

City Council  
Regular Meeting  
December 8, 2009

The City Council of the City of Titusville met in regular session in the Council Chamber of City Hall, 555 South Washington Avenue, on Tuesday, December 8, 2009.

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Mayor Jim Tulley called the meeting to order at 6:41 p.m. Present were Mayor Jim Tulley, Vice-Mayor Conrad Eigenmann and Members Walt Johnson, Martha Long, and Paul Secor. Also in attendance were City Manager Mark Ryan, City Attorney Dwight Severs and Assistant City Clerk Jolynn Donhoff. Administrative Secretary Debbie Denman completed the minutes.

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Mayor Tulley asked for a moment of silence and then led those present in the Pledge of Allegiance.

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Mayor Tulley read the speaking procedures for public comment during the meeting.

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## MINUTES

### Motion:

Member Secor moved to approve the minutes of the regular meeting on November 10, 2009 as submitted. Member Long seconded the motion. The motion carried unanimously.

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## SPECIAL RECOGNITIONS & PRESENTATIONS

### Award State Farm Grant/Donation to the Student Advisory Council

State Farm Insurance Agency Representatives Kim Steel and Robin Fisher recognized and presented the Student Advisory Council a \$2,000 grant/donation for the promotion of teen driver safety for The Last Dance underage drinking and driving video.

Student Advisory Council members Rachel Cunio, Juldán Sharp, and Advisors Julie Sharp and Mitzi Robinson were present to accept the \$2,000.

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Letters of Appreciation – City Manager Ryan read the names of the following employees that received letters of appreciation.

Police Department

|                    |                           |
|--------------------|---------------------------|
| Reggie Belle       | Life Safety Specialist    |
| Daryle Blankenship | Battalion Commander       |
| Rusty Carpentier   | Lieutenant                |
| Scott Gaenicke     | Administration Chief      |
| Chris Hitt         | Driver/Operator           |
| Brian Marfitt      | Lieutenant                |
| Ruth Miller        | Clerical Assistant        |
| LaWanda Park       | Clerical Assistant        |
| Diane Parker       | Secretary                 |
| Brian Strong       | Driver Operator/Paramedic |
| Adam Vaknin        | Firefighter               |
| Mike Woodward      | Operations Chief          |

Engineering Services

|                 |             |
|-----------------|-------------|
| Brenda McGovern | Development |
|-----------------|-------------|

City Clerk's Office

|                  |                          |
|------------------|--------------------------|
| Debra Denman     | Administrative Secretary |
| Brenda Evans     | Records Manager          |
| Lisa Murtland    | Office Assistant         |
| Judy Renaud      | Recording Secretary      |
| Carolyn Rigerman | Office Assistant         |

Planning & Growth Management

|               |                               |
|---------------|-------------------------------|
| Matt Chesnutt | Economic Development Director |
| Darsi Davis   | Administrative Coordinator    |

City Manager's Office

|                |                       |
|----------------|-----------------------|
| Kathy Daniels  | Executive Assistant   |
| Adrian Kilgore | Audio-Visual Producer |

Letter of Accreditation

Titusville Police Department

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BOARDS AND COMMISSIONS

City Motto Selection Committee – City Manager Ryan highlighted as followed:

The request was to appoint up to ten (10) members to the New City Motto Selection Committee. The committee would sunset once recommendations were made to council for a new city motto.

At the July 28, 2009 council meeting, the City Council authorized the advertisement and solicitation of citizen input for selecting a new city motto. At the October 25, 2009 City Council Meeting, Council authorized creation of a New City Motto Selection Committee of up to ten members to review citizen input for a new city motto and to make recommendations to Council. During the November 24, 2009 City Council meeting, it was determined to make the committee selection at the December 8, 2009 meeting. In addition, it was determined that Erica Daniels would act as the facilitator once the committee members were selected.

Currently there were twenty (20) applications on file. Three of the applicants were non-city residents. Boards and Commissions normally require city residency. An exception was made for a committee if the applicant operates a business within the City of Titusville. Roz Foster was part owner of Carl Henry Inc., 306 Pine St. Titusville, Florida and was a board member of the business. Ken Ward and Laura Ward were not currently operating a business within the City of Titusville.

Motion:

Member Long moved to allow all applicants who qualified to serve on the New City Motto Selection Committee. Applicants appointed included: Marcia Gaedcke, Lowell Gray, Linda Miedema, Deborah Petyk, Natalie Sellers, Ron Swank, Karen Sylvester, Dawna Thorstad, Ron Thorstad, Susan Woolridge, Karen Conklin, Shawn Exlline, Kathleen Burson, Jim Easley, Taylor Collier, Franci Kettman and Rosalie Foster. Motion excluded all non-residents who did not have an interest in a city business. The motion included Erica Daniels to act as facilitator and would serve as a non-voting participant. Vice-Mayor Eigenmann seconded the motion.

Discussion ensued on qualifications for the committee relating to non-residents with a business interest in the community.

The motion carried unanimously.

Erica Daniels distributed to Council four (4) questions concerning mottos verse tag lines.

Discussion ensued over the differences between a motto and a tag line.

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Planning & Zoning Commission – City Manager advised that the request was to appoint one (1) alternate member to the Planning and Zoning Commission for an unexpired term to expire on January 31, 2011.

Member Long nominated Robert Messer as an alternate member of the Planning and Zoning Commission with an unexpired term to expire on January 31, 2011.

There were no additional nominations and Robert Messer was appointed as an alternate member with an unexpired term to expire on January 31, 2011.

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North Brevard Commission on Parks & Recreation - City Manager Ryan advised that the request was to accept the resignation of regular member Jan Alwin with a term to expire on August 31, 2010 and appoint one regular member with an unexpired term to expire on August 31, 2010.

Motion:

Vice-Mayor Eigenmann moved to accept the resignation of regular member Jan Alwin with a term to expire on August 31, 2010 with regrets. Member Secor seconded the motion. The motion carried unanimously.

Member Johnson nominated Ron Swank as a regular member of the North Brevard Commission on Parks & Recreation with an unexpired term to expire on August 31, 2010.

There were no additional nominations and Ron Swank was appointed as a regular member with an unexpired term to expire on August 31, 2010 with Member Long opposing.

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North Brevard County Hospital District Board – City Manager Ryan advised that the request was to appoint one (1) regular member to the North Brevard County Hospital District Board for a term to expire on December 31, 2013 and confirm one (1) regular member appointed by the Brevard County Board of County Commissioners to the North Brevard County Hospital District Board for a term to expire on December 31, 2013.

Motion:

Member Johnson moved to nominated Peggy Crooks for reappointment to the North Brevard County Hospital District Board for a term to expire on December 31, 2013 and to confirm Brevard County Board of County Commissioner's reappointment of Billie Fitzgerald for a term to expire on December 31, 2013. Member Secor seconded the motion. The motion carried unanimously.

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PETITIONS AND REQUEST FROM THE PUBLIC PRESENT (OPEN FORUM)

Stan Johnston, Titusville, came before Council seeking pledges for a twenty-six (26) mile marathon.

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Kurt Leady, Sawgrass Drive, spoke in support of a moratorium for impact fees.

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Jim Garrison, 149 Harrison Street, asked Council to consider a moratorium on impact fees.

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### CONSENT AGENDA

#### Motion:

Member Long moved to hear Consent Agenda Item 8I – Offer from the Florida Department of Transportation to purchase a portion of city owned property west of I-95 for a retention area under New Business. Member Johnson seconded the motion.

Vice-Mayor Eigenmann asked Council to let a citizen speak on Consent Agenda Item 8I, but Council would address the item under New Business.

Arlynn Baker, 515 North Carpenter Rd, expressed her opposition to the sale of city property to the Florida Department of Transportation along I-95 advising that the property was located in the well fields that provided two-third of the water for the City of Titusville.

#### Motion:

Member Johnson moved to allow Ms. Baker one (1) additional minute to speak. Vice-Mayor Eigenmann seconded the motion. The motion carried unanimously.

Ms. Barker continued to speak on her opposition for the Florida Department of Transportation to purchase a portion of city owned property West of I-95 for a retention area.

City Attorney Severs advised that staff's recommendation was to authorize the Mayor to sign the agreement to allow Florida Department of Transportation (FDOT) to buy the property in question; however, it would be after negotiations by staff which would be to try and get FDOT to relocate the retention pond to a different location and to have FDOT comply with the City's regulations.

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#### Motion:

Member Johnson moved to approve Consent Agenda Items A through L excluding Item I in accordance with recommendations. Member Secor seconded the motion.

Consent Agenda was read as followed by City Manager Ryan.

- A. Advisability – Building Relocation – Approve advisability for staff to move forward with an ordinance that will allow applications for building relocation to be approved at staff level by the Building Official and/or the Building and Engineering Services Director.
- B. Advisability – Accessory Structure – Approve advisability for staff to move forward with an ordinance that will exempt accessory structures of 120 square feet or less with no utilities from permitting requirements.
- C. Resolution No. 54-2009 Census Day 2010 – Approve Resolution No. 54-2009 recognizing April 1, 2010 as census day; supporting the goals and ideals for the 2010 census and encouraging those in our community to participate.
- D. Purchase of Three (3) Patrol Vehicles – Approve budget amendment, authorize purchase and use of a portion of the funding of the Edward Byrne Memorial Justice Assistance Grant (JAG) – American Recovery and Reinvestment Act of 2009 State Solicitation awarded to the Brevard County Sheriffs Office, 700 so. Park Avenue, Titusville, Florida 32780, corresponding to the amount of 481,901.26 (City of Titusville’s allocation) towards the purchase of three (3) patrol vehicles, as defined within the grant application/requirements, from Garber Chevrolet, Garber Chevrolet Buick Pontiac 7 GMC Truck, Inc., located in Green Cove Springs, FL at a cost not to exceed \$80,435 based on the prices of the Florida Sheriffs Association Bid Award 09-17-0908.
- E. Award of Annual Resurfacing Contract – Approve award of contract for Bid No. 10-B-001 (Annual Resurfacing Requirements) in the amount of \$927,200 to Halifax Paving Inc. of Ormond Beach, FL for the resurfacing of 15.54 miles of streets.
- F. ARRA – South Singleton Avenue Supplemental Agreement – Approve Supplemental Agreement Number 1 with the Florida Department of Transportation for the ARRA project South Singleton Avenue to reduce the allocated funding to \$51,251.15 and related Resolution No. 55-2009 to authorize execution to the State of Florida Department of Transportation a supplemental agreement number 1 for the resurfacing of South Singleton Avenue.
- G. ARRA – Park Avenue Supplemental Agreement – Approve Supplemental Agreement Number 1 with the Florida Department of Transportation for the ARRA project Park Avenue Resurfacing to reduce the allocated funding to \$125,915 and related Resolution No. 56-2009 to authorize execution to the State of Florida Department of Transportation a supplemental agreement number 1 for the resurfacing of Park Avenue.
- H. Payback Agreement with Southeast Power for Installation of a New Water Main on Jay Jay and Hammock Roads – Approve a draft payback agreement

with Southeast Power Corporation to reimburse a portion of the costs incurred to install a new water main along Jay Jay and Hammock Roads.

- J. Utility Easement between the City and The Brevard County School Board – Accept the utility easement granted by the Brevard County School Board to the City providing the City access for installation and maintenance of a raw water main and an electric service for two water supply wells in the Area II Wellfield.
- K. Sanitary Sewer Service Agreement for Intercoastal Estates Mobile Home Park – Authorize the City Manager to enter into a sewer service agreement with the owner of Intercoastal Estate Mobile Home Park that includes installment payments of tap-on fees and waives requirement to connect to city water.
- L. Use of Federal Equitable Sharing Funds – Authorize Use of Federal Equitable Sharing Funds and Budget Amendment for purchase of Capital Outlay Projects and Donation to Florida Chiefs of Police Education and Research Foundation, Inc. PO Box 14038, Tallahassee, FL 32317 for a total cost not to exceed \$127,000.

The roll call was:

|                      |     |
|----------------------|-----|
| Member Long          | Yes |
| Vice-Mayor Eigenmann | Yes |
| Mayor Tulley         | Yes |
| Member Secor         | Yes |
| Member Johnson       | Yes |

The motion carried unanimously.

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**ORDINANCES-SECOND READING, PUBLIC HEARINGS & RELATED ACTION**

**Ordinance No. 45-2009 – Foreclosed Property Registry Ordinance and Agreement for Services with Federal Property Registry Corporation**

**City Attorney Severs read ORDINANCE NO. 45-2009, AN ORDINANCE OF THE CITY OF TITUSVILLE, AMENDING CHAPTER 13 OF THE CODE OF ORDINANCES BY ADDING ARTICLE V REQUIRING MORTGAGEE REGISTRATION RELATING TO REAL PROPERTY MORTGAGES IN DEFAULT; PROVIDING FOR AN ELECTRONIC FORM OF REGISTRATION PROCESS AND FEE; REQUIRING MAINTENANCE AND SECURITY FOR REAL PROPERTY IN DEFAULT; PROHIBITING OBSTRUCTION OF CODE ENFORCEMENT OFFICERS; PROVIDING FOR IMMUNITY OF CODE ENFORCEMENT OFFICERS; PROVIDING FOR ADDITIONAL SECURITY; PROVIDING SUPPLEMENTAL**

**AUTHORITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

City Manager Ryan highlighted as followed:

As a response to the foreclosure crisis, staff obtained Council advisability on January 13, 2009 to proceed with the development of a Foreclosure Registration Ordinance. Many cities were struggling with new inventories of foreclosed homes and creating ordinances as a way to help mitigate the damage to communities and recover costs incurred. A registration ordinance would require owners of properties that were vacant or abandoned for a certain length of time to register formally with the local government. The registration provided a requirement for a property manager and point of contact for any property nuisance concerns, specific maintenance and security requirements, and requirements for monitoring and inspecting by the property manager.

The City was proposing to send out a Request for Proposals to enter into an agreement for services with a company that could manage the Foreclosure Registry for the City. The scope of services would require the company to contact lenders with foreclosure in the City, inform the lenders of the City's registration requirements, and provide an electronic method of registration for the lenders. This was a quicker way of identifying and registering those properties than the "one by one" process the City would use through Code Enforcement. Additionally, the company would also be required to provide the electronic application process through the City's website, allow access to the registration data from the City's website, and allow the City to use this data in other applications (such as GIS) for planning purposes.

The agreement would allow the City to collect a fee for the services and a portion of the fee would be provided to the company.

Mayor Tulley opened the public hearing.

Al Taylor, 3333 S. Hopkins Avenue, advised Council he supported the ordinance and had no objections.

J.J. Parrish, III, 909 Indian River Avenue, questioned whether there were any provisions for exceptions to the ordinance. City Manager Ryan advised there were not.

Mayor Tulley closed the public hearing.

**Motion:**

Vice-Mayor Eigenmann moved to approve Ordinance No. 45-2009 as recommended. Member Johnson seconded the motion.

The roll call was:

|                      |     |
|----------------------|-----|
| Vice-Mayor Eigenmann | Yes |
| Mayor Tulley         | Yes |

|                |     |
|----------------|-----|
| Member Secor   | Yes |
| Member Johnson | Yes |
| Member Long    | Yes |

The motion carried unanimously.

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Ordinance No. 49-2009 – Urban Mixed Use Zoning

City Attorney Severs read ORDINANCE NO. 49-2009, AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING THE URBAN MIXED USE DISTRICT BY AMENDING SECTION 59-682 “PERMITTED PRINCIPAL USES” BY DELETING CERTAIN USES AND ADDING NEW USES; AMENDING SECTION 59-684 “CONDITIONAL USES” BY DELETING CERTAIN USES AND ADDING NEW USES; AMENDING SECTION 59-685 TO PROHIBIT INDUSTRIAL USES; AMENDING SECTION 59-686 BY DELETING CERTAIN DENSITY PROVISIONS; AMENDING SECTION 59-687 BY AMENDING HEIGHT, YARD AND AREA REQUIREMENTS FOR TOWNHOUSE AND DUPLEX; AMENDING SECTION 59-687 TO AMEND THE MINIMUM LIVING AREA REQUIREMENTS: DELETING SECTION 59-689 “GENERAL PROVISIONS”; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

This was the second and final public hearing.

City Manager Ryan highlighted as followed:

On January 13, 2009, City Council provided staff with advisability to begin workshops with the community to address a number of land use and zoning issues in the Urban Mixed Use Land Use Category and Zoning District. Staff recommended that major changes be made to the Land Use Policies and Zoning District Regulations that would assist the City’s efforts to contribute to affordable housing and commercial projects, which would keep within the character of the historical development trends in the area.

The Urban Mixed Use (UMU) zoning district allowed residential, commercial and industrial uses in any part of the district. The mixture of industrial uses in close proximity of residential uses was usually considered incompatible and was not normally recommended. In 2004, the City removed Industrial uses as an allowable use for the Urban Mixed Use Land Use category in the Comprehensive Plan. However, Industrial uses still remained as a listed permitted use in the UMU Zoning District.

Since the removal of Industrial uses in the Comprehensive Plan left many non-conforming industrial businesses, staff received direction from Council on June 24, 2008 to establish an industrial target area bounded by the old FEC railroad tracks, Main Street, Deleon and Orange Street. Most of the properties within that area were already Industrial uses and the meetings held on February 5, 2009 and April 1, 2009 with the property owners was positive and welcomed. Staff included the land use and zoning change as

part of the second package of large scale amendments of 2009, which was adopted by City Council on October 27, 2009.

Also adopted on October 27, 2009 was a text amendment to the UMU Comprehensive Plan policies eliminating the following policy: “Non-residential uses shall be limited to areas adjacent to collector or higher roadways.”

This policy was eliminated to allow some neighborhood oriented commercial uses within the UMU area with direction from City Council to include provisions in the *Land Development Regulations* that restrict the location of Commercial uses as permitted uses to the intersection of Deleon and Park Avenue and provide for a conditional use process for Commercial uses to locate in other areas of the zoning district.

Staff held workshops with the community regarding the residential lot and site dimension requirements. Staff was recommending amending many of these requirements to allow for infill residential development on the existing platted lots in the UMU Zoning District. Staff also included dimension requirements for commercial development, which currently did not exist at all in the UMU Zoning District.

Additionally, staff discussed in the workshops the need to sensitively address the rights of the current industrial property owners that remain the UMU Zoning District Area (properties not included in the area changed to Industrial). Staff agreed to recommend that those properties be allowed to continue in the area as permitted uses, rather than non-conforming uses, to address the concerns of the owners that wish to expand in the future and wish to make major renovations.

Planning and Growth Management Director Courtney Barker advised staff requested a modification to Code Section 59-682 Permitted Principal Uses, to the Specific Conditions, Restrictions and Requirements listed under Industrial uses, as followed: “Must be on property with an approved Industrial use existing as of December 8, 2009 to read “Must be on property with an approved industrial use existing prior to December 8, 2009.

Mayor Tulley opened the public hearing.

Ray Smith, 2764 Hillcrest, opposed the ordinance. Mr. Smith requested that the following statement be added into the minutes: “I consider this inverse condemnation and a public taking of my property at 1211 Main Street.”

Motion:

Member Secor moved to allow Mr. Smith additional two (2) minutes to speak. Vice-Mayor seconded the motion. The motion carried unanimously.

Mr. Smith continued to speak against the ordinance stating that the city gets revenue off his property that requires no city services.

Mayor Tulley closed the public hearing.

Motion:

Member Secor moved to approve Ordinance No. 49-2009 as modified. The modification included a change to the Code Section 59-682 Permitted Principal uses, to the Specific Conditions, Restrictions and Requirements listed under Industrial Uses, as followed: “Must be on property with an approved Industrial use existing prior to December 8, 2009”. Member Long seconded the motion.

The roll call was:

|                      |     |
|----------------------|-----|
| Mayor Tulley         | Yes |
| Member Secor         | Yes |
| Member Johnson       | Yes |
| Member Long          | Yes |
| Vice-Mayor Eigenmann | Yes |

The motion carried unanimously.

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ORDINANCE-FIRST READING –City Attorney Severs read the following ordinances the first time by title only.

ORDINANCE NO. 1-2010 - AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING THE CODE OF ORDINANCE BY AMENDING ORDINANCE NO. 60-1988 WHICH ADOPTED THE COMPREHENSIVE PLAN OF THE CITY, BY AMENDING THE CAPITAL IMPROVEMENT ELEMENT BY UPDATING THE FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS PROGRAM; AMENDING THE PUBLIC SCHOOL FACILITIES ELEMENT RELATING TO THE FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE, and

ORDINANCE NO. 2-2010 – AN ORDINANCE OF THE CITY OF TITUSVILLE, BREVARD COUNTY, FLORIDA IMPOSING A MORATORIUM (DEFERMENT) ON THE COLLECTION OF TRANSPORTATION IMPACT FEES FROM RESIDENTIAL OR COMMERCIAL PROJECTS IMPOSED PURSUANT TO SECTION 47-314 OF THE LAND DEVELOPMENT REGULATIONS; PROVIDING FOR FINDINGS AND PURPOSE; PROVIDING AN EXPIRATION DATE FOR THE MORATORIUM (DEFERMENT); AND PROVIDING AN EFFECTIVE DATE.

Mike Werner, 3810 Oakhill Drive, resident and president of the SECD, stated his board unanimously supported the moratorium of impact fees. He felt that if the moratorium was approved, growth would provide more jobs and increase tax revenues.

Michael D. Powell, 355 Golden Knights Blvd., Executive Director of the Airport Authority and President Elect to serve on the Board of Directors of The Space Coast Economical Commission, advised that when trying to get large organizations into the

area, the Airport Authority always expressed concern with large impact fees. In the capacity of serving on the Space Coast Environmental Commission Board, he felt the impact fees were hurting the people trying to make a living.

Jim Garrison, 149 Harrison St., requested at least a minimum of a two (2) year moratorium for impact fees. He commented on how impact fees affected new businesses trying to get established.

Discussion ensued on impact fees and the benefits of a moratorium.

Michael Colman, 1001 Tropic St., spoke in favor of the moratorium for impact fees.

Curt Leady, 3565 Sawgrass Drive, advised that new businesses would go to cities with no impact fees. He volunteered to meet with Council or set up a group to discuss looking at the moratorium for impact fees.

J.J. Parrish, III, 909 Indian River Ave., spoke in favor of the moratorium for impact fees.

Ray Smith, 2764 Hillcrest Drive, commented on the history of how moratoriums on impact fees affected the City.

Daniel Treder, 2110 S. Washington Avenue, advised that a committee should be formed to further discuss the moratorium for impact fees.

City Manager Ryan advised that an email was received from Patrick Connor advising he was in favor of the moratorium for impact fees.

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OLD BUSINESS - None

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Council recessed for 5 minutes.

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NEW BUSINESS

This following item was moved from the consent agenda to new business.

- I. Offer from the Florida Department of Transportation to Purchase a Portion of City owned Property West of I-95 for a Retention Area –Authorize the Mayor to execute an agreement for the purchase of a portion of a 1.79 acre parcel owned by the City located on the west side of I-95 approximately five hundred feet north of Garden Street after the City completes the negotiations with the Florida Department of Transportation.

Mayor Tulley asked for clarification on how large of a portion of the parcel was in question.

Water Resources Assistant Director Sean Stauffer advised that the portion was approximately .2 acres.

Water Resources Assistant Director Stauffer advised that approximately two years ago, the city received plans from Florida Department of Transportation (FDOT). After completing an engineering review of FDOT's plans, there were concerns that the plans did not follow staff's recommendations and areas of critical concern. Staff would like to meet with FDOT again to further negotiate ways of moving the location of the retention pond and perhaps work on other opportunities to lessen the impacts.

Motion:

Vice-Mayor Eigenmann moved to authorize staff to negotiate with the Florida Department of Transportation regarding purchasing a portion of city owned property west of I-95 for a retention area, and directed staff to return to Council with the results. Member Johnson seconded the motion. The motion carried unanimously.

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Selection of a Vice-Mayor

Member Long nominated Vice-Mayor Eigenmann to continue serving as the Vice-Mayor.

Member Secor nominated Member Johnson to serve as the Vice-Mayor.

Vice-Mayor Eigenmann accepted the nomination.

Member Johnson asked Member Secor to withdraw his nomination. Member Secor withdrew the nomination.

The vote to elect Vice-Mayor Eigenmann to continue serving as the Vice-Mayor carried unanimously.

Discussion on changing the seating of the Council as completed in previous years ensued. Member Long requested that she be moved next to City Attorney Severs. Mayor Tulley confirmed that Member Long would be moved next to City Attorney Severs and Member Johnson would be moved next to City Manager Ryan beginning at the next City Council meeting.

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Advisability for items to Include in the Comprehensive Plan Amendment (CPA) Large Scale No. 2010-02 Transmittal Package – City Manager Ryan highlighted the request

was for Council to approve a recommended list for items to include in the CPA No. 2010-02 Transmittal Package as outlined in the report. Staff was seeking direction from Council.

Vice-Mayor Eigenmann asked for clarification as to the amendment that read as followed: “Research the possibility of having a moratorium on a mobility funding strategy if the strategy was included in the Comprehensive Plan.”

Planning and Growth Management Director Barker advised that it was added to research and address the issue of mobility funding.

Member Long asked that when Council looked at the Planned Unit Development (PUD) that it be looked at in its entirety.

Motion:

Vice-Mayor Eigenmann moved to approve advisability for items to include in the Comprehensive Plan Amendment Large Scale No. 2010-02 Transmittal package as modified. Council directed staff to examine the purpose and intent of Planned Unit Development (PUD) code requirements for consistency purposes, and provide changes deemed necessary. Council also directed staff to make clearer cross references between policies within the elements contained in the Comprehensive Plan. Member Secor seconded the motion. The motion carried unanimously.

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Ratification of the IAFF Local 2445’s Collective Bargaining Agreement – City Manager Ryan highlighted as followed:

Staff recommended that Council ratify the collecting bargaining agreement between the City of Titusville, Florida and the IAFF Local 2445 for the period of October 1, 2008 through September 30, 2011.

Motion:

Vice-Mayor Eigenmann moved to accept the IAFF Local 2445’s Collective Bargaining Agreement as recommended. Member Long seconded the motion. The motion carried unanimously.

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PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT (OPEN FORUM)

JC Brannum, Titusville, recommended assigning Vice-Mayor Eigenmann as the official ambassador of Titusville. He also advised that he would like to see the chamber full with people interested in what was going on in the City of Titusville and not full with just issues.

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Ray Smith, 2764 Hillcrest, commented on the power poles that were removed from Tropic Street. Mr. Smith asked Council for direction as to how to clean up the utility easements.

Mayor Tulley advised this was a FPL issue.

Mr. Smith commented that an ordinance was needed to control utility easements to assist with curb appeal.

City Manager Ryan would set up a meeting with Mayor Tulley, Mr. Sanderson, FPL, and himself to discuss utility easements.

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MAYOR AND COUNCIL REPORTS – Mayor Tulley submitted his written report.

Mayor Tulley advised that he was visiting organizations to invite them to sponsor clean-up days. He also advised that he would be cleaning up trash on roadways one (1) day a week and invited anyone interested to join him. His location for the clean-up days would be posted on the City’s Web Page.

Member Johnson advised the Christmas on the Green at LaCita Country Club would be held on Sunday, December 13, 2009, from 3 p.m. to 5 p.m.

Vice-Mayor Eigenmann requested City Manager Ryan inquire about a past trip to China that some representatives in the County had gone to and inquire what benefit if any they received out of the trip and if there was anything they wanted to share with the City Council.

Member Long advised that other communities have made available strips of roads with signs that civic organizations own and inquired whether that approach was taken in the city. Mayor Tulley advised that it was available and was called Adopt a Road Program.

City Manager Ryan advised that anyone interested in the Adopt a Road Program should contact his office for additional information.

Member Long suggested having more “It’s Illegal to Litter” signs put along Titusville’s roadways.

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CITY MANAGER’S REPORT – City Manager Ryan submitted his written report and highlighted as followed:

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Authorization to Bid on Acquiring a Tax Deed for 1240 South Deleon Avenue.

On December 17, 2009, there was a tax deed sale that would include property at 1240 South Deleon Avenue. This property had a structure known as the Grey Coach Inn until two years ago when the City demolished the structure, which was declared a public nuisance. The Neighborhood Services Department was interested in purchasing this property for future redevelopment, as this property was in close proximity to 1520 South Deleon Avenue (Inspiration Point) and other target properties for redevelopment. Staff was requesting the approval to bid on the property using Community Development Block Grant funds up to \$20,000.

Motion:

Member Long moved to authorize staff to bid on acquiring a tax deed for 1240 South Deleon Avenue using Community Development Block Grant Funds up to \$20,000. Member Johnson seconded the motion. The motion carried unanimously.

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Strategic Planning Process and Citizen Advisory Committee

At the October 27, 2009 City Council Meeting, City Manager Ryan initiated a discussion concerning the FY 2011 Strategic Planning Process. This resulted in a consensus that the Strategic Planning Process should include the following:

- (a) Visioning implementation
- (b) Feedback – what is working and what is not working
- (c) Citizen meetings should lead into the budget process
- (d) Legislative priorities – Provide guidance with prioritizing
- (e) Develop a Citizen Advisory Committee

Mayor Tulley and City Manager Ryan met with Marilyn Crotty with the Florida Institute of Government concerning Council's desire to hold a session with residents and businesses in advance of the annual Strategic Planning Workshop. Ms. Crotty has indicated that she was comfortable facilitating this workshop and bringing forth the information generated with the citizens and businesses to the follow-up workshop. City Manager Ryan recommended the meeting with the citizens and businesses to be held on Saturday, February 6, 2010 with Ms. Crotty facilitating the event.

The follow-up meeting with the City's Executive Leadership Team for the development of the FY 2011 Strategic Plan would be held on Saturday, February 27, 2010.

Additionally, at the October 27, 2009 meeting, City Council asked for research of other communities that utilize a Citizens' Advisory Committee (CAC). City Clerk Wanda Wells reached out to her colleagues (see attached table) and learned that only three municipalities had a CAC (Melbourne, Rockledge, and West Melbourne). The Melbourne CAC duties related to planning and evaluation of federal and/or state funded housing programs. The Rockledge CAC duties were limited to reviewing Comprehensive Plan Amendments and commenting on planning studies. The West

Melbourne CAC was a formal committee to aid and support the development and execution of workable programs for community improvement (see attached by-laws).

Additionally, the City of Titusville previously utilized a CAC and I am attaching a copy of the by-laws that existed at that time.

Therefore, it appears only one community currently utilizes a CAC in the manner contemplated in the discussions on October 27, 2009. At this time, it would be appropriate to provide further direction on whether you desire to continue exploring implement a CAC here in Titusville

Discussion on the Strategic Planning Process ensued including what was expected out of the session.

Motion:

Vice-Mayor Eigenmann moved to extend the meeting for an additional 15 minutes. Member Secor seconded the motion. The motion carried unanimously.

Council authorized a special workshop/session with residents and businesses in advance of the annual Strategic Planning Workshop on February 6, 2010, which would be facilitated by Marilyn Crotty of the Florida Institute of Government. Council also authorized the follow-up meeting with the City's Executive Leadership Team for the development of the FY 2011 Strategic Plan on Saturday, February 27, 2010. Additionally, council requested additional information regarding the objectives of a CAC and the legalities of having a CAC. This information would be provided to Council at the next council meeting.

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Space Coast league of Cities Resolution on Off-shore Oil Drilling

At their November 9, 2009, meeting the Florida League of Cities voted to adopt the attached resolution opposing the removal of the moratorium for off-shore oil drilling, protecting Florida's beaches and tourism industry through the continuation of this moratorium, and supporting the search for alternative energy sources. At the November 19-20, 2009 Florida League of Cities Legislative Conference, the league adopted the following legislative policy statement.

The Florida League of Cities would not support legislation that authorizes oil and gas exploration within Florida's territorial waters until an unbiased study commission comprised of scientists, local governments, business interests, and other experts and interested parties has analyzed the economic and environmental impacts resulting from all new energy sources, including solar, tidal, biomass, and other alternative options, as well as oil and gas exploration within Florida's territorial waters.

At this time, it would be appropriate to determine whether you desire to adopt a resolution similar to the one adopted by the Space Coast League of Cities or a resolution supporting the policy statement adopted by the Florida League of Cities at their November Legislative Conference. Alternatively, you could choose not to take a position on this issue.

Motion:

Member Johnson moved to write a resolution comparable to the state resolution language. Member Secor seconded the motion.

Discussion ensued over the wording of a statement in the legislative policy adopted by the Florida League of Cities.

Motion:

Vice-Mayor Eigenmann moved to extend the meeting until 11:00 pm. Member Secor seconded the motion. The motion carried unanimously.

Council requested further clarification regarding energy resources and an in depth study noted in the resolution and policy statement adopted by the Space Coast League of Cities.

Member Johnson withdrew his previous motion.

Motion:

Member Johnson moved to direct staff to modify language in the report regarding the Space Coast League of Cities resolution on Off-shore Oil Drilling, which would clarify questions made by Council regarding energy resources and an in depth study noted in the resolution and policy statement adopted by the Space Coast League of Cities in November 2009. Member Secor seconded the motion. The motion carried unanimously.

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Area IV Wellfield Wetland Mitigation

As you were aware, the City Council had appropriated \$5,000,000 in the Fiscal Year 2009-2010 Annual Budget (Adopted Budget, Page 144, Project WR0905) for the construction of the Area IV Wellfield. This project involved limited impacts to wetlands, most of which were temporary in nature. As a result of these impacts, in accordance with the requirements to obtain permits from the Florida Department of Environmental Protection (FDEP) and US Army Corps of Engineers (USACOE), it would be necessary to secure 0.6 wetland mitigation credits from a wetland mitigation bank and the cost of these credits was \$24,000.

The Miami Corporation had such a mitigation bank and the attached credit reservation and purchase agreement was submitted to the Miami Corporation and the city was advised that it was recommended for approval. Once it was executed by the Miami Corporation, it would be submitted to the City for execution. Section 2-181 of the City Code authorized the City Manager to execute purchase orders and contracts for capital

outlay valued less than \$50,000, which were budgeted items and which do not exceed the current fiscal year's budget. Unless directed otherwise, the City Manager would sign the agreement in accordance with this purchasing limit authority.

Once this document was executed by both parties, the mitigation bank would provide a letter to the FDEP that credits were reserved. This action would then enable the FDEP and, in turn, the USACOE to issue the necessary permits.

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Response to Citizen Comments on Concrete Cutting and Concrete Crushing Contracts

At the November 24, 2009 Regular City Council Meeting, a citizen spoke concerning contracts entered into by the City Manager. It was implied in the citizen's presentation that the City Manager circumvented the City Code limiting his authority to execute contracts above \$15,000 by executing two separate contracts, \$9,000 each, for one project.

On June 24, 2009, the City Manager entered into a contract on behalf of the City (attached) with Big T Mid Florida of Geneva, Florida for \$9,000 to saw cut more than 3,000 lineal feet of roadway along Hopkins Avenue to allow the Titusville Water Resources Department to install of a new water main that was necessitated by the US 1 Streetscaping Project.

On August 27, 2009, the City Manager entered into a contract on behalf of the city (attached) with Set Materials, Inc. of Ormond Beach, Florida for \$9,350 to crush 10,900 tons of clean concrete debris stock piled at our Public Works Facility for roadway base for projects, such as the cul-de-sac on Ponce Deleon. This crushing operation saved the City of Titusville more than \$52,000 by not having to purchase roadway base for the Ponce Deleon construction and the cost to haul the concrete debris from municipal projects to the landfill.

As you can see, they were two separate and distinct contracts for two separate and distinct projects. One vendor was in Geneva, Florida and one vendor was in Ormond Beach, Florida. Regrettably, it was portrayed to the City Council and citizens watching that staff had acted in an inappropriate manner.

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CITY ATTORNEY'S REPORT – At a previous meeting, Council requested City Attorney Severs researched whether their procedures for adjourning the meetings were correct. City Attorney Severs clarified that the Council was correct in the adjournment procedures that they were following according to Roberts Rules of Order.

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City Attorney Severs advised that he received an email from Member Long inquiring about a legal opinion dealing with the impact of Hometown Democracy, which he would supply his response to all of Council at a later date.

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With no further business, the meeting adjourned at 11:00 p.m.

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James H. Tulley, Jr., Mayor

ATTEST:

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Wanda F. Wells, City Clerk