

City Council
Regular Meeting
February 26, 2002

The City Council City 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 26, 2002.

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Mayor Ron Swank called the meeting to order at 6:30 p.m. Present were Council Members Chris Broome, Conrad Eigenmann, and Ken Ward. Also in attendance were City Manager Tom Harmer, City Attorney Dwight Severs, and Administrative Secretary Fanita Mitchell. Vice-Mayor Rainey was absent due to work commitments.

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Mayor Swank called the meeting to order. Pastor Wayne Gray gave the invocation. The entire assembly recited the Pledge of Allegiance to the Flag.

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Mayor Swank recognized Boy Scout Troop #281 and representatives of the Mock City Council. He also announced the Mock City Council meeting scheduled for Thursday, February 28th.

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The first item of business was the approval of the minutes from regular meeting February 12, 2002 and special meeting January 24, 2002. Mayor Swank offered the following correction to February 12th minutes relative to discussion on Brevard Crossing Mall. Specifically, he asked for inclusion of the following language: " He felt that a statement of no opposition or support of Home Rule *as in Resolution No. 11-2002* was too soft a position." "Member Eigenmann moved to approve the minutes as revised. Member Broome seconded the motion and it carried unanimously.

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Member Broome moved to move item C (Approve amendment to professional service agreement with Bray, Beck, & Koetter,) from New Business to item C under Presentations. Member Eigenmann seconded the motion and it carried unanimously.

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Special Recognitions Fire Inspector Justin Chase overviewed the operations of the Fire Prevention Division in the Fire and Emergency Services Department.

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Presentations Mr. Chuck Nelson of the Brevard Parks and Recreation introduced representatives from Honeycutt & Associates, and BRPH. Mr. Woody Rice, Project Engineer for Honeycutt and Associates gave an overview of the conceptual plans for improvements at Sand Point Park. He highlighted special features such as the amphitheater, an extended boardwalk, and additional pavilions.

Mr. M. R. Simperts, Project Engineer for BRMP engineering firm gave, an overview of the conceptual plans for the Chain of Lakes. He indicated that a preliminary package would be completed by April 30th highlighting the soccer fields. The firm anticipates construction of the ball fields in November 2002. It hopes to have everything complete by November 2003.

Member Eigenmann encouraged the firm to consider high safety measures during the planning/design phase of the Chain of Lakes as it relates to the Bikeway and Walkway trails. He suggested that safety precautions should be considered for portions of the trails close to roadways and walking areas that would be surrounded by heavy brush. Member Broome commended both firms for their layouts and encouraged the residents in the area to rent a pontoon boat to view the Indian River Lagoon.

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The meeting recessed at 7:50 p.m. and reconvened at 8:00 p.m.

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Economic Development Update-Mr. Walt Johnson, Economic Development Director, gave a brief update on several projects including newly constructed homes, Flagler and Poe properties, Walk About golf course, Amtrak, Roadhouse Grill, Space Day in Tallahassee, and the McDonnell Douglas building. Finally, Mr. Johnson introduced Sylvia Krajna, Michael Dankevy, and Paul Mondell from Miracle City Mall and Debbie Hardy from Searstown Mall.

Mayor Swank thanked the representatives for their attendance. He asked what could Council do to help promote growth opportunities for both malls. Mr. Dankevy stated Miracle City mall was doing fine, and the sales were steady. He mentioned that revenue was received from rentals from housing the Space Walk of Fame Foundation, allowing Fire Department training, and the two anchor stores had just renewed their contracts. Mr. Dankevy also mentioned the mall manager was currently looking into a new design/décor for the Miracle City mall.

Discussion continued regarding future growth and the possibility of bring in new stores. Mr. Mondell indicated due to the population and the capital within the city it would be difficult to bring in large retail stores because the resources were not significant enough to support the larger retailers. Member Eigenmann encouraged the representatives to conduct a survey for a more direct approach of looking into the needs of the local residents.

Ms. Debbie Hardy, representative from Searstown Mall stated sales were steady, and the majority of the revenue for the mall was generated from the Searstown Cinema. She requested Council's continued support to promote business within the City of Titusville. Member

Eigenmann again stated that he would like for the owners to conduct a survey as he felt it would provide some direction of as to what shopper's needs were for the citizens of Titusville. There was a consensus regarding the survey and Council pledged its continued support.

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Approve amendment to the professional services agreement with Bray, Beck, & Koetter for annual post audit services- Mr. Charles Tucker was present to address any concerns that council might have. Mayor Swank asked Mr. Tucker to explain the services the firm provided to the City of Titusville. He indicated that several citizens expressed their concern since the Enron crisis. Mr. Tucker explained that their firm provides auditing services for city to verify that purchases authorized by the City Manager and City Council were true and accurate to its content.

Member Eigenmann moved to approve the amendment to the agreement for completion of annual audit for fiscal year ending September 30, 2001 to cover tasks not originally contemplated at a cost not to exceed \$18,000. Funds were available in Finance Department's Other Professional Services account. Member Broome seconded the motion and it carried unanimously.

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

- A. Approve final plat for Laurel Run Subdivision, Phase One, a single-family subdivision located on the west side of Grissom Parkway north of State Road 405. Recommendation: Approve Final Plat subject to all conditions of site plan review committee including those imposed upon preliminary plat as well as dedication of easements and access for looped water line.

- B. Disposal of fixed asset items to be auctioned on March 10, 2002 at 1 p.m. Onsite at the City Auctioneer's site at 422 Julia Street. Recommendation: Approve disposal of fixed assets to be auctioned on March 10th.

Member Broome moved to approve consent items A and B as presented. Member Ward seconded the motion. The roll call was:

Mayor Swank	yes
Member Broome	yes
Member Ward	yes
Member Eigenmann	yes

The motion carried.

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Presentations and Request from the Public Present Mr. Paul Secor spoke in favor of a citizen survey of city services. He felt that the survey should be removed from the deferred expenditure

list. City Manager Harmer felt that the October through December timeframe was optimal for the survey. Member Eigenmann moved to start foundation for the survey so that it would be ready to go at the start of the next fiscal year. No funds would be expended before mid-year 2002. Member Broome seconded the motion and it carried unanimously.

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Mr. Bob Giffen, representing Space Walk of Fame Foundation, sought permission to park recreation vehicles at a diagonal along the north side of Broad Street Park during shuttle launches. Council expressed concern regarding liability issues. There was no consensus to move forward with the request. However, staff was directed to discuss the issue with Mr. Giffen for future consideration.

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The meeting recessed at 9:35 and reconvened at 9:45 p.m.

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Ordinances-First Reading Attorney Severs read ORDINANCE NO. 5-2002, AN ORDINANCE OF THE CITY OF TITUSVILLE, AMENDING THE CODE OF ORDINANCES BY AMENDING ORDINANCE NO. 60 - 1988 WHICH ADOPTED THE COMPREHENSIVE PLAN OF THE CITY, BY AMENDING THE VARIOUS ELEMENTS OF SAID PLAN AND MAPS BY CHANGING THE FUTURE LAND USE MAP TO INCLUDE CERTAIN PROPERTIES TO BE ANNEXED INTO THE CITY LIMITS OF THE CITY OF TITUSVILLE, FLORIDA AND DESIGNATING A LAND USE CLASSIFICATION; AMENDING THE FUTURE LAND USE MAP BY DESIGNATING CERTAIN PROPERTIES LOCATED APPROXIMATELY 1000 FEET NORTH OF STATE ROAD 50 IMMEDIATELY WEST OF INTERSTATE 95 WITH COMMERCIAL HIGH INTENSITY LAND USE; AMENDING THE FUTURE LAND USE MAP TO ANNEX CERTAIN PROPERTIES LOCATED AT 5475 AND 5465 BARNA AVENUE WITH RESIDENTIAL LAND USE; AMENDING THE FUTURE LAND USE MAP TO ANNEX PROPERTY LOCATED AT 820 DIXIE AVENUE WITH RESIDENTIAL LAND USE; AMENDING THE FUTURE LAND USE MAP TO ANNEX PROPERTY LOCATED AT 4840 BARNA AVENUE WITH RESIDENTIAL LAND USE; AMENDING THE FUTURE LAND USE MAP TO ANNEX CERTAIN PROPERTY LOCATED AT 800 PERIMETER ROAD (BREVARD COUNTY MOSQUITO CONTROL); AMENDING THE FUTURE LAND USE MAP TO ANNEX CERTAIN PROPERTIES LOCATED AT 6700, 6750 AND 6770 SOUTH US HIGHWAY ONE WITH COMMERCIAL HIGH INTENSITY LAND USE; AMENDING THE FUTURE LAND USE MAP TO ANNEX CERTAIN PROPERTIES LOCATED AT 4900 SISSON ROAD WITH COMMERCIAL LOW INTENSITY LAND USE AND AMENDING THE FUTURE LAND USE MAP TO ANNEX CERTAIN PROPERTIES LOCATED AT THE NORTHEAST CORNER OF US HIGHWAY ONE AND STATE ROAD 405 (COLUMBIA BOULEVARD) WITH REGIONAL MIXED USE LAND USE; AND PROVIDING FOR AN EFFECTIVE DATE, and

ORDINANCE NO. 6-2002 SSA 2002-02, ORDINANCE NO. 6-2002 AN ORDINANCE OF THE CITY OF TITUSVILLE, AMENDING SECTION 7, OF CHAPTER 63-2001, LAWS OF FLORIDA, SPECIAL ACTS OF 1963, BY ANNEXING CERTAIN PROPERTY AT 5475 BARNA AVENUE TO BE INCLUDED WITHIN THE CITY LIMITS; DESIGNATING LAND USE CLASSIFICATION; PROVIDING ZONING CATEGORY; AND PROVIDING FOR AN EFFECTIVE DATE, and

ORDINANCE NO. 7-2002 SSA 2002-03, AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING SECTION 7, OF CHAPTER 63-2001, LAWS OF FLORIDA, SPECIAL ACTS OF 1963, BY ANNEXING CERTAIN PROPERTY AT 5465 BARNA AVENUE TO BE INCLUDED WITHIN THE CITY LIMITS; DESIGNATING LAND USE CLASSIFICATION; PROVIDING ZONING CATEGORY; AND PROVIDING FOR AN EFFECTIVE DATE, and

ORDINANCE NO. 8-2002 SSA 2002-04, AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING SECTION 7, OF CHAPTER 63-2001, LAWS OF FLORIDA, SPECIAL ACTS OF 1963, BY ANNEXING CERTAIN PROPERTY AT 820 DIXIE AVENUE TO BE INCLUDED WITHIN THE CITY LIMITS; DESIGNATING LAND USE CLASSIFICATION; PROVIDING ZONING CATEGORY; AND PROVIDING FOR AN EFFECTIVE DATE, and

ORDINANCE NO. 9-2002 SSA 2002-05, AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING SECTION 7, OF CHAPTER 63-2001, LAWS OF FLORIDA, SPECIAL ACTS OF 1963, BY ANNEXING CERTAIN PROPERTY AT 4840 BARNA AVENUE TO BE INCLUDED WITHIN THE CITY LIMITS; DESIGNATING LAND USE CLASSIFICATION; PROVIDING ZONING CATEGORY; AND PROVIDING FOR AN EFFECTIVE DATE, and

ORDINANCE NO. 10-2002 SSA 2002-06, AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING SECTION 7, OF CHAPTER 63-2001, LAWS OF FLORIDA, SPECIAL ACTS OF 1963, BY ANNEXING CERTAIN PROPERTY AT 800 PERIMETER ROAD (BREVARD COUNTY MOSQUITO CONTROL) TO BE INCLUDED WITHIN THE CITY LIMITS; DESIGNATING LAND USE CLASSIFICATION; PROVIDING ZONING CATEGORY; AND PROVIDING FOR AN EFFECTIVE DATE, and

ORDINANCE NO. 11-2002 SSA 2002-07, AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING SECTION 7, OF CHAPTER 63-2001, LAWS OF FLORIDA, SPECIAL ACTS OF 1963, BY ANNEXING CERTAIN PROPERTY AT 6700 SOUTH U.S. HIGHWAY ONE TO BE INCLUDED WITHIN THE CITY LIMITS; DESIGNATING LAND USE CLASSIFICATION; PROVIDING ZONING CATEGORY; AND PROVIDING FOR AN EFFECTIVE DATE, and

ORDINANCE NO. 12-2002 SSA 2002-08, AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING SECTION 7, OF CHAPTER 63-2001, LAWS

OF FLORIDA, SPECIAL ACTS OF 1963, BY ANNEXING CERTAIN PROPERTY AT 6750 SOUTH U.S. HIGHWAY ONE TO BE INCLUDED WITHIN THE CITY LIMITS; DESIGNATING LAND USE CLASSIFICATION; PROVIDING ZONING CATEGORY; AND PROVIDING FOR AN EFFECTIVE DATE, and

ORDINANCE NO. 13-2002 SSA 2002-09, AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING SECTION 7, OF CHAPTER 63-2001, LAWS OF FLORIDA, SPECIAL ACTS OF 1963, BY ANNEXING CERTAIN PROPERTY AT 6770 SOUTH U.S. HIGHWAY ONE TO BE INCLUDED WITHIN THE CITY LIMITS; DESIGNATING LAND USE CLASSIFICATION; PROVIDING ZONING CATEGORY; AND PROVIDING FOR AN EFFECTIVE DATE, and

ORDINANCE NO. 14-2002 SSA 2002-10, AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING SECTION 7, OF CHAPTER 63-2001, LAWS OF FLORIDA, SPECIAL ACTS OF 1963, BY ANNEXING CERTAIN PROPERTY AT 4900 SISSON ROAD TO BE INCLUDED WITHIN THE CITY LIMITS; DESIGNATING LAND USE CLASSIFICATION; PROVIDING ZONING CATEGORY; AND PROVIDING FOR AN EFFECTIVE DATE, and

ORDINANCE NO. 15-2002 SSA 2002-11, AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING SECTION 7, OF CHAPTER 63-2001, LAWS OF FLORIDA, SPECIAL ACTS OF 1963, BY ANNEXING CERTAIN PROPERTY LOCATED AT THE NORTHEAST CORNER OF U.S. HIGHWAY ONE AND COLUMBIA BOULEVARD TO BE INCLUDED WITHIN THE CITY LIMITS; DESIGNATING LAND USE CLASSIFICATION; PROVIDING ZONING CATEGORY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ordinances read first time by title only. Second reading and public hearing were scheduled for March 12, 2002.

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Ordinances-Second Reading, Public Hearings Attorney Severs read ORDINANCE NO. 4-2002 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 second time by title only.

City Manager Harmer gave a brief overview of the ordinance. It was noted that the applicant New Life Christian Fellowship, had submitted a voluntary annexation petition in order that the development would have city water and sewer services. The site would retain the existing Brevard County land use and zoning designations until the City of Titusville's comprehensive plan amendment was approved. City Manager Harmer mentioned the Planning and Zoning Commission reviewed the request and offered the following recommendations: (1) The applicant shall be required to adhere to Section 39-47 of the *Land Development Regulations*,

pertaining to sidewalks. (2) The applicant was required to provide sidewalk along U.S. Highway One during the construction of the New Life Christian Fellowship church.

Mayor Swank opened the public hearing. Mr. Bill Row and Mr. Jason Linkous for the church project spoke in favor of the request. Mr. Row mentioned that the church had no objections to the condition required by Planning staff and the Planning and Zoning Commission. However, the church requested permission from council to place the sidewalk to the north end of the property versus the south end because the sidewalk would not provide services located at the south end. Discussion continued regarding the placement of the sidewalk including landscape requirements. No one else wished to speak. The Mayor closed the public hearing.

Member Broome moved to adopt Ordinance No. 4-2002 with conditions as noted by staff. Sidewalks were required along U.S. Highway One. Member Ward seconded the motion. The roll call was:

Member Broome	yes
Member Ward	yes
Member Eigenmann	yes
Mayor Swank	yes

The motion carried.

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Next was Resolution No. 12-2002 vacating a five-foot drainage and utility easement on the south side of Lot 25 and a five-foot drainage and utility easement on the north side of Lot 26 in the Sanctuary Phase One, Block C (4467 and 4469 Bethany Lane) as requested by James S. Woodward. The Planning and Zoning Commission recommended approval with conditions as noted: Vacation of the five foot drainage and utility easement on the south side of lot 25, the five foot drainage and utility easement on the north side of lot 26, excluding the east ten feet of both lots, subject to lots 25 and 26 being combined as one parcel.

Mayor Swank opened the public hearing. No one wished to speak. Mayor Swank closed the public hearing. Member Eigenmann moved to adopt Resolution No. 12-2002 as recommended. Member Broome seconded the motion. The roll call was:

Member Ward	yes
Member Eigenmann	yes
Mayor Swank	yes
Member Broome	yes

The motion carried.

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Old Business The only item discussed was an update on the proposed house-redistricting plan. Mayor Swank provided a PowerPoint presentation on his trip to Tallahassee along with Member Ward to visit with state legislators regarding the house redistricting plan. Mayor Swank provided

an explanation on how the district lines were developed and reported that Titusville was brought into House District 29.

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Member Ward moved to extend he meeting until 11:00 p.m. Member Broome seconded the motion and it carried unanimously.

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New Business Due to the late hour, Member Broome made a motion to table the Planning Department's presentation on proposed changes to commercial, industrial, and special district zoning ordinances. Member Eigenmann seconded the motion and it carried unanimously.

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Next was the request to purchase a call center solution for the Utility Billing Division. Mr. Scott Reynolds, Utility Billing Manager, gave a brief overview of the request. He requested authorization to purchase Voice over IP Call Center Solution from INTER-TEL TECHNOLOGIES, Inc. of Longwood, FL for a total of \$14,060.24. Member Eigenmann expressed concern regarding the bid process particularly what appeared to be a lack of competition. Discussion continued regarding the services that the call center would provide. There was no consensus to move forward with the purchase at this time. Member Broome moved to table the request until the March 12, 2002 regular meeting in order that Rick Roberts, MIS Director could answer some of council's concerns regarding the system. Member Ward seconded the motion and it carried unanimously.

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Member Ward moved to extend the meeting to allow City Manager Harmer to review a few items under the City Manager's report. Member Broome seconded the motion and it carried unanimously.

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Petitions and Requests from the Public Present Ms. Joan Wheeler asked about the audit services amendment. She also voiced her dislike of the automated telephone systems. Ms. Wheeler did not feel the request to allow recreation vehicles to park in the downtown district would encourage revitalization of the area.

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City Manager's Report City Manager Harmer requested authorization to send a letter to Ms. Lynne Hull, a renowned artist from Colorado, conveying city's interest in displaying her sculptures of migratory birds in city parks and offering assistance with the installation. This program would enhance the city's effort to highlight its environmental assets and encourage ecotourism.

City Manager Harmer distributed correspondence and resolution from the Town of Malabar supporting a municipality's right to Home Rule concerning acquisition of properties by the

Environmentally Endangered Lands Program (EEL) without input from elected officials or residents. It was suggested that a resolution be prepared for the next meeting.

Reported that Brevard County Commission voted to transmit its staff comments on Flagler annexation to Department of Community Affairs (DCA) for review along with City staff's response.

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City Attorney Report Attorney Severs advised council that he did not anticipate an appeal of the Ackley litigation.

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The meeting adjourned at 11:20 p.m.

Ronald G. Swank, Mayor

ATTEST:

Karan J. Rounsavall, City Clerk