

City Council  
Regular Meeting  
October 14, 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, on Tuesday, October 14, 2003.

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Mayor Ron Swank called the meeting to order at 6:30 p.m. Present were Vice-Mayor Jeff Rainey and Council Members Chris Broome, Conrad Eigenmann, and Ken Ward. Also in attendance were City Manager Tom Harmer, City Attorney Dwight Severs, and Recording Secretary Judy Renaud.

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Pastor Jeremy Coppock of Faith Baptist Church presented the invocation. The entire assembly recited the Pledge of Allegiance to the Flag.

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Mayor Swank announced that Brevard County Commissioner for District One Truman Scarborough was present to address Council on the proposed sales tax referendum. Mayor Swank requested Council's consideration to allow Commissioner Scarborough to make his presentation. Vice-Mayor Rainey so moved; Member Broome seconded the motion. The motion carried unanimously.

Brevard County Commissioner Scarborough distributed a brochure highlighting projects in the North Brevard area that would be funded through the proposed sales tax referendum. As time was of an essence and the brochure was scheduled for printing the next day, Commissioner Scarborough asked for Council's comments and approval.

Mayor Swank mentioned that the brochure listed projects by Brevard County, School Board of Brevard County, and the City of Titusville. The City had produced a black and white brochure listing its projects and costs. Since the County had the technology, it could produce a color brochure for use by the City.

City Manager Harmer clarified that the printing cost was estimated at \$1,300 for 15,000 copies and the brochures were to be mailed in the City's upcoming water bills. Council discussed the proposed projects in the North Brevard area and the cost for printing the brochures. Council discussed that the brochures would be used as a tool to educate the public.

Vice-Mayor Rainey moved to authorize the expenditure of funds not to exceed \$1,500 for the printing of the color brochure. Member Eigenmann seconded the motion. The motion carried unanimously.

Attorney Severs suggested, per case law, the motion contain reference the fact that the brochure provided a public purpose by educating the public on this referendum.

Vice-Mayor Rainey amended his motion to include Attorney Severs' statement. Member Eigenmann agreed and the motion carried unanimously as amended.

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The next item was the approval of minutes for the regular meetings of September 9 and 23, 2003 and special meeting of September 25, 2003. Member Eigenmann moved to approve the minutes as presented. Vice-Mayor Rainey seconded the motion. Mayor Swank noted the minutes of the September 25, 2003 special meeting, specifically the motion for Ordinance No. 58-2003 which included the exact millage rate. He requested the motion be amended to reflect the millage rate of 5.804. The motion carried unanimously to approve the minutes of September 9 and 23, 2003 as presented and September 25, 2003 as corrected.

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Mayor Swank announced that the City received a written request (letter) from the applicant to table Public Hearing item B., Conditional Use Permit No. 11-2003 to allow recycling facilities in an industrial (M-2) zoning district at 4475 South Street, to the October 28, 2003 meeting. Member Broome moved to table Public Hearing item B., Conditional Use Permit No. 11-2003 to October 28, 2003 as requested. Member Eigenmann seconded the motion. The motion carried unanimously.

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Mayor Swank advised that due to a family commitment, Mr. Jerry Spangler, the applicant for Public Hearing item I., Conditional Use Permit No. 21-2003, requested his item be heard at this time. Member Broome moved to discuss Public Hearing item I. Member Ward seconded the motion. The motion carried unanimously.

City Manager Harmer reviewed the request for Conditional Use Permit No. 21-2003 (CUP) to allow mini-warehouses in a highway industrial infill (M-3) zoning district located east of State Road 405 approximately 1,000 feet south of Satterfield Road. The proposed facility was limited to dead storage use for the public and no activities such as garage sales shall be conducted on the premises. Each unit size shall not exceed 500 square feet and required a minimum one parking space for each 25 storage cubicles. The proposed plan provided 28 parking spaces and would not have accommodations for a live-in manager. At its September 17, 2003 meeting, the Planning and Zoning Commission recommended approval.

Council members disclosed whether they had spoken to any citizens or received any correspondence regarding Conditional Use Permit No. 21-2003.

Mayor Swank opened the public hearing.

Jerry Spangler, applicant, reviewed his preliminary plan, noted that the wetlands was not as large as anticipated and mentioned the addition of another building. As a result, there were a total of 380 units, 12 buildings/mini-warehouses, and two office buildings. One building was a combination manager's office and storage facility (1,300 square foot building). The other building was for his law office (1500 square foot building).

Mayor Swank asked if the zoning permitted a law office. Staff clarified that the Land Development Regulations did not allow for the use of a law office in an M-3 zoning classification.

Discussion ensued regarding the present zoning requirements, the inclusion of a law office and the office for the site manager. It was noted that the office facility was thought to be for only the on-site manager.

City Manager Harmer advised that office/professional was not in the current Code as a permitted or a conditional use option in an industrial use classification (M-3).

Mr. Spangler stated that he had no objection to going forward on the project without the law office. He thought it was understood there would be a law office and that it was part of the Conditional Use Permit.

Attorney Severs suggested, as an option, that the applicant take a portion of the property that would house the law office and file a separate application requesting the required zoning for the law office. He reviewed the Code as it related to the City's M-3 zoning requirements.

Sid Chehayeb provided information on the original plans. He clarified there was an option to request another zoning for a portion of the property that would house the law office.

Member Broome commented there was not an objection to approving the project without the law offices. He advised applicant to apply separately for a law office. City Manager Harmer stated that Council would approve the use not the site plan tonight.

As no one else wished to speak, the public hearing was closed.

Member Broome moved to approve Conditional Use Permit No. 21-2003 as it related to mini-warehouses with conditions stated in the staff report. Vice-Mayor Rainey 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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Special Recognitions Department Spotlight - Solid Waste Coordinator Susan Northcutt reviewed the operations of her department and provided visual examples for the audience and public to better understand the requirements for solid waste pickup.

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The meeting recessed at 7:33 p.m. and reconvened 7:43 p.m.

Presentations – North Brevard Parks and Recreation Commission Chairman Ted Beck presented the semi-annual report. Mr. Beck and North Area Parks Operations Manager Cheryl Page provided a visual summary of North Brevard Parks and Recreation Referendum projects and updated council on upcoming events.

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Consent Agenda City Manager Harmer advised that item C., purchase of four 2003 Chevrolet Impala police vehicles, provided an opportunity to purchase said vehicles through the budget process at a total savings of \$4,123.00. Member Eigenmann verified that the local automobile dealers were involved in the bid process.

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

- A. Authorize execution of agreement for sale of real estate in Fort White, Columbia County, Florida to Dean and Joanna Kepple for \$14,000. Recommendation: Declare the subject property as surplus and authorize execution of agreement for its sale as stated. Further direct that sale proceeds be deposited in the Community Development Block Grant Miscellaneous Revenue account.
- B. Approve supplemental budgetary appropriation in the amount of \$30,917 for Billing and Collections Division for fiscal year ending September 30, 2003. Recommendation: Approve supplemental budgetary appropriation as stated based on a year-to-year budget to actual results of operations.
- C. Purchase of four 2003 Chevrolet Impala police vehicles from Classic Chevrolet of Winter Park at a total cost of \$110,617. Recommendation: Approve purchase of four 2003 Chevrolet Impala police vehicles from Classic Chevrolet for \$27,806 each, a total cost of \$110,617. Funds were available in the General Fund Capital Outlay account.
- D. Award proposal for centralized data back-up solution to Adexis of Winter Springs at an estimated cost of \$55,652 with funds available in Management Information Systems (MIS). Recommendation: Award to Adexis of Winter Springs as recommended.
- E. Authorize execution of sales surtax oversight committee interlocal agreement with Brevard County and School Board. Recommendation: Authorize execution of interlocal agreement regarding oversight of infrastructure surtax expenditures.
- F. Resolution No. 26-2003 of advisability to consider a tax abatement application submitted by Cartridge Source of America, Inc. Recommendation: Adopt Resolution No. 26-2003.
- G. Approve Fiscal Year 2002/2003 budgetary carry forward list. Recommendation: Approve carry forward list as presented.
- H. Preliminary plat for Bent Oak at Meadowridge, a single-family subdivision located at the northeast corner of Grissom Parkway and Meadow Oaks Drive. The Planning and

Zoning Commission recommended approval with conditions. Recommendation: Approve subject to conditions noted in September 25, 2003 subdivision review letter.

- I. Advisability to proceed with ordinance establishing procedure for approval of development agreements pursuant to authority granted by *Florida Statutes*. Recommendation: Direct staff to proceed with ordinance.

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.

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Petitions and Requests from the Public Present Geri Sigmorespoke in favor of reinstating the senior homestead exemption and asked several questions relating to the projected fiscal impact of the exemption and whether there was public announcement at the time of the exemption's discontinuance.

Vice-Mayor Rainey advised that this matter would be discussed at the October 28, 2003 Council meeting.

Susan Canada discussed code violations involving a barbed wire fence at 3900 South Hopkins Avenue that was erected without a permit as well as related conditional use permit for the site. She was not able to ascertain that 3838 Holding Trust (fictitious name must be registered) was properly registered with the State of Florida. She also mentioned code violations at the end of Buffalo Road (i.e. Vectorworks). City Manager and City Attorney were directed to investigate her allegations with regard to fictitious name, etc.

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Ordinances-First Reading Attorney Severs read ORDINANCE NO. 65-2003 OF THE CITY OF TITUSVILLE, FLORIDA AMENDING SECTION 5-101 THROUGH SECTION 5-105 OF THE CODE OF ORDINANCES OF THE CITY OF TITUSVILLE BY DELETING THE ANNUAL PERMIT RENEWAL PROCESS; AMENDING THE APPLICATION PROCESS TO ALLOW ADMINISTRATIVE PERMIT APPROVAL; INCREASING THE PERMIT FEE AND AMENDING THE PERMIT REVOCATION APPEAL PROCESS; AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 66-2003 OF THE CITY OF TITUSVILLE, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF TITUSVILLE BY AMENDING THE CODE BY ADOPTING A NEW SECTION, ARTICLE VII SECTION 59-790 THROUGH 59-797 BY ADOPTING A PROCESS AND PROCEDURE FOR ENTERING INTO DEVELOPMENT AGREEMENTS AS AUTHORIZED BY CHAPTER 163 FLORIDA STATUTES, ESTABLISHING PURPOSE AND INTENT; PROCEDURE FOR

APPLICATION FOR DEVELOPMENT AGREEMENTS; REVIEW PROCESS; CONTENTS OF DEVELOPMENT AGREEMENTS; APPLICABILITY OF ORDINANCES TO DEVELOPMENT AGREEMENTS; RECORDING OF DEVELOPMENT AGREEMENTS; PROVIDING FOR EXECUTION; AND RESERVATION OF HOME RULE POWERS; PROVIDING SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE 67-2003 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 PROPERTY 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 AT THE SOUTHWEST CORNER OF SOUTH WASHINGTON AVENUE AND STATE ROAD 405 (COLUMBIA BOULEVARD) TO BE ANNEXED INTO THE CITY WITH COMMERCIAL HIGH INTENSITY LAND USE DESIGNATION; BY AMENDING THE VARIOUS ELEMENTS OF SAID PLAN AND MAPS BY CHANGING THE FUTURE LAND USE DESIGNATION FOR CERTAIN PROPERTY LOCATED AT 450 CHRISTIAN COURT FROM COMMERCIAL HIGH INTENSITY TO RESIDENTIAL LAND USE DESIGNATION; AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 68-2003 OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING SECTION 7, OF CHAPTER 63-2001, LAWS OF FLORIDA, SPECIAL ACTS OF 1963, BY ANNEXING CERTAIN PROPERTY LOCTED AT THE SOUTHWEST CORNER OF SOUTH WASHINGTON AVENUE AND STATE ROAD 405 (COLUMBIA BOULEVARD) TO BE INCLUDED WITHIN THE CITY LIMITS; DESIGNATING LAND USE CLASSIFICATION; PROVIDING ZONING CATEGORY; AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 69-2003 OF THE CITY OF TITUSVILLE, FLORIDA, 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 450 CHRISTIAN COURT FROM ITS PRESENT COMMUNITY COMMERCIAL (CC) CLASSIFICATION TO MULTI-FAMILY HIGH DENSITY RESIDENTIAL (R-3) CLASSIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 70-2003 OF THE CITY OF TITUSVILLE, FLORIDA, BY AMENDING THE ZONING MAP MADE A PART OF SAID ORDINANCE BY REFERENCE BY CHANGING PROPERTY LYING ON THE EAST SIDE OF BARNA AVENUE AND WEST OF 1<sup>ST</sup> STREET IN THE SUN VALLEY SUBDIVISION FROM ITS PRESENT MULTI-FAMILY MEDIUM DENSITY RESIDENTIAL (R-2) CLASSIFICATION TO SINGLE-FAMILY MEDIUM DENSITY RESIDENTIAL (R-1b) CLASSIFICTION; AND PROVIDING FOR AN EFFECTIVE DATE the first time by title only.

Second readings and public hearings were scheduled for October 28, 2003.

Ordinances-Second Reading, Public Hearings and Related Action Attorney Severs read the following ordinance: 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 for the second time.

City Manager Harmer reported that the ordinance included a definition of the reclaimed service district, defined the reuse service district as the boundaries of the existing area of critical concern, and established a procedure for sharing the costs of infrastructure improvements with those receiving direct benefit from the improvements.

The public hearing was opened.

Woody Rice supported the ordinance. He encouraged Council to be forward thinking in all infrastructure, specifically fresh water supply and the provision of reuse water to established neighborhoods.

Rodney Honeycutt supported the ordinance.

As no one else wished to speak, the public hearing was closed.

Vice-Mayor Rainey moved to adopt Ordinance No. 36-2003 as presented. Member Broome 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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Council members disclosed whether they had spoken with any citizens or received any correspondence regarding Ordinances No. 48-2003 and No. 49-2003.

Ordinance No. 48-2003 amended the Future Land Use Element of the Comprehensive Plan of the City of Titusville as follows:

- Small Scale Amendment (SSA) 15-2003 by changing the land use designation on property at 2500 Merry Lane from residential to industrial as requested by Anthony J. Berman, owner.

Ordinance No. 49-2003 was related in that it rezoned the above-subject property from Multi-Family Medium Density (R-2) to Light Industrial Services and Warehousing (M-1) zoning designation. The Planning and Zoning Commission, acting as the Local Planning Agency, recommended approval.

Attorney Severs read for the second time the Ordinances as follows: ORDINANCE NO. 48-2003 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 2500 MERRY LANE FROM RESIDENTIAL TO INDUSTRIAL LAND USE DESIGNATION; AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 49-2003 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 2500 MERRY LANE FROM ITS PRESENT MULTI FAMILY MEDIUM DENSITY RESIDENTIAL (R-2) CLASSIFICATION TO LIGHT INDUSTRIAL SERVICES AND WAREHOUSING (M-1) CLASSIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

City Manager Harmer reported the property was located on the north side of Merry Lane, just south of Dunn Air Park, immediately south of an active runway and was within the Airport Impact Area Overlay District. Per the airport overlay, the area was not appropriate for multi-family use, schools, hospitals, storage of explosive material, assemblage of large groups of people or any other use that could produce a major catastrophe as a result of an aircraft crash. The TICO Airport Authority had purchased the vacant single-family properties immediately to the east. There was an existing industrial use to the south and one single-family residence located south of the subject property. The City received a letter from the TICO Airport Authority's Executive Director taking no position on subject development and indicated the Authority had not received a formal proposal for airport access.

The public hearing was opened.

Anthony Berman, owner of the property, provided general information regarding the purchase of the property and his proposed aircraft assembly business. He stated that it would be an attractive building with nice landscaping

Courtney DeMello spoke in opposition.

Carolina Johnson opposed the rezoning and expressed concern about the traffic.

Paul Turner lived directly across the street and spoke in opposition.

Joe Moran opposed the rezoning and submitted photographs of the rezoning sign on the property. He noted that there was an industrial park adjacent to the Space Coast Regional Airport.

Anthony Berman explained that the business would be located in a hanger-type building.

As no one else wished to speak, the public hearing was closed.

Mayor Swank expressed several concerns related to industrial use in an established neighborhood and the Authority's overlay district which limited the type of development in that area.

Vice-Mayor Rainey commented on the type of aircraft to be built and the type of buildings currently at the airpark. He expressed concern with traffic flow and related problems on Mantor Lane. He also discussed the speed humps on North Williams Avenue. He could not support the project without a solution to the traffic problems and requested staff prepare a plan for enforcement and signage.

Member Broome moved to deny Ordinance No. 48-2003. Member Eigenmann 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.

Member Broome moved to deny Ordinance No. 49-2003. 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.

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The next item was Ordinance No. 61-2003 amending the Future Land Use Map by addressing the following Small Scale Amendments (SSA) to the Comprehensive Plan:

- SSA 16-2003 – changing the land use designation on approximately 1.19 acres at the northwest corner of the intersection of South Street and Singleton Avenue from Commercial High Intensity to Residential as requested by Sereno Point, LLC, with permission of Ellen-Deane Cummins, owner.
- SSA 17-2003 – changing the land use designation at 1400 Harrison Street from Residential to Commercial High Intensity as requested by K & B Partners with permission of Bernard Hersch and Michael Block.

As Ordinances No. 61-2003, 62-2003 and 63-2003 were related, Attorney Severs read the following Ordinances the second time by title only:

ORDINANCE NO. 61-2003 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 LOCTED AT THE NORTHWEST CORNER OF THE INTERSECTION OF SOUTH STREET AND SINGLETON AVENUE FROM COMMERCIAL HIGH INTENSITY TO RESIDENTIAL LAND USE DESIGNATION AND BY AMENDING THE VARIOUS ELEMENTS OF SAID PLAN AND MAPS BY CHANGING THE FUTURE LAND USE DESIGNATION FOR CERTAIN PROPERTY LOCATED AT 1400 HARRISON STREET FROM RESIDENTIAL TO COMMERCIAL HIGH INTENSITY; AND PROVIDING FOR AN EFFECTIVE DATE; and

ORDINANCE NO. 62-2003 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 THE NORTHWEST CORNER OF THE INTERSECTION OF SOUTH STREET AND SINGLETON AVENUE FROM ITS PRESENT NEIGHBORHOOD COMMERCIAL (NC) CLASSIFICATION TO RURAL RESIDENTIAL (RR) CLASSIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE; and

ORDINANCE NO. 63-2003 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 1400 HARRISON STREET FROM ITS PRESENT MULTI FAMILY HIGH DENSITY RESIDENTIAL (R-3) CLASSIFICATION TO COMMUNITY COMMERCIAL (CC) CLASSIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

The Planning and Zoning Commission, acting as the Local Planning Agency, recommended approval with conditions for Ordinance No. 61-2003.

City Manager Harmer reviewed Ordinance No. 62-2003 for change of zoning at South Street and Singleton Avenue from Neighborhood Commercial (NC) to Rural Residential (RR). The rural residential district was intended to provide for low-density large lot development of one-half acre or larger. Certain structures and uses that will serve governmental, religious, recreational, and other immediate needs of such areas were permissible as permitted or conditional uses subject to all restrictions necessary to preserve and protect the low density character of this district. The Planning and Zoning Commission recommended approval with conditions during its September 17, 2003 meeting.

City Manager Harmer reviewed Ordinance No. 63-2003 for a zoning change from Multi-Family High Density (R-3) to Community Commercial (CC0 at 1400 Harrison Street. The property was to be combined with the adjacent property to the west for a future drug store with drive through. A request to change the land use to commercial and to rezone was denied by City Council on December 14, 1993 based on a concern that liquor sales would be permitted and that there was already a liquor store on the other side of Harrison Street. According to information provided by the applicant, the proposed drug store would not contain a liquor store.

The public hearing was opened for Ordinances No. 61-2003, No. 62-2003 and No. 63-2003.

Dennis Seliga supported the land use amendments and rezoning. He offered to answer any questions.

As no one else wished to speak, the public hearing was closed.

Vice-Mayor Rainey moved to adopt Ordinances No. 61-2003, No. 62-2003 and No. 63-2003 as presented. Member Ward 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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At the applicant's request, Member Broome moved to table Ordinance No. 64-2003, a request to rezone a portion of the Willow Creek Development from single-family medium density residential (R-1b) and open space and recreation (OR) to medium density residential (R-2) and open space and recreation (OR) to the October 28, 2003 City Council meeting. Member Eigenmann seconded the motion. The motion carried unanimously.

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Petitions and Requests from the Public Present – Molly Farace asked that the City enforce laws providing penalties for destruction of memorials.

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Boards and Commissions – Resolution No. 27-2003 officially establishing the Flag and Memorial Committee and providing for appointment, terms of office, etc. was presented for consideration. Mayor Swank recommended that the committee be officially known as the ***Titusville*** Flag and Memorial Committee

Member Eigenmann moved to adopt Resolution No. 27-2003 as amended. Vice-Mayor Rainey 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.

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Mayor and Council Reports Mayor Swank provided a written report on his activities since the last meeting. He asked City Manager Harmer to investigate the feasibility of an ordinance regulating the use of portable on demand storage (PODS) units.

Mayor Swank reported on his attendance at the September 24, 2003 teacher appreciation reception sponsored by WalMart. Also, he was invited to say the Pledge at the National Management Association dinner meeting.

Member Eigenmann expressed concern about the recurring number of land use issues reaching the Council level with a high degree of uncertainty on the staff's part. He found this uncomfortable to deal with and questioned staff's interpretation of Code provisions, particularly as they were advising those submitting applications who, in turn, acted in reliance on their advice. He commended staff on their ongoing efforts to process the large amount of development requests.

The other Council Members discussed the unprecedented growth in the community, the policies of previous councils, public perceptions, and the work load on the Planning Department. It was felt that staff was overworked but it was desired that staff continue to be empowered to make decisions and to be selective in stating opinions.

City Manager Harmer stated that Council was faced with difficult development issues over the past six months. He did not foresee a slowdown in development activity which was driving the workload on the Community Development Department. He felt strongly that staff be empowered to make recommendations not only to Council but also to the applicants.

City Manager's Report Council acknowledged receipt of the manager's report

City Council concurred with the City Manager's recommendation as to the review of the Comprehensive Plan, specifically to conduct a facilitated community development visioning session and then direct the Planning and Zoning Commission to recommend revisions based upon the outcome.

City Manager Harmer requested Council's concurrence to hold a special meeting on Tuesday, January 20, 2004 to receive requests for Community Development Block Grant funds. Council concurred.

City Manager Harmer clarified that the funding for the expenditure of \$1,500 for the informational brochure on the sales tax referendum (discussed early in the meeting) would be allocated from the Undesignated Unreserved Fund Balance. Member Broome so moved. The motion was seconded by Member Eigenmann. The motion carried unanimously.

City Manager Harmer read the names of employees receiving letters of appreciation. Fire and Emergency Services Department-Mike Woodward, Bridget Kozielski, Doug Chamberlain, Frank Canada, Jerry Ford, Randy Moore, and Brian Litterilla. Police Department-Cleyton Bray, Bob Kelley, John Richardson, Ralph Warren, John Little, and Zsolt Rimoczi.

City Manager Harmer advised that the Community Development Department was continuing its follow-up regarding a citizen complaint concerning Vectorworks and a related conditional use permit, code enforcement, etc.

In response to a citizen's safety concern with traffic going the wrong way on the one-way portion of U. S. Highway One in the downtown, staff contacted the Florida Department of Transportation (FDOT). The FDOT was not familiar with signals with a constant red on backside of a signal. FDOT would evaluate the situation for appropriate road signage and markings to address the safety concerns.

City Manager Harmer indicated that a response to a citizen complaint regarding property located at 3900 South Hopkins Avenue was investigated by staff. The barbed wire was turned out and was required to be turned in. It was indicated that the modification to the fence would be made within the allotted time period.

The following upcoming events were announced. October 19-Fallen Firefighters Memorial Service at Fire Headquarters, Station 11; October 19-25-Florida City Government Week; October 25-Make a Difference Day; November 1-One year celebration at the Enchanted Forest.

The School Board of Brevard County was hosting a summit on November 20, 2003. It was suggested that any issue that Council may have be presented to the City Manager for discussion during the upcoming summit.

It was clarified that Vice-Mayor Rainey was Council's delegate and Member Ward was the alternate for the Space Coast League of Cities. It was noted that the meetings were held on the second Monday of each month. It was announced that Titusville would sponsor the Space Coast League of Cities November meeting.

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City Attorney Attorney Severs provided an update on The Great Outdoors litigation which was not yet set for trial. Plaintiff's summary judgment was denied.

As to the informational brochure on sales surtax referendum, the City Attorney stated that it must be prepared in a fair and impartial manner and not advocate a particular vote one way or another. City Manager Harmer distributed the City's informational brochure, which described specific projects and the amount to be allocated to each project.

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Question and Answer Period for the Press Francis Reilly requested a copy of the sales tax brochures for his column. Upon query by Mayor Swank, Mr. Reilly stated he wrote a column, "Life of Reilly," for the *Star Advocate*.

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The meeting adjourned at 10:08 p.m.

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Ronald G. Swank, Mayor

ATTEST:

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Karan J. Rounsavall, City Clerk