

City Council
Regular Meeting
August 12, 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 Mayor Ron Swank, Vice-Mayor Jeff Rainey, and Council Members Ken Ward and Chris Broome. Also in attendance were City Manager Tom Harmer, City Attorney Dwight Severs, and City Clerk Karan Rounsavall. Member Conrad Eigenmann was absent due to work commitments.

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Mayor Swank called the meeting to order and invited Daniel Pritchett of New Life Christian Fellowship to give the invocation. The entire assembly recited the Pledge of Allegiance to the Flag.

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Before proceeding with the meeting, Mayor Swank advised that the 60-day trial period for receiving public comment at the end of the meeting was over. An ordinance amendment was necessary to make the change on a permanent basis. Tonight's agenda was prepared with public comment at the end of the meeting. The mayor asked for council's direction. Member Broome moved to continue the agenda as published, i.e. receiving public comment at the end of the meeting. Member Ward seconded the motion and it carried with Vice-Mayor Rainey voting no.

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The first item of business was approval of minutes for regular meeting July 8, 2003. Vice-Mayor Rainey moved to approve the minutes as submitted with wording changes suggested by the City Attorney relative to a council member's participation in discussion on Riveredge Drive matters. Member Broome seconded the motion and it carried unanimously.

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Special Recognitions Social Services Director Robynne Hester-Dew reviewed the operations of Social Services and the tenants at the Center. She announced opportunities for the public to get involved in volunteer efforts.

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Mayor Swank presented a plaque to representatives of the Titusville Jaycees recognizing the organization's efforts through the years to provide Fourth of July Fireworks displays for the community.

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Presentations Public Works Director Jim Herron introduced the Solid Waste Business Plan. The recommendations contained therein, including rate increases, were incorporated into the proposed budget. If council made changes other than those recommended, the budget would need to be amended accordingly. There was serious concern about a declining fund balance and rate structures no longer adequate to cover operational costs and to keep the fund solvent.

John Culbertson representing the consulting firm of R. W. Beck, Inc., presented the Solid Waste Business Plan for the City of Titusville. His firm's review assessed the operational efficiency of the Solid Waste and Recycling Divisions and analyzed options for improving the system operationally, administratively, and financially. Service levels were comparable to other municipalities throughout the county and residents were satisfied with overall solid waste service. It was recommended that the City establish a regularly scheduled weekly yard waste collection day. This would require a net increase of two employees to the division. Refuse collection and recycling schedules remained the same. Operationally, the consultant recommended a conversion from side loaders and grapple trucks to larger capacity rear loaders for yard waste collection. There had been no solid waste rate increases for the past four years. An analysis of residential rates resulted in several recommendations: establish single-family and multi-family customer classes; 7.8 percent increase in single-family residential refuse rates; and set multi-family rate for refuse and recycling at 75 percent of single-family refuse rates. Additional changes were recommended for commercial rates: 20.5 percent increase in dumpster rates; implementation of container rental fees; establishment of realistic commercial can rate. All new rates were to become effective October 2003.

Member Broome moved to accept the Solid Waste Business Plan and to proceed with implementation of initiatives presented by the consultant including finalization of the five-year business plan and preparation of ordinances increasing the rate structure (effective as of October 1, 2003). Member Ward seconded the motion and it carried unanimously.

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Consent Agenda Prior to receiving a motion, council heard from several residents on the preliminary plat for Country Club Estates. Liz Lackovich, Ana Glaubitz, and Tammy Neu endorsed the subdivision which was located adjacent to Shangri-La with conditions outlined in their August 12th correspondence to city council. These included use of an alternative form of gate at the Rancho Avenue extension (i.e. other than Knox device) and that the gate at Rancho Avenue extension be moved closer to the easterly boundary of Country Club Estates' property. Developer Coy Clark was available to answer questions. He was willing to work with the surrounding neighborhood on the conditions requested and was confident that a compromise could be reached. The mayor asked that Shangri-La's requests be made part of the consent motion.

Jack Spira was available to answer questions on the preliminary plat for Oaks at Meadow Woods.

Member Ward declared a conflict of interest as to the preliminary plat for Country Club Estates. His brother was the realtor for the subject property.

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

A. Preliminary plat for Country Club Estates, a single-family residential development located north of Country Club Drive approximately 110 feet east of Barna Avenue. The Planning and Zoning Commission recommended approval. Recommendation: Approve preliminary plat subject to items noted in the July 30, 2003 letter from development supervisor. Also with changes requested by Shangri La Home Owners Association, specifically that an alternative form of gate be used at the Rancho Avenue extension (i.e. other than Knox device) and that the gate at Rancho Avenue extension be moved closed to the easterly boundary of Country Club Estates' property.

B. Final plat for Sterling Forest, a single-family residential development located at the northeast corner of Sisson Road and Little League Lane. Recommendation: Approve final plat contingent upon applicant meeting all conditions outlined in July 30, 2003 letter from development supervisor.

C. Preliminary plat for Oaks at Meadow Woods, a single-family development located east of Holder Road north of Prescott Street. The Planning and Zoning Commission recommended approval subject to verification that stub-out street to the south can be extended for emergency access. Recommendation: Approve preliminary plat contingent upon applicant meeting all conditions outlined in July 30, 2003 letter from development supervisor. Approval also conditioned upon staff working with the applicant and property owner to the south of the development to secure permission/approval to make the roadway connection to Yorktown Avenue prior to final plat approval.

D. Authorization to transfer ownership of 1986 Ford truck to Jim Lacina of J & J Cranes of Clearwater in exchange for \$3,000 of parts and labor charges applied to refurbishment of existing Water Production Division crane. Recommendation: Authorize transfer of vehicle ownership as stated.

E. Award contract for engineering services to Barnes, Ferland & Associates, Inc. of Orlando in support of the Area IV Wellfield Project in the not-to-exceed amount of \$160,000. Recommendation: Award contract as recommended with funds available in Area IV Wellfield Development account. Further authorize city manager to sign resultant task orders.

Member Ward seconded the motion as to items B through E. Mayor Swank seconded the consent motion as to item A.

Roll call on item "A", being the preliminary plat for Country Club Estates was:

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

The motion carried. Roll call on items B through E was:

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

The motion carried.

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The meeting recessed at 7:34 and reconvened at 7:41 p.m.

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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 AMENDING SECTIONS 59-706 AND 59-707 TO INCLUDE PROVISIONS FOR RESIDENTIAL DENSITY BASED ON ROADWAY CLASSIFICATION, BUILDING SETBACKS, BUILDING HEIGHT AND DESIGN FEATURES RESPECTIVELY; AMENDING SECTION 59-707 TO INCREASE THE MINIMUM LIVING AREA FOR ALL PROPERTIES IN THE SHORELINE MIXED USE ZONING DESIGNATION; AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 36-2003 OF THE CITY OF TITUSVILLE, FLORIDA AMENDING THE *CODE OF ORDINANCES* BY AMENDING SECTION 21-280 BY CHANGING THE DEFINITION OF REUSE SERVICE AREA AND REUSE SERVICE DISTRICT; AMENDING SECTION 21-284 BY CLARIFYING CERTAIN TERMINOLOGY; AMENDING SECTION 21-290 BY AMENDING SUBSECTION (c) REGARDING CONNECTION OF EXISTING SINGLE FAMILY HOMES AND SUBSECTION (e) REGARDING AVAILABILITY OF REUSE LINES; AMENDING SECTION 21-290 BY ESTABLISHING A NEW SUBSECTION (h) BY PROVIDING FOR THE INSTALLATION OF REUSE TRANSMISSION MAINS AND IMPOSITION OF A CONNECTION FEE AND ESTABLISHING THE PROCESS AND PROCEDURE FOR IMPOSING SAID FEE; AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 37-2003 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 3905 BOHANNON AVENUE FROM ITS PRESENT COMMUNITY COMMERCIAL (CC) CLASSIFICATION TO OFFICE PROFESSIONAL (OP) CLASSIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 38-2003 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 116 SOUTH PARK AVENUE FROM ITS PRESENT OFFICE PROFESSIONAL (OP) CLASSIFICATION TO COMMUNITY COMMERCIAL (CC) CLASSIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 39-2003 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 504 ROCK PIT ROAD FROM ITS PRESENT GENERAL USE (GU) CLASSIFICATION TO MULTI-FAMILY HIGH DENSITY RESIDENTIAL (R-3) CLASSIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 40-2003 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 MAP TO INCLUDE CERTAIN PROPERTIES TO BE ANNEXED INTO THE CITY LIMITS OF THE CITY OF TITUSVILLE, FLORIDA AND DESIGNATING A LAND USE CLASSIFICATION; AMENDING THE FUTURE LAND USE MAP TO INCLUDE CERTAIN PROPERTY LOCATED ON SIXTH STREET APPROXIMATELY 150 FEET WEST OF BARNA AVENUE TO BE ANNEXED INTO THE CITY WITH RESIDENTIAL LAND USE; AMENDING THE FUTURE LAND USE MAP TO INCLUDE CERTAIN PROPERTY LOCATED BETWEEN BARNA AVENUE, TENTH STREET AND EAST FIRST AVENUE TO BE ANNEXED INTO THE CITY WITH RESIDENTIAL LAND USE; AMENDING THE FUTURE LAND USE MAP TO INCLUDE CERTAIN PROPERTY LOCATED AT 5220 SOUTH WASHINGTON AVENUE (U.S. HIGHWAY ONE) TO BE ANNEXED INTO THE CITY WITH INDUSTRIAL LAND USE; AMENDING THE FUTURE LAND USE MAP TO INCLUDE CERTAIN PROPERTY LOCATED ON THE NORTH SIDE OF GOLDEN KNIGHTS BOULEVARD AND WEST OF THE FLORIDA EAST COAST RAILROAD TO BE ANNEXED INTO THE CITY WITH INDUSTRIAL LAND USE; AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 41-2003 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 SIXTH STREET APPROXIMATELY 150 FEET WEST OF BARNA AVENUE TO BE INCLUDED WITHIN THE CITY LIMITS; DESIGNATING LAND USE CLASSIFICATION; PROVIDING ZONING CATEGORY; AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 42-2003 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 BETWEEN BARNA AVENUE, TENTH STREET AND EAST FIRST AVENUE TO BE INCLUDED WITHIN THE CITY LIMITS; DESIGNATING LAND USE CLASSIFICATION; PROVIDING ZONING CATEGORY; AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 43-2003 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 AT 5220 SOUTH WASHINGTON AVENUE TO BE INCLUDED WITHIN THE CITY LIMITS; DESIGNATING LAND USE CLASSIFICATION; PROVIDING ZONING CATEGORY; AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 44-2003 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 NORTH SIDE OF GOLDEN KNIGHTS BOULEVARD AND WEST OF THE FLORIDA EAST COAST RAILROAD 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.

Second reading and public hearing was scheduled for August 26, 2003.

Public Hearings and Related Action Next was the second and final public hearing on Ordinance No. 27-2003 providing additional definitions regarding airport zoning regulations; amending the Arthur Dunn Airpark overlay district; creating a Space Coast Regional Airpark overlay district; establishing an airport height notification zone, airport runway protection zone, airport noise impact zone, aviation easements, non conforming uses, variances, and appeals. Both the Planning and Zoning Commission and Titusville Environmental Commission recommended approval.

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 NON CONFORMING USES, VARIANCES AND APPEALS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE by title only.

Attorney Severs advised that the ordinance before council was modified, at the request of Brevard County, addressing controlled burns and exempting the Enchanted Forest from regulations. He was also in receipt of a request for clarifying language from the Titusville-Cocoa Airport Authority specifically referencing “runways depicted on an approved Airport Layout Plan” as opposed to “active runway.” The city attorney had no objection to the Airport Authority’s request.

Mayor Swank opened the public hearing. Diane Bender urged council to adopt all measures which would preserve and protect the canopy ecosystem known as the Enchanted Forest.

Chuck Nelson representing North Brevard Parks and Recreation Commission was accompanied by Anne Birch of the Endangered Lands Acquisition program. They appreciated the City’s efforts to protect the Enchanted Forest and noted that the Environmental Commission recommended approval of the proposed ordinance. As to the changes requested by the Airport Authority, he was somewhat concerned about future changes to the plan and wanted the opportunity to review this aspect.

Dave Edwards, Executive Director of the Space Coast Regional Airport, advised that the only planned runway extension was to the south at such time that demand warranted. The Federal Aviation Authority (FAA) required the Airport to update its master plan every five years; public hearings were required as a part of this process.

Maureen Rupe spoke in favor of adopting the ordinance as presented which provided protection for the Enchanted Forest.

Martha Pessaro, President of Friends of the Enchanted Forest, asked those in the audience on behalf of the Forest to stand. She stated that the Enchanted Forest was never approached by the

Airport Authority to discuss common issues and was concerned as to what the FAA might have approved.

Tim Pickles, attorney representing the Airport Authority, thanked everyone for working together to come to a resolution, however, expressed concerns with the changes recommended by Brevard County. It was his legal opinion that these changes were inconsistent with State Statutes and there was no justification to exempting the Enchanted Forest from regulations. The Statutes were designed to protect airports and keep them operating. He asked that council approve the ordinance with the exception of provisions exempting the Enchanted Forest, specifically 59-577 and 59-977.

Attorney Severs responded to Mr. Pickles' comments, stating that Airport Authority and Brevard County had had years to resolve this issue and it was not appropriate to put the City of Titusville into the middle of the debate at this time. It was an issue to be resolved between the county, state and airport authority.

Jim Garrison questioned the applicability of this ordinance to Arthur Dunn Airpark, particularly glide slopes. He was aware of a planned structure at the Airpark which needed an eave height of approximately 18 feet. Attorney Severs responded that nothing in the proposed ordinance addressed Arthur Dunn; its regulations had been in effect since 1973 and no change was anticipated.

Sandra Clinger spoke in favor of protection for the Enchanted Forest as provided by the proposed ordinance. She questioned what might happen when the airport's plan changed.

Council heard once again from Dave Edwards of the Airport Authority who reminded council that it encouraged annexation of the airport which resulted in an interlocal agreement to adopt an ordinance protecting the airport. Three trees in the Enchanted Forest were identified due to a change in the support slope; an analysis was underway. He appreciated the City's efforts to bring this to resolution as the Airport's desire was for an ordinance that complied with State Statutes.

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

Member Broome pointed out that Titusville was growing, particularly to the south. A cooperative arrangement was desirable. It was his understanding that the Airport Authority did not oppose adoption of this ordinance and would work with the county and state before attempting to top or trim any trees.

Member Broome moved to adopt Ordinance No. 27-2003 as presented which included revisions requested by Brevard County which, in effect, exempted the Enchanted Forest as well as the incorporation of modifications requested by the Airport Authority referencing the "approved Airport Layout Plan." Vice-Mayor Rainey seconded the motion and roll call was:

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

The motion carried.

The meeting recessed at 8:50 and reconvened at 9 p.m.

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Next was the first public hearing on Ordinance No. 33-2003 amending the Shoreline Mixed Use (SMU) zoning section of the *Land Development Regulations*. The second and final public hearing was scheduled for August 26, 2003.

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 AMENDING SECTIONS 59-706 AND 59-707 TO INCLUDE PROVISIONS FOR RESIDENTIAL DENSITY BASED ON ROADWAY CLASSIFICATION, BUILDING SETBACKS, BUILDING HEIGHT AND DESIGN FEATURES RESPECTIVELY; AMENDING SECTION 59-707 TO INCREASE THE MINIMUM LIVING AREA FOR ALL PROPERTIES IN THE SHORELINE MIXED USE ZONING DESIGNATION; AND PROVIDING FOR AN EFFECTIVE DATE by title only.

City Manager Harmer pointed out changes to the proposed ordinance requested by City Council at its July 22, 2003 regular meeting. These changes incorporated height limitations, setbacks, and design features that would make a development eligible for additional density.

Mayor Swank opened the public hearing. Terrace Galvin was the owner of South Star Realty Group. He stated this property was located between U.S. Highway One and Riveredge Drive; it had been on the market for many years. He did not object to the ordinance as it related to frontage on local streets, however, he felt there should be more density for frontage on collector streets.

Connie Pontius recently purchased property on Riveredge Drive and wanted to build a home. She was appalled to hear that the city might allow high-rise condominiums on Riveredge Drive. In her opinion, this was not the place for big projects that would dwarf the existing homes. She opposed any development over three stories in height.

Kohn Bennett agreed with the six-unit per acre density cap for those properties with sole access onto Riveredge Drive but felt that those properties with dual access (other than Riveredge Drive) should receive an automatic elevated density of two to three units per acre.

John Evans responded to correspondence from an attorney for the residents of Riveredge Drive that special considerations were being given to Towne Realty. A clear distinction was to be made between property that had access to both Riveredge Drive and U.S. Highway One. He suggested that the density for properties with U.S. Highway One access should be increased from 9 to 15 units per acre.

Roger Molitor owned a restaurant on Riveredge Drive. He pointed out that Riveredge Drive was a county-owned right-of-way and the residents of Riveredge Drive were not citizens of Titusville. He reminded council that his property was annexed into the city with Shoreline Mixed Use zoning based upon 15 units per acre. If his property were down zoned as a result of the proposed ordinance, it would be a taking of equity. It was his opinion that multi-family homes did not diminish the value of surrounding single-family dwellings.

Jim Hildebrandt lived on Riveredge Drive. He stated that Council Member Ken Ward was directly affiliated with a pending project on Riveredge Drive and felt that he should abstain from all discussion and voting on this matter.

Rose Easley lived in Riveredge Townhomes. She was concerned about language in the proposed ordinance addressing access and design features. She distributed pictures of waterfront development three stories or less in height.

Claudette Beggs also lived on Riveredge Drive and urged council to protect the single-family homes from high-rise concrete. She was looking for development that everyone would be proud of.

Ron Caswell spoke to the quality of life in Titusville. He appreciated the mayor's efforts to bring everyone together. Bob Robinson felt that the proposed ordinance exceeded that which was currently in effect and wondered how it affected locations other than Riveredge Drive.

Laura Ward felt that the proposed ordinance was only applicable to Riveredge Drive. Developers favored the ordinance because if allowed them to do pretty much what they wanted to do. High-rise development was not the character of Riveredge Drive. She wanted to see structures that were compatible with the existing development. She felt that condominiums belonged in the downtown area. Ms. Ward distributed pictures of waterfront development illustrating high-rise construction as well as setbacks.

Tom LaForge wondered how the city would accommodate the logistics inherent with living on the Indian River.

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

Mayor Swank reminded council and the audience that this was the first public hearing on Ordinance No. 33-2003. Council discussion ensued. Referring to Section 59-706(e), Mayor Swank suggested that reference to "gated access" be changed to "emergency access." Vice-Mayor Rainey said that there was no way to make everyone happy and mentioned those uses that were permitted under existing county ordinances. He much preferred to see a quality development and felt that there should be provision for additional density if a property had access to a collector road. He was ready to support nine units per acre for such situations.

Member Ward felt this was a citywide ordinance and would be comfortable voting on it when reference to certain streets was removed. (At this time, Member Ward disclosed that Roger Molitor was a client and that Laura Ward was a past client.) He felt that all reference to Riveredge Drive in the introductory "whereas's" should be removed and also supported elevated density for access to a collector street, specifically nine units per acre (Section 59-706(e)).

Member Broome felt that overall aesthetics were important. Condominium developments could be tasteful or poorly done. All development impacted one's view of the Indian River. He favored treating Riveredge Drive differently. There was plenty of room for compromise. Mayor Swank was of the opinion that the proposed ordinance protected the residents of Riveredge Drive.

Referring to Section 59-706(e), Vice-Mayor Rainey moved to allow a credit of three units per acre for properties with primary access on a collector or higher roadway. Member Broome seconded the motion for discussion and clarified that, as of today, this ordinance only applied to Riveredge Drive. Planning Administrator Keith Cunningham advised that the ordinance would

apply to future SMU properties that were brought into the city and mentioned areas south of Vector Space. The motion failed with Mayor Swank and Member Broome voting no and Member Ward abstaining.

It was 10:30 p.m. Vice-Mayor Rainey moved to extend the meeting to 11 p.m. Member Ward seconded the motion and it carried unanimously.

Attorney Severs observed that council's primary concern seemed to be the protection of a local street and maintaining its character. He suggested this could be achieved by limiting access or increasing setbacks.

Vice-Mayor Rainey moved to allow an additional three units per acre as a design feature for properties with primary access on a collector or higher roadway classification. Member Broome seconded for discussion. It was pointed out that earlier in the year council approved nine units per acre on Riveredge Drive for Mr. Furlong. The motion carried with Member Ward abstaining from the vote. Council also agreed to limit all reference in the introductory whereas's to Riveredge Drive.

The final public hearing on Ordinance No. 33-2003 was scheduled for August 26, 2003.

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It was 11 p.m. Council voted unanimously to extend the meeting to 11:30 p.m.

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Ordinance No. 34-2003 rezoned property located on the east side of Grissom Parkway south of Perimeter Road and west of the Space Coast Regional Airport (specifically Lot 25 of the unrecorded plat for Willow Creek Commercial Subdivision) from community commercial (CC) to light industrial services and warehousing (M-1) as requested by Duane Watson with permission of Willow Creek Development (Application No. 8-2003). Ordinance No. 35-2003 rezoned property located on the west side of Grissom Parkway south of Shepard Drive and west of the Space Coast Regional Airport (specifically Lot 20 of the unrecorded plat for Willow Creek Commercial Subdivision) from community commercial (CC) to regional commercial (RC) as requested by Duane Watson with permission of Willow Creek Development (Application No. 9-2003). The Planning and Zoning Commission recommended approval of both rezoning requests.

Attorney Severs read 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 second time by title only.

Conditional Use Permit No. 15-2003 was related to Ordinance No. 34-2003 in that it would allow mini warehouses and outside storage in a light industrial services and warehousing (M-1) zoning district on the subject property (i.e. Lot 25 of the unrecorded plat for Willow Creek Commercial Subdivision). The Planning and Zoning Commission recommended approval of the conditional use with the condition that access should only be from Willow Creek Boulevard.

Mayor Swank opened the public hearing on Ordinance No. 34-2003 and Conditional Use 15-2003. No one wished to speak.

Member Broome moved to adopt Ordinance No. 34-2003 and to approve Conditional Use Permit No. 15-2003 with the noted condition. Vice-Mayor Rainey seconded the motion and roll call was:

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

The motion carried.

Mayor Swank opened the public hearing on Ordinance No. 35-2003. No one wished to speak.

Vice-Mayor Rainey moved for adoption. Member Broome seconded the motion and roll call was:

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

The motion carried.

Conditional Use Permit No. 14-2003 allowed a restaurant with a drive-through window in a community commercial (CC) zoning district for property lying west of Grissom Parkway and south of Shepard Drive (i.e. Lot 17 of the unrecorded plat for Willow Creek Commercial Subdivision) as requested by Duane Watson on behalf of Willow Creek Development. The Planning and Zoning Commission recommended approval with the condition that there be only one access point to Grissom Parkway from Lot 17.

No one wished to speak on the request.

Vice-Mayor Rainey moved for approval with the recommended condition related to access. Member Broome seconded the motion and roll call was:

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

The motion carried. Member Ward moved to direct the preparation of an ordinance allowing drive-through facilities as a permitted use in all appropriate zoning districts as this would eliminate numerous requests for conditional uses. Vice-Mayor Rainey seconded the motion and it carried unanimously.

Conditional Use Permit No. 17-2003 allowed a bank with drive-through facilities in a community commercial (CC) zoning district for property lying west of Grissom Parkway and south of Shepard Drive (i.e. Lot 18 of the unrecorded plat for Willow Creek Commercial Subdivision) as requested by Duane Watson on behalf of Willow Creek Development. The Planning and Zoning Commission recommended approval with the condition that access be provided via a joint use driveway on Lot 21 (adjacent lot to the north).

No one wished to speak on the request.

Vice-Mayor Rainey moved for approval with the condition related to access. Member Broome seconded the motion and roll call was:

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

The motion carried.

The final item related to the Willow Creek Development was Conditional Use Permit No. 18-2003 to allow a drive-in restaurant in a community commercial (CC) zoning district for property lying west of Grissom Parkway and south of Shepard Drive (i.e. Lot 19 of the unrecorded plat for Willow Creek Commercial Subdivision) as requested by Duane Watson on behalf of Willow Creek Development. The Planning and Zoning Commission recommended approval with the condition that there be only one access point to Grissom Parkway.

No one wished to speak on the request.

Vice-Mayor Rainey moved for approval with the condition related to access. Member Broome seconded the motion and roll call was:

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

The motion carried.

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The last item for public hearing was Conditional Use Permit No. 19-2003 to allow a pet funeral home with crematory services in a light industrial services and warehousing (M-1) zoning district at 685 Childre Avenue as requested by Christine Braddy. The Planning and Zoning Commission recommended approval with the following conditions: (1) that the cremation/incineration system be comparable to the system noted in the application (i.e.

Crawford Model C700P); (2) that personnel be properly trained in operation of the cremation/incineration system; and (3) that the applicant possess an Air Permit – Non Title V Source issued by the Florida Department of Environmental Protection.

The applicant was available to answer questions, however, did not speak. No one else wished to speak on the request. The public hearing was closed.

Vice-Mayor Rainey moved for approval of the conditional use with conditions noted. Member Broome seconded the motion and roll call was:

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

The motion carried.

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Old Business At its regular meeting on May 27, 2003, City Council directed a change to the public comment portion of the agenda for a 60-day trial period beginning with the June 10th council agenda. Essentially, the change eliminated the first opportunity for Petitions and Requests from the Public Present in favor of a single such opportunity to speak at the end of the meeting. The trial period was now concluded. Council's direction was requested.

Prior to commencing its discussion, council heard from Joan Wheeler and Susan Canada. Both liked the opportunity to speak at the end of the meeting after votes on all issues were recorded.

Vice-Mayor Rainey's motion to table this item until the August 26th meeting died for lack of a second. Member Ward felt that receiving public comment at the end of the meeting had worked satisfactorily. He pointed out that council members could always ask that an item be put on the agenda and a citizen had the opportunity to sign up to speak on every item. Member Broome stated that he had no problems with the former way (i.e. two opportunities for public comment).

Member Ward moved to continue with petitions and requests at the end of the meeting, necessitating an ordinance amendment. Member Broome seconded the motion which failed on a tie vote. Vice-Mayor Rainey and Member Broome voted in opposition; Mayor Swank and Member Ward voted in favor of the motion. Accordingly, the order of the agenda would revert to two opportunities for petitions and requests per current ordinance at the August 26th meeting.

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New Business The only item was negotiation and execution of a contract with Brian Christman of Lassiter-Ware Insurance for designing and implementing an employee wellness program for the City of Titusville. The funding source identified for this contract were existing funds set aside for health/prescription coverage. Since all positions, including authorized positions, were funded in the insurance budget for the entire year, there were funds in the account caused by the fact that authorized positions and turnover positions were not eligible for health/prescription coverage for 90 days. Using the current authorized positions and projected turnover positions, there were sufficient funds in the fully insured budget to fund the proposal.

Vice-Mayor Rainey moved to authorize staff to negotiate and execute a contract as stated. Member Ward seconded the motion and it carried unanimously.

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Boards and Commissions North Brevard Parks and Recreation Commission – the terms of Ted Beck and Barry Gainer expired at the end of the month. These were council appointments for two-year terms. Member Broome moved to reappoint the incumbents. Member Ward seconded for discussion. Vice-Mayor Rainey moved to table. Member Broome seconded the motion and it carried on an all yes vote.

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It was 11:30 p.m. Member Ward moved to continue the meeting until 11:40 p.m. 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.

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City Manager's Report Council acknowledged receipt of the city manager's written report. City Manager Harmer went on to read into the record an e-mail received earlier in the day from Jeffrey Gray of Vectorworks withdrawing its request for shared parking and stormwater retention at Marina Park.

Council reiterated its support for the City's conceptual plan for Marina Park. Member Ward moved that the mayor and city manager present this plan to the North Brevard Parks and Recreation Commission at its next meeting on August 21st. Vice-Mayor Rainey seconded the motion and it carried unanimously.

City Manager Harmer announced an executive session tentatively scheduled for August 19th.

The city manager pointed out that three special meetings on the comprehensive plan were cancelled due to scheduling conflicts. He wondered if another day might be better for council's schedule. The third Tuesday of each month was suggested.

Vice-Mayor Rainey moved to authorize the placement of a plaque at Broad Street Park recognizing the contributions of the Citizens Advisory Committee to bring this park to fruition. Member Ward seconded the motion and it carried unanimously.

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It was 11:40 p.m. Member Broome moved to continue the meeting for another ten minutes. Member Ward seconded the motion and it carried.

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City Attorney's Report The only item was a proposed policy on broadcast of videos by members of the public at council meetings. City Attorney explained that the proposed policy would require previewing by the city manager or his designee at least 24 hours prior to the meeting to ensure compatibility with the City equipment and ensure that the contents of the video tape contained no obscenity, pornography, libelous or slanderous material. The proposed policy was patterned after Brevard County's policy.

Member Broome moved to adopt the policy as presented. Vice-Mayor Rainey seconded the motion. Mayor Swank did not favor the broadcast of videos provided by the public. City Manager Harmer offered additional verbiage suggested by the Community Relations Division: (1) that once media was presented, it could not be exchanged or altered and that any changes would require a new approval process; (2) that the city was not responsible for any damaged media; and (3) that it was the presenter's responsibility to ensure that the video presentation submitted conformed with the format used by the City of Titusville. These requirements were accepted as a friendly amendment to the motion on the floor.

The motion failed on a tie vote. Mayor Swank and Member Ward voted no.

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Petitions and Requests from the Public Present Robert Robinson commented on the proposed Shoreline Mixed Use ordinance. At the present time, it only impacted Riveredge Drive.

Laura Ward provided a listing of multi-family residential units currently on the market for sale. She also pointed out that Brevard County's Comprehensive Plan provided for protection of residential riverside properties. She provided a copy of the County's plan in this regard. It was clarified for Ms. Ward that Member Ward abstained from voting on the Shoreline Mixed Use ordinance.

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It was 11:50 p.m. Vice-Mayor Rainey moved to extend the meeting until its conclusion. Member Ward seconded the motion and it carried.

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Susan Canada wondered why the city permitted Sunshine Bakery to moved to downtown. Despite the withdrawal of its request for joint use, she was still concerned about Vectorworks using parking to the north of Marina Park. She personally favored Brevard County's plan for Marina Park.

Commenting on proposed rate increase for Solid Waste, Joan Wheeler felt that any overage in this fund should be retained in the fund and not used to subsidize the general fund. Ms. Wheeler felt that notices of budget workshops should be noticed on the bulletin boards as quickly as possible. Additionally, these meetings should be posted on the black felt board in the lobby of city hall. She also commented on the proposed four percent salary increase for Fiscal Year 2003/2004; all employees should receive a living wage.

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The meeting adjourned at 12 midnight.

Ronald G. Swank, Mayor

ATTEST:

Karan J. Rounsavall, City Clerk