

City Council
Regular Meeting
February 12, 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, February 12, 2002 beginning at 6:30 p.m.

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

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Mayor Swank called the meeting to order and asked the audience to observe a moment of silence. The entire assembly recited the Pledge of Allegiance to the Flag.

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The first matter of business was approval of minutes of regular meeting January 22, 2002 and special meeting January 10, 2002. Vice-Mayor Rainey moved to approve the minutes as written. Member Eigenmann seconded the motion and it carried unanimously.

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Special Recognitions Records Clerk Rachel Drummon overviewed operations of the Records Division in the City Clerk's Office.

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Police Chief Frank Ross highlighted the Police Department's efforts in ending a series of armed robberies in the community involving a masked gunman. The gunman was fatally shot on September 6, 2001 at the Save-A-Lot grocery store when he threatened the life of a police officer participating in a stake out. Chief Ross presented commendations to Officer Rick Lanoue, Officer Joel Hunter, and Officer Izell Davis.

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The police department went on to recognize citizens providing assistance to law enforcement officers. Merritt Island Wildlife Refuge Officer Jason Viers was recognized for providing information which led to the arrest of two individuals using stolen credit cards. Gordon Countryman was recognized for his assistance in solving a purse snatching case. Ken Brady and Preston Randall were recognized for their assistance and generosity in repairing a go-cart stolen from a single mother. The go-cart was originally purchased as a Christmas gift for her son.

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Mayor Swank read a proclamation declaring February 1, 2002 as “*Crossing Guard Appreciation Day*” and presented it to Crossing Guard Starling Bryant. Other crossing guards present in the audience stood to be recognized.

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The meeting recessed at 6:57 and reconvened at 7:08 p.m.

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Presentations Member Herman Cole of the North Brevard Hospital District Board presented the semi-annual report highlighting recent achievements of the medical center. The new hospital was scheduled to open in Fall 2002. Individual council members commended the current hospital management for its excellence.

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Consent Agenda Member Eigenmann presented the following items for approval as recommended.

A. Bid for aluminum sign blanks purchased annually for maintenance of City’s traffic control signage. Recommendation: Award to Universal Signs of Ft. Pierce in the amount of \$17,121 with funds budgeted in Streets Maintenance/Construction Materials account.

B. Resolution No. 9-2002 authorizing submittal of two sidewalk and bikeway transportation enhancement grant applications (to-wit: a bike path along Barrna Avenue from Spring Valley Subdivision to Sun Valley Street and a bike path on State Road 405 between Fox Lake Road and Foley Street, on Foley Street between State Road 405 and State Road 50, and on Park Avenue between Knox McRae Drive and State Road 405) to Brevard Metropolitan Planning Organization and Florida Department of Transportation for funding consideration. Recommendation: Adopt resolution.

C. Final plat for Hickory Green, a three-phase patio home development located north of Foley Street along the continuation of the existing section of Ashley Drive. Recommendation: Approve subject to all conditions imposed upon preliminary plat.

D. Design and installation of audio visual system for the Police Department which maximizes technology, expandability and user friendliness. Recommendation: Award to Media Consultants-System Integrators of Altamonte Springs for an estimated cost of \$30,200 with funds available in the 2000 Local Law Enforcement Block Grant.

E. Resolution No. 10-2002 of necessity to demolish unsafe structure at 487 North Washington Avenue (formerly The Pub Restaurant) and schedule date for public hearing. Recommendation: Adopt resolution and schedule public hearing for March 12, 2002.

F. Purchase of pick-up truck for Water-Sewer Field Operations and diesel pick-up truck (4x4) for Stormwater Utility. Recommendation: Award purchase of both trucks to Maroone Dodge of Miami for \$48,506 (\$18,706 and \$29,800 respectively) with funds available in both divisions’ Capital Outlay - Vehicles accounts.

G. Budget amendment transferring \$4,000 from Community Redevelopment Agency Capital Fund account to establish new line item for signs and banners (signage for U.S. Highway One and Space View and Scobie Parks). Recommendation: Approve budget amendment.

Member Eigenmann moved to approve consent items A, B, D, E, F, and G as presented above. Member Broome seconded the motion and roll call was:

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

The motion carried. Member Eigenmann then moved to approve consent item C, being the final plat for Hickory Green. Member Broome seconded the motion and it carried with Member Ward abstaining from the vote. Member Ward was the engineer of record for this project.

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Petitions and Requests from the Public Present Robert Rennie asked council to consider a resolution opposing a proposed new tax on services as he felt it would place an unfair tax burden on residents as opposed to tourists. This new tax was part of an overall proposal to reduce the sales tax from 6 to 4 ½ percent. Council wanted more information. Member Eigenmann moved to direct the city manager to contact the local state representative's office requesting additional information on proposed changes to sales tax/services tax. Member Broome seconded the motion and it carried unanimously.

Joan Wheeler commended the clerk's office for up-to-date minutes and helpful, patient employees who taught her how to use Laserfiche. Ms. Wheeler did not believe that the city needed an assistant city manager and suggested that this salary be used to cover the cost of outsourcing water bill printing.

Paul Secor supported the idea of a city survey as a tool in making service level policy decisions and hoped that council would be able to fund it in the current fiscal year. City Manager Harmer advised this item was deferred as part of the economic impact action plan. Along this line, Member Eigenmann asked the city manager to provide year-to-date revenues for the current fiscal year versus the previous year.

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Ordinances - First Reading Attorney Severs read ORDINANCE NO. 4-2002 OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING SECTION 7 OF CHAPTER 63-2001, LAWS OF FLORIDA, SPECIAL ACTS OF 1963, BY ANNEXING CERTAIN PROPERTY LYING NORTH OF THE SOUTHERLY INTERSECTION OF U.S. HIGHWAY ONE AND RIVEREDGE DRIVE (6755 SOUTH U.S. HIGHWAY ONE) TO BE INCLUDED WITHIN THE CITY LIMITS; AND PROVIDING FOR AN EFFECTIVE DATE the first time by title only.

Second reading and public hearing were scheduled for February 26, 2002.

Public Hearings The only item was Resolution No. 4-2002 vacating a portion of a stormwater retention easement in the vicinity of State Road 405 and Sisson Road as requested by Condev Corporation. The applicant requested to vacate a portion of this temporary drainage easement for the benefit of properties included in the Meadowridge Master Development. The Laurel Run at Meadowridge Phase One plat would include a conservation easement to be conveyed to St. Johns River Water Management District to replace the temporary easement. The Planning and Zoning Commission recommended approval with conditions as outlined in planning staff's February 7, 2002 memorandum, specifically: (1) that the developer for Laurel Run Subdivision contact Bell South regarding his plans; (2) that highline poles and access to maintain the cable facilities running parallel to State Road 405 remain; and (3) that the vacation be subject to recording of the Laurel Run at Meadowridge Phase One plat which would contain the referenced conservation easement.

Mayor Swank opened the public hearing. Attorney John Evans spoke in favor. No one else wished to speak and the public hearing was closed.

Member Eigenmann moved to adopt Resolution No. 4-2002 as recommended. Vice-Mayor Rainey seconded the motion and roll call was:

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

The motion carried.

Old Business The first item was reconsideration of Resolution No. 7-2002 supporting the use of Space Coast Regional Airport. Council adopted this resolution at its January 22, 2002 regular meeting, however, airport representatives were requesting additional language which called attention to the fact that the airport was a port of entry for Foreign Trade Zone 136 which created opportunities for corporate and industrial growth, etc.

Prior to taking action, council heard from Joan Wheeler. She received assurance that this was merely a resolution of support and was not committing any funds to the airport.

Vice-Mayor Rainey moved to reconsider Resolution No. 7-2002 which was adopted at council's previous meeting. Member Broome seconded the motion and it carried on an all yes vote.

The motion to adopt Resolution No. 7-2002 as originally presented was on the floor. Member Broome moved to amend the motion to include language addressing the Foreign Trade Zone. Vice-Mayor Rainey seconded the motion and roll call was:

Member Ward	yes
Member Eigenmann	yes
Vice-Mayor Rainey	yes

Mayor Swank	yes
Member Broome	yes

The amendment passed. Roll call on the motion to adopt Resolution No. 7-2002 as amended was:

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

The motion carried.

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The meeting recessed at 8 p.m. and reconvened at 8:09 p.m.

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At its January 22, 2002 meeting, council directed staff to proceed with a review of renaming DeLeon Avenue to Martin Luther King, Jr. Avenue from Harrison Street to Garden Street. Staff was in receipt of a January 17, 2002 letter from the National Association for the Advancement of Colored People (NAACP) seeking assistance in renaming a street in the City of Titusville in honor of Dr. King. City Manager Harmer suggested public hearing dates of February 20, 2002 and March 12, 2002 before the Planning and Zoning Commission and City Council respectively if council wished to continue the process.

Several citizens signed up to speak on this issue. Upon motion by Vice-Mayor Rainey and second by Member Broome, council voted unanimously to grant additional time to Samuel Lopez, President of the United Third Bridge, Inc., an organization promoting Hispanic/Puerto Rican civil rights. Mr. Lopez read from a prepared statement which discussed the historical contributions of Ponce De Leon's discovery of Florida. He asked that DeLeon Avenue be renamed to *Ponce De Leon Avenue*. The United Third Bridge did not oppose the naming of a street in honor of Martin Luther King but did not feel that DeLeon Avenue should be this street.

Rosie Harvey advised that residents of DeLeon Avenue did not want the street renamed at this time and asked that council not proceed.

Sylvia Fels, also representing the United Third Bridge, continued with an explanation of the historical significance of Ponce De Leon to Brevard County.

Vice-Mayor Rainey moved to hear from other citizens who wished to speak. Member Broome seconded the motion and it carried unanimously.

Michael Bollinger felt that the City of Titusville should name a street after Martin Luther King, Jr. but not DeLeon Avenue. To him, Dr. King represented every race, not just African-Americans. A major street should be named in his honor; anything less would degrade the man's legacy.

J. D. Bandy suggested that Sycamore Street be renamed for Dr. King. No businesses would be affected by the change. He felt this was a fair alternative.

Vice-Mayor Rainey felt that his actions at the previous meeting were misunderstood. It was his intent that residents not have to generate petitions in order to rename a street in honor of Martin Luther King, Jr. because this had been done three years ago when council stood ready to rename South Street. He was not necessarily concerned about renaming a particular street for Dr. King (i.e. DeLeon Avenue). If residents who lived on the street did not have a problem with renaming, neither did he.

In light of the fact that residents did not wish to proceed with renaming DeLeon Avenue at this time, Member Eigenmann moved to take no action. Member Ward seconded the motion for discussion. Mayor Swank suggested that the Planning and Zoning Commission be tasked with examining the street renaming, however, there was no support for this. Council directed staff to establish a procedure for street name changes and evaluate hard costs (e.g. street signs, maps, etc.) and report back. The motion carried unanimously.

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New Business The first item was a request for support of Brevard Crossings, a regional shopping mall planned for North Cocoa. At its previous meeting, council agreed to hear a presentation from John Evans on this request. Mr. Evans requested additional time for his presentation, a total of five minutes. Member Broome moved accordingly. Vice-Mayor Rainey seconded the motion and it carried unanimously. Mr. Evans provided an analysis of the retail markets and trade area conditions in Brevard County prepared by Fishkind & Associates of Orlando. Brevard Crossings was a regional mall planned for a 269 acre site at the southeast corner of State Road 524 and Interstate 95 in Cocoa. The estimated cost of development was \$170 million. It would create 2,500 jobs for the area and generate \$440 million in annual revenue. The proposed site was located only ten minutes from State Road 50 and surely would be good for North Brevard. Mr. Evans mentioned that there was strong opposition to the development by the Brevard County Commission and its was important for it to hear of Titusville's support.

Joan Wheeler felt that the proposed mall would have a negative effect on Titusville's two malls which were already struggling. She encouraged council to support Titusville businesses.

Joseph Strait pointed out that for years South Brevard had siphoned off business from the north part of the county. However, he did feel that council needed to be concerned with the impact that the proposed mall would have on Titusville businesses.

Discussion ensued among council members. Member Broome thought it was great that this shopping mall was planned for Cocoa and wished that something like this would come into Titusville. While he felt that competition and capitalism could be good for Titusville, he felt it was council's place to support Titusville's existing malls. Member Ward stated that other regional malls were within a few minutes drive of Titusville. He fully supported the proposed mall in Cocoa. Mayor Swank was concerned about the effect that the mall might have on Titusville's businesses. New jobs was a positive impact. He believed that the City of Cocoa had the right to Home Rule without interference from outside agencies.

Vice-Mayor Rainey moved to adopt Resolution No. 11-2002 supporting Municipal Home Rule authority as it related to economic development activities within municipalities. Member Broome seconded the motion.

Mr. Evans felt that council needed to make a stronger statement to get the attention of the Brevard County Commission. He reiterated his request for council's specific support of the Brevard Crossings Mall.

Roll call on the motion to adopt Resolution No. 11-2002 supporting Municipal Home Rule was:

Vice-Mayor Rainey	yes
Mayor Swank	yes
Member Broome	yes
Member Ward	yes
Member Eigenmann	no

The motion carried.

Vice-Mayor Rainey stated his desire to support Brevard Crossings and asked for a recess. The meeting recessed at 9:04 and reconvened at 9:13 p.m.

Council was in receipt of a resolution adopted by the City of Cocoa supporting Brevard Crossings Mall as a regional facility that would bring needed dollars and jobs to Brevard County. Vice-Mayor Rainey moved to adopt a similarly worded resolution on behalf of the City of Titusville. Member Eigenmann seconded the motion for discussion. He felt that a statement of no opposition or support of Home Rule *as in Resolution No. 11-2002* was too soft a position (correction made by Mayor Swank at February 26, 2002 meeting). This was an opportunity for council to be decisive. He was pro business and realized that many businesses in Titusville struggled. He did not feel that the proposed mall would affect the small shops in Titusville.

Member Broome felt that business encouraged business but was having a hard time taking the extra leap to fully support Brevard Crossings. Mayor Swank expressed similar sentiment, feeling that this mall could adversely affect the City of Titusville. Member Ward felt that those citizens that would support the new mall were not going to Titusville's malls anyway.

Roll call on the vice-mayor's motion to adopt Resolution No. 12-2002 specifically supporting Brevard Crossings Mall was:

Mayor Swank	no
Member Broome	no
Member Ward	yes
Member Eigenmann	yes
Vice-Mayor Rainey	yes

The motion carried.

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Next was Resolution No. 8-2002 requesting that the Florida Legislature maintain all of Brevard County in one congressional district. This item was on the agenda at the request of Mayor

Swank. Currently all of Brevard County was located in the 15th Congressional District together with all of Indian River County, most of Osceola County, and the Davenport area of Polk County.

Vice-Mayor Rainey moved for adoption. Member Eigenmann seconded the motion and roll call was:

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

The motion carried.

The subject resolution addressed congressional redistricting. John Evans was concerned with the proposed State of Florida house redistricting proposal which split North Brevard and included portions of Titusville in the same house district as portions of South Brevard, Indian River, and St. Lucie counties. In his opinion, the proposed redistricting assured that a representative would never be elected from North Brevard. City Attorney Severs distributed house district maps that delineated the proposed district. Mr. Evans stated that this proposal was very close to being passed; he urged council to take swift action.

Member Ward moved to direct the city manager to prepare a letter to redistricting committee members expressing serious concern with the proposal. Member Eigenmann seconded the motion and it carried unanimously. Council members discussed the feasibility of sending one of its own to Tallahassee to speak to the redistricting committee that promulgated the plan.

Vice-Mayor Rainey moved to authorize up to \$1,200 for the mayor and a council member to travel to Tallahassee to speak with legislators. Funds were identified in council's undesignated travel account. Member Eigenmann seconded the motion and it carried unanimously.

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The Titusville Area Chamber of Commerce sought council's authorization to sell beer at the Indian River Festival scheduled for April 25-28, 2002. Chamber President Marcia Gaedcke highlighted the festival which was the Chamber's primary fund raising event for the year.

Joan Wheeler suggested that the Chamber promote the sale of non alcoholic beer.

Member Broome moved to approve the Chamber's request to sell alcohol at the event. Member Eigenmann seconded the motion and it carried with Vice-Mayor Rainey voting no.

Ms. Gaedcke also announced the Downtown St. Patrick's Day Street Party on March 9, 2002.

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The Economic Development Commission of Florida's Space Coast invited Mayor Swank to attend Satellite 2002, a trade conference and exhibition held in Washington, D.C. from March 6-8, 2002. Member Broome moved to authorize the mayor's attendance at an approximate cost of

\$800 with funds available in council's undesignated travel account. Member Ward seconded the motion and it carried unanimously.

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Council considered outside agency appointments. Member Ward agreed to serve as an alternate to the Space Coast Economic Development Commission and Brevard County Economic Development Commission. Member Eigenmann agreed to serve on the Spaceport Florida Commerce Park Authority and requested additional information on this agency.

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Petitions and Requests from the Public Present Joseph Strait appreciated council's stand on redistricting. He felt that Titusville should try to get other municipalities as well as Brevard County involved.

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Boards and Commissions First was appointment of a member from the public at large to the Community Redevelopment Agency for a term expiring September 30, 2004. The floor was open for nominations. Member Broome moved to appoint C. Greg Aker to fill the unexpired term. Member Ward seconded the motion and it carried unanimously.

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Planning and Zoning Commission. Frances Kershaw found it necessary to resign her seat for personal reasons. Her term expired January 31, 2003. Council accepted her resignation with regret and directed a letter of appreciation be sent recognizing her service.

Member Broome moved to appoint Alternate Member John Beasley as a regular member (term expiring January 31, 2003) and Shawn Williams as the alternate member (term expiring January 31, 2003). Member Ward seconded the motion and it carried unanimously.

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Titusville Community Service Award Committee. Member Broome moved to confirm the mayor's appointment of Robert Jordan as chairman of this committee. Member Ward seconded the motion and it carried unanimously.

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Mayor and Council Reports Mayor Swank provided a written report on his activities since the last regular meeting. The mayor went on to announce the downtown clean-up campaign sponsored by Keep Brevard Beautiful on Saturday, February 16, 2002 from 8 a.m. until 12 noon.

Member Eigenmann mentioned contributions of the Apollo Motorcycle Club in bringing events to the community over the years.

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

Council approved a presentation by Brevard County Parks and Recreation on conceptual plans for improvements at Sand Point Park and Chain-of-Lake Parks at its February 26, 2002 meeting. It also approved presentation of a *Poppy Day Proclamation* at its May 14, 2002 meeting.

William Horner requested the opportunity to make a 15-minute presentation on the Space Walk of Fame Apollo Monument at council's February 26, 2002 meeting. Vice-Mayor Rainey moved to allow Mr. Horner 15 minutes for a presentation under Petitions and Requests from the Public Present. Member Ward seconded the motion. Mayor Swank expressed concern that this action would establish a precedent for citizens requesting extended time for presentations. Member Eigenmann suggested that Mr. Horner take the allotted five minutes under Petitions and Requests for his remarks. Council could always extend his time if it wanted to do so. The motion failed. Vice-Mayor Rainey was the only council member voting in the affirmative.

City Manager Harmer provided an update on the assistant city manager position. He wished to change the title from assistant city manager to director of community enrichment. Vice-Mayor Rainey moved to authorize reclassification of the position as requested. Member Ward seconded the motion and it carried unanimously.

City Manager Harmer read the names of employees receiving letters of appreciation: City Council - Mayor Swank, Vice-Mayor Rainey, Member Broome, Member Eigenmann, Member Hughes; City Manager's Office - Tom Harmer; Community Enrichment - Richard Stillwagon; Police Department - Zsolt Rimoczi; Public Works - Jim Herron and Dan Wyatt.

The city manager advised that managers of both Searstown Mall and Miracle City Mall would be in attendance at the February 26, 2002 meeting. Council's questions were encouraged in advance.

City Manager Harmer announced dates for training opportunities offered by the Florida League of Cities which might be of interest to council members. The League's annual conference was scheduled for August 15-17 in Boca Raton. Mayor Swank expressed his interest in attending and advised that he was working with the League to schedule a presentation by the Student Advisory Council on the bomb threat video.

City Manager Harmer advised that Flagler Development agreed to change its land use request for property east of Grissom Parkway from residential to high intensity commercial. The State Department of Community Affairs would be notified of the requested change. Council authorized staff to attend the Brevard County Commission meeting when the annexation/land use change would be discussed.

Council acknowledged receipt of advance copies of proposed changes to commercial, industrial, and special district zoning ordinances. Planning staff would make a presentation at the February 26, 2002 meeting after which these ordinances would be scheduled for public hearing on March 12, 2002 and March 26, 2002.

Advised that the city was undertaking road repairs on Garden Street as a result of the water line failure in December. Also advised that Transformation Titusville contributed \$1,500 for purchase of banners and brackets for downtown. The city manager went on to clarify a comment

made by a citizen earlier in the evening with regard to the out sourcing of utility bills. This was a cost savings and required no additional funding.

Mayor Swank announced that Glenda Hood, Orlando's mayor, was hosting a terrorism conference on February 15th. The city manager had additional information if any council member wished to attend.

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City Attorney's Report Attorney Severs provided council with correspondence over viewing public records law. He also forwarded the court decision on litigation involving Sam Ackley, former city manager.

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The meeting adjourned at 10:33 p.m.

Ronald G. Swank, Mayor

ATTEST:

Karan J. Rounsavall, City Clerk