

City Council
Regular Meeting
June 11, 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, June 11, 2002 at 6:30 p.m.

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Present were Mayor Ron Swank, and 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 Jeff Rainey arrived at 6:45 p.m.

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Mayor Swank called the meeting to order and Mr. Starling Bryant gave the invocation. The entire assembly stood to recite the Pledge of Allegiance to the Flag.

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The first item discussed was the approval of the minutes from regular meeting May 28, 2002. Member Broome moved to approve the minutes as submitted. Member Eigenmann seconded the motion. The motion carried unanimously.

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Special Recognitions Mayor Swank recognized Mr. Starling Bryant, Jr. for his years of service as a member of the North Brevard Parks and Recreation Commission.

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Next, Daniel Dougherty, Larry Custer, and Jeffrey Urbano, representatives of the Water Resources Laboratory Services Division, highlighted their daily activities.

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Consent Agenda Member Eigenmann presented the following item for approval as recommended:

- A. Award annual service contract not to exceed \$5,000 for sliplining existing sewer lines to Griner's Pipeline Service, Inc. of Mount Dora by piggybacking the City of Orlando Bid No. B-199-1310 with funds available in the Sewer System Upgrade Program account.
Recommendation: Award service contract as recommended.

Member Broome seconded the motion. The motion carried unanimously.

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Petitions and Requests from the Public Present Ms. Joan Wheeler commented on the character trait of "meekness" which was highlighted on the agenda. She did not agree with yielding her personal rights. She also disagreed with a funding request which was placed under Boards and Commissions. The request was not to exceed \$500 to allow Representatives of Student Advisory

Council to attend the Florida League of Cities conference. Ms. Wheeler suggested that the parents bear the cost as if it were a school event.

Ms. Jill Halliday expressed gratitude to council and staff for temporary relief to allow outdoor displays in the downtown district. It was noted that public hearings were scheduled for June 25, 2002 and July 9, 2002 on an ordinance which would allow this type of activity on a permanent basis.

Mr. Bob Robinson asked if there would be a series of public meetings relative to the proposed development along Riveredge Drive. City Manager Harmer noted that a special meeting had been scheduled for July 30, 2002. He also suggested that Mr. Robinson meet with Executive Director of Community Development Roy Crawford to address any concerns.

Ms. Nelly Strickland asked about the cost of water purchased from the City of Cocoa on a monthly basis. City Manager Harmer indicated that he would provide the information. Ms. Strickland mentioned that council should be aware of the impact of recent annexations. She suggested that council think about the annexations and the impact it would have on the city's future water supply.

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Because it was not yet 7:00 p.m. Mayor Swank moved to New Business.

New Business Member Broome requested that council discuss the value of development along the riverfront. Member Broome indicated that he wanted to discuss the issue in an open forum to receive input from the citizens of Titusville. He also expressed concern with the current zoning as it related to the development along the riverfront. Member Ward indicated that any proposed development must meet code requirements. Council felt that it was important to address issues such as public access, height restrictions, and the importance of maintaining the appropriate breezeway. Member Eigenmann felt it was essential to preserve as much waterfront access as possible for future use. City Manager Harmer indicated that requirements under the new Comprehensive Plan would address these issues as it related to the maximum densities acceptable by the State.

City Manager Harmer mentioned changes to the Growth Management Act that now required densities to be made a part of the Comprehensive Plan. This would have an effect on recent requests to increase density in the Shoreline Mixed Use (SMU) and Central Business District (CBD) zoning classifications (i.e. such requests would now require amendments to the Comprehensive Plan).

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Petitions and Requests from the Public Present Mr. Joseph Strait suggested that council consider all areas of the Comprehensive Plan relative to the riverfront.

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Ordinances- First Reading City Attorney Severs read ORDINANCE NO. 30-2002, AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING SECTION 59-665 (PROHIBITED USES IN THE CBD ZONING DESIGNATION) TO ALLOW OUTDOOR DISPLAY IN THE DOWNTOWN AREA OF THE CBD ZONING DESIGNATION AND SECTION 59-669 (GENERAL PROVISIONS OF THE CBD ZONING DESIGNATION) TO ALLOW SANDWICH-TYPE SIGNAGE IN THE DOWNTOWN AREA OF THE CBD ZONING

DESIGNATION; AND PROVIDING FOR AN EFFECTIVE DATE the first time by title only. The first public hearing was scheduled for June 25, 2002 and the final public hearing was scheduled for July 9, 2002.

Ms. Joan Wheeler stated her objection to allowing outdoor display for merchants in the downtown area of the CBD zoning designation. She felt it was unfair to merchants who were not centrally located in the downtown area.

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Ordinances-Second Reading, Public Hearings and Related Action Mayor Swank read the notice relating to Comprehensive Plan Amendment Hearing. He indicated that any person wishing to receive a courtesy informational statement concerning the date of publication in a local newspaper of the Notice of Intent by the Florida Department of Community Affairs should sign form provided by the City Clerk.

City Manager Harmer requested that Attorney Severs read Ordinance Nos. 25-2002 through 27-2002 simultaneously. City Attorney Severs read ORDINANCE NO. 25-2002, AN ORDINANCE 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 OF TITUSVILLE, BY AMENDING THE FUTURE LAND USE, TRAFFIC CIRCULATION, HOUSING, INFRASTRUCTURE, COASTAL MANAGEMENT, CONSERVATION, RECREATION AND OPEN SPACE, INTERGOVERNMENTAL COORDINATION, CAPITAL IMPROVEMENT ELEMENTS OF THE COMPREHENSIVE PLAN AS IDENTIFIED IN THE EVALUATION AND APPRAISAL REPORT (EAR); AMENDING THE FUTURE LAND USE MAP TO DESIGNATE DOWNTOWN MIXED USE FOR 47 ACRES LOCATED EAST OF THE A. MAX BREWER SWING BRIDGE (PARRISH PARK); DESIGNATING 24 ACRES LOCATED WEST OF SR 405 AND NORTH OF SR 50 (LOWES) WITH COMMERCIAL HIGH INTENSITY LAND USE; DESIGNATING APPROXIMATELY 1000 ACRES SPACE COAST REGIONAL AIRPORT) WITH PUBLIC/SEMI PUBLIC LAND USE; DESIGNATING APPROXIMATELY 388 ACRES (ENCHANTED FOREST) WITH CONSERVATION LAND USE; DESIGNATING 34 ACRES (DICERANDRA SCRUB SANCTUARY) WITH CONSERVATION LAND USE; DESIGNATING PROPERTIES LOCATED AT 425 AND 445 SOUTH CARPENTER ROAD AND 3505 MELODY LANE WITH RESIDENTIAL LAND USE; AMENDING THE LAND USE FOR 33 ACRES LOCATED NORTH OF COLUMBIA BOULEVARD AND EAST OF SISSON ROAD FROM PLANNED INDUSTRIAL PARK AND CONSERVATION TO RESIDENTIAL AND CONSERVATION; DESIGNATING RESIDENTIAL, COMMERCIAL HIGH INTENSITY, INDUSTRIAL, AND CONSERVATION LAND USES TO 1779 ACRES LOCATED SOUTH OF SHEPHERD DRIVE, EAST AND WEST OF GRISSOM PARKWAY AND WEST OF U.S. HIGHWAY ONE; AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 26-2002, AN ORDINANCE AMENDING ORDINANCE NO. 5-1993 OF THE CITY OF TITUSVILLE, FLORIDA, BY AMENDING THE ZONING MAP MADE A PART OF SAID ORDINANCE BY ASSIGNING PUBLIC (P) ZONING TO PARRISH PARK LOCATED EAST OF THE MAX BREWER CAUSEWAY AND WEST OF

MERRITT ISLAND WILDLIFE REFUGE; ASSIGNING REGIONAL COMMERCIAL (RC) ZONING TO LOWE'S HOME IMPROVEMENT LOCATED NORTH OF STATE ROAD 50, EAST OF INTERSTATE 95, AND WEST OF STATE ROAD 405; ASSIGNING PUBLIC (P) ZONING TO SPACE COAST REGIONAL AIRPORT LOCATED SOUTH OF STATE ROAD 405, EAST OF GRISSOM PARKWAY AND WEST OF U.S. HIGHWAY ONE; ASSIGNING OPEN SPACE AND RECREATION (OR) ZONING TO THE ENCHANTED FOREST SANCTUARY LOCATED NORTH OF STATE ROAD 405, EAST OF SISSON ROAD, AND WEST OF THE FLORIDA EAST COAST RAILROAD; ASSIGNING OPEN SPACE AND RECREATION (OR) ZONING TO DICERANDRA SCRUB SANCTUARY LOCATED SOUTH OF STATE ROAD 50 AND EAST OF APOLLO ROAD; ASSIGNING RESIDENTIAL ESTATE (RE) ZONING TO 425 AND 445 SOUTH CARPENTER ROAD; ASSIGNING GENERAL USE (GU) ZONING TO 3505 MELODY LANE; ASSIGNING SINGLE-FAMILY RESIDENTIAL (R-1b) AND OPEN SPACE AND RECREATION (OR) ZONING TO PROPERTY LOCATED ON THE NORTH SIDE OF STATE ROAD 405 BETWEEN GRISSOM PARKWAY AND SISSON ROAD; ASSIGNING SINGLE-FAMILY RESIDENTIAL (R-1b), OPEN SPACE AND RECREATION (OR), COMMUNITY COMMERCIAL (CC), AND INDUSTRIAL (M-2) ZONING TO PROPERTY LOCATED WEST OF U.S. HIGHWAY ONE, EAST OF STATE ROAD 407, NORTH OF KINGS HIGHWAY, AND SOUTH OF SHEPHERD DRIVE/PERIMETER ROAD; AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 27-2002, AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING SECTIONS 39-32, 39-33, 39-40, 39-41, AND 39-42 OF THE LAND DEVELOPMENT REGULATIONS BY RENAMING REFERENCES TO PRINCIPAL, MAJOR AND MINOR COLLECTORS AND ARTERIALS TO COLLECTORS AND ARTERIALS; AMENDING SECTION 39-212 AND 39-213 BY CHANGING LEVEL OF SERVICE REFERENCES; AMENDING SECTION 47-262 (b)(3) OF THE LAND DEVELOPMENT REGULATIONS CLARIFYING THE SMALL SCALE COMPREHENSIVE PLAN AMENDMENT PROCESS; ADDING A NEW SECTION 47-279 IN THE LAND DEVELOPMENT REGULATIONS ADDRESSING URBAN SPRAWL AS REQUIRED BY CHAPTER 163 OF THE FLORIDA STATUTES; AMENDING SECTIONS 59-141, 59-161, 59-281, 29-301, 63-136 AND 63-138 BY CHANGING ROADWAY CLASSIFICATIONS TO ARTERIALS AND COLLECTORS TO ACHIEVE CONSISTENCY WITH THE FUNCTIONAL CLASSIFICATIONS IDENTIFIED IN THE COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE the second time by title only.

City Manager Harmer reviewed Ordinance Nos. 25-2002 through 27-2002. He indicated that City Council approved transmittal of Comprehensive Plan Amendment (CPA) 01-1 in December 2001. It was noted the Florida Department of Community Affairs completed its review of the proposed Comprehensive Plan Amendment for the City of Titusville. He mentioned that after extensive discussion between Florida Department of Transportation (FDOT), the Airport Authority and Flagler Development, the application had been modified for a change in the land use designation in a manner acceptable to all parties involved.

Planning Administrator Keith Cunningham provided a brief update. He mentioned that the Florida Department of Community Affairs completed its review of the Comprehensive Plan as

identified in the Evaluation and Appraisal Report (EAR). Mr. Cunningham noted that the Comprehensive Plan Amendment 01-1A1 addressed the future land use, and it identified the Housing elements. Discussion continued regarding particular portions of properties identified in the Comprehensive Plan and its particular use.

Mayor Swank asked whether the issue regarding the proposed 10,000-foot runway shown on the Airport Authority's Master Plan had been addressed. City Attorney Severs commented that discussion had taken place between all parties involved. Flagler Development had modified its application for a change in the land use designation in a manner acceptable to the Airport Authority. It was noted that the Airport Authority had acted through the Federal Aviation Administration to remove the proposed 10,000-foot runway.

Attorney Severs also mentioned that the City of Titusville received correspondence dated March 11, 2002 from Maureen Rupe, Co-Chairman of Port St. John for Tomorrow. The letter expressed the committee's concerns regarding the Comprehensive Plan Amendment allowing residential development by Flagler Corporation in close proximity to Space Coast Regional Airport.

Mayor Swank opened the public hearing.

Thomas King, Vickie Mace, Beverly Pinyerd, Amy Moser, Amy Tidd, Mary Tess and Maureen Rupe expressed their objection to the City of Titusville Comprehensive Plan Amendment to allow residential development in close proximity to Space Coast Regional Airport. Vickie Mace, Principal of Atlantis Elementary School, expressed concern relative to the fact that the flight path was so close to the school. She felt if the runway were extended north and south, it would constitute safety hazard to school children.

Beverly Pinyerd expressed her concern relative to the protection of the Scrub Jay habitat. Amy Moser, Member of the Audubon Society, referenced the protection efforts as it related to the Scrub Jay, Bobcat, and other wildlife. Ms. Tidd suggested that council delay any action regarding the ordinance until a formal review had been conducted by legal representation. Maureen Rupe said that she was disappointed that the City of Titusville had not contacted Port St. John for Tomorrow to inform the committee of the Comprehensive Plan Amendment.

Discussion continued regarding the proposed zoning, land use, wetlands and conservation efforts in the general vicinity. Attorney Severs indicated that the City of Titusville was not responsible for the current development in Port St. John, nor was it involved in permitting. It was noted that the City of Titusville understood concerns addressed by the citizens of Port St. John. It was also noted that July 16, 2002 was the deadline for submittal of the adopted ordinance. No one else wished to speak.

Mayor Swank closed the public hearing.

It was noted that the Planning and Zoning Commission, acting as the Local Planning Agency, unanimously recommended approval. Member Broome moved to adopt Ordinance No. 25-

2002 amending various elements of the Comprehensive Plan of the City of Titusville and assigning land use as follows:

- Comprehensive Plan Amendment (CPA) 01-1A1 amending the Future Land Use, Traffic Circulation, Housing, Infrastructure, Coastal Management, Conservation, Recreation and Open Space, Intergovernmental Coordination, and Capital Improvement Elements.
- CPA 01-1B1 Assignment of Downtown Mixed Use land use to Parrish Park located east of Max Brewer Causeway and west of the Merritt Island Wildlife Refuge.
- CPA 01-1B3 Assignment of Commercial - High Intensity and Conservation land use designation to Lowe's Home Improvement located north of State Road 50, east of Interstate 95, and west of South Street (State Road 405).
- CPA 01-1B4 Assignment of Public/Semi-Public land use to Space Coast Regional Airport located south of State Road 405, east of Grissom Parkway, and west of U.S. Highway One.
- CPA 01-1B5 Assignment of Conservation land use to Enchanted Forest Sanctuary located north of State Road 405, east of Sisson Road, and west of the Florida East Coast Railroad.
- CPA 01-1B6 Assignment of Conservation land use to Dicerandra Scrub located south of State Road 50 and east of Apollo Road.
- CPA 01-1B7 Assignment of Residential land use to 425 and 445 South Carpenter Road.
- CPA 01-1B8 Assignment of Residential land use to 3505 Melody Lane.
- CPA 01-1B9 Assignment of Residential and Conservation land use designations to property located on the north side of State Road 405 between Grissom Parkway and Sisson Road.
- CPA 01-1B10 Assignment of Residential, Commercial-High Intensity, Conservation, and Industrial land use designations to property located west of U.S. Highway One, east of State Road 407, north of Kings Highway, and south of Shepherd Drive/Perimeter Road as shown on the proposed land use and zoning map prepared on behalf of Flagler Development.

Member Ward seconded the motion. The roll call was:

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

The motion carried.

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Next, Member Broome moved to adopt Ordinance No. 26-2002 amending the Zoning Map of the City of Titusville by assigning zoning classifications to the following nine properties:

- Comprehensive Plan Amendment (CPA) 01-1B1 Assignment of Public (P) zoning to Parrish Park located east of Max Brewer Causeway and west of the Merritt Island Wildlife Refuge.

- CPA 01-1B3 Assignment of Regional Commercial (RC) zoning to Lowe's Home Improvement located north of State Road 50, east of Interstate 95, and west of South Street (State Road 405).
- CPA 01-1B4 Assignment of Public (P) zoning to Space Coast Regional Airport located south of State Road 405, east of Grissom Parkway, and west of U.S. Highway One.
- CPA 01-1B5 Assignment of Open Space and Recreation (OR) zoning to Enchanted Forest Sanctuary located north of State Road 405, east of Sisson Road, and west of the Florida East Coast Railroad.
- CPA 01-1B6 Assignment of Open Space and Recreation (OR) zoning to Dicerandra Scrub located south of State Road 50 and east of Apollo Road.
- CPA 01-1B7 Assignment of Residential Estate (RE) zoning to 425 and 445 South Carpenter Road.
- CPA 01-1B8 Assignment of General Use (GU) zoning to 3505 Melody Lane.
- CPA 01-1B9 Assignment of Single-Family Medium Density Residential (R-1b) and Open Space and Recreation (OR) zoning to property located on the north side of State Road 405 between Grissom Parkway and Sisson Road.
- CPA 01-1B10 Assignment of Single-Family Medium Density Residential (R-1b), Open Space and Recreation (OR), Community Commercial (CC), and Industrial (M-2) zoning to property located west of U.S. Highway One, east of State Road 407, north of Kings Highway, and south of Shepherd Drive/Perimeter Road as shown on the map of proposed land use and zoning prepared on behalf of Flagler Development.

It was noted that the Planning and Zoning Commission unanimously recommended approval. Member Ward seconded the motion. The roll call was:

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

The motion carried.

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Next, City Manager Harmer indicated that the Planning and Zoning Commission, acting as the Local Planning Agency, unanimously recommended approval for Ordinance No. 27-2002. Member Broome moved to adopt Ordinance No. 27-2002 amending the Land Development Regulations by renaming references to principal, major and minor collectors and arterials; clarifying the small scale comprehensive plan amendment process; and adding a new section relative to urban sprawl. Member Ward seconded the motion. The roll call was:

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

square feet of living area each. It was mentioned that the applicant agreed to provide the required compensatory storage as indicated by the Water Resources Department. The applicant also agreed not to subdivide any parcel without making adequate provisions for frontage or marginal roads.

Mayor Swank opened the public hearing. No one wished to speak. Mayor Swank closed the public hearing. The Planning and Zoning Commission recommended approval with conditions noted by staff. Ordinance No. 27-2002 renamed reference to arterial streets to collectors; accordingly Knox McRae Drive was no longer an arterial but a collector, thus negating the condition for shared access for Parcels B and C.

Member Eigenmann moved to adopt Ordinance No. 29-2002 with conditions: both parcels have a minimum of 1,800 square feet of living area; and (2) provision of adequate compensatory storage as required by Water Resources. Member Ward seconded. The roll call was:

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

The motion carried.

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Petitions and Requests from the Public Present Ms. Nelly Strickland stated that council should consider their actions when reviewing new proposal along the riverfront. She stated “bigger was not always better” when dealing with limited resources.

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Boards and Commissions Titusville Environmental Commission - authorize request for leave of absence for Member Alex Chamberlain. Vice-Mayor Rainey moved to authorize leave of absence for Alex Chamberlain. Member Broome seconded. The motion carried unanimously. It was announced that an alternate member vacancy remained on this board.

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Student Advisory Council - request for funding to participate in Florida League of Cities Annual Conference in Boca Raton, August 16, 2002. Member Broome asked if the funds were available in the City Council’s travel and training account. Discussion took place regarding the funding source. Vice-Mayor Rainey stated that he would donate \$100 to offset the amount from council’s travel and training account. Member Eigenmann asked if an individual or a private company could give donations to the Student Advisory Council. He reiterated comments made by Vice-Mayor Rainey and noted that he would donate \$100. Attorney Severs indicated that it was fine to accept donations to offset the cost.

Member Eigenmann moved to authorize expenses up to \$500 with funds available in council's travel and training account; however, the amount would be offset by any private donations. Vice-Mayor Rainey seconded the motion. The motion carried unanimously.

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Mayor and Council Report Mayor Swank provided a written report on his activities since the last meeting. He also announced TEAM Titusville beautification project on June 15, 2002.

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City Manager's Report City Manager Harmer mentioned letters of appreciation were received for the following employees: Bill Amos, Doug Massey, Chuck Bogle, Walt Johnson, Dwight Severs, and Karen Barber. Advised that annual financial disclosure filings were due by July 1, 2002. Announced that Community Enrichment department was renamed to Community Development. He highlighted the Flag Day Celebration scheduled on June 14, 2002 at Sand Point Park, at 9:00 a.m. Announced downtown street party on June 28, 2002 sponsored by Titusville Area Chamber of Commerce. Advised receipt of Emergency Management Preparedness grant for \$47,138 to purchase digital players, recorders, cameras, and broadcast switcher. Finally, he announced the July 11, 2002 meeting with Florida Department of Transportation to receive public comment on planned resurfacing of Garden Street.

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City Attorney's Report Attorney Severs reported on status of ongoing litigation involving The Great Outdoors. Trial was tentatively scheduled for October 2002. Advised that recently enacted changes to growth management act provided for a representative of the school board to participate on the local planning agency in matters involving zoning and density. This representation could be voting or non-voting.

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The meeting adjourned at 9:30 p.m.

Ronald G. Swank, Mayor

ATTEST:

Karan J. Rounsavall, City Clerk