

City Council
Regular Meeting
January 28, 2003

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, January 28, 2003 beginning at 6:30 p.m.

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Present were Mayor Ron Swank and Council Members Ken Ward and Conrad Eigenmann. Also in attendance were City Manager Tom Harmer, City Attorney Dwight Severs, and City Clerk Karan Rounsavall. Vice-Mayor Jeff Rainey and Council Member Chris Broome were absent due to work commitments.

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Mayor Swank called the meeting to order and invited Dori Valley, Associate Pastor of Hope Community Fellowship, 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 January 14, 2003 and special meeting January 21, 2003. Member Eigenmann moved to approve the minutes as submitted. Member Ward seconded the motion and it carried unanimously.

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Special Recognitions Mayor Swank presented a proclamation declaring February 1, 2003 as "*Crossing Guard Appreciation Day*." Several of Titusville's crossing guards were present in the audience to accept the proclamation. Interim Police Chief Tony Bollinger commended the important work done by the City's crossing guards who were entrusted with the safety of school children during their commute to area schools.

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Presentations The first item was the semi-annual update for the North Brevard Hospital District Board presented by Member Jerry Noffel and George Mikitarian, President of Parrish Medical Center. Their presentation highlighted activities since the opening of the new facility.

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At this time council heard from Cheryl Page and Chuck Nelson, both of the North Brevard Parks and Recreation Department, seeking council's authorization to proceed with two referendum projects. Both projects already received approval from the North Brevard Parks and Recreation Commission. Mrs. Page discussed improvements to playground equipment at Sand Point Park at a cost of \$98,000. The playground would be installed prior to other major improvements at the park.

Mr. Nelson reviewed conceptual plans for the Veterans Memorial Pier which included a concession area. The plan had gone through numerous committee reviews and revisions. Council heard from Walter Pine on the plans for the pier. He hoped that citizen input was still welcomed and suggested a workshop opportunity.

Member Ward moved to approve the plans for playground improvements at Sand Point Park and conceptual plan for Veterans Memorial Pier. Member Eigenmann seconded the motion and it carried unanimously.

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City Manager Harmer introduced Ben Jefferies, the developer of Willow Creek, a commercial and residential development on both sides of Grissom Parkway south of Perimeter Road. Mr. Jefferies expressed excitement about the opportunity to work in Titusville. He was moving forward with the commercial development and concurrently designing the master plan for the balance of the property. The environmentally sensitive nature of the lands was a key design element. He provided a conceptual plan of the development along with illustrations of previous developments in South Brevard.

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Woody Rice, Chairman of the Impact Fee Review Committee, presented the committee's findings and recommendations. Its report was thorough and well documented and included an analysis of projects that might qualify for impact fee funding, survey of property owners and builders, residential permit history and valuation, etc. The committee recommended the reinstatement of residential impact fees as of October 1, 2003, annual updates to the Five-Year Capital Improvement Plan, annual service level reviews, etc. While there was no recommendation to reinstate commercial or industrial fees at this time, it was felt that an annual review was appropriate. It was most important that impact fees be fair and based upon true impact from development activity. Mr. Rice concluded his report by commending the outstanding work of staff, particularly Community Development Director Roy Crawford and Management Assistant Karen Barber.

Member Eigenmann moved to accept the report and discuss it in greater detail at council's regular meeting on February 25th. Member Ward seconded the motion and it carried unanimously.

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Consent Agenda Member Eigenmann moved to approve all consent items in accordance with the following recommendations:

A. Agreement for funding improvements to 305 South Washington Avenue in the amount of \$20,000 through the Community Development Block Grant (CDBG) program and budget amendment to CDBG Action Plan by reallocating funds for Downtown Facade Improvement Program (specifically \$9,489.81 from Demolition Program, \$8,956.27 from CDBG Contingency, and \$1,553.92 from Street Construction Fund.) Recommendation: Authorize execution of agreement and approve amendment to CDBG Action Plan.

B. Preliminary plat for Sterling Forest, a patio home development, located at the northeast corner of Sisson Road and Little League Lane. Recommendation: The Planning and Zoning

Commission recommended approval with conditions noted in Planning staff's January 10, 2003 letter.

C. Preliminary plat for Willow Creek, a commercial subdivision located on both sides of Grissom Parkway south of Perimeter Road. Recommendation: The Planning and Zoning Commission recommended approval with conditions noted in Planning staff's January 16, 2003 letter.

D. Award Bid No. 03-B-007 for repair of 14,157 lineal feet of sidewalks throughout the City to Met-Con, Inc. of Cocoa at an annual cost not to exceed \$49,080 with funding available in the Roads and Streets Capital Projects account. Recommendation: Award bid as noted.

E. Deed restrictions for Village Woods of La Cita, Phases Two and Three. Recommendation: Approve deed restrictions as presented.

Member Ward seconded the motion and roll call was:

Mayor Swank	yes
Member Ward	yes
Member Eigenmann	yes

The motion carried.

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The meeting recessed at 7:42 and reconvened at 7:55 p.m.

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Due to the overwhelming number of people present for the proposed annexation of 5555 Windover Way and potential safety issues associated with such a crowd, Member Ward moved to change the agenda in order to consider Ordinance No. 8-2003 as the next item. Member Eigenmann seconded the motion and it carried unanimously.

Ordinance No. 8-2003 annexed property at 5555 Windover Way with commercial low intensity land use and office professional (OP) zoning as requested by Alex Sokolik (Small Scale Amendment No. 4-2003). The Planning and Zoning Commission recommended denial on a four/three vote.

Attorney Severs read ORDINANCE NO. 8-2003 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 5555 WINDOVER WAY 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.

For the record, City Manager Harmer provided comments received earlier in the day from Brevard County. It was suggested that the City consider the potential traffic and land use impacts that non-residential development might have on adjacent residential neighborhoods and recommended a series of buffers and ingress/egress stipulations.

Planning Administrator Keith Cunningham provided the staff recommendation of approval with conditions, namely a 50-foot buffer along Windover Way and a 25-foot buffer along the south lot line; access only from State Road 405; and maximum building size not to exceed 5,000 square feet. Mr. Cunningham went on to provide a history of zoning activity in the area.

Mayor Swank opened the public hearing. Bob Kirk spoke in favor stating that the requested annexation and land use/zoning met all applicable criteria of the City's Comprehensive Plan. State Road 405 was a major arterial. Alex Sokolik also spoke in favor. The proposal was for low-intensity commercial land use with office professional zoning. This was a compatible use to the surrounding residential and would serve as a buffer. The subject property fronted on Columbia Boulevard and construction of an office building for seven employees would not decrease the level of service on this roadway. He agreed with Mr. Kirk that the request met all criteria for approval.

Rosalie Foster spoke of plans to relocate her government consulting business to this property. The site was chosen for its beauty and location. The naturalness of the site would be maintained, including the existing landscape. Construction would be on the eastern side of the property with access from State Road 405. The building would not be visible from Windover Way.

Numerous individuals signed up to speak in opposition. First was Ina Brown, who owned an adjacent vacant lot. She felt that construction of an office building would diminish surrounding property values. Ms. Brown also questioned the number of employees that could potentially work in an office building of 5,000 square feet. There was also the issue of noise, additional vehicles, night workers, and dumpsters. She asked that council deny the request.

Pat Barnes opposed the request. As an adjacent property owner, she felt that the land use request would hurt properties in the area.

Connie Milton and Sandra Clinger requested additional time for their collective presentation. Member Eigenmann moved to grant 15 minutes. Member Ward seconded the motion and it carried unanimously. Ms. Milton submitted a petition in opposition to the land use containing over 800 signatures of property owners in the Windover Farms area. There was strong opposition for the following reasons: negative effect on property values, inconsistency with adjacent residential land uses, presence of wetlands, and current residential zoning in Brevard County. This property also bordered the highly wooded entrance to Windover Farms. Because water and sewer was available to the property without the necessity of annexation, they did not understand the compelling need for the property to be within the city. Additionally, a county fire station was located directly across the street. The lack of building height restrictions was also a concern.

Council granted additional time for their presentation. Ms. Clinger suggested that development of this property would create significant changes to traffic patterns, particularly on Windover Way. Was it known whether or not Florida Department of Transportation would grant a curb cut on State Road 405? In addition to the building footprint, substantial property would be required for parking. The subject property contained well-developed forested wetlands. The requested zoning classification was inconsistent with surrounding uses. She urged council to protect the character of the Windover Farms community.

Also speaking in opposition were Robert White, Lynn Parlier, Nathan Price, and Carol Griggs.

Council heard once again from Rosalie Foster and Alex Sokolik. Ms. Foster proposed to build a one-story structure on the high and dry area of the site. She suggested that residential use on this

property would have more of an impact on the neighborhood, particularly since its access would be from Windover Way. Mr. Sokolik pointed out that there were no occupied homes contiguous to this parcel. In his professional opinion as an environmental consultant, he saw no evidence of indigo snakes or wetlands on the property.

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

Member Ward asked whether or not the neighborhood would oppose development of any time. Ina Brown, an adjacent property owner, responded that they would not oppose single-family residential development; commercial use was the issue.

Attorney Severs advised that the issue of land use and annexation was not subject to quasi-judicial rules of procedure; only the matter of zoning designation.

Member Eigenmann suggested that Windover residents examine both the city's and county's comprehensive plans. The future was slowing encompassing this community and it was becoming its own enclave. State Road 405 was developing in a commercial fashion as was contemplated in the comprehensive plan. The City of Titusville had no plans to annex Windover.

Mayor Swank also advised the residents that there were no plans to annex their neighborhood.

Veronica Clifford wondered whether this property was set aside as open space in the county's comprehensive plan. She advised that the original developer of Windover deeded several parcels to the homeowners association in the past.

Member Eigenmann moved for denial. Member Ward seconded the motion for discussion. He felt that office-professional zoning was appropriate for this property and that the neighborhood should identify what it really wanted to preserve. Mayor Swank commented on the beautiful entrance to the Windover neighborhood along this roadway. He suggested that residents work with the owners to see if some resolution could be achieved.

Roll call on the motion to deny was:

Member Ward	yes
Member Eigenmann	yes
Mayor Swank	yes

The motion carried.

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The meeting recessed at 9:48 and reconvened at 10:01 p.m.

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Petitions and Requests from the Public Present Molly Farace commented on the conceptual plan for the Veterans Memorial Pier that was presented earlier in the meeting by the Parks and Recreation Department. She was disturbed that the plan did not illustrate a site for the American Flag or the Gold Star Mothers' plaque. She also questioned the status of the Walker Bridge Memorial plaque that used to be at the end of the pier. The city manager was directed to investigate.

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Susan Canada, Walter Pine, Thelma Roper, Bea Polk, and Joan Wheeler questioned the status of the Vector Works proposal for Marina Park and reiterated discussions from the January 14, 2003 Brevard County Commission meeting. It was also mentioned that Vector Works' occupational license was delinquent. They asked for a copy of Vector Works' written proposal for use of property at Marina Park if it existed. City Manager Harmer read a letter to Vector Works dated January 28, 2003 requesting a written proposal which addressed details relating to parking and retention at Vector Works. Mrs. Wheeler also commented briefly on the impact fee review committee's report and encouraged council to read the important parts.

It was 10:30 p.m. Member Eigenmann moved to extend the meeting for 30 minutes. Member Ward seconded the motion and it carried unanimously.

Council members took exception to statements that there meetings being held behind the scenes. It had not received a written proposal from Vector Works. The final decision on any Vector Works proposal was left up to council.

City Manager Harmer corrected a remark made by Ms. Wheeler relative to impact fees; he did not serve on the board of directors for the Titusville Area Chamber of Commerce.

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A large number of people remained in the audience with interest in Ordinance No. 6-2003 annexing property between the Highlands and Cathedral Pines Subdivisions with residential land use and single-family residential (R-1b) zoning. Due to the late hour, council agreed to consider this item next.

Attorney Severs read ORDINANCE NO. 6-2003 OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING SECTION 7 OF CHAPTER 63-2001, LAWS OF FLORIDA, SPECIAL ACTS OF 1963 BY ANNEXING CERTAIN PROPERTY GENERALLY LOCATED WEST OF THE HIGHLANDS SUBDIVISION AND EAST OF THE CATHEDRAL PINES SUBDIVISION 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.

The Planning and Zoning Commission recommended approval with conditions.

Mayor Swank opened the public hearing. Bob Kirk spoke in favor. He wished to annex the subject enclave with single-family medium density residential (R-1b) zoning which was identical to the zoning districts in the adjacent subdivisions. He wanted to gain access to the land-locked parcel through a platted lot in the Highlands Subdivision (i.e. Lot 15).

Speaking in opposition were Tina See, William Rushton, Richard Crum, Ernest Troutman, and Shawn Ketelaar. Residents were not necessarily opposed to annexation but did object to access through a platted lot in their subdivision. Additional traffic and speeding hazards were serious concerns as was the safety of small children in their neighborhood. Mr. Rushton presented a petition signed by 98 residents of the Highlands Subdivision. There was no benefit to the Highlands Subdivision to allow the access. It was suggested that the owner donate the property to the homeowners association for a park.

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

It was 11:09 p.m. Member Ward moved to extend the meeting until 11:30 p.m. Member Eigenmann seconded the motion and it carried unanimously.

Mayor Swank had no objection to annexing the property, particularly since it would eliminate an enclave but he could not go along with allowing access through a lot in the Highlands Subdivision.

Mayor Swank passed the gavel to Member Eigenmann and asked Mr. Kirk whether or not he would be interested in proceeding with the annexation without the guarantee of access through the Highlands Subdivision. Mr. Kirk stated that he was not interested. Mayor Swank moved to deny Ordinance No. 6-2003. Member Ward seconded the motion and roll call was:

Member Eigenmann	yes
Mayor Swank	yes
Member Ward	yes

The motion carried. The gavel was returned to the mayor.

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Ordinances – First Reading Attorney Severs read ORDINANCE NO. 11-2003 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 AT THE NORTHWEST CORNER OF SOUTH STREET (STATE ROAD 405) AND SINGLETON AVENUE FROM ITS PRESENT GENERAL USE (GU) CLASSIFICATION TO RURAL RESIDENTIAL (RR) CLASSIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE the first time by title only.

Second reading and public hearing was scheduled for February 11, 2003.

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Member Ward moved to table all unfinished business on the January 28th agenda to a special meeting on February 4, 2003. Member Eigenmann seconded the motion and it carried on an all yes vote.

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The meeting adjourned at 11:25 p.m.

Ronald G. Swank, Mayor

ATTEST:

Karan J. Rounsavall, City Clerk