

City Council
Regular Meeting
March 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, March 12, 2002.

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Present were Mayor Ron Swank, Vice-Mayor Jeff Rainey, and Council Members Chris Broome, Conrad Eigenmann, and Ken Ward. 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 6:35 p.m. and asked the audience to observe a moment of silence. The entire assembly stood to recite the Pledge of Allegiance to the Flag.

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Mayor Swank recognized the state and local government class from Brevard Community College that was present in the audience.

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The first matter of business was approval of minutes of regular meeting February 26, 2002. Vice-Mayor Rainey moved to approve the minutes as submitted. Member Broome seconded the motion. The motion carried unanimously.

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Special Recognitions Utility Inspector Chris Enright gave an overview of operations in the Water Resources Utility Engineering Division. Mr. Enright highlighted current projects, staff members, divisions, and the responsibilities of each division.

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Stormwater Administrator Chuck Denman presented the storm drain maker program. This program was designed to reduce the pollution in our local waterways. Mayor Swank and Mr. Denman recognized the young people involved in the program and awarded certificates to a science class at Jackson Middle School taught by Laura Headley, Boy Scout Troop 481 led by Jim Pratten, Eagle Scout Daniel Jacob Leckron, and members of the Junior Girl Scout Troop 1477 led by leader Lori Tripp and co-leader Amanda VanFossan.

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Presentations Chairman Dean Pettit of the Titusville Environmental Commission presented the Board's semi-annual report. Mr. Pettit discussed recent projects including the evaluation of the

engineering report on soil removed from the McCotter property, Chain of Lakes referendum, Tree City, and funding for the bikeways and greenways trails.

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Chairman Mike Cunningham of the Municipal Code Enforcement Board presented the Board's semi-annual report. Mr. Cunningham highlighted the progress during the past year.

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Consent Agenda Member Broome moved to approve Consent Items B, C, and D in accordance with the following recommendations.

- B. Purchase 16 portable and 9 mobile 800 MHz radios including accessories from Communications International, Inc. of Vero Beach for \$51,824 as part of the police radio replacement plan. Recommendation: Authorize purchase as recommended with funds available in the Radio Replacement Account.
- C. Authorize exchange of city-owned lot in Sun Valley Subdivision for a privately owned lot. Recommendation: Authorize exchange of city-owned Lot 13, Block 79 for Lot 12 or Lot 18, Block 79 to be purchased by Mr. and Mrs. Cowen.
- D. Acknowledge receipt of pending foreclosure actions at 431 Canaveral Avenue, 601 Main Street, and 1810 Lilac Circle, and in the event the city was successful in obtaining title to same, designate said properties as surplus and authorize disposition in accordance with policy. Recommendation: Acknowledge and designate as surplus property of the city and proceed with disposal of said property in accordance with previously approved sale of city owned property procedures.

Member Eigenmann seconded the motion. The motion carried unanimously.

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Petitions and Requests from the Public Present Bea Polk objected to the Chamber of Commerce's criticism of her and other activists for speaking out for what they believed. She was concerned of what this said about the city's leadership. Members Ward and Eigenmann felt that her remarks should be addressed to the Chamber as the City Council had never made such remarks.

Joan Wheeler withdrew her application for appointment to the Municipal Code Enforcement Board. Ms. Wheeler read a 1995 correspondence from a former Chairman of the Chamber of Commerce with regard to disruptive actions of certain named activists, including herself. These antics were still going on and she wanted them to stop. Council addressed Ms. Wheeler's concerns and recommended citizens continue to address the council with issues relating to the city.

Nelly Strickland requested a new light for the podium and commented on oaths, leaking sprinklers on U.S. Highway One, and dedicating a separate account for the water and sewer availability charges. Vice-Mayor Rainey moved to extend her time for two minutes. Member Eigenmann seconded the motion and it carried four to one. Ms. Strickland commented on her

involvement in obtaining federal funding for an alternative access road to Playalinda Beach. Member Ward addressed her issues regarding the leaking sprinkler on U.S. Highway One and confirmed the problem would be corrected.

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

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Public Hearings and Related Action First item was Resolution No. 13-2002 to proceed with the removal of a dilapidated and unsightly building at 487 North Washington Avenue. The estimated cost of demolition was \$5,200, which was available in Code Enforcement Division's Construction/Maintenance account. This account would be reimbursed when the assessment was paid. The property owner and other interested parties were notified of the public hearing by certified mail.

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

Member Eigenmann moved to adopt Resolution No. 13-2002. Vice-Mayor Rainey seconded the motion. The roll call was:

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

The motion carried. The resolution would be recorded on the public records of Brevard County, Florida.

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Next item under public hearings was changes to the Comprehensive Plan of the City of Titusville by addressing the following small-scale amendments (SSA):

SSA 2002-01	Assignment of Commercial High Intensity land use and Tourist (T) zoning to 7 acres located 1,000 feet north of State Road 50 and immediately west of Interstate 95 behind the Cracker Barrel Restaurant (Present owner – Charles Moehle)
SSA 2002-02	Annexation with Residential land use and R-1b zoning pursuant to water service agreement executed in 1987 for 5475 Barna Avenue (Present owner - Linda Jenkins)
SSA 2002-03	Annexation with Residential land use and R-1b zoning pursuant to water service agreement executed in 1990 for 5465 Barna Avenue (Present owner - Cleveland McKinney)

- SSA 2002-04 Annexation with Residential land use and R-1b zoning pursuant to water service agreement executed in 1995 for 820 Dixie Avenue (Present owner - Nancy Bumpus)
- SSA 2002-05 Annexation with Residential land use and R-1b zoning pursuant to water service agreement executed in 2001 for 4840 Barna Avenue (Present owner - Mary E. Loob)
- SSA 2002-06 Annexation with Public/Semi-public land use and P-SP zoning pursuant to water service agreement executed in 1982 by Brevard Mosquito Control District (800 Perimeter Road)
- SSA 2002-07 Annexation with Commercial - High Intensity land use and CC zoning pursuant to water service agreement executed in 1986 for 6700 South U.S. Highway One (Present owner - Circles of Care)
- SSA 2002-08 Annexation with Commercial - High Intensity land use and CC zoning pursuant to water service agreement executed in 1987 for 6750 South U.S. Highway One (Present owner - Frontlines Plaza, Inc.)
- SSA 2002-09 Annexation with Commercial - High Intensity land use and CC zoning pursuant to water service agreement executed in 1989 for 6770 South U.S. Highway One (Present owner - Frontlines Plaza, Inc.)
- SSA 2002-10 Annexation of City Nursery at 4900 Sisson Road with Commercial - Low Intensity land use and NC zoning
- SSA 2002-11 Annexation of 8 acres located at the northeast corner of U.S. Highway One and Columbia Boulevard with Regional Mixed Use land use and RMU zoning as requested by John H. Evans on behalf of Margo L. Hinrichs, owner

The Planning and Zoning Commission, acting as the Local Planning Agency, recommended approval of all amendments.

Attorney Severs read ORDINANCE NO. 5-2002 OF THE CITY OF TITUSVILLE, FLORIDA, 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 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 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 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 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 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 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 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 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 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 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 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 second time by title only.

Mayor Swank opened the public hearing on all the proposed amendments. No one wished to speak. The public hearing was closed.

Vice-Mayor Rainey moved to amend the Comprehensive Plan of the City of Titusville and adopt all related ordinances as recommended by the Planning and Zoning Commission, acting as the Local Planning Agency. Member Broome seconded the motion. The roll call was:

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

The motion carried.

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Old Business The only item under old business was the request to approve the fiscal year expenditure of \$14,060.24 for the purchase of Voice Over IP Call Center Solution for Utility Billing from Inter-Tel Technologies, Inc. of Longwood, Florida and approve budget amendment. This item was deferred from the February 26, 2002 meeting in order for MIS Director Rick

Roberts to respond to council’s concerns regarding the system. MIS Director Rick Roberts presented an overview on the history, need, current system, objectives, team members, project scope, selection process, recommended vendor, solution, estimated cost, funding sources, and recommended action. It was the consensus of council to move forward with this item.

Member Eigenmann moved to award purchase to Inter-Tel Technologies, Inc. of Longwood for \$14,060.24 and approve budget amendment to transfer funds from Water Resources Unreserved Working Capital (\$10,770); Solid Waste Unreserved Working Capital (\$2,382); and Stormwater Management Unreserved Working Capital (\$908) to General Fund -Utility Billing Division's Machinery and Equipment account. Vice-Mayor Rainey seconded the motion. The motion carried unanimously.

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New Business First item was the planning staff presentation on proposed changes to commercial, industrial, and special district zoning ordinances.

Planning Administrator Keith Cunningham and Senior Planner Randy Woodruff summarized the zoning matrix changes. Mr. Woodruff reviewed the zoning history, reasons for revisions, summary of revisions, Planning and Zoning Commission review dates, Planning and Zoning recommendations for Commercial and Industrial, Planning and Zoning staff review, and the planning staff recommendations. Council directed staff to return ordinance to Planning and Zoning Commission for further clarification of allowing certain mixed uses in commercial districts and allowing commercial uses in industrial districts.

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Next was the transmittal of recommendations for funding of Community Development Block Grant (CDBG) and HOME Programs for Fiscal-Year 2002/2003. Housing and Community Development Director Marie Engblom reviewed the following funding recommendations:

Community Development Block Grant (CDBG) total allocation: \$422,000

Public Service:

Child Care Association of Brevard County	\$14,000
Family Counseling Center of Brevard, Inc.	\$ 0
PREVENT! of Brevard, Inc.	\$12,500
Brevard Alzheimer’s Foundation, Inc.	\$14,500
North Brevard Charities Sharing Center	\$11,000
Titusville Police Athletic League	\$11,300
Alco-Hall, Inc – HOW House	\$ 0
Consumer Credit Counseling Services	\$ 0
Boys & Girls Club of Brevard, Inc.	\$ 0
Titusville Fire & Emergency – Injury & Prevention Program	\$ 0
Children’s Advocacy Center of Brevard	
Total	\$63,300

Administration:

Administration/Operational Costs	\$83,900
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Fair Housing Outreach & Education	\$ 500
Total	\$ 84,400

Other

City of Titusville-Public Works Department (Streets)	\$165,180
City of Titusville-Smoke Detector Program	\$ 3,450
Space Coast Center for Independent Living	\$ 12,000
The Housing Authority of the City of Titusville	\$ 35,000
Brevard County Parks & Recreation	\$ 58,670
North Brevard Charities Sharing Center-Elderly Rental	\$ 0
Total	\$274,300

HOME Investments Partnerships Program total allocation: \$161,689

CHDO Funds

City of Titusville-Housing & Community Development Dept. Community Housing Development Organization (CHDO)	\$ 24,253
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Administration

City of Titusville-Housing & Community Development Dept. Administration/Operations Costs	\$ 16,169
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Other

City of Titusville-Housing & Community Development Dept. Housing Rehabilitation	\$121,267
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Member Eigenmann moved to approve staff recommendations for use of CDBG and HOME funds for Fiscal-Year 2002/2003. Vice-Mayor Rainey seconded the motion. The motion carried unanimously. Ms. Engblom advised council that staff would complete a Fiscal Year 2002/2003 action plan and submit to council at a public hearing to be held on April 23, 2002.

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Mayor Swank shared his opinion on a municipality's right to Home Rule, particularly in light of Brevard County's stand on current issues impacting Titusville and requested authorization to execute Resolution No. 14-2002 supporting individual local city governments' right to home rule and local government planning and growth. Member Broome moved to authorize execution of Resolution No. 14-2002. Member Ward seconded the motion. The roll call was:

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

The motion carried.

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The following item was deferred to New Business by Mayor Swank.

- A. Authorize purchase of 69 replacement computers from Gateway pursuant to State Contract for \$63,401 with funds identified in General Construction Fund - Public Safety Computers for Fire and Police Departments and Information Systems Fund - Computer Replacement Program.

MIS Director Rick Roberts explain that staff was recommending rejection of the low bid and award to Gateway Computers due to service issues with Dell. Member Broome moved to award purchase to Dell, low bidder, for \$57,856. Member Eigenmann seconded the motion conditioned upon MIS obtaining written commitment of service levels prior to procurement. The motion carried unanimously.

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Petitions and Requests from the Public Present No one wished to speak.

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Boards and Commissions Municipal Code Enforcement Board had a vacancy for a term expiring October 31, 2004. Vice-Mayor Rainey moved to appoint William Kolodney to serve a three-year term expiring October 31, 2004. Member Ward 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.

Mayor Swank announced activities planned for the coming weekend (Pepper Bust, Titusville 500, and American Cancer Society's Relay for Life).

Vice-Mayor Rainey reported positively on the Chamber's Spring Festival in downtown Titusville. Went on to comment on news article about Titusville's future sources for fresh water.

Member Broome commended his fellow council members for their dedication. He encouraged Barry Gainer to get involved on a city board.

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

City Manager Harmer responded to the *Florida Today* for its article on Titusville's water source to which he took some exception.

City Manager requested council to schedule goals workshop. Council scheduled for Saturday, March 23, 2002 beginning at 7 a.m.

City Manager read names of employees receiving letters of appreciation: City Council Members; Planning Department: Randy Stevenson and Randy Woodruff; Police Department: Joel Hunter, Izell Davis, Robert Bentivegna, Erich Barrett, Bob Kelley, David Butler, Josh Little, Mark Morgan, and Mel Williams.

City Manager reported on ordinance addressing parking of recreational vehicles on public properties prior to Shuttle launches. He would report back to council with updated map.

City Manager advised that Brevard County agreed to provide funding to resurface that portion of certain streets located in county's jurisdiction concurrent with annexation proceedings.

City Manager advised that North Brevard Commission on Parks and Recreation rescheduled its March 14th meeting to March 21st.

City Manager advised council of his vacation dates set for March 27th – March 31st and would return on April 1, 2002. He would notify council of the Acting City Manager before this time.

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City Attorney's Report City Attorney provided an article appearing in *Boating World* magazine concerning manatees and litigation involving the City of Titusville. He had not yet received court ruling but expected it shortly.

City Attorney advised that he received no notice of appeal of Ackley litigation and assumed it was concluded.

City Manager advised of his family's personal involvement in promoting state and federal legislation to discourage and prohibit underage drinking. Council pledged its full support of their efforts.

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The meeting adjourned at 10:05 p.m.

Ronald G. Swank, Mayor

ATTEST:

Karan J. Rounsavall, City Clerk