

City of Palm Bay, Florida

**BAYFRONT COMMUNITY REDEVELOPMENT AGENCY
Regular Meeting 2018-04**

Held on Thursday, the 13th day of December 2018, at City Hall Council Chambers, 120 Malabar Road, SE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law; the minutes are on file in the Bayfront Community Redevelopment Agency Office, City Hall Annex, Palm Bay, Florida.

The meeting was called to order by Chairperson Capote at approximately 6:30 p.m.

ROLL CALL:

CHAIRPERSON:	William Capote	Present
VICE-CHAIRPERSON:	Brian Anderson	Present
COMMISSIONER:	Harry Santiago, Jr.	Present
COMMISSIONER:	Jeff Bailey	Present
COMMISSIONER:	Kenny Johnson	Present
COMMISSIONER:	James Ritter	Present
COMMISSIONER:	Aaron Parr	Present

STAFF MEMBERS:

James Marshal, Bayfront CRA Administrator; Mr. Andy Anderson, Interim Deputy City Manager

CONSENT AGENDA:

There were no consent items.

PUBLIC COMMENTS (NON-AGENDA ITEMS):

Maryann Civil, resident, commented on the lack of meeting minutes available online and that meeting notifications were posted at the last minute. She said the residents of the BCRA area wanted to be involved, wanted to know what was going on, and did not like the direction taken by the Board.

Ray Walton, resident, asked if the meeting could be held in the Bayfront area, rather than Council Chambers. He requested the meetings be held at 7:00 pm instead of 6:30 pm to allow people who work to attend. He asked what had happened to the email contact list that the BCRA had to notify stakeholders of the meetings.

Margaret DeHart, Secretary for the Powell Subdivision Neighborhood Watch Program, stated the Bayfront CRA and CRA funding had been a critical part of the development of affordable housing through Habitat for Humanity, Parks Division, and the attraction of new business. She

said the Powell Subdivision Neighborhood Watch Program looked forward to addressing their ongoing housing and infrastructure. She stated the Powell Subdivision members supported the Northshore projected acquisition of the Woodlake Commerce parcels and were in favor of a mixed-use development since the parcels were adjacent to the subdivision on Doreatha Fields Avenue. She stated they preferred housing and small business projects to industrial projects near the community. She stated residential projects increased the value of the homes in the area and businesses could offer job opportunities to residents of the subdivision.

Jared Cooper, representative of multiple companies in the Driskell Heights neighborhood, stated that he was in favor of the redevelopment off Doreatha Fields Avenue in the area where additional housing was to be added. He stated this would provide a buffer against the industrial encroachments with the multi-use between the residential and commercial areas. He stated that the property values would increase and provide diversity to get the area out of the economic slump. He stated he was in favor of the zoning change that allowed the project to move forward.

Chairman Capote addressed Ms. Civil's comments. He agreed with her and felt the Board should have the requirement that the At-Large members be residents or business owners inside the Bayfront CRA. He stated that potentially a change could be made to the Ordinance to make that a requirement. He asked Mr. Marshal the status of the Bayfront CRA meeting minutes. Mr. Marshal stated that when Council became the governing board, the idea was to utilize both the Clerk's Office and the City Attorney's Office in order to save money and be more organized. He stated the City Attorney and City Clerk's assigned personnel were both in attendance at the first meeting but had not returned since. He stated that he had worked with the City Manager to get the minutes done and that he recommended the City Clerk's Office do the minutes. Chairman Capote stated that was not the agreement and that the agreement was to have an administrative person assigned to the Bayfront CRA. He stated that Mr. Marshal advised that he did not need that person and that the City Clerk was never in the running to do the minutes. Chairman Capote advised Mr. Marshal to figure out how to get the minutes done and stated he would speak with the City Manager regarding the issue. Chairman Capote apologized to the members who felt they were not being kept abreast of the information and the lack of transparency. He understood that an administrative assistant had been hired for the Bayfront CRA. Mr. Andy Anderson stated the Bayfront CRA had hired a part-time person, but she had backed out. Commissioner Santiago asked if there was a problem hiring someone. Mr. Andy Anderson stated the position was posted as part-time and the internal candidate was ideal. He said that if the position was posted as external, the position would be used as a stepping stone. He stated that the City would try to fill the position again. Commissioner Santiago said the position needed to be filled since there was quite a few meetings without minutes.

Commissioner Johnson asked if the meetings could be held in the Bayfront to allow more community involvement. Chairman Capote stated that the meetings were previously held in the

Bayfront because the Bayfront CRA had an office within the district. He stated that the Pelican Harbor Marina was not as accessible.

Commissioner Ritter stated that the RiverView Senior Resort had been offered and the meetings had been held there after the Bayfront office closed. He stated that regarding the secretary, the Bayfront CRA had a full-time secretary and that she still worked for the City. He said she was absorbed by the Economic Development Department. Chairman Capote stated she was no longer with the Bayfront CRA because the BCRA Administrator gave up the position. He stated he would speak with the City Manager to find a solution.

Commissioner Santiago suggested they investigate going back to the RiverView Senior Resort for the meetings.

Commissioner Parr suggested the meetings be changed to 7:00 pm.

PRESENTATIONS:

1. Northshore Development: Sequel Project Update

The Northshore Development representative presented an update on the sequel project to the Aqua project. He stated the project was on the west side of Robert J. Conlan Boulevard, in a 36-acre parcel. He discussed the apartment complexes of 224 and 256 units, commercial and retail space, entertainment venues, and public access to the park and lake areas. He stated the commerce park was included as a co-signor for the Architectural Review Committee (ARC) that allowed them use of the park and lake areas. He discussed the expansion of Pirate Lane that included a 4-way stop at the intersection by the City of Melbourne and said it was part of the City of Melbourne's five-year plan. He said Northshore tried to build a high-end community, a luxury apartment complex, new retail, new entertainment, new restaurants, and build-out the corridor for a new downtown Palm Bay. He stated the corridor from the waterfront to the end of their property was a great opportunity to bookend Palm Bay.

Gil Ramirez, Traffic Engineer with LTG, discussed the traffic patterns in the area of Pirate Lane and Lipscomb Street. He stated the intersection of Lipscomb Street and Commerce Park Drive would be signalized to improve traffic flow. He said the methodology letter had been submitted and approved by the City. Chairman Capote asked Mr. Ramirez if he worked on the project from both sides and if he was part of the Pirate Lane project. Mr. Ramirez answered in the affirmative. Chairman Capote asked if the Pirate Lane project was fully funded and Mr. Ramirez replied that the design had been funded for this year and was in the design stage. He said he understood the City had the money earmarked, but it had not been allocated because the project was in 2020. Chairman Capote asked if the road might come before the development and Mr. Ramirez confirmed same.

Mike Ullian, with Ullian Realty, stated he represented the sellers of the property purchased by Northshore Development. He stated the owners also owned a 50,000 square foot L-shaped building where Pirate Lane attached to Commerce Park Drive and that it was currently leased to AAR. He said they also owned a 9,500 – 10,000 square foot unit in the condominium association. He said the value of the 50,000 square foot building was greater than the whole sale of the land. He stated this property had been for sale since 1985 and he provided information on other properties in the area.

Northshore stated they had a Planning and Zoning Committee meeting last week and would be considered by City Council on January 3rd. He stated they would like to put forth a letter of support from the Bayfront CRA for the project with Council's approval and agreement and to put it into record.

2. Brownfields Assessment Grant Application: Terracon Consulting, Judi Weaver

Mark Mulligan, of Terracon Consulting, stated they were contracted with the City of Palm Bay as an environmental contractor. He said they had been working with Mr. Marshal to help obtain an Environmental Protection Agency (EPA) Brownfields Grant. He provided a complete overview of Terracon Consulting, which included the services offered, office locations, and personnel experience in grant writing.

Judi Weaver, Brownfields Specialist in Florida, spoke regarding the Bayfront CRA's grant application. She stated it was a \$300,000 application and the funds were for assessing properties. She said there were funds for hazardous substance along with petroleum, which was focused on redevelopment. She said the grant funds went into effect on October 1, 2019. She stated the grant application was due on the 31st of January and the decisions were made around May or June. She said they would be reapplying. She said the EPA made changes this year with more focus on the shorelines and flood zones. She provided the EPA's definition of a brownfield and the benefits of a brownfields program.

Mark Mulligan spoke about Environmental Site Assessments. He described the process of assessing the properties once the grant was awarded. He discussed the steps involved in Phase I and Phase II of the assessment process and the options if contamination were found. He discussed availability of additional grant funding from the State.

Maryann Civil, resident, asked Ms. Weaver which properties were a focus for the grant process this year. Ms. Weaver responded Lot 8 on Water Drive in the bay center area. Properties also included the Robert J. Conlan Boulevard area and MC Assembly.

NEW BUSINESS:

1. Adoption of 2019 Bayfront CRA Annual Meeting Schedule.

Mr. Marshal presented the proposed annual meeting schedule for the Bayfront CRA, including the budget meetings and special meetings. He said updates regarding the Derelict Vessel Workshop were shared by Rosemarie (City Clerk's Office) and that it was recommended the Workshop be held on February 5th at 6:30 pm. Chairman Capote stated they wanted to adjust the time of all meetings to 7:00 pm. Mr. Marshal stated the annual Bayfront CRA meeting was changed from December 10, 2018 to December 17, 2018.

Motion by Chairman Capote, seconded by Commissioner Santiago, to adopt the 2019 BCRA Annual Meeting Schedule with the changes noted by Mr. Marshal. Motion carried unanimously.

2. Consideration of 2018 Florida Inland Navigation District (FIND) Grant Agreement in support of the Palm Bay Entrance Channel Dredge Project.

Mr. Marshal stated the grant agreement was previously supported by the Board via Resolution No. 2018-07. He said that due to the cost, the City Attorney's office recommended that it be taken to the Bayfront CRA Board for additional consideration and then taken to City Council. He said the grant award notice was received by the City on September 27, 2018 and the formal FIND grant was received on October 1, 2018 for review. The City Attorney's Office completed their review and it was before the Board for their consideration. He said the total cost of the design permit phase was \$99,399. He said the FIND Cost Share Agreement provided a maximum of 50% reimbursement, not to exceed \$53,749.50. He stated that the engineer's initial construction estimate to dredge the channel was \$787,500 and that up to 75% of that amount was eligible for grant reimbursement from the FIND Grant.

Maryann Civil, resident, stated that since there were no meeting minutes, she had no idea which design of the pier had been proposed as part of this grant and asked if there was a picture of it. She stated there were several well-attended meetings in April and May and there were pros and cons on the different designs. She stated the people she had spoken with at the meetings wanted a scaled back design, if at all. She stated the mooring field was not well-received. She expressed concern about the number of moorings and the size of the vessels. She asked if there was a harbor master, fuel, or parking. She stated that parking was a huge consideration at the April and May meetings. She stated that she noticed in the application for the grant that there had been talk of the historic pier location and that was also a big consideration as well because the location, or the proposed location, of the pier was not the historic location. She said there were a lot of open-ended issues and answers were needed before a decision was made.

Mr. Marshal stated a 10% conceptual design had been done and there had been two (2) community workshops held regarding the pier. He stated an artist's rendering had recently been received. He stated there would be more meetings in the future. He stated that to have a

dredging project, there had to be a need and that part of the need would be a mooring field and pier.

Frank Hickson, Infrastructure Engineer, stated that to dredge the channel into the bay it had to be tied to something. He said the way it was tied to the application was to create the pier and the mooring field. He commented on the number of mooring fields and stated the number needed to be enough to convince the permitting agencies that there was a need to create the channel. He said their plan for the pier was to build something smaller in scale that could be expanded in the future.

Tim Fontaine with Coastal Technologies stated the Florida Department of Environmental Protection issued a general permit for municipalities for up to 100 vessels and that anything over 100 vessels required different permitting.

John Mongioi, resident, stated the citizens were not aware of what was going on. He stated there were a lot of suspicions, doubts, and disagreements with what they had been told. He stated that what he heard was that the mooring field was required to get the dredging permit. He stated the channel needed to be dredged, but there needed to be a meeting where the people were able to sit down, look at a drawing, and say if they liked it or not. He questioned why the people did not know the mooring field was used to get the dredging permit. He stated things had not been open enough and needed to be improved.

Chairman Capote asked Mr. Marshal if the pier was temporary or if it was the base. Mr. Marshal said that if it was designed, funded, and constructed, it would not be temporary. He asked Chairman Capote if he thought the construction was floating docks. Chairman Capote stated he heard Mr. Hickson talked about something that could be built upon later. Mr. Marshal provided a drawing of the design done by a citizen that was adapted to get the permit. Chairman Capote stated that this was just preliminary and was used to secure the funding. He stated that, in response to Mr. Mongioi's questions regarding transparency, the workshops and discussions of what was to be built were needed. Chairman Capote stated that he wanted to be sure that in the future there was more public input for the placement of the pier. Mr. Marshal stated that if the Bayfront CRA was not successful in getting the application for the dredging, this was a moot point.

Motion by Vice-Chairman Anderson, seconded by Commissioner Santiago, to approve the 2018 Florida Inland Navigation District Grant Agreement in support of the Palm Bay Entrance Channel Dredge Project. Motion carried unanimously.

- 3. Consideration of Infrastructure Engineering Proposed Task Order #7 in service of the design and permit application scope of work as identified within the 2018 Florida Inland Navigation District Grant Agreement Project #BV-PB-18-142.**

Mr. Marshal stated this was the engineer's contract. He stated that the Bayfront CRA had previously engaged Infrastructure Engineers, Inc. that had met with the regulatory agencies, collected field data, and developed a conceptual design for increasing the depth of the bay's waterway access channel. He said the field data collection included geotechnical investigations, a bathymetric survey, and a submerged aquatic survey. He said the regulatory agencies identified that permitting of the access channel required demonstration of the need and/or justification of the depth of the access channel. He stated the work done under the task order built upon the past work by the Infrastructure Engineers, Inc. The task order included design and permitting services for the access channel and included the proposed pier and mooring field that supported the justification and was performed by Infrastructure Engineers, Inc. with subcontracted support service by Coastal Technologies. He said the total cost for the task order specific to the design permit phase was \$99,920 and was included as part of the FIND grant application.

Motion by Commissioner Santiago, seconded by Chairman Capote, to approve the Infrastructure Engineering Proposed Task Order #7 in service of the design and permit application scope of work as identified within the 2018 Florida Inland Navigation District Grant Agreement Project #BV-PB-18-142. Motion carried unanimously.

COMMISSIONER REPORTS:

Commissioner Ritter stated he noticed the lights on U.S. Highway 1 had been fixed. He requested the property on Water Drive across from Palm Pub be mowed and that a bougainvillea in the right-of-way needed to be removed. Mr. Marshal asked if the address was 1582 Water Drive. Mr. Ritter confirmed same. He stated emails were received from Thomas McCarthy regarding the Pelican Harbor Marina which requested the property be represented by him rather than the real estate agent that had the property.

Chairman Capote felt it was a good idea for the Bayfront CRA to consider someone with real estate expertise to market the Marina. He said it should be put out to bid, but that it was more of a Council item. Chairman Capote asked, and Commissioner Bailey agreed, to speak with the City Manager and take it back to the Board. Vice-Chairman Anderson asked if the Council gave up control of the Marina to the Bayfront CRA. Commissioner Bailey stated Shirley Weems worked on the control issues, but it was through the Council's contract. Vice-Chairman Anderson agreed with Chairman Capote's suggestion of getting bids and stated that any associated costs were to be brought back to the next meeting. He stated the sale of the property should be a priority. Mr. Marshal stated the Marina was a specialty property and most likely required national advertising. He stated the marketing money had been put in the budget specifically for the Pelican Harbor Marina. He said upgrades had been made to the property and the property had been prepped to be sold. Vice-Chairman Anderson suggested a presentation of the property by Mr. McCarthy be made at the next meeting and Mr. Marshal stated a presentation would be done at the next meeting.

Vice-Chairman Anderson stated the Evans Center was coming along nicely.

OTHER AGENCY BUSINESS:


Mr. Marshal stated the Bayfront CRA was still waiting on the Quitclaim Deed for the City to divest itself of the remaining interest of the Marina specifically to allow the Bayfront CRA to do the full redevelopment. He stated the multiple ownership situation made it confusing to attract development and that it became statutorily sticky. He said the Bayfront CRA had to split expenses with the City when work was done at the site.

Commissioner Parr stated he thought it was a good discussion to have moving forward with an engineering design of Robert J. Conlan Boulevard. Vice-Chairman Anderson agreed. Commissioner Bailey suggested discussing with the City Manager/BCRA Executive Director and other stakeholders to determine the best way to move this forward. Mr. Marshal stated a lot of positive feedback had been received about the redevelopment of Robert J. Conlan Boulevard to become a downtown. He said that \$60 million had been attracted in new development with another \$60 - \$80 million waiting. He said that once an engineer's design had been received, they could figure out funding and length of construction.

Motion by Commissioner Parr, seconded by Commissioner Ritter, for the Bayfront CRA to suggest to Council to move forward and obtain an engineering design of Robert J. Conlan Boulevard. Motion passed unanimously.

ADJOURNMENT:

The meeting was adjourned at approximately 7:45 p.m.



William Capote, CHAIRPERSON

Patricia Foutt, AGENCY SECRETARY