

City Council
Regular Meeting
August 26, 2003

The City Council of the City of Titusville, Florida met in regular session on Tuesday, August 26, 2003 in the Council Chamber of City Hall, 555 South Washington Avenue, beginning at 6:30 p.m.

xxx

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.

xxx

Mayor Swank called the meeting to order and asked for a moment of silence. Following the moment of silence, the entire assembly stood and recited the Pledge of Allegiance to the Flag.

xxx

Reverend Richard Lord, Pastor of Park Avenue Baptist Church, gave the invocation.

xxx

The first matter of business was approval of minutes of regular meeting July 22, 2003 and special meeting August 2, 2003. Vice-Mayor Rainey moved to approve the minutes as submitted. Member Broome seconded the motion and it carried unanimously.

xxx

Presentations State Representative Ralph Poppell reported on issues confronted during the past legislative session, including area economics, employment, medical malpractice limits, education, constitutional amendments, etc. Council asked for his assistance in obtaining funding to replace the Max Brewer Causeway Bridge.

xxx

Member Nathaniel Pilate gave the semi-annual report for the North Brevard County Hospital District Board including review of the board's activities over the previous six months and plans for the future. Member Broome moved to accept the North Brevard County Hospital District Board's semi-annual report. Vice-Mayor Rainey seconded the motion and it carried unanimously.

xxx

Chairman Mike Cunningham gave the semi-annual report for the Municipal Code Enforcement Board for period covering March 2003 to August 2003. Vice-Mayor Rainey moved to accept the Municipal Code Enforcement Board's semi-annual report. Member Eigenmann seconded the motion and it carried unanimously.

xxx

Consent Agenda Mayor Swank requested consent item C be voted on as a separate motion. Council agreed. Member Broome moved to approve items A, B, D in accordance with the following recommendations:

- A. Authorize use of Police Department forfeiture funds in the amount of \$250 to support Florida Missing Children's Day ceremonies in Tallahassee on September 8, 2003. Recommendation: Authorize donation of \$250 in forfeiture funds.
- B. Authorization for city manager to award annual solicitations for procurements exceeding \$10,000; administrative renewals for said awards; and authorize mayor to execute contracts that result from this action exceeding \$10,000. Recommendation: Approve as stated with funds available from various departmental operational budgets with expenditures totaling approximately \$1,500,000 annually.
- D. Accept dedication of right-of-way for Oak Grove Road from Parrish Medical Center. Recommendation: Accept right-of-way deed for Oak Grove Road and authorize execution of related maintenance agreement of the relocated portion of Oak Grove Road.

Vice-Mayor Rainey seconded the motion and it passed unanimously.

xxx

Member Broome moved to approve consent item C in accordance with the following recommendation.

- C. Approve final plat for Titusvillage Section Twelve. Recommendation: Approve final plat as presented.

Vice-Mayor Rainey seconded the motion and it passed unanimously with Member Ward abstaining from vote.

xxx

Petitions and requests from the public present Laura Ward suggested that council adopt a policy wherein members would refrain from both voting and discussion on items in which there was a stated conflict of interest. In her opinion, this would keep the public from becoming cynical.

Kimberly Bonder Rezanka, attorney speaking on behalf of the residents of Riveredge Drive, objected to language on the agenda stating that all land use applications related to Riveredge Drive would be considered as a single public hearing on the basis that this would deny due process rights. She requested additional time to speak if, indeed, these items were handled together.

Elliott Gulbrand expressed a desire to maintain a portion of the right-of-way of Third Street as it was in a deteriorated condition. His request was referred to the city manager who would discuss the procedure for vacating a right-of-way.

Susan Canada wondered why council seemed to be pushing so hard for parking on the north part of Marina Park if, in fact, Vectorworks had withdrawn its request for joint use and found a short term solution to parking for its adjacent facility.

xxx

Ordinances – First Reading Attorney Severs read ORDINANCE NO. 45-2003 OF THE CITY OF TITUSVILLE, FLORIDA AMENDING SECTIONS 39-664, 59-302, 59-304, 59-322, 59-324, 59-342, 59-344, 59-362, 59-364, 59-382, 59-384, 59-544, 59-662, 59-664, 59-702, AND 59-704 OF THE LAND DEVELOPMENT REGULATIONS BY REMOVING CONDITIONAL USES FOR DRIVE-IN/DRIVE-THROUGH FACILITIES; PROVIDING GENERAL PERFORMANCE REQUIREMENTS FOR SAME; AND PROVIDING FOR EFFECTIVE DATE and

ORDINANCE NO. 46-2003 OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING ORDINANCE NO. 60 - 1988 WHICH ADOPTED THE COMPREHENSIVE PLAN OF THE CITY, BY AMENDING THE VARIOUS ELEMENTS OF SAID PLAN AND MAPS BY CHANGING THE FUTURE LAND USE DESIGNATION FOR CERTAIN PROPERTY LOCATED AT 1670 SHELLEY PLACE FROM RESIDENTIAL TO COMMERCIAL LOW INTENSITY LAND USE DESIGNATION; AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 47-2003 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 1670 SHELLEY PLACE FROM ITS PRESENT SINGLE FAMILY MEDIUM DENSITY RESIDENTIAL (R-1B) CLASSIFICATION TO NEIGHBORHOOD COMMERCIAL (NC) CLASSIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE the first time by title only.

The first public hearing for Ordinance No. 45-2003 was scheduled for September 9, 2003 and second and final public hearing scheduled for September 23, 2003. The public hearing for Ordinance Nos. 46-2003 and 47-2003 was scheduled for September 9, 2003.

xxx

Ordinances-Second Reading, Public Hearings and Related Action 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 the second time by title only.

Council members disclosed whether they had spoken with any citizens or received any correspondence regarding Ordinance No. 33-2003, Ordinance No. 30-2003, Ordinance No. 31-2003, Ordinance No. 32-2003, or Conditional Use Permit 13-2003.

City Manager Harmer stated Ordinance No. 30-2003, Ordinance No. 31-2003, Ordinance No. 32-2003, and Conditional Use Permit 13-2003 were related and could be considered under a single public hearing and could be acted upon with a single motion.

Member Ward removed himself from the council chamber during public hearing on Ordinance No. 33-2003, Ordinance No. 30-2003, Ordinance No. 31-2003, Ordinance No. 32-2003, and Conditional Use Permit 13-2003, as he would abstain from discussion and voting on these issues.

Vice-Mayor Rainey moved that Ordinance No. 30-2003, Ordinance No. 31-2003, Ordinance No. 32-2003, and Conditional Use Permit 13-2003 be considered under a single public hearing and acted upon with a single motion. Ordinance No. 36-2003 defining the reclaimed water service districts and establishing procedures for sharing infrastructure costs with properties benefiting from improvements would be heard following these items. Member Broome second the motion and it carried unanimously.

Planning Administrator Keith Cunningham presented a powerpoint presentation on Ordinance No. 33-2003 for the proposed changes in Shoreline Mixed Use land use designation. He reviewed the Riveredge Drive annexation background, current request, existing commercial properties, existing residential single-family properties, Hidden Creek Subdivision, items considered in proposed ordinance, summary of amendments-local street access only, primary access, and Shoreline Mixed Use Ordinance amendments.

Mayor Swank opened the public hearing to hear persons regarding Ordinance No. 33-2003.

Al Guterrez expressed concern of property rights, restricting building heights, and asked council to vote against Ordinance No. 33-2003.

Kimberly Rezanka, representative of Riveredge Drive property owners, commented on concerns of the residents including ordinance being clearly designed for the Towne Realty project, sole and primary access not being defined within ordinance, and that the ordinance was unconstitutional.

Member Broome moved to extend time for two minutes in order for Ms. Rezanka to continue her comments. Member Eigenmann seconded the motion and it carried unanimously.

Kimberly Rezanka continued by commenting on the area impact plan, relationship to surrounding structures, vested property rights, no coordination with county, and protecting the citizens and character of Riveredge Drive.

Laura Ward stated the main problem of ordinance was that it did not remove six units per acre from the Riveredge Drive neighborhood and that it would be incompatible with current use. She commented on setbacks, safety of Riveredge Drive, and whether the local street (Riveredge Drive) would be changed to a collector road.

Rose Easley commented that the residents of Riveredge Drive asked council to protect their street from high-density developments and feared proposed changes in Ordinance No. 33-2003.

Vicki Wheinburg, resident of the north end of Riveredge Drive, expressed concern with traffic on Riveredge Drive if Ordinance No. 33-2003 was approved, developers building condominiums and read letter opposed to Ordinance No. 33-2003 written by Ron Caswell.

Ken Pontius commented on investing his money in property that was located on Riveredge Drive and expressed concern of changing local road (Riveredge Drive) to a collector road. He continued by expressing concern about additional traffic on Riveredge Drive, construction of condominiums on Riveredge Drive and asked council to work with residents to develop a plan that would be benefit Riveredge Drive and Titusville.

Connie Pontius submitted a letter regarding development on Riveredge Drive and made recommendations to construct an attractive subdivision versus high-rise condominiums.

Tom LaForge expressed concern with Riveredge Drive (local street) becoming a collector road and access for development of the proposed Towne Realty project. Vice-Mayor Rainey responded that additional space would be needed in right of way in order for Riveredge Drive to become a collector road, which was not possible.

Claudette Beggs asked that reference material completed by Mary Gibson, State Certified Residential Real Estate Appraiser, be submitted into the record. She read material regarding compatibility. She also commented on property rights and reserving the value of the property. She requested local street be changed to Riveredge Drive in Ordinance No. 33-2003.

Bob Robinson requested local street be changed to Riveredge Drive and asked council to provide minimum setbacks for developers that wish to build greater than 35 feet in height. He also commented on primary and emergency access to Riveredge Drive for the proposed Towne Realty project.

Hank Evans asked that the ordinance be applied to the Towne Realty's project. He felt as though no additional traffic for residents would result from the construction of the Towne Realty project. He commented on condominiums not being built on the riverside, value of property owners increasing versus decreasing, and asked for ordinance to be adopted as drafted.

Kohn Bennett commented on employment that would result from the construction of proposed project, increased tax base for the City of Titusville, primary access, setbacks, and asked council to support ordinance as written.

Loys Ward asked council to approve Ordinance No. 33-2003 as written and reiterated Mr. Evans and Mr. Bennett's comments.

Roger Molitor commented on proposed project and asked council to grandfather in two properties located on Riveredge Drive that were previously approved for nine units per acre including school board property.

George Louis commented on high-quality reputation of the developers that were requesting condominiums to be constructed on Riveredge Drive. He asked council to allow 15 units per acre on the west side of Riveredge Drive as it would only increase revenues and bring jobs to the City of Titusville.

Mayor Swank closed the public hearing.

Vice Mayor Rainey moved to approve Ordinance No. 33-2003 as written with the following changes: (1) grandfather two properties on Riveredge Drive including school board property that was previously approved for nine units per acre; and (2) change local road to Riveredge Drive in the introductory whereas statement. Member Broome seconded the motion with discussion. Member Broome expressed concern with the inconsistencies within the ordinance regarding density per acre and felt as though conditional use permits should continue to be reviewed by staff with final approval by city council. Member Broome stated he could not support the ordinance as written.

Vice Mayor Rainey amended motion to include that the maximum density could not exceed 15 units per acre as recommended by city attorney.

Member Eigenmann stated that he was not opposed to the Towne Realty project, but did not want to design the Shoreline Mixed Use ordinance around this or any other project. He also expressed concern with ordinance allowing developers to build with few restrictions. Member Eigenmann requested setback be increased from 1 foot to 1.65 or 2 feet per additional foot of building height over 35 feet and only pedestrian access being allowed on Riveredge Drive.

Council continued discussion to clarify motion previously made by Vice-Mayor Rainey.

XXX

The meeting recessed at 9:35 p.m. and reconvened at 9:45 p.m.

XXX

Vice-Mayor Rainey expressed concern with the proposed changes to his motion made prior to break and withdrew his motion.

Member Broome moved to amend Ordinance No. 33-2003 as follows: (1) Change sentence on first page to read, Whereas, Riveredge Drive cannot accommodate high density developments; (2) On Section 59-706(e) for properties with primary access on a collector or higher roadway classification and a gated pedestrian access on a local street, additional density above six units per acre may be permitted subject to the following design features or combination thereof being provided with maximum density not to exceed 15 units per acre. Member Eigenmann seconded the motion with discussion. He commented on whether section 59-704 (k) 20 units per acre should be reduced to 15 units per acre and requested additional setback for structures higher than 35 feet.

Vice-Mayor Rainey called for a vote to the motion that was currently on the floor made by Member Broome. Mayor Swank clarified motion made by Member Broome was to add Riveredge Drive to the ordinance with maximum density not to exceed 15 units per acre and allow gated pedestrian access on a local street. The second held by Member Eigenmann and the roll call was:

Mayor Swank	no
Vice-Mayor Rainey	no
Member Broome	no
Member Eigenmann	no

The motion failed. Discussion continued on properties previously approved at nine units per acre, adding additional setbacks for buildings over 35 feet, and whether conditional use permits would be approved at staff level.

Mayor Swank passed the gavel to the vice-mayor and moved to approve Ordinance No. 33-2003 with the following changes: (1) In each whereas, include reference to Riveredge Drive as well as local street; (2) In Section 59-706(e) change language to read: For properties with primary access on a collector or higher roadway classification and a gated pedestrian access on a local street, additional density above six units per acre may be permitted subject to the following design features or combination thereof being provided with the maximum density not to exceed 15 units per acre; and (3) In section 59-707 change language to read: For properties with structures located adjacent to Riveredge Drive, the maximum building height along or adjacent to Riveredge Drive shall not exceed 35 feet at the setback lines. One foot of additional setback shall be required for each foot of building height over 35 feet.

Member Eigenmann seconded the motion for discussion. He requested amending motion to add additional setback requirement of one and one half foot per each foot for buildings over 35 feet in height. Mayor Swank accepted amendment. Discussion continued on whether two properties ~~including school board property~~ would be grandfathered in ordinance and there was no consensus (*Correction made by Mayor Swank at the September 23, 2003 meeting*). Member Broome requested an additional amendment to the motion to include the following in reference to conditional use permits. In Section 59-706, change language to read: Requests for additional

density shall be processed as a conditional use and meet all requirements for same pursuant to criteria stated in Sections 47-116 through 47-132 of the *Land Development Regulations* Mayor Swank accepted the two amendments to his motion.

It was 10:30 p.m. Member Broome moved to extend meeting. Member Eigenmann seconded the motion. Member Broome revised his motion to extend meeting for only one hour. Member Eigenmann stated the second held and the motion carried three to one with Vice-Mayor Rainey opposed.

Member Eigenmann wondered whether side setbacks should be addressed. Council made a consensus to allow developers in audience to speak regarding side setbacks in other communities.

Hank Evans agreed with current minimum side setbacks that were in current code and asked council not to make Ordinance No. 33-2003 stricter than other regulations within our code.

Kimberly Bonder Rezanka reminded council the project being discussed was over 35 feet in height and that residential neighborhoods were to the north and south of proposed project. She also commented on fire codes that would increase setback requirements.

Kohn Bennett commented on side setbacks within the current code of the City of Titusville.

The motion by Mayor Swank and seconded by Member Eigenmann would include the following changes to Ordinance No. 33-2003:

- In each “Whereas” – include reference to Riveredge Drive as well as local street.
- 59-706(e) For properties with primary access on a collector or higher roadway classification and a gated **pedestrian** access on a local street, additional density above six units per acre may be permitted subject to the following design features or combination thereof being provided with the maximum density not to exceed 15 units per acre.
- 59-706 Requests for additional density shall be processed as a conditional use and meet all requirements for same pursuant to criteria stated in Sections 47-116 through 47-132 of the *Land Development Regulations*.
- 59-707 For properties with structures located adjacent to Riveredge Drive, the maximum building height along or adjacent to Riveredge Drive shall not exceed 35 feet at the setback lines. One and one half feet of additional setback shall be required for each foot of building height over 35 feet.

The roll call was:

Vice-Mayor Rainey	no
Member Broome	yes
Member Eigenmann	yes
Mayor Swank	yes

The motion carried three to one with Vice-Mayor Rainey opposed. Member Ward was not present in the council chamber per his earlier announcement to abstain from vote. The gavel was returned to the mayor.

The meeting recessed at 10:55 p.m. and reconvened at 11:00 p.m.

xxx

Member Broome moved to hear Ordinance No. 37-2003 rezoning 3905 Bohannon Avenue from Community Commercial (CC) zoning classification to Office Professional (OP) zoning classification as requested by Patricia Meredith, owner. (Application No. 13-2003). The Planning and Zoning Commission recommended approval of office-professional (OP) zoning without the need for a change of the land use designation. Member Eigenmann seconded the motion to hear Ordinance No. 37-2003 and it carried unanimously.

Attorney Severs read 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 the second time by title only.

Mayor Swank opened the public hearing.

Robert Robinson expressed concern with increased traffic if property was rezoned to Office Professional classification.

Mayor Swank closed the public hearing.

Member Broome moved to approve Ordinance No. 37-2003. Member Eigenmann seconded the motion and the roll call was:

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

The motion carried. Member Ward was not present at the time of the vote since he had removed himself from the dais for discussion of Ordinance No. 33-2003, Ordinance No. 30-2003, Ordinance No. 31-2003, Ordinance No. 32-2003, and Conditional Use Permit No. 13-2003.

xxx

Attorney Severs read ORDINANCE NO. 30-2003 AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING ORDINANCE NO. 60 - 1988 WHICH ADOPTED THE COMPREHENSIVE PLAN OF THE

CITY, BY AMENDING THE VARIOUS ELEMENTS OF SAID PLAN AND MAPS BY CHANGING THE FUTURE LAND USE DESIGNATION FOR CERTAIN PROPERTY LOCATED 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 and

ORDINANCE NO. 31-2003 AMENDING ORDINANCE NO. 5-1993 OF THE CITY OF TITUSVILLE, FLORIDA, BY AMENDING THE ZONING MAP MADE A PART OF SAID ORDINANCE BY REFERENCE BY CHANGING PROPERTY LOCATED ON THE 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 and

ORDINANCE NO. 32-2003 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 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 second time by title only.

Council discussed gated access and whether area impact plan was inconsistent with current codes. Mayor Swank recommending tabling the above items in order for staff to review area impact plan in order to assure it met current codes. Member Broome moved to table Ordinance No. 30-2003, Ordinance No. 31-2003, Ordinance No. 32-2003, and Conditional Use Permit 13-2003. Member Eigenmann seconded the motion and it carried four to one with Vice-Mayor Rainey opposed.

Member Ward returned to dais after vote to table Ordinance No. 30-2003, Ordinance No. 31-2003, Ordinance No. 32-2003, and Conditional Use Permit 13-2003, from which he abstained.

xxx

Attorney Severs read 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 second time by title only.

Water Resources Raynetta Grant reviewed area of critical concern and the reuse water system.

Mayor Swank opened the public hearing.

John Evans requested adoption of Ordinance No. 36-2003 that would assist in line extension for reuse service.

Roger Molitor commented on his property being located relatively close to the reuse water lines on Highway 50 and asked that he be allowed to connect to the existing lines versus being subject to a connection fee.

Mayor Swank closed the public hearing.

Member Ward moved to table Ordinance No. 36-2003 in order for council to review ordinance since it was revised. Vice-Mayor Rainey seconded the motion and it carried unanimously.

xxx

It was 11: 30 p.m. Vice-Mayor Rainey moved to extend meeting. Member Broome seconded the motion and it carried four to one with Member Eigenmann opposed.

xxx

Member Ward moved to table Conditional Use Permit No. 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 Faher to the September 23, 2003 meeting. The Planning and Zoning Commission tabled this item until its September 17, 2003 meeting. Member Broome seconded the motion and it carried unanimously.

xxx

Attorney Severs read 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 the second time by title only.

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

Member Ward moved to approve No. Ordinance 38-2003. Member Eigenmann 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.

xxx

Attorney Severs read 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 the second time by tile only.

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

Vice-Mayor Rainey moved to adopt Ordinance No. 39-2003. 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.

xxx

Attorney Severs read ORDINANCE NO. 40-2003 AN ORDINANCE 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 6TH 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, 10TH STREET AND EAST 1ST 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. #1) 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 6TH 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, 10TH STREET, AND EAST 1ST 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 second time by tile only.

Mayor Swank opened the public hearing.

Daphne Stevens requested Ordinance No. 42-2003 to be approved with Single Family Medium Density Residential (R-1B) zoning classification versus Multi-Family Medium Density Residential

(R-2) zoning classification. The planning staff informed Ms. Stevens that this would not be a problem since this procedure would be in fact be down zoning the proposed request.

Mayor Swank closed the public hearing.

Member Ward moved to approve Ordinance No. 40-2003, Ordinance No. 41-2003, Ordinance No. 42-2003, Ordinance No. 43-2003, and Ordinance No. 44-2003 with Ordinance No. 42-2003 having a zoning classification of Single Family Medium Density Residential (R-1b). Member Broome seconded the motion and the roll call was:

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

The motion carried.

XXX

New Business The first item was an update on the annexation action plan, which would allow staff to proceed with the advertising for ordinance to extend annexation fee waiver through September 30, 2004. Vice-Mayor Rainey moved for staff to proceed with ordinances extending waiver of fees associated with annexations through September 30, 2004. Member Broome seconded the motion and it carried unanimously.

XXX

Next was update on billing and collection action plan. Council was briefed on July 22nd on the computer conversion update, which included an overview of the conversion process for the billing and collections division. The objectives for the billing and collections action plan included completing the conversion from Creative Computer Systems software to the H.T.E. system, clearing the backlog of work created due to the conversion, maintain adequate staffing during the period for regular operations, and provide additional training to personnel on the new system to facilitate the clearing of the backlog with a financial impact of approximately \$84,594 with funds available in billing and collections, management information systems, and water resources. Vice-Mayor Rainey moved to approve plan as submitted. Member Ward seconded the motion and it carried unanimously.

XXX

Petitions and requests from the public present Susan Canada reiterated her earlier remarks about Council's support for parking on the north end of Marina Park as opposed to Brevard County Parks and Recreation's plan. She asked whether an accounting of staff time spend on this project was maintained.

xxx

Vice-Mayor Rainey moved to adjourn the meeting. Member Ward seconded the motion and it carried unanimously. The meeting adjourned at 11:47 p.m.

Ronald G. Swank, Mayor

ATTEST:

Karan J. Rounsavall, City Clerk