

City Council
Regular Meeting
June 10, 2003

The City Council of the City of Titusville, Florida met in regular session on Tuesday, June 10, 2003 in the Council Chamber of City Hall, 555 South Washington Avenue, beginning at 6:32 p.m.

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Present were Mayor Ron Swank, Vice-Mayor Jeff Rainey, and Council Members Conrad Eigenmann, Ken Ward, and Chris Broome. 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 asked the audience to observe a moment of silence. The entire assembly recited the Pledge of Allegiance to the Flag.

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Mayor Swank read the new procedure for public comment at council meetings. The procedure was adopted on a trial basis at its regular meeting on May 27, 2003.

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The first matter of business was approval of minutes of continued regular meeting May 13, 2003 and regular meeting May 27, 2003. Vice-Mayor Rainey moved to approve the minutes as submitted. Member Broome seconded the motion and it carried unanimously.

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Special Recognitions Human Resources Specialist Becky Efkovics overviewed the operations of People Support Services (formerly known as Human Resources) and its new focus on “*what the department can do!*”

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Presentations The only item was presentation of monetary awards to three groups for their exemplary participation in the recent Trash Bash sponsored by Keep Brevard Beautiful. Mayor Swank recognized Rick Dingess of Keep Brevard Beautiful – North Chapter and Gary Londo of Legendary Jeeps for their efforts toward a successful city-wide clean-up campaign. Elizabeth Melvin of Keep Brevard Beautiful advised that representatives of Titusville High Navy JROTC were unable to attend the meeting. Checks for these organizations would be mailed later in the week.

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

A. Contract between Brevard County School Board and City of Titusville for school resource officers at Titusville and Astronaut High Schools and Jackson and Madison Middle Schools for the 2003/2004 school year. Recommendation: Authorize renewal of school resource office agreement for 2003/2004 school year at an estimated city cost of \$79,575. The School Board would reimburse the city for 50 percent of the cost for the four officers' salaries.

B. Final plat for Plantation Oaks of Brevard, Phase One, a patio home subdivision located at the northeast corner of Harrison Street and DeLeon Avenue. Recommendation: Approve the final plat for 49 lots as presented subject to conditions outlined in the development supervisor's May 23, 2003 letter to Morgan & Associates.

C. Award blanket purchase order to Met-Con, Inc. of Cocoa for repair and replacement of concrete curbing and valley gutters in the amount of \$33,000 with funds available in the Street Resurfacing Program. Recommendation: Award to Met-Con, Inc. as stated.

D. Finalize entrance sign proposals with Florida Department of Transportation (FDOT) for Interstate 95 interchanges at State Road 50 and Garden Street. Recommendation: Authorize staff to finalize entrance sign proposals with FDOT similar to designs utilized by Palm Coast community.

E. Memorandum of agreement with Florida Department of Transportation, et al, with regard to replacement of the A. Max Brewer Bridge as required by the National Historic Preservation Act. Recommendation: Authorize execution of agreement obligating the City of Titusville to provide a site for a sign recognizing the historic significance of the swing bridge.

Member Ward 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.

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Ordinances – First Reading Attorney Severs read ORDINANCE NO. 24-2003 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, BY AMENDING THE VARIOUS ELEMENTS OF SAID PLAN AND MAPS BY CHANGING THE FUTURE LAND USE DESIGNATION FOR CERTAIN PROPERTY LOCATED AT 1915 BUFFALO ROAD FROM RESIDENTIAL LAND USE TO INDUSTRIAL LAND USE DESIGNATION; CHANGING THE FUTURE LAND USE MAP TO INCLUDE CERTAIN PROPERTY LOCATED AT 1570 NORTH SINGLETON AVENUE TO BE ANNEXED INTO THE CITY WITH A RESIDENTIAL LAND USE DESIGNATION; AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 25-2003 OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING SECTION 7 OF CHAPTER 63-2001, LAWS OF FLORIDA, SPECIAL ACTS OF 1963, BY

ANNEXING PROPERTY AT 1570 NORTH SINGLETON AVENUE TO BE INCLUDED WITHIN THE CITY LIMITS; DESIGNATING LAND USE CLASSIFICATION; PROVIDING ZONING CATEGORY; AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 26-2003 AMENDING ORDINANCE NO. 5-1993 OF THE CITY OF TITUSVILLE, FLORIDA, BY AMENDING THE ZONING MAP MADE A PART OF SAID ORDINANCE BY REFERENCE BY CHANGING PROPERTY AT 1915 BUFFALO ROAD FROM ITS PRESENT RURAL RESIDENTIAL (RR) CLASSIFICATION TO LIGHT INDUSTRIAL SERVICES AND WAREHOUSING (M-1) CLASSIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE the first time by title only.

Second reading and public hearing was scheduled for June 24, 2003.

Council heard from George Myers on Ordinance No. 26-2003. While he did not object to the rezoning altogether, he did oppose the rezoning of Parcel 318 to an industrial classification. Planning Supervisor Keith Cunningham identified the lots to be rezoned; Lot 318 was among them.

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Public Hearings and Related Action Ordinance No. 22-2003 rezoned Marina Park, Titusville Municipal Marina, Sandpoint Park, Veterans Memorial Park, Orange Avenue right-of-way east of Indian River Avenue, Gemini Park, and Space View Park in downtown Titusville from Central Business District (CBD) to Open Space and Recreation (OR) as initiated by the City of Titusville Planning Department (Application No. 7-2003). The Planning and Zoning Commission recommended approval.

Attorney Severs read ORDINANCE NO. 22-2003 AMENDING ORDINANCE NO. 5-1993 OF THE CITY OF TITUSVILLE, FLORIDA BY AMENDING THE ZONING MAP MADE A PART OF SAID ORDINANCE BY REFERENCE BY CHANGNING PROPERTIES LOCATED NORTH OF A. MAX BREWER CAUSEWAY AND EAST OF MARINA ROAD COMMONLY KNOWN AS MARINA PARK AND SAND POINT PARK; PROPERTY LOCATED ON A. MAX BREWER BRIDGE CAUSEWAY, EAST OF THE WESTERN SHORE OF THE INDIAN RIVER AND WEST OF THE CENTERLINE OF THE INTRA-COASTAL WATERWAY COMMONLY KNOWN AS THE VETERAN'S MEMORIAL PIER; AND PROPERTIES LOCATED AT 101 SOUTH WASHINGTON AVENUE AND AT EIGHT BROAD STREET COMMONLY KNOWN AS GEMINI PARK AND SPACE VIEW PARK FROM ITS PRESENT CENTRAL BUSINESS DISTRICT (CBD) TO OPEN SPACE AND RECREATION (OR) CLASSIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE the second time by title only.

City Manager Harmer reminded council of its directive on May 13, 2003 to rezone these public park properties to Open Space and Recreation (OR) as opposed to Public Use (P) designation. The ordinance was readvertised accordingly. The OR zoning district was intended to provide for the conservation and protection of sensitive lands within the City. Public parks and publicly owned recreational areas were permitted uses.

Mayor Swank opened the public hearing. Susan Canada spoke in favor of the rezoning; she felt that OR zoning was appropriate. No one else wished to speak and the public hearing was closed.

The mayor questioned whether OR zoning was appropriate for the Municipal Marina and suggested that this property be deleted and retain its CBD zoning.

Vice-Mayor Rainey moved to adopt Ordinance No. 22-2003 rezoning the publicly owned properties to OR. As to the rezoning of the Municipal Marina, it was understood that retail uses were accessory to the principal use and thus permitted. As to the rezoning of Marina Park, it was understood that a shared use with private business was permitted, as was the potential for tiki-bar type restaurant on the northernmost point along the Indian River. 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.

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Next was Ordinance No. 23-2003 rezoning property located on the west side of Sisson Road across from San Mateo Boulevard from multi-family residential (R-2 and R-3) districts to single-family residential (R-1b) as requested by Michael Ammons with permission of Richard Simonovich (Application No. 6-2003). The applicant wished to develop a single-family subdivision on the 22-acre site. The Planning and Zoning Commission recommended approval.

Attorney Severs read ORDINANCE NO. 23-2003 AMENDING ORDINANCE NO. 5-1993 OF THE CITY OF TITUSVILLE, FLORIDA BY AMENDING THE ZONING MAP MADE A PART OF SAID ORDINANCE BY REFERENCE BY CHANGING PROPERTY LOCATED ON THE WEST SIDE OF SISSON ROAD ACROSS FROM SAN MATEO BOULEVARD FROM ITS PRESENT MULTI-FAMILY MEDIUM DENSITY RESIDENTIAL (R-2) AND MULTI-FAMILY HIGH DENSITY RESIDENTIAL (R-3) CLASSIFICATIONS TO SINGLE FAMILY MEDIUM DENSITY RESIDENTIAL (R-1B) CLASSIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE the second time by title only.

City Manager Harmer reviewed the rezoning request. Mayor Swank opened the public hearing. Woody Rice, representing the engineer of record for the project, was available to answer questions. The requested single-family zoning was less intense than the current multi-family zoning. No one else wished to speak and the public hearing was closed.

Vice-Mayor Rainey moved to adopt Ordinance No. 23-2003. Member Broome 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.

The only item of Old Business was an update on the Marina Park/Vectorworks, Inc. proposal. City Council previously indicated to staff its desire to develop the park in accordance with the 2000 parks referendum and to attempt to cooperate with the planned expansion of Vectorworks to the north of the park. The Brevard County Commission wanted to see Marina Park developed and, if available, property that could not be used for park purposes could be used for the proposed expansion of Vectorworks. Council was in receipt of two plans; one developed by city staff which addressed the stated concerns of both Marina Park improvements in accordance with the referendum and the proposed expansion of Vectorworks, Inc. A second conceptual plan for Marina Park was submitted by the North Brevard Parks and Recreation Commission.

Council opened the meeting for public comment. Bea Polk questioned the differences between the two plans. Mayor Swank explained that parking was more spread out in the City's plan and it provided additional capacity for the marina (i.e. public boat ramps). Mrs. Polk stated that council members seemed determined to provide parking on the north side of Marina Park for Vectorworks and that was all that mattered to them.

Susan Canada spoke against a shared use with Vectorworks. The park should not be designed to accommodate the needs of one business. She felt the City's parking proposal made it difficult for a parent to watch their children. She favored the plan developed by Parks and Recreation.

Molly Farace reminded council of the potential hurdles to be faced when the proposal was presented to the State of Florida.

At this point, Member Broome pointed out that Brevard County's plan did not accommodate parking for Vectorworks. If the city was to oppose the county in this matter, was it not setting itself up for a greater issue dealing with the infrastructure surtax referendum? He wanted to be sure that Titusville received its fair share of this tax should it be approved. Vice-Mayor Rainey commented on the merits of the city's plan over the county's. He felt it was safer and provided more boat parking.

Thelma Roper suggested an overhead walkway across the railroad tracks which could be used by Vectorworks. Parking could then be provided at the Osprey Water Reclamation Plant.

Walter Pine asked who directed the preparation of the city's plan. He had an alternative plan which he felt addressed the needs of both the public and Vectorworks and requested a 15-minute opportunity to present the plan. This was not the first time that he requested such an audience, however, council had yet to grant his request. He opposed the city's plan because he felt there were ways to provide greater benefits to citizens.

Joan Wheeler mentioned that copies of the conceptual plans were not available in the back-up package at the public library. She suggested that council place a referendum on this issue on the November 4th ballot and let the people decide.

Vice-Mayor Rainey received council's permission for Jeff Gray, the owner of Vectorworks, to speak. Mr. Gray stated that he wished to construct a new building to expand his business. Vice-Mayor Rainey added that Mr. Gray had never promised him anything.

Council discussion ensued. Member Ward pointed out that the county's plan precluded the joint use/shared use proposal. Vectorworks was a business that wanted to expand and improve.

Member Broome was concerned that Vectorworks was an industrial business that wanted to expand into a public park for which public funds were allocated for development. The interest of the business owner directly conflicted with the interest of the public. He mentioned that the industrial park was available for expanding businesses. He reiterated his earlier concern of presenting a united front to the County Commission. To do otherwise could be dangerous.

Vice-Mayor Rainey pledged to do his part to ensure that North Brevard received its share of sales surtax revenues. He preferred the city's plan.

Mayor Swank wanted to see the city's plan presented to Brevard County as many of the city's issues and concerns were not addressed in the county's plan.

Member Ward moved to submit the city's plan to the Brevard County Commission as representative of its concept of the facilities and improvements envisioned by the city council and their basic location. Vice-Mayor Rainey seconded the motion and it carried with Member Broome voting no.

Member Ward then moved that the mayor and city manager personally submit the city's plan to the Brevard County Commission. Vice-Mayor Rainey seconded the motion and it carried unanimously.

Member Eigenmann asked that the city manager look into his concern about transients in the area surrounding the park property, particularly to the north and west by the railroad tracks. Council concurred.

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The meeting recessed at 8:04 p.m. and reconvened at 8:08 p.m.

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Mayor and Council Reports Mayor Swank provided a written report on his activities since the last meeting. He also reported on his attendance at a community leaders' breakfast.

Vice-Mayor Rainey agreed to serve as voting delegate to the Space Coast League of Cities and Member Ward agreed to serve as alternate.

Vice-Mayor Rainey advised that he canceled his attendance at the elected official's conference at the last minute due to an unavoidable conflict. He was willing to personally absorb the expenses that the city incurred due to the late cancellation. Council agreed that this should not be his personal cost but a city expense.

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City Manager's Report Council took no action on a request from Susan Canada to make a presentation on Vectorworks at a future council meeting.

City Manager Harmer read the names of employees receiving letters of appreciation: Police Department – Scott Blizard, Paul Smith, Josh Little, and Robert Bentivegna; Public Works Department – Chuck Taylor, Ben Dixon, Robert Taylor, Dennis Pouncey, Mike Redman, Rudy Jordan, Larry Mack, and Harmon Armstrong.

Reported on status of sidewalk in-fill and replacement program. Since the beginning of the program over 2,000 lineal feet of sidewalk was installed and over 2,000 lineal feet replaced.

A special meeting on the Comprehensive Plan was scheduled for July 1, 2003. The city manager also announced other upcoming meetings and events, including the Flag Day Ceremony on June 14th at Sand Point Park.

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City Attorney's Report Attorney Severs reported on the status of litigation between the City of Titusville and The Great Outdoors. There was a possibility this case would be reassigned to another judge; if so, it could proceed to jury trial on August 18th.

As to the issue of non payment of taxes by Vectorworks, the city attorney advised that he sent letters of inquiry to both the property appraiser and tax collector on this matter. To date, he received no response.

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Petitions and Requests from the Public Present Prior to opening the floor for discussion, Mayor Swank reminded the audience that, pursuant to the recently adopted policy for public comment, this time was an opportunity for the public to speak on non agenda items.

Susan Canada felt that Vice-Mayor Rainey was incorrect when he indicated at a previous council meeting that Vectorworks had a dispute with Brevard County, thus its non payment of taxes. She had checked with the property appraiser's office and no petitions were filed with the value adjustment board. She also mentioned that the drawing for Marina Park was not available at the library. She wondered why the city kept overlooking things and making mistakes. The city manager was asked to ensure that, in the future, the library agenda package received all back-up information.

Molly Farace pointed out that many of the transients referred to during the Marina Park discussion were probably veterans. She hoped that the city would offer them a "hand up" rather than just chase them out of the area. She also mentioned that the June 2003 activity calendar was not yet posted on the City's WEB site.

Joan Wheeler strongly disagreed with the new procedure to not allow citizens to speak on agenda items during *Petitions and Requests from the Public Present* and felt she should be allowed to continue her previous comments on Marina Park. She did not understand Vectorworks' right to public property and suggested that this matter be put to a referendum vote in November 2003.

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Walter Pine stated that he wanted to speak on the Marina Park proposal regardless of the new procedure. Mayor Swank advised that he was simply enforcing the new procedure approved by council. Member Ward moved to reconsider its motion to adopt new public comment procedures made at the May 27th meeting and amend them to allow comment on any item, including agenda items, during *Petitions and Requests from the Public Present*. Member Eigenmann seconded the motion and it carried unanimously.

Council members discussed the public comment policy and stated it was not their intent to limit an individual's right to speak on a subject. Member Eigenmann continued to have an uneasy feeling about the change and reiterated that it was only on a temporary basis. Council agreed to reinstate the time of previous speakers to allow them the opportunity to address any subject including those that were specifically listed on the agenda.

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Joan Wheeler referred to the Marina Park plan presented by the city. Parking was situated along the river's edge; she felt this should be reserved for the public's enjoyment. In her opinion, the city's plan was designed for Vectorworks' benefit and not the city's.

Susan Canada addressed the Marina Park conceptual plan presented by the city and wondered if it considered safety of children and adequate parking. She also wondered if anyone reviewed a third plan submitted by Parks and Recreation.

Walter Pine mentioned that he had a plan for Marina Park that addressed the concerns of all involved, including Vectorworks, but no member of council ever asked to see it. The lack of interest demonstrated to him that council never had any intent to consider anything other than the Vectorworks proposal. He wondered why the city expended staff time and resources into the proposed plan when it was unknown whether or not the state would even allow it. To him, this was fiscally irresponsible. Mr. Pine went on to address the United States Constitution and its protection of one's freedom of speech. It was his right to protect this document. As to homeless veterans, he suggested that the now vacant hospital would be a viable option for housing.

Bea Polk did not understand why council felt it so important to give public property away to a private business. Nor did she understand staff's investment of time in the proposal. Member Ward and Vice-Mayor Rainey responded to her comment, mentioning that the city recently spent \$200,000 to purchase a downtown parking lot. The city assisted numerous businesses. It was unfair to say that council was doing something for one person.

Thelma Roper pointed out that tonight's agenda was shorter than usual. She felt meetings dragged out when individual council members made long speeches. Ms. Roper also objected to what she considered were derogatory comments by council members after hearing from the public. As to *Petitions and Requests from the Public Present* being moved to the end of the meeting, she advised that she was a disabled veteran and late meetings precluded her from taking her medications in a timely fashion. To her, this was inconsiderate of council.

Jeff Gray of Vectorworks advised that Vice-Mayor Rainey did not misspeak concerning his company's issue with Brevard County as to outstanding taxes. There were concerns and these were being resolved. He supported council's action to take a plan for Marina Park to the County Commission for review. A plan needed to be developed before going to the State of Florida.

Kathie Swank advised that her husband, Mayor Ron Swank, was a veteran and certainly understood, upheld, and supported the United States Constitution. She was furious with comments to the contrary by certain members of the public. She felt that the public owed courtesy and respect to those sitting on the dais.

Individual council members indicated their support for the mayor.

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The meeting adjourned at 9:12 p.m.

Ronald G. Swank, Mayor

ATTEST:

Karan J. Rounsavall, City Clerk