

City Council
Regular Meeting
January 22, 2002

The City Council of the City of Titusville, Florida met in regular session in the Council Chamber of City Hall, 555 South Washington Avenue, on Tuesday, January 22, 2002.

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Present were Mayor Ron Swank, Vice-Mayor Jeff Rainey, and Council Member Ken Ward. Also in attendance were City Manager Tom Harmer, City Attorney Dwight Severs, and Administrative Secretary Fanita Mitchell. Members Chris Broome and Conrad Eigenmann were absent.

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Mayor Swank called the meeting to order at 6:30 p.m. and asked for a moment of silence. The entire assembly recited the Pledge of Allegiance to the Flag.

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Mayor Swank introduced Ken Ward, newly appointed council member.

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The first matter of business was approval of minutes of regular meetings December 11, 2001 and January 8, 2002. Vice-Mayor Rainey moved to approve the minutes as submitted. Member Ward seconded the motion. The motion carried unanimously.

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Presentations Marguerita Engel of St. Johns River Water Management District (SJRWMD) presented a written report highlighting the SJRWMD ongoing projects. She also discussed water supply and water quality within the East Central Florida area. Ms. Engel mentioned water restrictions were still in effect for the City of Titusville and City of Cocoa water users. Although conservation efforts were good throughout the county, she stated citizens must continue their efforts to preserve water for future needs. She encouraged council and staff to continue to promote conservation and land use planning. Ms. Engel invited council to attend the Central Florida water summit at the Orange County Convention Center on January 31st. Member Ward mentioned that he had reservations to attend the said meeting. She also thanked Member Eigenmann for being a liaison for the City of Titusville to the SJRWMD.

Discussion continued regarding sewer systems, pollution control, stormwater sites and new permit requirements. City Manager Harmer mentioned that he would like Chuck Denman, Stormwater Administrator, to provide an update on how the city was developing the stormwater plan for new

permit requirements. Ms Engel suggested that he schedule the meeting in late March to allow her the opportunity to report all costs that would be associated with the requirements. Finally, Ms. Engel indicated that anyone could visit the new website for the SJRWMD at www.sjrwmd.com.

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Economic Development Update. Walt Johnson, Economic Development Director, updated council on recent events including Amtrak and the proposed February 26th meeting with representatives from Titusville area malls. It was requested of council to submit any questions or comments in advance relating to the mall. He also mentioned the American Police Hall of Fame and the Space Experimentation Research Processing Lab. He also discussed the International Space Research Park, pending contract on Hughes property, and the residential parcels sold in the Sanctuary Subdivision.

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Consent Agenda Prior to the motion being made, Mayor Swank announced council would table the request regarding the final plat approval for the Hickory Green Development due to a conflict of interested with Council Member Ward. City Manager Harmer commented that the item could be discussed at the January 24, 2002 special meeting or the February 12, 2002 regular meeting.

Mayor Swank recommended that the item be addressed at the January 24th meeting. Vice-Mayor Rainey indicated that he would not be able to attend said meeting. City Manager Harmer said that he would confirm the dates with Council Members Broome and Eigenmann.

Ms. Joan Wheeler expressed concern regarding the submittal of an emergency management grant to purchase television cameras and related equipment. She said that if the grant was approved, staff should use the funds to purchase new equipment in order to provide quality broadcasts.

Member Ward moved to approve consent items A, B, and D in accordance with the following recommendations:

- A. Advisability to proceed with ordinance amendment addressing banner signs in certain areas on private property. Recommendation: Authorize staff to work with the applicant to prepare an ordinance amendment addressing banner signs on private property.
- B. Request for time extension to the current agreement between the City of Titusville Housing & Community Development Department and the Board of County Commissioners of Brevard County relating to construction of pavilion and unisex restroom at Blanton Park. Recommendation: Approve the extension to the existing FY99/00 agreement between the City of Titusville Housing & Community Development Department and the Board of County Commissioners of Brevard County, Florida in the amount of \$33,890 to construct a 20' x 44' pavilion with a unisex restroom at Blanton Park through April 30, 2002.
- D. Resolution No. 5-2002 authorizing application for a municipal competitive grant from the Florida Department of Community Affairs to fund the purchase of equipment to produce emergency management programming. Recommendation: Adopt Resolution No. 5-2002 and authorize staff to submit an emergency management grant in the amount of \$50,000 for television cameras and related equipment.

Vice-Mayor Rainey seconded the motion. The roll call was:

Mayor Swank	yes
Member Ward	yes
Vice-Mayor Rainey	yes

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Petitions and Requests from the Public Present Ms. Joan Wheeler commented on the transmittal of departmental e-mail. She felt that items classified as sensitive or confidential in nature should not be transmitted via e-mail. City Attorney Severs mentioned that *Florida Statutes, Chapter 119* listed certain restrictions related to items that the public can and cannot view. Based on recent news reports regarding the collapse of Enron, she questioned the wisdom of the City's auditor also serving as financial consultant.

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Ms. Nelly Strickland expressed concern regarding two pieces of mail which she received from the City of Titusville. She also stated that she was still waiting on a response from staff regarding an issue that was addressed at a previous meeting. City Manager Harmer stated that Raynetta Grant, Water Resources Director, responded in writing to Ms. Strickland's questions regarding the water main break on Christmas Day. Ms. Strickland suggested that council review the availability of water in Spain.

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Mr. Doug Baker, spoke on behalf of John H. Evans, who requested the opportunity to address council regarding the Brevard Crossings Mall at a future meeting.

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The meeting recessed at 7:30 p.m. and reconvened at 7:35 p.m.

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Ordinances-Second Reading, Public Hearings & Related Action City Manager Harmer gave an overview of Resolution No. 1-2002 approving and confirming the special assessment for repaving Saunders Place in the Royal Oak Golf and Country Club Subdivision, Sections Two and Three. He mentioned Article XIV of the City Charter along with Article 1 of Chapter 19 of the Code of Ordinances as it outlined the procedure for repaving public streets pursuant to the special assessment process. City Manager Harmer commented on the special assessment and noted it would constitute a lien upon the respective lots and payable within 90 days from the adoption of the resolution.

The total cost for the repaving improvement was identified at \$14,644.89, which included construction, engineering, surveying, inspection fees and administrative charges. The city's share of the cost totaled \$4,881.68 or 33.33 percent of the total project cost. The abutting property owner's share of assessable costs was \$9,763.21 or 66.67 percent of the total project cost. It was

recommended to confirm special assessment for repaving Saunders Place and to establish an interest rate for annual installment payments at six percent.

Mayor Swank opened the public hearing. Ms. Joan Wheeler wondered if the repaving petitions were received before the ordinance changed. City Manager Harmer advised that they were, however, residents were given the opportunity to withdraw their petition and wait for their streets to be paved under the new program. The residents agreed to proceed with the repaving of their streets at that time which would incur the special assessment.

There was no one else who wished to speak. Mayor Swank closed the public hearing.

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

Member Ward	yes
Vice-Mayor Rainey	yes
Mayor Swank	yes

The motion carried.

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Resolution No. 2-2002 City Manager Harmer gave an overview approving and confirming the special assessment for repaving Audrey Drive, Buttonwood Drive, and Miriam Drive in the Beacon Hills Subdivision. He mentioned Article XIV of the City Charter along with Article 1 of Chapter 19 of the Code of Ordinances outlined the procedure for repaving public streets pursuant to the special assessment process. City Manager Harmer commented on the special assessment and noted it would constitute a lien upon the respective lots and payable within 90 days from the adoption of the resolution.

The total cost for repaving improvements were identified as \$50,172.86, which included construction, engineering, surveying, inspection fees and administrative charges. The city's share of this total \$20,228.96 or 40.32 percent of the total project costs. The abutting property owners' share of assessable costs was \$29,943.90 or 59.68 percent of the total project costs. It was recommended to confirm special assessment for repaving Audrey Drive, Buttonwood Drive, Hollins Drive, and Miriam Drive, and to establish an interest rate for annual installment payments of six percent.

Mayor Swank opened the public hearing. Ms. Dara Yarosh stated that she was new homeowner and was not aware of previous Resolution No. 13-2001 declaring the necessity for repaving Audrey Drive, Buttonwood Drive, Hollins Drive, and Miriam Drive. She requested to make her annual installments without interest. Mayor Swank indicated installment payments were over a ten-year period at an interest rate of six percent. He also asked that City Engineer Rich Votapka give a brief update regarding the repaving improvements since she was new to the area. There being no one else who wished to speak, the public hearing was closed.

Vice-Mayor Rainey moved to adopt Resolution No. 2-2002. Member Ward seconded the motion.

The roll call was:

Vice-Mayor Rainey	yes
Mayor Swank	yes
Member Ward	yes

The motion carried.

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Next Attorney Severs read ORDINANCE NO. 2-2002 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 second time by title only.

City Manager Harmer gave an overview of the ordinance. He discussed the fees as it related to clearing, retention, and aspects of the site plan review. Mayor Swank opened the public hearing. No one who wished to speak. Mayor Swank closed the public hearing.

Vice-Mayor Rainey moved to adopt Ordinance No. 2-2002. Member Ward seconded the motion. The roll call was:

Mayor Swank	yes
Member Ward	yes
Vice-Mayor Rainey	yes

The motion carried.

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The next item discussed was Resolution No. 3-2002 vacating a portion of the plat of Hickory Forest Subdivision as requested by Keith and Patricia Hightower (to wit: 3120 & 3140 Sandalwood Lane). City Manager Harmer gave an overview of the request. He stated the request had been submitted) to vacate a five foot drainage and utility easement on the east side of Lot 20 and five foot drainage and utility easement on the west side of Lot 21. Utility providers were notified and there were no objections to the request.

City Manager Harmer noted that the Planning and Zoning Commission reviewed the request and recommended approval with the condition that the owners construct a sidewalk along Lot 21 prior to issuance of a building permit.

Mayor Swank opened the public hearing. Mr. Keith Hightower, owner, asked if the sidewalk could be built prior to issuance of the certificate of occupancy as opposed to a building permit, because the sidewalk would get damaged during the construction phase. City Attorney saw no problem with the

sidewalk being constructed prior to issuance of the certificate of occupancy. Randy Woodruff, Senior Planner had no objections to the request.

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

Vice-Mayor Rainey moved to adopt Resolution No. 3-2002 with the condition that the owner constructs a sidewalk prior to issuance of a certificate of occupancy as opposed to a building permit. Member Ward seconded the motion. The roll call was:

Member Ward	yes
Vice-Mayor Rainey	yes
Mayor Swank	yes

The motion carried.

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Resolution No. 4-2001 vacated a stormwater retention easement in the vicinity of State Road 405 & Sisson Road as requested by Condev Corporation. City Manager Harmer mentioned that the Planning and Zoning Commission tabled its recommendation. Vice-Mayor Rainey moved to table the item to February 12th meeting as recommended. Member Ward seconded the motion. The motion passed unanimously.

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Old Business The first item discussed under old business was an update on the fund-raising efforts to restore the Titan Rocket on display in front of the Chamber of Commerce building. Mrs. Angela Sharkey mentioned that a total of \$1,112.05 had been collected toward restoring the rocket; an additional \$3,000 was pledged. She commented on a proclamation which she received from the Board of County Commissioners supporting their efforts to restore the Titan. Ms. Sharkey distributed correspondence from Guard-Lee Aero Space highlighting the options given for restoring the rocket.

She recommended that council consider option three, which had a cost estimate of \$10,000 to \$15,000 to pressure clean all parts inside and out, all paint and oxidation removed inside and out, including the outside holding cradles, patch holes, and place with a clear protective coating, and paint exterior. Mayor Swank requested that City Attorney Severs discuss the liability aspects of the rocket with the Sharkey's. Further discussion by Attorney Severs indicated that the city owned the rocket at the present time. Mayor Swank requested that the Sharkey's meet with Attorney Severs and City Manager Harmer to discuss all legal issues and transferring ownership to a non-profit organization. Mr. John Sharkey discussed the timeline involved with the restoration efforts.

Vice-Mayor Rainey moved to authorize staff to continue dialogue with staff relating to the property, and the Sharkey's were required to submit their plan within 90 days. Said plan to include concurrence from the School Board regarding the use of the property and ongoing maintenance of both the rocket and the surrounding property.. Member Ward seconded the motion. Mayor Swank clarified that if legal issues were not addressed within the time identified, the project would be terminated. City

Manager Harmer presented the Sharkey's with a \$100 donation that was received for the restoration of the rocket. The motion passed unanimously.

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New Business The first item addressed under new business was to award the bid for printing utility bills to T.C. Specialties of Orlando, Florida at the cost of \$0.359 per bill for an estimated \$86,055 annual expenditure. Mr. Scott Reynolds, Utility Billing Manager gave an overview. He commented that the bid was properly advertised, 27 vendors requested specifications, and 12 responses were received. The City of Titusville's current cost per bill was approximately \$0.46 per bill. Mr. Reynolds mentioned that awarding the bid to T.C. Specialties would represent savings of \$24,480 per year over current cost. Funds were available in the Utility Billing's postage and contractual printing accounts.

Member Ward moved to award the bid as recommended. Vice-Mayor Rainey seconded. The motion passed unanimously. City Manager Harmer presented a certificate to Mr. Reynolds recognizing his initiative for this cost savings plan as well as the "Golden Paint Brush Award" for his efforts to repaint the Utility Office on his personal time.

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The meeting recessed at 8:35 p.m. and reconvened at 8:45 p.m.

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The next item discussed was the economic impact action plan update. City Manager Harmer reviewed action steps and recommended continued monitoring of revenue collections efforts as well as expenditures at the department level and coordinating revenue tracking with the Finance Department. Mr. Bob Erickson, Finance Director, discussed the negative revenue trends in General Fund (i.e. sales tax and state revenue sharing) and projected an annualized shortfall of \$250,000. It was recommended that non-general fund capital outlay items be processed on a case-by-case basis. It was noted that council would again review the city's economic picture at mid-year, April 23, 2002.

Member Ward moved to accept the action plan update. Vice-Mayor Rainey seconded the motion. The motion passed unanimously.

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Update on 2001/2002 road repaving program. City Manager Harmer reviewed the 2002 road-repaving program in which the Public Works Department planned to repave at least six miles of city roads. He recommended that council increase the 2002 road repaving budget in the amount of \$116,000 to provide for additional road repaving with 2001 carry-forward funds; award the purchase of 10,482 tons of asphalt in the amount of \$423,686 to Mac Asphalt, Inc. of Melbourne pursuant to Brevard County Bid No. 3-02-13; award the purchase of 3,200 linear feet of concrete curbing in the amount of \$48,000 to Pavco Construction, Inc. of Melbourne pursuant to Brevard County Bid No. 3-02-08; and award purchase order to mill 53,618 square yards of road surface in the amount of \$30,026 to Turtle, SE, Inc. of Tampa. Sufficient funds were available in the Street Resurfacing Program budget.

Member Ward moved to approve the purchases as recommended. Vice-Mayor Rainey seconded the motion and it carried unanimously.

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Vice-Mayor Rainey moved to table the outside agency appointments until February 12th when a full council would be available. Member Ward seconded the motion. City Manager Harmer recommended that council select a member to attend the next meeting of the Brevard Metropolitan Planning Organization. Member Ward volunteered to serve in this capacity. Accordingly, he withdrew his second to table appointments and the vice-mayor his motion. Vice-Mayor Rainey moved to appoint Member Ward as representative to the BMPO. Mayor Swank seconded the motion. The motion passed unanimously.

Vice-Mayor Rainey moved to table the remaining appointments until February 12th when a full council would be available. Member Ward seconded the motion. The motion passed unanimously.

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Next city council discussed dates for the goals workshop. City Manager Harmer tentatively scheduled Saturday, February 23rd from 9 a.m. until 4 p.m. for goals workshop. He would confirm date and time with absent council members.

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Vice-Mayor Rainey wanted to add an item to the agenda. Vice-Mayor Rainey mentioned a newspaper article stating, in effect, that a previous council did not support the renaming of South Street as Martin Luther King Boulevard. He disagreed with this statement as the record reflected that council had, in fact, supported the renaming. Vice-Mayor Rainey moved to direct staff to proceed with advisability for renaming DeLeon Avenue as Martin Luther King Boulevard from Garden Street to Harrison Street. The advisability process would include a meeting for securing public input. Member Ward seconded the motion. The vote passed unanimously.

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Petitions and Requests from the Public Present Ms. Joan Wheeler requested to see more than six miles of road repaved annually. She also commented on the condition of Palm Avenue and suggested repairs to be included in the Community Redevelopment Agency master plan. Ms. Wheeler questioned the status of negotiations to accept the Genuity building.

Vice-Mayor Rainey asked the city manger to provide a report regarding Palm Avenue.

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Boards and Commissions Planning and Zoning Commission -The terms of regular members Fred Banks, Keith Cox, James Crowell, and Thomas Taylor expired January 31, 2002. The current members wished to be considered for reappointment. Member Ward moved to reappoint incumbents

for a two-year term expiring January 31, 2004 per their request. Vice-Mayor Rainey seconded the motion. The motion carried unanimously.

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Economic Development Loan Fund Committee-The term of regular member Robert Smith expired January 31, 2002. The current member wished to be considered for reappointment. Vice-Mayor Rainey moved to reappoint incumbent per his request for a three-year term expiring January 31, 2004. Member Ward seconded the motion. The motion carried unanimously.

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Community Redevelopment Agency-Appoint a member from public at large for term expiring September 30, 2004. Vice-Mayor Rainey nominated Ramon Rivera and Member Ward nominated Greg Aker. Council questioned whether applicants needed to live in the Community Redevelopment area. Attorney Severs responded that they did not. Mayor Swank asked Mr. Rivera if there was anything he would like to say to council. Mr. Rivera indicated that he was currently a member of the Titusville Environmental Commission and would continue to serve the community in this capacity if he was not selected for the Community Redevelopment Agency. Vice-Mayor Rainey moved to table until the February 12, 2002 regular meeting when a full council would be available. Mayor Swank seconded the motion which carried on an all yes vote.

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Mayor and Council Reports Mayor Swank provided a written report on his actions since the last meeting.

Mayor Swank presented two resolutions, the first encouraged the use of the Melbourne International Airport; the second encouraged the use of the Space Coast Regional Airport. Vice-Mayor Rainey moved to adopt the resolution as to the Melbourne Airport. Member Ward seconded the motion and it carried unanimously. Member Ward then moved to adopt the resolution as to the Space Coast Regional Airport. Mayor Swank seconded the motion which carried on an all yes vote. The mayor was further authorized to present both resolutions to the Space Coast League of Cities.

Mayor Swank commented on the success of the S.A.V.E. video that premiered on January 17th at the Titusville Playhouse. A sub-committee of the Student Advisory Council produced the video.

Vice-Mayor Rainey commented on the January 14th meeting during which the Space Research Park was discussed. He also commented positively on his weekend visit to the Titusville Marina.

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City Manager's Report Council acknowledged receipt of the city manager's written report. Approved request for presentation at February 12, 2002 meeting recognizing police officers involved in a recent incident at the Save-A-Lot grocery store. Vice-Mayor Rainey moved to authorize presentation at February 12th meeting. Member Ward seconded the motion. The vote passed unanimously.

Approved presentation by Roy D. Bridges, Kennedy Space Center Director, to speak before council at the April 23, 2002 meeting. Vice-Mayor Rainey moved to approve presentation. Member Ward seconded the motion. The vote passed unanimously.

Council did not act to provide city assistance to clean up Oak Ridge Cemetery as requested by Dr. George Fayson; however, offered to provide announcement on the government access channel. Vice-Mayor Rainey moved to deny city assistance to clean the cemetery, nevertheless, offered to provide announcements. Member Ward seconded the motion. The vote passed unanimously.

Vice-Mayor Rainey moved to approve a presentation by John Evans on the Brevard Crossings Mall at the February 12, 2002 council meeting. Member Ward seconded the motion. The vote passed unanimously.

City Manager Harmer read names of the employees who received letters of appreciation from the Fire and Emergency Services Department -Rick Talbert, Jeff Olsen, Amy Spillers, Crescencio Colon, Brian Litterilla, Phil Jones, Frank Canada, Scott Einkopf, Kevin Woodward, John McIntyre, and David Cody. Employees of the Police Department were also named- Doug Massey, Erich Barrett, Charles Demmon, Glen Hamann, Penny Aiken, Kevin Hickey, Joshua Smith, Warren Van Vuren, David Edens, Patty Morgan, Joel Hunter, Joseph Barrera, Mike Allen, Karen Hooker, and JoAnn Couey.

Provided an update of Roadhouse Grill construction project. Completion was expected by March 5, 2002

City Attorney's Report Attorney Severs provided a copy of the memorandum and proposed order on manatee/boating restrictions litigation.

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The meeting adjourned at 10:00 p.m.

Ronald G. Swank, Mayor

ATTEST:

Karan J. Rounsavall, City Clerk

