

City Council  
Regular Meeting  
April 13, 2004

The City Council of the City of Titusville, Florida met in regular session on Tuesday, April 13, 2004 in the Council Chamber of City Hall, 555 South Washington Avenue, beginning at 6:48 p.m. following the Community Redevelopment Agency meeting.

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

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Mayor Swank called the meeting to order and invited Pastor Jim Govatos of Indian River City United Methodist Church 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 March 23, 2004. Member Broome moved to approve the minutes as submitted. Member Rainey seconded the motion and it carried unanimously.

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Special Recognitions Carl Jones, building inspector, reviewed the operations of the Building Department. Its primary duties were to review plans and inspect structures throughout construction for compliance with building codes.

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Mayor Swank presented a proclamation declaring the week of April 11 – 17, 2004 as National Telecommunicators Week to Lisa DiLiberto who accepted on behalf of the Public Safety dispatchers. In turn, Ms. DiLiberto recognized Veronica Wright of the police department, who was recently honored by her selection as Space Coast Public Safety Communication Association Telecommunicator of the Year for 2004.

Police Chief Tony Bollinger announced new promotions in the police department. Sergeant John Lau was promoted to the position of commander and Officer Cleyton Bray was promoted to sergeant.

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Presentations John Znorowski of the Public Works/Engineering Division reported on his exchange trip to The Netherlands in 2003 as part of Rotary International. As a result of information shared during the visit, the City of Titusville initiated a program to crush and recycle concrete as part of its road resurfacing program. The program resulted in ongoing cost savings.

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Charles Tucker of Bray, Beck & Koetter presented results of the annual reports of the City of Titusville for fiscal year ended September 30, 2003. Yvonne Clayborne assisted him. The audit, which was performed in accordance with *Florida Statutes*, examined the city's financial statements to determine conformity with generally accepted accounting principles and compliance with financial related laws and regulations. The audit received an unqualified opinion, the highest that could be achieved. The audit also noted no material instances of non compliance nor any material weaknesses in internal control. Mr. Tucker commended the city's accounting staff for completing its Comprehensive Annual Financial Report (CAFR) in house and in the new reporting format required by GASB #34. He went on to briefly review the CAFR's organization and content. The \$2.6 million unreserved fund balance in the General Fund represented a 42-day reserve of operating costs. Council had no questions.

City Manager Harmer presented a plaque expressing appreciation to Finance Director Bob Erickson for the department's hard work in preparing the CAFR.

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Marcia Gaedcke and Lance Armstrong highlighted the upcoming Indian River Festival which was scheduled for April 22 – 25, 2004. Admission tickets were \$7 which would provide unlimited rides. Mr. Armstrong requested permission to sell canned beer at the festival. Member Broome moved to approve the request to sell beer. Vice-Mayor Ward seconded the motion and it carried with Member Rainey voting no.

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Consent Agenda Prior to receiving a motion, Vice-Mayor Ward declared a conflict of interest with two consent items, being the preliminary plat for Mercedes Town Homes Subdivision and Royal Oaks Patio Homes Phase II. His firm prepared these plats. Mayor Swank announced that these two items would be voted upon separately from the remaining consent items.

Council heard from several individuals on Mercedes Town Homes (consent item A). Tiffany Johnson was concerned that a number of individuals in the adjacent neighborhood did not receive a notice the previous year when the subject property was rezoned from commercial to multi-family residential. Nancy Ollis also indicated that she did not receive a notice. They were concerned about drainage, overcrowding of area schools and a single point of ingress/egress to the proposed subdivision. Loys Ward represented the applicant. He advised that all staff comments were addressed and that screening was required between single family and adjacent multi-family developments. He asked that council move forward with approving the preliminary plat this evening. Michael Myjack was concerned that this property was in the area of critical concern.

As to Royal Oaks Patio Homes (consent item B), Jerome Randa was concerned about the visibility of the proposed drainage pond to adjacent properties and asked that it be tabled until this issue was addressed. Loys Ward responded that it would be a dry retention pond.

City Manager Harmer disclosed that he owned a condominium adjacent to the proposed Royal Oaks Patio Home development. He also presented staff's recommendation to table the

preliminary plat for Mercedes Town Homes until the developer conducted neighborhood meetings to address residents' concerns.

Member Rainey moved to approve consent agenda item A as follows:

A. Preliminary plat for Mercedes Town Homes Subdivision located on the north side of Garden Street at the terminus of Christian Court. Recommendation: The Planning and Zoning Commission recommended approval subject to resolution of turnaround situation. Approval was further conditioned upon the following: (1) Developers and adjacent homeowners addressing their issues and concerns. A neighborhood meeting was suggested as the ideal forum for this type of discussion. (2) Resolve the configuration of the T-turnaround. (3) Submit a tree survey for review and identification of major trees to be preserved.

Member Broome seconded the motion and roll call was:

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

The motion carried. Member Eigenmann then moved to approve consent agenda item B as follows:

B. Preliminary plat for Royal Oaks Patio Homes Phase II located east of Royal Oak Drive and north of Country Club Drive. Recommendation: The Planning and Zoning Commission recommended approval.

Member Broome seconded the motion and roll call was:

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

The motion carried.

As to the remaining consent items, Molly Farace addressed the Max Brewer Causeway (consent item E). Because this bridge was designated as a memorial, she felt that the city could get grant money for its replacement and urged council to pursue this route as opposed to putting a band-aid on it. Joan Wheeler received an explanation from Rudy Kahn of the Water Resources Department as to a cost-sharing program with St. Johns River Water Management District (consent item I).

Member Eigenmann moved to approve consent items C through I in accordance with the following recommendations:

C. Right-of-way consent agreement with Florida Power & Light Company (FPL) for use of its right-of-way on the southeast edge of the Area III Well Field for the proposed City of Titusville multi-use trail. Recommendation: Authorize execution of agreement. Funds for

development of the trail were proposed by the Florida Recreation Development Assistance Program and Parrish Medical Center.

D. Solid waste franchise agreements with Petty's Roll-Off of Melbourne; Messer Container Services, Inc. of Cocoa; Travis Berry, Inc. of Rockledge; DRH, Inc. of Rockledge; Addison and Sons of Mims; and East Coast Disposal of Rockledge for the collection and removal of construction debris within city limits. Recommendation: Authorize execution of franchise agreements with the above haulers.

E. Memorandum of agreement between Florida Department of Transportation, Brevard County, and City of Titusville for construction of new span at Max Brewer Causeway. Said agreement transferred the entire right-of-way portion of the causeway owned by the city to the State of Florida. Recommendation: Authorize execution of agreement.

F. Resolution No. 10-2004 of advisability to vacate a 50' by 200' right-of-way located east of 1660 Knox McRae Drive as requested by Lightsey and Associates, P.A. on behalf of Royal Oak Colony, LLC. Recommendation: Adopt resolution setting date for public hearing on April 27, 2004.

G. Resolution No. 11-2004 of advisability to vacate certain rights-of-way within the Titusville Fruit and Farm Lands Company Subdivision located south of State Road 405 as requested by Honeycutt and Associates, Inc. on behalf of Summerhill of Titusville, LLC. Recommendation: Adopt resolution setting date for public hearing on April 27, 2004.

H. Request to piggyback Brevard County bid to P.A.V.C.O. Construction, Inc. of Melbourne for concrete work on two water control structures in the amount of \$19,000. Recommendation: Award contract as recommended pursuant to Brevard County bid. Funds were available in the St. Johns River Water Management District Alternative Cost Share grant.

I. Agreement with St. Johns River Water Management District pursuant to Alternative Water Supply Construction Cost-Sharing Program for design and construction of Area III Well Field Aquifer Recharge Pilot program in the amount of \$75,000. Recommendation: Authorize execution of agreement.

Member Broome seconded the motion and roll call was:

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

The motion carried.

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Petitions and Requests from the Public Present Molly Farace advised that the Gold Star Mothers Plaque was missing from the Veterans Memorial pier and wondered what happened. Council directed the city manager to look into this and report back to Ms. Farace.

Referring to the discussion on Mercedes Town Homes during consent agenda, J.C. Branham advised that he owned property in the vicinity of Christian Court and Garden Street but did not recall receiving a notice of rezoning.

Joan Wheeler agreed with comments made by Richard LeAndro during the Community Redevelopment Agency (CRA) meeting that the CRA should not be involved in the development of the fishing pier.

Tiffany Johnson advised that a number of residents she spoke with did not recall receiving notices of a rezoning in their neighborhood (i.e. Christian Court and Garden Street). She felt that people deserved to be notified of actions affecting their homes. City Manager Harmer agreed to report back at the next meeting on the overall issue of public notice.

Nancy Ollis voiced her concern with the single entrance and exit to the proposed Mercedes Town Homes on Christian Court off of Garden Street.

Arlynn Baker discussed the proposed Wal-Mart at Garden Street and Interstate 95 and displayed a site plan. She felt that there were other sites more suitable for the retail center than this intersection, especially with it being in the immediate area of an elementary school. In her estimation, at least seven traffic signals would be needed for safety purposes. At its previous meeting, council directed that Attorney Severs attend site plan meetings with Wal-Mart. He reported that Wal-Mart agreed to community/neighborhood meetings before its plans came before Planning and Zoning Commission and City Council. It appeared that there might be an issue with impervious surface coverage.

John Evans urged council to reconsider its adoption of Ordinance No. 20-2004 requiring a binding conceptual site plan for all land use applications. He felt this ordinance would have a chilling effect, particularly on the small developer, due to its expense and complexity. Council took no action to reconsider.

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The meeting recessed at 9:12 and reconvened at 9:25 p.m.

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Debbie Tomlinson supported comments made earlier by Arlynn Baker. She reminded council members that they did not always need to say yes to more development. She also spoke in favor of stiffer penalties for the illegal removal of trees.

Pete Petyk discussed his experience with the use of exfiltration systems for stormwater management such as those proposed for the Rio Del Sol condominiums. They could require expensive upkeep and maintenance to operate properly as opposed to other type systems. If the city allowed the exfiltration system, he wondered whether there would be exposure to some type of liability.

Michael Myjack thanked council for hosting the facilitated neighborhood meetings and asked when the official meeting notes would be available. He also discussed the availability of city codes on line and the importance of tree surveys.

Laura Ward asked council to reconsider the submerged lands issue to limit their use for density calculations.

Chris Anderson felt that there were too many signs in the city and suggested that when a new sign was erected that another be removed. She pointed out that some signs in her neighborhood were deteriorated and in need of repair. Ms. Anderson questioned compliance with conditions of approval for a recycling center that was approved some months earlier. The city manager was directed to investigate and report back.

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Ordinances – First Reading Attorney Severs read ORDINANCE NO. 21-2004 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 2208 SOUTH HOPKINS AVENUE FROM RESIDENTIAL TO COMMERCIAL LOW-INTENSITY; AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 22-2004 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 AT 2208 SOUTH HOPKINS AVENUE FROM ITS PRESENT SINGLE FAMILY MEDIUM DENSITY RESIDENTIAL (R-1B) CLASSIFICATION TO NEIGHBORHOOD COMMERCIAL (NC) CLASSIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 23-2004 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 AT 705 HARRISON STREET FROM ITS PRESENT GENERAL USE (GU) CLASSIFICATION TO SINGLE FAMILY MEDIUM DENSITY RESIDENTIAL (R-1B) CLASSIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE the first time by title only.

Second reading and public hearing scheduled for April 27, 2004.

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Public Hearings and Related Action First was a public hearing on the City's Community Development Block Grant (CDBG) and HOME Investment Partnership Program Action Plans for Fiscal Year 2004/2005. Housing Director Marie Engblom briefly overviewed the programs and advised that council approved the proposed allocation of CDBG and HOME funds at its March 9, 2004 meeting.

No one wished to speak on this item.

Member Eigenmann moved to approve the action plan as submitted, to authorize the mayor to execute grant application and certifications, and to authorize submittal of plan to Brevard County by May 1, 2004. Member Rainey seconded the motion and roll call was:

Member Eigenmann	yes
Vice-Mayor Ward	yes

Member Broome	yes
Mayor Swank	yes
Member Rainey	yes

The motion carried.

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Next was a public hearing on the State Housing Initiatives Partnership (SHIP) Program for Fiscal Years 2004/2005, 2005/2006, and 2006/2007 Local Housing Assistance Plan. Housing Director Marie Engblom and CDBG Planner Nancy Dresser reviewed the strategies and scope of the program. Approximately \$942,255 in funding from the Florida Housing Finance Corporation would be available to the city over the three-year period. Strategies ranged from rehabilitation of single and multi-family dwellings to down payment assistance. The strategies were broad in order to provide flexibility in the administration of the program.

No one wished to speak on this program.

Mayor Swank wondered whether rehabilitation loan terms could be amended to provide for forgiveness after 15 years rather than 10 years. If this were the case, he felt the city would have more funds available over the long term. There was no support for his suggestion.

Member Rainey moved to approve the three-year Local Housing Assistance Plan, authorize the mayor to execute appropriate resolution and certifications, and authorize submittal of plan to the State by the May 2, 2004 deadline. Member Broome seconded the motion and roll call was:

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

The motion carried.

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Ordinance No. 19-2004 adopted the community redevelopment plan update dated February 2004. The Community Redevelopment Agency (CRA) reviewed the plan and recommended approval.

Attorney Severs read 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 NO. 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 the second time by title only.

City Manager Harmer reviewed the effect of the ordinance and outlined the priority projects for future redevelopment.

No one was present to speak on this ordinance.

Member Rainey moved to adopt Ordinance No. 19-2004. Member Broome seconded the motion and roll call was:

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

The motion carried.

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Old Business Water Resources Director Raynetta Grant discussed the Sisson Road reuse line extension project. A local engineering firm was currently preparing the design for an eight-inch reuse line extension on Sisson Road between State Road 50 and State Road 405 which was projected to cost \$475,000. Design was 90 percent complete; the next step was to prepare an agreement with the developer Sterling Forest, LLC, who would provide the initial funding for line construction.

Council had no questions. A resolution of necessity for the project would be presented to council at its April 27, 2004 meeting.

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In March 2004, the City of Titusville acquired title to a townhouse unit at 1900 South Street (Forest Villas Townhomes) as a result of code enforcement action. The structure was quite dilapidated and in need of significant repair. The city attorney was in receipt of two bids for this project, the highest in the amount of \$10,000 being submitted by Fletcher Jackson, an adjacent property owner. He recommended that council authorize sale of the property to Mr. Jackson; the alternative was to list the property with a real estate broker.

Member Eigenmann moved to sell the property to Fletcher Jackson for \$10,000 as is. Member Broome seconded the motion and it carried unanimously.

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Boards and Commissions Member Eigenmann's original appointment to the Riverfront Acquisition Referendum Committee found it necessary to decline. Member Eigenmann indicated that his replacement was still pending. Attorney Severs explained it was acceptable for Member Eigenmann to forward his new appointment to staff provided eligibility requirements were met.

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Mayor and Council Reports Mayor Swank provided a written report on his activities since the last meeting. He went on to announce the U.S. Space Walk of Fame 8K run on April 17<sup>th</sup> and the Keep Brevard Beautiful Trash Bash on the same day.

Vice-Mayor Ward suggested that each council member have an appointment to the city's standing boards and commission, much like was done for appointments to the Riverfront Acquisition Referendum Committee. Under this proposal, board members could be subject to change when council members changed. He also supported a proposal for an independent Community Redevelopment Agency.

Member Eigenmann felt it was appropriate for the city to regulate the blowing of lawn debris and trimmings into stormwater systems. He had researched this and found it was not uncommon for other jurisdictions to have such regulations.

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

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Member Eigenmann moved to direct the preparation of an ordinance that would amend the definition of lot to exclude submerged lands located east of U.S. Highway One for purposes of density calculations, etc. Attorney Severs advised that it would be typical to include a vested rights provision for such an ordinance. Member Broome seconded the motion and it carried with Vice-Mayor Ward voting no.

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

Angie Sharkey requested a presentation at council's May 11, 2004 meeting to provide an update on the Titan 1 rocket refurbishment project. Member Eigenmann moved to approve the presentation. Member Rainey seconded the motion and it carried on an all yes vote.

Member Broome moved to support the city manager's nomination by the International City/County Management Association to serve on its Board of Trustees of the Chief Fire Officer Designation Board. This was a three-year commitment that would involve two meetings per year. Member Rainey seconded the motion and it carried unanimously.

City Manager Harmer read the names of employees receiving letters of appreciation: Community Development – Marie Engblom, Juanita Spells, Terrie Franklin, Nancy Dresser, Keith Cunningham, Laura Bledsoe, and Randy Woodruff; Fire and Emergency Services – Scott Gaenicke, Kathy Mosley, Reggie Belle, Jeremy House, Bill Feagan, Brian Marfit, Chuck Bogle, Alex Kracun, Lawanda Park, Daniel Ellis, David Kyle, Randy Tuten, Amy Spillers, Daryle Blankenship, Phil Chase, and Roland Carpentier; Police Department – Deadra Andis, Mike Allen, Zsolt Rimoczi, Scott Blizard, Warren VanVuren, and Doug Massey; Public Works Department – David Eaker, Michael Redman, Stan Johnston, and Rich Votapka; Water Resources Department – Chris Enright.

Building Official Larry Fuhrman was elected Southern Section President of the International Association of Electrical Inspectors. Veronica Wright of the Police Department was named 2004 Telecommunicator of the Year by the Space Coast Public Safety Communications Association.

The city manager announced the re-establishment of the Police Explorers Pistol Team under the direction of Officers Patricia Morgan and Zsolt Rimoczi.

Fire Chief Rick Talbert recently attended a course entitled “Enhanced Incident Management Unified Command.”

In an effort to deal with the workload in the community development department, the city manager extended the deadline for staff to review site plans from 10 to 20 working days.

City Manager Harmer reported on code enforcement issues relating to temporary carports and accessory structures. Building permits were required for the installation of metal-roofed carports. It was staff’s recommendation to advise current owners that they had 180 days to obtain the proper permits or to remove the structures.

At the March 23, 2004 council meeting, Member Broome asked whether or not the city’s group health insurance could be made available to the general public. The city manager advised that the city’s insurance consultant did not recommend this action.

The city manager concluded his report by announcing upcoming events, including the student awards on April 29<sup>th</sup> at Brevard Community College Gymnasium.

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City Attorney’s Report Earlier in the month, the city attorney forwarded a memo to city council on school capacity. He recommended that the mayor be authorized to communicate with Brevard County School Board on its plans for expansion of schools in the Titusville area in order to deal with capacity issues. Member Broome moved accordingly. Member Rainey seconded the motion and it carried unanimously. The attorney also suggested that a citizen be appointed to the oversight committee as outlined in the city’s interlocal agreement with the school board.

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The meeting adjourned at 10:47 p.m.

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Ronald G. Swank, Mayor

ATTEST:

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Karan J. Rounsavall, City Clerk