

City Council  
Regular Meeting  
August 10, 2004

The City Council of the City of Titusville, Florida met in regular session in the Council Chamber of City Hall, 555 South Washington Avenue, on Tuesday, August 10, 2004.

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Present were Vice-Mayor Ken Ward and Members Chris Broome, Conrad Eigenmann, and Jeff Rainey. Mayor Swank was absent due to illness.

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Vice-Mayor Ward chaired the meeting due to the absence of Mayor Swank. Vice-Mayor Ward called to order at 6:40 p.m.

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Pastor Wayne Gray of Abundant Life Fellowship Church gave the invocation. Vice-Mayor Ward led the assembly in the Pledge of Allegiance to the Flag.

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Approval of Minutes Member Rainey moved to approve the minutes of the July 27, 2004 meeting as submitted. Member Broome seconded the motion and it carried unanimously.

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Special Recognitions City Manager Harmer recognized the following employees who were voted the Most Valuable Person (MVP) by the MVP Team: JoAnn Couey with the Police Department; Chuck Denman with the Water Resources Department; Keith Cunningham with the Community Development Department; and Chuck Taylor with the Public Works Department

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Vice-Mayor Ward announced letter was received from the attorney for the applicant of Conditional Use Permit No. 10-2004 to allow a childcare facility in a Single Family Medium Density Residential (R-1b) zoning district located at 444 North Old Dixie Highway. The letter requested item be tabled to the August 24, 2004 meeting.

Member Broome moved to table Conditional Use Permit No. 10-2004 as requested. Member Eigenmann seconded the motion. The motion carried unanimously.

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Presentations – Suzanne Randolph with the Social Services Department highlighted the department’s responsibilities and community involvement.

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Municipal Code Enforcement Board Chairman Mike Cunningham presented the board’s semi-annual report. It was noted that total fines paid during this period was \$37,573.68. The board requested the City Attorney negotiate payment of fines for the Sandpoint Shopping Center. The approximate total to date was \$437,000.

Member Rainey moved to accept the report as presented. Member Eigenmann seconded the motion. The motion carried unanimously.

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The North Brevard Hospital Board Chairman Nathaniel Pilot presented the board’s semi-annual report. He announced the development of a \$21 million dollar outpatient health care center and nature preserve in Port St. John.

Member Broome, Council’s liaison to the North Brevard Hospital Board, commented on his involvement on the board and the hospital’s dedication to providing health services to the community.

Member Broome moved to accept the semi-annual report as presented. Member Rainey seconded the motion and it carried unanimously.

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The next item was the presentation of the Solid Waste Business Plan including Addendums by Mr. John Culbertson with R. W. Beck. The plan objectives were to meet or exceed local competitors’ service levels, maximize operational efficiency, establish a rate structure that was equitable to customers, covered both direct operating costs, allocate city indirect costs, regularly replenished fleet, and pay ten percent franchise fee. The overview consisted of a review of the plan submitted in August 2003 and addendums to the original Plan. It was noted that an addendum to the fleet would add four rearloaders and eliminate two side-load and five grapple trucks. The impact to the solid waste service rates and implementation schedules were also presented.

Member Eigenmann clarified the reasoning for the elimination of the grapple trucks and assured that there would be no change to the level of service to our citizens.

Member Broome moved to approve the Five-Year Solid Waste Business Plan with addendums. Member Eigenmann seconded the motion and asked for a friendly amendment to assure there would be no change to the level of service. Member Broome agreed to the amendment. The motion carried unanimously.

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Mr. Matt Matherne, Senior Project Manager with Government Services Group, Inc. (GSG) gave a presentation on the 2004 User Fee/Cost Recovery Study. Mr. Matherne stated user fees were a tool to determine and analyze the full cost of governmental services and activities. He highlighted direct, indirect and cross over cost; a full cost flow chart; user fee analysis and objectives; direct labor analysis; service area analysis; a review of the City's departments (Community Development Building Department, Public Works Engineering Department, Fire Services, Community Development Planning Department, Law Enforcement, and Water and Sewer Resources Utility Engineering).

City Council discussed the enormous amount of information presented on user fees. It was suggested that the City Manager set a special workshop to further review and discuss the Study as presented.

City Manager Harmer advised that the action requested this evening was to accept the report and to review the study during the upcoming budget process.

Member Rainey moved to accept the proposed Fiscal Year 2004-2005 User Fee/Cost Recovery Study as presented and to review the Study during the budget process. Member Eigenmann seconded the motion and it carried unanimously.

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Chairman Dean Pettit of the Titusville Environmental Commission (TEC) gave a presentation on the Greater Titusville Heritage Trail. TEC was currently working with the Brevard County Master Planning Organization Greenways and Trails Advisory Committee. The purpose of the presentation was to update City Council on the concept of the Heritage Trail and how it would benefit the City of Titusville. The Greater Titusville Heritage Trail consisted of three elements: 1.) A program by which historic sites, natural preserves, and various monuments would be recognized as Heritage sites based on the significance to Titusville's historic, natural, or cultural heritage. 2.) A greenway/bikeway trail system that linked all of the sites together and to the community. 3.) The third element was the advertising element which consisted of the creation of a common logo or symbol to be used to identify the sites. The TEC requested council's continued endorsement of the project to allow for the research necessary to make the trail become a reality. No funding was requested at this time.

Member Rainey moved to accept the presentation on the Greater Titusville Heritage Trail as presented. Member Broome seconded the motion. The motion carried unanimously.

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Consent Agenda Member Broome moved to approve the following items of consent as submitted:

- A. Resolution No. 30-2004 to consider the advisability of vacating the north 25 feet of right-of-way of Satterfield Road located south of Park Avenue and southwest of Knox McRae Drive as requested by Rusty Davis of Renar Development Company and setting August 24, 2004 for public hearing. (Application No. 3-2004). Recommendation: Adopt Resolution No. 30-2004.
- B. Resolution No. 31-2004 to consider the advisability of vacating that portion of Parkwood Avenue right-of-way lying south of Tangle Drive as requested by Lisa Smith representing the Tanglewood Homeowners Association and setting August 24, 2004 for the public hearing (Application No. 4-2004). Recommendation: Adopt Resolution No. 31-2004.
- C. Approve advisability to proceed with ordinance adding driveway clear zones and amending section related to fences and walls. Recommendation: Authorize staff to proceed with the ordinance and set September 14, 2004 as Council's First Reading and September 28, 2004 as Council's Second Reading, Public Hearing and Adoption.
- D. Approve final plat and deed restrictions for Plantation Oaks of Brevard Subdivision, Phase Four. Recommendation: Approve final plant and deed restrictions as presented.
- E. Approve purchase of Community Development Interactive Voice Response System from sole source provider Selectron Technologies, Inc. at a cost not to exceed \$62,810. Recommendation: Approve the purchase of a Community Development Interactive Voice Response system from sole source provider Selectron Technologies, Inc., not to exceed \$62,810. Source of Funds: Funding available in Community Development's Fiscal Year 2003/2004 Budget.
- F. Approve amendment to deed restrictions for Summit Subdivision, Phase Three. Recommendation: Approve amendment to the deed restrictions for Summit Subdivision, Phase Three.

Member Eigenmann seconded the motion. The motion carried unanimously.

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The meeting recessed at 8:54 p.m. and reconvened at 9:05 p.m.

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Petitions and Requests from the Public Present – Pete Petityk commented on a city mailing “Just Facts” that outlined the status of growth in Titusville. He noted that the new Wal-Mart would not pay impact fees.

Laura Ward expressed concern with the tabling of Conditional Use Permit No. 10-2004 for the second time. She felt it was unfair to the property owners in the neighborhood who planned to attend the public hearing. She requested staff mail public hearing notices to the surrounding property owners with the date of the new public hearing.

David Young questioned the number of times an applicant could table an item (CUP No. 10-2004).

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Ordinances-First Reading City Attorney read ORDINANCE NO. 52-2004 OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING SECTION 7, CHAPTER 63-2001, LAWS OF FLORIDA, SPECIAL ACTS OF 1963, BY ANNEXING CERTAIN PROPERTY LOCATED AT 6550 SOUTH U. S. HIGHWAY ONE TO BE INCLUDED WITHIN THE CITY LIMITS; AND PROVIDING FOR AN EFFECTIVE DATE, and

ORDINANCE NO. 53-2004 OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING SECTION 7, CHAPTER 63-2001, LAWS OF FLORIDA, SPECIAL ACTS OF 1963, BY ANNEXING CERTAIN PROPERTY LOCATED NORTH OF WENDY LEE DRIVE APPROXIMATELY 1,200 FEET WEST OF SISSON ROAD, TO BE INCLUDED WITHIN THE CITY LIMITS; AND PROVIDING FOR AN EFFECTIVE DATE, and

ORDINANCE NO. 54-2004 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 PROPERTIES 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 PROPERTIES LOCATED AT 6550 SOUTH U. S. HIGHWAY ONE TO BE ANNEXED INTO THE CITY WITH COMMERCIAL HIGH INTENSITY LAND USE; AND BY AMENDING THE VARIOUS ELEMENTS OF SAID PLAN AND MAPS BY CHANGING THE FUTURE LAND USE DESIGNATION FOR CERTAIN PROPERTY LOCATED SOUTH OF GOLDEN KNIGHTS BOULEVARD AND WEST OF THE FLORIDA EAST COAST RAILROAD FROM PUBLIC TO INDUSTRIAL DESIGNATION; AND BY AMENDING THE VARIOUS ELEMENTS OF SAID PLAN AND MAPS BY CHANGING THE FUTURE LAND USE DESIGNATION FOR CERTAIN PROPERTY LOCATED AT 3669 SOUTH HOPKINS AVENUE FROM COMMERCIAL HIGH INTENSITY TO COMMERCIAL LOW INTENSITY DESIGNATION; AND BY AMENDING THE VARIOUS ELEMENTS OF SAID PLAN AND MAPS BY CHANGING THE FUTURE LAND USE MAP TO INCLUDE CERTAIN PROPERTIES 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 PROPERTIES LOCATED NORTH OF WENDY LEE DIRVE APPROXIMATELY 1,200 FEET WEST OF SISSON ROAD TO BE ANNEXED INTO THE CITY WITH RESIDENTIAL LAND USE; AND PROVIDING FOR AN EFFECTIVE DATE, and

ORDINANCE NO. 55-2004 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 DESIGNATING PROPERTY LOCATED AT 6550 SOUTH U. S. HIGHWAY ONE AS COMMUNITY COMMERCIAL (CC) ZONING CLASSIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, and

ORDINANCE NO. 56-2004 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 GOLDEN KNIGHTS BOULEVARD AND WEST OF THE FLORIDA EAST COAST RAILROAD FROM ITS PRESENT PUBLIC USE (P) ZONING CLASSIFICATION TO INDUSTRIAL (M2) ZONING CLASSIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, and

ORDINANCE NO. 57-2004 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 3669 SOUTH HOPKINS AVENUE FROM ITS PRESENT NEIGHBORHOOD COMMERCIAL (NC) ZONING CLASSIFICATION TO OFFICE PROFESSIONAL (OP) ZONING CLASSIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, and

ORDINANCE NO. 58-2004 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 DESIGNATING PROPERTY LOCATED NORTH OF WENDY LEE DRIVE APPROXIMATELY 1,200 FEET WEST OF SISSON ROAD, AS MULTI-FAMILY HIGH DENSITY RESIDENTIAL (R3) CLASSIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE for the first time by title only. The public hearings were scheduled for August 24, 2004.

Pete Petityk opposed Multi-family High Density Residential (R3) zoning classification for the Wendy Lee Drive area.

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Old Business Member Eigenmann moved to reconsider the Board of Adjustments and Appeals appointment approved at the July 27, 2004 meeting. Member Broome seconded the motion.

Member Eigenman stated that due to his longevity on the Board of Adjustments and Appeals (28 years), Mr. Thornburg should be reappointed to the Board. He recognized Mr. Kolodney's willingness to serve, but felt Mr. Thornburg's longevity and expertise was important.

Member Broome commented on the qualifications of the two gentlemen and felt Mr. Thornburg's history and excellent service proved his self-confidence. Member Broome called the question.

Vice-Mayor Ward asked for a roll call:

Vice-Mayor Ward	no
Member Broome	yes
Member Rainey	no
Member Eigenman	yes

The motion to reconsider the appointment to the Board of Adjustments and Appeals failed.

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Boards and Commissions The only item was to request clarification on the unexpired terms for alternate members of the Planning and Zoning Commission appointed by City Council at its July 27, 2004 meeting. Option No. 1 was to appoint Mr. Treder to the unexpired term to expire January 31, 2005 and appoint Mr. Young to the unexpired term to expire January 31, 2006. Option No. 2 was to appoint Mr. Young to the unexpired term to expire January 31, 2005 and appoint Mr. Treder to the unexpired term to expire January 31, 2006.

Member Broome moved to approve appoint Mr. Young to the unexpired term to expire January 31, 2005 and appoint Mr. Treder to the unexpired term to expire January 31, 2006. Member Eigenmann seconded the motion and it carried unanimously.

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

Member Broome expressed appreciation for consideration of his absence from recent meeting due to a military commitment in Washington D. C.

Member Rainey moved to authorize staff to send out notifications again to surrounding property owners on the public hearing for Conditional Use Permit No. 10-2004. Member Eigenmann seconded the motion. The motion carried unanimously.

Member Rainey moved to authorize the city attorney to draft additional language to the Joint Planning Agreement with Brevard County stating that the City of Titusville did not intend to annex property south of Kings Highway and north of Parrish Road. Member Eigenmann seconded the motion. The motion carried unanimously.

Member Eigenmann personally thanked Mr. Thornburg for his 28 years of service to the community.

Vice-Mayor Ward reported that the city was currently exploring the possibility of broadcasting city and county governmental meetings on cable TV.

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

City Manager Harmer introduced Joe Denaro as Interim People Support Service Director and highlighted his responsibilities.

City Manager Harmer read letters of appreciation: Fire and Emergency Services – Bridget Kozielski, Reggie Belle, Bill Feagan, Tim Caldwell, and Mike Chiles. Police Department – Arthur Esposito. Water Department – Greg Etling, Rudy Khan, and Bill Grubb.

City Manager Harmer advised the low bid for the reuse line on Sisson road was less than \$300,000. It was believed that this would significantly reduce the connection fees.

City Manager Harmer advised that Brevard County's Park and Recreation Department had no plans to improve the property it owned on the riverfront and were maintaining it to the greatest extent possible.

City Manager Harmer stated that comments on the Joint Planning Agreement with Brevard County should be forthcoming by mid-August.

City Manager Harmer advised that staff was coordinating a meeting among all interested parties regarding the Veterans Memorial Foundation request.

City Manager Harmer advised Ordinance Nos. 50-2004 and 51-2004 were on Council's July 27, 2004 agenda under First Reading and scheduled for public hearing on August 10, 2004. Due to an error in noticing the public hearings, the ordinances were rescheduled to the August 24, 2004 meeting.

City Manager Harmer reported that at today's meeting, the Board of County Commissioners approved school impact fees effective September 24, 2004.

City Manager Harmer advised that Brevard County was sponsoring a leadership forum among the county and municipalities on a Five-Year Consolidation Plan. The forum was scheduled for August 27, 2004, from 8:30 a.m. to 11:30 a.m. The county requested attendance of a council member who would be responsible for the introduction of other municipality representatives. Member Eigenmann moved to appoint Mayor Swank as Titusville's representative. Member Rainey seconded the motion and volunteered to attend the meeting if Mayor Swank was unable to attend. The motion carried unanimously.

City Manager Harmer commented that an issue with the distribution of 911 funds was discussed at the Space Coast League of Cities meeting. The item was on the Board of County Commission agenda for August 24, 2004. It was requested that council authorize the city manager and City attorney to attend the commission meeting in this regard. Member Rainey moved to authorize the city manager and city attorney to attend the August 24, 2004 commission meeting to represent the city in this matter. Member Broome seconded the motion. The motion carried unanimously.

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City Attorney Report City Attorney Severs reported on an agreement among Brevard County, the Great Outdoors, and other interested parties regarding expanding the DRI for water distribution to an additional 240 resort homes. The city advised Brevard County this was a violation of an agreement outlining Titusville's water service boundaries. Brevard County Board of County Commissioners scheduled a public hearing on this issue on August 24, 2004. Authorization was requested for the city attorney and staff to attend the meeting. Attorney Severs noted that it may

be necessary to move to the next step pending the County's action. Member Eigenmann moved to authorize the city attorney and staff to attend the Brevard County Board of County Commission on August 24, 2004 meeting. Member Broome seconded the motion and made a friendly amendment to include enforcement of the city's rights. Member Eigenmann agreed. The motion carried unanimously

City Attorney Severs provided a report on the Sand Point Village as it related to Code Enforcement Cases 2003-135 and 2003-137. The Board of Adjustments and Appeals turned the matter over to the city attorney for appropriate action. A demand letter was mailed in June 2004. Subsequently, there was a contract for sale of the property scheduled for August 23, 2004. Sand Point representatives asked the city to reduce the fine to \$10,000 from the total accrued fine of \$438,750 as of this date. It was recommended that city council authorize the city manager and the city attorney to resolve this matter in the best interest of the city. Member Rainey moved to authorize the city manager and city attorney to resolve this matter in the best interest of the city. Member Broome seconded the motion. The motion carried unanimously.

City Attorney Severs updated Council regarding foreclosure sales on Community Development Block Grant business loans. One of the foreclosure sales was for a house owned by a 97 year old woman. A representative of the family contacted the city with an offer to pay off the loan. It was recommended that council authorize the mayor to sign a quit claim deed if the family paid off the loan. Member Rainey moved to authorize the mayor to sign a quit claim deed if the family paid off the loan. Member Broome seconded the motion. The motion carried unanimously.

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The meeting adjourned at 10:10 p.m.

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Ronald G. Swank, Mayor

ATTEST:

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Wanda Wells, Interim City Clerk