

City Council  
Regular Meeting  
April 23, 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, April 23, 2002.

xxx

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.

xxx

Mayor Swank called the meeting to order at 6:30 p.m. Pastor David Cox of Christ Central Church – Liberty Lodge was present for the invocation. The entire assembly stood and recited the Pledge of Allegiance to the Flag.

xxx

The first matter of business was approval of minutes of regular meeting April 9, 2002. Vice-Mayor Rainey moved to approve the minutes as submitted. Member Broome seconded the motion. The motion carried unanimously.

xxx

Presentations City Manager Harmer welcomed the Executive Director of Community Enrichment, Roy Crawford, to the City of Titusville. Mr. Crawford began with the City of Titusville on April 15, 2002 and would oversee the following departments: Building, Economic Development, Housing and Community Development, Planning, and Social Services.

xxx

Student Advisory Council Members Russell Edwards, Kevin Galke, Amit Patel, and Michael Ball presented the board's annual report. Council presented certificates of recognition to the Student Advisory Council Members and participants of the Mock City Council Meeting. Council acknowledged receipt of the report.

xxx

North Brevard Parks and Recreation Commission's semi-annual report was provided to council for its review. Vice-Mayor Rainey moved to accept the written report. Member Broome seconded the motion. The motion carried unanimously.

xxx

Economic Development Director Walt Johnson presented an update on economic development and provided second quarter status report. He highlighted the *Florida Trend*, Flagler property, Hughes property, McDonnell Douglas building, Poe property, Orange County government, residential, and commercial property.

xxx

Finance Director Bob Erickson presented the fiscal year 2001/2002 mid-year budget review and provided detail on budget amendments. He highlighted the Fiscal Year 2002 revenue highlights, Fiscal Year 2002 expenditure highlights, and the Economic Impact Action Plan for 2001/2002. The mid-year amendments for Fiscal Year 2002 included code enforcement demolition charges, railroad crossing repairs, SHIP new revenues, utility billing bank charges, annexation charges, and the new police department building security costs. City Manager Harmer reviewed specifics of the Economic Impact Action Plan. The third quarter financial review was scheduled for the July 23, 2002 meeting.

xxx

Consent Agenda Prior to receiving a motion, council heard from Nelly Strickland who commented on the expense of hiring consultants for the solid waste and recycling business plan, operations plan, and rate study.

Member Broome moved to approve Consent Items A, B, D, E, & F in accordance with the following recommendations.

- A. Fiscal Year 2001/2002 mid-year budget amendments. Recommendation: Approve amendments as presented.
- B. Award bid for completion of solid waste and recycling business plan, operations plan and rate study to R. W. Beck, Inc. of Orlando at cost of \$64,500 (Source of Funds: Solid Waste Fund - Consultant Services). Recommendations: Award bid to R. W. Beck, Inc. and authorize staff to negotiate contract for mayor's signature.
- D. Award purchase of gas masks, filters and cases to Aramsco of Thorofare, New Jersey for \$16,320 using 2001 Local Law Enforcement Block Grant funds. Recommendation: Award purchase to low bidder as recommended.
- E. Approve first responder agency agreement with Brevard County for provision of advanced life support services (Fiscal Year 2001/2002). Recommendation: Authorize execution of agreement.
- F. Award purchase of water plant valves and actuators to Ferguson Underground, Inc. of Orlando for \$141,696 with funds available in the Water Resources Utility Construction Fund. Recommendation: Award purchase as recommended.

Vice-Mayor Rainey seconded the motion. The motion carried unanimously.

xxx

Petitions and Requests from the Public Present Glenn Perez, representing students from Oak Park Elementary and James Madison Middle School, requested city funding to participate in Odyssey of the Mind world tournament in Boulder, Colorado in May 2002. Council requested Mr. Perez to provide specific funding guidance at the May 14<sup>th</sup> city council meeting. Council

agreed to place the school's request for funds on government access channel. City Manager Harmer expressed his concern with the city's overall financial condition as it related to unfunded requests..

Laura Ward thanked staff for meeting with the Riveredge Drive neighborhood the previous week. Staff agreed to review the Shoreline Mixed Use (SMU) zoning district and return its recommendation to council on the May 14<sup>th</sup> city council meeting.

Jim Hildebrand also thanked staff for meeting with the Riveredge Drive neighborhood.

Rose Easley hoped to see sidewalks along Riveredge Drive in the future. She requested this issue be included in the redevelopment plan.

Marsha Gaedcke, representing the Titusville Area Chamber of Commerce, provided an update on the Indian River Festival scheduled for April 25 - 28, 2002.

Joan Wheeler did not understand why the Vector Works issue was the last item on the agenda as opposed to being an item of Old Business. City Manager Harmer advised that it was placed under New Business after a council member requested that the item be discussed. She requested all council minutes with formal action on Vector Works be included in the agenda backup package.

Nelly Strickland commented on a variety of issues: industrial use of public lands, water and sewer availability charges, impact of annexations, new reading light at podium, etc.

James Furlong asked for the opportunity to meet with individual council members concerning development plans for Riveredge Drive. Mayor Swank requested that Mr. Furlong contact council's office to set up appointments.

xxx

The meeting recessed at 7:55 p.m. and reconvened at 8:15 p.m.

xxx

Public Hearings and Related Action The Housing and Community Development staff prepared the Fiscal Year 2002/2003 Community Development Block Grant (CDBG) & HOME action plan for submission to Brevard County for consolidation and submission to the U.S. Department of Housing & Urban Development (HUD). The completion of the one-year action plan was a requirement of HUD to receive CDBG and HOME funding. Approximately \$422,000 in CDBG funds and \$161,689 in HOME funds would be available for FY 2002-2003.

Staff requested approval of the proposed Fiscal Year 2002/2003 action plan for CDBG and HOME program, authorization for Mayor to sign the grant application and certifications, and authorization for submission of the plan to Brevard County by the May 1, 2002 deadline. The Housing and Community Development staff prepared the FY 2002/2003 CDBG & HOME action plan for submission to Brevard County for consolidation and submission to the U.S. Department of Housing & Urban Development (HUD). The completion of the one-year action plan was a requirement of HUD to receive CDBG and HOME funding.

Mayor Swank opened the public hearing.

Yvonne Tressel, Laydora Lindo, and Elzora Foy commented on the assistance the Child Care Association of Brevard, Inc. provided for many families that lived in Brevard. The Child Care Association provided comprehensive child- care services.

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

Vice-Mayor Rainey moved to approve the plan and authorize the mayor to sign the grant application and certifications, and authorize submission of the plan to Brevard County by the May 1, 2002 deadline. Member Eigenmann seconded the motion. The roll call was:

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

The motion carried.

xxx

Next item was the notice of proposed change for Vector Space Development of Regional Impact (DRI) for property located at the southeast corner of U.S. Highway One and Columbia Boulevard. John H. Evans, representing Vector Space Association, applied for a notice of proposed change (NOPC) to amend the Vector Space Development of Regional Impact (DRI). The subject Development of Regional Impact was approved by Brevard County in 1986. On August 24, 1999, the City of Titusville annexed the Vector Space DRI under Ordinance No. 19-1999. The requested notice of proposed change amended the project DRI in the following ways: It would extend the build out date six years and 364 days from the approval build out date of September 1996 to September 2003. The NOPC sought to eliminate the designation of 250 hotel units on Tract D and transfer those units to Tract M. The proposed change also included assigning Tract B as commercial designation of "Commercial Use" to allow the proposed American Police Hall of Fame. A copy of the NOPC was filed with the Florida Department of Community Affairs and the East Central Florida Regional Planning Council. Staff reviewed the requested NOPC and recommended approval of the changes to the Vector Space DRI.

Mayor Swank opened the public hearing.

John Evans, representing Vector Space Association, presented council with a map of Vector Space and requested council's approval of the proposed change.

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

Member Broome moved to approve the notice of proposed change amending the project DRI by extending build-out date to September 2003; eliminating designation of 250 hotel units on Tract D and transferring those units to Tract M; and allowing commercial designation on Tract B for

the proposed American Police Hall of Fame. 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.

xxx

Old Business The only item under old business was the status report on Titan rocket preservation initiative. On January 22, 2002, council authorized Angela and John Sharkey to pursue fundraising activities to restore the Titan rocket located at the south entrance to Titusville High School on School Board property. Council requested the following three items to occur or be planned within 90 days of January 22<sup>nd</sup>: transfer of ownership to a non-profit organization; concurrence from the School Board on use of the property; plan for on-going maintenance of both the rocket and surrounding property.

The Kiwanis voted to take temporary possession of the rocket contingent on the city taking ownership after the repairs were made by Guard-Lee Enterprises. Upon Council concurrence, the City Attorney and Purchasing Director JoEllen Moore would draft an agreement to transfer ownership of the rocket to the Kiwanis. Purchasing Director Moore confirmed with Mr. Mark Rendell, Titusville High School Principal, that the school board would agree to the use of its property for the rocket's residence and to taking over maintenance of the property. With Council's concurrence, an agreement for the Kiwanis and the school board, with a stipulation that should ownership be transferred to a third party, all contractual obligation would transfer with it would be prepared. Ms. Sharkey contacted Mr. Guard of Guard-Lee Enterprises. He estimated periodic inspection of the rocket every two years would be appropriate to check for rust, leaks, and the touch up paint. Ms. Sharkey clarified money needed for the maintenance would cost approximately \$100.00 every two to three years and there was adequate money available to begin the refurbishment of the rocket. Fund raising total was just over \$20,000 with additional contribution commitments of approximately \$3,000 – \$4,000. By beginning the work in May 2002, it would be completed by the end of the year.

Mayor Swank requested City Attorney Severs to review the interlocal agreements prior to execution.

Member Eigenmann moved to proceed with refurbishment subject to execution of the appropriate interlocal agreements with Kiwanis and the School Board, which would be brought back to council at the May 14<sup>th</sup> city council meeting. Vice-Mayor Rainey seconded the motion. The motion carried unanimously.

xxx

New Business Vice-Mayor Rainey moved to bring forward Consent Agenda Item that was deferred by Member Ward to New Business regarding Resolution No. 19-2002 supporting the

Florida Department of Transportation's proposal to eliminate on-street parking on both sides of State Road 406 (Garden Street) between Interstate 95 and Singleton Avenue. Member Eigenmann seconded the motion. The motion carried unanimously.

The Florida Department of Transportation (FDOT) advised the City of Titusville Public Works Department it was planning to resurface State Road 406 (Garden Street) between I-95 and U.S. Highway One in Fall of 2003. The FDOT also indicated they would be reviewing the on-street parking conditions with respect to current safety standards and eliminating on-street parking as appropriate.

Member Ward opposed the elimination of parking in front of businesses located on Garden Street and was not in support of Resolution No. 19-2002.

Member Ward moved to not approve Resolution No. 19-2002 supporting the Florida Department of Transportation's proposal to eliminate on-street parking on both sides of State Road 406 (Garden Street) between Interstate 95 and Singleton Avenue preferring to address parking along all of Garden Street at one time rather than in sections. Vice-Mayor Rainey seconded the motion. The roll call was:

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

The motion carried and Resolution No. 19-2002 was not approved. Mayor Swank apologized for not allowing public to speak prior to council's decision. Council heard from two individuals on this issue.

Larry Williamson had practiced dentistry in Titusville since 1977 and was concerned business owners would no longer have adequate parking available for their customers. Mr. Williamson thanked council for not approving Resolution No. 19-2002.

Nancy Albritton expressed her concern of parking spaces being eliminated on Garden Street. She was not opposed to the new plans to resurface Garden Street.

xxx

Henry Thomas of the Public Resources Management Group, Inc. (PRMG) presented the water and wastewater impact fee study and master metered/multi-family water and wastewater rate analysis.

Mr. Thomas reviewed the impact fee study including the basis for impact fees and related criteria, major objectives and criteria, impact fee methods, definition of equivalent residential connection, proposed city utility systems impact fees, residential water impact fee comparison, residential wastewater impact fee comparison, and residential water & wastewater impact fee comparison. The recommendations and conclusions were to adopt proposed impact fees to recover capital needs to serve new growth. The proposed fees reflected development trends, capital needs for expansion, and level of service/customer requirements.

Mayor Swank clarified impact fees would only impact new construction. Vice-Mayor Rainey expressed concern and agreed grace period should be available for contractors.

Mr. Thomas then reviewed the water and wastewater master metered/multi-family rate analysis including purpose and background, major issues and criteria, revenue increase by customer class cost-based approach, revenue increase by customer class phase-in approach, master metered/multi-family account and unit distribution, relationship between average usage for residential customer vs. multi-family unit, proposed base facility charge per master metered/multi-family unit – water, proposed base facility charge per master metered/multi-family – wastewater, master metered/multi-family existing versus proposed water rates, master metered/multi-family existing versus proposed wastewater rates, average cost per 1,000 gallons, average monthly water and wastewater bill impact – customer with decreases, and average monthly water and wastewater bill impact – customer with increases. The recommendations and conclusion were the proposed master metered/multi-family customer class rates should be based on the number of units served behind the meter, unit based rates would result in a more equitable distribution of water and wastewater costs among the class, and no other customers classes would be affected by this rate change.

Bill Tumblin discussed the base service availability rate for multi-family structures and expressed concern of the proposed changes for 2003.

Council discussed concerns including rates and individually metering multi-family structures. Water Resources Engineering Manager Janet Elrod stated many multi-family structures could not be individually metered due to the structure of the building.

Vice-Mayor Rainey commented on the availability charges for master-metered/multi-family customers. One of the recommendations was to base rates on the number of units served behind the meter versus the meter size, which would be implemented in October 2002. Vice-Mayor Rainey requested staff to review and determine whether this could be implemented immediately. Utility Manager Scott Reynolds responded that the availability charges would require his staff to manually calculate and was concerned about the additional workload.

Nelly Strickland commented on the tap-on fees and the initiative to preserve water.

Member Ward moved to accept multi-family rate structure as recommended and direct staff to prepare appropriate ordinance to address inequities. Member Eigenmann seconded the motion with discussion. Discussion ensued. The motion carried unanimously.

Vice-Mayor moved to accept impact fee study and direct staff to prepare appropriate ordinance particularly with regard to grace period for implementation. Member Broome seconded the motion. The motion carried unanimously.

xxx

The meeting recessed at 10:05 p.m. and reconvened at 10:10 p.m.

xxx

Next was the group health fund action plan. City Manager Harmer requested that no council action be taken tonight and formal decision be made at the May 14<sup>th</sup> city council meeting. Human Resource Director Connie Collins presented an analysis of the group health fund as well as proposals to stabilize the fund, which included premium increases and benefit changes.

Member Broome moved to extend meeting to 11:00 p.m. Member Eigenmann seconded the motion. The motion carried unanimously.

The review of the Group Health Plan summary reports for the last six months indicated an average shortfall of \$166,557 per month. Using this average to project the status of the Group Health fund over the next six months, taking into consideration the current balance of the fund, and excluding the possibility of increased utilization by members, it was estimated that the Group Health Plan expenditures would exceed its income and reserve balance by approximately \$600,000 by September 30, 2002. After identifying the shortfall, staff recommended an additional option for the remainder of fiscal year 2001-2002 phasing in some benefit changes that only impacted users of the plan. Instead of October 1, 2002 total benefit implementation, staff was now recommending that some changes go into effect July 1, 2002. Since the fund expenses were increasing rapidly, it was in the best interest of the Group Health Fund to implement these changes as quickly as possible to ensure fiscal stability through September 30, 2002. If some benefit changes were implemented by July 1, 2002, the potential loss might be reduced by approximately \$114,500. Under proposal D, premium increases would be in effect October 1, 2002 and the new deductibles/out of pocket maximums would be in effect on January 1, 2003 allowing sufficient time to phase in the changes at a time simultaneous with annual salary increase, and would allow employees to update their unreimbursed medical expenses accounts. Staff was requesting council to direct a cost out by fund and provide information to council at the May 14<sup>th</sup> meeting for further action.

Thelma Roper commented on benefits for disabled employees and non-PPO providers for dependent children with illnesses.

Vice-Mayor Rainey expressed concern regarding increasing premiums and out-of-pocket expenses for employees. He requested staff to complete a cost comparison for the following benefits: increase employee deductible of \$300 per employee/\$600 per family, out of pocket expenses of \$1500, and hospital deductible inpatient cost of \$250. Vice-Mayor Rainey moved to direct staff to complete a cost breakdown by fund and provide council with information at the May 14<sup>th</sup> meeting during which council action would be requested. Member Broome seconded the motion. The motion carried unanimously.

xxx

Final item was the request to discuss present status of Vector Works proposal for a land swap in the vicinity of Marina Park that was requested by Vice-Mayor Rainey on April 12, 2002. Vice-Mayor Rainey requested that all citizens be heard prior to council's discussion.

Ken Thomas opposed the project and requested council not to approve the Vector Works proposal.

Molly Farace recommended a referendum vote to the citizens of Titusville for approval of the Vector Works proposal.

Thelma Roper discussed the use of recreational land and agreed the City of Titusville should hold a referendum vote for the approval of the Vector Works proposal.

Bruce Hover commented on closed businesses in Titusville and expressed concern with empty buildings within the city.

Marcia Gaedcke, President of Titusville Area Chamber of Commerce commented on economic development and how this affected area businesses. Ms. Gaedcke requested council's approval of the Vector Works proposal.

Vice-Mayor Rainey moved to extend meeting to 11:30 pm. Member Ward seconded the motion. The motion carried unanimously.

Joan Wheeler commented on the decision that was made by the Chamber of Commerce and the Little League regarding the Vector Works proposal. She requested council to receive permission from the citizens of Titusville with a referendum vote.

Bea Bolk requested council to listen to the citizens of Titusville and send the decision of the Vector Works proposal to a referendum vote.

Nelly Strickland was not in support of a referendum vote for the Vector Works proposal due to the expense.

Walter Pine requested that council finalize the Vector Works proposal by taking it to a referendum vote.

John Evans commented on the referendum and stated the land that would be given to the city was of equal value to the land that was being received by Vector Works. He discussed the job opportunities for the community and requested permission to move forward with the County referendum excluding the five acres that would be used for ball fields and a playground.

Vice- Mayor Rainey commented on the advantages of approving the Vector Works proposal.

Vice-Mayor Rainey moved to direct staff to work with Vector Works to move forward with appropriate request to the State of Florida Internal Improvement Fund to exchange five acres of city-owned property adjacent to Vector Works' current operation for riverfront acreage including a former structure used as a restaurant subject to such terms and conditions as may be mutually agreed upon by the parties. Member Ward seconded the motion with discussion and commented on the issues that council should consider prior to a final decision including parks and recreation referendum, economic development, and diversifying our community. Member Ward offered an amendment to the motion to direct staff to provide notice to Brevard County of withdrawal of five acres in Marina Park from interlocal agreement with Brevard County for operation of city parks. This would allow the parks and recreation referendum project for Marina Park to move forward. Vice-Mayor Rainey accepted the amendment.

Member Broome moved to extend meeting to 11:45 p.m. Vice Rainey seconded the motion. The motion carried unanimously.

Member Broome commented on the referendum vote to expend funds at Marina Park. He expressed concern due to the fact Mr. Gray proposed the land swap after the vote was taken. Member Broome was not in support of council making a decision prior to issues being resolved.

The motion carried four to one with Member Broome opposed.

xxx

Mayor and Council Reports Mayor Swank provided a written report on his activities since the last meeting. Deferred due to late hour.

xxx

City Manager's Report Council acknowledged receipt of the manager's written report. Deferred due to late hour.

xxx

City Attorney's Report Deferred due to late hour.

xxx

Vice-Mayor Rainey moved to adjourn the meeting at 11:45 p.m. Member Ward seconded the motion. The motion carried unanimously. The meeting adjourned at 11:45 p.m.

---

Ronald G. Swank, Mayor

ATTEST:

---

Karan J. Rounsavall, City Clerk