

City Council
Regular Meeting
April 27, 2004

The City Council of the City of Titusville, Florida met in regular session on Tuesday, April 27, 2004 in the Council Chamber of City Hall, 555 South Washington Avenue, beginning at 6:30 p.m.

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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 Assistant City Clerk Wanda Wells.

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Mayor Swank called the meeting to order and invited Pastor David Cox of Christ Central 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 April 13, 2004. Member Broome moved to approve the minutes as submitted. Member Eigenmann seconded the motion and it carried unanimously.

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Special Recognitions City Manager Harmer read nominations for employee of the month for April 2004: Scott Gaenicke – Fire Department, John Wilson, Solid Waste Department, Terrie Franklin – Community Development, Tom Floyd – Community Development, Cindy Martin and Lisa Murtland – City Clerk’s Office, Wanda Wells – City Clerk’s Office, Judy Renaud, City Clerk’s Office, Finance Team – Rena Billings, Katherine Morgan, Brett Tanner, Stacy Ouellette, Sandra Bookhardt, Robin Hayes, and Bob Erickson. City Manager Harmer announced the employee of the month for April 2004 as John Wilson – Solid Waste Department.

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Next was recognition of graduates of the first citizen’s academy. Titusville’s first annual Citizens’ Academy began April 1, 2004. The Academy was designed to give participants insight into their City’s government in a relaxed, fun, yet informative environment. The Academy consisted of four classes and was taught by City staff. City Manager Harmer recognized Mandy Chivers, Intern of City Manager’s Office and Community Advocate Jim Thomas for organizing the event. Council presented graduates with a certificate of completion.

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Member Jeff Rainey arrived at 6:45 p.m.

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Presentations Mayor Swank read official proclamation to hereby proclaim May 2 through May 8, 2004 as Drinking Water Week. Community Projects Coordinator Maureen Phillips accepted proclamation and highlighted conservation initiatives including the showerhead exchange program.

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Chairman Ted Beck gave the North Brevard Parks and Recreation Commission's semi-annual report. He advised of summer activities and reviewed the status of the referendum projects. Mayor Swank announced additional information could be located on their website at www.brevardparks.com/referendum. Member Rainey moved to accept the report as submitted. Member Broome seconded the motion and it carried unanimously.

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Student Advisory Council gave the presentation of the annual year-end report. The three issues and concerns submitted for council's consideration was (1) The establishment of a teen commission in partnership with the North Area Parks and Recreation Department and local schools; (2) The sponsorship of a youth leadership seminar in north Brevard through a partnership with Leadership Brevard and the local schools; and (3) Provide an outlet for promoting the Boys and Girls State Programs that are sponsored by the American Legion, Post #1. The Student Advisory Board recognized school representatives, Mary Kenney and Karen Ball. They also recognized city liaisons Judy Renaud and Karan Rounsavall. Member Eigenmann moved to accept annual report and authorize staff to review the three issues/concerns of the Student Advisory Board. Member Broome seconded the motion and it carried unanimously. Council recognized Co-Chairmans Kevin Galke and Mike Ball for their participation in the Student Advisory Board through their four years of high school.

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Consent Agenda Member Broome moved to hear consent agenda item to approve joint planning agreement with Brevard County that proposes notifications and review of development applications, annexation of all improved enclaves 10 acres or more, and annual review of enclaves to new business. Member Rainey seconded the motion and it carried unanimously.

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Attorney John Evans asked that the approval of agreement with Sterling Forest, LLC of necessity to install reuse line extension on Sisson Road between State Road 50 and State Road 405 and Resolution No. 13-2004 of necessity to install reuse line extension on Sisson Road between State Road 50 and State Road 405 be tabled to the May 11, 2004 city council meeting. Member Rainey moved to table both items to the May 11th city council meeting. Member Eigenmann seconded the motion and it carried unanimously.

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

- C. Approve preliminary plat for Sereno Pointe Subdivision. The Planning and Zoning Commission recommended approval. Recommendation: Approve preliminary plat as recommended.
- D. Award bid for lift station materials to Ferguson Waterworks of Orlando in the amount of \$25,243.12. Recommendation: Award bid as recommended. Funds were available in the Water Resources fund.

Member Eigenmann seconded the motion and the 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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Petitions and Requests from the Public Present Molly Farace spoke on efforts to locate the Gold Star Mothers Plaque missing from the Veterans Memorial Fishing Pier. She asked that anyone with information on the plaque contact the Veterans Memorial Preservation Society at (321) 264-0700.

Gloria Heiden spoke in support of Ordinance No. 24-2004 providing for cluster development within the RE zoning district and asked council to approve the ordinance at the public hearing scheduled for May 11, 2004.

J.C. Branham congratulated Member Broome on a possible promotion in the U.S. Marine Reserves.

Michael Myjak proposed a zoning overlay for the Carpenter Road/Fox Lake Road and Parrish Road area that was not unlike the RE cluster ordinance but represented a new approach that provided incentives to developers. Member Eigenmann moved to grant Mr. Myjak a 45-minute presentation to hear proposal and suggested a special city council meeting. Council discussed whether to schedule a special meeting or to hear proposal at the next regular scheduled meeting. Member Eigenmann amended his motion to allow presentation at the next regular meeting on May 11, 2004. Member Broome seconded the motion and it carried three to two with Mayor Swank and Vice-Mayor Ward opposed. Mayor Swank and Vice-Mayor Ward expressed concern of allowing more than a 15-minute presentation at a regular city council meeting.

Debbie Tomlinson encouraged council to hear Mr. Myjak's proposal. She also discussed water supply, impact fees, school concurrency, and the proposed Walmart on Garden Street. Attorney Severs reported briefly on the Walmart project.

Woody Rice commented on the proposed Walmart project on Garden Street and suggested that Mr. Myjak ask the development community to be present during his proposal to council.

Ruby Rhoads discussed her position in support of carports as accessory structures.

Laura Ward encouraged master planning of areas proposed for annexation before moving forward and related the procedures used by the City of Cocoa in this regard.

Tiffany Johnson felt that the concerns of county residents were directing the council's attention away from the city's business. As it related to a proposed zoning overlay mentioned by Michael Myjak earlier, she felt this approach was ruled illegal by Brevard County. Member Broome moved to direct the city manager to look into the allegations made by Ms. Johnson regarding Michael Myjak's proposal. Member Eigenmann seconded the motion and it carried unanimously.

Steve Jackson said that Ms. Johnson made comments about him at a Brevard County meeting that were not accurate.

Veronica Clifford spoke in support of the presentation proposed by Mr. Myjak. She also expressed concern of education and overcrowding.

Vice-Mayor Ward asked whether staff had reviewed Mr. Myjak's proposal regarding zoning overlay for the Carpenter Road/Fox Lake Road and Parrish Road area in order to make recommendations to council.

Don Page did not feel that the overlay proposed by Myjak would replace the RE cluster homes ordinance currently being considered by council. He felt the proposal offered incentives to builders and citizens in the City of Titusville.

Don Heiden, speaking on behalf of the residents of Thal Road, voiced support for the RE cluster home ordinance.

Council continued discussion regarding Michael Myjak giving a presentation regarding zoning overlay for the Carpenter Road/Fox Lake Road and Parrish Road area at the May 11, 2004 city council meeting. Member Eigenmann amended his original motion and recommended hearing the presentation on May 25, 2004 versus May 11, 2004. Member Broome seconded the motion and it carried three to two with Mayor Swank and Vice-Mayor Ward opposed.

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The meeting recessed at 8:20 p.m. and reconvened at 8:30 p.m.

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Ordinances – First Reading Attorney Severs read ORDINANCE NO. 24-2004 OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING THE CODE OF ORDINANCES BY ADDING SECTION 59-48, 59-49 AND 59-50; BY AMENDING THE LAND DEVELOPMENT REGULATIONS AND THE RESIDENTIAL ESTATE (RE) ZONING DISTRICT CATEGORY TO PROVIDE FOR CLUSTER DEVELOPMENT AND OPEN SPACE WITHIN THE (RE) ZONING DISTRICT; PROVIDING REGULATIONS, CRITERIA, AND STANDARDS; AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 25-2004 OF THE CITY OF TITUSVILLE AMENDING THE CODE OF ORDINANCES BY ADDING SECTION 59-128, 59-129, AND 59-130; BY AMENDING THE LAND DEVELOPMENT REGULATIONS AND THE SINGLE FAMILY HIGH DENSITY (R-1C) ZONING DISTRICT CATEGORY TO PROVIDE FOR CLUSTER DEVELOPMENT AND OPEN SPACE WITHIN THE (R-1C) ZONING DISTRICT; PROVIDING REGULATIONS, CRITERIA, AND STANDARDS; AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 26-2004 OF THE CITY OF TITUSVILLE AMENDING THE LAND DEVELOPMENT REGULATIONS AND THE TITUSVILLE SHORELINE AREA OVERLAY DISTRICT BY ADDING A NEW SUBSECTION NO. SECTION 59-948; BY PROVIDING THAT SUBMERGED LANDS LOCATED WITHIN THE TITUSVILLE SHORELINE AREA OVERLAY DISTRICT SHALL NOT BE COUNTED IN THE CALCULATIONS OF ALLOWABLE DENSITY; SUPERSEDING ANY CONFLICTING PROVISIONS AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 27-2004 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 ON THE WEST SIDE OF STATE ROAD 405 (SOUTH STREET) AND EAST OF I-95 TO BE INCLUDED WITHIN THE CITY LIMITS; DESIGNATING LAND USE CLASSIFICATION; PROVIDING ZONING CATEGORY; AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 28-2004 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 EAST OF I-95, WEST OF SINGLETON AVENUE, AND SOUTH OF GARDEN STREET TO BE INCLUDED WITHIN THE CITY LIMITS; DESIGNATING LAND USE CLASSIFICATION; PROVIDING ZONING CATEGORY; AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 29-2004 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 EAST OF I-95, WEST OF WINDOVER WAY, AND SOUTH OF CHENEY HIGHWAY (STATE ROAD 50) TO BE INCLUDED WITHIN THE CITY LIMITS; DESIGNATING LAND USE CLASSIFICATION; PROVIDING ZONING CATEGORY; AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 30-2004 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 THE SOUTHWEST INTERSECTION OF SINGLETON AVENUE AND PARRISH ROAD TO BE INCLUDED WITHIN THE CITY LIMITS; DESIGNATING LAND USE CLASSIFICATION; PROVIDING ZONING CATEGORY; AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 31-2004 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 THE SOUTHWEST INTERSECTION OF SINGLETON AVENUE AND PARRISH ROAD TO BE INCLUDED WITHIN THE CITY LIMITS; DESIGNATING LAND USE CLASSIFICATION; PROVIDING ZONING CATEGORY; AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 32-2004 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 WEST OF I-95, EAST OF CARPENTER ROAD, AND NORTH OF FOX LAKE ROAD TO BE INCLUDED WITHIN THE CITY LIMITS; DESIGNATING LAND USE CLASSIFICATION; PROVIDING ZONING CATEGORY; AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 33-2004 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 WEST OF I-95 AND SOUTH OF FOX LAKE ROAD TO BE INCLUDED WITHIN THE CITY LIMITS; DESIGNATING LAND USE CLASSIFICATION; PROVIDING ZONING CATEGORY; AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 34-2004 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 WEST OF I-95, EAST AND SOUTH OF FOX LAKE ROAD TO BE INCLUDED WITHIN THE CITY LIMITS; DESIGNATING LAND USE CLASSIFICATION; PROVIDING ZONING CATEGORY; AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 35-2004 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 OF TITUSVILLE, BY AMENDING THE FUTURE LAND USE MAP TO INCLUDE CERTAIN PROPERTIES LOCATED ON THE WEST SIDE OF S.R. 405 APPROXIMATELY 1,500 FEET NORTH OF S.R. 50 AND EAST OF I-95; EAST OF I-95 APPROXIMATELY 2,000 FEET SOUTH OF S.R. 406; EAST OF I-95 APPROXIMATELY 3,000 FEET SOUTH OF S.R. 50; AT THE SOUTHWEST CORNER OF SINGLETON AVENUE AND PARRISH ROAD; AT THE SOUTHEAST CORNER OF SINGLETON AVENUE AND PARRISH ROAD; AT THE NORTHEAST CORNER OF CARPENTER ROAD AND FOX LAKE ROAD; ON THE SOUTH SIDE OF FOX LAKE ROAD EAST OF CARPENTER ROAD; ON THE SOUTH SIDE OF FOX LAKE ROAD

SOUTH OF CARPENTER ROAD; AND AMENDING THE TEXT IN THE FUTURE LAND USE ELEMENT BY CLARIFYING RESIDENTIAL LAND USES AND ESTABLISHING MAXIMUM RESIDENTIAL DENSITIES; AND PROVIDING FOR AN EFFECTIVE DATE the first time by title only.

Veronica Clifford was opposed to the annexation of property generally located east of I-95, west of Windover Way, and south of Cheney Highway (CPA 2004-01F).

Adam Armaganian asked council to approve the annexation of property located at the southwest intersection of Singleton Avenue and Parrish Road (CPA 2004-01G). He advised homes constructed on property would be at least 1450 square feet under air.

Polly Phillips asked council not to approve the annexation of property located at the southwest intersection of Singleton Avenue and Parrish Road (CPA 2004-01G) and property located at the intersection of Singleton Avenue and Parrish Road (CPA 2004-01H). She commented on rural areas and patio homes.

Steve Jack commented on previous community workshops and the discussion regarding the annexation of properties.

Roger Schneider expressed concern of school overcrowding and rapid growth.

John Evans advised Mr. Holloway did not want council to approve the annexation of property located west of I-95, east of Carpenter Road, and north of Fox Lake Road (CPA 2004-01H) if they did not approve Ordinance No. 24-2004 amending the Land Development Regulations by providing for cluster development and open space and recreation within the residential estate (RE) zoning district.

Michael Myjak commented on response from the Department of Community Affairs on Comprehensive Plan Amendment 2004-01 regarding schools, traffic, etc.

City Manager Harmer gave an overview of the transmittal and adoption process of the proposed amendment. On January 12, 2004, this proposed amendment was transmitted to Florida Department of Community Affairs (DCA) for review. In a letter dated March 19, 2004, DCA advised the city that it has completed its review and had issued the Objections, Recommendations, and Comments (ORC) report to the proposed amendment. The ORC report contained two objections, which would be addressed at the May 11, 2004 city council meeting.

The public hearing was scheduled for May 11, 2004 for Ordinance Nos. 24-2005, 25-2004, 26-2004, 27-2004, 28-2004, 29-2004, 30-2004, 31-2004, 32-2004, 33-2004, 34-2004, and 35-2004.

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Public Hearings and Related Action The first item was ORDINANCE NO. 24-2004 OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING THE CODE OF ORDINANCES BY ADDING SECTION 59-48, 59-49 AND 59-50; BY AMENDING THE LAND

DEVELOPMENT REGULATIONS AND THE RESIDENTIAL ESTATE (RE) ZONING DISTRICT CATEGORY TO PROVIDE FOR CLUSTER DEVELOPMENT AND OPEN SPACE WITHIN THE (RE) ZONING DISTRICT; PROVIDING REGULATIONS, CRITERIA, AND STANDARDS; AND PROVIDING FOR AN EFFECTIVE DATE. The second and final public hearing was scheduled for May 11, 2004.

Mayor Swank opened the public hearing.

Don Page supported Ordinance No. 24-2005 and submitted a petition signed by citizens in favor of ordinance. He also submitted a petition signed by citizens rejecting Ordinance No. 25-2004.

John Evans expressed concern of Ordinance No. 24-2004 as written in Section 59-49 pertaining to wetlands, uplands, and set aside of total lands. Council discussed ordinance and directed staff to apply different scenarios under the proposed ordinance to Mr. Holloway's property for illustrative and clarifying purposes.

Veronica Clifford commented on Ordinance No. 24-2004 and stated that most people would like to have one house per acre.

Kathleen Burson expressed concern of Ordinance No. 24-2004 as written. She asked to meet with the city manager to discuss in further detail.

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

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Next was ORDINANCE NO. 25-2004 OF THE CITY OF TITUSVILLE AMENDING THE CODE OF ORDINANCES BY ADDING SECTION 59-128, 59-129, AND 59-130; BY AMENDING THE LAND DEVELOPMENT REGULATIONS AND THE SINGLE FAMILY HIGH DENSITY (R-1C) ZONING DISTRICT CATEGORY TO PROVIDE FOR CLUSTER DEVELOPMENT AND OPEN SPACE WITHIN THE (R-1C) ZONING DISTRICT; PROVIDING REGULATIONS, CRITERIA, AND STANDARDS; AND PROVIDING FOR AN EFFECTIVE DATE. The second and final public hearing was scheduled for May 11, 2004.

Mayor Swank opened the public hearing.

Michael Myjak, Kathleen Burson, Veronica Clifford, and Steve Jack commented on Ordinance No. 25-2004 as written. Mr. Myjak commented on litigation and the wetlands located on the Holloway property.

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

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Next was ORDINANCE NO. 26-2004 OF THE CITY OF TITUSVILLE AMENDING THE LAND DEVELOPMENT REGULATIONS AND THE TITUSVILLE SHORELINE AREA

OVERLAY DISTRICT BY ADDING A NEW SUBSECTION NO. SECTION 59-948; BY PROVIDING THAT SUBMERGED LANDS LOCATED WITHIN THE TITUSVILLE SHORELINE AREA OVERLAY DISTRICT SHALL NOT BE COUNTED IN THE CALCULATIONS OF ALLOWABLE DENSITY; SUPERSEDING ANY CONFLICTING PROVISIONS AND PROVIDING FOR AN EFFECTIVE DATE. The second and final public hearing was scheduled for May 11, 2004.

Mayor Swank opened the public hearing.

Laura Ward and Veronica Clifford were in support of Ordinance No. 26-2004. Ms. Ward commented on the interpretation of density allowed on property. She also expressed concern of density allowed for the Rio Del Sol project.

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

Vice-Mayor Ward expressed concern of Ordinance No. 26-2004 in regards to the following statement: Whereas the city council has been advised that the property appraiser's office assigns a market value of \$100 per acre to submerged lands. Member Broome moved to remove said statement from Ordinance No. 26-2004. Member Eigenmann seconded the motion and it carried unanimously.

The meeting recessed at 9:45 p.m. and reconvened at 9:55 p.m.

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City 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 DESIGNATION, 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 PROEPRTY 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 second time by title only. At its March 17th meeting, the Planning and Zoning Commission, acting as the Local Planning Agency, unanimously recommended approval of Ordinance No. 21-2004 and Ordinance No. 22-2004.

Mayor Swank opened the public hearing.

Kevin Demers requested change of land use and rezoning for property located at 2208 South Hopkins Avenue in order to open a chiropractor office.

Geri Reenie expressed concern of rezoning property at 2208 South Hopkins Avenue to Neighborhood Commercial (NC) as this would allow retail sales for future property owners.

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

Council discussed future uses for property located at 2208 South Hopkins Avenue and asked applicant whether he would accept Office Professional zoning classification. Mr. Demers stated that he would accept Office Professional zoning classification. Member Eigenmann moved to approve Ordinance No. 21-2004 changing land use designation for property from Residential to Commercial Low Intensity and Ordinance No. 22-2004 rezoning property from its present Single Family Medium Density Residential (R-1b) to Office Professional (OP) and subject to conditions in staff report. City Attorney stated rezoning did not need to be re-advertised as Office Professional (OP) was a lower classification than Neighborhood Commercial (NC). Member Rainey seconded the motion and the 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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City Attorney Severs read 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 second time by title only. At its March 17th meeting, the Planning and Zoning Commission unanimously recommended approval.

Mayor Swank opened the public hearing.

Mariel Sisson offered to answer any questions council may have regarding the rezoning of property located at 705 Harrison Street.

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

Vice-Mayor Ward moved to approve Ordinance No. 23-2004 rezoning property at 705 Harrison Street from its present General Use (GU) to Single Family Medium Density Residential (R-1b) classification. Member Broome seconded the motion and the roll call was:

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

The motion carried.

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Next was Resolution No. 14-2004 vacating a 50' X 200' right of way on Knox McRae Drive (south driveway for Royal Oak Colony Club Apartments) as requested by Thomas Scanlon. At its March 17, 2004 meeting, the Planning and Zoning Commission unanimously recommended approval per staff's recommendation. Staff recommended approval of right-of-way vacation subject to a blanket drainage, utility, and access easement be reserved over the 50' X 20' right-of-way.

Mayor Swank opened the public hearing.

Thomas Scanlon, applicant, offered to answer any questions regarding vacation.

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

Member Rainey moved to approve Resolution No. 14-2004. Member Eigenmann seconded the motion and the 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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Next was Resolution No. 15-2004 to vacate those portions of the 20 foot wide platted right of way lying between lots 104 and 105 and between 120 and 121 and a 25 foot wide right of way lying south of lots 120 through 125 in Section 29, Township 22 South, Range 35 East as requested by St. John's River Water Management District. The Planning and Zoning Commission recommended approval at its March 17, 2004 meeting.

Mayor Swank opened the public hearing.

Woody Rice advised there would be a conservation easement to preserve entire area.

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

Member Ward moved to approve Resolution No. 15-2004. Member Eigenmann seconded the motion and the 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 Conditional Use Permit No. 2-2004 to allow outdoor recreational and commercial amusements in a Regional Commercial (RC) zoning district at 4710 South Washington Avenue as requested by Frank Connell. Staff recommended approval with the following conditions: (1) there shall be a 100 yard separation between the inner and outer marker boundaries (2) Activity on the site shall be in accordance with the American Paintball League safety rules. The Planning and Zoning Commission unanimously recommended approval at its April 21, 2004 meeting.

Member Rainey moved to approve Conditional Use Permit No. 2-2004 with recommended conditions and subject to hours of operation in the application. 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	yes

The motion carried.

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The next item was Conditional Use Permit No. 3-2004 to amend Conditional Use Permit No. 11-2003 to allow the applicant until February 1, 2005 to satisfy the conditions of the original application. The applicant, O'Leary Enterprise, Inc., requests to amend Conditional Use Application No. 11-2003 by deleting the condition that prohibits fencing westward of the existing building. On November 11, 2003, city council added the condition that the fence on the west property line be moved easterly, but should remain west of the existing building. The

applicant has noted that due to his lease and purchase agreement, he is unable to move the fence eastward as requested. As a concession, the applicant has agreed to change the color of the fence should it be allowed to remain in its current location. At its March 17, 2004 meeting, the Planning and Zoning Commission unanimously recommended this condition be amended to allow the applicant until February 1, 2005 to satisfy this condition. City Manager Harmer advised the fence was recently painted forest green.

It was now 10:30 p.m. Member Broome moved to extend meeting 20 minutes. Vice-Mayor Ward seconded the motion and it carried unanimously.

Chris Anderson commented on original agreement approved with conditions regarding the location of the fence. She expressed concern of old cars on property and fence recently painted. She was not in support of Conditional Use Permit No. 3-2004 and asked council to withdraw Conditional Use Permit No. 11-2003.

Council commented on code enforcement issues with property and applicant not being able to be purchased property until February 2005.

It is now 10:50 p.m. Vice-Mayor Ward moved to extend meeting 15 minutes. Member Rainey seconded the motion and it carried unanimously.

Member Rainey moved to allow applicant through June 20, 2004 to relocate fence and be in compliance or the conditional use permit would be revoked. Member Broome seconded the motion and the motion failed five to zero:

Mayor Swank moved to deny conditional use permit no. 3-2004 and revoke conditional use no. 11-2003. Member Broome seconded the motion and the 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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The final item under public hearing was Conditional Use Permit No. 5-2004 to allow indoor recreational and commercial amusements in a Regional Commercial (RC) zoning district for property at 2412-2420 South Washington Avenue in order to allow a billiards facility. The applicant was proposing to re-locate an existing business. The Planning and Zoning Commission recommended approval.

Mayor Swank opened the public hearing. No one wished to speak and the public hearing was closed. Member Rainey moved to approve Conditional Use Permit No. 5-2004. Member Eigenmann seconded the motion and the roll call was:

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

The motion carried.

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Old Business The only item to be heard under new business was the approval of joint planning agreement with Brevard County that proposes notification and review of development applications, annexation of all improved enclaves 10 acres or more, and annual review of enclaves.

Michael Myjak was not in support of the joint planning agreement as it relates to solving issues within the city.

Veronica Clifford expressed concern of education and traffic issues.

Vice-Mayor Ward stated the agreement has been ongoing for approximately 3 years. Vice-Mayor Ward moved to approve the joint planning agreement with Brevard County. Member Rainey seconded the motion and it carried unanimously.

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Petitions and Requests from the Public Present Michael Myjak had questions about the Department of Community Affairs' objections relating to the annexation proposals submitted as part of the most recent Comprehensive Plan amendment. It was explained these would be addressed at the May 11th public hearing.

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Mayor and Council Reports Mayor Swank provided written report on his activities since the last regular meeting.

Mayor Swank and Vice-Mayor Ward planned to attend the Charter Review Committee meeting on April 30, 2004.

Member Rainey attended the Vietnam Memorial closing ceremony.

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City Manager's Report City Manager Harmer provided written report.

City Manager Harmer advised North Brevard Commission on Parks and Recreation requested to name a softball field in memory of an individual. Council directed the City Manager to investigate the county's policy on memorials prior to taking action.

City Manager Harmer asked for council's direction whether to prepare a resolution in support of school impact fees. Council took no action, but requested additional information as to funding formula for distribution for these revenues.

City Manager Harmer presented school board's request to change status of its representative on Planning and Zoning Commission from non-voting to voting. Council felt this should be a non-voting member.

City Manager Harmer asked whether to proceed with the preparation of ordinance regarding blowing of lawn debris and trimmings, etc. into stormwater systems.

City Manager Harmer announced new initiatives relating to the city's land use change notification processes.

City Manager Harmer announced May 12th community forum on growth at Brevard Community College.

City Manager Harmer announced special meeting of Community Redevelopment Agency scheduled for May 18, 2004.

City Manager Harmer read names of employees receiving letters of appreciation: Fire and Emergency Services: John McIntyre, Chris Colon, and Reggie Bell; Police Department: Patricia Morgan, Erlina Lively, Cleyton Bray, and Don Kelley; Support Services: Frank Ross, Wynn Green, and Angela Hood.

Member Eigenmann asked the city manager to investigate the availability of funds from the State of Florida for the eradication of Brazillian pepper trees.

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City Attorney's Report City Attorney Severs announces a scheduling conference in connection with great outdoors litigation, which was planned for April 29, 2004.

City Attorney Severs advised that the Oaks at Meadowridge proposed the transfer of residential lots in lieu of a monetary fine for code enforcement violations.

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The meeting adjourned at 11:15 p.m.

Ronald G. Swank, Mayor

ATTEST:

Karan J. Rounsavall, City Clerk