

City Council
Regular Meeting
December 9, 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, December 9, 2003 beginning at 6:30 p.m.

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

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Vice-Mayor Ward called the meeting to order and invited Reverend Ron Parsons of New Life Christian Fellowship to give the invocation. The entire assembly recited the Pledge of Allegiance to the Flag.

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The first matter of business was approval of minutes of regular meeting November 11, 2003. Member Rainey moved to approve the minutes as submitted. Member Eigenmann seconded the motion and it carried unanimously.

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Special Recognitions The Electrical Maintenance Division of the Public Works Department was highlighted under "Department Spotlight." Electrical Maintenance Supervisor Joey Arena introduced the members of his division and showed a video describing their operations.

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The Certificate of Achievement for Excellence in Financial Reporting, conferred by the Government Finance Officers Association, was presented to the Finance Department for its Comprehensive Annual Financial Report for Fiscal Year ending September 30, 2002. Finance Director Bob Erickson accepted on behalf of the entire finance team.

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Presentations Council accepted the semi-annual report from the Board of Adjustments and Appeals. Chairman Don Prather was not available for a presentation.

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Council received a presentation from Frances Reilly, Chairman of the Titusville Flag and Memorial Committee, regarding plans to dedicate a bronze mission plaque at the Sand Point Park Astronaut Memorial on Saturday, January 31, 2004 in honor of the Space Shuttle Columbia

astronauts who lost their lives on February 1, 2003 when their shuttle exploded upon re-entry. Terry Lane, interim director for North Brevard Parks and Recreation Department, advised that Brevard County Parks and Recreation would fund all costs for the plaque and landscaping at the Astronaut Memorial, which exceeded \$5,000.

Member Rainey moved to authorize North Brevard Parks and Recreation to move forward with the construction and dedication of the memorial at Sand Point Park as stated. Member Eigenmann seconded the motion and it carried unanimously.

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

A. Contract with Baskerville-Donovan, Inc. for title searches and title search updates for the Park Avenue Roadway Improvements Project in an amount not to exceed \$17,750. Recommendation: Authorize city manager to execute contract for title work as stated. Source of Funds: Funds were available in Park Avenue Roadway Improvements Project fund (i.e. transportation impact fees and Florida Department of Transportation reimbursements).

B. Amendments to deed restrictions for Cathedral Pines II, Section One as requested by the homeowners' association. Recommendation: Approve second and third amendment to deed restrictions as submitted.

C. Confirm city manager's action for emergency award to Duncan Builders, Inc. for securing an abandoned apartment complex at 1520 South DeLeon Avenue at a cost of \$12,918. Recommendation: Confirm city manager's action to secure the structure which presented a threat to public health, safety and welfare.

D. Request for support of Brevard County's efforts to prepare legislative intent to draft a county ordinance prohibiting the illegal sale and use of fireworks in Brevard County subject to final review by the city. Recommendation: Council voiced its support for Brevard County's efforts in this regard.

Member Rainey seconded the motion and it carried unanimously.

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Petitions and Requests from the Public Present Joan Wheeler referenced an informational flyer she received in her utility bill about the community redevelopment area (CRA) that touched on tax increment financing methodology. She felt the flyer should have told the "whole truth" (i.e. CRA received the benefit of increased revenues both from increased property value assessments and tax rate increases).

Don Page provided illustrated maps on parcels being considered for annexation in the Fox Lake Road/Carpenter Road area as well as an area of contiguous holdings by a single owner. He urged council to establish an overall annexation plan before taking any action with zoning and density compatible with existing county zoning and then allow the newly annexed properties to apply for rezoning.

Starling Bryant spoke of the need for intervention programs for the youth of the community and advised of his personal plans to do whatever he could to save as many young people as possible.

Bea Polk asked for an explanation of the roll back rate as it related to millage and ad valorem taxes. City manager directed to respond with this information at the next meeting.

Walter Pine discussed what he felt were violations of the *City Charter* as well as state law, including: adjournment of meetings without completing all agenda items or extending such items until the next meeting; publication of agendas less than seven days in advance of the meeting; absence of separation of powers in staff's development of ordinances (i.e. legislation) without public input; not allowing the public to participate in all phases of the decision making process; and public access to records. Attorney Severs advised that *State Statutes*, as referenced by Mr. Pine regarding publication of agendas seven days in advance of the meeting, applied to state agencies, not to municipalities.

Roger Molitor requested additional time (if necessary) to discuss certain land use/zoning matters in the vicinity of State Road 50 and Florida East Coast Railroad on this agenda under public hearings. He also received clarification that three concurring votes were necessary to adopt an ordinance.

Bill Kolodney questioned the appropriateness of comments to city council from individuals residing outside the city limits. He felt these individuals should annex if they wanted a say in Titusville's government. He favored growth as it was necessary to address infrastructure needs within the community.

Thelma Roper referred to the *Government in the Sunshine* manual. An individual's residence should not affect public participation during a meeting.

Sid Cheyaheb spoke in favor of quality growth in the city. As there were only a few developable properties remaining along the riverfront, he urged council to carefully consider a decision to discount the value of submerged lands.

Laura Ward pointed out what she felt were Member Ward's conflicts of interest with various components of the Comprehensive Plan amendments considered on November 11, 2003. Not all of these conflicts were disclosed as she felt they should have been. She asked that council seek an opinion from the Ethics Commission on the appropriateness of Member Ward voting on a motion to reconsider these individual components before proceeding with the special meeting on January 6th. If council did not do this, she felt its action on these amendments would be challenged. Member Ward reminded the speaker that he abstained from voting on all Fox Lake Road/Carpenter Road components which were treated collectively rather than individually.

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Ordinances – First Reading Attorney Severs read ORDINANCE NO. 1-2004 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 IMMEDIATELY NORTH OF 561 NORTH WASHINGTON AVENUE FROM ITS PRESENT MULTI-FAMILY HIGH DENSITY RESIDENTIAL (R-3) CLASSIFICATION TO COMMUNITY COMMERCIAL (CC) CLASSIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 2-2004 OF THE CITY OF TITUSVILLE, FLORIDA AMENDING THE *LAND DEVELOPMENT REGULATIONS* BY AMENDING SECTION 27-11 (DEFINITIONS) BY MODIFYING THE DEFINITION OF “LOT”; AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 3-2004 OF THE CITY OF TITUSVILLE, FLORIDA AMENDING SECTION 47-105 OF THE *CODE OF ORDINANCES* CLARIFYING AND PERMITTING THE RESUBMITTAL OF A LARGE SCALE COMPREHENSIVE PLAN AMENDMENT INVOLVING A REZONING, COMPREHENSIVE PLAN AMENDMENT OR ANNEXATION AS PROVIDED FOR IN CHAPTER 163 *FLORIDA STATUTES* NO SOONER THAN SIX MONTHS AFTER FIRST DENIAL OF SAID REQUEST; AND PROVIDING FOR AN EFFECTIVE DATE the first time by title only.

Second reading and public hearing was scheduled for January 13, 2004 for Ordinance Nos. 1-2004 and 3-2004. First public hearing on Ordinance No. 2-2004 was scheduled for January 13, 2004 and second and final public hearing at a special meeting on February 3, 2004.

Council heard from several individuals on Ordinance No. 3-2004. Laura Ward reiterated her earlier comments that council request a ruling from the Ethics Commission as to Member Ward voting on the November 25th motion to reconsider. In her opinion this was an improper vote. Don Page also restated his earlier comments for an overall annexation plan with density compatible with existing county zoning. Brad Downs felt this ordinance would challenge council to have a compatibly zoned city. He favored limiting development in the Fox Lake Road/Carpenter Road area to one unit per acre.

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The meeting recessed at 7:40 and reconvened at 7:52 p.m.

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Member Eigenmann moved to hear Boards and Commissions at this time. Member Rainey seconded the motion which carried unanimously. As there were only three council members in attendance, Member Eigenmann moved to tabled city council appointments to various outside organizations and agencies until the January 13, 2004 regular meeting. Member Rainey seconded the motion and it carried on an all yes vote.

The next two items dealt with appointments to the North Brevard County Hospital District Board. The term of Herman Cole expired on December 31, 2003. This was a city council appointment for a four-year term expiring December 31, 2007. Mr. Cole’s desire to continue to serve on this board was noted. Member Eigenmann moved to reappoint Herman Cole for a four-year term. Member Rainey seconded the motion and it carried unanimously.

Jerry Noffel’s term likewise expired on December 31, 2003. His was a Brevard County Commission appointment subject to confirmation by the city council for a four-year term expiring December 31, 2007. The Brevard County Commission reappointed Mr. Noffel on December 2, 2003. Member Eigenmann moved to confirm the Brevard County Commission’s reappointment of Jerry Noffel for a four-year term. Member Rainey seconded the motion and it carried unanimously.

Public Hearings and Related Action The first item was Resolution No 32-2003 approving the uniform method of collecting non ad valorem assessments, particularly residential and certain multi-family solid waste collection services, as of October 1, 2004. Once the billing of solid waste collection services was established on tax bills sent out by the Brevard County Tax Collector, the city would discontinue its practice of billing for these services on a monthly basis as part of the water and sewer bills. Camille Tharp from Government Services Group, Inc. of Tallahassee explained the consultant’s role in implementing the new collection method.

No one wished to speak on this item.

Member Rainey moved to adopt Resolution No. 32-2003 as presented. Member Eigenmann seconded the motion and roll call was:

Member Rainey	yes
Member Eigenmann	yes
Vice-Mayor Ward	yes

The motion carried.

Next was Ordinance No. 79-2003 amending the *Land Development* Regulations by regulating temporary storage units in residential areas [portable-on-demand storage (PODS)]. The Planning and Zoning Commission recommended approval with certain amendments.

City Attorney Severs read ORDINANCE NO. 79-2003 OF THE CITY OF TITUSVILLE, BREVARD COUNTY, FLORIDA, AMENDING CHAPTER 59, ARTICLE III OF THE *LAND DEVELOPMENT REGULATIONS* BY ADDING SECTION 59-40.6 “TEMPORARY STORAGE UNITS IN RESIDENTIAL AREAS”; PROVIDING APPLICABLE ZONING DISTRICTS; PROVIDING DEFINITIONS; ESTABLISHING CRITERIA FOR THE USE OF TEMPORARY STORAGE UNITS; PROVIDING TIME PERIODS; PROVIDING EXEMPTIONS; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR INCLUSION IN THE CITY OF TITUSVILLE CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE the second time by title only.

No one wished to speak on this ordinance.

Council heard from Planning Administrator Keith Cunningham as to the Planning and Zoning Commission’s recommendation. Council members discussed the maximum time that a temporary storage unit would be permitted to remain on a lot and under what circumstances.

Member Eigenmann moved to adopt Ordinance No. 79-2003 as recommended by the Planning and Zoning Commission with the following changes: (1) the maximum time that a temporary storage unit was permitted to remain on a lot was 30 days per residence; and (2) the building permit fee was set at \$25 rather than \$45. Member Rainey seconded the motion and roll call was:

Member Eigenmann	yes
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Vice-Mayor Ward	yes
Member Rainey	yes

The motion carried.

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Attorney Severs read ORDINANCE NO. 88-2003 OF THE CITY OF TITUSVILLE, FLORIDA AMENDING SECTION 15-215(3) BY DELETING THE PROHIBITION AGAINST CONTINUED EMPLOYMENT FROM RECEIVING RETIREMENT BENEFITS; AND PROVIDING FOR AN EFFECTIVE DATE the second time by title only.

The proposed ordinance amended the Police Officers and Fire Fighters Pension Plan to allow re-employment of a retired member by the City of Titusville after attaining normal retirement age.

No one wished to speak regarding the ordinance.

Member Rainey moved for adoption. Member Eigenmann seconded the motion and roll call was:

Vice-Mayor Ward	yes
Member Rainey	yes
Member Eigenmann	yes

The motion carried.

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Next was Ordinance No. 83-2003 annexing property on the west side of Sisson Road immediately across from Little League Lane with Residential land use designation and multi-family medium density residential (R-2) zoning. Small Scale Amendment No. 23-2003 was submitted by Manlee, Inc. The Planning and Zoning Commission recommended approval.

City Attorney Severs read ORDINANCE NO. 83-2003 OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING SECTION 7, OF CHAPTER 63-2001, LAWS OF FLORIDA, SPECIAL ACTS OF 1963, BY ANNEXING CERTAIN PROPERTY IMMEDIATELY ACROSS FROM LITTLE LEAGUE LANE LYING ON THE WEST SIDE OF SISSON ROAD 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.

Vice-Mayor Ward opened the public hearing. Kathleen Burson spoke concerning the clear cutting of land on the site of the Sterling Forest Subdivision. She asked that council give the Titusville Environmental Commission the task of reviewing and updating site development and landscaping codes and that any annexation be approved conditioned upon compliance with such codes. She did not want to see what happened to the Sterling Forest site reoccur. She offered her assistance as a landscape professional.

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

Member Rainey moved to adopt Ordinance No. 83-2003 as presented. Member Eigenmann seconded the motion and roll call was:

Member Rainey	yes
Member Eigenmann	yes
Member Ward	yes

The motion carried.

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Ordinance No. 84-2003 annexed 2980 Crystal Court with Residential land use designation and general use (GU) zoning. Small Scale Amendment No. 24-2003 was submitted by Cathedral Pines Assembly of God, Inc. This small scale amendment was directly related to Ordinance No. 85-2003 which rezoned the subject property from general use (GU) to single-family medium density residential (R-1b). The Planning and Zoning Commission recommended approval with conditions. Council agreed to consider the items together.

City Attorney Severs read ORDINANCE NO. 84-2003 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 2980 CRYSTAL COURT TO BE INCLUDED WITHIN THE CITY LIMITS; DESIGNATING LAND USE CLASSIFICATION; PROVIDING ZONING CATEGORY; AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 85-2003 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 2980 CRYSTAL COURT FROM ITS PRESENT GENERAL USE (GU) CLASSIFICATION TO SINGLE FAMILY MEDIUM DENSITY RESIDENTIAL (R-1b) CLASSIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE the second time by title only.

Vice-Mayor Ward opened the public hearing. Roger Hackenberg, pastor of Cathedral Pines Church, spoke in favor. A parsonage would be built on the subject property. No one else wished to speak and the public hearing was closed.

Member Eigenmann moved to adopt Ordinance No. 84-2003 annexing the subject property. Member Rainey seconded the motion and roll call was:

Member Eigenmann	yes
Vice-Mayor Ward	yes
Member Rainey	yes

The motion carried. Member Eigenmann then moved to adopt Ordinance No. 85-2003 rezoning 2980 Crystal Court to single-family residential (R-1b). Member Rainey seconded the motion and roll call was:

Vice-Mayor Ward	yes
Member Rainey	yes
Member Eigenmann	yes

The motion carried.

Next was Ordinance No. 86-2003 annexing property on the west side of U.S. Highway One south of State Road 405 with Commercial High Intensity land use designation and community commercial (CC) zoning. Small Scale Amendment No. 25-2003 was submitted by Basil Itani with permission of owners. The Planning and Zoning Commission recommended approval.

Attorney Severs read ORDINANCE NO. 86-2003 OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING SECTION 7, OF CHAPTER 63-2001, LAWS OF FLORIDA, SPECIAL ACTS OF 1963, BY ANNEXING CERTAIN PROPERTY SOUTH OF STATE ROAD 405 (COLUMBIA BOULEVARD) LYING ON THE WEST SIDE OF U.S. HIGHWAY ONE 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.

No one wished to speak on the annexation.

Member Rainey moved for adoption. Member Eigenmann seconded the motion and roll call was:

Member Rainey	yes
Member Eigenmann	yes
Vice-Mayor Ward	yes

The motion carried. Member Rainey then moved to approve the related small scale amendment (i.e. SSA 25-2003) as recommended. Member Eigenmann seconded the motion and roll call was:

Member Eigenmann	yes
Vice-Mayor Ward	yes
Member Rainey	yes

The motion carried.

Ordinance No. 87-2003 annexed property at 3415 Parkland Street with Residential land use designation and rural residential (RR) zoning. Small Scale Amendment No. 26-2003 was submitted by Carla Landry. There was an existing single-family residence on the property. The Planning and Zoning Commission recommended approval.

Attorney Severs read ORDINANCE NO. 87-2003 OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING SECTION 7, OF CHAPTER 63-2001, LAWS OF FLORIDA, SPECIAL ACTS OF 1963, BY ANNEXING CERTAIN PROPERTY AT 3415 PARKLAND STREET 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.

No one was present to speak on the request.

Member Rainey moved for adoption. Member Eigenmann seconded the motion and roll call was:

Vice-Mayor Ward	yes
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Member Rainey	yes
Member Eigenmann	yes

The motion carried. Member Rainey then moved to approve the related small scale amendment (i.e. 26-2003) as recommended. Member Eigenmann seconded the motion and roll call was:

Member Rainey	yes
Member Eigenmann	yes
Vice-Mayor Ward	yes

The motion carried.

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Ordinance No. 80-2003 amended the Future Land Use Map by addressing the following small scale amendments (SSA) to the City's Comprehensive Plan:

- SSA 21-2003 changing the land use designation for property located at the northeast corner of Park Avenue and Harrison Street from Residential to Commercial High Intensity as requested by Brossier Company with permission of Robert Donaldson, Trustee.
- SSA 22-2003 changing the land use designation for property located at the northeast corner of Park Avenue and Harrison Street from Residential to Commercial High Intensity as requested by Brossier Company with permission of Betty Donaldson, Trustee.
- SSA 23-2003 including property immediately across from Little League Lane lying on the west side of Sisson Road within the corporate limits of the City of Titusville with Residential land use designation as requested by Manlee, Inc.
- SSA 24-2003 including property at 2980 Crystal Court within the corporate limits of the City of Titusville with Residential land use designation as requested by Cathedral Pines Assembly of God.
- SSA 25-2003 including property located south of State Road 405 lying on the west side of U.S. Highway One within the corporate limits of the City of Titusville with Commercial High Intensity land use designation as requested by Basil Itani.
- SSA 26-2003 including property at 3415 Parkland Street within the corporate limits of the City of Titusville with Residential land use designation as requested by Carla Landry.

Attorney Severs read ORDINANCE NO. 80-2003 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 THE NORTHEAST CORNER OF PARK AVENUE AND HARRISON STREET FROM RESIDENTIAL TO 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 EAST OF PARK AVENUE LYING NORTH OF HARRISON STREET FROM RESIDENTIAL TO COMMERCIAL HIGH INTENSITY LAND USE DESIGNATION; AMENDING THE FUTURE LAND USE MAP TO INCLUDE CERTAIN PROPERTY LOCATED IMMEDIATELY ACROSS FROM LITTLE LEAGUE LANE LYING ON THE WEST SIDE OF SISSON ROAD TO BE ANNEXED INTO THE CITY WITH RESIDENTIAL LAND USE; AMENDING THE FUTURE LAND USE

MAP TO INCLUDE CERTAIN PROPERTY LOCATED AT 2980 CRYSTAL COURT TO BE ANNEXED INTO THE CITY WITH RESIDENTIAL LAND USE; AMENDING THE FUTURE LAND USE MAP TO INCLUDE CERTAIN PROPERTY LOCATED SOUTH OF STATE ROAD 405 (COLUMBIA BOULEVARD) LYING ON THE WEST SIDE OF U.S. HIGHWAY ONE TO BE ANNEXED INTO THE CITY WITH COMMERCIAL HIGH INTENSITY LAND USE; AMENDING THE FUTURE LAND USE MAP TO INCLUDE CERTAIN PROPERTY LOCATED AT 3415 PARKLAND STREET TO BE ANNEXED INTO THE CITY WITH RESIDENTIAL LAND USE; AND PROVIDING FOR AN EFFECTIVE DATE the second time by title only.

The Planning and Zoning Commission, acting as the Local Planning Agency, recommended approval. SSA Nos. 21-2003 and 22-2003 were tabled to the January 7, 2004 Planning and Zoning Commission meeting at the request of the applicant.

Because there was a request to table SSA Nos. 21-2003 and 22-2003 as noted, Attorney Severs recommended that these components be removed from Ordinance No. 80-2003 and made part of a new ordinance to be considered by city council at its regular meeting on January 27, 2004.

Vice-Mayor Ward opened the public hearing. Joan Wheeler commented on SSA 21-2003 with a concern about curb appeal. If the proposed use were to be a shopping center, what would happen to the old shopping centers which remained as eyesores. How could a use be found for such abandoned properties? No one else wished to speak and the public hearing was closed.

Member Eigenmann moved to table SSA 21-2003 until the January 27th city council meeting. Member Rainey seconded the motion and roll call was:

Member Eigenmann	yes
Vice-Mayor Ward	yes
Member Rainey	yes

The motion carried. Member Eigenmann then moved to table SSA 22-2003 to the January 27th city council meeting. Member Rainey seconded the motion and roll call was:

Vice-Mayor Ward	yes
Member Rainey	yes
Member Eigenmann	yes

The motion carried. Member Eigenmann then moved to adopt Ordinance No. 80-2003 deleting reference to SSA Nos. 21-2003 and 22-2003 which were tabled. Member Rainey seconded the motion and roll call was:

Member Rainey	yes
Member Eigenmann	yes
Vice-Mayor Ward	yes

The motion carried.

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The meeting recessed at 8:42 and reconvened at 8:57 p.m.

Resolution No. 33-2003 vacated the westerly 15 feet of a 20-foot public utility and drainage easement lying on the east property line at 3155 Tree Top Lane (Lot 6, Central Park Estates). Scott Bray requested the easement vacation (Application No. 6-2003). Various utility providers voiced no objection to the request. The Planning and Zoning Commission recommended approval.

No one wished to speak on this item.

Member Eigenmann moved to adopt Resolution No. 33-2003 as presented. Member Rainey seconded the motion and roll call was:

Member Eigenmann	yes
Vice-Mayor Ward	yes
Member Rainey	yes

The motion carried.

Ordinance No. 64-2003 rezoned 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) – (Application No. 14-2003). This rezoning request was most recently tabled at the October 28, 2003 city council meeting. The Planning and Zoning Commission once again tabled its recommendation to the January 7, 2004 meeting at the request of the applicant.

Attorney Severs read ORDINANCE NO. 64-2003 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 LYING WEST OF GRISSOM PARKWAY, EAST OF STATE ROAD 407, AND SOUTH OF SHEPHARD DRIVE FROM ITS PRESENT SINGLE FAMILY MEDIUM DENSITY RESIDENTIAL (R-1b) AND OPEN SPACE AND RECREATION (OR) CLASSIFICATIONS TO MULTI-FAMILY MEDIUM DENSITY RESIDENTIAL (R-2) AND OPEN SPACE AND RECREATION (OR) CLASSIFICATIONS; AND PROVIDING FOR AN EFFECTIVE DATE by title only.

City Manager Harmer advised this request was for the residential portion of the Willow Creek project. Staff recommended that it be tabled in order that it could be heard concurrent with the development agreement for the same property.

Vice-Mayor Ward opened the public hearing. Veronica Clifford lived in Windover Farms and noted that the subject property recently changed ownership several times. Was there assurance that it would not be completely cleared like the Sterling Forest Subdivision? No one else wished to speak and the public hearing was closed.

Member Eigenmann moved to table Ordinance No. 64-2003 to city council’s January 27, 2004 meeting in order that the rezoning could be considered in conjunction with the related development agreement. Member Rainey seconded the motion and roll call was:

Member Rainey	yes
Member Eigenmann	yes
Vice-Mayor Ward	yes

The motion carried.

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Ordinance No. 76-2003 changed the land use on property located south of State Road 50 and west of the Florida East Coast Railroad from Commercial High Intensity to Residential as requested by Roger Molitor (Small Scale Amendment No. 20-2003). Ordinance No. 77-2003 rezoned property located south of State Road 50 and west of the Florida East Coast Railroad from residential manufactured housing park (RMH-2), regional commercial (RC), and open space and recreation (OR) to multi-family high density residential (R-3) and open space and recreation (OR) as requested by Roger Molitor. Both of these items were tabled at the November 25, 2003 city council meeting. The Planning and Zoning Commission, acting as the Local Planning Agency, unanimously recommended approval with conditions.

Attorney Severs read 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 COST RAILROAD FROM COMMERCIAL HIGH INTENSITY TO RESIDENTIAL LAND USE DESIGNATION; AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 77-2003 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 SOUTH OF STATE ROAD 50 AND WEST OF THE FLORIDA EAST COAST RAILROAD FROM ITS PRESENT RESIDENTIAL MANUFACTURED HOUSING PARK (RMH-2), REGIONAL COMMERCIAL (RC), AND OPEN SPACE AND RECRETION (OR) CLASSIFICATIONS TO MULTI-FAMILY HIGH DENSITY RESIDENTIAL (R-3) AND OPEN SPACE AND RECREATION (OR) CLASSIFICATIONS; AND PROVIDING FOR AN EFFECTIVE DATE by title only.

City Manager Harmer reviewed the requests noting that correspondence dated December 9th was received from Pat Firmat, owner of the Whispering Pines Mobile Home Park, relating to the community's agreement with Roger Molitor as to the requested land use/zoning changes. For the record, the agreed upon conditions included: (1) installation of six-foot high white vinyl opaque fencing along the common property line; (2) agreement to plant four-foot tall fir trees every 15 feet along the Whispering Pines Mobile Home Park side of the fence with an understanding that an easement would be granted to install and maintain these trees for the first year; and (3) cooperation with Whispering Pines Mobile Home Park to provide common drainage facility.

Vice-Mayor Ward opened the public hearing. Roger Molitor spoke in favor stating that his project would be similar to Park Villas on Park Avenue. He felt there was a need for multi-family housing within the community. No one else wished to speak and the public hearing was closed.

Vice-Mayor Ward disclosed that Mr. Molitor was a former client, however, he was not a client at this time nor did he expect him to be a client in the future.

Member Rainey moved to adopt Ordinance No. 76-2003 subject to commitments made by Roger Molitor to the Whispering Pines Mobile Home Park as outlined in the December 9, 2003 correspondence referenced above. Member Eigenmann seconded the motion and roll call was:

Member Eigenmann	yes
Vice-Mayor Ward	yes
Member Rainey	yes

The motion carried. Member Rainey then moved to adopt Ordinance No. 77-2003 subject to commitments made by Roger Molitor to the Whispering Pines Mobile Home Park as outlined in the December 9, 2003 correspondence referenced earlier. Member Eigenmann seconded the motion and roll call was:

Vice-Mayor Ward	yes
Member Rainey	yes
Member Eigenmann	yes

The motion carried.

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Next was the area impact plan for a mid-rise condominium development in a Shoreline Mixed Use (SMU) zoning district at 2103 South Washington Avenue. It was related to Conditional Use Permit No. 23-2003 to allow building height to exceed the maximum 50-foot height limitation in a Shoreline Mixed Use zoning district at 2103 South Washington Avenue. Consulting Civil Engineers, Inc. submitted the requests on behalf of Maurice Kodsí of Tricon Real Estate, Inc. Both items were tabled at the November 25, 2003 city council meeting. The Planning and Zoning Commission recommended approval of both requests with conditions.

City Manager Harmer noted that the owner requested that the above items along with the area impact plan and conditional use permit for Rio Del Sol be tabled to the January 13, 2004 meeting. The owner wanted to generate a more comprehensive plan for these riverfront projects. The owner also requested that both projects be exempt from Ordinance No. 2-2004 which would disallow the use of submerged lands in density, etc. calculations. The city manager suggested a special meeting to deal with these two riverfront projects as well as the submerged lands ordinance.

Member Eigenmann moved to schedule a special meeting on community visioning for January 15th along with a special meeting to consider the riverfront issues on February 3, 2004. Member Rainey seconded the motion and it carried unanimously.

Member Eigenmann then moved to table the area impact plan and conditional use permit for 2103 South Washington Avenue to a special meeting on February 3, 2004. Member Rainey seconded the motion and roll call was:

Member Rainey	yes
Member Eigenmann	yes
Vice-Mayor Ward	yes

The motion carried. Maurice Kodsí was not happy with the tabling but saw no alternative. Polly Phillips urged council to take no action on these projects until after the visioning meeting.

Member Eigenmann moved to table the area impact plan and conditional use permit (No. 24-2003) for Rio Del Sol to the special meeting on February 3, 2004. In addition, the second and final public hearing on Ordinance No. 2-2004 modifying the definition of lot to exclude submerged lands from calculation of density, lot size and setback for waterfront properties was also scheduled for February 3, 2004. Member Rainey seconded the motion and it carried on an all yes vote.

xxx

Ordinance Nos. 81-2003 and 82-2003 were related to the rezoning of property located at the northeast corner of Park Avenue and Harrison Street (reference Small Scale Amendments 21-2003 and 22-2003 discussed earlier). The Planning and Zoning Commission tabled both of these items to its January 7, 2004 meeting. Accordingly, Member Rainey moved to table both ordinances to the January 27, 2004 city council meeting. Member Eigenmann seconded the motion which carried unanimously.

xxx

Petitions and Requests from the Public Present Joan Wheeler suggested that information from the property appraiser's office on the calculation of millage rates be published in the next year's budget document. She also asked for a letter from the Interim Police Chief on the benefits of the police department being a member of the Titusville Area Chamber of Commerce. The city manager was directed to respond to her latter request.

Walter Pine proposed an amendment to the *City Charter* to create a complaint resolution process which included the formation of a citizens committee to hear, investigate, and resolve citizen complaints.

Thelma Roper was disappointed with an earlier speaker who resorted to what she felt was name calling of other citizens. She read from the *Government in the Sunshine* manual relating to conversations with staff members.

Laura Ward offered suggestions on how to conduct the community visioning meetings (i.e. divide the city into segments). She wondered whether residents living on the city's boundaries would be involved. She went on to ask how these meetings would be conducted and whether an outside facilitator and/or planning consultant would be involved.

Bill Kolodney felt the council should try to achieve what was best for the city and its residents. Personally, he was not threatened by high-rise buildings, particularly in that they would enhance the overall quality of life for the community.

Veronica Clifford hoped that the community visioning meetings would include residents from outlying areas such as Windover Farms.

Bea Polk stated that decisions of the Titusville City Council affected those that lived outside the city. Accordingly, input from non-city residents was important.

xxx

Mayor and Council Reports Council acknowledged receipt of the mayor's written report on his activities since the last meeting.

Member Rainey wished everyone a safe holiday season.

xxx

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

Referring to his December 9, 2003 memorandum, City Manager Harmer requested direction on how to conduct the community visioning meeting scheduled for January 15th. Council agreed to bring in an outside facilitator to work with council to develop goals and an action plan based on public input and council's collective vision. Further detail as to the format of the visioning meeting as well as a request for funding for the outside facilitator would be presented at the January 6, 2004 special meeting.

City Manager Harmer went on to suggest that council consider all planning/land use items during the second regular meeting of each month (i.e. fourth Tuesday) and to focus on other business items during the first regular meeting. It would take approximately 60 days to phase in this approach to scheduling council meetings. Member Rainey moved to proceed with this suggestion on a six-month trial basis. Member Eigenmann seconded the motion and it carried unanimously.

The city manager read the names of employees receiving letters of appreciation: Community Development – Cindy Wilson; Fire and Emergency Services – Alex Kracun and Tiffany Ford; Police – Bob Kelly, Joel Hunter, Kevin Vanover, John Little, Doug Massey, Pat Herndon, Sandra Arnold, Jon Dasno, and Leamon Jackson.

City Manager Harmer advised that the city's contract for wayfinding signage provided for a citywide program starting with the downtown area. Sign design/placement throughout the city would be considered at the consultant's next update.

The manager concluded his report by advising council of upcoming meetings/events.

xxx

It was 10:30 p.m. Member Eigenmann moved to extend the meeting for 15 minutes. Member Rainey seconded the motion and it carried on an all yes vote.

xxx

City Attorney's Report Attorney Severs reported on the status of litigation to provide access to the Shangri-La lift station easement. This issue was satisfactorily resolved.

He also reported on the status of illegal land clearing at Sterling Forest Subdivision. It was his recommendation to pursue fines and mitigation through the code enforcement process as opposed to court action. Council voiced no objection.

Council took no action to direct the city attorney to proceed further as to a complaint filed by a member of the Titusville Environmental Commission.

Attorney Severs advised that he would initiate the special assessment process to demolish a dilapidated structure at 609 West Court. The first step was a resolution of necessity.

xxx

Member Eigenmann mentioned that no other cities he was aware of had a separate place on the agenda for questions and answers from the press. He did not see why this was necessary, particularly if questions could be asked during the petitions and requests from the public present portion of the agenda. Member Eigenmann moved to direct the city manager to prepare an ordinance modifying the order of the agenda by deleting *Question and Answer Period for the Press* given the fact that the press could ask its questions during *Petitions and Requests from the Public Present*. Member Rainey seconded the motion and roll call was:

Member Eigenmann	yes
Vice-Mayor Ward	yes
Member Rainey	yes

The motion carried.

xxx

The meeting adjourned at 10:45 p.m.

Ronald G. Swank, Mayor

ATTEST:

Karan J. Rounsavall, City Clerk