

City Council  
Regular Meeting  
January 8, 2002

The City Council of the City of Titusville, Florida met in regular session in the council chamber on the second floor of City Hall, 555 South Washington Avenue, on Tuesday, January 8, 2002.

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Present were Mayor Ron Swank, Vice-Mayor Jeff Rainey, and Council Members Chris Broome and Conrad Eigenmann. Also in attendance were City Manager Tom Harmer, City Attorney Dwight Severs, and Assistant City Clerk Wanda Wells.

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Mayor Swank called the meeting to order at 6:30 p.m. and commented on the newly renovated council chamber. Reverend Sonny Thomas, Pastor of First Free Will Baptist Church of Titusville, gave the invocation and the entire assembly stood to recite the Pledge of Allegiance to the Flag.

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The first matter of business was approval of minutes of regular meeting November 13, 2001. Vice-Mayor Rainey moved to approve the minutes as presented. Member Broome seconded the motion and it carried unanimously.

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City Manager Tom Harmer presented a certificate of appreciation to City Clerk Karan Rounsavall as she was the Project Leader in the council chamber renovations.

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Special Recognitions City Clerk Karan Rounsavall described council chamber renovation efforts and presented certificates of appreciation to individuals who contributed to a successful project. She also presented rededication plaques to council, city attorney, and city manager. City Clerk Rounsavall thanked City Manager Harmer for supporting staff through the entire project.

Mayor Swank commented on the professionalism of the council chamber and thanked everyone that was involved.

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Housing Specialist Juanita Spells gave an overview of the operations in the Housing and Community Development Department and invited council to look at before and after photos of the rehabilitated homes.

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Mayor Swank presented a *Character First* award to City Attorney Dwight Severs commemorating three years of service as a full-time attorney and recognized him for his character trait of “wisdom.”

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Presentations Francis Riley, Chairman of the Flag and Memorial Committee, discussed the Committee’s Avenue of Flags fund raiser. The flags were continuously displayed on U.S. Highway One and needed replacement three times per year due to inclement weather and normal wear and tear. He also invited everyone to attend the Astronaut Memorial Ceremony at Sand Point Park on January 28, 2002 at 11:00 a.m., which was sponsored by the Flag and Memorial Committee.

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Consent Agenda Nelly Strickland requested whether the funds needed for the contract extension to Maxwell Contracting for the continuation of the Water Main Improvement Program was included in the budget. City Manager Harmer advised that this was a budgeted item. She also commented on the Grove Street roadway improvements.

Member Eigenmann moved to approve all consent items in accordance with the following recommendations:

- A. Approve extension of one year contract to Maxwell Contracting of Cocoa, Florida for the continuation of the water main improvement program in the amount of \$500,000 and authorize staff to continue to administratively issue separate Notices to Proceed for each task and change orders for each task as warranted within the total allocated budget. Recommendation: Award contract extension for one year at a cost of \$500,000 with funds available in the Water Resources OMR Utility Expansion Fund. Also authorize staff to administratively issue separate notices to proceed with each task within the allocated budget.
- B. Award bid to Saturn Builders of Brevard, Inc. for street construction of Grove Street (from Hilltop Drive to Kiwi Lane), swales, and drainage improvements in the amount of \$157,472.23 with funds available in Community Development Block Grant (CDBG) budget. Recommendation: Award construction contract to Saturn Builders.
- C. Accept quit claim deed for Tract “A” Retention Area, Childre’s 4<sup>th</sup> Addition to Grove Park as shown in Plat Book 36, Page 24 of the Public Records of Brevard County, Florida. Recommendation: Accept quit claim deed and authorize recording on Public Records.
- D. Grant administrative approval to select a vendor and award a contract in an amount not to exceed \$25,000 to conduct unscheduled work on a 72-inch storm drain at the Florida East Coast Railroad crossing on Main Street. Recommendation: Grant administrative approval as indicated. Funds for the project were available in the Stormwater Unscheduled Projects Account.
- E. Approve housing rehabilitation completed at 1410 Kings Court at a cost of \$43,577.16 and approval to submit to the State Housing Finance Corporation. Recommendation: Approve.

Member Broome seconded the motion and the motion carried unanimously.

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Petitions and Requests from the Public Present Joan Wheeler commented on the council chamber renovation and the comfortable seats. As to the city manager's performance evaluation, she was pleased with the efforts to repave streets and felt this initiative should continue. Also commented on timeliness of minutes, availability of public records, and the renovation of the Genuity building.

Peter Petyk presented American Flag lapel pin for former council member Carl Hughes.

Francis Reilly, representing Space Walk of Fame Foundation, invited the public to the opening of the Space Walk of Fame Museum in Miracle City Mall on January 19, 2001 at 1 p.m.

Sonny Thomas thanked council for its hard work and dedication to the city. He recommended that the sale of alcohol be disallowed at the upcoming Indian River Festival.

Nelly Strickland asked a series of questions: (1) who was in charge when the water main on Garden Street broke; (2) was this person familiar with maps showing what mains served what areas; (3) who informed the television stations that all Titusville residents should boil their water; (4) why did it involve \$60 of research to produce the city manager's e-mails; (5) why was the vice-mayor so emphatic about larger police vehicles; and (6) was Member Eigenmann in business with Robert Smith. Vice-Mayor Rainey responded on his own experiences and why he felt larger police vehicles were needed. Member Eigenmann responded that Robert Smith was only an acquaintance and he was not in business with Mr. Smith.

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Ordinances - First Reading Attorney Severs read ORDINANCE NO. 2-2002 OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING SECTION 47-295 OF THE LAND DEVELOPMENT REGULATIONS BY REDUCING THE SITE PLAN SUBMITTAL FEE FOR AIRPORT RUNWAYS, TAXIWAYS, TAXILANES AND APRONS; AND PROVIDING FOR AN EFFECTIVE DATE the first time by title only.

Second reading and public hearing was scheduled for January 22, 2002.

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Public Hearings and Related Action Attorney Severs read ORDINANCE NO. 43-2001 OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING THE *LAND DEVELOPMENT REGULATIONS* SECTION 59-34, RESIDENTIAL FENCES AND WALLS BY PROVIDING THAT NO HIGH SECURITY FENCE OR WALL BE PERMITTED IN A SINGLE-FAMILY OR MULTI-FAMILY RESIDENTIAL DISTRICT; AMENDING THE *LAND DEVELOPMENT REGULATIONS* SECTION 59-263 BY PROVIDING FOR A HIGH SECURITY FENCING OPTION IN COMMERCIAL ZONING DISTRICTS; AMENDING THE *LAND DEVELOPMENT REGULATIONS* SECTION 59-464 BY PROVIDING FOR A HIGH SECURITY FENCING

OPTION IN INDUSTRIAL ZONING DISTRICTS; AND PROVIDING FOR AN EFFECTIVE DATE the second time by title only.

Development Supervisor Randy Stevenson reviewed the proposed text addition to Ordinance No. 43-2001 that was distributed to council. Staff recommended that the following text be added to Sections 59-263(F4) and 59-464(a-4): "Exceptions to this section may be granted, on a case-by-case, by the Administrator, for those properties that do not front on roadways classified by Section 39-40(C) of these Regulations as either a Principal or Minor Arterial roadway."

Mayor Swank opened the public hearing. No one wished to speak. The public hearing was closed.

Vice-Mayor Rainey moved to adopt Ordinance No. 43-2001 to include proposed text addition that was presented to council. Member Eigenmann seconded the motion and the roll call was:

Mayor Swank	yes
Vice-Mayor Rainey	yes
Member Broome	yes
Member Eigenmann	yes

The motion carried.

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Next was Ordinance No. 1-2002 rezoning various properties of Parrish Medical Center as requested by Rodney Honeycutt with permission of North Brevard County Hospital (Application No. 5-2001). The Planning and Zoning Commission recommended approval with conditions noted within the staff report dated November 21, 2001.

Attorney Severs read ORDINANCE NO. 1-2002 OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING ORDINANCE NO. 5-1993 OF THE CITY OF TITUSVILLE, FLORIDA, BY AMENDING THE ZONING MAP MADE A PART OF SAID ORDINANCE BY REFERENCE BY CHANGING PROPERTY LOCATED AT 951, 1005, 1095, 1151, AND 1181 NORTH WASHINGTON AVENUE FROM ITS PRESENT OFFICE PROFESSIONAL (OP), HOSPITAL MEDICAL (HM), PUBLIC USE (P), AND OPEN SPACE AND RECREATIONAL (OR) CLASSIFICATIONS TO HOSPITAL MEDICAL (HM) AND OPEN SPACE AND RECREATIONAL (OR) CLASSIFICATIONS; AND PROVIDING FOR AN EFFECTIVE DATE the second time by title only.

Mayor Swank opened the public hearing. Rodney Honeycutt spoke in favor of the rezoning. The request would consolidate the zoning for the various properties of Parrish Medical Center.

No one else wished to speak. The public hearing was closed.

Vice-Mayor Rainey moved to adopt Ordinance No. 1-2002. Member Broome seconded the motion. The roll call was:

Vice-Mayor Rainey	yes
Member Broome	yes
Member Eigenmann	yes

Mayor Swank

yes

The motion carried.

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Next was Conditional Use Permit No. 11-2001 to allow a convenience store/service station with gasoline pumps in a Community Commercial (CC) zoning district at 3580 Cheney Highway as requested by Honeycutt & Associates on behalf of M & R United. The Planning and Zoning Commission recommended approval with conditions noted within staff report dated November 21, 2001.

Mayor Swank opened the public hearing. Rodney Honeycutt stated the existing service station would serve the Interstate 95 area. No one else wished to speak. The public hearing was closed.

Vice-Mayor Rainey moved to approve Conditional Use Permit No. 11-2001 as recommended by Planning and Zoning Commission. Member Eigenmann seconded the motion and the roll call was:

Member Broome	yes
Member Eigenmann	yes
Mayor Swank	yes
Vice-Mayor Rainey	yes

The motion carried.

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Old Business First was Resolution No. 29-2001 authorizing execution of a quit claim deed transferring that portion of East Olmstead Drive adjacent to the Washington Arms Condominium to the State of Florida Internal Improvement Fund and reserving an utility easement across the vacated right-of-way. John H. Evans requested the resolution be tabled to the February 12th meeting in order to negotiate with the State. Vice-Mayor Rainey moved to table Resolution No. 29-2001 to the February 12, 2002 meeting. Member Eigenmann seconded the motion. The motion carried unanimously.

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John H. Evans gave an update on the Vectorworks Inc. Vectorworks proposed to swap the most easterly 250 feet it owned on the river (1.015 acres) and the Sandpoint Restaurant, for 4.98 acres of land off the river for its expansion. The public would acquire an additional 423 feet of river front property. The Sandpoint Restaurant building could be converted into a civic center/meeting facility. This proposal was made to the Brevard County Parks and Recreation Commission on the 12<sup>th</sup> of December, and it directed staff to look into this proposal to see what effect it may have on the condition of the ball fields. The County staff was to have their report back to the Commission on January 10<sup>th</sup>. One issue that came up was whether or not the City might vacate Marina Road. This would allow the facility to be moved more to the West and a little further off the river.

Mr. Evans requested a consensus from council in order for Jeff Gray to move forward. Member Broome expressed concern with the procedure set forth in *Florida Statutes* as to the sale of surplus land. There was some uncertainty as to whether the City or County would have the first option to purchase.

Nelly Strickland commented on Vectorworks and did not support council moving forward on the issue.

Joan Wheeler commented on Vectorworks and requested dimensions of the property and the stormwater retention pond.

Mayor Swank presented Mr. Evans with the following questions:

- What is the Titusville Little League's position on the proposal?
- What if there is a valuation difference in the properties?
- Where will the funds come from to pay the State for their interest in the Property?
- What use will the building have?
- Will the Recreational MSTU be able to support the building and improvements to the Park?
- What condition is the building in?
- How can the proposal address no net loss of public recreational lands?
- How would the swap work with the State?
- Did the Park and Recreation Commission take any formal action?
- Is joint parking for the ball fields a possibility?
- What improvements will occur with the remaining recreational land?
- What is the status of the land after surplus and the county ability to take the land?

Vice-Mayor Rainey moved to conceptually support the proposal and requested answers to questions presented. Member Eigenmann seconded for discussion. One of the issues to be determined was whether or not Brevard County would seek to purchase the subject property if it was declared surplus. The motion carried unanimously.

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The final item under Old Business was the acceptance of City Manager's Performance Evaluation Summary. Member Broome moved to accept Summary as presented. Member Eigenmann seconded the motion. The motion carried unanimously.

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New Business The first item of New Business was Strategic Team #3 Computer Conversion Update. MIS Director Rick Roberts brought council up to date on the conversion project including anticipated dates for council approval, system delivered, system setup, 1<sup>st</sup> training, 2<sup>nd</sup> training, printing of payroll checks, parallel runs, and utility billing pre-visit.

Joan Wheeler commented on the cost of computers and the availability of emails. She wanted to be able to view the City Manager's email and was uncomfortable with the charges that she would incur. City Manager Harmer commented on the amount of emails he received each month. Many emails were exempt from the Sunshine Law if related to police investigations, medical

records, etc. Mayor Swank requested city attorney to investigate applicability of Sunshine Law to emails.

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Next was the authorization to proceed with negotiations to accept donation of property at intersection of Park Avenue and Tropic Street. City Manager reviewed offer to donate building. He was seeking council's authorization to proceed with negotiations to acquire property if it was determined that there was a viable public use for the structure. The Public Works Department expressed interest in this location and was developing a proposal for review.

Joan Wheeler commented on the cost of renovations for the Genuity building. She distributed to council an email written by City Manager and letter from Jim Garrison which included costs for the completion of the building.

Nelly Strickland commented on the cost of renovations for the Genuity building and tax write-offs. She recommended the city look at vacant buildings that were currently owned by the City of Titusville prior to accepting the Genuity building.

Member Broome moved to proceed with negotiations after consulting with the Public Works Department to determine there was a viable public use for the structure. Member Eigenmann seconded with discussion. He was concerned about the letter received from Mr. John Linn regarding the obligations of construction permits, etc. Member Broome amended his motion requesting city manager to investigate outstanding obligations under construction permit as well as what fees Genuity might owe to the City of Titusville. The motion carried unanimously.

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Next was Resolution No. 32-2001 setting forth Titusville's position of no objection to the efforts of Port St. John residents to pursue municipal incorporation. Member Broome recommended the southern service boundaries of Titusville be included in the resolution. Vice-Mayor Rainey moved to adopt Resolution No. 32-2001. Member Broome requested an amendment to the motion to include south boundaries of Titusville, specifically Kings Highway/Ranch Road. Vice-Mayor Rainey accepted the amendment to the motion. Member Eigenmann seconded the motion. The roll call was:

Member Eigenmann	yes
Mayor Swank	yes
Vice-Mayor Rainey	yes
Member Broome	yes

The motion carried.

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The last item under New Business was the action plan for sale of surplus real property and authorization to proceed with sale of up to 29 properties. Administrative Secretary Cheryl Edmonds of the Finance Department reviewed the proposed action plan and procedure. There

were 29 properties with total assessed value of \$392,070. Member Broome moved to accept the action plan. Member Eigenmann seconded the motion. The motion carried unanimously.

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Petitions and Requests from the Public Present Robert Smith challenged Nelly Strickland to produce documentation of any illegal activity involving he and the previous city manager.

Joan Wheeler requested and received a copy of the question/answer handout provided on Vectorworks. She also requested the city manager to bring informal proposals to council before assigning staff time to investigate them.

Nelly Strickland offered suggestions on how the public might view e-mails, specifically categorizing of subjects and reproducing records on zip drives.

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Boards and Commissions North Brevard Parks and Recreation Commission had a vacancy for a term expiring August 31, 2002. Member Broome moved to appoint R. Scott Johnson to serve on North Parks & Recreation Commission. Member Eigenmann seconded the motion. The motion carried unanimously.

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Mayor and Council Reports Mayor Swank provided a written report on his activities since the last meeting. He reported on his December 20<sup>th</sup> meeting with Governor Bush on Amtrak and advised that the state identified initial funding for project. He requested council's approval for cost of air travel in the amount of \$250 from Council's operating budget. Vice-Mayor Rainey moved to approve. Member Broome seconded the motion. The motion carried unanimously.

Mayor Swank announced January 17<sup>th</sup> premier of S.A.V.E. video on the danger of bomb threats produced by a sub committee of the Student Advisory Council and invited community to attend.

Mayor Swank attended a recent meeting of the civilian/military organization and found it quite beneficial. He requested \$275 funding from Council's operating budget to become an active member of this organization. Member Eigenmann moved to approve. Member Broome seconded the motion. The motion carried unanimously.

Mayor Swank attended the inaugural ceremony for Carnival Pride at Port Canaveral. Cruise line presented City of Titusville with American Flag in display box.

Vice-Mayor Rainey wished everyone a prosperous new year and expressed his appreciation to his fellow council members.

Member Broome mentioned that he might have reserve duty on January 10<sup>th</sup> which would preclude his attendance at the special meeting that evening.

Member Eigenmann challenged council members to make a donation to the Avenue of Flags.

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City Manager's Report Council acknowledged receipt of the manager's written report.

City Manager requested authorization of presentation by St. Johns River Water Management District at Council's January 22, 2002 meeting. Vice-Mayor Rainey moved to authorize presentation. Member Eigenmann seconded the motion. The motion carried unanimously.

City Manager requested authorization to prepare letter for the Mayor's signature requesting our congressional representatives and senators to restore funding to the Local Law Enforcement Block Grant. Member Eigenmann moved to prepare letter. Member Broome seconded the motion. The motion carried unanimously.

City Manager read names of employees receiving letters of appreciation: Police Department: Lincoln Strom, Mel Williams, Zsolt Rimoczi, Erich Barrett, Glen Hamann, Todd Hutchinson, Lisa Di Liberto, Zatina Greer, Dale Giesel, Patty Morgan, Barry Williams, Jeff Lutz, Tracey Glover, Jane Allen, Douglas Massey, Kevin Vanover, Eric Vazquez, Adrienne Schultz, Frank Canada, Lori Cunningham, Lynn Deardorff, Dana Teartt, Greg Shaw, Pat Herndon, Izell Davis, and Joe Shinpaugh; Fire Department: Chris Threlkeld, Bob Steinmetz, Tiffany Callahan, Bell Feagan, Chris Hitt, Brian Marfitt, and Don Pierce.

City Manager reported on difficulty getting response from mall owners for special meeting with council. Economic Development Director was now working through mall managers.

City Manager advised council of meeting on January 14<sup>th</sup> from 3:00 – 4:30 p.m. at Debus Conference Center to receive a presentation by NASA on International Space Station Park and by Central Florida Research Park operations. Council members were encouraged to attend.

City Manager announced upcoming scheduled meetings for January.

City Manager advised that representatives of the American Police Hall of Fame would be in town on January 15<sup>th</sup>. Mayor Swank would officiate a short ceremony at City Hall that day.

City Manager advised of January 9<sup>th</sup> meeting at 6:30 p.m. with Florida Department of Transportation on planned resurfacing of Garden Street for the purpose of receiving input from area businesses on elimination of on-street parking.

City Manager advised that two employees were activated in federal reserves.

City Manager announced Amtrak had been put on hold and staff would come back to council at a later date to discuss site location and funding.

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City Attorney Report With regard to the January 10<sup>th</sup> meeting to interview council applicants, City Attorney Severs recommended that council swear in its new council member immediately upon selection.

As to litigation involving previous city manager, summary judgement hearing was scheduled later in the month.

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The meeting adjourned at 10:00 p.m.

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Ronald G. Swank, Mayor

ATTEST:

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Karan J. Rounsavall, City Clerk