

City Council
Regular Meeting
April 8, 2003

The City Council of the City of Titusville, Florida met in regular session on Tuesday, April 8, 2003 in the Council Chamber of City Hall, 555 South Washington Avenue, beginning at 6:50 p.m. immediately following the Community Redevelopment Agency meeting.

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

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Mayor Swank called the meeting to order and invited Pastor Roger Hackenberg 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 item of business was approval of minutes of regular meeting March 25, 2003 and special meeting March 18, 2003. Member Eigenmann offered the following corrections: March 18th special meeting – (1) As to Member Eigenmann’s request for clarification on the presentation of data in the survey: *“The percentages reflected those answering in favor. The clarification was the assumption that the remaining percentage was those not in favor;”* (2) *“Member Eigenmann requested a color copy of the solid waste citizen survey because the codings were based on colors”*; and March 25th regular meeting – (1) Relating to motion to approve use of CDBG and HOME funds: *“Member Eigenmann recommended the funds allocated for the small business loan assist people in the education of operating a small business.”* Mayor Swank and Member Eigenmann also noted two scrivener’s errors in the March 25th minutes.

Vice-Mayor Rainey moved to accept corrections to the minutes. Member Broome seconded the motion and it carried unanimously.

Council approved the March 11, 2003 minutes at its March 25th meeting. Mayor Swank was not in attendance at the 25th meeting. He offered the following two corrections to the March 11th minutes: (1) Dealing with discussion on Vectorworks, Inc. proposal: *“Mayor Swank said he was disappointed at first that Mr. Gray did not submit a conceptual plan. Then he understood that a conceptual plan would not allow county officials flexibility to address parking issues.”* (2) As to future site for a new public works facility: *“Mayor Swank felt that the property located at Knight Enterprises was a viable alternative for fee simple acquisition provided acceptable access for Knight Industries could be provided to his property.”* Also include following sentence at end of paragraph: *“The proposed Knight option was a build-to-suit lease option.”*

Member Eigenmann moved to approve the March 11, 2003 minutes as corrected. Vice-Mayor Rainey seconded the motion and it carried unanimously.

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Special Recognitions Mayor Swank presented a proclamation declaring the week of April 7 – 13, 2003 as “*National Telecommunicators Week*” to a representative group of emergency dispatchers from the Titusville Police Department.

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Department Spotlight - Ben Dixon, Mike Redman, and Dennis Pouney narrated a powerpoint presentation which gave an overview of the Streets Maintenance Division’s operations.

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Presentations Charles Tucker of Bray, Beck & Koetter presented the annual comprehensive audit for the City of Titusville’s fiscal year ending September 30, 2002. The audit was conducted in accordance with generally accepted auditing standards and government auditing standards. The auditors rendered an unqualified opinion, the highest level available. No material weakness or reportable conditions were noted. Mr. Tucker discussed general government revenues and expenses as well as the status of the water and sewer system. Of particular note was the status of the Employee Health Insurance Fund which was negatively impacted by rising health care costs over the past year. Reserves in the health fund were depleted and it reflected a loss of \$1,304,778 for the fiscal year ending September 30, 2002. The unreserved fund balance in the General Fund was \$3,149,317, an increase of \$862,605 over budget.

Member Broome moved to accept the audit report as presented. Vice-Mayor Rainey seconded the motion and it carried unanimously.

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Consent Agenda Member Broome moved to approve all consent items in accordance with the following recommendations. Member Eigenmann asked that the bid award for the utility van for the Police Department be deferred for further staff review. Member Broome accepted the amendment to his motion.

1. Resolution No. 10-2003 of advisability to proceed with vacating a portion of Second Street (a 50-foot right-of-way) lying between Fourth Avenue and Barna Avenue as requested by Indian River City United Methodist Church. Recommendation: Adopt resolution and advertise public hearing for April 22, 2003.

2. Award purchase of mid-size 4x2 pick-up truck for Water Resources to Fischer Chevrolet of Titusville for \$18,777.05 and award purchase of 4x2 cab and chassis for Streets Maintenance to McCotter Ford of Titusville for \$21,117. Recommendation: Award purchases as stated. Source of Funds: Funds were available in the various departments’ capital outlay – vehicles accounts.

3. Agreement with Florida Communities Trust for reimbursement and acquisition of land for Downtown Stormwater Project. Recommendation: Authorize execution of agreement for reimbursement of up to 75 percent of land purchase costs.

Member Eigenmann seconded the motion and roll call was:

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

The motion carried.

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Petitions and Requests from the Public Present Jill Halliday commented on the Florida Department of Transportation pedestrian survey of downtown Titusville mentioned during the Community Redevelopment Agency meeting. She felt that the recent closure of three downtown businesses made a significant difference in the traffic count numbers.

Molly Farace presented City Council with two American Flags, complements of the American Legion Auxiliary, that were appropriate for flying over Veteran Memorials (e.g. the Vietnam Veterans Memorial at City Hall). She also provided flag etiquette books. Mrs. Farace went on to express concern about the proper disposal of worn flags.

Gloria Bartley of the Child Care Association thanked council for its financial support of the organization through Community Development Block Grant funds.

Joan Wheeler stated that the current council was not the worst council that she had seen over the years; there were redeeming features. She supported a citizen's right to speak their mind under Petitions and Requests. Ms. Wheeler distributed a description of collateral provided by Vectorworks, Inc. to a secured party and asked for an explanation of one of the document's provisions.

Susan Canada stated that people tended to be passionate about their causes and council should not criticize this enthusiasm. As an example, she showed a short video of speakers at past council meetings who displayed strong emotions.

Bea Polk appreciated the televising of government meetings. It showed the citizenry what really went on in their government.

Thelma Roper briefed council on the status of federal legislation dealing with habeas corpus; her previous concerns appeared to be a non issue at this time. Additionally, she was trying to obtain a copy of the Patriots Act which she would provide to council.

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The meeting recessed at 8 p.m. and reconvened at 8:12 p.m.

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Ordinances – First Reading Attorney Severs read ORDINANCE NO. 18-2003 OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING SECTION 9-7 OF THE *CODE OF ORDINANCES* BY ALLOWING OPEN BURNING OF TRASH AND UNDERBRUSH WITH PERMISSION

FROM THE FIRE CHIEF OR HIS DESIGNEE; AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 19-2003 OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING CHAPTER 11 OF THE CODE AND ENTITLED "PEDDLERS, SOLICITORS, AND CANVASSERS," BY AMENDING SECTIONS 11-373, 11-374, 11-375 AND 11-377 BY CHANGING AND CLARIFYING THE APPLICATION PROCESS; TIME TO REVIEW APPLICATION; THE FEE FOR REVIEWING THE APPLICATION FOR EACH SOLICITOR; AND THE NUMBER OF SOLICITORS; ESTABLISHING A NEW SECTION 11-379 PROHIBITING SOLICITATION ON PUBLIC RIGHTS OF WAY; ESTABLISHING PENALTY; AND PROVIDING FOR AN EFFECTIVE DATE the first time by title only.

Second reading and public hearing were scheduled for April 22, 2003.

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Public Hearings and Related Action First was the public hearing on recommended Community Development Block Grant (CDBG) and HOME Program Action Plan for Fiscal Year 2003/2004. The sum of \$418,000 in CDBG funds and \$173,367 in HOME funds was available. Council was in receipt of recommended allocations of these funds. Marie Engblom, Housing and Community Development Director, briefly reviewed the action plan and recommended actions.

Mayor Swank opened the public hearing. Katherine Self, representing Easter Seals of Florida, thanked council for its appropriation as did Larry Fowler of the Space Coast Center for Independent Living. No one else wished to speak and the public hearing was closed.

Member Eigenmann moved to approve the CDBG and HOME Action Plan for Fiscal Year 2003/2004, to authorize execution of grant application and certifications, and to authorize submittal to Brevard County by May 1, 2003 deadline. Vice-Mayor Rainey seconded the motion and roll call was:

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

The motion carried.

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Next 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 Dankovchik with permission of owner. The applicant planned to operate an old-fashioned ice cream shop on the site. The Planning and Zoning Commission recommended approval with conditions. Council deferred this request at its last meeting in order that access questions dealing with Florida Department of Transportation (FDOT) could be resolved.

Mayor Swank opened the public hearing. John Evans, representing Ms. Dankovchik, spoke in favor. He advised that his client met with representatives of the Meadows East Homeowners

Association to address concerns as to access and maintenance. He submitted a site plan showing two access points, one from State Road 50 and a second from Meade Lane. Mr. Evans represented to the City Council and to the Homeowners Association that FDOT would grant an access point from State Road 50 to this new business establishment.

Wendy Dankovchik also spoke in favor of her request and supported the agreement that was worked out with the Homeowners Association. She thanked council for its support.

Nancy Turgeon, representing the Meadows East Homeowners Association Board of Directors, submitted an agreement reached with the applicant as follows:

- Wendy Dankovchik will apply as soon as possible and will work diligently for FDOT approval for access to Lot 80 from State Road 50.
- Wendy Dankovchik will assist (25 percent of costs) in maintaining the portion of Meade Lane (east) of Lot 80.
- Wendy Dankovchik will construct a sidewalk on Meade Lane (east) of Lot 80.
- A sign will be constructed at Wendy Dankovchik's expense at the entrance to the residential area stating something to the order of "*Private Drive – Residents and Guests Only.*"
- The driveway to Lot 80 from Meade Lane will be designed (i.e. flare curbing toward the North) to discourage traffic from entering the residential area.
- If the electric cable for lights at our island entrance is disturbed, Wendy Dankovchik will be solely responsible for restoring.
- If the irrigation piping is removed on the east side of Lot 80, Wendy Dankovchik will restore irrigation to the entrance island.

Ms. Turgeon asked that the agreement be incorporated as part of the conditions imposed upon the conditional use permit.

Bill Kolodney spoke in favor.

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

Vice-Mayor Rainey moved to approve Conditional Use Permit No. 5-2003 with conditions, including those submitted and approved by the Meadows East Homeowners Association Board of Directors dated April 8, 2003. Member Eigenmann seconded the motion and roll call was:

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

The motion carried. Member Ward abstained from voting because Canaveral Engineering represented Ms. Dankovchik.

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Ordinance No. 14-2003 amended the Comprehensive Plan for the City of Titusville as follows:

- Amendment to Future Land Use Map by annexing approximately 46 acres on the south side of State Road 405 (Columbia Boulevard) across from Kirkwood Subdivision and

assigning residential and conservation land uses as requested by Honeycutt & Associates on behalf of Marbella Investments, Inc. (CPA 2003-01A)

- Amendment to Future Land Use Map by assigning public/semi-public land use to New Life Christian Fellowship at 6755 South U.S. Highway One (CPA 2003-01B)
- Amendment to Future Land Use Map by changing land use on 25 acres located on the south side of State Road 50 between Interstate 95 and Windover Way from residential and conservation to commercial-high intensity and conservation as requested by John Evans on behalf of Windover Farms, Inc. (CPA 2003-01C)
- Amendment to Future Land Use Element by increasing density in Downtown Mixed Use and Shoreline Mixed Use land use designations from 15 to 20 units per acre (CPA 2003-01D)

The Planning and Zoning Commission, acting as the Local Planning Agency, unanimously recommended approval.

Ordinance No. 15-2003 annexed approximately 46 acres on the south side of State Road 405 (Columbia Boulevard) across from Kirkwood Subdivision as requested by Honeycutt & Associates on behalf of Marbella Investments, Inc. The Planning and Zoning Commission unanimously recommended approval.

Ordinance No. 16-2003 assigned zoning to the following properties:

- Assigning multi-family medium density residential (R-2) and open space and recreation (OR) to approximately 46 acres on the south side of State Road 405 (Columbia Boulevard) across from Kirkwood Subdivision, Inc. (CPA 2003-01A). The Planning and Zoning Commission recommended approval.
- Assigning general use (GU) to New Life Christian Fellowship at 6755 South U.S. Highway One (CPA 2003-01B). The Planning and Zoning Commission unanimously recommended approval with conditions.
- Assigning tourist (T) and open space and recreation (OR) to 25 acres located on the south side of State Road 50 between Interstate 95 and Windover Way (CPA 2003-01C). The Planning and Zoning Commission recommended approval with conditions.

Ordinance No. 17-2003 amended the *Land Development Regulations* by allowing increased residential density in the Central Business District (CBD) and Shoreline Mixed Use (SMU) zoning districts. This was the first of two public hearings. The second and final public hearing was scheduled for April 22, 2003. The Planning and Zoning Commission recommended approval.

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 second time by title only.

Mayor Swank opened the public hearing on Ordinance Nos. 14-2003, 15-2003, 16-2003, and 17-2003. He would hear speakers and vote on each component of the Comprehensive Plan Amendment separately.

Comprehensive Plan Amendment (CPA) 2003-01A - Amendment to Future Land Use Map by annexing approximately 46 acres on the south side of State Road 405 (Columbia Boulevard) across from Kirkwood Subdivision and assigning residential and conservation land uses as requested by Honeycutt & Associates on behalf of Marbella Investments, Inc.

Woody Rice, representing Honeycutt & Associates, spoke in favor.

Vice-Mayor Rainey moved to approve CPA 2003-01A. Member Broome seconded the motion and roll call was:

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

The motion carried.

CPA 2003 – 01B - Amendment to Future Land Use Map by assigning public/semi-public land use to New Life Christian Fellowship at 6755 South U.S. Highway One.

Attorney John Evans, representing the applicant, spoke in favor. He understood that approval was contingent upon preservation of all conditions previously imposed by Brevard County, particularly those relating to no access to Riverside Drive.

Vice-Mayor Rainey moved to approve with Brevard County's development conditions as noted above. Member Broome seconded the motion and roll call was:

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

The motion carried.

CPA 2003-01C - Amendment to Future Land Use Map by changing land use on 25 acres located on the south side of State Road 50 between Interstate 95 and Windover Way from residential and conservation to commercial-high intensity and conservation as requested by John Evans on behalf of Windover Farms, Inc.

Attorney John Evans represented the owner and spoke in favor of the land use and zoning change. His client had no immediate plans for the property, however, felt that the current mobile home zoning was inappropriate; tourist zoning was more appropriate given this property's proximity to Interstate 95. Mr. Evans submitted the following exhibits into evidence: (1) aerial map of the subject property; (2) *Land Development Regulations* setting forth permitted uses in residential manufactured housing park (RMH-2) zoning; (3) *Land Development Regulations* setting forth permitted uses in tourist (T) zoning; and (4) assessor's plat showing the subject property and the location of a 60-foot wide access easement to State Road 50. Mr. Evans also stipulated to provide a 25-foot natural buffer along the easternmost side of the subject parcel to block visual access from surrounding residential properties. He was also aware that residents were concerned with traffic on Windover Way. It was his estimation that this road was only being used to 24 percent of its capacity.

Lynn Hansel also spoke in favor of the request. He presented photographs looking northwest along the property's frontage on Windover Way, showing the eastern border of the subject property which would be subject to the 25-foot natural buffer, and the intersection of Windover

Way and Windover Trail. He discussed traffic load calculations and trip generations. Mr. Hansel stipulated that any access from the subject property onto Windover Way would not face residential properties.

The following individuals spoke in opposition: Janice Griffin, Jack Langston, Gary Clifford, John Doyle, Steven Korpacz, and Don Pataky. The main concern of residents was traffic along Windover Way. Semi-trucks currently pulled onto Windover Way from the truck stop. These large vehicles were seriously damaging the roadway. It was also felt that tourist use would substantially change the character of this rural residential area.

Council asked that the city manager contact Brevard County about the deteriorating road sections.

During his rebuttal opportunity, Mr. Evans suggested that development as a mobile home park would generate more traffic and have a greater impact on Windover residents than a single commercial establishment. He also mentioned that residents could take an alternate route out of their neighborhood and avoid the traffic and deteriorating roadway.

No one else wished to speak on this particular component.

Stating that the subject property was in the middle of major thoroughfares in south Titusville and that growth was inevitable, Vice-Mayor Rainey moved to approve CPA 2003-01C with staff conditions along with the condition offered by the applicant to provide a 25-foot natural vegetative buffer along the eastern side of the property. Member Ward seconded the motion and roll call was:

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

The motion carried.

The meeting recessed at 9:45 and reconvened at 9:50 p.m.

Before moving on, Member Eigenmann stated that the issues of Windover Farms' residents were increasingly becoming the issues of council as Titusville continued to grow. He did not see this situation getting any better and Windover residents would need to pay attention to what was happening around them. The City of Titusville was growing around the Windover Farms area.

CPA 2003-01D – Amendment to Future Land Use Element by increasing density in Downtown Mixed Use and Shoreline Mixed Use land use designations from 15 to 20 units per acre.

Planning Administrator Keith Cunningham explained the proposed amendment to increase density in the Downtown Mixed Use (DMU) and Shoreline Mixed Use (SMU) land use categories. In order to implement the proposed policy, it was necessary to amend the City's *Land Development Regulations (LDR's)* to allow the additional density as a conditional use in the Central Business District and Shoreline Mixed Use zoning districts. In developing the performance requirements for the conditional use, staff established a series of design features

that would allow additional residential density. The applicant would benefit by having the flexibility to pick and chose design features to achieve the desired density. In the Shoreline Mixed Use zoning district, only properties that fronted on collector or arterial roadways would be eligible for the additional density. Riveredge Drive would not be eligible because it did not front on a collector road.

Member Ward wished to speak with staff about certain design issues.

Mayor Swank noted this was the first of two public hearings on Ordinance No. 17-2003 which would amend the *LDR's* to implement the related change to the Comprehensive Plan.

Joan Wheeler questioned the map that was attached to the ordinance. She was unsure what areas were eligible for the increased densities.

Laura Ward clarified that her comments did not apply to the Central Business District (CBD) zoning district. She was concerned about Shoreline Mixed Use. The proposed change would allow increased density along the riverfront. Other areas throughout the county were decreasing density along waterfront. She felt that council should encourage bigger and better construction along the river that added to the tax rolls.

Walter Pine felt that public parks should be excluded. There should be no reason to increase density in these areas, particularly those that contained veteran memorials.

Thelma Roper also felt that the parks should be excluded and treated as recreational properties.

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

It was 10:30 p.m. Member Broome moved to extend the meeting until 10:45 p.m. Member Ward seconded the motion and it carried.

Attorney Severs explained that council was asked to take action this evening on the proposed amendment to the Comprehensive Plan to allow increased density in the DMU and SMU land use categories, not an amendment to the *LDR's*. A second public hearing on Ordinance No. 17-2003 was scheduled for April 22nd. The design features could be discussed in greater detail at that meeting.

Member Ward moved to adopt Ordinance No. 14-2003 which amended the City's Comprehensive Plan (including an increase in density in DMU and SMU land use designations from 15 to 20 units per acre). The other three individual components contained in this Comprehensive Plan amendment were already voted upon separately. Member Broome seconded the motion and roll call was:

Vice-Mayor Rainey	yes
Mayor Swank	yes
Member Broome	no
Member Ward	yes
Member Eigenmann	no

The motion carried.

Vice-Mayor Rainey moved to adopt Ordinance No. 15-2003 annexing acreage on the south side of State Road 405 across from Kirkwood Subdivision. Member Broome seconded the motion and roll call was:

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

The motion carried.

Vice-Mayor Rainey moved to adopt Ordinance No. 16-2003 assigning zoning to the various properties which were the subject of the earlier Comprehensive Plan Amendment. Member Broome seconded the motion and roll call was:

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

The motion carried.

Vice-Mayor Rainey then moved to direct the planning staff to move forward with the administrative rezoning of public park properties in Downtown Mixed Use and Shoreline Mixed Use land use categories to appropriate public/semi-public zoning classifications. Member Eigenmann seconded the motion and it carried unanimously.

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Due to the late hour, the only item of New Business, being a strategic plan update on the development process, was deferred to a future meeting.

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Boards and Commissions Member Broome moved to accept David Wise's resignation from the Municipal Code Enforcement Board with regret. Vice-Mayor Rainey seconded the motion and it carried unanimously. There were no applications on file to fill the vacancy.

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Mayor and Council Reports Mayor Swank provided a written report on his activities since the last meeting. The mayor also passed along an invitation to participate in a public rally to support U.S. Troops on April 12th at Veterans Memorial Park in Palm Bay.

Council voiced its thanks for the new podium in the council chamber which was constructed by Facilities Maintenance personnel.

Member Ward participated in a law enforcement motorcycle fund raiser the past weekend. He also mentioned that the downtown building across from his office was being renovated and would soon be occupied.

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Petitions and Requests from the Public Present Marcia Gaedcke of the Titusville Area Chamber of Commerce thanked council for its sacrifice of time and its tough decisions.

Molly Farace invited council members to attend a flag disposal ceremony on June 14, 2003.

Laura Ward asked about the public hearing on Ordinance No. 17-2003 dealing with increased density in Central Business District and Shoreline Mixed Use zoning districts. She was advised that the second and final public hearing was scheduled for April 22, 2003.

Thelma Roper, speaking on behalf of the Center for Civil Rights Advocacy, suggested that the new podium should have been constructed for handicapped accessibility. Mayor Swank pointed out that the conference table next to the podium was equipped with a microphone. She also stated it was her goal to ensure that the Constitution was never violated and reminded council members of the loyalty oath each took to uphold the Constitution.

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It was 10:45 p.m. Member Broome moved to extend the meeting until 11 p.m. Mayor Swank seconded the motion and it carried unanimously.

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

The Titusville Environmental Commission requested that its bi-weekly meetings be held in the council chamber and televised on the government access channel. Council took no action to increase the service level on the media services division in order to broadcast the meetings. It was noted that TEC meetings were moved from the Round Room to the Council Chamber.

Council took no action on Walter Pine's request for a 20-minute presentation on Vectorworks/Marina Park. Council wanted to remain consistent in this instance with similar requests made in the past. Member Eigenmann indicated his willingness to meet with Mr. Pine on a personal basis.

The following employees received letters of appreciation: Building Department – Debbie Strom; Fire and Emergency Services – Jerry Brown, Randy Tuten, Rod Donhoff, Alex Kracun, Tiffany Callahan, Jackie Elmore, Amy Spillers, Bill Feagan, and Diane Parker; Social Services – Suzanne Graham; and Police Department – Tom Fiorito, Denise Fitzgerald, Zsolt Rimoczi, Dan Carter, Ray Johnson, Manuel Conde, Ron Larson, and Kevin Vanover.

City Manager Harmer announced the Student Awards Ceremony on April 29th at Brevard Community College.

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City Attorney's Report Attorney Severs received a notice from the Brevard County Commission about a proposed amendment to Future Land Use Element requiring that water system facilities be approved and installed in accordance with County's land development regulations and comprehensive plan. This provision was similar to the water/sewer ordinance that council previously directed the attorney to oppose. Vice-Mayor Rainey moved to authorize the city attorney to continue to express the city's opposition. Member Broome seconded the motion and it carried unanimously.

City Attorney Severs was asked to serve on Brevard County's Charter Review Committee. He advised that he would respectfully decline this offer.

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The meeting adjourned at 11 p.m.

Ronald G. Swank, Mayor

ATTEST:

Karan J. Rounsavall, City Clerk