



# MERRITT ISLAND REDEVELOPMENT AGENCY BOARD MEETING MINUTES

*August 23, 2007*

## MEMBERS PRESENT

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

## MEMBERS ABSENT

Roddy Kring

## AGENCY STAFF

Greg Lugar, Executive Director  
Audrey Carabetta, Staff

## GUESTS

Cynthia Streeter, Brevard County Transportation Engineering Dept.  
Peter Frink, Clerk of Courts Auditor  
Dave Pemberton, Central Brevard Parks & Rec.  
Linda Cook, Consolidated Growers Inc.  
Christine Vogt, Consolidated Growers Inc.  
Mark Sutton, Sutton Pools

## 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 July 26, 2007, regular meeting; correction to be made on page 3, last paragraph, change spelling of "Melika" to "Molica".

**MOTION MADE BY STAN ALLEN, SECONDED BY STEVE CARBERRY, TO APPROVE THE MINUTES OF THE JULY 26, 2007, MIRA BOARD MEETING AFTER CORRECTION IS MADE. MOTION PASSED UNANIMOUSLY.**

## ITEMS FOR DISCUSSION

### I. Recommendation of MIRA Board: Vacating of 14' Alley- Sutton Property

Greg Lugar introduced Mr. Sutton owner of Sutton Pools. Mr. Lugar explained that the MIRA Board has been asked by the County Commission to review the request for the vacating of the 14' alley. Mr. Lugar introduced Cynthia Streeter, who works for Mr. John Denninghoff, in the Transportation Engineering Department as the coordinator of this process. Mr. Lugar explained the location of Sutton Pools is on SR520. The alleyway in question is located between the main building and a secondary building, behind Sutton Pools, also owned by Mr. Sutton.

Mr. Lugar discussed the use of the alley during the construction of the condominiums. Mr. Lugar asked if Mr. Sutton owns the alley or if there is an easement on the alleyway. Ms. Streeter stated that the County owns the alley. The board looked over maps of the property to clearly identify the location, size and access to the alley.

Mr. Carberry questioned the fence enclosing the alley. Mr. Lugar asked if this is a public right of way is it permitted to enclose it with a fence. Mr. Sutton stated that the fence has been in place for eleven years.

Ms. Nisbet-Lawrence asked about the telephone pole located in the alley. Ms. Streeter stated the utility companies are under agreement to use County property without easement, as long as they file proper permits.

Mr. Lugar stated that about eighteen months ago he was asked to attend a meeting with Mr. Denninghoff regarding the alley. At this meeting Mr. Denninghoff stated that the area needed to be looked into regarding traffic changes due to the new development in the area.

Mr. Lugar stated, at this time, he could not advise the board whether he was for or against the vacating of the alley. Undetermined questions, such as sewer plans, storm water retention area plans just east and north of the site, marina plans around the Crab Shack area, and the Office of Natural Resources has also suggested a study plan of this area. Mr. Lugar does not feel that until these questions have been answered that the board should recommend vacating the alley.

Mr. Sutton asked if the alley next to the Crab Shack had been vacated. Ms. Streeter stated that it had not been vacated.

Mr. Herman and Mr. Lugar discuss possible uses of the alley. Mr. Lugar stated Mr. Denninghoff had previously mentioned that possibly in six months his department may be okay with the vacating of the alley, but at this time, not all of the studies into the property's future plans are in.

Ms. Nisbet-Lawrence asked Mr. Sutton if he would like to speak on this matter. Mr. Sutton stated that the alley is primarily a utility alley and it has never been used for anything else.

Ms. Nisbet-Lawrence asked to hear from Ms. Streeter on this matter. Ms. Streeter stated that notices had been sent to the surrounding businesses and property owners regarding the vacating of this alley. No negative comments were received. Transportation Engineering Department feels that vacating would be premature at this time until future needs have been determined. This matter will be represented to the County Commission in October and the decision would primarily be based on MIRA's recommendation.

Mr. Sutton asked if he could keep his fence across the property. Mr. Herman stated that was a matter for the law, not for MIRA, to decide. Ms. Streeter stated that this is a question for Code Enforcement. Ms. Nisbet-Lawrence explained that most utility alleyways, which are enclosed, are actually easements were the property owner does own the alley. However, the property in question is owned by the County.

Mr. Lugar asked Ms. Streeter about an objection from the Crab Shack. Ms. Streeter explained the owner of the Crab Shack also believed that it was premature to vacate the alley until we determine future needs of the alley. It was suggested that Mr. Sutton withdraw his request until it can be further determined what will be done with the property. This may take a year to eighteen months. At that time he could reapply if it is then determined that the property will not be used for any public purpose.

Mr. Carberry asked if there was a fee required when filling for the vacating. Ms. Streeter stated that there was a fee. Mr. Carberry inquired if the Board was to table this for now would Mr. Sutton be allowed to re-file without having to incur an additional fee. Ms. Streeter said that the decision would be left to the County Commission. MIRA could make that recommendation to them but the County Commission would make the final decision. Mr. Carberry stated that it would be his recommendation if they do table it, to add that Mr. Sutton would not be required to pay another fee to re-file.

Mr. Lugar asked if Ms. Streeter could ask that this item be continued for twelve months. Ms. Streeter stated that she did not believe that could be accomplished.

Ms. Nisbet-Lawrence stated they should wait twelve to eighteen months before making any decision. Ms. Knappman asked if Mr. Sutton would have to purchase the property from the County. Mr. Lugar stated that he would simply receive the property if the County Commission vacated the alley.

MOTION MADE BY STEVE CARBERRY, SECONDED BY TANYA KNAPPMAN, TO RECOMMEND THE WITHDRAWL OF MR. SUTTON'S REQUEST FOR THE VACATING OF THE ALLEY FOR TWELVE MONTHS DURING WHICH TIME THE AGENCY WILL LOOK AT THE POTENTIAL USES OF THIS ALLEYWAY WITH THE UNDERSTANDING THAT IF THE ALLEYWAY IS NOT NEEDED FOR A PUBLIC USE, MR. SUTTON COULD REAPPLY AND THE AGENCY WOULD RECOMMEND THE COUNTY COMMISSION NOT CHARGE ANOTHER FILING FEE. MOTION PASSED UNANIMOUSLY.

II. Discussion and Consideration: Consolidated Growers Inc. Commercial Façade Grant Application Amendment

Greg Lugar explained at the July 26, 2007 MIRA Board meeting a grant was approved to Consolidated Growers Inc. Since that time, they have requested an amendment to that grant to include a living fence in their plans.

A new tally sheet, including the living fence quote, was presented. Mr. Herman asked to see the old tally sheet. He wanted to know what the financial impact would be to the grant amount. Mr. Lugar stated that this is a new set of landscape ideas and the two quotes were not comparable.

Ms. Vogt stated the board had requested that she change her plans to include more landscaping and less paver bricks, therefore the quotes are not comparable. The board went over the changes in the materials that would be used. Mr. Lugar stated that the best way to compare the quotes was to look at the quote with the living fence compared to the quote without the living fence.

Ms. Vogt stated that in these quotes, 20 Areca palms have been added that were not on the original landscape quote. This was per request of the MIRA board at the last meeting. The palms are to be added between the property lines. Mr. Herman stated that this addition alone is a \$1,500.00 difference.

Mr. Herman inquired where the additional costs were being incurred. Ms. Knappman stated that the mulch was contributing a big difference. Ms. Nisbet-Lawrence bought up the \$600.00 included to the cutting down and grinding of a stump. Ms. Vogt stated that was a diseased tree that was discussed at the previous meeting, and was on the original approved bid.

Ms. Knappman questioned the selection of landscape materials used in the first quote compared to the second quote. She stated that the materials in the first quote were more beneficial to the environment and eye appealing.

Mr. Herman stated that for the landscaping difference we are looking at an increase of \$560.00 in grant money. He commented that the board had asked for the changes. He pointed out that the original bids did not, in fact, look accurate and the current bids do look more appropriate. Mr. Herman asked if the project had been started. Ms. Vogt stated that they have not started the improvements. Mr. Herman recommended that the board go forward with the revision of the amendment.

Mr. Lugar approached the subject of a rotted door that had been replaced before the original grant had been applied for. He stated that the board would require additional documentation before considering funding for the door's replacement. Mrs. Vogt supplied this information.

Mr. Carberry inquired to whether the door was visible from the street. Ms. Vogt stated that the door was a side entrance and is visible. Ms. Nisbet asked that the door discussion be stopped at this time, due to it being a separate issue.

MOTION MADE BY MARCUS HERMAN, SECONDED BY STAN ALLEN, TO APPROVE THE REVISION OF ORIGINAL GRANT TO INCLUDE THE LIVING FENCE. MOTION PASSED UNANIMOUSLY.

Ms. Nisbet-Lawrence revisited the replaced door issue. Mr. Lugar recommended not to consider this motion until he has a chance to review the new documentation that has just been presented to him. Ms. Nisbet-Lawrence agreed and recommended revisiting at the next meeting.

### III. Discussion: Hensley Park Landscape Sketch

Mr. Lugar introduced Dave Pemberton, of the Central Brevard Parks & Recreation Department. Mr. Lugar stated that Mr. Pemberton had a sketch of the proposed landscape plans for Hensley Park, which is the first park the board would like to consider for the Arbor Funds.

Mr. Pemberton explained that the landscaping was placed strategically where the irrigation is located and landscaping can be moved with that in mind. The plan is open for any suggestions. Pricing has not been completed at this time. Oak trees were discussed as to where they could be placed to provide shade. Mr. Pemberton stated that the problem with the oak trees would be maintenance and cleanup.

The plans call for faster growing and larger trees (thirty-five to fifty gallon). This would reduce the chance of the destruction of the plants through routine maintenance, children playing in the park, and theft.

Mr. Lugar inquired as to when is the best time to do the planting of the trees and shrubs. Mr. Pemberton responded that it is best to plant in the winter so that the plants will be established by the spring. Mr. Herman expressed concern over the little league being in the area and should consider some changes. Mr. Allen inquired why MIRA was doing the improvements as opposed to the Parks & Recreation Department. Mr. Lugar stated that the Arbor Fund was dedicated to this project and MIRA was charged as the custodian of the Arbor Fund.

Ms. Nisbet-Lawrence stated that it is a great plan and Ms. Knappman agreed. Mr. Lugar stated that the next step is to price the materials. The board will need a preliminary budget to ensure the plans are within budget. At that time the plans can be put before the Beautification Committee.

Mr. Herman expressed concerns about what would happen if the plans are above or below the Arbor Fund budget. Mr. Pemberton stated that Watts Park, Kiwanis, and Veterans are all maintained by the Parks & Recreation Department and additional funds could be applied to projects at those locations. Mr. Lugar stated that if there was unused funds, Veterans would be a good place to utilize the funds. The board agreed that the plans looked good. Ms. Nisbet-Lawrence concluded that there was no need for a motion and that the board was all in favor of proceeding with these plans.

Mr. Lugar inquired, of Mr. Pemberton, if there was any new information on the boardwalk. Mr. Pemberton stated that they were waiting for additional bids and an update from FEMA. Mr. Lugar inquired as to whether the total was more than the original \$850,000.00 received from FEMA. Mr. Pemberton stated that he was unsure of the original amount from FEMA.

The discussion moved on to an agreement between Parks & Recreation and MIRA pertaining to Waterway Park ending January of 2008. Mr. Lugar suggested a representative of the Parks & Recreation Department be invited to a future MIRA meeting to discuss the termination of this agreement.

Mr. Lugar asked if the Waterway Lights were no longer moving forward. Mr. Lugar stated that the Agency would like the poles replaced with something comparable to what is currently there. Mr. Lugar suggested that lowering the number of poles may reduce the cost. Mr. Pemberton agreed that they do not need to have the twenty-nine poles that are currently

standing. Mr. Lugar recommended using decorative reinforced aggregate concrete poles which are very attractive and are much stronger than the current poles.

Ms. Nisbet-Lawrence stated that if there are twenty-nine poles then they should replace that number. After incurring the expense of removing the electrical and the safety issues the difference would not be worth it. Mr. Pemberton stated that he would find out where they stood and update Mr. Lugar.

#### **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. Ms. Nisbet-Lawrence asked if anyone had contacted Linda, head of the Junior League. Ms. Knappman stated that she would attempt to contact her.

Ed Jaynes has finished his project and has submitted his invoices. Mr. Lugar remarked that he has done a remarkable job.

Ms. Nisbet-Lawrence inquired as to whether the board has ever granted an extension of time on a grant. Mr. Lugar stated that Mr. Jaynes was the only instance. Mr. Herman stated that there were extenuating circumstances leading to the delay in starting his project.

Mr. Herman requested that the Junior League send someone to represent them at the next meeting and provide an update. It was requested that Ms. Knappman contact the Junior League to request someone be present at the next Beautification meeting.

Dr. Wilkins has no progress as of yet. Victoria's Restaurant has finished the sign and the paint on the wall is completed. Mr. Lugar believes they have one more item to complete before presenting MIRA with their invoices. Ralph Perrone has no progress on the exterior of his project as of yet.

##### **b. New Prospective Applicants**

Ralph Perrone has a new application for the property located at 234 E. Merritt Cswy. Ms. Knappman inquired as to what Mr. Perrone would like to do with that property. Mr. Lugar stated that Mr. Perrone would be subdividing the building and creating store front offices.

Micah Savell is the second prospective applicant. This property is located in front of T.J. Maxx and Publix. The board previously recommended that he apply for a commercial façade grant. Mr. Savell would like to blend his building in with the plaza and make it similar to the Publix exterior.

The third new prospective applicant is Mr. Jaynes. He has a large building on Hibiscus. Mr. Jaynes had previously asked Mr. Lugar about the ability to apply for multiple grants for multiple parcels. The single building is actually located on four parcels. Mr. Carberry questioned whether he was taxed four separate times. Mr. Carberry stated if Mr. Jaynes gets four bills then the board should consider four grants. Mr. Herman stated if Mr. Jaynes gets one bill with four separate totals it is the same difference. Mr. Carberry stated he was concerned whether it was one taxable entity or taxed for each parcel.

Ms. Nisbet-Lawrence referred to Sutton Pools and how they are located on multiple parcels, but is only one business. Mr. Carberry stated you only have one structure located on these multiple parcels.

Mr. Lugar referred to 60 McLeod and Holiday Plaza as grants where the board has gone up to \$20,000.00. Mr. Herman stated that Mike Pelosi received two grants. His building appears to be one structure but it is located on two parcels.

Mr. Carberry stated that the building he just sold on Rose St. was actually on two parcels. He asked if that person came in to qualify would they get two grants. Mr. Herman stated that he believed that to be accurate.

Mr. Herman stated that Beautification and MIRA Boards may need to revisit this question. In the past it has been per parcel. Mr. Lugar brought up Mr. Perrone's shopping center may possibly be on multiple parcels and he may not realize that he may also be eligible for multiple grants. Ms. Nisbet-Lawrence stated that Merritt Park Place has 25' parcels due to zoning of trailer parks previously being located in the area. Mr. Lugar stated that the board may have to revisit this question at future meetings. Mr. Herman stated that parcels have never been discussed except in the by-laws. Mr. Lugar recommended setting a maximum grant amount per project regardless the number of parcels. The board members were in agreement. Ms. Nisbet-Lawrence suggested \$25,000.00 as a limit.

**c. Award(s) Nomination**

None at this time

**V. Other Business**

**a. United Solar Energy Inc.**

A message was received from Sandee Natowich regarding United Solar Energy Inc. cutting down their weeds. She was happy with the progress that was made. The Beautification Committee had contacted United Solar Energy Inc. about painting a mural; which they had agreed to do, but they would also like to utilize the difference of the remaining balance of the \$10,000.00 grant to help pay for the mural. Mr. Herman stated they should be allowed to utilize the balance of their previous grant for this purpose.

Ms. Knappman inquired as to some overgrown trees on the property. Mr. Carberry remarked that they have recently cleaned the entire property up.

**b. Waterline on Merritt Avenue**

The agreement that was previously approved by MIRA was sent to the County Commission and to the City of Cocoa for the reimbursement to change out and install a new waterline on Merritt Avenue. Ms. Nisbet-Lawrence inquired whether it would be between the City of Cocoa and the County or would MIRA also be involved. Mr. Lugar stated that the inter-local was between the County Commission and the City of Cocoa and that MIRA would administrate the project.

**c. Straightening of Oak Trees on Sykes Parkway**

Mr. Lugar presented the proposal from Tidwell Tree Movers for the straightening of the trees on Sykes Parkway. Mr. Lugar stated that he did not sign the agreement, feeling that six hundred dollars seemed to be a lot of money to straighten two trees. Mr. Lugar stated that he did have a second quote for five hundred and fifteen dollars. He is going to get a third quote from a new tree service company and that they will have to go with the lowest of the three. Mr. Herman agreed that if you have three bids that are all about the same that is what they will have to pay.

Ms. Nisbet-Lawrence inquired as to what goes into straightening the trees. Mr. Lugar stated that you had to dig it out, tie it up and brace it, then fill and water to remove the air pockets. Ms. Knappman stated that this is correct. Ms. Nisbet-Lawrence asked if they would

go by and water it everyday. Mr. Lugar stated that they only water it the one time. Ms. Knappman agreed that it only takes one watering and agreed that it did seem like a lot of money.

Mr. Allen stated, at the time the trees were planted, it was the understanding that Road and Bridge would take over maintenance after three years. Mr. Lugar stated that they have not been upholding their part of the agreement. Mr. Lugar commented on a pay invoice that he had signed earlier in the day for \$34,000.00 to Road & Bridge for maintenance work on Sykes Creek, SR 520, and Merritt Ave. The invoice states that Road & Bridge will trim the oak trees annually and yet Mr. Lugar cannot get them to comply. Mr. Lugar would like to invite Loren Rapport, from Road & Bridge to the next MIRA meeting.

Mr. Lugar advised that they may be better off with getting into the maintenance business. Mr. Herman expressed concern that eventually the Agency will be sunsetted and that the landscaping will stop thriving. Mr. Herman stated the Board should find a way to fund this project long term at the lowest cost. Mr. Lugar stated that the Agency will need to explore options. Mr. Carberry suggested the sheriff's office has the inmates doing landscaping. Mr. Lugar responded that Loren Rapport is also in charge of managing inmates on County landscape projects.

Mr. Carberry brought up that in Rockledge they have private businesses sponsoring the medians, which may be something the Board could explore. Mr. Lugar pointed out that some of the car dealerships prune the areas in front of their businesses. Mr. Carberry stated that the Homeowners' Association on Venetian Way put up some beautiful palms.

Mr. Carberry asked if there has been any talk about replacing Ralph Perrone on the Board. The position has been vacant for months.

#### **VI. Public Comments**

None at this time

#### **ADJOURN**

Ms. Nisbet-Lawrence adjourned the meeting of the Merritt Island Redevelopment Agency Board of Directors at 3:40 p.m.