

City Council
Regular Meeting
February 11, 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, February 11, 2003.

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Present were Mayor Ron Swank, Vice-Mayor Jeff Rainey, Council Members Chris Broome, Ken Ward and Conrad Eigenmann. Also in attendance were City Manager Tom Harmer, City Attorney Dwight Severs, and Assistant City Clerk Wanda Wells.

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Mayor Swank called the meeting to order at 6:35 p.m. Reverend Dale Aubrey, pastor of First Church of the Nazarene was present for 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 28, 2003. Vice-Mayor Rainey moved to approve the minutes as submitted. Member Broome seconded the motion and it carried unanimously.

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Special Recognitions Gil Carlson of North Brevard Funeral Home presented a framed photograph of Columbia STS-107 Astronauts to the city. He also announced guest books for the families of the astronauts would be available for signature in the City Clerk's Office located at City Hall. Mayor Swank accepted the framed photograph on behalf of the city. He also suggested loaning the framed photograph of Columbia STS-107 Astronauts to the Flag and Memorial Committee, which would display the photograph in the Space Walk of Fame Museum located at Miracle City Mall. Vice-Mayor Rainey moved to loan the framed photograph to the Flag and Memorial Committee as stated. Member Ward seconded the motion and it carried unanimously.

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Building Inspector Carl Jones overviewed the operations of the Building Department and highlighted permits for new constructions, responding to citizen complaints, and growth impact. Mr. Jones also expressed appreciation to Permit Record Clerk Cindy Wilson for working with their department on permit requests, etc. The month of January report was submitted to council for their review, which highlighted new residential buildings, new commercial buildings, miscellaneous constructions, demolitions, and inspections.

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Presentations The first item was the semi-annual update for the North Brevard Library District Board. Chairman Linda Haas gave the semi-annual update and highlighted upcoming events.

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Economic Development Specialist Karen Steil gave an update on economic development. She commented on negative newspaper articles being written due to the Space Shuttle Columbia tragedy and felt as though the impact on the city would not be known until the shuttle took flight once again. Ms. Steil also reported on Team Titusville, which would hold a neighborhood cleanup day on February 15th. Marcia Gaedcke, President of the Titusville Area Chamber of Commerce, reported on project for Team Titusville “Beautification Challenge” in which any business, private residence, homeowners association, or civic group in North Brevard could enter into the following four categories in order to receive an award: New or Maintained Landscaping, New Construction or Additions, Exterior or Interior Renovation Projects, and General Property Clean-up. The judging would take place on February 21st and the winner would be announced at the March 1st Business Expo at Miracle City Mall.

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

- A. Resolution No. 3–2003 authorizing execution of interlocal agreement with Florida Department of Transportation and Florida East Coast Railroad relating to State Road 50 railroad crossing safety improvements. Recommendation: Adopt resolution and authorize execution of interlocal agreement with Florida Department of Transportation and Florida East Coast Railroad.
- B. Award bid for security enhancements at the Police Department. Recommendation: Award the design and installation of the Security System to Sonitrol of Florida East Coast, Cocoa, Florida for an estimated cost of \$62,638 and an annual maintenance cost of \$1,740. Funds in the amount of \$118,277.62 available in Public Safety Referendum Police Building Renovation Project account.
- C. Accept the donation of two vehicles for use at the police department: 1991 Mercury station wagon from the Police Athletic League and 2000 GMC truck from the Penske Truck Leasing Company. Recommendation: Accept donation of two vehicles for the police department with sufficient funds available in the current budget for the cost of the additional maintenance.
- D. Advisability to proceed with street name changes in Whispering Pines Mobile Home Park and schedule public hearing for March 11, 2003. Recommendation: Approve advisability to proceed. Planning and Zoning Commission meeting was scheduled on March 5th and City Council meeting was scheduled on March 11th.
- E. Approval of preliminary plat for Hickory Creek, a single-family subdivision located north of State Road 50 at the western end of Dorothy Lane. Recommendation: Approve preliminary

plat subject to the applicant addressing all the items noted in the January 29, 2003 subdivision review letter from Randy Woodruff, Acting Development Supervisor.

Member Eigenmann seconded the motion and roll call was:

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

The motion carried.

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Petitions and Requests from the Public Present W.C. Duke expressed concern of no facility being available for skateboarders and BMX bike riders and recommended building such a facility.

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Ordinances-First Reading Attorney Severs read ORDINANCE NO. 12-2003 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 LOCATED ON IONA STREET WEST OF 600 ORA DELL AVENUE FROM ITS PRESENT RURAL RESIDENTIAL (RR) CLASSIFICATION TO SINGLE FAMILY MEDIUM DENSITY RESIDENTIAL (R-1B) CLASSIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE the first time by title only.

The second reading and public hearing was scheduled for February 25, 2003.

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Ordinances-Second Reading, Public Hearings & Related Action Member Ken Ward stated he would abstain from voting on Ordinance No. 11-2003 and Resolution No. 2-2003 as his firm was the engineer for both projects.

Attorney Severs read ORDINANCE NO. 11-2003 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 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 second time by title only.

City Manager Harmer highlighted the report to council. The applicant was requesting a rezoning from General Use (GU) to Rural Residential (RR). The General Use (GU) District was created to apply to areas where urban services were not presently available. The regulations for this district were intended to retain these lands under this designation pending the proper timing of economical provision of public services and facilities to ensure orderly development. The Rural Residential district (RR) was intended to provide for low-density, large lot development of one-half acre or larger in size. Certain structures and uses that would serve governmental, religious, recreational, and other immediate needs of such areas were permissible as permitted or conditional uses subject to all restrictions necessary to preserve and protect the low density character of this district. At its January 22nd meeting, the Planning and Zoning Commission unanimously recommended approval as presented by staff.

Mayor Swank opened the public hearing. No one wished to speak. The public hearing was closed.

Member Broome moved to approve Ordinance No. 11-2003 as recommended. Vice-Mayor Rainey seconded the motion and the roll call was:

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

The motion carried. Member Ward abstained.

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The final item was Resolution No. 2-2003 vacating the two five-foot public utility easements located between 4665 and 4675 Worth Avenue as requested by Emil John Antoon. At its meeting on January 22nd, the Planning and Zoning Commission unanimously recommended approval.

City Manager Harmer highlighted the report to council. A request was submitted to vacate the public utility easements located on the south lot line of Lot 1, and the north lot line of Lot 2, Block A, Highlands Unit One, Replat as recorded in Plat Book 20, Page 29, Brevard County, Florida. The applicant was requesting the vacation in order to combine lots 1 and 2 and construct a commercial office building on the property.

Mayor Swank opened the public hearing. No one wished to speak. Mayor Swank closed the public hearing. Vice-Mayor Rainey moved to approve Resolution No. 2-2003 as recommended. Member Broome seconded the motion and the roll call was:

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

The motion carried. Member Ward abstained.

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New Business The only item under New Business was presentation by Brevard County representatives on A. Max Brewer Bridge options and recommendations. The action requested was to approve Brevard County's recommended alternative (1C) for replacement of the A. Max Brewer Swing Bridge and, if so approved, authorize letter to be sent to Brevard County in favor of proposed plans to: (1) return ownership and maintenance of A. Max Brewer Bridge and west approach way to Florida Department of Transportation; (2) Preserve and honor the historic status of the bridge with a kiosk west of bridge; (3) Utilize the excess stormwater capacity of the Sandpoint Park retention facility for bridge stormwater runoff; and (4) Utilize the North Relief Bridge for traffic routing during the replacement of the South Relief Bridge.

In March of 2002, Brevard County initiated efforts to replace the antiquated and failing A. Max Brewer Swing Bridge with a new high-rise bridge. Brevard County hired the firm of Reynolds, Smith and Hill to conduct a Project Development & Environment (PD&E) Study of the bridge replacement at the estimated cost of \$500,000. The County and its consulting team diligently tried to accommodate various concerns associated with the design of the replacement bridge.

Brevard County Transportation Engineer John Dennighof and Reynolds, Smith and Hills, Inc. Representative Jeff Bowen gave a presentation on A. Max Brewer highlighting options and recommendations. The consultant initially identified three replacement alternatives and would recommend Alternative (1C) to construct a replacement bridge on the south side of the existing span and provide pedestrian access beneath the main span. The preferred alternative would implement important improvements that would benefit Titusville, Brevard County, Kennedy Space Center, the Merritt Island National Wildlife Refuge, the Canaveral National Seashore, and others.

Frances Riley supported the proposed alternative (1C) of the replacement of A. Max Brewer Bridge.

Thelma Roper expressed concern of allowing property in the area of the A. Max Brewer Bridge to become commercialized and also commented on whether the historical value of the bridge would be maintained.

Richard LeAndro commented on the fishermen that utilize the bridge and suggested a portion of the old bridge be maintained.

Walter Pine suggested maintaining a portion of the bridge and also commented on the proposed bridge being built. He also expressed concern of building the proposed bridge higher and felt additional money should not be spent to demolish the old bridge.

Mayor Swank commented on the existing bridge. Brevard County Transportation Engineer John Denninghof stated the damage to the bridge was accelerating and asked whether council would

like to preserve the pier for the fishermen, which would be an expense. He also stated that if only the center portion of the bridge was demolished that approximately ten years of life would be left on the existing bridge.

Member Ward requested additional information on observation deck for proposed bridge and asked whether the county would continue to maintain the bridge. He did not feel as though the city was in a financial position to pay maintenance costs.

City Attorney Severs advised the city's ownership of roads and right-of-ways stopped at the bridge and also advised council the city had no ownership of any part of the bridge.

Vice-Mayor Rainey moved to approve alternative (1C) for replacement of the A. Max Brewer Swing Bridge preserving as much of the old bridge as possible for historical reasons and authorize letters to be sent to Brevard County in favor of proposed plans. Member Eigenmann seconded the motion. The motion carried unanimously.

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Break at 7:55 p.m. and returned at 8:00 p.m.

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Petitions and Requests from the Public Present W.C. Duke recommended having a three-day jazz festival during Spring and Fall each year one week prior to Orlando's jazz festival. He also suggested contacting Brevard Community College and Orlando Tourism Board in order to receive contact numbers for various musicians.

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

Mayor Swank expressed concern of red light not having a turn signal located at State Road 405 next to Walmart.

Mayor Swank announced Team Titusville neighborhood cleanup day on February 15th.

Mayor Swank announced Brevard City/County Summit would be held at Brevard Community College Cocoa Campus Fine Arts Auditorium on February 21st. An agenda was received and would be available in the City Clerk's Office.

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Mayor Swank moved to invoke Rule 13 to reconsider motion made at the February 4th special meeting not allowing staff to discuss any issues regarding Vectorworks until a formal proposal

was received. Vice-Mayor Rainey seconded the motion. The motion carried four to one with Member Eigenmann opposed.

Council discussed whether all activity should stop until a formal proposal was received. Vice-Mayor Rainey advised formal proposal should be received in approximately two weeks.

Member Ward agreed with previous motion that activity should not continue until final proposal was received, but would like staff to review the proposal and make recommendations to council.

Member Broome expressed concern of using public land for a private business.

Member Eigenmann expressed concern of Vectorworks being discussed for approximately two years. He also stated that he supported Vectorworks as a business, but was concerned about many issues. Member Eigenmann would like for Mr. Gray to make a presentation to council to answer questions and concerns and felt like his previous motion was not unfair. He also suggested council review the proposal prior to any action being taken by staff to determine whether it was a reasonable request.

Mayor Swank also agreed the process was being drawn out and expressed concern that staff was unable to discuss or address any issues with the county due to motion made at the February 4th meeting.

Member Ward commented on the different reasons for the delay in the process of receiving a proposal from Vectorworks. He also supported no activity with Vectorworks until staff reviewed the proposal and made recommendations to council.

Member Eigenmann commented that he did not feel as though waiting two weeks to receive the proposal would harm any development of the project and requested council's support on the original motion made at the February 4th meeting. Discussion ensued.

Member Eigenmann moved to clarify the original motion made at the February 4th city council meeting, which was to not allow staff to discuss any issues with Vectorworks until a formal proposal was received. He modified the motion to allow staff to discuss issues regarding Vectorworks with the County until the final proposal was received. All other activity would not be allowed. Vice-Mayor Rainey seconded the motion with discussion.

Council discussed the motion and Member Eigenmann withdrew his modified motion and requested the original motion be brought back on the floor, which was to not allow staff to discuss any issues regarding Vectorworks until a formal proposal was received. Member Broome seconded the motion. The motion carried three to two with Mayor Swank and Vice-Mayor Rainey opposed.

Member Ward requested clarification on the motion regarding Vectorworks. It was his understanding that council had just voted upon the modified motion to allow staff discussion with the county. After receiving clarification that this was not the case and that the motion disallowed staff discussion with the county, he moved to reconsider his vote. Vice-Mayor

Rainey seconded the motion. The motion to reconsider Member Ward's vote carried three to two with Members Eigenmann and Broome opposed.

Member Eigenmann was concerned that the motion to not allow staff to discuss any issues regarding Vectorworks until a formal proposal was received would fail with Member Ward changing his vote. Member Eigenmann moved to clarify his motion by reintroducing the modified motion to allow staff to discuss issues regarding Vectorworks with the County until the final proposal was received. Any other activity would not be allowed. Member Ward seconded the motion. The motion carried four to one with Member Broome opposed.

Mayor Swank advised three city council's requests to be heard cards were received for discussion on Vectorworks. No action was taken.

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Vice-Mayor Rainey commented on phone calls received regarding Space Shuttle Columbia tragedy.

Vice-Mayor Rainey recommended staff review the pros and cons of approving an additional homestead exemption for seniors. Council approved.

Member Ward expressed concern of red light not having turn signal located at State Road 405 at Wal-Mart and felt as though panhandling should not be allowed at various intersections.

Members Ward and Broome expressed concern of allowing children to stand in front of Wal-mart, Lowes, etc. requesting money.

Member Broome stated council was committed to the citizens of Titusville.

Member Broome encouraged citizens to become involved with the community.

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

City Manager Harmer read letters of appreciation for the Police Department: Lynn Deardorff, Lauren Tirone, Cleyton Bray, Jeff Watson, Matt Demmon, Adrienne Schultz, Ann Connery, Bob Kelly, Kevin Hickey, Jeff Lutz, Rob Candler, Deadra Andis, Lisa DiLiberto, Will Newman, K9 Bach, Leamon Jackson, Erich Barrett, and Carolina Johnson; Community Development: Suzanne Graham, Terrie Franklin, and Cindy Wilson.

City Manager Harmer requested permission for the team members of the Robotics Club to make a presentation at the February 25th city council meeting. Council approved.

City Manager Harmer advised interlocal agreement for public school facility planning was moved to the February 25th city council meeting.

City Manager Harmer advised future water development and implementation plan presentation was postponed for thirty to sixty days.

City Manager Harmer announced special meetings and upcoming events.

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City Attorney's Report City Attorney Severs advised notice of claim arising out of the shooting at Kentucky Fried Chicken was received.

City Attorney Severs advised council to notify city manager or city clerk when two or members were aware they would be attending a public meeting.

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The meeting adjourned at 8:57 p.m.

Ronald G. Swank, Mayor

ATTEST:

Karan J. Rounsavall, City Clerk