



**CITY OF TITUSVILLE  
COUNCIL AGENDA**

**August 11, 2015  
6:30 PM - Council Chamber at City Hall  
555 South Washington Avenue, Titusville, FL 32796**

Any person who decides to appeal any decision of the City Council with respect to any matter considered at this meeting will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Applicants for land use and zoning related items are advised that the resumes of staff members who prepare applicable staff reports are on file in the City Clerk's Office.

The City desires to accommodate persons with disabilities. Accordingly, any physically handicapped person, pursuant to Chapter 286.26 Florida Statutes, should, at least 48 hours prior to the meeting, submit a written request to the chairperson that the physically handicapped person desires to attend the meeting.

**1. CALL TO ORDER**

**2. INVOCATION**

**3. PLEDGE OF ALLEGIANCE**

**4. APPROVAL OF MINUTES**

**A. Minutes**

Approve the minutes of the regular City Council meeting on July 14, 2015 and special City Council meeting on July 28, 2015 (4:00 p.m.).

**5. SPECIAL RECOGNITIONS & PRESENTATIONS**

**6. BOARDS AND COMMISSIONS**

**A. Municipal Code Enforcement Board**

Appoint one alternate member to the Municipal Code Enforcement Board for an unexpired term to expire on October 31, 2015.

**B. Board of Adjustments and Appeals**

Accept the Board of Adjustments and Appeals Semi-Annual report as written.

**7. PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT (OPEN FORUM)**

**8. CONSENT AGENDA**

**A. Award Work Order and Contract for the Blue Heron Aeration Upgrade Project**

Approve the award of Work Order WRCPH003 to CPH, Inc. in the amount of \$27,711.46 for engineering services to complete the Blue Heron Aeration Upgrade Project and approve the award of a contract to Aeration Industries International in the amount of \$259,800 for the purchase and installation of aeration equipment components for the Blue Heron Aeration Project, and authorize the City Manager to execute the work order and the Mayor to execute the contract.

**B. 2015-2016 School Board of Brevard County School Resource Officer (SRO) Program Agreement**

Approve and execute the 2015-2016 School Board of Brevard County SRO Program Agreement and required Budget Amendment.

**C. Area Impact Plan No. 2-2015 for McDonald's Restaurant Drive-thru Expansion**

Approve Area Impact Plan No. 2-2015 to allow for the construction of a second drive-thru lane, an approximately 50 square foot building addition and ADA compliant upgrades at the McDonald's restaurant in the Shoreline Mixed Use (SMU) zoning district at 3835 South Washington Avenue.

**D. Countywide JAG Grant 2015-2016**

Approve the distribution of the Edward Byrne Memorial Justice Assistance Grant - JAG Countywide, in the amount of \$136,112.00 for Fiscal Year 2015-2016 to be used by Brevard County for their Prisoner Transportation Program.

**E. Appropriate Federal Forfeiture Fund Dollars - Gun Buy Back Program**

Appropriate and approve use of \$5,000 in Federal Forfeiture Funds to be used to purchase gift cards that will be provided to citizens participating in the Titusville Police Department's third gun buy back program.

**F. Police Department K9 Reserve Fund Transfer Request**

Approve Police Department K9 Reserve Fund Transfer Request.

**9. ORDINANCES – SECOND READING, PUBLIC HEARING AND RELATED ACTION**

**A. Ordinance No. 26-2015 - Amending the Code of Ordinances related to Ad Valorem Tax Exemptions and updating the Supplemental Application - City of Titusville Economic Development Ad Valorem Tax Exemption Program**

Second reading of Ordinance 26-2015 updating the *Code of Ordinances* related to Ad Valorem Tax Exemptions. Amending Chapter 19 "Taxation", Article IV "Economic Development; Ad

Valorem Tax Exemptions"; Specifically amending section 19-104 "Definitions"; Amending section 19-106 "Application for Exemption"; Amending section 19-107 "City Council's Consideration of Application"; Amending Section 19-111 and Section 19-112 by deleting; Conforming this ordinance with application and instructions and Florida Statutes; Providing for repeal of conflicting ordinances, an effective date and incorporation into the city.

## 10. ORDINANCES-FIRST READING

### A. **Ordinance No. 27-2015 - Granting an Economic Development Ad Valorem Tax Exemption to the Brix Project Brewery, LLC**

Conduct first reading of Ordinance No. 27-2015 allowing for an ad valorem tax abatement to Brix Project Brewery, LLC; specifying the items exempted; and providing for an expiration date for the exemption. This is for improvements and renovations to the facility located at 5220 S. Washington Avenue, Titusville, Florida. (Parcel I.D. 22-35-26-00-502.1)

### B. **Rezoning (REZ) No. 3-2015 - City-Initiated Rezoning Applications**

Conduct First Reading of City-initiated Rezoning No. 3-2015 A-G and related Ordinance No. 28-2015 amending the zoning map made a part of said ordinance by reference by amending the zoning designation on the following seven properties; by changing a 9.7 acre property located east of the eastern terminus of Jess Parrish Court, between the Florida East Coast Railroad and the Indian River Lagoon, from its present Hospital Medical (HM) zoning classification to the Open Space and Recreation (OR) zoning classification; and by changing a 2 acre property located east of the eastern terminus of Jess Parrish Court between the Florida East Coast Railroad and the Indian River Lagoon, from its present Hospital Medical (HM) zoning classification to the Open Space and Recreation (OR) zoning classification; and by changing a 1.26 acre property located at the eastern terminus of Buffalo Road between the Florida East Coast Railroad and the Indian River Lagoon from its present Industrial (M-2) zoning classification to the Open Space and Recreation (OR) zoning classification; and by changing a 0.14 acre property located at 2908 South Hopkins Avenue from its present Light Industrial Services and Warehousing (M-1) zoning classification to the Community Commercial (CC) zoning classification; and by changing a 14 acre property located in the Enchanted Forest, east of Enchanted Avenue and west of the Florida East Coast Railway from its present Multifamily High Density (R-3) zoning classification to the Open Space and Recreation (OR) zoning classification; and by changing a 0.14 acre of property located on Meade Lane south of Cheney Highway from its present Community Commercial (CC) zoning classification to the Multifamily High Density (R-3) zoning classification; and by changing a 0.08 acre property located at

3660 South Washington Avenue from its present community Commercial (CC) zoning classification to the Tourist (T) zoning classification.

11. **OLD BUSINESS**
12. **NEW BUSINESS**
13. **PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT (OPEN FORUM)**
14. **MAYOR AND COUNCIL REPORTS**
  - A. **Mayor's Report**

Attached is the Mayor's Report.
15. **CITY MANAGER'S REPORT**
  - A. **City Manager's Report**

Attached is the City Manager's Report.
16. **CITY ATTORNEY'S REPORT**
  - A. **U.S. Supreme Court Decision in *Reed v. Town of Gilbert* Invalidating Town's Sign Ordinance**

This is provided for information only.

City of Titusville  
"Gateway to Nature and Space"

**REPORT TO COUNCIL**

**To:** The Honorable Mayor and City Council  
**From:** William S. Larese, City Manager  
**Subject:** **Minutes**  
**Department/Office:** City Clerk

**Recommended Action:**

Approve the minutes of the regular City Council meeting on July 14, 2015 and special City Council meeting on July 28, 2015 (4:00 p.m.).

**Summary Explanation & Background:**

NA

**Alternatives:**

NA

**Item Budgeted:**

NA

**Source/use of funds/Budget Book Page:**

NA

**Strategic Plan:**

**Strategic Plan Impact:**

NA

**ATTACHMENTS:**

	<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
<input type="checkbox"/>	<a href="#">Draft Minutes - July 14, 2015</a>	8/5/2015	Backup Material
<input type="checkbox"/>	<a href="#">Draft Minutes - July 28, 2015 (4:00 p.m.)</a>	8/5/2015	Backup Material

City Council  
Regular Meeting  
July 14, 2015

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 14, 2015.

xxx

Mayor Jim Tulley called the meeting to order at 6:30 p.m. Present were Mayor Jim Tulley, Vice-Mayor Walt Johnson, and Members Matthew Barringer, Martha Long, and Rita Pritchett. Also in attendance were City Manager Scott Larese, City Attorney Richard Broome, and City Clerk Wanda Wells. Administrative Secretary Debbie Denman completed the minutes.

xxx

Reverend Fred Ball of the First United Methodist Church was present to give the invocation. Mayor Tulley then led those present in the Pledge of Allegiance.

xxx

Mayor Tulley read the public speaking procedures for the meeting.

xxx

## MINUTES

### Motion:

Vice-Mayor Johnson moved to approve the minutes of the regular City Council meetings on April 28, 2015 (6:30 p.m.), and May 26, 2015 (5:30 p.m.), as submitted. Member Long seconded the motion. The motion carried unanimously.

xxx

## SPECIAL RECOGNITIONS & PRESENTATIONS - None

xxx

## BOARDS AND COMMISSIONS

Planning and Zoning Commission – Mayor Tulley advised that the Planning and Zoning Commission's Semi-Annual Report was a written report.

### Motion:

Draft Minutes – July 14, 2015

Member Pritchett moved to approve the Planning and Zoning Commission's Semi-Annual Report, as written. Member Long seconded the motion. The motion carried unanimously.

xxx

North Brevard Commission on Parks and Recreation – Mayor Tulley advised that the recommended action was to accept the resignation of Regular Member Barry Gainer from the North Brevard Commission on Parks and Recreation and to appoint a new member.

Motion:

Member Pritchett moved to accept the resignation of Regular Member Barry Gainer from the North Brevard Commission on Parks and Recreation with regret, as recommended. Member Long seconded the motion. The motion carried unanimously.

xxx

Mayor Tulley advised that there was one application on file for consideration. Nitin (Sunny) Aggarwal expressed his willingness and desire to serve on the North Brevard Commission on Parks and Recreation for an unexpired term to expire on August 31, 2015. His application was included in the agenda package.

Motion:

Member Pritchett moved to appoint Nitin (Sunny) Aggarwal to the North Brevard Commission on Parks and Recreation as a regular member for an unexpired term to expire on August 31, 2015. Vice-Mayor Johnson seconded the motion. The motion carried unanimously.

xxx

Historic Preservation Board – Mayor Tulley advised that the Historic Preservation Board's Semi-Annual report was a written report.

Motion:

Member Pritchett moved to accept the Historic Preservation Board's Semi-Annual report, as written. Vice-Mayor Johnson seconded the motion. The motion carried unanimously.

xxx

PETITIONS AND REQUEST FROM THE PUBLIC PRESENT (OPEN FORUM)

Pete Petyk commented that there were certain areas in the City, due to the lack of planning, where there were no bicycle lanes and inadequate bicycle parking for bicycle utility riders. He stated that as the community became more bicycle oriented, there would need to be a bicycle element included in the comprehensive plan. He felt that would assist in making it safer for utility bicycle users.

Second, Mr. Petyk stated that the North Brevard Charities was attempting to build a homeless shelter on property located on Grannis Avenue and that the property had outstanding code violations liens. He felt the North Brevard Charities should be allowed to renovate the property to build a homeless shelter and asked whether the Council could assist the North Brevard Charities.

Mayor Tulley asked City Attorney Broome how much flexibility the Council had in respect to the Grannis Avenue property and still fall within the guidelines of the City code.

City Attorney Broome advised that once the Code Board fined a property and it was recorded, it was then turned over to the City's Legal Department for collection of the fines. If a property owner wanted to negotiate the fines, they would need to contact the Legal Department to work out negotiations.

Joe Robinson, Director of the North Brevard Charities stated that he was in contact with City Attorney Broome regarding the code fines on the Grannis Avenue property and thanked the Council for their support.

Member Long asked for further clarification of the code violation fines.

Mr. Robinson advised that there was approximately \$207,000 in outstanding liens on the property grounds. North Brevard Charities cleaned up the property and the City inspected the grounds and accepted the work. He advised that there was still \$20,000 in outstanding liens plus an additional \$1,067 for wastewater cost.

Member Long stated that the homeless shelter would be a very important asset to the community and encouraged the City Attorney to work with Mr. Robinson in negotiating the remaining liens.

Member Long requested that Mr. Petyk complete an application to serve on the Downtown Mobility Commission.

XXX

Stan Johnston presented a map of the 100-year flood plain of Baker's Subdivision and an empty folder for information on the calculations for the 100-year flood plain for the City of Titusville and stated that he was still waiting on that information. He provided Council a handout "Design and Approval of a Dam at the End of Carol Avenue that Floods Private Property". The presentation included a conclusion, recommendation, location map, dam design, topographical survey, storage, and impact of dam on upstream property. He asked Council to adopt a requirement to design and review dams.

XXX



Debbie Petyk, Vice-Chairman of the Historic Preservation Board, provided an update on the Historic Preservation Board. She advised that the Certified Local Government (CLG) application was complete and met the states criteria. She thanked the Council for their consideration regarding the Grannis Avenue Project and advised that the Historic Preservation Board was very excited about saving the Grannis Avenue property.

xxx

Kathleen Burson asked the Council to reconsider an item from the June 9, 2015 City Council meeting regarding landscape structures. She stated that she would like to simplify the original request and clarify exactly what was requested. The two main items she would like to clarify were: 1) To allow a landscape structure in the front yard without the 120 square foot limit same as the back yard; and 2) To allow the structure for vehicle storage only if over the driveway otherwise; if in the yard, be allowed only for patio use.

Mayor Tulley recommended that Ms. Burson provide any further information to staff for review and they would determine whether to provide Council advisability to revisit the item.

Member Long advised that she would support another advisability with the limited changes.

Mayor Tulley stated he did not support the structures being used for outside storage.

Member Pritchett asked that staff address the difference between the back yard and the front yard and to address any weight issues.

xxx

### CONSENT AGENDA

Member Long requested to hear Consent Agenda Item K separately. Member Barringer requested to hear Consent Agenda Item C separately. Mayor Tulley requested to hear Consent Agenda Item L separately.

#### Motion:

Member Barringer moved to approve Consent Agenda Items A, B, D through J in accordance with recommendations, upon reading. Vice-Mayor Johnson seconded the motion.

Consent Agenda was read as followed by City Manager Larese.

- A. Advisability to Amend Industrial Development Regulations - Approve the advisability to amend the Industrial Development Regulations as recommended.

- B. Bus/Transit Shelter and Bench Interlocal Agreement with Brevard County - Approve the Bus/Transit Shelter and Bench Interlocal Agreement with Brevard County and authorize the Mayor to execute, subject to final review by the City Attorney.
- D. Advisability to Amend the Industrial (Light Industrial Services and Warehousing (M-1) and Industrial (M-2)) Zoning Districts - Approve advisability to amend the Industrial (M-1 and M-2) zoning classifications to allow restaurant with craft brewery.
- E. Appropriate Federal Forfeiture Fund Dollars-Special Investigative Funds - Appropriate and approve use of \$20,000 in Federal Forfeiture Funds to be used for the purpose of criminal and special investigative expenses and approve attached budget amendment form.
- F. Appropriate Federal Forfeiture Funds - Appropriate and approve \$30,550 in Federal Forfeiture Funds to purchase two (2) Stalker Brand digital roadside message centers with trailers at \$15,275 each; Appropriate and approve \$13,754 in Federal Forfeiture Funds to purchase two (2) Stalker Brand SAM mobile speed enforcement signs at \$6,877 each; Appropriate and approve \$4,000 in Federal Forfeiture Funds to purchase crime prevention materials to promote various services the City support. Approve the budget amendments included in the agenda package.
- G. 2015-2016 Local JAG Grant Approval to Submit Application - Approve submission of application and receipt of funds in the amount of \$20,416.
- H. Housing Rehabilitation Programs Annual Roofing Agreement - Approve the agreement for roofing work provided through the Housing Rehabilitation and Emergency Repair Programs under the Neighborhood Services Department, and authorize the Mayor to execute the agreement.
- I. Purchase of Code Enforcement Pickup Trucks - Approve the purchase of four (4) 1/2 Ton 4x2 Pickup Trucks from Garber Chevrolet Buick GMC Truck of Green Cove Springs, FL in the amount of \$85,538.20.
- J. Approve Award Bid #15-B-029 for the Purchase of Various Pickup Trucks - Approve the purchase of three (3) 1/2 Ton Extended Cab 4x2 Pickup Trucks, one (1) 1/2 Ton Regular Cab 4x2 Pickup Truck, and two (2) 3/4 Ton Extended Cab 4x4 Pickup Trucks with Reading Utility Body from Ron Norris Ford of Titusville, FL in the amount of \$158,625.92; and one (1) 17,501 LB GVW Cab & Chassis (Dual Rear Wheel) 4x2 with Knaphiede Platform Body from Duval Ford of Jacksonville, FL in the amount of \$42,421.00. Additionally, approve the budget amendments included in the agenda package to provide the additional funds necessary for these purchases.

The motion carried unanimously.

xxx

Consent Agenda Item C

Lease Agreement at Harry T. Moore Social Service Center with RAMPART Group, Inc. d/b/a Senior Care Brevard – Authorize lease agreement with RAMPART Group, Inc. d/b/a Senior Care Brevard, for office space at the Harry T. Moore Social Service Center, based upon review and approval by the City Attorney.

Member Barringer advised that he was an uncompensated officer for this organization and felt it was appropriate to excuse himself from voting on this item.

Motion:

Vice-Mayor Johnson moved to approve Lease Agreement at Harry T. Moore Social Service Center with RAMPART Group, Inc. d/b/a Senior Care Brevard, in accordance with recommendations. Member Pritchett seconded the motion. The motion carried 4 – 0, with Member Barringer abstaining.

xxx

Consent Agenda Item K

Refunding of 2005 Riverfront Acquisition Bonds – Council authorize staff to proceed with the Request for Proposal (RFP) to refinance the existing Riverfront Acquisition Bonds at a lower interest rate and authorize staff to acquire the necessary bond counsel. This action would result in an average annual savings of approximately \$55,000 per year. Total savings would be in excess of \$490,000 over the remaining life of the bond.

Member Long asked whether a refinance would result in a reduced ad valorem rate and Finance Director Bridgette Clements advised that it would.

Motion:

Member Pritchett moved to approve Refunding of 2005 Riverfront Acquisition Bonds, in accordance with recommendations. Vice-Mayor Johnson seconded the motion. The motion carried unanimously.

xxx

Consent Agenda Item L

Advisability for Railroad Quiet Zone Establishment – Provide staff approval to review the data necessary for the establishment of a Railroad Quiet Zone and for staff to report back in August on the findings.

Mayor Tulley advised that he felt to move forward with an advisability for a railroad quiet zone establishment, would just generate unneeded work for the City. The rationale was that quiet zones were extremely expensive and imprudent for the City to pay for quiet zones when in the future they may be paid for by a private enterprise. Mayor Tulley asked for Council's support not to approve this item.

Motion:

Member Long moved to deny advisability for Railroad Quiet Zone Establishment. Member Pritchett seconded the motion.

Member Barringer recommended that the City be proactive in addressing the noise issue for the community.

The motion to deny carried 4-1 with Member Barringer in objection.

xxx

ORDINANCES-SECOND READING, PUBLIC HEARINGS & RELATED ACTION

Ordinance No. 18-2015 – Amending the Text of the Regional Mixed Use (RMU) Zoning District

City Attorney Broome read ORDINANCE NO. 18-2015, AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING THE *CODE OF ORDINANCES* BY AMENDING THE PERMITTED, CONDITIONAL, ACCESSORY AND PROHIBITED USES, MAXIMUM DENSITIES, HEIGHT, YARD AND AREA REQUIREMENTS AND MASTER PLAN APPROVAL PROCEDURES IN THE REGIONAL MIXED USE ZONING DISTRICT; BY AMENDING SECTION 59-780 “PURPOSE AND INTENT”; AMENDING SECTION 59-781 “PERMITTED PRINCIPAL AND CONDITIONAL USES”; AMENDING SECTION 59-782 “ACCESSORY USES”; AMENDING SECTION 59-783 “CONDITIONAL USES”; AMENDING SECTION 59-784 “PROHIBITED USES”; AMENDING SECTION 59-785 “MAXIMUM DENSITY”; AMENDING SECTION 59-786 “HEIGHT, YARD AND AREA REQUIREMENTS”; AND AMENDING SECTION 59-788 “GENERAL PROVISIONS” RELATING TO MASTER PLAN APPROVAL PROCEDURES; PROVIDING FOR SEVERABILITY; REPEAL OF CONFLICTING ORDINANCES; EFFECTIVE DATE AND FOR INCORPORATION INTO THE CODE, the first time by title only.

City Manager Larese advised that on April 14, 2015, the City Council approved an advisability directing staff to amend the Regional Mixed Use (RMU) zoning district by clarifying language, inserting permitted and conditional uses, and streamlining the approval process.

Planning Manager Brad Parrish provided a powerpoint presentation “Residential Mixed Use Zoning District Code Text Amendment” that included purpose and code changes.

Mayor Tulley opened the public hearing.

John Evans spoke in support of Ordinance No. 18-2015 amending the text of the Regional Mixed Use (RMU) Zoning District. He stated the amendment would allow his client to move forward with a project that was approved in 2008 and that the project would inject a huge infusion of business for Titusville. He asked for Council's support of Ordinance No. 18-2015.

Mayor Tulley closed the public hearing.

This was the first reading and first public hearing. The second reading and final public hearing was scheduled for the regular City Council meeting on July 28, 2015 at 6:30 p.m.

xxx

Ordinance No. 24-2015 Allowing for an Ad Valorem Tax Abatement to Project Landmark – Lockheed Martin

City Attorney Broome read ORDINANCE NO. 24-2015, AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA ALLOWING FOR AN AD VALOREM TAX ABATEMENT TO PROJECT LANDMARK, LOCKHEED MARTIN.; SPECIFYING THE ITEMS EXEMPTED; PROVIDING FOR AN EXPIRATION DATE FOR THE EXEMPTION; AND PROVIDING AN EFFECTIVE DATE, the second time by title only.

City Manager Larese advised that the Economic Development Commission (EDC) of Florida's Space Coast was managing a business recruitment project for Lockheed Martin known as Project Landmark. Lockheed Martin was a qualified target industry sector business as defined by F.S. 288.106. Project Landmark would involve the modification of a facility to be used for the design and manufacturing of a high-tech product. The site being considered was located at 1515 Chaffee Drive, Titusville, Florida.

Lockheed Martin planned to create 50 new jobs with an average wage of approximately \$89,000 and invest up to approximately \$80,000,000 in new capital investment.

The Space Coast Economic Development Commission (SEDC) recommended 9 years at 90% abatement at the Executive Board Meeting held on May 28, 2015. The EDC of Florida's Space Coast AVT Council approved 9 years at 90% abatement at the June 9th meeting.

Mayor Tulley opened the public.

Gregory Weiner was available for questions.

Mayor Tulley closed the public hearing.

Motion:

Vice-Mayor Johnson moved to approve Ordinance No. 24-2015 allowing for an Ad Valorem Tax Abatement to Project Landmark – Lockheed Martin, as recommended. Member Long seconded the motion.

The roll call was:

Member Long	Yes
Mayor Tulley	Yes
Vice-Mayor Johnson	Yes
Member Barringer	Yes
Member Pritchett	Yes

The motion carried unanimously.

xxx

Mayor Tulley read the quasi-judicial rules of procedure.

xxx

Rezoning No. 4-2015 Regional Mixed Use (RMU) – Antigua Bay (formerly Sandy Pointe)

City Attorney Broome read ORDINANCE NO. 19-2015, AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA AN ORDINANCE AMENDING ORDINANCE NO. 5-1993 OF THE CITY OF TITUSVILLE, FLORIDA, BY AMENDING THE ZONING MAP MADE A PART OF SAID ORDINANCE BY REFERENCE BY CHANGING PROPERTY LOCATED NORTHEAST OF THE INTERSECTION OF U.S. HIGHWAY ONE AND COLUMBIA BOULEVARD STATE ROAD 405, FROM ITS PRESENT RMU-100/OR, RMU-100/RMU, RMU-200/R-1C, RMU-200/R-1B&R-1A, RMU-200/R-1B, RMU-300/R-2, RMU-300/CBD, RMU-400/RC, RMU-400/CBD AND RMU-400/CM ZONING CLASSIFICATIONS TO REGIONAL MIXED USE (RMU) ZONING CLASSIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, the first time by title only.

City Manager Larese advised that the City initiated the rezoning requesting to rezone the Antigua Bay property (formerly known as Sandy Pointe) by removing all references to RMU-100, 200, 300 and 400 sub-districts from the City's zoning map. The rezoning request would eliminate inconsistencies between the final master plan governing this property and the City's zoning map.

Mayor Tulley opened the public hearing.

John Evans stated that Rezoning No. 4-2015 was an attempt to make the property consistent with Ordinance No. 18-2015 – Amending the Text of the Regional Mixed Use

(RMU) Zoning District that would be considered by Council at the City Council meeting on July 28, 2015 at 6:30 p.m.

Mayor Tulley closed the public hearing.

This was the first reading and first public hearing. The second reading and final public hearing was scheduled for the regular City Council meeting on July 28, 2015 at 6:30 p.m.

xxx

### ORDINANCES-FIRST READING

#### Ordinance No. 25-2015 Amending the Single Family High Density (R-1C) Zoning District

City Attorney Broome read ORDINANCE NO. 25-2015, AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING THE CITY'S *LAND DEVELOPMENT REGULATIONS* BY AMENDING CHAPTER 59 "ZONING", ARTICLE III "RESIDENTIAL DISTRICTS", DIVISION 6 "SINGLE FAMILY HIGH DENSITY (R-1C)", SECTION 59-126 "HEIGHT, YARD AND AREA REQUIREMENTS" RELATING TO FRONT YARD SETBACKS; PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES, AN EFFECTIVE DATE AND INCORPORATION INTO THE CODE, the first time by title only.

City Manager Larese advised that on June 9, 2015, the Council approved advisability to direct staff to draft an ordinance amending the R-1C single family-zoning district to allow a reduced front setback when a rear-loaded garage was to be constructed. The staff received a request from Ken Ward to amend the front setback criterion to twenty (20) feet in lieu of the required twenty five (25) feet for a principal structure when a rear-loaded garage was proposed.

Ken Ward cautioned the Council against over simplifying too many codes. He commented that after speaking with Planning Manager Parrish, he felt staff agreed that whether the structure was attached or detached, the front setback would still be at twenty five (25) feet.

The public hearing was scheduled for the regular City Council meeting on July 28, 2015 at 6:30 p.m.

xxx

### OLD BUSINESS - None

xxx

NEW BUSINESS

Report on Golf Course Redevelopment Issue and Case Studies – City Manager Larese advised that on February 10, 2015, Council approved advisability for staff to create standards for redevelopment of golf courses. To allow time for the careful consideration of those standards, a moratorium was established for up to one year.

The next step in the process would be to solicit comment from the public and develop general guidelines for the redevelopment of golf courses.

Staff's recommendation was for Council to accept the report on Golf Course Redevelopment issues and provide comments as to issues to be considered, if desired.

Planning Manager Parrish powerpoint presentation as followed:

- Golf Course Redevelopment
- Redevelopment Issues
- Case Studies
- Reflection Bay, Palm Beach County
- Mizner Trail, Palm Beach County
- American Golfers Club, Fort Lauderdale
- Country Club Lakes Estates, Palm Bay

Member Long stated that sensitivity to the single-family neighborhoods on how to allow an abutting development and all issues provided by staff would need to be addressed. She also advised that if there were environmental issues they would need to become the developers issues not the City's.

Member Barringer asked that staff research allowing assisted living facilities relative to the form of development.

Mayor Tulley stated that neighborhood sensitivity was important when developing a golf course.

Vice-Mayor Johnson commented that the developer needed to be sensitive not to block the view of previously established homes.

Mayor Tulley requested that trails be included in the redevelopment issues.

Member Long requested staff consider any new development and how to accommodate trails within the development.

xxx

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

Draft Minutes – July 14, 2015



xxx

## MAYOR AND COUNCIL REPORT

Mayor's Report – Mayor Tulley submitted a written report.

xxx

Mayor Tulley stated that he attended the Titusville Area Chamber Of Commerce (TACC) luncheon on July 8, 2015 and the speaker, Linda Weatherman provided a very insightful speech on “Workforce Development”.

xxx

Mayor Tulley stated that he and Member Long attended the Space Coast Transportation Planning Organization (SCTPO) meeting on July 9, 2015 and the discussion at that meeting included long-range transportation planning, project priorities, and the Central Florida and Alliance priorities.

Member Long advised that also discussed at the SCTPO meeting was the lack of transportation and impact fees and how they affected projects in the long range planning.

xxx

Member Barringer advised that the Council would need to be proactive regarding the Charter Review Commission for Brevard County, as they developed their recommendations.

xxx

Member Barringer expressed concern of the homelessness in the community. He recommended more be done to address that issue and asked for Council's support in holding a forum to address homelessness in the community.

xxx

Member Pritchett recommended a study be completed regarding the installation of a crosswalk over the Max Brewer Causeway near the Max Brewer Bridge.

City Manager Larese advised that the traffic engineers were already considering a crosswalk over the Max Brewer Causeway in the area of Indian River Avenue and also a crosswalk on the east side of the Max Brewer Bridge.

Member Pritchett expressed concern regarding slick paint at the skate park that could cause injuries and asked whether this concern could be presented to the North Brevard

Commission on Parks and Recreation.

Member Long requested that the City Council Liaison for the North Brevard Commission on Parks and Recreation Walt Johnson, bring the issue of the slick paint at the skate park up at the next North Brevard Commission on Parks and Recreation meeting.

xxx

Vice-Mayor Johnson advised that the homeless in the community was a complex issue and recommended that a rehabilitation element be included when the issue was addressed.

Mayor Tulley recommended that Member Barringer contact State Representative Kathleen Peters, from Pinellas County to discuss statewide issues regarding the homelessness.

Member Long recommended developing a list of organizations that were involved in assisting the homeless people of the community to determine what was needed regarding the homeless. She stated that Country Acres would be an ideal location for homeless families and asked that it be determined whether that facility was available to be utilized for the homeless families.

Council discussed the issues and concerns of the homelessness.

xxx

#### CITY MANAGER'S REPORT

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

xxx

#### ACTION ITEMS

##### Reschedule of First Budget Public Hearing Date

A review of the budget timeline revealed that the City's first scheduled FY 16 Budget Public Hearing date of August 18th was not in alignment with the state budget timeline requirements.

Staff requested to change the date of the first Public Hearing to one of the following dates:

Primary: Sept 9, 2015 @ 5:30

Alternate: Sept 10, 2015 @ 5:30

Alternate: Sept 16, 2015 @ 5:30

Council agreed to reschedule the first FY 16 Budget Public Hearing date from August 18, 2015 at 5:30 p.m. to September 9, 2015 at 5:30 p.m.

xxx

Legislative Priorities

Included in the agenda package for Council's review was the latest revision to the FY 16 Legislative Priorities to be submitted to the Space Coast League of Cities prior to August 1, 2015.

Council discussed the list of FY 16 Legislative Priorities.

Consensus of the Council was to approve the FY 16 Legislative Priorities to be submitted to the Space Coast League of Cities prior to August 1, 2015 with the following changes to the order of priority; 1. Restoration of Indian River Lagoon; 2. Commercial Space; 3. Continuation of Communications Services Tax and Local business Tax Sales Tax; 4. Transportation Funding; and 5. Housing Opportunities. Public Pension Reform and all other items would be removed from the list.

xxx

Letter Request for Signage for East Trail

Included in the agenda package was a letter from the City of Titusville to Florida Department of Transportation (FDOT) Secretary Downs requesting FDOT provide appropriate signage to mark the East Central Regional Rail-Trails – Greenway Segment in Titusville.

Also, there was a letter request to Global Green USA expressing commitment and support for the technical assistance effort provided by the Global Green USA team with funding provided by the U.S. Environmental Protection Agency's Office of Sustainable Communities under the Building Blocks for Sustainable Communities Program.

Motion:

Member Pritchett moved to authorize the Mayor to sign the letter request for Signage for East Trail and forward to FDOT Secretary Downs and to authorize the Mayor to sign a letter request to Global Green USA, as requested. Member Long seconded the motion. The motion carried unanimously.

xxx

Informational Items

- Budget to Actual Report for May 2015
- Fixed Asset Disposal Results
- Summer Youth Intern Pilot Program
- Fire Insurance Service Office (ISO) Rating Upgrade

Draft Minutes – July 14, 2015

- Status of Bus Shelters Provided by Sun Pacific Power
- Educational Facilities Impact Fees

xxx

CITY ATTORNEY'S REPORT

xxx

With no further business, the meeting adjourned at 8:28 p.m.

---

James H. Tulley, Jr., Mayor

ATTEST:

---

Wanda F. Wells, City Clerk

DRAFT

City Council Meeting  
Special Meeting  
July 28, 2015

The Titusville City Council met in special session on Tuesday, July 28, 2015 in the Council Chamber of City Hall, 555 South Washington Avenue, Titusville, Florida.

xxx

The meeting was called to order at 4:00 p.m. Those present were Mayor Jim Tulley, Vice-Mayor Walt Johnson and Council Members Martha Long and Rita Pritchett. Also in attendance were City Manager Scott Larese, and City Attorney Richard Broome. Administrative Secretary Debbie Denman completed the minutes. Member Matthew Barringer arrived late.

xxx

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

xxx

The purpose of this meeting was to hold a Space Coast Economic Development Commission (SEDC) and City of Titusville Workshop.

xxx

City Manager Scott Larese provided opening remarks and advised that staff was tasked to hold a Space Coast Economic Development Commission (SEDC) and City of Titusville Workshop to define the mission/vision of the SEDC, discuss clarification of the roles and responsibilities, and to review/update the Memorandum of Understanding (MOU) expiring on September 30, 2015 between the City of Titusville and SEDC.

xxx

Michael Powell, President of the SEDC, defined the mission/vision of SEDC and highlighted who the SEDC were and how the SEDC was organized. He advised that the SEDC's role in best supporting economic development was initial contact with prospective organizations wishing to expand and/or relocate to the area. The North Brevard Economic Development Zone (NBEDZ) identified and facilitated the proper economic incentives to help make Titusville and North Brevard as competitive as any other location that businesses might be weighing against Titusville in the decision making process for relocation. The Greater Titusville Renaissance (GTR) closed the marketing loop by showing the incredible range of cultural and quality of life aspects that make the City of Titusville unique. Those three organizations all working with the support of the

Draft Minutes – July 28, 2015 (4:00 p.m.)

Chamber of Commerce sent an unparalleled marketing statement to anyone considering relocating to the area.

Vice-Mayor Johnson stated that he was in favor of updating the MOU between the City of Titusville and the SEDC. He highlighted the differences between the Chamber of Commerce, the SEDC, the Economic Development Commission (EDC), and the NBEDZ.

Mary Harvey, Treasurer of the SEDC, provided expenditures and income of the SEDC during the time of employment of the previous Economic Development Director from October 2013 through September 2014 and October of 2014 through July 2015.

Mr. Powell stated that travel expenses were usually in partnership with the City, which allowed the opportunity to market the City of Titusville in other locations. He advised that there were several companies currently looking to locate in Titusville.

Mayor Tulley asked whether it was the SEDC's desire to renew the MOU in the form of the 1999 MOU, rather than the current MOU.

Mr. Powell stated that the desire was not to necessarily go back verbatim to the 1999 MOU, but to operate in a fashion more conducive to the business leaders that were the SEDC membership, being able to best assist the City of Titusville. If the SEDC, GTR, and NBEDZ were all housed in one central location, possibly in the Chamber of Commerce building, the answer might be a Central Executive Assistant that would assist all three groups to have a one-stop shop. This would allow for there always being someone available for calls from possibly new businesses interested in locating to Titusville. Mr. Powell stated that the SEDC wanted to best maximize the opportunities for the City of Titusville.

Mayor Tulley asked whether there was something lacking in the current MOU that the SEDC would like modified.

Mr. Powell advised that the collective voice of the SEDC felt that the current MOU was a bit too restrictive by limiting the opportunities regarding the administrative support. There were also concerns with the sunshine law when utilizing a City employee.

Member Pritchett stated that she was struggling with the structural relationship between the City and SEDC, the sunshine law issue, and funding. She felt all the items needed to be addressed and recommended a common resource to be used by all the non-profit entities.

Mayor Tulley asked whether an MOU was needed to house the SEDC in the office space available in the Chamber of Commerce building.

City Manager Larese advised that an MOU was not needed. The City owned the land, the Chamber of Commerce owned the building, and only a lease agreement with the Chamber and SEDC would be needed.

Vice-Mayor Johnson asked whether there was already an agreement that stipulated that the Chamber of Commerce would provide the second floor of their building for the Economic Development Department of the City.

Marsha Gaedcke, President of the Titusville Chamber of Commerce, advised that the agreement stated that the primary purpose of the upstairs of the Chamber of Commerce building would be for economic development and it would be maintained for that purpose. She was not sure whether an additional agreement would be required for the other organizations to utilize the space, but if so, the Chamber of Commerce would like to review the agreement and be involved in any conversation.

City Manager Larese advised that currently the City's Economic Development Director worked in the City Hall and administrative support was provided through the Community Development Department. Executive Assistant Kathy Daniels provided administrative support to the SEDC. He stated that according to the current MOU, staff was chartered to provide administrative support to the SEDC and advised that he was uncomfortable with providing that support. He stated that providing City staff for support to private organization's was a dangerous situation.

Vice-Mayor Johnson advised that Executive Assistant Daniels was performing two full time jobs to the City and the SEDC and that was a problem. The SEDC was a very limited group and did not have the funding for a qualified Executive Director and Administrative Assistant and they needed support for those positions.

Member Long stated that she felt the SEDC was an asset to the City of Titusville, but did not think it was in the best interest of the tax payers of Titusville to support a non-profit organization. The SEDC was needed, but there was a need for process improvement, but without the City taxpayer's money. She advised that she would not vote to fund a non-profit organization.

Member Pritchett asked how many calls a week SEDC received.

Mr. Powell advised that without administrative support, there was no way to tell.

City Manager Larese advised that currently Executive Assistant Daniels averaged less than two call a week for SEDC.

Member Pritchett recommended entertaining the idea of a central resource for all entities to utilize and that entities allowed to use the resource must be a non-profit entity that served the needs of the City as a resource.

Member Barringer stated that if Council took the position not to fund non-profits that would also eliminate part of the Social Services, the GTR, and other organizations and cautioned against making a quick decision. He advised that when quantifying the number of calls received by the SEDC, to not forget the number calls that went to individuals whose interest was in conjunction with the SEDC. He asked Council to consider how much the SEDC contributed to City efforts and advised that he fully supported the SEDC.

Member Pritchett asked the SEDC to come back at a future date with a plan that worked for the City and the SEDC.

Mike Werner, President Elect of the SEDC, stated that there was already a plan. The plan was to use three (3) office spaces in the Chamber of Commerce building to house the NBEDZ, City Director of Economic Development and the GTR, and one Administrative Assistant that would be jointly paid to assist all three groups and the SEDC would assist when called upon. The SEDC was not asking for money from the City for the SEDC, but the SEDC wanted to provide support to the City when needed.

Mr. Werner stated that there was some confusion regarding the sunshine law. City Attorney Broome highlighted the sunshine law and how it applied to the SEDC.

Mayor Tulley stated the question was not whether the SEDC should continue to exist, but to determine in what form the City would support the SEDC. He proposed an additional meeting to discuss the structure of the City's and the SEDC's relationship.

Motion:

Member Pritchett moved hold a second workshop to discuss the structure of the City's and the SEDC's relationship. Vice-Mayor Johnson seconded the motion.

Mayor Tulley recommended that the SEDC create a business plan to present to the City and the NBEDZ and seek the same type of joint funding as the GTR received. Then the GTR, NBEDZ, and SEDC could join together to share resources and function together without the City providing services.

The motion carried unanimously.

xxx

PUBLIC COMMENT - None

xxx

With no further business, the meeting adjourned at 5:20 p.m.



\_\_\_\_\_  
James H. Tulley, Mayor

ATTEST:

\_\_\_\_\_  
Wanda F. Wells, City Clerk

City of Titusville  
"Gateway to Nature and Space"

**REPORT TO COUNCIL**

**To:** The Honorable Mayor and City Council  
**From:** William S. Larese, City Manager  
**Subject:** **Municipal Code Enforcement Board**  
**Department/Office:** City Clerk

**Recommended Action:**

Appoint one alternate member to the Municipal Code Enforcement Board for an unexpired term to expire on October 31, 2015.

**Summary Explanation & Background:**

The Municipal Code Enforcement Board is a seven-member board that includes, whenever possible, an architect, a businessman, an engineer, a general contractor, a subcontractor, and a realtor. It is an administrative board that has the authority to impose fines and other non-criminal penalties to provide an equitable, expeditious, effective, and inexpensive method of enforcing City Codes. The Municipal Code Enforcement Board meets the second Monday of the month at 2 p.m. at City Hall in the Council Chamber, 555 South Washington Avenue.

Currently there is one vacancy for an alternate member with an unexpired term to expire on October 31, 2015.

There is currently one application on file for consideration. Mr. Romie Grant has expressed his willingness and desire to serve on this board. His application is attached.

There are currently no other applications on file for consideration.

**Monthly Statement of Board Appointments:** Each month the City Clerk posts, on the official city bulletin boards, a statement of Board and Commission appointments that identifies member term expirations and board vacancies for the upcoming six months. In an effort to provide more exposure of this information to our citizens, the City Clerk's Office posts this statement, on a monthly basis, on the City of Titusville web site and a power point presentation has been designed and placed on Channel 498 for citizens to view upcoming term expirations and vacancies at home.

**Alternatives:**

Do not make appointment.

**Item Budgeted:**

NA

**Source/use of funds/Budget Book Page:**

n/a

**Strategic Plan:**

No. 2 – Economic Development

**Strategic Plan Impact:**

n/a

**ATTACHMENTS:**

Description	Upload Date	Type
<input type="checkbox"/> <a href="#">Application</a>	7/24/2015	Backup Material

### CITY OF TITUSVILLE BOARDS AND COMMISSIONS APPLICANT INFORMATION FORM

Please Type, if possible (or print clearly)

Date: 5/14/2015  
L.

Name: GRANT Romie \_\_\_\_\_  
(Last) (First) (M.I.)

Address: Home: 2545 Longwood Ct. Zip Code: 32780  
Titusville, Fl.

Business: N/A Zip Code: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone: Home: 321-383-9847 Business: N/A Cell: 321-607-2416

Email Address: Rgrant642@cfl.rr.com

Employer: N/A

Position/Occupation: N/A How Long: \_\_\_\_\_

Education: Post secondary educational institutions attended:

Name & Location	Dates Attended	Degrees Earned
<u>Tampa Tech. Institute, Tampa, Fl.</u>	<u>12/1977</u>	<u>AS</u>

Professional Licenses or Certificates Held:

Title	Date Issued	Issuing Authority
<u>SR20 IND - All Lines Claims Adj.</u>	<u>10/2012</u>	<u>Fl. Dep. Fin. Svcs</u>

Board(s) Preferred:  
Community Redevelopment Agency, Affordable Housing  
Advisory Comm., municipal Code Enforcement BOARD.

**Please answer the following questions:**

- Are you a City of Titusville Resident? Yes  No
- Are you a Registered Voter? Yes  No   
If yes - please give Registration Number: 100963034 and Date of Registration: 01/13/1982
- Are you currently serving on a City Board? Yes  No
- Have you ever served on a City Board? Yes  No   
If yes, which Board and when? \_\_\_\_\_
- How long have you lived in Titusville? 33 Years
- Do you feel you have adequate time to devote to this board/commission membership? Yes  No
- May we submit your application each time a vacancy occurs rather than phone you? Yes  No

RECEIVED MAY 18 2015

**ADDITIONAL INFORMATION**

**Question: Why do you desire to serve on this/these board(s)?**

**I have lived in Titusville since the early 80's and I have watched my city continue to regress. I moved here because I believed that it was a good place to raise a family and it is until they (kids) reach adolescence but after that it becomes difficult to retain their interest and when they mature it its even more difficult to keep them here to help the city grow. The businesses that try to get started here do not have the longevity needed to become an essential part of the community, the citizens have very little in the form of leisure and recreational activities to participate in especially the very young and the teens. I'm not pointing fingers and I am in no way suggesting that I have a solution because I do not know what you know about what it takes to manage a city but I would like to help.**

**Personal/Professional References:**

Name	Address	Telephone
Domita Gilmore	904 Fern Ave, COCOA FL.	321-631-6998

**Work Experience:**

I worked 33 yrs at the Kennedy Space Center with four different contractors perform maintenance on electronic equipment for space shuttle launches

**Community Involvement:**

None yet. I currently have no experience in community involvement at this time.

**Interests/Activities:**

Fishing in the Indian River Lagoon, and playing Golf at my favorite course Royal Oaks which is now closed

**Why do you desire to serve on this/these Board(s)?:**

See Attached Sheet

- **NOTE: A resume or separate sheet with additional information may be included.**

**APPLICANT CERTIFICATION**

By placing my signature below, I do hereby acknowledge that I understand the following:

1. This Applicant Information Form, when completed and filed with the City Clerk's Office, is a PUBLIC RECORD under Chapter 119, Florida Statutes, and, therefore, is open to public inspection by any person.
2. As an applicant, I am responsible for keeping the information on this form current and that any changes or updates to this form can be made by calling, faxing, writing, or visiting the City Clerk's Office.
3. As an applicant, I am aware that City and State law requires that members of certain boards file a detailed financial disclosure form.
4. This application is effective for ONE YEAR from the date of receipt by the City Clerk's Office. To be eligible for appointment, each member must be a registered voter and resident of the City of Titusville for one year immediately prior to the appointment.
5. Under the provisions of Section 2-52 of the Code of Ordinances, "Persons wishing to be considered for appointments shall file with the City Clerk's Office a statement of their interest and comply with Section 2-51, no later than five (5) days prior to the meeting at which the appointment is scheduled. The time limit in this subsection may be waived when a position on a board or commission has been open or available for appointment for a period of fifteen (15) days and there is only one (1) applicant for the position.
6. The information provided on this form is true and consent is hereby given the City Council or its designated representative to verify any and/or all information provided.

5/14/2014  
Date Signed

*Ronie L. Dantz*  
Applicant Signature

**City Clerk's Office Use Only:**

Date Application Received: \_\_\_\_\_

Receipt Acknowledged By: \_\_\_\_\_

RETURN COMPLETED APPLICATIONS TO: City Clerk's Office, P.O. Box 2806, Titusville, FL 32781-2806 - 321 383-5774

**Affordable Housing Advisory Committee**

**Supplemental Application**

Name of Applicant: Ronie L. Grant Date: 5/14/2015

If you wish to serve as a member to the Affordable Housing Advisory Committee, please mark the following that apply to your expertise/experience:

- One local citizen who is actively engaged in the residential home building industry in connection with affordable housing.
- One local citizen who is actively engaged in the banking or mortgage banking industry in connection with affordable housing.
- One local citizen who is a representative of those areas of labor actively engaged in home building in connection with affordable housing.
- One local citizen who is actively engaged as an advocate for low-income persons in connection with affordable housing.
- One local citizen who is actively engaged as a for-profit provider of affordable housing
- One local citizen who is actively engaged as a not-for-profit provider of affordable housing
- One local citizen who is actively engaged as a real estate professional in connection with affordable housing.
- One local citizen who actively serves on the local planning agency pursuant to s. 163.3174.
- One local citizen who resides within the jurisdiction of the local governing body making the appointments.
- One local citizen who represents employers within the jurisdiction.
- One local citizen who represents essential services personnel, as defined in the Local Housing Assistance Plan (LHAP).

Experience: None  
\_\_\_\_\_  
\_\_\_\_\_

**Municipal Code Enforcement Board**

**Supplemental Application**

Name of Applicant: Romie L. Grant Date: 5/14/2015

If you wish to serve as a member to the Municipal Code Enforcement Board, please check the following that apply to your expertise/experience:

- Architect
- Businessman
- Engineer
- General contractor
- Subcontractor
- Realtor
- No expertise/experience in any of the above areas

Please provide additional information regarding the expertise/experience above: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



City of Titusville  
"Gateway to Nature and Space"

**REPORT TO COUNCIL**

**To:** The Honorable Mayor and City Council  
**From:** William S. Larese, City Manager  
**Subject:** **Board of Adjustments and Appeals**  
**Department/Office:** City Clerk

**Recommended Action:**

Accept the Board of Adjustments and Appeals Semi-Annual report as written.

**Summary Explanation & Background:**

n/a

**Alternatives:**

Do not accept report.

**Item Budgeted:**

NA

**Source/use of funds/Budget Book Page:**

n/a

**Strategic Plan:**

No. 2 – Economic Development

**Strategic Plan Impact:**

n/a

**ATTACHMENTS:**

Description	Upload Date	Type
<input type="checkbox"/> <a href="#">Semi-Annual Report</a>	7/28/2015	Backup Material

<b>Items Reviewed Between January 2015 - June 2015</b>		
<b>Var. No.</b>	<b>Description</b>	<b>Date</b>
#15-2014	A variance to Section 59-166(b)(1) to allow less than the twenty-five (25) foot rear yard setback at 4997 Riveredge Drive - DENIED.	1/28/2015
#1-2015	A variance to Section 59-32(c) to allow the cumulative area of all accessory structures to be 79% relative to the principal structure in lieu of the maximum 50% allowed and Section 59-32(d) to allow an accessory structure that is not architecturally compatible with the principal structure at 3070 Dairy Road - APPROVED WITH THE FOLLOWING CONDITIONS: 1. The structure is painted consistent with the home. 2. The third accessory structure will be relocated to the northeast corner of the property.	2/25/2015
#3-2015	A variance to Section 59-307(b) to allow rear yard setback of 10 feet in lieu of the required 20 feet at 3533 Columbia Boulevard - APPROVED.	2/25/2015
#4-2015	A variance to Section 36-35(b) to allow no landscape strip in lieu of the required ten (10) feet in depth at 4900 Windover Trail - APPROVED.	2/25/2015
#5-2015	A variance to Section 35-37(a) to allow a parking bay length to exceed more than 150' without being broken up by a landscaped area; Section 35-56(i) to allow a retention pond retaining wall to exceed twenty-five (25) percent of the perimeter of the pond; Section 39-172(a) to allow signage to exceed the total aggregate area square footage allowed; Section 39-172(e)(1) to allow more than one ground sign per street frontage and Section 39-172(g)(2) to allow signage to exceed fifteen (15) feet in height at 2500 S. Washington Avenue - APPROVED.	3/25/2015
#6-2015	A variance to Section 35-59(e) to allow more than the permitted impervious coverage in an Area of Critical Concern and Section 59-106(e) to allow more than the maximum lot coverage by all buildings at 4138 Rolling Hill Drive - DENIED.	3/25/2015
#8-2015	A variance to Section 59-730(e) to allow a zero (0) foot rear yard setback in lieu of the five (5) foot minimum rear and side setback requirements for a detached accessory building/structure at 1530 Riverside Drive - APPROVED.	4/29/2015
#9-2015	A variance to Section 35-37(b) to reduce the width and area of landscape islands at the termination of parking rows as described on the landscape width table and the landscape plan dated February 24, 2015 at 7700 US Highway 1 - APPROVED.	4/29/2015
#9-2015	A variance to Section 35-36(a) to waive the landscape perimeter buffer requirement for both future parcels in order to allow the lot split when submitted at 7700 US Highway 1 - APPROVED.	4/29/2015
#9-2015	A variance to Section 39-47(b) to waive sidewalks on a public street without utilizing the option of contributing to the Sidewalk Trust Fund at 7700 US Highway 1 - APPROVED.	4/29/2015

#7-2015	A variance to Section 59-347(b) to allow less than the minimum side yard requirement of ten (10) feet at 3758 and 3748 South Washington Avenue - APPROVED WITH THE FOLLOWING CONDITIONS: <ol style="list-style-type: none"> <li>1. If the properties are sold to separate owners, the deck will be removed prior to a certificate of occupancy or BTR being issued for the new owner(s).</li> <li>2. Owner acknowledges construction in a sanitary sewer easement is subject to removal by the easement holder (at the owner's expense) if the need arises.</li> <li>3. The setback variance only applies to the proposed deck between 3748 and 3758 S. Wahsington Avenue.</li> </ol>	5/27/2015
#10-2015	A variance to Section 59-106(b) to allow a variance of 10 feet in lieu of the required minimum twenty (20) feet side-corner yard in the R-1B, Section 59-106(c) to allow a lot size 5,494 in lieu of the required seven thousand five hundred (7,500) square feet in the R-1B and Section 59-106(d) to allow a lot width of 57 feet in lieu of the required seventy-five (75) feet in the R-1B at 211 Court Street - DENIED.	5/27/2015
#12-2015	A variance to Section 39-43(b)(3) to allow a 50' centerline radius in lieu of the required 100' centerline radius in two locations on a proposed local street at Riveredge Drive - APPROVED WITH THE FOLLOWING CONDITION: <ol style="list-style-type: none"> <li>1. The internal speed limit for the proposed subdivision shall be limited to 10 mph and be posted.</li> </ol>	6/24/2015
<b>App. No.</b>	<b>Description</b>	<b>Date</b>
#1-2015	An appeal to Section 27-11 requesting an administrator's intrepretation that Lots 9 and 13 of the conceptual plan are not "corner lots" as provided by Section 27-11 "Definitions" of the Land Development Regulations because the identified lots are not situated at the intersection of two streets at Riveredge Drive - APPROVED.	6/24/2015

City of Titusville  
"Gateway to Nature and Space"

**REPORT TO COUNCIL**

**To:** The Honorable Mayor and City Council  
**From:** William S. Larese, City Manager  
**Subject:** **Award Work Order and Contract for the Blue Heron Aeration Upgrade Project**  
**Department/Office:** Water Resources

**Recommended Action:**

Approve the award of Work Order WRCPH003 to CPH, Inc. in the amount of \$27,711.46 for engineering services to complete the Blue Heron Aeration Upgrade Project and approve the award of a contract to Aeration Industries International in the amount of \$259,800 for the purchase and installation of aeration equipment components for the Blue Heron Aeration Project, and authorize the City Manager to execute the work order and the Mayor to execute the contract.

**Summary Explanation & Background:**

The current Blue Heron Water Reclamation Facility aeration equipment was installed when the facility was put into operation in 1996. The equipment is nearing the end of its service life and the Water Reclamation operating budget typically incurs \$15,000 to \$25,000 in annual component replacement costs to keep the aeration equipment operational. If a gearbox must be rebuilt (\$10,000 to \$15,000) or replaced (\$25,000 to \$30,000), those costs are in addition to the annual component replacement costs. Since the facility is operating at approximately half of its rated capacity, staff alternates treatment units annually and manually rotates the offline equipment weekly to maintain functionality.

In addition to high annual maintenance costs, the existing equipment does not provide optimal aeration. As part of the current-year capital improvements project, in an effort to seek improved aeration at a reduced annual maintenance cost, the consulting engineering firm of CPH, Inc. was engaged to evaluate the current system and make recommendations for replacement equipment. Based on this evaluation, CPH is proposing equipment consisting of three floating aeration units tethered to an anchoring system. These units will provide improved aeration and can be relocated to the second treatment unit as needed, thus deferring the cost of outfitting both treatment units with aeration equipment at this time. Under current flow rates, a nominal power savings is also anticipated. Attachment 1 is a recommendation letter from CPH, Inc. for the proposed aeration equipment. CPH's engineering services are also required for Phase II of the project, as provided on the attached Work Order CPHWR003, including the Scope of Services and Fee Schedule for construction coordination and system optimization services to complete the project.

It is recommended that City Council approve the award of Work Order WRCPH003 to CPH, Inc. in the amount of \$27,711.46 for the Blue Heron Aeration Upgrade Project Phase II services and approve the award a contract to Aeration Industries International in the amount of \$259,800 for

the purchase and installation of aeration equipment components for the Blue Heron Aeration Project, and authorize the City Manager to execute Work Order WRCPH003 and the Mayor to execute the contract with Aeration Industries.

**Alternatives:**

Do not approve. Please see attached recommendation letter from consulting engineer (CPH).

**Item Budgeted:**

Yes

**Source/use of funds/Budget Book Page:**

Funding is available in the Blue Heron Aeration Upgrade Project WR1304 for the expenditures.

**Strategic Plan:**

No. 1 – Quality of Life

**Strategic Plan Impact:**

The requested equipment and associated Task Order is critical to insure the efficient operation of the Blue Heron WRF Treatment Unit. Efficient operation is critical to the health of the community and surrounding environment.

**ATTACHMENTS:**

	<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
<input type="checkbox"/>	<a href="#">Work Order CPHWR003</a>	8/5/2015	Backup Material
<input type="checkbox"/>	<a href="#">Attachment 1-CPH Recommendation Letter</a>	6/30/2015	Backup Material
<input type="checkbox"/>	<a href="#">Aeration Industries Proposal</a>	8/5/2015	Backup Material
<input type="checkbox"/>	<a href="#">Contract</a>	8/6/2015	Backup Material



WORK ORDER FORM FOR PROFESSIONAL ENGINEERING  
CONTINUING CONSULTING SERVICES AGREEMENT

CONTRACT #: CO12-Q-035WRCPH

WORK ORDER #: CPHWR003

CONSULTANT: CPH, Inc.  
ADDRESS: 500 West Fulton Street  
Sanford, Florida 32771

PROJECT NAME: Blue Heron WRF Aeration Equipment  
Replacement – Phase II

PROJECT #: WR1304

By the signature affixed below, both the City and the Consultant agree to the following contract work as per the Work Order stipulated herein. Upon proper execution of this document, the Contractor is hereby notified to commence work. All Work stated below is hereby incorporated and made a part of the Contract identified above, and all the terms and conditions of said Contract are incorporated herein and in full force and effect while executing the Work stipulated as follows:

Provide engineering consulting services for the Blue Heron WRF Aeration System – Phase II consisting of final design, permitting, construction oversight, system optimization and other related services in accordance with the Scope of Services specified in CPH’s proposal dated June 30, 2015 attached hereto. All Work set forth herein shall be performed under the terms and conditions of the Non-Exclusive Professional Engineering Agreement for Continuing Consultant Services executed November 12, 2012.

A) TOTAL AMOUNT OF WORK AWARDED PRIOR TO THIS WORK ORDER	\$ <u>63,888.57</u>
TOTAL AMOUNT FOR THIS WORK ORDER	\$ <u>27,711.46</u>
TOTAL AMOUNT OF WORK AWARDED INCLUDING THIS WORK ORDER	\$ <u>91,600.03</u>

B) TERM FOR THIS WORK ORDER TBD DAYS

COMPLETION DATE –

CONSULTANT:  
\_\_\_\_\_  
Authorized Signature Date: \_\_\_\_\_

CITY OF TITUSVILLE:  
\_\_\_\_\_  
William S. Larese, City Manager Date: \_\_\_\_\_

ATTEST: \_\_\_\_\_ Date: \_\_\_\_\_  
Wanda Wells, City Clerk  
\_\_\_\_\_  
Richard Broome, City Attorney Date: \_\_\_\_\_

City of Titusville reviews:

Purchasing & Contracting Administrator: \_\_\_\_\_ Date \_\_\_\_\_

Finance Director: \_\_\_\_\_ Date \_\_\_\_\_

Department Head: \_\_\_\_\_ Date \_\_\_\_\_

SCOPE OF SERVICES

Blue Heron Aeration System: Construction Coordination / System Optimization - Phase II

June 30, 2015

Page 1 of 6

June 30, 2015

Mr. Sean Stauffer, P.E.  
Water Resources Director  
City of Titusville Water Resources Dept.  
2836 Garden Street  
Titusville, Florida 32796

Re: Blue Heron Aeration Equipment Replacement – Phase II  
City Contract CO12-Q-035WRCPH  
Scope of Services and Fee

Dear Mr. Stauffer:

The maximum limitations (annual average, monthly average, weekly average and single sample maximum) for Total Nitrogen (TN) going to the City of Titusville Wetlands Treatment/Reuse System have been exceeded numerous times in the last two (2) years. The Blue Heron WRF is the source of the elevated TN entering the Wetlands Treatment/Reuse System (R-003) as the majority of the Osprey WRF effluent is being delivered to the reclaimed water distribution system. The elevated TN issue, as determined by Blue Heron Staff and CPH, is driven by the inefficiency of the Blue Heron WRF biological treatment facility's aeration system.

The City of Titusville has appropriated funds to replace the aeration system at the Blue Heron WRF and City staff has been in charge of selecting the appropriate aeration system components and developing an aeration system control strategy.

The scope of the proposed improvements has been updated based on recent meetings and discussions with City staff and the proposed Aeration Equipment Manufacturer (AEM). Our evaluations have determined that the most recent equipment selection by the AEM needed modifications to meet the original design oxygen supply specification. Due to the modifications, the existing aeration equipment was in the process of being re-evaluated for modifications to resolve the maintenance and operational issues that City staff had identified. However, due to an existing rotor failure on December 9, 2014, a meeting was held at the Blue Heron WRF on December 11, 2014 to develop a phased approach to replacement of the existing rotor aeration system with the proposed system. CPH has been coordinating with the City staff, the AEM, Pete Hoanshelt of EMI (electrical engineering consultant) and David Moore (SCADA control system consultant) to develop the information required for the cost and implementation strategy for this phased approach. Rather than a bid package as originally planned, the team is now recommending a "turnkey" approach due to the existing rotor failure and the need for implementation of the proposed improvements. Proposed improvements include three (3) 75 HP Aeration Industries, Inc. Aire-O2 Triton units, and associated electrical and instrumentation upgrades.

## SCOPE OF SERVICES

Blue Heron Aeration System: Construction Coordination / System Optimization - Phase II

June 30, 2015

Page 2 of 6

Based on the phased approach and the evaluation to date of the process modification to provide aeration to the first stage of the second anoxic zone, it has been agreed that any modifications to this zone are not necessary at this time.

Services for Phase I of the Blue Heron WRF Aeration System Improvements have been completed based on the revisions identified above. CPH, Inc., herein identified as the CONSULTANT, will provide professional engineering services to the City of Titusville, herein identified as the CITY, at the Blue Heron WRF, for the following Aeration System program elements associated with the Phase II Plan:

1. Final Electrical Engineering/Power System Design of the proposed aeration system improvements at the Blue Heron WRF.
2. Project coordination meeting and construction permitting of the proposed aeration system improvements with FDEP.
3. Construction Coordination Services during installation of the proposed improvements at the Blue Heron WRF.
4. Aeration System Optimization / Operations Enhancement to ensure that the proposed systems meet the project performance standards.
5. FDEP Project Closeout Meeting to discuss the operational data collected during the system optimization of the proposed aeration system and the ability of the system to meet the required TN concentrations at the Flow Convergence Box.

### **Task 1 – Final Electrical Engineering/Power System Design**

- 1.1 The CONSULTANT, through EMI Consulting Specialties, Inc., shall provide the following professional engineering services for the proposed aeration system improvements at the Blue Heron WRF:
  - a. Final design of the power system for the three (3) Aeration Industries, Inc. 75 HP floating aerators, each including 60 HP mixers and 15 HP blowers.
  - b. Two (2) project meetings at the Blue Heron WRF with CPH, Inc. and CITY Operations Staff.
  - c. Generation of “signed and sealed” electrical/power system contract documents (contract drawings and technical specifications).

### **Task 2 – Project Coordination Meeting and Construction Permitting with FDEP**

- 2.1 The CONSULTANT will attend and conduct one (1) project coordination meeting with FDEP at their offices in Orlando, FL to discuss the proposed aeration system project at the Blue Heron WRF, project status, project permitting and the construction/testing/optimization schedule.



SCOPE OF SERVICES

Blue Heron Aeration System: Construction Coordination / System Optimization - Phase II

June 30, 2015

Page 3 of 6

- 2.2** The CONSULTANT will prepare an application for a Minor Revision to a Wastewater Facility Permit on Form 62-620.910(9) for the aeration system project at the Blue Heron WRF in accordance with Rule 62-620.325, Florida Administrative Code, and provide a “draft” copy for the CITY’s review. The CONSULTANT will incorporate CITY generated review comments and revisions into the “final” construction permit application package and submit it to FDEP.

**Task 3 – Construction Coordination Services**

- 3.1** The CONSULTANT will advise and consult with the CITY concerning the construction activities associated with the installation of the proposed aeration system and ancillary equipment at the Blue Heron WRF.
- 3.2** The CONSULTANT shall attend monthly progress meetings with the aeration system manufacturer and their installation team, suppliers, and construction quality control and compliance testing personnel in association with the aeration system project at the Blue Heron WRF.
- 3.3** The CONSULTANT shall review background data (DO, ORP, TN, NO<sub>3</sub>-N, TP, etc.) prior to startup of the new aeration system.
- 3.4** The CONSULTANT shall review shop drawings, catalog data, diagrams, illustrations, schedules, samples, test and observation results, manufacturer’s operation and maintenance manuals and other data submitted for the Blue Heron WRF Aeration System project, but only as to conformance with the overall design concept of the Project.
- 3.5** The CONSULTANT will prepare a statement of project completion, qualified if necessary, and submit this statement in accordance with FDEP requirements.
- 3.6** The CONSULTANT shall not be responsible for the acts or omissions of the system manufacturers or any of their subcontractors, agents, employees, or other persons performing any of the Work under the construction contract, or of others.
- 3.7** The CONSULTANT, through EMI Consulting Specialties, Inc., shall provide the following professional engineering services for the proposed aeration system improvements at the Blue Heron WRF:
- a. Review and process shop drawings related to control panels.
  - b. Coordinate with SCADA supplier.
  - c. One site visit at completion of construction.
  - d. Prepare “as-builts” of electrical/power system drawings prepared in Task 1.1 based on mark-ups provided by CITY (not including SCADA control system modifications).

SCOPE OF SERVICES

Blue Heron Aeration System: Construction Coordination / System Optimization - Phase II

June 30, 2015

Page 4 of 6

**Task 4 – System Optimization / Operations Enhancement**

- 4.1** Start-up services, demonstration and compliance testing programs shall commence with issuance of the “Substantial Completion” certification from the CONSULTANT and the CITY to the system manufacturers. During the start-up services and demonstration and compliance testing program period, the CONSULTANT will provide the following professional engineering services:
- a. Operational assistance with the check-out and start-up of the aeration system equipment, electrical/controls/instrumentation/SCADA system and ancillary systems for the improvements at the Blue Heron WRF.
  - b. Operational assistance for adjustment and “fine-tuning” of the aeration system and submersible mixer, process equipment, electrical/controls/instrumentation, SCADA and ancillary systems for the improvements at the Blue Heron WRF with respect to optimizing performance, safety and reliability under actual operating conditions.
- 4.2** The CONSULTANT will assist the system manufacturers in providing operation and maintenance training for the proposed equipment installed as part of the Blue Heron WRF Aeration System Improvements Project.
- 4.3** The CONSULTANT shall certify, in writing, to the CITY and FDEP, no later than one (1) month after Final Project Completion of the Blue Heron WRF Aeration System Improvements Project that based on the available facility operational data, the project meets the applicable performance and operational requirements to which the Project was planned, designed and built to meet or if they are not meeting the performance criteria, what actions are proposed to obtain compliance.

**Task 5 – FDEP Project Closeout Meeting**

- 5.1** The CONSULTANT will attend and conduct one (1) project closeout meeting with FDEP at their offices in Orlando, FL to discuss the operational data collected during the system optimization of the proposed aeration system at the Blue Heron WRF and the ability of the new system to meet the required TN concentrations at the Flow Convergence Box.
- 5.2** The CONSULTANT will submit the Certification of Completion of Construction Form, signed and sealed by a registered engineer, to FDEP at this meeting.

SCOPE OF SERVICES

Blue Heron Aeration System: Construction Coordination / System Optimization - Phase II

June 30, 2015

Page 5 of 6

**CITY PROVIDED PROJECT INFORMATION**

The CITY shall provide the CONSULTANT with the following documentation/information, in support of performing the above referenced Project Tasks in association with the Phase II Aeration System: Construction Coordination / System Optimization work at the Blue Heron WRF, within ten (10) calendar days of the approval of this Project Scope of Services:

1. Blue Heron WRF Operational Data and Discharge Monitoring Reports (DMRs) for the period from January 2014 – May 2015.
2. Copies of all Record Drawings for the existing Blue Heron WRF infrastructure.
3. Any additional documentation required by the CONSULTANT in support of the aeration system improvements at the Blue Heron WRF.

**PAYMENT**

The lump sum fee for the Scope of Services described herein shall be as indicated below, inclusive of out-of-pocket expenses. Progress invoices will be submitted, on a monthly basis, based on the CONSULTANT’s estimate of the percentage of project work complete at the time of invoicing.

<b>Task No.</b>	<b>Description</b>	<b>Fee</b>
1	Final Electrical Engineering/Power System Design (EMI Consulting Spec.)	\$6,189.00
2	Project Coordination Meeting and Construction Permitting with FDEP	\$2,080.86
3	Construction Coordination Services	\$10,416.12
4	System Optimization / Operations Enhancement	\$7,897.56
5	FDEP Project Closeout Meeting	\$1,127.92
<b>TOTAL PROJECT FEE:</b>		<b>\$27,711.46</b>

Professional engineering services associated with this Scope of Services shall commence upon execution of the Work Order by the CITY and shall be completed in an expeditious manner to ensure that the FDEP mandated schedule for the aeration system improvements at the Blue Heron WRF is met.

SCOPE OF SERVICES

Blue Heron Aeration System: Construction Coordination / System Optimization - Phase II

June 30, 2015

Page 6 of 6

We appreciate the opportunity to provide these professional engineering services to the City of Titusville. If you have any questions regarding the project or proposed engineering services, please do not hesitate to call.

Sincerely,

**CPH, Inc.**



**Benjamin M. Fries**

***Vice-President***

500 West Fulton Street

Sanford, FL 32771

[bfries@cphcorp.com](mailto:bfries@cphcorp.com)

[bfries1@cfl.rr.com](mailto:bfries1@cfl.rr.com)



Architects  
Engineers  
Environmental  
Landscape Architects

M/E/P  
Planners  
Surveyors  
Traffic/Transportation

500 West Fulton Street  
Sanford, FL 32771  
Ph. 407.322.6841  
Fx. 407.330.0639

City of Titusville  
Blue Heron WRF - Aeration System Improvements - Phase II  
Project Scope of Services / Fee Schedule

ITEM	DESCRIPTION	Senior Principal	Sr. Project Manager	Sr. Project Engineer	Sr. Design Technician	Sr. CAD Technician	Clerical II	Expenses	Cost by Task
<b>Hourly Rates</b>		\$178.98	\$141.49	\$96.82	\$83.15	\$61.89	\$47.96		
<b>Task 1 - Final Electrical Engineering/Power System Design</b>									
1.1	The Consultant, through EMI Consulting Specialties, Inc., shall provide the following professional engineering services for the proposed aeration system improvements at the Blue Heron WRF: (a) Final design of the power system for the three Aeration Industries, Inc. floating aerators; (b) Two project meetings at the Blue Heron WRF with CPH, Inc. and City Operations Staff; (c) Generation of "signed and sealed" electrical/power system contract documents (contract drawings and technical specifications).							\$6,189.00	\$6,189.00
<b>SUB-TOTAL</b>		0	0	0	0	0	0	\$6,189.00	\$6,189.00
<b>Task 2 - Project Coordination Meeting and Construction Permitting with FDEP</b>									
2.1	The CONSULTANT will attend and conduct one (1) project coordination meeting with FDEP at their offices in Orlando, FL to discuss the proposed aeration system project at the Blue Heron WRF, project status, project permitting and the construction/testing/optimization schedule.		8					\$50.00	\$1,181.92
2.2	The CONSULTANT will prepare an Application for a Minor Revision to a Wastewater Facility Permit for the aeration system project at the Blue Heron WRF and provide a "draft" copy for the CITY's review. The CONSULTANT will incorporate CITY generated review comments and revisions into the "final" construction permit application package and submit it to FDEP.		6					\$50.00	\$898.94
<b>SUB-TOTAL</b>		0	14	0	0	0	0	\$100.00	\$2,080.86
<b>Task 3 - Construction Coordination Services</b>									
3.1 - 3.6	The CONSULTANT will provide Construction Coordination Services as identified in Articles 3.1 through 3.6 in the attached Scope of Services for the Blue Heron WRF Aeration System - Phase II Services		54	4	4	2		\$400.00	\$8,884.12
3.7	The CONSULTANT, through EMI Consulting Specialties, Inc., shall provide the following professional engineering services for the proposed aeration system improvements at the Blue Heron WRF: (a)Review and process shop drawings related to control panels; (b) Coordinate with SCADA supplier; (c)One site visit at completion of construction; (d)Prepare "as-builts" of electrical/power system drawings							\$1,532.00	\$1,532.00
<b>SUB-TOTAL</b>		0	54	4	4	2	0	\$1,932.00	\$10,416.12
<b>Task 4 - System Optimization / Operations Enhancement</b>									
4.1	Start-up services, demonstration and compliance testing programs shall commence with issuance of the "Substantial Completion" certification from the CONSULTANT and the CITY to the system manufacturers.		40		2			\$100.00	\$5,925.90
4.2	The CONSULTANT will assist the system manufacturer's in providing operation and maintenance training for the proposed equipment installed as part of the Blue Heron WRF Aeration System Improvements Project.		8					\$75.00	\$1,206.92
4.3	The CONSULTANT shall certify, in writing, to the CITY and FDEP, no later than one (1) month after Final Project Completion of the Blue Heron WRF Aeration System Improvements Project that based on the available facility operational data, the project meets the applicable performance and operational requirements to which the Project was planned, designed and built to meet or if they are not meeting the performance criteria, what actions are proposed to obtain compliance.		4			2		\$75.00	\$764.74
<b>SUB-TOTAL</b>		0	52	0	2	2	0	\$250.00	\$7,897.56
<b>Task 5 - FDEP Project Closeout Meeting</b>									
5.1	The CONSULTANT will attend and conduct one (1) project closeout meeting with FDEP at their offices in Orlando, FL to discuss the operational data collected during the system optimization of the proposed aeration system at the Blue Heron WRF and the ability of the proposed system to meet the required TN concentrations at the Flow Convergence Box.		4					\$50.00	\$615.96
5.2	The CONSULTANT will submit the Certification of Completion of Construction Form, signed and sealed by a registered engineer, to FDEP at this meeting.	1	2					\$50.00	\$511.96
<b>SUB-TOTAL</b>		1	6	0	0	0	0	\$100.00	\$1,127.92
<b>Task 6 - eO&amp;M Manual - Aeration and Control System</b>									
Not included at this time.									\$0.00
<b>SUB-TOTAL</b>		0	0	0	0	0	0	\$0.00	\$0.00
<b>TOTAL PROJECT MANHOURS AND FEE</b>		1	126	4	6	4	0	\$8,571.00	\$27,711.46



April 23, 2015

Mr. Matt Hixson  
Superintendent  
City of Titusville, Florida  
4800 Deep Marsh Road  
Titusville, FL 32780

Re: Aeration System - Recommendation Letter  
**Titusville Blue Heron WRF - Aeration System Improvements Project**  
CPH Project No. T3914

Dear Matt:

In accordance with task orders issued by the City of Titusville, CPH, Inc. has evaluated numerous potential aeration systems for implementation at the Blue Heron WRF to increase the oxygen transfer and mixing within the “existing” biological treatment system to meet the Total Nitrogen limitations mandated by the Florida Department of Environmental Protection at the Convergence Box.

We have worked with your staff to develop the most “cost effective” aeration system solution (equipment, operations and controls) and *recommend that the City of Titusville purchase and install the floating aeration systems (mixers and blowers) manufactured by Aeration Industries (Aire-O<sub>2</sub>).*

CPH, Inc. has:

- Thoroughly evaluated their equipment with respect to aeration and mixing capabilities and the City’s operation and maintenance objectives.
- Selected the proper aeration and mixing equipment for the Blue Heron biological treatment system configuration.
- Recommended the implementation of monitoring strategies to enhance operability and functionality of the aeration equipment within the Blue Heron WRF biological treatment system.

- Has coordinated with our subconsultants and the City's System's Integrator to ensure that the "new" aeration and mixing system will meet the City's goals and objectives outlined for this project.

We have also contacted several references provided by Aeration Industries for the "selected" aeration equipment and have received favorable comments from each respondent with regard to equipment operation, functionality, adaptability, flexibility, and operation and maintenance considerations. Each of the respondents indicated that the Aeration Industries (Aire-O<sub>2</sub>) equipment is operating satisfactorily, within all design parameters, and is providing proper aeration and mixing of the MLSS in the respective biological treatment systems. In addition, CPH, Inc., along with your operating staff, visited the St. Augustine WRF and found the Aeration Industries system to be operating as designed and within the required operating parameters.

***Based on our evaluation of the Aeration Industries Equipment, we recommend that the City of Titusville authorize award of the "turn-key" equipment purchase and installation of the "selected" aeration equipment for the Blue Heron WRF.***

If you have any questions or need additional information from us regarding this matter, please do not hesitate to contact us.

Sincerely,

CPH, Inc.



Benjamin M. Fries  
Vice-President

cc: David A. Gierach, President, CPH, Inc.  
Dave Refling, Project Manager, CPH, Inc.



# Aeration Industries International

4100 Peavey Road, Chaska, MN 55318-2353

A.I.I. PROJECT NO: 14-1-3104

DATE: 6/24/2015

**TO:** Dave Refling, P.E.  
CPH  
Phone: (407) 493-8222  
Email: [drefling@cphcorp.com](mailto:drefling@cphcorp.com)

**PROJECT NAME:** BLUE HERON WWTP  
**RE:** TITUSVILLE, FL

**REPRESENTATIVE:** R.C. BEACH & ASSOCIATES  
**CONTACT:** RICK REIBER  
**PHONE:** (727) 243-4897

## AIRE-O<sub>2</sub>® TRITON PROCESS AERATOR/MIXER

### AERATOR/MIXER(S)

**Three (3) 75 HP AIRE-O<sub>2</sub>® Triton Aerators (P/N: 620156)** consisting of:

- 60 HP, TEFC, 230/460 volt, 3 phase, 60 Hz, 900 RPM motor
- 15 HP regenerative blower
- Field replaceable, water lubricated lower bearing
- Field replaceable, wear-resistant sleeve
- 60 HP draw dual-bladed primary PowerMix™ propeller, 316 stainless steel
- 304 stainless steel Saturn Ring diffuser
- 304 stainless steel housing, mounting flange, & hollow shaft
- Hot-dipped galvanized blower pedestal (**P/N: 5101545**)
- 50' of blower hose (total)

Note: Aerators shall arrive fully assembled for immediate mounting on flotation assemblies.

**Three (3) Eight-Float Assemblies (P/N: 520177)**, each features:

- Eight (8) molded low-density polyethylene, closed cell, foam filled pontoons
- Hot-dipped galvanized steel rails and mounting hardware
- Vortex shield cabled to frame

Note: Flotation devices require field assembly.

**Six (6) Quick Disconnect Plug Sets (Mixer & Blower) (P/N: 900000)**, each features:

- NEMA 4X Rating
- Inlet plug with handle
- Receptacle plug with 180 closable lid

Note: Receptacle to be provided at motor disconnect.





## Aeration Industries International

4100 Peavey Road, Chaska, MN 55318-2353

### Miscellaneous

- 150' of ½" mooring cable, stainless steel (P/N: 105007)
- 60' of 12/4 electrical cable for blower motors to disconnects (P/N: 106026)
- 60' of 4/4 electrical cable for mixer motors to disconnects (P/N: 106030)
- Twelve (12) SS cable end assemblies (P/N: 510502)
- Twelve (12) SS wall anchor assemblies, heavy duty (P/N: 214508)
- Twelve (12) SS 7/8" shackle with safety pin (P/N: 900000)
- Six (6) SS turnbuckles (P/N: 215726)
- Twenty-Four (24) ½" cable clamps to connect cable to float assemblies (P/N: 221020)
- Prop tool (P/N: 252029)
- Bearing seat tool (P/N: 252043)
- Seating tool spacer (P/N: 252045)

### Installation Services

- Freight of all above mentioned equipment
- Two (2) Aeration employees on site for assembly and installation of Triton aerators
- One (1) day crane rental (8 Hours)

**PRICE: \$189,300**

**Three (3) Year Warranty (See General T&C's)**

**EXCLUSIONS:** Controls, disconnects and all items not specifically listed above are excluded.

**NOTE:** If required, submittals will be done two weeks from receipt of purchase order. Delivery is eight weeks from submittal approval.  
Quotation valid for 30 days.



# Aeration Industries International

4100 Peavey Road, Chaska, MN 55318-2353

## CONTROLS

Three (3) Triton Control Panels each containing the following equipment: (60HP&15HP)			
Qty	Description	Manufacturer	Tag
1	UL508A label	Included	

- 1-Nema 4X 316 Stainless Steel Free Standing Dead Front Enclosure 48"H x 36"Wx 20"D w/ 12" Legs
- 1-Component Subplate
- 1-Aluminum Swinging Inner Door
- 1-Main 480VAC Circuit Breaker 160AMP
- 1-Main Circuit Breaker Disconnect Operator
- 3-Main Power Lugs
- 1-Control Transformer 480/120VAC 1000VA w/ Prim and Sec fusing
- 1-Mixer IEC Reduced Voltage Softstarter 60HP @ 480VAC 85Amps
- 1-Mixer IEC Contactor,3P,85AMP,120VAC
- 1-Mixer Molded Case 480VAC 110AMP Motor Circuit Breaker
- 3-Mixer Circuit breaker Lugs
- 1-Blower IEC Motor Contactor 15HP @ 480VAC
- 1-Blower IEC Over Load Relay 5.4-27Amps
- 1-Blower Molded Case 480VAC 40AMP Motor Circuit Breaker
- 3-Blower Circuit Breaker Lugs
- 6-Logic Relay w/Lt & Test Button
- 6-R Relay Socket, 11 Pin Base
- 2-Running Pilot Light, PTT 120VAC
- 2-Hand –Off-Auto Selector Switch, 3 Position, Mounted, 1NO, 1NC Contact
- 1-Lightening Arrestor
- 1-Phase Monitor
- 2-Elapsed Time Meters
- 1-GFCI 120VAC Receptacle
- 1-External Alarm Globe
- 1-External Alarm Horn
- 1-Reset Pushbutton
- 1-Test Pushbutton
- 2-Meltric Power Receptacles for Motors (Furnished by Aeration
- (RCS Labor Only)

### Radio/Telemetry : included in the above control panel

- 1-ZCOM 2.4 GHz Radio Antenna
- 1-E-NET Adapter
- 2-Rockwell 8 PT DC Input
- 1-Rockwell 4 PY Relay Output
- 1-Rockwell 2 Channel Analog Input
- 1-Ethernet Cable to Skyport



## Aeration Industries International

4100 Peavey Road, Chaska, MN 55318-2353

(1-Lot Spare Parts): included with above control panel

**PRICE: \$70,500**

**Three (3) Year Warranty (See General T&C's)**

### CLARIFICATIONS

Aeration Industries cannot guarantee the functional radio communications back to the central head end location, where the existing SCADA system resides. There is no requirement for a radio path study as part of this bid, therefore it is not included in our scope. The exact communication device (ZCOM) has been specified and presumed that communications are expected to be functional.

We do not include existing SCADA system programming or configuration and installation.

We take exception to any start up and testing requirements to be in accordance with the Technical Specifications Exhibits A & B Drawings not in our possession. (See page 4 or 120 bid documents)

Supply of any goods or services required to resolve any incorrectly designed, supplied or installed equipment or documentation provided by others as part of the contract is not included.

### EXCLUSIONS:

Installation, labor or supervision, wiring, cables, conduit, brackets, hangers, anchor bolts, piping fittings or valves except as specified herein.

### NOTE:

If required, submittals will be done six (6) weeks from receipt of purchase order. Delivery is nine (9) weeks from submittal approval. Quotation valid for 30 days.

**TOTAL EQUIPMENT PRICE: \$259,800**

**AERATION INDUSTRIES INTERNATIONAL, LLC**

**General Terms and Conditions**

1. **Price.** Published prices are subject to change without notice and shall not be binding on Seller until reduced to writing signed by Seller. All prices are F.O.B. City Water Reclamation Facility in Titusville. Prices quoted include standard packing according to Seller's specifications.
2. **Taxes.** To the extent legally permissible, all present and future taxes, imposed by any Federal, State, Local or foreign authority, which Seller may be required to pay or collect upon or with reference to the sale, purchase, transportation, delivery, storage, use or consumption of goods or services, including taxes upon, or measured by the receipts therefrom, shall be paid by Purchaser. Amounts covered hereby shall be added to the price, or billed as a separate item as the law may require or as the Seller may determine. No offset against or reduction in price shall be allowed Purchaser by reason of taxes owed, paid or payable by Purchaser, or charged by Purchaser's account.
3. **Credit and Payment.** Credit accounts will be opened only with firms or individuals approved by Seller's Credit Department. Unless otherwise provided, in any case where delivery is made on credit, Purchaser shall have thirty (30) days from date of the invoice in which to make payment for the goods. Seller reserves the right at any time upon notice to Purchaser, to alter or suspend credit, or to change the credit terms provided herein, when in its sole opinion the financial condition of the Purchaser so warrants. In addition, the Seller may at any time, with or without notice to Purchaser, and at its option, suspend work and shipment under this contract if, in the Seller's sole opinion, the financial condition of the Purchaser so warrants. In such cases, in addition to any other remedies herein, or by law provided, cash payment or satisfactory security from the Purchaser may be required by the Seller before credit is restored or Seller continues performance. If the Purchaser fails to make payment or fails to furnish security satisfactory to Seller, then Seller shall also have the right to enforce payment of the full contract price of the work completed and in process. Upon default by Purchaser in payment when due, Purchaser shall pay immediately to Seller the entire unpaid amounts for any and all shipments made to purchaser irrespective of the terms of said shipment and whether said shipments are made pursuant to this contract or any other contract of sale between Seller and Purchaser, and Seller may withhold all subsequent shipments until the full account is settled. Acceptance by the Seller of less than full payment shall not be a waiver of any or its rights hereunder. The seller reserves the right, at its discretion, to charge up to 1½% per month for amounts not paid within stated terms.
4. **Cancellation.** Cancellation of orders once placed with and accepted by us can only be made by us. Should the Purchaser, due to change in design or other good and sufficient cause, desire to effect cancellation of the order, same will be accepted on the following basis:  
  
Purchaser shall pay in full the costs of all material, dies, tools, patterns and fixtures provided for this order, that are on hand or for which we are obligated, together with all labor and other expense incurred in connection therewith. Invoices covering said costs shall be due and payable immediately upon our acceptance of cancellation.
5. **Patents.** To the best of our knowledge, the articles purchased hereunder do not infringe any Letters Patent granted to others by the United States of America or by any country foreign thereto. Purchaser does not assume any responsibility or liability for any claim of infringement brought against the Purchaser, its successors, assigns, customers or users of its product. The Seller agrees to hold Purchaser harmless against any claim of infringement which arises out of compliance by us with specifications furnished by Purchaser.
6. **Shipment.** All shipments shall be F.O.B. Titusville, FL, and the date of shipment shall be contingent upon the date of acceptance of Seller's offer.
7. **Excuse in Seller's Performance.** This contract is subject to an the Seller shall not be responsible or liable for any delay directly or indirectly resulting from or contributed limitations on Seller's production, capabilities, prompt settlement of all details relating to the materials covered by this proposal, and to delays due to fires, explosions, acts of God, strikes or other differences with workmen, shortage of utility, facility, components or labor, delay in transportation, breakdown or accident, war and acts of war, compliance with or other action taken to carry out the intent of purposes of any law or regulation, changes, or revisions, accidents or any other causes or contingencies not caused by Seller or other which Seller had no reasonable control. In the event that any one or more deliveries hereunder is suspended or delayed by reason of any one or more of the occurrences or contingencies aforesaid, any and all deliveries so suspended or delayed shall be made after such disabilities have ceased to exist, and nothing herein contained shall be construed as lessening in any event the full amount of goods herein purchased and sold,

but only as deferring delivery and payment in the events and to the extent herein provided for. Neither shall any delay in shipment be considered as a default under this contract or give rise to any liability on the part of Seller for items of incidental, special consequential damage unless such delay was directly and proximately caused by the willful and wanton act of gross negligence of Seller. Acceptance of material on delivery shall constitute a waiver of any claims against seller for damages on accounts of delay.

8. **Warranty.** Seller warrants that it will, at its option, repair or replace the goods, or return the purchase price thereof, which are found to be defective in material or workmanship or not in conformity with the contract requirements provided that, within three (3) year of shipment thereof, Purchaser gives written notice of such defect to Seller, the Purchaser returns the goods to Seller at point of original manufacture, and an examination by Seller discloses to its satisfaction the existence of such defect or nonconformity with the contract requirements. In no event shall Seller be liable for any incidentals, special or consequential damages resulting from said effects or nonconformity. This warranty specifically excludes all labor charges that could be incurred.

THE FOREGOING DOES NOT APPLY TO COMPONENTS WHERE WERE NOT MANUFACTURED BY SELLER, AND IS EXPRESSLY IN LIEU OF OTHER WARRANTIES EXPRESSED OR IMPLIED, INCLUDING ANY WARRANTY OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE OR USE. THERE ARE NO WARRANTIES WHICH EXTEND BEYOND THE FOREGOING, NO AGENT, EMPLOYEE OR REPRESENTATIVE OF THE SELLER HAS ANY AUTHORITY TO BIND THE SELLER TO ANY AFFIRMATION, REPRESENTATION OR WARRANTY CONCERNING THE GOODS SOLD UNDER THIS SALES CONTRACT, AND UNLESS AN AFFIRMATION, REPRESENTATION OR WARRANTY MADE BY AN AGENT EMPLOYEE OR REPRESENTATIVE IS SPECIFICALLY INCLUDED WITHIN THIS WRITTEN AGREEMENT, IT SHALL NOT BE ENFORCEABLE TY THE PURCHASER.

9. **Remedies of Purchaser.** If goods are tendered which do not conform with the specifications under the sales contract and these goods are rejected by Purchaser, Seller shall have the right to cure the tender by either correcting the goods or substituting conforming goods. In the event that such substituted goods fail to conform to the contract or in the event of any other breach or repudiation of this contract by Seller, Purchaser shall not be entitled to recover any incidental or consequential damages as those terms are defined in Section 2-715 of the Minnesota Uniform Commercial Code and Purchaser's right to damages shall be limited to the difference between the contract and the market price of the goods as provided in Section 2-713 of the Minnesota Uniform Commercial Code. Purchaser shall not have the right to "cover" as provided in Section 2-712 of the Minnesota Uniform commercial code nor any rights to recover damages for any loss resulting in the ordinary course of events from nonconformity of tender as contained in Section 2-714(1) of the Minnesota Uniform Commercial Code.
10. **Assignments.** No right to interest in this contract shall be assigned by Purchaser, without the written permission of Seller, and no delegation of any obligation owned by Purchaser shall be made without permission of the Seller. Any attempted assignment of delegation shall be wholly void and totally ineffective for all purposed.
11. **Alterations, Interpretations and Definitions.** This contract shall be governed by the laws of Florida and is intended also as a complete and exclusive statement of the terms of their agreement. No course of prior dealings between the parties, and no usage of the trade shall be relevant to supplement or explain any term used in this contract. Acceptance or acquiescence to a course of performance rendered under this contract shall not be relevant to determine the meaning of this contract, even though the accepting or acquiescing party has knowledge of the nature of the performance and an opportunity for objection. Waiver by Seller of a breach by Purchaser of any provision of this contract shall not be deemed a waiver of future compliance therewith, and such provision shall remain in full force and effect. Any term used in this contract which is not defined herein shall have the same definition as that contained in the Minnesota Uniform Commercial Code.

**For Blue Heron Aeration Upgrade Project**

THIS AGREEMENT, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by and between the City of Titusville, a municipal corporation organized and existing under the laws of the State of Florida, hereinafter referred to as the "City" and Aeration Industries International located at 4100 Peavey Road, Chaska, MN 55318, hereinafter referred to as the ("Contractor"), sets forth that;

WHEREAS, the City desires to engage a Contractor who has special and unique competence and experience furnishing and installing aeration equipment; and

WHEREAS, the Contractor represents that it is duly licensed and it has such competence and experience in providing these services; and

WHEREAS, the City in reliance on such representations has selected the Contractor to perform such services; and

WHEREAS, at the City Council meeting of August 11, 2015, the award of this Contract was duly considered and awarded to the Contractor; and

WHEREAS, the City and the Contractor desire to reduce to writing their understanding and agreements on such;

IT IS, THEREFORE, AGREED as follows:

1. TERM. This Agreement shall commence on the day it is executed by both parties and the term of the Agreement shall extend until completion of the project.

2. AGREEMENT DOCUMENTS. The Agreement Documents (also called CONTRACT DOCUMENTS) consist of this Agreement, Contractor's proposal dated June 30, 2015, attached hereto as Exhibit 1, with all related Documents, Addenda if any, any other documents listed in the Agreement Documents, and written modifications issued after execution of this Agreement, if any.

(a) Intent. The Scope of Work is an integrated part of the Contract Documents and as such will not stand alone if used independently. These documents establish minimum design standards of quality for this Project. They do not purport to cover any details entering into the design and construction of materials or equipment. The intent of the Agreement Documents is to set forth requirements of performance. It is also intended to include all labor and materials, equipment, tools and transportation necessary for the proper execution of the Work, to require

new material and equipment unless otherwise indicated, and to require complete performance of the Work in spite of omission of specific reference to any minor component part and to include all items necessary for the proper execution and completion of the Work by the Contractor. Performance by the Contractor shall be required only to the extent consistent with the Agreement Documents and reasonably inferable from them as being necessary to produce the intended results.

(b) Entire and Sole Agreement. Except as specifically stated herein, the Agreement Documents constitute the entire agreement between the parties and supersede all other agreements, representations, warranties, statements, promises, and understandings not specifically set forth in the Agreement Documents. Neither party has in any way relied, nor shall in any way rely, upon any oral or written agreements, representations, warranties, statements, promises or understandings not specifically set forth in the Agreement Documents.

(c) Amendments. The parties may modify this Agreement at any time by written agreement. Neither the Agreement Documents nor any term thereof may be changed, waived, discharged or terminated orally, except by an instrument in writing signed by the party against which enforcement of the change, waiver, discharge or termination is sought.

3. ENGAGEMENT OF CONTRACTOR. The City hereby engages the Contractor and the Contractor hereby agrees to furnish and install aeration equipment and components at the Blue Heron Water Reclamation Facility in accordance with the Agreement Documents.

4. SCOPE OF WORK AND RELATED DATA. The intent of the Scope of Work, and other Agreement Documents is that the Contractor furnishes all supervision, labor, materials, tools, equipment, transportation, and all other incidentals necessary to furnish aeration equipment, associated components and electrical control panels; install aeration equipment and components; perform successful start-up and testing; clean-up; and provide the required warranties, hereinafter referred to as "Work," unless specifically noted otherwise. The Contractor shall do all the Work as described in the Contract Documents and all incidental Work considered necessary to complete the Work entirely ready for use in a manner acceptable to the City.

Any discrepancies found between the Contract Documents and site conditions, or any errors or omissions found in the Contract Documents, shall be immediately reported to the City. The City shall promptly determine the validity and seriousness of the claimed condition and correct any such error or omission in writing, or otherwise direct Contractor. Any Work done by

the Contractor after his discovery of such discrepancies, errors or omissions shall be done at the Contractor's risk.

Any correction of errors or omissions found in the Contract Documents may be made by the City when such correction is necessary for the proper fulfillment of their intention as construed by City. Where said correction of errors or omissions, except as provided in the next paragraph below, adds to the amount of Work to be done by the Contractor, compensation for said additional Work shall be negotiated between the parties and must be issued as a written change order before any such additional Work is performed or no additional compensation shall be made.

The fact that specific mention of any part of Work is omitted in the Contract Documents, whether intentionally or otherwise, when the same are usually and customarily required to complete fully such Work as is specified herein, will not entitle the Contractor to consideration in the matter of any claim for extra compensation, but the said Work must be installed or done the same as if called for by the Contract Documents. All Work and material usual and necessary to make the Work complete in all its parts, whether or not they are indicated or mentioned in the Technical Specifications, shall be furnished and executed the same as if they were called for by the same. The Contractor will not be allowed to take advantage of any errors or omissions in the Technical Specifications. The City will provide full information when errors or omissions are discovered.

5. COMPENSATION. The City will pay the Contractor for the satisfactory Work performed the prices indicated in Contractor's proposal dated June 30, 2015 attached hereto as Exhibit 1. Total authorized amount \$259,800.00. Partial Payments shall be made in accordance with the Local Government Prompt Payment Act (Section 218.70 of the Florida Statutes) for all Work completed by the Contractor during the preceding calendar month which has been accepted by the City and has been properly documented and invoiced for. Payments shall not be made for Work deemed incomplete or deficient by the City. At the beginning of each month the Contractor shall submit, to the City's Purchasing and Contracting Administrator, an invoice with the supporting documentation of all Work completed during the previous month less 10% or the amount of such invoice which is to be retained by the City until all Work has been performed strictly in accordance with this agreement and until such Work has been successfully accepted by the City. Partial payments, as previously indicated, will be made provided that the Contractor



submits with such invoice Partial or Final Releases of Lien from all subcontractors and suppliers for any Work performed that has been paid by the City.

(a) Claims. Claims arising from changes or revisions made by the Contractor at the City's request shall be presented to the City before Work starts on the changes or revisions. If the Contractor deems that extra compensation is due for Work not covered herein, or in a Supplemental Agreement, the Contractor shall notify the City in writing of its intention to make claim for extra compensation before Work begins on which the claim is based. If such notification is not given and the City is not afforded by the Contractor a method acceptable to the City for keeping strict account of actual cost, then the Contractor hereby waives its request for such extra compensation. The City is not obligated to pay the Contractor if the City is not notified as described above. The Contractor may refuse to perform the additional Work requested by the City until the parties execute an appropriate agreement. Such notice by the Contractor and the fact that the City has kept account of the costs as aforesaid shall not in any way be construed as proving the validity of the claim.

6. RELEASES. When it is determined, as a result of a joint inspection of the Work by the Contractor and City that the Work has been completed in accordance with the terms of the Contract Documents, the completion of the Work shall be certified by the City. At that time, the Contractor may submit the Contractor's final request for payment. Prior to final payment, the Contractor shall execute and deliver to the City a Contractor's Affidavit and Release of Claim for all claims against the City arising under or by virtue of the Work order. Also, from each supplier or subcontractor for this Contract whether it has or has not notified the City of his right to file a Claim (Notice to City) or who is listed in the Contractor's Affidavit and Release of Claim as an unpaid potential Claimant, a Claimant's Sworn Statement of Account, or Partial and/or Final Release of Lien executed by the supplier or subcontractor, must be attached to each request for payment.

7. PROJECT SCHEDULE. The Contractor shall commence Work to be performed under this Contract upon receipt and within Ninety (90) calendar days from the commencement date stipulated on the written Notices to Proceed issued by the City's Purchasing and Contracting Administrator. The Contractor shall perform all Work under this Agreement in a timely manner consistent with the assignment schedules as mutually agreed upon by the City and the

Contractor. No extension of time shall be valid unless given in writing by the City. No monetary compensation shall be given for such delay.

A delay beyond the Contractor's control occasioned by an "Act of God" may entitle the Contractor to an extension of time in which to complete the Work as determined by the City provided, however, the Contractor shall immediately give written notice to the City of the cause of such delay. "Rain day" extensions shall be granted upon written request of the Contractor to the City when the City determines that weather conditions make it counterproductive to work on said days. "Rain day" requests must be submitted at the end of each work week or be waived, and the cumulative "rain day" extensions granted shall be processed as a Change Order with each pay submittal.

The City shall have the authority to suspend the Work wholly or in part, for such periods as may be deemed necessary and for whatever cause, by serving written notice of suspension to the Contractor. In the event that the Contractor or the City shall become aware of any condition that may be cause for suspension of the Work, they shall immediately advise the concerned parties in writing of such condition. The Contractor shall not suspend operations under the provisions of this Paragraph without the City's permission. In the event that the City suspends the Work, the Contractor shall be granted an extension of time to complete the Work for as many calendar days as the Work was suspended; except that the Contractor will not be granted an extension of time to complete the Work if the suspension was caused by a fault of the Contractor.

8. TERMINATION OF CONTRACT. This Agreement may be terminated by the City with or without cause provided at least five (5) days written notice of such termination shall be given to the Contractor. Upon receiving notice of termination, the Contractor shall discontinue the Work on the date and to the extent specified in the notice and shall place no further orders for materials, equipment, services or facilities except as needed to continue any portion of the Work that was not terminated. The Contractor shall also make every reasonable effort to cancel, upon terms satisfactory to the City, all orders or subcontracts related to the terminated Work.

In the event of such termination, the Contractor shall be compensated for services rendered prior to the date of termination and for materials ordered prior to the receipt of notice of termination that cannot be returned to the Vendor. Any such materials and any Work done by the Contractor shall become the property of the City. Contractor waives all claims for compensation

in excess of that which is specifically provided for herein, including but not limited to, loss of anticipated profits, idle equipment, labor, facilities, and claims of subcontractors and vendors.

9. CITY'S PROJECT MANAGER. City shall designate a Project Manager. All Work done shall be subject to the review of the City. Any and all technical questions which may arise as to the quality and acceptability of the Work performed, or Work to be performed, interpretation of Technical Specifications and all technical questions as to the acceptable fulfillment of the Contract on the part of the Contractor shall be referred to the Project Manager who will resolve such questions.

The Work shall be subject at all times to review by the City. Such review may include mill, plant, or shop inspection. The City shall be allowed access to all parts of the Work and shall be furnished with such information and assistance by the Contractor as is required to make a complete and detailed review. The City shall not be responsible for the acts or omissions of the Contractor. Any changes to the Scope of Work or any deviations from the Contract Documents must be approved in writing through the Purchasing and Contracting Administrator.

10. CONTRACTOR'S DUTY. Contractor shall supervise and direct the Work, using Contractor's best skill and attention. Contractor shall be solely responsible for and have control over construction means, methods, techniques, sequences and procedures and for coordinating all portions of the Work under this Contract, unless the Contract Documents give other specific instructions concerning these matters.

Unless otherwise provided in the Contract Documents, Contractor shall provide and pay for labor, materials, equipment, tools, construction equipment and machinery, water, heat, utilities, transportation, and other facilities and services necessary for the proper execution and completion of the Work, whether temporary or permanent and whether or not incorporated or to be incorporated in the Work.

Unless otherwise provided in the Contract Documents, Contractor shall pay all sales, use and other similar taxes.

Contractor shall hold and maintain at all times during the term of this Contract all required federal, state and local licenses necessary to perform the Work required under the Contract Documents.

11. PERSONNEL. The Contractor represents that it will secure at its own expense all personnel and subcontractors required for services, which are necessary to complete the Work as

described in this Agreement. All services under this Agreement shall be performed by the Contractor or subcontractor and all persons engaged in Work under the Agreement shall be qualified to perform such services and authorized under federal, state and local laws to perform such services. Personnel who perform services under this Agreement shall not be employees of the City.

All workers must have sufficient knowledge, skill and experience to perform properly the Work assigned to them. Any worker, including supervisors, employed by the Contractor or subcontractors who, in the opinion of the City does not perform Work under this Agreement in a skillful manner, or appears to be incompetent or to act in a disorderly or intemperate manner shall, at the written request of the City, be discharged immediately and shall not be employed again in any portion of the Work without the written approval of the City.

The Contractor shall at all times be responsible for the conduct and discipline of his employees and/or any subcontractor or persons employed by subcontractors. The Contractor shall provide a current listing of names and license numbers of all personnel executing Work related to this Contract. This listing shall be updated by the Contractor within three (3) days of a personnel change.

12. PROTECTION OF PERSONS AND PROPERTY. The Contractor shall exercise precaution at all times for the protection of persons and property. The Contractor shall strictly comply with all safety provisions of all applicable laws and ordinances and shall be responsible for initiating, maintaining and supervising all safety precautions and programs in connection with the Work in accordance with the U.S. Department of Labor Occupational Safety and Health Act and the laws of the State of Florida. This Contract requires that the Contractor and any and all subcontractors hired by the Contractor comply with all relevant standards of the Occupational Safety and Health Act. Failure to comply with the Act constitutes a failure to perform. The Contractor agrees to reimburse the City for any fines and/or court costs arising from penalties charged to the City for violations of OSHA committed by the Contractor or any and all subcontractors.

The Contractor shall take all reasonable precautions for the safety of, and shall provide all reasonable protection to prevent damage, injury or loss to, all employees on the Work and all other persons who may be affected thereby; all the Work materials and equipment to be incorporated therein, whether in storage on or off the project site, under the care, custody or

control of the Contractor or any of his subcontractors; and other property on the project site or adjacent thereto, including trees, shrubs, lawns, walks, pavements, structures and utilities including, but not limited to, fire hydrants, swales, gutters, sewer inlets, drainage ditches, etc. Contractor shall ensure that its Contract Work does not impair the proper functioning of these utilities.

The Contractor shall perform any Work and shall furnish and install materials and equipment necessary during an emergency endangering life or property. In all cases, the Contractor shall notify the City of the emergency as soon as practicable, but shall not wait for instructions before proceeding to properly protect both life and property.

The City has the right to order the Contractor to discontinue hazardous work practices upon verbal or written notice. It is required that the Contractor keep and maintain all the necessary protective devices in place and in proper condition at all times where Work is being performed to prevent injury to persons or damage to public or private property.

The Contractor shall be held fully responsible for such safety and protection until final written acceptance of the Work.

13. CONTRACTOR'S RESPONSIBILITY FOR WORK. Until acceptance of the Work by the City, the Work shall be under the charge and care of the Contractor, and it shall take every necessary precaution against injury or damage to the Work by the action of the elements or from any other cause whatsoever, whether arising from the execution or from the non-execution of the Work. The Contractor shall rebuild, repair, restore and make good, without additional compensation, all injury or damage to any portion of the Work occasioned by any cause, other than the sole and active negligence of the City, before its completion and acceptance.

Equipment shall be stored so as to incur the preservation of their quality and fitness for the Work. When considered necessary, they shall be placed on wooden platforms or other hard clean surfaces, and not on the ground, and/or they shall be placed under cover. Stored equipment shall be located so as to facilitate prompt inspection.

14. CLEANING UP. The Contractor shall at all times keep the premises free from accumulation of waste materials or rubbish caused by its employees or Work. At the completion of the Work, the Contractor shall remove all his rubbish, tools, scaffolding and surplus materials and shall leave its Work area "broom clean" or its equivalent, unless more exactly specified, and shall ensure that all debris and other unsightly objects are removed and disposed of in a

satisfactory manner. At no additional expense to the City, the Contractor will restore to their original conditions or better, as nearly as practicable, those portions of the site not designated for alteration and all such property, structure, utilities, landscaping, etc., disturbed or damaged during the prosecution of the Work. Final payment will be withheld until such clean up and repairs are completed.

The Work will be considered complete only after all debris and unused material due to or connected with the Work have been removed and the surrounding area left in a condition satisfactory to the City. In the event the City finds that the Contractor has not complied in keeping the job site clean, the City may, after twenty-four (24) hours written notice to the Contractor to correct the situation, elect to have the job site cleaned by an independent labor force. The cost of cleaning by said independent labor force shall be deducted from moneys due the Contractor.

15. SUBCONTRACTS AND ASSIGNABILITY. The Contractor shall not assign any interest in this Agreement and shall not transfer any interest in the same without the prior written consent of the City. Any subcontracts or other Work which is performed by persons or firms other than the Contractor under this Agreement or any Work orders shall have prior written approval of the City. Any subcontracts, outside associates, or Contractors required by the Contractor in connection with services covered by this Agreement must be specifically approved by the City.

16. INDEMNIFICATION. For other and additional good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Contractor shall indemnify, hold harmless and defend the City of Titusville, its officers agents, officials, representatives and employees against any and all liability, loss, cost, damages, expenses, claim or actions, of whatever type, including but not limited to attorney's fees and suit costs, for trial and appeal which the City of Titusville, its officers, officials, agents, officials representatives or employees or any other person(s) or business entity(ies) who may hereafter sustain, incur or be required to pay, arising wholly or in part due to any act or omission of Contractor, its agent(s), vendors, subcontractor(s), representatives, servants, or employees in the execution, performance or nonperformance or failure to adequately perform Contractor's obligations pursuant to this Contract.

17. INTERESTS OF CITY OFFICIALS. No officers, members or employees of the City

and no members of its governing body, and no other public official of the governing body of the locality or localities in which services for the facilities are situated or carried out, who exercises any functions or responsibilities in the review or approval of the undertaking or carrying out of this project, shall participate in any decision relating to this Agreement which affects his personal interest, or have any personal or pecuniary interest, direct or indirect, in this Agreement or the proceeds thereof.

18. CERTIFICATION OF RESTRICTIONS ON LOBBYING. The Contractor agrees that no Federal appropriated funds have been paid or will be paid by or on behalf of the Contractor to any person for influencing or attempting to influence any officer or employee of any Federal agency, a member of Congress, an officer or employee of Congress or an employee of a member of Congress in connection with the awarding of any Federal contract, the making of any Federal Grant, the making of any Federal loan, the entering into of any cooperative agreement and the extension, continuation, renewal, amendment or modification of any Federal contract, Grant, loan or cooperative agreement.

If any funds other than Federal appropriated funds have been paid by the Contractor to any person for influencing or attempting to influence an officer or employee of any Federal agency, a member of Congress, an officer or employee of Congress or an employee of a member of Congress in connection with any FDOT Joint Participation Agreement, the undersigned shall complete and submit Standard Form-LLL "Disclosure Form to Report Lobbying" in accordance with its instructions.

19. CONFLICT OF INTEREST. The Contractor covenants that it presently has no interest and shall not acquire any interest, direct or indirect, which shall conflict in any manner or degree with the performance of services required to be performed under this Agreement. The Contractor further covenants that in the performance of this Agreement, no person having any such interest shall be employed. The Contractor shall not undertake any professional work which conflicts with his duties as the City's Contractor without the prior written consent of the City during the term of this Agreement. Any Work where the Contractor can reasonably anticipate that it may be called to testify as a witness against the City in any litigation or administrative proceeding will constitute a conflict of interest under this Agreement.

20. COMPLIANCE WITH LAW. The Contractor expressly agrees to comply with all laws and regulations relating to providing services under this Agreement. The failure of the

Contractor to adhere to any law or regulation pertaining to furnishing services under this Agreement shall constitute a material breach of this Agreement.

21. WAIVER. The waiver by the City of any of the Contractor's obligations or duties under this Agreement shall not constitute a waiver of any other obligation or duty of the Contractor under this Agreement.

22. PUBLIC ENTITY CRIME. The Contractor shall file a sworn statement with the City which is Attachment I, stating whether a person or affiliate as defined in Section 287.133 (1), Florida Statutes, has been convicted of a public entity crime subsequent to July 1, 1989, in accordance with the provisions of Section 287.133 of the Florida Statutes.

23. COVENANT AGAINST CONTINGENT FEES. The Contractor warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for the Contractor to solicit or secure this Agreement and that it has not paid or agreed to pay any person, company, corporation, individual or firm, other than a bona fide employee working solely for the Contractor any fee, commission, percentage, gift or any other consideration contingent upon or resulting from the award or making of this Agreement. For the breach or violation of this paragraph, the City shall have the right to terminate the Agreement without liability and, at its discretion, deduct from the Agreement price, or otherwise recover, the full amount of such fee, commission, percentage, gift or consideration.

24. DRUG-FREE WORKPLACE. The Contract Documents also consist of the "Drug-Free Workplace Form" which is in accordance with Florida Statute 287.087 and must be signed.

25. GOVERNING LAW. This Agreement shall be governed by the laws of the State of Florida and venue for any action pursuant to the Agreement Documents shall be in Brevard County, Florida. The parties hereto expressly waive trial by jury in any action to enforce or otherwise resolve any dispute arising hereunder.

26. CONSTRUING PROVISIONS. This Agreement shall not be construed against the party who drafted the same, as both parties have obtained experts of their choosing to review the legal and business adequacy of the same. In any conflict between the Technical Specifications, and the general terms of this Agreement, the provisions of the latter shall prevail.

27. INSURANCE. The Contractor agrees to carry insurance, of the types and subject to the minimum limits as set forth below and maintain said insurance during the life of this agreement:



- (a) Workers' Compensation - Contractor shall purchase workers' compensation insurance as required by law or prove exemption status.
- (b) Commercial General Liability - Contractor shall purchase Commercial General Liability insurance with a \$1,000,000 combined single limit for each occurrence to include the following coverage: operations, products and completed operations, personal injury, contractual liability covering this Contract, "X-C-U" hazards and property damage in the amount of \$500,000.
- (c) Commercial Auto Liability - Contractor shall purchase Commercial Auto Liability insurance with a combined single limit of at least \$1,000,000.

Further, Contractor shall maintain such insurance as is reasonably required to satisfy its obligations to protect the Work paid for by the City but not yet accepted.

The insurance company selected shall be A- or better per the Best's Key Rating Guide. The Contractor and the insurance company(s) shall agree to furnish the City thirty (30) days written notice of their intent to cancel or terminate said insurance. It is the full responsibility of the Contractor to ensure that all subcontractors have full insurance coverage as stated above.

The Contractor shall not commence the Work under this Contract until it has obtained all the insurance required under this paragraph and certificates of such insurance have been submitted to the City, nor shall the Contractor allow any subcontractor to commence Work on his subcontract until all insurance required has been so obtained and approved by the City. The Contractor shall carry and maintain until acceptance of the Work, insurance as specified herein and in such form as shall protect him and any subcontractor performing Work under this Contract, or the City, from all claims and liability for damages for bodily injury, including accidental death, under this Contract, whether by himself or by any subcontractor or by any one directly or indirectly employed by either of them.

The Contractor shall furnish to the City certificates of insurance in duplicate showing proof of insurance, naming the City as an additional insured party, prior to the start of construction as provided in the Contract.

28. GUARANTEE. Contractor warrants all equipment furnished for a period of not less than three (3) years from the Contract completion date. Upon completion of the Work or earlier, the Contractor shall provide to the City the manufacturer warranties for aeration equipment and electrical control panels.

The making of the final payment by the City to the Contractor shall not relieve the Contractor of any warranty responsibilities.

31. INDEPENDENT CONTRACTOR. Contractor is an independent Contractor. Neither Contractor nor Contractor's employees are employees of the City. Contractor shall have the right to control and direct the means and methods by which the Work is accomplished. Contractor may perform services for others, which solely utilize Contractor's facilities and do not violate any confidentiality requirements of this Agreement. Contractor is solely responsible for compliance with all labor and tax laws pertaining to Contractor, its officers, agents, and employees, and shall indemnify and hold the City harmless from any failure to comply with such laws. Contractor's duties with respect to Contractor, its officers, agents, and employees, shall include, but not be limited to: (1) providing Workers' Compensation coverage for employees as required by law; (2) hiring of any employees, assistants, or subcontractors necessary for performance of the Work; (3) providing any and all employment benefits, including, but not limited to, annual leave, sick leave, paid holidays, health insurance, retirement benefits, and disability insurance; (4) payment of all federal, state and local taxes income or employment taxes, and, if Contractor is not a corporation, self-employment (Social Security) taxes; (5) compliance with the Fair Labor Standards Act, 29 U.S.C. §§ 201, et seq., including payment of overtime in accordance with the requirements of said Act; (6) providing employee training for all functions necessary for performance of the Work; (7) providing equipment and materials necessary to the performance of the Work; and (8) providing office or other facilities for the performance of the Work. In the event the City provides training, equipment, materials, or facilities or otherwise facilitate performance of the Work, this shall not affect any of Contractor's duties hereunder or alter Contractor's status as an independent Contractor.

32. RIGHT OF THE OWNER TO TERMINATE CONTRACT. If the Contractor shall be adjudged bankrupt; or if it should make a general assignment for the benefit of its creditors; or if a receiver should be appointed for the Contractor or any of his property; or if it should persistently or repeatedly refuse or fail to make prompt payment to a person(s) supplying labor or materials for the Work under the Contract; or persistently disregard instructions of the Project Manager; or fail to observe or perform any provisions of the Contract Documents; or otherwise be guilty of a substantial violation of any provisions of the Contract Documents, then the City may – by at least five (5) days prior written notice to the Contractor – without prejudice to any

other rights or remedies of the City under the contract, terminate the Contractor's right to proceed with the Work. In such event, the City may take over the Work and proceed with same to completion – by Contract or otherwise – and the Contractor and its Sureties shall be liable to the City for any excess cost incurred by the City. In such case, the City may take possession of and utilize in completing the Work, such necessary materials, appliances, and plant as may be on the site of the project. The foregoing provisions are in addition to, and not in limitation of, the rights of the City under any other provisions of the Contract Documents.

**IN WITNESS WHEREOF**, the parties hereto have accepted, made, and executed this Agreement upon the terms and conditions above stated.

**CONTRACTOR:**

Aeration Industries International.  
4100 Peavey Road  
Chaska, MN 55318

**OWNER:**

City of Titusville  
555 S. Washington Avenue  
Titusville, FL 32796

By \_\_\_\_\_

By \_\_\_\_\_

Name: \_\_\_\_\_

James H. Tulley, Jr., Mayor

Title: \_\_\_\_\_

Date \_\_\_\_\_

Date \_\_\_\_\_

**ATTEST**

\_\_\_\_\_  
Wanda Wells, City Clerk

**APPROVED AS TO FORM:**

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
Richard Broome, City Attorney

\_\_\_\_\_  
William S. Larese, City Manager

Date \_\_\_\_\_

Date \_\_\_\_\_

**Staff Review & Preparation:**

\_\_\_\_\_  
Jesus M. Vieiro, Purchasing & Contracting Administrator

Date \_\_\_\_\_

\_\_\_\_\_  
Sean Stauffer, Water Resources Director

Date \_\_\_\_\_

City of Titusville  
"Gateway to Nature and Space"

**REPORT TO COUNCIL**

**To:** The Honorable Mayor and City Council  
**From:** William S. Larese, City Manager  
**Subject:** **2015-2016 School Board of Brevard County School Resource Officer (SRO) Program Agreement**  
**Department/Office:** Police Department

**Recommended Action:**

Approve and execute the 2015-2016 School Board of Brevard County SRO Program Agreement and required Budget Amendment.

**Summary Explanation & Background:**

Continuing as in the past years, the City of Titusville and the School Board of Brevard County entered into an agreement to place School Resource Officers in the Titusville School system. The School Resource Officers have been placed in Andrew Jackson Middle School, James Madison Middle School, Astronaut High School, and Titusville High School. We are pleased to report that the Office of District and School Security intends to continue its collaboration with the Titusville Police Department to support the SARI Program in Brevard Public Schools for the 2015-2016 school year providing funding for our four (4) SRO positions at the rate of \$31,800.00 per officers during the school year.

Four (4) budgeted Officers will be taking the four (4) SRO assignments per the agreement. This will provide greater financial stability and maintain the maximum number of officers on the road.

Staff has reviewed the terms and conditions of the agreement and also verified the salary amounts based on the officers that will be placed in these positions. The SRO agreement will allow the City to be reimbursed \$127,200.00 toward the total cost of four (4) SRO's salary/benefits during the 190 day school year.

**Alternatives:**

Do not approve this agreement. This is not recommended due to the benefits gained from having these officers in the local school system.

**Item Budgeted:**

Yes

**Source/use of funds/Budget Book Page:**

See attached 2015-2016 SRO Contract; Budget Amendment Form; FY 2015-2016 SRO Salary Cost Comparison.

**Strategic Plan:**

No. 3 – Financial Stability

**Strategic Plan Impact:**

**ATTACHMENTS:**

	<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
<input type="checkbox"/>	<a href="#">SRO Contract 15-16</a>	7/22/2015	Backup Material
<input type="checkbox"/>	<a href="#">SRO Expectations &amp; Guide Lines</a>	7/22/2015	Backup Material
<input type="checkbox"/>	<a href="#">15-16 SRO Salary Cost</a>	7/22/2015	Backup Material
<input type="checkbox"/>	<a href="#">BA Transfer Form SRO</a>	7/23/2015	Backup Material

## AGREEMENT

THIS AGREEMENT, dated this \_\_\_\_ day of \_\_\_\_, **2015**, by and between **THE SCHOOL BOARD OF BREVARD COUNTY, FLORIDA**, hereinafter called the **BOARD**, and the **CITY OF TITUSVILLE, FLORIDA**, hereinafter called the **CITY**.

### WITNESSETH:

WHEREAS, the City Council at its \_\_\_\_\_, **2015**, meeting duly approved this agreement: and,

WHEREAS, the BOARD at its \_\_\_\_\_, **2015** meeting duly approved this agreement: and,

WHEREAS, the BOARD and the CITY desire to assign a School Resource Officer to the campus of Astronaut High School, Jackson Middle School, Madison Middle School, and Titusville High School, for a period of not more than 190 days during the school year and;

WHEREAS, the BOARD finds and determines that the School Resource Officer (SRO) program will not interfere with the schools' programs and is in the best interest of the school system and the community;

NOW, THEREFORE, for good and valuable consideration including the agreed-to charges, materials, and services outlined herein, plus the mutual covenants hereinafter set forth between the parties hereto and incorporated herein by reference, the BOARD and the CITY do hereby agree to the following terms and conditions, to wit:

1. This agreement continues the SRO program effective **Wednesday August 12, 2015** and will terminate on **Friday May 27, 2016** unless further continued by mutual agreement of both parties prior to that date. Either party may terminate this agreement upon 30 days written notice to the other party. Any termination of this agreement will result in the return of funds equal to the proportionate amount of time remaining in the agreement.
2. Reimbursement will be **\$31,800** per officer, and is based upon the 180 school day schedule established by the BOARD, with the CITY placing (4) four police officers in the list schools on **August 12, 2015**.
3. The CITY agrees to indemnify and hold the BOARD harmless from liability from all claims, damages and injuries arising out of the CITY's negligent act or omission or its employees, arising out of this agreement and only to the extent permitted by Chapter 768.28 of the Florida Statutes.

The BOARD agrees to indemnify and hold the CITY harmless from liability from all claims, damages and injuries arising out of the BOARDS negligent act or omission or its employees, arising out of this agreement and only to the extent permitted by Chapter 768.28 of the Florida Statutes.

4. The CITY agrees that this Agreement shall not be transferred or assigned to any other agency without the written permission of the BOARD.
5. The BOARD will provide an appropriate workspace on the school campus, an adequate amount of supplies and clerical support as deemed necessary by the principal of the school. Payment to the CITY shall be made in three (3) installments according to the following schedule: **November 5, 2015, January 28, 2016, and May 23, 2016** subject to proration in the event of termination. *All invoices should be submitted to Lieutenant Mike Scully, Director of District and School Security at 2700 Judge Fran Jamieson Way, Viera, FL 32940.*
6. The **CITY** agrees to the goals and guidelines stipulated in the attached Exhibits I and II, which are incorporated by reference herein and made a part hereof as fully as if herein set forth.

7. The BOARD has designated the school principal and the CITY has designated the Chief of Police for the purpose of implementing the terms of this agreement.
8. The term of this agreement shall remain in effect from **August 12, 2015 through May 27, 2016** or until the termination as provided herein. The BOARD and the CITY will open discussions regarding renewal for the **2016– 2017** school year on or before **July 1, 2016**.
9. If any of the items or provisions hereof are in conflict with any applicable statute or rule of law, then such provision shall be deemed inoperative to the extent that it may conflict therewith and shall be deemed to be modified to conform to such statute or rule of law.
10. The parties understand and agree that the School Resource Officer in rendering services provided for by this agreement is doing so as an employee of the CITY and not as an officer, agent or employee of the BOARD.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed by their duly authorized officers and agents the day and year first written above.

**CITY OF TITUSVILLE, FLORIDA**

**THE SCHOOL BOARD OF  
BREVARD COUNTY, FLORIDA**

ATTEST:

ATTEST:

\_\_\_\_\_  
James H. Tulley Jr., Mayor

\_\_\_\_\_  
Amy Kneessy, Chairman

\_\_\_\_\_  
Wanda F. Wells, City Clerk

\_\_\_\_\_  
Desmond K. Blackburn, Ph.D., Superintendent

APPROVED AS TO CONTENT:

APPROVED AS TO FORM BY:

\_\_\_\_\_  
Scott Larese, City Manager

\_\_\_\_\_  
Harold T. Bistline, School Board Attorney

Attachments:     Exhibit I  
                           Exhibit II





**Exhibit I**  
**SCHOOL RESOURCE OFFICER**  
**PROGRAM GOALS**

1. To enhance student safety and improve the security of school campuses;
2. To develop and promote positive relationships between students and law enforcement officers;
3. To foster a better understanding of law enforcement officers in the community;
4. To develop positive concepts of law enforcement;
5. To identify and prevent delinquent behavior through counseling and referral;
6. To provide assistance and support for victims of crime identified within the school setting, including abused children;
7. To develop a better appreciation of citizenship, citizens' rights, obligations, and responsibilities;
8. To provide information about crime prevention;
9. To enhance knowledge of the fundamental concepts and structure of the law;
10. To provide materials and consultative assistance to teachers and parents on various law education topics;



## Exhibit II

### SCHOOL RESOURCE OFFICER PROGRAM GUIDELINES

1. The school resource officer (SRO) is a City of \_\_\_\_\_ police officer, and shall remain exclusively an employee of the City of \_\_\_\_\_ and responsible to the police department chain of command.
2. Prior to the first day of school, the SRO will present to the principal a written plan of action for the school year. The plan should include the SRO's work and activities schedule, and if appropriate, their work schedule and duties for District pre-planning and post-planning activities. This plan should also include an outline of classroom presentations that may be conducted by the SRO, as well as the number of instructional hours that the SRO may provide.
3. Not less than one time per semester, the SRO and Principal will meet to review the SRO's plan of action and verbally discuss the SRO's progress. As necessary, additional meetings may be requested by either the Principal or the SRO to review the progress of the plan of action.
4. The SRO may be asked to provide supplemental instruction at the discretion of the Principal, as qualified. The Attorney General's (SRO Basic and Advanced Training) philosophy with regard to in-class SRO presentations will be used as a guide.
5. The SRO will engage with students in the following ways: before school during student arrival, between class breaks and during lunch periods, after school during student dismissal.
6. The SRO shall report to their assigned school Principal daily. The SRO shall be assigned specifically to the school during all regular school days. If the SRO is called away from the school for a substantial portion of the school day, the SRO shall notify the Principal and provide the Principal with a means of contacting the SRO or the appropriate law enforcement agency.
7. If the SRO witnesses inappropriate or unacceptable activity on campus, they will report the incident to the school administration and as appropriate take law enforcement action. Both police department and school administrative procedures shall be followed. In the event of a policy conflict, police department policy and procedure shall prevail. The SRO shall avoid making arrests on school grounds except under exigent circumstances. If arrest is necessary, the SRO will be called to execute proper law enforcement procedure. If at all possible, the SRO should coordinate arrest and other operational strategies with the Principal.

8. Should it become necessary for the SRO to conduct a formal law enforcement interview with a student, the interview should be coordinated with the Principal, parents shall be notified and police department policy will be followed.
9. The SRO is encouraged to attend parent, faculty, and staff meetings, as a part of the school administrative team, and to develop support and cultivate an understanding of the SRO program.
10. After consultation and approval of the Chief of Police or his designee, the Principal may request an SRO adjust their schedule and as appropriate may assign the SRO to duties after regular school hours, such as sponsoring extracurricular events, chaperoning field trips, or other after school activities. Any such request shall not conflict with police department policy, the officer's collective bargaining agreement, or result in overtime expenses to either the police department or the District. These after-school activities will be under the supervision of school personnel. The District will not compensate the SRO in an overtime capacity. (This does not include activities such as football games, basketball games, and school dances for which a separate contract of service is required).
11. All overtime shall be approved in advance by the SRO's law enforcement supervisor. Overtime expenses shall be borne by the agency and not the District.
12. As determined by the police department, the SRO shall submit activity reports to be reviewed by the Principal and the Director of District and School Security.
13. The SRO has the authority to request a review of contract provisions after reasonable review and conferencing between the SRO and the Principal has occurred. The following procedures should be followed:
  - A. The SRO will request that a review of the contract provisions be completed stating the reasons for the request in writing. The request will be directed to the SRO's law enforcement supervisor, with a copy being provided to the Principal. A copy of that request must also be provided to the Chief of Police or his designee and the Director of the Office of District and School Security.
  - B. Within a reasonable period of time after receiving the request for review from the SRO, the Director of the Office of District and School Security, will meet with the Chief of Police, or his designee to mediate or resolve any contract provision concerns that may exist between the SRO and the staff at their assigned school.

1. With the approval of the Chief of Police or his designee, and the Director of the Office of District and School Security, the SRO, and specified members of the school staff, may be required to be present at a mediation meeting.
  2. If, within a reasonable amount of time after commencement of mediation, the contract provision concerns cannot be resolved or mediated, in the opinion of both the Chief of Police, and the Director of the Office of District and School Security, or their designees, a reasonable alternative action will identified and agreed upon in writing.
14. If, in the opinion of the principal, the SRO is no longer effective in his or her role as an SRO, the Principal may request the reassignment of the school resource officer from their duties at school. In such cases, the following procedure should be followed:
- A. The principal will meet with the SRO, and the SRO's law enforcement supervisor and express the concerns and needs of the school. The principal will work collaboratively with the SRO and SRO's law enforcement supervisor to clearly identify in writing their expectations, as well as the SRO's agreed upon school related duties and responsibilities. As appropriate, the SRO's law enforcement supervisor may implement a written action plan.
  - B. If, after reasonable review and discussion between the SRO, the SRO law enforcement supervisor and the Principal has occurred, in the opinion of the principal the SRO's effectiveness remains questionable, the principal may request the SRO be reassigned from their position at their assigned school.
  - C. The Principal shall contact the Director of District and School Security and request that the SRO be removed from the program at their school.
15. School Board employees shall not conduct an internal investigation of alleged improper conduct on the part of the SRO. The Principal or any other school board employee shall report all allegations of improper conduct to either the SRO's law enforcement supervisor or to the police department Internal Affairs function.
16. At any time during the school year when students are not in school, or at the conclusion of the regular school year, the SRO shall be assigned other duties by the Chief of Police.

### School Resource Officers

FY15-16 SRO Program	Scott Blizzard	Roger Bond	Izell Davis	Leamon Jackson	Flat Rate SRO	
Salary	\$41,146.56	\$42,173.04	\$56,630.70	\$45,929.10	\$31,800.00	
Health Care	\$4,368.78	\$4,368.78	\$6,806.54	\$4,368.78	per SRO	
Medicare	\$565.76	\$585.52	\$751.40	\$644.54		
OASDI	\$2,418.78	\$2,503.28	\$3,213.08	\$2,756.26		
Workers Comp	\$1,063.40	\$1,089.92	\$1,489.54	\$1,213.16		
Police Education Incentive	\$240.24	\$240.24	\$1,200.16	\$1,200.16		
Life Insurance	\$145.08	\$148.80	\$199.08	\$161.88		
Pension-Police	\$9,442.94	\$9,678.24	\$13,224.64	\$10,770.76		
5% OT base on salary	\$2,057.33	\$2,108.65	\$2,831.54	\$2,296.46		
<b>Annual Totals</b>	<b>\$59,391.54</b>	<b>\$60,787.82</b>	<b>\$83,515.14</b>	<b>\$67,044.64</b>	<b>\$270,739.14</b>	
<b>Salary/Benefits -1520 hrs</b>	<b>\$43,401.51</b>	<b>\$44,421.87</b>	<b>\$61,030.29</b>	<b>\$48,994.16</b>	<b>\$197,847.83</b>	
<b>Salary/Benefits -Summer</b>	<b>\$15,990.03</b>	<b>\$16,365.95</b>	<b>\$22,484.85</b>	<b>\$18,050.48</b>	<b>\$72,891.31</b>	
<b>Per BCSB Contract:.....</b>	<b># of TPD SRO</b>	<b>4</b>	<b>School Year</b>	<b>64.29%</b>	<b>\$127,200.00</b>	<b>SBBC</b>
<b>31,800.00 per officers x 4</b>			<b>School Year</b>	<b>35.71%</b>	<b>\$70,647.83</b>	<b>City</b>
			<b>Summer</b>	<b>100.00%</b>	<b>\$72,891.31</b>	<b>City</b>
						<b>\$143,539.14</b>



City of Titusville  
"Gateway to Nature and Space"

**REPORT TO COUNCIL**

**To:** The Honorable Mayor and City Council  
**From:** William S. Larese, City Manager  
**Subject:** **Area Impact Plan No. 2-2015 for McDonald's Restaurant Drive-thru Expansion**  
**Department/Office:** Community Development

**Recommended Action:**

Approve Area Impact Plan No. 2-2015 to allow for the construction of a second drive-thru lane, an approximately 50 square foot building addition and ADA compliant upgrades at the McDonald's restaurant in the Shoreline Mixed Use (SMU) zoning district at 3835 South Washington Avenue.

**Summary Explanation & Background:**

The Applicant, CPH, is requesting that the AIP be approved to allow the construction of a second drive-thru lane, an approximately 50 square foot building addition, and ADA compliant upgrades in the Shoreline Mixed Use Zoning (SMU) zoning district. The property is located at 3835 South Washington Avenue. The site has an existing building which is currently a McDonald's restaurant. The property is approximately 2.07 acres and the existing building is approximately 5,800 square feet.

The applicant has submitted a site plan to modify the existing restaurant by constructing a second drive-thru lane, an approximately 50 square foot building addition, and ADA compliant upgrades. The appearance of the facade on the restaurant from public right-of-ways will not be altered, there will be new menu-boards installed associated with the upgraded drive-thru lanes. The approximately 50 square foot building addition will be on the east side of the building, and is associated with the function of the drive-thru.

**Alternatives:**

- 1) Approve the Area Impact Plan
- 2) Do not approve the Area Impact Plan

**Item Budgeted:**

NA

**Source/use of funds/Budget Book Page:**

NA

**Strategic Plan:**

No. 1 – Quality of Life No. 2 – Economic Development

**Strategic Plan Impact:**

**ATTACHMENTS:**

	<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
<input type="checkbox"/>	<a href="#">Area Impact Plan No. 2-2015</a>	7/23/2015	Backup Material
<input type="checkbox"/>	<a href="#">Staff Report</a>	7/23/2015	Backup Material
<input type="checkbox"/>	<a href="#">Site Plan</a>	7/23/2015	Backup Material
<input type="checkbox"/>	<a href="#">Aerial</a>	7/23/2015	Backup Material
<input type="checkbox"/>	<a href="#">Zoning Map</a>	7/23/2015	Backup Material



## AREA IMPACT PLAN



McDONALD'S SIDE BY SIDE DRIVE THRU ADDITION  
3835 S. WASHINGTON AVE.  
TITUSVILLE, FL 32780

7//2015

PREPARED FOR: CITY OF TITUSVILLE  
PREPARED BY: CPH, INC.  
CPH JOB. NO. M29966



*Architects  
Engineers  
Environmental  
Landscape Architects  
M/E/P  
Planners  
Surveyors  
Traffic/Transportation*

CPH, INC.  
5200 BELFORT RD. STE 220  
JACKSONVILLE, FL 32256  
TEL. 904-332-0999  
FAX. 904-332-0997

BRIAN P. CASSIDY

FL PE#67373

P.E. Number

DATE

Date

## 1. AREA IMPACT STATEMENT

The existing McDonald's is located on the east side of S. Washington Ave. at 3835 South Washington Ave. approximately 0.75 miles north of SR 50. The property is located within the Shore Line Mixed Use (SMU) of the City of Titusville. The Area Impact Plan (AIP) Statement is provided in support of the proposed construction.

To the east of the site is the Washington Arms Condominium complex, to the north of the site is the Indian River, to the west of the Site is S. Washington Ave. and to the south is a Parking lot and Playground.

The property information taken from the Brevard County Property Appraiser is the following:

**PARCEL I.D. NO.** - 22-35-22-02-00001.0-0007.02

**LEGAL DESCRIPTION** - Plat Book/Page: 0005/0012. Sub Name: DELESPINE COURTS SEC 2. LOTS 7 TO 10 BLK 1 OF PB 5 PG 12 AND LOT 1 BLK 1 OF PB 1 PG 168 AND VACATED R/W LYING BETWEEN AND FILLED LANDS EAST THEREOF EX ORB 1232 PG 743,ORB 1146 PG 288,ORB 1247 PG 778,ALL BEING EAST OF US.

**PHYSICAL ADDRESS** – 3835 S. WASHINGTON AVE, TITUSVILLE, FL 32780

The subject property is currently used as a McDonald's restaurant with single lane drive thru. The total area of the property is +/-2.07Ac. and consists of the Restaurant (+/-5,837sf) and small (+/-200sf) storage building with drive thru and associated infrastructure. The proposed improvements consist of the following:

- Convert existing single drive thru to dual side by side drive thru
- ADA improvements
- Small modification/addition (+/-50sf) (aka "Booth Bump") to the drive thru ordering window
- Minor Landscape modifications to the landscape areas affected by the addition of the proposed Side by Side drive thru

The subject property was purchased in 1986 and has been used as a McDonald's restaurant since that time. The proposed improvements will add approximately +/-300sf of impervious surface area which is typically considered a negligible impact; therefore no stormwater improvements are proposed.

## 2. BASIC DESIGN FEATURES OF BUILDING

The existing building is proposed to remain unchanged with the exception of a small (+/-50sf) "Booth Bump" which is a modification to the existing drive thru window which is needed to meet a McDonald's separation requirement from the Cash booth window to the Delivery booth window. The proposed modification will be in harmony with the appearance of the existing building. It is our understanding based on conversations with City Staff that Architectural

elevations of the existing building are not required.

### **3. INTERNAL AND EXTERNAL FUNCTIONALITY**

The purpose of the Side by Side addition is to improve the safety and efficiency of vehicle circulation on the site and to help alleviate queuing of vehicles from the drive thru onto the adjacent City and State Roads.

Additionally, the project proposes to bring all non-compliant ADA areas into compliance with the current ADA code.

Please note that the existing buffers are proposed to remain unchanged.

The implementation of the proposed modifications is expected to improve both the internal and external functionality of the site.

### **4. IMPACTS TO URBAN LIFESTYLES**

The project is expected to have a positive impact on Urban lifestyles since it will improve the safety and efficiency of vehicular circulation and improve ADA features on the property.

### **5. OFFSITE IMPROVEMENTS**

No offsite improvements are needed therefore none are proposed.

### **6. CONCLUSION**

It is anticipated that this project will have a positive impact on the neighborhood as the safety, efficiency and overall functionality of the site will be improved through the construction of the additional drive thru and the correction of non-compliant ADA issues that exist on the site.

The following exhibits are provided for reference:

**Exhibit A** – Vicinity Map

Shows project location in relation to nearby streets

**Exhibits B and B-1** – Existing and Proposed Site Plans

Indicates existing site and proposed improvements

**Exhibit C and C-1** – Photographs

Photos of existing site and surrounding uses

**Exhibit D** – Zoning Map

Zoning Map showing project site zoning and surrounding zoning and land uses

**Exhibit E** – Aerial Map

Map showing aerial view of the site and adjacent properties

**Exhibit F** – Surrounding area and uses

Map showing adjacent properties and uses

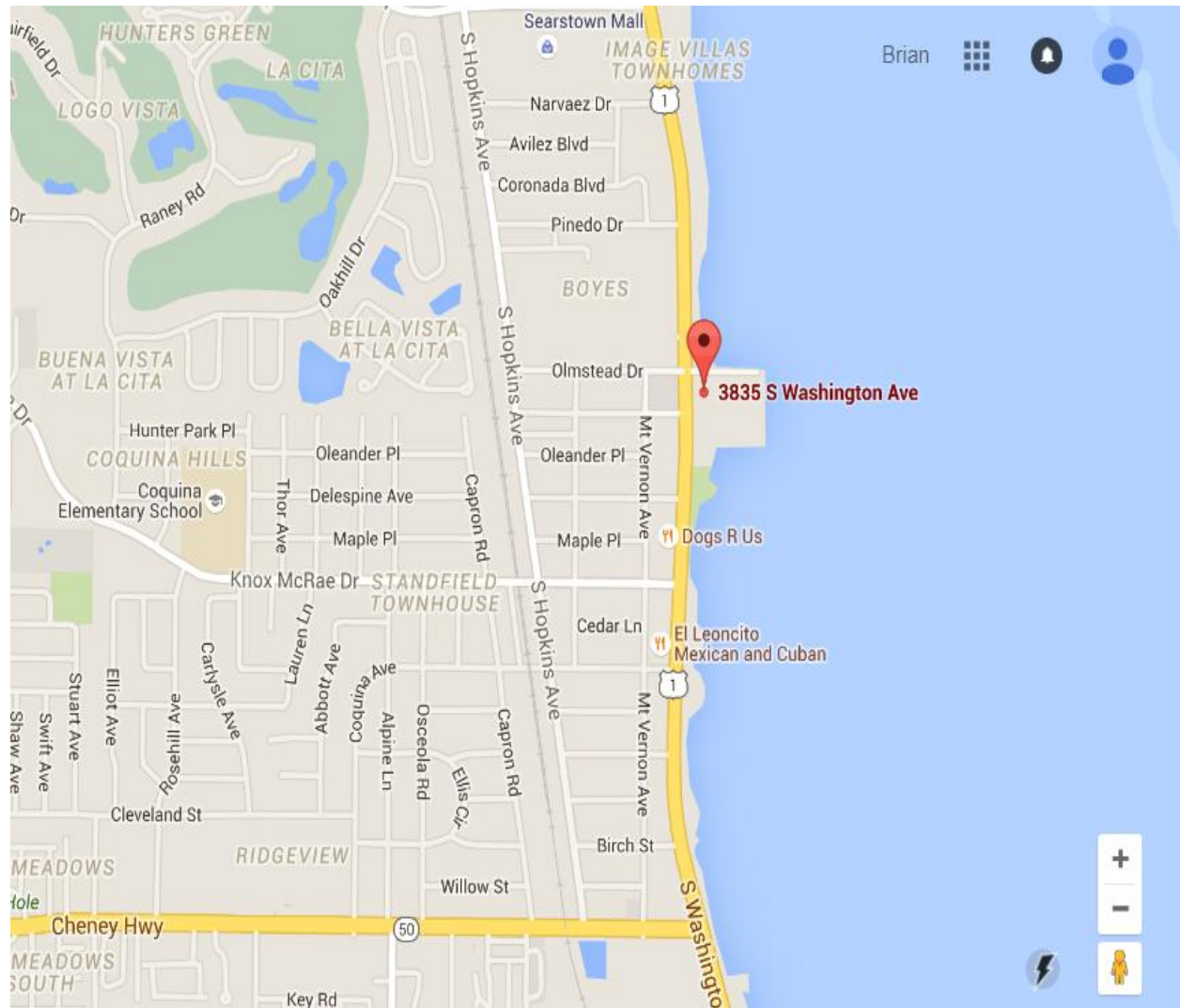


EXHIBIT A  
VICINITY MAP  
McDONALD'S 3835 S. WASHINGTON AVE.



Engineers  
Architects  
Planners  
Landscape Architects  
Transportation/Traffic  
Surveyors  
Environmental Scientists  
Construction Management

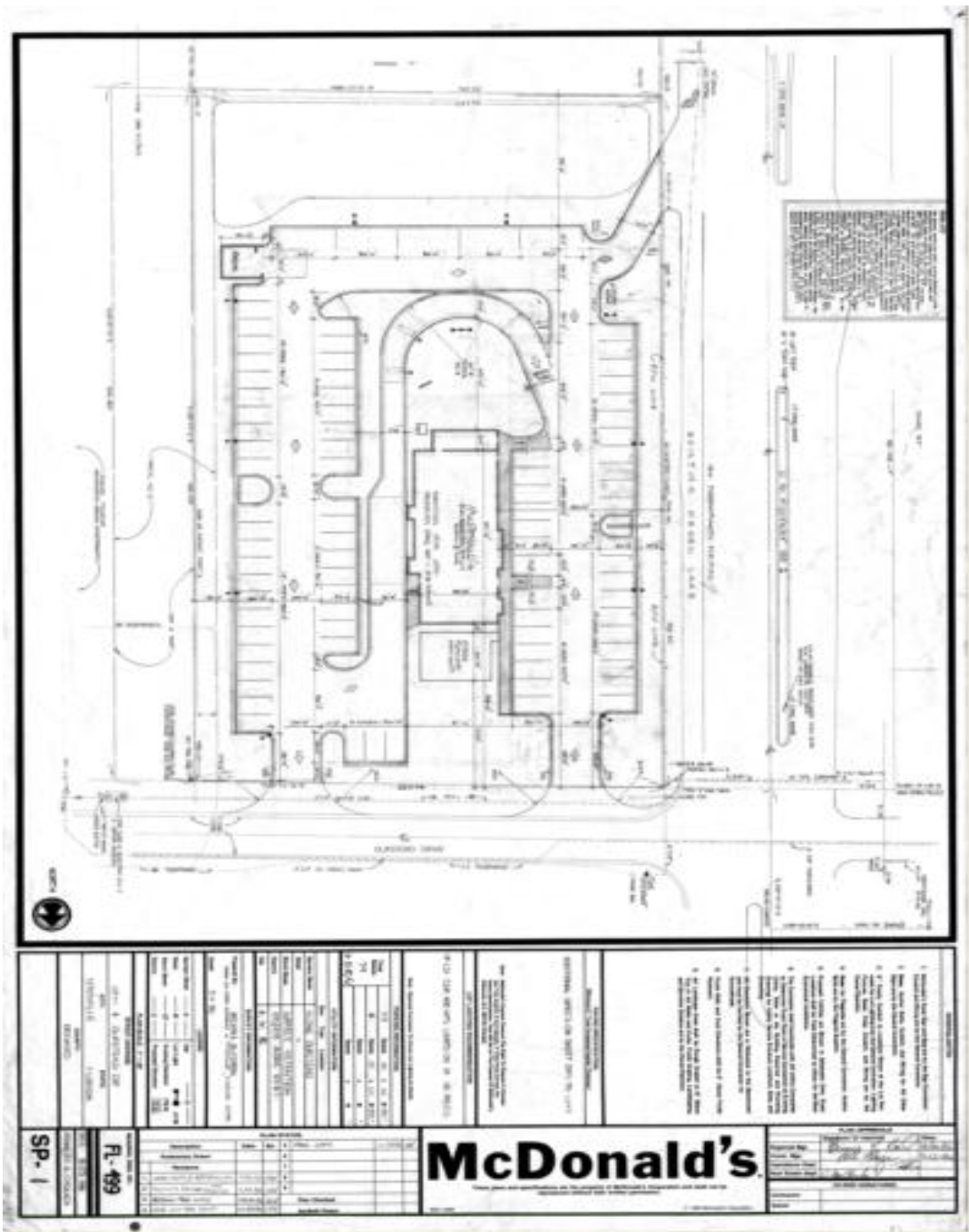
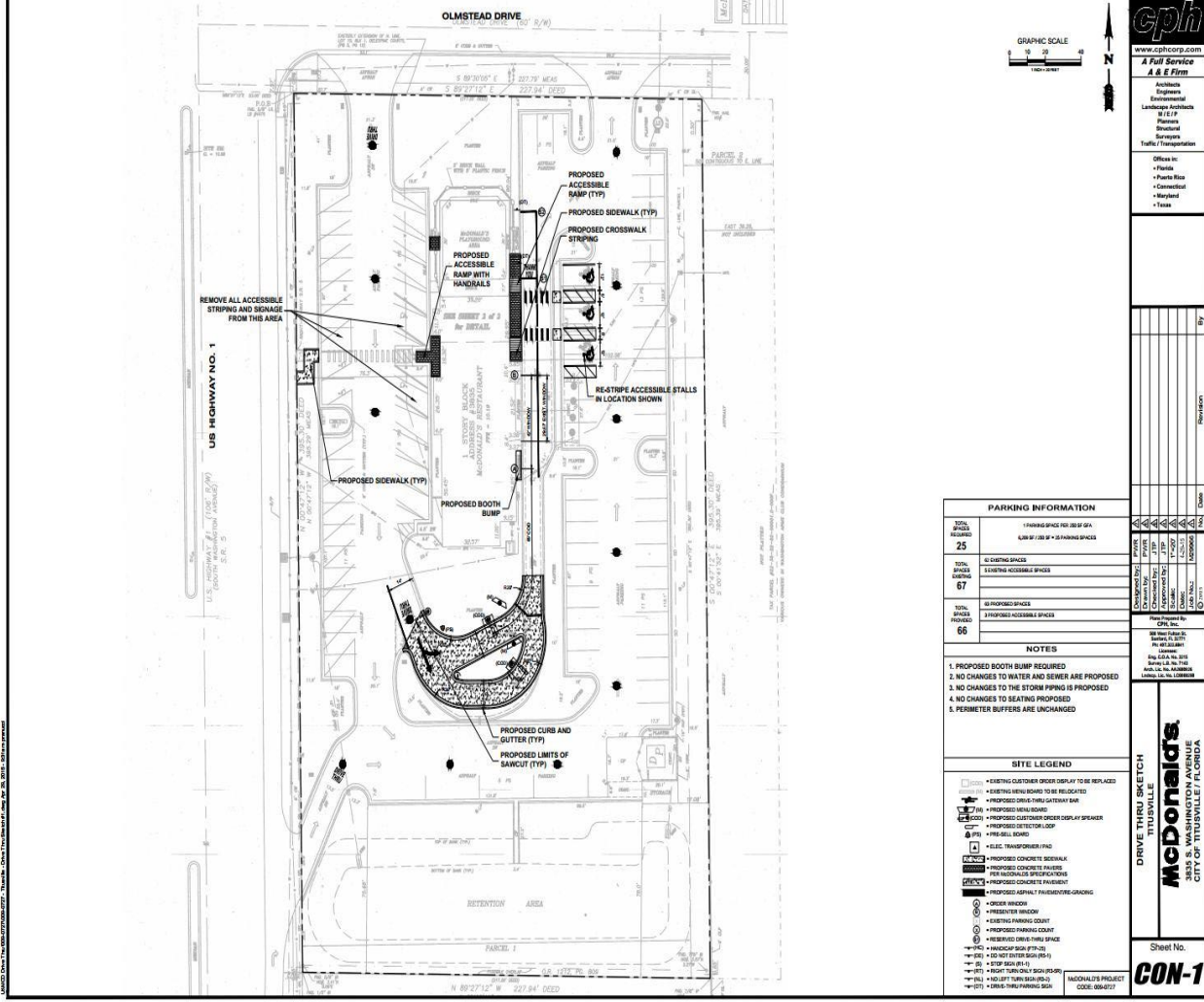


EXHIBIT B  
EXISTING SITE PLAN  
McDONALD'S 3835 S. WASHINGTON AVE.





PARKING INFORMATION	
TOTAL SPACES REQUIRED	25
TOTAL SPACES AVAILABLE	67
TOTAL SPACES PROVIDED	66
1. PROPOSED BOOTH BUMP REQUIRED 2. NO CHANGES TO WATER AND SEWER ARE PROPOSED 3. NO CHANGES TO THE STORM PIPING IS PROPOSED 4. NO CHANGES TO SLATING PROPOSED 5. PERIMETER BUFFERS ARE UNCHANGED	

SITE LEGEND	
[Symbol]	EXISTING CUSTOMER ORDER DISPLAY TO BE REPLACED
[Symbol]	EXISTING DRIVE THRU GATEWAY BAR
[Symbol]	PROPOSED DRIVE THRU GATEWAY BAR
[Symbol]	PROPOSED DRIVE THRU ORDER DISPLAY SPACER
[Symbol]	PROPOSED CUSTOMER ORDER DISPLAY SPACER
[Symbol]	PROPOSED DETECTION LOOP
[Symbol]	PROPOSED DRIVE THRU SPACE
[Symbol]	PROPOSED CONCRETE SIDEWALK
[Symbol]	PROPOSED CONCRETE DRIVEWAY
[Symbol]	PROPOSED CONCRETE DRIVEWAY
[Symbol]	PROPOSED ASPHALT DRIVEWAY/DRIVE GRADING
[Symbol]	EXISTING MEADOW
[Symbol]	PROPOSED MEADOW
[Symbol]	EXISTING PARKING COVERT
[Symbol]	PROPOSED PARKING COVERT
[Symbol]	EXISTING DRIVE THRU SPACE
[Symbol]	PROPOSED DRIVE THRU SPACE
[Symbol]	DO NOT DISTURB SIGN (NDS)
[Symbol]	DO NOT DISTURB SIGN (NDS)
[Symbol]	RIGHT TURN ONLY SIGN (RTOS)
[Symbol]	RIGHT TURN ONLY SIGN (RTOS)
[Symbol]	NO LEFT TURN SIGN (NLTS)
[Symbol]	NO LEFT TURN SIGN (NLTS)
[Symbol]	DRIVE THRU PARKING SIGN
[Symbol]	DRIVE THRU PARKING SIGN

DRIVE THRU SKETCH  
TUSCALOOSA  
**McDonald's**  
CITY OF TUSCALOOSA / ALABAMA

Sheet No. **CON-1**

McDONALD'S PROJECT  
CODE: 086-0727

**epb**  
www.epbcorp.com  
A Full Service  
A & E Firm

Architects  
Engineers  
Environmental  
Landscape Architects  
M/E/P  
Planners  
Structural  
Surveyors  
Traffic / Transportation

Offices in:  
• Florida  
• Puerto Rico  
• Connecticut  
• Maryland  
• Texas

Engineers  
Architects  
Planners  
Landscape Architects  
Transportation/Traffic  
Surveyors  
Environmental Scientists  
Construction Management

EXHIBIT B-1  
PROPOSED SITE PLAN  
McDONALD'S 3835 S. WASHINGTON AVE.



E. OLMSTEAD DRIVE



S. WASHINGTON AVE. LOOKING NORTH

EXHIBIT C  
PHOTOGRAPHS  
McDONALD'S 3835 S. WASHINGTON AVE.



Engineers  
Architects  
Planners  
Landscape Architects  
Transportation/Traffic  
Surveyors  
Environmental Scientists  
Construction Management



DRIVE THRU AREA PROPOSED TO BE CONVERTED TO SIDE BY SIDE DRIVE THRU



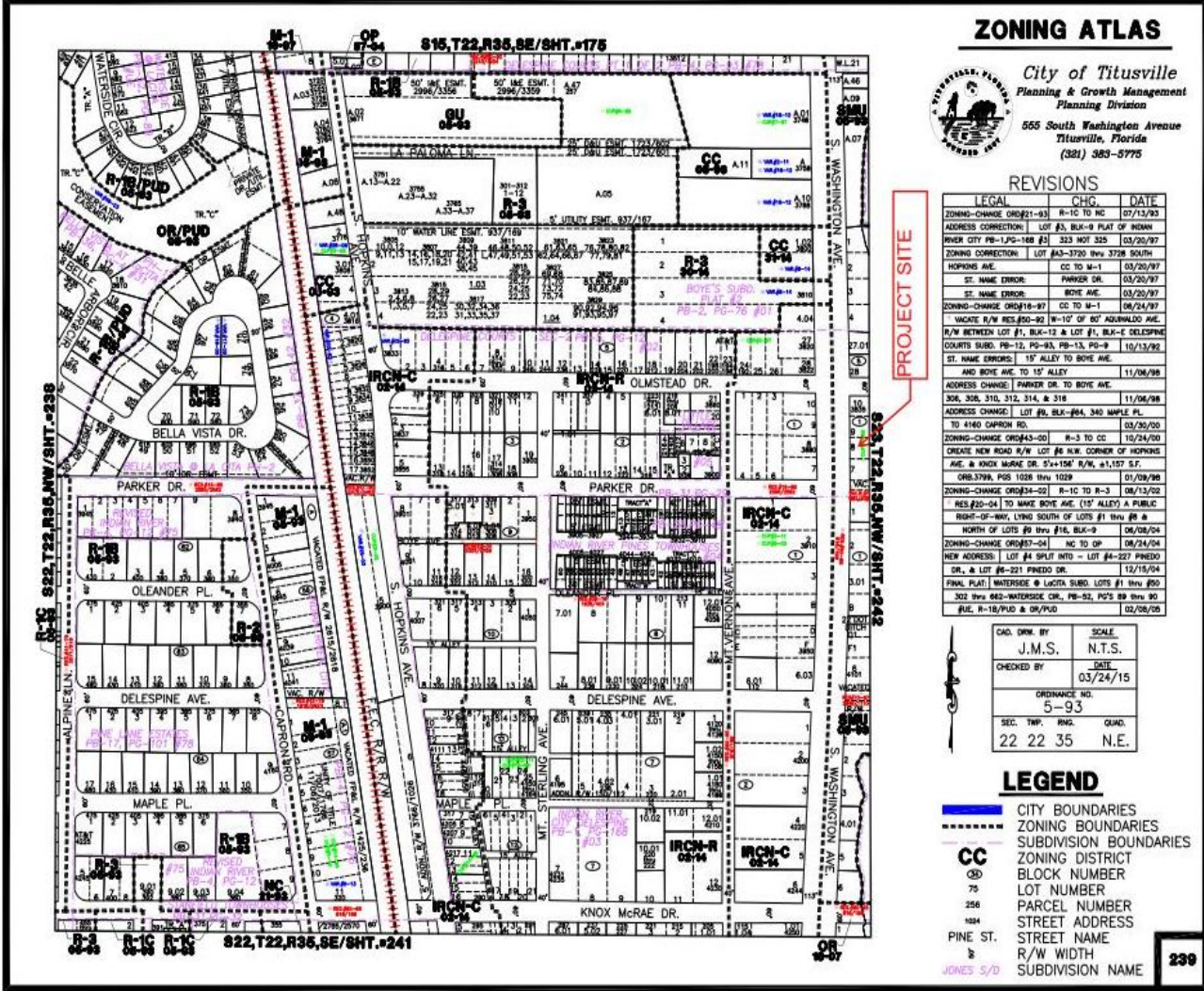
TYPICAL ADA AREA TO BE MODIFIED

EXHIBIT C-1  
PHOTOGRAPHS  
McDONALD'S 3835 S. WASHINGTON AVE.



Engineers  
Architects  
Planners  
Landscape Architects  
Transportation/Traffic  
Surveyors  
Environmental Scientists  
Construction Management





**ZONING ATLAS**



City of Titusville  
 Planning & Growth Management  
 Planning Division  
 555 South Washington Avenue  
 Titusville, Florida  
 (321) 383-5775

**REVISIONS**

LEGAL	CHG.	DATE
ZONING-CHANGE ORD#21-83	R-1C TO R-1C	07/15/03
ADDRESS CORRECTION	LOT #3, BLK-9 PLAT OF HORN	
RIVER CITY PB-1PG-188 #1	323 NOT 325	03/20/97
ZONING CORRECTION	LOT #43-3720 INV. 3728 SOUTH	
HOPKISS AVE.	CC TO M-1	03/20/97
ST. NAME ERROR:	PARKER DR.	03/20/97
ST. NAME ERROR:	BOYE AVE.	03/20/97
ZONING-CHANGE ORD#18-97	CC TO R-1	06/24/97
W/IDE R/W RES #60-82	R-10' OF 80' ADRIANNO AVE.	
R/W BETWEEN LOT #1, BLK-12 & LOT #1, BLK-E DELESPINE		
COURTS SUBD. PB-12, PG-8A, PB-13, PG-9		10/13/92
ST. NAME ERROR:	15' ALLEY TO BOYE AVE.	
AND BOYE AVE. TO 15' ALLEY		11/06/98
ADDRESS CHANGE:	PARKER DR. TO BOYE AVE.	
306, 308, 310, 312, 314, & 316		11/06/98
ADDRESS CHANGE:	LOT #6, BLK-#64, 340 MAPLE PL.	
TO 4400 CHAPMAN RD.		08/26/00
ZONING-CHANGE ORD#43-00	R-3 TO CC	10/24/00
CREATE NEW ROAD R/W LOT #6 N.W. CORNER OF HOPKISS		
AVE. & KNOX MURAE DR. 5'+156' R/W, 61,157 S.F.		
ORB.379A, POS 1028 INV 1029		01/09/98
ZONING-CHANGE ORD#34-00	R-1C TO R-3	08/13/02
RES #20-04	TO MAKE BOYE AVE. (15' ALLEY) A PUBLIC	
RIGHT-OF-WAY LYING SOUTH OF LOTS #1 THRU #8		
NORTH OF LOTS #9 THRU #16, BLK-9		06/24/04
ZONING-CHANGE ORD#37-04	NC TO CC	06/24/04
NEW ADDRESS:	LOT #4 SPLIT INTO - LOT #4-227 PINEDO	
DR., & LOT #6-221 PINEDO DR.		12/15/04
FINAL PLAT: WATERSIDE @ LACITA SUBD. LOTS #1 THRU #50		
302 THRU 682-WATERSIDE CR., PB-02, P2'S 89 THRU 90		
#16, R-18/PUD & OR/PUD		02/08/05

CAD. DWN. BY	SCALE
J.M.S.	N.T.S.
CHECKED BY	DATE
	03/24/15
ORDINANCE NO.	
5-93	
SEC. TWP. RANG. QUAD.	
22 22 35 N.E.	

**LEGEND**

- CITY BOUNDARIES
- ZONING BOUNDARIES
- SUBDIVISION BOUNDARIES
- CC** ZONING DISTRICT
- 30** BLOCK NUMBER
- 75** LOT NUMBER
- 256** PARCEL NUMBER
- 1034** STREET ADDRESS
- PINE ST.** STREET NAME
- 8** R/W WIDTH
- JONES S/D** SUBDIVISION NAME

Engineers  
 Architects  
 Planners  
 Landscape Architects  
 Transportation/Traffic  
 Surveyors  
 Environmental Scientists  
 Construction Management



EXHIBIT D  
 ZONING MAP  
 McDONALD'S 3835 S. WASHINGTON AVE.

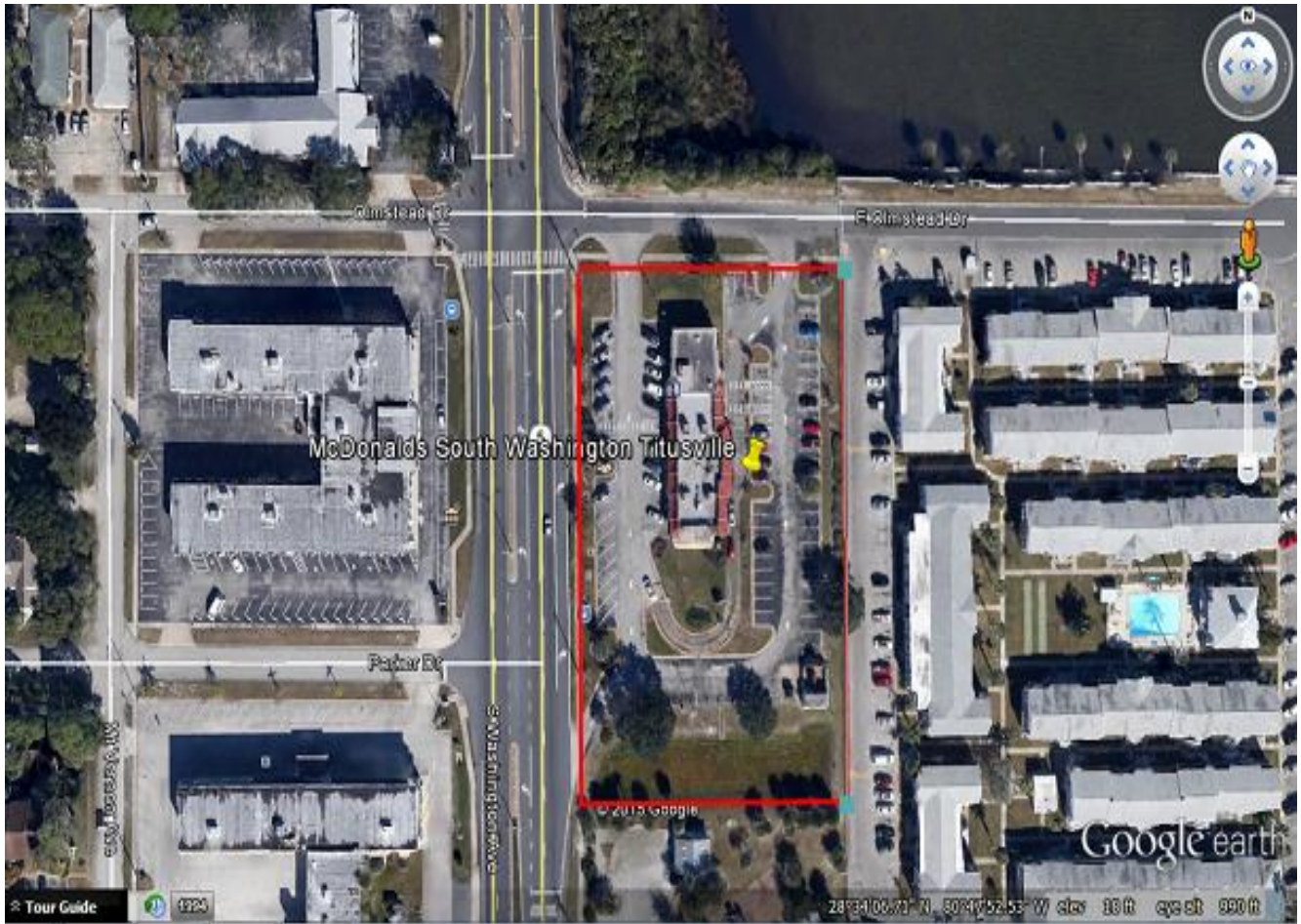


EXHIBIT E  
AERIAL MAP  
McDONALD'S 3835 S. WASHINGTON AVE.





EXHIBIT F  
SURROUNDING AREA AND USE  
McDONALD'S 3835 S. WASHINGTON AVE.



Engineers  
Architects  
Planners  
Landscape Architects  
Transportation/Traffic  
Surveyors  
Environmental Scientists  
Construction Management



# City of Titusville Staff Report

## Area Impact Plan (AIP) #2-2015

**Meeting Dates:** *Planning and Zoning Commission:* August 5, 2015  
*City Council:* August 11, 2015

**Prepared By:** Trevor Traphagen, Senior Planner

**Applicant(s):** CPH, Inc.

**Applicant's Request:** Request to construct a second drive-thru and make ADA compliant upgrades to an existing restaurant within the Shoreline Mixed Use Zoning (SMU) district.

**Staff Recommendation:** Approve AIP 2-2015

### Background Information:

The Applicant, CPH, Inc., is requesting that the Area Impact Plan (AIP) be approved to allow the construction of an additional drive-thru lane, approximately 50 square foot building addition, and ADA compliant upgrades in the Shoreline Mixed Use (SMU) zoning district. The property is located at 3835 South Washington Avenue. The site is currently used for a McDonald's restaurant. The property is approximately 2.07 acres and the existing building totals approximately 5,800 square feet. The proposal includes site work and a two story building addition totaling approximately 50 square feet.

### Property Information:

	Property Use	Future Land Use	Zoning
<b>Existing</b>	McDonald's Restaurant and Drive-thru	Shoreline Mixed Use	Shoreline Mixed Use (SMU)

### Surrounding Property Information:

	Existing Use	Future Land Use	Zoning
<b>North</b>	Vacant (Indian River Lagoon Shoreline)	Shoreline Mixed Use	Shoreline Mixed Use (SMU)
<b>South</b>	Rotary Riverfront Park	Shoreline Mixed Use	Shoreline Mixed Use (SMU)
<b>East</b>	Washington Arms Condominiums	Shoreline Mixed Use	Shoreline Mixed Use (SMU)
<b>West</b>	U.S. 1 and commercial offices	U.S. 1 Corridor	Indian River City Neighborhood - Commercial

### **Staff Analysis:**

Section 59-709(i) of the Land Development Regulations (LDR) requires that all development applications pertaining to new construction of permitted uses and conditional uses or an expansion of existing uses in the SMU zoning district submit an AIP for approval. The applicant has submitted a site plan to expand the existing restaurant by 50 square feet, add a second drive-thru lane and make ADA compliant upgrades to the existing sidewalks. The proposed building addition of approximately 50 square feet will be on the east side of the existing building and will not be visible from South Washington Avenue.

The subject site is abutted by US 1 and commercial offices to the west. The Washington Arms Condominiums are to the east. Rotary Riverfront Park is to the south. Vacant Indian River Lagoon Shoreline is to the north.

The proposed project is also located within the Titusville Shoreline Area (TSA) Overlay District. The TSA district has specific criteria to conserve the view of the river and minimize the effects of development within this area. The subject site will be required to maintain 25 percent of lot width open to the breeze (breezeway) [Sec. 59-946]. The subject site meets this criterion.

Section 59-709(i)(3)a of the LDR lists the review criteria under which the Planning and Zoning Commission and the City Council review Area Impact Plans. The following are staff's findings:

1. The visual character of a development site including the interrelationship of its component parts.

*Staff comments:* The proposed addition will enhance the appearance, ambiance and increase the functionality of the site.

2. The relationship to the surrounding development and structures with their exterior visual characteristics.

*Staff comments:* This section of US 1 Hwy consists of uses which are a mixture of multifamily residences, commercial uses and parks. The proposed expansion is consistent with the current development pattern and uses nearby.

3. The effect of the proposed development upon the general nature of urban design within the City.

*Staff comments:* No building façade changes are proposed, the proposed improvements to existing sidewalks to meet ADA standards will increase the functionality of the site.

4. The appropriateness of those elements of site design that can be seen from any public street or way.

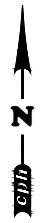
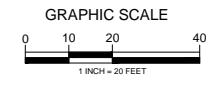
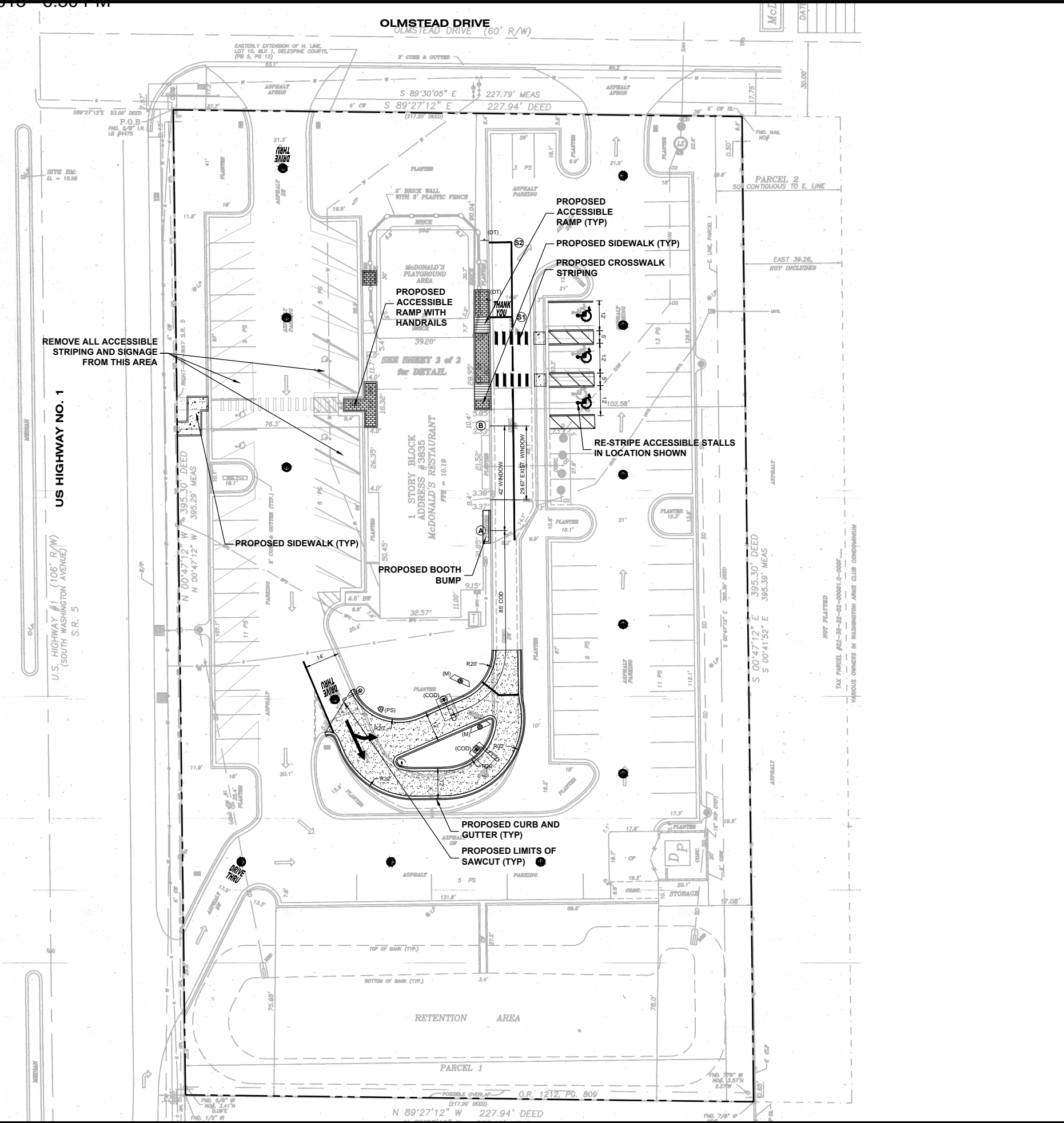
*Staff comments:* The only change in appearance will be the new menu boards and landscaping associated with the drive-thru modification.

5. The specific recommendation of the Planning and Zoning Commission as to the desirability and appropriateness of the development or building in terms of compatibility, harmony and intensity.

*Staff comments:* It is staff's opinion that the proposed site improvements will enhance the functionality of the building. The proposed use is compatible with the uses along this corridor and this section of the Indian River Lagoon.

**Recommendation:**

Staff recommends approval of Area Impact Plan #2-2015.



**cph**  
www.cphcorp.com  
**A Full Service  
A & E Firm**

Architects  
Engineers  
Environmental  
Landscape Architects  
M / E / P  
Planners  
Structural  
Surveyors  
Traffic / Transportation

Offices in:  
• Florida  
• Puerto Rico  
• Connecticut  
• Maryland  
• Texas

PARKING INFORMATION					
TOTAL SPACES REQUIRED	25	1 PARKING SPACE PER 250 SF GFA 6,209 SF / 250 SF = 25 PARKING SPACES			
TOTAL SPACES EXISTING	67	62 EXISTING SPACES 5 EXISTING ACCESSIBLE SPACES		Designed by: PWR	
TOTAL SPACES PROVIDED	66	63 PROPOSED SPACES 3 PROPOSED ACCESSIBLE SPACES		Drawn by: PWR	
				Checked by: JTP	
				Approved by: JTP	
				Scale: 1"=20'	
				Date: 4-25-15	
				Job No.: M29966	
				© 2015	

**NOTES**

1. PROPOSED BOOTH BUMP REQUIRED
2. NO CHANGES TO WATER AND SEWER ARE PROPOSED
3. NO CHANGES TO THE STORM PIPING IS PROPOSED
4. NO CHANGES TO SEATING PROPOSED
5. PERIMETER BUFFERS ARE UNCHANGED

**SITE LEGEND**

- (COD) = EXISTING CUSTOMER ORDER DISPLAY TO BE REPLACED
- (M) = EXISTING MENU BOARD TO BE RELOCATED
- (M) = PROPOSED DRIVE-THRU GATEWAY BAR
- (M) = PROPOSED MENU BOARD
- (COD) = PROPOSED CUSTOMER ORDER DISPLAY SPEAKER
- (S) = PROPOSED DETECTOR LOOP
- (PS) = PRE-SELL BOARD
- (T) = ELEC. TRANSFORMER / PAD
- (S) = PROPOSED CONCRETE SIDEWALK
- (S) = PROPOSED CONCRETE PAVERS PER McDONALDS SPECIFICATIONS
- (S) = PROPOSED CONCRETE PAVEMENT
- (S) = PROPOSED ASPHALT PAVEMENT/RE-GRADING
- (A) = ORDER WINDOW
- (B) = PRESENTER WINDOW
- (X) = EXISTING PARKING COUNT
- (X) = PROPOSED PARKING COUNT
- (S) = RESERVED DRIVE-THRU SPACE
- (HC) = HANDICAP SIGN (FTP-25)
- (DE) = DO NOT ENTER SIGN (R5-1)
- (S) = STOP SIGN (R1-1)
- (RT) = RIGHT TURN ONLY SIGN (R3-5R)
- (NL) = NO LEFT TURN SIGN (R3-2)
- (DT) = DRIVE-THRU PARKING SIGN

Plans Prepared By:  
**CPI, Inc**  
500 West Fulton St  
Sanford, FL 32771  
Ph: 407.322.6841

Licenses:  
Eng. C.O.A. No. 3215  
Survey L.B. No. 7143  
Arch. Lic. No. AA2600926  
Landscape Lic. No. LC2000298

DRIVE THRU SKETCH  
TITUSVILLE

**McDonald's**  
3835 S. WASHINGTON AVENUE  
CITY OF TITUSVILLE / FLORIDA

Sheet No.  
**CON-1**

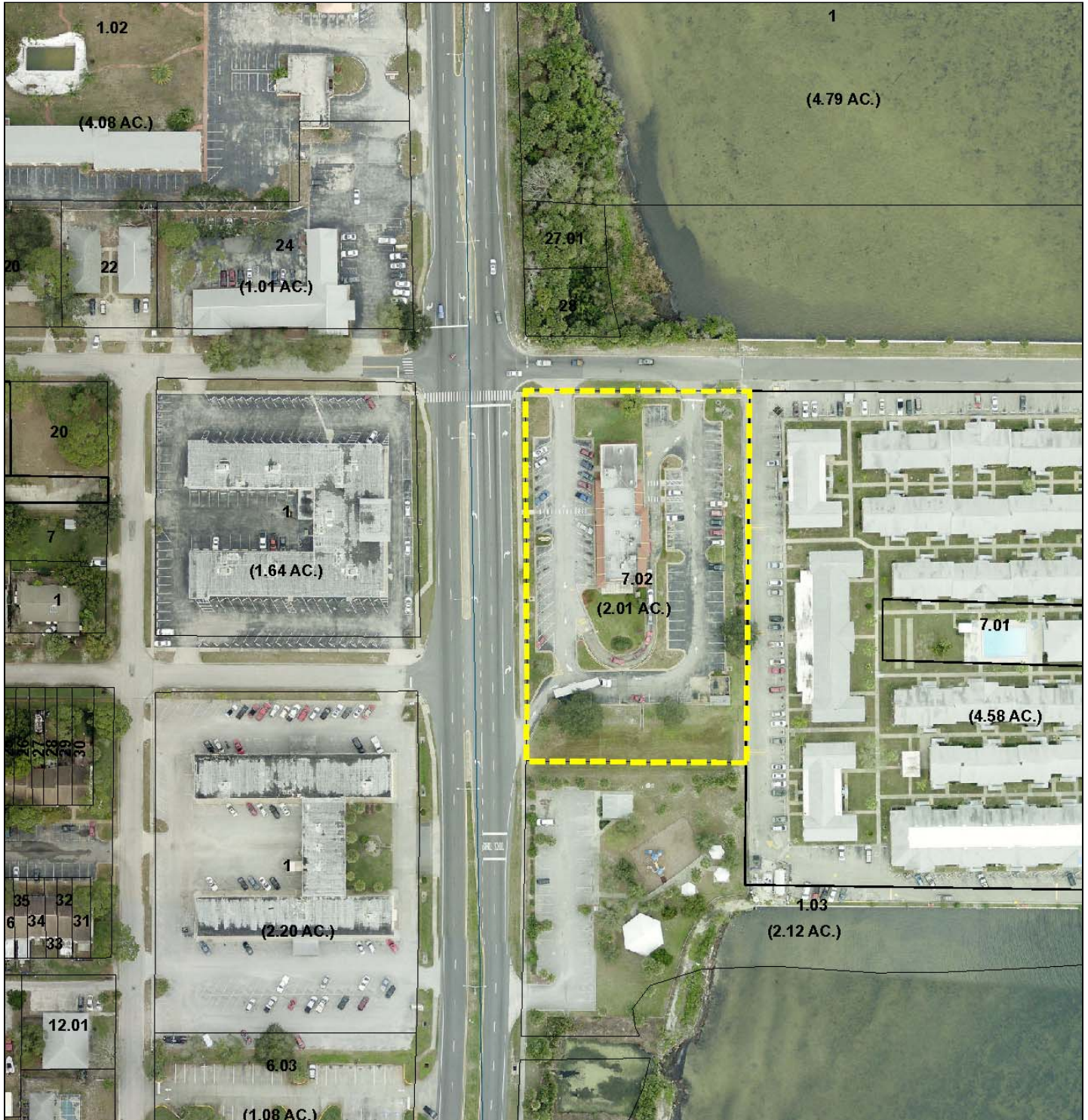
McDONALD'S PROJECT  
CODE: 009-0727

U:\WCD Drive Thru\009-0727\009-0727 - Titusville - Drive Thru Sketch.rvt.dwg Apr 28, 2015 - 9:31am prouced



# Dana Blickley, CFA

Brevard County Property Appraiser



**North Government Complex**  
400 South St, 5th Floor  
Titusville, FL 32780  
Phone: (321) 264-6700  
Fax: (321) 264-6954

**Merritt Island Services Complex**  
2575 N Courtenay Pkwy  
Merritt Island, FL 32953  
Phone: (321) 454-6620  
Fax: (321) 454-6618

**Viera Government Center**  
2725 Judge Fran Jamieson Wy  
Viera, FL 32940  
Phone: (321) 690-6880  
Fax: (321) 690-6883

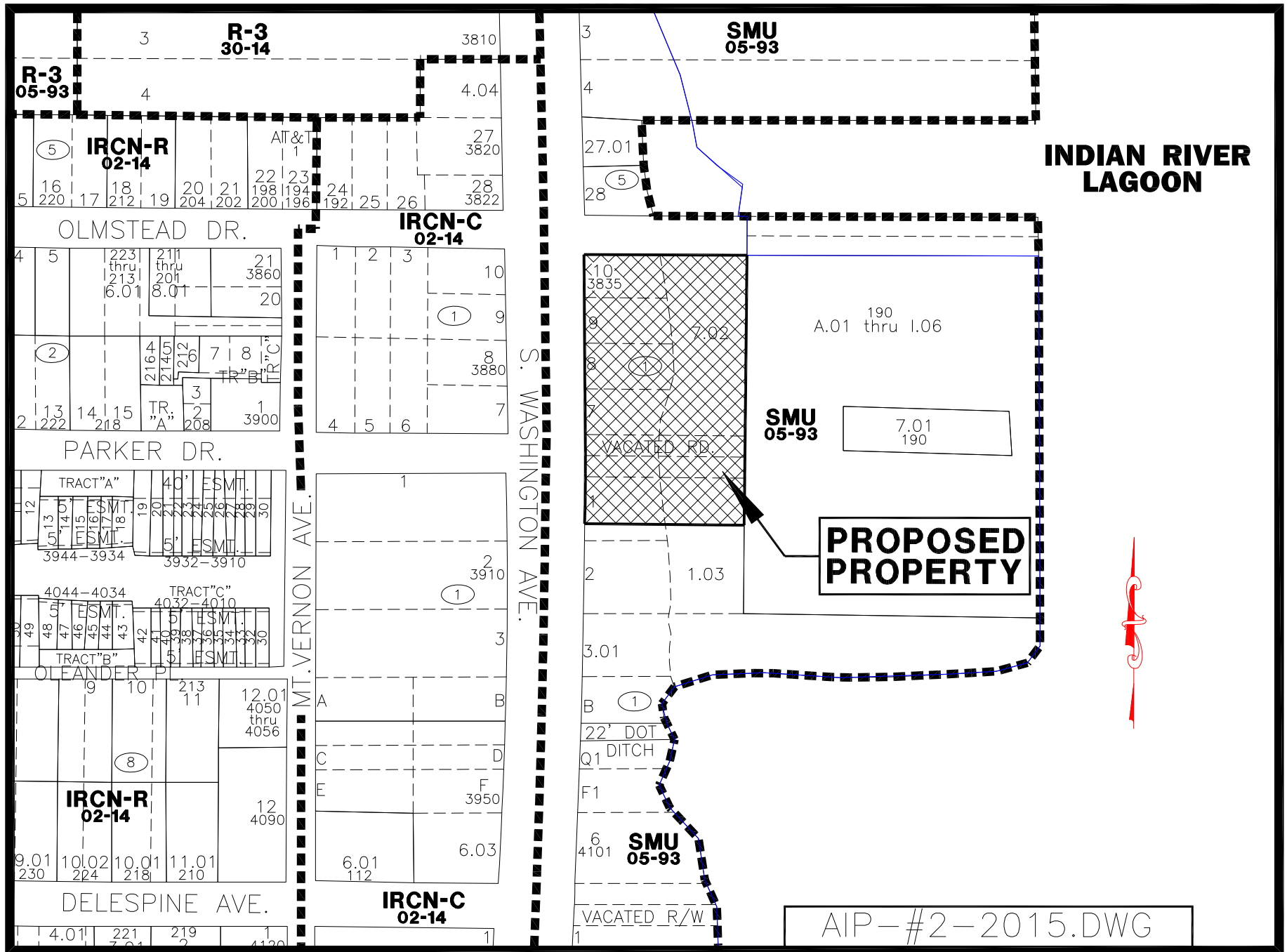
**South Services Complex**  
1515 Sarno Rd  
Melbourne, FL 32935  
Phone: (321) 255-4440  
Fax: (321) 255-4439

**Palm Bay Service Complex**  
450 Cogan Dr, SE  
Palm Bay, FL 32909  
Phone: (321) 952-4574  
Fax: (321) 952-4573

Document content intended for assessment purposes only. Not a survey. Map layers may not precisely align. Other disclaimers apply.  
Printed Wednesday, July 22, 2015 at 8:16 AM. www.bcpao.us

1 : 1,000





City of Titusville  
"Gateway to Nature and Space"

**REPORT TO COUNCIL**

**To:** The Honorable Mayor and City Council  
**From:** William S. Larese, City Manager  
**Subject:** **Countywide JAG Grant 2015-2016**  
**Department/Office:** Police Department

**Recommended Action:**

Approve the distribution of the Edward Byrne Memorial Justice Assistance Grant - JAG Countywide, in the amount of \$136,112.00 for Fiscal Year 2015-2016 to be used by Brevard County for their Prisoner Transportation Program.

**Summary Explanation & Background:**

The Florida Department of Law Enforcement (FDLE) anticipates an award from the United States Department of Justice for FFY 2015 JAG funds. FDLE will distribute these funds in accordance with the JAG Countywide Distribution provisions of Chapter 11D-9, Florida Administrative Code.

FDLE has set aside \$136,112.00 funds for use by all units of government within Brevard County. As a condition of participation in this program, the units of government in each county must reach consensus concerning the expenditure of these funds. This consensus must include the projects to be implemented as well as the agency responsible for such implementation.

A consensus was reached in that the amount of \$136,112.00 FDLE set aside for use by all units of government within Brevard County be used to maintain the Grant Funded Prisoner Transport Service providing approval of each unit of local government within Brevard County by its City Council/Mayor/City Manager.

In addition, we are requesting the Titusville City Council, Mayor and City Manager approve the distribution of the Edward Byrne Memorial Assistance Grant - JAG Countywide, in the amount of \$136,112.00 for Fiscal Year 2015-2016, to be used by Brevard County for their Prisoner Transportation Program.

**Alternatives:**

- 1) Approve
- 2) Do not approve distribution of these Grant Funds.

**Item Budgeted:**

No

**Source/use of funds/Budget Book Page:**

United States Department of Justice anticipated award of Justice Assistance Grant (JAG) funds

to The Florida Department of Law Enforcement (FDLE) for FFY 2015 in the amount of \$136,112.00.

**Strategic Plan:**

No. 3 – Financial Stability

**Strategic Plan Impact:**

**ATTACHMENTS:**

	<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
<input type="checkbox"/>	<a href="#">FDLE Jag Countywide Announcement Letter</a>	7/23/2015	Backup Material
<input type="checkbox"/>	<a href="#">FDLE JAG Countywide Timeline</a>	7/23/2015	Backup Material



Florida Department of  
Law Enforcement

Richard L. Swearingen  
*Commissioner*

**Business Support**  
**Office of Criminal Justice Grants**  
Post Office Box 1489  
Tallahassee, FL 32302-1489  
(850) 617-1250  
[www.fdle.state.fl.us](http://www.fdle.state.fl.us)

*Rick Scott, Governor*  
*Pam Bondi, Attorney General*  
*Jeff Atwater, Chief Financial Officer*  
*Adam Putnam, Commissioner of Agriculture*

July 16, 2015

The Honorable Mary Bolin Lewis  
Chairperson, Brevard County  
Board of Commissioners  
2725 Judge Fran Jamieson Way  
Viera, FL 32940

Re: Federal Fiscal Year (FFY) 2015 Edward Byrne Memorial Justice Assistance Grant (JAG) Program –  
JAG Countywide – State Solicitation

Dear Chairperson Bolin Lewis:

The Florida Department of Law Enforcement (FDLE) anticipates an award from the United States Department of Justice for FFY 2015 JAG funds. FDLE will distribute these funds in accordance with the JAG Countywide distribution provisions of Chapter 11D-9, Florida Administrative Code.

FDLE has set aside \$136,112 funds for use by all units of government within Brevard County. Enclosed are the following documents to assist your county with the strategic planning and allocation process.

JAG-Countywide Program Announcement & Application Instructions  
JAG-Countywide Project Timeline  
JAG-Countywide Application Checklist  
Certificate of Participation

The enclosed Program Announcement provides an overview of these funds which can be used by local units of government to support a broad range of activities to prevent and control crime and to improve the criminal justice system. Please note the Program Announcement includes information from the U.S. Department of Justice relating several areas of national focus and its priorities to help maximize the effectiveness of the Byrne/JAG funding.

The Application Instructions provide an overview of requirements for submitting the JAG-Countywide request for funding through FDLE's on-line grant management system (SIMON). JAG-Countywide documents are also located online at  
<http://www.fdle.state.fl.us/content/Grants/JAGC2016.aspx>

As a condition of participation in this program, the units of government in each county must reach a consensus concerning the expenditure of these funds. This consensus must include the projects to be implemented as well as the agency responsible for such implementation. Developing such consensus will require someone to exercise leadership and assume a coordinating role in the development of applications for these funds. This coordinator will also serve as a liaison between the awarding agency and the subrecipient(s) to ensure all reports, documentation, and timelines are being submitted as per the requirements of the agreement.

FDLE recommends the Board of County Commissioners assume this responsibility. In the event the county declines to serve in this capacity, the Department will request the governing body of each municipality in the county, in descending order of population, to serve as the coordinating unit of government.

*Service • Integrity • Respect • Quality*

The enclosed Certificate of Participation form requests the identification of an individual coordinator. We will send this individual further information regarding the application process in FDLE's online grant management system.

The information provided for this year's award process is similar to those provided in previous years, but contain substantial revision based on new state and federal requirements for subawards involving federal grant funds. Please review all information and ensure the designated County Coordinator forwards all relevant program and application information to applicable JAG Project Directors within your county.

Please complete the enclosed Certificate of Participation and return it as soon as possible to the mailing address below:

Florida Department of Law Enforcement  
Office of Criminal Justice Grants  
Attention: Petrina T. Herring  
2331 Phillips Road  
Tallahassee, Florida 32308

FDLE does not discriminate, and prohibits subrecipients from discriminating, on the basis of race, color, religion, national origin, sex, disability, or age in the delivery of services or benefits or in employment.

We look forward to working with you. Please contact me or the JAG supervisor Randall Smyth at (850) 617-1250 with any questions or for further assistance regarding the JAG Program.

Sincerely,



Petrina T. Herring  
Bureau Chief

PTH/ps

Enclosure

cc: Mayors in Brevard County  
Law Enforcement Agencies in Brevard County  
Current JAG Project Directors in Brevard County

## FFY 2015 JAG-C Project Timeline

### Application Timeline

June 30, 2015	Florida received final state JAG appropriation from U.S. Department of Justice
July 16, 2015	Funding notifications with anticipated county allocations mailed to Board of County Commissioners with copies provided to Sheriffs, Mayors, Police Chiefs, University Police Chiefs and Project Directors. BOCC requested to assign a County Coordinator and respond in writing to FDLE.
August 1, 2015	BOCC deadline to respond to Office of Criminal Justice Grants (OCJG) with Certification of Participation and designation of County Coordinator.
Ongoing	Upon receipt of BOCC COP and County Coordinator designation, OCJG provides County Coordinator with application information. County coordinator to forward information to all application managers in their respective counties.
August 31, 2015	Deadline for County Coordinators to submit required 51% letters to OCJG advising of applications that will be submitted from agencies within their respective counties.
September 4, 2015	Deadline for all applications to be submitted in SIMON.
September 10, 2015	Deadline for hard copies of applications with original signatures and any additional certifications/forms to be received by OCJG.
October 1, 2015	Start date for most JAG-C funded projects

### Important Post-Award Dates and Timeline

for projects with October 1, 2015 start date

Subrecipients requesting quarterly reimbursement must submit quarterly performance reports.

Subrecipients requesting monthly reimbursement must submit monthly performance reports.

Programmatic Performance reports are due in SIMON no later than 15 days after the end of the reporting period (month or quarter).

Project expenditure reports are due in SIMON no later than 30 days after the end of the reporting period (month or quarter).

December 1, 2015	Deadline for subrecipients to provide OCJG with a letter explaining the status and reason for delay of any projects not operational. JAG Standard Conditions require projects to be operational within 60 days of original start date.
December 29, 2015	Deadline for subrecipients to provide OCJG with a second letter explaining the status and reason for delay of any projects not operational. JAG Standard Conditions require projects that are not operational within 90 days be reviewed by the Department for termination of agreement and reallocation of funding.
August 31, 2016	Deadline for processing final grant adjustments in SIMON for most JAGC subawards, within 30 days of end of grant period.
October 15, 2016	Financial closeout due in SIMON, no later than 45 days after end of grant period.

## FFY 2015 JAG-C SIMON Application Checklist

---

### Overall Grant Application

- Does your agency have an active DUNS number?
- Is your SAM.gov registration current/active?
- Have you and applicable grant staff read the Standard Conditions that apply to JAG subgrants?
- Have you obtained a properly signed EEO certification and/or EEO plan as applicable to your grant?
- Did you include any additional forms required, such as sole source, confidential funds, bulletproof vest certification, signature authority, task force agreement, etc.?
- Are all sections of the grant complete and the application designates a Project Direct with knowledge of program goals/objectives, performance and expenditure requirements, record keeping and overall grant management coordination?

### Problem Identification

- Does the problem identification clearly describe a need/issue required to be addressed with grant funds, including the scope of the problem and who is affected by the need/issue?
- Is there information describing the repercussions or impact if the need is not met?
- If this is a continuation from a pre-existing subgrant, does this section provide a brief summary of project accomplishments that have been achieved, or needs that have been met, to date?

### Project Summary (Scope of Work)

- Does the scope of work sufficiently describe the goals and objectives of the project? How will the problem identified in the previous section be addressed with this subgrant?
- Does this section identify what the project will accomplish?
- Does this section identify who will receive services and/or who will provide services?
- Does this section identify standards, such as the quantity of activities/services or a minimum level of service to be performed?
- Does this section provide a breakdown of the deliverables that will be received?
- Does this section identify how deliverables will be accounted for and documented for performance reports? (i.e. criteria for successful completion, how service providers will be managed and held accountable during the grant period, etc.)
- For equipment purchases, does this section describe the equipment to be purchased, how it will be used in project operations, and how the purchase of the item(s) will address the problem identified in the previous section?

## **Financial / Budget**

### **If the budget contains Salaries/Benefits:**

- Is the salary rate (hourly, biweekly, annually, etc.) provided with total # of hours, weeks, etc.?
- If overtime, does the narrative provide estimated number of hours with rate of pay?
- Are the benefits clearly defined and include rate, cost or percentage?
- Does the narrative contain a statement of the percentage the position is paid from grant funds?
- Does the narrative contain the percentage of time the position will work on grant funded activities?
- Does the narrative contain information for the percentage the grant will be charged for each reporting period?
- Does the narrative provide a brief description on how the position(s) being funded from the grant will accomplish grant activities?

### **If the budget contains Contractual Services:**

- Does the budget clearly describe the activities each party will be contracted to perform?
- Does the narrative identify costs per service(s) rendered?
- Are unit costs clearly defined with supporting information in the Section Questions for Application Section #4: Financial?
- Does the narrative identify deliverables or documentation required to initiate payment?
- If contractual services contain consultant rates in excess of \$650 per day, does the application contain the additional request (letter) for approval of consultant rates?
- Does the narrative provide a brief description on how the services being procured will be used to accomplish grant activities?

### **If the budget contains Expenses:**

- Does the budget list all the items that will be purchased and provide approximate costs for each?
- If the purchase is a bundle, does the budget list the items included in bundle? (i.e. if purchasing a computer is it a laptop or desktop, does it include docking station and/or peripherals? If so, which ones?)
- Does the narrative provide a brief description on how the purchase of these items will assist the project or be used toward accomplishing grant activities?

### **If the budget contains Operating Capital Outlay (OCO):**

- Does the budget list each item to be purchased and provide the cost per item? If the item(s) purchased are included in a bundle or package, please detail what is included in the bundle.
- Is shipping, handling, warranty, and/or maintenance included and listed in the budget (if applicable)?
- If not already described in the Scope of Work, does the narrative provide an explanation on how the item(s) will be used to accomplish project activities?
- If warranty is included in the purchase, does the budget ensure grant funds will only be used for up to the first year of maintenance and only for dates within the approved grant period?

### **If the budget contains Indirect Costs:**

- Is an Indirect Cost Plan included, as approved by the cognizant agency?



City of Titusville  
"Gateway to Nature and Space"

**REPORT TO COUNCIL**

**To:** The Honorable Mayor and City Council  
**From:** William S. Larese, City Manager  
**Subject:** **Appropriate Federal Forfeiture Fund Dollars - Gun Buy Back Program**  
**Department/Office:** Police Department

**Recommended Action:**

Appropriate and approve use of \$5,000 in Federal Forfeiture Funds to be used to purchase gift cards that will be provided to citizens participating in the Titusville Police Department's third gun buy back program.

**Summary Explanation & Background:**

The Titusville Police Department wishes to participate in this year's annual Central Florida Kicks for Guns collection event sponsored by Central Florida Crimeline, a service that collects crime tips by phone and online for law enforcement. At this event, tentatively slated for August, residents looking to dispose of unwanted firearms will have the opportunity to exchange their unwanted guns for a gift card, no-questions-asked.

Gift cards are purchased from local vendors, i.e., Wal-Mart, Target, Publix, Winn Dixie, etc., using seized forfeiture fund dollars. Typically, citizens will receive a \$50 gift card for turning in an actual firearm, and/or a \$10 gift card for turning in a bb gun or a pellet gun.

Over the years, thousands of firearms have been collected in the Central Florida area. In 2013, 98 unwanted firearms were collected by the Titusville Police. Six of those firearms were illegal, including one being reported stolen and five illegal to possess. In 2014, seventy plus unwanted firearms were turned over to the Titusville Police.

**Alternatives:**

Deny appropriation and approval to use \$5,000 in Federal Forfeiture Funds to purchase gift cards that will be provided to citizens participating in the Titusville Police Department's third gun buy back program.

**Item Budgeted:**

NA

**Source/use of funds/Budget Book Page:**

CY Funds Balance/Restricted Account: 109-5555-589.11-04  
Misc- operating/Police Forfeiture Account 109-5555-580.58-59

See attached Budget Transfer/Amendment Form

**Strategic Plan:**

No. 4 – Efficient and Effective Services

**Strategic Plan Impact:**

**ATTACHMENTS:**

Description	Upload Date	Type
<input type="checkbox"/> <a href="#">BA Transfer Form Gun Buy Back Program</a>	7/24/2015	Backup Material



City of Titusville  
"Gateway to Nature and Space"

**REPORT TO COUNCIL**

**To:** The Honorable Mayor and City Council  
**From:** William S. Larese, City Manager  
**Subject:** **Police Department K9 Reserve Fund Transfer Request**  
**Department/Office:** Police Department

**Recommended Action:**

Approve Police Department K9 Reserve Fund Transfer Request.

**Summary Explanation & Background:**

Transfer Donations/Private Source (001-0000-366-10.10) in the amount of \$5,000.00, to offset the training cost associated with the Titusville Police Department hosting the NAPWADA Florida State K-9 Workshop. Legitimate K-9 Teams, consisting of one handler and one dog, must train extensively to become proficient, and must be certified as a team in each area in which they are working (Obedience, Building Search, Area Search, Aggression Control, Tracking, Article Search, Tactical Deployment, Narcotics, Cadaver, & Explosive Detection).

**Alternatives:**

Deny transfer of Police Department K9 Reserve Fund Request.

**Item Budgeted:**

No

**Source/use of funds/Budget Book Page:**

See attached Budget Transfer/Amendment Form

**Strategic Plan:**

No. 3 – Financial Stability

**Strategic Plan Impact:**


Use of Reserve Fund monies save the City of Titusville from using General Fund monies to fund useful programs for our community.

**ATTACHMENTS:**

Description	Upload Date	Type
<input type="checkbox"/> <a href="#">K9 BA Form</a>	8/3/2015	Backup Material

**City of Titusville, Florida  
Budget Transfer/Amendment Form**

03-Aug-15

Source of Funds:	Transaction Code	Account Number	Project Number	Description	Amount	BA/BT
FY2013						
Donation/Private Sources	JEBR	01-0000-366.10-10	GFLEK9	Donations/Private Sources	\$5,000	BA
	JEBR					BA
	JEBR					BA
	JEBR					BA
						BA
						BA
						BA
Use of Funds:		Total Source of Funds NAPWADA Event Certifications			\$ 5,000.00	
FY2013	JEBR					BA
Training Expense		001-0801-521-40-60	GFLEK9	Training Expense	\$ 5,000.00	BA
Operating Supplies						BA
						BA
						BA
						BA
						BA
		Total Use of Funds NAPWADA Event Certifications			\$ 5,000.00	
Input Name				Budget Office Approval _____		
Input Date	_____			Budget Office Approval Date _____		
Group/BA#	_____			_____		

City Council Regular - August 11, 2015 - 6:30 PM

City of Titusville  
"Gateway to Nature and Space"

**REPORT TO COUNCIL**

**To:** The Honorable Mayor and City Council  
**From:** William S. Larese, City Manager  
**Subject:** **Ordinance No. 26-2015 - Amending the Code of Ordinances related to Ad Valorem Tax Exemptions and updating the Supplemental Application - City of Titusville Economic Development Ad Valorem Tax Exemption Program**  
**Department/Office:** Community Development

**Recommended Action:**

Second reading of Ordinance 26-2015 updating the *Code of Ordinances* related to Ad Valorem Tax Exemptions. Amending Chapter 19 "Taxation", Article IV "Economic Development; Ad Valorem Tax Exemptions"; Specifically amending section 19-104 "Definitions"; Amending section 19-106 "Application for Exemption"; Amending section 19-107 "City Council's Consideration of Application"; Amending Section 19-111 and Section 19-112 by deleting; Conforming this ordinance with application and instructions and Florida Statutes; Providing for repeal of conflicting ordinances, an effective date and incorporation into the city.

**Summary Explanation & Background:**

Staff has reviewed the current Ad Valorem Tax Exemption Code, originally adopted in 1995 and updated in 2001 and 2010, and recommends the Code be updated to make it consistent with current Florida Statutes.

In addition, staff was requested to modify the Supplemental Application to include the following information:

- 1 Number of full time employees in Florida;
- 1 If an expansion of an existing business, the net increase in employment and Increase in productive output resulting from this expansion; and
- 1 Sales factor for the facility requesting exemption: Total sales in Florida from this facility - one (1) location only amount divided by Total sales everywhere from this facility - one (1) location only amount equaling percentage.

**Alternatives:**

1. Adopt ordinance as written.
2. Adopt ordinance with changes.
3. Do not adopt the ordinance.

**Item Budgeted:**

NA

**Source/use of funds/Budget Book Page:**

**Strategic Plan:**

No. 2 – Economic Development

**Strategic Plan Impact:**

2A. Pursue a diverse mixture of businesses to relocate to or expand in Titusville.

**ATTACHMENTS:**

	<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
<input type="checkbox"/>	<a href="#">Ordinance No. 26-2015</a>	7/22/2015	Backup Material
<input type="checkbox"/>	<a href="#">Updated Supplemental Application</a>	7/15/2015	Backup Material
<input type="checkbox"/>	<a href="#">Ordinance 03-1995</a>	7/15/2015	Backup Material
<input type="checkbox"/>	<a href="#">Ordinance 09-2001</a>	7/15/2015	Backup Material
<input type="checkbox"/>	<a href="#">Ordinance 07-2010</a>	7/15/2015	Backup Material
<input type="checkbox"/>	<a href="#">Ad</a>	8/4/2015	Backup Material

**ORDINANCE NO. 26-2015**

**AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING THE CODE OF ORDINANCES RELATED TO AD VALOREM TAX EXEMPTIONS; BY AMENDING CHAPTER 19 "TAXATION", ARTICLE IV "ECONOMIC DEVELOPMENT; AD VALOREM TAX EXEMPTIONS"; SPECIFICALLY AMENDING SECTION 19-104 "DEFINITIONS"; AMENDING SECTION 19-106 "APPLICATION FOR EXEMPTION"; AMENDING SECTION 19-107 "CITY COUNCIL'S CONSIDERATION OF APPLICATION"; AMENDING SECTION 19-111 AND SECTION 19-112 BY DELETING; CONFORMING THIS ORDINANCE WITH APPLICATION AND INSTRUCTIONS AND FLORIDA STATUTES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, AN EFFECTIVE DATE AND INCORPORATION INTO THE CODE.**

**WHEREAS**, the City of Titusville is granted the authority, under Section 2(b), Article VIII of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

**WHEREAS**, the City Council hereby finds this Ordinance to be in the best interests of the public health, safety, and welfare of the citizens of Titusville.

**NOW, THEREFORE, BE IT ENACTED** by the City of Titusville, Florida as follows:

**SECTION 1:** That Chapter 19, "Taxation", Article IV "Economic Development; Ad Valorem Tax Exemptions", Section 19-104 "Definitions" of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

Sec. 19-104. - Definition of terms.

The following words, phrases, and terms shall have the same meanings attributed to them in current Florida Statutes and the Florida Administrative Code, except where the context clearly indicates otherwise:

Applicant means any person, firm, partnership, or corporation who files an application with the council seeking an economic development ad valorem tax exemption.

Business means any activity engaged in by any person, firm, partnership, corporation, or other business organization or entity, with the object of private or public gain, benefit, or advantage, either direct or indirect.

Council means the City Council of the City of Titusville, Florida.

Department means the Florida Department of Revenue.

Enterprise zone means an area designated as an enterprise zone pursuant to F.S. § 290.0065.

Expansion of an existing business ~~means~~ as defined in F.S. § 196.012(165), ~~an expansion of an existing business~~ means:

- (1) a. A business or organization establishing ten (10) or more new jobs to employ ten (10) or more full time employees in this state, paying an average wage for such new jobs that is above the average wage in the area, and which principally



engages in any one or more of the following: manufactures, processes, compounds, fabricates, or produces for sale items of tangible personal property at a fixed location and which comprises an industrial or manufacturing plant; or

- b. Any business or organization establishing twenty-five (25) or more new jobs to employ twenty-five (25) or more full time employees in this state, ~~whose~~ the sales factor ~~of~~ which, as defined by F.S. § 220.15(5), for the facility with respect to which it requests an economic development ad valorem tax exemption is less than one-half (0.50) for each year the exemption is claimed; or
  - c. Any business located in an enterprise zone or brownfield area that increases operations on a site located within the same zone or area collocated with a commercial or industrial operation owned by the same business or organization under common control with the same business or organization.
- (2) Any expansion of an existing business must increase operations on a site collocated with a commercial or industrial operation owned by the same business under common control with the same business, resulting in a net increase in employment of not less than ten (10) percent or an increase in productive output of not less than ten (10) percent or an increase in productive output or sales of not less than ten (10) percent. The ten (10) percent requirement does not apply to enterprise zones.

Improvements means physical changes made to raw land, and structures placed on or under the land surface.

New business ~~means~~ as defined in F.S. § 196.012(154), ~~a new business~~ means:

- (1) a. A business or organization establishing ten (10) or more new jobs to employ ten (10) or more full time employees in this state, paying an average wage for such new jobs that is above the average wage in the area, and which principally engages in any one or more of the following: manufactures, processes, compounds, fabricates, or produces for sale items of tangible personal property at a fixed location and which comprises an industrial or manufacturing plant; or is a target industry business as defined in s. 288.106(2)(q) F.S.
  - b. A business or organization establishing twenty-five (25) or more new jobs to employ twenty-five (25) or more full time employees in this state, the sales of factor of which, as defined by F.S. § 220.15(5), for the facility with respect to which it requests an economic development ad valorem tax exemption is less than one-half (0.50) for each year the exemption is claimed; or
  - c. An office space in this state owned and used by a ~~corporation~~ a business or organization newly domiciled in this state; provided such office space houses fifty (50) or more full time employees of such ~~corporation~~ business or organization; or,
  - d. A business located in an enterprise zone or brownfield area; or
  - e. A business or organization that is situated on property annexed into the city and that, at the time of annexation, is receiving an economic development ad valorem tax exemption from the county under s. 196.1995 F.S.
- (2) Any new business must first begin operation on a site clearly separate from any other commercial or industrial operation owned by the same business.

Sales factor means as defined in F.S. § 202.15(5), the sales factor is a fraction the numerator of which is the total sales of the taxpayer in this state during the taxable year or

period and the denominator of which is the total sales of the taxpayer everywhere during the taxable year or period.

**SECTION 2:** That Chapter 19, "Taxation" Article IV. "Economic Development; Ad Valorem Tax Exemptions", Section 19-106 "Application for exemption" of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

Sec. 19-106. - Application for exemption.

- (a) Any eligible person, firm, partnership or corporation which desires an exemption shall file with the council a written application prescribed by the department (DR-418) or such other form as the department requires, a copy of which is attached hereto and incorporated herein as exhibit "B."
- (b) The application shall request that the council adopt an ordinance granting the applicant the exemption and shall include, at a minimum, the following:
  - (1) The name and location of the new business or the expansion of an existing business;
  - (2) A description of the improvements to the real property for which an exemption is requested and the date of commencement of construction of such improvement;
  - (3) A description of the tangible personal property for which an exemption is requested and the dates when such property was or is to be purchased;
  - (4) Proof, to the satisfaction of the council, that the applicant meets the criteria for a new business or for an expansion of an existing business as defined in section 19-104 hereof;
  - (5) The following information:
    - a. The anticipated number of employees and the expected time schedule for job creation;
    - b. The expected number of employees who will reside in the City of Titusville;
    - c. The average wage of the employees and whether the jobs are full-time or part-time;
    - d. The type of industry or business;
    - e. The environmental impact of the business;
    - f. The anticipated volume of business or production;
    - g. Whether relocation or expansion would occur without the exemption;
    - h. The cost and demand for services;
    - i. The source of supplies (local or otherwise); and
    - j. Whether the business will be or is located in a community redevelopment area.
  - (6) Other information deemed necessary or appropriate by the council.
- (c) If a new [business] is locating to, or an expansion of an existing business is occurring in, a community redevelopment area, the community redevelopment agency overseeing such area shall be provided a copy of the application for review and comment.

- (d) The application shall be filed on or before March first of the year in which an exemption is requested.
- (e) Upon submittal of the application, the city manager or his designee shall review same, and within ten (10) days of submission, notify the applicant of any facial deficiencies.

**SECTION 3:** That Chapter 19, "Taxation" Article IV. "Economic Development; Ad Valorem Tax Exemptions", Section 19-107 "City council's consideration of application" of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

Sec. 19-107. - City council's consideration of application.

- (a) The council shall take action on the application, including the enactment of the required ordinance should the council decide to grant the application, within ninety (90) days from the date a fully completed application is received. During this ninety-day period, interested agencies and parties shall have an opportunity to review and comment on the application. Time is of the essence in consideration of the application.
- (b) The threshold for eligibility is whether the business meets the definition of a new business or of an expansion of an existing business as provided in section 19-104, and one (1) which is not an ineligible business or industry as defined in paragraph (d) of this section.
- (c) The next level to determine eligibility is the council's consideration of the information in the application to determine whether the economic benefit test is met. In considering the application, the Council must take into account the following:
  - (1) The total number of net new jobs to be created by the applicant;
  - (2) The average wage of the new jobs;
  - (3) The capital investment to be made by the applicant;
  - (4) The type of business or operation and whether it qualifies as a targeted industry;
  - (5) The environmental impact of the proposed business or operation;
  - (6) The extent to which the applicant intends to source its supplies and materials within the city; and
  - (7) Any other economic-related characteristics or criteria deemed necessary by the council.
- (d) Any existing business in violation of any federal, state, or local law or regulation is not eligible for an exemption.
- (e) Before the council takes action on an application, the council shall deliver a copy of the same to the property appraiser for review. After careful consideration, the property appraiser shall report to the council the fiscal impact of granting the exemption.
- (f) The property appraiser's report shall include the following:
  - (1) The total revenue available to the city for the current fiscal year from ad valorem tax sources, or an estimate of such revenue if the actual total available revenue cannot be determined;
  - (2) The amount of revenue lost to the city for the current fiscal year by virtue of exemptions previously granted, or an estimate of such revenue if the actual revenue lost cannot be determined;

- (3) An estimate of the amount of revenue which would be lost to the city for the current fiscal year if the exemption applied for was granted had the property for which the exemption is requested otherwise been subject to taxation; and
  - (4) A determination as to whether the property for which an exemption is requested is to be incorporated into a new business or the expansion of an existing business, or into neither, which determination the property appraiser shall also affix to the face of the application. Upon request, the department will provide the property appraiser such information as it may have available to assist in making this determination.
- (g) The council recognizes that a community redevelopment area's funding may be impacted should an exemption be granted in such an area. Therefore, should the council receive an objection to the exemption in the form of a resolution duly adopted by a community redevelopment agency, the council shall not grant said exemption unless a feasible funding alternative is agreed upon by the council and the community redevelopment agency, which shall be decided on a case-by-case basis.
- (h) After consideration of the application and the report of the property appraiser on the application, the council may choose to adopt an ordinance granting the exemption to a new or expanding business. If granted, the ordinance shall include the following information:
- (1) The name and address of the new business or expansion of an existing business;
  - (2) The total amount of revenue available to the city from ad valorem tax sources for the current fiscal year, the total amount of the revenue lost to the city for the current fiscal year by virtue of exemptions currently in effect, and the estimated amount of revenue attributable to the exemption granted to the new or expanding business;
  - (3) The expiration date of the exemption, which is ten (10) years or less (depending upon the duration of the exemption granted) from the date that the exemption takes effect; and
  - (4) A finding that the business meets the definition of a new business or an expansion of an existing business as set forth in section 19-104 herein.
- (i) No precedent shall be implied or inferred by the granting of an exemption to a new or expanding business. Applications for exemptions shall be considered by the council on a case-by-case basis for each application, after consideration of the application and the property appraiser's report on the application.

**SECTION 4:** Amending Section 19-111 and Section 19-112 by deleting said paragraphs:

~~Sec. 19-111. Severability.~~

~~If any section, paragraph, sentence, clause, phrase, or word of this ordinance is for any reason held by a court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this ordinance.~~

~~Sec. 19-112. Repeal of laws in conflict.~~

~~All local ordinances in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.~~

**SECTION 5: SEVERABILITY.** If any provisions of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Formatted: Font: (Default) Arial, 11 pt

Formatted: Font: (Default) Arial, 11 pt

**SECTION 6: REPEAL OF CONFLICTING ORDINANCES.** All ordinances or parts of ordinances, and all resolutions and parts of resolutions, in conflict herewith are hereby repealed to the extent of such conflict.

Formatted: Font: (Default) Arial, 11 pt

**SECTION 7: EFFECTIVE DATE.** This Ordinance shall be in full force and effect upon adoption by the City Council in accordance with the Charter of the City of Titusville, Florida.

Formatted: Font: (Default) Arial, 11 pt

**SECTION 8: INCORPORATION INTO CODE.** This ordinance shall be incorporated into the City of Titusville Code of Ordinances and any section or paragraph, number or letter, and any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and like errors may be corrected and additions, alterations, and omissions, not affecting the construction or meaning of this ordinance and the Code may be made.

Formatted: Font: (Default) Arial, 11 pt

**PASSED AND ADOPTED** this day \_\_\_\_\_ of \_\_\_\_\_, 2015.

\_\_\_\_\_  
**James H. Tulley Jr., Mayor**

**ATTEST:**

\_\_\_\_\_

**Wanda F. Wells, City Clerk**

Formatted: Font: (Default) Arial

**SUPPLEMENTAL APPLICATION**

CITY OF TITUSVILLE ECONOMIC DEVELOPMENT  
AD VALOREM TAX EXEMPTION PROGRAM

APPLICANT NAME:

**NOTICE: This supplement is to be used by the applicant to provide additional information required by Economic Development Ad Valorem Tax Abatement Ordinance No. 3 – 1995, and to provide other information requested by the City of Titusville (hereinafter referred to as “City”) and the entities who will review the application.**

1. Length of exemption requested is total of \_\_\_ years (length of exemption approved is sole discretion of City and commences on the adoption date of the ordinance granting the exemption).
2. Property Owner/Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone No. \_\_\_\_\_ Fax No. \_\_\_\_\_
3. Authorized Agent: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone No. \_\_\_\_\_ Fax No. \_\_\_\_\_
4. Type of Industry or business: \_\_\_\_\_
5. Brief description of product and expansion plans: \_\_\_\_\_  
\_\_\_\_\_
6. Anticipated number of new employees: \_\_\_\_\_
7. Percent increase in overall employment: \_\_\_\_\_
8. Expected number of new employees who will reside in Titusville: \_\_\_\_\_
9. Percentage of existing employees who have resided in Titusville for more than two years: \_\_\_\_\_
10. Anticipated average wage of employees: \_\_\_\_\_
11. Anticipated average annual payroll: \_\_\_\_\_
12. Anticipated new capital investment as a result of expansion or relocation of business: \_\_\_\_\_  
New construction value: \_\_\_\_\_  
New personal property value: \_\_\_\_\_
13. Environmental impact of business. (Identify the number and type of environmental permits required as a result of this project: e.g. air, soil and water pollution, water and sewer, dredge and fill, stormwater, industrial wastewater): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
14. Anticipated volume of business or production: \_\_\_\_\_
15. The relocation or expansion would not occur without the exemption: Yes [ ] No [ ]
16. Source of supplies (local or otherwise): \_\_\_\_\_  
\_\_\_\_\_  
% source of supplies County: \_\_\_\_\_  
% source of supplies Florida: \_\_\_\_\_  
% source of supplies out-of-state: \_\_\_\_\_
17. Business is/will be located in a community redevelopment area: Yes [ ] No [ ]  
Name of area: \_\_\_\_\_

- 18. a. Number of full time employees employed in Florida \_\_\_\_\_
- b. If an expansion of an existing business:
  - (1) Net increase in employment \_\_\_\_\_ or \_\_\_\_\_%
  - (2) Increase in productive output resulting from the expansion \_\_\_\_\_%
- 19. Sales factor for facility requiring exemptions: \_\_\_\_\_
- Total sales in Florida from this facility – one (1) location only \_\_\_\_\_ divided by
- Total sales everywhere from this facility – one (1) location only \_\_\_\_\_ = \_\_\_\_\_

I hereby confirm the information provided by \_\_\_\_\_ to the Space Coast Economic Development Commission (SEDC) and the City for the purpose of calculating the economic impact and benefit of the proposed tax abatement is true, accurate and complete. I further confirm that \_\_\_\_\_ is not in violation of any federal state or local law, or regulation governing environmental matters.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_  
 (Preparer)

Signed: \_\_\_\_\_  
 (Applicant) (Preparer's Address)

Title: \_\_\_\_\_  
 (Preparer's Telephone Number)

SPACE COAST ECONOMIC DEVELOPMENT COMMISSION (SEDC) USE ONLY

SEDC Economic Impact Analysis

---



---



---

SEDC's Recommendations:

The SEDC hereby certifies that it has proof, to the satisfaction of the SEDC, that the applicant meets the criteria of a new business or for an expansion of an existing business as defined in Section 196.012 (15) F.S. Furthermore, the SEDC has conducted an economic impact analysis, applying acceptable multipliers as defined by the State Department of Commerce, with concludes that the applicant does hereby meet the economic benefit test; and therefore, the SEDC recommends to the City that the applicant receive an ad valorem tax exemption for \_\_\_\_\_ percent of its eligible taxes and for a period of \_\_\_\_\_ years.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_  
 (SEDC President)

---

CITY USE ONLY

CITY MANAGER'S RECOMMENDATIONS:

---

---

---

---

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

(CITY MANAGER)

- 
- I. PROPERTY APPRAISER'S USE ONLY Total revenue available to the municipality for the current fiscal year from ad valorem tax source: \_\_\_\_\_
- II. Revenue lost to the current fiscal year by virtue of exemptions previously granted under this section: \_\_\_\_\_
- III. Estimate of the revenue which will be lost to the municipality during the current fiscal year if the exemption applied for were granted had the property for which the exemption is requested otherwise been subject to taxation: \_\_\_\_\_
- IV. Estimate of the taxable value lost to the municipality if the exemption applied for were granted:  
Improvements to real property: \_\_\_\_\_ personal property: \_\_\_\_\_
- V. I have determined that the property listed above meets the definition, as defined by Section 196.012(15) or (16), Florida Statutes, as a New Business [ ], an Existing Business [ ], or Neither [ ].
- VI. Last year for which exemption may be applied: \_\_\_\_\_

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

(PROPERTY APPRAISER)



**ORDINANCE NO. 3 - 1995**

AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING CHAPTER 19 BY ADDING A NEW ARTICLE ARTICLE IV ENTITLED ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTIONS; ADOPTING SECTIONS 19-100 THROUGH 19-112 BY PROVIDING FOR AUTHORITY, JURISDICTION, PURPOSE AND INTENT, AND DEFINITIONS; PROVIDING A PROCEDURE THAT THE CITY COULD GRANT AD VALOREM TAX EXEMPTIONS; ESTABLISHING CERTAIN ELIGIBILITY, REQUIREMENTS, AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Titusville believes that local government should support economic growth by providing an incentive for employment opportunities that will lead to the improvement of the quality of life of the residents of the City of Titusville and the positive expansion of the economy; and,

WHEREAS, the City Council of the City of Titusville on or about November 8, 1994, submitted a Referendum to the electorate for authorization pursuant to Florida Statutes Chapter 196.1995 to grant ad valorem tax exemptions for new and expanded businesses; and,

WHEREAS, the electorate approved granting the authority to the City Council of the City of Titusville to authorize ad valorem tax exemptions; and,

WHEREAS, such exemptions are authorized pursuant to Article VII, Section 3, of the Constitution of the State of Florida and Section 196.1995, Florida Statutes, upon the successful passage of a referendum; and,

WHEREAS, the City Council of the City of Titusville desires to establish a policy or procedure for reviewing applications for ad valorem tax exemptions.

**BE IT ENACTED BY THE CITY OF TITUSVILLE, FLORIDA, AS FOLLOWS:**

**Section 1.** That the Code of Ordinances of the City of Titusville are amended by adding a new Article IV and Sections numbered 19-100 through 19-112, which read as follows:

**ARTICLE IV  
ECONOMIC DEVELOPMENT - AD VALOREM TAX EXEMPTIONS**

**Section 19-100. Short Title.**

This Ordinance shall be known as Ordinance No. 3-1995, "Economic Development Ad Valorem Tax Exemption Regulations of Titusville, Florida."

**Section 19-101. Enactment and Authority.**

Pursuant to Article II, Section 3 of the State Constitution and in accordance with Chapters 163, 166, 192, 196, and 214, Florida Statutes and Florida Department of Revenue Rules, Chapter 12D-7, Florida Administrative Code, incorporated municipalities are authorized and empowered to adopt, amend or revise and enforce an ordinance relating to economic development ad valorem tax exemptions, after the electors of such municipality, voting on the question in a referendum, authorize the adoption of such ordinance. In a referendum held November 8, 1994, the voters of Titusville, Florida authorized the City Council to grant economic development ad valorem tax exemptions.

**Section 19-102. Jurisdiction.**

The area subject to this Ordinance shall be all of the city limits of the City of Titusville, Florida.

**Section 19-103. Intent and Declaration.**

It is the intent of the City Council (hereinafter referred to as "Council") of the City of Titusville, Florida (hereinafter referred to as "City"), in enacting this Ordinance to provide an incentive to those new or expanded businesses which make a positive contribution to the economy of the City of Titusville in terms of new jobs and improvements to real and personal property.

The intent of the Council is to promote the economy by creating jobs in Titusville in such a way so as not to disadvantage existing businesses while recognizing that productive competition assists in economic growth.

The Council desires to provide incentives to businesses of diverse industries, with the exception of retail operations, having a positive impact on the City of Titusville. The Council declares that the provision of ad valorem tax exemptions pursuant to this Ordinance serves the public purpose of fostering economic growth in Titusville, all to the benefit of the City of Titusville residents and visitors.

The granting of, or the denial of, exemptions will be conducted on a rational, nonarbitrary, nondiscriminatory basis by the Council, in furtherance of the economic development goals of Titusville. Any and all exemptions granted must result in an economic benefit to the City. To this end, prior to any grant of an exemption, the Council will take into full consideration the factors set forth in Section 19-106 of this Ordinance. Since the intent of the Council is to promote economic growth through attracting businesses and encouraging expansions that support the City and its existing businesses, these factors will be considered on a case-by-case basis to determine that the economic benefit test is met. In addition to these factors, the Council is interested in the purchasing power created by the new business as it desires to prompt other sales in the City resulting in an increase to income, all to the benefit of the public of the City of Titusville.

**Section 19-104. Definition of Terms.**

The following words, phrases, and terms shall have the same meanings attributed to them in current Florida Statutes and the Florida Administrative Code, except where the context clearly indicates otherwise:

A. **Applicant.** Any person, firm, partnership, or corporation who files an application with the Council seeking an economic development ad valorem tax exemption.

B. **Council.** The City Council of the City of Titusville, Florida.

C. **Business.** Any activity engaged in by any person, firm, partnership, corporation, or other business organization or entity, with the object of private or public gain, benefit, or advantage, either direct or indirect.

D. **Department.** The Florida Department of Revenue.

E. **Enterprise Zone.** An area designated as an enterprise zone pursuant to Section 290.0065, Florida Statutes.

F. **Expansion of an Existing Business.** As defined in Section 196.012(16), Florida Statutes, an expansion of an existing business means:

1. (a) A business establishing ten (10) or more jobs to employ ten (10) or more full time employees in this state, which manufactures, processes, compounds, fabricates, or produces for sale items of tangible personal property at a fixed location and which comprises an industrial manufacturing plant;

(b) Any business establishing twenty-five (25) or more jobs to employ twenty-five (25) or more full time employees in this state, whose sales factor or which, as defined by Section 220.15(5), Florida Statutes, for the facility with respect to which it requests an economic development ad valorem tax exemption is less than 0.50 for each year the exemption is claimed; or,

(c) Any business located in an enterprise zone.

2. Any expansion of an existing business must increase operations on a site colocated with a commercial or industrial operation owned by the same business, resulting in a net increase in employment of not less than ten percent (10%) or an increase in productive output of not less than ten percent (10%). The ten percent (10%) requirement does not apply to enterprise zones.

G. **Improvements.** Physical changes made to raw land, and structures placed on or under the land surface.

**H. New Business.** As defined in Section 196.012(15), Florida Statutes, a new business means:

1. (a) A business establishing ten (10) or more jobs to employ ten (10) or more full time employees in this state, which manufactures, processes, compounds, fabricates, or produces for sale items of tangible personal property at a fixed location and which comprises an industrial or manufacturing plant;

(b) A business establishing twenty-five (25) or more jobs to employ twenty-five (25) or more full time employees in this state, the sales of factor of which, as defined by Section 220.15(5), Florida Statutes, for the facility with respect to which it requests an economic development ad valorem tax exemption is less than 0.50 for each year the exemption is claimed;

(c) An office space in this state owned and used by a corporation newly domiciled in this state; provided such office space houses fifty (50) or more full time employees of such corporation; or,

(d) A business located in an enterprise zone.

2. Any new business must first begin operation on a site clearly separate from any other commercial or industrial operation owned by the same business.

**I. Sales Factor.** As defined in Section 202.15(5), Florida Statutes, the sales factor is a fraction the numerator of which is the total sales of the taxpayer in this state during the taxable year or period and the denominator of which is the total sales of the taxpayer everywhere during the taxable year or period.

**Section 19-105. Economic Development Ad Valorem Tax Exemption Established.**

A. There is herein established an Economic Development Ad Valorem Tax Exemption (hereinafter the "Exemption"). The exemption is a local option tax incentive for new or expanding businesses which may be granted or refused at the sole discretion of the Council.

B. The exemptions shall not accrue to improvements to real property made by or for the use of new or expanding businesses when such improvements have been included on the tax rolls prior to the effective date of the ordinance specifically granting a business an exemption as provided in Section 19-107.G. herein.

C. Any exemption granted may apply up to one hundred percent (100%) of the assessed value of all improvements to real property made by or for the use of a new business and of all tangible personal property of such new business, or up to one hundred percent (100%) of the assessed value of all added improvements to real property made to facilitate the expansion of an existing business and of the net increase in all tangible personal property acquired to facilitate such expansion of an existing business, provided that the improvements to real property are made or the tangible personal property is added or increased on or after the effective date of the Ordinance specifically granting a business an exemption as provided in Section 19-107.G. herein. Property acquired to replace existing property shall not be considered to facilitate a business expansion.

D. The exemption may be for a period up to ten (10) years from the date the Council adopts the Ordinance granting the exemption.

E. No exemption shall be granted for the land upon which new or expanded businesses are to be located.

F. No exemption shall be granted to any existing building unless such building was completed within the twelve (12) month period preceding the date of application.

G. The exemption applies only to taxes levied by the City. The exemption does not apply to taxes levied by the County, school district, or water management district, or to taxes levied for the payment of bonds or taxes authorized by a vote of the electors pursuant to Sections 9 and 12, Article VII of the State Constitution.

H. The ability to receive an exemption for the period granted is conditioned upon the applicant's ability to maintain the new business or the expansion of an existing business as defined in Section 19-104 herein throughout the entire period. The applicant shall be required to submit a report on an annual basis to the Council evidencing satisfaction of this condition. The report shall be made in such form as attached hereto and made a part hereof as Exhibit "A". In addition, any business granted an exemption shall furnish to the Council or its designee, such information or report as the Council or its designee may reasonably deem necessary for the purpose of determining continued performance by the business of the conditions stated in this Ordinance and the representations made in the application process.

**Section 19-106. Application for Exemption.**

A. Any eligible person, firm, partnership or corporation which desires an exemption shall file with the Council a written application prescribed by the Department (DR-418) or such other form as the Department requires, a copy of which is attached hereto and incorporated herein as Exhibit "B".

B. The application shall request that the Council adopt an ordinance granting the applicant the exemption and shall include, at a minimum, the following:

1. The name and location of the new business or the expansion of an existing business;

2. A description of the improvements to the real property for which an exemption is requested and the date of commencement of construction of such improvement;

3. A description of the tangible personal property for which an exemption is requested and the dates when such property was or is to be purchased;

4. Proof, to the satisfaction of the Council, that the applicant meets the criteria for a new business or for an expansion of an existing business as defined in Section 19-104 hereof;

5. The following information:

(a) The anticipated number of employees;

(b) The expected number of employees who will reside in the City of Titusville;

(c) The average wage of the employees;

(d) The type of industry or business;

(e) The environmental impact of the business;

(f) The anticipated volume of business or production;

(g) Whether relocation or expansion would occur without the exemption;

(h) The cost and demand for services;  
and,

(i) The source of supplies (local or otherwise);

(j) Whether the business will be or is located in a community redevelopment area; and,

6. Other information deemed necessary by the Council.

C. If a new is locating to, or an expansion of an existing business is occurring in, a community redevelopment area, the community redevelopment agency overseeing such area shall be provided a copy of the application for review and comment.

D. The application shall be filed on or before March first of the year in which an exemption is requested.

E. Upon submittal of the application, the City Manager or his designee shall review same, and within ten (10) days of submission, notify the applicant of any facial deficiencies.

**Section 19-107. City Council's Consideration of Application.**

A. The Council shall take action on the application, including the enactment of the required Ordinance should the Council decide to grant the application, within ninety (90) days from the date a fully completed application is received. During this ninety (90) day period, interested agencies and parties shall have an opportunity to review and comment on the application. Time is of the essence in consideration of the application.

B. The threshold for eligibility is whether the business meets the definition of a new business or of an expansion of an existing business as provided in Section 19-104, and one which is not an ineligible business or industry as defined in paragraph D. of this Section.

C. The next level to determine eligibility is the Council's consideration of the information in the application to determine whether the economic benefit test is met.

D. Any existing business in violation of any federal, state, or local law or regulation governing environmental matters is not eligible for an exemption.



E. Before the Council takes action on an application, the Council shall deliver a copy of the same to the Property Appraiser for review. After careful consideration, the Property Appraiser shall report to the Council the fiscal impact of granting the exemption.

F. The Property Appraiser's report shall include the following:

1. The total revenue available to the City for the current fiscal year from ad valorem tax sources, or an estimate of such revenue if the actual total available revenue cannot be determined;

2. The amount of revenue lost to the City for the current fiscal year by virtue of exemptions previously granted, or an estimate of such revenue if the actual revenue lost cannot be determined;

3. An estimate of the amount of revenue which would be lost to the City for the current fiscal year if the exemption applied for was granted had the property for which the exemption is requested otherwise been subject to taxation; and,

4. A determination as to whether the property for which an exemption is requested is to be incorporated into a new business or the expansion of an existing business, or into neither, which determination the Property Appraiser shall also affix to the face of the application. Upon request, the Department will provide the Property Appraiser such information as it may have available to assist in making this determination.

G. The Council recognizes that a community redevelopment area's funding may be impacted should an exemption be granted in such an area. Therefore, should the Council receive an objection to the exemption in the form of a resolution duly adopted by a community redevelopment agency, the Council shall not grant said exemption unless a feasible funding alternative is agreed upon by the Council and the community redevelopment agency, which shall be decided on a case-by-case basis.

H. After consideration of the application and the report of the Property Appraiser on the application, the Council may choose to adopt an ordinance granting the exemption to a new or expanding business. If granted, the ordinance shall include the following information:

1. The name and address of the new business or expansion of an existing business;

2. The total amount of revenue available to the City from ad valorem tax sources for the current fiscal year, the total amount of the revenue lost to the City for the current fiscal year by virtue of exemptions currently in effect, and the estimated amount of revenue attributable to the exemption granted to the new or expanding business;

3. The expiration date of the exemption, which is ten (10) years or less (depending upon the duration of the exemption granted) from the date the Council enacts the ordinance granting the exemption; and,

4. A finding that the business meets the definition of a new business or an expansion of an existing business as set forth in Section 4 herein.

I. No precedent shall be implied or inferred by the granting of an exemption to a new or expanding business. Applications for exemptions shall be considered by the Council on a case-by-case basis for each application, after consideration of the application and the Property Appraiser's report on the application.

**Section 19-108. Application Fee.**

No fee shall be charged for processing the Economic Development Ad Valorem Tax Exemption Application and preparing, implementing, and monitoring any Exemption Ordinance adopted by the Council.

**Section 19-109. Revocation of Exemption or Recovery of Funds.**

Should any new business or expansion of an existing business fail to file the annual report or any other report required in Section 19-105.H., or fail to continue to meet the definition of a new business or an expansion of an existing business, and/or fail to fulfill any other representation made to the Council during the application process, the Council may adopt an ordinance revoking the ad valorem tax exemption effective the end of the current year said ordinance is adopted. Further, the Council may recover any taxes waived. Nothing herein shall prohibit a business from reapplying for an ad valorem tax exemption pursuant to State law.

**Section 19-110. Appeals.**

The decision of the Council not to grant an exemption to a particular business is subject only to a judicial review.

**Section 19-111. Severability.**

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

**Section 19-112. Repeal of Laws in Conflict.**

All local Ordinances in conflict with any provision of this Ordinance are hereby repealed to the extent of such conflict.

**Section 2.** This Ordinance shall take effect immediately upon adoption.

**PASSED AND ADOPTED** this 10th day of January, 1995.

  
\_\_\_\_\_  
Thomas R. Mariani, Mayor

ATTEST:

  
\_\_\_\_\_  
Karan R. Rounsavall, City Clerk

DWS:jh/C:\WP51\CODE\ADVALTAX.ORD



ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTION  
Chapter 196, Florida Statutes

To be filed with the Board of County Commissioners, the governing board of the municipality, or both, no later than March 1 of the year the exemption is desired to take effect.

- 1. Business Name and Mailing Address: \_\_\_\_\_
- 2. Please give name and telephone number of Owner or Person in Charge of this business:  
Name \_\_\_\_\_ Telephone Number \_\_\_\_\_
- 3. Exact Location (Legal Description and Street Address) of Property for which this return is filed: \_\_\_\_\_
- 4. Date you began, or will begin, business at this facility: \_\_\_\_\_
- 5. a. Description of the improvements to real property for which this exemption is requested: \_\_\_\_\_
- b. Date of commencement of construction of Improvements: \_\_\_\_\_
- 6. a. Description of the tangible personal property for which this exemption is requested and date when property was, or is to be, purchased: \_\_\_\_\_

City Council Regular - August 11, 2015 - 6:30 PM

CLASS OR ITEM	AGE	DATE OF PURCHASE	ORIGINAL COST	TAXPAYER'S ESTIMATE OF CONDITION			TAXPAYER'S ESTIMATE OF FAIR MARKET VALUE	APPRAISER'S USE ONLY	
				poor	avg.	poor		Condition	

- b. Average Value of Inventory on hand: \_\_\_\_\_
- c. Any additional personal property not listed above for which an exemption is claimed must be returned on form DR-405 (Tangible Personal Property Tax Return) and a copy attached to this form.
- 7. Do you desire exemption as a "New Business"  or as an "Expansion of an Existing Business"
- 8. Describe the Type or Nature of Your Business: \_\_\_\_\_
- 9. Trade Level (Check as many as apply): Retail  Wholesale  Manufacturing  Professional  Service  Office  Other
- 10. a. Number of full-time employees to be employed in Florida \_\_\_\_\_  
b. If an expansion of an existing business:  
(1) Net increase in Employment \_\_\_\_\_ or \_\_\_\_\_ %  
(2) Increase in productive output resulting from this expansion \_\_\_\_\_ %
- 11. Sales factor for the facility requesting exemption:  
Total sales in Florida from this facility-One (1) location only \_\_\_\_\_ divided by  
Total sales everywhere from this facility-One (1) location only \_\_\_\_\_ = \_\_\_\_\_ %
- 12. For office space owned and used by a corporation newly domiciled in Florida:  
a. Date of incorporation in Florida: \_\_\_\_\_  
b. Number of Full-time employees at this location: \_\_\_\_\_
- 13. If requesting an exemption due to location in a slum or blighted area, please furnish such additional information as required by the County Commission, City Commission, or Property Appraiser.

I hereby request the adoption of an ordinance granting an exemption from ad valorem taxation on the above property pursuant to Section 196.1995, Florida Statutes. I agree to furnish such other reasonable information as the Board of County Commissioners, the governing authority of the municipality, or the Property Appraiser may request in regard to the exemption requested herein. I hereby certify that the information and valuation stated above by me is true, correct, and complete to the best of my knowledge and belief. (If prepared by someone other than the taxpayer, his declaration is based on all information of which he has any knowledge.)

DATE: \_\_\_\_\_ SIGNED: \_\_\_\_\_  
(Preparer)

SIGNED: \_\_\_\_\_  
(Taxpayer) \_\_\_\_\_  
(Preparer's Address)

TITLE: \_\_\_\_\_  
(Preparer's Telephone Number)

PROPERTY APPRAISER'S USE ONLY

- I. Total revenue available to the county or municipality for the current fiscal year from ad valorem tax sources: \_\_\_\_\_
- II. Revenue lost to the county or or municipality for the current fiscal year by virtue of exemptions previously granted under this section: \_\_\_\_\_
- III. Estimate of the revenue which would be lost to the county or municipality during the current fiscal year if the exemption applied for were granted had the property for which the exemption is requested otherwise been subject to taxation: \_\_\_\_\_
- IV. Estimate of the taxable value lost to the county or municipality if the exemption applied for were granted:  
Improvements to real property \_\_\_\_\_ Personal Property \_\_\_\_\_
- V. I have determined that the property listed above meets the definition, as defined by Section 196.012(14) or (15), Florida Statutes, as a New Business , an Expansion of an Existing Business , or Neither .
- VI. Last year for which exemption may be applied \_\_\_\_\_

DATE: \_\_\_\_\_ SIGNED: \_\_\_\_\_  
(Property Appraiser)

## GENERAL INFORMATION

Under the constitutional amendment passed by the voters of Florida on October 7, 1980, tax exemptions can be granted to new and expanding businesses only after the voters of a city and/or county vote in a referendum to allow exemptions for that city or county. Section 196.1995, Florida Statutes, requires that a referendum be held if: (1) The Board of County Commissioners or governing authority of a municipality (city or county commission) votes to hold such a referendum, or (2) If the county or city commission receives a petition signed by ten percent of the registered voters of the county or city. This referendum question can then be placed before the voters of a city or county at any regular election or special election called for voting on the tax incentive referendum or for any other purpose.

If the voters authorize exemptions, a company must first meet the definitions of a new or expanding business:

### New Business

- (a) A manufacturer which establishes ten or more full-time jobs.
- (b) A business with more than 50% of its sales outside the State of Florida which establishes 25 or more jobs.
- (c) Office space of a new Florida corporation housing 50 or more full-time employees of the corporation.

(The above are applicable if the business is on a site clearly separate from any other facility owned by the same company.)

- (d) Any business located in a slum or blighted area as defined by Section 163.355, Florida Statutes.

City Council Regular August 11, 2015 3:30 PM

- (a) A manufacturer that adds a minimum of ten new employees and increases employment by 10% or increases productive output by a minimum of 10%.

- (b) A business with more than 50% of its sales outside the State that adds a minimum of 25 new employees and increases employment by 10% or increases productive output by a minimum of 10%.

The expansion must be on the same or a collocated site of the business' current operations.

If a business meets one of the above definitions as a new or expanding business, it must then file this application with the county or city commission or both.

After the city or county commission receives this application, it must submit the application to the county property appraiser for review. After the property appraiser makes the report as to the fiscal impact of granting the exemption, the county or city commission shall then adopt an ordinance in the usual manner-granting the exemption, if it chooses to do so.

A business cannot receive exemption from school taxes or water management district taxes. Also, a business must pay taxes that were voted by the voters of a city or county to pay for bond issues and other special tax levies authorized by the voters of a city or county.

The exemption can only be for the improvements to the real property and for tangible personal property. The land on which the new or expanding business is to be located will still be taxed and taxes must be paid on it.

The action taken by a city or county commission can only exempt the taxes paid to that governmental body. A city can only exempt its taxes; a county can only exempt its taxes. All other taxes must be paid.

This exemption shall first apply to the 1981 assessment rolls.

## STATUTORY DEFINITIONS

**Section 163.340(7), Florida Statutes, "Slum area"** means an area in which there is a pre-dominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, age or obsolescence inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, the existence of conditions which endanger life or property by fire or other causes, or any combination of such factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime and is detrimental to the public health, safety, morals or welfare.

(8) "Blighted area" means an area in which there are a substantial number of slum, deteriorated, or deteriorating structures and conditions which endanger life or property by fire or other causes or one or more of the following factors which substantially impairs or arrests the sound growth of a county or municipality and is a menace to the public health, safety, morals, or welfare in its present condition and use:

- (a) Predominance of defective or inadequate street layout;
- (b) Faulty lot layout in relation to size, adequacy, accessibility or usefulness;
- (c) Unsanitary or unsafe conditions;
- (d) Deterioration of site or other improvements;
- (e) Tax or special assessment delinquency exceeding the fair value of the land; and
- (f) Diversity of ownership or defective or unusual conditions of title which prevents the free alienability of land within the deteriorated or hazardous area.

**Section 196.011(1), Florida Statutes - Failure to make application by March 1 of any year shall constitute a waiver of the exemption for that year.**

**Section 196.012(14) and (15), Florida Statutes, 14(a) "New business" means:**

- (1) A business establishing 10 or more jobs to employ 10 or more full-time employees in Florida, which manufactures, processes, compounds, fabricates, or produces for sale items of tangible personal property at a fixed location and which comprises an industrial or manufacturing plant; or

(2) Any business establishing 25 or more jobs to employ 25 or more full-time employees in Florida, the sales factor of which, as defined by s. 214.71(3), for the facility with respect to which it requests an economic development ad valorem tax exemption is less than 0.50 for each year the exemption is claimed; or

(3) Any office space in Florida owned and used by a corporation newly domiciled in Florida provided such office space houses 50 or more fulltime employees of such corporation; Provided that such business or office first begins operation on a site clearly separate from any other commercial or industrial operations owned by the same business.

(d) Any business located in an area designated a slum or blighted area pursuant to s. 163.355. For the purpose of this section, the terms slum area or blighted area shall have the same meaning as in s. 163.340(7) and (8).

(15) "Expansion of an existing business" means:

(a) A business establishing 10 or more jobs to employ 10 or more full-time employees in Florida, which manufactures, processes, compounds, fabricates, or produces for sale items of tangible personal property at a fixed location and which comprises an industrial or manufacturing plant; or

(b) Any business establishing 25 or more jobs to employ 25 or more full-time employees in Florida, whose sales factor as defined by s. 214.71(3) for the facility with respect to which it requests an economic development ad valorem tax exemption is less than 0.50 for each year the exemption is claimed;

Provided that such business increases operations on a site collocated with a commercial or industrial operation owned by the same business, resulting in a net increase in employment of not less than 10 percent or an increase in productive output of not less than 10 percent.

**Section 214.71(3), Florida Statutes - Sales Factor**

(3) The sales factor is a fraction the numerator of which is the total sales of the taxpayer in this state during the taxable year or period and the denominator of which is the total sales of the taxpayer everywhere during the taxable year or period.

(a)1. Sales of tangible personal property are in this state if the property is delivered or ship-

ped to a purchaser within this state, regardless of the f.o.b. point or other conditions of the sale.

2. When citrus fruit is delivered by a cooperative for a grower-member, by a grower-member to a cooperative, or by a grower-participant to a Florida processor, the sales factor for such growers for such citrus fruit delivered to such processor shall be the same as the sales factor for the most recent taxable year of that processor. That sales factor, expressed only as a percentage and not in terms of the dollar volume of sales, so as to protect the confidentiality of the sales of the processor, shall be furnished on the request of such a grower promptly after it has been determined for that taxable year.

3. Reimbursement of expenses under an agency contract between a cooperative, a grower-member of a cooperative, or a grower and a processor will not be deemed a sale within the state.

(b) Sales of a financial organization, including, but not limited to, banking and savings institutions, investment companies, real estate investment trusts, and brokerage companies, shall be in this state if derived from:

1. Fees, commissions, or other compensation for financial services rendered within this state;
2. Gross profits from trading in stocks, bonds, or other securities managed within this state;
3. Interest and dividends received within this state;
4. Interest charged to customers at places of business maintained within this state for carrying debit balances of margin accounts, without deduction of any costs incurred in carrying such accounts; and
5. Any other gross income resulting from the operation as a financial organization within this state.

In computing the amounts referred to in this paragraph, any amount received by a member of an affiliated group (determined under s. 1504(a) of the Internal Revenue Code, but without reference to whether any such corporation is an "Includable corporation" under s. 1504(b) of the Internal Revenue Code) from another member of such group shall be included only to the extent such amount exceeds expenses of the recipient directly related thereto.

CITY COUNCIL OF CITY OF TITUSVILLE  
ECONOM DEVELOPMENT AD VALORM TAX EXEMPTION GRAM  
ANNUAL REPORT

As required by Section 19-105H of Ordinance No. \_\_\_\_ 1995, this form is to be filed with the City Council no later than March 1 of each year the exemption is desired.

- 1. Business name and mailing address: \_\_\_\_\_
- 2. Give name and telephone number of owner or person in charge of this business: \_\_\_\_\_
- 3. Exact location (legal description and street address) of property for which the report is filed: \_\_\_\_\_
- 4. Date you began business at this facility: \_\_\_\_\_
- 5. a. Description of the improvements to real property for which this exemption is required: \_\_\_\_\_

City Council Regular Meeting August 11, 2015 6:30 PM

- 6. a. Description of the tangible personal property for which this exemption is requested and date when property was purchased:

CLASS OR ITEM	AGE	DATE OF PURCHASE	ORIGINAL COST	TAXPAYER'S ESTIMATE OF CONDITION			TAXPAYER'S ESTIMATE OF FAIR MARKET VALUE
				GOOD	AVERAGE	POOR	

b. Average value of inventory on hand: \_\_\_\_\_

- 7. Have you maintained the definition of a "New Business" or as an "Expansion of an Existing Business"  Yes  No

8. Describe the type or nature of your business: \_\_\_\_\_

- 9. Trade level (check as many as apply)  Wholesale  Manufacturing  Professional  
 Service  Office  Other

- 10. a. Number of full-time employees employed in Florida: \_\_\_\_\_

b. If an expansion of an existing business:

(1) Net increase in employment \_\_\_\_\_

(2) Increase in productive output resulting from the expansion \_\_\_\_\_

- 11. Sales factor for the facility requesting exemption:

Total sales in Florida from this facility - one (1) location only \_\_\_\_\_

Total sales everywhere from this facility - one (1) location only \_\_\_\_\_

- 12. For office space owned and used by a corporation newly domiciled in Florida:

a. Date of incorporation in Florida: \_\_\_\_\_

b. Number of full-time employees at this location: \_\_\_\_\_

I agree to furnish such other reasonable information as the City Council may request in regard to the exemption. I hereby certify that the information and valuation stated above by me is true, correct, and complete to the best of my knowledge and belief. (If prepared by someone other than the taxpayer, his declaration is based on all information of which he has any knowledge.)

DATE: \_\_\_\_\_

SIGNED: \_\_\_\_\_

(Preparer)

SIGNED: \_\_\_\_\_

(Preparer's Address)

(Tax Payer)

TITLE: \_\_\_\_\_

(Preparer's Telephone Number)

PROPERTY APPRAISER'S USE ONLY

- I. Estimate of the revenue which will be lost to the City during the current fiscal year had the exempt property otherwise been subject to taxation: \_\_\_\_\_

- II. Estimate of the taxable value lost to the City:

Improvements to real property \_\_\_\_\_ Personal Property \_\_\_\_\_

DATE: \_\_\_\_\_

SIGNED: \_\_\_\_\_

(Property Appraiser)

**ORDINANCE NO. 9 - 2001**

**AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING SECTION 19-105(f) OF THE CODE OF ORDINANCES BY DELETING SAID PARAGRAPH; AMENDING SECTION 19-107(d) BY DELETING REFERENCES TO VIOLATION OF ENVIRONMENTAL MATTERS; CONFORMING THIS ORDINANCE WITH APPLICATION AND INSTRUCTIONS AND FLORIDA STATUTES; AND PROVIDING FOR AN EFFECTIVE DATE.**

NOW, THEREFORE, BE IT ENACTED by the City of Titusville, Florida as follows:

**Section 1.** That Section 19-105 of the Code of Ordinances of the City of Titusville is hereby amended by deleting subsection (f):

**Sec. 19-105. Economic development ad valorem tax exemption established.**

(a) There is herein established an economic development ad valorem tax exemption (hereinafter the "exemption"). The exemption is a local option tax incentive for new or expanding businesses which may be granted or refused at the sole discretion of the council.

(b) The exemptions shall not accrue to improvements to real property made by or for the use of new or expanding businesses when such improvements have been included on the tax rolls prior to the effective date of the ordinance specifically granting a business an exemption as provided in section 19-107(g) herein.

(c) Any exemption granted may apply up to one hundred (100) percent of the assessed value of all improvements to real property made by or for the use of a new business and of all tangible personal property of such new business, or up to one hundred (100) percent of the assessed value of all added improvements to real property made to facilitate the expansion of an existing business and of the net increase in all tangible personal property acquired to facilitate such expansion

of an existing business, provided that the improvements to real property are made or the tangible personal property is added or increased on or after the effective date of the ordinance specifically granting a business an exemption as provided in section 19-107(g) herein. Property acquired to replace existing property shall not be considered to facilitate a business expansion.

(d) The exemption may be for a period up to ten (10) years from the date the council adopts the ordinance granting the exemption.

(e) No exemption shall be granted for the land upon which new or expanded businesses are to be located.

(f) The exemption applies only to taxes levied by the city. The exemption does not apply to taxes levied by the county, school district, or water management district, or to taxes levied for the payment of bonds or taxes authorized by a vote of the electors pursuant to Sections 9 and 12, Article VII of the State Constitution.

(g) The ability to receive an exemption for the period granted is conditioned upon the applicant's ability to maintain the new business or the expansion of an existing business as defined in section 19-104 herein throughout the entire period. The applicant shall be required to submit a report on an annual basis to the council evidencing satisfaction of this condition. The report shall be made in such form as attached hereto and made a part hereof as exhibit "A." In addition, any business granted an exemption shall furnish to the council or its designee, such information or report as the council or its designee may reasonably deem necessary for the purpose of determining continued performance by the business of the conditions stated in this ordinance and the representations made in the application process.

**Section 2.** That Section 19-107 of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

**Sec. 19-107. City council's consideration of application.**

(a) The council shall take action on the application, including the enactment of the required ordinance should the council decide to grant the application, within ninety (90) days from the date a fully completed application is received. During this ninety (90) day period, interested agencies and parties shall have an



opportunity to review and comment on the application. Time is of the essence in consideration of the application.

(b) The threshold for eligibility is whether the business meets the definition of a new business or of an expansion of an existing business as provided in section 19-104, and one which is not an ineligible business or industry as defined in paragraph (d) of this section.

(c) The next level to determine eligibility is the council's consideration of the information in the application to determine whether the economic benefit test is met.

(d) Any existing business in violation of any federal, state, or local law or regulation governing ~~environmental matters~~ is not eligible for an exemption.

(e) Before the council takes action on an application, the council shall deliver a copy of the same to the property appraiser for review. After careful consideration, the property appraiser shall report to the council the fiscal impact of granting the exemption.

(f) The property appraiser's report shall include the following:

(1) The total revenue available to the city for the current fiscal year from ad valorem tax sources, or an estimate of such revenue if the actual total available revenue cannot be determined;

(2) The amount of revenue lost to the city for the current fiscal year by virtue of exemptions previously granted, or an estimate of such revenue if the actual revenue lost cannot be determined;

(3) An estimate of the amount of revenue which would be lost to the city for the current fiscal year if the exemption applied for was granted had the property for which the exemption is requested otherwise been subject to taxation; and

(4) A determination as to whether the property for which an exemption is requested is to be incorporated into a new business or the expansion of an existing business, or into neither, which determination the property appraiser shall also affix to the face of the application. Upon request, the department will

provide the property appraiser such information as it may have available to assist in making this determination.

(g) The council recognizes that a community redevelopment area's funding may be impacted should an exemption be granted in such an area. Therefore, should the council receive an objection to the exemption in the form of a resolution duly adopted by a community redevelopment agency, the council shall not grant said exemption unless a feasible funding alternative is agreed upon by the council and the community redevelopment agency, which shall be decided on a case-by-case basis.

(h) After consideration of the application and the report of the property appraiser on the application, the council may choose to adopt an ordinance granting the exemption to a new or expanding business. If granted, the ordinance shall include the following information:

(1) The name and address of the new business or expansion of an existing business;

(2) The total amount of revenue available to the city from ad valorem tax sources for the current fiscal year, the total amount of the revenue lost to the city for the current fiscal year by virtue of exemptions currently in effect, and the estimated amount of revenue attributable to the exemption granted to the new or expanding business;

(3) The expiration date of the exemption, which is ten (10) years or less (depending upon the duration of the exemption granted) from the date the council enacts the ordinance granting the exemption; and

(4) A finding that the business meets the definition of a new business or an expansion of an existing business as set forth in section 19-104 herein.

(i) No precedent shall be implied or inferred by the granting of an exemption to a new or expanding business. Applications for exemptions shall be considered by the council on a case-by-case basis for each application, after consideration of the application and the property appraiser's report on the application.

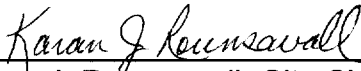
**Section 3.** This Ordinance shall take effect immediately upon adoption.

PASSED AND ADOPTED this 27<sup>th</sup> day of March, 2001.

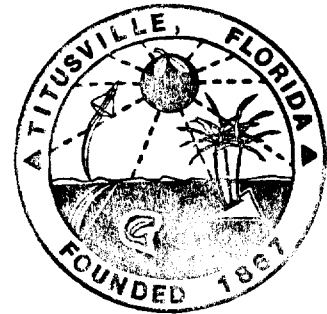


\_\_\_\_\_  
Ronald G. Swank, Mayor

ATTEST:



\_\_\_\_\_  
Karan J. Rounsavall, City Clerk



**ORDINANCE NO. 7 –2010**

**AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING CHAPTER 19 ARTICLE IV OF THE CODE OF ORDINANCES BY AMENDING SECTIONS 19-105 AND 19-107 AMENDING THE EXPIRATION DATE FOR AD VALOREM TAX EXEMPTIONS; BY AMENDING SECTION 19-109 AMENDING THE PROCESS FOR REVOCATION OF AD VALOREM TAX EXEMPTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City is granted the authority, under Section 2(b), Article VIII of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

**WHEREAS**, the City Council hereby finds this Ordinance to be in the best interests of the public health, safety, and welfare of the citizens of Titusville.

**NOW, THEREFORE, BE IT ENACTED** by the City of Titusville, Florida as follows:

**Section 1.** That Sections 19-105, 19-107 and 19-109 of the Code of Ordinances, City of Titusville are hereby amended to read as follows:

**Sec. 19-105. Economic development ad valorem tax exemption established.**

(a) There is herein established an economic development ad valorem tax exemption (hereinafter the "exemption"). The exemption is a local option tax incentive for new or expanding businesses which may be granted or refused at the sole discretion of the council.

(b) The exemptions shall not accrue to improvements to real property made by or for the use of new or expanding businesses when such improvements have been included on the tax rolls prior to the effective date of the ordinance specifically granting a business an exemption as provided in section 19-107(g) herein.

(c) Any exemption granted may apply up to one hundred (100) percent of the assessed value of all improvements to real property made by or for the use of a new business and of all tangible personal property of such new business, or up to one hundred (100) percent of the assessed value of all added improvements to real property made to facilitate the expansion of an existing business and of the net increase in all tangible personal property acquired to facilitate such expansion of an existing business, provided that the improvements to real property are made or the tangible personal property is added or increased on or after the effective date of the ordinance specifically granting a business an exemption as provided in section 19-107(g) herein. Property acquired to replace existing property shall not be considered to facilitate a business expansion.

(d) The exemption may be for a period up to ten (10) years from the date that the exemption takes effect.

(e) No exemption shall be granted for the land upon which new or expanded businesses are to be located.

(f) The exemption applies only to taxes levied by the city. The exemption does not apply to taxes levied by the county, school district, or water management district, or to taxes levied for the payment of bonds or taxes authorized by a vote of the electors pursuant to Sections 9 and 12, Article VII of the State Constitution.

(g) The ability to receive an exemption for the period granted is conditioned upon the applicant's ability to maintain the new business or the expansion of an existing business as defined in section 19-104 herein throughout the entire period. The applicant shall be required to submit a report on an annual basis to the council evidencing satisfaction of this condition. The report shall be made in such form as attached hereto and made a part hereof as exhibit "A." In addition, any business granted an exemption shall furnish to the council or its designee, such information or report as the council or its designee may reasonably deem necessary for the purpose of determining continued performance by the business of the conditions stated in this ordinance and the representations made in the application process.

**Sec. 19-107. City council's consideration of application.**

(a) The council shall take action on the application, including the enactment of the required ordinance should the council decide to grant the application, within ninety (90) days from the date a fully completed application is received. During this ninety-day period, interested agencies and parties shall have an opportunity to review and comment on the application. Time is of the essence in consideration of the application.

(b) The threshold for eligibility is whether the business meets the definition of a new business or of an expansion of an existing business as provided in section 19-104, and one (1) which is not an ineligible business or industry as defined in paragraph (d) of this section.

(c) The next level to determine eligibility is the council's consideration of the information in the application to determine whether the economic benefit test is met.

(d) Any existing business in violation of any federal, state, or local law or regulation is not eligible for an exemption.

(e) Before the council takes action on an application, the council shall deliver a copy of the same to the property appraiser for review. After careful consideration, the property appraiser shall report to the council the fiscal impact of granting the exemption.

(f) The property appraiser's report shall include the following:

(1) The total revenue available to the city for the current fiscal year from ad valorem tax sources, or an estimate of such revenue if the actual total available revenue cannot be determined;

(2) The amount of revenue lost to the city for the current fiscal year by virtue of exemptions previously granted, or an estimate of such revenue if the actual revenue lost cannot be determined;

(3) An estimate of the amount of revenue which would be lost to the city for the current fiscal year if the exemption applied for was granted had the property for which the exemption is requested otherwise been subject to taxation; and

(4) A determination as to whether the property for which an exemption is requested is to be incorporated into a new business or the expansion of an existing business, or into neither, which determination the property appraiser shall also affix to the face of the application. Upon request, the department will provide the property appraiser such information as it may have available to assist in making this determination.

(g) The council recognizes that a community redevelopment area's funding may be impacted should an exemption be granted in such an area. Therefore, should the council receive an objection to the exemption in the form of a resolution duly adopted by a community redevelopment agency, the council shall not grant said exemption unless a feasible funding alternative is agreed upon by the council and the community redevelopment agency, which shall be decided on a case-by-case basis.

(h) After consideration of the application and the report of the property appraiser on the application, the council may choose to adopt an ordinance granting the exemption to a new or expanding business. If granted, the ordinance shall include the following information:

(1) The name and address of the new business or expansion of an existing business;

(2) The total amount of revenue available to the city from ad valorem tax sources for the current fiscal year, the total amount of the revenue lost to the city for the current fiscal year by virtue of exemptions currently in effect, and the estimated amount of revenue attributable to the exemption granted to the new or expanding business;

(3) The expiration date of the exemption, which is ten (10) years or less (depending upon the duration of the exemption granted) from the date that the exemption takes effect; and

(4) A finding that the business meets the definition of a new business or an expansion of an existing business as set forth in section 19-104 herein.

(i) No precedent shall be implied or inferred by the granting of an exemption to a new or expanding business. Applications for exemptions shall be considered by the council on a case-by-case basis for each application, after consideration of the application and the property appraiser's report on the application.

#### **Sec. 19-109. Revocation of exemption or recovery of funds.**

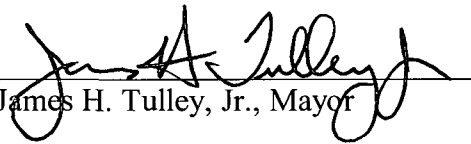
Should any new business or expansion of an existing business fail to file the annual report or any other report required in section 19-105(g), or fail to continue to meet the definition of a new business or an expansion of an existing business, and/or fail to fulfill any other representation made to the council during the application process, the council may adopt an ordinance revoking the ad valorem tax exemption effective the end of the current year said ordinance is adopted. Further, the council may recover any taxes waived. Despite an applicant's failure to fulfill previous representations made to council, the council may take into consideration any information it deems relevant, including but not limited to economic hardship based on current market and economic conditions, and may continue the tax exemption, provided the applicant continues to maintain the new or expansion business as defined in section 19-104. The applicant must submit a letter with the annual report stating such hardships and the future ability to meet exemption requirements. Should said exemption be continued, applicant must provide clear data with the subsequent annual report to show they are meeting the intent of the executing ordinance and application. Nothing herein shall prohibit a business from reapplying for an ad valorem tax exemption pursuant to state law.

**Section 2. Severability.** If any provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.


**Section 3. Effective Date.** This Ordinance shall take effect immediately upon adoption.

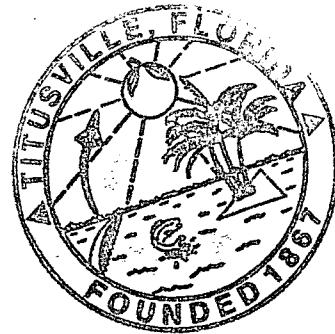
**Section 4. Incorporation into Code.** This ordinance shall be incorporated into the City of Titusville Code of Ordinances and any section or paragraph, number or letter, and any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and like errors may be corrected and additions, alterations, and omissions, not affecting the construction or meaning of this ordinance and the Code may be made.

**PASSED AND ADOPTED** this 8th day of June, 2010.

  
James H. Tulley, Jr., Mayor

ATTEST:

  
Wanda Wells, City Clerk



AD# 610500 07/30/2015  
CITY OF TITUSVILLE  
NOTICE OF PROPOSED ENACTMENT  
OF TITUSVILLE CITY ORDINANCE  
AND PUBLIC HEARINGS  
WITH RESPECT THERETO

07/30/15

PLEASE TAKE NOTICE that on Tuesday, August 11, 2015 in the Council Chamber on the second floor of City Hall, 555 South Washington Avenue, Titusville, FL 32796, commencing at 6:30 p.m., the Titusville City Council will hold public hearings to hear interested persons with regard to enacting the following ordinance:

Ordinance No. 26-2015 - AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING THE CODE OF ORDINANCES RELATED TO AD VALOREM TAX EXEMPTIONS; BY AMENDING CHAPTER 19 "TAXATION", ARTICLE IV "ECONOMIC DEVELOPMENT; AD VALOREM TAX EXEMPTIONS"; SPECIFICALLY AMENDING SECTION 19-104 "DEFINITIONS"; AMENDING SECTION 19-106 "APPLICATION FOR EXEMPTION"; AMENDING SECTION 19-107 "CITY COUNCIL'S CONSIDERATION OF APPLICATION"; AMENDING SECTION 19-111 AND SECTION 19-112 BY DELETING; CONFORMING THIS ORDINANCE WITH APPLICATION AND INSTRUCTIONS AND FLORIDA STATUTES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, AN EFFECTIVE DATE AND INCORPORATION INTO THE CODE.

The proposed ordinance may be inspected by the public at the City Clerk's Office. All interested parties are hereby advised that they may appear at said meeting and be heard with respect to the proposed ordinance.

Any person who decides to appeal any

decision of the City Council with respect to any matter being considered at this meeting will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The City desires to accommodate persons with disabilities. Accordingly, any physically handicapped person, pursuant to Chapter 286.26 Florida Statutes, should, at least 48 hours prior to the meeting, submit a request that the physically handicapped person desires to attend the meeting to the City Clerk's Office.

Wanda F. Wells, MMC, City Clerk  
City of Titusville  
555 South Washington Avenue  
Post Office Box 2806  
Titusville, Florida 32781-2806  
Phone 321-567-3686  
Fax 321-383-5704



City of Titusville  
"Gateway to Nature and Space"

**REPORT TO COUNCIL**

**To:** The Honorable Mayor and City Council  
**From:** William S. Larese, City Manager  
**Subject:** **Ordinance No. 27-2015 - Granting an Economic Development Ad Valorem Tax Exemption to the Brix Project Brewery, LLC**  
**Department/Office:** Community Development

**Recommended Action:**

Conduct first reading of Ordinance No. 27-2015 allowing for an ad valorem tax abatement to Brix Project Brewery, LLC; specifying the items exempted; and providing for an expiration date for the exemption. This is for improvements and renovations to the facility located at 5220 S. Washington Avenue, Titusville, Florida. (Parcel I.D. 22-35-26-00-502.1)

**Summary Explanation & Background:**

The Economic Development Commission of Florida Space Coast has been working with the Brix Project Brewery, LLC on the building of a Phase 1 - Brewery, 30 barrel production facility at 5220 S. Washington Avenue, Titusville, Florida. The Brix Project Brewery, LLC. will employ up to 23 new employees with an average wage of \$36,080. Additionally, the company is proposing to invest up to \$2.25M in new construction and \$1.4 for new personal property. The SEDC recommended a 8 year 80% abatement at the August 3, 2015 Executive Board Meeting.

**Alternatives:**

1. Approve to conduct second reading and public hearing
2. Approve with changes
3. Deny

**Item Budgeted:**

NA

**Source/use of funds/Budget Book Page:**

**Strategic Plan:**

No. 1 – Quality of Life  
No. 2 – Economic Development

**Strategic Plan Impact:**

No. 1 - Quality of Life  
No. 2 - Economic Development

**ATTACHMENTS:**

Description	Upload Date	Type
<input type="checkbox"/> <a href="#">AVT Application</a>	8/3/2015	Backup Material
<input type="checkbox"/> <a href="#">Ordinance No. 27-2015</a>	8/5/2015	Backup Material

## **The Brix Project Brewery – Executive Summary**

.....

The Brix Project Brewery spawned out of the successes and operational realizations of Playalinda Brewing Company's (PBC) brewery & tasting room in Titusville, FL. PBC opened in November of 2014 and has not slowed down since. The 3-barrel production system at PBC has been consistently run to its capacity in an effort to supply only the draft lines in its 80 seat tasting room. Proudly, demand for the product continues to substantially out-pace supply sparking serious discussion, research, and movement to start a new venture.

PBC's partners Bryan & Donna Scott and Ron & Katie Raike are forging a bond to make the Brix Project Brewery a competitor in the micro-brewing industry in Florida. With the Scott's proven entrepreneurial skills and financial strength and the Raikes' brewing prowess and industry experience, the Brix Project Brewery is due to make an impact on whichever finite community it calls home, as well as the greater Central Florida area, and Florida as a whole. The Scotts bring to the table 7 years in manufacturing and the Raikes bring a combined 25+ years in strictly the brewing industry (production, distribution, and sales).

It is our intent to initially hire 23 people for the 30 barrel production facility, if Brevard County is our chosen location. The lessor and building owner will refurbish & repurpose the building at 5220 S. Washington Ave, Titusville, FL, with an approximate construction value of \$2.25 million to suite our business needs. The Brix Project Brewery will then invest \$1.4 million in capital expenditures to manufacture quality beers.

Although, the maximum capacity of output for the planned equipment is just over 32,000 barrels our business plan lays out controlled growth with a first year estimate of 9000 barrels produced and distributed throughout the state of Florida as well as consumed on site. Revenue figures from first year yield a \$4.6 million revenue stream supported by 3<sup>rd</sup> party, independent industry benchmarking surveys.

If the Titusville market is selected for advancement of this project, the statistical data lends support that the populous of Northern Brevard County (which constitutes 25% of the entire county's population), over the age of 21 (median age 45.3 in area), and earning an average annual income of over \$40,000 can and will patronize The Brix Project Brewery. On-going growth of the craft beer industry of 17.6% in 2014 further supports the opportunity to enter an untapped market both geographically and economically.

**Project Brix**  
**City of Titusville**  
**07/21/15**

**Overview:**

New Job Commitment:	23	Capital Investment:	\$3,650,000
Average Annual Wage:	\$36,080		

**Economic impact from job creation:**

<u>Jobs</u>	<u>Net New Wage</u>	<u>Contribution to GDP</u>
23 (Direct)	\$829,840 (Direct)	\$3,896,866 (Direct)
16 (Indirect)	\$884,871 (Indirect)	\$1,537,241 (Indirect)
9 (Induced)	\$333,233 (Induced)	\$621,441 (Induced)
<b>49 TOTAL</b>	<b>\$2,047,944 TOTAL</b>	<b>\$6,055,547 TOTAL</b>

- For every employment position created by Project Brix approximately 1.14 additional jobs will be developed to support the operation of the facility.
- For every payroll dollar paid to Project Brix approximately \$1.34 will be generated for consumer spending.

**County Tax Impact**

**Years 1-10**

	<u>Annual Taxes on Construction</u>	
Projected Tax Assessed	\$	14,903.82
Potential Abatement	\$	13,836.42
Net New Revenue to County	\$	1,067.40
	<u>Annual Taxes on Personal Property</u>	
Projected Tax Assessed	\$	9,273.49
Potential Abatement	\$	8,609.33
Net New Revenue to County	\$	664.16
<b>Total New Revenue to City</b>	<b>\$</b>	<b>1,731.56</b>

**Years 11+ :** Company will be assessed for 100% of tax liability

Tax Millage Code – 14A0      NAICS – 312120      IMPLAN Sector – 108

*Analysis based on information supplied by Project Brix -- July 2015*

*Economic impact calculations furnished by EDC Research Office, using IMPLAN Professional 3.0 (www.IMPLAN.com).*

*Abatement & millage numbers are estimates; all final numbers determined solely by the Brevard County Property Appraiser's Office and the City of Titusville.*

*\*Subject to City of Titusville's Ad Valorem Tax Abatement Program Guidelines.*

# AD VALOREM TAX ABATEMENT

## Job Creation Distribution Worksheet

<b>JOB TITLE / DESCRIPTION</b>	<b>NUMBER OF JOBS</b>	<b>WAGE</b>	<b>ANTICIPATED HIRE TIMELINE (BY YEAR)</b>
Brewmaster	1	\$ 70,000	2016
Head Brewer	1	\$ 40,000	2016
Shift Brewers	4	\$ 30,000	2016
Inventory Supervisor	1	\$ 40,000	2016
Shipping/Receiving	2	\$ 24,960	2016
Administrative Assistant	2	\$ 24,960	2016
HR Staff	1	\$ 35,000	2016
Accountant	2	\$ 35,000	2016
CFO/Controller	1	\$ 60,000	2016
IT personnel	1	\$ 50,000	2016
Sales Rep Staff	4	\$ 35,000	2016
Marketing/Graphic Design	3	\$ 35,000	2016

**SUPPLEMENTAL APPLICATION**

**CITY OF TITUSVILLE ECONOMIC DEVELOPMENT  
AD VALOREM TAX EXEMPTION PROGRAM**

**APPLICANT NAME:** The Brix Project Brewery

**NOTICE:** This supplement is to be used by the applicant to provide additional information required by Economic Development Ad Valorem Tax Abatement Ordinance No. 3 – 1995, and to provide other information requested by the City of Titusville (hereinafter referred to as "City") and the entities who will review the application.

1. Length of exemption requested is total of 10 years (length of exemption approved is sole discretion of City and commences on the adoption date of the ordinance granting the exemption).
2. Property Owner: Name: Barn Light Real Estate, LLC  
Address: 5220 S. Washington Ave. Titusville, FL 32780  
Telephone No. ( 321 ) 403-5424 Fax No.
3. Authorized Agent Bryan L. Scott  
Address: 3405 S. Washington Ave. Titusville, FL 32780  
Telephone No. ( 321 ) 403-5424 Fax No.
4. Type of Industry or business: Brewery (NAICS: 312120)
5. Brief description of product and expansion plans: Refurbishment of existing property for the manufacture and wholesale of beer and soda. Retail sale of the beer will be co-located on the property, but is not included in this application
6. Anticipated number of new employees: 23 (excluding service employees)
7. Percent increase in overall employment: Yr.1 -100% (New business)
8. Expected number of new employees who will reside City: 13
9. Percentage of existing employees who have resided in the City for more than two years: N/A – (no existing employees)
10. Anticipated average wage of employees: Yr.1 - \$36,080
11. Anticipated average annual payroll: Yr.1 - \$983,000 (with benefit expenses included, )
12. Anticipated new capital investment as a result of expansion or relocation of business:  
New construction value: Estimated \$2.25M (building refurbishment construction costs, excluding costs for ineligible retail area)  
New personal property value: \$1.4 (capital machinery, equipment, and furniture additions excluding service industry assets)
13. Environmental impact of business. (Identify the number and type of environmental permits required as a result of this project: e.g. air, soil and water pollution, water and sewer, dredge and fill, stormwater, industrial wastewater): Stormwater, water and sewer permits will be required with minimal environmental impact.
14. Anticipated volume of business or production: Yr. 1 – Revenue \$4.6 million
15. The relocation or expansion would not occur without the exemption: Yes [ ] No [X]
16. Source of supplies (local or otherwise):  
  
% source of supplies County: 20%  
% source of supplies Florida: 40%  
% source of supplies out-of-state: 40%
17. Business is/will be located in a community redevelopment area: Yes [ ] No [X]  
Name of area:

I hereby confirm the information provided by The Brix Project Brewery to the Space Coast Economic Development Commission (SEDC) and the City of the purpose of calculating the economic impact and benefit of the proposed tax abatement is true, accurate and complete. I further confirm that The Brix Project Brewery is not in violation of any federal state or local law, or regulation governing environmental matters.

Date: 7/20/15 Signed: Kate Raitt  
 (Applicant) (Preparer)  
 Signed: [Signature] 3405 S. Washington Ave. Titusville, FL  
 (Preparer's Address)  
 Title: OWNER 407-222-4225  
 (Preparer's Telephone Number)

SPACE COAST ECONOMIC DEVELOPMENT COMMISSION (SEDC) USE ONLY

SEDC Economic Impact Analysis

---



---



---



---



---

SEDC's Recommendations:

The SEDC hereby certifies that it has proof, to the satisfaction of the SEDC, that the applicant meets the criteria of a new business or for an expansion of an existing business as defined in Section 196.012 (15) F.S. Furthermore, the SEDC has conducted an economic impact analysis, applying acceptable multipliers as defined by the State Department of Commerce, with concludes that the applicant does hereby meet the economic benefit test; and therefore, the SEDC recommends to the City that the applicant receive an ad valorem tax exemption for 80 percent of its eligible taxes and for a period of 8 years.

Date: 8/10/15 Signed: [Signature]  
 (SEDC President)

CITY USE ONLY

CITY MANAGER'S RECOMMENDATIONS:

---



---



---



---



---

Date: August 3, 2015 Signed: [Signature]  
 (CITY MANAGER)

BREVARD COUNTY ECONOMIC DEVELOPMENT  
AD VALOREM TAX EXEMPTION PROGRAM

APPLICANT NAME: The Brix Project Brewery

**NOTICE:** This supplement is to be used by the applicant to provide additional information required by Economic Development Ad Valorem Tax Abatement Ordinance, Chapter 102, Division 3, Sections 181-191, Brevard County Code; and to provide other information requested by the Board of County Commissioners and the entities who will review the application.

Any business seeking an exemption shall file an application with the County before the business has made the decision to locate a new business in the County or before the business has made the decision to expand an existing in the County. Any business decisions, such as announcements, leasing of space or hiring of employees, made prior to final County Economic Development Tax Abatement approval (and not made contingent upon County approval) may constitute grounds for disapproval. Projects, which clearly do not require inducement, will not be approved.

1. Length of exemption requested is total of 10 years (length of exemption approved is sole discretion of County Commission and commences on the adoption date of the ordinance granting the exemption).
2. Property Owner Name: Barn Light Real Estate, LLC  
Address: 5220 S. Washington Ave. Titusville, FL 32780  
Telephone No. ( 321 ) 403-5424 FAX No. ( )
3. Authorized Agent: Bryan L. Scott  
Address: 3405 S. Washington Ave. Titusville, FL 32780  
Telephone Number: ( 321 ) 403-5424 Fax No. ( )
4. Type of industry or business: Brewery (NAICS: 312120)
5. Brief description of product and expansion plans (The applicant is to provide an executive summary of its business plan):  
Refurbishment of existing property for the manufacture and wholesale of beer and soda. Retail sale of the beer will be co-located on the property, but is not included in this application.
6. Anticipated number of new employees (The applicant is to provide a breakdown of jobs to be created by category and planned salary to be paid by position): 23 (excluding service positions)
7. Percent increase in overall employment: Yr.1 -100% (New business)
8. Expected number of new employees who will reside in Brevard County: 20
9. Percentage of existing employees who have resided in the County for more than two years: N/A -- (no existing employees)
10. Anticipated average wage of employees: Yr.1 - \$36,080
11. Anticipated average annual payroll: Yr.1 - \$983,000 (with benefit expenses included)
12. Anticipated new capital investment as a result of expansion or relocation of business:  
New construction value: Estimated \$2.25M (building refurbishment construction costs, excluding costs for ineligible retail area)  
New personal property value: \$1.4M (capital machinery, equipment, and furniture additions excluding service industry assets)
13. Environmental impact of business. (Identify the number and type of environmental permits required as a result of this project: e.g. air, soil and water pollution, water and sewer, dredge and fill, stormwater, industrial wastewater; provide a brief narrative statement of the company's environmental impacts): Stormwater, water and sewer permits will be required with minimal environmental impact.
14. Anticipated volume of business or production: Yr. 1 - Revenue \$4.8 million
15. The relocation or expansion would not occur without the exemption: Yes [ ] No [X]
16. Source of supplies (local or otherwise):  
% source of supplies County: 20%  
% source of supplies Florida: 40%  
% source of supplies out-of-state: 40%
17. Business is/will be located in a community redevelopment area: Yes [ ] No [X]  
Name of area: N/A

**SIGNATURES:**

I hereby confirm the information provided by The Brix Project Brewery to the Economic Development Commission of Florida's Space Coast and the Board of County Commissioners for the purpose of calculating the economic impact and benefit of the proposed tax abatement is true, accurate and complete. I further confirm that The Brix Project Brewery is not in violation of any federal, state or local law, or regulation governing environmental matters. I hereby acknowledge and agree upon approval of the Economic Development Ad Valorem Tax Abatement Ordinance by the Brevard County Board of County Commissioners that The Brix Project Brewery will provide the Brevard Workforce its job openings to be posted on www.employflorida.com and agrees to consider for employment candidates referred by Brevard Workforce.

DATE: 7/20/15  
SIGNED: [Signature]  
TITLE: OWNER  
(Applicant)

SIGNED: [Signature]  
3405 S. Washington Ave. Titusville, FL 32780  
407-222-4225  
(Preparer's Address)  
(Preparer's Telephone Number)

**ECONOMIC DEVELOPMENT COMMISSION (EDC) USE ONLY**

**EDC Economic Impact Analysis:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**EDC's Recommendation:**

The Economic Development Commission of Florida's Space Coast hereby certifies that it has proof, to the satisfaction of the EDC, that the applicant meets the criteria of a new business or for an expansion of an existing business as defined in Section 184, Chapter 102, Brevard County Code. Furthermore, the EDC has conducted an economic impact analysis, applying acceptable multipliers as defined by the State Department of Commerce, which concludes that the applicant does hereby meet the economic benefit test; and, therefore, the EDC recommends to the Brevard County Commission that the applicant receive an ad valorem tax exemption for \_\_\_\_\_ percent of its eligible taxes and for a period of \_\_\_\_\_ years.

DATE: \_\_\_\_\_ SIGNED: \_\_\_\_\_  
(EDC President)

**COUNTY USE ONLY**

**County Manager's Recommendation:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE: \_\_\_\_\_ SIGNED: \_\_\_\_\_  
(County Manager)



ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTION  
Chapter 196, Florida Statutes

To be filed with the Board of County Commissioners, the governing board of the municipality, or both, no later than March 1 of the year the exemption is desired to take effect.

1. Business name: The Brix Project Brewery  
Mailing address: 3405 S. Washington Ave. Titusville, FL 32780
2. Name of person in charge of business: Bryan L. Scott  
Telephone No.: ( 321 ) 403-5424 FAX No.: ( )
3. Location of business (legal description and street address) of property for which this report is filed:  
5220 S. Washington Ave. Titusville, FL 32780 LEGAL Description: 22 352600 5021 S 5220 WASHINGTON AVE 102 TITUSVILLE PART OF LOT 2 LYING BETWEEN FEC RR R/W & US HWY NO 1 BEING 205.97 FT MEASURED ON W R/W US NO 1 FROM S LINE OF LOT 2 AS DES IN ORB 616 PG 79 & PART OF GOVT LOT 3 BETWEEN FEC RR & US HWY 1 AS DESC IN ORB 1084 PG 141 PAR 506
4. Date business opened at this facility: Unopened
5. a. Description of the improvements to real property for which this exemption is requested:  
Refurbishment of existing property to operate a manufacturing facility for the production of beer and malt beverages. Tasting room and food service facilities will be added for the sale of these manufactured products, but are not included in the application.  
b. Date of commencement of construction of improvements: To be determined - No contract awarded
6. a. Description of the tangible personal property for which this exemption is requested and date when property was purchased:

APPRaiser's ONLY	Class or Item	Age	Date of Purchase	Original Cost	Taxpayer's Estimate of			USE
					Condition	Estimate of	Fair Market Value	
	Manuf. Equip		TBD	1.4M				1,260,000

- b. Average value of inventory on hand: \$200,000
- c. Any additional personal property not listed above for which an exemption is claimed must be returned on form DR-405 (Tangible Personal Property Tax Return) and a copy attached to this form.
7. Do you desire exemption as a "New Business" [  ] or as an "Expansion of an Existing Business" [  ]
8. Describe the type or nature of your business: Manufacture and wholesale of beer and soda. Retail sale of the beer will be co-located on the property, but is not included in this application.
9. Trade level (check as many as apply):

Wholesale [ X ] Manufacturing [ X ] Professional [ ] Service [ X ] Office [ ] Other [ ]

10. a. Number of full time employees employed in Florida: ~~26~~ <sup>23</sup> 23 (Manufacturing ONLY)

(DR 418)

b. If an expansion of an existing business:

(1) Net increase in employment \_\_\_\_\_ or \_\_\_\_\_ %  
 (2) Increase in productive output resulting from this expansion \_\_\_\_\_ %

11. Sales factor for the facility requesting exemption:

Total sales in Florida from this facility - one (1) location only \$4.6 million divided by  
 Total sales everywhere from this facility - one (1) location only \$4.6 million = 100%

12. For office space owned and used by a corporation newly domiciled in Florida: Not yet incorporated

a. Date of incorporation in Florida \_\_\_\_\_  
 b. Number of full-time employees at this location \_\_\_\_\_

13. If requesting an exemption due to location in a slum or blighted area, please furnish such additional information as required by the County Commission, City Commission, or Property Appraiser.

I hereby request the adoption of an ordinance granting an exemption from ad valorem taxation on the above property pursuant to Section 196.1995, Florida Statutes. I agree to furnish such other reasonable information as the Board of County Commissioners, the governing authority of the municipality, or the Property Appraiser may request in regard to the exemption requested herein. I hereby certify that the information and valuation stated above by me is true, correct, and complete to the best of my knowledge and belief. (If prepared by someone other than the taxpayer, his declaration is based on all information of which he has any knowledge.)

DATE: 7/20/15

Signed: Kate Raito  
 (Preparer)

SIGNED: [Signature]  
 (Taxpayer)

3405 S. Washington Ave Titusville, FL  
 (Preparer's Address)

TITLE: OWNER

407-222-4225  
 (Preparer's Telephone Number)

PROPERTY APPRAISER'S USE ONLY

I. Total revenue available to the County or municipality for the current fiscal year from ad valorem tax sources: 10,553,886.99

II. Revenue lost to the County or municipality for the current fiscal year by virtue of exemptions previously granted under this section: 13,790.24

III. Estimate of the revenue which will be lost to the County during the current fiscal year if the exemption applied for were granted had the property for which the exemption is requested otherwise been subject to taxation: 24,428.25

IV. Estimate of the taxable value lost to the County or municipality if the exemption applied for were granted:  
 Improvements to real property 1,912,500 Personal Property 1,260,000

V. I have determined that the property listed above meets the definition, as defined by Section 196.012(15) or (16), Florida Statutes, as a New Business [ ], an Expansion of an Existing Business [ ], or Neither [ ].

VI. Last year for which exemption may be applied: dependent upon the number of years granted by City Council.

DATE: 7-28-15

SIGNED: [Signature]  
 (Property Appraiser)

RETURN TO BE FILED NOT LATER THAN MARCH 1



# Titusville Ad Valorem Tax Abatement Program Guidelines

<b>Number of New Employees OR (Existing Business Expansion Option)</b>		Points
10 – 20	(25% increase in employees)	3
21-60	(50% increase in employees)	6
61-99	(75% increase in employees)	9
100 and up	(100% increase in employees)	10

23

<b>Payroll</b>		Points
Below Average	36,080 > \$6,824	0
Average Statewide	\$42,904*	4
25% Above Average	\$56,719	8
50% Above Average	\$62,063	10
100% Above Average	\$82,750	12

\$829,840.00 Payroll

<b>Capital Investment</b>		Points
\$ 150,000 - \$1,000,000	\$3.65 M	1
\$1,000,000 - \$8,000,000		2
\$8,000,000 and up		3

Total Points\*\*

\* The Average Annual Statewide Wage figure is updated at the beginning of each calendar year as provided by Enterprise Florida, Inc. (Effective January 1, 2015)

### Scoring

Total Points**	Percentage of Exemption	Length of Exemption
9 – 12 Points	60% Exemption	6 Years
13 – 15 Points	70% Exemption	7 Years
16 – 19 Points	80% Exemption	8 Years
20 – 22 Points	90% Exemption	9 Years
23 – 25 Points	100% Exemption	10 Years

**Project Name:** Project Brix August 3, 2015

**Scoring:** 80% at 8 yrs.

**ORDINANCE No. 27-2015**

AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA ALLOWING FOR AN AD VALOREM TAX ABATEMENT TO THE BRIX PROJECT BREWERY, LLC; SPECIFYING THE ITEMS EXEMPTED; PROVIDING FOR AN EXPIRATION DATE FOR THE EXEMPTION; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, economic development and the creation and retention of jobs is a priority of the City Council of the City of Titusville; and

**WHEREAS**, the citizens of City of Titusville voted to provide economic incentives to qualified new and expanding businesses in the November 2014 general election; and

**WHEREAS**, the Brix Project Brewery, LLC, has requested that the City Council of the City of Titusville exempt ad valorem taxes for new construction, improvements and renovations to an existing facility and new tangible personal property at 5220 S. Washington Ave., Titusville, FL (Parcel I.D. 22-35-26-00-502.1); and

**WHEREAS**, the Space Coast Economic Development Commission has recommended approval of the exemption for the new building and tangible personal property for the Brix Project Brewery, LLC; and

**WHEREAS**, the Brevard County Property Appraiser has provided the City of Titusville with its report as required by Chapter 196.1995(8) F.S.; and

**WHEREAS**, the Brix Project Brewery, LLC , meets the requirements of Chapter 196.012 F.S. as a new business planning to locate in the City of Titusville; and

**WHEREAS**, the Brix Project Brewery, LLC, has submitted an application for the exemption and provided a proposed schedule for the creation of jobs and economic impacts; and

**WHEREAS**, the City will require an annual report to be submitted by the Brix Project Brewery, LLC, and evaluate how the company is achieving its objectives and determine if the exemption should be continued, modified, or eliminated.

**NOW, THEREFORE BE IT ENACTED** BY THE CITY OF TITUSVILLE, FLORIDA as follows:

**Section 1.** That an ad valorem tax exemption is granted to the Brix Project Brewery, LLC, pursuant to sections 19-100 through 19-112 of the Code of Ordinances as follows:

- a. An Economic Development Ad Valorem Tax Exemption is hereby granted to the Brix Project Brewery, LLC for new construction, improvements and renovations of a facility and new tangible personal property at 5220 S. Washington Ave., Titusville, FL. (Parcel I.D. 22-35-26-00-502.1).

- b. The total amount of revenue available to the City of Titusville for the current fiscal year per information provided by the Brevard County Property Appraiser's Office is \$ 10,553,886.99. The estimated amount of revenue which would be lost to the City for the current fiscal year by virtue of the exemptions previously granted is \$13,790.24. The estimate of the revenue which will be lost to the City during the current fiscal year if the exemption applied for were granted for the property for which the exemption is requested had otherwise been subject to taxation is \$19,542.60.
- c. The tax exemption hereby granted shall be for a term of eight (8) years commencing with the first year the new improvements and tangible personal property are added to the assessment roll and lasting eight (8) years thereafter for eighty (80%) percent of the City ad valorem taxes on the improved portion of the property.
- d. In accordance with the findings of the City of Titusville and the property appraiser, the property hereby exempted from ad valorem taxes meets the definition of a new business as defined by Chapter 196.012 Florida Statutes.
- e. The Brix Project Brewery, LLC, shall submit to the City Manager of the City of Titusville at the beginning of each new year an annual report providing evidence of continued compliance with the definition of an existing business planning to expand in the City for each of the eight years during which it has been granted and is eligible for abatement. If the annual report is not received, or if the report shows that the company no longer meets the criteria of Chapter 196.012 F.S., or that the company is not achieving the targeted number of jobs and /or improvements it submitted at the time of its application, the City Manager shall make a report to the City Council for consideration of continuation, modification, or revocation of this Ordinance granting the exemption.
- f. If the City Council revokes this Ordinance it shall be a requirement of the company to reimburse those City ad valorem taxes abated in favor the Brix Project Brewery, LLC, for that period of time that it was determined that the company no longer met the criteria of Chapter 196.012 F.S.

**Section 2. Severability.** If any provision of this Ordinance is held to be illegal or invalid, the other provisions shall remain in full force and effect.

**Section 3. Effective Date.** This Ordinance shall take effect immediately upon adoption.

**PASS AND ADOPTED** this 25<sup>th</sup> day of August, 2015.

ATTEST:

\_\_\_\_\_  
James H. Tulley, Mayor

\_\_\_\_\_  
Wanda Wells, City Clerk

City of Titusville  
"Gateway to Nature and Space"

**REPORT TO COUNCIL**

**To:** The Honorable Mayor and City Council  
**From:** William S. Larese, City Manager  
**Subject:** **Rezoning (REZ) No. 3-2015 - City-Initiated Rezoning Applications**  
**Department/Office:** Community Development

**Recommended Action:**

Conduct First Reading of City-initiated Rezoning No. 3-2015 A-G and related Ordinance No. 28-2015 amending the zoning map made a part of said ordinance by reference by amending the zoning designation on the following seven properties; by changing a 9.7 acre property located east of the eastern terminus of Jess Parrish Court, between the Florida East Coast Railroad and the Indian River Lagoon, from its present Hospital Medical (HM) zoning classification to the Open Space and Recreation (OR) zoning classification; and by changing a 2 acre property located east of the eastern terminus of Jess Parrish Court between the Florida East Coast Railroad and the Indian River Lagoon, from its present Hospital Medical (HM) zoning classification to the Open Space and Recreation (OR) zoning classification; and by changing a 1.26 acre property located at the eastern terminus of Buffalo Road between the Florida East Coast Railroad and the Indian River Lagoon from its present Industrial (M-2) zoning classification to the Open Space and Recreation (OR) zoning classification; and by changing a 0.14 acre property located at 2908 South Hopkins Avenue from its present Light Industrial Services and Warehousing (M-1) zoning classification to the Community Commercial (CC) zoning classification; and by changing a 14 acre property located in the Enchanted Forest, east of Enchanted Avenue and west of the Florida East Coast Railway from its present Multifamily High Density (R-3) zoning classification to the Open Space and Recreation (OR) zoning classification; and by changing a 0.14 acre of property located on Meade Lane south of Cheney Highway from its present Community Commercial (CC) zoning classification to the Multifamily High Density (R-3) zoning classification; and by changing a 0.08 acre property located at 3660 South Washington Avenue from its present community Commercial (CC) zoning classification to the Tourist (T) zoning classification.

**Summary Explanation & Background:**

On November 26, 2013, the City Council approved advisability for staff to bring forward possible errors on the future land use and/or zoning map, as they are discovered, for consideration. These City-initiated rezoning applications No. 3-2015 A-G will amend the zoning map to correct inconsistencies between the land use designations and zoning classifications on seven properties throughout the City. The attached summary staff report outlines each proposed rezoning.

**Alternatives:**

1. Conduct the First Reading of the Ordinance.
2. Do not conduct the First Reading of the Ordinance.

**Item Budgeted:**

NA

**Source/use of funds/Budget Book Page:**

NA

**Strategic Plan:**

No. 2 – Economic Development

**Strategic Plan Impact:**

**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
<input type="checkbox"/> <a href="#">Summary Report</a>	7/29/2015	Backup Material
<input type="checkbox"/> <a href="#">REZ No. 3-2015 A</a>	7/29/2015	Backup Material
<input type="checkbox"/> <a href="#">REZ No. 3-2015 B</a>	7/29/2015	Backup Material
<input type="checkbox"/> <a href="#">REZ No. 3-2015 C</a>	7/29/2015	Backup Material
<input type="checkbox"/> <a href="#">REZ No. 3-2015 D</a>	7/29/2015	Backup Material
<input type="checkbox"/> <a href="#">REZ No. 3-2015 E</a>	7/29/2015	Backup Material
<input type="checkbox"/> <a href="#">REZ No. 3-2015 F</a>	7/29/2015	Backup Material
<input type="checkbox"/> <a href="#">REZ No. 3-2015 G</a>	7/29/2015	Backup Material
<input type="checkbox"/> <a href="#">Ordinance No. 28-2015</a>	8/5/2015	Backup Material



# City of Titusville Summary Staff Report

---

## REZONING (REZ) NO. 3-2015 A-G

**Meeting Dates:**                     *First Reading:*                     August 11, 2015  
    *Planning and Zoning Commission:*   August 19, 2015  
    *Public Hearing/Second Reading:*   August 25, 2015

**Prepared By:**                     Trevor Traphagen, Senior Planner

**Applicant(s):**                     City of Titusville

**Applicant's Request:**             Rezone multiple properties to correct inconsistencies between the Comprehensive Plan Future Land Use map and zoning map.

**Staff Recommendation:**          Approve the ordinance to amend the zoning map.

---

### Background Information

On November 26, 2013, the City Council approved advisability for staff to bring forward possible errors on the future land use and/or zoning map, as they are discovered, for consideration. These City-initiated rezoning applications No. 3-2015 A-G will amend the zoning map to correct inconsistencies between the land use designations and zoning classifications on seven properties throughout the City.

#### *Rezoning No. 3-2015-A*

REZ No. 3-2015-A proposes to amend the zoning map to correct an inconsistency between the land use designation and zoning on approximately 9.7 acres of a 32.89 acre parcel. The subject property is located east of the eastern terminus of Jess Parrish Court between the Florida East Coast Railway and the Indian River Lagoon. The request proposes to rezone an approximately 9.7 acre property from the Hospital Medical (HM) zoning designation to the Open Space and Recreation (OR) zoning designation.

#### *Rezoning No. 3-2015-B*

REZ No. 3-2015-B will amend the zoning map to correct an inconsistency between the land use designation and zoning on an approximately 2 acre parcel. The subject property is located east of the eastern terminus of Jess Parrish Court between the Florida East Coast Railway and the Indian River Lagoon. The request proposes to rezone the approximate 2 acre property from the Hospital Medical (HM) zoning designation to the Open Space and Recreation (OR) zoning designation.

#### *Rezoning No. 3-2015-C*

REZ No. 3-2015-C will amend the zoning map to correct an inconsistency between the land use designation and zoning on an approximately 1.26 acres of a 7.06 acre parcel. The subject property is located at the eastern terminus of Buffalo Road between the Florida East Coast Railway and the Indian River Lagoon. The request proposes to rezone the approximate 1.26 acre portion of property from the Industrial (M-2) zoning designation to the Open Space and Recreation (OR) zoning designation.

---



*Rezoning No. 4-2015-D*

REZ No. 3-2015-D will eliminate a non-conforming zoning lot on an approximately 0.14 acre portion of a 0.54 acre property along Hopkins Avenue. The subject property is located on the west side of Hopkins Avenue between Alhambra Street and Lado Lane, the address being 2908 South Hopkins Avenue. The request proposes to rezone the approximately 0.14 acres from the Light Industrial Services and Warehousing (M-1) zoning district to the Community Commercial (CC) zoning district.

*Rezoning No. 5-2015-E*

REZ No. 3-2015-E will rectify an inconsistency on an approximately 14 acres of property owned by Brevard County and part of the Enchanted Forest. The subject area is located west of the Florida East Coast Railway and east of Enchanted Avenue. The request proposes to rezone the approximate 14 acres from the Multi Family High Density (R-3) zoning district to the Open Space and Recreation (OR) zoning district. The City has received a completed owner's authorization form from Brevard County for this proposed rezoning.

*Rezoning No. 6-2015-F*

REZ No. 3-2015-F will rectify an inconsistency on an approximately 0.14 acres of property owned by The Meadows East Association. The subject area is located on Meade Lane, adjacent to Cheney Highway. The request proposes to rezone the 0.14 acres from the Community Commercial (CC) zoning district to the Multi Family High Density (R-3) zoning district on Meade Lane, the roadway leading into The Meadows East townhouse development.

*Rezoning No. 7-2015-G*

REZ No. 3-2015-G will rectify an inconsistency on a portion of property owned by Margaret Kreusser. The subject property is located on Washington Avenue, north of Pinedo Drive. The request proposes to rezone the property from the Community Commercial (CC) zoning district to the Tourist (T) zoning classification.



# City of Titusville Staff Report

## REZONING (REZ) NO. 3-2015-A

**Meeting Dates:**                      *First Reading:*                                      August 11, 2015  
    *Planning and Zoning Commission:*      August 19, 2015  
    *Public Hearing/Second Reading:*        August 25, 2015

**Prepared By:**                                      Trevor Traphagen, Senior Planner

**Applicant(s):**                                      City of Titusville

**Applicant’s Request:**                      Rezone property from Hospital Medical (HM) zoning to Open Space and Recreation (OR) zoning to make the zoning consistent with the Future Land Use designation.

**Staff Recommendation:**                      Approve the ordinance to amend the zoning map.

### Background Information

On November 26, 2013, the City Council approved advisability for staff to bring forward possible errors on the future land use and/or zoning map, as they are discovered, for consideration. This City initiated rezoning application No 3-2015-A will amend the zoning map to correct an inconsistency between the land use designation and zoning on approximately 9.7 acres of a 32.89 acre parcel. The subject property is located east of the eastern terminus of Jess Parrish Court between the Florida East Coast Railway and the Indian River Lagoon. The request proposes to rezone an approximately 9.7 acre property from the Hospital Medical (HM) zoning designation to the Open Space and Recreation (OR) zoning designation.

### Property Information

	Property Use	Future Land Use	Zoning
<b>Existing</b>	Vacant	Conservation	Hospital Medical (HM)
<b>Proposed</b>	Vacant		Open Space and Recreation (OR)

### Surrounding Property Information

	Existing Use	Future Land Use	Zoning
<b>North</b>	Vacant	Conservation	Hospital Medical (HM)
<b>South</b>	Vacant	Conservation	Industrial (M-2)
<b>East</b>	Indian River Lagoon	NA	NA
<b>West</b>	Florida East Coast Railway	NA	NA

**Staff Analysis**

The property subject of this request is an approximately 9.7 acre portion of a 32.89 acre property that is vacant shoreline of the Indian River Lagoon east of the Parrish Hospital. The proposed rezoning will amend the zoning map from HM to OR in order to make the zoning consistent with the Conservation Future Land Use designation on the property. Staff informed the owner of the City's intent to rezone the property, and was contacted by the owner in order to clarify the proposed rezoning.

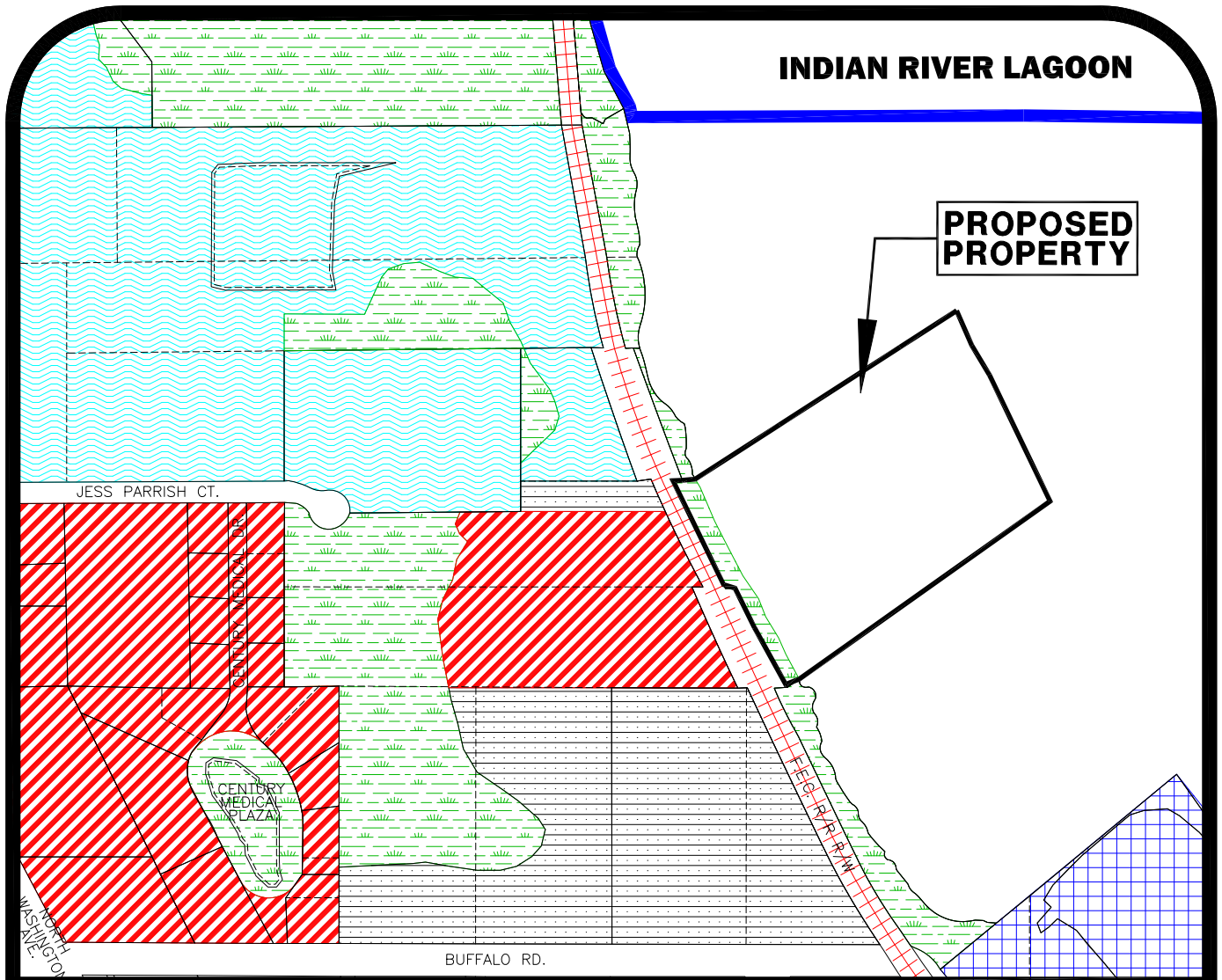
Staff requests that the property be rezoned to Open Space and Recreation. The requested rezoning is compatible with the zoning of adjacent properties. This property is within the AE flood designation on the FEMA Flood Zone map.

**Rezoning Criteria**

The rezoning is compatible with the surrounding areas and is consistent with the Objectives and Policies of the comprehensive plan, including all the review criteria specified in Sections 47-102(c) "Rezoning [Criteria]" of the Land Development Code. No development is proposed, and the use of the property will remain the same.

**Recommendation**

The staff recommends approval of REZ No. 3-2015 A to rezone from the Hospital Medical (HM) zoning classification to the Open Space and Recreation (OR) zoning classification.



**EXISTING FUTURE LAND USE MAP  
REZONING-#3-2015-A**

URBAN-MIXED-USE 	CONSERVATION 	RECREATIONAL 	DOWNTOWN MIXED-USE 	RESIDENTIAL HIGH-DENSITY 
SHORELINE-MIXED-USE 	EDUCATIONAL 	PUBLIC/SEMI PUBLIC 	COMMERCIAL HIGH INTENSITY 	RESIDENTIAL MEDIUM-DENSITY 
INDUSTRIAL 	PLANNED INDUSTRIAL PARK 	COMMERCIAL LOW INTENSITY 	REGIONAL MIXED USE 	RESIDENTIAL LOW-DENSITY 
	U.S.#1 CORRIDOR 	PLANNED UNIT DEVELOPMENT 	RESIDENTIAL ONE 	RESIDENTIAL TWO 

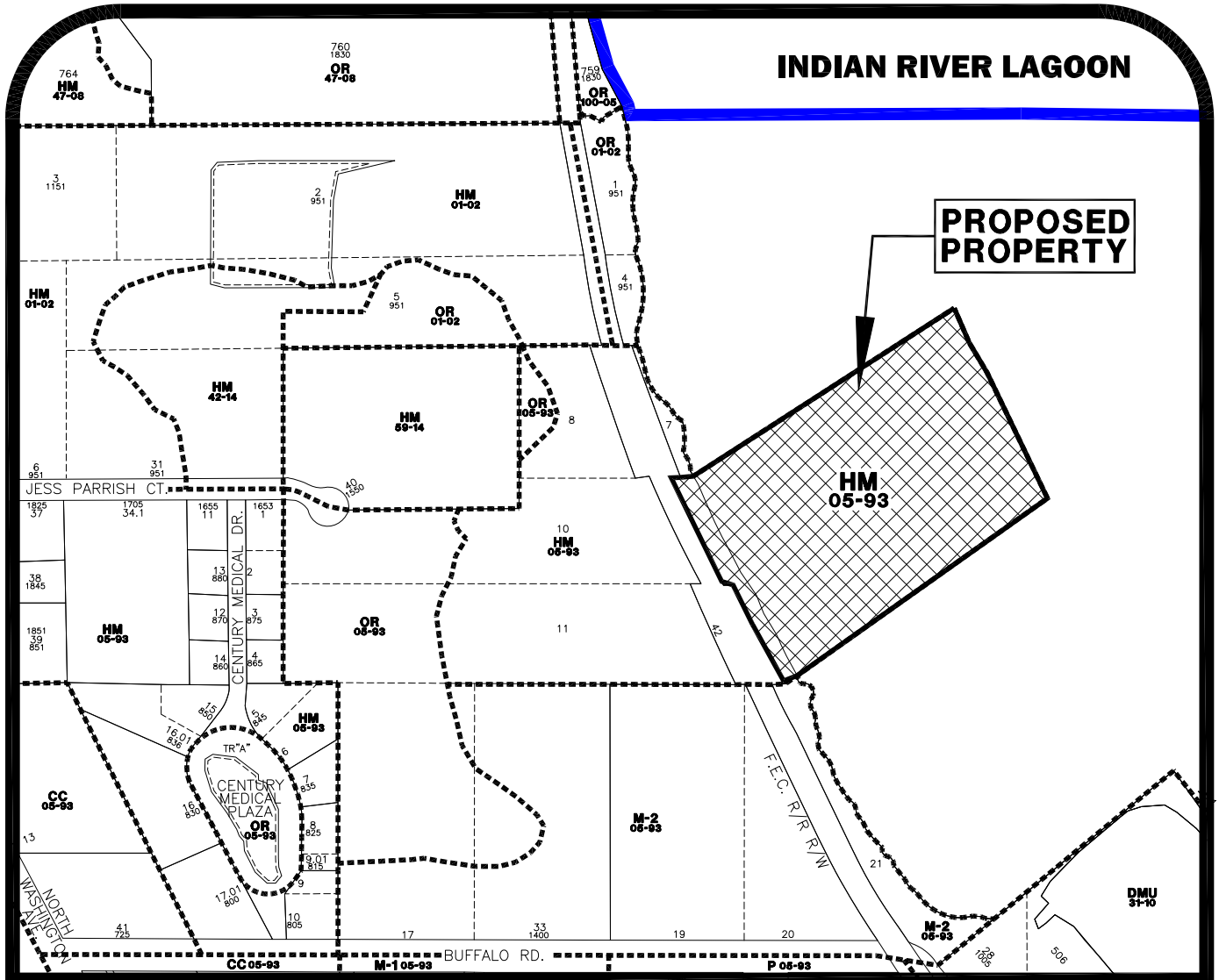


FLORIDA EAST COAST R/R

CITY LIMITS LINE

REZONING-#3-2015-A.DWG

CITY OF TITUSVILLE ● P.O. BOX 2806 ● TITUSVILLE, FLORIDA 32781-2806



# EXISTING ZONING MAP

## REZONING-#3-2015-A

### RESIDENTIAL DISTRICTS

- RE RESIDENTIAL ESTATES
- RR RURAL RESIDENTIAL
- R-1A SINGLE FAMILY, LOW DENSITY
- R-1B SINGLE FAMILY, MEDIUM DENSITY
- R-1C SINGLE FAMILY, HIGH DENSITY
- R-2 MULTIFAMILY, MEDIUM DENSITY
- R-3 MULTIFAMILY, HIGH DENSITY
- RMH-1 RESIDENTIAL MANUFACTURED HOUSING SUBDIVISION
- RMH-2 RESIDENTIAL MANUFACTURED HOUSING PARK

### COMMERCIAL DISTRICTS

- HM HOSPITAL MEDICAL
- T TOURIST
- NC NEIGHBORHOOD COMMERCIAL
- CC COMMUNITY COMMERCIAL
- RC REGIONAL COMMERCIAL
- OP OFFICE PROFESSIONAL
- CM COMMERCIAL MARINE

### SPECIAL DISTRICTS

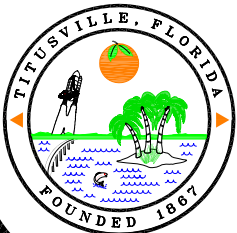
- GU GENERAL USE
- OR OPEN SPACE AND RECREATION
- CBD CENTRAL BUSINESS DISTRICT
- UMU URBAN MIXED USE
- SMU SHORELINE MIXED USE
- RHP RESIDENTIAL HISTORIC PROPERTIES
- RMU REGIONAL MIXED USE
- PUDZ PLANNED UNIT DEVELOPMENT ZONING
- SA STUDY AREA
- P PUBLIC
- UV URBAN VILLAGE
- DMU DOWNTOWN MIXED USE
- IRCNR INDIAN RIVER CITY NEIGHBORHOOD RESIDENTIAL
- IRCNC INDIAN RIVER CITY NEIGHBORHOOD COMMERCIAL

### INDUSTRIAL DISTRICTS

- M-1 LIGHT INDUSTRIAL SERVICES AND WAREHOUSING
- M-2 HEAVY INDUSTRIAL
- M-3 HIGHWAY INDUSTRIAL INFILL
- PID PLANNED INDUSTRIAL DEVELOPMENT

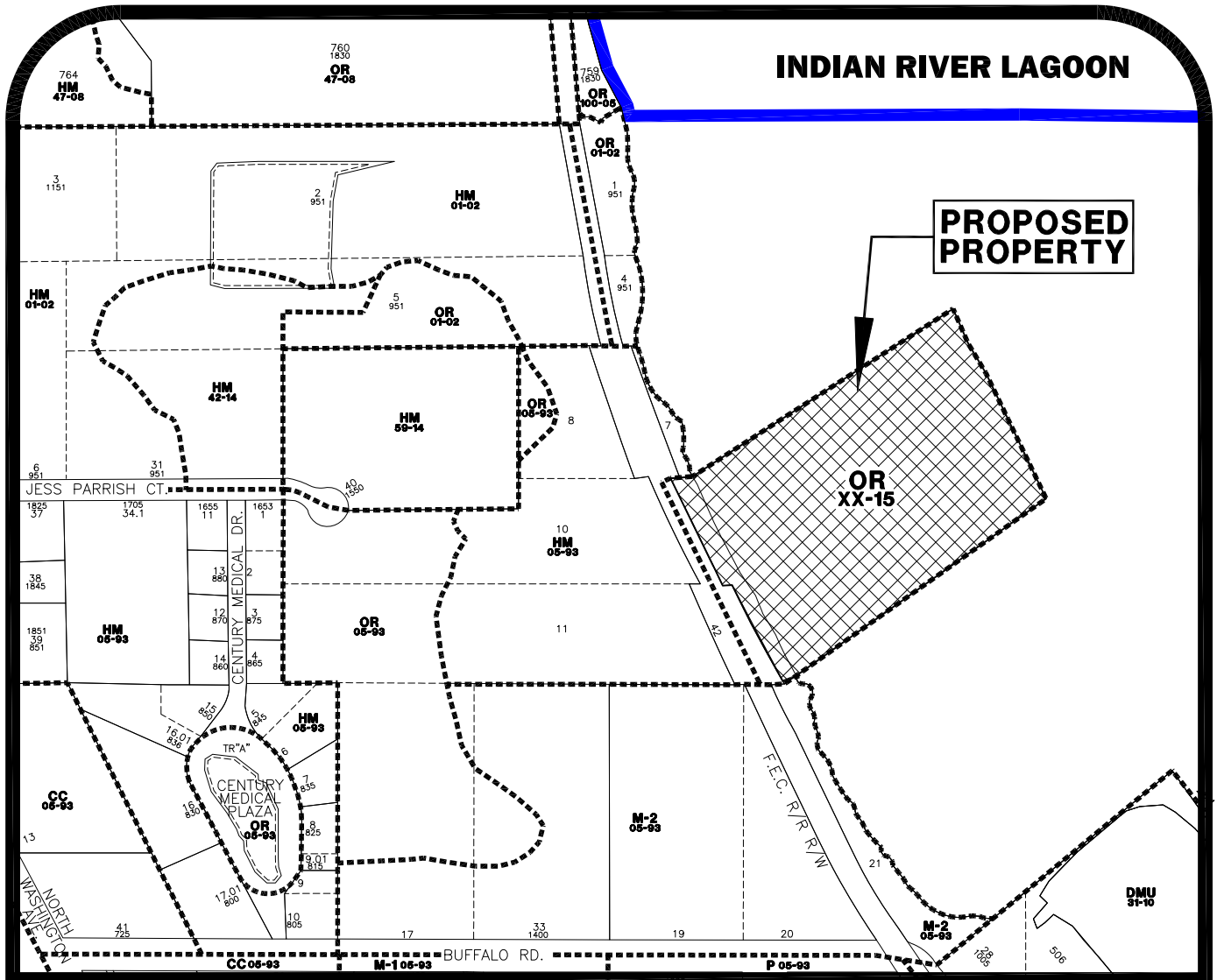
### OVERLAY DISTRICTS

- TSA TITUSVILLE SHORELINE AREA
- AIA AIRPORT IMPACT AREA
- WCA WETLAND AND CONSERVATION AREAS
- ACC AREA OF CRITICAL CONCERN
- FPA FLOOD PLAIN AREA
- HPA HISTORIC PRESERVATION AREA



REZONING-#3-2015-A.DWG

CITY OF TITUSVILLE ● P.O. BOX 2806 ● TITUSVILLE, FLORIDA 32781-2806



# PROPOSED ZONING MAP

## REZONING-#3-2015-A

### RESIDENTIAL DISTRICTS

- RE RESIDENTIAL ESTATES
- RR RURAL RESIDENTIAL
- R-1A SINGLE FAMILY, LOW DENSITY
- R-1B SINGLE FAMILY, MEDIUM DENSITY
- R-1C SINGLE FAMILY, HIGH DENSITY
- R-2 MULTIFAMILY, MEDIUM DENSITY
- R-3 MULTIFAMILY, HIGH DENSITY
- RMH-1 RESIDENTIAL MANUFACTURED HOUSING SUBDIVISION
- RMH-2 RESIDENTIAL MANUFACTURED HOUSING PARK

### COMMERCIAL DISTRICTS

- HM HOSPITAL MEDICAL
- T TOURIST
- NC NEIGHBORHOOD COMMERCIAL
- CC COMMUNITY COMMERCIAL
- RC REGIONAL COMMERCIAL
- OP OFFICE PROFESSIONAL
- CM COMMERCIAL MARINE

### SPECIAL DISTRICTS

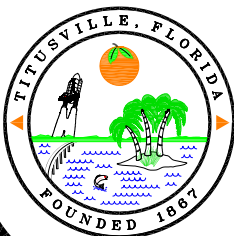
- GU GENERAL USE
- OR OPEN SPACE AND RECREATION
- CBD CENTRAL BUSINESS DISTRICT
- UMU URBAN MIXED USE
- SMU SHORELINE MIXED USE
- RHP RESIDENTIAL HISTORIC PROPERTIES
- RMU REGIONAL MIXED USE
- PUDZ PLANNED UNIT DEVELOPMENT ZONING
- SA STUDY AREA
- P PUBLIC
- UV URBAN VILLAGE
- DMU DOWNTOWN MIXED USE
- IRCN-R INDIAN RIVER CITY NEIGHBORHOOD RESIDENTIAL
- IRCN-C INDIAN RIVER CITY NEIGHBORHOOD COMMERCIAL

### INDUSTRIAL DISTRICTS

- M-1 LIGHT INDUSTRIAL SERVICES AND WAREHOUSING
- M-2 HEAVY INDUSTRIAL
- M-3 HIGHWAY INDUSTRIAL INFILL
- PID PLANNED INDUSTRIAL DEVELOPMENT

### OVERLAY DISTRICTS

- TSA TITUSVILLE SHORELINE AREA
- AIA AIRPORT IMPACT AREA
- WCA WETLAND AND CONSERVATION AREAS
- ACC AREA OF CRITICAL CONCERN
- FPA FLOOD PLAIN AREA
- HPA HISTORIC PRESERVATION AREA



REZONING-#3-2015-A.DWG

CITY OF TITUSVILLE ● P.O. BOX 2806 ● TITUSVILLE, FLORIDA 32781-2806



# City of Titusville Staff Report

## REZONING (REZ) NO. 3-2015 B

**Meeting Dates:** *First Reading:* August 11, 2015  
*Planning and Zoning Commission:* August 19, 2015  
*Public Hearing/Second Reading:* August 25, 2015

**Prepared By:** Trevor Traphagen, Senior Planner

**Applicant(s):** City of Titusville

**Applicant's Request:** Rezone property from Hospital Medical (HM) zoning to Open Space and Recreation (OR) zoning to make the zoning consistent with the Future Land Use designation.

**Staff Recommendation:** Approve the ordinance to amend the zoning map.

### Background Information

On November 26, 2013, the City Council approved advisability for staff to bring forward possible errors on the future land use and/or zoning map, as they are discovered, for consideration. This City initiated rezoning application No 3-2015 B will amend the zoning map to correct an inconsistency between the land use designation and zoning on an approximate 2 acre parcel. The subject property is located east of the eastern terminus of Jess Parrish Court between the Florida East Coast Railway and the Indian River Lagoon. The request proposes to rezone the approximate 2 acre property from the Hospital Medical (HM) zoning designation to the Open Space and Recreation (OR) zoning designation.

### Property Information

	Property Use	Future Land Use	Zoning
<b>Existing</b>	Vacant	Conservation	Hospital Medical (HM)
<b>Proposed</b>	Vacant		Open Space and Recreation (OR)

### Surrounding Property Information

	Existing Use	Future Land Use	Zoning
<b>North</b>	Vacant	Conservation	Open Space and Recreation (OR)
<b>South</b>	Vacant	Conservation	Hospital Medical (HM)
<b>East</b>	Indian River Lagoon	NA	NA
<b>West</b>	Florida East Coast Railway	NA	NA

**Staff Analysis**

The property subject of this request is an approximately 2 acres property that is vacant shoreline of the Indian River Lagoon east of the Parrish Hospital. The proposed rezoning will amend the zoning map from HM to OR in order to make the zoning consistent with the Conservation land use designation on the property. Staff informed the owner of the City's intent to rezone the property, and did not receive any response.

Staff requests that the property be rezoned to Open Space and Recreation. The requested rezoning is compatible with the zoning of adjacent properties. This property is within the AE flood designation on the FEMA Flood Zone map.

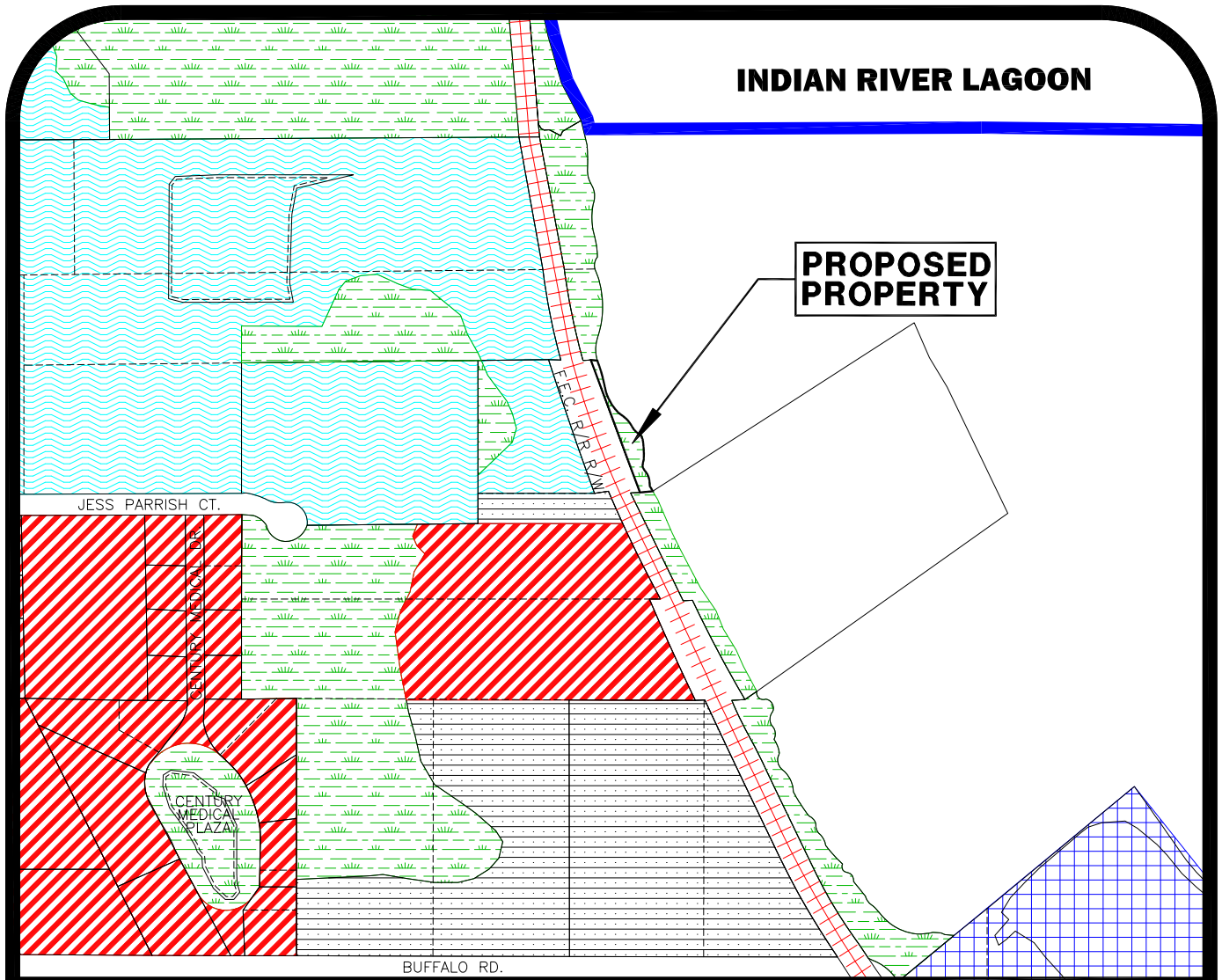
**Rezoning Criteria**

The rezoning is compatible with the surrounding areas and is consistent with the Objectives and Policies of the comprehensive plan, including all the review criteria specified in Sections 47-102(c) "Rezoning [Criteria]" of the Land Development Code. No development is proposed, and the use of the property will remain the same.

**Recommendation**

The staff recommends approval of REZ No. 3-2015 B to rezone from the Hospital Medical (HM) zoning classification to the Open Space and Recreation (OR) zoning classification.





## EXISTING FUTURE LAND USE MAP REZONING-#3-2015-B

URBAN-MIXED-USE 	CONSERVATION 	RECREATIONAL 	DOWNTOWN MIXED-USE 	RESIDENTIAL HIGH-DENSITY 
SHORELINE-MIXED-USE 	EDUCATIONAL 	PUBLIC/SEMI PUBLIC 	COMMERCIAL HIGH INTENSITY 	RESIDENTIAL MEDIUM-DENSITY 
INDUSTRIAL 	PLANNED INDUSTRIAL PARK 	COMMERCIAL LOW INTENSITY 	REGIONAL MIXED USE 	RESIDENTIAL LOW-DENSITY 
	U.S.#1 CORRIDOR 	PLANNED UNIT DEVELOPMENT 	RESIDENTIAL ONE 	RESIDENTIAL TWO 

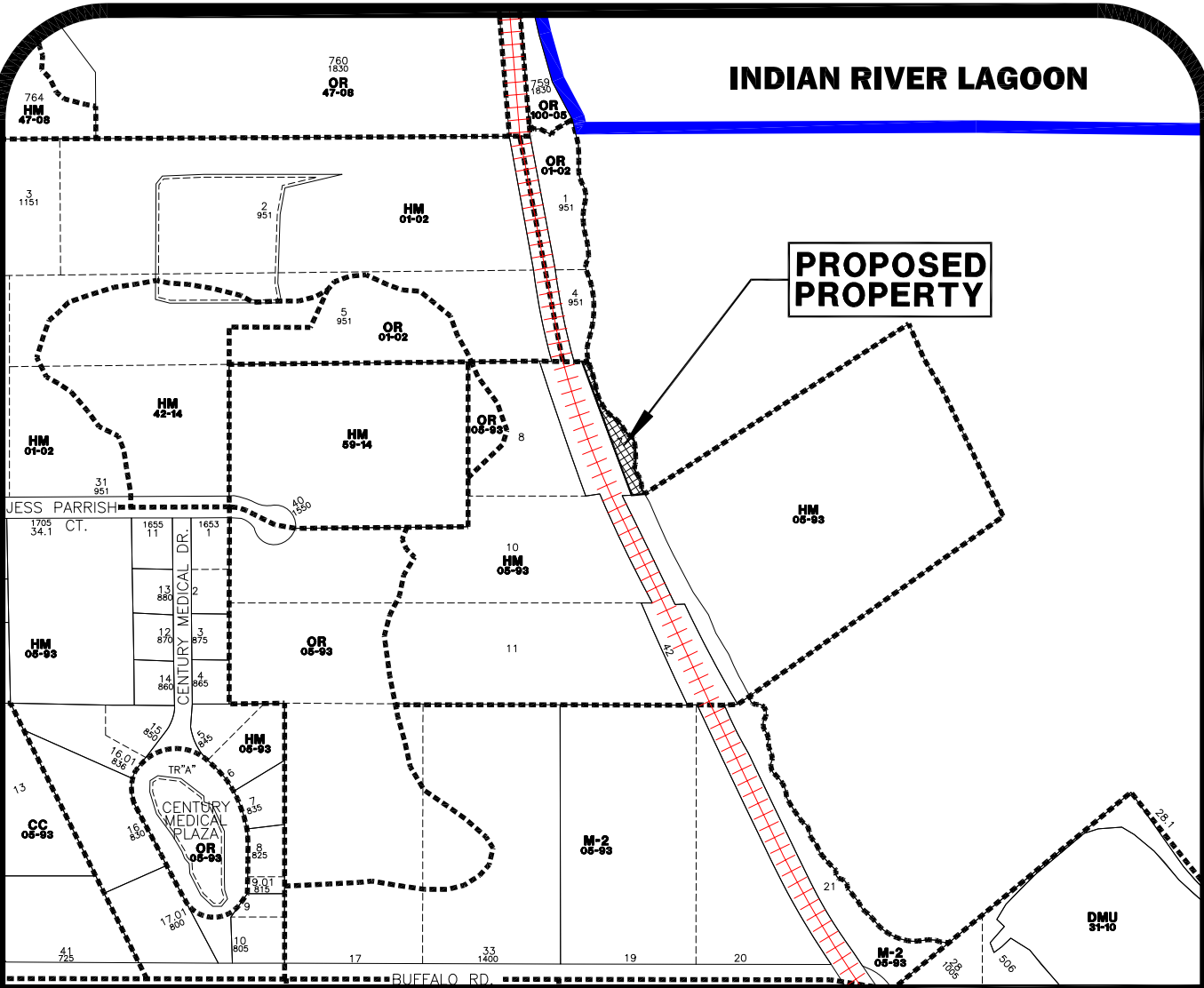


FLORIDA EAST COAST R/R

CITY LIMITS LINE

REZONING-#3-2015-B.DWG

CITY OF TITUSVILLE ● P.O. BOX 2806 ● TITUSVILLE, FLORIDA 32781-2806



## EXISTING ZONING MAP REZONING-#3-2015-B

### RESIDENTIAL DISTRICTS

- RE RESIDENTIAL ESTATES
- RR RURAL RESIDENTIAL
- R-1A SINGLE FAMILY, LOW DENSITY
- R-1B SINGLE FAMILY, MEDIUM DENSITY
- R-1C SINGLE FAMILY, HIGH DENSITY
- R-2 MULTIFAMILY, MEDIUM DENSITY
- R-3 MULTIFAMILY, HIGH DENSITY
- RMH-1 RESIDENTIAL MANUFACTURED HOUSING SUBDIVISION
- RMH-2 RESIDENTIAL MANUFACTURED HOUSING PARK

### COMMERCIAL DISTRICTS

- HM HOSPITAL MEDICAL
- T TOURIST
- NC NEIGHBORHOOD COMMERCIAL
- CC COMMUNITY COMMERCIAL
- RC REGIONAL COMMERCIAL
- OP OFFICE PROFESSIONAL
- CM COMMERCIAL MARINE

### SPECIAL DISTRICTS

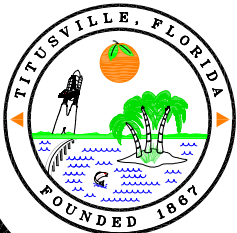
- GU GENERAL USE
- OR OPEN SPACE AND RECREATION
- CBD CENTRAL BUSINESS DISTRICT
- UMU URBAN MIXED USE
- SMU SHORELINE MIXED USE
- RHP RESIDENTIAL HISTORIC PROPERTIES
- RMU REGIONAL MIXED USE
- PUDZ PLANNED UNIT DEVELOPMENT ZONING
- SA STUDY AREA
- P PUBLIC
- UV URBAN VILLAGE
- DMU DOWNTOWN MIXED USE
- IRCNR INDIAN RIVER CITY NEIGHBORHOOD RESIDENTIAL
- IRCNC INDIAN RIVER CITY NEIGHBORHOOD COMMERCIAL

### INDUSTRIAL DISTRICTS

- M-1 LIGHT INDUSTRIAL SERVICES AND WAREHOUSING
- M-2 HEAVY INDUSTRIAL
- M-3 HIGHWAY INDUSTRIAL INFILL
- PID PLANNED INDUSTRIAL DEVELOPMENT

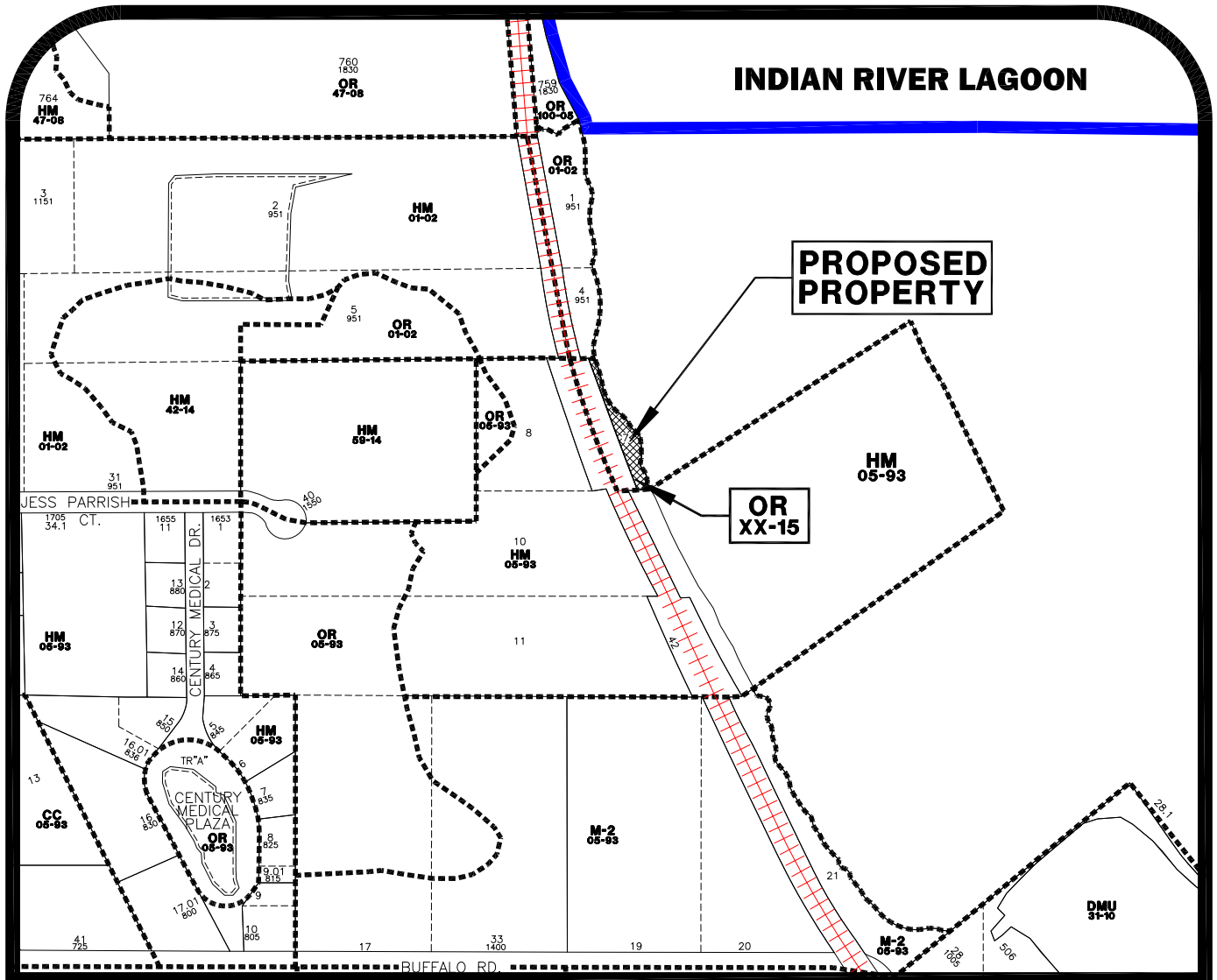
### OVERLAY DISTRICTS

- TSA TITUSVILLE SHORELINE AREA
- AIA AIRPORT IMPACT AREA
- WCA WETLAND AND CONSERVATION AREAS
- ACC AREA OF CRITICAL CONCERN
- FPA FLOOD PLAIN AREA
- HPA HISTORIC PRESERVATION AREA



REZONING-#3-2015-B.DWG

CITY OF TITUSVILLE ● P.O. BOX 2806 ● TITUSVILLE, FLORIDA 32781-2806



# PROPOSED ZONING MAP

## REZONING-#3-2015-B

### RESIDENTIAL DISTRICTS

- RE RESIDENTIAL ESTATES
- RR RURAL RESIDENTIAL
- R-1A SINGLE FAMILY, LOW DENSITY
- R-1B SINGLE FAMILY, MEDIUM DENSITY
- R-1C SINGLE FAMILY, HIGH DENSITY
- R-2 MULTIFAMILY, MEDIUM DENSITY
- R-3 MULTIFAMILY, HIGH DENSITY
- RMH-1 RESIDENTIAL MANUFACTURED HOUSING SUBDIVISION
- RMH-2 RESIDENTIAL MANUFACTURED HOUSING PARK

### COMMERCIAL DISTRICTS

- HM HOSPITAL MEDICAL
- T TOURIST
- NC NEIGHBORHOOD COMMERCIAL
- CC COMMUNITY COMMERCIAL
- RC REGIONAL COMMERCIAL
- OP OFFICE PROFESSIONAL
- CM COMMERCIAL MARINE

### SPECIAL DISTRICTS

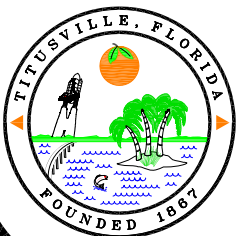
- GU GENERAL USE
- OR OPEN SPACE AND RECREATION
- CBD CENTRAL BUSINESS DISTRICT
- UMU URBAN MIXED USE
- SMU SHORELINE MIXED USE
- RHP RESIDENTIAL HISTORIC PROPERTIES
- RMU REGIONAL MIXED USE
- PUDZ PLANNED UNIT DEVELOPMENT ZONING
- SA STUDY AREA
- P PUBLIC
- UV URBAN VILLAGE
- DMU DOWNTOWN MIXED USE
- IRCNR INDIAN RIVER CITY NEIGHBORHOOD RESIDENTIAL
- IRCNC INDIAN RIVER CITY NEIGHBORHOOD COMMERCIAL

### INDUSTRIAL DISTRICTS

- M-1 LIGHT INDUSTRIAL SERVICES AND WAREHOUSING
- M-2 HEAVY INDUSTRIAL
- M-3 HIGHWAY INDUSTRIAL INFILL
- PID PLANNED INDUSTRIAL DEVELOPMENT

### OVERLAY DISTRICTS

- TSA TITUSVILLE SHORELINE AREA
- AIA AIRPORT IMPACT AREA
- WCA WETLAND AND CONSERVATION AREAS
- ACC AREA OF CRITICAL CONCERN
- FPA FLOOD PLAIN AREA
- HPA HISTORIC PRESERVATION AREA



REZONING-#3-2015-B.DWG

CITY OF TITUSVILLE ● P.O. BOX 2806 ● TITUSVILLE, FLORIDA 32781-2806



# City of Titusville Staff Report

## REZONING (REZ) NO. 3-2015 C

**Meeting Dates:** *First Reading:* August 11, 2015  
*Planning and Zoning Commission:* August 19, 2015  
*Public Hearing/Second Reading:* August 25, 2015

**Prepared By:** Trevor Traphagen, Senior Planner

**Applicant(s):** City of Titusville

**Applicant's Request:** Rezone property from Industrial (M-2) zoning to Open Space and Recreation (OR) zoning to make the zoning consistent with the Future Land Use designation.

**Staff Recommendation:** Approve the ordinance to amend the zoning map.

### Background Information

On November 26, 2013, the City Council approved advisability for staff to bring forward possible errors on the future land use and/or zoning map, as they are discovered, for consideration. This City initiated rezoning application No 3-2015 C will amend the zoning map to correct an inconsistency between the land use designation and zoning on an approximately 1.26 acres of a 7.06 acre parcel. The subject property is located at the eastern terminus of Buffalo Road between the Florida East Coast Railway and the Indian River Lagoon. The request proposes to rezone the approximate 1.26 acre portion of property from the Industrial (M-2) zoning designation to the Open Space and Recreation (OR) zoning designation.

### Property Information

	Property Use	Future Land Use	Zoning
<b>Existing</b>	Vacant	Conservation	Industrial (M-2)
<b>Proposed</b>	Vacant		Open Space and Recreation (OR)

### Surrounding Property Information

	Existing Use	Future Land Use	Zoning
<b>North</b>	Vacant	Conservation	Hospital Medical (HM)
<b>South</b>	Vectorworks	Downtown Mixed Use	Downtown Mixed Use (DMU)
<b>East</b>	Indian River Lagoon	NA	NA
<b>West</b>	Florida East Coast Railway	NA	NA

**Staff Analysis**

The property subject of this request is approximately 1.26 acres of a 7.06 acre property that is vacant shoreline of the Indian River Lagoon north of Vectorworks boat manufacturing. The proposed rezoning will amend the zoning map from M-2 to OR in order to make the zoning consistent with the Conservation land use designation on the property. Staff informed the owner of the City's intent to rezone the property, and met with the owner to clarify the proposed rezoning. The owner did not oppose rezoning this portion of property east of the Florida East Coast railway.

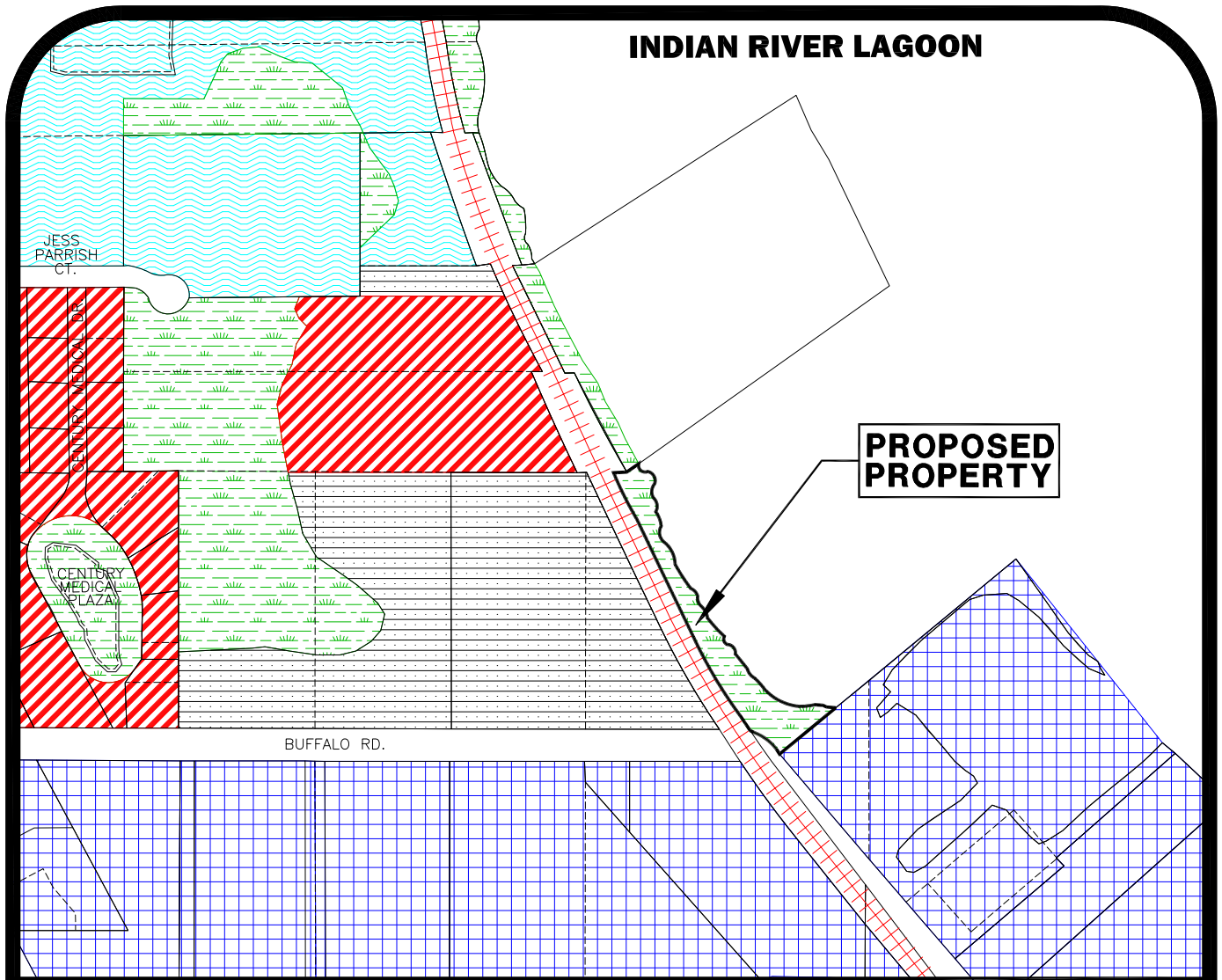
Staff requests that the property be rezoned to Open Space and Recreation. The requested rezoning is compatible with the zoning of adjacent properties. This property is within the AE flood designation on the FEMA Flood Zone map.

**Rezoning Criteria**

The rezoning is compatible with the surrounding areas and is consistent with the Objectives and Policies of the comprehensive plan, including all the review criteria specified in Sections 47-102(c) "Rezoning [Criteria]" of the Land Development Code. No development is proposed, and the use of the property will remain the same.

**Recommendation**

The staff recommends approval of REZ No. 3-2015 C to rezone from the Hospital Medical (HM) zoning classification to the Open Space and Recreation (OR) zoning classification.



**EXISTING FUTURE LAND USE MAP  
REZONING-#3-2015-C**

URBAN-MIXED-USE 	CONSERVATION 	RECREATIONAL 	DOWNTOWN MIXED-USE 	RESIDENTIAL HIGH-DENSITY 
SHORELINE-MIXED-USE 	EDUCATIONAL 	PUBLIC/SEMI PUBLIC 	COMMERCIAL HIGH INTENSITY 	RESIDENTIAL MEDIUM-DENSITY 
INDUSTRIAL 	PLANNED INDUSTRIAL PARK 	COMMERCIAL LOW INTENSITY 	REGIONAL MIXED USE 	RESIDENTIAL LOW-DENSITY 
	U.S.#1 CORRIDOR 	PLANNED UNIT DEVELOPMENT 	RESIDENTIAL ONE 	RESIDENTIAL TWO 

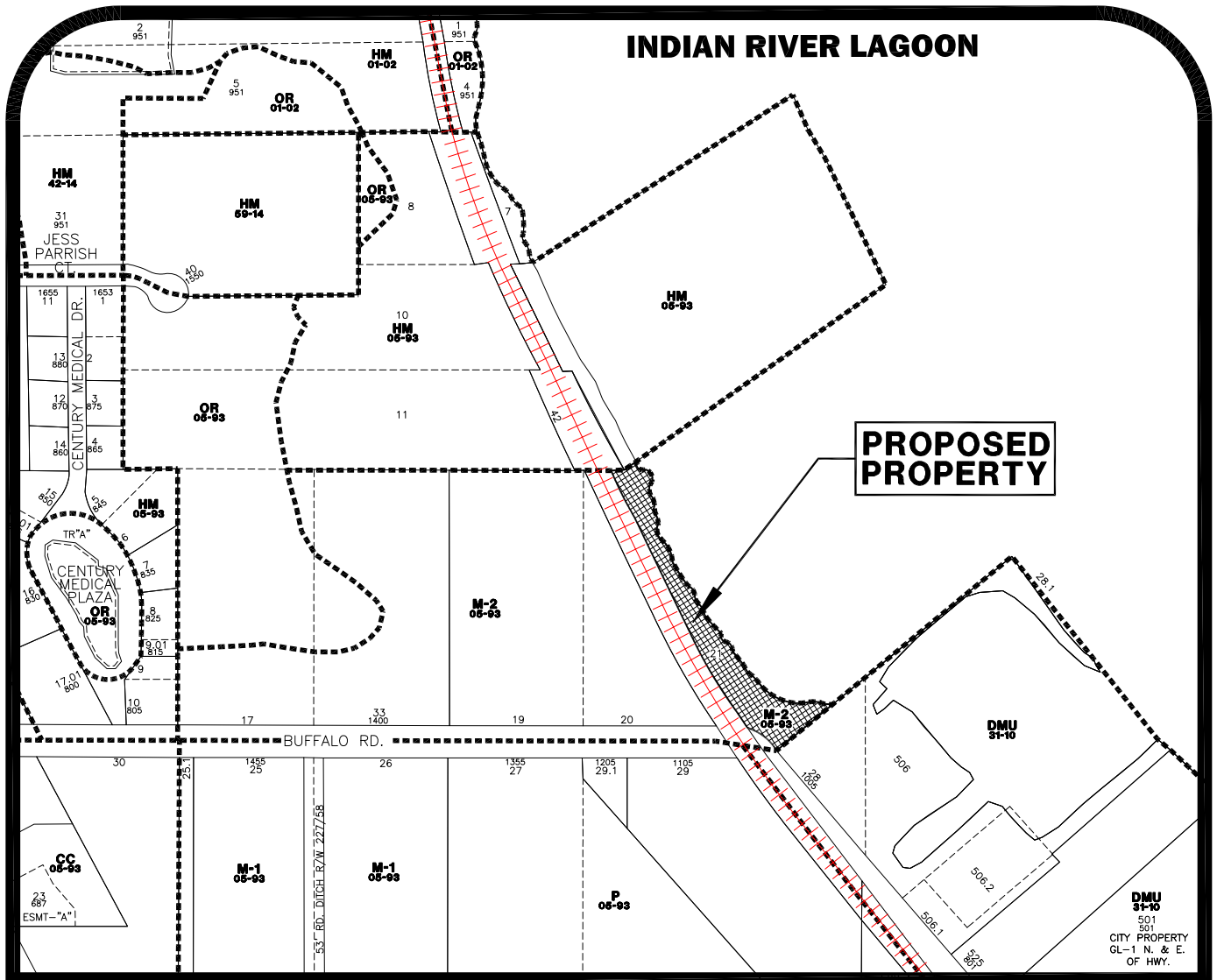


FLORIDA EAST COAST R/R

CITY LIMITS LINE

REZONING-#3-2015-C.DWG

CITY OF TITUSVILLE ● P.O. BOX 2806 ● TITUSVILLE, FLORIDA 32781-2806



# EXISTING ZONING MAP

## REZONING-#3-2015-C

### RESIDENTIAL DISTRICTS

- RE RESIDENTIAL ESTATES
- RR RURAL RESIDENTIAL
- R-1A SINGLE FAMILY, LOW DENSITY
- R-1B SINGLE FAMILY, MEDIUM DENSITY
- R-1C SINGLE FAMILY, HIGH DENSITY
- R-2 MULTIFAMILY, MEDIUM DENSITY
- R-3 MULTIFAMILY, HIGH DENSITY
- RMH-1 RESIDENTIAL MANUFACTURED HOUSING SUBDIVISION
- RMH-2 RESIDENTIAL MANUFACTURED HOUSING PARK

### COMMERCIAL DISTRICTS

- HM HOSPITAL MEDICAL
- T TOURIST
- NC NEIGHBORHOOD COMMERCIAL
- CC COMMUNITY COMMERCIAL
- RC REGIONAL COMMERCIAL
- OP OFFICE PROFESSIONAL
- CM COMMERCIAL MARINE

### SPECIAL DISTRICTS

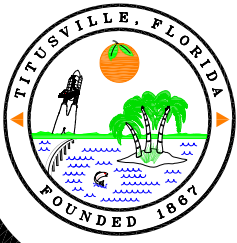
- GU GENERAL USE
- OR OPEN SPACE AND RECREATION
- CBD CENTRAL BUSINESS DISTRICT
- UMU URBAN MIXED USE
- SMU SHORELINE MIXED USE
- RHP RESIDENTIAL HISTORIC PROPERTIES
- RMU REGIONAL MIXED USE
- PUDZ PLANNED UNIT DEVELOPMENT ZONING
- SA STUDY AREA
- P PUBLIC
- UV URBAN VILLAGE
- DMU DOWNTOWN MIXED USE
- IRCNR INDIAN RIVER CITY NEIGHBORHOOD RESIDENTIAL
- IRCNC INDIAN RIVER CITY NEIGHBORHOOD COMMERCIAL

### INDUSTRIAL DISTRICTS

- M-1 LIGHT INDUSTRIAL SERVICES AND WAREHOUSING
- M-2 HEAVY INDUSTRIAL
- M-3 HIGHWAY INDUSTRIAL INFILL
- PID PLANNED INDUSTRIAL DEVELOPMENT

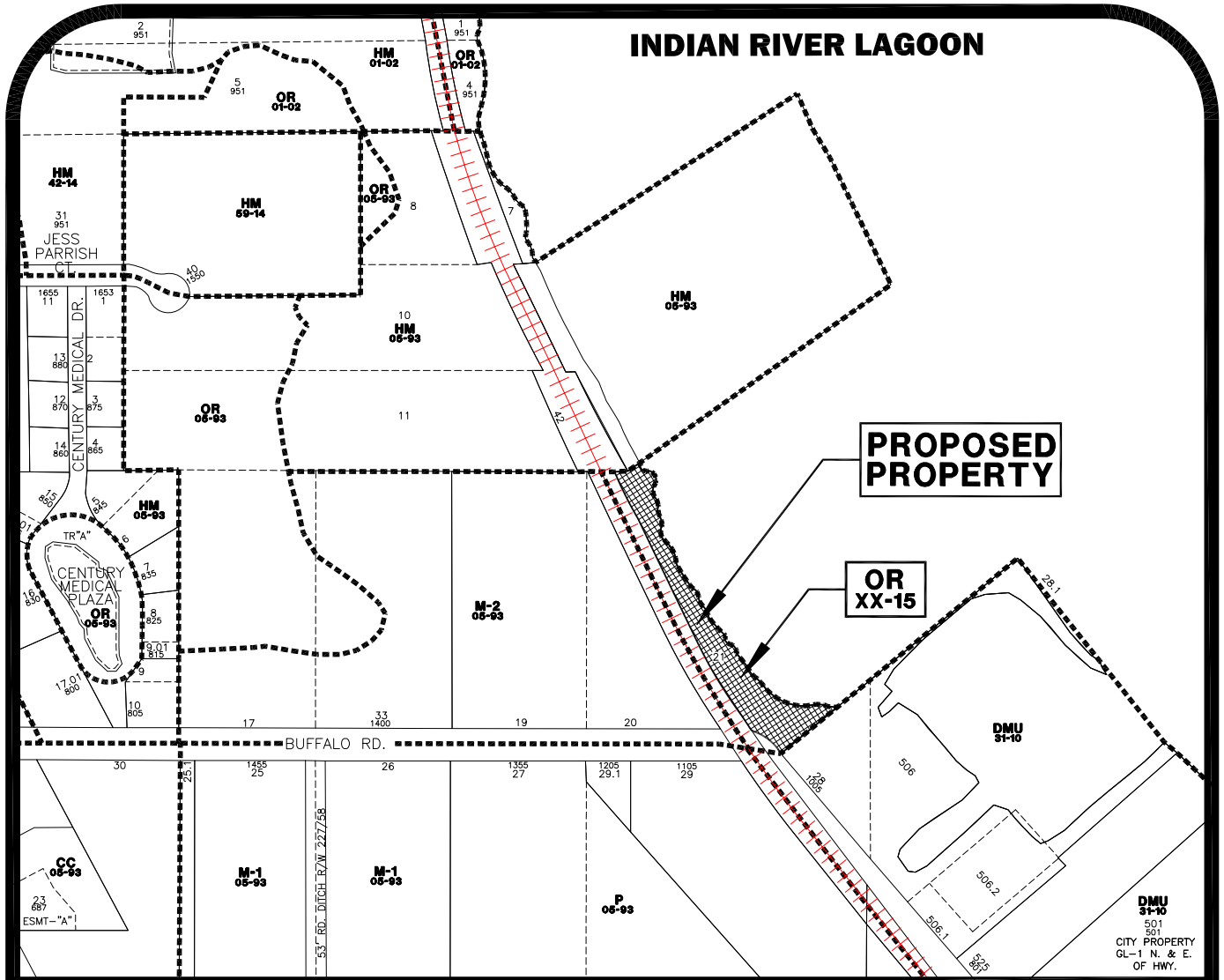
### OVERLAY DISTRICTS

- TSA TITUSVILLE SHORELINE AREA
- AIA AIRPORT IMPACT AREA
- WCA WETLAND AND CONSERVATION AREAS
- ACC AREA OF CRITICAL CONCERN
- FPA FLOOD PLAIN AREA
- HPA HISTORIC PRESERVATION AREA



REZONING-#3-2015-C.DWG

CITY OF TITUSVILLE ● P.O. BOX 2806 ● TITUSVILLE, FLORIDA 32781-2806



# PROPOSED ZONING MAP

## REZONING-#3-2015-C

### RESIDENTIAL DISTRICTS

- RE RESIDENTIAL ESTATES
- RR RURAL RESIDENTIAL
- R-1A SINGLE FAMILY, LOW DENSITY
- R-1B SINGLE FAMILY, MEDIUM DENSITY
- R-1C SINGLE FAMILY, HIGH DENSITY
- R-2 MULTIFAMILY, MEDIUM DENSITY
- R-3 MULTIFAMILY, HIGH DENSITY
- RMH-1 RESIDENTIAL MANUFACTURED HOUSING SUBDIVISION
- RMH-2 RESIDENTIAL MANUFACTURED HOUSING PARK

### COMMERCIAL DISTRICTS

- HM HOSPITAL MEDICAL
- T TOURIST
- NC NEIGHBORHOOD COMMERCIAL
- CC COMMUNITY COMMERCIAL
- RC REGIONAL COMMERCIAL
- OP OFFICE PROFESSIONAL
- CM COMMERCIAL MARINE

### SPECIAL DISTRICTS

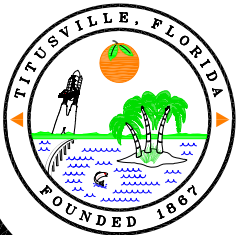
- GU GENERAL USE
- OR OPEN SPACE AND RECREATION
- CBD CENTRAL BUSINESS DISTRICT
- UMU URBAN MIXED USE
- SMU SHORELINE MIXED USE
- RHP RESIDENTIAL HISTORIC PROPERTIES
- RMU REGIONAL MIXED USE
- PUDZ PLANNED UNIT DEVELOPMENT ZONING
- SA STUDY AREA
- P PUBLIC
- UV URBAN VILLAGE
- DMU DOWNTOWN MIXED USE
- IRCNR INDIAN RIVER CITY NEIGHBORHOOD RESIDENTIAL
- IRCNC INDIAN RIVER CITY NEIGHBORHOOD COMMERCIAL

### INDUSTRIAL DISTRICTS

- M-1 LIGHT INDUSTRIAL SERVICES AND WAREHOUSING
- M-2 HEAVY INDUSTRIAL
- M-3 HIGHWAY INDUSTRIAL INFILL
- PID PLANNED INDUSTRIAL DEVELOPMENT

### OVERLAY DISTRICTS

- TSA TITUSVILLE SHORELINE AREA
- AIA AIRPORT IMPACT AREA
- WCA WETLAND AND CONSERVATION AREAS
- ACC AREA OF CRITICAL CONCERN
- FPA FLOOD PLAIN AREA
- HPA HISTORIC PRESERVATION AREA



REZONING-#3-2015-C.DWG

CITY OF TITUSVILLE ● P.O. BOX 2806 ● TITUSVILLE, FLORIDA 32781-2806





# City of Titusville Staff Report

## REZONING (REZ) NO. 3-2015 D

**Meeting Dates:** *First Reading:* August 11, 2015  
*Planning and Zoning Commission:* August 19, 2015  
*Public Hearing/Second Reading:* August 25, 2015

**Prepared By:** Trevor Traphagen, Senior Planner

**Applicant(s):** City of Titusville

**Applicant's Request:** Rezone property from Light Industrial Services and Warehousing (M-1) to Community Commercial (CC) to eliminate a non-conforming zoning lot.

**Staff Recommendation:** Approve the ordinance to amend the zoning map.

### Background Information

On November 26, 2013, the City Council approved advisability for staff to bring forward possible errors on the future land use and/or zoning map, as they are discovered, for consideration. This City initiated rezoning application No 3-2015 D will eliminate a non-conforming zoning lot on an approximately 0.14 acre portion of a 0.54 acre property along Hopkins Avenue. The subject property is located on the west side of Hopkins Avenue between Alhambra Street and Lado Lane. The request proposes to rezone the approximate 0.14 acres from the Light Industrial Services and Warehousing (M-1) zoning district to the Community Commercial (CC) zoning district.

### Property Information

	Property Use	Future Land Use	Zoning
<b>Existing</b>	Parking for mixed commercial uses	Commercial High Intensity	Light Industrial Services and Warehousing (M-1)
<b>Proposed</b>	Parking for mixed commercial uses		Community Commercial (CC)

### Surrounding Property Information

	Existing Use	Future Land Use	Zoning
<b>North</b>	Commercial (Retail)	Commercial High Intensity	Community Commercial (CC)
<b>South</b>	Mixed Commercial (Bar, Tattoo, Salon)	Commercial High Intensity	Community Commercial (CC)
<b>East</b>	Single Family Residential	Residential Low Density	Single Family Medium Density (R-1B)
<b>West</b>	Florida East Coast Railway	Residential Low Density	Single Family Medium Density (R-1B)

**Staff Analysis**

The property subject of this request is an approximately 0.14 acres portion of a 0.54 acre property that is a mixed commercial development. The subject property is parking for the commercial uses on the remainder of the property. The 0.14 acre subject property does not meet the minimum lot requirements of the M-1 zoning district. The proposed rezoning will amend the zoning map from M-1 to CC in order to place the entire 0.54 acre property under one zoning designation, and eliminate the non-conforming M-1 zoning lot. Staff informed the owner of the City's intent to rezone the property, and did not receive any response.

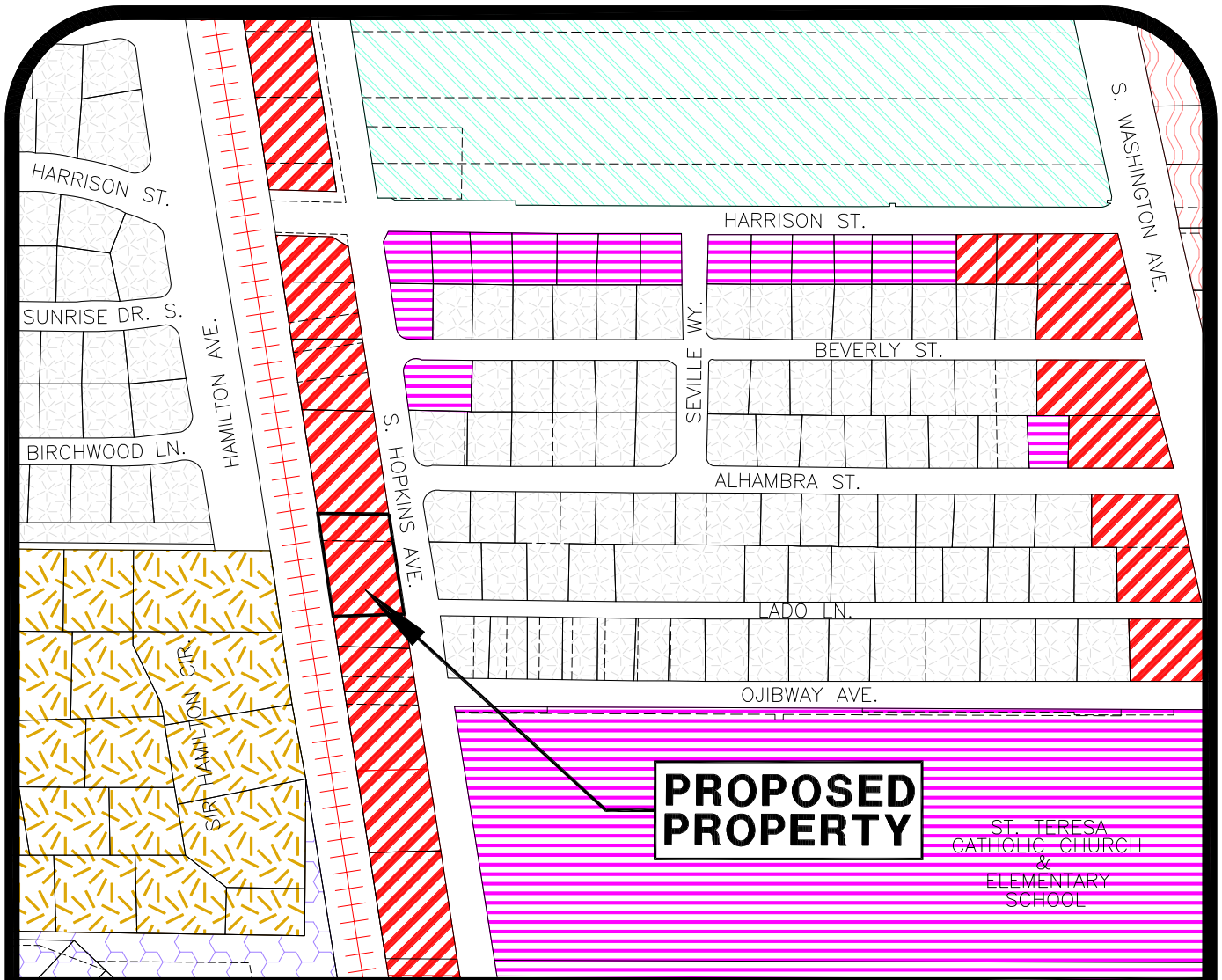
Staff requests that the property be rezoned to Community Commercial. The requested rezoning is compatible with the existing uses on the remainder of the property, and will not negatively impact the surrounding properties. This property is not within a flood designation on the FEMA Flood Zone map.

**Rezoning Criteria**

The rezoning is compatible with the surrounding areas and is consistent with the Objectives and Policies of the comprehensive plan, including all the review criteria specified in Sections 47-102(c) "Rezoning [Criteria]" of the Land Development Code. No development is proposed, and the use of the property will remain the same.

**Recommendation**

The staff recommends approval of REZ No. 3-2015 D to rezone from the Light Industrial Services and Warehousing (M-1) zoning classification to the Community Commercial (CC) zoning classification.



## EXISTING FUTURE LAND USE MAP REZONING-#3-2015-D

URBAN-MIXED-USE 	CONSERVATION 	RECREATIONAL 	DOWNTOWN MIXED-USE 	RESIDENTIAL HIGH-DENSITY 
SHORELINE-MIXED-USE 	EDUCATIONAL 	PUBLIC/SEMI PUBLIC 	COMMERCIAL HIGH INTENSITY 	RESIDENTIAL MEDIUM-DENSITY 
INDUSTRIAL 	PLANNED INDUSTRIAL PARK 	COMMERCIAL LOW INTENSITY 	REGIONAL MIXED USE 	RESIDENTIAL LOW-DENSITY 
	U.S.#1 CORRIDOR 	PLANNED UNIT DEVELOPMENT 	RESIDENTIAL ONE 	RESIDENTIAL TWO 

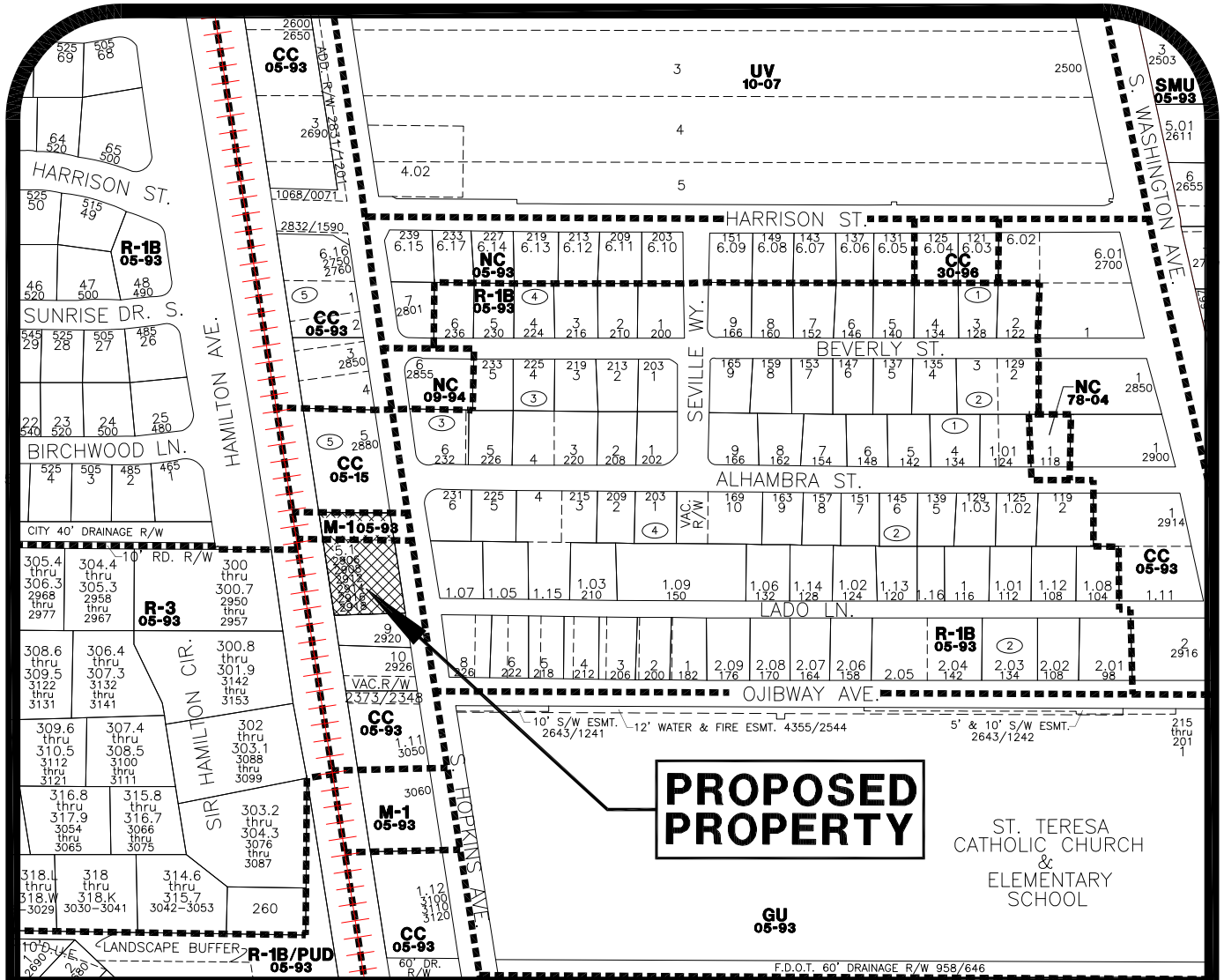


REZONING-#3-2015-D.DWG

FLORIDA EAST COAST R/R

CITY LIMITS LINE

CITY OF TITUSVILLE ● P.O. BOX 2806 ● TITUSVILLE, FLORIDA 32781-2806



# EXISTING ZONING MAP

## REZONING-#3-2015-D

### RESIDENTIAL DISTRICTS

- RE RESIDENTIAL ESTATES
- RR RURAL RESIDENTIAL
- R-1A SINGLE FAMILY, LOW DENSITY
- R-1B SINGLE FAMILY, MEDIUM DENSITY
- R-1C SINGLE FAMILY, HIGH DENSITY
- R-2 MULTIFAMILY, MEDIUM DENSITY
- R-3 MULTIFAMILY, HIGH DENSITY
- RMH-1 RESIDENTIAL MANUFACTURED HOUSING SUBDIVISION
- RMH-2 RESIDENTIAL MANUFACTURED HOUSING PARK

### COMMERCIAL DISTRICTS

- HM HOSPITAL MEDICAL
- T TOURIST
- NC NEIGHBORHOOD COMMERCIAL
- CC COMMUNITY COMMERCIAL
- RC REGIONAL COMMERCIAL
- OP OFFICE PROFESSIONAL
- CM COMMERCIAL MARINE

### SPECIAL DISTRICTS

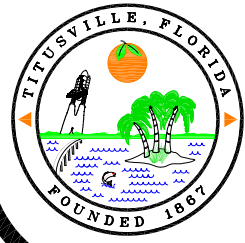
- GU GENERAL USE
- OR OPEN SPACE AND RECREATION
- CBD CENTRAL BUSINESS DISTRICT
- UMU URBAN MIXED USE
- SMU SHORELINE MIXED USE
- RHP RESIDENTIAL HISTORIC PROPERTIES
- RMU REGIONAL MIXED USE
- PUDZ PLANNED UNIT DEVELOPMENT ZONING
- SA STUDY AREA
- P PUBLIC
- UV URBAN VILLAGE
- DMU DOWNTOWN MIXED USE
- IRCNR INDIAN RIVER CITY NEIGHBORHOOD RESIDENTIAL
- IRCNC INDIAN RIVER CITY NEIGHBORHOOD COMMERCIAL

### INDUSTRIAL DISTRICTS

- M-1 LIGHT INDUSTRIAL SERVICES AND WAREHOUSING
- M-2 HEAVY INDUSTRIAL
- M-3 HIGHWAY INDUSTRIAL INFILL
- PID PLANNED INDUSTRIAL DEVELOPMENT

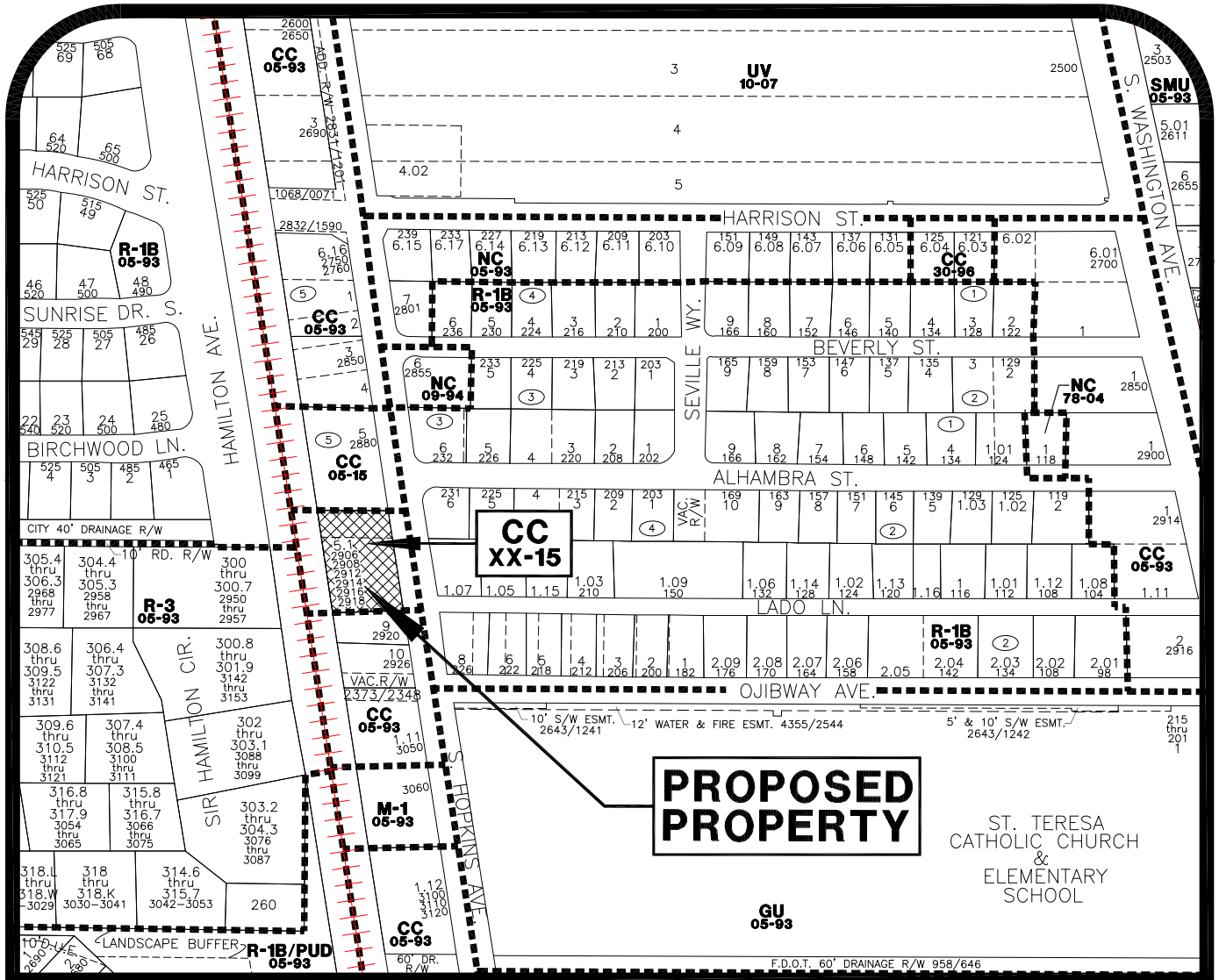
### OVERLAY DISTRICTS

- TSA TITUSVILLE SHORELINE AREA
- AIA AIRPORT IMPACT AREA
- WCA WETLAND AND CONSERVATION AREAS
- ACC AREA OF CRITICAL CONCERN
- FPA FLOOD PLAIN AREA
- HPA HISTORIC PRESERVATION AREA



REZONING-#3-2015-D.DWG

CITY OF TITUSVILLE ● P.O. BOX 2806 ● TITUSVILLE, FLORIDA 32781-2806



# PROPOSED ZONING MAP

## REZONING-#3-2015-D

### RESIDENTIAL DISTRICTS

- RE RESIDENTIAL ESTATES
- RR RURAL RESIDENTIAL
- R-1A SINGLE FAMILY, LOW DENSITY
- R-1B SINGLE FAMILY, MEDIUM DENSITY
- R-1C SINGLE FAMILY, HIGH DENSITY
- R-2 MULTIFAMILY, MEDIUM DENSITY
- R-3 MULTIFAMILY, HIGH DENSITY
- RMH-1 RESIDENTIAL MANUFACTURED HOUSING SUBDIVISION
- RMH-2 RESIDENTIAL MANUFACTURED HOUSING PARK

### COMMERCIAL DISTRICTS

- HM HOSPITAL MEDICAL
- T TOURIST
- NC NEIGHBORHOOD COMMERCIAL
- CC COMMUNITY COMMERCIAL
- RC REGIONAL COMMERCIAL
- OP OFFICE PROFESSIONAL
- CM COMMERCIAL MARINE

### SPECIAL DISTRICTS

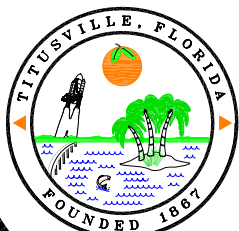
- GU GENERAL USE
- OR OPEN SPACE AND RECREATION
- CBD CENTRAL BUSINESS DISTRICT
- UMU URBAN MIXED USE
- SMU SHORELINE MIXED USE
- RHP RESIDENTIAL HISTORIC PROPERTIES
- RMU REGIONAL MIXED USE
- PUDZ PLANNED UNIT DEVELOPMENT ZONING
- SA STUDY AREA
- P PUBLIC
- UV URBAN VILLAGE
- DMU DOWNTOWN MIXED USE
- IRCN-R INDIAN RIVER CITY NEIGHBORHOOD RESIDENTIAL
- IRCN-C INDIAN RIVER CITY NEIGHBORHOOD COMMERCIAL

### INDUSTRIAL DISTRICTS

- M-1 LIGHT INDUSTRIAL SERVICES AND WAREHOUSING
- M-2 HEAVY INDUSTRIAL
- M-3 HIGHWAY INDUSTRIAL INFILL
- PID PLANNED INDUSTRIAL DEVELOPMENT

### OVERLAY DISTRICTS

- TSA TITUSVILLE SHORELINE AREA
- AIA AIRPORT IMPACT AREA
- WCA WETLAND AND CONSERVATION AREAS
- ACC AREA OF CRITICAL CONCERN
- FPA FLOOD PLAIN AREA
- HPA HISTORIC PRESERVATION AREA



REZONING-#3-2015-D.DWG

CITY OF TITUSVILLE ● P.O. BOX 2806 ● TITUSVILLE, FLORIDA 32781-2806



**Staff Analysis**

The property subject of this request is owned by Brevard County and is approximately 14 acres in size. The property is a portion of the Scrub Jay preservation in the Enchanted Forest. Comprehensive Plan Amendment (CPA) No. 2009-1A amended the Future Land Use Map to change the land use designation on this property from the Residential Future Land Use designation to the Conservation Future Land Use designation. The zoning was not amended as part of CPA 2009-1A. Staff notified Brevard County of the rezoning, and received a completed Owners Authorization Form. The County did not express any concerns with the proposed rezoning of this property from R-3 to OR.

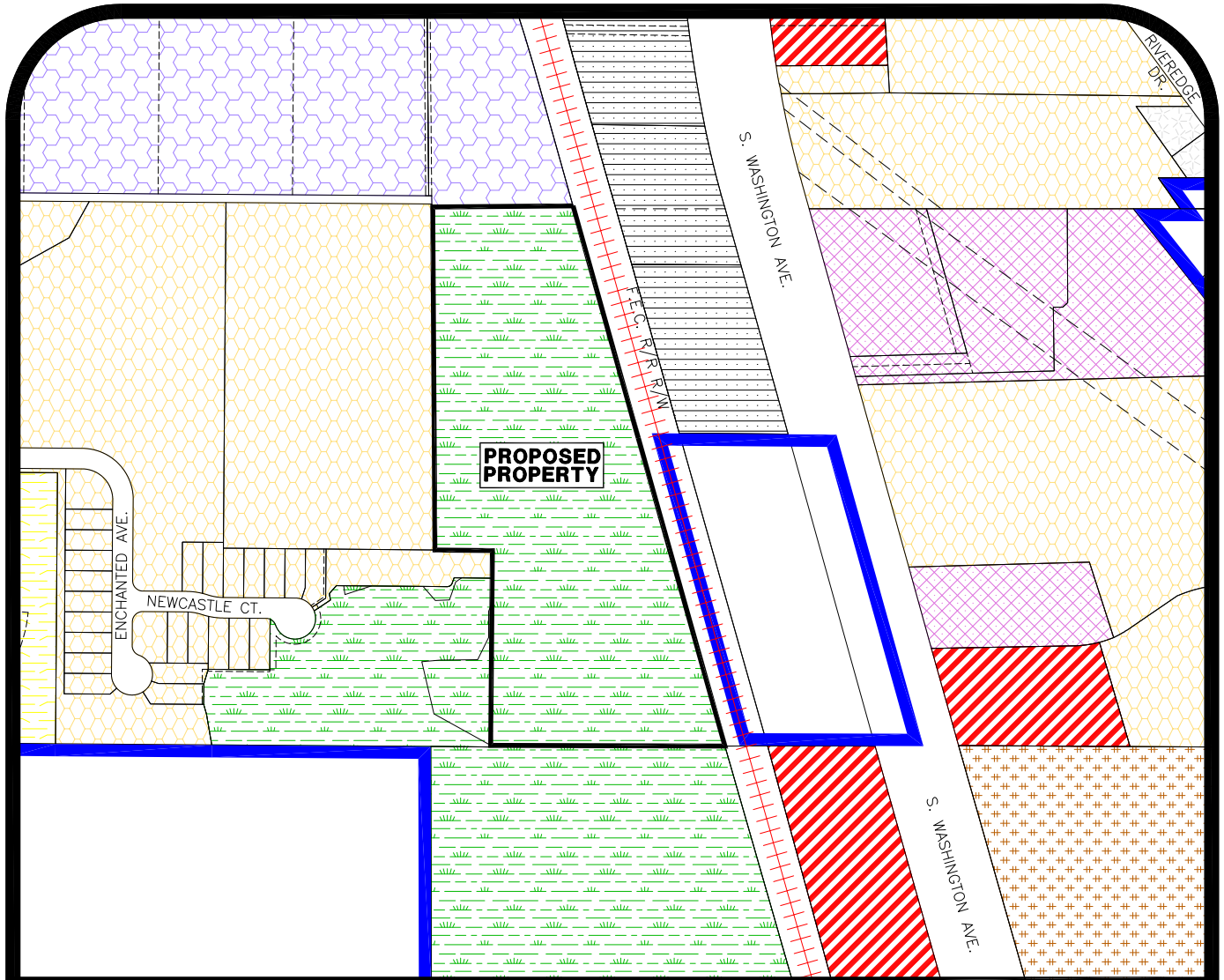
Staff requests that the property be rezoned to Open Space and Recreation (OR). The requested rezoning is compatible with the surrounding areas and will bring the zoning into conformance with the Future Land Use designation. This property is not within a flood designation on the FEMA Flood Zone map.

**Rezoning Criteria**


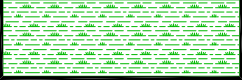

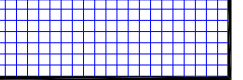



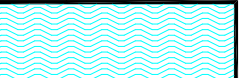


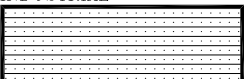





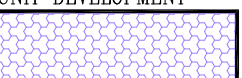


The rezoning is compatible with the surrounding areas and is consistent with the Objectives and Policies of the comprehensive plan, including all the review criteria specified in Sections 47-102(c) “Rezoning [Criteria]” of the Land Development Code. No development is proposed, and the use of the property will remain the same.

**Recommendation**

The staff recommends approval of REZ No. 3-2015 E to rezone from the Multi Family High Density (R-3) zoning classification to the Open Space and Recreation (OR) zoning classification.



## EXISTING FUTURE LAND USE MAP REZONING-#3-2015-E

URBAN-MIXED-USE 	CONSERVATION 	RECREATIONAL 	DOWNTOWN MIXED-USE 	RESIDENTIAL HIGH-DENSITY 
SHORELINE-MIXED-USE 	EDUCATIONAL 	PUBLIC/SEMI PUBLIC 	COMMERCIAL HIGH INTENSITY 	RESIDENTIAL MEDIUM-DENSITY 
INDUSTRIAL 	PLANNED INDUSTRIAL PARK 	COMMERCIAL LOW INTENSITY 	REGIONAL MIXED USE 	RESIDENTIAL LOW-DENSITY 
	U.S.#1 CORRIDOR 	PLANNED UNIT DEVELOPMENT 	RESIDENTIAL ONE 	RESIDENTIAL TWO 



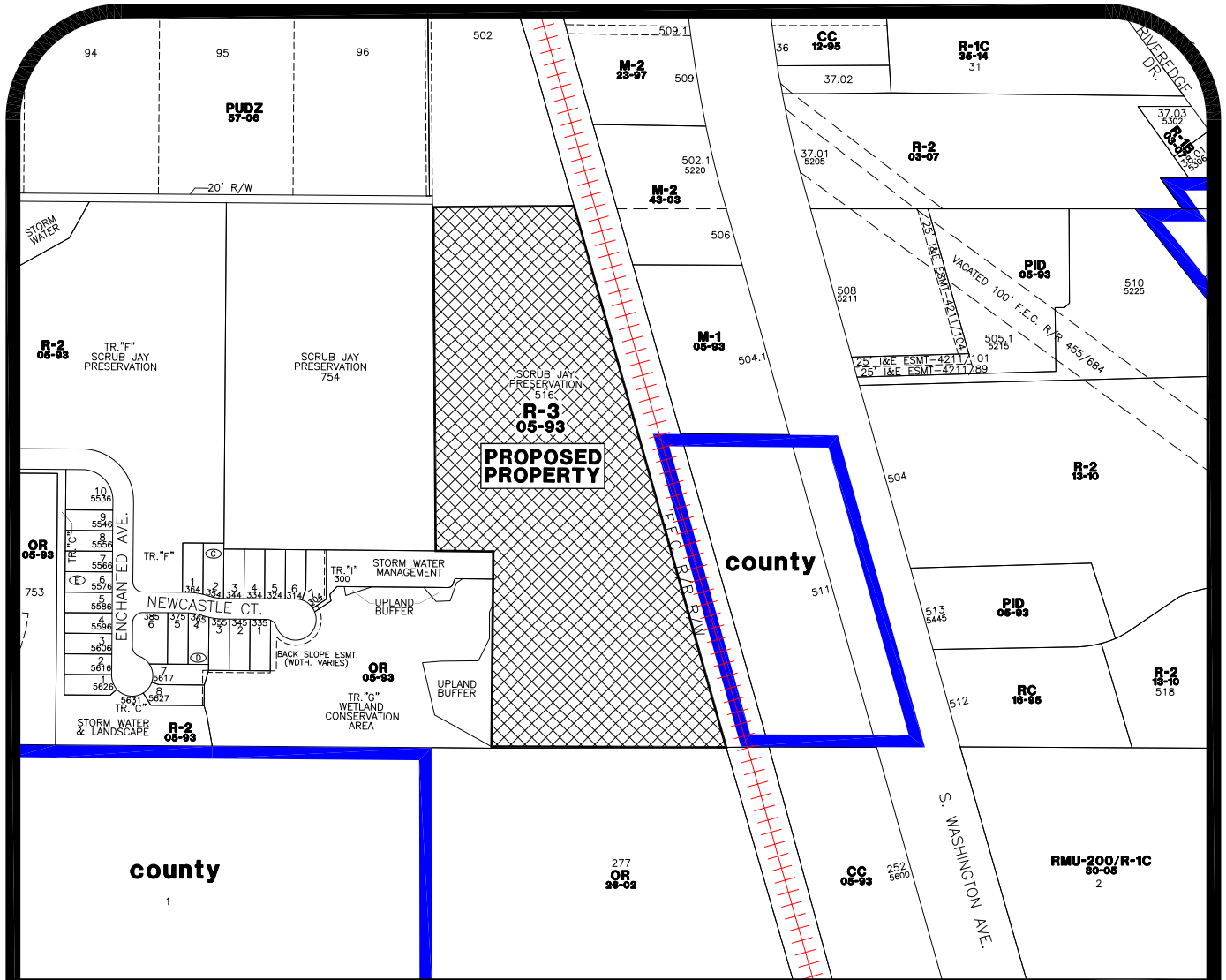
FLORIDA EAST COAST R/R

CITY LIMITS LINE

REZONING-#3-2015-E.DWG

CITY OF TITUSVILLE ● P.O. BOX 2806 ● TITUSVILLE, FLORIDA 32781-2806





# EXISTING ZONING MAP

## REZONING-#3-2015-E

### RESIDENTIAL DISTRICTS

- RE RESIDENTIAL ESTATES
- RR RURAL RESIDENTIAL
- R-1A SINGLE FAMILY, LOW DENSITY
- R-1B SINGLE FAMILY, MEDIUM DENSITY
- R-1C SINGLE FAMILY, HIGH DENSITY
- R-2 MULTIFAMILY, MEDIUM DENSITY
- R-3 MULTIFAMILY, HIGH DENSITY
- RMH-1 RESIDENTIAL MANUFACTURED HOUSING SUBDIVISION
- RMH-2 RESIDENTIAL MANUFACTURED HOUSING PARK

### COMMERCIAL DISTRICTS

- HM HOSPITAL MEDICAL
- T TOURIST
- NC NEIGHBORHOOD COMMERCIAL
- CC COMMUNITY COMMERCIAL
- RC REGIONAL COMMERCIAL
- OP OFFICE PROFESSIONAL
- CM COMMERCIAL MARINE

### SPECIAL DISTRICTS

- GU GENERAL USE
- OR OPEN SPACE AND RECREATION
- CBD CENTRAL BUSINESS DISTRICT
- UMU URBAN MIXED USE
- SMU SHORELINE MIXED USE
- RHP RESIDENTIAL HISTORIC PROPERTIES
- RMU REGIONAL MIXED USE
- PUDZ PLANNED UNIT DEVELOPMENT ZONING
- SA STUDY AREA
- P PUBLIC
- UV URBAN VILLAGE
- DMU DOWNTOWN MIXED USE
- IRCN-R INDIAN RIVER CITY NEIGHBORHOOD RESIDENTIAL
- IRCN-C INDIAN RIVER CITY NEIGHBORHOOD COMMERCIAL

### INDUSTRIAL DISTRICTS

- M-1 LIGHT INDUSTRIAL SERVICES AND WAREHOUSING
- M-2 HEAVY INDUSTRIAL
- M-3 HIGHWAY INDUSTRIAL INFILL
- PID PLANNED INDUSTRIAL DEVELOPMENT

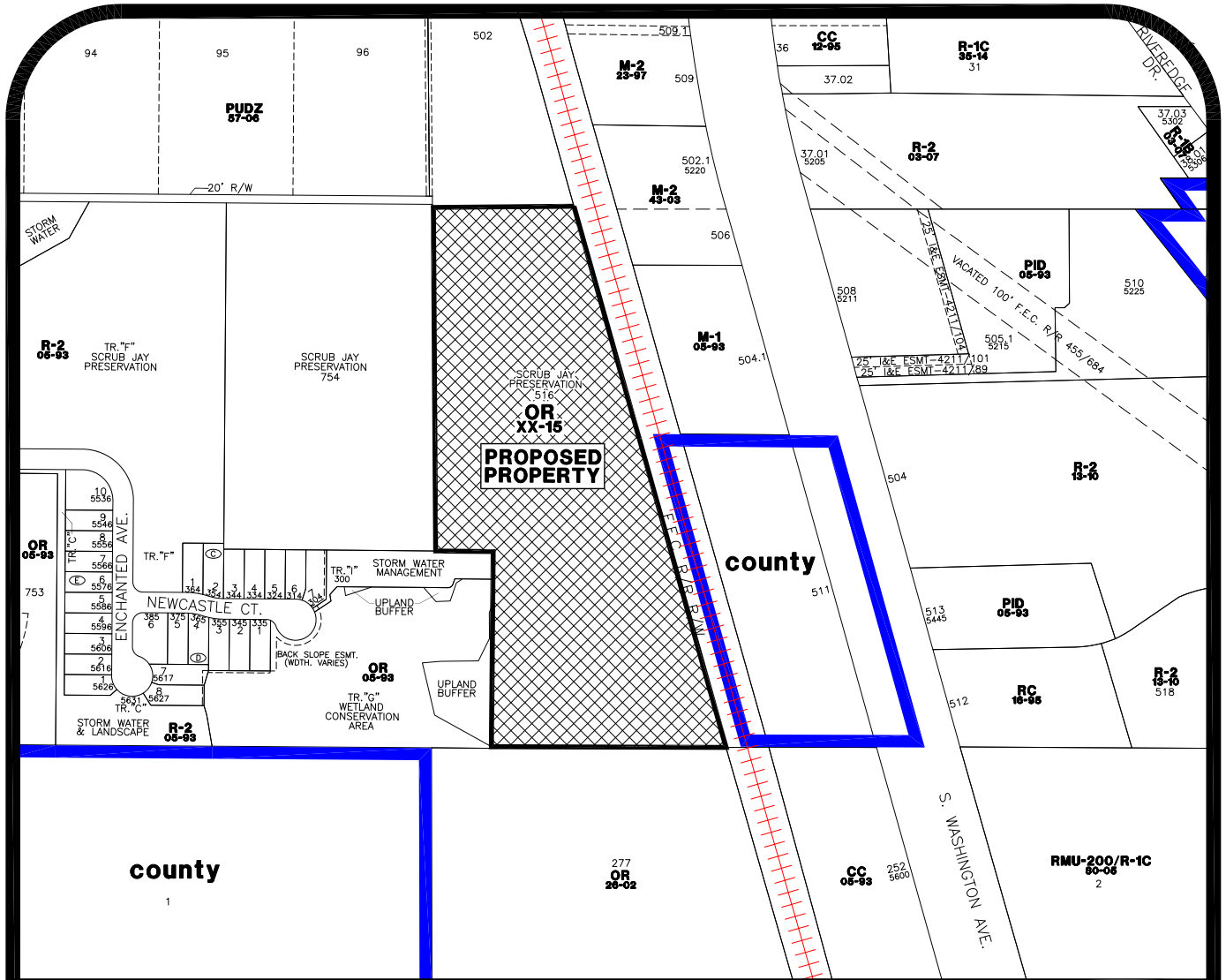
### OVERLAY DISTRICTS

- TSA TITUSVILLE SHORELINE AREA
- AIA AIRPORT IMPACT AREA
- WCA WETLAND AND CONSERVATION AREAS
- ACC AREA OF CRITICAL CONCERN
- FPA FLOOD PLAIN AREA
- HPA HISTORIC PRESERVATION AREA



REZONING-#3-2015-E.DWG

CITY OF TITUSVILLE ● P.O. BOX 2806 ● TITUSVILLE, FLORIDA 32781-2806



# PROPOSED ZONING MAP

## REZONING-#3-2015-E

### RESIDENTIAL DISTRICTS

- RE RESIDENTIAL ESTATES
- RR RURAL RESIDENTIAL
- R-1A SINGLE FAMILY, LOW DENSITY
- R-1B SINGLE FAMILY, MEDIUM DENSITY
- R-1C SINGLE FAMILY, HIGH DENSITY
- R-2 MULTIFAMILY, MEDIUM DENSITY
- R-3 MULTIFAMILY, HIGH DENSITY
- RMH-1 RESIDENTIAL MANUFACTURED HOUSING SUBDIVISION
- RMH-2 RESIDENTIAL MANUFACTURED HOUSING PARK

### COMMERCIAL DISTRICTS

- HM HOSPITAL MEDICAL
- T TOURIST
- NC NEIGHBORHOOD COMMERCIAL
- CC COMMUNITY COMMERCIAL
- RC REGIONAL COMMERCIAL
- OP OFFICE PROFESSIONAL
- CM COMMERCIAL MARINE

### SPECIAL DISTRICTS

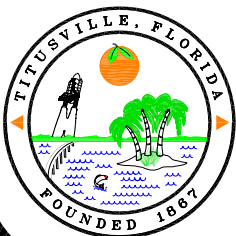
- GU GENERAL USE
- OR OPEN SPACE AND RECREATION
- CBD CENTRAL BUSINESS DISTRICT
- UMU URBAN MIXED USE
- SMU SHORELINE MIXED USE
- RHP RESIDENTIAL HISTORIC PROPERTIES
- RMU REGIONAL MIXED USE
- PUDZ PLANNED UNIT DEVELOPMENT ZONING
- SA STUDY AREA
- P PUBLIC
- UV URBAN VILLAGE
- DMU DOWNTOWN MIXED USE
- IRCN-R INDIAN RIVER CITY NEIGHBORHOOD RESIDENTIAL
- IRCN-C INDIAN RIVER CITY NEIGHBORHOOD COMMERCIAL

### INDUSTRIAL DISTRICTS

- M-1 LIGHT INDUSTRIAL SERVICES AND WAREHOUSING
- M-2 HEAVY INDUSTRIAL
- M-3 HIGHWAY INDUSTRIAL INFILL
- PID PLANNED INDUSTRIAL DEVELOPMENT

### OVERLAY DISTRICTS

- TSA TITUSVILLE SHORELINE AREA
- AIA AIRPORT IMPACT AREA
- WCA WETLAND AND CONSERVATION AREAS
- ACC AREA OF CRITICAL CONCERN
- FPA FLOOD PLAIN AREA
- HPA HISTORIC PRESERVATION AREA



REZONING-#3-2015-E.DWG

CITY OF TITUSVILLE ● P.O. BOX 2806 ● TITUSVILLE, FLORIDA 32781-2806



# City of Titusville Staff Report

## REZONING (REZ) NO. 3-2015 F

**Meeting Dates:** *First Reading:* August 11, 2015  
*Planning and Zoning Commission:* August 19, 2015  
*Public Hearing/Second Reading:* August 25, 2015

**Prepared By:** Trevor Traphagen, Senior Planner

**Applicant(s):** City of Titusville

**Applicant's Request:** Rezone property from Community Commercial (CC) zoning to Multi Family High Density (R-3) zoning to make the zoning consistent with the Future Land Use designation.

**Staff Recommendation:** Approve the ordinance to amend the zoning map.

### Background Information

On November 26, 2013, the City Council approved advisability for staff to bring forward possible errors on the future land use and/or zoning map, as they are discovered, for consideration. This City initiated rezoning application No 3-2015 F will rectify an inconsistency on an approximately 0.14 acres of property owned by The Meadows East Association. The subject area is located on Meade Lane, adjacent to Cheney Highway. The request proposes to rezone the 0.14 acres from the Community Commercial (CC) zoning district to the Multi Family High Density (R-3) zoning district on Meade Lane, the roadway leading into The Meadows East townhouse development.

### Property Information

	Property Use	Future Land Use	Zoning
<b>Existing</b>	Access Road	High Density Residential	Community Commercial (CC)
<b>Proposed</b>	Access Road		Multi Family High Density (R-3)

### Surrounding Property Information

	Existing Use	Future Land Use	Zoning
<b>North</b>	Commercial (Vacant Retail Space)	Commercial High Intensity	Regional Commercial (RC)
<b>South</b>	Townhomes (The Meadows East)	High Density Residential	Multi Family High Density (R-3)
<b>East</b>	Commercial (Mixed)	Commercial Low Intensity	Community Commercial (CC)
<b>West</b>	Commercial (Restaurant)	Commercial Low Intensity	Community Commercial (CC)

**Staff Analysis**

The existing Meadows East Townhomes were developed in 1980's on an approximately 7.00 acre parcel located south of Cheney Highway. During the city-wide rezoning's in 1993, the Community Commercial (CC) zoning was incorrectly applied to the 0.14 acres of Meade Lane, which is a private roadway used to access the townhomes. The existing land use on Meade Lane is High Density Residential, which is inconsistent with the CC zoning currently on the property. Staff informed the owner of the City's intent to rezone the property. The City has not received a response or a proposal to expand the existing development or change the existing use of the property.

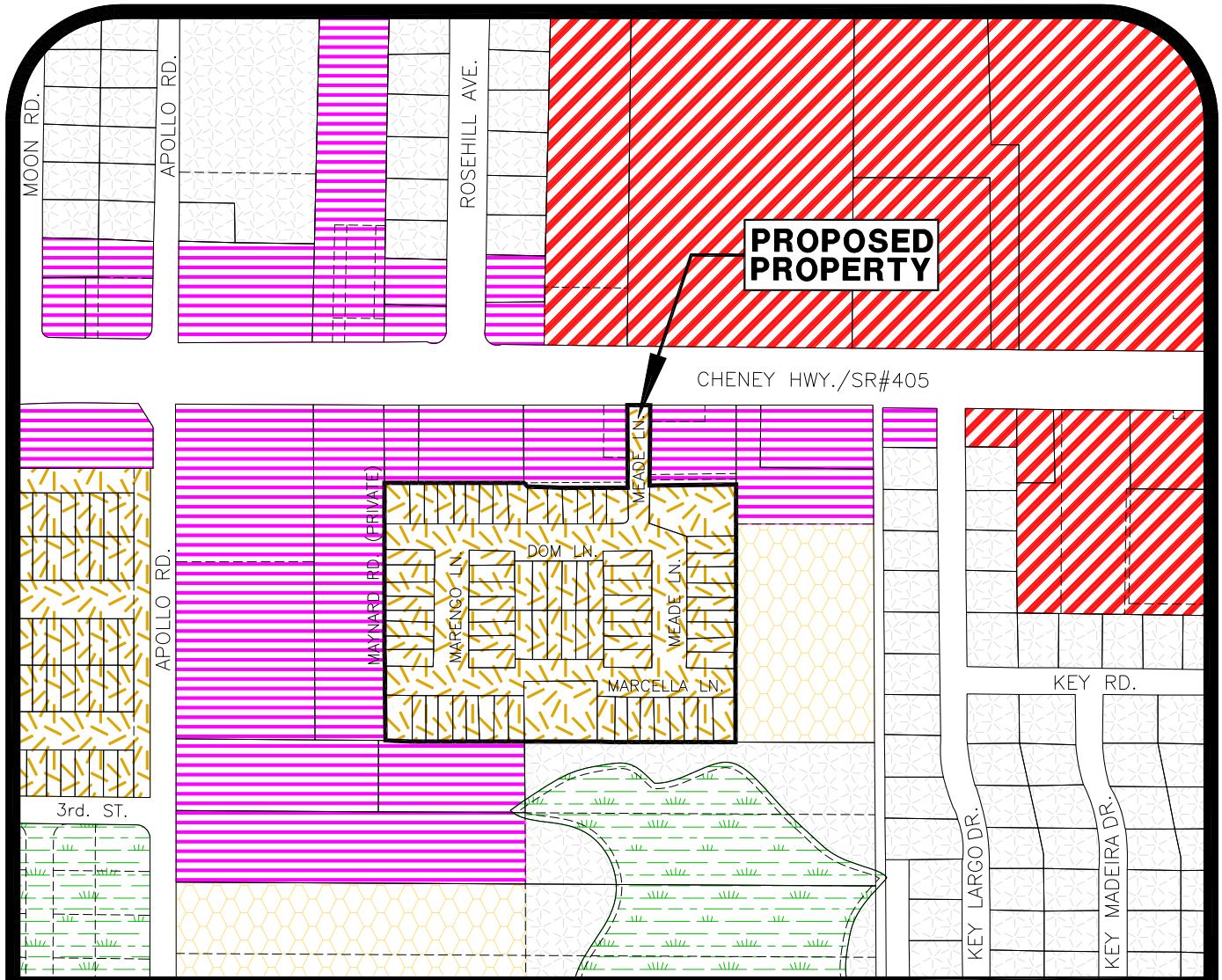
Staff requests that the property be rezoned to Multi Family High Density (R-3). The requested rezoning is compatible with the surrounding areas and will bring the zoning into conformance with the Future Land Use designation. This property is not within a flood designation on the FEMA Flood Zone map.

**Rezoning Criteria**

The rezoning is compatible with the surrounding areas and is consistent with the Objectives and Policies of the comprehensive plan, including all the review criteria specified in Sections 47-102(c) "Rezoning [Criteria]" of the Land Development Code. The existing development is not proposed to change and is served by public utilities.

**Recommendation**

The staff recommends approval of REZ No. 3-2015 F to rezone from the Community Commercial (CC) zoning classification to the Multi Family High Density (R-3) zoning classification.



**EXISTING FUTURE LAND USE MAP  
REZONING-#3-2015-F**

URBAN-MIXED-USE 	CONSERVATION 	RECREATIONAL 	DOWNTOWN MIXED-USE 	RESIDENTIAL HIGH-DENSITY 
SHORELINE-MIXED-USE 	EDUCATIONAL 	PUBLIC/SEMI PUBLIC 	COMMERCIAL HIGH INTENSITY 	RESIDENTIAL MEDIUM-DENSITY 
INDUSTRIAL 	PLANNED INDUSTRIAL PARK 	COMMERCIAL LOW INTENSITY 	REGIONAL MIXED USE 	RESIDENTIAL LOW-DENSITY 
	U.S.#1 CORRIDOR 	PLANNED UNIT DEVELOPMENT 	RESIDENTIAL ONE 	RESIDENTIAL TWO 

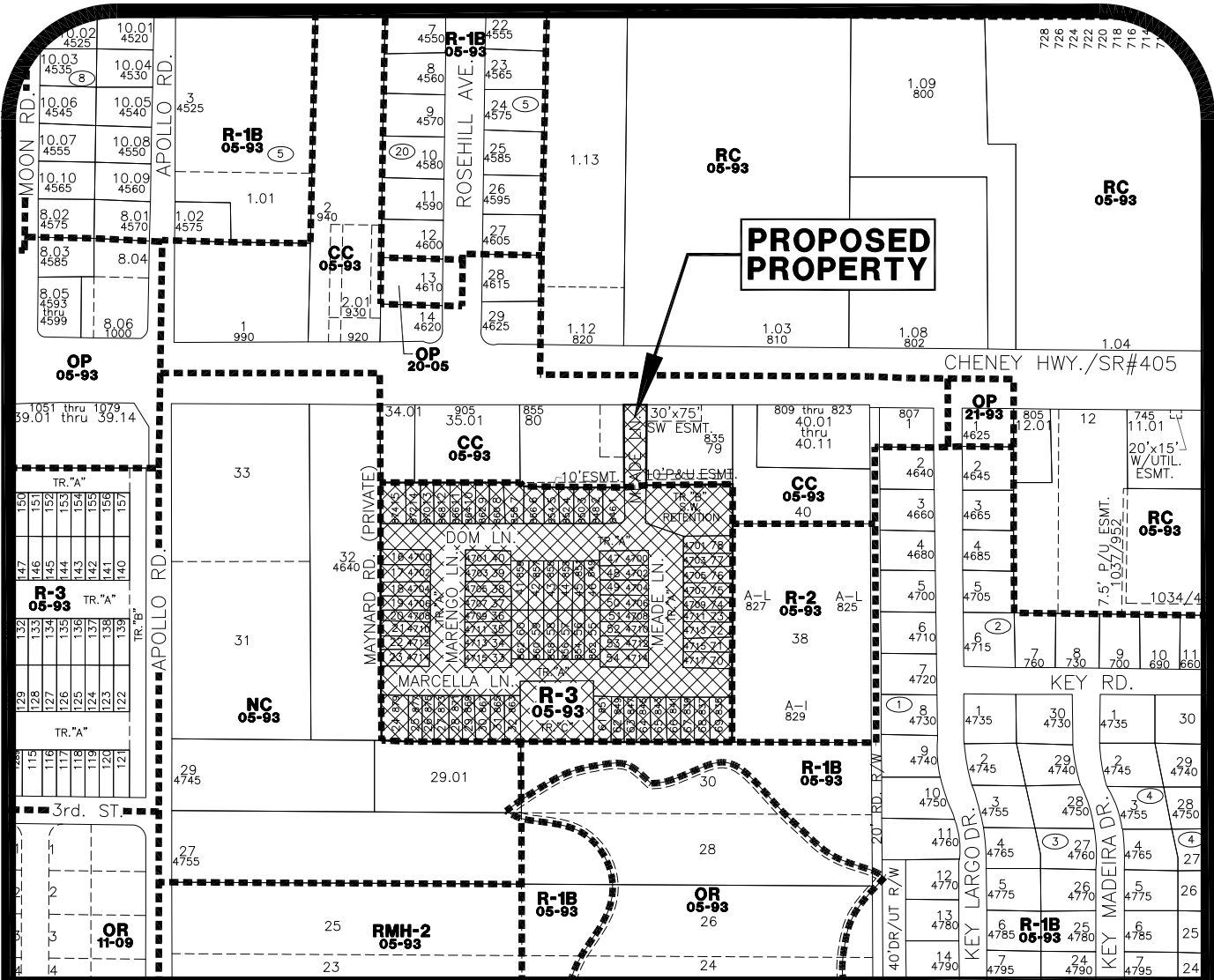


RZONING-#3-2015-F.DWG

FLORIDA EAST COAST R/R

CITY LIMITS LINE

CITY OF TITUSVILLE ● P.O. BOX 2806 ● TITUSVILLE, FLORIDA 32781-2806



# EXISTING ZONING MAP

## REZONING-#3-2015-F

### RESIDENTIAL DISTRICTS

- RE RESIDENTIAL ESTATES
- RR RURAL RESIDENTIAL
- R-1A SINGLE FAMILY, LOW DENSITY
- R-1B SINGLE FAMILY, MEDIUM DENSITY
- R-1C SINGLE FAMILY, HIGH DENSITY
- R-2 MULTIFAMILY, MEDIUM DENSITY
- R-3 MULTIFAMILY, HIGH DENSITY
- RMH-1 RESIDENTIAL MANUFACTURED HOUSING SUBDIVISION
- RMH-2 RESIDENTIAL MANUFACTURED HOUSING PARK

### COMMERCIAL DISTRICTS

- HM HOSPITAL MEDICAL
- T TOURIST
- NC NEIGHBORHOOD COMMERCIAL
- CC COMMUNITY COMMERCIAL
- RC REGIONAL COMMERCIAL
- OP OFFICE PROFESSIONAL
- CM COMMERCIAL MARINE

### SPECIAL DISTRICTS

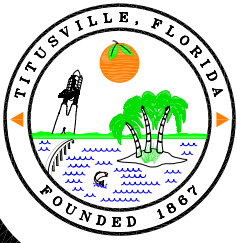
- GU GENERAL USE
- OR OPEN SPACE AND RECREATION
- CBD CENTRAL BUSINESS DISTRICT
- UMU URBAN MIXED USE
- SMU SHORELINE MIXED USE
- RHP RESIDENTIAL HISTORIC PROPERTIES
- RMU REGIONAL MIXED USE
- PUDZ PLANNED UNIT DEVELOPMENT ZONING
- SA STUDY AREA
- P PUBLIC
- UV URBAN VILLAGE
- DMU DOWNTOWN MIXED USE
- IRCN-R INDIAN RIVER CITY NEIGHBORHOOD RESIDENTIAL
- IRCN-C INDIAN RIVER CITY NEIGHBORHOOD COMMERCIAL

### INDUSTRIAL DISTRICTS

- M-1 LIGHT INDUSTRIAL SERVICES AND WAREHOUSING
- M-2 HEAVY INDUSTRIAL
- M-3 HIGHWAY INDUSTRIAL INFILL
- PID PLANNED INDUSTRIAL DEVELOPMENT

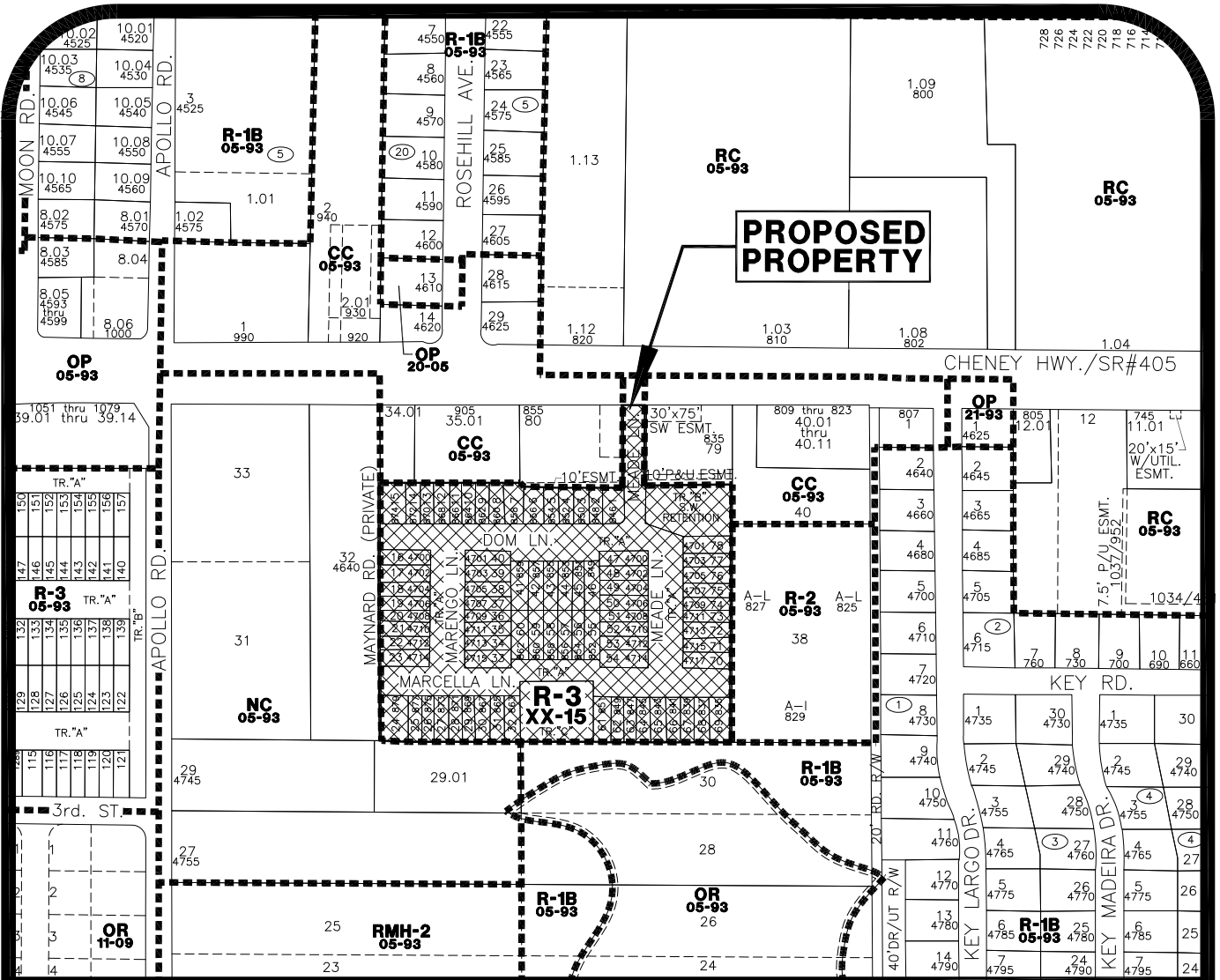
### OVERLAY DISTRICTS

- TSA TITUSVILLE SHORELINE AREA
- AIA AIRPORT IMPACT AREA
- WCA WETLAND AND CONSERVATION AREAS
- ACC AREA OF CRITICAL CONCERN
- FPA FLOOD PLAIN AREA
- HPA HISTORIC PRESERVATION AREA



REZONING-#3-2015-F.DWG

CITY OF TITUSVILLE ● P.O. BOX 2806 ● TITUSVILLE, FLORIDA 32781-2806



# PROPOSED ZONING MAP

## REZONING-#3-2015-F

### RESIDENTIAL DISTRICTS

- RE RESIDENTIAL ESTATES
- RR RURAL RESIDENTIAL
- R-1A SINGLE FAMILY, LOW DENSITY
- R-1B SINGLE FAMILY, MEDIUM DENSITY
- R-1C SINGLE FAMILY, HIGH DENSITY
- R-2 MULTIFAMILY, MEDIUM DENSITY
- R-3 MULTIFAMILY, HIGH DENSITY
- RMH-1 RESIDENTIAL MANUFACTURED HOUSING SUBDIVISION
- RMH-2 RESIDENTIAL MANUFACTURED HOUSING PARK

### COMMERCIAL DISTRICTS

- HM HOSPITAL MEDICAL
- T TOURIST
- NC NEIGHBORHOOD COMMERCIAL
- CC COMMUNITY COMMERCIAL
- RC REGIONAL COMMERCIAL
- OP OFFICE PROFESSIONAL
- CM COMMERCIAL MARINE

### SPECIAL DISTRICTS

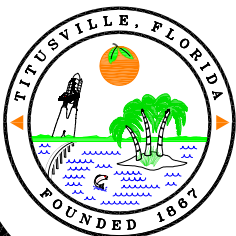
- GU GENERAL USE
- OR OPEN SPACE AND RECREATION
- CBD CENTRAL BUSINESS DISTRICT
- UMU URBAN MIXED USE
- SMU SHORELINE MIXED USE
- RHP RESIDENTIAL HISTORIC PROPERTIES
- RMU REGIONAL MIXED USE
- PUDZ PLANNED UNIT DEVELOPMENT ZONING
- SA STUDY AREA
- P PUBLIC
- UV URBAN VILLAGE
- DMU DOWNTOWN MIXED USE
- IRCN-R INDIAN RIVER CITY NEIGHBORHOOD RESIDENTIAL
- IRCN-C INDIAN RIVER CITY NEIGHBORHOOD COMMERCIAL

### INDUSTRIAL DISTRICTS

- M-1 LIGHT INDUSTRIAL SERVICES AND WAREHOUSING
- M-2 HEAVY INDUSTRIAL
- M-3 HIGHWAY INDUSTRIAL INFILL
- PID PLANNED INDUSTRIAL DEVELOPMENT

### OVERLAY DISTRICTS

- TSA TITUSVILLE SHORELINE AREA
- AIA AIRPORT IMPACT AREA
- WCA WETLAND AND CONSERVATION AREAS
- ACC AREA OF CRITICAL CONCERN
- FPA FLOOD PLAIN AREA
- HPA HISTORIC PRESERVATION AREA



REZONING-#3-2015-F.DWG

CITY OF TITUSVILLE ● P.O. BOX 2806 ● TITUSVILLE, FLORIDA 32781-2806



# City of Titusville Staff Report

## REZONING (REZ) NO. 3-2015 G

**Meeting Dates:** *First Reading:* August 11, 2015  
*Planning and Zoning Commission:* August 19, 2015  
*Public Hearing/Second Reading:* August 25, 2015

**Prepared By:** Trevor Traphagen, Senior Planner

**Applicant(s):** City of Titusville

**Applicant's Request:** Rezone property from Community Commercial (CC) zoning to Tourist (T) zoning to make the zoning consistent with the Future Land Use designation.

**Staff Recommendation:** Approve the ordinance to amend the zoning map.

### Background Information

On November 26, 2013, the City Council approved advisability for staff to bring forward possible errors on the future land use and/or zoning map, as they are discovered, for consideration. This City initiated rezoning application No 3-2015 G will rectify an inconsistency on a portion of property owned by Margaret Kreusser. The subject property is located on Washington Avenue, north of Pinedo Drive. The request proposes to rezone the property from the Community Commercial (CC) zoning district to the Tourist (T) zoning classification.

### Property Information

	Property Use	Future Land Use	Zoning
Existing	Motel	Commercial High Intensity	Tourist (T) and Community Commercial (CC)
Proposed	Access Road		Tourist (T)

### Surrounding Property Information

	Existing Use	Future Land Use	Zoning
North	Commercial Retail (Hardware Store)	Commercial High Intensity	Regional Commercial (RC)
South	Commercial Office (Engineering Office)	Commercial High Intensity	Community Commercial (CC)
East	Commercial (Restaurant)	Shoreline Mixed Use	Shoreline Mixed Use (SMU)
West	Residential (Multifamily)	Commercial High Intensity	Community Commercial (CC)



**Staff Analysis**

The existing hotel was built in the 1950's on an approximately 0.37 acre parcel located on South Washington Avenue, north of Pinedo Drive. During the city-wide rezoning's in 1993, the parcel was split zoned with Tourist (T) and Community Commercial (CC) zoning classifications. The existing CC zoning on the southern portion of the parcel was incorrectly placed on the property. Staff informed the owner of the City's intent to rezone the property, was contacted by the owner and addressed their concerns. The City has not received a response or a proposal to expand the existing development or change the existing use of the property.

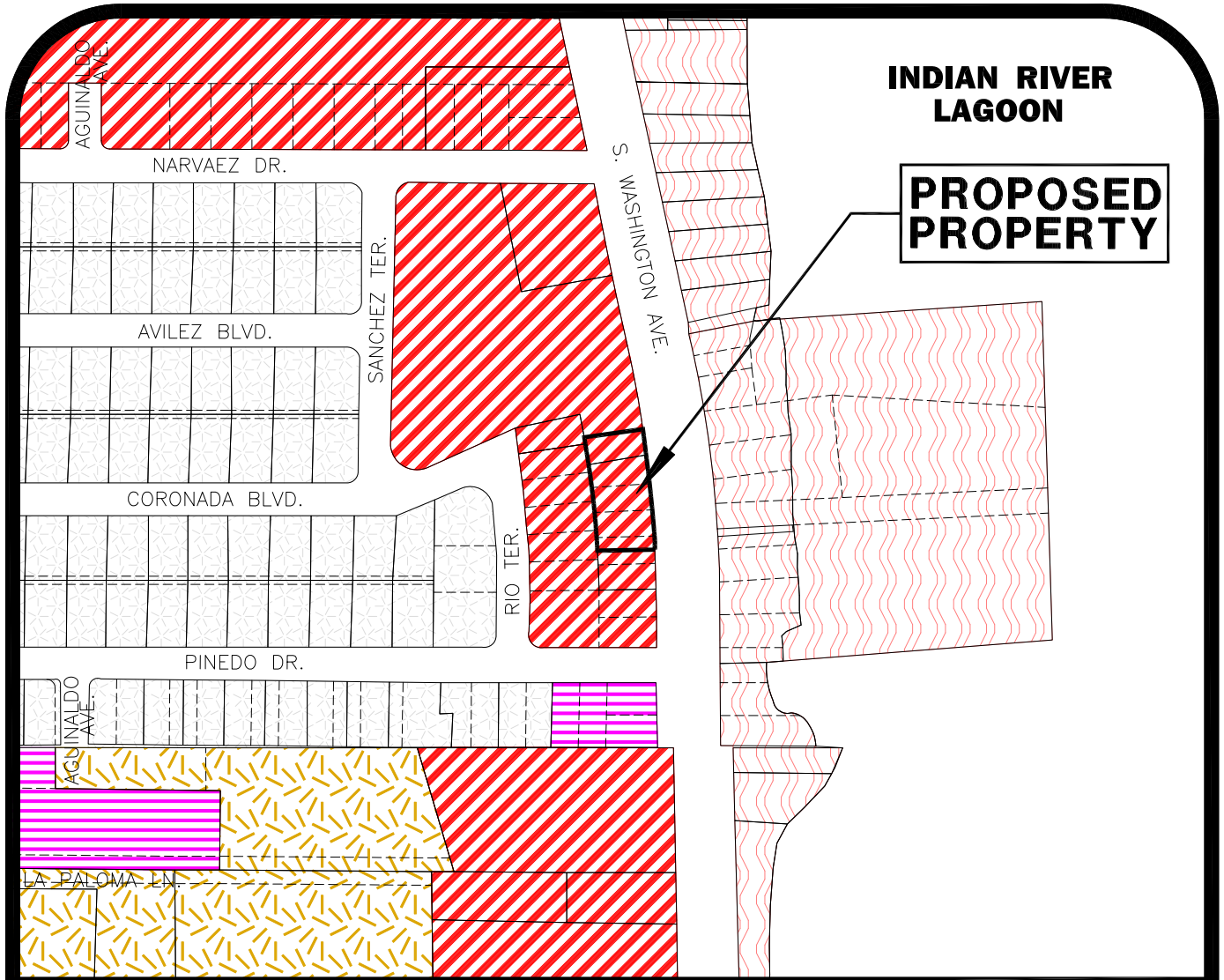
Staff requests that the property be rezoned to Tourist (T) zoning. The requested rezoning is compatible with the surrounding areas and will bring the existing use of the motel into conformance with the zoning classification. This property is not within a flood designation on the FEMA Flood Zone map.

**Rezoning Criteria**

The rezoning is compatible with the surrounding areas and is consistent with the Objectives and Policies of the comprehensive plan, including all the review criteria specified in Sections 47-102(c) "Rezoning [Criteria]" of the Land Development Code. The existing development is not proposed to change and is served by public utilities.

**Recommendation**

The staff recommends approval of REZ No. 3-2015 G to rezone from the Community Commercial (CC) zoning classification to the Tourist (T) zoning classification.



**EXISTING FUTURE LAND USE MAP  
REZONING-#3-2015-G**

URBAN-MIXED-USE 	CONSERVATION 	RECREATIONAL 	DOWNTOWN MIXED-USE 	RESIDENTIAL HIGH-DENSITY 
SHORELINE-MIXED-USE 	EDUCATIONAL 	PUBLIC/SEMI PUBLIC 	COMMERCIAL HIGH INTENSITY 	RESIDENTIAL MEDIUM-DENSITY 
INDUSTRIAL 	PLANNED INDUSTRIAL PARK 	COMMERCIAL LOW INTENSITY 	REGIONAL MIXED USE 	RESIDENTIAL LOW-DENSITY 
	U.S.#1 CORRIDOR 	PLANNED UNIT DEVELOPMENT 	RESIDENTIAL ONE 	RESIDENTIAL TWO 

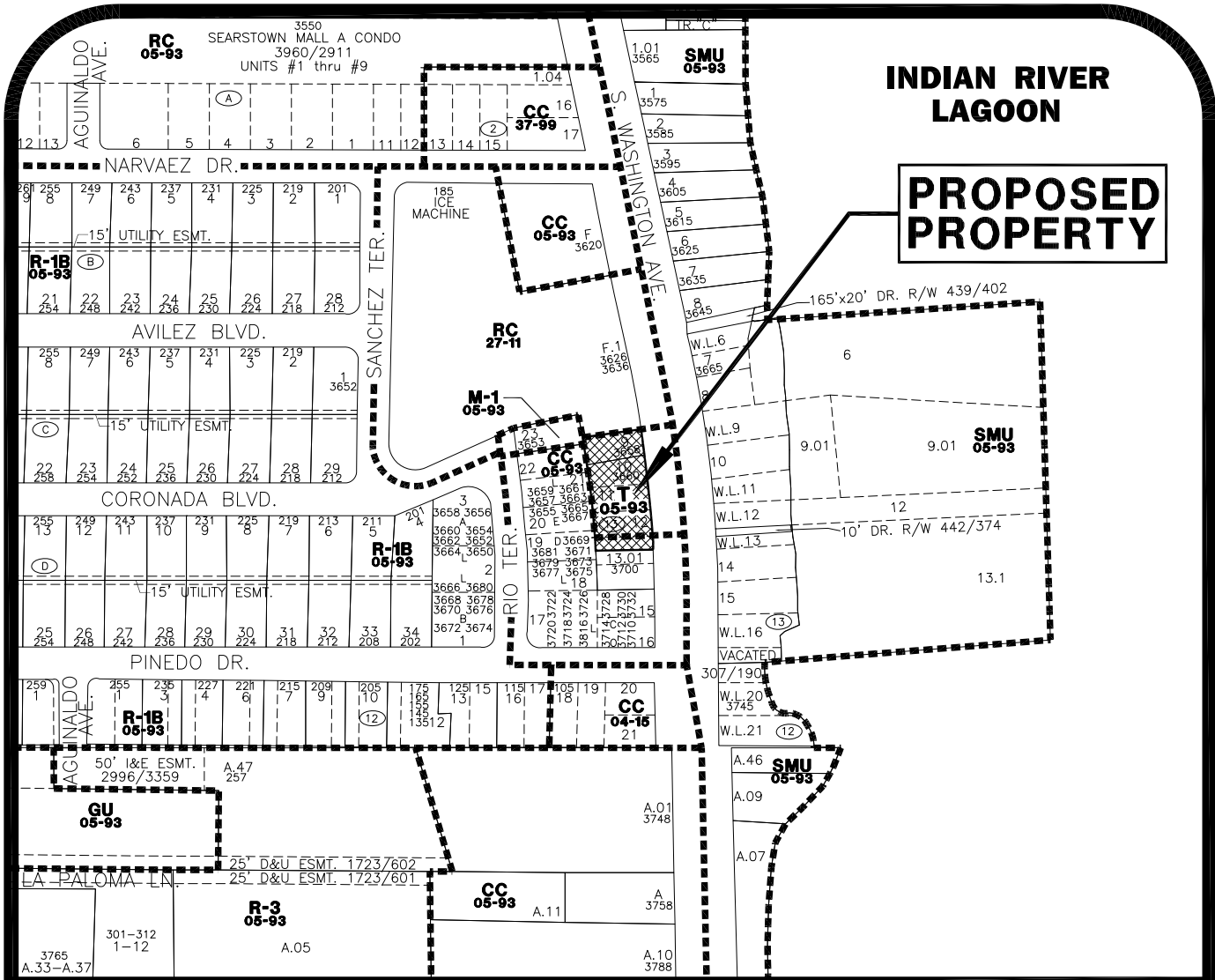


REZONING-#3-2015-G LANDUSE.DWG

FLORIDA EAST COAST R/R

CITY LIMITS LINE

CITY OF TITUSVILLE ● P.O. BOX 2806 ● TITUSVILLE, FLORIDA 32781-2806



# EXISTING ZONING MAP

## REZONING-#3-2015-G

### RESIDENTIAL DISTRICTS

- RE RESIDENTIAL ESTATES
- RR RURAL RESIDENTIAL
- R-1A SINGLE FAMILY, LOW DENSITY
- R-1B SINGLE FAMILY, MEDIUM DENSITY
- R-1C SINGLE FAMILY, HIGH DENSITY
- R-2 MULTIFAMILY, MEDIUM DENSITY
- R-3 MULTIFAMILY, HIGH DENSITY
- RMH-1 RESIDENTIAL MANUFACTURED HOUSING SUBDIVISION
- RMH-2 RESIDENTIAL MANUFACTURED HOUSING PARK

### COMMERCIAL DISTRICTS

- HM HOSPITAL MEDICAL
- T TOURIST
- NC NEIGHBORHOOD COMMERCIAL
- CC COMMUNITY COMMERCIAL
- RC REGIONAL COMMERCIAL
- OP OFFICE PROFESSIONAL
- CM COMMERCIAL MARINE

### SPECIAL DISTRICTS

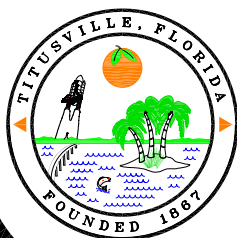
- GU GENERAL USE
- OR OPEN SPACE AND RECREATION
- CBD CENTRAL BUSINESS DISTRICT
- UMU URBAN MIXED USE
- SMU SHORELINE MIXED USE
- RHP RESIDENTIAL HISTORIC PROPERTIES
- RMU REGIONAL MIXED USE
- PUDZ PLANNED UNIT DEVELOPMENT ZONING
- SA STUDY AREA
- P PUBLIC
- UV URBAN VILLAGE
- DMU DOWNTOWN MIXED USE
- IRCNR INDIAN RIVER CITY NEIGHBORHOOD RESIDENTIAL
- IRCNC INDIAN RIVER CITY NEIGHBORHOOD COMMERCIAL

### INDUSTRIAL DISTRICTS

- M-1 LIGHT INDUSTRIAL SERVICES AND WAREHOUSING
- M-2 HEAVY INDUSTRIAL
- M-3 HIGHWAY INDUSTRIAL INFILL
- PID PLANNED INDUSTRIAL DEVELOPMENT

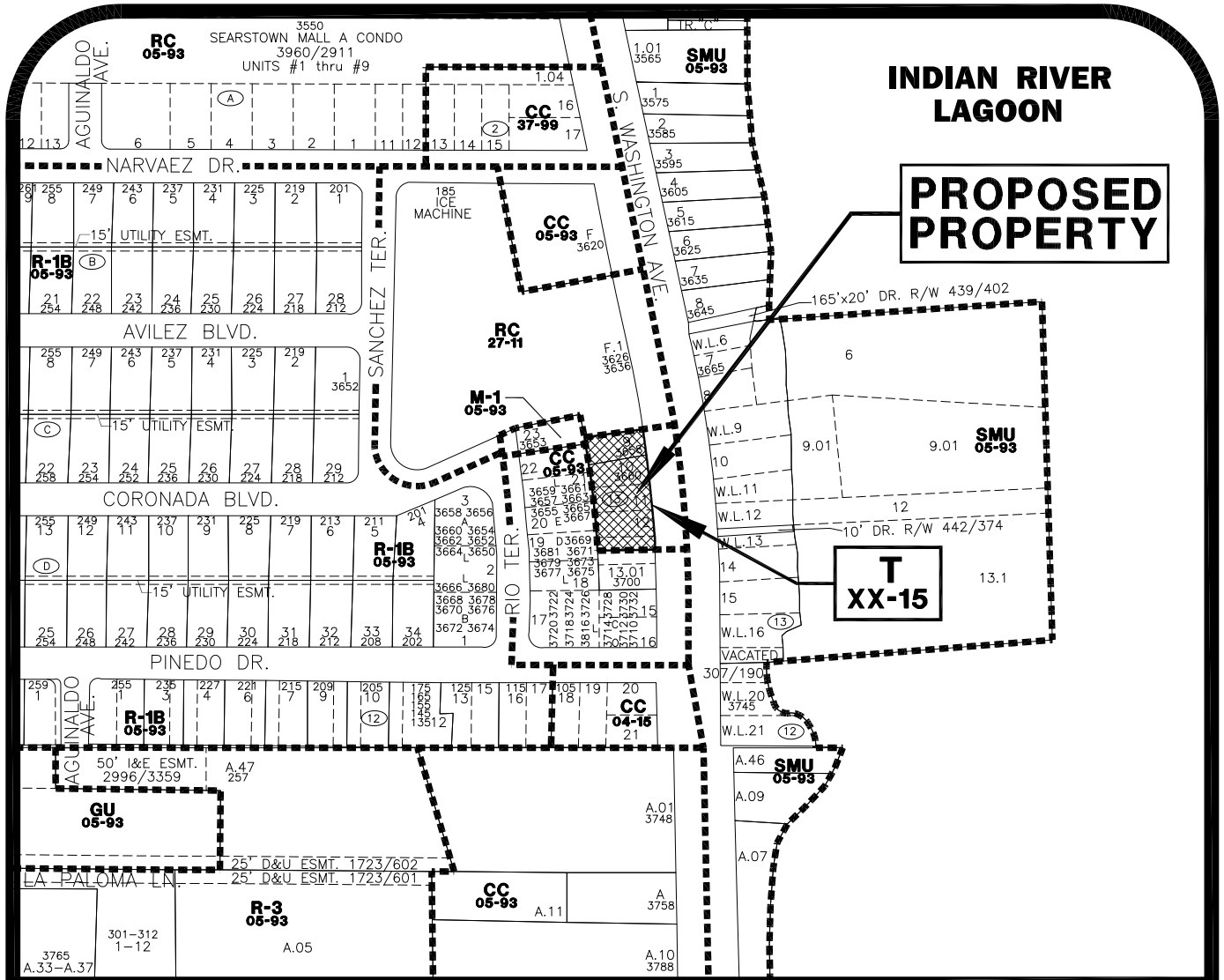
### OVERLAY DISTRICTS

- TSA TITUSVILLE SHORELINE AREA
- AIA AIRPORT IMPACT AREA
- WCA WETLAND AND CONSERVATION AREAS
- ACC AREA OF CRITICAL CONCERN
- FPA FLOOD PLAIN AREA
- HPA HISTORIC PRESERVATION AREA



REZONING-#3-2015-G.DWG

CITY OF TITUSVILLE ● P.O. BOX 2806 ● TITUSVILLE, FLORIDA 32781-2806



# PROPOSED ZONING MAP

## REZONING-#3-2015-G

### RESIDENTIAL DISTRICTS

- RE RESIDENTIAL ESTATES
- RR RURAL RESIDENTIAL
- R-1A SINGLE FAMILY, LOW DENSITY
- R-1B SINGLE FAMILY, MEDIUM DENSITY
- R-1C SINGLE FAMILY, HIGH DENSITY
- R-2 MULTIFAMILY, MEDIUM DENSITY
- R-3 MULTIFAMILY, HIGH DENSITY
- RMH-1 RESIDENTIAL MANUFACTURED HOUSING SUBDIVISION
- RMH-2 RESIDENTIAL MANUFACTURED HOUSING PARK

### COMMERCIAL DISTRICTS

- HM HOSPITAL MEDICAL
- T TOURIST
- NC NEIGHBORHOOD COMMERCIAL
- CC COMMUNITY COMMERCIAL
- RC REGIONAL COMMERCIAL
- OP OFFICE PROFESSIONAL
- CM COMMERCIAL MARINE

### SPECIAL DISTRICTS

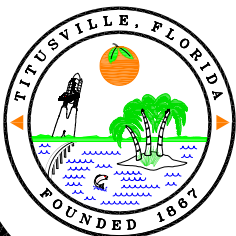
- GU GENERAL USE
- OR OPEN SPACE AND RECREATION
- CBD CENTRAL BUSINESS DISTRICT
- UMU URBAN MIXED USE
- SMU SHORELINE MIXED USE
- RHP RESIDENTIAL HISTORIC PROPERTIES
- RMU REGIONAL MIXED USE
- PUDZ PLANNED UNIT DEVELOPMENT ZONING
- SA STUDY AREA
- P PUBLIC
- UV URBAN VILLAGE
- DMU DOWNTOWN MIXED USE
- IRCNR INDIAN RIVER CITY NEIGHBORHOOD RESIDENTIAL
- IRCNC INDIAN RIVER CITY NEIGHBORHOOD COMMERCIAL

### INDUSTRIAL DISTRICTS

- M-1 LIGHT INDUSTRIAL SERVICES AND WAREHOUSING
- M-2 HEAVY INDUSTRIAL
- M-3 HIGHWAY INDUSTRIAL INFILL
- PID PLANNED INDUSTRIAL DEVELOPMENT

### OVERLAY DISTRICTS

- TSA TITUSVILLE SHORELINE AREA
- AIA AIRPORT IMPACT AREA
- WCA WETLAND AND CONSERVATION AREAS
- ACC AREA OF CRITICAL CONCERN
- FPA FLOOD PLAIN AREA
- HPA HISTORIC PRESERVATION AREA



REZONING-#3-2015-G.DWG

CITY OF TITUSVILLE ● P.O. BOX 2806 ● TITUSVILLE, FLORIDA 32781-2806

**ORDINANCE NO. 28-2015**

**AN ORDINANCE AMENDING ORDINANCE NO. 5-1993 OF THE CITY OF TITUSVILLE, FLORIDA, BY AMENDING THE ZONING MAP MADE A PART OF SAID ORDINANCE BY REFERENCE BY AMENDING THE ZONING DESIGNATION ON THE FOLLOWING SEVEN PROPERTIES; BY CHANGING A 9.7 ACRE PROPERTY LOCATED EAST OF THE EASTERN TERMINUS OF JESS PARRISH COURT, BETWEEN THE FLORIDA EAST COAST RAILROAD AND THE INDIAN RIVER LAGOON, FROM ITS PRESENT HOSPITAL MEDICAL (HM) ZONING CLASSIFICATION TO THE OPEN SPACE AND RECREATION (OR) ZONING CLASSIFICATION; AND BY CHANGING A 2 ACRE PROPERTY LOCATED EAST OF THE EASTERN TERMINUS OF JESS PARRISH COURT BETWEEN THE FLORIDA EAST COAST RAILROAD AND THE INDIAN RIVER LAGOON, FROM ITS PRESENT HOSPITAL MEDICAL (HM) ZONING CLASSIFICATION TO THE OPEN SPACE AND RECREATION (OR) ZONING CLASSIFICATION; AND BY CHANGING A 1.26 ACRE PROPERTY LOCATED AT THE EASTERN TERMINUS OF BUFFALO ROAD BETWEEN THE FLORIDA EAST COAST RAILROAD AND THE INDIAN RIVER LAGOON FROM ITS PRESENT INDUSTRIAL (M-2) ZONING CLASSIFICATION TO THE OPEN SPACE AND RECREATION (OR) ZONING CLASSIFICATION; AND BY CHANGING A 0.14 ACRE PROPERTY LOCATED AT 2908 SOUTH HOPKINS AVENUE FROM ITS PRESENT LIGHT INDUSTRIAL SERVICES AND WAREHOUSING (M-1) ZONING CLASSIFICATION TO THE COMMUNITY COMMERCIAL (CC) ZONING CLASSIFICATION; AND BY CHANGING A 14 ACRE PROPERTY LOCATED IN THE ENCHANTED FOREST, EAST OF ENCHANTED AVENUE AND WEST OF THE FLORIDA EAST COAST RAILWAY FROM ITS PRESENT MULTIFAMILY HIGH DENSITY (R-3) ZONING CLASSIFICATION TO THE OPEN SPACE AND RECREATION (OR) ZONING CLASSIFICATION; AND BY CHANGING A 0.14 ACRE OF PROPERTY LOCATED ON MEADE LANE SOUTH OF CHENEY HIGHWAY FROM ITS PRESENT COMMUNITY COMMERCIAL (CC) ZONING CLASSIFICATION TO THE MULTIFAMILY HIGH DENSITY (R-3) ZONING CLASSIFICATION; AND BY CHANGING A 0.08 ACRE PROPERTY LOCATED AT 3660 SOUTH WASHINGTON AVENUE FROM ITS PRESENT COMMUNITY COMMERCIAL (CC) ZONING CLASSIFICATION TO THE TOURIST (T) ZONING CLASSIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF TITUSVILLE, FLORIDA, AS FOLLOWS:**

**Section 1.** Ordinance No. 5-1993 is hereby amended by amending the Zoning Map of the City of Titusville, Florida, made a part of said Ordinance by reference, by changing the zoning categories for each parcel attached hereto in the manner shown in Exhibits A-G:

***Identification:***

Exhibit A: Rezoning No. 3-2015-A	Change from HM to OR
Exhibit B: Rezoning No. 3-2015-B	Change from HM to OR
Exhibit C: Rezoning No. 3-2015-C	Change from M-2 to OR
Exhibit D: Rezoning No. 3-2015-D	Change from M-1 to CC
Exhibit E: Rezoning No. 3-2015-E	Change from R-3 to OR
Exhibit F: Rezoning No. 3-2015-F	Change from CC to R-3
Exhibit G: Rezoning No. 3-2015-G	Change from CC to T

**Section 2.** This Ordinance shall take effect immediately.

**PASSED AND ADOPTED** this \_\_\_\_\_ Day of \_\_\_\_\_, 2015

\_\_\_\_\_  
**James H. Tulley Jr., Mayor**

**ATTEST:**

\_\_\_\_\_  
**Wanda F. Wells, City Clerk**

**Exhibit A: Rezoning No. 3-2015-A**

THE PORTION OF PROPERTY AS DESCRIBED IN OFFICIAL RECORDS BOOK 2375, PAGE 0717 AND OFFICIAL RECORDS BOOK 2375, PAGE 0718 PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; LYING EAST OF THE FLORIDA EAST COAST RAILROAD AND WEST OF THE BULKHEAD LINE.

To rezone from the Hospital Medical (HM) zoning district to Open Space and Recreation (OR).

**Exhibit B: Rezoning No. 3-2015-B**

THE PORTION OF PROPERTY AS DESCRIBED IN OFFICIAL RECORDS BOOK 98, PAGE 63 PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; LYING EAST OF THE FLORIDA EAST COAST RAILROAD AND THE MEAN HIGH WATER LINE OF THE INDIAN RIVER LAGOON.

To rezone from the Hospital Medical (HM) zoning district to Open Space and Recreation (OR).



**Exhibit C: Rezoning No. 3-2015-C**

THE PORTION OF PROPERTY AS DESCRIBED IN OFFICIAL RECORDS BOOK 5490, PAGE 5910 PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; LYING EAST OF THE FLORIDA EAST COAST RAILROAD AND WEST OF THE MEAN HIGH WATER LINE OF THE INDIAN RIVER LAGOON.

To rezone from the Industrial (M-2) zoning district to Open Space and Recreation (OR).

**Exhibit D: Rezoning No. 3-2015-D**

PARCEL I: THE SOUTHERLY 50 FT. OF BLOCK 5, AS MEASURED ALONG HOPKINS AVENUE, AND PARALLEL TO THE SOUTHERLY LINE OF BLOCK 5, REPLAT OF ALHAMBRA VILLAS, AS RECORDED IN PLAT BOOK 10, PAGE 29, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

AND

PARCEL II: THAT PART OF LOT 1, BLOCK 5, AS RECORDED IN PLAT BOOK 1, PAGE 163, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, WEST OF WASHINGTON AVENUE AND NORTH OF CHARLES COURT, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 11, PAGE 92, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A LOT 126.6 FEET BY 136.1 FEET, BOUNDED ON THE NORTH BY ALHAMBRA VILLAS, AS RECORDED IN PLAT BOOK 7, PAGE 46, ON THE EAST BY WASHINGTON AVENUE, ON THE SOUTH BY LOT 9 OF CHARLES COURT, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 11, PAGE 92, ON THE WEST BY EAST RIGHT OF WAY LINE OF FLORIDA EAST COAST RAILROAD.

To rezone from the Light Industrial Services and Warehousing (M-1) zoning district to Community Commercial (CC).

**Exhibit E: Rezoning No. 3-2015-E**

A PORTION OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3183, PAGE 706 AND 707, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN SECTION 26 AND 27, TOWNSHIP 22 SOUTH, RANGE 35 EAST, OF SAID BREVARD COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 27; THENCE SOUTH 88 DEGREES 32 MINUTES 34 SECONDS EAST ALONG THE SOUTH LINE OF SAID SECTION 26, A DISTANCE OF 132.32 FEET TO THE POINT OF BEGINNING; THENCE NORTH 01 DEGREES 27 MINUTES 26 SECONDS EAST, A DISTANCE OF 478.49 FEET; THENCE NORTH 88 DEGREES 32 MINUTES 34 SECONDS WEST, A DISTANCE OF 655.24 FEET; THENCE NORTH 01 DEGREES 20 MINUTES 50 SECONDS EAST, A DISTANCE OF 841.66 FEET TO THE SOUTH RIGHT OF WAY LINE OF A 10 FOOT ROAD RIGHT OF WAY PER TITUSVILLE FRUIT AND FARMS LANDS CO., ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 29 OF THE SAID PUBLIC RECORDS OF BREVARD COUNTY; THENCE SOUTH 88 DEGREES 39 MINUTES 10 SECONDS EAST ALONG THE SOUTH RIGHT OF WAY LINE, A DISTANCE OF 505.54 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 27; THENCE SOUTH 88 DEGREES 30 MINUTES 31 SECONDS EAST LEAVING SAID EAST LINE, A DISTANCE OF 325.12 FEET TO THE WEST RIGHT OF WAY LINE OF FLORIDA EAST COAST RAIL ROAD; THENCE SOUTH 14 DEGREES 57 MINUTES 05 SECONDS EAST ALONG THE SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 1,377.01 FEET TO THE SOUTH LINE OF SAID SECTION 26; THENCE NORTH 88 DEGREES 32 MINUTES 34 SECONDS WEST ALONG SAID SOUTH LINE, A DISTANCE OF 562.78 FEET TO THE POINT OF BEGINNING.

To rezone from the Multifamily High Density Residential (R-3) zoning district to Open Space and Recreation (OR).

**Exhibit F: Rezoning No. 3-2015-F**

THE NORTHERN 149 FEET OF MEADE LANE, A 140 FOOT ROAD RIGHT OF WAY AND THE MAIN ENTRANCE INTO THE MEADOWS EAST SUBDIVISION AS RECORDED IN PLAT BOOK 34, AT PAGE 55 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

To rezone from the Community Commercial (CC) zoning district to Multifamily High Density Residential (R-3).

**Exhibit G: Rezoning No. 3-2015-G**

LOTS 9, 10, 11, 12, AND THE NORTH ½ OF LOT 13, BLOCK 13, DELESPINE COURTS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 4, PAGE 93, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

To rezone from the Community Commercial (CC) zoning district to Tourist (T).

City of Titusville  
"Gateway to Nature and Space"

**REPORT TO COUNCIL**

**To:** The Honorable Mayor and City Council  
**From:** William S. Larese, City Manager  
**Subject:** **Mayor's Report**  
**Department/Office:** City Clerk

**Recommended Action:**

Attached is the Mayor's Report.

**Summary Explanation & Background:**

NA

**Alternatives:**

NA

**Item Budgeted:**

NA

**Source/use of funds/Budget Book Page:**

NA

**Strategic Plan:**

**Strategic Plan Impact:**

NA

**ATTACHMENTS:**

Description	Upload Date	Type
<input type="checkbox"/> <a href="#">Mayor's Report</a>	8/4/2015	Backup Material



August 11, 2015

- **MISCELLANEOUS/ANNOUNCEMENTS**

July 29, 2015

- FDOT Public Kick-off Meeting

August 1, 2015

- 40 Days of Generosity Meeting

August 3, 2015

- Advocacy Committee Meeting, Palm Shores City Hall
- Arts & Algorithms Committee Meeting

August 6, 2015

- KBB Governance Meeting
- City Council Budget Workshop

August 7, 2015

- North Brevard Youth Coalition Meeting
- National Resources Leadership

August 9, 2015

- VFW Anniversary

August 10, 2015

- Arts & Algorithms Committee Meeting

August 11, 2015

- Economic Development Workshop

- **LETTERS FOR CITY COUNCIL APPROVAL - None**
- **AWARDS AND RECOGNITIONS PRESENTED - None**
- **PROCLAMATIONS – None**
- **CITY COUNCIL AUTHORIZATION - None**
- **TRAVEL EXPENSES FOR CITY COUNCIL APPROVAL - None**

City of Titusville  
"Gateway to Nature and Space"

**REPORT TO COUNCIL**

**To:** The Honorable Mayor and City Council  
**From:** William S. Larese, City Manager  
**Subject:** **City Manager's Report**  
**Department/Office:** City Manager

**Recommended Action:**

Attached is the City Manager's Report.

**Summary Explanation & Background:**

NA

**Alternatives:**

NA

**Item Budgeted:**

NA

**Source/use of funds/Budget Book Page:**

NA

**Strategic Plan:**

**Strategic Plan Impact:**

NA

**ATTACHMENTS:**

Description	Upload Date	Type
<input type="checkbox"/> <a href="#">City Manager's Report</a>	8/6/2015	Backup Material



**MEMORANDUM**

August 11, 2015

TO: The Honorable Mayor and City Council

FROM: Scott Larese, City Manager

SUBJECT: August 11, 2015 City Manager's Report

The following is my report for Council's regular meeting of August 11, 2015

**A. ACTION ITEMS**

**None to Report**

**B. INFORMATIONAL ITEMS**

1. **Building Better Communities Public Meetings**

In order to help determine the needs of the community and prioritize Community Development Block Grant (CDBG) funding for the next five years, the City needs Citizen input.

This is an opportunity for all residents to discuss what they think should be done for their neighborhood and the City as a whole.

The City will hold a second public meeting on Thursday, August 13, 2015 at 6:00 pm in City Hall to hear suggestions. Based upon citizen input, the City will develop the Consolidated Plan outlining the priority needs and strategies for meeting those needs for FY's 2016-2020. ALL RESIDENTS have the opportunity to be actively involved in the planning and development of programs for these funds.

<b>Special Meetings and Events</b>	
Building Better Communities Public Meeting	August 13, 2015 6:00 pm Council Chambers
FY 2016 Budget 1 <sup>st</sup> Public Hearing	September 9, 2015 Council Chambers 5:30 pm
FY 2016 Budget Final Public Hearing	September 22, 2015 Council Chambers 5:30 pm

City of Titusville  
"Gateway to Nature and Space"

**REPORT TO COUNCIL**

**To:** The Honorable Mayor and City Council  
**From:** Richard C. Broome, City Attorney  
**Subject:** **U.S. Supreme Court Decision in *Reed v. Town of Gilbert* Invalidating Town's Sign Ordinance**  
**Department/Office:** City Attorney

**Recommended Action:**

This is provided for information only.

**Summary Explanation & Background:**

Please see attached memo

**Alternatives:**

**Item Budgeted:**

NA

**Source/use of funds/Budget Book Page:**

**Strategic Plan:**

No. 2 – Economic Development

**Strategic Plan Impact:**

**ATTACHMENTS:**

	<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
<input type="checkbox"/>	<a href="#">Memo to Mayor and Council re-City's sign ordinance</a>	8/4/2015	Backup Material



# City of Titusville

"GATEWAY TO NATURE AND SPACE"

555 South Washington Avenue  
Titusville, FL 32796-3584  
Post Office Box 2806 (32781-2806)

Richard C. Broome, City Attorney  
Chelsea A. Farrell, Assistant City Attorney  
Phone: (321) 383-5693  
Fax: (321) 383-5694

---

---

## INTEROFFICE MEMORANDUM

---

---

**TO:** Honorable Mayor and Council

**FROM:** Richard C. Broome, City Attorney *RCS*

**SUBJECT:** U.S. Supreme Court decision in *Reed v. Town of Gilbert*  
Invalidating City's sign ordinance

**DATE:** August 4, 2015

On June 18, 2015, the U.S. Supreme Court issued an opinion finding the Town of Gilbert Arizona's sign regulations unconstitutional. The Court's opinion will require virtually every municipality in the country to reevaluate their sign regulations and make appropriate revisions.

In Gilbert, Arizona a church pastor sued the Town with regard to its regulations of temporary directionally signs, i.e. signs directing people to church services. The Town's sign ordinance imposed differing restrictions on the size, duration and location of different types of temporary signs including "political signs", "ideological signs" (free expression) and "directional signs relating to a qualifying event" such as a religious, charitable, or community events. The Court found that the Town's sign code was an unconstitutional, content-based regulation on its face as it defined categories of signs on the basis of their speech or message and then subjected each category to different restrictions.

City Council Regular - August 11, 2015 - 6:30 PM

Honorable Mayor and Council

Re: U.S. Supreme Court case *Reed v. Town of Gilbert*

August 4, 2015

Page 2 of 2

Content based laws, those that target speech based on its communicative content are presumptively unconstitutional and will be subject to a “strict scrutiny” analysis by the Court. The Court found that the sign code did not survive a “strict scrutiny” analysis as the Town could not demonstrate that the code’s differentiation between temporary directional signs and other types of signs furthered a compelling governmental interest and was not narrowly tailored to serve a compelling governmental interest.

City staff will analyze the City’s sign code in light of this case and will present suggested revisions for your consideration.

RCB:vmh  
Enclosures