CITY COUNCIL MEETING  
FEBRUARY 6, 2020 – 7:00 P.M. 
AGENDA –AMENDED
MINUTES

1. CALL TO ORDER  
Mayor Tyson called the City Council Meeting to order at 7:00 p.m. and asked the Clerk to call the roll.

2. ROLL CALL: PRESENT: Council Member Herrera, Council Member Hernandez, Council Member Jerry Renick, City Manager Mathes, Attorney Warren W. Dill and Mayor Joel Tyson. ABSENT: Council Member Salgado, excused.

2. PLEDGE OF ALLEGIANCE TO THE FLAG  
The pledge was recited.

4. INVOCATION:  
Mayor Tyson gave the Invocation.

Mayor Tyson added he has an item he’d like to add a Proclamation for the agenda for Deborah C. Krages.

MOTION by Council Member Herrera, SECONDED by Council Member Renick, to add to the agenda a Proclamation for Mrs. Krages.

ALL AYES: MOTION CARRIED. 4-0

Attorney Dill read the Proclamation in its entirety. Mayor Tyson called Mrs. Krages to the dais where he presented her with the Proclamation and a clear engraved recognition stand. Mayor Tyson asked if Mrs. Krages was surprised and she responded shocked and extremely proud and appreciative.

5. APPROVAL OF MINUTES: City Council Meeting of January 9, 2020.  
Mayor Tyson introduced the minutes and entertained a motion.

MOTION by Council Member Herrera, SECONDED by Council Member Renick, to approve the minutes of January 9, 2020 City Council Meeting.

ALL AYES: MOTION CARRIED 4-0

6. PUBLIC HEARINGS:  
(a) ORDINANCE-2019-21  
AN ORDINANCE OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FELLSMERE, FLORIDA BY AMENDING CHAPTER 14 ANIMALS, SECTION 14-70 KEEPING LIVESTOCK AND FOWL RESTRICTED; PROVIDING FOR RATIFICATION; AMENDMENT; CONFLICTS; SEVERABILITY; CODIFICATION AND AN EFFECTIVE DATE/Public Hearing and Second and final reading, 7:00 p.m.

Mayor Tyson introduced the Ordinance 2019-21 and Attorney Dill read the ordinance by title only.
City Manager Mathes interjected this allows chickens and other birds up to 10, excluding roosters per yard, the changes are roosting pins, must be movable to allow the area to the cleaned.

Mayor Tyson opened the Public Hearing at 7:10 p.m. and asked that anyone wishing to speak on the Ordinance to please come to the agenda and state their name and address for the record, hearing none, he asked if there were any questions from Council, hearing none, he closed the Public Hearing at 7:11 p.m. and entertained a motion to adopt.

MOTION by Council Member Herrera, SECONDED by Council Member Hernandez, to adopt Ordinance-2019-21, as read by title only, AN ORDINANCE OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FELLSMERE, FLORIDA BY AMENDING CHAPTER 14 ANIMALS, SECTION 14-70 KEEPING LIVESTOCK AND FOWL RESTRICTED; PROVIDING FOR RATIFICATION; AMENDMENT; CONFLICTS; SEVERABILITY; CODIFICATION AND AN EFFECTIVE DATE.

ROLL CALL: Council Member Herrera, Council Member Hernandez, Council Member Jerry Renick, and Mayor Joel Tyson.

MOTION CARRIED. 4-0

(b) ORDINANCE 2019-23/AN ORDINANCE OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FELLSMERE, FLORIDA BY AMENDING CHAPTER 54 MANUFACTURED HOMES AND TRAILERS, SECTION 54-26 ENFORCEMENT; SECTION 54-42 PREREQUISITES TO PARKING RECREATIONAL VEHICLES AND MOBILE HOME IN AREAS ZONED FOR THAT PURPOSE; SECTION 54-44 VISITING RECREATIONAL VEHICLES MAY TEMPORARILY PARK; RESTRICTIONS; SECTION 54-57 PERMIT; TERM; FEE; PLOT PLANS TO BE SUBMITTED; SECTION 54-61 REVOCATION OF PERMIT; GROUNDS; NOTICE; SECTION 54-72 COMPLIANCE WITH DIVISION; SECTION 54-73 INSPECTION FEE; SECTION 54-74 INSTALLATION GUIDELINES AND STANDARDS; SECTION 54-77 NOTICE OF VIOLATION; FAILURE TO CORRECT; ACTION TO PREVENT; PROVIDING FOR RATIFICATION; AMENDMENT; CONFLICTS; SEVERABILITY; CODIFICATION AND AN EFFECTIVE DATE/Public Hearing and Second and final reading, 7:00 p.m.

Mayor Tyson introduced the Ordinance 2019-23 and Attorney Dill read the ordinance by title only.

City Manager Mathes added this was to clean up a few minor items.

Mayor Tyson opened the Public Hearing at 7:15 p.m. and asked that anyone wishing to speak on the Ordinance to please come to the podium and state their name and address for the record, hearing none, he asked if there were any questions from Council, hearing none, he closed the Public Hearing at 7:12 p.m. and entertained a motion to adopt.

MOTION by Council Member Renick, SECONDED by Council Member Hernandez, to adopt Ordinance-2019-23, as read by title only, AN ORDINANCE OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA,
AMENDING THE CODE OF ORDINANCES OF THE CITY OF FELLSMERE, FLORIDA BY AMENDING CHAPTER 54 MANUFACTURED HOMES AND TRAILERS, SECTION 54-26 ENFORCEMENT; SECTION 54-42 PREREQUISITES TO PARKING RECREATIONAL VEHICLES AND MOBILE HOME IN AREAS ZONED FOR THAT PURPOSE; SECTION 54-44 VISITING RECREATIONAL VEHICLES MAY TEMPORARILY PARK; RESTRICTIONS; SECTION 54-57 PERMIT; TERM; FEE; PLOT PLANS TO BE SUBMITTED; SECTION 54-51 REVOCATION OF PERMIT; GROUNDS; NOTICE; SECTION 54-72 COMPLIANCE WITH DIVISION; SECTION 54-73 INSPECTION FEE; SECTION 54-74 INSTALLATION GUIDELINES AND STANDARDS; SECTION 54-77 NOTICE OF VIOLATION; FAILURE TO CORRECT; ACTION TO PREVENT; PROVIDING FOR RATIFICATION; AMENDMENT; CONFLICTS; SEVERABILITY; CODIFICATION AND AN EFFECTIVE DATE.

ROLL CALL: Council Member Herrera, Council Member Hernandez, Council Member Jerry Renick, and Mayor Joel Tyson. MOTION CARRIED. 4-0

(c) ORDINANCE 2020-01/AN ORDINANCE OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, AUTHORIZING AN EXTENSION OF THE TEMPORARY MORATORIUM INITIALLY IMPOSED BY ORDINANCE NO. 2018-06, AND SUBSEQUENTLY EXTENDED BY ORDINANCES NOS. 2019-01 AND 2019-07, FOR AN ADDITIONAL 180 DAYS OR UNTIL A COMPREHENSIVE REVIEW OF THE IMPACT OF THE CITY’S ECOSYSTEM IS COMPLETED, PROHIBITING LAND APPLICATION ACTIVITIES OF CLASS B BIOSOLIDS; PROVIDING FOR STUDY AND POSSIBLE REGULATION OF CLASS B BIOSOLIDS APPLICATION ACTIVITIES; PROVIDING FOR RATIFICATION, EXTENSION OF TEMPORARY MORATORIUM, EXPIRATION OF TEMPORARY MORATORIUM, STUDY OF CLASS B BIOSOLIDS, AND EXHAUSTION OF ADMINISTRATIVE REMEDIES; AND PROVIDING FOR CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE/Public Hearing and Second and final reading, 7:00 p.m.

Mayor Tyson introduced the Ordinance 2020-01 and Attorney Dill read the ordinance by title only.

Mayor Tyson opened the Public Hearing at 7:20 p.m. and asked that anyone wishing to speak on the Ordinance to please come to the agenda and state their name and address for the record, hearing none, he asked if there were any questions from Council, hearing none, he closed the Public Hearing at 7:21 p.m. and entertained a motion to adopt.

There was a brief discussion regarding the Bio-Solids, and their effect on waterways.

MOTION by Council Member Renick, SECONDED by Council Member Hernandez, to adopt Ordinance 2020-01/AN ORDINANCE OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, AUTHORIZING AN EXTENSION OF THE TEMPORARY MORATORIUM INITIALLY IMPOSED BY ORDINANCE NO. 2018-06, AND SUBSEQUENTLY EXTENDED BY ORDINANCES NOS. 2019-01 AND 2019-07, FOR AN ADDITIONAL 180 DAYS OR UNTIL A COMPREHENSIVE REVIEW OF THE IMPACT OF THE CITY’S ECOSYSTEM IS COMPLETED, PROHIBITING LAND APPLICATION ACTIVITIES OF CLASS B BIOSOLIDS; PROVIDING FOR STUDY AND POSSIBLE REGULATION OF CLASS
B BIOSOLIDS APPLICATION ACTIVITIES; PROVIDING FOR RATIFICATION, EXTENSION OF TEMPORARY MORATORIUM, EXPIRATION OF TEMPORARY MORATORIUM, STUDY OF CLASS B BIOSOLIDS, AND EXHAUSTION OF ADMINISTRATIVE REMEDIES; AND PROVIDING FOR CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE

ROLL CALL: Council Member Herrera, Council Member Hernandez, Council Member Jerry Renick, and Mayor Joel Tyson.

MOTION CARRIED. 4-0

7. PUBLIC COMMENTS:
Mayor Tyson opened the floor to Public Comments and asked that anyone wishing to speak, to please come to the podium and state their name and address for the record, hearing none, he moved on to Old Business.

8. OLD BUSINESS:
(a) Utilize Community Center as a Temporary Shelter at the discretion of the City Council and authorize Use Agreement be executed.

Mayor Tyson introduced the item adding that all the documents have been executed by the Red Cross.

MOTION by Council Member Herrera, SECONDED by Council Member Hernandez, to authorize the Mayor to execute the documents with Red Cross. ALL AYES: MOTION CARRIED. 4-0

9. MANAGER’S MATTERS:
City Manager Mathes updated as follows:

- Minimum Lot Sizes in Lincoln Park (40’x90’) and Hall, Carter & James (40’x110’). There are three (3) developers looking to construct but the lots don’t meet the required footage size.

- Indian River County Impact Fees raising up by 30 to 100%.

- Speed Humps are being required of the Boys & Girls Club as designed by Engineer’s due to the speed of parental vehicles.

- The Community Center will become available again in the next month or so.

- South Regional Lake is moving along and it will be a beautiful park soon.

- Sonrise Code Case, they are in the throes of selling the property and the prospective buyers are agreeable to paying repairs on sewage system and will replace the landscaping

- The owners of the parcel known as Aldea would like to park R.V.’s as a means to provide reimbursement of the property costs.

- CDBG Mitigation Grant for NY Ditch Pipes from Broadway to Park Lateral.
• Tractor Supply – request for rear storage.

• Beautification Council Liaison is needed and Council Member Herrera volunteered.

• FL is once again #1 growth state in the Nation.

10. MAYOR’S MATTERS:
(a) Public Works Department for the month of December 2019.
Mayor Tyson introduced the report and asked if there were any questions or comments hearing none, he moved on.

Mayor Tyson updated as follows:
• TCCLG, no guest speaker.
• TCRLC meet soon.

11. COUNCIL MATTERS:
Council Member Renick updated as follows:
• TCRPC Meeting discussed Cyber Communication issues and they will be holding Orientation of all member’s.

Council Member Hernandez had no matters.

Council Member Herrera thanked Staff for the showing at Juan Aguilera’s funeral, the community and family was pleased.

12. CITY ATTORNEY’S MATTERS:
Attorney Dill updated as follows:
• Requested Jonathan Rhodeback take the podium.

Attorney Rhodeback explained this is about Pacific Financial, there are surplus funds, of 63,000.00 and the city was offered 2/3 and the residual 1/3 of the funds paid to Pacific Financial.

MOTION by Council Member Herrera, SECONDED by Council Member Hernandez, to authorize a settlement with Pacific Financial to settle the dispute over $63,000.00 in Surplus Funds, held by the Clerk of the Circuit Court, with the City to receive 2/3 ($42,000.00) and Pacific Financial to receive 1/3 ($21,000.00) with authorization for the Mayor to sign a Release and any other documents necessary to achieve the settlement.

ALL AYES: MOTION CARRIED> 4-0

13. NEW BUSINESS:
(a) R-2020-03/A RESOLUTION OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA AUTHORIZING THE MAYOR TO EXECUTE A GRANT AGREEMENT WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE SOUTH REGIONAL LAKE, PHASE 2; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL REQUIRED GRANT IMPLEMENTATION DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.
Mayor Tyson introduced the Resolution 2020-03 and Attorney Dill read the resolution by title only.

Mayor Tyson asked if there were any questions from Council, hearing none, he entertained a motion to adopt.
City Manager Mathes interjected this is for Phase II.

MOTION by Council Member Hernandez, SECONDED by Council Member Herrera, A RESOLUTION OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA AUTHORIZING THE MAYOR TO EXECUTE A GRANT AGREEMENT WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE SOUTH REGIONAL LAKE, PHASE 2; AUTORIZING THE CITY MANAGER TO EXECUTE ALL REQUIRED GRANT IMPLEMENTATION DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

ALL AYES: MOTION CARRIED 4-0.

(b) R-2020-04/A RESOLUTION OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA AUTHORIZING THE MAYOR TO EXECUTE A GRANT AGREEMENT WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE FLORIDA COMMUNITY TRUST PURCHASE OF 340 ACRES EAST OF I95 AND NORTH OF CR512; AUTORIZING THE CITY MANAGER TO EXECUTE ALL REQUIRED GRANT IMPLEMENTATION DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Tyson introduced the Resolution 2020-04 and Attorney Dill read the resolution by title only.

Mayor Tyson asked if there were any questions from Council, hearing none, he entertained a motion to adopt.

MOTION by Council Member Herrera, SECONDED by Council Member Renick, A RESOLUTION OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA AUTHORIZING THE MAYOR TO EXECUTE A GRANT AGREEMENT WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE FLORIDA COMMUNITY TRUST PURCHASE OF 340 ACRES EAST OF I95 AND NORTH OF CR512; AUTORIZING THE CITY MANAGER TO EXECUTE ALL REQUIRED GRANT IMPLEMENTATION DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

ALL AYES: MOTION CARRIED 4-0.

(c) Authorize the Mayor to execute the Grant Time Extension for South Regional Lake, Phase I.

Mayor Tyson asked if there were any questions from Council, hearing none, he entertained a motion to adopt.

MOTION by Council Member Hernandez, SECONDED by Council Member Renick, Authorize the Mayor to execute the Grant Time Extension for South Regional Lake, Phase I

ALL AYES: MOTION CARRIED 4-0.

(d) Authorize the purchase of one (1) 2020 Bad Boy 61" Zero Turn Mower through Treasure Coast Lawn Equipment in the amount of $8,699.00.

Mayor Tyson asked if there were any questions from Council, hearing none, he entertained a motion to adopt.
MOTION by Council Member Herrera, SECONDED by Council Member Hernandez, to Authorize the purchase of one (1) 2020 Bad Boy 61” Zero Turn Mower through Treasure Coast Lawn Equipment in the amount of $8,699.00. ALL AYES: MOTION CARRIED 4-0.

(e) **Authorize the Mayor to execute Addendum A to Walsh Environmental Services Contract Accept the Utility Operations & Maintenance Service and terminate the month to month service contract with Inframark.**

Mayor Tyson asked if there were any questions from Council, hearing none, he entertained a motion to adopt.

MOTION by Council Member Hernandez, SECONDED by Council Member Renick, to authorize the Mayor to execute Addendum A to Walsh Environmental Services Contract Accept the Utility Operations & Maintenance Service and terminate the month to month service contract with Inframark. ALL AYES: MOTION CARRIED 4-0.

(f) **Approve Change Order Hannabri Roofing for the re-roof of the Community Center in the amount of $4,510.00.**

City Manager Mathes explained the undercoating of the roof is in deplorable condition and this will bring the decking up to standards.

Mayor Tyson asked if there were any questions from Council, hearing none, he entertained a motion to adopt.

MOTION by Council Member Herrera, SECONDED by Council Member Hernandez, to approve Change Order Hannabri Roofing for the re-roof of the Community Center in the amount of $4,510.00. ALL AYES: MOTION CARRIED 4-0.

14. **ADJOURNMENT**

There being no further business Mayor Tyson adjourned the meeting at 8:20 p.m.

These minutes were approved by the City Council of the City of Fellsmere this 20th day of February, 2020.