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, July 10, 2018.

Mayor Walt Johnson called the meeting to order at 6:45 p.m. Present were Mayor Walt Johnson, Vice-Mayor Matthew Barringer and Members Dan Diesel, and Jo Lynn Nelson. Also in attendance were City Manager Scott Larese, City Attorney Richard Broome, and City Clerk Wanda Wells. Sr. Administrative Assistant Debbie Denman completed the minutes. Member Sarah Stoeckel was absent.

Stan Johnston was present at the meeting and gave the invocation. Mayor Johnson then led those present in the Pledge of Allegiance.

MINUTES

Motion:
Member Nelson moved to approve the minutes of the regular City Council meetings on May 22, 2018 (5:30 p.m.) and May 22, 2018 (6:30 p.m.), as written. Vice-Mayor Barringer seconded the motion. The motion carried unanimously.

SPECIAL RECOGNITIONS & PRESENTATIONS - None

BOARDS AND COMMISSIONS

Municipal Code Enforcement Board – City Manager Larese advised that the request was to accept the resignation of Municipal Code Enforcement Board Alternate Member Antonnina (Nina) Upton (Realtor), for an unexpired term that would expire on October 31, 2020. Due to this resignation, there was one vacancy for an alternate member with a term to expire on October 31, 2020. There were no applications on file for Council's consideration.
Motion:
Member Nelson moved to accept the resignation of Alternate Member Antonnina (Nina) Upton from the Municipal Code Enforcement Board for an unexpired term that would expire on October 31, 2020, as requested. Member Diesel seconded the motion. The motion carried unanimously.

xxx

Historic Preservation Board – City Manager Larese advised that the request was to accept the Historic Preservation Board’s Semi-Annual Report, as written.

Motion:
Member Nelson moved to accept the Historic Preservation Board’s Semi-Annual Report, as written. Vice-Mayor Barringer seconded the motion. The motion carried unanimously.

xxx

PETITIONS AND REQUEST FROM THE PUBLIC PRESENT (OPEN FORUM)

Loys Ward stated that he was speaking on behalf of his client Steven Johnson and submitted a handout for the public record, regarding the Johnson Property on Parker Drive. Mr. Ward advised that his client was denied a building permit for a residence on a lot because it was located on an unpaved road and the current Code did not allow his request.

xxx

Motion:
Member Nelson moved to allow Loys Ward an additional three (3) minutes to speak. Member Diesel seconded the motion. The motion carried unanimously.

xxx

Mr. Ward highlighted the difficulties his client was having in trying to secure a building permit. He asked that Council direct staff to work with him and his client to process the building permit.

Community Development Director Peggy Busacca stated that the code required that a parcel be located on a City street. The parcel Mr. Ward referred to was on a right-of-way that was unimproved. She advised that Mr. Ward had submitted variances and if approved, the parcel would become a flag lot and the flag stem would front on a City maintained street, as required by code.

City Attorney Broome highlighted the approval process for a building permit.

Mr. Ward requested that staff provide the Code that stated that the street needed to be paved in order to get the building permit. He requested Council direct the Building Department through the City Manager to process the permits and then any issues would be resolved by the Code.

xxx
Shannon Johnson advised that this was his family’s property and that he was the one trying to build the house. He provided background information on the property in question.

Mayor Johnson requested staff work with the applicant to possibly provide a denial letter that would allow him to submit an application to the Board of Adjustments and Appeals.

xxx

Lisa McCotter provided a handout to the Council regarding Conditional Use Permit (CUP) No. 1-2018 – Event Center (3550 South Washington Avenue) that was previously approved by Council. She expressed concern on the requirement of occupancy that was changed to 550, when she applied for a permit.

xxx

Motion:
Member Diesel moved to allow Lisa McCotter an additional three (3) minutes to speak. Member Nelson seconded the motion. The motion carried unanimously.

xxx

Ms. McCotter stated that changing the occupancy meant more bathrooms would be needed which might put the project in jeopardy. She asked for Council’s assistance.

xxx

Jesse Wright commented on the Conditional Use Permit (CUP) No. 1-2018 – Event Center (3550 South Washington Avenue) and advised that he would like to withdraw the request and down size the occupancy to 200.

xxx

Motion:
Member Nelson moved to allow Jesse Wright an additional three (3) minutes to speak. Member Diesel seconded the motion. The motion carried unanimously.

xxx

Mr. Wright advised that there had been confusion after meeting with the Building Official. He thought that after he dropped his request down to 200 that the request was approved and he could move forward. Mr. Wright advised that the process was taking too long and he needed to move forward with filling other vacancies in the Titusville Mall.

Council requested Ms. McCotter and Mr. Wright work with staff to submit an application with the Board of Adjustments and Appeals to appeal the decision.
Sara Tillinger stated that she was before Council regarding legal cultivation and distribution of medical marijuana. She advised that she represented a group of business people who were interested in establishing a state of the art cultivation facility in Titusville.

xxx

Motion:
Member Nelson moved to allow Sara Tillinger one (1) additional minute to speak. Member Diesel seconded the motion. The motion carried unanimously.

xxx

Ms. Tillinger requested a meeting with City Officials to seek approval and discuss a cultivation operation further.

Community Development Director Busacca, advised that the State regulated everything but, the dispensaries.

xxx

Stan Johnston provided the Council a handout of an email from June 29, 2018 regarding a Letter of Map Revision (LOMR). He asked that Council contact him to set up a meeting to discuss the LOMR.

xxx

Joe Hill provided a handout to the Council of pictures regarding Power Pole Installation, 2920 South Hopkins Avenue, Titusville and expressed his concern that the light pole was installed in his parking lot. He stated that other business had also been affected by the installation of the light poles.

Community Development Director Busacca advised that the site inspector was aware of the issues and was working with Florida Power and Light to have it corrected.

xxx

Patricia Tooming requested to speak on an item that was currently on the agenda and Council advised she would need to wait to speak when the item was heard.

xxx

CONSENT AGENDA

Vice-Mayor Barringer requested to vote on Consent Agenda Item D separately.
City Manager Larese advised that there were public speaking cards for Consent Agenda Items D, F, and I.

Consent Agenda was read as followed by City Manager Larese.

A. Donation of City-Owned Property Located at 550 South Brown Avenue for Affordable Housing Development - Approve donation and conveyance of property located at 550 South Brown Avenue for affordable rental housing development, and authorize the Mayor to sign the Developer Agreement, Land Use Restriction Agreement, and the Deed.

B. Replacement of 4 Chlorine Tanks at the Mourning Dove Water Treatment Plant - Approve award of Bid No. 18-B-026 to Ryan Herco Flow Solutions of Orlando, FL for the purchase of three (3000 gal) Chlorine storage tanks and one (2500 gal) chlorine storage tank in the amount of $25,500 and authorize the City Manager to issue the purchase order necessary for this purchase.

C. Titusville Environmental Commission (TEC) - Leave of Absence - Approve the request for a leave of absence for TEC Chairman Jim Yount from June 2018 to August 2018.

D. Advisability to Consider Amending Minimum Living Areas and the Minimum Acreage requirement in the Planned Development Zoning Option - Approve advisability to amend Section 33-6(a)(3) Minimum Living Areas for residential units in a Planned Development and Section 33-4(a) Minimum Land Area Required for a Planned Development.

E. Amendment One to Grant Agreement between the Department of Economic Opportunity and the City of Titusville - Approve the Mayor to sign Amendment One to grant agreement approved and signed on February 27, 2018, Resolution 4-2018 - DEO Agreement No. G0018.

F. Area II Wellfield Raw Water Main Work Order for Maintenance Services - Approve the award of Work Order BFAWR003 to Barnes, Ferland, and Associates, Inc. in the amount of $145,955.01 to provide engineering consulting services including, but not limited to, the preparation of design drawings and specifications, permitting, bidding assistance and construction administration services for the Area II Wellfield Raw Water Main Maintenance Project; and authorize the Mayor to execute the Work Order.

G. Award of Contract for Field Operations Aluminum Awning Replacement - Approve the budget amendment, and the award of a contract for Bid No. 18-B-039 to Brevard Aluminum Construction Company, Inc. of Titusville, FL in the amount of $19,310 to replace the Field Operations aluminum awning including structure and lighting; and authorize the City Manager to execute the contract subject to the resolution of the contract terms by the City Attorney.

H. Authorization for the Renewal of the Mutual Aid Agreement for Fire Services Between the Titusville Fire Department, NASA and the Kennedy Space Center - Authorize the renewal of the Mutual Aid Agreement for fire services between the Titusville Fire Department,
NASA and the Kennedy Space Center for a period of (5) five years, and to authorize the City Manager to execute the agreement.

I. Rail Trail Utility Relocations and Repairs – Approve the budget amendment included in the agenda package and to increase the purchase order authorization for Danella Construction Corporation of Florida (Danella) by $50,000 for Vendor of Record relocations and repairs to City water system utilities associated with the Florida East Central Regional Rail Trail (Rail Trail) construction project; and authorize the City Manager to put in place the instruments necessary to engage Contractor.

J. Continuing Consultant Service Contract - Continuing Consultant Contract Award For RFQ #17-Q-30 Code 118, Municipal Regulatory Review - Approve, subject to the resolution of the contract terms by the City Attorney and City Manager, the award of contract to the top ranked firm Kimley-Horn Associates, Inc. to provide Continuing Engineering Consultants services for RFQ #17-Q-30 Code 118, Municipal Regulatory Review services during a three (3) year initial term with two (2) optional one (1) year extensions; and authorize the Mayor to execute the contract.

K. Resolution No. 15-2018 - Amendment to the State of Florida Area IV Wellfield Utility Easement No. 31892 - Approve Resolution No. 15-2018, Amendment to State of Florida Area IV Wellfield Utility Easement No. 31892, requesting the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida to amend or replace existing Easement No. 31892 to accommodate as-built locations of the City water utilities for the Area IV Wellfield.


Motion:
Member Nelson moved to approve Consent Agenda Items A, C, E, G, H, and J through L in accordance with recommendations. Member Diesel seconded the motion.

The roll call was:

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<tr>
<td>Member Diesel</td>
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<td>Member Nelson</td>
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<td>Mayor Johnson</td>
<td>Yes</td>
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<td>Vice-Mayor Barringer</td>
<td>Yes</td>
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The motion carried unanimously.

Consent Agenda Item B was not included in the motion; therefore a separate vote was requested by the City Attorney.
Motion:
Member Nelson moved to approve Consent Agenda Item B in accordance with recommendations. Member Diesel seconded the motion. The motion carried unanimously.

xxx

Consent Agenda Item D - Advisability to Consider Amending Minimum Living Areas and the Minimum Acreage requirement in the Planned Development Zoning Option

Vice-Mayor Barringer asked for additional information regarding Code Section 33-6 Internal yard and bulk requirement, a. Single-family, nine hundred (900) square feet.

Community Development Director Busacca stated that it was the current Code requirement.

Vice-Mayor Barringer asked that the requirements for a tiny home community be more clearly distinguished.

Kathleen Burson stated she was confused about this item and asked for further clarification.

Community Development Director Busacca provided further clarification to the Planning Development Zoning Option and advised that staff desired to further explore that option.

Ms. Burson stated that she would like to see criteria for open space.

Brett Hiltrand stated that he was the owner of Corner Stone Tiny Homes, Longwood Florida, and provided background information on the company, on the tiny homes, and the need for them. He asked that Council take steps to allow for a new affordable housing solution.

xxx

Motion:
Member Nelson moved to allow Brett Hiltrand one (1) additional minute to speak. Member Diesel seconded the motion. The motion carried unanimously.

xxx

Mr. Hiltrand provided further information on tiny homes and asked that the Council approve a Planned Development to allow tiny homes.

John Carroll stated that he was from Longwood, Florida and that he would like to bring a concept to Titusville that would allow people to buy a home in a neighborhood that they could afford. He felt there was a need and desire for tiny homes. He asked that Council approve this item.

Motion:
Member Nelson moved to approve Consent Agenda Item D - advisability to consider amending Minimum Living Areas and the Minimum Acreage requirement in the Planned Development
Zoning Option, in accordance with recommendations. Vice-Mayor Barringer seconded the motion. The motion carried unanimously.

xxx

Consent Agenda Item F - Area II Wellfield Raw Water Main Work Order for Maintenance Services

Stan Johnston stated that he was against this item and that he felt that the problem needed to be identified before the maintenance.

Motion:
Member Nelson moved to approve Consent Agenda Item F - Area II Wellfield Raw Water Main Work Order for Maintenance Services, in accordance with recommendations. Member Diesel seconded the motion. The motion carried unanimously.

xxx

Consent Agenda I - Rail Trail Utility Relocations and Repairs

Stan Johnston commented on previous problems on the Rail Trail regarding fiber optic damages and felt this item should be researched further.

City Attorney Broome advised that there were damages to the trail and that the responsible parties were contacted and money was recovered to pay for those damages.

Motion:
Member Nelson moved to approve Consent Agenda Item I - Rail Trail Utility Relocations and Repairs, in accordance with recommendations. Vice-Mayor Barringer seconded the motion. The motion carried unanimously.

xxx

ORDINANCES-SECOND READING, PUBLIC HEARINGS & RELATED ACTION

Ordinance No. 23-2018 Relating to Assembly Uses - Recreational and Commercial Amusement and Churches

City Attorney Broome read ORDINANCE NO. 23-2018, AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS RELATING TO ASSEMBLY USES - RECREATIONAL AND COMMERCIAL AMUSEMENT, AND CHURCHES IN THE GENERAL USE (GU) ZONING DISTRICT; SPECIFICALLY AMENDING SECTION 28-54 “USE TABLE” TO ADD “RECREATION AND COMMERCIAL AMUSEMENT (INDOOR)” AS A CONDITIONAL USE, AMENDING SECTION 28-236 “CHURCH” TO ADD CHURCHES AS A CONDITIONAL USE, AND AMENDING SECTION 28-275 “RECREATION AND COMMERCIAL AMUSEMENT
(INDOOR)" TO DEFINE STANDARDS FOR CONDITIONAL USES; PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES; AN EFFECTIVE DATE; AND INCORPORATION INTO THE LAND DEVELOPMENT REGULATIONS, the second time by title only.

The Planning and Zoning Commission recommended approval, 4-0.

City Manager Larese highlighted the request included in the agenda package.

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

Motion:
Member Nelson moved to approve Ordinance No. 23-2018 Relating to Assembly Uses - Recreational and Commercial Amusement and Churches, as recommended. Member Diesel seconded the motion.

The roll call was:

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<tr>
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<td>Vice-Mayor Barringer</td>
<td>Yes</td>
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<td>Member Diesel</td>
<td>Yes</td>
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The motion carried unanimously.

xxx

Ordinance No. 24-2018 Relating to Community Centers

City Attorney Broome read ORDINANCE NO. 24-2018, AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS RELATING TO COMMUNITY CENTERS; SPECIFICALLY AMENDING SECTION 28-54 “USE TABLE” AND SECTION 28-238 “COMMUNITY CENTERS” TO EXPAND THE ZONING CLASSIFICATIONS IN WHICH COMMUNITY CENTERS ARE A PERMITTED, LIMITED OR CONDITIONAL USE AND PROVIDING FOR STANDARDS FOR COMMUNITY CENTERS AS A PERMITTED USE WITH LIMITATION AND A CONDITIONAL USE; PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES; AN EFFECTIVE DATE; AND INCORPORATION INTO THE LAND DEVELOPMENT REGULATIONS, the second time by title only.

The Planning and Zoning Commission recommended approval (4-0) with the following recommendations: (1) Delete residential zoning districts RE, RR, R-1A, R-1B and R-1C from consideration as allowable conditional uses; (2) Have a clear definition for "public agency"; and (3) The non-profits need to be approved as a conditional use on a case by case basis.

City Manager Larese highlighted the request included in the agenda package.
Mayor Johnson opened the public hearing. As no one wished to speak, the public hearing was closed.

Motion:
Member Nelson moved to approve Ordinance No. 24-2018 Relating to Community Centers, as recommended. Member Diesel seconded the motion.

The roll call was:

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<td>Member Diesel</td>
<td>Yes</td>
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<tr>
<td>Member Nelson</td>
<td>Yes</td>
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The motion carried unanimously.


The Planning and Zoning Commission recommended approval, 4-0.

City Manager Larese highlighted the request included in the agenda package.

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

Motion:
Member Nelson moved to approve Ordinance No. 25-2018 Relating to Airport and Airpark Regulations, as recommended. Vice-Mayor Barringer seconded the motion.
The roll call was:

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<tr>
<td>Vice-Mayor Barringer</td>
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<td>Member Nelson</td>
<td>Yes</td>
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<td>Mayor Johnson</td>
<td>Yes</td>
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The motion carried unanimously.

City Attorney Broome read the Quasi-Judicial Rules of Procedure.

Easement Vacation (EAS) No. 1-2018 – City Manager Larese advised that the Planning and Zoning Commission recommended approval of this item, 5-0.

A petition (Easement Vacation No. 1-2018) was received from Mike Cunningham to vacate a portion of a public utility and drainage easement. The easement was a combined 20’ public utility and drainage easement along the property line between lots 45 and 46, ending at the combined 50’ common ingress and egress easement. The easements were established as part of the Central Park Estates Plat, Plat Book 35 Pages 3 through 6, of the Brevard Clerk of Court Records. The applicant would unify both properties into one larger lot and requested to vacate a portion of the easement in order to accommodate the construction of one single family home in the uplands portion of the lots.

No objections were received regarding the requested vacation of the easement.

Mayor Johnson opened the public hearing.

Mike Cunningham advised that he was available for questions.

Casey Crouch advised that he was available for questions.

Mayor Johnson closed the public hearing.

Motion:
Member Nelson moved to approve Easement Vacation (EAS) No. 1-2018, as recommended. Vice-Mayor Barringer seconded the motion.

Member Nelson amended her motion to include the approval of Resolution No. 14-2018.

Vice-Mayor Barringer’s second held.
The roll call was:

Member Diesel  Yes
Member Nelson  Yes
Mayor Johnson  Yes
Vice-Mayor Barringer  Yes

The motion carried unanimously.

ORDINANCES-FIRST READING

Small Scale Comprehensive Plan Amendment (SSA) No. 2-2018

City Attorney Broome read ORDINANCE NO. 26-2018, AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING ORDINANCE NO. 60-1988, WHICH ADOPTED THE COMPREHENSIVE PLAN OF THE CITY OF TITUSVILLE, BY CHANGING THE LAND USE DESIGNATION ON AN APPROXIMATELY 3.22 ACRE PARCEL OF PROPERTY LOCATED ON THE NORTH SIDE OF FOX LAKE ROAD APPROXIMATELY 0.33 MILES EAST OF STATE ROAD 405 REPLACING THE CONSERVATION AND MEDIUM DENSITY RESIDENTIAL FUTURE LAND USE BOUNDARIES TO THE CONSERVATION AND MEDIUM DENSITY RESIDENTIAL FUTURE LAND USE BOUNDARIES TO MATCH THE BOUNDARIES OF THE SURVEYED WETLANDS; AND PROVIDING FOR AN EFFECTIVE DATE, and

ORDINANCE NO. 27-2018, AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, 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 REPLACING THE PRESENT OPEN SPACE AND RECREATION (OR) AND MULTIFAMILY MEDIUM DENSITY RESIDENTIAL (R-2) ZONING BOUNDARIES TO OPEN SPACE AND RECREATION (OR) AND SINGLE FAMILY MEDIUM DENSITY (R-1B) ZONING BOUNDARIES TO MATCH THE BOUNDARIES OF THE SURVEYED WETLANDS ON AN APPROXIMATELY 3.22 ACRE PARCEL OF PROPERTY LOCATED ON THE NORTH SIDE OF FOX LAKE ROAD APPROXIMATELY 0.33 MILES EAST OF STATE ROAD 405; AND PROVIDING FOR AN EFFECTIVE DATE, the first time by title only.

The Planning and Zoning Commission recommended approval 5:0.

The second reading and public hearing was scheduled for the regular City Council meeting on July 24, 2018 at 6:30 p.m.

Stan Johnston stated he was in favor of this item and asked that Council approve it.

xxx
Small Scale Comprehensive Plan Amendment (SSA) No. 3-2018

City Attorney Broome read ORDINANCE NO. 28-2018 AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING ORDINANCE NO. 60-1988, WHICH ADOPTED THE COMPREHENSIVE PLAN OF THE CITY OF TITUSVILLE, BY CHANGING THE LAND USE DESIGNATION ON APPROXIMATELY 2.62 ACRES OF PROPERTY LOCATED AT 3350 FOX LAKE ROAD REPLACING THE CONSERVATION AND MEDIUM DENSITY RESIDENTIAL FUTURE LAND USE BOUNDARIES TO THE CONSERVATION AND RESIDENTIAL-1 FUTURE LAND USE BOUNDARIES TO MATCH THE BOUNDARIES OF THE SURVEYED WETLANDS; AND PROVIDING FOR AN EFFECTIVE DATE, and

ORDINANCE NO. 29-2018, AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, 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 REPLACING THE PRESENT OPEN SPACE AND RECREATION (OR) AND MULTIFAMILY MEDIUM DENSITY RESIDENTIAL (R-2) ZONING BOUNDARIES TO OPEN SPACE AND RECREATION (OR) AND RESIDENTIAL ESTATE (RE) ZONING BOUNDARIES TO MATCH THE BOUNDARIES OF THE SURVEYED WETLANDS ON APPROXIMATELY 2.62 ACRES OF PROPERTY LOCATED AT 3350 FOX LAKE ROAD; AND PROVIDING FOR AN EFFECTIVE DATE, the first time by title only.

The Planning and Zoning Commission recommended approval 5:0.

The second reading and public hearing was scheduled for the regular City Council meeting on July 24, 2018 at 6:30 p.m.

Stan Johnston stated that he was in favor of this item and asked that Council consider waiving the fees.

Wade Parris stated that he owned the property in question. He advised that he had been trying to make improvements to his property for three years and it was very frustrating.

xxx

Ordinance No. 30-2018 to amend the Code of Ordinances for Water and Sewer Billing for Water-Cooled Air Conditioning

City Attorney Broome read ORDINANCE NO. 30-2018, AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 21 “UTILITIES”, ARTICLE IV “WATER AND SEWER RATES AND CHARGES AND BILLING PROCEDURE”, SPECIFICALLY AMENDING SECTION 21-241(3)(f) “SCHEDULE OF WATER AND SEWER CHARGES”; PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES, AN EFFECTIVE DATE AND INCORPORATION INTO THE CODE, the first time by title only.
The second reading and public hearing was scheduled for the regular City Council meeting on July 24, 2018 at 6:30 p.m.

xxx

Ordinance No. 31-2018 - Amending the scope and membership criteria for the Titusville Environmental Commission

City Attorney Broome read ORDINANCE NO. 31–2018, AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 31 ARTICLE IX, “TITUSVILLE ENVIRONMENTAL/WATER RESOURCES COMMISSION”, BY AMENDING SECTION 31-121 “POWERS AND DUTIES” TO INCLUDE ISSUES OF ENVIRONMENTAL SUSTAINABILITY; AND BY AMENDING SECTION 31-122 “APPOINTMENT AND TERMS OF OFFICE” TO AMEND SELECTION CRITERIA FOR APPOINTMENT OF MEMBERS; PROVIDING FOR SEVERABILITY; INCORPORATION INTO THE CODE, AND PROVIDING FOR AN EFFECTIVE DATE, the first time by title only.

The second reading and public hearing was scheduled for the regular City Council meeting on July 24, 2018 at 6:30 p.m.

Vice-Mayor Barringer requested that the Titusville Environmental Commission (TEC) be provided a copy of Ordinance No. 31-2018 prior to the City Council public hearing.

Community Development Director Busacca advised that there was a TEC meeting on July 11, 2018 and a copy of the ordinance would be provided to the TEC members.

xxx

Ordinance No. 32-2018 Relating to the Location of Accessory Structures on Deep Lots in Residential Zoning Districts

City Attorney Broome read ORDINANCE NO. 32-2018, AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 28 “ZONING”, SECTION 28-391 “RESIDENTIAL ACCESSORY BUILDINGS AND STRUCTURES” TO AMEND LOCATION REQUIREMENTS FOR ACCESSORY BUILDINGS AND STRUCTURES; PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES, AN EFFECTIVE DATE AND INCORPORATION INTO THE CODE, the first time by title only.

The second reading and public hearing was scheduled for the regular City Council meeting on July 24, 2018 at 6:30 p.m.

xxx
Ordinance No. 33-2018 Relating to Fences and Corner Lots

City Attorney Broome read ORDINANCE NO. 33-2018, AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA AMENDING THE CODE OF ORDINANCES RELATING TO FENCE PLACEMENT AND MATERIALS BY AMENDING CHAPTER 30 “DEVELOPMENT OPTIONS”, ARTICLE III “IMPROVEMENTS”, DIVISION 1 “SUBDIVISION – LOT AND BLOCK”, SECTION 30-139 “CORNER LOTS” BY CLARIFYING FRONT SETBACKS; BY AMENDING ARTICLE III, DIVISION 4 “FENCES/WALLS”, SECTION 30-181 “GENERAL PROVISIONS” AND SECTION 30-182 “HEIGHT AND LOCATION REQUIREMENTS”; AMENDING SECTION 37-1 “DEFINITIONS” TO AMEND THE DEFINITION OF CORNER LOT AND ADDING THE DEFINITION OF VISIBILITY TRIANGLE; PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES, AN EFFECTIVE DATE AND INCORPORATION INTO THE CODE, the first time by title only.

The second reading and public hearing was scheduled for the regular City Council meeting on July 24, 2018 at 6:30 p.m.

xxx

Ordinance No. 34-2018 Relating to Manufactured Homes and Manufactured Home Parks

City Attorney Broome read ORDINANCE NO. 34-2018, AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING THE CODE OF ORDINANCES RELATING TO RESIDENTIAL MANUFACTURED HOMES TO COMPLY WITH THE FLORIDA BUILDING CODE, AND REINSTATING MANUFACTURED HOME OPEN SPACE STANDARDS; SPECIFICALLY AMENDING SECTION 6-56 “CONSTRUCTION PERMIT REQUIRED; INSPECTION, APPROVAL PRIOR TO USE OR OCCUPANCY”, AND SECTION 28-309 “RESIDENTIAL MANUFACTURED HOUSING PARK (RMH-2)”; PROVIDING FOR SEVERABILITY; REPEAL OF CONFLICTING ORDINANCES; AN EFFECTIVE DATE; AND INCORPORATION INTO THE LAND DEVELOPMENT REGULATIONS, the first time by title only.

The second reading and public hearing was scheduled for the regular City Council meeting on July 24, 2018 at 6:30 p.m.

xxx

OLD BUSINESS - None

xxx

NEW BUSINESS

Code Board Attorney Selection Process and Interview Committee – City Manager Larese advised that the Municipal Code Enforcement Board requested that the City Council establish the composition of the selection and interview committee for the replacement of the City’s Code
Enforcement Board Attorney, prior to the appointment of this position by City Council, which committee was requested to include the following members: a representative from the City Attorney's Office, current Board Attorney Richard Rogers, and one member of the Board, preferably the Chairperson or Vice Chairperson, to evaluate Attorney’s proposals received by the City, interview short-listed candidates, and select the candidate that would be recommended to Council for contract award. The Code Board's request was included in the agenda package.

**Motion:**
Member Nelson moved to approve the Code Enforcement Board’s request to specifically identify the members of the selection committee for the replacement of the Code Enforcement Board Attorney to include: a representative from the City Attorney's Office, current Board Attorney Richard Rogers, and one member of the Board, preferably the Chairperson or Vice-Chairperson, as recommended. Member Diesel seconded the motion. The motion carried unanimously.

**Plant Nurseries in Community Commercial (CC) Zoning** – City Manager Larese advised that in response to a citizen request on June 12, 2018, Council approved advisability for staff to provide options that Council might consider to amend the Code to permit operation of a plant nursery in the Community Commercial (CC) zoning district.

Community commercial uses were located primarily along major transportation corridors and offered a wide range of goods and services. Permitted uses within the district included general retail, restaurants, personal and professional services and banks.

Agricultural uses, such as plant nurseries, were frequently intensive uses that might be incompatible due to the potential for outside storage of bulk materials such as mulch, rock and soil; the use of pesticides the farm equipment; and the potential for odors.

Commercial development was generally held to a higher standard because the property owner was inviting the public into the business. For example, Americans with Disability Act (ADA) compliant access was required for commercial buildings, but not for single family residences. Paved parking areas were designed in consideration of safety for the public, with adequate spacing for parking, backing-up and turning, as well as ADA compliant parking areas. Sanitary facilities were currently required for commercial uses to ensure that basic health standards were maintained. Life safety issues were reviewed as part of both the building code and fire code review and inspections required before businesses receive a Business Tax Receipt.

Based on those issues, staff did not recommend the establishment of a commercial use without meeting the current *Land Development Regulations* (Option 1, included in the agenda package). However, if Council wished to move forward to allow plant nurseries in Community Commercial without a permanent building, on-site sanitary facilities, and other site improvements, staff proposed that a pilot program be established to determine the desirability of this type of development (Option 2, included in the agenda package). The seven (7) month pilot program was intended to give an applicant one (1) month to open the nursery and six (6) months to operate the...
nursery before Council makes a determination whether to continue to pilot program. The third option included in the agenda package was not recommended or supported by staff.

Staff’s recommendation was to provide direction to staff regarding amending the Code to permit plant nurseries in the Community Commercial (CC) zoning classification.

Joe Hill advised that he was in favor of option one.

Patricia Tooming stated that she was okay with the pilot program if some of the restrictions were removed that included limiting product.

Mayor Johnson proposed extending the pilot program to one year and to include, that products needed to be covered.

Mike Daniels stated that he was the owner of the property in question. He advised that in the past there were other businesses including a nursery on the property that were quite messy. He expected Ms. Tooming to have a very neat business and did not anticipate truckloads of products being delivered.

Based on discussion, staff would bring back an ordinance for Council’s consideration.

The Council was in agreement to use Option 2 to be modified as followed:

Amend: E.

- Outdoor storage of bulk materials, such as mulch, dirt, rock, etc. is not permitted
to

Outdoor storage of bulk materials, such as mulch, dirt, rock, etc. is permitted if covered.

Delete: F

- Stabilized parking is required based upon the City’s minimum parking standards. Stormwater management is required for all impervious areas which, in total, are equal to or greater than 1000 square feet.

(Parking can be used jointly with permission of the owner.)

Amend: L

- The pilot program shall be effective for seven (7) months from the effective date of this ordinance, with the possibility of a six (6) month extension. The program may be extended by decision of the City Council. Any permit issues pursuant to this section shall expire at such time as the program expires, unless sooner revoked.

to
The pilot program shall be effective for one (1) year from the effective date of this ordinance….

xxx

PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT (OPEN FORUM) - None

xxx

MAYOR AND COUNCIL REPORT

Mayor Johnson submitted a written report.

xxx

Member Diesel requested the Brevard County Softball Team that recently won the National Championship for Softball at the National Special Olympics in Seattle, Washington be recognized.

There was no objection from Council.

xxx

Vice-Mayor Barringer advised that he was stepping down as the representative to the Florida League of Cities. He requested that another Council Member serve as the representative as he would no longer be a member of the City Council after November 2018.

Council agreed to discuss Vice-Mayor Barringer’s request further at a meeting where all the Council were present.

xxx

CITY MANAGER’S REPORT

City Manager Larese submitted a written report and highlighted as followed:

xxx

Action Items

Selection of City Council Voting Delegate to 92nd Annual Florida League of Cities Conference

Staff received a letter from the Florida League of Cities (FLC) requesting each Member City nominate one official to serve as its voting delegate to the annual FLC conference to be held at the Diplomat Beach Resort, Hollywood, Florida on August 16-18, 2018. The letter and designation form was included in the agenda package.
Staff requested Council select one member to serve as the City’s representative for this conference.

Motion:
Member Nelson moved to approve Sarah Stoeckel to serve as the City’s represented (Voting Delegate) for the 92nd Annual Florida League of Cities Conference, as requested. Vice-Mayor Barringer seconded the motion for discussion.

Vice-Mayor Barringer stated that he had full confidence in Member Stoeckel as the Council representative, but stressed the importance that in the future, the representative should have the time to fulfill those duties.

The motion carried unanimously.

xxx

Informational Items

- Fixed Asset Disposal Results
- Titusville Trail Town Designation

xxx

Special Meetings and Events

- City Code Height Restriction Workshop, August 7, 2018, 5:30 p.m. @ City Hall
- FY 2019 Budget Workshop, August 15, 2018, 5:00 p.m. @ City Hall
- 1st FY 2019 Budget Public Hearing, September 4, 2018, 5:30 p.m. @ City Hall
- 2nd FY 2019 Budget Public Hearing, September 13, 2018, 5:30 p.m. @ City Hall

xxx

CITY ATTORNEY’S REPORT - None

xxx

With no further business, the meeting adjourned at 10:04 p.m.

______________________________
Walt Johnson, Mayor

ATTEST:

______________________________
Wanda F. Wells, City Clerk