

City Council
Regular Meeting
April 22, 2003

The City Council of the City of Titusville met in regular session on Tuesday, April 22, 2003 in the Council Chamber of City Hall, 555 South Washington Avenue, at 6:30 p.m.

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

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Mayor Swank called the meeting to order. Pastor Wayne Gray of Abundant Life Fellowship was present for the invocation. The entire assembly stood to recite the Pledge of Allegiance to the Flag.

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The first item of business was the approval of minutes of regular meeting April 8, 2003. Member Broome moved to approve the minutes as presented. Vice-Mayor Rainey seconded the motion and it carried unanimously.

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Special Recognitions Brevard Water Color Society Artist Susan Kiser donated her watercolor portrait of Colonel Henry Titus to the City of Titusville to be displayed in the Council Chamber. Mayor Swank presented Ms. Kiser with a certificate of appreciation in recognition of her donation.

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Presentation of police badge to K-9 Officer DoeB. Interim Police Chief Tony Bollinger presented badge to K-9 Officer DoeB. His handler was Officer Lincoln Strom. He also recognized representatives of the DOES Organization and Ms. Stagg whose financial contributions made the purchase of the dog possible.

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Presentations Proclamation declaring the week of May 4-10, 2003 as “*Drinking Water Week.*” Maureen Phillips, Community Program Coordinator, explained the new low-flow showerhead exchange program. Ms. Phillips announced that she would be at the Miracle City Mall on Sunday, May 4, 2003 to distribute new low-flow showerheads. Mayor Swank presented proclamation to Ms. Phillips.

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Student Advisory Council Year-End Report Members Justin Chambers, Michael Ball, Amanda Fox, Kevin Galke, and Amit Patel presented the year-end report which outlined accomplishments of the past year and goals for ensuing years. Certificates were presented to the Student Advisory Council members as well as participants on the mock city council.

Economic Development Update Walt Johnson, Economic Development Director, gave an economic update, which addressed the impact of the Space Shuttle Columbia tragedy. He introduced William Shivers and Donna Shepherd, representatives of RUSH Construction and American Police Hall of Fame/Museum, who expressed thanks for the city's assistance in making this project a reality in Titusville.

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

- A. Resolution No. 11-2003 increasing fees collected to cover advertising costs associated with various land use applications (e.g. rezonings, variances, conditional uses, etc.). Recommendation: Adopt resolution as presented.
- B. Authorize sale of city-owned property, specifically a portion of the roadway and median in front of Pelican Point Condominiums at 2465 South Washington Avenue, to the Association of Pelican Point, Inc. for \$750. Recommendation: Authorize sale as presented.
- C. Award bid for purchase of lime slaker and feeder assembly for Water Production Division to Merrick Industries of Lynn Haven for \$43,560. Recommendation: Award purchase as recommended. Funds were available in the Water Resources Capital Improvement Projects account.
- D. Approve addendum to existing contract with Public Resources Management Group (PRMG) in the amount of \$15,000 to provide a rate sufficiency review of the City's water, sewer and reclaimed water rates and related budget amendments. Recommendation: Authorize execution of addendum to existing contract as recommended as well as related budget amendment in the amount of \$3,850.
- E. Reaffirm council's previous decision to accept the Genuity property at 411 Park Avenue including liability for related taxes, assessments and environmental hazards. Recommendation: Reaffirm previous decision of June 25, 2002.

Member Eigenmann seconded the motion and roll call was:

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

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Petitions and Requests from the Public Present Al Koller reported on the status of the aerospace program offered through Brevard Community College and invited council to attend a ceremony on April 29th recognizing its first graduates.

Laura Ward felt that council should reconsider its action on April 8th to amend the Comprehensive Plan to allow increased density in the Shoreline Mixed Use land use category. She did not feel that submerged lands should be included in density calculations and suggested that the city review Brevard County's regulations for such areas.

Joan Wheeler felt it was important to allow all citizens the right to speak before council regardless of their affiliation on a city board or commission.

Susan Canada shared further comments on Vectorworks, Inc. particularly as it related to the number of jobs created in the community.

Geri Sigmores questioned the proposed effective date for reinstatement of impact fees. She was advised that such fees would be reinstated March 1, 2004 (pending adoption of ordinance changing the date from October 1, 2003).

Jill Halliday commented on the video shown at the April 8th council meeting. While she agreed that individuals had the right to share their opinions she did not feel that one should "continue beating the same dead horse."

Bea Polk asked who would make the final decision on the Vectorworks proposal. Mayor Swank advised that city council would have the final say as it related to the city's involvement.

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Ordinances-Second Reading, Public Hearings and Related Action First was Ordinance No. 18-2003 amending Section 9-7 by allowing opening burning of trash and underbrush with permission.

Attorney Severs read ORDINANCE NO. 18-2003 AN ORDINANCE 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 the second time by title only.

City Manager Harmer provided a brief update. He indicated that a request had been submitted to the city to re-evaluate the Code of Ordinances relating to open burning. The current ordinance did not allow any open burning except for social activities such as cookouts, pep rallies, and scouting events with permission granted by the Fire Chief. He indicated that the ordinance was being amended to permit large-scale land clearing for the purposes of commercial and residential subdivision development. It was noted that all requests for open burning would be evaluated and approved on a case-by-case basis to determine what the potential impact would be to the surrounding community.

Mayor Swank opened the public hearing. No one wished to speak. The public hearing was closed. Member Eigenmann commented on open burning. Vice-Mayor Rainey moved to adopt Ordinance No. 18-2003 as recommended. Member Broome seconded the motion. The roll call was:

Vice-Mayor Rainey	yes
Member Eigenmann	no

Member Broome	yes
Member Ward	yes
Mayor Swank	yes

The motion carried.

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Next was Ordinance No. 19-2003 amending the license requirement for solicitors and prohibiting solicitation in the public right of way.

Attorney Severs read ORDINANCE NO. 19-2003 AN ORDINANCE 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 SOLICATION ON PUBLIC RIGHTS OF WAY; ESTABLISHING PENALTY AND PROVIDING FOR AN EFFECTIVE DATE the second time by title only.

City Manager Harmer provided a brief update. He indicated that council expressed concern that children were panhandling at busy intersections and asked staff to research the issue and provide recommendations. It was noted that Chapter 337.406 of the Florida Statutes indicated that local governments may issue permits of limited duration for the temporary use of right of way if the uses do not interfere with the safe and efficient movement of traffic.

Discussion ensued regarding fund raising, safety concerns, and outside agencies. Member Eigenmann indicated that he felt comfortable with language similar to the City of Melbourne. Council Member Ward suggested the staff re-evaluate the ordinance and consider language similar to the City of Melbourne. Mayor Swank opened the public hearing. No one wished to speak. The public hearing was closed. Vice-Mayor Rainey moved to table the item to allow staff to meet with Council Member Ward. Council Member Broome seconded the motion and it passed unanimously.

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Next was second and final public hearing on Ordinance No. 17-2003 related to increased density in the Central Business District and Shoreline Mixed Use zoning districts.

Attorney Severs read 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 by title only.

City Manager Harmer provided a brief update. He indicated that council previously amended its Comp Plan by increasing the allowable residential density in the Downtown Mixed Use and Shoreline Mixed Use land use categories from 15 to 20 residential units per acre. It was noted that in order to implement

the amended policy, changes were necessary to the City's *Land Development Regulations*. The Planning and Zoning Commission approved the request at its April 2, 2003 regular meeting.

Mayor Swank opened the Public Hearing. Sid Chehayeb and Philip Nohrr spoke in favor of the request. Mr. Chehayeb felt that by increasing the allowable residential density developers would benefit by having the flexibility to pick and choose design features to achieve the desired density. Mr. Chehayeb said that council's decision would benefit current developments and those forthcoming. Thelma Roper, Joan Wheeler, and Laura Ward spoke in opposition. They felt that it was important to maintain lower densities for waterfront property.

Ms. Roper felt by allowing lower densities for waterfront property; developers gained more value than the City of Titusville. No one else wished to speak. Member Ward suggested allowing nine units per acre with a Shoreline Mixed Use zoning classification on a local street or if on an arterial or collector street, then the option would be up to 15 units. The public hearing was closed.

Attorney Severs indicated that additional language could not be added to Ordinance 17-2003 as the item had already been advertised. Adding additional language or changing the language that would have involved a new process. Vice-Mayor Rainey said that in order for the City of Titusville to have a variety of restaurants, and shopping available there would have to be an increase in development. He felt that increased density in the Shoreline Mixed Use land use categories would help address the issue.

Member Broome suggested tabling the item in order to address suggestion made by Member Ward. He wondered if the density were increased from 15 to 20 units, would it necessarily guarantee a better development that had been developed in the past. Vice-Mayor Rainey said that a lot of amenities would have to be included to get the additional units. Member Ward said in some areas it might not be appropriate to increase the density and this should be evaluated on a case-by-case basis.

Member Eigenmann suggested adding requirements such as a minimum square footage or possibility of the area being gated. He felt that it was necessary because each time council approved request precedence was being set. Member Eigenmann suggested adding a minimum of 2,000 square foot living area requirement and gated or fenced community. Mayor Swank asked if the square footage language could be included in the ordinance at that point. Attorney Severs indicated that it could be included because it would be part of the requirement. Mayor Swank also asked whether or not the 2,000 square footage clause would affect the Towne Realty project that council previously approved at 1,800 square feet.

Member Eigenmann said that it was important to develop and maintain high performance criteria for Shoreline Mixed Use land use categories. Keith Cunningham, Planning Administrator, indicated that if the density were increased, it would be more practical to add the additional features to the development. Member Broome agreed with comments made by Member Eigenmann that high standards should be set for the Shoreline Mixed Use land use categories.

City Manager Harmer asked for clarification. He wanted to know whether or not council wanted the gated community as part of the increased density or as a design feature. Attorney Severs stated that he understood the recommendation to be listed under the performance requirements stated in the ordinance. Mr. Cunningham noted that council must also consider the breezeway requirement as related to the

gated community. City Manager Harmer asked if council wanted to add a landscaping design requirement. Mayor Swank stated that he would agree with the landscape requirement. City Manager Harmer stated that if there was an increased level of landscape above the code requirements it would ~~automatically award additional density~~ *create eligibility for consideration of higher densities through the conditional use process. (Correction made by Mayor Swank at May 27, 2003 meeting).* Member Ward asked whether or not the increased landscaping was a design feature. Vice-Mayor Rainey indicated that it was not. Member Ward expressed concern with the requirement of having a gated community, as some developments would be Mixed Use that would have public access.

Vice-Mayor Rainey moved to adopt Ordinance No. 17-2003 as it related to increased residential density in the Central Business District (CBD) and Shoreline Mixed Use (SMU) zoning districts through a conditional use process. He included that residential units must have a minimum of 2,000 square feet of living area along with increased landscaping as a design feature that would ~~trigger additional density~~ *create eligibility for consideration of higher densities through the conditional use process. (Correction made by Mayor Swank at May 27, 2003 meeting).* Council Member Ward seconded the motion and the roll call was:

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

The motion carried.

Council Member Eigenmann felt that it was important to develop and maintain high performance criteria for Downtown Mixed Use and Shoreline Mixed Use land use categories. Member Eigenmann moved to authorize staff to return with a proposed ordinance reducing density in Shoreline Mixed Use zoning districts on local streets. Vice-Mayor Rainey seconded the motion and it carried unanimously.

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Mayor Swank confirmed the quasi-judicial rules of procedure and council's comments if they had spoken with anyone regarding an item to be considered.

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Resolution No. 12-2003 vacating a portion of the right-of-way of Second Street lying south of Block 2 and lying north of Block 3, as shown on the Plat of Sun Valley between Fourth Avenue and Barna Avenue as requested by Indian River City United Methodist Church. City Manager Harmer provided a brief update. It was noted that utility providers had no objections to the request. The Planning and Zoning Commission heard the request at its April 2, 2003 meeting and recommended approval. City Manager Harmer noted that during discussion at the Planning and Zoning Commission meeting, the petitioner requested that the entire 50' right-of-way be granted to the church, as opposed to the City of Titusville taking ownership to the 25 feet that abutted its property.

Mayor Swank opened the public hearing. Carol Tonner, representing Indian River City United Methodist Church, spoke in favor of the request. She asked if the City would consider making the 25-foot strip surplus property. No one else wished to speak. The public hearing was closed.

Attorney Severs provided clarification as to the location of the property. Vice-Mayor Rainey moved to adopt Resolution No. 12-2003 reserving an easement across vacated right-of-way and to authorize staff to investigate the feasibility of including a 25-foot portion of right-of-way that would pass to the city on the surplus property list. Council Member Ward seconded the motion and the roll call was:

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

The motion carried. Council asked for location maps of city wells and platted rights-of-way in the Sun Valley Subdivision.

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Old Business Group Health Insurance Update. City Manager Harmer noted that in December of 2002 council awarded a contract with Waters Risk Management to provide consulting services to obtain requests for proposals on group health/prescription/dental/life benefits. He mentioned that Al Waters would be presenting the results of those interviews and making recommendations. City Manager Harmer also requested that council extend Waters Risk Management contract at a cost not to exceed \$4,500 to assist with final negotiations with Blue Cross-Blue Shield and to develop recommendations on how to fund the new health benefits plan.

Human Resources Administrative Assistant Tom Tubbs presented staff recommendation as health/prescription/dental and life benefits for employees as well as funding sources. He noted that there would be no change in the employees' cost through the remainder of the fiscal year (i.e. September 30, 2003). Independent consultant Al Waters also reviewed the process of selecting providers. He recommended that city transition from a self-insured medical plan to a fully insured plan with Blue Cross-Blue Shield at stated cost of \$3,460,079. Mr. Waters also noted that the annual cost contract with Blue Cross-Blue Shield would be valid at the stated cost for one-year only. He also noted that it was likely that, due to inflation factor, there could be a possible increase of at least 15% for the ensuing year.

Council Member Eigenmann expressed concern regarding the increased monthly cost for retired personnel. Mr. Waters indicated there would be no change in the cost for retirees at this time. However, he would continue to review and provide an update at a later time. Council Member Eigenmann asked how would the reserve balance be used. Mr. Waters noted that there would be a run-out period for claims incurred prior to June 1, 2003 under the current health plan but not paid until after that date.

City Manager Harmer explained that the reserve balance was unfunded at the time. City staff would need to wait until after June 1, 2003 to ascertain this cost. Mr. Scott Chapman, representative from Blue Cross-Blue Shield, expected that there would be some employee resistance with the plan; however, Blue

Cross-Blue Shield could offer an HMO plan to capture contributions at a lower cost. Discussion continued regarding several alternatives for health insurance and prescription coverage.

Council Member Broome moved to authorize staff to negotiate and execute contract with Blue Cross Blue Shield of Florida for health insurance and prescription coverage at a cost of \$3,460,079. In addition, extend contract with Waters Risk Management at a cost not to exceed \$4,500 to assist with final negotiations with Blue Cross Blue Shield and to develop recommendations on how to fund the new plan. Award dental coverage to lowest bidder, Professional Benefits Administrators of Winter Park, Florida for \$179,053. The bid for life insurance coverage was awarded to ING Benefits of Atlanta, GA for \$83,529. Member Ward seconded the motion and it passed unanimously.

The funding sources were identified as the following: The remainder of Fiscal Year 2002/2003 to fund the new insurance plan would be \$964,612 from the current budget, \$169,960 from current employee contributions, and \$106,316 from the appropriation of Fund Balance and Working Capital of the affected funds. The funding for the extension of Mr. Waters' contract will be funded from the General Fund Contingency account.

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New Business Presentation of actuarial valuations for Fiscal Year ending September 30, 2002 for General Employees' Pension Plan and Police Officers' and Fire Fighters' Pension Plan. City Manager Harmer announced that Ward Foster, actuary for both pension plans, would provide an update. He indicated that the presentation was basically informative and there were some factors that needed to be considered for Fiscal Year 2003/2004.

Mr. Foster distributed a summary of the valuations for General Employees and Police Officers and Fire Fighters. Discussion ensued regarding annual pension cost, contribution amounts, actuarial valuation date, actuarial cost method, and unfavorable actuarial experiences. Mr. Foster summarized the following for General Employees' Retirement Plan for Fiscal Year 2002/2003 total contribution cost from the City was \$968,480 at 9.8 percent. It was noted that the total cost for Fiscal Year 2003/2004 was \$1,199,624 at 12 percent. He summarized the annual pension cost for Police Officers' and Firefighters' Retirement Plan from the City was \$820,703 at 14.3 percent. The cost for Fiscal Year 2002/2003 was noted as \$1,230,460 at 20.3 percent.

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Due to the late hour, Council Member Broome moved to table discussion on video presentations until the May 13, 2003 regular meeting. Council Member Ward seconded the motion and it passed unanimously.

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Petitions and Requests from the Public Present Laura Ward asked whether council's earlier action on the SMU zoning district would require another amendment to the Comprehensive Plan. She was advised this would not be necessary.

Bea Polk asked that back-up material be provided as to the mayor's request to discuss a policy on video presentations. The mayor advised this would not be done.

Thelma Roper attended a meeting of the Environmental Commission held in the Council Chamber. However, the sound system was not operational that evening and she felt this presented an accessibility issue. She was advised that this issue was addressed.

Susan Canada was of the opinion that council should place citizen presentations on the agenda.

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Boards and Commissions North Brevard Parks and Recreation Commission semi-annual report. Member Broome moved to accept the semi-annual report from North Brevard Parks and Recreation Commission as presented. Vice-Mayor Rainey seconded the motion and it passed unanimously.

Next was to fill a vacancy on the Municipal Code Enforcement Board for an unexpired term. It was noted that there were two applications on file to fill the vacancy. Council Member Broome moved to appoint Charles Mays to fill vacancy for term expiring October 31, 2005. Vice-Mayor Swank seconded the motion and it carried unanimously.

The final item addressed was the Titusville Environmental Commission. It was noted that Alex Chamberlain requested a six-month leave of absence. Vice-Mayor Rainey moved to authorize leave as requested from April 14, 2003 to October 31, 2003. Council Member Broome seconded the motion and it carried unanimously.

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Mayor and Council Reports Mayor Swank provided a written report on his activities since the last meeting. He requested that council adopt a resolution relating to United States Armed Forces and provide a draft copy for council's review. Vice-Mayor Rainey moved to adopt Resolution relating to the United States Armed Forces. Member Broome seconded the motion and it passed unanimously.

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City Manager's Report City Council acknowledged his written report. He read names of employees who had received letters of appreciation. Police Department: Gary Boyer, Jeff Lutz, Kevin Vanover, Dave McCourt, Mel Williams, Izell Davis, and Scott Larsson. Fire and Emergency Services: Phil Chase, and Dan Ellis. Community Development: Linda Little.

Vice-Mayor Rainey moved to authorize letter to Brevard Metropolitan Planning Organization supporting certain projects for transportation funding. Council Member Broome seconded the motion and it passed unanimously.

City Manager also advised of his intent to teach a class at University of Central Florida during the summer term. Vice-Mayor Rainey moved to authorize City Manager Harmer to teach summer term at University of Central Florida as requested. Council Member Eigenmann seconded the motion and it passed unanimously.

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The meeting adjourned at 10:50 p.m.

Ronald G. Swank, Mayor

ATTEST:

Karan J. Rounsavall, City Clerk