

**City Council
Regular Meeting
November 23, 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, November 23, 2004.

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Mayor Swank called the meeting to order at 6:35 p.m. Present were Vice-Mayor Ken Ward and Members Paul Secor and Jim Tulley. Also in attendance were City Manager Tom Harmer, City Attorney Dwight Severs, City Clerk Jeaneen Clauss, and Recording Secretary Johnny Bledsoe. Member Conrad Eigenmann arrived at 7:06 p.m. Member Secor departed the meeting at 8:40 p.m. due to a family emergency.

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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. He then read procedures for public comments.

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Special Recognitions – City Manager Harmer introduced Mike Fasce of the Water Resources Water and Sewer Field Operations Division as the newest member of the City’s Most Valuable Person Team. The majority of the other sixteen team members that selected Mr. Fasce were present. City Manager Harmer read from Mr. Fases’ nomination.

City Manager Harmer then introduced Robert Smolik of the Streets Department as the City Employee of the Month for November 2004. He read from Mr. Smolik’s nomination and also recognized those employees nominated who were, Jo Ann Winninger of the Police Department, Dan Wyatt of the Facilities Maintenance Department of the Public Works Division, Lieutenant Phil Jones of the Fire and Emergency Services Department, April Snyder of the Water Resources Department, Nancy Boffo of the Community Development Department, and Wanda Wells of the City Clerk’s Office. Mayor Swank presented Mr. Smolik with a free lawn cutting from Public Works Director Jim Herron.

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Member Secor requested a discussion on future riverfront property acquisition be added to the agenda under New Business. Mayor Swank acknowledged his request.

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Consent Agenda – Vice-Mayor Ward moved to approve consent items A, B, C, D, G, H, I, and J, subject to reading, as submitted. Member Tulley seconded the motion. Vice-Mayor Ward then read the following items of consent:

- A. Approve Resolution No. 39-2004, authorizing the Mayor and City Manager to execute a memorandum of agreement between the City and the Florida Department of Transportation for the maintenance of state road right-of-way within the City limits by the City. This represented a payment adjustment increase to the City of three percent, for an annual total of \$52,650.
- B. Approve Resolution No. 40-2004 declaring the City's official intent to reimburse itself for original capital expenditures from proceeds of a new borrowing under its multi-purpose revenue bond program. This authorizes cash capital expenditures in advance of the installment of the bond in order to proceed with the approved Public Works Facility project, with the understanding that reimbursement will occur.
- C. Approve revision to the fee schedule in the financial advisor professional services agreement with Public Financial Management. This revision approximates a two percent annum increase above the period from 1998 to 2004.
- D. Approve execution of an Agreement with the Florida Department of Environmental Protection to receive funds in the amount of \$298,800 for construction of a stormwater treatment pond and wetland as part of the Marina Basic Stormwater Retrofit Project. Funding is from Area II Stormwater Improvements account, as well as the St. Johns River Water Management District Cost Share Grant and Environmental Protection Agency 319h Grant.
- G. Approve authorizing the City Manager or designee to award to the lowest, most responsive and qualified supplier, representing the best value for the City, for procurements exceeding \$15,000; authorize administrative renewals for said contracts; and authorize the Mayor to execute those contracts that may result from this action that exceed \$15,000. Funding would be from various department operational budgets.
- H. Approve the use of vendors of record; authorize the issuance of blanket purchase orders and further authorize the Mayor to execute contracts as needed, exceeding \$15,000 to those vendors. Funding would be from various department operational budgets.
- I. Approve the purchase of twenty-two portable 800 megahertz radios from Communications International, Inc. of Vero Beach, Florida as part of the police radio replacement plan at a cost of \$74,107.50. Funding would be from a designated capital account.
- J. Approve Resolution No. 41-2004 authorizing the execution of an addendum to the master lease agreement between the City and SunTrust Leasing Corporation and authorizing the Mayor and City officials to execute any and all documents in connection with said lease and option agreement. This authorizes the lease-purchase acquisition of three side loaders and one recycling truck in the amount of \$600,884. Funding would be from Addendum No. 02 to the master lease-purchase agreement

with the City's banking services provider SunTrust for a period of seven years payable in semi-annual installments of \$48,851.64 at a stated annual rate of 3.55%.

The roll call was:

Member Tulley	yes
Vice-Mayor Ward	yes
Mayor Swank	yes
Member Secor	yes

The motion passed unanimously.

Member Tulley moved to remove consent agenda items E and F for consideration under new business. Member Secor seconded the motion and it passed unanimously.

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Petitions and Requests from the Public Present –

Anne Nelson, 3320 Treetop Drive – Commented on petitions previously presented to the Planning and Zoning Commission that supported an amendment to land use/zoning boundary lines in the proposed Small Area Plan for Riveredge Drive. She gave council updated petitions and photographs that she felt supported her request to include property she owned in the northern portion of the Small Area Plan that would allow for multi-family development.

Peter Petyk, 1237 Little Oak Circle – Opposed what he felt was the City's proposed use of college students for riverfront acquisition planning initiatives.

Kathleen Burson, 385 Delespine Avenue - Commented on college student involvement in redevelopment and felt the City and riverfront deserved the best.

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Ordinances, First Reading – City Attorney Severs read, **ORDINANCE NO. 77-2004**, AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA 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 118 ALHAMBRA AVENUE FROM HIGH DENSITY RESIDENTIAL TO COMMERCIAL HIGH INTENSITY LAND USE DESIGNATION; AND PROVIDING FOR AN EFFECTIVE DATE, and,

ORDINANCE NO. 78-2004, AN ORDINANCE 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 118 ALHAMBRA AVENUE FROM ITS PRESENT SINGLE FAMILY MEDIUM DENSITY RESIDENTIAL (R-1b) CLASSIFICATION TO NEIGHBORHOOD COMMERCIAL (NC) ZONING CLASSIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, and,

ORDINANCE NO. 79-2004, AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA 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 102, 106, 110, AND 114 NORTH BROWN AVENUE AND 1103, 1107, 1111, 1115, 1119, AND 1123 ENGLISH STREET FROM COMMERCIAL HIGH INTENSITY TO MEDIUM DENSITY RESIDENTIAL LAND USE DESIGNATION; AND PROVIDING FOR AN EFFECTIVE DATE, and,

ORDINANCE NO. 80-2004, AN ORDINANCE 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 102, 106, 110, AND 114 NORTH BROWN AVENUE AND 1103, 1107, 1111, 1115, 1119, AND 1123 ENGLISH STREET FROM ITS PRESENT COMMUNITY COMMERCIAL (CC) TO MULTI-FAMILY HIGH DENSITY RESIDENTIAL (R-3) ZONING CLASSIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, and,

ORDINANCE NO. 81-2004, AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA 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 WEST OF HICKORY HILL BOULEVARD LYING ON THE NORTH SIDE OF CHENEY HIGHWAY (SR 50) FROM ITS PRESENT HIGH DENSITY RESIDENTIAL TO COMMERCIAL LOW INTENSITY DESIGNATION; AND PROVIDING FOR AN EFFECTIVE DATE, and,

ORDINANCE NO. 82-2004, AN ORDINANCE 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 WEST OF HICKORY HILL BOULEVARD LYING ON THE NORTH SIDE OF CHENEY HIGHWAY (SR 50) FROM ITS PRESENT MULTI-FAMILY MEDIUM DENSITY RESIDENTIAL (R-2) TO NEIGHBORHOOD COMMERCIAL (NC) ZONING CLASSIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, the first time by title only.

Public hearings for those ordinances read were scheduled for 7:00 p.m., December 14, 2004.

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Ordinances, Second Readings, Public Hearings and Related Action – City Attorney Severs read **ORDINANCE NO. 76-2004**, AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING SECTION 2-133, 2-135, 2-136, 2-137, AND 2-138 BY CLARIFYING METHOD FOR APPROVAL OF TRAVEL; ESTABLISH A PROCESS FOR REVIEW AND APPROVAL OF MEALS FOR EMPLOYEE RECOGNITION; AND PROVIDING FOR AN EFFECTIVE DATE, the second time by title only.

City Manager Harmer outlined the proposed ordinance, which would incorporate an employee recognition program and make administrative changes to the current Travel Ordinance. He outlined that the proposed changes did not conflict with Chapter 112.061, per diem and travel expenses of public officers, employees, and authorized persons,” of Florida Statutes.

Mayor Swank opened the public hearing. There being no citizens desiring to speak, Mayor Swank then closed the public hearing.

Vice-Mayor Ward moved to approve Ordinance No. 76-2004 as submitted. Member Secor seconded the motion and the roll call was:

Vice-Mayor Ward	yes
Mayor Swank	yes
Member Secor	yes
Member Tulley	yes

The motion passed unanimously and Ordinance No. 76-2004 was adopted.

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City Attorney Severs read, **ORDINANCE NO. 71-2004**, AN ORDINANCE 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 ON THE WEST SIDE OF SOUTH SINGLETON AVENUE AT THE INTERSECTION OF GROVE STREET FROM RESIDENTIAL ESTATE (RE) TO SINGLE-FAMILY MEDIUM DENSITY RESIDENTIAL (R-1b) CLASSIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, the second time by title only.

City Manager Harmer outlined the proposed ordinance as submitted by owner, Shyam Virani, as Rezoning Application No. 12-2004. He highlighted that as a result of a petition submitted by neighborhood citizens to the Planning and Zoning Commission that opposed the original request, the applicant amended the application that changed the requested rezoning from Multi-family medium density (R-2) to Single-family medium density (R-1b.) He then reported that the Planning and Zoning Commission recommended approval of the amended application with the conditions of, 85-foot minimum lot width and that the owner must connect to City sewer.

Mayor Swank opened the public hearing.

John Evans, 1702 South Washington Avenue – Represented the applicant and urged council approval. He outlined the revisions made to the original application and contact made with surrounding property owners.

Member Tulley asked Mr. Evans to clarify why R-1b zoning was being requested and not R-1a zoning. Mr. Evans replied that R-1b zoning was being requested due to minimum lot width requirements.

Mayor Swank closed the public hearing.

Member Eigenmann moved to approve Ordinance No. 71-2004 as submitted with the conditions that the owner must connect to City sewer and the minimum lot width must be 85 feet. Member Tulley seconded the motion and the roll call was:

Mayor Swank	yes
Member Eigenmann	yes
Member Secor	yes
Member Tulley	yes
Vice-Mayor Ward	yes

The motion passed unanimously and Ordinance No. 71-2004 was adopted.

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Old Business – Planning Administrator Keith Cunningham gave a presentation to council that outlined a proposed Small Area Plan developed by staff for the Riveredge Drive area. The presentation outlined staff’s recommendation to divide the Riveredge Drive area by establishing clear boundaries to separate areas for commercial and multi-family zoning to the north of the boundary and single family zoning to the south of the boundary. The plan also recommended specific density caps for each area outlined. Mr. Cunningham referenced meetings with property owners of the area that led to the plan being drafted as submitted. He then outlined staff’s recommendation that council approve the Riveredge Drive Small Area Plan as submitted; Direct staff to use the plan as a guide when making recommendations to future applications to council; submit the Small Area Plan to the County to be included in the Joint Planning Agreement; and incorporate planning recommendations into the City’s Future Land Use Map. He then advised council that the Planning and Zoning Commission had recommended approval of the plan as submitted.

Vice-Mayor Ward asked Mr. Cunningham to clarify the type of density requirement that would be given property, specifically property to the south currently zoned Shoreline Mixed Use (SMU.) Mr. Cunningham clarified that the plan only addressed land use but density caps placed would be comparable to zoning classifications given.

Lula Smith, 1322 Riverside Drive – Requested an exception to the Small Area Plan in order to grant high density residential land use to her property on the north side of Riveredge Drive. She further requested to table the Small Area Plan for additional consideration.

John Evans, 1702 South Washington Avenue – Represented Riveredge Development, LLC and Riverwoods Development located on the southern boundary of the north portion of Riveredge Drive as outlined in the proposed Small Area Plan felt Shoreline Mixed Use (SMU) to the south of his clients property was not appropriate and felt council should approve the Small Area Plan as submitted. He then stated the property owner to the south of his clients project stated at a previous Planning and Zoning Commission meeting that she would request Shoreline Mixed Use (SMU) for her property.

Kohn Bennett, 1000 Shorewood Drive, Cape Canaveral - Developer for the Riverwoods development outlined his firm's project as a transition from commercial zoning to the north and residential zoning to the south and felt the boundary line as established at the southern most property line of his development should remain as established and the Small Area Plan as submitted be approved.

Anne Nelson, 3320 Treetop Drive – Gave council a letter from her personal attorney that requested her property south of the multi-family/single-family zoning boundary line as proposed in the Small Area Plan, be moved into the multi-family portion of the area. Mayor Swank asked Ms. Nelson what zoning she pursued for her property. She replied that she had previously stated her intent was to pursue Shoreline Mixed Use (SMU) zoning but further stated that she would accept residential zoning. Mayor Swank clarified her desire was for R-2 zoning at five units per acre.

Tiffany Johnson, 457 Fern Avenue – Supported the requests of Lula Smith and Anne Nelson to amend the proposed Small Area Plan to allow alternative uses for their respective properties. She further recommended council take further action on the Small Area Plan.

Patricia Mooney, 5425 Riveredge Drive – Displayed photographs of single-family homes on Riveredge Drive that illustrated the type of zoning the residents of the area desired. She further supported the approval of the Small Area Plan.

Rose Easely, 5101 Riveredge Drive – Commented on trash pick-up along Riveredge Drive. She gave council photographs of investor properties that she felt revealed code violations.

Jim Hildebran, 5425 Riveredge Drive – Thanked council and staff for the Small Area Plan and urged its approval as submitted.

Kent Brown and Mike Maynard, both of Riveredge Drive – Urged council to approve the Small Area Plan as submitted.

Laura Ward, 5317 Riveredge Drive – Provided council maps and photographs of property along Riveredge Drive that as she felt supported the establishment of the zoning boundary line submitted in the Small Area Plan. She also gave council a petition signed by property owners on Riveredge Drive that requested council approval of the Small Area Plan as submitted.

Mayor Swank stated the Riveredge Drive area was a long process. Member Tulley felt the southern boundary established in the proposed Small Area Plan was logical. Member Eigenmann felt council promoted plans such as the Small Area Plan. Vice-Mayor Ward commented on Lula Smith's request for zoning/density exception and felt that changing the Land Development Regulations for one piece of property was not logical. City Manager Harmer advised council that at its December 14, 2004 meeting, a proposed text amendment to the Comprehensive Plan would address issues such as Lula Smith's property. Member Secor asked staff to clarify U.S. Highway One access from the Riverwoods development. Planning Administrator Cunningham outlined the location.

Member Tulley felt that council’s goal was to properly plan and manage growth. He then moved to approve the Small Area Plan for Riveredge Drive as submitted. Member Eigenmann seconded the motion and it passed unanimously.

Council recessed at 8:20 p.m. and reconvened at 8:31 p.m.

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New Business – After a brief discussion, Member Eigenmann moved to approve the following council member appointments to outside agencies:

<i>Organization/Agency</i>	<i>Member</i>	<i>Alternate</i>
<i>Florida League of Cities - Voting Delegate</i>	<i>Mayor Swank</i>	<i>Member Secor</i>
<i>Metropolitan Planning Organization (2 members)</i>	<i>Vice-Mayor Ward and Member Eigenmann</i>	<i>N/A</i>
<i>North Brevard Hospital District Board</i>	<i>Member Eigenmann</i>	<i>Vice-Mayor Ward</i>
<i>North Brevard Commission on Parks & Recreation</i>	<i>Member Tulley</i>	<i>Member Secor</i>
<i>Space Coast Economic Development Commission</i>	<i>Member Secor</i>	<i>Member Eigenmann</i>
<i>Brevard County Economic Development Commission</i>	<i>Member Secor</i>	<i>Member Eigenmann</i>
<i>Space Coast League of Cities – Voting Delegate</i>	<i>Vice-Mayor Ward</i>	<i>Member Secor</i>
<i>Spaceport Florida Commerce Park Authority</i>	<i>Member Tulley</i>	<i>Member Eigenmann</i>
<i>Titusville Area Chamber of Commerce</i>	<i>Member Eigenmann</i>	<i>Member Tulley</i>
<i>Student Advisory Council</i>	<i>Mayor Swank</i>	<i>N/A</i>

Vice-Mayor Ward seconded the motion and it passed unanimously.

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A discussion to review a possible draft ordinance for future consideration to address density calculations of submerged lands along the Indian River was initiated.

Kathleen Burson, 385 Delespine Avenue – Felt a master plan for the Indian River shoreline corridor was needed to reflect the public interest and would make submerged lands issues irrelevant. She further felt that property rights could be respected through transfer of development rights.

Laura Ward, 5317 Riveredge Drive – Felt plans bind nothing and that submerged lands had unintended consequences. She further felt submerged lands over burden uplands and density caps would need to be adjusted. She supported an ordinance to address the issue.

Peter Petyk, 1237 Little Oak Circle – Felt submerged lands only helped condominium developments and urged council to take action to limit such development.

Member Tulley commented on past discussions with citizens at visioning meetings and how a submerged land ordinance could preserve the river.

Vice-Mayor Ward supported past development on the river with submerged lands used in density calculation. He also commented on other cities that use submerged lands in density calculations. He stated he did support a cap or percentage on density of submerged lands.

Member Eigenmann felt other communities included submerged land in density calculations but felt a master plan was important. He supported the City Attorney and staff advertising and promoting the ordinance.

Mayor Swank passed the gavel to Vice-Mayor Ward and then moved to authorize staff to draft an ordinance to address submerged lands. Member Eigenmann seconded the motion and it passed by majority vote 3 to 1 with Vice-Mayor Ward voting no. City Manager Harmer advised council that the draft ordinance would be scheduled for public hearing by the Planning and Zoning Commission, acting as the Local Planning Agency, on January 5, 2005 with subsequent public hearing before council on January 25, 2005.

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The next item considered was Consent Item E, Preliminary Plat review of the proposed Sisson Meadows Subdivision as moved to new business previously in the meeting.

Don Simms, 2825 Business Center, Melbourne – Co-developer of the proposed Sisson Meadows Subdivision, gave a review of the preliminary plat and made himself available for questions. He requested council give approval of the project. Mayor Swank asked for clarification of lot widths used for patio homes. Planning Administrator Keith Cunningham clarified that the R2 zoning of the property required minimum 40-foot lot widths.

Roger Molitor, 5401 Riveredge Drive – Co-developer of the project also requested approval and made himself available for questions.

Kathleen Burson, 385 Delespine Avenue – Opposed the project and felt tree preservation would not be realized and that the applicant had not submitted a tree survey. She compared the project to the Sterling Forest residential project under construction along Sisson Road and further felt that ten-foot buffers was not sufficient to preserve the beauty of the area. She recommended 30 to 50 foot buffers along Sisson Road and 20-foot buffers along the remainder of the property.

Vice-Mayor Ward moved to approve the Preliminary Plat for the proposed Sisson Meadows Subdivision as submitted. Member Eigenmann seconded the motion for discussion and asked staff if the developer had submitted a tree survey. Roger Molitor replied that a tree survey had been submitted for review by staff.

Member Tulley commented on past conservation areas and felt a high number of patio homes were being constructed in the City. Vice-Mayor Ward clarified that current zoning allowed for the construction of patio homes and that he supported the project.

Planning Administrator Keith Cunningham clarified that current City maps that outlined conservation areas had been changed as a result of reports received from the St. Johns River Water Management District.

The motion passed unanimously and the Preliminary Plat for Sisson Meadows Subdivision was approved.

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The next item considered was Consent Item F, Conceptual Plan review for Roger Smith as moved to new business previously in the meeting.

Vice-Mayor Ward announced he would not vote on the item due to his father's involvement with the project.

Loys Ward, 1707 South Washington Avenue – Outlined the conceptual plan for Roger Smith and requested council approval.

Kathleen Burson, 385 Delespine Avenue – Opposed the conceptual plan as submitted and felt the density used was misleading due to all residential lots proposed being concentrated on half the property used for density calculation. She felt a better rural design for the area could be made using Rural Overlay.

Tiffany Johnson, 457 Fern Avenue – Commented on past establishment of the Residential Estate (RE) zoning district in Ordinance No. 24-2004. She opposed the use of Rural Overlay.

Planning Administrator Keith Cunningham clarified that the conceptual plan met all criteria of the code. Mr. Ward commented on past meetings with residents of the area.

Mayor Swank passed the gavel to Vice-Mayor Ward and then moved to approve the Conceptual Plan for Roger Smith as submitted. Member Tulley seconded the motion for discussion and felt that density was being maximized. Mayor Swank concurred but felt if the request met the criteria of the code then council should move forward with the request.

City Attorney Severs reminded council that if the applicant met the criteria of the code then council was obligated to approve unless evidence of the project not being in the best interest of the public existed.

The roll call was:

Member Eigenmann	yes
Member Tulley	yes
Vice-Mayor Ward	abstained
Mayor Swank	yes

The motion passed unanimously and the Conceptual Plan for Roger Smith was approved.

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Petitions and Requests from the Public Present –

Laura Ward, 5317 Riveredge Drive – thanked council for their support of the Small Area Plan for Riveredge Drive and for their discussion on submerged lands. She urged council to change any ordinances they did not agree with.

Don Page, 3593 Thal Road – Commented on future annexation in the City.

Peter Petyk, 1237 Little Oak Circle – Urged council to avoid high density and recommended the City hire professional consultants for planning purposes.

Joe O’Doherty, 4594 Helena Drive – Opposed the use of college students conducting planning for the City and felt professional consultants should be hired to do more professional work. He also felt the code should reflect the feelings of the people of Titusville.

Vice-Mayor Ward moved to direct staff to attain a professional cost analysis for the development of a Master Plan Vision for the riverfront area, excluding the area south of the Community Redevelopment Agency area and the Carpenter Road area. Member Eigenmann seconded the motion for discussion and was concerned with the time necessary to conduct such action and requested an estimated time frame be included in the analysis. City Manager Harmer clarified that using the University of South Florida for the Downtown Master Plan did not mean college students would conduct the work and commented on a report from the 20/20 Group that would be given to council.

Vice-Mayor Ward amended his motion to read, direct staff to attain a professional cost analysis and time frame for the development of a Master Plan Vision for the riverfront area, excluding the area south of the Community Redevelopment Agency area and the Carpenter Road area to include participation from the University of South Florida and Marilyn Crotty of the Florida Institute of Government at the University of Central Florida. Member Eigenmann’s second to the motion held and it passed unanimously.

Kathleen Burson, 385 Delespine Avenue – Commented on the importance of a Master Plan Vision to reflect the desires of the community and requested workshops to consider proposals be included in the staff analysis previously directed. She then felt the provisions outlined in Ordinance No. 24-2004 could be improved and requested the opportunity to review minutes from the council meeting when Ordinance No. 24-2004 was adopted where she felt Mayor Swank solicited possible improvements to the ordinance.

Tiffany Johnson, 457 Fern Avenue – Felt Ordinance No. 24-2004 was an excellent ordinance for the Fox Lake Road and Carpenter Road area.

Member Eigenmann commented on transfer of density incentives and asked City Manager Harmer what other municipalities did to provide incentive for redevelopment areas. City Manager Harmer replied that language to address the issue was included in proposed amendments to the Comprehensive Plan that would be on the council agenda for consideration at its December 14, 2004 meeting but acknowledged that a broader look at the issue would be taken. Vice-Mayor Ward concurred with Member Eigenmann and supported his request and direction. Member Tulley felt free enterprise innovation should be considered in future transfers of density.

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Boards and Commissions –

Mayor Swank suggested the appointment of four regular members and one alternate member to the Titusville Environmental Commission be tabled in order to receive more applicants.

Member Tulley moved to reappoint regular members Alex Chamberlain and Dean Pettit to the Titusville Environmental Commission to three-year terms to expire November 30, 2007. Member Eigenmann seconded the motion and it passed unanimously.

Vice-Mayor Ward moved to appoint Polly Phillips and Maureen Parent as regular members and Walter Pine as an alternate member to the Titusville Environmental Commission to three-year terms to expire November 30, 2007. Member Tulley seconded the motion for discussion but felt that Mr. Pines application was not completed fully.

Vice-Mayor Ward amended his motion to read, appoint Polly Phillips and Maureen Parent as regular members to the Titusville Environmental Commission to three-year terms to expire November 30, 2007 and to delay appointment of an alternate member to the December 14, 2004 meeting. Member Tulley's second to the motion held.

Mayor Swank felt Dr. Harold Yount would be an excellent regular member to the Titusville Environmental Commission due to his qualification.

The motion failed by a vote of 2 to 2 with Mayor Swank and Member Tulley voting no.

Vice-Mayor Ward moved to table the appointment of two regular members and one alternate member to the Titusville Environmental Commission to three-year terms to expire November 30, 2007 to the next meeting on December 14, 2004. Member Tulley seconded the motion and it passed unanimously.

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Member Eigenmann moved to accept the semi-annual report of the North Brevard Library District Board. Vice-Mayor Ward seconded the motion and it passed unanimously. Member Eigenmann thanked Board Chairman Eugenia Kolodney for the report.

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Mayor and Council Reports – Council acknowledged receipt of the Mayor’s Report.

Mayor Swank commented on his attendance at the opening ceremonies of the Birding and Wildlife Festival.

Vice-Mayor Ward commented on his participation in the Upward Basketball Program. He then wished all citizens a happy thanksgiving.

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City Manager’s Report – Council acknowledged receipt of the City Managers Report.

City Manager Harmer read the names of employees who had received letters of appreciation. Those employees were Phil Jones of the Police Department and Izell Davis, Cindy Miller, Lincoln Strom, and Mark Sypien of Fire and Emergency Services.

City Manager Harmer announced that City Emergency Manager, Rick Talbert had presented the majority of City Departments with certificates of acknowledgement for their contributions, commitment and support of the emergency management process for Hurricanes Charley, Frances, and Jeanne.

City Manager Harmer then reported that crime index comparisons for the City for the period January to June 2003 to 2004 revealed that violent crimes and domestic violence were down and arrests were up in Titusville.

City Manager Harmer provided each member of council a map of the City for members to highlight their personal building height recommendations for the U.S. Highway One corridor as requested. Mayor Swank requested Windows One, Two, and Three as recommended by the Riverfront Acquisition Referendum Committee be incorporated on the map. City Manager Harmer acknowledged.

City Manager Harmer then highlighted a scheduled special meeting of council for December 7, 2004 for Conflict Resolution with the Titusville-Cocoa Airport Authority and that due to changes and other issues at the Titusville-Cocoa Airport Authority, rescheduling of the meeting would be requested.

Vice-Mayor Ward moved to direct the City Attorney to file a motion placing the Titusville-Cocoa Airport Authority in contempt of court in the conflict resolution action. The motion failed due to a lack of a second.

Vice-Mayor Ward then moved to authorize the City Attorney, at his discretion, to file a motion to dismiss the Titusville-Cocoa Airport Authority’s case against the City. Member Eigenmann seconded the motion and it passed unanimously.

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City Attorney's Report –

Member Eigenmann moved to approve the expenditure of an additional \$50,000 for outside legal services for Area IV and Farmton Water Resources Public Service Commission Application. Member Tulley seconded the motion and it passed unanimously. Member Eigenmann stressed to citizens that the action was an important step for the future of water in Titusville.

City Manager Severs commented on the recent closure of the Belk-Lindsey store in the Miracle City Mall and felt it should not go unnoticed by the City.

Vice-Mayor Ward moved to authorize the Mayor to send Belk-Lindsey a letter of acknowledging the stores closure and encouraging the store to relocate to the City in the future. Member Eigenmann seconded the motion and it passed unanimously. City Manager Harmer commented on reasons for the closure and attempts to relocate within the City that were unsuccessful.

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Vice-Mayor Ward moved to adjourn. Member Eigenmann seconded the motion and it passed unanimously.

The meeting adjourned at 10:34: p.m.

Ronald G. Swank, Mayor

ATTEST:

Jeanen P. Clauss, CMC, City Clerk