merritt Island aren't any less important than the people in the other 12 CRA's. Mr. Lugar advised that the County in reviewing revenues a bit closer has found additional dollars in certain areas that relate to the general fund capabilities. The significant cuts originally proposed throughout the whole County were reduced due to the additional dollars found. Depending on the impact of the vote in January will have on the whole budget is unclear.

Mr. Herman advised he noticed that there were oak trees that were blown away and needed to be re-staked by Sykes Creek Parkway next to Hooters. Stan Allen advised that there were two trees on the east side that look very yellow and sparse.

VII. Public Comments

ADJOURN

Ms. Nisbet-Lawrence adjourned the meeting of the Merritt Island Redevelopment Agency Board of Directors at 3:51 p.m.