

City Council
Regular Meeting
September 14, 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, September 14, 2004.

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Mayor Ronald Swank called the meeting to order at 6:35 p.m. Present were Mayor Swank, Vice-Mayor Ken Ward and Members Chris Broome, Conrad Eigenmann and Jeff Rainey. Member Chris Broome arrived at 7:30 p.m. Also in attendance were City Manager Tom Harmer, City Attorney Dwight Severs, and Interim City Clerk Wanda Wells.

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Mayor Swank asked for a moment of silence and then led the entire assembly in the Pledge of Allegiance to the Flag.

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Minutes Member Rainey moved to approve the minutes of the August 24, 2004 regular meeting. Vice-Mayor Ward seconded the motion. Mayor Swank requested correction to the minutes on page 10 regarding Small Scale Amendment No. 13-2004. He requested the following sentence read as: Mayor Swank felt he could not support the application as submitted for a local street. The motion and seconded held. It carried unanimously.

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Special Recognitions City Manager Harmer introduced Maintenance Service Coordinator Patricia Boggs of the Maintenance Services Division as the city employee of the month for August 2004. City Manager Harmer read from Ms. Boggs's nomination as well as the names of other nominees including Tiffany Ford of the Fire Department, Joe Land of the Community Development Department, and JoAnn Couey of the Police Department. Mayor Swank thanked Ms. Boggs for her hard work and dedication to the city.

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Presentations City Manager Harmer gave an emergency management update as it related to Hurricane Charley and Hurricane Frances. He highlighted the issuance of a proclamation of emergency, city's emergency operations center, evacuation orders, curfews, etc. City Manager Harmer advised that he would come back at a later date with cost of events and funding options.

Member Rainey and Mayor Swank commented on city staff and other efforts made by organizations in the area including Parrish Medical Center during Hurricane Charley and Hurricane Frances.

Bob Lambert with the Titusville Housing Authority stated that he was frustrated with television coverage during these two events. He thanked the Police Department and Fire Department for

their hard work and dedication during this time. He advised Titusville Towers was not sold or condemned and residents would be moving back in as damage was repaired. He commented on his staff and their hard work during Hurricane Frances. He stated all residents would be moved back in as of Thursday, September 16, 2004. If any residents needed additional information, they should contact his staff at 321-267-4204.

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Consent Agenda Vice-Mayor Ward moved to approve all items in accordance with the following recommendations.

- A. Award bid to Gibbs & Register, Inc., of Winter Garden, Florida in the amount of \$287,133 for Phase I construction of the City of Titusville Multiuse Trail. Recommendations: Approve with funding available from Florida Recreation Development Assistance Grant in the amount of \$200,000 and Parrish Medical Center Grant in the amount of \$200,000.
- B. Approve purchase of Phase I H.E.A.T Service Management Solution Software from Sole Source Provider Anton Systems, Inc., not to exceed \$39,890. Recommendations: Approve with funding available in the MIS operating fund account.
- C. Award bid for contract to the Florida Youth Conservation Corps (FYCC) of Dade City, Florida in the amount of \$23,261.75 for the installation of guardrail on Fox Lake Road between State Road 405 and Knox McRae Drive. Recommendations: Approve with funding available in the roads and streets fund account.
- D. Award bid for contract to Southern Greens, Inc. of Rockledge, Florida in the amount of \$17,844 to provide lawn care service at the Mourning Dove water treatment facility, the Cocoa interconnect pump station, and the raw water transfer station. Recommendations: Approve with funding available in Account Number 401-1615-533-3420 in the amount of \$16,000 and Account Number 401-1615-533-5201 in the amount of \$1,844.
- E. Approve one-year extension of Conditional Use Permit No. 21-2003 to allow a mini-warehouse facility in a Highway Industrial Infill (M-3) zoning district for property located east of State Road 405 approximately 1,000 feet south of Satterfield Road as requested by Jerry Spangler. Recommendations: Approve one-year extension.
- F. Approve the retention of one grapple truck for the Solid Waste Division for the original agreed upon trade in price of \$22,500. Recommendations: Approve the retention of one grapple truck.

Member Eigenmann seconded the motion and it carried unanimously.

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Petitions and Requests from the Public Present Al Guiterrez distributed first amended complaint for declaratory relief regarding tree protection ordinances. He requested council suspend any enforcement of pending ordinances until this case was finalized. Mr. Guiterrez also requested council direct Titusville Environmental Commission to suspend any consideration to discuss pending ordinances at this time. Council authorized city attorney to review complaint and report back at the next regular scheduled city council meeting.

Member Broome arrived at 7:30 p.m.

Dean Pettit thanked city staff for their actions during Hurricane Charley and Hurricane Frances. He expressed concern of communications during the storms and felt the City of Titusville did not receive adequate media coverage. Mr. Pettit recommended city review possibilities of a partnership with Brevard Community College in order to assist with media coverage for the City of Titusville.

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Ordinances – First Reading City Attorney Severs read, ORDINANCE NO. 59-2004, AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING SECTION 21-1 OF THE CODE OF ORDINANCES BY TEMPORARILY SUSPENDING PROVISIONS RELATING TO EXTENSION OF WATER/SEWER/RECLAIMED WATER SERVICES TO NON CONTIGUOUS PROPERTIES; AMENDING SECTION 47-298 OF THE LAND DEVELOPMENT REGULATIONS BY WAIVING THE ANNEXATION FEES AND ASSOCIATED ADVERTISING FEES UNTIL SEPTEMBER 30, 2005; AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 60-2004, AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING SECTIONS 21-241(a) AND 21-241 (b) BY AMENDING, MODIFYING AND INCREASING THE WATER AND SEWER SERVICE CHARGES AND RATES AND AMENDING SECTION 21-243 (1) BY CHANGING THE DEPOSIT REQUIREMENTS FOR CUSTOMERS ESTABLISHING CREDIT BY WAIVING NEW DEPOSITS UNDER CERTAIN CIRCUMSTANCES; AMENDING SECTION 21-292(1)(a) OF THE CODE OF ORDINANCES BY CHANGING THE RECLAIMED WATER RATES AND CHARGES AND AMENDING SECTIONS 47-331(4) AND 47-332(c) BY CHANGING THE MULTI-FAMILY SEWER AND WATER TAP ON FEES AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 61-2004, AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA AMENDING THE CODE OF ORDINANCES BY AMENDING SECTIONS 16-116 BY AMENDING, MODIFYING AND ESTABLISHING A FIVE-YEAR RATE PATH & INCREASING THE RESIDENTIAL, MULTI-FAMILY, AND COMMERCIAL MONTHLY CHARGE FOR SOLID WASTE AND RECYCLING FEES; AND ESTABLISHING A MONTHLY CHARGE FOR THE NEWLY CREATED MULTI-FAMILY CLASS; AMENDING SECTION 16-117 BY AMENDING AND ESTABLISHING A FIVE-YEAR RATE PATH AND INCREASING THE COMMERCIAL MONTHLY RATE FOR SOLID WASTE AND RECYCLING FEES AND ESTABLISHING A MONTHLY CHARGE FOR INCREASING THE DUMPSTER RENTAL FEES; AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 62-2004, AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA AMENDING ORDINANCE NO. 14-2004 BY RE-IMPOSING COMMERCIAL IMPACT FEES EFFECTIVE OCTOBER 1, 2004 CONTINUING THE SUSPENSION OF INDUSTRIAL IMPACT FEES; AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 63-2004, AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA AMENDING VARIOUS SECTIONS OF THE CODE OF ORDINANCES BY IMPLEMENTING THE CITY OF TITUSVILLE 2004 USER FEE/ COST RECOVERY STUDY; BY AMENDING CHAPTER 2 OF THE CODE BY ADDING SECTION 2-88; BY AUTHORIZING THE CITY MANAGER TO IMPLEMENT ADMINISTRATIVE

POLICIES; ADMINISTRATIVE PROCEDURES AND USER FEES; AMENDING SECTION 3-4 (c)(3); BY CHANGING AND MODIFYING THE SERVICE FEE FOR FALSE ALARMS; AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES BY AMENDING APPENDIX 6(A); BY CHANGING, MODIFYING, AND ADDING VARIOUS PERMIT FEES BY IMPLEMENTING THE COST RECOVERY STUDY; BY AMENDING SECTION 9-13 BY CHANGING AND MODIFYING FIRE INSPECTION FEES; AMENDING CHAPTER 39 OF THE CODE OF ORDINANCES BY ADDING A NEW SUBSECTION 39-132 AUTHORIZING VARIOUS UTILITY SITE PLAN AND UTILITY REVIEW PERMITS AND FEES; AMENDING SECTION 47-291 THROUGH 47-299 BY INCREASING, ADDING AND MODIFYING VARIOUS FEES FOR ADMINISTRATIVE REVIEWS, LAND DEVELOPMENT REVIEWS, SITE PLAN APPROVALS, STREET AND RIGHT-OF-WAY REVIEWS AND APPROVAL, SUBDIVISION REVIEWS, ZONING REVIEWS, AND APPROVALS; AMENDING SECTION 51-112 BY INCREASING THE INSPECTION FEE FOR SUBDIVISION IMPROVEMENTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 64-2004, AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, PROVIDING FOR THE MILLAGE FOR THE OPERATIO OF THE CITY OF TITUSVILLE; AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 65-2004, AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA ADOPTING THE GENERAL AND RELATED BUDGETS OF THE CITY OF TITUSVILLE FOR THE FISCAL YEAR 2004-2005; AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 66-2004, AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA ADOPTING THE ENTERPRISE FUND AND CAPITAL IMPROVEMENTS PROGRAM BUDGETS OF THE CITY OF TITUSVILLE FOR THE FISCAL YEAR 2004-2005; AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 67-2004, AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA AMENDING THE DEFINITION OF SETBACK AS CONTAINED IN SECTION 27-11 OF THE LAND DEVELOPMENT REGUALTIONS; CREATING SECTION 59-33.5 RELATING TO DRIVEWAY CLEAR ZONES, AMENDING SECTION 59-34 OF THE LAND DEVELOPMENT REGULATIONS RELATING TO FENCES AND WALLS; AND PROVIDING FOR AN EFFECTIVE DATE and

ORDINANCE NO. 68-2004, AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA AMENDING ARTICLE III TO THE CITY CODE TO CHANGE THE REQUIRED NUMBER OF SPACES FOR MULTI-FAMILY HOUSING, THE DIMENSIONS FOR PARKING SPACES TO ALLOW FOR LARGER PARKING STALLS, TO REMOVE COMPACT PARKING SPACE REQUIREMENTS, AND PROVIDING FOR AN EFFECTIVE DATE the first time by title only.

The public hearing was scheduled for September 28, 2004.

Vice-Mayor Ward expressed concern of adopting Ordinance No. 62-2004 re-imposing impact fees for commercial development effective October 1, 2004 and continuing suspension of industrial impact fees. He commented on citizen survey that was completed and that the responses included the request for more restaurants and additional shopping in Titusville.

Member Ward also commented on ad valorem taxes and expressed concern that reinstating commercial impact fees would cause Titusville to lose the competitive edge. He advised that he would continue his discussion at the next regular meeting.

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Mayor Swank called a recess at 7:40 p.m. Council reconvened at 7:53 p.m.

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Ordinances – Second Reading, Public Hearings & Related Action Next was first public hearing on proposed budget for Fiscal Year 2004/2005 and adopting of proposed tentative millage rate and tentative budget.

City Attorney Severs read from *Florida Statutes* as it related to the budget.

City Manager Harmer presented an overview of the proposed budget including budget process, citywide budget strategies, citywide operational comparisons, fund overviews, general fund comparisons, general fund revenue highlights, special revenue funds, debt service fund, capital projects funds, enterprise funds, internal service funds, budget workshop focus, and budget ordinances – first reading. The final public hearing was scheduled for September 28, 2004 and implementation of approved budget would be effective October 1, 2004.

Additional information in packet included proposed budget revisions, five-year history of budgeted personnel, and cost recovery study composite of budgetary impact.

Mayor Swank opened the public hearing. No one wished to speak and the public hearing was closed.

Member Eigenmann requested additional information in relation to full time equivalents. Vice-Mayor Ward asked whether not approving Ordinance 62-2004, which would reinstate commercial impact fees would impact the proposed budget. City Manager Harmer responded that it would not impact the proposed budget.

Vice-Mayor Ward moved to approve tentative millage rate of 5.9571 mills, which was 5 percent above the rolled-back rate of 5.6734 mills and adopt the tentative budget. Member Broome seconded the motion and it carried three to two with Members Eigenmann and Rainey opposed. The final public hearing was scheduled for September 28, 2004.

Discussion ensued regarding the tentative millage rate of 5.9571 mills. Vice-Mayor Ward moved to reconsider tentative millage rate of 5.9571 mills, which was 5 percent above the rolled back rate of 5.6734 mills. Member Broome seconded the motion. It failed unanimously.

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New Business The first item under new business was to approve alternative no. 1 with preferred Governmental Insurance Trust (PGIT) for an insurance program for the upcoming Fiscal Year and renew specialty lines of coverage with selected carriers, not to exceed \$1,480,369. Member Broome moved to approve alternative no. 1 to continue a program with the city's current

provider, Preferred Governmental Insurance Trust (PGIT) wherein the excess Workers' Compensation coverage was included in the Liability form (rather than a separate policy), and maintaining the same self-insured retention (SIR) for both Workers' Compensation and Liability with a stop loss of \$575,000 on all perils. A \$577,726 Loss Fund (the third year at this level) was established in this option. Vice-Mayor Ward seconded the motion and it carried unanimously.

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Final item under new business was discussion of the north area police precinct requested by Member Eigenmann on September 8, 2004. Member Eigenmann advised council citizens had mentioned to him that they would like to have a north area precinct in Titusville, which would give them a place to go in a time of need. Council discussed whether there was a need, police department office staff not being available during day shift, and having a full service precinct that would be available 24 hours a day.

Vice-Mayor Ward moved to have city manager complete an internal review to determine the need for a north area precinct. If there was a need, he requested staff to complete the associated cost. Member Eigenmann requested a friendly amendment to the motion to read to determine the benefit versus determine the need. Vice-Mayor Ward accepted the amendment to the motion and the motion would read to have the city manager complete an internal review to determine the benefit for a north area precinct. Member Eigenmann seconded the motion and it carried unanimously.

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Petitions and Requests from the Public Present Al Guterrez commented on options for billing in the water department. He also commented on retail of homes and construction moves. Mr. Guterrez asked citizens to vote against the Riverfront Acquisition Referendum that will be placed on the November 2nd ballot.

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Mayor and Council Reports Provided written report.

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City Manager's Report – Council accepted written report.

City Manager Harmer read letters of appreciation: Fire & Emergency Services: Chris Threlkeld, Mike Chiles, and Brian Strong; Police Department: Adrienne Schultz, Paul Smith, Steve Bridges, Zatina Greer, Aaron Ziegler, Kevin Hickey, David Rodriguez, Gerald Babcock, Jeff Watson, Arthur Esposito, and Erik Meisner; Water Resources Department: Don Orsbun, Mike Fasce, Kerry Sims, and Ulysses Harris.

City Manager Harmer advised draft interlocal agreement was received from Brevard County in reference to the implementation of countywide school impact fees. The agreement will be on the September 28th city council agenda.

City Manager Harmer advised neighborhood meeting scheduled for Wednesday, September 15th at 6:30 p.m. by the developer regarding the annexation and rezoning applications for the undersigned's property located on Riveredge Drive known as Riverwoods was moved to the Hampton Inn in Titusville due to damage sustained by Hurricane Frances.

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City Attorney's Report City Attorney Severs advised code enforcement fine from the Sand Point Plaza was received by the city.

City Attorney Severs advised Great Outdoors Trail would be on November 2nd in reference to providing water service.

City Attorney Severs advised meeting with Brevard County had not been scheduled regarding litigations that were initiated by the county and he would be contacting the county to schedule a meeting.

City Attorney Severs recommended a wind speed measure or some other type of weather events to assist with media coverage during Hurricanes, etc.

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The meeting adjourned at 9:23 p.m.

Ronald G. Swank, Mayor

ATTEST:

Wanda F. Wells, Interim City Clerk