

City Council
Regular Meeting
April 9, 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, April 9, 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 invited Pastor Wayne Edwards of Westside Baptist Church to give the invocation. 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 March 26, 2002 and special meeting March 23, 2002. Vice-Mayor Rainey moved to approve the minutes as submitted. Member Eigenmann seconded the motion and it carried unanimously.

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Special Recognitions Johnnie Johnson and John Hutcheson were present on behalf of the Streets Division in the Public Works Department. City Manager Harmer relayed highlights of his work day with these employees the previous week. An informational video showed their activities which included road patching, tree trimming, sidewalk repair, street signs, road striping, mowing, median maintenance, etc.

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Police Chief Frank Ross recognized several telecommunicators who were in the audience, including Jessica Sultan, who was recently award the "*Telecommunicator of the Year*" award. Mayor Swank read a proclamation declaring the week of April 8 - 14, 2002 as "*National Telecommunicators Week*" and presented it to Ms. Sultan.

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Police Chief Frank Ross provided explicit details of a foiled armed robbery at the Kentucky Fried Chicken that involved the use of deadly force by a police officer. The suspect was wounded after he drew a weapon upon an officer. Meritorious Service Awards were presented to

Detectives David Butler and Cleyton Bray. This award was presented for a highly unusual accomplishment under adverse conditions, with some degree of hazard to life and limb to the member, or where death or injury to a third party was prevented. Other members of the operational unit who were instrumental in the successful conclusion of this case were also recognized. William Scheiner, night manager for the restaurant, was presented the Civilian Service Award. Individual council members expressed their appreciation to the police department for all their efforts.

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Presentations Don Prather, Chairman of the Board of Adjustments and Appeals, reviewed variance activities over the past six months. The most commonly requested variances related to signage. He suggested that the banner sign ordinance be reviewed as there appeared to be some difficulty in enforcing the 30-day limit. The Board was still lacking a regular member to fill the architect/engineer opening.

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Maureen Phillips, Community Programs Coordinator for the Water Resources Department, gave an informative presentation highlighting the city's conservation program. Resolution No. 17-2002 recognized the month of April as *Water Conservation Month* and urged citizens to become more aware of the need to protect precious water resources and exercise conservation efforts. Member Broome moved to adopt the resolution. Vice-Mayor Rainey seconded the motion and roll call was:

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

The motion carried.

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Charles Tucker of Bray, Beck, & Koetter reviewed the city's annual audit for Fiscal Year ending September 30, 2001. The audit was delivered to the city prior to the March 31st deadline. The audit was conducted in accordance with government auditing standards and generally accepted auditing standards and presented fairly, in all material respects, the financial position and results of city operations. Bray, Beck & Koetter delivered an unqualified opinion which reported no material weakness or reportable conditions. Mr. Tucker commended the city manager and staff on their proactive approach to addressing past issues; there was significant improvement over the past few years. One concern was the employee health insurance fund which experienced a current year loss of \$855,301. This downward trend was continuing into the current year. City management was evaluating options available to stabilize this fund. Despite the recent losses, as

of September 30, 2001, the fund had retained earnings of \$1,119,129. The unreserved fund balance in the General Fund was \$3,343,480.

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Consent Agenda Prior to receiving a motion, council heard from Nelly Strickland who asked for a dedicated account for water and sewer availability charges. City Manager Harmer responded that there was separate accounting for all revenues that came into the Water Resources Fund. Ms. Strickland also commented on conservation efforts. She foresaw the water shortage coming for many years.

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

A. Deed restrictions for Laurel Run at Meadowridge - Phase One. Recommendation: Approve deed restrictions as presented.

B. Amendment to street construction contract with Saturn Builders of Brevard, Inc. to include the construction of South Holiday Lane in the amount of \$33,355.53 along with additional allocation of \$10,000 for estimated cost of contingency, permitting, engineering and inspection charges associated with Holiday Lane. Recommendation: Approve amendment. Source of Funds: Community Development Block Grant (CDBG).

C. Fiscal Year 1999/2000 HOME disbursement agreement between the City of Titusville and Brevard County for allocation of HOME Investment Partnership Program funds to the City in the amount of \$148,212. Recommendation: Authorize execution of agreement as presented defacto.

D. Request to waive maximum assistance amount for Downtown Facade Improvement Program from \$20,000 to \$40,000 to allow renovation of four storefronts at the Walker Hotel building, 301-306 South Washington Avenue, along with request for amendment to Community Development Block Grant (CDBG) action plans by moving funds from the Business Loan Program to Downtown Facade Improvement Program. Recommendation: Waive maximum loan amount as requested, approve action plan amendment to provide for transfer of funds, and authorize execution of contract with hotel owner for renovation of storefronts. Source of Funds: CDBG funds were available in the following accounts: Facade Improvement Program - \$20,000; Business Loan Program - \$14,600; and Contingency - \$5,400.

E. Request to waive formal bidding requirements and approve amendment to the current contract with Maxwell Contracting, Inc. in the amount of \$110,095 to include the installation of a new six-inch PVC water main on Tropic Street and request for authorization of administrative approval of changes within budgeted funds. Recommendation: Waive bidding requirements and approve contract amendment as stated. Source of Funds: Downtown Water Line Upgrade Program.

F. Amendment to Future Water Development and Implementation Plan contract with Dyer, Riddle, Mills & Precourt, Inc. to prepare hydrological and environmental documentation necessary for modification of the City's Consumptive Use Permit in an amount not to exceed \$50,000. Recommendation: Approve amendment. Source of Funds: Future Water Projects.

G. Amendment to continuing engineering services contract with Baskerville-Donovan, Inc. for design and contract management of the Titusville High and South Lake Plant lift station upgrades in the amount of \$36,969. Recommendation: Approve amendment. Source of Funds: Water Resources Capital Improvement Project accounts.

Member Ward seconded the motion and it carried unanimously.

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Petitions and Requests from the Public Present J.C. Branham expressed his appreciation to the Police Department for its professional and expeditious handling of a purse-snatching incident in which his wife was the victim.

Joan Wheeler felt that taxpayers should receive a rebate of 1.4 mils paid during the past year for public safety referendum in that receipts were being used for expenses not originally contemplated in the referendum as approved by citizens. As an example, current residents were being asked to pay the cost of increased infrastructure requirements due to annexations. City Manager Harmer offered to have finance staff meet with Ms. Wheeler.

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Laura Ward, James Hildebrand, and Rosemary Easley asked council to consider a development study along the southern portion of Riveredge Drive addressing density, height restrictions, and intensity of uses. They did not feel that the Shoreline Mixed Use (SMU) zoning designation was altogether appropriate for their area. Development was beginning to occur in the area along with annexation into the city's jurisdiction.

Vice-Mayor Rainey asked to meet with planning staff to discuss the request. Member Ward pointed out that an area impact plan was required in the SMU zoning district to determine compatibility of the proposed development. This was a safeguard already built into the Code. City Manager Harmer advised that a meeting with residents was already scheduled for April 18th. Attorney Severs advised that neighborhood development studies had been done in the past to guide future growth.

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Rebecca Wisniewski, a senior at Titusville High School, asked about the status of the traffic signal at the high school. City Manager Harmer responded in general that the light was funded and in the Florida Department of Transportation's work plan. He would have the Public Works Department contact her with a more detailed status report.

Alfonso Gutierrez suggested that council explore the feasibility of merging Titusville Fire and Emergency Services with Brevard County as a possible source of property tax relief. City Manager Harmer responded that this was a complicated subject which should not be attempted solely for the purpose of saving money. Council took no action on his suggestion.

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Public Hearings and Related Action The only item was Conditional Use Permit No. 1-2002 to allow a child care center at 1680 Knox McRae Drive as requested by William and Glenna Barousse with permission of Daniel Treder, owner. City Manager Harmer overviewed the project. The Planning and Zoning Commission recommended approval with conditions: (1) provision of fencing around each retention area; and (2) sidewalks along the entire frontage of the property.

Mayor Swank opened the public hearing. Dan Treder spoke in favor of the project, however, questioned the conditions set forth by the Planning and Zoning Commission. The retention areas were designed to be dry with 4:1 slopes. There was not a safety issue involved. Fencing would negatively affect the aesthetics and curb appeal of the facility. Nor did he understand the need for a sidewalk along the property frontage as sidewalks were typically located within the right-of-way.

No one else wished to speak and the public hearing was closed.

Senior Planner Randy Woodruff confirmed the Commission's recommendation as well as the design for dry retention areas. Dry retention ponds were not normally fenced.

Member Ward moved to approve Conditional Use No. 1-2002 with planning staff conditions noted in the March 8th report. The Planning and Zoning Commission's recommendation to include conditions for fencing of retention areas and sidewalks along property frontage were **not** imposed. Member Eigenmann seconded the motion and roll call was:

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

The motion carried.

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Petitions and Requests from the Public Present Nelly Strickland again discussed the importance of water conservation and securing a future water supply for the city. Vice-Mayor Rainey mentioned that staff was in the process of scheduling a meeting with Tampa Bay officials to discuss future water supplies.

Joan Wheeler commented on the March 23rd minutes as it related to recording of council's individual votes on goals. She felt that the minutes should be more specific. Mayor Swank advised that her concerns were addressed in the minutes as approved.

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

The mayor went on to ask for council's input on allocation of proposed countywide sales tax for infrastructure improvements. One proposal would divide the tax receipts between the various municipalities, based on population, and Brevard County. An alternative proposal would divide the receipts equally between cities, the county, and the school board. This discussion was early in the process as the question of a sales tax would be presented to voters in November 2002. Member Broome mentioned that there were private foundations set up for donations to specific area schools. Vice-Mayor Rainey stated that he wanted to take care of what the city already had on its plate. Member Eigenmann's first inclination was to use any funds generated by the sales tax for needs already identified and rebate the sales tax revenues back to taxpayers.

Mayor Swank provided a handout on the Governor's Municipal Mentoring Initiative.

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

In the interest of maintaining a manageable agenda, City Manager Harmer recommended that public hearings on the zoning matrix ordinances be held on June 11 and June 25 as opposed to May 14 and May 28. Member Eigenmann moved accordingly. Member Broome seconded the motion and it carried on an all yes vote.

City Manager Harmer read the names of employees receiving letters of appreciation: Police Department - Bill Amos, Jan Scofield, Lori Cunningham, Sue Lynn Risely, Ann Connery, Lincoln Strom, Victor Rodriguez, April Barber, Penny Aiken, Pat Jones, Bobby Mutter, Deena Ellis, Jessica Sultan, Veronica Wright, and Lauren Tirone.

Trash Bash Day was scheduled for April 20, 2002. Keep Brevard Beautiful sponsored this annual event.

The city manager advised that Roy Bridges of NASA would be unable to attend the April 23rd meeting. His presentation was rescheduled for May 14th.

He went on to advise that the city sent a letter opposing the proposed outdoor advertising (billboard) legislation as it prohibited local government from adopting reasonable amortization periods for the removal or alteration of billboards. However, the governor signed the bill into law earlier in the day.

City Manager Harmer announced the Student Awards Ceremony at Brevard Community College on April 18th and a special meeting of the Community Redevelopment Agency on April 16th.

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The meeting adjourned at 9:05 p.m.

Ronald G. Swank, Mayor

ATTEST:

Karan J. Rounsavall, City Clerk