



# MERRITT ISLAND REDEVELOPMENT AGENCY BOARD MEETING MINUTES

*September 27, 2007*

## MEMBERS PRESENT

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

## MEMBERS ABSENT

## AGENCY STAFF

Greg Lugar, Executive Director  
Audrey Carabetta, Staff

## GUESTS

Cynthia Fox, Brevard County Planning and Zoning Department  
Robert Davis, Property Manager, Merritt Towers  
Mr. Daria, President Merritt Towers Condo. Association  
Dave Lightholder, Lightholder Building Construction  
Micah Savell, The Right Site Inc.  
Ralph Perrone, Perrone LLC  
Ralph Kennedy, Space Coast Assoc. of Realtors  
Tex Loadholz, Central Brevard Park & Recreation Department  
Jack Masson, Central Brevard Park & Recreation Department  
Brandie Snyder, Hoyman Dobson, Auditor  
Barbara Unoney, Hoyman Dobson, Auditor

## 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 August 23, 2007 regular meeting.

MOTION MADE BY MARCUS HERMAN, SECONDED BY TANYA KNAPPMAN, TO APPROVE THE MINUTES OF THE JULY 26, 2007, MIRA BOARD AS SUBMITTED. MOTION PASSED UNANIMOUSLY.

## ITEMS FOR DISCUSSION

### I. Discussion: Merritt Towers Condo. Association Request for Variance

Mr. Lugar introduced Mr. Daria, of the Merritt Towers Condo. Association, and Ms. Cynthia Fox, of Brevard County Planning and Zoning Department. Mr. Lugar asked Mr. Daria to provide an overview of the variance request.

Mr. Daria was accompanied by Mr. Robert Davis, the property manager of Merritt Towers. Mr. Daria stated that he has been a resident of Merritt Towers since 1997. Over the years, the surrounding area has brought an increasing problem of property intrusion. The need for some type of security has become apparent. Mr. Daria has documentation of incidents filed with the Sheriff's Department and a list of informal complaints.

On October 9, 2007, The Condo Association will appear before the County with a right-of-way request. Their application for the variance will be reviewed. The Condo. Assoc. believes the fence will enhance the appearance of the area. Mr. Daria presented a rendering of the proposed fence.

The Condo Association is applying for a four foot variance, to install a six foot fence. The variance includes the end pillars which are taller than the actual fencing. Mr. Lugar explained that the County ordinance allows for a four foot fence in the front setback area. Mr. Daria would like the fence variance for an added a level of security.

Ms. Fox agreed with the interpretation of the variance request, she added that if any lights are to be added to the fence they would be included in this variance request. Mr. Daria explained the Condo. Association is considering placing globe lights on the pillars.

Ms. Knappman asked if a pointed top will be added to the proposed fence. Mr. Daria does not plan to add a top rail. Ms. Knappman stated that, for fire escape purposes, the top rail could be hazardous. Mr. Daria stated that the fence plan is flexible to any stipulation placed on the fence construction.

Mr. Allen asked if the Merritt Towers would become a gated community. Mr. Daria said it would. Mr. Allen questioned if a gate house will be constructed. Mr. Daria stated there will not be a gate house. There will be three entrances that are automated electronically. During the day all three gates will remain open. At night, two of the three gates will be for exit purposes only.

Ms. Fox explained, next week the Merritt Tower Condo. Association will be appearing before the Board of County Commissioners for use of the right-of-way. This variance is dependant on the acceptance of the right-of-way usage.

**MOTION MADE BY STEVE CARBERRY, SECONDED BY RODDY KRING, TO RECOMMEND THE APPROVAL OF THE REQUEST FOR FOUR FEET OVER THE FOUR FOOT FENCE HEIGHT LIMITATION WITHIN THE FRONT SETBACK. MOTION PASSED UNANIMOUSLY.**

Mr. Lugar stated a letter will be sent to Ms. Fox recommending approval of Merritt Tower Condo. Association's request for variance.

## **II. Discussion: Space Coast Association of Realtors Request for Variance**

Mr. Lugar introduced Ralph Kennedy, the representative for the Space Coast Association of Realtors, for the variance request. Mr. Lugar explained the Space Coast Association of Realtors has a request with the Board of Adjustments for a five foot variance from the twenty-five foot required setback on the east property line. Mr. Lugar asked Mr. Kennedy to give the Board an overview of their plans.

Mr. Kennedy explained that in 1999, when MIRA made improvements to Merritt Park Place. The Space Coast Association of Realtors gave up five feet of sidewalk on the east side of its property. The Association now needs a variance of five feet to make improvements to this property. Mr. Kennedy explained that if the five feet had not been given up previously they would not need the variance now.

Mr. Herman questioned whether the oak trees are to remain where they stand. Mr. Kennedy said they would. Mr. Allen asked if the building is going to undergo construction. Mr. Kennedy said that construction is planned.

**MOTION MADE BY STAN ALLEN, SECONDED BY MARCUS HERMAN, TO APPROVE THE RECCOMENDATION FOR THE REQUEST OF VARIANCE OF FIVE FEET FROM THE TWENTY-FIVE FOOT REQUIRED SIDE CORNER SETBACK ON THE EASTSIDE SETBACK. MOTION PASSED UNANIMOUSLY.**

### **III. Consideration: Commercial Façade Grant Application for Water Whirled Car Wash & State Farm Ins., 110 S. Courtenay Pkwy, Applicant: Micah Savell**

Mr. Lugar introduced Micah Savell. Mr. Lugar advised that the Beautification Committee has reviewed the application and recommended approval. Mr. Savell's construction is underway.

Mr. Savell explained his planned improvements. He blended the planned improvements with the façade of the surrounding shopping center. Ms. Knappman asked what colors Mr. Savell would be painting the building. He replied that light beige would be used primarily, with the trim being a darker brown.

Ms. Knappman asked which landscape estimate Mr. Savell had decided to utilize. He replied the Bushco estimate. Ms. Knappman was pleased with this landscape plan, she felt it was more beneficial.

Mr. Herman stated that the Beautification committee was concerned about the large difference in the quotes on the landscaping; almost a three thousand dollar difference. Mr. Savell stated that Rockledge Gardens is generally more expensive than Bushco.

Mr. Lugar reviewed the tally sheet and advised that Mr. Savell was eligible for a full grant.

Ms. Nisbet- Lawrence asked where the car wash drive-thru would be located. Mr. Savell referred to his rendering and demonstrated how it would go through the north end of the building.

**MOTION MADE BY MARCUS HERMAN, SECONDED BY STEVE CARBERRY, TO APPROVE MR. SAVELL'S APPLICATION FOR A COMMERCIAL FAÇADE IMPROVEMENT GRANT FOR 110 S. COURTENAY PKWY. MOTION PASSED UNANIMOUSLY.**

Mr. Lugar stated that the agreement will be completed by MIRA staff by October 2, 2007.

**IV. Consideration: Commercial Façade Grant Application Old Boniface Heirs Dealership, 234 E. Merritt Island Cswy; Applicant: Ralph Perrone**

Mr. Lugar introduced Ralph Perrone. Mr. Lugar advised the Board that the Beautification Committee had reviewed this application and unanimously voted to recommend approval. Mr. Lugar presented slides of the front building on the same property. Mr. Perrone improved this building without applying for a grant. The grant was requested only for the rear building. Mr. Perrone plans to transform the current garages into office space. Mr. Lugar asked Mr. Perrone to inform the Board of his plans.

Mr. Perrone referred to the work completed on the front building. The front building is a metal building. The new façade will mask the metal and the rear building will resemble the front building. The façade of the rear building will hide the peak of the roof and the new roof will pitch straight to the back. There will be all glass store fronts. When finished, the building will no longer appear to be a metal building and Mr. Perrone stated that the square footage would not be increased.

Mr. Lugar asked Mr. Perrone to explain his landscaping plans. Mr. Perrone referred to slides of the front building. He pointed out the planters that have been constructed in the rear of this building. Mr. Perrone plans to bring in Royal palms to place around the building and to frame out the rear building. There are not many places to cut asphalt for the installation of landscape. Riverside Bank will be occupying the building to the east. This will be taken into consideration when finalizing the landscape plan.

Mr. Perrone stated that a portion of the rear building has already been leased to Detail 2000. Mattress Barn is no longer a definite tenant. The plans call for the building to be divided into four sections. The use will either be office or retail.

Mr. Herman asked where the signage will be located. Mr. Perrone had requested a rendering be done for a sign to be located on SR 520. The building is designed with a five foot overhang. This provides room for signage on this overhang and there will be matching uniform signs that the individual businesses can add their own vinyl to.

Ms. Knappman asked if the building will be reinforced to bring the building to hurricane standards. Mr. Perrone explained the building has metal beams and is currently at hurricane standards. Mr. Perrone introduced David Lightholder, the building contractor. Mr. Lightholder explained that the building would be permitted to 2004 codes. The interior will have drop ceilings and dry wall visually covering the building's safety features.

**MOTION MADE BY STEVE CARBERRY, SECONDED BY MARCUS HERMAN TO APPROVE MR. PERRONE'S APPLICATION FOR THE COMMERCIAL FAÇADE IMPROVEMENT GRANT FOR 234 E. MERRITT ISLAND CSWY. MOTION PASSED UNANIMOUSLY.**

Mr. Lugar stated that the agreement will be completed by October 2, 2007.

## V. Discussion: Hensley Park Landscaping and Cost Estimates:

Mr. Lugar reviewed the Hensley Park landscape project. Mr. Lugar introduced Mr. Loadholz and Mr. Masson, of the Central Brevard Parks & Recreation Department. Mr. Loadholz reviewed the landscape plan and the cost estimate. The original cost of the plan exceeded the arbor fund budget; Mr. Loadholz informed the Board that the plan was changed on the corner of Merritt Ave and Courtenay Pkwy., where the proposed sign may be installed.

Mr. Lugar updated the Board about the changes to this corner with the widening of the turning lane onto Merritt Ave. This accounts for the landscape deductions being made here. Mr. Loadholz stated that the landscape plans have also removed two Bismarck palms. The deductions bring the estimate below nineteen thousand, as shown in estimate #3. This will allow for mulching and planted costs, with County providing the labor.

Mr. Herman asked if all the trees require mulch. Mr. Loadholz replied that it is typical to mulch around the trees. Mr. Herman asked if it would be MIRA's responsibility to maintain the mulch or would Parks & Recreation be taking over this responsibility. Mr. Loadholz responded that it would fall under maintenance and not included in the estimates.

Mr. Carberry questioned where the irrigation would be located. Mr. Loadholz explained that the landscape was strategically placed to be covered by the current park irrigation. He explained that well water will be used and the plants were selected because they are conducive to the area.

Mr. Lugar explained that if the Board gave their approval to go ahead and with the purchase and installation of these items, it would allow them to obtain formal bids. They will have to go to the Board of County Commissioners to obtain permission to receive bids. The process will take about forty-five days. MIRA was hoping to begin during the first part of January.

Mr. Lugar stated that there was approximately sixteen thousand dollars currently in the fund. Payments of a few hundred dollars a month are being made on the balance due. It was Mr. Lugar's recommendation to include as part of the motion that MIRA front the difference with a temporary loan.

Mr. Allen asked if there was any planting planned along Courtenay. Mr. Loadholz stated that there is not due to overhead utilities and the limited amount of space. Mr. Loadholz commented that the fence would remain as it currently stands.

Mr. Herman stated that the Beautification committee would like somebody involved with the ball fields to be consulted for possible conflicts. Mr. Loadholz commented that the School Board should also be consulted.

Mr. Herman stated that he thinks that the third plan is the best choice. He commented that plan #3 provide will funds to mulch around the trees.

**MOTION MADE BY MARCUS HERMAN, SECONDED BY TANYA KNAPPMAN, TO ACCEPT THE PLAN USING THE THIRD PRICING STRUCTURE. MOTION PASSED UNANIMOUSLY.**

## VI. Update: SR 3 Landscaping Project

Mr. Lugar reviewed the SR 3 landscape project. The FDOT had received a bid that came within their budget, after the redesign of the plans. MIRA had just received the new plans. The smaller project may provide fewer medians for landscaping. Mr. Lugar and Mary O'Neal have been trying to find out if MIRA will still be receiving the \$150,000 grant to landscape the medians.

Mr. Herman questioned which medians will be concreted. Mr. Lugar stated it appears from the plans from Home Depot to Richland. Ms. Nisbet-Lawrence stated that the plans are not correct and there are streets missing.

Mr. Lugar advised when this item was brought before the Beautification Committee, the Committee recommended utilizing MIRA funds even if the FDOT grant was not going to be received. Mr. Herman, as Chairman of the Beautification Committee, stated the Committee was under the impression that the revisions to the FDOT plans were only at Merritt Ave. He did not believe that the Beautification Committee knew the other medians were to be covered in concrete. This would change the amount of funds necessary to complete the project. Mr. Lugar recommended not making any decision until MIRA staff may acquire detailed plans of the proposed construction.

## **VII. Update: Redevelopment Agency Sewer Projects**

Mr. Lugar stated that there are two areas that sewer projects are planned, Merritt Ave and South Tropical Trail areas. The northern portion of the plan is permitted and ready to go. Road and Bridge will be utilized. It has been discovered that there is an old transit waterline pipe that has asbestos under Merritt Ave. The pipe is very old and brittle. The City of Cocoa will pay to have the waterline replaced. The funds have already been provided to MIRA in the amount of \$160,000.

We are currently waiting on a permit from DEP to continue with this project. Anytime we utilize internal crews we are required by Florida law to advertise the project and discuss at a public meeting. Also, an inter-local agreement is required between the County Commission and MIRA.

Mr. Lugar stated that the second sewer project is south of SR 520. Mr. Lugar is reviewing for inspection service proposals from DRMP or a local company. The total DRMP proposal is over \$91,000. Mr. Lugar is also talking with Bussen-Mayer Engineering and Bill Stevenson. Mr. Stevenson was the director of the Cocoa water utilities department. Mr. Lugar feels that they may be a better choice for this project. Mr. Stevenson has advised that the power lines located over the proposed lift station is a potential issue.

Ms. Nisbet-Lawrence questioned if the southern project is on Magnolia Ave. Mr. Lugar stated that it is on Magnolia and South Tropical Trail. They are going to try to preserve the oak tree in the area.

Ms. Nisbet-Lawrence would like to know who would get the final decision on whether Bussen- Mayer or the DRMP will be utilized. Mr. Lugar stated that staff will make a recommendation to the MIRA Board.

## **VIII. Commercial Façade Grant Program Update**

### **a. Existing Grant Agreement Projects**

The Junior League has completed their project.

Mr. Herman stated that Mr. Perrone had a problem with permitting and the stonework will not be done on the old Badcock building. Mr. Lugar stated that Mr. Perrone is having a problem removing diseased trees from his property. He can not receive written approval to remove all of the diseased trees at one time; therefore, he has decided to leave the trees until he can remove them all at once. Ms. Knappman stated that she will go out and look at the trees.

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

Mrs. Carabetta stated that Universal Dental Studios, located in Merritt Park Place, asked for information and picked up an application from the MIRA office.

### **c. Award(s) Nomination**

Mr. Herman stated that he nominated Island Grill for a Beautification Award and a Commercial Façade Improvement Award. The MIRA Board agreed that Island Grill looks great.

**MOTION MADE BY MARCUS HERMAN, SECONDED BY STAN CARBERRY, TO APPROVE NOMINATION OF ISLAND GRILL TO RECEIVE THE BEAUTIFICATION AND COMMERCIAL FAÇADE IMPROVEMENT AWARDS. MOTION PASSED UNANIMOUSLY.**

### **d. Review: Policies & Procedures**

Mr. Lugar asked the Board to review the MIRA Commercial Façade Grant Program Policies and Procedures, the grant application, and the grant agreement. Mrs. Natowich had submitted changes for review by the Board members. Mr. Lugar would like to discuss any proposed changes at the next meeting. Mr. Lugar asked the Board members to either call, or submit in writing the proposed changes.

Mr. Herman brought up the parcel issue addressed at the last MIRA Board meeting. The Board may want to change the word parcel. Mr. Herman stated it was previously suggested to put a limit on the number of grants awarded to a person in a year, even with additional locations. Mr. Herman did not personally feel this should be done unless MIRA is exhausting available grant money. If funds are limited then an applicant who has not previously received a grant would be first to receive a grant.

Ms. Nisbet-Lawrence wanted to have a discussion on the multiple parcel issue and then discuss the multiple grant issue. Mr. Lugar requested the Board also discuss eligibility of receiving grants if you are a Board or Committee member. Mr. Herman stated the issue of eligibility had previously been addressed and eligibility to receive a grant is regardless of position being held. Attorney Richardson remarked there is a Florida's statute supporting Board and Committee members' eligibility to receive grants.

Ms. Nisbet-Lawrence suggested adding the legislation that Attorney Richardson previously referred into MIRA's policies and procedures. Atty. Richardson recommended adding the specific reference in legislation to the policies and procedures section 3, which is currently blank. This language could be used to define eligible applicants. The definition could state not excluding members of the MIRA Board or Committees. Atty. Richardson agreed to help with the specific wording of this language.

Ms. Knappman raised a concern regarding the number of grants being awarded to any one applicant. An individual who raised a complaint to Ms. Knappman has a business located past Lucas, therefore out of the MIRA district. Ms. Knappman questioned if the MIRA area could be expanded, opening it up to more grant applicants. Mr. Lugar explained the history of the expansion of MIRA. He stated the last expansion was finalized about a year and a half ago. Atty. Richardson stated that it is an extremely long and extensive process. Atty. Richardson stated that due to the sunset timeline the MIRA Board would probably experience a lot of resistance to any expansion efforts.

Mr. Herman suggested adding verbiage to the policies and procedures regarding somebody who has not received a grant taking precedence over somebody who has previously received a grant in the event of a shortage of available funds. Mr. Herman stated that MIRA has never spent its budgeted limit.

Ms. Knappman suggested utilizing some of MIRA's funds for alternate projects rather than offering multiple grants to any one individual. Mr. Lugar stated the topic was discussed at the Beautification Committee meeting. The Committee would like to consider utilizing commercial façade grant funds for the landscaping of SR 3 if the FDOT does not follow through with the grant they awarded the County. Mr. Lugar stated that once the sewer projects and the landscaping project are completed MIRA may be in a reverse financial situation. MIRA will most likely have to manage its cash flow better next year.

Atty. Richardson stated that the intent of the Commercial Façade Grant Program is to leverage money. This makes MIRA's money work twice as hard for them. Mr. Herman agreed and stated to receive the full grant amount \$35,000 would have to be spent by the applicant.

Ms. Knappman questioned how can the Board get the word out to the public and increase awareness of this grant program. Mr. Carberry stated that there are annual mailings to businesses in the MIRA area. Mr. Herman stated that MIRA has also hosted workshops to help businesses understand the process and the requirements.

Mr. Herman stated that MIRA has budgeted \$200,000 annually to this program. MIRA has not been able to utilize this amount in any one year. Mr. Herman referred to Victoria's Restaurant as a business that was solicited. Victoria's has recently completed their project and it took a lot of effort from Beautification Committee.

Atty. Richardson stated that he can recall occasions where he has heard business owners comment that they would not have made the improvements if it were not for receiving this grant. This grant gives MIRA some input as to what improvements are being made and how they are being made. Mr. Herman agreed that when you are providing someone a grant for up to ten thousand dollars they are more receptive to suggestions on how to improve their projects. Mr. Herman felt this is one of the best MIRA programs. The other projects are extremely important, except the public can not see them and may not be aware of MIRA's

involvement. The Courtenay Parkway landscape project will also help public perception and make the public feel good about where their tax dollars are being utilized.

Ms. Knappman agreed the majority of complaints come from the utilization of their tax money. Ms. Nisbet-Lawrence stated it is the Board members' job to inform the public when they hear misconceptions about where the money is being spent and to let them know all the good the money is going towards. If the public knew that there is ten to twenty more grants not being utilized each year maybe they would not be so critical? Ms. Knappman stated that the majority of the complaints are coming from non-business owners.

Mr. Lugar felt that the complaints maybe based on the fact they would like to see the owner/occupant/user receive the grant rather than an investor. Ms. Knappman stated that was correct. Atty. Richardson agreed that there is a perception problem and that could be the root of it. However, Mr. Perrone may be the best example of fulfilling the Commercial Façade Program's mission.

Mr. Herman referred to Counties and States waiving taxes on big businesses to lure them into their areas. This brings more jobs and revenue to the area. Mr. Herman felt that this argument is along the same lines. Mr. Carberry felt there are only a small percentage of Merritt Island residents who even know that this program exists. MIRA only makes the effort to inform businesses in the MIRA area.

Ms. Nisbet-Lawrence reiterated the three items that are of concern, the first being the multiple grants for individuals. Mr. Herman added that it can be added, except there needs to be something about if the grant money has reached its limit then priority needs to be given to new applicants. Ms. Knappman agreed. Mr. Carberry asked if a dollar amount can be set. Ms. Nisbet-Lawrence stated that this may not be feasible. Mr. Lugar suggested changing wording to: "with the availability of funds; you will be permitted to receive one grant per twelve month cycle". Establishing that funding is limited up front we may eliminate the problem. Mr. Herman disagreed, stating that would have eliminated three more grants this year and MIRA is trying to increase the number of grants, not decrease it.

Atty. Richardson agreed that would be imposing a limit even before coming close to reaching their budget. He suggested if MIRA has multiple grants presented before them that would exceed MIRA's budget, at that time priority will be given to people who have not been previous recipients, pending grant approval.

Ms. Nisbet-Lawrence agreed with this suggestion. She asked Atty. Richardson to construct the wording for them to add this to MIRA's policies and procedures. Ms. Knappman agreed this would be the best solution.

Ms. Nisbet-Lawrence stated the next item for discussion is the multiple parcel question. Ms. Nisbet-Lawrence referred to Mr. Jaynes' building on Hibiscus as being in question previously. Atty. Richardson suggested adding the word project and defining it as consisting of one or more parcels. A single building on more than one parcel of land would only be eligible for one project grant.

Mr. Herman referred to the A.G. Edwards building being on multiple parcels. This was a \$250,000 exterior renovation. They were granted \$20,000 due to the building being on two parcels. He questioned if a large building with multiple parcels should only receive one grant when doing extensive work such as this. Mr. Herman stated that only twice has MIRA awarded

a grant over ten thousand dollars. Mr. Herman stated that in the Ed Jaynes case, he would have to spend a minimum of \$140,000 to exterior improvement to be eligible for \$40,000. Mr. Lugar stated that Mr. Jaynes has already asked this question.

Atty. Richardson questioned whether Mr. Perrone's project is eligible for more than one grant. Mr. Herman stated that he believes it is. Atty. Richardson stated that MIRA would only want to treat it as one project. Mr. Herman states the Mr. Perrone did not ask for a grant on the front building which would be considered a separate project.

Ms. Nisbet-Lawrence agreed with Atty. Richardson the wording should be changed to project from the current word parcel. Mr. Allen agreed that project is better wording.

Mr. Lugar suggested defining a project by square footage. Setting a limit, as an example a building beyond one hundred thousand square feet would allow for a second project grant. Mr. Carberry questioned whether the square footage would be considered inside the building or the property which the building lays. Mr. Herman agreed that this would be a problem. Ms. Knappman also agreed this could create additional questions.

Mr. Lugar stated that the changes do not need to be approved today. Mr. Lugar would like the Board to consider the topics and present their solutions. Mr. Herman agreed that those are three major things that needed to be discussed and the other issues should be quick discussions at the next meeting. Ms. Nisbet-Lawrence wanted an agreement on the last issue. She wanted to know if replacing parcel with project was acceptable. Atty. Richardson suggested using project cost rather than square footage. Ms. Knappman disagreed. Mr. Lugar suggested using the word "project" and discussing the definition of project at the next meeting. Mr. Herman and Ms. Nisbet- Lawrence agreed.

Mr. Lugar requested that the Board review the policies and procedures and bring to his attention any other changes or suggestions. Ms. Nisbet-Lawrence asked that Mr. Lugar then email these suggestions to the Board members, allowing time to consider the changes before the discussion at the next meeting.

## **IX. Review of Merritt Island Redevelopment Agency By-Laws**

Mr. Lugar wanted to review the MIRA Board and the Beautification Committee By-Laws. Mr. Lugar stated that the By-Laws need to be reviewed every two years. Mr. Lugar asked the Board to review the By-Laws and contact Mr. Lugar with any recommendations or questions before the next meeting.

Mr. Herman asked if there are any proposed changes to be considered. Mr. Lugar advised that if there are any amendments to be made they would need to be advertised.

Ms. Nisbet-Lawrence brought up her Chairmanship. She felt that would need to be made official by the appointment of the County Commissioners. Mr. Carberry agreed and felt his Vice-Presidency also may need to be discussed. Mr. Lugar stated that he will follow through with this. Atty. Richardson stated that the MIRA Board had voted on the appointment of Ms. Nisbet-Lawrence and Mr. Carberry and the Board of County Commissioners would take that as a recommendation. To make the appointment formal the County Commission would only need to add it to their agenda and approve it. This would be in compliance with the current By-Laws.

Mr. Lugar wanted to bring an item from the Beautification By-Laws to the Boards attention. Mr. Lugar stated that the MIRA office was attempting to post a public notice stating there was an opening on the Beautification Committee. The Commission office was going to put this advertisement in the newspaper. One of the Beautification members objected and advised her opinion of the current By-Laws. Mr. Lugar stated that he has read the By-Laws and felt the Beautification Committee By-Laws are in need of review. There is a reference to the Beautification Committee entering into contracts. They are an ad hoc Committee and have no authority to enter into any agreements, it is a recommending body.

Mr. Lugar was also concerned by the language under membership, Section II of Article 3. Mr. Lugar interpreted this language suggested that the Committee being a closed club. Atty. Richardson felt that there is language missing from this section of the By-Laws. He felt the Chairman solicits applications, not necessarily solely from the Committee. Atty. Richardson felt the By-Laws are up to interpretation the way they are currently written. Atty. Richardson wanted to change the language to reflect that the Committee membership is open to the public.

Ms. Knappman questioned how the Committee nominated members. Mr. Herman stated that new members had always been referrals from current members. The Committee currently has two openings and is below the required seven Committee members. Mr. Lugar added that any appointment would have to come before the MIRA Board for final approval.

Atty. Richardson stated the By-Laws are somewhat ambiguous. He recommended that anyone who applies may be considered for the vacancies whether recommended by a Committee member or not. The language should be changed to reflect this. Atty. Richardson asked the Board to approve endorsing new language to support allowing Mr. Lugar and Atty. Richardson to amend the By-Laws and bring it back to the Agency.

**MOTION MADE BY MARCUS HERMAN, SECONDED BY STEVE CARBERRY, TO APPROVE THE CHANGE OF LANGUAGE IN THE BEAUTIFICATION BY-LAWS UNDER MEMBERSHIP, SECTION II, ARTICLE 3, AND TO ALLOW FOR THE APPOINTMENT OF NEW COMMITTEE MEMBERS. THE MOTION PASSED UNANIMOUSLY.**

Ms. Knappman stated that she has a person that she would like to nominate.

#### **X. Other Business:**

Mr. Lugar brought up an item that has been in the Board's unfunded planned projects. This is the intersection at Fortenberry and Plumosa. Drainage pipes under the road are very old and needs replacing. One of the pipes on Plumosa in the south bound lane has collapsed. There had been a steel plate placed on the road since Road and Bridge did not have the funds to complete the repairs. Road and Bridge has requested \$17,500 from MIRA to accomplish this project. This will not conflict with future plans to add a turning lane at the intersection. MIRA plans to do this project at a later date.

Mr. Lugar stated that if this work was not in MIRA's future plans he would not have asked the Board for approval of this budget appropriation. Ms. Knappman asked for more detail on the plan. Mr. Lugar stated that a turning lane is to be added. While the intersection is torn up, MIRA plans to replace the old drainage pipes with new concrete pipes. This work is something that will be completed next year.

Mr. Carberry agreed that it would cost more to complete this project next year rather than at the present time. Mr. Herman asked if a vote is required on this. Mr. Lugar stated yes.

**MOTION MADE BY RODDY KRING, SECONDED BY TANYA KNAPPMAN, TO APPROVE FUNDING FOR THE REPLACEMENT OF A BROKEN DRAINAGE PIPE ON PLUMOSA IN THE SOUTHBOUND LANE, OF UP TO \$17,500.00 BE TRANSFERRED TO ROAD & BRIDGE FOR THE COMPLETION OF THE REPAIRS.**

Atty. Richardson had two items to bring to the Board's attention. The first was that Anthony LaCourt had previously brought a conditional use permit request before the Board for review which was denied. There was another CUP that was presented at the same meeting which was approved. Mr. LaCourt has retained an attorney and filled a petition to challenge the denial he also received from the Board of County Commission and Planning and Zoning Board. This may lead to a court mandated approval and Atty. Richardson wanted to make the Board aware of this.

The other report was MIRA had received good press in the Florida Today about the storm water runoff into the Indian River and the efforts of this Agency.

Mr. Herman stated the trees still have not been straightened on Sykes Creek. Mr. Lugar replied that the work was supposed to be finished by Mr. McMichael last week. Mr. Lugar will contact another landscaper if the work is not completed this week.

Ms. Knappman would like to bring up a problem with Cabbage palms at Hensley Park. There are Straggler Figs coming out of them and they will take over the palm trees. This needs to be taken care of right away. Mr. Lugar advised that he would contact the Park & Recreation Department.

**XI. Public Comments:**

None at this time.

Ms. Nisbet-Lawrence stated the next MIRA Board meeting is scheduled for October 25, 2007.

**ADJOURN**

Ms. Nisbet-Lawrence adjourned the meeting of the Merritt Island Redevelopment Agency Board of Directors at 4:40 p.m.