

City Council
Regular Meeting
July 8, 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, beginning at 6:30 p.m.

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Present were Council Members Chris Broome, Conrad Eigenmann, and Ken Ward. Also in attendance were City Manager Tom Harmer, and City Attorney Dwight Severs. Mayor Ron Swank was absent due to an illness and Vice-Mayor Jeff Rainey was absent due to being out of town. Member Eigenmann moved to allow Member Broome to serve in a leadership role as Chairman for the meeting. Member Ward seconded the motion and it carried unanimously.

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Member Broome called the meeting to order. Pastor Jim Govatos of Indian River City United Methodist Church gave the invocation. The entire assembly stood to recite the Pledge of Allegiance to the Flag.

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Special Recognitions City Manager Harmer highlighted to council the Code Enforcement Division. He introduced Danielle Trazzera, Code Enforcement Inspector, who presented council an overview presentation on the Code Enforcement Division's overall responsibilities and operations.

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

- A. Approve fixed asset items to be auctioned on July 27, 2003 at the City Auctioneer's site at 422 Julia Street, Titusville. Recommendation: Authorize disposal of fixed asset items.
- B. Approve the transfer of requested funds from the undesignated, unreserved Fund 108 (Advanced Life Support (ALS) Fund) account to the respective Fund 108 (ALS fund) operating accounts. Recommendation: Transfer funds from the undesignated, unreserved Fund 108 (Advanced Life Support (ALS) Fund) account to the respective Fund 108 (ALS fund) operating accounts.
- C. Award bid to Harrison Uniforms of Orlando, Florida for the purchase of Police and Fire uniforms at the total base bid amount of \$66,517.72 for an initial one-year period with two (2) one-year renewals upon mutual satisfaction of both parties. Funds would come from the respective department's uniform accounts. Recommendation: Award bid to Harrison Uniforms of Orlando, Florida for the purchase of Police and Fire uniforms with funds from the respective department's uniform accounts.

Member Ward seconded the motion. The motion carried unanimously.

Item D authorized staff to proceed with negotiating a repayment agreement with Sterling Forest, L.L.C., developers of the Sterling Forest Subdivision on Sisson Road, for construction of a reclaimed water line on Sisson Road from State Road 50 to State Road 405 and to establish a line connection fee for designated areas along Sisson Road. Joan Wheeler spoke in opposition to this item. The City Manager introduced Raynetta Grant, City Water Resources Director, to clarify for council why no formal bid process for this project was being taken. Ms. Grant further introduced Mr. Timothy Jelus, the contractor at the Sterling Forest Subdivision, who presented to council his company's intent toward completing the proposed project. After a discussion, council expressed concern that this item was not being competitively bid. Further, Member Ward, whose business included clients from this subdivision and upon advice from the City Attorney, felt he should not vote on the issue. Member Eigenmann moved to table this item to the next regular meeting scheduled for July 22, 2003. Member Ward seconded the motion. The motion carried unanimously.

Member Eigenmann moved to approve the remaining consent items in accordance with the following recommendations:

- E. Approve final plat for Summerwood Villas, a patio home development located on the east side of Sisson Road. Recommendation: Approve contingent upon staff approval of final engineering plans and compliance with applicable *Land Development Regulations*.
- F. Approve the purchase of six police vehicles from Pat Fischer Chevrolet, Titusville, Florida in July 2003 at a cost of \$139,428.00. To be funded through an advance from the Multi-Purpose Revenue Bonds. Recommendation: Approve with the vehicle purchase being funded through an advance from the Multi-Purpose Revenue Bonds.
- G. Authorize the execution of alternative water supply construction cost sharing program contract with the St. Johns River Water Management District and approve a related budget amendment in the amount of \$30,480.00 recognizing the receipt of grant funds. Recommendation: Authorize contract execution with the St. Johns River Water Management District and approve budget related amendment recognizing the receipt of grant funds.

Member Ward seconded the motion. The motion carried unanimously. Member Ward abstained from voting on item E (Summerwood Villas) as he was engineer of record for the development.

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Ordinances – First Reading Attorney Severs read, ORDINANCE NUMBER 27-2003, AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING SECTION 27-11 OF THE LAND DEVELOPMENT REGULATIONS BY PROVIDING ADDITIONAL DEFINITIONS REGARDING AIRPORT ZONING REGULATIONS, AMENDING SECTION 59-961 OF THE LAND DEVELOPMENT REGULATIONS BY AMENDING THE ARTHUR DUNN AIRPARK OVERLAY DISTRICT AMENDING THE LAND DEVELOPMENT REGULATIONS BY ESTABLISHING SECTIONS 59-971 THROUGH 59-978 OF THE LAND DEVELOPMENT REGULATIONS BY CREATING A SPACE COAST REGIONAL AIRPARK OVERLAY DISTRICT; PROVIDING FOR REGULATIONS; ESTABLISHING AN AIRPORT HEIGHT NOTIFICATION ZONE; AIRPORT RUNWAY PROTECTION

ZONE; AIRPORT NOISE IMPACT ZONE; AVIGATION EASEMENTS AND NONCONFORMING USES, VARIANCES AND APPEALS, AND PROVIDING FOR AN EFFECTIVE DATE, the first time by title only.

Maureen Rupe spoke in opposition to Ordinance 27-2003. She provided council with an email from a Federal Aviation Authority aviation specialist referencing the issue. Martha Pessaro, President of Friends of the Enchanted Forest, also spoke in opposition to this ordinance. She read a letter in opposition to the removal of trees and presented council with petitions in opposition.

Attorney Severs then read, ORDINANCE NUMBER 28-2003, AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING ORDINANCE NUMBER 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 3905 BOHANNON AVENUE FROM COMMERCIAL HIGH INTENSITY TO RESIDENTIAL LAND USE DESIGNATION; AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NUMBER 29-2003, AN ORDINANCE AMENDING ORDINANCE NUMBER 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 3905 BOHANNON AVENUE FROM ITS PRESENT COMMUNITY COMMERCIAL (CC) CLASSIFICATION TO RURAL RESIDENTIAL (RR) CLASSIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NUMBER 30-2003, AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING ORDINANCE NUMBER 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 ON THE EAST SIDE OF U.S. HIGHWAY ONE APPROXIMATELY 1,178 FEET SOUTH OF THE NORTHERN TERMINUS OF RIVEREDGE DRIVE FROM COMMERCIAL HIGH INTENSITY TO SHORELINE MIXED USE LAND USE DESIGNATION; BY AMENDING THE VARIOUS ELEMENTS OF SAID PLAN AND MAPS BY CHANGING THE FUTURE LAND USE MAP TO INCLUDE CERTAIN PROPERTY LOCATED ON THE WEST SIDE OF RIVEREDGE DRIVE APPROXIMATELY 1,178 FEET SOUTH OF THE NORTHERN TERMINUS OF RIVEREDGE DRIVE TO BE ANNEXED INTO THE CITY WITH A SHORELINE MIXED USE LAND USE DESIGNATION; AND PROVIDING FOR AN EFFECTIVE DATE the first time by title only.

Several citizens spoke in opposition to Ordinance 30-2003. Bob Robinson spoke with a concern on construction along Riveredge Drive. Laura Ward spoke, along with neighbors (who stood up), requesting council not to take action on this item until the SMU-A item was addressed. She further requested that Member Ward abstain from voting on any of the items, including his not taking part in discussion of the items due to his having a client with interest in Riveredge Drive development. Ron Caswell spoke asking council to keep the development in the neighborhood consistent. Rose Easley also spoke in opposition to the ordinance. Patricia Mooney read letters from neighbors unable to attend meetings in opposition to the ordinance (James Hildebrand, Sarah Brown). Vickie Weinberg spoke in opposition to the ordinance. Attorney John Evans,

representing the applicant, requested council not to table the ordinance and further requested that council receive a full presentation from his client prior to any table action. Cone Bennett, Crown Realty, briefly explained the project to the citizens and briefly described the type of buildings and their layout.

Attorney Severs read, ORDINANCE NUMBER 31-2003, AN ORDINANCE AMENDING ORDINANCE NUMBER 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 EAST SIDE OF U.S. HIGHWAY ONE APPROXIMATELY 1,178 FEET SOUTH OF THE NORTHERN TERMINUS OF RIVEREDGE DRIVE FROM ITS PRESENT LIGHT INDUSTRIAL SERVICES AND WAREHOUSING (M-1) CLASSIFICATION TO SHORELINE MIXED USE (SMU) CLASSIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE the first time by title only.

Laura Ward requested council to table this ordinance and described the lengthy process she and her neighbors have gone through. She felt it was not a lot to ask for the applicant to wait a week. She felt Member Ward was a fine person/council member and hoped there were no hard feelings in reference to her request for him to abstain from voting and discussing this issue.

Attorney Severs read, ORDINANCE NUMBER 32-2003, AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING SECTION 7, OF CHAPTER 63-2001, LAWS OF FLORIDA, SPECIAL ACTS OF 1963, BY ANNEXING CERTAIN PROPERTY LOCATED ON THE WEST SIDE OF RIVEREDGE DRIVE APPROXIMATELY 1,178 FEET SOUTH OF THE NORTHERN TERMINUS OF RIVEREDGE DRIVE TO BE INCLUDED WITHIN THE CITY LIMITS; DESIGNATING LAND USE CLASSIFICATION; PROVIDING ZONING CATEGORY; AND PROVIDING FOR AN EFFECTIVE DATE the first time by title only.

Member Ward advised that he received a letter from an attorney representing the Riveredge Drive Home Owners Association that requests he abstain from any voting and discussion as it relates to the Riveredge Drive issue. Member Ward feels that although he has been asked to abstain from voting in the past due to his civilian business he felt he was well within his right to participate in any discussion. Member Ward agreed not to vote on the issue but would plan on participating in future discussion.

Second reading and public hearing on Ordinance Numbers 27-2003 through 32-2003 was scheduled for July 22, 2003.

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Ordinances-Second Reading, Public Hearings and Related Action, The only item was Conditional Use Permit Number 10-2003 to allow a church at 2510 and 2512 South Hopkins Avenue. The Planning and Zoning Commission recommended approval with the following conditions: (1) No alcohol sold within 300 feet of the church; (2) Church activities are to be conducted indoors. City Manager Harmer described what the church would do and the hours it would operate. Member Broome opened the Public Hearing. Eugene Johnson thanked council and the Planning and Zoning Commission for their approval. No one else wished to speak and the Public Hearing was closed. After a brief discussion, Member Eigenmann moved to approve the item with the recommended conditions. Member Ward seconded the motion and roll call was:

Member Broome –	Yes
Member Ward –	Yes
Member Eigenmann –	Yes

The motion carried.

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Member Broome called for a break at 8:05 p.m. Council went back in session at 8:15 p.m.

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New Business City Manager Harmer presented council the following new issues for consideration:

A. City Manager Harmer reported to council that Brevard County asked the Brevard County School Board and each of the municipalities to affirm their support of placing the sales surtax on the November 4, 2003 ballot for voter consideration by submitting an executed interlocal agreement which principally defines the proceeds distribution and term of the surtax. City Manager Harmer provided council a draft list of proposed infrastructure projects for no action but review for future consideration. The total project list equals approximately \$27,643,900.00 of funding requirements. Joan Wheeler asked if the city residents would have to support this if they vote it down but the referendum ultimately passes county wide? She was in opposition to this Sales Tax. Susan Canada addressed council in opposition to this issue as well. Member Ward moved to execute the agreement. Member Eigenmann seconded the motion. The motion carried unanimously.

B. City Manager Harmer addressed council recommending that staff be authorized to negotiate an agreement with Baskerville-Donovan, Inc. (of Melbourne, Florida) & Reynolds, Smith and Hills, Inc. (of Orlando, Florida) Team to provide professional engineering services for the Park Avenue Widening Project at an estimated cost of \$300,000.00, using impact fee funds, and authorize the Mayor to execute the resulting contract. City Manager Harmer introduced Richard Votapka, City Engineer, who addressed council on the specifics of the project. Joan Wheeler asked if City impact fee funds were in an interest bearing account. City Manager Harmer answered affirmatively to her question that funds have been budgeted for this project. Member Ward moved to authorize staff to negotiate an agreement with Baskerville-Donovan, Inc. of Melbourne and Reynolds, Smith & Hills, Inc. of Orlando to provide professional engineering services for the Park Avenue Widening Project at an estimated cost of \$300,000.00 using impact fee funds and to authorize the Mayor to execute the resulting contract. Member Eigenmann seconded the motion. The motion passed unanimously.

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Mayor and Council Reports Council acknowledged receipt of the mayor's written report on his activities since the last meeting.

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City Manager's Report Council acknowledged receipt of the City Manager's Report. City Manager Harmer reported the following items to council:

- The mayor couldn't make the meeting due to doctor's orders.
- Titusville Police Officer Kevin Hickey was selected as both Brevard County and State of Florida Police Officer of the Year for 2002.
- The following city employees received letters of appreciation: Fire Department – Brian Marfitt, Bill Feagan, Doug Chamberlain, Alex Dracun, Scott Einkopf, Tiffany Callahan, Rodney Perry, Tony Damiano, Bob Steinmetz, Mike Chiles, Jackie Elmore, Jeff Harris, David Williams, Chris Hitt, Ross Griffith; Police Department – Patricia Morgan, Eerik Meisner, Mark Morgan, Denise Fitzgerald, Jeff Lutz, John Lau.
- Barbara Moore, President and CEO of the Child Care Association of Brevard County, Inc., provided a copy of the Association's 2002/2003 Annual Report. The report was on file in the Clerk's office for review.
- In response to a citizen inquiry at the previous meeting, advised that the survey crew observed at Marina Park were employed by Honeycutt & Associates and they were performing tasks related to the park referendum.
- Upcoming council meetings and other events were: August 2 – Special Council Meeting on the budget; August 5 – Special Council Meeting on the Comprehensive Plan; August 19 – Special Council Meeting on the budget; August 14-16 – Florida League of Cities Annual Conference.
- Advised that the Water Supply Board would meet July 11, 2003. However, city representation was unavailable to attend.
- Lastly, City Manager Harmer expressed appreciation to the Titusville Chamber of Commerce for its management of the Fourth of July fireworks display.

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Petitions and Requests from the Public Present The following citizens addressed council as follows:

Steven Berman – Complained about late charges on water bills. Given the fact that deposits were being held, he felt that individuals should be able to pay their bill within a 30-day period without penalty. Currently, late fees are assessed after 15 days. Council agreed that individuals should have 30 days to pay their bill before incurring late charges and directed City Manager Harmer to explore options and report back to council.

Laura Ward – Requested a clarification of council's action relating to draft ordinance on Shoreline Mixed Use (SMU) zoning on Riveredge Drive. City Manager Harmer advised that the ordinance would be presented for first reading on July 22, 2003 and also noted that a public hearing on several land use applications on Riveredge Drive were also scheduled for that date. Council agreed to discuss SMU ordinance on Riveredge Drive prior to public hearings on any other applications in that vicinity.

Bob Robinson – Addressed council thanking them for the consideration of the Riveredge Drive area. He hopes that some resolution could be achieved.

Susan Canada – Requested that correspondence directed to the City Attorney from the Brevard County Property Appraiser’s Office and Tax Collector’s Office regarding Vectorworks’ outstanding taxes be read into the record at the next scheduled meeting.

Joan Wheeler – Addressed council referencing a letter from Bill Horner regarding a request to present a video at a council meeting. She questioned the procedure for submitting videos for broadcast and whether or not power point presentations were also reviewed prior to broadcast.

Loys Ward – Thanked council members for their service and for listening to each other’s comments.

Bea Polk – Reminded council that the Canaveral Port Authority participated financially in the fireworks display for the City of Titusville using taxpayer money. City Manager Harmer advised that the Chamber of Commerce solicited donations and one of the donors was the Port Authority. He did not know details.

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There being no further comments, Member Broome declared the meeting adjourned at 9:07 p.m.

Ronald G. Swank, Mayor

ATTEST:

Karan J. Rounsavall, City Clerk