

**CITY COUNCIL MEETING  
November 16, 2023 – 7:00 P.M.  
MINUTES**

1. **CALL TO ORDER:** Mayor Tyson called the meeting to order at 7:00 p.m.
2. **ROLL CALL:**  
**PRESENT:** Council Member Herrera, Council Member Salgado Council Member Hernandez, Council Member Renick, Attorney Dill, City Manager Mathes and Mayor Tyson  
**ABSENT:**  
**ALSO, PRESENT:** Chief Touchberry, Finance Director Putnam Moreman, Utility Director Kevin Burge, Public Works Director, and Attorney Rhodeback
3. **PLEDGE OF ALLEGIANCE:** The Pledge was recited.
4. **INVOCATION:** Mayor Tyson gave the Invocation.
5. **APPROVAL OF MINUTES:**  
(a) City Council Meeting of November 2, 2023

**MOTION** by Council Member Herrera **SECONDED** by Council Member Renick to approve the minutes for the City Council Meeting of November 2, 2023.

**ALL AYES:**

**MOTION CARRIED 5-0**

6. **PROCLAMATION: (a)** National American Indian Heritage Month – November 2023  
Rhonda from the Pelican Island Chapter Daughters of the American Revolution accepted and thanked Council for the Proclamation.
7. **PUBLIC COMMENTS:**  
Mayor Tyson asked if anyone else from the public had a comment to state their name and address for the record, hearing none, he closed the Public Comments
8. **MANAGER'S MATTERS:** Manager Mathes continued with his matters.
  - **Denial of FEMA Appeal** – He asked the Council if they we're going to appeal the denial and that they have two choices in that appeal to go to an arbitration panel or to go to the headquarters. The city's consultant hasn't given the city a recommendation yet which way to go, and he will bring this back once he gives the city his recommendation. It is a 90-day appeal period, and the consultant is aware.
  - **Cemetery Tower awaiting reply** – They are meeting onsite with Andy to investigate the feasibility of the ground penetrating radar. It sounds like they may be willing to continue forward with our counteroffer.
  - **New Employees- The following positions have been filled:**
    - o Code Officer (P/T) - Joseph Sanzone
    - o Water Operator - Robert McGowan
    - o Customer Service (P/T) - Carolina Rodriguez
    - o Accounting Clerk - Desiree LucasThey changed Dulce as a permit clerk, her position was full time as customer service.

He did want Council to be aware that since they lost the last Code Enforcement Officer, they are having issues with half a dozen RV's being used as living quarters on both residential and commercial lots.

  - **Septic as Phase 1 of SLP Tractor Services** – Their phase one is their paver business, storage, and office yard, it will be fully landscaped for code. Phase two is the fully compliant retail buildings on 512. The closest point of sewer is two blocks away, it's a bit of a tall lift to have a small use like this. Another option is a grinder pump, it will still be pumping that three blocks to the nearest sewer. So, he's asked if he could do septic as a phase one interim until sewer is across his front. The sewer will be crossing his front when the city does the sewer pipe to the farm. The condition would be that he connects to sewer once it's there and would not recommend offering him a septic until it fails,

because they are moving away from septic. Another option is a port of john, but he cautioned them about those options because if you offer to one others can ask for the that same option. The City Council did not decide to recommend any option at this time. Manager Mathes stated he will bring it back for discussion at a future meeting.

- **Fellsmere Cleanup - Motivational Edge in January 2024-** They have offered to do a Fellsmere Cleanup and Andy will be working with them to do that. The date is still not set but will be in January 2024.
- **Volunteer required for MPO Citizen Involvement Committee-** There was a name submitted but it will need to be on an agenda item to formally have Council select somebody. He stated that there is still an opportunity to provide other names. Otherwise, they will move forward with the name that was submitted. Council Member Salgado asked if it had been advertised, Manager Mathes responded that is the Council's appointment. Mayor Tyson stated that Korky did it for years and he is not able to do it anymore.

**There following are announcements of upcoming events and meetings:**

- **Toy for Tots drop box in City Hall**
- **Access to Justice Ribbon Cutting, Courthouse, 11/17 /23, 12p** – Chief Touchberry stated that it's a partnership between the Clerk of the Court united against poverty, the United Way and some JOHN'S ISLAND foundation and other JOHN'S ISLAND group and, and they're just trying to create greater access for people at the courthouse and services and it's a program that is named after a past clerk of court Jeff Smith. And there will be ribbon cutting on Friday.
- **Friday Night Done Right, SAFIR is sponsoring, 12/1/23, 5p-8p, Little League Park**
- **City Christmas Lunch, Marsh Landing, 12/14/23, 11:30p**
- **FACT Event 12/15/23 - Santa is Coming to Town**
- **Youth Soccer in Fellsmere** – Manager Mathes shared a flyer and they will be using the soccer space next to city hall not at Senior League.

#### **9. MAYOR'S MATTERS:**

- (a) Police Department Report- October 2023
- (b) Water System Monitoring Report-October 2023
- (c) Finance Department Reports
- (d) Grants Report
- (e) Status of Developments Report

Mayor Tyson attended the county charter board of directors and could not attend the Florida League of Cities meeting. He had nothing to report.

#### **10. COUNCIL MEMBER'S MATTERS:**

**Council Member Herrera-** He stated that they will be celebrating Our Lady of Guadalupe on the 12<sup>th</sup>. Monday December 11<sup>th</sup> they will have Mariachi from 11pm to 1am. Tuesday December 12<sup>th</sup> it will start at 5am with mass starting at 6am. They will have music until 9pm. He said it will be smaller even than in the past. Mayor Tyson asked about the drummers, Vice Mayor Herrera stated that they will be participating this year. Manager Mathes asked if everything will be done onsite, Vice Mayor confirmed.

**Council Member Salgado** – She had no matters.

**Council Member Hernandez** – She had no matters.

**Council Member Renick** – He had no matters.

#### **11. CITY ATTORNEY'S MATTERS:** Attorney Dill stated he had no matters.

#### **12. NEW BUSINESS:**

- (a) **RESOLUTION -2023-61/ A RESOLUTION OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, DECLARING THE UNOPPOSED INCUMBENTS AND UNOPPOSED QUALIFIED CANDIDATES AS WINNERS PURSUANT TO SECTION 101.151(7), FLORIDA STATUTES; DIRECTING THE CLERK TO ENTER THE RESULTS OF THE ELECTION IN THE OFFICIAL MINUTES OF THE MEETING OF THE CITY COUNCIL; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.**

Mayor Tyson introduced the Resolution and Attorney Dill read Resolution No 2023-61 by title only.

Manager Mathes stated the city did not have an election and the same Council members will serve for the next 2 years.

Being no further discussion Mayor Tyson entertained a motion.

**MOTION** by Council Member Salgado **SECONDED** by Council Member Herrera to approve Resolution No. 2023-61.

**ALL AYES:**

**MOTION CARRIED 5-0**

**(b) SWEARING IN OF COUNCIL ELECT:**

1. Inocencia Hernandez
2. Gerald Renick

Attorney Warren Dill swore in Inocencia Hernandez and Gerald Renick as Council Members.

Attorney Warren Dill stated the item before Council now is the selection of the mayor and asked if there was a nomination for anyone to serve as Mayor of the City of Fellsmere.

**(1) SELECTION OF MAYOR**

Fernando Herrera nominated Joel Tyson as Mayor. The council recommended Joel Tyson as Mayor. No other nominations.

**MOTION** by Council Member Herrera **SECONDED** by Council Member Hernandez to appoint Mr. Tyson as Mayor.

**ALL AYES**

**MOTION CARRIED. 5-0**

**(2) SELECTION OF VICE MAYOR**

Mayor Tyson asked if there was a nomination for Vice Mayor. Mayor Tyson nominated Fernando Herrera as Vice Mayor. No other nominations.

**MOTION** by Mayor Tyson **SECONDED** by Council Member Hernandez to appoint Fernando Herrera as Vice Mayor.

**ALL AYES**

**MOTION CARRIED. 5-0**

**(3) SELECTION OF MAYOR PRO-TEM**

Mayor Tyson asked if there was a nomination for Mayor Pro Tem. Mayor Tyson nominated Jessica Salgado. No other nominations.

**MOTION** by Council Member Herrera **SECONDED** by Council Member Hernandez to appoint Ms. Salgado as Mayor Pro Tem

**ALL AYES**

**MOTION CARRIED. 5-0**

**(c) SUNSHINE LAW & GUIDE TO THE CODE OF ETHICS:** Presentation by City Attorney Jonathan Rhodeback.

Attorney Rhodeback congratulated the Council and continued with the refresher presentation on the Sunshine Law and guide to the Code Ethics. He provided a packet to each Council Member's. He discussed the packet in its entirety and also gave examples of violations of Sunshine laws and ethics and stated to Council and the commission that they can call him with any Sunshine Law and Ethics questions. The City Council and staff asked questions and after no further discussion, thanked him for his time.

***\*The presentation documents are attached to the minutes.***

**(d) APPOINTMENT TO COMMITTEES, COUNCILS & BOARDS** representing Fellsmere.

1. **Treasure Coast Council of Local Governments** – Mayor Tyson agreed to serve, and Council Member Renick agreed to be the Alternate Member.

2. **Treasure Coast Regional League of Cities** - Mayor Tyson agreed to serve and Council Member Renick agreed to be the Alternate Member.
3. **Beach & Shore Preservation** – Council Member Hernandez agreed to serve, and Vice Mayor Fernando Herrera agreed to be the Alternate Member.
4. **Economic Development Council** – Pro-Tem Mayor Salgado agreed to serve, and Council Mayor Tyson agreed to be the Alternate Member.
5. **Elected Officials Oversight Committee**– Mayor Tyson agreed to serve, and Council Member Herrera agreed to be the Alternate Member.
6. **Metropolitan Planning Council** – Council Member Renick agreed to serve, and Pro Tem Mayor Salgado agreed to be the Alternate Member.
7. **Treasure Coast Regional Planning Council** – Council Member Renick agreed to serve, and Mayor Tyson agreed to be the Alternate Member.

All Council Member agreed to keep the same meetings, being no further discussion Mayor Tyson continued to the next agenda item.

- (e) **ORDINANCE NO. 2023-13/** AN ORDINANCE OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, AMENDING THE CITY OF FELLSMERE OFFICIAL ZONING MAP TO ADD A ZONING CLASSIFICATION OF PDD-PLANNED DEVELOPMENT DISTRICT FOR LAND HAVING A COMPREHENSIVE FUTURE LAND USE MAP DESIGNATION OF NEIGHBORHOOD COMMERCIAL (NC) CONTAINING 0.58 ACRES, MORE OR LESS, LOCATED AT 12645/12665 COUNTY ROAD 512; PROVIDING FOR RATIFICATION; PROVIDING FOR CONSISTENCY WITH COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE; PROVIDING FOR ZONING; PROVIDING FOR ZONING MAP; FURTHER PROVIDING FOR SEVERABILITY, CONFLICT, AND AN EFFECTIVE DATE./ *1<sup>st</sup> Reading and Set the 2<sup>nd</sup> Reading and Public Hearing for December 7, 2023 at 7:00 P.M.*

Mayor Tyson introduced the Ordinance and Attorney Dill read Ordinance No 2023-13, by title only.

Manager Mathes stated that this is for the former fruit stand on County Road 512. This is one of the many mom and pops that are working their way through the system because of things they've done in the past that they need to legalize. And the city is slowly forcing them to get on the right track. They had to wait, because there was a zoning restriction that had been placed on the property that had expired just a year or two ago. Primarily the only thing new that they're adding is the storage in the back and it is protecting the neighborhood with a 25-foot landscape buffer which hasn't been installed yet. And the only variance in that buffer is moving the fence from 10 feet inside the buffer to only five feet inside the buffer. But otherwise, it's fully compliant with the code for buffering for an outdoor storage area. He asked Bob the City Planner to give the Council a brief summary.

Bob Loring, City Planner stated this is an older building it was built in the 50's and then converted over to commercial use. They do not know exactly what uses but they're listed in there as possible retail commercial and an apartment on the top floor.

Manager Mathes pointed out a few of the conditions.

-Condition number five is requirements they dedicate 10 feet of right away, which is typical for any development on CR512. They give the city right away for the expansion of CR512.

-The same type of standard when they're using non paved surfaces where that if there's ever a problem, the city can give them notice and they have to pave it. So that's the standard condition and they do have non paved surfaces.

-Number seven is an example of the city protecting the neighborhood, the city is restricting any type of exterior machinery equipment or delivery outside the hours of 9am to 5pm because there's houses nearby so keeping the noise only during the business hours of the day.

-And also giving them six months to solve the landscaping. They do have to potentially relocate some landscaping when they widen 512. Some of the stuff they have in there right now is actually in the 10 feet that they are going to give the city, so the city put this condition in there, so they have to move it whenever CR512 is widened.

-A few reliefs a standard one that the city often does is deferring the sidewalk payment in lieu of

because every development who's not on a road with the sidewalk commercial has to put the sidewalk in or pay a fee in lieu of. That's part of city's standard code. They are just deferring not waiving it until redevelopment occurs or until County Road 512 is widened.

-They are on an unpaved road, there is a condition in the city code that if they are commercial on paved roads, they have to pave it to the point of their driveway. Again, small mom and pop and not a lot of profit in this particular building, so they gave him a waiver of that until major redevelopment occurs.

-The setback of the fence is going from 10 feet to five feet.

-There was a restriction also for access from CR512 That was on the property. The city is reinforcing that with condition number 15 which states that access can only be from the local roads.

Being no further discussion Mayor Tyson entertained a motion.

**MOTION** by Council Member Renick **SECONDED** by Council Member Herrera to accept 1<sup>st</sup> Reading and Set 2<sup>nd</sup> Reading and Public Hearing for December 7, 2023, on Ordinance No. 2023-13.

**ALL AYES:**

**MOTION CARRIED 5-0**

**ROLL CALL:** AYES: Council Member Herrera, Council Member Hernandez Council Member Renick and Mayor Tyson NAYS: None

**ALL AYES**

**MOTION CARRIED 5-0**

**RESOLUTION NO. 2023-20/** A RESOLUTION OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, APPROVING THE FINAL DEVELOPMENT PLAN FOR A PLANNED DEVELOPMENT FOR RETAIL OFFICE, OUTSIDE DISPLAY, OUTSIDE STORAGE, WHOLESALING, NURSERY, HAND CAR WASH AND ONE (1) APARTMENT UNIT; PROVIDING FOR RATIFICATION; PROVIDING FOR CONSISTENT WITH COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE; PROVIDING FOR FINAL DEVELOPMENT PLAN APPROVAL WITH CONDITIONS; AND FURTHER PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING PROVISIONS AND AN EFFECTIVE DATE. / *1<sup>st</sup> Reading and Set the 2<sup>nd</sup> Reading and Public Hearing for December 7,2023 at 7:00 P.M.*

Mayor Tyson introduced the Resolution and Attorney Dill read Resolution No 2023-20, by title only.

Manager Mathes stated that this is a two part first reading because it's a two-part approval first item that Council just voted on was the rezoning first reading. This is actually the final development plan, the actual plan itself and everything they just discussed for the last item is related to this item.

**MOTION** by Council Member Renick **SECONDED** by Council Member Herera to accept 1<sup>st</sup> Reading and Set 2<sup>nd</sup> Reading and Public Hearing for December 7, 2023, on Resolution No. 2023-20.

**ALL AYES:**

**MOTION CARRIED 5-0**

**ROLL CALL:** AYES: Council Member Herrera, Council Member Salgado, Council Member Hernandez Council Member Renick and Mayor Tyson NAYS: None

**ALL AYES**

**MOTION CARRIED 5-0**

- (f) **ORDINANCE NO. 2023-28/** AN ORDINANCE OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, AMENDING THE CITY OF FELLSMERE OFFICIAL ZONING MAP TO CHANGE THE ZONING CLASSIFICATION FROM INDIAN RIVER COUNTY, FLORIDA A-2 AGRICULTURAL TO CITY PDD-PLANNED DEVELOPMENT DISTRICT FOR LAND HAVING A COMPREHENSIVE FUTURE LAND USE MAP DESIGNATION OF LOW DENSITY MIXED USE NEIGHBORHOOD (LDMXN) CONTAINING 3.0 ACRES, MORE OR LESS, LOCATED ON THE CORRIGAN RANCH FOR FIRE STATION 7 OWNED BY INDIAN RIVER COUNTY, FLORIDA; PROVIDING FOR RATIFICATION; PROVIDING FOR CONSISTENCY WITH THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE; PROVIDING FOR ZONING; PROVIDING FOR ZONING MAP; FURTHER PROVIDING FOR SEVERABILITY, CONFLICT, AND AN EFFECTIVE DATE. / *1<sup>st</sup> Reading and Set the 2<sup>nd</sup> Reading and Public Hearing for December 7,2023 at 7:00 P.M.*

Mayor Tyson introduced the Ordinance and Attorney Dill read Ordinance No 2023-28, by title only.

Manager Mathes stated that this is going to be the first of potentially three new fire stations and Fellsmere. This will be near the Corrigan Ranch just behind the CVS facility and it has actually got

very few special conditions, they've pretty much managed to meet most all of the city codes, it doesn't need any special dispensations.

The only one that the city has offered is the relief from the sidewalk again, because building a sidewalk at this point might be premature, wait till the residential master development happens and then put that stuff in at that time.

They do have a requirement to provide 10% of their development to the city for meeting the annexation agreement. They have a very similar condition to Fellsmere farms where they have to donate 10% of their land to the city for parks and other types of facilities. This particular one doesn't qualify because they were paid for this land through impact fee credits, and they can only take advantage of the 10% if it's dedicated. If it's not in here, he will make sure it's in the final version that they have relief from the requirement to donate the 10% which would be a third of an acre for this project until either the master development comes or something of that nature. He will make sure it's in here, it might be a separate condition in here but if not, he will make sure it's in here for the public hearing. Manager Mathes discussed the site plan. This will be the first reading, there are two items just like the last item so there'll be no presentation for the next item. This one is the first one is the rezoning first reading and the second item is the final development plan first reading.

Council Member Renick asked about the open space element, the 10% requirement that's for the overall Corrigan Ranch development area. Manager confirmed that it would be 8600 plus acres.

Being no further discussion Mayor Tyson entertained a motion.

**MOTION** by Council Member Renick, **SECONDED** by Council Member Salgado to accept 1<sup>st</sup> Reading and Set 2<sup>nd</sup> Reading and Public Hearing for December 7, 2023, on Ordinance No. 2023-28.

**ALL AYES:**

**MOTION CARRIED 5-0**

**ROLL CALL:** AYES: Council Member Herrera, Council Member Salgado, Council Member Hernandez Council Member Renick and Mayor Tyson NAYS: None

**ALL AYES**

**MOTION CARRIED 5-0**

**RESOLUTION NO. 2023-50/** A RESOLUTION OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, APPROVING THE FINAL DEVELOPMENT PLAN FOR A PLANNED DEVELOPMENT BY INDIAN RIVER COUNTY, FLORIDA/EMERGENCY SERVICE DISTRICT FOR FIRE STATION # 7 ON THE CORRIGAN RANCH; PROVIDING FOR RATIFICATION; PROVIDING FOR CONSISTENT WITH THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE; PROVIDING FOR FINAL DEVELOPMENT PLAN APPROVAL WITH CONDITIONS; AND FURTHER PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING PROVISIONS AND AN EFFECTIVE DATE. / *1<sup>st</sup> Reading and Set the 2<sup>nd</sup> Reading and Public Hearing for December 7, 2023 at 7:00 P.M.*

Mayor Tyson introduced the Resolution and Attorney Dill read Resolution No 2023-20, by title only.

Mayor Tyson stated this was already discussed in the prior agenda item.

Being no further discussion Mayor Tyson entertained a motion.

**MOTION** by Council Member Herrera **SECONDED** by Council Member Renick to accept 1<sup>st</sup> Reading and Set 2<sup>nd</sup> Reading and Public Hearing for December 7, 2023, on Resolution No. 2023-20.

**ALL AYES:**

**MOTION CARRIED 5-0**

**(g) Approval** of Marine Bank loan documents for the purchase of city vehicles/rolling stock.

Finance Director Putnam Moreman reminded Council that a few meetings back they discussed buying two police vehicles only under the condition that we get an approved loan through Marine Bank, and it took a while, but they finally have the documents that need to be signed. This loan is going to function essentially as a \$300,000 line of credit, so that they can buy all of this year's planned and perhaps unplanned rollingstock. It will be the two police cars, one 1500 level pickup truck, a 3500-level pickup truck to replace their current utility truck and get a crane for it so they can lift pumps out. And if there's any money left over from the \$300,000, they are thinking about a new tractor with a front-end loader for public works. The tractor is not in the CIP for this year, but it is in the city's long-range CIP. There are no prepayment penalties.

Manager Mathes recommended that when doing next year's budget see if they can partially pay off and pay it down quicker than normal. The city takes these loans to protect their infrastructure program. That doesn't necessarily mean they want to be paying a lot of interest in doing that, it's a balancing act and they revisit that every year to see how much they think they should be paying down on this loan.

Mayor Tyson stated he is glad to see them bringing in all those new vehicles.

Putnam stated this item is to get Council's approval for the mayor to sign all the documents.

Being no further discussion Mayor Tyson entertained a motion.

**MOTION** by Council Member Renick **SECONDED** by Council Member Hernandez to approve Marine Bank loan documents for the purchase of city vehicles/rolling stock.

**ALL AYES:**

**MOTION CARRIED 5-0**

**(h) Approval** of FPL Street Light Pole Attachment Agreement for Holiday Decorations.

Manager Mathes stated that he would like the City Attorney to summarize what FPL is asking for in their contract.

City Attorney Warren Dill stated that last year they received the documents three days before the council meeting, so they scrambled to put together an addendum to the contract for Holiday decorations. And what they did not put in that Addendum which they will do now. They will send it out now just after the fact is add a provision requiring holiday decorations to provide at least a \$1 million general liability policy naming the city and FPL as additional insurers under that policy.

Attorney Dill stated that the agreement with FPL says the city is self-insured, and the city confirmed that they have this money in our account for self-insurance, he does not believe the city is self-insured. But I don't think it's detrimental, provided the city does have the coverage. And the city certainly has a million dollars coverage to their general city liability policy. He suggested to Manager Mathes that they notify the city's insurance carrier about this deal in this provision, where the city agreed to indemnify FPL. He will get that addendum out and get it to Maria to send to the Holiday decorations company. Attorney Warren Dill stated that the agreement with the decorating company provides that they will not connect to electricity.

Being no further discussion Mayor Tyson entertained a motion.

**MOTION** by Council Member Renick **SECONDED** by Council Member Salgado to FPL Street Light Pole Attachment Agreement for Holiday Decorations.

**ALL AYES**

**MOTION CARRIED 5-0**

**(i) Discussion** on plans for the North Broadway Revitalization.

Manager Mathes stated that the plans are 30% done, they don't really deal a lot with the vertical aspects. It's really more of a horizontal layout, it is a picture of what it may look like when it's done. It's really the last best time to make recommended changes because after this, they're really doing detailed engineering calculations and analysis, it will cost a lot more to change courses after 30%.

There's a list of things they want to just make sure they are on the same page, for example the location of driveways, location design of on street parking, crosswalks. He began with the items to review from the plans.

- Color of Sidewalk - He stated that the selection that was desired by the community outreach was they wanted colored sidewalks, standard concrete but color. He presented the City Council with the colors and added that they are complementary to the current pavers that are on New York Avenue and that it would be nice to have a unified design theme. The City Council agreed to the color tan.
- The lighting standard - They selected back in 2017 when natural gas came into town, it used to be electric light. They are proposing natural gas, he reminded council that the natural gas is not being installed to meet a minimum light threshold because they don't put off light to meet a minimum light threshold unless they put them every 20 feet, they are not putting them every 20 feet because these are very expensive lamps. What the city would hope happens over time now as buildings fill

in buildings have their own wall lights that provide the extra light that those would then complement those wall lights and provide at that point, a minimum level of lighting hopefully that would be suitable. He recommended choosing octagon shape, they are going to be choosing an octagon pole, because the pole they are doing is matching the profile of the original concrete poles of Fellsmere, which were octagon shaped. The City Council agreed.

- Color of poles black or concrete. The City Council agreed to use black.
- Trash Cans- He stated that he is not proposing at this time to do on street recycling cans. The city does not have that heavy recycling program at city government. The City Council agreed to only trash for now.
- Bike Racks – He recommended a black hitching rail; it gives more character. This can be used for bikes and for horses. The City Council agreed.
- Cigarette butt receptacle – The City Council agreed to the larger one.
- Benches- During the Master Plan was wood or wood simulated benches, but they did not select a style because they felt that maybe they can have different types of benches in different places. He is still okay with that approach, they are probably not going to be putting a lot of benches in with this project, because the budgets are probably going to get spent just doing the heavy lifting. He will let the public works director take a lead on that and will bring that back for conversation. Mayor Tyson suggested Memorial benches. Manager Mathes recommended business benches that can be supported by businesses.

Manager Mathes wanted to clarify that the current design of the alley demonstration project and municipal lot are not part of this project. They are just having the designs done because they are there dealing with it, they might as well have the designs done. They may do the alley to support the 32 North Broadway and to help clean up the edge of the gas station which is pretty beat up. The city does not have the money to be doing the municipal lot at this time but it's something they can look into overtime. The city does not have money to do the on-street parking on the side roads. The city's goal is primarily drainage, roadway, sidewalk headlighting and trees, and he thinks the city is going to run out of money before they get all that done. The city will be looking for grants for trees.

Manager Mathes continued the specifics.

- Driveways- City code talks about getting rid of most existing driveways and this is the time to revisit that. They are keeping the gas station driveway just because it's important for them to get that movement out. They are also proposing to keep the driveway between Marsh and Ditch gallery, because that's a critical drive for trash service and deliveries. They are also keeping the driveway at the Farm store and the temporary driveway at Big C's. He is recommending getting rid of the temporary driveway when the alleyway project is done. The apartment driveway will be temporary and would be reduced. They will be proposing one driveway close to the bar. They are proposing a new driveway just to the north of the former hardware store, now a barber shop and a church because the property next to this will be the future fish camp and they are proposing to run a road from Pine Street through their property to Broadway so that they can abandon that portion of the alley.

Council Member Renick asked what would they do if something that gets developed on the vacant land on the southwest corner. Manager Mathes stated he received a call today from the person that bought that, and they are on a fast track to put a building across that entire piece of property. He's building a shell building, and he's letting the market fill up that mix uses, he wants to do mixed use with residential on top and retail on the bottom. He told him about the alley access in the back so he'd be doing access from an alleyway from the back, his parking would be in the rear. He will not have a driveway on Broadway.

- Design of on street parking – Manager Mathes stated that they currently do not have in caps. In caps protect the end of the car and basically create an inset for the on-street parking. He asked Council if they are okay with bump outs, they help slow the cars down keep it slow, but it does create more burden for you on street Parker's it also reduces not a lot but a little bit the capacity to on street parking. He asked Council if they want to keep smaller radiuses and if they want to keep this bulb or keep it as is designed.

Fran Adams came to the podium and stated that in regard to the bump outs she wanted to remind Council the issues they will have will be the afternoon school backup to get in there and when they're backed up on Broadway at just about 3:15 every day, then there's no way for a car to get around headed northbound on Broadway to get around the car trying to turn left. She suggested to get them get rid of the bump outs at that intersection. She also suggested before they make a final determination, they go out mark where and how much wider that median is going to be. And



then have a truck go by and see how much space they really have. Manager Mathes responded that they have already addressed that, and they actually are not changing the width of the pavement that's out there today, when they added the five-foot bike lane at the last meeting that turned the proposed 12-foot space into a 17-foot space, which is exactly what's out there today plus the on-street parking. So technically, it's going to be the exact same pavement from curb to curb as there's today. They are just shifting it into the green space on the side, taking four feet out of the green space on the side. They are taking a 14-foot grass strip and turning into a 10-foot grass strip, that's how we're widening the median. The oak trees will all be redone except for the six at the far north end, because they're the youngest in good shape.

Fran Adams was concerned about how many spaces they were actually going to leave and at what point will they be addressing the drainage and would they be redoing the pipes under the road. Manager Mathes responded they would potentially lose some spaces with the bulb outs. He stated that they are not redoing the pipes. They are making sure the pipes are operable and clean, as well as the inlets and we're replacing the inlet tops with different inlet tops, but they are using the backbone of the system. Part of the design is an analysis to assure that they can operate correctly that way. These plans don't address the drainage because it's just the horizontal layout. Once they get all the comments on this, then they start analyzing the vertical, drainage aspects and the flow of water. There may still be some pipes that have to be replaced but they don't know that yet. Drainage is a big part of this project, and they don't want them to walk away and not solve any drainage problems that they could solve.

Council Member Renick stated that when they were talking about redoing the streetscape with the bio swale, which is really part of enhancing the drainage and would like to see this designed for increasingly future hurricane and heavy rain events. Manager Mathes responded they have replaced that with tree wells and pervious pavement. They are using the finished floors for all the buildings as the constraint because obviously they don't want to build the road higher than the finished floors, then you're dumping water onto the building. They are using the finished floors as their control because one of the other goals they want to accomplish is they want this sidewalk to be ADA compliant with every door. Because a lot of the businesses now are not ADA compliant because of the finished floors being different heights, and when they are done the sidewalks are going to be matching the finish for sloping towards the road, which means the whole road has to come up to accommodate that. So that along with the tree wells to take some water out, along with the North Regional Lake, they are going to pipe all this into those hopefully will continue to reduce our flood stages.

Fran Adams stated that this year was the first time they have not had any flooding and probably seven years. But they used to have plenty before the city built that North Lake, so that has certainly helped.

Manager Mathes asked the City Council if they want to take out or leave the bulb outs in. Or at a minimum they should consider at least taking them out at Colorado Avenue. Mayor Tyson agreed. Council Member Renick stated to take them all out and if needed in the future put them back in. Council Member Herrera agreed with Mayor Tyson just the one at Colorado removed. Council Member Hernandez agreed to just remove the one at Colorado. Manager Mathes will have the designer contact Fran Adams for questions.

- Location of crosswalks - He got rid of the midblock crossing because that was something the community didn't want at the workshops. He reminded the City Council that they don't enforce jaywalking on Broadway, and this basically is the same as it is today, they can still walk across the road anywhere they want, because the median is not an obstruction. The City Council agreed to keep as is.
- Landscape theme - The landscape theme is basically shading trees along the side, palm trees around the middle, and accent flowering trees at intersections and the terminus of each of the median islands. And very minor understories either a moly grass or a slow growing shrub to accent some stuff at the ends of the things but not so much on the sides its more on the median, again, because the sides got more people coming and going to get to businesses, whereas the median doesn't. Council Member Renick stated he would like to see some diversity and not just oaks. Manager Mathes said diversity is possible and is not a problem. There were no objections.
- Side Street parking - He stated that even if they do build it, even if it's not part of this contract, the city will at some point is going to need easements to do these parking lots, most of these rights of

ways are only 60 feet wide. And this width of this pavement from curb to curb is 60 feet wide. At a minimum, you need it because temporary construction easement, probably the building. But more than likely, what they would want is a 10-foot easement on each side to put the sidewalk because to put this park and then make them walk down the middle of the road to get to where they want to go may not be the safest thing to do. He asked the City Council if they have any strong concerns, the only way they can avoid that is by going to parallel spaces on the side streets, but you're going to reduce the amount of parking considerably. If you go to parallel spaces. There were no comments or concerns from Council.

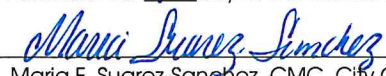
Fran Adams asked what is the plan to maintain this foliage, and the green space, when we get done. Manager Mathes responded that the city will hire an outside vendor and they are going to pay them out of the CRA fund. Mrs. Adams stated that because they're putting so much effort into doing this and making it such a focal point, she just wanted to make sure that they are going to be funded to take care of it. She asked if it would be irrigated, Manager Mathes confirmed it will be.

Being no further questions or comments, Manager Mathes he had no further questions.

### 13. ADJOURNMENT:

There being no further business Mayor Tyson adjourned the meeting at 8:58p.m.

These minutes were approved by the City Council of the City of Fellsmere this 7<sup>th</sup> day of December 2023

  
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Maria F. Suarez-Sanchez, CMC, City Clerk  
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