

City Council  
Regular Meeting  
July 13, 2004

The City Council of the City of Titusville, Florida met in regular session on Tuesday, July 13, 2004 in the Council Chamber of City Hall, 555 South Washington Avenue, Titusville, Florida.

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Present were Mayor Ron Swank, Vice-Mayor Ken Ward, and Council Members Chris Broome, Conrad Eigenmann, and Jeff Rainey.

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Mayor Swank called the meeting to order at 6:30 p.m. and asked for a moment of silence. The entire assembly recited the Pledge of Allegiance to the Flag.

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The first matter of business was approval of the minutes for the June 22, 2004 meeting. Member Rainey moved to approve the minutes as submitted. Member Broome seconded the motion. The motion carried unanimously.

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Presentations Code Enforcement Supervisor Dominic Lombardi reviewed the duties and responsibilities of his department. He commented on a new project with the Police Department to enhance the aesthetics of the city.

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Due to a staff's commitment, Mayor Swank requested council consider moving old business item to hear tax roll assessment billing for solid waste charges at this time. Council agreed.

Public Works Director Jim Herron provided historical information and reported Government Services Group, Inc. (GSG) analyzed revenues, expenditures and charges to the Solid Waste Fund. They also were engaged to develop a cost allocation plan to allocate the full cost of services to the Solid Waste Enterprise Fund. Immediately eliminating the direct contribution would have a significant impact on the General Fund. GSG raised general concerns about the long-term funding reliance of the General Fund on the Solid Waste Fund and recommended a phase-out regardless of the decision to convert to tax roll billing in the future. GSG and staff are recommending council re-evaluate the implementation of the Tax Roll Billing Assessment for Solid Waste charges next year (FY 2005/2006). In order to facilitate the concerns regarding direct contributions and to prepare the city for the potential of tax roll billing next year, it was Staff's recommendation to phase out the direct contribution, as part of the proposed budget for Fiscal Year 2004/2005 and 2005/2006.

Member Rainey moved to approve staff's recommendation to phase-out the direct contribution from the Solid Waste Fund to the General Fund over a two-year period. Member Broome seconded the motion. One citizen signed up to speak on this item.

Joan Wheeler expressed concern with the taxpayer paying twelve monthly payments in a one lump sum payment.

Member Eigenmann clarified the impact to the General Fund was \$330,000 annually. It was noted with the phase-out, there would be \$165,000 reduction in the General Fund over a two-year period. This would increase the Solid Waste Fund and would be a factor in reducing a future rate increase in the Solid Waste Fund.

The motion held and it carried unanimously.

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Consent Agenda Member Broome moved to approve the following items of consent as recommended.

- A. Approve preliminary plat for the Oak Ridge subdivision. Recommendation: Approve as recommended.
- B. Approve the renewal of the School Resource Officer agreement with the School Board of Brevard County for the 2004/2005 school year, for an estimated amount of \$84,135.00 after a fifty percent reimbursement by Brevard County School Board. Recommendation: Approve the School Resource Officer agreement with the School Board of Brevard County. Source of Funds: The funds for officer's salaries were part of the city budget and fifty-percent reimbursement would be made by the school board.
- C. Advisability to proceed with ordinance modifying the allowable expenditures of the building department surcharge fund. Recommendation: Approve advisability.
- D. Approve Staff to move forward with proposed subdivision and subsequent sale of the fire station property located at 113 Hopkins Avenue. Recommendation: Approve to move forward with propose subdivision and sale of the fire station property located at 113 Hopkins Avenue.
- E. Approve Resolution No. 28-2004 authorizing the city manager or designee to enter into a utility work agreement with the Florida Department of Transportation (FDOT) for required utility relocation work related to the FDOT resurfacing, drainage, and curbing upgrade on U.S. Highway One. Recommendation: Approve Resolution No. 28-2004.

Vice-Mayor Ward 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 Joan Wheeler commented on the certification of taxable value. She noted that Brevard County had a 14 percent increase in taxable property values. She asked for the city's increase in taxable property values as it related to the upcoming millage rate.

Don Page distributed information regarding an annexation problem among Brevard County, the City, and Department of Community Affairs (DCA). He felt it was a mistake for the city to provide only three land use categories.

Member Ward stated that Mr. Page had a point and suggested the city create a land use category for one unit per acre as we approved one unit per acre in the zoning category. He supported a one unit per acre minimum.

Mayor Swank clarified that in the annexation agreement there was a cap of one unit per acre and it went to the Department of Community Affairs (DCA) and that became the maximum level for the said property. City Manager Harmer explained the process of submittal to DCA. He also reported on the meeting with the attorney from the county where the developer's agreement was presented and the cap was included in the city's adopted ordinance. The initial feedback of county staff was that some of the county's concerns were addressed.

Vice-Mayor Ward moved to amend the City's Comprehensive Plan land use category to provide for a one unit per acre residential category. Member Eigenmann seconded the motion.

Mayor Swank verified the time line for the Comprehensive Plan update. City Manager Harmer reported that due to the litigation issue with the county, staff was looking at the next schedule for large scale amendments to be in August 2004.

Member Rainey clarified that the motion would be for one unit per acre but not the two units per acre.

Vice-Mayor Ward stated that it was his intention to amend the motion to include the two units per acre. He had no problem with having five categories.

Mayor Swank clarified that the motion was for a "gross" acre.

Vice-Mayor Ward amended the motion to state "one unit per gross acre and two units per gross acre" be added to the comprehensive plan land use categories. Member Eigenmann agreed to the amendment. The roll call vote was:

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

The motion carried.

Michael Myjack stated that DCA looked at the land use and that one unit per acre provided a match with the county's comprehensive plan.

Al Gutierrez commented on Mr. Myjack's previous statements.

Tiffany Johnson reported she received a notice advising of a meeting on July 5<sup>th</sup> at 7 p.m. regarding a new development in the Gardendale area. There was a lack of attendance due to the holiday and she felt the meeting did not go well. She requested a meeting with the developer/representative and staff to explain what the residents were entitled to (buffers, etc.) and what the requirements were for the developers. City Manager Harmer stated that staff would meet with residents and provide an explanation on the codes relative to the proposed project.

Laura Ward was happy with the land use additions and stated it presented more flexibility and offered more choices.

Bill Kolodney thanked the city for teaming the Police Department with the code enforcement department.

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Ordinances-First Reading Attorney Severs read ORDINANCE NO. 44-2004 OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING SECTION 16-15 OF THE CODE OF ORDINANCES OF THE CITY OF TITUSVILLE BY CLARIFYING SAID SECTION BY SPECIFYING THAT IT IS UNLAWFUL TO PLACE CERTAIN REFUSE, TRASH, LEAVES, LAWN CLIPPINGS, ETC., ON ANY STREET OR INTO ANY STORMWATER SYSTEM; AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 45-2005 OF THE CITY OF TITUSVILLE, FLORIDA, AUTHORIZING THE CALLING OF A REFERENDUM TO DETERMINE IF THE ELECTORATE DESIRES TO AUTHORIZE THE CITY TO ISSUE ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 46-2004 OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING SECTION 6a-1(c), (PERMIT FEES) BY MODIFYING THE ALLOWABLE EXPENDITURES OF THE BUILDING DEPARTMENT SURCHARGE FUND AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 47-2004 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 THE NORTH SIDE OF COLUMBIA BOULEVARD (S.R. 405), EAST OF WINDOVER WAY AND WEST OF

KIRKWOOD TRAIL FROM RESIDENTIAL TO COMMERCIAL HIGH-INTENSITY AND CONSERVATION DESIGNATIONS; AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 48-2004, 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 THE NORTH SIDE OF COLUMBIA BOULEVARD (S.R. 405), EAST OF WINDOVER WAY AND WEST OF KIRWOOD TRAIL FROM ITS PRESENT SINGLE FAMILY MEDIUM DENSITY RESIDENTIAL (R-1b) CLASSIFICATION TO COMMUNITY COMMERCIAL (CC) AND OPEN SPACE AND RECREATION (OR) CLASSIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 49-2004, 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 SOUTH OF PARK AVENUE AND EAST OF BRITTANY WAY FROM ITS COMMUNITY COMERCIAL (CC) CLASSIFICATION TO OFFICE PROFESSIONAL (OP) CLASSIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE for the first time by title only. The second reading and public hearing was scheduled for July 27, 2004.

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The meeting recessed at 7:35 p.m. and reconvened at 7:45 p.m.

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Ordinances-Second Reading, Public Hearings and Related Action Attorney Severs read ORDINANCE NO. 42-2004, OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING ARTICLE IV TO THE CITY CODE TO CHANGE THE REGULATIONS OF NOISE TO ALLOW FOR ENTERTAINMENT NOISE AND OTHER NOISES THAT ARE ASSOCIATED WITH A DOWNTOWN AND THE MIX OR LAND USES LOCATED IN THE COMMUNITY REDEVELOPMENT AREA AND PROVIDING FOR AN EFFECTIVE DATE.

City Manager Harmer reported that the current noise ordinance did not acknowledge the downtown as a special area to be considered and the ordinance pertains to only residential, commercial, and manufacturing. Staff recommended the ordinance be amended to include the Downtown CRA District separately and to recognize the need to balance entertainment use with residential use. This issue was presented to the Historic Titusville Association and the members agreed with the changes.

Mayor Swank opened the public hearing. As no one wished to speak, the public hearing was closed.

Member Rainey moved to approve Ordinance No. 42-2004 as presented. 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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Attorney Severs read ORDINANCE NO. 43-2004 OF THE CITY OF TIUSVILLE, ADDING SECTION 59-669 TO THE LAND DEVELOPMENT REGULATIONS TO REQUIRE MIXED USE DEVELOPMENT IN LARGE RESIDENTIAL DEVELOPMENT PROJECTS IN THE CENTRAL BUSINESS DISTRICT ZONING CLASSIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

City Manager Harmer stated the Community Redevelopment Agency (CRA) met regarding the Downtown Redevelopment Master Plan and the members agreed there needed to be a clear vision, a development plan, and new regulations. It was discussed that new projects should be encouraged to be developed as mixed use. While the Master Plan was the basis for regulations to guide new development, there was an immediate need to change the current regulations to require mixed use for large residential projects. It was recommended that council approve a change to the Central Business District zoning designation to require mixed use for all projects on properties larger than two acres. This would require ten percent (10%) minimum commercial space calculated using the building elevations and appear to be part of the overall project in architecture and design.

Mayor Swank opened the public hearing and as no one wished to speak, the public hearing was closed.

Member Eigenmann moved to approve Ordinance No. 43-2004 as recommended by staff. Member Broome 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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Member Rainey reported that he had spoken to Loys Ward and driven by the property located south of Fox Lake Road and west of Interstate 95 and it would not influence his decision. Vice-Mayor Ward stated that due to his relationship with Loys Ward (Father), he would abstain from voting on Ordinance Nos. 40 and 41. Mayor Swank reported he had driven by the property south of Fox Lake Road and it would not influence his decision

As Ordinance Nos. 40-2004 and 41-2004 were related, Attorney Severs read ORDINANCE NO. 40-2004 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 SOUTH OF FOX LAKE ROAD AND WEST OF I-95 TO BE INCLUDED WITHIN THE CITY LIMITS; AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 41-2004, 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 MAP TO INCLUDE CERTAIN PROPERTY TO BE ANNEXED INTO THE CITY LIMITS OF THE CITY OF TITUSVILLE, FLORIDA AND DESIGNATING A LAND USE CLASSIFICATION; AMENDING THE FUTURE LAND USE MAP TO INCLUDE CERTAIN PROPERTY LOCATED SOUTH OF FOX LAKE ROAD AND WEST OF I-95 TO BE ANNEXED INTO THE CITY WITH LOW DENSITY RESIDENTIAL AND CONSERVATION LAND USE; DESIGNATING RESIDENTIAL ESTATE (RE) AND OPEN SPACE AND RECREATION (OR) ZONING CLASSIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Severs advised that the effective date on ordinances would not occur prior to the date of the final plan approval of the annexation of the Holloway property by the Department of Community Affairs (DCA) and the result of the current litigation by Brevard County.

Discussion ensued regarding the pros and cons of tabling the ordinances until all matters were resolved and approved. Council discussed litigation, additional burden on the city, consideration of both ordinances contingency upon Department of Community Affairs approval, etc.

City Manager Harmer reported this was a voluntary annexation of +9.92 acres that included identified wetlands, which would receive Conservation and Open Space and Recreation land use designation. Staff recommended Low Density Residential and Conservation land use designation and Residential Estate (RE) and Open Space and Recreation (OR) zoning classification. In conjunction with the application, there was a request for a minor division of this property into eight (8) single-family residential lots. The application indicated the request was contingent upon the minor division being approved. Planning Administrator Keith Cunningham distributed an updated layout plan dated June 30, 2004. He outlined the minor division process and stated it was intended to be an administrative process for the division or creation of lots not requiring the creation of new streets with minimal need for public facilities and services. It was staff's recommendation that the project not be processed as a minor division. The subdivision process allowed council to waive certain requirements (sidewalks, curb/gutter, connection or sanitary sewer, etc.) in large lot subdivisions (Land Development Regulations (LDR) Section 51-113(b). Even though the minor division process as stipulated in LDR Section 51-31 does not have similar waiver provisions, it would be reasonable to infer that council can waive certain requirements in large lot minor divisions.

It was recommended that if Council desired, the annexation can proceed with the binding site plans as submitted and the minor division approved subject to the following ten (10) conditions:

(1) Fire hydrant shall be installed in the location requested by Fire and Emergency Services. (2) Each lot will be required to connect to city potable water. For those areas where the typical service laterals do not provide adequate residential service, larger laterals shall be required. (3) The private common driveway shall be paved and maintained by the homeowners and shall be a minimum of 16 foot in paved width. (4) The private driveway(s) may need a turn around as requested by Fire and Emergency Services. (5) Solid waste collection will be via a common enclosed dumpster on Fox Lake Road. (6) Sanitary sewer could be provided with on-site septic tank systems as approved by the Brevard County Health Department. Please note that there is an existing force main on the north side of Fox Lake Road which could allow individual lot owners to construct individual lift stations (E-One type) to tie into the existing force main. This would eliminate the use of septic tanks. (7) There shall be a common perpetual ingress/egress utility easement for those parcels sharing common driveways. (8) The applicant shall obtain a driveway permit(s) from Brevard County for the driveway connection to Fox Lake Road (9) If the proposed access is to be gated, the applicant shall provide a Knox Box for Fire and Emergency Services. (10) Modify west project boundary line by moving the line 25 feet further west to ensure project is contiguous to the recently processed annexation to the west. Adjust south boundary accordingly to ensure compliance with the 10-acre maximum small-scale amendment requirement. At its June 16, 2004 meeting, the Planning and Zoning Commission recommended approval.

Mayor Swank opened the public hearing.

Loys Ward, applicant, spoke in favor of the annexation and commented on the process for the issuance of a driveway permit through Brevard County. He stated it was unusual development as one-half of the property would be preserved and he agreed to the ten (10) conditions recommended by staff.

Joan Wheeler opposed the development with the use of septic tanks. She felt it was unfair for the development not to hook up to sewer.

Michael Myjak expressed concern with egress and ingress. He stated it was an appropriate development for the area.

As no one else wished to speak, the public hearing was closed.

Council discussed the submittal of the different plan, flag lots and the access for emergency vehicles, access to Fox Lake Road (frontage road), county permitting, the overpass, hook-up to sewer versus the use of septic tanks, availability of a force main, etc. There was extended discussion concerning the installation of the septic tanks regarding setting precedence.

Member Broome clarified that the council was considering approval of Ordinance Nos. 40-2004 41-2004 with the ten (10) conditions recommended by staff.

Member Broome moved to approve Ordinances Nos. 40-2004 and 41-2004 as presented by staff with the ten (10) conditions and subject to sewer tie in. Member Eigenmann seconded the motion.

Mayor Swank stated he was opposed to the flag lots and could not support approval.

The roll call was:

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

The motion carried 3-to-1.

City Manager clarified that the motion included the ten conditions with Condition No. 6 being modified to include sewer connection.

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Old Business Public Works Director Jim Herron presented a staff report on the Riverfront Acquisition Referendum Committee's findings and recommendations as follows: Property Acquisition Costs – It was difficult to provide an accurate appraisal of the sixteen (16) properties. It was noted that two of the three developable properties under consideration for acquisition had plans in the development review process thereby rendering said properties potentially more expensive from a legal and market perspective. The assessed valuation of the 16 properties was estimated at \$3.8 million. It was conceivable the cost of the sixteen (16) properties could be in excess of the \$10 million bond issue. Bond Issue Costs/Millage Rate Increase – per Finance Director Bob Erickson's report included the cost to float the \$10 million, 20-year Obligation Bond was \$335,000 (legal, financial and administrative costs). The millage rate would be .5930 (The Committee's millage rate was .3638.) The impact to the taxpayer with a \$75,000 homestead property was calculated to be \$29.65 in additional property taxes annually over a 20-year period. Tax Revenue Impacts – using information from the county property appraiser's office included the city would lose \$24,354 in tax revenue for the sixteen (16) properties on an annual basis. Currently, the three developable properties had a total of one hundred eleven (111) residential units tentatively planned, the tax base of which was indeterminate. Property maintenance issues included the cost to maintain the sixteen (16) properties at current level of service would be nominal (estimated \$3,600 per year for mowing) and not taking into account demolition of hotel and other structures on River Landing property, removal of heavy undergrowth on nine (9) of the undeveloped properties, rehabilitation and maintenance at the intersection of State Road 50. Other Costs included the bond issue which would provide for acquisition of the sixteen (16) properties, It would not provide funding for clearing, backfilling or improving the properties from a visual enhancement perspective. IN order to accomplish the objective of visual accessibility, the improvements would include demolition of the River Landing motel and other structures, clearing of heavy undergrowth, removal of billboards at the intersection of State Road 50 and Knox McRae Drive (estimated \$300,000 per sign), backfilling of seven (7) properties with steep drop offs (estimated at \$150,000). Also, there would be other passive park improvements including a trailhead, which could be facilitated through grant programs.

Joan Wheeler was concerned with the cost estimates and the possible purchase price for the properties. She felt there were too many unknowns and she was skeptical of supporting referendums.

Bill Kolodney stated he was the only member of the Riverfront Acquisition Committee that voted against the final report. It was his opinion that the committee failed to identify, evaluate, and procure the proposed purchase price on the properties. It was also his opinion that the city should purchase properties contiguous to existing public properties and to purchase properties, which were not property that could be developed. He supported a bond issue of \$2 million.

Member Rainey moved to extend Mr. Kolodney's presentation time by three minutes. Member Eigenmann seconded the motion. The motion carried unanimously.

Mr. Kolodney completed his presentation.

Laura Ward supported the purchase of property that could be developed. She suggested the establishment of a three-member riverfront acquisition committee to negotiate and purchase the properties if the referendum passed by the voters.

As Council agreed to give Mr. Kolodney extra time, Member Eigenmann moved to hear from other speakers on this item. Vice-Mayor Ward seconded the motion. The motion carried unanimously.

Al Gutierrez, Chairman of Ax the Tax Committee, opposed any tax increases. There was a sufficient amount of public land on the riverfront and he questioned the need for additional government owned land.

Laura Ward supported the acquisition of riverfront property and to preserve the vista of the Indian River. She felt the voters would support the referendum at a certain level.

Council expressed their appreciation to the Riverfront Acquisition Committee Members for their diligence and commitment in providing their findings and recommendations. It was the general opinion of council that the referendum provide the opportunity for citizens to preserve the vista of the river for future generations. Discussion ensued regarding the mechanism of paying down the bond on the \$10 million. When the properties are purchased and the debt paid, the referendum would cease.

City Manager Harmer reported that the North Brevard Commission on Parks and Recreation approved a resolution unanimously endorsing the concept of the Riverfront Acquisition Referendum initiative to preserve riverfront property.

Attorney Severs advised the process would include the adoption of a resolution calling for an election and to approve ballot language at the July 27, 2004 meeting.

Member Broome moved to accept the Riverfront Acquisition Referendum Committee's findings and recommendations and staff's report at the millage rate of .5930, for \$10 million, for 20 years

and authorize staff to prepare a resolution for the July 27, 2004 meeting. Member Eigenmann seconded the motion.

City Manager Harmer clarified the resolution would include the ballot language to be forwarded to Supervisor of Elections by August 2, 2004, a millage rate of .5930 (factoring in costs and interest) for a bond issue not to exceed \$10 million with a 20 year term. Also, there would be a pay back when the debt was satisfied.

The motion carried unanimously.

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New Business Vice-Mayor Ward presented his idea to rename Playalinda Beach to Titusville Playalinda Beach. It was his opinion that the change would promote Titusville and its amenities on a local, national and international level. The city was recognized as a riverfront community but was not associated as having a beach in close proximity. Although Playalinda Beach was on federal property and under the jurisdiction of Canaveral National Seashore, you had to drive through Titusville to get to the beach. He felt it was worth exploring the name change.

Vice-Mayor Ward moved to authorize staff to send a request to Canaveral National Seashore Park representatives to rename the beach "Titusville Playalinda Beach." Member Broome seconded the motion.

Council discussed and made the following comments: The beach was federally controlled and by renaming it might give the impression that Titusville was the responsible entity. There was support to have a referendum to ask city and county citizens to vote on the change.

Member Broome called the vote. The motion failed 4-to-1 with Vice-Mayor Ward voting yes.

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Petitions and Requests from the Public Present Al Gutierrez was opposed to tax increases and encouraged citizens to vote "no" on the riverfront referendum.

Joan Wheeler reviewed the specifics of the upcoming referendum to preserve riverfront property and encouraged council to discontinue the referendum when \$10 million was collected. She commented on employee salaries and raises for union and non-union employees. She did not support across-the board raises.

Tiffany Johnson provided an update on the Brevard County Charter Review Committee and felt it was important for the city to be aware and involved in this decision-making process.

Pinky Yount requested the ballot language for the riverfront referendum be clear.

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Mayor's Report Mayor Swank provided a written report on his activities since the last meeting. He mentioned the Charter Review Committee and home rule issues; attendance at a reception for a British ship *HMS Invincible* and the exchange of plaques; the success of the July 9<sup>th</sup> downtown street party; and meeting with Irish Deputy Prime Minister Mary Harney.

Member Rainey also attended the July 9<sup>th</sup> downtown street party. He commented on the changes made to Searstown Mall by the new owners and announced he was going to Washington, D. C. to support the space center and its activities.

Member Broome announced he would be in Washington, D. C. serving his military reserve commitment and would not be in attendance at the July 27, 2004 meeting.

Member Eigenmann commented on his attendance at a ten hours course study regarding land use, planning, zoning, etc. He would distribute information to council for its review.

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

City Manager Harmer clarified that Brevard County was responsible for the maintenance/clearing of publicly owned property on the river. He commented on the submittal of staff information at council meetings were unavoidable at times due to meetings with citizens/developers, etc.

The Brevard County Comprehensive Plan amendment for Riveredge Drive would be heard at the Commission's July 20, 2004 meeting. He would attend the meeting.

The following action items were submitted:

Brevard County Parks and Recreation Department and the city attorney requested clarification of the proper name of the pier located at the Max Brewer Causeway. The pier had been most commonly known as the "Titusville Veterans' Memorial Fishing Pier. Council's direction was requested. Member Rainey moved to approve the name "Titusville Veterans' Memorial Fishing Pier." Member Broome seconded the motion. The motion carried unanimously.

The Florida League of Cities (FLC) Executive Committee voted to oppose the efforts to raise Florida's homestead exemption from \$25,000 to \$50,000 due to its impact on city revenue. A FLC draft resolution was submitted for consideration. If Council so desired, a similar resolution would be prepared for consideration at the July 27, 2004 meeting. Council agreed to authorize the consideration of a resolution opposing the proposed increase in the homestead exemption.

City Manager Harmer presented budget workshop dates of August 12, 14, and 17<sup>th</sup> for consideration. Mayor Swank and Vice-Mayor Ward were available on all dates. Member Rainey was available August 14 and 17. Members Broome and Eigenmann would advise the City Manager at a later date.

The Economic Development Commission (EDC) of Florida's Space Coast was beginning its 2004/05 fiscal year on October 2, 2004 and requested the name of the city's appointee prior to July 23, 2004. Currently, Member Rainey was the appointee with Vice-Mayor Ward as the alternate. Vice-Mayor Ward volunteered to be the appointee and Member Eigenmann volunteered to be the alternate. It was noted that the EDC met the fourth Wednesday of each month at 4 p.m. Also, this appointment would extend to the Space Coast Economic Development Commission. City Manager Harmer would inform the respective organizations and confirm the meeting schedules.

Informational items: The following letters of appreciation were received for the following employees: Fire and Emergency Services – Kevin Woodward, Brian Litterilla, Beth Stone, Joe Moran, Bob Steinmetz, Dough Chamberlain, Alan Colquhoun. Police Department – Gary Boyer, Stuart Otto, Mel Williams. Public Works Department – Richard Votapka, Bobby Drummond.

Public Works Director Jim Herron attended a Brevard County meeting regarding a six-year, one-cent sales tax referendum for transportation projects on the November ballot. Staff had concerns with the proposed split of 79 percent for county projects and 21 percent for the city projects. Also, there was a lack of transportation projects noted in the North Brevard area.

The annual Florida League of Cities Conference was scheduled for July 23, 2004 in Hollywood, Florida. Mayor Swank and Member Rainey would attend.

Effective December 9, 2003, Council agreed to a six month trial period to hear all planning/land use items during the second regular monthly meeting. Due to the transition from the old schedule, this was the first month that staff had been able to fully implement the new schedule. Therefore, the scheduling of the planning/land use items would continue through the end of the calendar year and Council would receive a report with any recommended changes at that time.

Per the Joint Planning Agreement with Brevard County, the notifications and review of development applications, annexation of all improved enclaves ten (10) acres or more, and annual review of enclaves to new business was approved by council on April 27, 2004 and forward to the county for review. City Manager was advised that the city would receive feedback on the agreement the last week in July.

At council's request, staff verified that the facility located at 875 Buffalo Road was not occupied and no activity was observed.

At this time, the city had not received any applications for the Brevard County School Board Oversight Committee appointment. This would be placed on the agenda once applications were received.

As of July 6, 2004, no applications had been submitted, no permits issued, and there was no activity on the Dunn Airpark proposed AWOS Towers. The Airport Authority was advised that the city was awaiting its application for a permit. City Manager Harmer was advised there was a legal issue between the tenant and the Airport Authority. Vice-Mayor Ward verified that there

would be city representation at the Airport Authority's meeting on Thursday, July 15, 2004 meeting.

Vice-Mayor Ward inquired about the Board of Adjustments and Appeals request for a by-law change regarding the cancellation of a meeting. City Manager Harmer advised the proposed by-law change would be presented to council for its approval.

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City Attorney's Report Attorney Severs announced he would attend the annual City Attorney Conference. He provided the following updates:

He advised that he met with representatives of the Airport Authority and Florida Department of Transportation regarding Sculpture Charter School. DOT suggested that the school present a proposal to cap the number of students to restrict the amount of time the property would be occupied and other issues. The City Attorney distributed correspondence dated July 8, 2004 with a proposal for the Airport Authority to be discussed at its July 15, 2004 meeting. The litigation filed by the Airport Authority was one issue indicating that the city was not consistent with its comprehensive plan. The City Attorney advised that procedurally, when one local government sues another, the issue was mediated. The city filed a motion to abate that action and it was believed that the Airport Authority would initiate mediation action to settle the lawsuit.

The Attorney advised that the city received a copy of a court order regarding the Rio Del Sol litigation scheduling a hearing for September 2, 2004 on the city's procedural motion to strike their brief.

Regarding Brevard County's litigation, Attorney Severs provided information clarifying the issues to the attorney of the county. Hopefully, the Brevard County Commission would receive a report on July 20, 2004. The county signed a stipulation to abate the lawsuit due to the procedure to mediate the dispute per *Florida Statute*.

Attorney Severs advised that staff would be holding a site plan review meeting with Wal-Mart representatives and its Attorney. At this time, the city had not received a new site plan.

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The meeting adjourned at 10:29 p.m.

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Ronald G. Swank, Mayor

ATTEST:

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Wanda Wells, Interim City Clerk