City Council
Regular Meeting
April 8, 2025

The City of Titusville City Council met in regular session on Tuesday, April 8, 2025, at Titusville City Hall, second floor, Council Chamber, 555 South Washington Avenue, Titusville, Florida 32796.

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Mayor Connors called the City Council meeting to order at 6:30 p.m. Those present in the Council Chamber included Mayor Andrew Connors, Vice-Mayor Herman Cole, Jr. Col USAF Retired and City Council Members Megan Moscoso, Jo Lynn Nelson, and Dr. Sarah Stoeckel. Also present were Acting City Manager Tom Abbate, City Attorney Richard Broome, and City Clerk Wanda Wells. Sr. Administrative Assistant Emily Campbell completed the minutes.

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Pastor Jeremy Coppock from the Titusville Faith Baptist Church gave the invocation. Mayor Connors led those present in the *Pledge of Allegiance to the Flag*. Additionally, City Clerk Wanda Wells read the procedure for public comment and participation.

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City Attorney Broome read the *Rules of Decorum.*

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APPROVAL OF MINUTES – Acting City Manager Abbate advised the request was to approve the minutes.

Motion: Member Nelson moved to approve the minutes of the regular City Council meetings on February 25, 2025 (5:30 p.m.), February 25, 2025 (6:30 p.m.), March 11, 2025, and March 27, 2025 (5:30 p.m.), and special City Council meeting on March 20, 2025. Vice-Mayor Cole seconded the motion. The motion carried unanimously.

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SPECIAL RECOGNITIONS & PRESENTATIONS –

Proclamation - Fair Housing Month - April 2025 - Mayor Connors presented the proclamation proclaiming April 2025 as Fair Housing Month.

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BOARDS AND COMMISSIONS

North Brevard Commission on Parks and Recreation - The North Brevard Commission on Parks and Recreation's semi-annual written report was included in the agenda packet. No action was requested.

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Titusville Housing Authority - The Titusville Housing Authority's semi-annual written report was included in the agenda packet. No action was requested.

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PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT (NONAGENDA ITEMS) –

Stan Johnston discussed an email that he sent to Council regarding the fountains at Sand Point Park. Mr. Johnston also discussed the sewage spill that occurred in December 2020 at Sand Point Park, etc.

Kathleen O'Rourke discussed a court case regarding stolen elections signs. She stated that if the case was dropped, the City would not have to pay outside attorneys to assist with the records request related to this case.

Dwight Seigler stated that he was in support of the Right to Clean Water Charter Amendment and 82% of voters were in support of it. Mr. Seigler stated that he was not in support of Member Cole serving on the North Brevard County Hospital District Board and the Titusville City Council.

Elizabeth Baker stated that she agreed with Kathleen O'Rourke. Ms. Baker commented on the Mayor's race, the credentials of the candidates, their ideas and how the candidates connect with the citizens.

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CONSENT AGENDA

Member Nelson advised that she wanted to pull Consent Agenda Item 8A - Landscape Trust Fund – Advisability and 8I - Task Order #KHTO010 for Harrison Street Riverfront Park Concepts for discussion.

Member Moscoso advised that she wanted to pull Consent Agenda Item 8H - Task Order #KHTO009 for Deleon Trail Design for discussion.

City Clerk Wanda Wells advised that four speaking cards were submitted.

Acting City Manager Abbate read Consent Agenda items A, B, C, D, E, F, G, H, I, J and K as followed:

A. Landscape Trust Fund – Advisability - Approve advisability directing the staff to propose a resolution to amend the Landscape Trust Fund reallocating the remaining funds toward the required match for the Urban and Community Forestry Grant with the Florida Department of Agriculture and Consumer Services (FDACS). The Landscape Enhancement Program, which sunset on July 31, 2011, did not describe what to do with the remaining funds.

B. Approve the use of Sourcewell Contract #011822-JHK with WHP Trainingtowers for replacement of the doors in the Fire Training Tower - Approve the issuance of a purchase order utilizing Sourcewell Contract #011822-JHK with WHP Trainingtowers for replacement of the doors in the Fire Training Tower in the amount of $31,745.50 and approve the associated budget amendment.

C. Resolution No. 5-2025 - Titusville Community Service Award - Approve Resolution No. 5-2025 amending the procedures for the Titusville Community Service Award.

D. Resolution No. 6-2025 amending Resolution 13-2016 by amending the Location and Powers and Duties of the Flag & Memorial Committee - Approve Resolution No. 6-2025 amending Resolution 13-2016 amending the Location and Powers and Duties of the Flag & Memorial Committee.

E. Florida Department Law Enforcement (FDLE) - Titusville Police Department (TPD) Online Sting Grant Award - Approve the acceptance of the Grant Award in the amount of $4,218 to enhance our current investigative operations and systems to target individuals who are soliciting children online. Also approve the associated budget amendment in the amount of $4,218.

F. Task Order #KHTO008 for Construction Services for Riverside Drive Force Main project - Approve the award of Task Order #KHTO008 to Kimley-Horn of Melbourne, FL in the amount of $78,295 to provide construction engineering services, including but not limited to, bidding assistance, shop drawing review, site visits and permit closeout, and authorize the City Manager to execute the Task Order. Additionally, approve the associated budget amendment.

G. Valve Replacements Armstrong Facility - Approve the proposal to Environmental Equipment Services of Lakeland, Florida in the amount of $121,636 for the replacement of two valves at the Armstrong pumping and storage facility. Additionally, approve the associated budget amendment.

H. Task Order #KHTO009 for Deleon Trail Design - Approve the award of Task Order # KHTO009 to Kimley-Horn and Associates, Inc for the amount of $223,322 to provide engineering consulting services including, but not limited to, data collection, trail plans, drainage design and permitting, natural resources assessment and signing & pavement marking design, and authorize the City Manager to execute the Task Order.

I. Task Order #KHTO010 for Harrison Street Riverfront Park Concepts - Approve the award of Task Order # KHTO010 to Kimley-Horn and Associates, Inc in the amount of $84,000 to provide engineering consulting services including, but not limited to, data collection, stakeholder and community engagement, concept development, and authorize the City Manager to execute the Task Order.

J. Task Order AECOMTO07 Hopkins Avenue Sidewalk Infill - Approve the award of Task Order # AECOMTO07 to AECOM in the amount of $163,250 to provide engineering consulting services including, but not limited to, survey and data collection, concept design, and authorize the City Manager to execute the Task Order.

K. Cireson Subscription Upgrade - Approve the subscription upgrade in the amount of $6,165 to increase the efficiency of record keeping and reduce staff time verifying records of purchase.

Stan Johnston spoke on Consent Agenda Item 8B - Approve the use of Sourcewell Contract #011822-JHK with WHP Trainingtowers for replacement of the doors in the Fire Training Tower, Item 8E - Florida Department Law Enforcement (FDLE) - Titusville Police Department (TPD) Online Sting Grant Award, and Item 8F - Task Order #KHTO008 for Construction Services for Riverside Drive Force Main project. Mr. Johnston discussed the sewage spill that occurred in December 2020 at Sand Point Park. Mr. Johnston also discussed the fountains at Sand Point Park, etc. Mr. Johnston stated that he was not in support of these items.

Motion: Member Nelson moved to approve Consent Agenda Items B, C, D, E, F, G, J and K in accordance with recommendations. Vice-Mayor Cole seconded the motion. The motion carried unanimously.

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Landscape Trust Fund – Advisability – Acting City Manager Abbate stated the request was to approve advisability directing the staff to propose a resolution to amend the Landscape Trust Fund reallocating the remaining funds toward the required match for the Urban and Community Forestry Grant with the Florida Department of Agriculture and Consumer Services (FDACS). The Landscape Enhancement Program, which sunset on July 31, 2011 did not describe what to do with the remaining funds.

On August 1, 2010, the City established a Landscape Enhancement Program to encourage private development to beautify the U.S. Highway 1 corridors through promoting curb appeal landscape improvements. Resolution No. 32-2010 established the program and Resolution No. 4-2011 extended the use of the funds. Funds from the City's Landscape Trust Fund [Resolution No. 30-2001] were used to fund the Enhancement Program. The program sunset on July 31, 2011; however, the resolution did not describe what to do with the remaining funds. The funds in the amount of $65,050 remain in the program and should be reallocated back into the Landscape Trust Fund or other programs.

Stan Johnston stated that the City needed to spend money efficiently. He advised that he was in support of this item.

Toni Shifalo stated that she did not understand why this item required amending the Landscape Trust Fund because those funds were for beautifying public property by landscaping. Ms. Shifalo stated that she was in support of amending the sunset dissolution of the Landscape Enhancement Program, returning the $65,000 to the Landscape Trust Fund, and using that money to match the Urban and Community Forestry Grant. Ms. Shifalo stated that she was in support of using the remaining money to plant trees.

Kay St. Onge expressed concern for the City changing the resolution and amending the Landscape Trust Fund. She stated that she was in support of staff using the Landscape Trust Fund to accrue money as a result of tree mitigation efforts when developers remove trees without replacing them. Ms. St. Onge stated that she was in support of using mitigation fees to implement the Urban Forestry Master Plan.

Member Stoeckel asked if the excess funds could be added to the Landscape Trust Fund, so it could be allocated out as appropriate.

Community Development Director Brad Parrish stated that it was recommended that the City Council adopt a resolution amending the Landscape Trust Fund reallocating the remaining funds toward the required match for the Urban and Community Forestry Grant with the Florida Department of Agriculture and Consumer Services (FDACS).

Member Stoeckel stated that she was in support of staff's recommendation.

Mayor Connors stated that he was in support of allocating some of the excess funds to the Landscape Trust Fund and using it to beautify and plant trees at Space View Park.

Member Nelson stated that Brevard County Parks and Recreation offered to develop a concept plan for Space View Park and provide pressure washing. She stated that the Public Works Department was working on a plan for lighting and irrigation for the park.

Motion: Member Nelson moved to approve advisability directing staff to propose a resolution to reallocate the funds back to the Landscape Trust Fund and the required match towards the Urban and Community Forestry Grant with the Florida Department of Agriculture and Consumer Services (FDACS). Vice-Mayor Cole seconded the motion. The motion carried unanimously.

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Task Order #KHTO009 for Deleon Trail Design - Acting City Manager Abbate advised the request was to approve the award of Task Order # KHTO009 to Kimley-Horn and Associates, Inc. for the amount of $223,322 to provide engineering consulting services including, but not limited to, data collection, trail plans, drainage design and permitting, natural resources assessment and signing & pavement marking design, and authorize the City Manager to execute the Task Order.

On December 8, 2020, the City Council approved the award of Work Order #1 to Kimley-Horn and Associates, Inc. in the amount of $84,490.20 to provide engineering consulting services including, but not limited to, review of multiple locations for bicycle improvements and preparation of a presentation to City Council. One of the recommendations was to construct a trail along Deleon Avenue from Harrison Street to Day Street.

Stan Johnston stated that he was a paving engineer and assisted with paving in the City of Titusville in the past. He stated that Brevard County paved streets without engineering plans and saved money. Mr. Johnston stated that he was in support of the City forming a small design team to complete smaller projects to save money.

Toni Shifalo stated that she was not in support of this item. Ms. Shifalo stated that the neighborhood that this project was being proposed in was not in support of this item. Ms. Shifalo stated that no one walked or biked in that area. She recommended extending the Brevard Coast to Coast Trail.

Dwight Seigler stated that he was not in support of this item and he believed it was a waste of money. Mr. Seiger stated that there were not any shelters or benches at the bus stops along Deleon Avenue. He stated that the community was not in support of this project.

Jesse Wright stated that he was not in support of this item. He stated that he owned a subdivision lot in California and also used Kimley-Horn and Associates, Inc. Mr. Wright stated that he paid around $10,000 in consulting fees for a similar project and recommended that the City review the project and receive a second opinion.

Member Nelson stated that she was in support of tabling this item and holding a community meeting to discuss before spending any money on the project.

Member Moscoso expressed concern for this project. She stated that this was an expensive project and she was in support of tabling the item.

Member Stoeckel asked for some background history on this project.

Public Works Director Kevin Cook stated that the Planning Department developed a Mobility Plan and reviewed opportunities for bicycle and pedestrian improvements. He stated that this was a bike lane improvement project. The City solicitated consultants under competitive consultant negotiations act, which was not a bid.

Vice-Mayor Cole asked if these funds could be used for something else.

Public Works Director Kevin Cook stated that these funds were a capital project of the general fund; therefore, it was not a restricted fund and could be used for a different capital improvement project.

<u>Motion</u>: Member Nelson moved to deny the award of Task Order # KHTO009 to Kimley-Horn and Associates, Inc. for the amount of $223,322 to provide engineering consulting services including, but not limited to, data collection, trail plans, drainage design and permitting, natural

resources assessment and signing & pavement marking design, and authorize the City Manager to execute the Task Order. Vice-Mayor Cole seconded the motion. The motion carried unanimously.

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Task Order #KHTO010 for Harrison Street Riverfront Park Concepts - Acting City Manager Abbate stated the request was to approve the award of Task Order # KHTO010 to Kimley-Horn and Associates, Inc. in the amount of $84,000 to provide engineering consulting services including, but not limited to, data collection, stakeholder and community engagement, concept development, and authorize the City Manager to execute the Task Order.

Stan Johnston stated that he retired from the City of Titusville in 2008. He discussed parking in the City of Titusville. Mr. Johnston stated that he was not in support of this project and he thought the City should use in-house engineering services.

Toni Shifalo stated that Kimley-Horn was proposed to be awarded $385,617 from three proposed projects. Ms. Shifalo discussed the Harrison Street property that was acquired in 2006 and the IBI Group developed a waterfront design master plan, which provided a concept for the Harrison Street property. Ms. Shifalo stated that she was not in support of this project and wanted the City to leave the property in a natural state and protect the shoreline.

Laura Ward stated that this was the second piece of property purchased with the Riverfront Referendum, in 2004. Ms. Ward believed that there was not a current use for the property and recommended that the City use the space for parking and viewing the launches from the Space Center, until there was a defined need for something in this location.

Member Stoeckel stated that the property had a beautiful view and it was currently underutilized. She stated that she was in support of seeing the property utilized.

Member Nelson stated that she was in support of the property being utilized. Member Nelson recommended that staff propose a design for the property.

Member Moscoso stated that she was in support of a committee to discuss the use of the property. She stated that she was in support of having an educational purpose on the property.

Vice-Mayor Cole stated that he was in support of tabling this item and creating a committee to discuss the use of the property.

Motion: Member Nelson moved to deny the award of Task Order # KHTO010 to Kimley-Horn and Associates, Inc. in the amount of $84,000 to provide engineering consulting services including, but not limited to, data collection, stakeholder and community engagement, concept development, and authorize the City Manager to execute the Task Order. Vice-Mayor Cole seconded the motion. The motion carried unanimously.

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Motion: Member Nelson moved to direct Public Works Director Kevin Cook and staff to develop a concept plan for Harrison Street Riverfront Park and to hold a community meeting. Vice-Mayor Cole seconded the motion. The motion carried unanimously.

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ORDINANCES – SECOND READING, PUBLIC HEARING AND RELATED ACTION –

Easement Vacate Application (EAS) No. 3-2024 - 1558 Meadow Lark Drive - Acting City Manager Abbate advised the request was to deny Easement Vacation Application (EAS) No. 3-2024 and related Resolution No. 7-2025 to vacate a portion of the 20-foot public utility and drainage easement (P.U.D.E) on property located at 1558 Meadow Lark Drive.

City Attorney Broome read and reviewed the *Quasi-judicial Rules of Procedure*.

On April 2, 2025, the Planning and Zoning Commission recommended approval with the condition that the vacation would not be recorded until the applicant obtains a permit showing how the swale would be realigned within the remaining 10-foot easement, for the flow to be maintained within one year, by a vote of 7-0.

A petition was received from John Dacko, applicant, to vacate a portion of twenty (20) foot public drainage easement located towards the middle of the property at 1558 Meadow Lark Drive. The applicant submitted permit # PBP24-1386 to place pavers and landscaping within the 20-foot public drainage easement. The building permit was currently on hold pending the determination of the easement vacation.

The applicant, John Dacko, stated that he worked with the Planning and Zoning Commission and was in support of the request from the Planning and Zoning Commission.

Stan Johnston stated that he believed the application had insufficient information. He stated that Council should not make a decision on this item without sufficient data, etc.

Motion: Member Nelson moved to approve Easement Vacation Application (EAS) No. 3-2024 and related Resolution No. 7-2025 with the condition that the vacation will not be recorded until the applicant obtains a permit showing how the swale will be realigned within the remaining 10-foot easement, for the flow to be maintained, within one year, as recommended by the Planning and Zoning Commission. Vice-Mayor Cole seconded the motion. The roll call vote was:

Member Nelson	Yes
Mayor Connors	Yes
Vice-Mayor Cole	Yes
Member Stoeckel	Yes
Member Moscoso	Yes

The motion carried unanimously.

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Mayor Connors called for a recess from 8:00 p.m. to 8:13 p.m.

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Rezoning Application (REZ) No. 1-2025 Windover Farms/Cheney Highway - Acting City Manager Abbate advised the request was to conduct the public hearing and final reading of Ordinance No. 12-2025 for Rezoning (REZ) Application No. 1-2025 Windover Farms/Cheney Highway.

City Attorney Broome read Ordinance No. 12-2025 - 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 removing all previous conditions of approval originally applied by Ordinance No. 27-2008 and Ordinance No. 29-2008 for a 25.9 acre property within the Regional Commercial (RC) zoning district located at 8225 Windover Way with Brevard County Parcel I.D. No. 22-35-30-AV-*65; providing for severability; repeal of conflicting ordinances; and providing for an effective date the second time by title only. (This was a quasi-judicial item.)

Member Stoeckel advised that she spoke with the applicant, Cole Oliver, about the project and concerns with the Live Local Act, but no opinion was made. Member Stoeckel also advised that she received an email from Sandra Clinger regarding concerns for the access, but no decision/opinions were made.

Member Nelson advised that she also spoke to the applicant, Cole Oliver, regarding the utilization of the property. Member Nelson advised that she also received the same email as Member Stoeckel from Sandra Clinger.

Member Moscoso advised that she received the same email from Sandra Clinger.

Mayor Connors advised that he also received emails from Sandra Clinger and other homeowners who lived in Windover Farms. He also advised that he spoke with homeowners who live in Windover Farms at the 321 Fest Event. In addition, Mayor Connors advised that he spoke with the applicant, Cole Oliver. He advised that no decision/opinions were made.

Vice-Mayor Cole advised that he also spoke with the applicant, Cole Oliver, and received an email from Sandra Clinger. He advised that no decision/opinions were made.

On March 19, 2025, the Planning and Zoning Commission made a motion to deny REZ#1-2025 on the basis that there was no clear path forward on the utilization of that property once this has been approved, conformity to access on the property, and conformity to lot width in the zoning district and the separation and disillusion of the plan would create at least a non-conforming issue or and present a violation of the rule upon adoption of the change. Recommended for denial, with a vote of 4 yes, 1 no.

The applicant was requesting a Rezoning (REZ) to remove the concept plan and conditions adopted with Ordinances Nos. 27-2008 and 29-2008 in the Regional Commercial (RC) zoning district. The property lies south off State Road 50 (Cheney Hwy), west of Windover Way and Windover Farms of Titusville residential subdivision, east of I-95 and north of land currently utilized as a hobby remote controlled aircraft park. The current zoning on the property was approved in several actions. The Regional Commercial zoning was approved by Ordinance Nos. 27-2008 and 29-2008. The current Regional Commercial zoning ordinances were adopted based on a concept plan for a commercial development and included several conditions that require a development agreement and submittals related to wetland and wildlife preservation.

Community Development Director Brad Parrish reviewed the staff report. Staff recommended approval of the request to remove the concept plan and conditions adopted with Ordinance Nos. 27-2008 and 29-2008 in the Regional Commercial (RC) zoning district. This recommendation was based upon the staff analysis, information and evidence presented, and in accordance with the City of Titusville Code of Ordinances and Land Development Regulations Section 34-40, the adopted Comprehensive Plan, and the provisions of Chapter 163 and 166, Florida Statutes.

Member Stoeckel asked what could be developed on this property with the concept plan that was currently in place.

Community Development Director Brad Parrish stated that it was strictly a strip type development with anchor stores, retail stores, and restaurants.

The applicant, Cole Oliver, stated that the subject property had been in the process of being developed since 2006. He stated that the property owners were unaware that the concept plan was binding to the property going forward. Mr. Oliver stated that the existing concept plan included property that was not owned by the applicant and could not be developed. Additionally, the plan did not take into account the existing Titusville water and sewer main lines located along the north side of the property. If the water and sewer main lines had to be relocated, then the City had to cover that expense. Mr. Oliver reviewed the traffic impact analysis that was approved during the rezoning of Bristol Farms. He indicated that the proposed development would maintain the same traffic volume of 8,700 vehicles and utilize the same access points previously approved by the City Council. Mr. Oliver reviewed the code for Regional Commercial districts. He stated that he would work with the Florida Department of Transportation (FDOT) to utilize the 55-foot easement connected to State Road 50 for access. Mr. Oliver confirmed that the Starlink family intended to relocate two dealerships to this property, but they could not submit a concept site plan due to restrictions by the manufacturers.

<u>Motion</u>: Member Stoeckel moved to allow three speakers (Sandra Clinger, Lindsey Grizzle and Kristine Boland) to speak for up to an hour. Member Nelson seconded the motion. The motion carried unanimously.

Sandra Clinger stated that the residents of Windover Farms consistently objected access for high intensity commercial or high-density residential land use and zoning changes or development access to be located on Windover Way, a local roadway, adjacent to the subject property. Ms. Clinger stated that Windover Way was the sole ingress and egress road that served over six hundred single family homes. She expressed concern for removing the concept plan because the removal of the existing concept plan and linkage with the property to its north with frontage on State Road 50 would cause the subject property to no longer be in compliance with the LDR Regional Commercial (RC) zoning district standards. She stated that the Regional Commercial (RC) zoning district standards could not be met by the subject property alone, without the linkage to the seven-acre Regional Commercial (RC) property to the north. Ms. Clinger stated that the Windover Farms community strongly objected to access onto Windover Way, a local road that had a limited right-of-way. Ms. Clinger stated that she was not in support of this project as it was submitted because the applicant's property alone did not meet the regional commercial zoning district standards.

Lindsey Grizzle stated that City Council rejected the Planning and Zoning Commission's request to modify the comprehensive plan future land use element policy 1.9.1, that required high intensity commercial development to be located on interior or collector roadway. Ms. Grizzle discussed Land Development Regulation section 28-315 and the staff report. She stated that the segment of Windover Trail between State Road 405 and the south municipal boundary was currently used to access arterial roads. She stated that Windover Trail was not functionally similar to Windover Way. Ms. Grizzle stated that she was not in support of access onto Windover Way, a local road that had a limited right-of-way width of fifty feet because that was a violation of the Comprehensive Plan and Land Development Regulations.

Kristine Boland stated that the group of people she spoke for from Windover Farms were not opposed to responsible development of the subject property. If it aligned with the City's Land Development Regulation and Comprehensive Plan, then they would be in support of it. Ms. Boland stated that the property did not support the level of commercial value that was being suggested. She asked the council to deny this request and thanked them for their service to the community.

The applicant, Cole Oliver, stated that the Code did not state that Regional Commercial (RC) can not connect to local roads. He stated that the examples of other properties were to show that his interpretation of the Code was correct. He stated that this project would meet all the Codes and regulations to ensure public safety. Mr. Oliver stated that there were four entrances into Windover Farms and the access point for the subject property was not the only entrance. He stated that they desired to use the property as Regional Commercial (RC) without the prior conditions that were in put in place in 2008.

Vice-Mayor Cole asked if there was an estimate of the tax revenue if the facility he mentioned was built on the property.

The applicant, Cole Oliver, stated that without the concept plans complete, he did not know the taxable value. Mr. Oliver did advise that the other individual car dealerships in Brevard County ranged from around $60,000 to $175,000 in tax revenue.

Member Stoeckel asked if they were requesting any variances.

The applicant, Cole Oliver, stated that they were not requesting any variances.

Community Development Director Brad Parrish stated that the Planning and Zoning Commission recommended denial on the basis that there was no clear path forward on the utilization of the property. Community Development Director Brad Parrish stated that the applicant was asking for two access points, and staff was unsure if the applicant was asking for a condition or just allowance for that site plan. If the rezoning was approved with all these conditions and the concept plan removed, council would go forward with the site plan application, which was an engineered plan that went through an administrative process. Removal of the concept plan would leave the decision of approving or denying an access point to staff, unless council had a condition describing that with this rezoning. Community Development Director Brad Parrish stated that commercial development required a traffic study and a statement that included improvements needed, which could include turning lanes or widening the road for access on to Windover Way for the development. He stated that he disagreed with the assertion that the rezoning violated the Comprehensive Plan. He reviewed policy 1.9.1 of the future land use element that addressed the convenient and direct access statement. This was a policy not intended to be applied to a regulatory standard that you would typically see in the Land Development Regulations, rather as a policy guide guiding the location of a development.

Motion: Member Nelson moved to approve Ordinance No. 12-2025, an ordinance of the City of Titusville, Florida, amending Ordinance No. 5-1993 of the City of Titusville, by amending the zoning map made a part of said ordinance by reference, by removing all previous conditions of approval originally applied by Ordinance No. 27-2008 and Ordinance No. 29-2008 for a 25.9 acre property within the Regional Commercial (RC) zoning district located at 8225 Windover Way with Brevard County Parcel I.D. No. 22-35-30-AV-*65; providing for severability; repeal of conflicting ordinance; and providing for an effective date. Vice-Mayor Cole seconded the motion. The roll call vote was:

Mayor Connors	Yes
Vice-Mayor Cole	Yes
Member Stoeckel	Yes
Member Moscoso	No
Member Nelson	Yes

The motion carried 4, 1.

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ORDINANCES-FIRST READING

Ordinance No. 13-2025 Revoking Ad Valorem Tax Abatement for Brix Project Brewery, LLC and Recovery of Abated Taxes - Acting City Manager Abbate advised the request was the first reading of Ordinance No. 13-2025, which would approve the Ad Valorem Tax exemption for the portion of the tax-year that Brix Project Brewery, LLC was in compliance of Ordinance No. 27-2015, collect the amount of $4,347.79 for the portion of the tax-year that Brix Project Brewery LLC was out of compliance due to transfer of ownership, and terminate the Ad Valorem Tax Abatement.

City Attorney Broome read Ordinance No. 13-2025 revoking the economic development Ad Valorem Tax Abatement to Brix Project Brewery, LLC and providing an effective date for the first time by title only.

This was the first reading only. The public hearing was scheduled for the regular City Council meeting on April 22, 2025, at 6:30 p.m.

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Ordinance No. 14-2025 - providing for appeals of Board of Adjustments and Appeals (BAA) Decisions to be heard by City Council – Acting City Manager Abbate advised the request was to conduct first reading for Ordinance No. 14-2025.

City Attorney Broome read Ordinance No. 14-2025, an ordinance of the City of Titusville, Florida amending the Code of Ordinances by amending Section 31-55, "Appeal to Decision of the Board of Adjustment and Appeals" to be renamed "Appellate Review of Decision of the Board of Adjustment and Appeals", by providing that decisions of the Board of Adjustments and Appeals may be appealed to the City Council; by amending Chapter 34 "Procedures", Article V "Variances and Appeals", by adding a new Division 10, "Appeals to the City Council", including "Applicability", "Notice Requirements"; by amending Development Review Procedures Manual Section 17.4 "Board of Adjustments and Appeals Fees", providing for repeal of conflicting ordinances, severability, and providing for an effective date for the first time by title only.

Acting City Manager Abbate advised that at the City Council meeting on March 27, 2025, Council directed staff to prepare an Ordinance that would allow an applicant, or any party aggrieved by a decision of the Board of Adjustments and Appeals to appeal that decision to the City Council, similar to the appeal process adopted by the City of Cape Canaveral.

The proposed ordinance provides that an applicant or any party aggrieved by any decision of the Board of Adjustments and Appeals be appealed to the City Council. The appeal must be filed within fifteen (15) calendar days from the date the decision was rendered. The proposed ordinance also establishes a fee for the filing of said appeal. A copy of the proposed ordinance was included for Council consideration.

This was the first reading only. The public hearing was scheduled for the regular City Council meeting on April 22, 2025, at 6:30 p.m.

Kathleen O'Rourke stated that she recently attended a Board of Adjustments and Appeals (BAA) meeting. She discussed the meeting and stated that she believed that the developers were heard and not the citizens. Ms. O'Rourke stated that she was in support of this ordinance.

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OLD BUSINESS – None.

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NEW BUSINESS

North Brevard Development District Economic Incentive Agreement and Interlocal Agreement Titusville Mall Redevelopment Project – Acting City Manager Abbate advised the request was to approve the Economic Incentive Agreement in the amount of $2,400,000 to enable the developer to qualify for the grant.

The North Brevard Economic Development Zone (NBEDZ) was requesting approval of an inter-local agreement with the City and Brevard County for the Titusville Mall Redevelopment Project. The 290,000 sq. ft. commercial property known as Titusville Mall has fallen into disrepair in recent years, suffering from a high vacancy rate and the loss of several major commercial tenants, including Sears Roebuck and Company. The current condition of the property, with its lack of storm water detention on site, and its decades-old utility infrastructure poses a significant threat to the health of the nearby Indian River Lagoon and to the general welfare of the City.

The City has enacted Ordinance No. 15-2011 as amended by Ordinance No. 14-2013 (hereafter referred to as the City Tax Increment Ordinance) providing for the calculation of an annual tax increment value within the boundaries of the City and the use of that tax increment for economic development purposes, including the North Brevard Economic Development Zone, as created by Brevard County Ordinance 2011-16. The incentive would not exceed $2,400,000. One-third of the disbursement ($800,000) would occur after completion of the demolition in Phase 1, the second one-third disbursement ($800,000) would occur after completion of the new hotel, and the third and final disbursement ($800,000) would occur after completion of the Assisted Living Facility and retail out-parcels. The agreement allows for the construction of the building pads for the apartments and not the buildings themselves.

Mark Frank stated that he had been working with this project since 2018 and he looked forward to finishing this project.

James Wright stated that he was Jesse Wright's son, and he was recently involved with the project. He stated that phase one of the project included Florida Power and Light (FPL) lines, electric lines, sanitary lines, storm water, gas lines and Spectrum conduits. Mr. Wright stated that the water lines still needed to be placed connecting phase one to Hopkins Avenue and the FPL lines for light poles still needed to be placed. He stated that he was in support of this item and asked the City Council for their support as well.

Chase Patterson stated that he was with Patterson Construction Group and was the General Contractor for the AOF portion of the project. He stated that he was in support of this project and believed that it would bring economic opportunities for the community.

Dale Parsons stated that he was the architect and the design build contractor for Cambria Hotel. He stated that the Cambria Hotel was a premier brand for choice hotels, and he had designed six in Florida. Mr. Parsons stated that it would be the flagship Cambria Hotel in the United States. He stated that he believed it would be a tremendous asset to the community.

Member Stoeckel stated that she met with Troy Post, Executive Director of the North Brevard Economic Development Zone Board (NBEDZ). She stated that there were three components to this grant totaling $2,400,000. She stated that she was in support of the infrastructure component because it would help the Indian River Lagoon. Member Stoeckel stated that she was not in support of the other components.

Mayor Connors stated that he did not believe the Brevard County Commission would approve this item.

Motion: Member Nelson moved to allow Troy Post to speak. Vice-Mayor Cole seconded the motion. The motion carried unanimously.

Troy Post, Executive Director of the North Brevard Economic Development Zone Board (NBEDZ), stated that this project was being proposed for the use of the City's tax increment funding (TIF) money. He provided a presentation that highlighted as follows:

- Former Searstown Mall Redevelopment Project
- Searstown Mall
- Project area – pre-demolition conditions
- Site layout
- Overall development
- Phase 1 project elements
- Proposed NBEDZ grant
- Financial assistance request
- The zone's economic development plan
- Site plan
- Major provisions of grant agreement
- Fund availability
- Storm water and utility plan

Troy Post stated that this was an infrastructure improvement project as well as a redevelopment project.

Jesse Wright, the applicant, stated that this was a five-component project that would create around 1,200 jobs. He stated that it was nearly impossible to receive financing to build projects like this one. Mr. Wright stated that he was available for any questions.

Motion: Member Nelson moved to approve the Economic Incentive Agreement in the amount of $2,400,000 to enable the developer to qualify for the grant, as recommended. Vice-Mayor Cole seconded the motion.

Discussion: Member Moscoso stated that she was in support of the $800,000 grant for infrastructure only.

The roll call vote was:

Vice-Mayor Cole	Yes
Member Stoeckel	No
Member Moscoso	No
Member Nelson	Yes
Mayor Connors	Yes

The motion carried 3, 2.

xxx

<u>Verona Village C - Final Plat</u> - Acting City Manager Abbate advised the request was to approve the Final Plat, Covenants and Bonds for Verona Village C Subdivision. This was a quasi-judicial item.

On March 19, 2025, the Planning and Zoning Commission made a motion to table this item to the regular Planning and Zoning Commission meeting on April 2, 2025. Approved 5-0. On April 2, 2025, the Planning and Zoning Commission recommended approval, 7-1. Member Rogers voted no because he felt the entire development should not have happened because they lost all the trees, the lots are very small, there was no affordable housing, it was based on building around commercial development that went away, and he thinks it was urban sprawl and has established a total for more urban sprawl.

Community Development Director Brad Parrish reviewed the project. He stated that Verona, Village C was a proposed 536 lot single-family subdivision on approximately 184.86 acres located west of Verona Village D subdivision and south of Verona Village B subdivision. The overall Verona development (formerly known as Willow Creek) consists of 675+/- acres. In 2016, the remaining portion of the development (excluding Phase 1) was rezoned to the Planned Unit Development Zooning (PUDZ) by Ordinance No. 9-2017, to allow for an additional 1,277 residential units and 172 acres of commercial and light industrial use. The PUDZ was amended by rezoning from the PUDZ to the Planned Development (PD) zoning with conditions in 2024 by Ordinance No. 6-2024.

Staff reviewed the final plat for consistency with the comprehensive plan, Land Development Regulations and recommended approval of this item. Staff also reviewed the covenants and performance bonds and recommended acceptance.

The applicant, Stephen White stated that this was Phase One of the Verona Village C – Final Plat. He stated that he was available for questions.

Motion: Member Nelson moved to approve the Final Plat, Covenants and Bonds for Verona Village C Subdivision, as recommended. Vice-Mayor Cole seconded the motion. The roll call vote was:

Member Stoeckel	Yes
Member Moscoso	Yes
Member Nelson	Yes
Mayor Connors	Yes
Vice-Mayor Cole	Yes

The motion carried unanimously.

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Appointment of an Interim City Manager - Acting City Manager Abbate advised the request was for Council to appoint an Interim City Manager and authorize the Human Resources Director to negotiate the terms and conditions of his/her appointment subject to final Council approval at a subsequent City Council meeting.

On March 31, 2025, City Manager Larese retired after 10 years of service as City Manager. effective April 01, 2025, Assistant City Manager Tom Abbate was named Acting City Manager until April 08, 2025, when the Council was expected to appoint an Interim City Manager.

Toni Shifalo stated that she reviewed the firm that was searching for the new City Manager and there were multiple opportunities for community and citizen involvement. She stated that she wanted citizens to participate and take part in the process.

Member Stoeckel asked Acting City Manager Abbate what his responsibilities were as the Assistant City Manager.

Acting City Manager Abbate stated that he had been the Assistant City Manager and Support Services Director for twenty years. He had direct oversight of strategic planning and budget build as well as the Finance Department, Information Technology Department, Human Resources Department and Customer Service Department.

Motion: Member Stockel moved to appoint Acting City Manager Tom Abbate as the Interim City Manager and authorize the Human Resources Director to negotiate the terms and conditions of his appointment subject to final Council approval at a subsequent City Council meeting, as recommended. Vice-Mayor Cole seconded the motion. The motion carried unanimously.

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PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT (NON-AGENDA ITEMS) –

Christina Michelle stated that it had been eight weeks since the police involved shooting of Trimarea Charles. She expressed concern about the investigation and the Titusville Police Department. She reviewed the five stages of grief and stated that they were different for everybody.

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Motion: Member Nelson moved to extend the meeting for fifteen minutes. Vice-Mayor Cole seconded the motion. The motion carried unanimously.

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MAYOR AND COUNCIL REPORTS

Mayor's Report – Mayor Connors submitted his written report. All items were informational only.

xxx

Council Reports –

Member Nelson stated that she attended the Economic Development Commission (EDC) meeting.

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Member Stoeckel discussed creating a panel of City Attorneys to complete the search for a new City Attorney. She stated that the panel would bring the top five results to the Council, then the City Council would choose the top three to interview individually as well as a public interview with the City Attorney.

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Member Stoeckel stated that she attended the Southern Municipal Leadership Conference in Alabama from April 2, 2025 through April 4, 2025.

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Member Nelson stated that the Brevard County Attorney's Office included the previous County Attorney, the Assistant County Attorneys and the County Manager in the interview process for the new County Attorney. She suggested doing something similar when choosing the new City Attorney.

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Member Moscoso stated that there was not a tree ordinance for commercial properties or multi-family properties. She stated that she was in support of advising staff to review this ordinance.

Community Development Director Brad Parrish advised that Council directed staff to develop an ordinance on that subject, which staff was working on and would bring it back to Council at a future meeting.

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City Managers Report – City Manager Larese submitted his written report. All items were informational only.

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Interim City Manager Abbate advised Council that there was a Sustainability Leaders Luncheon on April 22, 2025 at La Cita County Club and all Council Members were invited to attend.

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City Attorneys Report

Participation by Non-Voting Alternate Members on BAA Agenda Items - Council direction.

City Attorney Broome advised that at the City Council Meeting of March 27, 2025, the City Council expressed an interest in the alternate members of the Board of Adjustments and Appeals being permitted to participate in discussion of agenda items, but not voting, when not officially being appointed as a voting member at the meeting.

In recent years, the Planning and Zoning Commission amended their bylaws to read as follows:

"Alternate members may be permitted to participate in discussion of and provide input on agenda items as a member of the Planning and Zoning commission when not officially appointed by the chairman to fill in for an absent regular member. Alternate members may not be permitted to vote unless appointed as a voting member, and participation shall be in compliance with Resolution 24-1997."

City Attorney Broome stated that he was not aware of any provision of the Code, which would prohibit a similar process for the Board of Adjustments and Appeals.

If the Board of Adjustments and Appeals was not in favor of such an amendment to their By-Laws, City Council could consider an amendment to the Code to allow alternate board members to participate in discussions.

Motion: Member Moscoso moved to extend the meeting for two minutes. Member Stoeckel seconded the motion. The motion carried unanimously.

Council supported the Board of Adjustment and Appeals amending their by-laws to allow participation by non-voting alternate members.

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With no further business to discuss, the meeting adjourned at 10:45 p.m.

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Andrew Connors, Mayor

ATTEST:

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Wanda F. Wells, City Clerk