

City Council
Regular Meeting
July 22, 2003

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

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

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Mayor Swank called the meeting to order and the entire assembly recited the Pledge of Allegiance to the Flag.

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Vice-Mayor Rainey moved to table Ordinance No. 30-2003 amending the Future Land Use Element of Comprehensive Plan of the City of Titusville by changing the land use designation on 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 as requested by Towne Realty, Inc., with permission of Sonia Pearson, Trustee (SSA 8-2003) and annexing property located on the west side of Riveredge Drive approximately 1,178 feet south of the northern terminus of Riveredge Drive with a Shoreline Mixed Use land use designation as requested by Towne Realty, Inc., with permission of Sonia Pearson, Trustee (SSA 9-2003); Ordinance No. 31-2003 rezoning property located on the east side of U.S. Highway One approximately 1,178 feet south of the northern terminus of Riveredge Drive from Light Industrial Services and Warehousing (M-1) zoning classification to Shoreline Mixed Use (SMU) zoning classification (SSA 8-2003); and Ordinance No. 32-2003 annexing property located on the west side of Riveredge Drive approximately 1,178 feet south of the northern terminus of Riveredge Drive with a Shoreline Mixed Use zoning classification (SSA 9-2003).

Member Eigenmann seconded the motion and it carried unanimously. Mayor Swank advised Ordinances Nos. 30-2003, 31-2003, and 32-2003 would be re-advertised for public hearing and brought back to council at a later date.

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The first matter of business was approval of minutes of regular meeting June 10, 2003, regular meeting June 24, 2003, and special meeting July 1, 2003. On the June 24, 2003 minutes, Mayor Swank made the following corrections: Referring to Resolution No. 16-2003, he requested the

minutes reflect the resolution voted on was the amended resolution. Under mayor and council report regarding the letter of support for preservation of Indian Mound Station in North Brevard, sentence should read Member Ward suggested the letter be revised to limit support to the Indian Mound Station and the American Bald Eagle's nest on the property. Vice-Mayor Rainey moved to approve the minutes as corrected. Member Broome seconded the motion and it carried unanimously.

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Member Eigenmann moved to table Conditional Use Permit No. 13-2003 to allow construction of three six-story condominium buildings exceeding 50 feet in height in a Shoreline Mixed Use (SMU) zoning district located on the west side of Riveredge Drive approximately 1,178 feet south of the northern terminus of Riveredge Drive along with Area Impact Plan for Solana Pointe Condominiums as requested by Towne Realty, Inc. with permission of Sonia Pearson as it related to Ordinance Nos. 30-2003, 31-2003, and 32-2003, which was previously tabled. Vice-Mayor Rainey seconded the motion and it carried unanimously.

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

- A. Request for a permit to allow two horses on two acres at 1901 Tropic Street as requested by Robert Malone and advisability to proceed with ordinance amendment to permit such requests to be handled administratively in the future. The Planning and Zoning Commission recommended approval. Recommendation: Approve horse permit for 1901 Tropic Street and advisability to amend Code of Ordinances Section 5-101 through 5-105 to allow horse permit approval at the staff level.
- B. Authorize execution of contract with Environmental Research & Design, Inc. (ERD) for design, permitting and construction services of the Downtown Stormwater Park in an amount not to exceed \$159,032. City Manager Harmer advised agreement was modified per the request of city attorney. Recommendation: Authorize execution of contract with Environmental Research & Design, Inc. (ERD) in the amount not to exceed \$159,032 with funds available in the SJRWMD Cost Share grant, Florida Department of Environmental Protection Agency 319 grant, Stormwater Utility Area II Drainage Improvements Account, and Project #SU01010 account.
- C. Approve fixed asset item to be auctioned on July 27, 2003 at the City Auctioneer's site at 422 Julia Street. Recommendation: Approve fixed asset item to be auctioned of an Office Filing System estimated at \$500 in value at the July 27th auction.
- D. Resolution No. 18-2003 supporting the efforts of Brevard Community College and other agencies to construct a community conference center in Titusville. Recommendation: Approve.

Member Ward seconded the motion and roll call was:

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

The motion carried.

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Mayor Swank commented on Resolution No. 18-2003 under the consent agenda that was supporting the efforts of Brevard Community College and other agencies to develop a community conference center in Titusville. The Brevard County Commission was considering a sales tax referendum at the November 4, 2003 election to provide funding for the construction of an appropriate facility in North Brevard at an estimated cost of \$10,000,000. Mayor Swank asked for financial support from the city for the construction of the community conference center. City Manager stated he would meet with all parties involved and come back to council with a monetary figure. Mayor Swank moved to support a pledge to the county, school, and hospital and requested city manager provide additional information regarding the funds needed for construction of the community conference center. Member Ward seconded the motion and the roll call was:

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

The motion carried.

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Ordinances – First Reading Attorney Severs read ORDINANCE NO. 33-2003 OF THE CITY OF TITUSVILLE, FLORIDA AMENDING THE SHORELINE MIXED USE ZONING SECTION OF THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF TITUSVILLE BY ADDING SECTION 59-706(e) WHICH ESTABLISHES A MAXIMUM RESIDENTIAL DENSITY OF SIX UNITS PER ACRE IN THE SHORELINE MIXED USE AREA FOR PROPERTIES FRONTING ON LOCAL STREETS; ADDING SECTION 59-707(b) WHICH ESTABLISHES A MAXIMUM BUILDING HEIGHT OF THIRTY-FIVE (35) FEET FOR PROPERTIES FRONTING ON LOCAL STREETS; ADDING SECTION 59-707(g)(4) WHICH ESTABLISHES A MINIMUM LIVING AREA FOR PROPERTIES FRONTING ON LOCAL STREETS; AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 34-2003 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 EAST OF GRISSOM PARKWAY SOUTH OF PERIMETER ROAD AND WEST OF SPACE COAST REGIONAL AIRPORT FROM ITS PRESENT COMMUNITY COMMERCIAL (CC) CLASSIFICATION TO LIGHT INDUSTRIAL SERVICES AND WAREHOUSING (M-1) CLASSIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 35-2003 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 WEST OF GRISSOM PARKWAY SOUTH OF SHEPARD DRIVE AND WEST OF SPACE COAST REGIONAL AIRPORT FROM ITS PRESENT COMMUNITY COMMERCIAL (CC) CLASSIFICATION TO REGIONAL COMMERCIAL (RC) CLASSIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE the first time by title only.

The first public hearing for Ordinance No. 33-2003 was scheduled for tonight's meeting and the second and final public hearing was scheduled for August 12, 2003. The public hearing for Ordinance 34-2003 and 35-2003 was scheduled for August 12, 2003.

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Ordinances – Second Reading, Public Hearings & Related Action It was not 7 p.m. and Vice-Mayor Rainey moved to hear new business items until it reached 7 p.m. Member Broome seconded the motion and it carried unanimously.

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New Business The first item was the advisability to proceed with amendment to ordinance addressing payment of utility bills, specifically providing for institution of a 15-day grace period for payment. City Manager Harmer advised staff was reviewing the utility codes and that a package to address all changes through one public hearing process was being prepared and would be brought to council at a future date. At this time, staff recommends allowing an additional 15-day grace period for the bill, which in effect would allow the customer 30 days to make payment. Member Eigenmann moved to approve staff's recommendations. Vice-Mayor Rainey seconded the motion and it carried unanimously.

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Next was to authorize staff to negotiate agreement with Sterling Forest, L.L.C. to provide engineering design for a reclaimed water line on Sisson Road from State Road 50 to State Road 405 at a cost not to exceed \$25,000 and authorize mayor to execute said agreement.

Water Resources Director Raynetta Grant gave an overview of the agreement including council's concern at the July 8th city council meeting regarding bidding and competitive pricing. Ms. Grant advised that staff had continued discussion with developers and would now offer an

alternative. The alternative was to request funding for construction of the project once the design was complete and the engineer's construction estimate was received. She also recommended proceeding with negotiating a repayment agreement with Sterling Forest, L.L.C for the construction of the reclaimed water line or to pursue other construction alternatives.

Member Ward expressed concern of bidding for construction portion, service district areas that were being imposed, and repayment of agreement. He felt as though authorizing staff to negotiate agreement to provide the engineering design would commit the city to the project.

Mayor Swank commented on area of critical concern, recharge area for our Area III Well Field, protecting our water resources in the Area III Well Field, and growth. He also discussed the funding aspect; which he understood that a developer that would like to provide reuse in his subdivision and was willing to pay the cost with money being repaid within a five year time frame.

Member Ward commented on property, which was located in a multi-family zoning district and that no connection was required unless a reuse line was available. He supported reuse, but was concerned with the cost of the project.

Member Broome moved to authorize staff to negotiate agreement with Sterling Forest, L.L.C. to provide the engineering design of a reclaimed water line on Sisson Road from State Road 50 to State Road 405 at a cost not to exceed \$25,000 and authorize the Mayor to execute the agreement. Vice-Mayor Rainey seconded the motion and it carried four to one with Member Ward opposed.

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It was now 7 p.m. and council moved to items under Ordinances-Second Reading, Public Hearings and Related Action.

Ordinances-Second Reading, Public Hearings and Related Action Attorney Severs read ORDINANCE NO. 27-2003 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 SECTION 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, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE the second time by title only.

This was the first public hearing. The second and final public hearing was scheduled for August 12, 2003. No action would be taken until the August 12th meeting.

Mayor Swank opened the public hearing.

Dean Pettit of the Titusville Environmental Commission (TEC) commented on changing language within the ordinance regarding controlled burns. He also advised that two motions were made at the TEC meeting including removing any reference to Florida Department of Transportation (FDOT) and other state agencies in Section 99-977 (C). TEC also recommended the Planning and Zoning Commission and City Council table this ordinance to allow TEC members to gather additional information, as they understood final public hearing to be held on August 12th versus August 26th. He also invited city attorney and city council to attend the next TEC meeting to be held on August 6, 2003 during which Ordinance No. 27-2003 would be on the agenda for discussion.

Bob Champaigne asked for a creative plan that would preserve the integrity of the Enchanted Forest and provide reasonable economic development for the community. Mr. Champaigne was a Brevard County teacher and has taken his students to the Enchanted Forest for educational purposes. He also asked that council find a path that protects the Enchanted Forest and preserves the future growth potential, as it will improve the quality of life within the community.

Martha Pessaro distributed a spreadsheet including changes that the Friends of the Enchanted Forest would like to see in Ordinance No. 27-2003 and requested that they be allowed to sit down with staff and council to discuss proposed ordinance.

Barbara Hoelscher read letter from President David Rich who could not be present. Mr. Rich commented on ordinance amending Section 27-11, which clearly states the desire to protect the Enchanted Forest and suggested the ordinance must clearly state that the Enchanted Forest was a true sanctuary and be fully exempt from the side effects of airport growth and development. Ms. Hoelscher concluded her statements by encouraging all members involved with the airport expansion program to think about communications throughout the process due to the fact the Enchanted Forest was not included in any of the decision-making process for the ordinance.

Attorney Tim Pickles spoke on behalf of the Airport Authority. Mr. Pickles commented on Ordinance 27-2003 including the main issue of conforming trees and conforming other structures that were not only governed by Florida Statutes Chapter 333, but also by federal regulations. He commented on the Enchanted Forest being owned by the State of Florida and that it was under a long-term lease by Brevard County. Mr. Pickles also stated that it has not been determined how to handle the over-height of the trees and that a letter was sent to City Attorney Severs regarding the need to address the reference to active runways. The letter requested that the ordinance include any runway having that facility which was shown on the airport master plan or airport layout plan submitted to the federal aviation administration airport district office or comparable military document. Mr. Pickles advised that he hoped to provide technical information with the overall effect of tree trimming at the next public hearing held on August 12th.

Suzanne Meyer disagreed with the Enchanted Forest being annexed into the city. Ms. Meyer stated that she was one of the original founders of the Friends of the Enchanted Forest and that removing the canopy of the trees would also be removing the habitat. She asked council to use its greatest efforts to care about the Enchanted Forest.

Maureen Rupe was opposed to the trimming of the trees. Ms. Rupe asked for a permanent variance for the Enchanted Forest, which would protect the forest.

Ronald Hoover expressed concern of the trimming of the trees. He commented on the structure of the canal, historical woods, gopher turtles, and wildlife.

James Sylvester commented on article he had read regarding the Enchanted Forest being a threat to the airport. He was a retired Air Force pilot and does not understand how destroying a beautiful forest was going to improve the safety of the airport.

The public hearing was closed.

Mayor Swank requested that the verbiage regarding controlled burns be reviewed and revised.

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The meeting recessed at 7:50 p.m. and reconvened at 8:00 p.m.

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City Manager Harmer introduced the new Utility Billing Manager Craig Hahn and welcomed him to the city.

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Attorney Severs read ORDINANCE NO. 33-2003 OF THE CITY OF TITUSVILLE, FLORIDA AMENDING THE SHORELINE MIXED USE ZONING SECTION OF THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF TITUSVILLE BY ADDING SECTION 59-706(e) WHICH ESTABLISHES A MAXIMUM RESIDENTIAL DENSITY OF SIX UNITS PER ACRE IN THE SHORELINE MIXED USE AREA FOR PROPERTIES FRONTING ON LOCAL STREETS; ADDING SECTION 59-707(b) WHICH ESTABLISHES A MAXIMUM BUILDING HEIGHT OF THIRTY-FIVE (35) FEET FOR PROPERTIES FRONTING ON LOCAL STREETS; ADDING SECTION 59-707(g)(4) WHICH ESTABLISHES A MINIMUM LIVING AREA FOR PROPERTIES FRONTING ON LOCAL STREETS; AND PROVIDING FOR AN EFFECTIVE DATE the second time by title only. The second and final public hearing was scheduled for August 12, 2003.

Planning Administrator Keith Cunningham reviewed the changes in the ordinance requested by council at the July 1, 2003 special city council meeting including maximum residential density of six units per acre for properties fronting on local streets, maximum building height of 35 feet for

properties fronting on local streets, and minimum living area of 1,200 square feet for properties fronting on local streets.

Mayor Swank opened the public hearing.

Kohn Bennett, representative of Towne Realty, stated proposed Ordinance No. 33-2003 directly affects the Sonia Pearson's property and would not allow the proposed project for Towne Realty to proceed. Mr. Bennett provided information regarding zoning on Riveredge Drive and access issues to Towne Realty project. He requested ordinance be amended for the provisions to only apply to properties with access solely from local streets. Member Broome asked whether the main means of ingress and egress of the development would be off of Highway U.S. One. Mr. Bennett answered yes.

John Evans distributed information relating to zoning on Riveredge Drive and commented on article published by the St. Petersburg Times regarding Titusville. He advised the property being developed by Towne Realty would not block the river view, have no adjacent residents, was zoned Industrial, and could be accessed from Highway U.S. One. Mr. Evans was concern with reducing density, which would kill the growth of development in Titusville. He also requested the proposed ordinance be applied where appropriate and only apply to roads that only front Riveredge Drive.

Bill Kolodney stated he did not feel as though allowing a multi-family zoning district with six units per acre would lower property value. He also complimented the developments of Towne Realty and commented on other businesses within the community and quality developers with the Titusville area. He suggested that the city not be too restrictive with Ordinance No. 33-2003.

Loys Ward distributed handout of Riverside Drive parcels including parcel id, project/owner, acreage, use code, description, and home sizes of the property. He commented on density and stated that the majority of traffic that would be created from the Towne Realty project would use Highway U.S. One. Mr. Ward requested language within the ordinance be modified by removing any reference to fronting on Riveredge Drive to read with access solely from Riveredge Drive.

Karl Pearson, attorney and son of Sonia Pearson, commented on property, which was located on Riveredge Drive and being developed by Towne Realty. Mr. Pearson commented on his personal view of the property and complimented Towne Realty.

Rose Easley commented on future projects including the Towne Realty project and discussed the petition that was signed regarding the density on Riveredge Drive.

Laura Ward commented on map of proposed project for Towne Realty, making property on Riveredge Drive conforming, zoning and commercial property on Riveredge Drive, and Attorney Hank Evans' description of the properties on Riveredge Drive.

Vice-Mayor Rainey moved to allow Laura Ward an additional one-minute. Member Eigenmann seconded the motion with a vote three to two with Members Broome and Ward opposed.

Laura continued discussion of property and stated that she welcomed development in Titusville if the project was conforming to the surrounding properties. She also stated that the residents of Riveredge Drive never asked for single family zoning and felt as though Ordinance No. 33-2003 does not restrict multi family zoning.

Ron Caswell commented on the purchase of his home on Riveredge Drive. He asked council to keep Titusville a hometown that residents could be proud of.

Patty Mooney expressed concern with the attorney of the Towne Realty project crossing the line to portray an untruthful picture of the properties located on Riveredge Drive. She also asked the mayor to review the Planning and Zoning Commission composition as she feels that it was unbalanced with contractors, etc. Ms. Mooney also requested the consideration of imposing density restrictions and height restrictions.

Vicki Weinburg requested height restrictions of 35 feet and six units per acre remain within the ordinance as written.

Lynn Masters commented on biking, jogging, walking, etc on the narrow road of Riveredge Drive. She also addressed several issues including the limited capacity of Riveredge Drive, which served no through traffic and felt as though developers that have the capability should have to access Highway U.S. One. Ms. Masters also asked why property owners on Riveredge Drive must give up their privacy in order for condominiums to be built.

Attorney Kimberly Rezanka stated the ordinance was too vague. It was not clear on boundaries and unclear on other zoning overlay districts. The Shoreline Mixed Use was not appropriate for the area on Riveredge Drive due to the primary residential uses. She also felt that it was appropriate to limit density, as the density was limited in the SMU ordinance for the DMU and townhouses, but not to anything else. She requested council to review residential zoning classifications in Titusville that were very specific as this was a unique area and contained a local street. Attorney Rezanka expressed concern about safety issues, traffic, and welfare of residents on Riveredge Drive.

Terrence Galvin, owner and broker of South Star Realty, agreed with Mr. Evans' comments and encouraged council to drop ordinance completely as he felt as though it would not help the development of Titusville. He commented on letter he had received from one property owner of Riveredge Drive who was in favor of the SMU zoning.

Robert Robinson, owner of property in Hidden Creek Subdivision commented on city council meeting held on November 13, 2001 regarding the vote on Conditional Use 9-2001. He encouraged council to make a decision on the zoning of Riveredge Drive. He also stated that the trend was residential and this was why he purchased the property in Hidden Creek Subdivision.

Mitzi Robinson, owner of property in Hidden Creek Subdivision, commented on property that was located on Riveredge Drive. She felt as though it was not selling due to buyers not sure of

zoning. Ms. Robinson asked council not to allow a high rise condominium be built next to her property.

Mayor Swank closed the public hearing.

Mayor Swank requested the following changes to Ordinance 33-2003.

- Section 59-706 (a) should read the maximum number of residential dwelling units per acre in the Shoreline Mixed Use (SMU) shall be 15 units per acres. See section 27-22, Definitions.
- Section 59-707(b) should read Maximum building height shall not exceed 35 feet in height for properties fronting local roads.
- Section 59-707(g) should be Section 59-707(f). Mayor Swank stated council had discussed minimum living area of 1,200 square feet in protection of our river and believes 1,200 square should be SMU as a whole, not just Riveredge Drive and suggested changing the following language to read: For single family, townhouse, duplex, triplex, quadraplex, and other multifamily units, the minimum living area should be 1,200 square feet.
- Mayor Swank also requested deleting Section 59-707(g)(1), (2), & (3) that reads:
 - Single family – one thousand (1,000 square feet for one bedroom unit, plus 200 square feet for each additional bedroom).
 - Townhouse – 800 square feet for a one-bedroom unit, plus 200 square feet for each additional bedroom.
 - Duplex, triplex, quadraplex, and other multifamily units.
 - efficiency – 600 square feet.
 - One bedroom – 700 square feet.
 - Two bedroom – 800 square feet.
- Section 59-709(f) should read: A townhouse shall have minimum landscape easement of ten (10) feet in width and shall be provided along the perimeter boundary of the project site. This requirement shall apply to boundaries adjoining other property excluding public rights-of-way.

Mayor Swank presented a powerpoint presentation including assumptions, angle calculations, distance calculations for 80-foot high building, distance calculations for 60 foot high building, easier approach. Other items to discuss were density access off Riveredge Drive, density access off U.S. One, density access to both U.S. One and Riveredge Drive, and the minimum living size for all Shoreline Mixed Use.

Council members discussed having no access to Hidden Creek Subdivision, traffic on Riveredge Drive, shortage of mult-family residence, quality growth, placing restrictions on local streets, properties having double access, limiting to six units per acre versus 15 units, and the future for Riveredge Drive.

Mayor Swank asked council whether it wanted to see Riveredge Drive as Shoreline Mixed Use or Residential land use. Mayor Swank, Vice-Mayor Rainey, Members Ward, Broome, and Eigenmann agreed property should remain SMU at this time.

Council made a consensus to change the following in the Shoreline Mixed Use ordinance:
Section 59-706(d): The maximum number of residential dwellings units per acre whose only access is a local street shall be ... Council made the decision to stop here.

Member Broome asked for additional information relating to setbacks and the impact on property.

Council discussed setback requirements and maximum building height. Council directed staff to create verbiage for dynamic setback versus height restrictions on local roads.

Vice-Mayor Rainey suggested developing a point system for the SMU land use designation on local streets, which would allow developers less restrictions if they built further off the road, have enclosed parking lots, etc.

Council made a consensus to make the following change that was suggested by Mayor Swank:

- Section 59-707(g) should be Section 59-707(f) and language read: For single family, townhouse, duplex, triplex, quadraplex, and other multifamily units, the minimum living area should be 1,200 square feet.
- Delete Section 59-707(g)(1), (2), & (3) that reads:
 - Single family – one thousand (1,000 square feet for one bedroom unit, plus 200 square feet for each additional bedroom).
 - Townhouse – 800 square feet for a one-bedroom unit, plus 200 square feet for each additional bedroom.
 - Duplex, triplex, quadraplex, and other multifamily units.
 - efficiency – 600 square feet.
 - One bedroom – 700 square feet.
 - Two bedroom – 800 square feet.

Council made a consensus to start at six units per acre with only access being a local road and develop a point system.

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It was 10:30 p.m. Member Ward moved to extend meeting for 20 minutes. Member Eigenmann seconded the motion and it carried unanimously.

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Member Ward moved to table Conditional Use Permit 11-2003 to allow recycling facilities in an industrial (M-2) zoning district at 4475 South Street as requested by John Evans on behalf of Julius Feher to allow the Planning and Zoning Commission time to review at the August 20, 2003 meeting. The Planning and Zoning Commission tabled this item to its August 20th meeting to allow applicant to develop detailed site plan. Member Broome seconded the motion and it carried unanimously. Vice-Mayor Rainey advised council that August 20, 2003 was on a

Wednesday night. Member Ward amended his motion to table item to the August 26, 2003 city council meeting. Member Eigenmann seconded the motion and it carried unanimously.

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Member Broome moved to table Ordinance No. 28-2003 amending the Future Land Use Element of Comprehensive Plan of the City of Titusville changing the land use designation on property at 3905 Bohannon Avenue from Commercial High Intensity to Residential as requested by Patricia Meredith, owner and Ordinance No. 29-2003 rezoning 3905 Bohannon Avenue from Community Commercial (CC) zoning classification to Rural Residential (RR) zoning classification as requested by Patricia Meredith, owner. The Planning and Zoning Commission recommended approval of office-professional (OP) zoning without the need for a change of the land use designation. This item would be re-advertised for rezoning from Community Commercial (CC) zoning classification to Office Professional (OP) zoning classification as recommended by the Planning and Zoning Commission. Member Ward seconded the motion and it carried unanimously.

Patricia Meredith expressed concern about the item not being approved at this meeting and council directed Senior Planner Randy Woodruff to discuss procedures with Ms. Meredith.

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Member Broome moved to table Resolution No. 17-2003 vacating a public utility and drainage easement at 3700 Belle Arbor Circle (Bella Vista at La Cita, Phase I) as requested by Don Eshenroder to the special comprehensive plan meeting on August 5, 2003. Member Eigenmann seconded the motion and it carried unanimously. (Note: This item was reconsidered later in the meeting.)

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City Manager Harmer stated new business item regarding presentation of solid waste rate study and five-year business plan recommendations and implementation could be incorporated into the budget presentation.

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Public Hearing Next was Conditional Use Permit 9-2003 to allow additional density for condominiums in a Shoreline Mixed Use (SMU) zoning district at 3205 South Washington Avenue as requested by Sid Chehayeb on behalf of Maurice Kodsí along with Area Impact Plan for said project consisting of 54 condominium units. The Planning and Zoning Commission recommended approval of both the conditional use and the area impact plan with conditions.

Community Development Director Roy Crawford gave an overview of the application.

Mayor Swank opened the public hearing.

Sid Chehayeb agreed with staff recommendations and asked for approval of Conditional Use Permit No. 9-2003 and the related Area Impact Plan.

Mayor Swank closed the public hearing.

Member Ward asked that the owner connect to sidewalks and commented on applicant exceeding code requirements on landscaping of property. Member Ward moved to approve Conditional Use Permit No. 9-2003 as recommended. Vice-Mayor Rainey seconded the motion and the roll call was:

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

The motion carried.

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Next was Conditional Use Permit No. 12-2003 to allow a church in a community commercial (CC) zoning district at 1219 South Street as requested by Clifford Grimes with permission of Olivia Murphy. The Planning and Zoning Commission recommended approval with conditions.

Mayor Swank opened the public hearing. No one wished to speak. The public hearing was closed.

Member Broome moved to approve Conditional Use Permit No. 12-2003 as recommended. Vice-Mayor Rainey seconded the motion and the roll call was:

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

The motion carried.

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Member Ward moved to reconsider Resolution No. 17-2003 vacating a public utility and drainage easement at 3700 Belle Arbor Circle (Bella Vista at La Cita, Phase I) as requested by Don Eshenroder. Vice-Mayor Rainey seconded the motion and it carried unanimously.

Mayor Swank opened the public hearing. No one wished to speak and the public hearing was closed.

Don Eshenroder's spouse was available to answer any questions.

Vice-Mayor Rainey moved to approve Resolution No. 17-2003. Member Eigenmann seconded the motion and the roll call was:

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

The motion carried.

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Member Eigenmann moved to extend meeting to 11:15 p.m. Vice-Mayor Rainey seconded the motion and it passed unanimously.

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New Business Council acknowledged receipt of the proposed budget for Fiscal Year 2003/2004. Finance Director Bob Erickson requested setting the proposed millage rate at 6.0453 which was ten percent above the rolled back rate, and establishing public hearings on the tentative annual budget and millage for FY 2003/2004. Setting the millage rate at 6.0453 would give council the maximum flexibility in ultimately establishing the final millage rate after the budget workshops in August and the two required public hearings. Member Eigenmann moved to approve the 6.0453 millage rate, which equals 10 percent over the roll back rate. Member Broome seconded the motion and it carried unanimously.

Member Broome moved to set public hearings on the tentative annual budget and millage for FY 2003/2004 for Thursday, September 11, 2003 and Thursday, September 25, 2003. Vice-Mayor Rainey seconded the motion and it carried unanimously.

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Boards and Commissions Board of Adjustments and Appeals – The terms of Robert Donaldson, Z. Sid Chehayeb, regular members, expired the 31st of the month. The term of Michael Boggs, alternate member, also expired the 31st of the month. Council appointment was for a two-year term.

Member Eigenmann moved to re-appoint regular members Robert Donaldson and Z. Side Chehayeb and alternate member Michael Boggs with term expiring August 31, 2005. Vice-Mayor Rainey seconded the motion. Member Ward asked that staff send a letter of appreciation to these members.

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

Mayor Swank requested approval of memorandum to the Boards of Adjustments & Appeals regarding reclaimed water. Vice-Mayor Rainey moved to approve memorandum. Member Broome seconded the motion and it carried unanimously.

Mayor Swank requested approval of letter to Roy Varley, Executive Director of the Tourist Development Council regarding the Space Walk of Fame Foundation, Inc. and letter to Governor Jeb Bush inviting him to the grand opening of the American Police Hall of Fame and Museum on October 15th. Vice-Mayor Rainey moved to approve letters to Roy Varley and Governor Jeb Bush as requested. Member Broome seconded the motion and it carried unanimously.

Vice-Mayor Rainey announced that the Titusville Canine unit was selling T-shirts to raise money to build a training facility and purchase boxes for the canine patrol cars. The cost of the T-Shirts was \$10 and they could be purchased by contacting Vice-Mayor Rainey or one of the canine units.

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City Manager's Report City Manager Harmer presented his written report.

City Manager Harmer read the names of employees receiving letters of appreciation: Fire and Emergency Services – Chuck Bogle, Alan Colquhoun, Tiffany Callahan, Mike Woodward, Frank Canada, Don Pierce; Public Works Department – Jack Riddle and Bryan Michaud

City Manager advised seniors' homestead exemption would be presented with the upcoming budget process understanding that if council decided to proceed with re-implementation of the exemption, it would occur in Fiscal Year 2004/2005.

City Manager Harmer advised of upcoming meetings and events. He also advised the mayor and city manager were asked to serve on panel at the upcoming League of Cities conference to discuss city county relations.

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Mayor Swank advised he and city manager presented the park plan to the county commissioners and that it was accepted and forwarded to their staff.

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Petitions and Requests from the Public Present Jennifer Sypien, Paul Sypien, Craig Engelson, Janice Campbell, and Ken Larson requested support to operate Coon's Run Sanctuary from the home of Mr. & Mrs. Sypien. This organization would provide protective housing and rehabilitative services for injured wildlife. Mayor Swank directed city manager to review options to provide this service in a residential zoning.

Member Eigenmann moved to extend meeting. Vice-Mayor Rainey seconded the motion and it carried unanimously.

Susan Canada asked Mayor Swank whether the county had accepted the park plan as stated previously in the meeting. Mayor Swank clarified that the park plan was received and forwarded to their staff. Ms. Canada commented on composite structures, finances including loans owed by Vectorworks, exclusive parking, and vested rights. She offered to share additional information at a later time.

Laura Ward asked for time frame for further discussion of the SMU ordinance and the Towne Realty project. Mayor Swank stated council was going on the assumption that the SMU ordinance would be addressed prior to any other decisions being made with regard to applications on Riveredge Drive. Member Eigenmann agreed. Ms. Ward requested a meeting with Mayor Swank and Vice-Mayor Rainey to determine their vision of Riveredge Drive. Mayor Swank and Vice-Mayor Rainey agreed.

Geri Sigmore spoke in favor of the Elderly Homestead Exemption for fiscal year 2004/2005. She encouraged council to address this issue and asked when it would be discussed. Vice-Mayor Rainey replied that it would be discussed at the budget workshops.

Wanda Williams expressed concern regarding the city's policy on late charges for the water bills and citizens living on fixed budgets.

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The meeting adjourned at 11:52 p.m.

Ronald G. Swank, Mayor

ATTEST:

Karan J. Rounsavall, City Clerk