

City Council
Regular Meeting
July 23, 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, July 23, 2002 beginning at 6:30 p.m.

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Present were Mayor Ron Swank, Vice-Mayor Jeff Rainey, and Council Member Ken Ward. Council Members Chris Broome and Conrad Eigenmann were excused. Also in attendance were City Manager Tom Harmer, City Attorney Dwight Severs, and Recording Secretary Judy Renaud.

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Mayor Swank called the meeting to order and asked the audience to observe a moment of silence. The entire assembly recited the Pledge of Allegiance to the Flag.

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The first matter of business was the approval of minutes for the regular meeting of July 9, 2002. Vice-Mayor Rainey moved to approve the minutes as submitted. Member Ward seconded the motion. Mayor Swank, under the Mayor and Council Reports, inserted the word *unanimously* to the following sentence... “of the Space Coast League of Cities (SCLC) which *unanimously* agreed to send a letter of concern to the County Commissioners asking for delayed implementation.”

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Mayor Swank recognized students in the audience who were enrolled in Brevard Community College’s State and Local Government Class.

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Special Recognitions Lt. Scott Gaenicke, Firefighter/EMT with Fire and Emergency Services - Operations, presented an overview on the duties and responsibilities of his division.

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Presentations Tom Mariani, the City’s representative on the Brevard Water Supply Board, announced his resignation from the Board as he was moving out of the area. He discussed a proposed County ordinance creating a special water and sewer district within the unincorporated area of Brevard County. A workshop meeting with the County was scheduled for August 19, 2002 in Viera. He encouraged Council to appoint a new member before the scheduled workshop meeting to represent the City. Due to the seriousness of the meeting and the need to appoint a representative with historical knowledge, he suggested Council consider the appointment of Linwood “Woody” Rice, a former council member and a licensed engineer.

In order to provide adequate time to advertise the vacancy, Council deferred the appointment to the August 13, 2002 meeting. Mayor Swank and the Council Members thanked Mr. Mariani for his leadership and service over the past 25 years to our community.

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The next item was an update on crime prevention efforts by Police Commander Melvin Williams that dealt with a recent series of bank robberies and automobile thefts. He highlighted training for the business community, creation of a proactive tactical unit targeting local offenders with active warrants, etc. Arrests were made in five of the six recent bank robberies occurring in Titusville. In addition, the police increased surveillance as one method to address the automobile thefts.

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Economic Development Director Walt Johnson presented an update and discussed the recent ground breaking for the American Police Hall of Fame. He presented framed certificates of appreciation to individuals who participated in the economic development effort that resulted in this business coming to Titusville. He distributed and commented on the recently published Economic Development Guide. Also, Marcia Gaedcke, representing the Titusville Area Chamber of Commerce, distributed and commented on the publication of the *Images of Titusville* magazine.

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Consent Agenda Mayor Swank commented that item E, Preliminary plat review for Rio Del Sol, a patio-home subdivision located on the east side of U. S. Highway One across from Coquina Avenue, was deferred to the July 30, 2002, special meeting. Member Ward moved to approve items A, B, C, D, and F as recommended.

- A. Waive bid process and approve purchase of two grapppler trucks currently being rented from Trucks & Parts of Tampa for \$166,000 with funds available in the Solid Waste Working Capital Fund. Fifty percent of the rental costs for a four-month period (\$16,000) were applied to the purchase price. Recommendation: Waive bid process and approve purchase as recommended.
- B. Accept Urban and Community Forestry Grant in the amount of \$2,000 for a tree pruning course and authorize associated budget amendment. Recommendation: Accept grant and authorize budget amendment to recognize receipt of grant funds.
- C. Adopt Resolution No. 24-2002 of advisability to vacate a portion of Satterfield Road lying between Hickory Woods and The Sanctuary Subdivisions as requested by John Evans. Recommendation: Adopt Resolution No. 24-2002 and set public hearing date of August 13, 2002.
- D. Adopt Resolution No. 25-2002 requesting assistance from the Florida Forever Program of the Florida Communities Trust for acquisition of land for a downtown stormwater park. Recommendation: Adopt Resolution No. 25-2002 authorizing application to Forever Florida Program to reimburse the Community Redevelopment Agency (CRA) for land acquired for

the downtown stormwater park from the YMCA, to acquire land from Cianfrogna and Associates to expand the park to the south, and to acquire land from the City, on behalf of the CRA, to expand the park to the west.

- F. Award proposal for real estate brokerage services for sale of surplus properties to Kenyon-Hull Realty for an estimated annual amount of \$20,000. Recommendation: Award as recommended. Commission fees to be paid out of sales proceeds.

Vice-Mayor Rainey seconded the motion and the roll call was:

Mayor Swank	yes
Vice-Mayor Rainey	yes
Member Ward	yes

The motion carried.

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Petitions and Requests from the Public Present Nelly Strickland commended Commander Williams and the Police Department for the recent crime prevention efforts. She questioned the value of a separate economic development department when other municipalities in Brevard County found it sufficient to rely upon the county's Economic Development Commission of Florida's Space Coast (EDC) for this purpose. She believed that the speaker timing system in the Council Chamber was inaccurate; thus, she brought her own timer. She also suggested that the Mayor mind his manners when addressing the public.

City Manager Harmer mentioned that there were other municipalities in Brevard County that staffed an economic development division while also belonging to the EDC. Often the recruitment of new business/industry to the area required cooperative efforts among agencies.

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Joan Wheeler referred to her comments at the July 9th meeting with regard to the ordinance allowing the outdoor display of merchandise and signage in the downtown area. A subsequent speaker called her remarks "poppycock." She did not think that businesses outside the downtown area would share that assessment. She asked about the status of the Marina Park proposal, inquired as to the delay on this project, and asked what kind of a parking lot would be built. Ms. Wheeler informed Council that she was waiting for a response to her two memorandums sent the previous week on minutes. As to the proposed budget, she hoped that Council would look after the little people this year.

Mayor Swank noted that Council's only formal action to date on Marina Park was to remove five acres from the maintenance agreement with Brevard County. He did not know, at this time, the type of parking lot that would be constructed.

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Ordinances-First Reading Attorney Severs read the following: ORDINANCE NO. 33-2002, 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 REFERENCE BY CHANGING PROPERTY LOCATED AT 2005 SOUTH DELEON AVENUE FROM ITS PRESENT OPEN SPACE AND RECREATION (OR) AND GENERAL USE (GU) CLASSIFICATIONS TO OPEN SPACE AND RECREATION (OR) AND MULTI-FAMILY MEDIUM DENSITY RESIDENTIAL (R-2) CLASSIFICATIONS; AND PROVIDING FOR AN EFFECTIVE DATE and.

ORDINANCE NO. 34-2002, 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 REFERENCE BY CHANGING PROPERTY LOCATED AT 208 AND 214 PARKER DRIVE FROM ITS PRESENT SINGLE FAMILY HIGH DENSITY RESIDENTIAL (R-1C) CLASSIFICATION TO MULTI-FAMILY HIGH DENSITY RESIDENTIAL (R-3) CLASSIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE the first time by title only.

The second readings and public hearings were scheduled for August 13, 2002.

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The meeting recessed at 7:24 p.m. and reconvened at 7:31 p.m.

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Ordinances-Second Reading, Public Hearings and Related Action As Ordinance Nos. 31-2002 and 32-2002, and Conditional Use Permit No. 4-2002 were inter-related, the public hearings would be open for all three simultaneously.

Attorney Severs read ORDINANCE NO. 31-2002, 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 BY CHANGING THE LAND USE DESIGNATION AND BY CHANGING THE FUTURE LAND USE MAP TO INCLUDE CERTAIN PROPERTY AT 1540 NORTH SINGLETON AVENUE LOCATED NORTH OF DAIRY ROAD TO BE ANEXED INTO THE CITY LIMITS OF THE CITY OF TITUSVILLE, FLORIDA AND DESIGNATING COMMERCIAL LOW INTENSITY LAND USE FOR SAID PROPERTY; AND PROVIDING FOR AN EFFECTIVE DATE. and

ORDINANCE NO. 32-2002, 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 1540 NORTH SINGLETON AVENUE LOCATED NORTH OF DAIRY ROAD TO BE INCLUDED WITHIN THE CITY LIMITS; DESIGNATING LAND USE CLASSIFICATION; PROVIDING ZONING CATEGORY; AND PROVIDING FOR AN EFFECTIVE DATE the second time by title only.

City Manager Harmer reported that the applicant proposed to annex 1.406 acres at 1540 North Singleton Avenue with Commercial Low Intensity land use and Neighborhood Commercial (NC) zoning. The site was contiguous to the City of Titusville and part of an existing enclave. The proposed annexation and the designation of land use and zoning qualifies for the expedited Small Scale Comprehensive Plan Amendment process. The process could be used for properties

less than 10 acres with a maximum cumulative annual acreage of 120 acres. Staff recommended approval of the annexation with Commercial Low Intensity land use and Neighborhood Commercial zoning. The Planning and Zoning Commission/Local Planning Agency reviewed the Small Scale Comprehensive Plan Amendment and Annexation for 1540 North Singleton Avenue on July 3, 2002 and recommended approval by a vote of (6) yes and (0) no.

The next item was a request for the approval of Conditional Use Permit No. (CUP) 4-2002, for a stand-alone Dominos Pizza drive-thru restaurant at 1540 North Singleton Avenue that would be open seven days a week. The specifics were as follows: 1. Total building area was 1,250 square feet; 2. Fourteen (14) parking spaces plus one (1) handicap space; 3. Between 10-20 employees; 4. Open between 11 a.m. and 11 p.m. each day of the week. The CUP was for .506 acres leaving the remaining .904 acres vacant to the north. Staff recommended approval subject to the applicant meeting the following conditions: 1. Applicant shall be required to meet all criteria/conditions noted within Section E-1 of the report (Section 47-119 Conditional Use Criteria). 2. The project shall be required to proceed through the Site Plan Review process for approval. 3. This property was located in the Area of Critical Concern for the north wellfield. Therefore, development must be in accordance with Section 35-61 of the *Land Development Regulations*. The Planning and Zoning Commission reviewed Conditional Use Permit No. 4-2002 on July 3, 2002 and recommended approval with conditions by a vote of (6) yes and (0) no.

Mayor Swank opened the public hearing for Ordinance Nos. 31-2002 and 32-2002, and Conditional Use Permit No. 4-2002.

Jake Wise, representing the applicant, advised that the applicant agreed to adhere to all conditions.

As no one else wished to speak, Mayor Swank closed the public hearings.

Vice-Mayor Rainey moved to approve Ordinance No. 31-2002 as submitted and the roll call was:

Vice-Mayor Rainey	yes
Member Ward	yes
Mayor Swank	yes

The motion carried.

Vice-Mayor Rainey moved to approve Ordinance No. 32-2002 as submitted and the roll call was:

Member Ward	yes
Mayor Swank	yes
Vice-Mayor Rainey	yes

The motion carried.

Vice-Mayor Rainey moved to approve Conditional Use Permit No. 4-2002 with the stated conditions and the roll call was:

Mayor Swank	yes
Vice-Mayor Rainey	yes
Member Ward	yes

The motion carried.

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The next item of business was a request for Conditional Use Permit (CUP) No. 6-2002, for a convenience store with gas pumps and drive-thru restaurant. City Manager Harmer reported that the 2.7 acre site was presently vacant and located at the southeast corner of U. S. Highway One and Buffalo Road. The specifics of this request were as follows: 1. Total building area 5,900 square feet; 2. The convenience store would occupy approximately 3,500+ square feet of this structure; 3. Gas pumps (exact number to be determined) covered by a canopy; 4. The restaurant would have a drive-thru window and an area devoted to the restaurant that was approximately 2,400+ square feet of this structure; 5. Thirty (30) parking spaces. Upon approval of the CUP, the project would be required to proceed through the Site Plan Review process for approval. Staff recommended approval with the condition that the applicant be required to meet all criteria/conditions noted within Section E-1 of the report (Section 47-119 Conditional Use Criteria). The Planning and Zoning Commission reviewed Conditional Use Permit No. 4-2002 on July 3, 2002 and recommended approval.

Mayor Swank opened the public hearing. David Pugh, with Honeycutt & Associates and representing the applicant, supported the request and agreed with the conditions.

As no one else wished to speak, Mayor Swank closed the public hearing.

Member Ward moved to approve Conditional Use Permit No. 6-2002 with the stated condition and the roll call was:

Member Ward	yes
Mayor Swank	yes
Vice-Mayor Rainey	yes

The motion carried.

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Resolution No. 26-2002 vacating the northern seventy-five (75) feet of Dummitt Avenue lying approximately 88 feet north of Main Street was presented for consideration. City Manager Harmer advised that the proposed portion of Dummitt Avenue to be vacated was 50 feet wide and approximately 57 feet long as measured from the centerline of the right-of-way. The request to vacate was submitted by the applicant for an entry to his property on Dummitt Avenue. The applicant noted that the paved portion of Dummitt Avenue as well as all curbs and sidewalks ended at the starting point of the requested vacation. It would be necessary to reserve an easement across the full width of the vacated right-of-way to protect the utilities and insure that no buildings were placed over them. Staff recommended approval subject to the following conditions: 1. The applicant shall acquire written approval from both BellSouth and FPL and supply a copy to the City's Planning Department. 2. The applicant shall work with and provide written documentation from Time Warner Communication regarding the wrecking out of the two spans of cable facilities and provide written verification to the Planning Department. 3. It was noted that the City's Water Resource Department was opposed to the vacation of this right-of-way unless an easement was reserved over the full width of the right-of-way to protect the utilities and insure that no building was placed over them. Said Resolution reserved an easement across the vacated right-of-way in its entirety. 4. The City's Public Works Department requested

a survey of the requested vacation as it related to the road pavement and ribbon curb at the north end of Dummitt Avenue. The applicant provided the survey to said Department with a copy to the Planning Department. Senior Planner Woodruff reported that the applicant addressed all four conditions. The Planning and Zoning Commission reviewed Street Vacation No. 1-2002 request on July 3, 2002 and recommended approval by a vote of (6) yes and (0) no.

Mayor Swank opened the public hearing. Mike Boggs, applicant, was available to answer any questions.

As no one else wished to speak, the public hearing was closed.

Vice-Mayor Rainey moved to approve Resolution No. 26-2002 with the stated conditions and the roll call was:

Mayor Swank	yes
Vice-Mayor Rainey	yes
Member Ward	yes

The motion carried.

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New Business The first item for discussion was the replacement of roof at the Harry T. Moore Social Services Center. Due to the heavy rains, Maintenance Services Superintendent Pat Moore advised that the efforts to repair the roof leaks by City crews were unsuccessful. Per roofing specialists, the facility's roof coating had deteriorated beyond repair and was in need of replacement at an estimated cost of \$30,000. Funding was available in the Social Services Renovation-Replacement of Siding on Building project account (\$47,777). The siding replacement had been on hold due to an ongoing evaluation of the needs for the facility.

Vice-Mayor Rainey moved to authorize the replacement of the roof at the Harry T. Moore Social Service Center as recommended with the funding being allocated from the Social Services Renovation-Replacement of Siding on Building project account. Member Ward seconded the motion. The motion carried unanimously.

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City Manager Harmer presented the third update on the Economic Impact Action Plan. He reviewed the status of the action plan and advised that the deferral for the purchase of capital items would continue through the end of the fiscal year. These items would be reconsidered for funding in the proposed budget for Fiscal Year 2002/2003.

Vice-Mayor Rainey moved to continue support of the Economic Impact Action Plan and authorized the City Manager to proceed with the recommendation. Member Ward seconded the motion. The motion carried unanimously.

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City Manager Harmer distributed the proposed Fiscal Year 2002/2003 Budget. He reported there were significant fiscal impacts that included increased premiums for all lines of insurance including health and workers' compensation, the continued economic slowdown, etc. This was a

lean budget especially from the standpoint of capital outlay items. The proposed Budget would be discussed in the upcoming workshops. The proposed Fiscal Year 2002/2003 Budget was balanced using a millage rate increase of three percent over the current year's millage rate. He recommended that Council adopt a tentative millage rate at the maximum allowed by State Law, which equaled ten percent over the rolled-back rate or 5.8504. Also, it was recommended that the first public hearing be held on September 10, 2002 and the second public hearing and adoption of the budget on September 19, 2002.

Member Ward moved to approve the tentative millage rate at 5.8504 mills, representing a ten percent increase over the rolled-back rate. Vice-Mayor Rainey seconded the motion. The motion carried unanimously.

Vice-Mayor Rainey moved to schedule the first public hearing on September 10, 2002 at 6:30 p.m., and the second public hearing and adoption of the Fiscal Year 2002/2003 Budget on September 19, 2002 at 6:30 p.m. Member Ward seconded the motion. The motion carried unanimously.

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Petitions and Requests from the Public Present Walter Pine felt that delaying the July 9th Council meeting for several hours due to a lengthy Community Redevelopment Agency meeting was a violation of a person's civil rights. He asked that Council establish a policy that would prohibit a future delay of more than 30 minutes. Mr. Pine construed Council's lack of action to condemn what he felt was an illegal tape recording of a meeting between he and the Vice-Mayor as it was condoning of the act. He requested that Council condemn civil rights violations occurring on City property and take action to prevent them from occurring.

Thelma Roper cautioned Council that Mr. Pine meant business. Council needed to be concerned and had to pay attention to these matters.

Mayor Swank asked the City Attorney to explain the process for filing a formal complaint. Attorney Severs reported on the process and its limitations when a complaint was filed. Attorney Severs advised Council of the transmission of correspondence related to this issue, specifically a June 27, 2002 letter requesting an informal meeting among staff and Mr. Pine.

Nelly Strickland commented on the Economic Development budget and asked for Walt Johnson's resignation. She mentioned that the City did not need him. For example the City Manager served as the City's representative during meetings on the purchase of the former missile plant. Also, she felt that if an individual was not warned that they were being taped, that a civil rights violation had occurred.

Member Ward stated for the record that he neither condemns, nor condones.

City Manager Harmer commented that the County's Economic Development Commission asked for only one City representative. He felt the City would be better served if he attended the meetings. Further, the Space Coast Development Commission was now directly involved in that effort. It was noted that the City of Cocoa recently hired its own Economic Development person.

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Boards and Commissions Regarding the Board of Adjustments and Appeals (BAA), the terms of regular members Sheldon Brown (public-at-large), Richard Thornburg (public-at-large), and Donald Prather (building trades) as well as Catherine Downs, alternate member, expired at the end of the month. All of the regular members requested reappointment and alternate member Catherine Downs declined reappointment.

Vice-Mayor Rainey moved to reappoint the above-mentioned regular members to the Board of Adjustments for a two-year term. Member Ward seconded the motion. The motion carried unanimously.

A letter of appreciation was to be sent to Catherine Downs for her service on the BAA.

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

Vice-Mayor Rainey commended Attorney Severs for his protection of the City.

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City Manager Report City Council acknowledged receipt of the Manager's written report. He highlighted the following items.

Provided information on the status of negotiations with the various unions and asked Council's approval to schedule an Executive Session. Discussion ensued regarding the availability of Council Members. Council agreed to schedule an Executive Session for August 1, 2002, at 5:30 p.m. The City Manager would coordinate with the other Council Members.

The City Manager acknowledged the following employees who received letters of appreciation: Fire and Emergency Services-Diane Parker, Jackie Elmore and Wanda Park; Economic Development-Walt Johnson; Utility Billing Division-Debra Morey.

He advised that the City voluntarily withdrew from the 1998 Florida Recreation Development Assistance Program (FRDAP) grant to construct a lower level pier.

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The meeting adjourned at 8:27 p.m.

Ronald G. Swank, Mayor

ATTEST:

Karan J. Rounsavall, City Clerk