

City Council
Regular Meeting
November 11, 2003

The City Council of the City of Titusville, Florida met in regular session on Tuesday, November 11, 2003 in the Council Chamber of City Hall, 555 South Washington Avenue, beginning at 6:35 p.m.

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

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

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Reverend Charlie Heier, Pastor of New Life Christian Fellowship, gave the invocation.

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The first matter of business was approval of minutes of regular meetings October 14, 2003 and October 28, 2003. Mayor Swank made the following correction to the October 28, 2003 minutes. Regarding proceeding with the ordinance providing for an additional homestead exemption up to \$25,000 for persons over the age of 65 and whose household income does not exceed \$20,000, reflect the motion carried three to one with Mayor Swank opposed. Mayor Swank also asked that the minutes reflect that he was concerned about transferring a tax burden from one citizen group to another. Vice-Mayor Rainey moved to approve the minutes as corrected. Member Broome seconded the motion. The motion carried unanimously.

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Special Recognitions City Manager Harmer recognized the first group of MVP's from throughout the city organization: Christian Baker - MIS, Ashley Bauer - People Support Services, Rene Billings - Finance, Joe Doyle - Water Resources, Robynne Hester-Dew - Community Development, Karen Hood – City Manager, Charlene Lehmann – City Clerk, Brian Litterilla – Fire Department, Larry Mack – Public Works, Richard Stillwagon – Corporate Services, and Andrea Stirling – Police Department.

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Utility Protection Coordinator Ulysses Harris gave a brief presentation and overview of the water and sewer field operations including the mission, responsibilities, and divisions within the operations.

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Vice-Mayor Rainey moved to change the order of the agenda to hear new business item for the consideration of the final design of the Marina Park prior to the consent agenda. Member Broome seconded the motion and it carried unanimously.

Parks and Recreation Director Chuck Nelson reviewed the options for the site plan of Marina Park. In both designs, the functionality of major elements including the little league baseball fields, waterfront pavilions, docks, restrooms, the playground and walkways were similar. The greatest divergence of design was related to park access and parking.

Bea Polk, Joan Wheeler, Thelma Roper, Walter Pine, Susan Canada, and Molly Farrace, expressed concern with the ongoing process for the design of the Marina Park. Ms. Roper and Mr. Pine commented on the dedication to the Marina Park. Mr. Pine asked for additional information to be included in the agenda backup packet for the public to review. Ms. Canada asked whether a letter written by a previous city manager was binding with regard to allowing no concessions or leases at Marina Park and requested council to approve the parking at the south. Ms. Farrace asked council to put the children in the community first in any decision made regarding the Marina Park.

Council discussed the Chain of Lakes project with dedication of Marina Park, children that live within the community, ball fields, and Vectorworks withdrawing its request for use of the parking lot.

Member Broome moved to approve design plan # 1 for the Marina Park referendum project. Member Eigenmann seconded the motion. Discussion ensued. Member Eigenmann requested an amendment to the motion to provide for a larger buffer zone between the two parking lots. This plan also included parking on the south versus the north. The motion held and the roll call was:

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

The motion carried three to two.

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

- A. Award of contract for construction of Osceola Road, Jepson Street, and North Ellis Circle to Gibbs & Register, Inc. of Winter Garden for \$296,000 (funded through Community Development Block Grant). Recommendation: Award contract for construction of three streets, curb, gutters, drainage improvements, and water line replacement on Jepson Street to Gibbs & Register, Inc. as stated. Funds were available through Community Development Block Grant with a portion of this cost funded by Water Resources for water line replacement in the amount of \$33,003.
- B. Authorize agreement for funding façade improvement at 605 South Palm Avenue through the Community Development Block Grant (CDBG) Downtown Façade Improvement Program in the amount of \$20,000. Recommendation: Authorize execution of agreement as presented.
- C. Resolution No. 28–2003 supporting the membership apportionment of the Brevard Metropolitan Planning Organization. Recommendation: Adopt resolution.
- D. Disposal of fixed assets at city auction on November 29, 2003. Recommendation: Authorize disposition of fixed assets at auction.
- E. Award bid for corrosion control of ten million gallon water treatment unit to Spensieri Painting, LLC of Haines City for \$107,600 and approval of associated budget amendment. Recommendation: Award bid as recommended. Approve budget amendment from Water Resources – Water Production Facilities Upgrade to Water Resources – Refurbishment of 10 MG Treatment Unit in the amount of \$19,000.
- F. Amendment to existing agreement with Barnes, Ferland and Associates of Orlando for continuing engineering services related to Area II and Area III wellfields in an amount not to exceed \$100,000. Recommendation: Authorize amendment as stated, including authority for city manager to sign resulting task orders.
- G. Cancellation of second regular meeting in December. Recommendation: Cancel second regular meeting as recommended. City Clerk’s Office to advertise the fact that the second regular meeting was officially cancelled.

Member Broome seconded the motion and the roll call was:

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

The motion carried.

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Petitions and Requests from the Public Present Laura Ward asked citizens in the audience to remain for the remainder of the meeting to hear new business where council would consider adopting an ordinance that would clarify the process for re-submittal of the annexation requests, which would allow projects like Towne Realty to be brought back to council to be reconsidered in less than one year.

Attorney Kimberly Bonder Rezanka referenced her correspondence written to City Attorney Dwight Severs asking council to take no action under new business for ordinance that would clarify the process for re-submittal of the annexation requests. Ms. Rezanka also asked Member Ward to remove himself from the dais during the discussion to clarify the process for re-submittal of annexation requests. She also advised council that she would be speaking on behalf of the citizens that live in the Carpenter Road and Fox Lake Road area and were opposed to CPA 04-01B. Ms. Rezanka asked Member Ward to abstain from voting on this issue as well.

Michael Myjak, Don Human, and Glorida Heiden asked council to take no action under new business for clarification of process for re-submittal of annexation requests.

Starling Bryant expressed concern about the area of Park Avenue and Tropic Street including proliferation of drugs. He also commented on broken sidewalks, property on Elizabeth Street, and the Brown Apartment Complex. Mayor Swank requested city manager to look into these issues.

Molly Farrace thanked the Public Works Director Jim Herron and county for cleaning up the Veterans Memorial Park. She expressed concern that the Veterans Memorial Park was not being properly maintained. Mayor Swank requested city manager to investigate allegations.

Jean Meister invited council and citizens to attend the annual tree lighting ceremony at Parrish Medical Center on December 7, 2003 at 6:30 p.m. The ceremony was sponsored by the Parrish Medical Center Auxiliary and the Jess Parrish Medical Foundation.

Thelma Roper suggested the mortgage company for Brown Apartments and others work with Habitat for Humanity to renovate properties in the area.

Joan Wheeler believed the power to make land decisions belonged to the public rather than boards and council. She encouraged citizens to sign petition for constitutional amendment in this regard.

Susan Canada asked whether any investigation was completed in regard to business on Hopkins Avenue. She also commented on Vectorworks, barrels located at Marina Park, and license agreement for Marina Park.

Member Broome moved to re-examine license agreement for Marina Park and to investigate the barrels that were located in the vicinity of Marina Park. Member Eigenmann seconded the motion and it carried unanimously.

Walter Pine suggested council change the order of agenda to hear the Comprehensive Plan Amendment (CPA) 04-01B immediately due to a large number of citizens in audience.

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Ordinances – First Reading Attorney Severs read ORDINANCE NO. 75-2003 OF THE CITY OF TITUSVILLE AMENDING CHAPTER 15, PENSIONS AND RETIREMENT, ARTICLE

III, POLICE OFFICERS' AND FIREFIGHTERS' PENSION PLAN, OF THE CODE OF ORDINANCES OF THE CITY OF TITUSVILLE; AMENDING DIVISION 5, BENEFITS AND ELIGIBILITY, SECTION 15-211, NORMAL RETIREMENT; AMENDING SECTION 15-214, DISABILITY; AMENDING SECTION 15-216, OPTIONAL FORMS OF BENEFITS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY OF PROVISIONS AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 76-2003 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 SOUTH OF STATE ROAD 50 AND WEST OF THE FLORIDA EAST COAST RAILROAD FROM COMMERCIAL HIGH INTENSITY TO RESIDENTIAL LAND USE DESIGNATION; AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 77-2003 OF THE CITY OF TITUSVILLE, FLORIDA, BY AMENDING THE ZONING MAP MADE A PART OF SAID ORDINANCE BY REFERENCE BY CHANGING PROPERTY SOUTH OF STATE ROAD 50 AND WEST OF THE FLORIDA EAST COAST RAILROAD FROM ITS PRESENT RESIDENTIAL MANUFACTURED HOUSING PARK (RMH2) AND REGIONAL COMMERCIAL (CC) CLASSIFICATION TO MULTI-FAMILY HIGH DENSITY RESIDENTIAL (R-3) CLASSIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 78-2003 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 NORTHEAST CORNER OF U.S. HIGHWAY ONE AND STATE ROAD 405 (COLUMBIA BOULEVARD) FROM ITS PRESENT REGIONAL MIXED USE (RMU) 600 HOLDING CLASSIFICATION TO REGIONAL MIXED USE (RMU) 100 ENVIRONMENTAL PRESERVATION AND ENHANCEMENT, 200 SINGLE FAMILY RESIDENTIAL, 300 MULTIFAMILY RESIDENTIAL, AND 400 COMMERCIAL CLASSIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE the first time by title only.

The second reading and public hearing was scheduled for November 25, 2003.

Joan Wheeler commented on Ordinance Nos. 76-2003, 77-2003, and 78-2003. She asked for clarification of the applicant for the rezoning of approximately 420 acres located at the northeast corner of U.S. Highway One and State Road 405 as requested by Riverfront Developers, L.L.C. and what projects the developers had completed. She also commented on impact fees, additional fire departments, and zoning categories.

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Ordinances-Second Reading, Public Hearings and Related Action Attorney Severs read ORDINANCE NO. 71-2003 GRANTING AN ECONOMIC DEVELOPMENT AD VALOREM

EXEMPTION TO CARTRIDGE SOURCE OF AMERICA, INC., SPECIFYING THE ITEMS EXEMPTED; PROVIDING THE EXPIRATION DATE OF THE EXEMPTION; FINDING THAT THE BUSINESS MEETS THE REQUIREMENTS OF F.S. 196.012; PROVIDING FOR PROOF OF ELIGIBILITY FOR EXEMPTION; PROVIDING FOR AN ANNUAL REPORT BY THE CARTRIDGE SOURCE OF AMERICA, INC., AND PROVIDING FOR AN EFFECTIVE DATE the second time by title only.

Economic Development Director Walt Johnson gave a brief presentation and introduced Joe Hurston, CEO of Cartridge Source of America. Mr. Hurston commented on business growth within the community and asked council to approve Ordinance No. 71-2003.

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. 71-2003. Member Broome seconded the motion and the roll call was:

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

The motion carried.

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Attorney Severs read 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 the second time by title only.

Mayor Swank opened the public hearing.

Attorney John Evans asked council to adopt Ordinance No. 66-2003. He had met with City Attorney Severs and discussed the recommended changes that were reflected within the ordinance.

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

Member Broome moved to adopt Ordinance No. 66-2003 with revisions reflected in the ordinance. Member Ward seconded the motion and the roll call was:

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

The motion carried.

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City Attorney Severs read ORDINANCE NO. 74-2003 AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING CHAPTER 19 OF THE CODE OF ORDINANCES BY AMENDING ARTICLE V ENTITLED ADDITIONAL HOMESTEAD EXEMPTION AND ADOPTING SECTIONS 19-125 THROUGH 19-131, PURSUANT TO SECTION 196.075, FLORIDA STATUTES, BY GRANTING AN ADDITIONAL HOMESTEAD EXEMPTION FOR PERSONS 65 AND OLDER WHOSE HOUSEHOLD INCOME DOES NOT EXCEED \$20,000.00 TO BE ADJUSTED ANNUALLY BY THE AVERAGE COST OF LIVING INDEX; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCORPORATION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE the second time by title only.

Mayor Swank opened the public hearing.

Molly Farrace, Geri Sigmire, Thelma Roper, and Walter Pine asked council to approve Ordinance No. 74-2003 amending Chapter 19 of the Code of Ordinances granting an additional homestead up to \$25,000 for persons 65 and older whose household income does not exceed \$20,000 pursuant to Florida Statutes 196.075 for Calendar Year 2004 and each year thereafter unless terminated by City Council. Mr. Pine asked council to adopt Ordinance No. 74-2003 without a sunset date.

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

Vice-Mayor Rainey moved to adopt Ordinance No. 74-2003 as written. Member Eigenmann seconded the motion and the roll call was:

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

The motion carried four to one with Mayor Swank opposed. Mayor Swank was concerned about shifting the tax burden to other citizens within the community.

Next was public hearing to authorize transmittal of following proposed amendments to the City Comprehensive Plan to the Florida Department of Community Affairs (DCA):

- CPA 2004-01A Amendment to the Future Land Use Map by including approximately 46 acres located on the west side of South Street (S.R. 405) and east of I-95 approximately 1,500 feet north of Cheney Highway (S.R. 50) within the corporate limits of the City of Titusville with Commercial-High Intensity and Conservation land use designations.
- CPA 2004-01B Amendment to the Future Land Use Map by including approximately 612 acres located in the vicinity of South Carpenter Road and Fox Lake Road within the corporate limits of the City of Titusville with Residential and Conservation land use designations.
- CPA 2004-01C Amendment to the Future Land Use Map by including approximately 63 acres located east of I-95 approximately 2,000 feet south of Garden Street (S.R. 406) within the corporate limits of the City of Titusville with Residential and Conservation land use designations.
- CPA 2004-01D Amendment to the Future Land Use Map by including approximately 17 acres located east of I-95 approximately 3,000 feet south of Cheney Highway (S.R. 50) within the corporate limits of the City of Titusville with Residential and Conservation land use designations.
- CPA 2004-01E Amendment to the Future Land Use Map by including approximately 34 acres located in the vicinity of North Singleton Avenue and Parrish Road within the corporate limits of the City of Titusville with Residential and Conservation land use designations.
- CPA 2004-01F Amendment to the Future Land Use Map by including approximately 19 acres located 3,500 feet south of Fox Lake Road and 4,000 feet west of Interstate 95 within the corporate limits of the City of Titusville with Residential land use designation.
- CPA 2004-01G Amendment to the Future Land Use Map by including approximately 71 acres located at the southwest corner of Singleton Avenue and Parrish Road within the corporate limits of the City of Titusville with Residential and Conservation land use designations.

The Planning and Zoning Commission, acting as the Local Planning Agency, recommended that the above amendments be transmitted to the Florida Department of Community Affairs.

Planning Administrator Keith Cunningham gave a presentation including the Comprehensive Plan Amendment (CPA) process, applicants requesting amendments and property locations. He advised anticipated adoption date would be in the February to April 2004 time frame. Comments would be received on the individual components and voted on separately and consecutively.

Mayor Swank opened the public hearing for Comprehensive Plan Amendment (CPA) 2004-01A.

John Evans asked council to approve transmittal of CPA 2004-01A.

Gloria Heiden commented on various issues regarding annexing property into the city including fixed and variable cost. She was opposed to the transmittal of CPA 2004-01A. Ms. Heiden also requested a cost study be completed prior to approving annexation.

Charles Moelik and Tom Metz asked council to approve transmittal of CPA 2004-01A. Mr. Moelik felt as though this would be a positive impact on the community.

Michael Myjak distributed Brevard County traffic count program and asked council to review it prior to making a decision to transmit CPA 2004-01A.

Laura Ward commented on the annexation action plan and the outdated comprehensive plan. She asked council to deny transmittal of CPA 2004-01. She also suggested council have a special meeting to discuss its vision of the city.

Donald Page was opposed to CPA 2004-01A. He expressed concern about water, schools, and infrastructure.

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

Council discussed future growth within the community. Vice-Mayor Rainey moved to transmit CPA 2004-01A to DCA. Member Eigenmann seconded the motion and it carried unanimously with Member Ward abstaining due to a potential conflict of interest.

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Mayor Swank opened the public hearing for Comprehensive Plan Amendment (CPA) 2004-01B.

John Evans, Bob Kirk, and Alex Sokolik asked council to approve transmittal of CPA 2004-01B.

Stan Retz previously signed a water service agreement and asked council to approve transmittal of CPA 2004-01B. He was in favor of his property being annexed into the city as approving CPA 2004-01B would make his property contiguous to city limits and allow his property to be annexed into the city.

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It was 10:30 p.m. Member Ward moved to extend meeting to midnight. Member Broome seconded the motion and it carried unanimously.

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Thomas Ferrell, Charles Moehle, Phillip Lupo, and Bill Kolodney asked council to approve transmittal of CPA 2004-01B.

Attorney Kimberly Bonder-Rezanka asked council to take a careful deliberation prior to approving transmittal of CPA 2004-01B.

Don Human, Don Heiden, David Hill, Howard Shaffer, Phyllis Shaffer, James Hamilton, Margaret Kinslow, Marlene Rojas, Bob Gray, Scott Gray, Tiffany Johnson, C.J. Liebsch, Wayne Heath, James Mobley, Beth Shaffer, Stanley Foster, Suzanne Meyer, Ron Fisher, and Molly Farrace expressed their objection to the transmittal of CPA 2004-01B.

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It was 12 midnight. Vice-Mayor Rainey moved to extend the meeting to 2 a.m. Member Eigenmann seconded the motion and it carried three to two with Mayor Swank and Member Broome opposed.

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Scott Shaffer, Gloria Heiden, Susan Canada, William Tootill, Charles Hodsdon, and Michael Myjak expressed their objection to the transmittal of CPA 2004-01B.

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

Member Broome moved to deny the transmittal of CPA 2004-01B. Member Eigenmann seconded the motion and the roll call was:

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| Mayor Swank | no |
| Member Broome | yes |
| Member Ward | abstain |
| Member Eigenmann | yes |
| Vice-Mayor Rainey | yes |

The motion carried three to one. Member Ward abstained due to a potential conflict of interest.

Vice-Mayor Rainey offered to meet with resident to discuss their concerns. Discussion ensued. Mayor Swank advised citizens that applications were received from property owners requesting annexation into the city.

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Mayor Swank opened the public hearing on Comprehensive Plan Amendment (CPA) 2004-01C.

Ted Ruta supported the approval of CPA 2004-01C.

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

Vice-Mayor Rainey moved to approve transmittal of CPA 2004-01C. Member Broome seconded the motion and it carried unanimously.

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Mayor Swank opened the public hearing for Comprehensive Plan Amendment (CPA) 2004-01D.

Alex Sokolik and Fred Renaud asked council to approve transmittal of CPA 2004-01D.

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

Vice-Mayor Rainey moved to approve the transmittal of CPA 2004-01D. Member Broome seconded the motion and it carried unanimously.

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Mayor Swank opened the public hearing for Comprehensive Plan Amendment (CPA) 2004-01E.

Molly Farrace, Julian Lindenauer, Richard Clements, Walter Day, Roger Schneider, and Dorothy German expressed their objection to the transmittal of CPA 2004-01E.

Tom Ferrel asked council to approve the transmittal of CPA 2004-01E.

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

Member Broome moved to approve transmittal of CPA 2004-01E. Member Ward seconded the motion and it failed three to two with Vice-Mayor Rainey and Members Broome and Eigenmann opposed.

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Mayor Swank advised no action could be taken on CPA 2004-01F. This property would not be contiguous due to denial of CPA 2004-01B.

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Mayor Swank opened the public hearing on Comprehensive Plan Amendment (CPA) 2004-01G.

Thelma Roper and Julian Lindenauer expressed their objection to the transmittal of CPA 2004-01G.

Adam Armaganian asked council to approve transmittal of CPA 2004-01G.

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

Member Broome moved to deny transmittal of CPA 2004-01G. Member Eigenmann seconded the motion and it carried three to two with Mayor Swank and Member Ward opposed.

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Next was Conditional Use Permit No. 11-2003 to allow a recycling center within the Industrial (M-2) zoning designation at 4475 South Street as requested by John Evans on behalf of Julius Feher. The Planning and Zoning Commission recommended approval with conditions.

Mayor Swank opened the public hearing.

Gregory O’Leary and Doug Baker asked council to approve Conditional Use Permit No. 11-2003.

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

Member Eigenmann moved to approve Conditional Use Permit No. 11-2003 with conditions and that the applicant would have 60 days to relocate fence. Member Ward seconded the motion and the roll call was:

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

The motion carried four to one.

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City Attorney Severs read ORDINANCE 72-2003 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 2215 GARDEN STREET FROM ITS PRESENT OFFICE PROFESSIONAL (OP) CLASSIFICATION TO COMMUNITY COMMERCIAL (CC) CLASSIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE the second time by title only.

Senior Planner Randy Woodruff gave a brief presentation. He advised the Planning and Zoning Commission recommended denial of the request due to concerns with the bar, parking, traffic, and vandalism of surrounding properties. Staff supported this recommendation based upon lack of area for required parking and incompatibility with adjoining uses and zoning.

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

Vice-Mayor Rainey moved to deny Ordinance No. 72-2003. Member Broome seconded the motion and the roll call was:

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| Member Ward | yes |
| Member Eigenmann | yes |
| Vice-Mayor Rainey | yes |

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| Mayor Swank | yes |
| Member Broome | yes |

The motion carried.

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City Attorney read ORDINANCE NO. 73-2003 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 WEST OF 2900 CHENEY HIGHWAY FROM ITS PRESENT NEIGHBORHOOD COMMERCIAL (NC) CLASSIFICATION TO COMMUNITY COMMERCIAL (CC) CLASSIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE the second time by title only.

Mayor Swank opened the public hearing.

John Evans and Rodney Honeycutt asked for approval of Ordinance No. 73-2003.

Jane Butler expressed concern with drainage ponds being close to a residential area.

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Member Broome moved to extend meeting to 2:30 a.m. Vice-Mayor Rainey seconded the motion and it carried unanimously.

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Thelma Roper supported the approval of Ordinance No. 73-2003. No one else wished to speak and the public hearing was closed.

Member Broome moved to adopt Ordinance No. 73-2003. Member Eigenmann seconded the motion and the roll call was:

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

The motion carried.

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The last item under public hearing was Conditional Use Permit No. 22-2003 to expand existing childcare facility within a Single Family High Density Residential (R-1c) zoning classification

for property located at 305 Acorn Drive as requested by Jack & Jill's Playhouse Nursery, Inc. The Planning and Zoning Commission recommended approval with conditions.

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

Vice-Mayor Rainey moved to approve Conditional Use Permit No. 22-2003 with conditions noted in staff report. Member Eigenmann seconded the motion and the roll call was:

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

The motion carried.

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New Business The first item under new business was the approval to proceed with tax roll assessment billing (for residential and certain multi-family solid waste collection services) and funding for related consulting services. Vice-Mayor Rainey moved to approve as recommended. Member Broome seconded the motion and it passed unanimously.

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The last item to be heard under new business was clarification of process for resubmittal of annexation requests.

Member Broome moved to table clarification of process for resubmittal of annexation requests. No second to the motion was made. Comments from the public present were heard due to motion not being seconded.

Laura Ward, Michael Myjak, Don Human, Gloria Heiden, Rob Fisher, Don Heiden, Thelma Roper, Walter Pine, Nancy Page, Donald Page, Julian Lindenauer, Rose Easley, and Brad Downs expressed their objection to adopting an ordinance to clarify the process for resubmittal of annexation requests, which would allow an annexation request to be brought back to council in less than one year.

John Evans asked for clarification as to whether an applicant could bring back an annexation request in less than one year.

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Vice-Mayor Rainey moved to extend meeting to 3 a.m. Member Ward seconded the motion and it failed three to two with Mayor Swank, and Members Eigenmann and Broome opposed.

Member Eigenmann moved to extend meeting to 2:45 a.m. Member Broome seconded the motion and it carried unanimously.

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Member Broome moved to deny proceeding with an ordinance that would allow the resubmittal of Comprehensive Plan Amendment involving annexation without a waiting period of one year. Member Eigenmann seconded the motion. The motion carried unanimously with Member Ward abstaining due to a potential conflict of interest.

Council clarified that the Towne Realty project could not reapply for annexation until after the waiting period of one year.

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Vice-Mayor Rainey moved to defer to city manager's report. Member Eigenmann seconded the motion and it carried unanimously.

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City Manager's Report City Manager submitted his written report.

City Manager Harmer gave a brief update on Shangri-La lift station regarding an issue over access to an easement in the city.

City Manager asked council to provide dates of availability for a special city council meeting to discuss council's vision of the city. Council would provide dates to city manager.

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Petitions and Requests from the Public Present Laura Ward, Don Human, and Michael Myjak thanked council for decisions made during meeting.

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Boards and Commissions Vice-Mayor Rainey moved to approve semi-annual report submitted by the Titusville Housing Authority. Member Broome seconded the motion and it carried unanimously.

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The meeting was adjourned at 2:40 a.m. on November 12th.

Ronald G. Swank, Mayor

ATTEST:

Karan J. Rounsavall, City Clerk