

**Titusville Environmental Commission  
Regular Meeting  
April 16, 2003**

The Titusville Environmental Commission (TEC) of the City of Titusville, Florida, met in regular session in the Council Chambers of City Hall, 555 South Washington Avenue, on Wednesday, April 16, 2003.

XXX

Chairman Pettit called the meeting to order at 5:30 p.m. Present were Vice Chairman Rivera, Members Mosakowski, Vieira, Alternate Members Ryba, and Gutierrez. Members Gosselin, Koromilas, and Chamberlain were excused. Also in attendance were Planning Administrator Keith Cunningham, and Recording Secretary Tammy Holton. It was determined that a quorum was present.

XXX

The first item of business was the approval of the minutes from the April 2, 2003 regular meeting. Member Gutierrez moved to approve the minutes as corrected. Member Ryba seconded the motion. There was a unanimous voice vote.

XXX

TEC amended their agenda to review New Business item one before Old Business.

**New Business:**

Variance #13-2003, Plantation Oaks – Keith Cunningham gave an overview of the request to TEC. Member Gutierrez asked about the waiver of trees since 34% of preservation is to remain. Keith Cunningham explained to TEC that the applicant was requesting a variance from the Board of Adjustment and Appeals (BAA) for the tree survey, but are conserving 34% of vegetation. Discussion followed.

Doug Engle - Reported to TEC the areas of nature preservation, stormwater and location of berm. Discussion followed.

Motion was made by Member Mosakowski to accept staff's verbal recommendation to the Board of Adjustment and Appeals for approval of Variance #13-2003. Member Gutierrez seconded the motion. Discussion followed

Motion was made by Member Vieira to extend the allotted time to continue discussion of Variance #13-2003. Member Ryba seconded the motion.

Member Ryba – yes

Vice Chairman Rivera – yes

Member Gutierrez – yes

Member Vieira – yes

Chairman Pettit – yes

Member Mosakowski - no

John Evans, 1702 South Washington Avenue – Gave an overview of Variance #13-2003. Mr. Evans requested a tree survey with Mike Bauer, Site Inspector. Member Gutierrez asked how far

along the projects was. Mr. Engle stated that site plan process is almost completed; preliminary site plan has been approved. Member Vieira asked the applicant if trees were located before conceptual design was done. Mr. Evans stated that there is a specific procedure for specimen trees. Discussion followed. Mr. Evans stated that the time for Mr. Bauer to walk the site would be at the centerline clearing. Mr. Evans stated the variance the applicant is seeking during the first phase is to allow the applicant to clear the right of way and met with Mike Bauer on site to save specimen trees that can be reasonably saved without negatively impact the development, instead of having to do an aerial survey. Discussion followed.

Motion was made by Member Gutierrez to approve Variance #13-2003 as presented by the applicant. Chairman Pettit stated that TEC already had a previous motion on the table and asked that that motion be read into the record. Member Gutierrez amended the original motion to adopt the plan as Mr. Evans has outlined. Motion was seconded by Vice Chairman Rivera. Discussion followed. Member Mosakowski asked for a point of clarification. Chairman Pettit reviewed the motion for TEC. Mr. Evans stated that an aerial would not be the proper way to access trees for the development, requested that Mike Bauer be on site instead of having to satisfy the requirement to do an aerial survey. Discussion followed.

Doug Engle – Reported to TEC that there were too many trees for the site to properly access with GPS, has to be cleared down the centerline to establish rows. A line of site survey has to be done.

Member Gutierrez asked Chairman Pettit to have all members who vote no state their reasons for voting that way. Member Mosakowski stated that would not be following parliamentary procedures. Member Gutierrez stated that the public has a right to know why each member would vote in a particular manner especially voting no. Chairman Pettit stated that the meetings are recorded and the public is present to hear all of TEC's arguments, Chairman Pettit then called for a vote. Member Gutierrez reiterated his point to have all members state their reason for voting. Chairman Pettit asked members to vote on the amended motion to allow the tree survey variance, the clearing of the centerline with the stipulation that Mr. Bauer visit site for all subsequent clearing. There was a roll call vote.

Chairman Pettit – yes

Member Mosakowski – yes

Vice Chairman Rivera – yes

Member Gutierrez – yes

Member Vieira – no

Member Ryba – yes

Chairman Pettit then called for a vote on the original motion to preserve 34% of the overall site in lieu of the 10% for each lot. There was a roll call vote.

Member Mosakowski – yes

Member Ryba – yes

Vice Chairman Rivera – yes

Member Gutierrez - yes

Member Vieira – yes with the conditions that the city adds as the applicant requested be silk-screened off ahead of time

Chairman Pettit - yes

Member Gutierrez stated that Member Vieira was amending the motion. Member Vieira stated he voted yes for the motion but his comments were on the record. Member Vieira asked about drainage and sidewalks for the development. Discussion followed.

**Old Business:**

Earth Day Activities – Chairman Pettit suggested that a trail map with locations be displayed for the Earth Day celebration. Discussion followed. Member Ryba recommended distributed the application for the environment awards at the Enchanted Forest for the earth day festival. This would notify the public of the awards program. Discussion followed.

Member Ryba made a motion to use the draft application for the environmental awards at the earth day celebration. Motion was seconded by Member Vieira. There was a unanimous voice vote. Discussion followed. Member Ryba stated she would make the appropriate copies of the application.

Discussion followed with TEC relating to tree giveaway and location of the trees to be used.

Free Market Environmentalism - Member Gutierrez reported to TEC that as a matter of fairness TEC should have an alternative point of view to the speaker(s) for the seminar educating citizens on environmental issues. Member Gutierrez suggested that a speaker from the Competitive Enterprise Institute be scheduled to give a presentation. If an alternative point of view is not allowed to be given to the public then we are living a socialist society. Discussion followed. Vice Chairman Rivera stated he hoped that protecting the environment is not a politically issue; not about conservatism or liberals and did not understand the purpose of Mr. Gutierrez’s request. Member Ryba stated that TEC had already addressed and voted that the issue not be considered by TEC so this item is now wasting time for the commission. Member Gutierrez stated he was surprised Member Ryba would take this approach, and commented that Vice Chairman Rivera is an advocate for the coalition for property rights and was surprised he would take this stance as well and that politics are involved with everything that TEC does. Member Gutierrez stated that Vice Chairman Rivera did not mention all the documentation that he included for the TEC packets. Member Mosakowski called for the discussion to be concluded in order to satisfy the time limits stated on the agenda. Member Gutierrez told Member Mosakowski to not interrupt. Chairman Pettit called for order in the commission and stated Member Gutierrez be heard. Motion was made by Member Mosakowski to table this subject until the next regular meeting. Motion was seconded by Vice Chairman Rivera.

Vice Chairman Rivera – yes

Member Gutierrez – no

Member Vieira – no

Chairman Pettit – no

Member Mosakowski – yes

Member Ryba – no

Member Gutierrez stated all the handouts were not alluded to so this told him that the commission is showing bias again. People have a right to hear other views other wise this is complete totalitarianism. Chairman Pettit discussed several of the handouts and the validation of the companies supported by these organizations. Discussion followed. Member Vieira stated he did not like being called a totalitarian, just because a motion is voted against 5:1 does not make it totalitarianism it makes it a democracy and ask Member Gutierrez not continue to use the phrase totalitarianism, the board did vote to allow Member Gutierrez to continue with this subject. Discussion followed. Member Ryba asked if the commission did hear another viewpoint what is Member Gutierrez’s motivation behind it. Member Gutierrez stated he is just trying to push for a democracy so the public can hear the different points of view. Member Ryba stated she did not appreciate when Member Gutierrez attacks the board on a personal level; by putting the commission in one category, this is not good for the board.

Motion was made by Member Ryba that TEC should not bring in a free market environmentalist approach. Motion was seconded by Member Mosakowski. Member Gutierrez stated that before the commission voted that the public might want to speak on the issue.

Thelma Roper – Told TEC that she looks at the environmental issues in a completely different light, yes protecting the environment but not environmentalism. Environmentalism are radicals that are divided. Can be used appropriately and wisely that is free market environmentalism. Groups can arrange for protecting environment without taking it all away. A balance will need to be found. Discussion followed.

Walter Pine – Informed TEC that not using microphones and not having assisted listening devices available was a violation of the law. Reported to TEC that he supported obtaining new information because it allows society to explore new ideas. Conservation is a politically philosophical debate. Did not necessarily agree with privatization of state lands, also did not agree with the limitation brought to this panel of Mr. Gutierrez. TEC does have a right to choose the philosophy that the board would like to follow, but make sure to use different methodologies.

Member Gutierrez informed TEC that he was not attacking people on a personal level, only attacking philosophy. Discussion followed. Member Mosakowski stated that the commission could not make a motion to disallow anyone speaking to TEC but could make a motion to not include the item on the agenda. Discussion followed.

There was a roll call vote for the original motion made by Member Ryba.

Vice Chairman Rivera – no  
Member Gutierrez – no  
Member Vieira – yes  
Chairman Pettit – yes  
Member Mosakowski – yes  
Member Ryba - yes

XXX

**Reports:**

Chairman Pettit – Asked staff about the status of an Airport Ordinance. Keith Cunningham informed TEC that City Attorney Dwight Severs had been working on the ordinance and the planning department has not yet seen the ordinance. Chairman Pettit recommended that TEC go on record as opposing any ordinance for trimming or removal of trees in the Enchanted Forest.

Member Vieira – Discussed with TEC the *Conservation and You* pamphlet that was included in the City of Titusville's water bill. Reported to TEC that the New Life Christian fellowship sidewalks have not been extended the full length of the property. Discussion followed.

Staff – Informed TEC that City Council addressed the issues of TEC meeting in the chambers, but took no action to provide media services. Vice Chairman Rivera asked if microphones are not on is TEC in violation of the Sunshine Law. Discussion followed.

XXX

**Petitions and Request from the Public:**

Walter Pine – Told TEC that the statement on their agenda relating to persons with a disability is not correct. The Round Room is inaccessible for persons with a disability and meetings cannot

be held there. Informed TEC that he is the Executive Director of the Center for Civil Rights Advocacy (CCRA) and knows what the laws are and would be happy to advise the commission. Told TEC if they move their meetings back to the Round Room he would stop the meetings because it is not accessible. Addressed the vote on Mr. Gutierrez's request, if you invite one viewpoint you must invite all if not you are discriminating, if you do not then you cannot invite anyone else. Advised Chairman if you ask somebody else to make a motion you have violated rules, you have passively made that motion by someone else's action. Suggested passing the gavel then making the motion. Notified TEC that the CCRA would be actively paying more attention to each commission and board member.

Thelma Roper – Requested that TEC never make the comment that you are wasting my time, this is a government body if someone wants to speak or brings an item back before the commission it is not a waste of your time. They have a constitution right to be heard.

XXX

The Commission set the agenda for the May 7, 2003 regular meeting.

XXX

**Adjournment:**

The meeting adjourned at 6:50 p.m.