

City Council
Regular Meeting
March 25, 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, March 25, 2003 beginning at 6:30 p.m.

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Present were Vice-Mayor Jeff Rainey, 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. Absent was Mayor Ron Swank.

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Vice-Mayor Rainey called the meeting to order. Reverend Richard Lord of Park Avenue Baptist Church was present 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 March 11, 2003. Member Eigenmann moved to approve the minutes as submitted. Member Ward seconded the motion and it carried unanimously.

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Presentations The first item was Resolution No. 8-2003 declaring April as “Water Conservation Month.” Water Resources Community Programs Coordinator Maureen Phillips presented the resolution and gave a presentation on the toilet retrofit rebate program. Ms. Phillips stated that upon adoption of the resolution, banners would be displayed at city hall and Water Resources. There would also be a display at the local library and kits containing water saving tips would be distributed to utility customers. The toilet retrofit rebate program would be effective April 1, 2003 that would give customers a \$50 rebate on their water bill for the replacement of existing high volume toilets with a limit of \$50 per toilet and two toilets per home. The rebate was not for new construction, room additions, or replacement of an existing ultra low flow toilet (ULF). A grant was received from the St. Johns River Water Management District in the amount of \$5,000 to assist in the program with total funds available in the amount of \$6,250. Member Eigenmann moved to adopt Resolution No. 8-2003 declaring April as “Water Conservation Month.” Member Ward seconded the motion and it carried unanimously.

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Next was the semi-annual report for the Titusville Environmental Commission. Chairman Dean Pettit presented the semi-annual report and submitted the five new initiatives for conceptual approval including the tree board initiative, green building initiative, land preservation initiative,

water conservation initiative, and sea-grass education initiative. No funding was being requested at this time.

Mr. Pettit also commented on a large variety of unique plant and animal species located at Area Well Fields, which were part of a geological feature in Florida known as the Atlantic Coastal Ridge. The extremely rare plants only grew in Titusville near and around the Area Well Fields due to soil characteristics unique to the area and were bounded by State Road 405, State Road 50, Barna Avenue, and Sisson Road. It was brought to the attention of TEC members that routine clearing operations of maintenance for our Area Well Fields caused severe damage to the extremely rare plant species by unknown city workers. TEC would like for the city to implement an educational process to city employees that would eliminate damaging this rare plant. Vice-Mayor Rainey requested the members of TEC to supply city manager with information that would be distributed to the departments that work in the area around the Area Well Fields. Member Ward expressed concern about no funds being available to educate the employees and asked whether TEC would volunteer. Chairman Pettit stated educational information would be gathered to distribute and they would assist in educating the employees.

Member Eigenmann moved to approve the tree board initiative, green building initiative, land preservation initiative, water conservation initiative, and sea-grass education initiative with the understanding that no funds were required at this time. Member Ward seconded with discussion. Member Ward commented on not fully understanding the impact of the initiatives but had no objection to exploring the initiatives. The motion carried unanimously.

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The last item under presentations was the semi-annual report for the Planning and Zoning Commission. Secretary Al Taylor presented the semi-annual report and recognized Member Lorene Shafer who was present in the audience. The report contained conditional use permits, rezonings, subdivision reviews, easement and right-of-way vacations, LDR/code of ordinance amendments, comprehensive plan amendments/annexations; street renaming, area impact reviews, special review items, and design reviews with a total of 44 cases. The members of the Planning and Zoning Commission requested the zoning matrix be brought back to council for discussion. Member Eigenmann recommended discussing the zoning matrix at the special city council meeting on April 1, 2003. Council agreed.

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Member Broome arrived at 6:45 p.m.

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

- A. Approve purchase of Payton LUMA-LITE 2000A Portable Forensic Light Source from Payton Scientific Inc., for \$12,650 using funds available in the 2001 Local Law Enforcement Block Grant. Recommendation: Award purchase as recommended.
- B. Authorize staff to negotiate with Visionary Systems, Ltd. for purchase of Report Management System software for the Fire and Emergency Services Department. Recommendation: Authorize negotiations with Visionary Systems, Ltd. for report management system pursuant to Marion County bid. Total project costs estimated at \$37,286.70, which included replacement desktops and server. Funds were available through existing designated public safety computer funds within the Fire Department's current year budget.
- C. Request to increase continuing engineering services contract with Baskerville-Donovan, Inc. for Knox McRae Drive pedestrian bridge in the amount of \$15,000. Recommendation: Approve supplemental funding as recommended. Funds were available in the specific project account, which would be reimbursed by Florida Department of Transportation in Fiscal Year 2003/2004.
- D. Preliminary plat for Plantation Oaks of Brevard, a single-family subdivision located at the northeast corner of DeLeon Avenue and Harrison Street. The Planning and Zoning Commission recommended approval. Recommendation: Approve preliminary plat subject to conditions noted in staff's correspondence dated March 19, 2003.
- E. Award purchase of bio-remedial product to reduce fats, odors, oils and greases in the sanitary sewer system to Lakepointe Environmental Group, Inc. of Palm City in the annual amount of \$25,009. Funds were available in the Water Reclamation Division's Chemicals account. Recommendation: Approve purchase as recommended.
- F. Authorize staff to negotiate agreement with Holeman Suman Architects, Inc. of Melbourne and/or BRPH of Melbourne to design the proposed Public Works facility. Funds were available in the five-year capital improvement plan for the Public Works/Garage Complex Relocation Project. Recommendation: Authorize staff to commence negotiations with Holeman Suman Architects, Inc. of Melbourne as principal firm and BRPH of Melbourne as first alternate based on pre-determined criteria.

Thelma Roper commented on request to increase continuing engineering services contract with Baskerville-Donovan, Inc. for Knox McRae Drive pedestrian bridge in the amount of \$15,000. She advised article in newspaper stated state budget would not be funding any local projects and recommended contacting Florida Department of Transportation (FDOT) to assure reimbursement would be received prior to moving forward with the project. Members Eigenmann and Ward stated project was already moving forward and funding was available.

Member Ward seconded the motion and it carried unanimously.

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Petitions and Requests from the Public Present Thelma Roper distributed a copy of the State of Florida Constitution to Vice-Mayor Rainey and a copy of the Constitution of the United States to Member Ward. She advised that she would provide copies of the Constitution of the United

States to the remainder of council as soon as they were made available to her. She commented on taking an oath, upholding the constitution, and being held accountable for actions.

Al Gutierrez commented on his views of sustainable growth, which included having more federal, state, and local government involvement over individual's property rights. He advocated strong property rights and advised council to be cautious of sustainable growth.

Molly Farrace suggested staff repair the cracked asphalt, torn American Flag, and improper lighting surrounding the Vietnam Veterans Memorial Plaque located at City Hall. Vice-Mayor Rainey advised the memorials in Titusville were in the process of being repaired. City Manager Harmer stated he was not aware of the American Flag in need of repair.

Susan Canada commented on proposed employment opportunities with Vectorworks. She also commented on the meeting between Chuck Nelson of Brevard County Parks & Recreation and city staff where the city redevelopment specialist indicated that the Marina Park use was inconsistent with the currently approved redevelopment plan. Ms. Canada also commented on the original plan that was adopted several years ago regarding the Marina Park property. City Manager Harmer stated the original plan was modified.

Bea Polk distributed and read letter received from the Florida Department of Environmental Protection dated March 13, 2003 that was sent to Mayor Ron Swank regarding the dedication of the Marina Park property. She asked whether the Florida Department of Environmental Protection had been notified of the proposed changes. City Attorney Severs stated any final action that council takes must be reviewed and approved by the Trustees of the State Internal Improvement Fund. Ms. Polk also asked where the paperwork was that addressed the changes for Marina Park that was made by the Community Redevelopment Agency.

Geri Sigmore suggested reinstating the impact fees and also commented on approving the additional seniors' homestead exemption for eligible seniors.

Joan Wheeler commented on the following items: (1) money used to build the Harrison Street extension; (2) continuous increase in water bills; (3) need for impact fees; and (4) parking spaces needed for Vectorworks.

Walter Pine commented on the Veterans Memorial including the torn American Flag, reinstating the impact fees, and Vectorworks. He suggested a letter be sent to the Florida Department of Environmental Protection for any proposed changes of the Vectorworks proposal.

Lorene Shafer complimented our current council.

Joseph Straight opposed comments made by citizens that were infringing on other individual's rights.

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Ordinances – First Reading Attorney Severs read ORDINANCE NO. 14-2003, 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 MAP TO INCLUDE CERTAIN PROPERTIES LOCATED ON THE SOUTHWEST SIDE OF S.R. 405 (COLUMBIA BOULEVARD) BETWEEN BARNA AVENUE AND S.R. 50 (CHENEY HIGHWAY) AND ACROSS FROM KIRKWOOD TRAIL TO BE ANNEXED INTO THE CITY WITH RESIDENTIAL AND CONSERVATION LAND USES; AMENDING THE FUTURE LAND USE MAP TO DESIGNATE CERTAIN PROPERTY LOCATED AT 6755 SOUTH U.S. HIGHWAY ONE WITH PUBLIC/SEMI-PUBLIC LAND USE; AMENDING THE FUTURE LAND USE MAP TO DESIGNATE PROPERTY LOCATED SOUTH OF S.R. 50 (CHENEY HIGHWAY), EAST OF I-95 AND WEST OF WINDOVER WAY WITH COMMERCIAL – HIGH INTENSITY AND CONSERVATION LAND USES; AMENDING THE TEXT IN THE FUTURE LAND USE ELEMENT RELATIVE TO THE SHORELINE MIXED USE AND DOWNTOWN MIXED USE LAND USES; AND PROVIDING FOR AN EFFECTIVE DATE .

And

ORDINANCE NO. 15-2003, AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING SECTION 7, OF CHAPTER 63-2001, LAWS OF FLORIDA, SPECIAL ACTS OF 1963, BY ANNEXING APPROXIMATELY 46 ACRES ON THE SOUTHWEST SIDE OF STATE ROAD 405 (COLUMBIA BOULEVARD) BETWEEN BARNA AVENUE AND STATE ROAD 50 (CHENEY HIGHWAY) AND ACROSS FROM KIRKWOOD TRAIL TO BE INCLUDED WITHIN THE CITY LIMITS; DESIGNATING LAND USE CLASSIFICATION; PROVIDING ZONING CATEGORY; AND PROVIDING FOR AN EFFECTIVE DATE.

And

ORDINANCE NO. 16-2003, 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 ASSIGNING MULTI-FAMILY MEDIUM DENSITY RESIDENTIAL (R-2) AND OPEN SPACE AND RECREATION (OR) ZONING TO PROPERTY LOCATED ON THE SOUTHWEST SIDE OF S.R. 405 (COLUMBIA BOULEVARD) BETWEEN BARNA AVENUE AND S.R. 50 (CHENEY HIGHWAY) AND ACROSS FROM KIRKWOOD TRAIL; ASSIGNING GENERAL USE (GU) ZONING TO PROPERTY AT 6755 SOUTH U.S. ONE; AND ASSIGNING TOURIST (T) AND OPEN SPACE AND RECREATION (OR) ZONING TO PROPERTY LOCATED SOUTH OF S.R. 50 (CHENEY HIGHWAY), EAST OF I-95 AND WEST OF WINDOVER WAY; AND PROVIDING FOR AN EFFECTIVE DATE.

And

ORDINANCE NO. 17-2003, AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING SECTIONS 59-664 AND 59-704 OF THE *LAND DEVELOPMENT*

REGULATIONS BY CREATING CONDITIONAL USES FOR ADDITIONAL RESIDENTIAL DENSITIES; PROVIDING PERFORMANCE CRITERIA FOR SAME; AND PROVIDING FOR AN EFFECTIVE DATE the first time by title only.

Thelma Roper was opposed to the amendment to future land element increasing density in the Downtown Mixed Use and Shoreline Mixed Use land use designations from 15 to 20 units per acre (CPA 2003-01D).

The second public hearing for Ordinance No. 14-2003, Ordinance No. 15-2003, and Ordinance No. 16-2003 was scheduled for April 8, 2003. The first public hearing for Ordinance No. 17-2003 was scheduled for April 8, 2003 and the second and final public hearing for Ordinance No. 17-2003 was scheduled for April 22, 2003.

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Ordinances- Second Reading, Public Hearings & Related Action The first item under public hearings was Ordinance No. 13-2003 rezoning 605 North Washington Avenue from Single-Family High Density Residential (R-1c) and Multi-Family Medium Density Residential (R-3) to Community Commercial (CC) zoning classification as requested by Steven Anderson with permission of owner. The applicant was requesting to demolish the existing residence and construct a restaurant with lounge and tiki bar. The site currently consists of two separate lots with one splitting the other. Approval of this request would result in the combining of the lots into a single property. The Planning and Zoning Commission unanimously recommended approval.

Attorney Severs read ORDINANCE NO. 13-2003, 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 605 NORTH WASHINGTON AVENUE FROM ITS PRESENT SINGLE FAMILY HIGH DENSITY RESIDENTIAL (R-1C) AND MULTI-FAMILY, MEDIUM DENSITY RESIDENTIAL (R-3) CLASSIFICATIONS TO COMMUNITY COMMERCIAL (CC) CLASSIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE the second time by title only.

Vice-Mayor Rainey opened the public hearing.

Gregory Valdyke was opposed to the rezoning of property at 605 North Washington Avenue in order to allow a restaurant with lounge and tiki bar. He expressed concern of septic tank system versus sanitary sewer system, the additional traffic, and business being located near a residential area.

No one else wished to speak. The public hearing was closed.

Senior Planner Don Land stated a sanitary sewer main was located on the west side of U.S. Highway One and discussion on whether or not the business would have a septic tank system or

sanitary sewer system would be determined during the site planning process by the Water Resources Department.

Member Broome moved to adopt Ordinance No. 13-2003. Member Ward seconded the motion with discussion. Member Broome urged property owners to connect to the sanitary sewer system, as it would reduce the cost for each property owner. The roll call was:

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

The motion carried.

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Next was Resolution No. 9-2003 vacating a utility easement in Laurel Run at Meadowridge for property located at 1223 Goldfinch Court as requested by Condev Homes. The applicant was requesting the vacation in order to allow a pool and pool enclosure on the property. The Planning and Zoning Commission unanimously recommended approved.

Vice-Mayor Rainey opened the public hearing.

Attorney John Evans advised the reason for the request to vacate utility easement in Laurel Run for property at 1223 Goldfinch Court was that the original survey on the property showed the incorrect elevations of the property between the two residences. A second survey was completed and was used to pour the foundation. The company that constructed the pool and pool enclosure used the first survey, which was a resulted in the small encroachment on the utility easement. The utilities agreed to vacate the easement and there would be no impact on other property owners due to the fact the property abuts a retention pond.

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

Member Broome moved to adopt Resolution No. 9-2003. Member Ward seconded the motion and the roll call was:

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

The motion carried.

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Next was Conditional Use Permit 3-2003 to allow portable on demand storage in a Light Industrial Services and Warehousing (M-1) zoning district at 3900 South Hopkins Avenue as requested by Canaveral Engineering Group with permission of 3838 Holding Trust. As indicated in staff report, a minimum of two acres were required for the mini-warehouses and the proposed site was only 1.26 acres. Accordingly, prior to development, either additional property would be required or a variance would be needed. The Planning and Zoning Commission unanimously recommended approval with conditions. The Planning and Zoning Commission also added an amendment to the original conditions that the color of the containers be consistent.

Vice-Mayor Rainey opened the public hearing.

Susan Canada suggested placing containers behind building on Hopkins Avenue and set time limits to their use.

Karen Vidak, representing the owners, stated the owner for the site on Hopkins Avenue would move the existing fence back about six feet and have a barrier as well as landscaping to enhance the area. Containers would be of similar color, eight feet in height, and not stacked upon one another.

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

Member Broome opposed Conditional Use Permit 3-2003. He expressed concern of maintaining and continuing the efforts of the city by striving for quality of curb appeal.

Member Ward stated he would abstain from the vote for Conditional Use Permit 3-2003 as his firm assisted the applicant in preparing the application.

Planning Director Keith Cunningham commented on fencing requirements and recommended an eight foot obscured fence.

Member Eigenmann moved to approve Conditional Use Permit No. 3-2003 as recommended by the Planning and Zoning Commission with the additional condition of installing an eight foot obscured fence. Member Broome second the motion and the roll call was:

Member Eigenmann	yes
Member Broome	no
Vice-Mayor Rainey	yes

The motion carried two to one with Member Ward abstained.

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The last item was Conditional Use Permit No. 5-2003 to allow a drive-through restaurant in a Community Commercial (CC) zoning district at the intersection of State Road 50 and Meade Lane as requested by Wendy Dankoychik with permission of George Foster. The Planning and Zoning Commission unanimously recommended approval with conditions.

Vice-Mayor Rainey opened the public hearing.

Attorney John Evans, representing the applicant, stated the establishment was Bruster's Ice Cream Shop. He advised prior to submitting a final site plan to the city that an approval for the drive through must be received. Mr. Evans also stated that the conditional use permit request was not to guarantee access to Meade Lane and that at this time the request was to approve the drive through.

Nancy Turgeon, on behalf of the Meadows East Home Owners Association, commented on the proposed use of the ingress and egress for the Brusters Ice Cream Shop. The homeowners were concerned with safety issues, the width of the driveway, and speed limit. Ms. Turgeon also distributed a petition objecting to the use of the private driveway of the Meadows East Subdivision.

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

Council expressed concern of approving drive through for the establishment, as it would allow traffic in private driveway of Meadows East Subdivision. Member Eigenmann moved to table Conditional Use Permit 5-2003 to the April 8, 2003 regular city council meeting in order to receive additional information regarding the ingress and egress for the drive through prior to making a decision. Member Broome seconded the motion and the roll call was:

Vice-Mayor Rainey	yes
Member Broome	yes
Member Eigenmann	yes

The motion carried. Member Ward abstained from the vote, as his firm was involved with preparing Conditional Use Permit No. 5-2003.

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The meeting recessed at 8:18 p.m. and reconvened at 8:28 p.m.

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New Business At the January 21, 2003 city council meeting, council authorized staff to evaluate the requests received for the use of CDBG and HOME funds and submit the recommendations to council. Housing and Community Development staff reviewed the proposals on the basis of meeting criteria established by the U.S. Department of Housing & Urban Development (HUD) in accordance with CDBG and HOME regulations. The criteria included the following: compliance with the city's five year consolidated plan; the proposed project meets a HUD national objective; the proposed project was an eligible activity under the CDBG and HOME program; the proposed activity was ranked as a priority need in the community; capacity of the organization; cost per unit; and additional funds leveraged. The requests were ranked and funding was identified in the

amount of \$418,000 for CDBG allocation and \$173,367 HOME allocation. The public hearing was scheduled for April 8, 2003.

Member Broome moved to approve the recommendations for the use of CDBG and HOME funds for Fiscal Year 2003/2004 as recommended by staff. Member Eigenmann seconded with discussion. Member Eigenmann recommended the funds allocated for the small business loan assist people in the *education of* operating of a small business. (*Member Eigenmann made correction at the April 8, 2003 meeting*) The roll call was:

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

The motion carried.

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Next was the advisability to proceed with ordinance amending the license requirement for solicitors and prohibiting solicitation in the public right-of-way. The proposed ordinance clarifies the existing requirements for peddlers, solicitors, and canvassers. It also prohibits solicitation in the public right-of-way. This prohibition would impact several charitable organizations that conduct fund-raising drives at various intersections within the city limits. Member Broome moved to approve advisability to proceed with ordinance and authorize staff to research the pros and cons of the proposed ordinance prior to bringing back to council for consideration. Member Ward seconded the motion with discussion. He expressed concern of safety issues specifically at State Road 405 and State Road 50 and suggested limiting the areas that would allow solicitors and prohibiting solicitation. The roll call was was:

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

The motion carried. The first reading was scheduled for April 8, 2003 and public hearing scheduled for April 22, 2003.

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The next item was acceptance of the joint participation agreement (JPA) between the City of Titusville, Brevard Community College, North Brevard Hospital District, St. Johns River Water Management District, and Brevard County for Chain of Lakes Stormwater Project. The JPA provides for the design, permitting, construction, operation, and maintenance of the stormwater retention/detention treatment system.

Stormwater Administrator Chuck Denman gave a brief history of the Chain of Lakes Project, which was located in the City's Area I drainage basin and was part of the City's Master Drainage Improvement Plan. The purpose of the project was to provide flood control and improve the quality of the stormwater runoff into the Indian River Lagoon. It would also provide for aquifer recharge and recreational amenities including trails, gazebos, and educational elements. The estimated project cost was \$3,521,489 (excluding referendum funds), and the City's share was \$1,210,013 with funds available in the Stormwater Capital Improvement Project, Area I Drainage Improvements Account.

Council discussed whether there would be maintenance costs involved, potential of a focal point for Titusville, and termination of the agreement. Member Eigenmann moved to authorize joint plan agreement for the Chain of Lakes Project. Member Ward seconded the motion and the roll call was:

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

The motion carried.

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Final item under New Business was the request to revisit the seniors' homestead exemption as requested by Vice-Mayor Rainey at the March 11, 2003 city council meeting. On November 28, 2000, the Titusville City Council adopted Ordinance No. 46-2000 granting an additional \$25,000 homestead exemption for persons 65 and older whose household income did not exceed \$20,000. This additional homestead exemption was applicable for a two-year period and automatically sunset on November 28, 2002. City Council took no action to extend the exemption beyond this date.

Vice-Mayor opened the public hearing.

Geri Sigmores, Dorothy Fischler, and Thelma Roper requested reinstating the additional seniors homestead exemption granting an additional amount of \$25,000 for eligible seniors.

No one else wished to speak. The public hearing was closed.

Vice-Mayor Rainey passed the gavel and moved to direct staff to prepare an ordinance for the additional seniors' homestead exemption in the amount of \$25,000 and to include information of the cost to the city for the past two years along with the pros and cons of adopting the ordinance. Vice-Mayor Rainey advised the deadline for the adoption of the ordinance was December 1, 2003 and asked staff to bring ordinance back to council prior to the budget process. Member Eigenmann seconded with discussion. Vice-Mayor Rainey and Council Eigenmann requested ordinance be adopted on a renewal basis and be brought back to council prior to expiring for future consideration. The motion carried unanimously.

Petitions and Requests from the Public Present Dorothy Fischler did not feel taxes would need to be raised in the event council adopted ordinance for the additional seniors' homestead exemption in the amount of \$25,000.

Susan Canada clarified her previous statements regarding the Marina Park use being inconsistent with the currently approved redevelopment plan. She expressed concern of certain military contracts requiring parking lot to be secured and how this would affect joint use of the parking lot. Ms. Canada requested the proposal that was submitted by her regarding the Marina Park property be placed on the agenda. Vice-Mayor Rainey responded that he would meet with Ms. Canada to discuss her proposal.

Molly Farrace commented on the additional senior's homestead exemption and requested approval of the ordinance. She also volunteered to assist in repairing the damaged memorials.

John Pine expressed concern of adopting ordinance amending the license requirement for solicitors and prohibiting solicitation in the public right-of-way. By adopting the ordinance, it could affect organizations like the Jaycees that depend on fundraisers for the annual firework event, etc.

Walter Pine commented on the condition of the memorials including the American Flag. He requested that he be allowed the opportunity to present all the issues to council publicly regarding Vectorworks and the Marina Park property. Mr. Pine also requested approval of the additional seniors' homestead exemption in the amount of \$25,000 and suggested reinstating the impact fees.

Bea Polk requested a meeting to discuss the facts of Vectorworks and the Marina Park property and asked for a referendum.

Joan Wheeler suggested council be excused if they did not want to listen to her.

Thelma Roper commented on the rights of the citizens, oaths signed by council, and the constitution.

Jill Halliday complimented the city and city manager for the improvements to the downtown area. She also commented on the integrity and honesty of council and encouraged citizens to be respectful in addressing council at the city council meetings versus making personal attacks.

Member Ward responded to citizen's comments regarding the oath, constitution, etc.

Member Eigenmann requested the proposal submitted by Susan Canada on the Marina Park property be included with the information council received on Vectorworks and Marina Park property. City Manager Harmer stated Ms. Canada's proposal had been previously included in an agenda packet as part of the City Manager's Report.

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

Vice-Mayor Rainey commented on the Relay for Life that was held on March 14, 2003.

Vice-Mayor Rainey advised he and the Mayor attended the town meeting with Congressman Tom Feeny regarding the Space Shuttle Program.

Vice-Mayor Rainey advised that he was cleared of all charges that were submitted to the Commission on Ethics from a local citizen.

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

City Manger Harmer distributed the annual Audit Report for Fiscal Year ending September 30, 2002. Presentation was scheduled for April 8, 2003.

City Manager Harmer read names of employees receiving letters of appreciation. Police Department: Kevin Hickey, Cleyton Bray, Jeff King, Paul Smith, David Rodriguez, Tom House, David Butler, Glen Hamann, Deadra Andis, Scott Larson, Gary Boyer, Rick Lanoue, and Jeff Lutz; Public Works Department: Chuck Taylor and Jorge Rivera.

City Manager Harmer announced Florida Communities Trust had approved funding of a grant for the purchase of the Downtown Stormwater Park that would reimburse the city 75 percent of the cost of purchasing the YMCA property and 75 percent of the negotiated cost of the additional 50-foot parcel of land.

City Manager Harmer advised staff answered questions received from citizens at the January 14th and March 11th city council meetings regarding the concerns of the Florida Department of Transportation projects.

City Manager Harmer advised letter requesting supporting of the 2003 small community air service development pilot program grant application was received from James Johnson, Executive Director of the Melbourne International Airport. Mr. Johnson also requested appointment of a representative to the new Melbourne Airport Community Task Force. Member Broome moved to send letter of support. Member Eigenmann seconded the motion. The motion carried unanimously. No appointment was made at this time.

City Manager Harmer announced special meetings and upcoming events.

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City Attorney's Report City Attorney Severs advised city not to attempt to challenge the manatee decision where the curium affirmed the administrative law judge ruling.

City Attorney Severs advised pursuant to council's authorization, he communicated with the county attorney regarding the water and sewer ordinance. Modifications were prepared to their draft ordinance and a meeting with the water supply board delayed the process by 30 to 45 days. He also advised that he would give updates as information becomes available.

City Attorney Severs advised the District I Commissioner requested him to serve on the Charter Review Committee of Brevard County. Mr. Severs requested direction from council by the next regular meeting whether or not to serve on Charter Review Committee, but expressed concern of time restraints.

City Attorney Severs responded to allegations made by citizen. He stated that he had advised the Community Redevelopment Agency and Council of the existing dedication for the Marina Park property. He also advised the final proposal for Vectorworks would be submitted to the Department of Environmental Protection upon its completion.

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The meeting adjourned at 10:05 p.m.

Ronald G. Swank, Mayor

ATTEST:

Karan J. Rounsavall, City Clerk