

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, March 9, 2004.

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

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Mayor Swank asked the audience to observe a moment of silence. The entire assembly recited the Pledge of Allegiance to the Flag.

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Attorney Severs advised that Rule 13, being a motion to reconsider a previous action, was not applicable on the Dairy Road and Singleton Avenue item this evening. Mayor Swank stated this item was addressed at the February 24, 2004 meeting under a Rule 13.

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Member Broome asked Council's consideration to address the moratorium item. He commented he was not present at the previous meeting due to his military reserve commitment.

Member Broome moved to address Ordinances-First Reading item B., Ordinance No. 18-2004 instituting a 90-day moratorium on the submittal of certain residential land use applications, specifically comprehensive plan amendments, annexations, rezonings, and conditional use permits at this time.

Attorney Severs advised that the issue was on the agenda for First Reading and not applicable to the 7 p. m. rule for public hearings.

Vice-Mayor Ward seconded the motion. The motion carried unanimously.

Mayor Swank passed the gavel to Vice-Mayor Ward and moved to rescind Ordinance No. 18-2004. Member Broome seconded the motion and the roll call was:

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

The motion carried and the gavel was passed back to Mayor Swank.

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The next item of business was the approval of minutes for regular meetings February 10 and 24, 2004 and special meeting January 29, 2004. Member Broome moved to approve the minutes as submitted. Member Rainey seconded the motion. The motion carried unanimously.

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Special Recognitions – Department Spotlight-Billing and Collections. Tina Georg and Yvonne Szczerba presented an overview of the operations of their division.

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Presentations – Fire Chief Rick Talbert introduced Mr. Mike Cunningham of the Space Coast Antique Automobile Club of America. He announced that Titusville’s first fire truck, a 1925 LaFrance, was on display in the front of City Hall. Mr. Cunningham presented a report on the three-year restoration process and presented each Council Member a stainless steel bolt. He also stated that there had been many events to raise funding to restore the truck. The Club was in need of \$10,000 to complete the restoration.

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Chairman Mike Cunningham presented the semi-annual report for the Municipal Code Enforcement Board. He also asked for additional inspection staff to maintain the status quo. Mayor Swank thanked the Board Members for their time and commitment.

Member Rainey moved to accept the report. Member Broome seconded the motion. The motion carried unanimously.

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Chairman George Fayson presented the semi-annual report for the Planning and Zoning Commission. There was a 40 percent increase in activity over the preceding six months. Mayor Swank thanked the Board Members for their time and commitment.

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

A. Authorize disposition of fixed asset items at auction on March 21, 2004 at 1:00 p.m. onsite at the City Auctioneer’s site at 422 Julia Street, Titusville. Recommendation: Authorize disposition of fixed asset items as stated.

B. Authorize the release of a portion of the Olmstead Drive right-of-way to the Trustees of the Internal Improvement Fund contingent upon the execution of the easement for drainage and utilities to the City of Titusville. Recommendation: To authorize the release of a portion of the Olmstead right-of-way to the Trustees of the Internal Improvement Fund contingent upon the execution of the easement for drainage and utilities to the City of Titusville.

C. Authorize negotiations and execution of contract with CPH Engineers, Inc., for development of a sewer system master plan, including five and ten year schedules of capital improvements in an amount not to exceed \$140,000. Recommendation: To authorize execution of contract with CPH Engineers, Inc. as stated in an amount not to exceed \$140,000. Source of Funds: Funds were available in the Water Resources budget-Sewer System Master Plan.

D. Reaffirm the sole source agreement and amendment entered into with Barnes, Ferland and Associates, Inc. (BFA) for continuing hydrogeological consulting services in support of Area II, III, and IV Wellfields project and authorize the City Manager to sign the resulting task orders. Recommendation: To reaffirm the sole source agreement and amendment with Barnes, Ferland and Associates, Inc. as stated and to authorize the City Manager to sign the resulting task orders. Source of Funds: Previously approved project, no additional funds were required.

E. Authorize the execution of a franchise agreement to Waste Pro, Inc. for the collection and removal of construction debris within the city limits. Recommendation: Authorize franchise agreement as stated.

Vice-Mayor Ward seconded the motion. The motion carried unanimously.

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Petitions and Requests from the Public Present Ruby Rhoads felt that excessive right-of-way widths in Indian River City made it difficult for residents to maintain their lawns. The rights-of-way, coupled with setbacks, also presented challenges with accessory structures. She asked that pending fines for these accessory structures be held in abeyance beyond a March 18th deadline.

Mayor Swank asked City Manager to follow up with Mrs. Rhoads.

Connie Milton commented on the planning review process and wondered whether new land use applications were considered relative to the comprehensive plan. She favored the 90-day moratorium which was just voted down. She asked that Council (1.) adopt a vision to guide us; (2.) develop a master plan for growth; (3.) proactively implement the documented vision; and (4.) adopt codes and regulations that preserve quality of the land.

Gloria Heiden asked for an increase to the impact fees to pay for new employees in the Community Development Department and to support technology, etc. She suggested a new zoning category of RE-1 that required 2,000 square foot living area with a minimum of 80-foot frontage lots.

Don Page received clarification that developer agreements were binding on successors in title.

Michael Myjack felt that tree and topological surveys were important prior to development activity occurring. He suggested these items be included in the developer's agreement and also suggested that the City hire a professional to act in its stead. He suggested the use of impact fees to hire employees with the needed expertise.

Ray Thomas received a notice of non-compliance for a temporary metal carport. He wondered why these complaints were initiated.

Member Broome moved to authorize the City Manager to investigate this issue and provide a report at the next Council meeting. Member Eigenmann seconded the motion. The motion carried unanimously.

Laura Ward spoke in favor of suspending submittal of certain land use applications for 90 days until planning activities, such as the comprehensive plan, could be addressed. She felt that the residents did not want developers planning our City.

From a personal standpoint, Mayor Swank questioned the appropriateness of public comments from non-city residents.

Member Broome commented that unfortunately he was not at the last meeting to express his concerns. He felt that Council should work through a problem and address the issues and was opposed to a moratorium.

Vice-Mayor Ward outlined the historical perspective and commented on a past strategic process the City went through known as Transformation Titusville. He stated that the City was going forward with the strategic plan to annex, plan future fire stations, construction of a public works facility, look at future water supply, etc.

Member Eigenmann stated that instead of the word moratorium, he would have used the phraseology of an administrative postponement. He elaborated that he was not anti-growth, he tried to keep an open mind, and would like a community where his children would prosper. He felt that the City needed time to review the comprehensive plan, look at its vision, etc. He commented that he had received many letters from the business community. He encouraged the Council Members not to further delay what had been started a year ago.

J. C. Branham was not necessarily against growth but felt that growth brought problems. Would Titusville's quality of life suffer as a result of the growth?

Member Rainey commented it was about choices and rights and it was not an easy decision.

Raymond Bennett inquired as to why the impact fees were not sufficient to pay for the developments without increasing taxes. He commented on sufficient schools, infrastructure, public safety, etc.

Member Swank commented that impact fees were for growth-related issues (build a new road, new fire station, etc.).

Danny Treder expressed appreciation to Council for its dedication and hard work as elected officials. He offered to serve as a member of the Riverfront Acquisition Referendum Committee.

Steve Jack felt that Council should have allowed the debate on the moratorium.

Mike Miller commented on the effects of growth in North Brevard.

Arlynn Baker encouraged Council to redirect the Walmart Store projected for development across the street from South Lake Elementary School and a housing development. This commercial development would be catastrophic to the school children. She noted that as long as current codes were met, building permits could be issued without Council review.

Member Broome asked the City Manager how the City would accommodate a project of this magnitude.

Member Broome moved to ask the City Manager to investigate this project and provide a report. Member Eigenmann seconded the motion. The motion carried unanimously.

Pete Petyk appreciated Council's efforts toward the riverfront referendum. Along this line, he suggested that Council take action to eliminate submerged lands from the definition of lot.

Pinky Yount compared Titusville to Palm Beach County and the effects of growth in our community. She recommended limiting density and keeping a small town atmosphere.

Woody Rice talked about the missed opportunities for growth in Titusville over the decades. He commented on the Land Development Regulations (LDR), the Comprehensive Plan, R-1d zoning, etc. He volunteered to provide assistance with the review of the LDR's.

Thelma Roper commented on growth in Titusville. She felt that individuals who lived on the fringes of the City had a right to be heard.

Rose Easley suggested incentives for redevelopment.

Dr. Harold Yount asked that Council give consideration to limiting density and height.

Marcia Gadecke, representing the Titusville Area Chamber of Commerce, addressed the moratorium issue and the position of the business community.

Rick McCotter commented on the challenges of growth. He felt we had waited a long time for growth in Titusville. He thanked Council for its decision on a moratorium.

Melanie Scopelitis supported Laura Ward's comments. For the mayor to speak to her like he did was wrong. She felt things were out of control.

Bill Powell, Jr. felt that we should not discourage growth. Growth was needed for the City to sustain itself.

Walter Pine opposed Council's method of addressing the 90-day moratorium. Citizens wished to make comments. He felt the City was not being managed properly. He supported Member Eigenmann's comments.

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The meeting recessed at 9:30 p.m. and reconvened at 9:45 p.m.

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In the temporary absence of Mayor Swank, Vice-Mayor Ward officiated the meeting.

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Ordinances-First Reading Attorney Severs read ORDINANCE NO. 16-2004 OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING SECTION 47-105 OF THE CODE OF ORDINANCES OF THE CITY OF TITUSVILLE, BY CLARIFYING REZONING, COMPREHENSIVE PLAN AMENDMENT, CONDITIONAL USE, OR ANNEXATION REQUEST AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 17-2004 OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING SECTIONS 31-32 AND 31-34 OF THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF TITUSVILLE BY ADDING A NON VOTING SCHOOL BOARD APPOINTEE TO THE PLANNING AND ZONING COMMISSION/LOCAL PLANNING AGENCY; AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 19-2004 OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING ORDINANCE NO. 76-1984 WHICH APPROVED AND ADOPTED THE COMMUNITY REDEVELOPMENT PLAN OF THE COMMUNITY REDEVELOPMENT AGENCY DATED AUGUST 1, 1984 BY AMENDING SAID PREVIOUSLY ADOPTED PLAN; AMENDING ORDINANCE 31-1996 DATED OCTOBER 22, 1996 WHICH UPDATED THE REDEVELOPMENT PLAN; PROVIDING FOR RESOLUTION OF ANY CONFLICTS; PROVIDING FOR RATIFICATION OF PREVIOUS ACTIONS OF THE COMMUNITY REDEVELOPMENT AGENCY AND THE CITY COUNCIL; AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 20-2004 OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING SECTION 47-101(B), 47-102(B), AND 47-131 BY ADDING SUBSECTION (D), BY REQUESTING THAT AN APPLICANT FOR ANNEXATION, ZONING OR CONDITIONAL USE PERMIT SUBMIT AS A PART OF THE APPLICATION, A CONCEPTUAL SITE PLAN AND AGREEMENT WHEN THE APPLICATION INVOLVES FIVE ACRES OR MORE AND PROVIDING FOR AN EFFECTIVE DATE the second time by title only.

The second reading and public hearing was scheduled for March 23, 2004. Ordinance No. 18-2004 was not read as it was rescinded at the beginning of the meeting.

Walter Pine requested that the visitors center in the Community Redevelopment Plan be given time for review by the public. He asked that ample public notice be given due to the complexity of the issues.

Thelma Roper commented on the Community Redevelopment Plan. She suggested a convention center in Sand Point Plaza. She felt that development in the area needed to be consistent.

City Manager Harmer clarified the process for the ordinance dealing with the Community Redevelopment Plan and commented it was a planning document. He noted that the final public hearing was scheduled for March 23rd.

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Old Business City Manager Harmer reviewed a proposed ordinance defining “lot” to exclude submerged lands in the calculation of density, lot size, and setback for waterfront properties.

Laura Ward supported an ordinance to exclude submerged lands in calculating density.

Bob Snider supported a lot definition ordinance and was opposed height increases.

Pete Petyk commented that riverfront property had a marketable value and did not agree with transferring rights to property underwater to a piece of upland property. It was not a matter of property rights but what to do with the riverfront. He supported the City purchasing riverfront property.

Vice-Mayor Ward mentioned that this practice had been in place since 1991. A person owning or purchasing land since 1991 had an assumption that the density was allowed to be transferred

Mark Pugh supported changing the definition of the word density. He felt that a precedent would be set.

Council discussed the issue at length but took no action to proceed with resubmittal of the ordinance.

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New Business The first item discussed was the approval to piggyback the Professional Services Agreement for Cost Recovery Study between the City of Coral Springs and Government Services Group, Inc. (GSG) in an amount not to exceed \$39,500. City Manager Harmer reported staff recommended that a formal cost recovery study be conducted on all community development, police, fire, and other activities that were currently being funded by user fees and to conduct an evaluation on potential new fee areas.

Member Broome moved to approve piggybacking the Professional Services Agreement for Cost Recovery Study as recommended. Vice-Mayor Ward seconded the motion. The motion carried unanimously.

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City Manager Harmer stated that last year Council authorized Staff to proceed with a design for gateway signage. These signs would be provided by Florida Department of Transportation in conjunction with improvements to the I-95 interchanges. They were to be placed on SR 50 in front of McDonald's and on Garden Street at the southeast quadrant of the intersection of Garden Street and Singleton Avenue. The recommended design, Exhibit No. 2, had elements that would tie into the Wayfinding Signage system.

The Members compared Exhibit Nos. 2 and 4 and discussed the theme of history, nature and space. Member Rainey suggested that landscaping be placed behind or beside the sign to enable the public to read the sign.

Member Eigenmann moved to approve Exhibit No. 2 as recommended. Member Rainey seconded the motion. The motion carried unanimously. Member Rainey moved to amend the motion to include placement of the landscaping either behind or beside the signage. Member Eigenmann agreed. The motion as amended carried unanimously.

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The next item for consideration was the approval on the proposed use of Community Development Block Grant (CDBG) and HOME Investment Partnership Program funds for Fiscal Year 2004/2005. Housing and Community Development Director Marie Engblom reported that \$60,900 was available for Public Service and recommended the following allocations: Child Care Association of Brevard County, Inc. \$12,000.00; PREVENT! Of Brevard, Inc., \$11,500.00; North Brevard Charities Sharing Center, \$10,000; Community Housing Initiatives \$1,575.00; Titusville Police Athletic League, \$10,000; Family Counseling Center of Brevard, Inc., \$6,825.00; and Brevard Alzheimer's Foundation, Inc. \$9,000.00.

The total available for Administration was \$81,200 as recommended: City of Titusville – Housing and Community Development Department Administration/Operational Costs, \$80,700.00 and Fair Housing Outreach and Education, \$500.00.

The total available for Other was \$263,900 and the recommendations were: City of Titusville-Public Works Department (Streets), \$141,450.00; City of Titusville-Downtown Improvement Program, \$63,000.00; City of Titusville-Demolition Program, \$15,000; City of Titusville-Smoke Detector Program, \$5,000.00; and Space Coast Center for Independent Living, \$14,000.00. It was noted that the total CDBG allocation was \$406,000.00.

Ms. Engblom reported that the HOME allocation was \$170,569. The total available under CHDO Funds was \$25,585 as recommended: City of Titusville-Housing and Community Development Department Community Housing Development Organization (CHDO).

The total available for Administration was \$17,057 for City of Titusville-Housing and Community Development Department Administration/Operational Costs.

The total for Other was \$127,927 and the recommendations were: City of Titusville-Housing and Community Development Department Housing Replacement Program, \$50,000.00; and Housing Rehabilitation Program, \$77,927.00.

Member Eigenmann moved to approve the recommendations for the Community Development Block Grant (CDBG) and HOME Investment Partnership Program funds for Fiscal Year 2004/2005 as presented. Member Rainey seconded the motion. The motion carried unanimously.

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Member Broome moved to extend the meeting 20 minutes. Member Rainey seconded the motion. The motion carried unanimously.

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Member Rainey provided information on the Alphabet Lane for Titusville/North Brevard project that was sponsored by Titusville Sunrise Rotary Club to help children. There would be no cost to the City. The Members discussed the project, the need for permission to place the project in a city park, an agreement with the Rotary Club on location, design, construction, maintenance, use, disposition, etc. of improvements including coordination with Brevard County.

Member Eigenmann moved to approve the project contingent upon a signed agreement between the Sunrise Rotary Club and City. Member Rainey seconded the motion.

Vice-Mayor Ward disclosed he was a member of the Sunrise Rotary Club but he would not gain financially by voting on this project.

Mayor Swank expressed concern with setting a precedent by putting paid advertising in a public park.

The motion carried unanimously.

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Petitions and Requests from the Public Present - Joan Wheeler felt that the suspension of impact fees affected the city's ability to deal with growth issues.

Al Gutierrez expressed his desire to be appointed as a regular member on the Titusville Environmental Commission.

Connie Milton took offense to the Mayor's comments earlier in the meeting that comments from non-city residents were not welcome. While she did not personally live within the City limits, she paid City taxes, shopped in Titusville, and had influence within the community.

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Member Broome moved to extend the meeting ten minutes to 11:00 p.m. Vice-Mayor Ward seconded the motion. The motion carried unanimously.

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Member Ward moved to address XIV. Boards and Commissions, A. Riverfront Acquisition Referendum Committee appointments. Member Rainey seconded the motion. The motion carried unanimously.

City Manager Harmer advised that at its February 24, 2004 meeting Council adopted Resolution 6-2004 establishing a Riverfront Acquisition Referendum Committee. In accordance with said resolution, each Council Member would appoint one member to the Committee. To be eligible, the members must be residents of the City of Titusville and have no financial involvement, either direct or indirect, with properties along the Indian River within the City limits. The Committee would sunset on June 30, 2004.

Vice-Mayor Ward clarified his concept to identify the specific properties, to determine the purchase price and to enter into a contractual agreement with the property owner contingent upon passage of the referendum. His vision was to know what the total purchase price would be in order to ascertain the millage rate and the length of time to collect monies for riverfront acquisition. It was noted that only the City would be authorized to negotiate and enter into the contracts with the property owners. This would give the citizens specific information on the properties to be purchased, the costs and the length of time.

The appointments were: Mayor Swank-Kathleen Burson; Vice-Mayor Ward-Ray Rivera; Member Broome-Danny Treder; Member Eigenmann-Al Koller; and Member Rainey-Bill Kolodney.

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Vice-Mayor Ward moved to address XIV. Boards and Commissions, item B, Titusville Environmental Commission (TEC)-accept resignation of Ramon (Ray) Rivera and appoint a member to fulfill unexpired term. Member Broome seconded the motion. The motion carried unanimously.

Mayor Swank stated that Vice-Chairman Ramon Rivera had resigned his position on the TEC and there were several applications. Mayor Swank recommended Ron Thorstad. Member Rainey moved to appoint Alternate Member Al Gutierrez as a regular member to complete Mr. Rivera's term and to appoint Ron Thorstad as the Alternate Member. Member Eigenmann seconded the motion. The motion passed with Mayor Swank voting no.

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City Manager Harmer advised he had two action items for Council's consideration.

Vice-Mayor Ward moved to address City Manager Harmer's two action items. Member Broome seconded the motion. The motion carried unanimously.

City Manager's Report The first action item was a request for a presentation at the March 23, 2004 Council meeting by Marguerita Engle, Intergovernmental Coordinator for the St. Johns River Water Management District regarding an award recently received by the City.

Member Rainey moved to approve the presentation. Vice-Mayor Ward seconded the motion. The motion carried unanimously.

City Manager Harmer asked for Council's authorization to hold the following neighborhood meetings: Fox Lake Road area - March 23 and 24 2004, and Parrish Road area – March 29 and 31, 2004. The meetings would be facilitated by the Institute of Government at a cost not to exceed \$3,000.

Member Rainey moved to approve the neighborhood meeting dates as recommended at a cost not to exceed \$3,000. Member Eigenmann seconded the motion. City Manager Harmer verified that the funding source was Fund Balance Unreserved General Fund. The motion carried unanimously.

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City Council then continued with Petitions and Requests from the Public Present Walter Pine commented on the appointment of alternates to City boards. He also commented on the right of non-residents to speak at Council meetings.

Member Rainey stated that no one was denied their right to speak this evening.

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Mayor Swank asked Council's desire to continue the meeting. A motion to extend the meeting failed. Accordingly, the meeting adjourned at 11:00 p.m.

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The Mayor accepted names for the continuation of Petitions and Requests from the Public Present at the next regular meeting on March 23, 2004.

Ronald G. Swank, Mayor

ATTEST:

Karan J. Rounsavall, City Clerk