



Fellsmere

CITY COUNCIL MEETING
22 S. Orange St., Fellsmere FL
May 2, 2024 – 7:00 P.M.
AMENDED AGENDA

1. CALL TO ORDER:
2. ROLL CALL:
3. PLEDGE OF ALLEGIANCE
4. INVOCATION:
5. APPROVAL OF MINUTES: (a) City Council Meeting of April 18, 2024.
(b) Community Development Department Workshop of April 18, 2024.
6. PRESENTATION: (a) Larry Lawson – Gift to the City of Fellsmere
7. PUBLIC COMMENTS:
8. MANAGER'S MATTERS:
9. MAYOR'S MATTERS:
10. COUNCIL MEMBER'S MATTERS:
11. CITY ATTORNEY'S MATTERS:
12. NEW BUSINESS:
 - (a) Abatement Request for 1004 Lincoln Street Code Enforcement Lien.
 - (b) **ORDINANCE NO. 2024-20/AN ORDINANCE OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, AMENDING THE COMPREHENSIVE PLAN AND FUTURE LAND USE MAP SERIES AS REQUESTED BY MARIAN ESTATES; AMENDING THE TEXT OF THE COMPREHENSIVE PLAN CHAPTER 1. FUTURE LAND USE ELEMENT, GOAL FLUE A. LAND USE OBJECTIVE FLUE A-3 INFILL DEVELOPMENT AND REDEVELOPMEN, POLICY FLUE A-3.2. OVERLAY DISTRICT BOUNDARIES ANDCHAPTER 1. FUTURE LAND USE ELEMENT GOAL FLUE B. FUTURE LAND USE MAP OBJECTIVE FLUE B-5 GARAFOLO; FURTHER AMENDING THE FUTURE LAND USE MAP TO ADD 10.34 ACRES MORE OR LESS AS CR512 OLD TOWN OVERLAY DISTRICT; PROVIDING FOR RATIFICATION; AUTHORITY; COMPREHENSIVE PLAN TEXT AND MAP AMENDMENT; TRANSMITTAL PHASE; ADOPTION PHASE; TRANSMITTAL OF DRAFT PLAN AMENDMENT AND FINAL ADOPTION DOCUMENTS; COMPILATION; SEVERABILITY; CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE./ 1st Reading and Set the 2nd Reading and 1st Public Hearing for May 16th, 2024 at 7:00pm**

- (c) **RESOLUTION NO. 2024-32/ A RESOLUTION OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, PERTAINING TO THE GRANTING OF CONDITIONAL USE PERMIT AND SITE PLAN APPROVAL FOR ONE (1) MOBILE FOOD VENDING UNIT OWNED BY ANTHONY B. BROWN, SR. AT 1005 VERNON STREET; PROVIDING FOR RATIFICATION; CONSISTENCY WITH THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE; APPROVAL OF CONDITIONAL USE PERMIT AND SITE PLAN; CONDITIONS OF APPROVAL; REPEAL OF CONFLICTING PROVISIONS; SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE./ 1st Reading and Set the 2nd Reading and 1st Public Hearing for May 16th, 2024 at 7:00pm**
- (d) Discussion and to provide direction on the 2024 Community Redevelopment Area Plan update.
- (e) Approval of Central Bidding proposal for electronic bidding services.
- (f) *Removed.*
- (g) Discussion to provide direction on required action for outstanding code enforcement cases.

13. ADJOURNMENT:

***Courtesy Access to Meeting**

As a courtesy to the public, the city will attempt to provide coverage of the meeting by internet or telephonic means. Due to unforeseen technical or other difficulties access to the meeting may be interrupted or may not be possible at all via internet or by telephonic means, which will result in your inability to participate in the meeting. Should such technical difficulties occur, the meeting will continue without interruption and without your participation. To be assured of participation in the proceedings you must attend the meeting in person. For your information participation by internet or telephone does not constitute "presence" at the meeting under Florida law.

To join meeting from your computer, tablet, or smartphone: <https://meet.goto.com/411327669>

To join meeting using your phone call 1-872-240-3311 Access Code: 411-327-669

Pursuant to Section 286.0105, Florida Statutes, the City hereby advises the public that: If a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she 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.

In accordance with the Americans with Disabilities Act and Section 286.26 Florida Statutes, any person who may need special accommodations or translators for this meeting must contact the City Clerk's Office at (772) 646-6301 or the TDD Line 772-783-6109 at least 48 hours in advance of the meeting. Copies of the proposed Ordinance and Resolution are available for review in the Office of the City Clerk, 22 S. Orange Street, Fellsmere FL between the hours of 8:30 a.m. and 12 noon and 1:00 p.m. and 5:00 p.m., Monday through Friday. Interested parties may appear at the meeting and be heard with respect to the proposed Ordinance and Resolution. The City Clerk must receive written comments at least 3 days prior to the Council meetings.

De conformidad con la Sección 286.0105 de los Estatutos de la Florida, la Ciudad informa al público de que: Si una persona decide apelar una decisión tomada por la junta, agencia o comisión con respecto a cualquier asunto considerado en dicha reunión o audiencia, necesitará un registro de los procedimientos, y que, para tal fin, él o ella puede necesitar asegurarse de que se realice un registro literal de los procedimientos, registro que incluya el testimonio y la evidencia sobre la cual se basará la apelación.

De acuerdo con la Ley de Estadounidenses con Discapacidades y la Sección 286.26 de los Estatutos de la Florida, las personas con discapacidades que necesiten adaptaciones especiales para participar en esta reunión deben comunicarse con la secretaria municipal al (772) 646-6301 o comunicarse con la Línea TDD 772-783-6109, al menos 48 Horas antes de la reunión. Copias de las propuestas Ordenanzas y / o Resoluciones están disponibles para su revisión en la Oficina de la secretaria municipal de la ciudad, 22 S. Orange Street, Fellsmere FL entre las 8:30 a.m. y 12 mediodía y 1:00 p.m. y 5:00 p.m. de lunes a viernes. Las personas interesadas pueden asistir a la reunión y ser escuchadas con respecto a las propuestas de las Ordenanzas y Resoluciones. La secretaria municipal debe recibir comentarios por escrito al menos tres (3) días antes de las reuniones del Consejo.

CO20240502AGENDA.DOC

**CITY COUNCIL MEETING
April 18, 2024 – 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, Utility Director Kevin Burge, Grant Administrator Laura Hammer, 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 March 21, 2024.

MOTION by Council Member Herrera **SECONDED** by Council Member Renick to approve the minutes for the City Council Meeting of March 21, 2024

ALL AYES:

MOTION CARRIED 5-0

6. **PROCLAMATION: (a)** National Public Safety Telecommunicators Week.

Mayor Tyson introduced the Proclamation and Attorney Dill read the proclamation in its entirety.

Robyn Candarini, Indian River County Sheriff’s Office, accepted the proclamation. Indian River County dispatchers were also in the audience.

Ms. Candarini stated that telecommunicators are more than just a calm voice on the other end of the line. They are the vital first link in the emergency response chain, and the protectors of law enforcement and fire rescue. Every year, they mention that there is a bill in Congress to change them from being office administrators to a protective service occupation. And every year they ask if City Council has the opportunity to write senators and congressmen to recommend, they do this that they can help them with that. She invited Council to tour their facility so they can see what they do.

Mayor Tyson stated he has taken the tour and urged the City Council to do the same. He thanked all the dispatchers for all they do. That is tremendous service.

There was a short recess to take a photo. Dispatches thanked Council for the Proclamation.

Attorney Warren Dill recommended City Council to remove item #7(a) because they made some changes in their calculations, which has resulted in the need for us to re-advertise the amendment to the comp plan.

MOTION by Council Member Renick **SECONDED** by Council Member Salgado to amend the agenda to delete items 7(a) do to Marian Estates, changing the acreage of the commercial area from 8.21 acres to 10.34 acres and having to readvertise the caption.

ALL AYES:

MOTION CARRIED 5-0

Manager Mathes stated to City Council and Audience that the Marian Estates public hearing has been rescheduled for May 15 at the Planning and Zoning Commission at 5:05pm, and May 16th for City Council at 7pm.

7. PUBLIC HEARINGS:

(a) Item 7(a) was removed from the Agenda.

(b) Declare 1037 Vernon Street as surplus property. /Public Hearing

Manager Mathes stated that he had a request from an heir of the prior owner to seek to purchase this property. And the first thing they do when they want to consider potentially selling a piece of property is to give Council an opportunity to declare its surplus. Staff has no value for this property. This is an individual lot in a residential neighborhood, it is not suitable for anything other than a residential home. The City does not need it for right of way, parks, stormwater, or utilities. From a staff perspective, it would be considered surplus by their means. This is a public hearing to give public an opportunity to comment as well as council to direct this as a surplus property which they would come back then for the required steps to offer it for sale.

Mayor Tyson opened the Public Hearing and asked if anyone in the audience wished to speak on this matter to come to the podium and state their name and address for the record, hearing no more comments Mayor Tyson closed the public hearing.

MOTION by Council Member Renick **SECONDED** by Council Member Hernandez to declare 1037 Vernon Street as surplus property.

ALL AYES:

MOTION CARRIED 5-0

8. PUBLIC COMMENTS:

Mayor Tyson asked if anyone else from the public had a comment to state their name and address for the record.

Robert Cove, 7750 130th Avenue. – Mr. Cove asked about the video that was currently circulating and speaking about developments in Fellsmere. He commented that it is completely contrary to the aesthetic of this neighborhood.

Manager Mathes stated first of all that development is not in the west part of town. It is almost on State Route 60. Okay, and identify. Secondly, there is actually no application in the City of Fellsmere for that development. It is speculative at best. That developer does not have control of the land, he does not own the land and that article is more than likely a fluff piece to help them get investors. That developer has talked to them, and they have shared their thoughts about that project in that area. If someone were to come to him and offer that project anywhere near the historic part of Fellsmere, he would not agree to it. But 10 miles away on State Route 60, easy access to I95. If you are going to put a facility like that somewhere, that would be the place to put it. You are near the commercial, you are near industrial, you are not really near that much residential. It is pretty much all raw land down here. And there would be no interaction of that development with historic part of Fellsmere because there would be no need to.

Mr. Cove asked about lot sizes and if they are going to maintain five-acre lots over there.

Manager Mathes stated that the City of Fellsmere does not have agricultural ranchette lands. If you are in the City of Fellsmere, you are the city, you are usually going to have city-related services and city-related land uses. That does not mean that cannot apply for ranchettes as part of your development. But again, there is no application. If an application were to come in, then he could ask and inform the public about what their proposal is. There is no proposal I have no idea what they are proposing for housing down there.

Mr. Cove asked how many developments are being proposed right now to be built in this in the city limits.

Manager Mathes stated he has two applications, one for Marian Estates and another for a project at the interstate. Those are the only applications the City of Fellsmere has for residential developments.

Marian Estates is west of Myrtle, on the south side of 512 adjacent to Park Lateral, it is about an 80-acre vacant tract of land. They have been in the city since early 2000s, with the rights to develop exactly what they are asking for, while they are tweaking it by 12 units. The City currently has an application for that project, that project was just tabled tonight to a future meeting in May. There will be public comment periods for any major development Fellsmere multiple times through the process.

The issue that the public needs to understand is that there are certain definitions of property rights in Florida. One of them is that when the City gives them a comprehensive plan designation on their land, they have expectations to be able to develop according to that future land use. And all the Villages of Fellsmere, which is the 18,000 acres west of town and all of Corrigan Ranch, which is down there by State Route 60. Have a comprehensive plan designation, that already have certain development allowances that they can expect, not guaranteed, but can expect the only way it can be guaranteed is if they make applications for development. And again, there are no applications for development for residential homes for Fellsmere Farms or Corrigan Ranch.

Mr. Cove asked how about the racetrack community. Manager Mathes stated that is the one that is going by State Route 60. That is the speculum article that they saw on the TV.

Manager Mathes clarified that the public hearings for Marian Estates will be on May 15th and May 16th. Marian Estates is a 332-lot subdivision with 158 townhomes and 180 plus or minus single family. The minimum lot size is 50 feet wide and there are some 60 foot as well. They will have a commercial frontage on CR512, they do not know what the uses are going to be. He is trying to bring it to a neighborhood grocery store. But he needs to come up to a deal with the grocer before he can make that happen. There will also be a fire station, they are replacing the station on North Broadway, the county wants to remove themselves from Broadway and get a bigger spot. The City of Fellsmere worked with that developer to donate the two-acre Fire Station parcel.

Manager Mathes stated that for those that may have seen the articles, it was unfair, they did not say everything. It was a 15-minute interview and obviously, they pick what they want to pick to say to the public. They did not hear you did not get a chance for me to say there are no applications. It is speculative.

Mr. Cove stated that that all of these properties flooded about four months ago. And he does not know what has been done on drainage. Yet he hears about all this development. It is very concerning.

Manager Mathes stated that they need to stay on top of the Fellsmere Water Control District to make sure they do their job because most of the flooding, to his understanding has been whether it is correct or not, has been trying to be attributed to the lack of maintenance of those ditches. They are a public government body, and they also have public meetings. They have agreed to have their meetings in the auditorium and there meeting dates are on their webpage.

Mayor Tyson asked if again if anyone else from the public had a comment to state their name and address for the record, seeing and hearing none he continued with the next agenda item.

9. MANAGER'S MATTERS: Manager Mathes continued with his matters.

- **Traffic Cabinet Wrap - \$500** – The County is offering a program or if we want to decorate our traffic cabinets for \$500, they can even use local/historic pictures. The City only has one at the traffic light on Willow Street. Council Agreed.
- **Sand Lakes Conservation Area - request to IRC for city ownership-** Manager Mathes asked for permission from City Council to authorize the mayor to pin a letter to the county commissioners requesting transfer of ownership of Sand Lakes to the City of Fellsmere. They did that with the Fellsmere Preserve. The county put in 10% of the money to buy the Fellsmere preserve 86-acre park, the state put in 90%, the county agreed to give the city their 10%. And the City will be just asking for the same thing for Sand Lakes. It has been in the county's ownership and St. John's ownership since 2007 and they have

not done anything with it and the City can do something with it with grants. And the City can open it up to the public and make another amenity for our residents and visitors.

The reason he kept putting this off was because he wanted to time the ownership of this with the commencement of the Corrigan mine, the mine operator for the Corrigan mine has indicated he is going to get started in 2025. And we negotiated a 25 cent per ton or something like that payment to the city for everything they mined, they estimated that would be about \$20,000 a year, then they made the City commit to using that money for environmental purposes. That would be allocated for the preservation and maintenance of this park, as well as our 86 acre Preserve. And they will also likely get ownership of the top 240 acres of Fellsmere 392 because that is all going to be conservation. The City of Fellsmere will have three large conservation tracts. He thinks that \$20,000 a year will help maintain them all. Council agreed.

- **PayScale adjustment for Deputy Clerk/Administrative Assistant & F/T status for Customer Service Rep. and Code Officer.** - One of his duties is not necessarily even during the budget cycle, but according to the SOP to occasionally do reviews of positions, make sure we are paying them fairly. There is one they think should be adjusted for PayScale and a couple of others he wanted to talk to Council about changing to full time status. The Administrative Assistant for the Police Department Miriam Bedolla is currently also training to be deputy clerk and has been recently reassigned as the Planning and Zoning clerk and they have realized she is getting underpaid. She is making about the same as our customer service reps and she has a lot more responsibility and a lot more job requirements. They would like to give her an adjustment and an additional 5%. Maria has the money in her City Clerk budget if it needs to come to that. Council agreed.

Request to make the current part-time Customer Service Rep. to full time. The prior Permit Clerk was a full-time Customer Service Rep and they tried to fill it with a part time position. But they realized they need a full time, but she will be cross trained in building permitting too. When someone calls there will be more than one clerk that can help. And with only a few months left in the fiscal year, I think we can absorb that in our current budget.

They currently have an opening in the Code position. It has been a part-time position for over 15 years but in the last 3 years they have had 4 people. He thinks it is more likely because it is a part time position. They would certainly be requesting as part of the budget to change that to a full-time job. So that they can hopefully get a more long-term position in code. They definitely have the workload, the city has over 300 cases backlogs. There are a lot of code violations in the city, but they are not egregious; those that are egregious the City will continue to push those through as quickly as possible, even if he has to do the work himself. Council can decide if they want to make that change mid-year. The City Council decided to wait until later in the year to make that decision.

- **Old School Windows at \$1M with \$600k budget-** The City is still having issues bringing this budget into budget. They did a bid for a million but they only have a \$600,000 budget. And again, this is to basically go through every window replace the rot, repaint them, weather seal them. But there is so much unknown because you cannot see the rot, so the people are overpricing the job because they do not know what they are getting into. Because our architect price has a fixed fee. He has told the architect stop pricing as a fixed fee and price as a unit price and price it as a per foot of each board. The city is going to try and bid on it as a unit price in the next month. If we do not get it done, then we are going to have to give the grant back. Because the City cannot produce \$400,000 on this project, because every one of their grant projects is going to be over budget and they have to make sure that they pick the projects that are most important for the community if they are spending local dollars. He does not think although certainly it is a good idea to have these windows repaired, it is a little bit extra on a utility bill, because the air inflow, they currently put hurricane shutters up, so it is not a hurricane issue. This would be one he would recommend giving up if they cannot bring it into the budget, or at least close to budget.

Council Agreed.

- **Fellsmere Inn sale/purchase** – He got a call from Fred the owner the Fellsmere Inn and he is tired waiting for the right buyer. He said if the City cannot find somebody that would like to buy it and if the City is not interested in buying it, he is going to put it on the market and is going to be less concerned

about who buys it. He is just, he has been trying to sell it the right way, meaning what is best for the city. But he is at a point in his life where he needs to move on. He would sell to the City for 1.5, which is the same offer he had with the college. He asked City Council if they want staff to look at grant opportunities and partnerships for the City to be involved in buying it, or do they just want staff to beat the bushes as best we can to find somebody privately.

Mayor Tyson stated that he would prefer to find somebody that would be able to run that, so that City does not take on that kind of responsibility.

Manager Mathes agreed but someone could be in that building that would not be the best fit for the City's vision. We do not want to burden the City, but if they were to get involved in some type of partnership, they would have a hands off approach. He would like the option to do both.

Council Member Renick stated that he could explore without committing to it. Council Agreed to explore both ideas.

- **Girls Coalition space in City Hall (see reverse)** - Coalition and other nonprofit would like to space and City Hall, these folks are doing some training and education for young ladies. And they are interested in acquiring it because it is more of a classroom setting. We have nobody leasing that room. He figured it is a no brainer to give them the same rate we gave our other nonprofits to start with just \$100 a month. And if they are okay with that, he will continue that process of working up a lease agreement.

Mayor Tyson asked if they have found room for the Tax Collector.

Manager Mathes stated that he has given the new Building Director the task of interviewing all the department directors and staff who want to be involved in understanding what the city space needs are. His initial concept did reserve a room for the tax collector and the Property Appraiser shared room for those two, which I think would fit with them. But first we need to make sure that somebody else in the City does not need that space. They are going to do that over the next month or two. And once they determine that there is space that would be available then they will start a conversation with Carol Jean.

Mayor Tyson stated that would be a tremendous service to our people out here.

Manager Mathes stated that he just wanted them to know that that space would not be available until the FACT Resource Center is built and the tenants the City has downstairs moved to the FACT Resource Center. Because right now the entire basement is leased out between the Frogleg Festival and the two nonprofits. They are hoping the FACT building will be under construction in 2025. It would not be until 2025-2026 before they can bring anyone out.

- **Sewer Workshop request** – He asked Council to set a date for a workshop in May to talk about septic to sewer and getting into the sewer treatment business. I would like to do it at 6:00pm at a non-council meeting so that we do not have the constraint of a one-hour workshop period. Council agreed to reach out to City Clerk Maria with the chosen dates.

- **North South Institute request for partnership food incubator** - A few years ago they help the City organize a major meeting amongst many, many state and federal agencies. They met at the Boys and Girls Club, and they talked a lot about some of the needs in Fellsmere. One of those was food security, which they work on every day with the Treasure Coast Food Bank, with the food refrigerator outside and with all the other things they do in town, for giveaways on food. But they are focused on small farms, like community gardens, or just small farm operations. And so, they are creating a program to help train individuals who want to get into the small farm business, it could be a current owner of five acres in town or just thought about getting into something and they just need a little training and education to help them. And what would happen is they would bring the City grant funding to hire the facilitator slash/educator who would then work with the City for a period of years to do that education throughout the community. He asked Council if he thinks that fits well for the City needs.

Council Member Renick suggested that they do have a county extension office, it is not in Fellsmere but that is a resource that already exists, and it is already funded. They can act as a coordinator who can use the City to coordinate when there is a need. Council agreed.

Mayor Tyson asked how the community gardens are doing.

Manager Mathes stated that the one on Myrtle Street is still going but the garden on Willow is not.

- **SLP Tractor Services status-** This is a business, it is in the county that apparently is operating a business that is not consistent with the county's zoning, and they have had code enforcement they have been made to stop was what code enforcement does. And they have been parking their vehicles over at Operation Hope and trying to operate until they can get their site plan approved. But the problem is, they are not very good at focusing on their site plan. It has been languishing and it is not the City's fault. But they have gotten to the point where Operation Hope has pretty much priced them out of being able to stay there. And they said they understand they have code enforcement, but he has no other choice, I have to get going. And he was told that he cannot get a fence permit until the City gets a site plan. But if you want to go out there and put your landscape in, landscaping is not a big deal. Anything else they do is at their own risk. He just wanted to give City Council a heads up. Council Member Renick suggested they put barricades up around the trees because they have already gotten underneath those trees. He reminded Council that this is a site plan that has two retail buildings on 512 completely compliant with the City's overlay district. And then a contractor yard in the back. The contractor's yard is the one that requires a special approval, the rest is fully compliant. He is happy with the plan, he just wished they could have their paperwork going quicker.

- **79 S. Orange Demo - floors worth saving** - That is an historic home that's had a code enforcement violations for years, and he recently talked with the owner and she's finally getting around to tearing that building down. asked permission to go in and take a look because we know we have a code that requires a 30-day stay on demolitions of historic buildings where the city inspects it and makes a determination whether they want any part of it or all of it. Per the building official there is no value in that building except maybe the wood floors. It is a lot of work to pull up wood floors and keep them in good condition, they also would have to store them. Council Member Renick asked if there is any way we can just advertise through the city for somebody else if you want them. Manager Mathes stated that he would have to work with the owner to see if there is someone out there that might want those.

- **City Clerk Evaluation-** She will be sending out her evaluation form and will put that on the May 16th Council meeting.

- **Citizen Budget Survey released** – This will be the second year this survey has been released; it is going to go into the next water bill. This year, we have enhanced it, they have kept the same questions because he would like to kind of track trends over time. That does not mean they will not change questions over time as things come up. But the questions are still pertinent that are there. But he also added an online survey option. And making both the paper and the online version, both in English and Spanish.

- **Direct Technical Assistance for Flood Resiliency - What** this means is that they are going to give the City some direct technical assistance for flood resiliency. What this means is they are gonna assign us an expert to help us identify our weaknesses, and to help the City identify programs to plug those weaknesses as it comes to flood resiliency. Even though he thinks the City is doing a good job without the experts, why pass away free expert advice. The City is going to continue to work with them and see what kind of advice they can get and what kind of work they can get for free out of somebody.

- **Council can attend Ethics training in person in Ft. Pierce on 4/19 from 9a-2p or online before 7 /1/24**

- **Chlorination of City water will occur from April 15th through May 15th** – He added that after the chlorination, we will be no longer on ammonia, we will be on hydrogen peroxide, so our odor and color issues should disappear.

Council Member Salgado stated that she has heard that it is a little too much chlorine and asked if they are adding the same amount.

Utility Director Burges responded that they have added a little bit more because they are changing their treatment after this, they are trying to burn everything out before the started adding peroxide.

Manager Mathes asked if they are adding a little more chlorine is it still all in the allowable regions for safe drinking water.

Utility Director Burges responded that the allowable maximum is 4.0 and it is at 2.8 right now and it is usually at 1.2.

An updated list of all active capital projects was shared with all Council Members.

- 10. MAYOR'S MATTERS:** (a) Police Department Report – March
(b) Public Works Department Report – March
(c) Development Report
(d) Grants Report

Mayor Tyson stated that he will be attending the Ethics training in Fort Pierce with City Clerk Maria and Vice Mayor Fernando Herrera. He did not have any other meetings; they cancelled the League of Cities meeting.

Manager Mathes shared with the public that item 10(c) is a development report, and this is given to Council once a month and it is usually the second meeting of the month. It is a very detailed report of where every development application is in the process. There are many opportunities for you all to know what is going on.

11. COUNCIL MEMBER'S MATTERS:

Council Member Herrera- He stated he had no matters.

Council Member Salgado- She stated he had no matters.

Council Member Hernandez – She stated he had no matters.

Council Member Renick – He asked if when the city issues a permit for development is there a condition that requires tree protection barricades.

Manager Mathes stated that it is in the code, and that is one of the things that they are going to be doing better at with the new inspector. He stated that it is on the construction plan.

Council Member Renick suggested that he understands it can take more time, but it could probably save a lot of time and frustration, hopefully in the long run is that especially with developments. Before they start that they have a preconstruction meeting out there and those barricades need to be up, and the silt fences and they do not do any work until they have a preconstruction meeting out there and the city signs off. Because otherwise, especially as with some of these new developments, trust me, they are going to get way out of control, and we will be sorry for the results.

12. CITY ATTORNEY'S MATTERS: Attorney Dill stated that Attorney Rhodeback has an updated on the Shrimp Farm code enforcement.

Attorney Rhodeback stated this is in regard to a situation out at the shrimp farm about some saltwater discharge. Long story short, the city was attempting to move forward some code enforcement action against the shrimp farm for the conditions that existed that the tenant at that property promptly filed chapter 11 bankruptcy, they had to seek special counsel in order to get potential relief, or what we call a comfort order from the automatic state to ensure that we don't run violation of federal law for violating the automatic stay. They had a successful ruling by the Southern District Court bankruptcy court, and the City is permitted to proceed forward with the foreclosure action. However, that goes but he did want to bring that to City Council.

Manager Mathes clarified that they are proceeding with the Code Enforcement case not the foreclosure action.

Attorney Rhodeback stated that is correct, and they currently have no lien, and the City actually do not have the right to lien because they are still under Chapter 11 bankruptcy.

Manager Mathes added that the City can proceed with the code case. And the City can lay levy daily fines, they just can't record those fines as a lien until the bankruptcy is discharged or until they're in compliance, then we give the amount owed to the bankruptcy court who would then make that part of

their debt. Attorney Dill was asked to assist in this case because it is a bit more complicated than your standard unpermitted work. And so, he will be coordinating with him on a timeframe for that case, I am sure he is going to need a month or so to prepare or longer. They are also going to involve the state agencies because they are not really doing their job in their opinion, and they are going to see if they can get some better traction out of the state agencies as well.

Code Case on 1004 Lincoln Street - Manager Mathes stated that there is second code case that he needs to talk about with a foreclosure sale scheduled for May 22, 2024. The respondents are in the audience. This case is in regard to 1004 Lincoln Street.

Manager Mathes explains the history of the code case from many years ago related to some unpermitted work. The unpermitted work, unfortunately, was never resolved correctly. The City lost in the original case, City Council were requested to allow them to appeal the original case, they did appeal it, and the City won the appeal. The foreclosure sale has now been scheduled to May 22, 2024. They have between now and May 22, to either stay on the course, or listen to the gentlemen here who are the owners of 1004 Lincoln, as well as a property on 89th Street, to see if there is some way they might be able to keep their homes. They have applied for a permit. The City has rejected the initial application, but they have a course of action to supplement that application to make it permissible. The City expects to issue the permit tomorrow, at the latest Monday, and then do an initial inspection to see if there is any rot behind the siding and then they will have to finish whatever work is needed based on what the permit requirements are. And then do a final inspection.

The problem is, is that it has gone so far down the path. It's not just city council now who gets to say, it still requires us to go back to the court and get the court to change course, there's been a change in that court recently, there's now a new judge in charge, that just doesn't play. He is not sure that they will get additional time. encouraged the applicants to do everything in their power to get this permit closed as quickly as possible, so that we can have a conversation with Council about what their costs are due to the City because it has gone so far down the road. Costs are going to be very large. He discusses legal issues mentioning potential costs and delays in resolving the case. He expressed concern that the case may be dismissed with prejudice, preventing further action. The City's goal is not to take someone's property, it is to be in compliance. We finally have his attention. He is finally paying attention and hopefully doing what is right to being in compliance, it has just taken so long that the City is no longer in control of the ship.

Attorney Rhodeback stated that when a case progresses as far as this one has, their ability to control where it goes diminishes. This is a 2020 case. The City filed the lawsuit in 2020 and they put the lawsuit on hold multiple times because Manager Mathes had tried to work with the residents in order to try to get the code violations rectified. And the City could have proceeded for with the foreclosure in 2020, because nothing had been filed at that time. The City took this to appeal. The fourth district said the City is right. The Fourth District issued a mandate which is the moment the Fourth District says I relinquished jurisdiction trial court you can hear it. That day the judge that is presiding over the case selected May 22, 2024.

The City can request a postponement of that foreclosure sale. But there is a very real chance the judge says absolutely not and there is also a very real chance where the judge gives one or two options. The City either goes forward with the foreclosure sale or they vacate the final judgment and dismiss the case.

His concerns are this case has been on the judge's docket for four years. The other concern is that the property is presently not in compliance. Another issue is that they have a final judgment amount of \$238,503.89. There are attorney's fees of \$14,391.08 and also out of pocket costs that the city has paid for publications, recreation of transcripts, filing fees associated with the court in the amount of \$4,924.38.

Manager Mathes added that the City probably has another \$1,000 in non-attorney costs. There are the Special Master fees and cost. There is the mailing and copy cost that they have incurred in prosecuting the case. So probably close to \$20,000 plus cost alone, that would have to be borne by the respondent in the City's code does not allow those to be reduced. Nor would he recommend it because that is cost out of the City's pocket.

Council Member Renick asked what was the first cost. Attorney Rhodeback the \$238,000 are the daily fines, because this dates back to 2018. He explained the procedure stated that he wants the City Council to be aware of what they are asking him to do.

Resident Pablo Almanza and Pedro Almanza 1004 Lincoln Street- Pablo Almanza explained his view of the way the code case was handled and did agree they had a Special Master Hearing, and they gave him 2 weeks before any fines could be established. They did finish a lot of the stuff; a lot of stuff was just minor trash. The City did want a permit for skirting around the home and then he was told to get a permit for a small piece of rotten wood which he did not get a permit for and still does not have a permit for. He has asked for a permit but has not been given the permit, which is all that he is aware that is active. Manager Mathes agreed that everything has been resolved except for the unpermitted repair.

Pablo Almanza stated that he does not understand where that large amount is coming from if he took care of most of the issues quickly. He wanted to clarify that when the photos were taken there was nobody living at the home. That home is in a poor neighborhood and people would break in and he had no control. The power and water were off, no one should have been living there for many years. He was trying to be complaint and now the City wants to come for two of his properties because of damage to a small wall. If he gets kicked out, he and his family will be homeless. He claimed that he has done an appeal to their appeal with the new judge. And he is now presenting his case again to defend himself. He has spoke to Manager Mathes and said they may be able to get it done but does not know about the timeframe. He does not understand why the city wants to go forward with the foreclosure if they have tried to be in compliance.

Pedro Almanza stated that a few years ago the City has taken one of his properties without him being aware there was an issue. And that is why they told the judge that they have been harassed because the City had previously taken that one property. And now they want to take two more. The City is supposed to help citizens not hurt them.

Pablo Almanza stated that this has been going on for years because for many years he has been going back and forth with the current Manager and the previous Manager and they never got a straight answer on how to resolve the issues.

Pedro Almanza stated that they are hard workers and work seven days a week, he has worked hard for his homes and now they will be taken away because of a piece of skirting. He does not understand how this is happening in the United States.

Pablo Almanza stated that if there are fines, they will pay, and he understands that some fines can be waived. What he does not understand is why they are going for both of his properties.

Attorney Rhodeback stated that the court has determined \$238,533.89 is owed to the city for the accumulation of fines, they have reserved the attorney's fees and costs, which are \$19,325.46, that is in addition to \$238,533. If the attorney has to do an additional response to their appeal, and it is going to be filed, there will be additional attorney's fees.

Manager Mathes added that add that at every communication related to the rotten siding was clear that a permit was required. He does work with residents and does waive certain violations. He cannot waive a project that requires a permit because they chose to do without a permit and that is exactly what they did. They did the work without a permit after every document they received said a permit was needed. And now they are getting a permit, and it was submitted a few days ago and they are going to get one tomorrow that is pretty good service. At the end of the day, I would love this thing to be resolved. He has no need for the person's house, but the City has just lost control of the case because it has gone so far. It is not their decision anymore.

Council Member Renick asked what would the City accept as the final resolution to this case.

Manager Mathes responded to pay the City's cost in full before May 15th and have Council on the 15th waive anything else other than a token civil penalty. Since the costs are going to be so high they would not be asking for 10 or 15% of other costs unless Council wants to do some punitive damage on him to hope to convince him not to do it again. But at a minimum, he would need full payment of all our costs plus some

payment on penalty by May 15. Because he cannot get into a payment plan, because the judge is not going to hold the case for a payment plan.

Council Member Renick asked to clarify the costs.

Manager Mathes stated that he would have to do the analysis and share it with them and Council, but it is probably not less than \$20,000 and not more than \$30,000 which include all his attorney fees, city costs and a little bit to cover daily fines and penalties, which is the City's normal course of action. And it would also include complete compliance and successfully closed out permit by the 15th.

Pablo Almanza said he can work with that number. If the City can honor giving him a permit, he would honor his part and get things resolved, it is in his best interest to do so.

Manager Mathes clarified that the city is not doing any action to stall the foreclosure sale, it is all in the owner's hands to make it happen. If the make it happen by the 15th the City will issue an order of dismissal to the court. If it is not done by the 15th the foreclosure sales are going forward.

Council Member Renick stated that now they know what they need to do.

Pablo Almanza confirmed he will be there tomorrow to get the permit and as long as the City honors that everything else will get done in time.

Council Member Salgado stated that it is not on Manager Mathes it on the City staff.

Council Member Herrera asked if this can be done by May 22nd. Manager Mathes responded that if the owner does his part, he can have a successfully closed permit by the 15th.

Attorney Rhodeback stated that if there is diligence on behalf of the residence to get this rectified, it should be able to get done. He will be able to do the paperwork asking to vacate the final judgment and issue an order dismissal as the settlement has been reached. The only thing that he has concern about is, is there still fighting about stuff that should not be fighting about tonight.

13. NEW BUSINESS:

(a) Abatement Request for 36 South Lime Street Code Enforcement Lien.

Manager Mathes stated this is a standard request. It just so happens this case was compliant a long time ago but just because turnovers and code enforcement officers, the City never pushed for them to pay their final amount due. And now they are selling another property and code enforcement attaches to every property you own. And so now they can't sell the other without paying off this lien, the lien has grown because they haven't paid it and they don't want to waste all that money, so they're asking for a typical abatement. The details were shown to City Council and the total amount in terms of cost is \$1,980.71. The least City Council can go per the City code is the base cost is \$467.53.

He added this was a case related to a new nonresidential project that did not do all the things they were required to do when they first opened up, they forgot to install their Backflow Preventor on their plumbing they had some landscaping that needed to do and some parking improvements. They actually got on a really good they and took care of them pretty quickly, so it was a good case to prosecute it was it was a good relationship. The City just forgot to collect the money due. The respondent was present.

Melina Zamarripa- 100 S. Lime Street – She had nothing to add.

Council Member Salgado suggested cost plus 10%.

Being no further discussion Mayor Tyson entertained a motion.

MOTION by Council Member Salgado **SECONDED** by Council Member Hernandez to approve the abatement for cost plus 10%. Total of \$618.85.

ALL AYES

MOTION CARRIED 5-0

(b) Approval of Post Occupancy Agreement for Moss property.

Manager Mathes apologized to Attorney Dill for not sharing with him that he had talked to the owner about staying a little bit after because the city's closing was a week before his closing and so he needed that week to get the new house and then to move into the house. This should have been something that was prepared at closing that was on him for lack of communication. Attorney Dill was very gracious and in getting this out and prepared it as quickly as possible. It has already been signed by the prior owner of the property.

Attorney Dill stated that the City purchased this property last week. Mr. Moss stated at closing that he would be staying there for three months, and he was told that the city now owns it and everything in it. Mr. Moss stated that he has discussed that with Manager Mathes. Attorney Dill then called Manager Mathes and he acknowledged there had been a discussion but not for three months. They promised Attorney Dill that they would be out in two weeks. In these situations, he normally would have had what is called a post-closing occupancy agreement and have them sign it right after closing. He had to put this together and get it over to City Clerk Maria and she had the Moss's family sign the document it is not signed by the Mayor. The purpose of the meeting today is to authorize the Mayor to sign the agreement, this makes it very clear that they are going to indemnify the City if there is anything wrong, they have to carry a one-million-dollar insurance for two weeks. In the agreement they are promising in writing in the context of the contract to be out by 5pm, on or before April 27, 2024, which was approximately two weeks after our closing, but it's time certain date certain to be out of property. If they are not, then the City has legal recourse under this agreement now to go in and get them out of there. In addition to that, he sent each of the council members a letter stating that they are now landlords of two houses. There is a lot of responsibility when you are a landlord. But the city is now responsible for mowing the grass, paying the insurance, keeping the power etc. He did copy the Chief as well with some thoughts that if he thinks the property needs to be posted.

Manager Mathes stated he appreciates the letter, and that Public Works director is on it.

Attorney Dill stated that the purpose of the letter was to give them an overall what happens when you become a landlord. Because they are not usually a landlord, they are usually buying vacant land, and do not have to worry about this.

Council Member Renick asked about the mentioned insurance is that just normal homeowners' insurance, that they have to extend.

Attorney Dill responded that they are supposed to add the city as additional insured to their policy.

Being no further discussion Mayor Tyson entertained a motion.

MOTION by Council Member Renick **SECONDED** by Council Member Herrera to approve the Post Occupancy Agreement for Moss property.

ALL AYES

MOTION CARRIED 5-0

(c) Approval of Cemetery Cell Tower Lease Agreement and Authorize Mayor to execute Lease Agreement.

Manager Mathes stated that the graphics shown by the City Council were the results of the ground penetrating radar. And they have recommended the lease area be relocated to what is shown in the red square to minimize the anomalies. But their position is they did not want to get into ground

disturbance investigations without site control or something like that. And their recommendation has let us just execute the lease. And then they can do the ground disturbing investigation. If the City were to agree with that, he would highly recommend the lease be revised to include a condition at all work stops if human remains are found and that they would be legally improperly reinterred or revise their plan and avoid it.

Attorney Rhodeback stated that the only thing he wanted to add is that the City made certain demands upon them. And they complied with the demand. Their counteroffer that was discussed in December meeting, the City wants a higher option payment the first year, they need to pay for the attorney costs, and they have to do ground penetrating radar to confirm that there is not a body or bodies. They did comply and they discovered some anomalies. It is normal for them to ask for something more formal. The biggest concern is that when they lock the city into a lease agreement, if they do find dead body what happens then. And that is the hard part, Attorney Dill broached the subject, possibly about a license agreement, which is an as long-term binding as a lease agreement, meaning it would be much easier to pull the plug on such a thing, if something is discovered. The other thing that is a big no go is they wanted to cap attorney fees at what they incurred as of three months ago, and they haven't incurred a lot since maybe 15 20 minutes on reviewing the lease and confirming that these were the only things they changed, but there are going to have to be some decent amount of rewrites, which are going to make the fees go up. He recommends not agreeing to cap on fees.

Council Member Renick asked if they do move forward what are the next steps.

Manager Mathes stated next step is for them to get entitlements from Indian River County.

Council Member Renick asked if they do find something do they have to hire an archaeologist and who is going to do that. And who is going to incur the responsibility and the cost for doing that further exploration?

Manager Mathes stated that he has had that conversation with them, and their response is they will be glad too, but they would like to do it under a signed lease, instead of not a signed lease.

Council Member Renick stated that it is still unclear that if they find something what can they do and how is it supposed to be handled.

Manager Mathes stated that he does not think Attorney Dill practice much in reinterment cases in his life, so it is probably a little bit of education is needed. He confirmed with Council that they would like to bone up the requirements if a body is found, so that they can know what the next step would be. And Council would like to know that before they agree to either enter a lease or even give them a license agreement. Council wants to know, and they should want to know exactly what the requirements are going to be if they find something.

Council Member Renick suggested that professional archaeologists be contacted, they would know how to document it, they understand the laws associated with it, and how to handle the body thereafter.

Manager Mathes asked Attorney Dill if they could draft a letter to the applicant that the City is not willing to sign the lease yet, because they need to address the issues of what happens if they do find something. And since neither of them knows, the City is going to figure that out first and then they will talk about potentially lease or license agreement. Attorney Dill also suggested removing the cap on attorney's fees.

Being no further discussion Mayor Tyson entertained a motion.

MOTION by Council Member Salgado **SECONDED** by Council Member Herrera to defer action subject to research that City Council has directed to do.

ALL AYES

MOTION CARRIED 5-0

(d) RESOLUTION NO. 2024-38/A RESOLUTION OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA AUTHORIZING THE EXTENSION OF THE LEASE AGREEMENT FOR CERTAIN CITY OWNED REAL PROPERTY PURSUANT TO SECTION 2-230 OF THE CODE OF ORDINANCES OF THE CITY OF FELLSMERE, FLORIDA, FOR THE SUBSTANCE ABUSE COUNCIL OF INDIAN RIVER COUNTY, INC. D/B/A SUBSTANCE AWARENESS CENTER OF INDIAN RIVER COUNTY; PROVIDING FOR THE PURPOSE FOR WHICH SUCH REAL PROPERTY WILL BE USED; PROVIDING FOR THE TERM OF THE EXTENSION OF THE LEASE AGREEMENT; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Tyson introduced the Resolution and Attorney Dill read Resolution No 2024-38, by title only.

Manager Mathes stated that there has been some evolution of this particular lease space. This is actually the upstairs one of the cubicles outside his office, and they are often not there. It is not a full-time occupancy, like the tenant's downstairs. And they have had a conversation just this week with the group that is creating these free legal justice service centers throughout the County. They have one at the courthouse got one at the center. They are trying to expand one branch out to Fellsmere. They also need a desk space. They also will not be there full time, and he would like to revise this lease and maybe do not act on it at this time to make it very clear in there that they were going to be sharing that space with another nonprofit. And let those two nonprofits coordinate together about the times they are at the desk. The City has a lot of interest for nonprofits in Fellsmere and they do not have a lot of space and so every time the City can share a space, he thinks it is best for the residents and community. He would like to reach out to the Substance Abuse, give them a heads up, and maybe even reduce their rent to \$50 a month since the other entity will also be paying \$50. The City will still get the same lease rate for that space, but they will just have to share it and coordinate with the other body. He would like to table this item until the next meeting and bring it back with those revisions.

Being no further discussion Mayor Tyson entertained a motion.

MOTION by Council Member Herrera **SECONDED** by Council Member Hernandez to table Resolution No. 2024-38 to the next City Council Meeting on May 2nd, 2024, at 7:00pm.

ALL AYES

MOTION CARRIED 5-0

Mayor Tyson recessed the meeting for a restroom break at 8:52pm.

Mayor Tyson reconvened the meeting at 8:57pm.

(e) Approval of Change Order #2 to Work Order #4 with Culpepper & Terpening to provide for additional survey work for the Rail Trail from Broadway to the State Park Preserve

Manager Mathes stated that this is the Rail Trail grant from the state park to Broadway. It is expected to be under construction in early 2025. As part of the design, environmentalists found a couple of wetlands which in his opinion, are from the existing ditch that ran along there, but because nobody maintained that ditch for 100 years, it is now considered a wetland.

And since they were not expecting any wetlands, because it's not a wetland that looks like one, especially in the dry season, they didn't put any wetlands surveying in the contract, they didn't expect it to be there, obviously him serving the wetland is an additional service, he should be justified, as well as the permit work to impact that wetland. They are going to try and avoid it the best they can but there might be some impacts anyway. The City was also asked by the state grantor because they do not have the staff to review the City's ownership documents. The State has ask to give them an exhibit that spells out without any question whatsoever that the City owns the land. He has to unfortunately spend money with a consultant preparing a survey exhibit with sketches and descriptions of the land. And those are two items with regards to this agenda request the location to mapping and then the additional surveying and exhibits for the proper ownership

documents.

Mayor Tyson stated that for future reference he thinks it is best to go ahead and do the survey because we are not going to live forever.

Council Member Renick stated that he may want to tell the consultant that if that ditch was cut through upland soils, it is not a wetland a surface water. The upland soil map can tell them if they are upland soils or not.

Manager Mathes stated that it was cut throughout from soils, but the problem is they have no proof. He will reach out to the consultant.

Being no further discussion Mayor Tyson entertained a motion.

MOTION by Council Member Renick **SECONDED** by Council Member Hernandez to approve Change Order #2 to Work Order #4 with Culpepper & Terpening.

ALL AYES

MOTION CARRIED 5-0

(f) Approval of Employment Contract for Public Works Engineering Inspector.

Manager Mathes stated that the City does not usually do employment contracts except for their charter officers. However, the City do not usually hire people for short duration, the City usually hire their permanent employees until they move on. They felt it is best to start with this construction Engineering Inspector, though as a set three-year term, just in case grants dry up just in case the capital program dries up and it is not justified anymore, and the City can let them go. He is hoping that is not the case. He is hoping that during that timeframe, the City's revenues will grow so that they can continue the robust capital program even without grant funds or with a reduced amount of grant funds in the future. But still just to give the City the flexibility, the protection. It is easier to have a contract than just to let somebody go.

This is a full-time position, he will be outside his office next to Laura, the Grant Administrator because she is managing a lot of projects. He will also be doing private inspections for development, as well. He may even help out with some code, and they will just try their best to keep him busy. They should be starting a notice to proceed on New York Ditch soon.

His starting salary will be \$63,000.

Being no further discussion Mayor Tyson entertained a motion.

MOTION by Council Member Herrera **SECONDED** by Council Member Salgado to approve Employment Contract for Public Works Engineering Inspector.

ALL AYES

MOTION CARRIED 5-0

(g) Discussion to provide direction for code changes to regulate mobile food trucks in Fellsmere.

Manager Mathes stated that for the longest time, Fellsmere did not allow food trucks. About 10 years ago, the City decided to try a food truck as a transition to a permanent kitchen for Yolanda at 81 North Broadway, she was never able to successfully do the transition to a kitchen. But during that timeframe, the City started approving other permanent applications of food trucks, and then all of a sudden the state adopts a law that says they can no longer outlawed food trucks in the City's jurisdiction. They are not meaning the permanent food trucks; they are meaning the ones that come and go. And he shared a copy of the state law as part of the agenda. And it is very clear that it is for takeout and delivery meals only. So, when you are a purely mobile food truck, you do not have tables and chairs, they are to come and go. The City has had a slew of food trucks show up in the city because of that. And since the City has not had rules, the City has not been able to really control it. I did not want to start saying no or providing directions when he had no legal authority to do that. The only thing the City has really

been focusing on is traffic safety if they park in the wrong spot. And they have had a couple of they have asked to move. Obviously, the City does want to make sure that they do have permission from the property owner. Council and the community probably want to do more, and they have always talked about bringing some regulations. Council had also talked about wanting to go back and visit the regulations for permanent food trucks as well. The permanent food truck are not up for discussion tonight but he will give a quick update on them. With permanent food trucks it is currently a 500-foot spacing, Council has asked to go more, and they are going to be recommending a 1500 foot spacing on the permanent food trucks. And those that are already there will specifically have language that if you were previously permitted, you would be legal conforming.

Manager Mathes stated that they will be going over the mobile food trucks if there should be regulations, spacing requirements, signage requirements, type of food, if alcohol can be sold, etc. Planner

Planner Robert Loring gave a brief summary of what was discussed at Planning and Zoning. He stated that there was no direct recommendation to City Council. However, items that the Planning and Zoning members did discuss had a general consensus and were as follows.

1. Food trucks must operate truly as mobile unless they go through the site plan process already in place.
2. To allow for city staff and police to easily verify that food truck has a state license.
3. A provision that allows city staff or police to verify that food truck operators have insurance for the operation of the food dispensing vehicle.
4. The ability for police to easily enforce traffic laws. If a food truck location poses a nuisance or safety hazard to the surrounding community.
5. Protect brick and mortar businesses as much as possible but allow for larger parcels that have vast overages of parking to have the ability to have multiple trucks on site i.e., Operation Hope has a vast amounts of parking areas that could accommodate more than one food truck.
6. Planning and Zoning members discussed the possibility of a common food truck location at a community event.
7. Existing restaurant owners should have the ability to review the food truck ordinance and make recommendations for P&Z and City Council.
8. No food trucks on city owned property unless it is marked as a Special Event.

The following items were discussed on the mobile food vending units as accessory use.

1. Mobile food vending unit as an accessory use shall only be allowed within the following zoning districts: C-1, C-2, RPO, I, PIN, and PDD and must be located on a developed property.
2. To qualify as an accessory use, the mobile food vending unit must not park overnight at the developed commercial property and may only be open for business at the same times as the business located on the developed commercial property.
3. Shall require certificate of zoning as set forth in Section 17.21.A of the Land Development Code prior to operation. This is not a permit or registration but review for compliance with these rules.
4. The following conditions shall be demonstrated to the City of Fellsmere to receive a certificate of zoning for mobile food vending units operated as accessory uses:
 - a. Shall not be located closer than 1,500 feet from another accessory or principal mobile food vending unit.
 - b. No signage beyond that which may appear on the mobile food vending unit except for one (1) A-frame sign located on the same property as the mobile food vending unit. The big flags will not be allowed.
 - c. Parking requirements shall be five spaces for each separate mobile food vending unit placed on the property in addition to the required parking for all other permitted uses on the site. Location of mobile food vending unit may not result in the loss of parking below the code required minimum parking unless otherwise approved by the City Manager.
 - d. The location of the mobile food vending unit shall not block any ingress/egress, building entrance or emergency exits or conflict with required fire access, intersection site distance requirements, or required access for the principal use or be within a public or private road

right-of-way or easement.

- e. Shall operate only during business hours of the principal business located on the property.
- f. No outdoor seating is allowed. Food and beverages for sale are for take-away service only.
- g. No temporary or permanent furniture or improvements on site shall be allowed in support of the mobile food vending unit except for temporary trash/recycling receptacles.
- h. No alcohol shall be sold.
- i. Permission from property owner to locate on site.
- j. Proof of licensing by the State.
- k. When operating on city-owned land, a mobile food vendor must maintain insurance as required by the City and naming the City of Fellsmere as additional insured.

Manager Mathes stated that the Planning and Zoning Board encouraged City Council not to allow them on city lands, but he personally does not see a problem with it and Council will need to provide direction. He stated that he always likes to present these things to City Council in a non-binding way for their input before a public hearings. There were some members in the audience who are food truck operators, who wanted to share some thoughts.

Mayor Tyson asked if anyone in the audience wanted to speak on this matter.

Mike Russano – The Watering Hole – 36 N. Myrtle St., Fellsmere

He asked what the fees would be because the state statute says that any municipality, county, or city cannot incur fees on a mobile food dispenser.

Manager Mathes stated that they would be quite minor if they start as low as \$25 and the independent zoning certificate is \$75. He clarified that the government may not require a separate license, registration or permit or require the payment of a license registration or permit. The City is not charging for a license, registration or for a permit, the City will be charging to review for compliance against the City zoning code.

Mr. Russano wanted clarification on moving the food truck once every thirty days.

Manager Mathes stated that may be a state requirement, but they let the zoning to City. And because they left zoning to the City, the City gets to decide that locally. And it is up to City Council if they want to be as lenient as the state would be on that 30 days. And they are asking that it comes with the business for a mobile unit.

Mr. Russano asked is it only the permanent food trucks that cannot be within 1500 feet of a brick-and-mortar restaurant or is it two brick and mortar restaurants as well. What is the difference if they are making it a permanent food truck.

Manager Mathes responded that two brick and mortar restaurants can be next to each other. The zoning will really be up to City Council to make that decision. Some of it comes from the mantra of brick and mortar is a much bigger investment than a food truck and maybe some of that comes into the mindset.

Mr. Russano in his case, they can have a really bad property owner, that you do not want to invest in the property that is not yours. So, to take that money and put it in a mobile food truck to give you the chance to have the kitchen that you need, which is not anywhere near there. We are fine with doing any rules that you imply we just don't like the back and forth of all the different entities. Their bar is inspected by the Department of Health, our food trucks are inspected by Department of State, each department has different rules and different regulations that we have to abide by. And then the city comes in and has their rules and regulations. So as long as everybody has all three inspections with all three codes, he is perfectly fine with all that but if they contradict along the lines is where it gets kind of blurry.

Attorney Rhodeback stated there is no contradiction, these are land use planning issues. There have been certain regulations preempted by the state but when it comes to where you are allowed to put your food truck, how close you can be, what hours you can operate, that would be like any other business.

Mr. Russano asked if they want to become a permanent, who needs to do your site plan.

Manager Mathes responded that they will need permission from the property owner to process the site plan and as soon as they have that permission, they are pretty much in control of that process. The property owner will need to sign the City's authorization letter form.

Manager Mathes asked if he had any suggestions or modifications or concerns with the regulations mentioned.

Mr. Russano stated not necessarily an issue but when they close later at night it is pretty hectic closing the food truck it can take up to two hours after closing to shut down to just come back the following morning and nobody has seen that they have left.

Manager Mathes stated that a permanent food truck will be treated as a brick and mortar and will not have to move.

Karen Severino – 233 S. Elm St. Fellsmere –

She thinks it is a little too much to say that only an "A" sign be allowed. She suggested not to allow too many and also not allow City property.

Manager Mathes responded that they do not allow flags in the City already. The ones that you see in the city are illegal and not proper. The City already does not allow flags. The only time the City allows flags is if it is a special events, so like if you first move your food truck to a site, there's an allowance for up to 14 days of a grand opening. It has been a problem in the City, and they are waiting to get the Code office to take care of the problem.

Ms. Severino asked what would be the reason to make the business hours open only when the primary businesses open.

Manager Mathes responded if the City does not have an hour limitation the food trucks could be selling goods at three in the morning. There are hours on business and bars it would be the same and it is not uncommon to put hours on certain businesses.

Ms. Severino stated that she hopes the hours are reasonable because she personally operates out of Operation Hope, Grandpa's Tacos, and she does not know specifically what their hours are, and they operate till 8:30pm. She agreed to having set hours and would prefer 9am to 9pm. She operates 3 days a week and comes and goes is it ok for her to come and go to the same spot. Manager Mathes confirmed that is ok.

Ms. Severino asked if they could have a 10 by 10 canopy. Manager Mathes stated they cannot, because once you start doing canopies, they have to be fire retardant. They have to be anchored and they have to be inspected by the fire official. That is what is supposed to happen with canopies.

Ms. Severino stated that she previously called the DBPR and asked them if liability insurance was required and was told no. Manager Mathes stated that was just brought up at the Planning and Zoning board last night and he will do some research on that. Attorney Rhodeback added that there is nothing that he could find that precludes local government requirements for insurance if you are concerned about liability. Manager Mathes cannot speak on why Planning and Zoning asked for it, but they can get sick at a brick-and-mortar restaurant just like you can get a food truck, so he thinks it is the same.

He encouraged them to stay tuned for future agendas as this item will come back in the future. Tonight, this was on the agenda just as a discussion.

Jonathan Cortez – 204 S. Oleander St., Fellsmere– He asked if he could get a copy of the rules and guidelines. Manager Mathe took his email and will be sending him the requested information.

Attorney Rhodeback added that there is a city website and under agendas they can find all

agendas and supporting documents online.

Mr. Cortez asked when do they think these new regulation will take effect. Manager Mathes stated that probably before summer is over.

Manager Mathes asked if there is any direction from Council.

Council Member Salgado stated that she feels like the A frame sign is too small. Manager Mathes stated that is not a small sign, it is almost three-square feet, four feet tall and it can have signs on both sides. Plus, they usually have signage on their vehicle as well. He wanted Council to keep in mind because this will be an additional signage from what is on the principal business. And there is always going to be sign on the principal business too.

Council Member Salgado liked the idea of the set hours. Manager Mathes stated that could be workable as a as a compromise because there are some businesses that do close early, and he would not be opposed at a staff level.

Attorney Rhodeback stated that he does not' want to overstep on policy, but if it truly an accessory use, are there going to be any limitations on how many days, or these businesses can operate as if they are doing this 365 days?

Manager Mathes stated that private agreements would always trump and that is something that the City would probably require, in the authorization letter from the owner, any conditions they have imposed. The authorization letter and if the business is providing any conditions in them being there that needs to be in that letter.

Attorney Rhodeback asked since we are requiring permission from property owner to locate on site, do you think we should amend that the written permission. Council Agreed.

Attorney Dill stated that he would prepare a draft.

Being no further discussion Mayor Tyson proceeded with the next item.

(h) Discussion to provide direction on required action for outstanding code enforcement cases.

Manager Mathes requested this discussion at the next meeting for the sake of time.

Being no further discussion Mayor Tyson entertained a motion.

MOTION by Council Member Salgado **SECONDED** by Mayor Herrera to remove Item 13 (h) from the agenda.

ALL AYES

MOTION CARRIED 5-0

(i) Approval of ARPA Amendment.

Manager Mathes stated that this is the normal quarterly update. They updated the spent to numbers, they increased a little bit on the 97th parcel purchase because they have one more full parcel purchase on 97th. It should not cost the City more than \$50,000. They go rid of some old school A/C's, they are just not going to get to it in time. Again, they have to have these under contract by end of the year. They are going to delete the heavy equipment trailer because it is not needed at this time. And put a little bit of savings in the Broadway Alley just because they think that inflation is going to make that cost a little more than what they have estimated at this time. And Item J deals with Kentucky and Senior League purchases and they want to add those \$3,000 into ARPA to pay for those purchases. They used the 512 left turn lane is kind of like a balance to balance the ARPA funds and they always have infrastructure to make up the difference. They did their first allocation of staff costs to ARPA. And that was from October 1 through March 31. And they only covered salary, they did not cover retirement contributions because that is not allowed and that was \$832,000. The spent to has gone up. He did want to reinforce the Council just because they have used their power to pay for staff. They are not pulling that money out of the ARPA list, because

all that did was free up that same amount of general fund. They are still going to use that general fund that has been freed up for these ARPA projects. It is just spending the ARPA quicker, so they do not get caught with that deadline of December.

Being no further discussion Mayor Tyson entertained a motion.

MOTION by Council Member Herrera **SECONDED** by Council Member Hernandez to approve the ARPA Amendment.

ALL AYES

MOTION CARRIED 5-0

- (j) **RESOLUTION NO. 2024-39/A** RESOLUTION OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, AUTHORIZING THE PURCHASE OF LAND LOCATED AT AND INCLUDED WITHIN THE SENIOR LEAGUE FIELD FROM THE STATE OF FLORIDA, FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, DIVISION OF STATE LANDS, FOR A COST OF \$1,500.00 PURSUANT TO THE CONTRACT ATTACHED HERETO AND AUTHORIZING THE MAYOR TO SIGN THE CONTRACT; PROVIDING FOR RATIFICATION; PROVIDING FOR APPROVAL OF CONTRACT; AUTHORIZATION; AND PROVIDING FOR CONFLICT, SEVERABILITY AND AN EFFECTIVE DATE.

Mayor Tyson introduced the Resolution and Attorney Dill read Resolution No 2024-39, by title only.

Attorney Warren Dill stated This is a fantastic deal that the City got and may not seem like it, but he has actually been working with this lady named Miss Parks for two years only on the Senior League Field and Manager Mathes has been dealing with them on the Kentucky Greenway. Miss Parks from the State of Florida has been very, she has been very professional, very nice. The City got a phenomenal deal.

Manager Mathes stated that the City is buying more than half of the Senior League Field for \$1500. Attorney Dill stated this will make life a lot simpler for staff when they go for grants now that the City will have ownership. And the City will now have a clean title from the State for the Senior League Field and the Kentucky Greenway.

Manager Mathes stated that this just makes the stormwater project much more valuable to reducing flood and increasing water quality because now the City has more areas to put water to settle and to keep it out of people's front yards. We will be getting some 90% of the plans in a couple of weeks on this project. They should be getting 90% of the plans in a couple of weeks on this project. He thinks it is going to be a great addition; they are only going to be able to do the stormwater component now. But they will come back with a recreation grant to put in trails and all that great stuff. And it will be a nice walking path for the residents to really exercise and enjoy a different view while they are doing that.

Mayor Tyson asked if that was going to be water. Manager Mathes responded that the will abandon the right away for roadways, expand that ditch, which currently is 30 feet wide and that ditch is now going to be 60 feet wide, where these lots are at that much more wider. And they will be putting a weir, which is a control structure to hold the water back at certain locations so that they can create what looks like a nice little pond or a lake and have a little water fountain, have some benches, have a trail going along the edge. The trail is going to be on the north side because they cannot put on the south side because that is where the current ditches at, they just do not have room. The trail will meander along the north side and then the rest will be a water control feature.

Council Member Renick stated that he has walked that many a times and a lot of culvert pipes that drain into that ditch that are going to be potentially below the water elevation, that he thinks he is envisioning in that in that canal. And that means that that's not gonna allow those properties to drain. Manager Mathes responded that they are going to actually not be able to hold the water up that much even though it is going to look like a water body cannot make it that deep, but they will take a look at it when it comes in. That was the last thing they were trying to do is figure out how much water they can hold back. And that is really a question for the Fellsmere Water Control District.

Being no further discussion Mayor Tyson entertained a motion.

MOTION by Council Member Renick **SECONDED** by Council Member Salgado to approve Resolution No. 2024-39 subject to City Attorney's final blessing.

ALL AYES

MOTION CARRIED 5-0

RESOLUTION NO. 2024-40/A RESOLUTION OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, AUTHORIZING THE PURCHASE OF LAND LOCATED ALONG KENTUCKY AVENUE FOR THE KENTUCKY GREENWAY STORMWATER PROJECT FROM THE STATE OF FLORIDA, FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, DIVISION OF STATE LANDS, FOR A COST OF \$1,500.00 PURSUANT TO THE CONTRACT ATTACHED HERETO AND AUTHORIZING THE MAYOR TO SIGN THE CONTRACT; PROVIDING FOR RATIFICATION; PROVIDING FOR APPROVAL OF CONTRACT; AUTHORIZATION; AND PROVIDING FOR CONFLICT, SEVERABILITY AND AN EFFECTIVE DATE.

Mayor Tyson introduced the Resolution and Attorney Dill read Resolution No 2024-40, by title only.

Manager Mathes stated he has nothing more to add.

Being no further discussion Mayor Tyson entertained a motion.

MOTION by Council Member Renick **SECONDED** by Council Member Salgado to approve Resolution No. 2024-40 subject to City Attorney's final blessing.

ALL AYES

MOTION CARRIED 5-0

(k) Award proposal and authorize Mayor to execute contract with Holler Construction, Inc. for the Senior League Park Concession Stand Renovation.

Manager Mathes stated that this is the long-awaited Senior League Park concession stand and reconstruction. And after this, we will roll into other components of the park. They are waiting for determination of whether they got the grant award. If not, they will do what they can locally, but they are going to wait till the grant award and at the end of this budget session.

Being no further discussion Mayor Tyson entertained a motion.

MOTION by Council Member Salgado **SECONDED** by Council Member Hernandez to execute contract with Holler Construction, Inc.

ALL AYES

MOTION CARRIED 5-0

Council Member Renick asked Manager Mathes on the status of the Fellsmere Water Control District.

Manager Mathes responded that they basically came back to him said they do not believe a joint meetings is required anymore because they have started doing their meetings in the auditorium and they have already started doing the deferred maintenance that everyone is asking for them to do. They think a joint meeting is really not going to be productive. They have asked the City to reserve the auditorium for their future meetings to accommodate them.

14. ADJOURNMENT:

There being no further business Mayor Tyson adjourned the meeting at 9:54p.m.

These minutes were approved by the City Council of the City of Fellsmere this ____ day of May 2024

Maria F. Suarez-Sanchez, CMC, City Clerk
CO20240418MINUTES.DOC

**Community Development Department Workshop
April 18, 2024 – 6:00 P.M.
MINUTES**

1. **CALL TO ORDER:** Mayor Tyson called the meeting to order at 6:00 p.m.

2. **ROLL CALL:**

PRESENT: Council Member Herrera, Council Member Salgado, Council Member Hernandez, Council Member Renick, City Manager Mathes, Attorney Warren Dill, and Mayor Tyson

ABSENT:

ALSO, PRESENT: Public Works Director Andy Shelton, Utility Director Kevin Burge, and Attorney Rhodeback

3. **PRESENTATION:**

(a) City of Fellsmere Community Development Department –

Manager Mathes introduced Robert Loring City of Fellsmere Planner and City Planner Loring proceeded with his PowerPoint presentation.

City Planner Loring gave a brief summary of his background. He discussed the Community Development Department roles and responsibilities such as Planning, Building, Code Enforcement, Business Tax Receipts and Non-Building permitting such as tree removals, driveways, clearing, fill, fences, lot splits and combines. He highlighted the role of land development code in regulating development requirements and noted that it is a living document that requires consistent updates.

City Planner Loring discussed the city's efforts to streamline the development review process and provide cost-effective solutions for businesses. He stated that they all have a role in Community Development.

- City Council sets Policies, Codes, and Ordinances designed to provide for the Health, Safety, and Welfare of the community.
- Staff are charged with administering and enforcing the Code of Ordinances, Land Development Code, and the Comprehensive Plan.
- Staff continually surveys and accounts for the needs of the community.
- Council continually adjusts regulations to further the betterment of Health, Safety, and Welfare of the community based on community needs.

Planning never gets easier, cheaper, or faster but the Community Development Department will continue:

- To provide "SMALL TOWN" Customer Service
- Implement Policies and Codes that create "Win-Win" Relationships with our Citizens, Business Leaders, and our Developers.
- Continue to create Business Friendly Policies and Implement Code Changes that increase efficiency and provide flexibility.

City Planner Loring also discussed various development projects in the area, including Marian Estates, 392, Legacy Landing, and FJV, and provided updates on their status. He also shared upcoming non-residential projects in Fellsmere, including a potential new fire station and commercial development on 8 acres of land.

Fellsmere matched the growth rate of every major city within 30 miles from 2000- 2020 with an average growth rate of 3.5% per year. In 2023, Fellsmere had 16 new single-family homes built with an average value of \$452,777 (national median average was \$431,000) Fellsmere will eventually be the largest city in Indian River County.

4. **ADJOURNMENT:**

There being no further business Mayor Tyson adjourned the meeting at 6:55p.m.

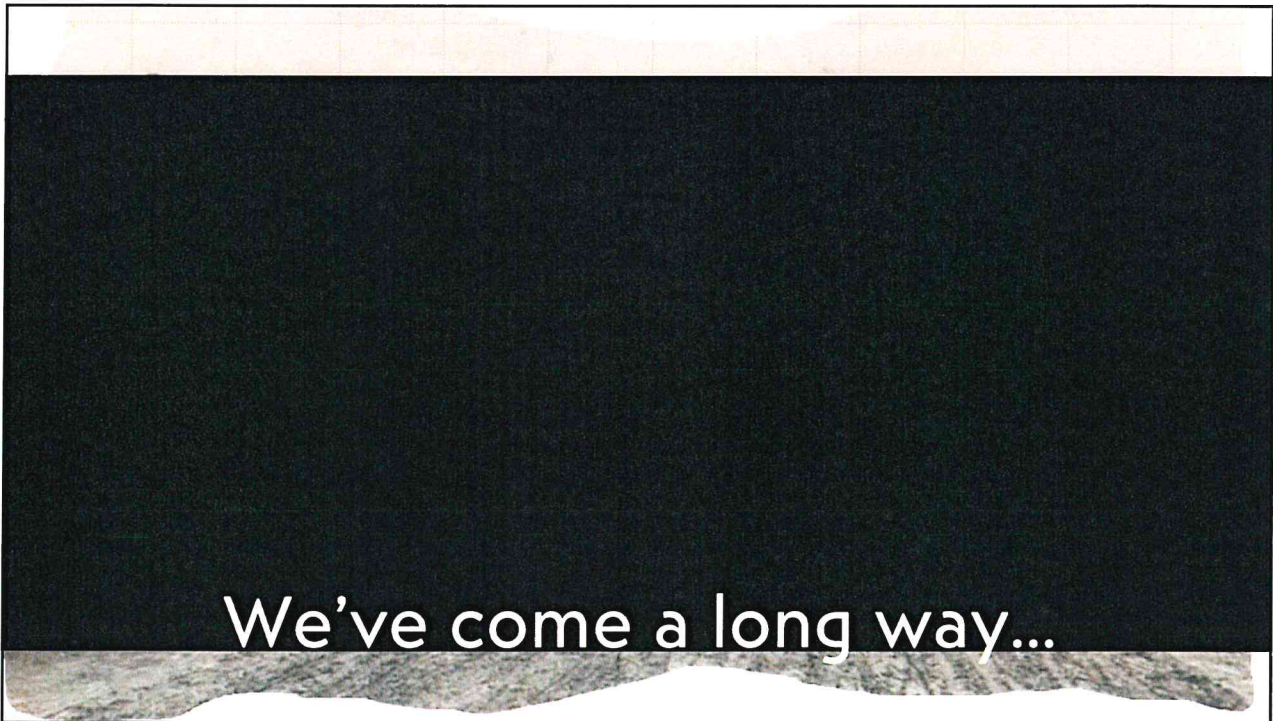
*The Power Point presentation is attached hereto and made up a part of the official meeting minutes.

These minutes were approved by the City Council of the City of Fellsmere this ____day of May 2024.

Maria F. Suarez-Sanchez, CMC, City Clerk
CO20240418MINUTESWS.DOC



1



2

About Me:

- Graduated from the University of Florida- with a degree in Architecture- with special studies and degrees in Architectural Preservation, and H.A.B.S surveys
- Member of PIC- Preservation Institute of the Caribbean- with work in Florida, Puerto Rico, & Costa Rica
 - Former City Planner for the City of Palm Bay - 18 years
 - Former Specialist for the Census Bureau for Indian River County
 - Former Committee Chairman for the Boy Scouts of America
 - 5 Grown Children
- Learn foreign languages as a hobby- German, and now Spanish
- General Aviation Pilot- 750+ hours, 1 less than admirable landing.

3

What does CDD do? We wear many hats!

Planning: Comprehensive Planning, Land Development Code, Site Plans, Construction Plans, Flood Plain Management (CRS), Arbor Day/Tree City, Addressing

Building: Plan Reviews and Inspections, Building Code Administration

Code Enforcement: Code Interpretation and Enforcement

Business Tax Receipts

Non-building permitting: Tree removal, driveways, clearing, fill, fences, Lot Splits/Combines



We wear many hats!

4

What is Planning?

- City Planning is a process by which we try to answer the questions of how people will live, work, and play in a defined urban area, and thus guides orderly and consistent development that provides for the health, safety, and welfare of its community.
- 'Creating Place'
- 'Creating Legacy'
- The things we do right now will echo long into our future...

5

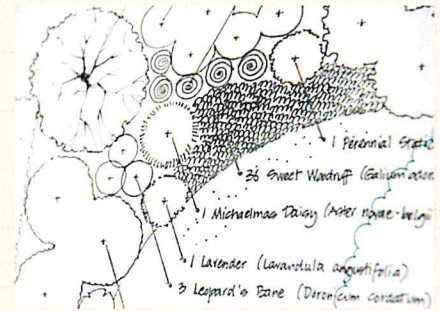
PLANNING

- Comprehensive Planning: provides for overall goals and aspirations of a community - a 30,000 foot look (Regulated by State of Florida FS 163)
- Land Development Code (LDC): provides specific development requirements like parking, setbacks, landscaping, signage, lighting, sidewalks, and pedestrian/vehicular access (Regulated by State of Florida FS 166)
- Site/Construction Plan: provides site specific design compliant with LDC and includes items such as building and parking layout, utility service, stormwater management, signage, landscaping and buffering, elevations, emergency access, and others
- Business Tax Receipts (aka Occupational Licenses)
- CRS- Community Rating System- annual updates "Flood Mitigation and Insurance Rates"

6

PLANNING (Continued)

- Site Sketch and Design Services- help small business
- Day to Day contact re. "I have an Idea...." questions
- Lot Splits / Lot Combines / Lot Clearing
- Lot Addresses/ E-911 coordination
- Tree Preservation and Mitigation review
- Final Building and Site Inspections
- Variances, Conditional Uses, Subdivisions
- Census Map updates and Census Bureau coordination
- Administration of Planning and Zoning Board/ Board of Adjustment
- Special Events
- Arbor Day and Tree City USA



7

Building

- Reviews plans for compliance with the Florida Building Code
- Performs inspections for compliance against approved plans
- Approves Finish Floor Elevations (FFE) for new structures
- Reviews building plans for compliance with Flood Regulations
- Provide guidance for Accessory Structures
- Ensures compliance with the Handicapped / ADA requirements for accessibility
- Addresses fire reviews, site compliance and providing required annual inspections (for specific uses)



8

Code Enforcement

- Works with property owners to address noncompliance with various codes
- Coordinates with Planning & Building for case mix and interpretations and direction to property owners
- Maintains noncompliant sign program - mostly the illegal yard signs that pop up around town
- Assists in "Neighborhood Cleanups"
- Works with property owners to mitigate disputes. (boundary disputes, trees, nuisances)

9

Business Tax Receipts

- New Business Applications
- Continuing Business Renewals
- Used to ensure Change of Use are performed when required
- Addressing / Ownership verification of multi-tenant spaces
- Support with Special Event Requests for Special Event BTRs

Universally disliked by businesses and would be nice to eliminate if funding would allow and regulatory assistance offered by BTRs are addressed in an alternative manner.

10

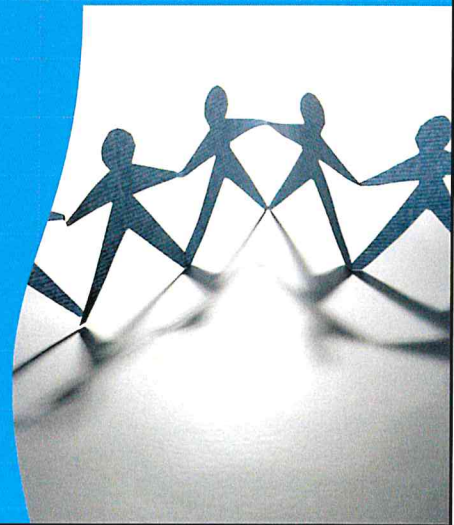
Non-Building Permitting

- Assists with Stormwater Fee Calculations
- Tree Removal and Clearing Permits
- Drainage and Driveway Culverts
- Slope and Swale issues / Driveway separation issues
- Silt Fence inspections
- Vacation of Rights-of-Way
- Field Inspections of both onsite and off-site improvements
- Disaster Documentation and Support

11

We all have a role in Community Development:

- City Council sets Policies, Codes, and Ordinances designed to provide for the Health, Safety, and Welfare of the community
- Staff is charged with administering and enforcing the Code of Ordinances, Land Development Code and the Comprehensive Plan
- Staff continually surveys and accounts for the needs of the community
- Council continually adjusts regulations to further the betterment of Health, Safety, and Welfare of the community based on community needs.



12

Planning never gets:

- * Easier
- * Cheaper
- * Faster

Development- just isn't the way it was 'in the good ole days'...

Where we can help:

- Continue to provide "SMALL TOWN" Customer Service
- Implement Policies and Codes that create "Win-Win" Relationships with our Citizens, Business Leaders, and our Developers
- Continue to create Business Friendly Policies and Implement Code Changes that increase efficiency, and provide flexibility

13

Upcoming Business Friendly Code Changes & Policies:

- Fee Schedule updated in 2022 with implemented cost savings- a new Fee Schedule will be coming to you in late 2024
- \$0 Cost Business Tax Receipts for initial year new businesses
- \$0 Cost for Residential Lot of Record and no tree mitigation
- Tree removal and minor fill for lots of record
- Allowance for minor adjustments to approved development plans at low cost via implementing permits (like driveway modifications, etc.)
- Allow projects to delay or defer certain site improvements over time (sidewalks and/or parking area requirements)
- Continue policy to allow for Development to pay fees over time for small businesses
- Lot Combines at low or no cost to residents for residential property

14

Continued - code changes and policies

- Implement faster development review schedules for properties located in Overlay Districts
- Offer grants to businesses for costs related to changes of use
- Continue the policy of no-cost guidance for new business development
- New more cost-effective Landscape Requirements for Commercial Businesses
- Simplify the Permitting Process/ Forms & provide in both English and Spanish and continue to provide City site sketch services
- Reduction of Landscaping from a 3 tier to a 2-tier requirement
- Reduction of required tree heights from 14' to 12' and reduction of required tree caliper sizes from 3" to 2.5"

15

Looking Forward

- Buffer Preserve RV park (aka Aldea) - under construction
- Fire Station #7 (Corrigan Ranch) - under construction in 2024
- CR512 Storage and Maintenance Facility - under construction in 2024
- Fruiteria Nuno's - final modifications in 2024
- Redtail Annexation and Storage Facility - under review w/ construction in 2025
- POD's Self Storage Facility - under review w/ construction in 2025
- Fellsmere 392- Water Park w/ mixed use - under review w/ construction in 2025
- Corrigan Mine - revision under review w/ construction in 2025
- Marian Estates - Commercial, Fire Sta. & Res. - under review w/ construction in 2025

16

Looking forward (con't)

- O'Reilley Auto Parts - under construction in late 2024
- Tiny Homes of Florida - manufacturer of tiny home - under review
- SLP Tractor Services - outdoor storage w/ retail frontage - under review w/ expected construction of outdoor storage in 2024
- Legacy Landing - single-family/townhomes - under review
- Operation Hope- formalizing site plan approvals
- 12645 CR-512 Retail/Apt. - final modifications in 2024
- Taco Mobile site- (design in progress)

17

Upcoming Residential Projects.

A. Marian Estates: 70 acres	150 TH	182 SF
E. Legacy Landing: 35 acres	150 TH	125 SF
H. F392: 392 acres 200 MF	120 TH	100 SF
B. Banack: 90 acres	0 TH	315 SF
D. FJV MDR: 100 acres	300 TH	0 SF



18

Upcoming Nonresidential Projects

Marian Estates-	8 acres of Commercial property + potential new fire station
FJV	225 acre Commercial Park
F392	100 acres Residential/Commercial Mixed Use
CR-512	O'Reilley's, Storage and Maintenance
PODS	+/- 5 acre outparcel- potential hotel site w/ restaurant
Aldea	6 Acres- RV park w/ amenities
N. Pine St.	2 acres- overnight stay w/ retail fronting Broadway.

19

Some fun facts

- Population in 1911= 600
- Population in 1915= 896* (* prior to 7/31/1915 8" storm event)
- Population in 1930 = 356
- Population in 1940= 643
- Population in 1950= 648
- Population in 1960 = 732
- Population in 1970= 813
- Population in 1980= 1,161
- Population in 1990= 2,179
- Population in 2000= 3,813
- Population in 2010= 5,197
- Population in 2020= 4,838*



*Fellsmere matched the growth rate of every major city within 30 miles from 2000- 2020 (with an average growth rate of 3.5% per year)
 In 2023, Fellsmere had 16 new single-family homes built with an average value of \$452,777 (national median average was \$431,000)
 Fellsmere **WILL** eventually be the largest city in Indian River County

20

Fun facts - continued

Florida is now the 4th largest state by population in the U.S. (over 21.7M people)

Nearly 900 new citizens every DAY.

The state has to build nearly 370 residential units **per day** to keep up with demand.

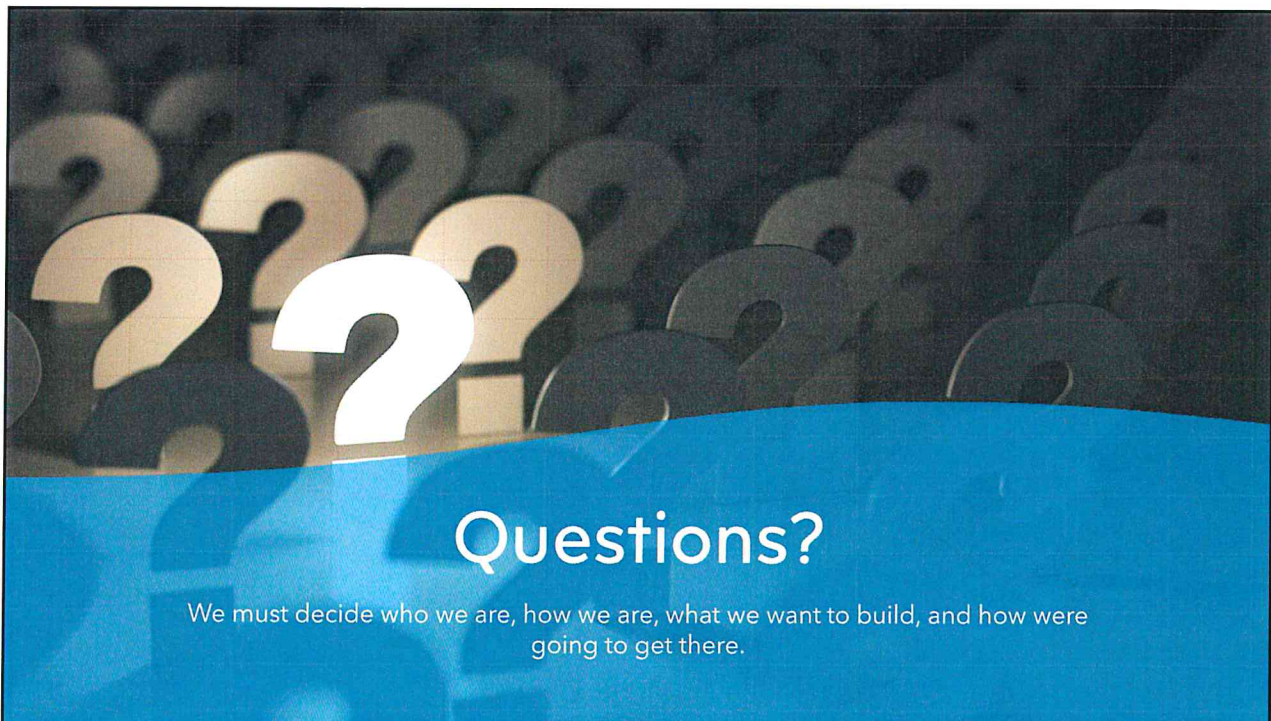
If Florida were a country, it would rank #16 overall in terms of economic output (2022) in 2023 it was ranked #15. It is the 4th largest economy in the U.S. at \$1.4 Trillion Dollars which accounts for 5.23% of the entire U.S. GDP.

Florida is #8 exporter of trade goods in the U.S. and had a personal per capita income of \$47,684 and was 26th in the nation.

Florida is a lead exporter of Strawberries, Peaches, Citrus, and ornamental horticulture. It is also known for its Sugar, Corn, Celery, Green Beans, Okra, Persimmons, and Tomatoes.

Fellsmere is the largest producer of Water Cress in the world

21



Questions?

We must decide who we are, how we are, what we want to build, and how were going to get there.

22

**City of Fellsmere City Council
Agenda Request Form**

Meeting Date: May 2, 2024

Agenda Item No. 12(a)

- | | |
|--|---|
| <input type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> RESOLUTION |
| <input type="checkbox"/> Ordinance on Second Reading | <input type="checkbox"/> DISCUSSION |
| <input type="checkbox"/> Public Hearing | <input type="checkbox"/> BID/RFP AWARD |
| <input type="checkbox"/> ORDINANCE ON FIRST READING | <input type="checkbox"/> CONSENT AGENDA |
| <input checked="" type="checkbox"/> GENERAL APPROVAL OF ITEM | |
| <input type="checkbox"/> Other: | |

SUBJECT: Abatement request for Code Violations at 1004 Lincoln – Elias Almanza

RECOMMENDED MOTION/ACTION: Approve Abatement Request at level desired by Council

Approved by City Manager Mark Mathes Date: 04/24/24

Originating Department:	Costs: Funding Source: Acct. #	Attachments: Payoff Analysis Order of Special Master
Department Review: <input checked="" type="checkbox"/> City Attorney _____ <input type="checkbox"/> Comm. Dev. _____	<input checked="" type="checkbox"/> Finance _____ <input type="checkbox"/> City Engineer _____ <input type="checkbox"/> FPD _____	<input checked="" type="checkbox"/> Public Works _____ <input type="checkbox"/> City Clerk _____ <input checked="" type="checkbox"/> City Manager _____
Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case <u>X</u> Please initial one.

Submittal information: Council meets on the first and third Thursday's of each month. Agenda submittal deadline to the City Clerk is 5:00 p.m. of the last and second Thursday of each month. Therefore the deadline of the Agenda Request Form to the City Manager shall be the last and second Monday prior to the Thursday deadline.

Summary Explanation/Background:

On January 19, 2018, Staff issued a code violation for 1004 Lincoln due to a delapidated shed, rotten siding, plugged culvert, trash and debris, interior work without a permit, and lack of a rental Business Tax Receipt (BTR), among others. The special master ruled in the City's favor in July 2018 (copy of order attached). Throughout the course of the case, numerous communications were provided to get the Respondent to obtain a permit for the work required to repair the rotten siding. All other violations were either resolved or were not applicable given information provided by the Respondent. The foreclosure case was originally set in 2020 but was put on hold by the City at the request of the Respondent given his assurance that a permit would be obtained. Given no Action by Respondent, the City commenced foreclosure again.

Once recommenced, the City lost the foreclosure case, but Council authorized an appeal. The City won the foreclosure appeal and the foreclosure sale is now set for May 22, 2024.

Based on revised pay-off analysis giving credit for the claims of the Respondent, the new amount due is as follows.

Total Due \$97,181.74
Initial Penalty \$165.00
Cost \$303.94
Attorney \$19,315.46
TOTAL – Initial Penalty & Costs \$19,784.40

5% = \$23,654.27 [$\$19,784.40 + (5\% * \$77,397.34)$]	20% = \$35,263.87 [$\$19,784.40 + (20\% * \$77,397.34)$]
10% = \$27,524.13 [$\$19,784.40 + (10\% * \$77,397.34)$]	25% = \$39,233.74 [$\$19,784.40 + (25\% * \$77,397.34)$]
15% = \$31,394.00 [$\$19,784.40 + (15\% * \$77,397.34)$]	30% = \$43,003.60 [$\$19,784.40 + (30\% * \$77,397.34)$]

City of Fellsmere
Code Enforcement

Address of Violation	1004 Lincoln	From SM Order	
Code Violation	# 2018-02	From SM Order	
Civil Penalty	\$75.00	From SM Order	does not count DW pipe or inside partitions or BTR
Admin Cost	\$303.94	From SM Order	
Additional Other Fees	\$ 19,315.46	From Case Management	
Professional fee	\$0.00	From SM Order	
	<u>\$ 19,694.40</u>		

Date	Days		
always start with date interest begins		\$ 378.94	always cell B-10
5/14/2018 - 6/30/2018	47	\$ 2,115.00	Daily fines from Column I that fall within date range.
		\$ 2,493.94	\$18.37
7/1/2018 - 9/30/2018	92	\$ 4,140.00	Daily fines from Column I that fall within date range.
		\$ 6,633.94	\$99.83
10/1/2018 - 12/31/2018	92	\$ 4,140.00	Daily fines from Column I that fall within date range.
		\$ 10,773.94	\$165.38
1/1/2019 - 3/31/2019	90	\$ 4,050.00	Daily fines from Column I that fall within date range.
		\$ 14,823.94	\$231.38
04/01/2019 - 06/30/2019	91	\$ 4,095.00	Daily fines from Column I that fall within date range.
		\$ 18,918.94	\$309.89
07/01/2019 - 09/30/2019	92	\$ 4,140.00	Daily fines from Column I that fall within date range.
		\$ 23,058.94	\$393.48
10/01/2019 - 12/31/2019	92	\$ 4,140.00	Daily fines from Column I that fall within date range.
		\$ 27,198.94	\$472.35
01/01/2020 - 03/31/2020	91	\$ 4,095.00	Daily fines from Column I that fall within date range.
		\$ 31,293.94	\$531.42
04/01/2020 - 06/30/2020	91	\$ 4,095.00	Daily fines from Column I that fall within date range.
		\$ 35,388.94	\$586.01
07/01/2020 - 07/31/2020	31	\$ 1,395.00	Daily fines from Column I that fall within date range.
		\$ 36,783.94	\$187.67
07/31/2020 - 09/30/2020	61	\$ 1,220.00	Daily fines from Column I that fall within date range.
		\$ 38,003.94	\$381.94
10/01/2020 - 12/31/2020	92	\$ 1,840.00	Daily fines from Column I that fall within date range.
		\$ 39,843.94	\$537.83
01/01/2021 - 3/31/2021	90	\$ 1,800.00	Daily fines from Column I that fall within date range.
		\$ 41,643.94	\$493.91
04/01/2021 - 06/30/2021	91	\$ 1,820.00	Daily fines from Column I that fall within date range.
		\$ 43,463.94	\$467.04
07/01/2021 - 09/30/2021	92	\$ 1,840.00	Daily fines from Column I that fall within date range.
		\$ 45,303.94	\$485.31
10/1/2021 - 12/31/2021	92	\$ 1,840.00	Daily fines from Column I that fall within date range.
		\$ 47,143.94	\$505.02
1/1/2022 - 3/31/2022	91	\$ 1,820.00	Daily fines from Column I that fall within date range.
		\$ 48,963.94	\$518.82
4/1/2022 - 6/30/2022	91	\$ 1,820.00	Daily fines from Column I that fall within date range.
		\$ 50,783.94	\$538.10
7/1/2022 - 9/30/2022	92	\$ 1,840.00	Daily fines from Column I that fall within date range.
		\$ 52,623.94	\$575.66
10/1/2022 - 12/31/2022	92	\$ 1,840.00	Daily fines from Column I that fall within date range.
		\$ 54,463.94	\$652.08
1/1/2023 - 3/31/2023	90	\$ 1,800.00	Daily fines from Column I that fall within date range.
		\$ 56,263.94	\$765.81
4/1/23 - 6/30/2023	91	\$ 1,820.00	Daily fines from Column I that fall within date range.
		\$ 58,083.94	\$952.86
7/1/2023 - 9/30/2023	92	\$ 1,840.00	Daily fines from Column I that fall within date range.
		\$ 59,923.94	\$1,161.51
10/1/2023 - 12/31/2023	92	\$ 1,840.00	Daily fines from Column I that fall within date range.
		\$ 61,763.94	\$1,329.50
1/1/2024 - 3/31/2024	91	\$ 1,820.00	Daily fines from Column I that fall within date range.
		\$ 63,583.94	\$1,440.99
4/1/2024 - 4/24/2024	24	\$ 480.00	Daily fines from Column I that fall within date range.
		\$ 64,063.94	\$393.44

GRAND TOTAL	Daily Fine Total	Interest Total
\$97,181.74	\$ 63,685.00	\$13,802.34

DO NOT MODIFY THIS TABLE	
Administrative Fees	\$303.94
Civil Penalty	\$75.00
Professional Fees	\$0.00
Additional Other Fees	\$19,315.46
Daily Fines	\$ 63,685.00
Interest	\$ 13,802.34

Interest Rate	Begin Quarter	End Quarter	Days
4.91%	10/4/2016	12/31/2016	
4.97%	1/4/2017	3/31/2017	
6.05%	4/1/2017	6/30/2017	
5.47%	7/1/2017	9/30/2017	
5.36%	10/1/2017	12/31/2017	
6.68%	1/1/2018	3/31/2018	
5.72%	4/1/2018	6/30/2018	91
5.97%	7/1/2018	9/30/2018	92
6.09%	10/1/2018	12/31/2018	92
6.33%	1/1/2019	3/31/2019	90
6.57%	4/1/2019	6/30/2019	88
6.77%	7/1/2019	9/30/2019	92
6.89%	10/1/2019	12/31/2019	92
6.83%	1/1/2020	3/31/2020	91
6.66%	4/1/2020	6/30/2020	91
6.03%	7/1/2020	9/30/2020	92
5.37%	10/1/2020	12/31/2020	92
4.81%	1/1/2021	3/31/2021	90
4.31%	4/1/2021	6/30/2021	91
4.25%	7/1/2021	9/30/2021	92
4.25%	10/1/2021	12/31/2021	92
4.25%	1/1/2022	3/31/2022	91
4.25%	4/1/2022	6/30/2022	91
4.34%	7/1/2022	9/30/2022	92
4.75%	10/1/2022	12/31/2022	92
5.52%	1/1/2023	3/31/2023	90
6.58%	4/1/2023	6/30/2023	91
7.69%	7/1/2023	9/30/2023	92
8.54%	10/1/2023	12/31/2023	92
9.09%	1/1/2024	3/31/2024	91
9.34%	4/1/2024	4/24/2024	24

Judgement Interest Rates | Accounting and Auditing | MyFloridaCFO.com

Daily Fine	Daily Fine Begins	Date of Compliance	Read.me
\$ 25.00	5/4/2018	30-58(2)	trash - compiled prior to 5/4/2018
\$ 20.00	5/4/2018	30-58(4)	shed - removed w/o permit
\$ -	5/4/2018	4/24/2024	7-10.A siding - closed permit 4/24/24
\$ -	5/4/2018	18-31	waived - photos are other house
\$ -	5/4/2018	70-73	waived - claim pipe is not his.
From SM Order	From SM Order	From Case Management	From Case Management Enter at your discretion

Add new quarters at bottom and delete old quarters at top. Begin with date daily fines begin (see cell B 13) and end with date of compliance of last violation that becomes compliant.

Count days in each date range and enter the number of days in Column L.

CITY OF FELLSMERE CODE ENFORCEMENT 21 SOUTH CYPRESS STREET, FELLSMERE, FL 32918-6714 (772) 571-0116	
ORDER OF THE CODE ENFORCEMENT SPECIAL MASTER	
NAME AND ADDRESS OF RESPONDENT: Elias Almanza 12865 89 th Street Fellsmere, Florida 32948	CIVIL VIOLATION CASE NO.: 2018-002
	CODE SEC.: 30-58 (2-4), 18-31, 18-32 (a), 18-57, 58, 59, 79, 121, 161, 171, 181, 70-73, 22-28, 22-29, 22-46, 22-47, 1-5, 2-174 and 2-179 LDR SEC.: 7.10, 17-21.A. 1., 17.21.E.1.a(1)-(4), 20.0 and 20.1
	INSPECTOR: Mark Mathes
LOCATION OF VIOLATION: 1004 Lincoln Street Fellsmere, Florida 32948	APN: 31370000004001000035.0
DATE OF VIOLATION: April 9, 2018	DEADLINE FOR COMPLIANCE: (DATE ON CIVIL VIOLATION NOTICE) May 14, 2018
Based upon the findings of Fact and Conclusions of Law previously made herein:	
() THE VIOLATION HAS BEEN CORRECTED. THE VIOLATOR FAILED TO PAY THE INITIAL CIVIL PENALTY ONLY. AFFIDAVIT FILED BY CODE INSPECTOR.	
(X) THE VIOLATION HAS NOT BEEN CORRECTED. THE VIOLATOR HAS FAILED TO PAY THE INITIAL CIVIL PENALTY AND/OR CONTINUING CIVIL PENALTIES. AFFIDAVIT FILED BY CODE INSPECTOR.	
IN ACCORDANCE WITH THE ABOVE:	
A. THE SPECIAL MASTER DETERMINES THAT THE SUBJECT CIVIL VIOLATION NOTICE <input checked="" type="checkbox"/> WAS... [] WAS NOT... ISSUED IN ACCORDANCE WITH THE APPLICABLE CODE SECTIONS.	
B. BASED ON THE FOREGOING, THIS SPECIAL MASTER FINDS THE VIOLATOR(S) <input checked="" type="checkbox"/> GUILTY [] NOT GUILTY...OF THE SUBJECT VIOLATION.	
C. THE SPECIAL MASTER ORDERS THE FOLLOWING:	
1. The deadline for compliance on <u>May 14, 2018</u> (X) SHALL NOT () SHALL be extended to (Date) _____	
2. If the violation subject to this action remains uncorrected after the deadline for compliance set forth in "1", an Additional civil penalty in the same amount specified in this Order shall accrue for each day following the deadline for compliance and shall continue to run until the violation is corrected.	
3. If you wish to appeal the Special Master's decision, you must do so as provided in the Code of Ordinances no later than 30 days from the date the Special Master's decision was rendered.	
4. Pursuant to Code Section 2-174, Respondent(s) shall pay the Clerk a Civil Penalty of \$ <u>165.⁰⁰</u> pursuant to the Civil Violation Notice; a Continuing fine of \$ <u>90.⁰⁰</u> per day for each day the violation is not corrected; Administrative costs in the sum of \$ <u>303.⁹⁴</u> , which are itemized as follows: \$ <u>150.⁰⁰</u> for hearing costs, \$ <u>26.⁹⁴</u> for mailing and copy costs, \$ <u>27.⁰⁰</u> for lien filing fees and \$ <u>100.⁰⁰</u> for Professional Fees for Code Enforcement Office, Attorney, Building Official, City Engineer and City Employees costs.	
5. If the full amount of \$ <u>468.⁹⁴</u> remains unpaid after <u>8/8/2018</u> , a certified copy of this Order may be recorded in the Public Records of Indian River County which shall constitute a lien against the Respondent(s)' property, both real and personal. The City of Fellsmere may foreclose on any such lien, which remains unpaid after three (3) months from the date the lien is filed, and/or sue for a money judgment.	
_____ SPECIAL MASTER'S SIGNATURE	_____ DATE OF DECISION

Order of the Code Enforcement Special Master
Case No. 2018-002
Respondent: Elias Almanza

1. Legal Description of property where violation occurred:

Lot 35, Blk 1, Hall, Carter & James Sub, Division of Fellsmere Farms Company's tract Number 1439, Township 31 South, Range 37 East PB 3, Page 2, Address Being 1004 Lincoln Street, Fellsmere, Florida

2. The orders set forth herein are made under the City of Fellsmere Code of Ordinances, including without limitation the following provisions:

In addition to Page 1, paragraph "C", of this Order, respondents are required to comply with all the provisions contained in the Request for Order.

Dated: *July 3, 2018*

JEB *7/10/18*
Code Enforcement Special Master

CITY OF FELLSMERE, FLORIDA
CODE ENFORCEMENT

RESPONDENT: <u>Elias Almanza</u>	SPECIAL MASTER FINDINGS OF FACTS AND CONCLUSIONS OF LAW	HEARING DATE: May 23, 2018 Case No. 2018-002
-------------------------------------	--	---

I. THE FOLLOWING ARE APPLICABLE TO THIS HEARING:

- RESPONDENT(S) PRESENT () RESPONDENTS AGENT PRESENT () NO SHOW
() VIOLATION DISMISSED FAILURE TO PAY CIVIL PENALTY () REPEAT VIOLATION
() CONTINUING VIOLATION () SCHEDULED HEARING CONTINUED TO _____
() RESPONDENT'S NON-COMPLIANCE: 30-58(2-4) 18-31, 18-32(a), 18-57-59, 18-121, 18-161
() DECISION DEFERRED (reason) _____

II. THE FOLLOWING DEMONSTRATIVE EVIDENCE WAS OFFERED: Indicate City ("C") or Respondent ("R")

- AFFIDAVIT OF PROOF CIVIL VIOLATION NOTICE () FIELD REPORTS
 COURTESY WARNING PROOF OF SERVICE () CORRESPONDENCE
 PHOTOGRAPH(S) AFFIDAVIT OF SERVICE () INVOICES
 PROOF OF OWNERSHIP (REAL AND/OR PERSONAL PROPERTY) () PLANS
() MAP(S) () BUILDING AND/OR AERIAL PHOTO(S)
() OTHER _____

III. SUMMARY OF EVIDENCE PRESENTED:

- A. BY CITY: VIOLATION WAS ISSUED IN ACCORDANCE WITH PENALTY AND COMPLIANCE REQUIREMENTS PROVISIONS OF THE CODE OF ORDINANCES. NOTICE WAS GIVEN BY
() HAND DELIVERY CERTIFIED MAIL () POSTING AND REGULAR MAIL () OTHER _____
B. BY RESPONDENT(S): TESTIMONY () OTHER _____

IV. BASIC AND UNDERLYING FACTS/FUNDEMENTAL ISSUE: CITY IS IS NOT () CORRECT IN ITS ASSESSMENT OF THE ALLEGED VIOLATION (further explanation, if any) _____

YES () NO THE CITY ESTABLISHED BY A PREPONDERANCE OF EVIDENCE THAT RESPONDENT(S) IS/ARE RESPONSIBLE FOR THE VIOLATION AS ALLEGED.

V. ULTIMATE FINDINGS:

- A. IT IS THE DETERMINATION OF THE SPECIAL MASTER THAT THE CIVIL VIOLATION NOTICE WAS () WAS NOT ISSUED IN ACCORDANCE WITH THE CODE OF ORDINANCES.
B. BASED ON THE FOREGOING, THIS SPECIAL MASTER FINDS RESPONDENT(S) GUILTY () NOT GUILTY OF THE SUBJECT VIOLATION.

COPY MAILED TO RESPONDENT(S)/AGENT ON: 7/10/18

DATED: July 3, 2018

[Signature]
Signature of Special Master

AFFIDAVIT OF PROOF AND REQUEST FOR ORDER

Respondent(s)
Elias Almanza and Other Unknown (Occupant)
12865 89th Street
Fellsmere, FL 32948

Appraiser's Parcel No. 3137000004001000035.0

Exhibit
City Composite: D Total 1
Judge's Initials: FER
Date: 6-27-18

Case No. 2018-002 Date of Hearing May 23,

AFFIDAVIT OF PROOF AND REQUEST FOR ORDER

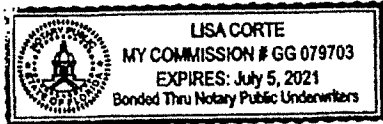
County of Indian River)
State of Florida)

The undersigned, being first duly sworn, declares under penalty of perjury that the following is true and correct:

- I am a duly appointed a Code Enforcement Inspector/Officer for the City of Fellsmere.
- A Courtesy Warning was issued to Elias Almanza and served, posted or mailed on August 9, 2017. A true and correct copy is attached and incorporated by reference.
- A duly executed Affidavit re Proof of Service of Civil Violation Notice, including copies of the Civil Violation Notice and reciting facts constituting due service of the Civil Violation Notice hereunder, has been filed in these proceedings for the following violation:
Code of Ordinance Sections: 30-58 (2-4), 18-31, 18-32 (a), 18-57, 58, 59, 79, 121, 161, 171, 181, 70-73, 22-28, 22-29, 22-46, 22-47, 1-5, 2-174 and 2-179.
Land Development Code Sections: 7.10, 17-21.A.1., 17.21.E.1.a.(1)-(4), 20.0 and 20.1.
- The alleged violator has failed to [check the appropriate box]
 correct the violation(s) set forth in the Civil Violation Notice.
 (other documentation)
 pay the initial and/or continuing civil penalties.

Mark D Mathes
Code Enforcement Officer/Inspector

SWORN TO AND SUBSCRIBED before me this 26th day of June, 2018 by Mark D Mathes, who is personally known to me or produced _____ as identification.



Lisa Corte
Notary Public /My Commission Expires: July 5, 2021
My Commission Number is: GG 079703

REQUEST FOR ORDER

Based on the Affidavit of Proof the City of Fellsmere requests an Order from the Special Master as follows:

- Civil Penalty of \$165.00 pursuant to the Civil Violation Notice
- ~~date~~ Continuing fine of \$20.00 per day for each day violation 30-58(2) is not corrected after May 14, 2018.
- Continuing fine of \$25.00 per day for each day violation 30-58(4) is not corrected after May 14, 2018.
- Continuing fine of \$20.00 per day for each day violation 7-10.A is not corrected after May 14, 2018.
- Continuing fine of \$25.00 per day for each day violation 18-31&18-32(a) is not corrected after May 14, 2018.
- Continuing fine of \$20.00 per day for each day violation 70-73 is not corrected after May 14, 2018.
- Administrative costs in the sum of \$203.94 which are itemized as follows: \$26.94 for mailing and copy costs; \$150.00 (estimate) for hearing costs; and \$27.00 for lien filing fees.
- That the violator be required to take the following steps to correct the violation: (1) pay civil penalty and administrative costs in the amount of \$368.94 (2) pay a continuing fine, as applicable; and (3) obtain a building permit to either demolish the home and shed or renovate to meet Florida Building Code; (4) remove all trash and debris from the property; (5) remove all unlicensed or inoperable vehicles from the property; and (6) obtain a Business Tax Receipt if the property is to be rented.

Remove from property
Total of \$368.94 plus continuing fines, to be filed as a lien on the Alleged Violator's property.

Executed on June 27, 2018 at Fellsmere, Florida.

STATE OF FLORIDA
INDIAN RIVER COUNTY
Mark D Mathes
Code Enforcement Officer/Inspector
THIS IS TO CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE. THIS ORIGINAL MAY HAVE REDACTED INFORMATION AS STATED IN FLORIDA STATUTE 119.07.

CITY OF FELLSMERE CODE ENFORCEMENT



J.R. SMITH, CLERK
BY J.R. Smith
DEPUTY CLERK
DATE 29 Mar 2019

**City of Fellsmere City Council
Agenda Request Form**

Meeting Date: May 2, 2024

Agenda Item No. 12(b)

- | | |
|--|---|
| <input type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> RESOLUTION |
| <input type="checkbox"/> Ordinance on Second Reading | <input type="checkbox"/> DISCUSSION |
| <input type="checkbox"/> Public Hearing | <input type="checkbox"/> BID/RFP AWARD |
| <input checked="" type="checkbox"/> ORDINANCE ON FIRST READING | <input type="checkbox"/> CONSENT AGENDA |
| <input type="checkbox"/> GENERAL APPROVAL OF ITEM | |
| <input type="checkbox"/> Other: | |

SUBJECT: Comprehensive Plan Amendment in support of Marian Estates Planned Development.

RECOMMENDED MOTION/ACTION: Conduct first reading and set first public hearing for May 16, 2024.

Approved by City Manager Mark Mathe Date: 04/25/24

Originating Department:	Costs: Funding Source: Acct. #	Attachments: Ord. 2024-20Comp Plan
Department Review: <input checked="" type="checkbox"/> City Attorney _____ <input checked="" type="checkbox"/> Comm. Dev. _____	<input type="checkbox"/> Finance _____ <input type="checkbox"/> City Engineer _____ <input type="checkbox"/> FPD _____	<input type="checkbox"/> Public Works _____ <input type="checkbox"/> City Clerk _____ <input checked="" type="checkbox"/> City Manager _____
Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone <u>X</u> or Not applicable in this case _____ Please initial one.

Submittal information: Council meets on the first and third Thursday's of each month. Agenda submittal deadline to the City Clerk is 5:00 p.m. of the last and second Thursday of each month. Therefore the deadline of the Agenda Request Form to the City Manager shall be the last and second Monday prior to the Thursday deadline.

Summary Explanation/Background:

Developers of a 78 acre parcel on the south side of CR512 west Myrtle Street are requesting a text amendment to the Comprehensive Plan to increase units from 320 to 332 and to change the mix of units from 152 Townhomes and 168 single-family homes to 150 townhomes and 182 single-family homes. The Amendment also adjusts the boundary of the overlay district along CR512 to include the frontage of this project into the overlay district.

This item has been heard and passed by Council at a prior meeting; however, due to a caption change, this action must be redone. Other than change to caption and Ordinance number, the only change was to correct the acreage that is being placed in the Old Town Overlay district along CR512 that represents the commercial portion (and fire station) of the project from 8.22 acres to 10.34 acres.

**ORDINANCE
NO. 2024-20**

AN ORDINANCE OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, AMENDING THE COMPREHENSIVE PLAN AND FUTURE LAND USE MAP SERIES AS REQUESTED BY MARIAN ESTATES; AMENDING THE TEXT OF THE COMPREHENSIVE PLAN CHAPTER 1. FUTURE LAND USE ELEMENT, GOAL FLUE A. LAND USE OBJECTIVE FLUE A-3 INFILL DEVELOPMENT AND REDEVELOPMEN, POLICY FLUE A-3.2. OVERLAY DISTRICT BOUNDARIES ANDCHAPTER 1. FUTURE LAND USE ELEMENT GOAL FLUE B. FUTURE LAND USE MAP OBJECTIVE FLUE B-5 GARAFOLO; FURTHER AMENDING THE FUTURE LAND USE MAP TO ADD 10.34 ACRES MORE OR LESS AS CR512 OLD TOWN OVERLAY DISTRICT; PROVIDING FOR RATIFICATION; AUTHORITY; COMPREHENSIVE PLAN TEXT AND MAP AMENDMENT; TRANSMITTAL PHASE; ADOPTION PHASE; TRANSMITTAL OF DRAFT PLAN AMENDMENT AND FINAL ADOPTION DOCUMENTS; COMPILATION; SEVERABILITY; CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapters 163 and 166, Florida Statutes (2023), provides authority for the City of Fellsmere to prepare and enforce Comprehensive Plans for the development of the City; and

WHEREAS, Section 163.3161 et. seq. Florida Statutes (2023), established the Community Planning Act, which mandates the preparation of comprehensive plans and unified land development regulations for all units of local government; and

WHEREAS, the Florida Legislature has reconfirmed that Sections 163.3161 through 163.3217, Florida Statutes (2023), provides the necessary statutory direction and basis for city officials to carry out their comprehensive planning and land development regulations powers, duties and responsibilities; and

WHEREAS, the Comprehensive Plan has been found to be in compliance by the Department of Commerce; and

WHEREAS, Sections 163.3184 and 163.3187 Florida Statutes (2023), provide authority to adopt this Ordinance amending the Comprehensive Plan; and

WHEREAS, the Planning and Zoning Commission acting as the Local Planning Agency has reviewed the proposed changes to the Comprehensive Plan and held an advertised public hearing on _____, 2024 and recommended to the City Council the adoption of the amendments to the Comprehensive Plan; and

WHEREAS, based upon public hearings and due consideration, the City Council believes that the health, safety, welfare, environmental and general conditions of the citizens of the City are furthered by the amendments to the Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. RATIFICATION. The above recitals are hereby ratified, adopted and incorporated herein as legislative findings of the City Council.

SECTION 2. AUTHORITY. This Ordinance is being adopted pursuant to Article VIII, Section 2, Constitution of the State of Florida; Chapter 166, Part I, Florida Statutes (2023), and Chapter 163, Part II, Florida Statutes (2023).

SECTION 3. COMPREHENSIVE PLAN TEXT AND MAP AMENDMENT. The Comprehensive Plan Chapter 1. Future Land Use Element, Goal FLUE A, Land Use Objective FLUE A-3 Infill Development and Redevelopment, Policy FLUE A-3.2 Overlay District Boundaries and Goal FLUE B Future Land Use Map Objective FLUE B-5 Garafolo are amended to read as set forth in Composite Exhibit “A” attached hereto and by this reference made a part hereof, and the Future Land Use Map is amended to add 10.34 acres more or less as CR512 Old Town Overlay District (hereinafter the above Text Amendments and Map Amendment are collectively referred to as “Comprehensive Plan Amendments”).

SECTION 4. TRANSMITTAL PHASE. The Comprehensive Plan Amendments as set forth above and in Composite Exhibit “A” are approved for transmittal to the review agencies and the State land planning agency (Florida Department of Commerce) as provided in Section 163.3184 Florida Statutes 2023, within ten (10) working days after the initial public hearing.

SECTION 5. ADOPTION PHASE. The State land planning agency (Florida Department of Commerce) and reviewing agencies have reviewed the Comprehensive Plan Amendments as contained herein and had no comments related to important state resources and facilities that would be adversely affected by the amendments. Therefore, the Comprehensive Plan Amendments as set forth in Section 3. above adopted as of the effective date of this Ordinance.

SECTION 6. TRANSMITTAL OF DRAFT PLAN AMENDMENT AND FINAL ADOPTION DOCUMENTS. The City Manager is directed to transmit a certified copy of this Ordinance and the plan amendment and appropriate supporting data and analyses to reviewing agencies designated under Section 163.3184 (3) Florida Statutes 2023 within ten (10) working days after the initial public hearing and proceed in accordance with the provisions of Chapter 163, Part II, Florida Statutes 2023. The adopted plan amendments, along with all supporting data and analysis shall be transmitted within ten (10) working days after the second public hearing to the State land planning agency (Florida Development of Commerce) and any other agency or

government that provided timely comments. See Section 163.3184(3) (b) 1 and (c) 2, Florida Statutes (2023).

SECTION 7. COMPILATION. The provision of this Ordinance may be incorporated into the City of Fellsmere, Florida Comprehensive Plan and the word “ordinance” may be changed to “section”, “article”, “chapter”, or other appropriate word, and the sections of this Ordinance may be re-titled, re-numbered or re-lettered, to accomplish such condition.

SECTION 8. SEVERABILITY. If any section, part of a sentence, phrase or word of this Ordinance is for any reason held to be unconstitutional, inoperative or void, such holdings shall not affect the remaining portions hereof and it shall be construed to have been the legislative intent to pass this Ordinance without such unconstitutional, invalid or inoperative part. Grammatical, typographical and other like errors may be corrected and additions, alterations and omissions, not affecting the construction or meaning of this Ordinance, the City Land Development Code and the City Code of Ordinances may be freely made.

SECTION 9. CONFLICTS. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of conflict.

SECTION 10. EFFECTIVE DATE. As set forth in Section 163.3184 Florida Statutes 2023, the effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the Florida Department of Commerce notifies the City that the plan amendment is complete. If timely challenged, this amendment shall become effective on the date the Department of Commerce or the Administration Commission enters a final order determining this adopted amendment to be in compliance.

PASSAGE UPON FIRST READING

The foregoing Ordinance was moved for passage upon first reading this ____ day of _____, 2024 by Council Member _____. The motion was seconded by Council Member _____ and, upon being put to a vote, the vote was as follows:

- Mayor Joel Tyson _____
- Council Member Fernando R. Herrera _____
- Council Member Inocencia Hernandez _____
- Council Member Gerry Renick _____
- Council Member Jessica Salgado _____

ATTEST:

Maria Suarez-Sanchez, City Clerk

ADOPTION

The foregoing Ordinance was moved for adoption by Council Member _____ . The motion was seconded by Council Member _____ and, upon being put to a vote, the vote was as follows:

Mayor Joel Tyson _____
Council Member Fernando R. Herrera _____
Council Member Inocencia Hernandez _____
Council Member Gerry Renick _____
Council Member Jessica Salgado _____

The Mayor thereupon declared this Ordinance fully passed and adopted this _____ day of _____, 2024.

CITY OF FELLSMERE, FLORIDA

Joel Tyson, Mayor

ATTEST:

Maria Suarez-Sanchez, City Clerk

I HEREBY CERTIFY that Notice of the public hearings on this Ordinance was published in the Press Journal, as required by State Statute, that the foregoing Ordinance was duly passed and adopted on the ____ day of _____, 2024, and the first reading was held on the ____ day of _____, 2024, and that the first public hearing was held on the ____ day of _____, 2024, and that the second and final reading and public hearing was held on the ____ day of _____, 2024.

Maria Suarez-Sanchez, City Clerk

**COMPOSITE
EXHIBIT "A"
TO
ORDINANCE 2024-20**

Comprehensive Plan Amendment

**OBJECTIVE FLUE B-5. MARIAN ESTATES
ORDINANCE NO. 07-25, (AMENDED BY
ORDINANCE NO. 2024-20, ADOPTED ON
_____, 2024)**

The amendment to the Comprehensive Plan Future Land Use Maps as requested by CGV of Fellsmere, LLC is subject to compliance with the following conditions and requirements, which shall run with the land.

1. The density of the residential development on the above-described land shall not exceed 4.85 dwelling units per acre in order to achieve a maximum of Three Hundred Thirty-Two (332) residential units (150 town homes and 182 single-family homes) on Sixty-Eight and Fourty-Three One-hundredth (68.43) acres. The commercial activity shall be limited to the Northern Ten and Thirty-Four One Hundredth (10.34) acres and no portion of this land shall be entitled to be used for calculating density within the residential development.
2. The owner/developer shall demonstrate prior to site plan approval that all concurrency provisions have been addressed or met including but not limited to: sanitary sewer, solid waste, drainage, potable water, parks and recreation, and transportation facilities, including mass transit, where applicable.
3. The owner/developer shall enter into a development agreement to provide for payment of fees for construction of public facilities and services demanded by the development.
4. Existing roadways shall be used as the basis for forming a "grid" pattern for new developments to the extent practical based upon the geography and typography.
5. Architectural and site designs standards shall provide for a uniform theme or character of the development, with a mix of styles and range of prices to assure access by various income groups.
6. The development will incorporate Green Building (LEED) buildings and the site standards to the extent feasible.

**COMPOSITE
EXHIBIT "A"
TO
ORDINANCE 2024-20**

Comprehensive Plan Amendment

POLICY FLUE A-3.2 – OVERLAY DISTRICT BOUNDARIES

Policy FLUE A-3.2. - Overlay District Boundaries.

The following infill/redevelopment mixed-use districts are hereby created as future land use map overlays.

1. CR 512 Old Town. This district applies as follows:
 - a. All properties fronting CR 512 between Willow Street and 141st Avenue and those properties that contain corner frontage with CR 512 and 141st Avenue and CR 512 and Willow Street.
2. CR 512 Old Town - Off Road. This district applies as follows:
 - a. All properties not fronting CR 512 that lie as follows:
 - i. Between CR 512 and Oregon Avenue and between N. Willow Street and N. Pine Street but excluding those properties with frontage on N. Willow Street;
 - ii. Between CR 512 and Michigan Avenue and between S. Willow Street and S. Pine Street; and
 - iii. Between CR 512 and California Avenue and containing a Medium Density Residential future land use designation.
3. CR 512 Frontage Road. This district applies as follows:
 - a. To all portions of a site and buildings located to a depth of 450 feet from the edge of the CR 512 right-of-way between Willow Street and 120th Street, excluding those properties otherwise contained within the CR 512 Old Town district.
4. N. Broadway. This district applies as follows:
 - a. All properties fronting N. Broadway Street but excluding those properties that contain corner frontage with CR 512 and N. Broadway Street;
5. N. Broadway - Off Road. This district applies as follows:

- a. All properties fronting the east side of N. Orange Street but excluding those properties that fall within the boundaries of the CR 512 Old Town district and the S. Carolina Avenue district; and
 - b. All properties fronting the west side of N. Pine Street but excluding those properties that fall within the boundaries of the CR 512 Old Town district and the S. Carolina Avenue district; and
6. N. Willow. This district applies as follows:
- a. All properties fronting N. Willow Street south of the former railroad right-of-way as recorded in Special Warranty Deed dated December 9, 2010 in Official Records Book 2463, Page 1625 but excluding those properties that contain corner frontage with CR 512 and N. Willow Street.
7. N. Myrtle. This district applies as follows:
- a. All properties fronting N. Myrtle Street but excluding those properties that contain corner frontage with CR 512 and Myrtle Street or contain corner frontage with S. Carolina Avenue and N. Myrtle Street.
8. S. Carolina. This district applies as follows:
- a. All properties with frontage on the south side of S. Carolina Avenue containing an Old Town future land use designation but excluding those properties that contain corner frontage with S. Carolina Avenue and N. Broadway Street.

The boundary between the CR 512 Old Town district and the CR 512 Old Town - Off Road district shall be determined at time of development application for property fronting CR 512 to allow for parcel aggregation.

**City of Fellsmere City Council
Agenda Request Form**

Meeting Date: May 2, 2024

#12(c)

- | | |
|--|--|
| <input type="checkbox"/> PUBLIC HEARING | <input checked="" type="checkbox"/> RESOLUTION |
| <input type="checkbox"/> Ordinance on Second Reading | |
| <input checked="" type="checkbox"/> Public Hearing | <input type="checkbox"/> DISCUSSION |
| <input checked="" type="checkbox"/> ORDINANCE ON FIRST READING | <input type="checkbox"/> BID/RFP AWARD |
| <input type="checkbox"/> GENERAL APPROVAL OF ITEM | <input type="checkbox"/> CONSENT AGENDA |
| <input type="checkbox"/> Other: | |

SUBJECT: Conditional Use Permit and Site Plan Approval for one (1) permanent food truck with future outdoor seating.

RECOMMENDED MOTION/ACTION: Conduct 1st Reading for Resolution #2024-32 and set date for the 2nd Reading and Public Hearing for May 16,2024 at 7:00pm.

Approved by City Manager Mark Mathes Date: 04/26/24

Originating Department: Community Development	Costs: \$ N/A Funding Source: Acct. #	Attachments: 1. CC Resolution. #2024-30 2. CC Resolution #2024-32, 3. Final Development Plan w/ Exhibits
Department Review: <input checked="" type="checkbox"/> City Attorney _____ <input checked="" type="checkbox"/> Comm. Dev. _____	<input type="checkbox"/> Finance _____ <input type="checkbox"/> City Engineer _____ <input type="checkbox"/> FPD _____	<input checked="" type="checkbox"/> Public Works _____ <input type="checkbox"/> City Clerk _____ <input checked="" type="checkbox"/> City Manager _____
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone <u>X</u> or Not applicable in this case ___ (Please initial one.)

Submittal information: Council meets on the first and third Thursday's of each month. Agenda submittal deadline to the City Clerk is 5:00 p.m. of the last and second Thursday of each month. Therefore the deadline of the Agenda Request Form to the City Manager shall be the last and second Monday prior to the Thursday deadline.

Summary Explanation/Background: The applicant, Mr. & Mrs. Brown, owns a property addressed as 1005 Vernon Street. The 0.58-acre site is vacant with a Commercial Future Land Use designation and a C-2 Commercial Zoning classification. The applicant has requested Condition Use approval to allow a permanent food truck to be permanently placed at the site. The project will also contain additional seating areas which will be implemented in future phases. The project is consistent with the Comprehensive Plan and all concurrency requirements of the city have been met. Site specific design relief is provided for in Section 4 of Resolution 2024-30 and entails the following:

- Section 3.24, Table 3E C-1 Dimensional Standards- Relief from the 100' Lot Depth Requirement by a maximum of 20 feet, Relief from the 12,000 sq. ft. requirement by a maximum of 3,288 feet, and Relief from the 35' Front Setback by a maximum of 14'.
- Relief from the LDC Section 70-27@3 and 3G- relief from the sidewalk requirement along Willow Street .
- Defer required landscaping that will meet district standards within six (6) months of the effective date of this resolution.

**RESOLUTION
NO. 2024-32**

A RESOLUTION OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, PERTAINING TO THE GRANTING OF CONDITIONAL USE PERMIT AND SITE PLAN APPROVAL FOR ONE (1) MOBILE FOOD VENDING UNIT OWNED BY ANTHONY B. BROWN, SR. AT 1005 VERNON STREET; PROVIDING FOR RATIFICATION; CONSISTENCY WITH THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE; APPROVAL OF CONDITIONAL USE PERMIT AND SITE PLAN; CONDITIONS OF APPROVAL; REPEAL OF CONFLICTING PROVISIONS; SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Anthony B. Brown, Sr. (the “Applicant”) has applied for a Conditional Use Permit (“CUP”) and Site Plan approval for vacant of land described in Exhibit ‘A’ attached hereto and by this reference made a part hereof (the “Property”); and

WHEREAS, the Applicant has applied for a Conditional Use Permit and Site Plan approval for one (1) Mobile Food Vending Unit for the Property; and

WHEREAS, the Planning and Zoning Commission heard the Applicant’s request and received the input, comments and evidence from all interested persons and determined that the Conditional Use Permit and Site Plan were consistent with the applicable provisions of the Comprehensive Plan and Land Development Code and thereafter recommended approval of the Conditional Use Permit and Site Plan at their _____, 2024 meeting; and

WHEREAS, the City Council has received the input, comments and evidence from all interested persons, citizens, and affected persons; and

WHEREAS, the City Council has determined that the approval of the Applicant's request for a Conditional Use Permit and Site Plan are consistent with the Goals, Objectives, and Policies of the Comprehensive Plan, the Land Development Code (the “Code”) and the Code of Ordinances of the City of Fellsmere as required in Section 17.19C of the Land Development Code (“LDC”); and

WHEREAS, the City Council has determined that the approval of the Site Plan is consistent with Article XIV of the Land Development Code.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fellsmere, Indian River County, Florida, as follows

SECTION 1. RATIFICATION. The above recitals are hereby ratified, confirmed and adopted as legislative findings of the City Council.

SECTION 2. CONSISTENT WITH COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE. The Conditional Use Permit Application is consistent with the general purpose, goals, objectives, policies and standards of the Comprehensive Plan 2035, Land Development Code and the Code of Ordinance of the City of Fellsmere. The following findings of fact required by Section 17.19 C. of the Code are made:

- a. The proposed conditional use will not have an undue adverse effect upon nearby property.
- b. The proposed conditional use is compatible with the existing or planned character of the neighborhood in which it would be located.
- c. All reasonable steps have been taken to minimize any adverse effect of the proposed conditional use on the immediate vicinity through building design, site design, landscaping, and screening.
- d. The proposed conditional use will be constructed, arranged, and operated so as not to interfere with the development and use of neighboring property, in accordance with applicable district regulations.
- e. The proposed conditional use will be served by adequate public facilities and services, including roads, police protection, fire protection, solid waste disposal, water, sewer, drainage structures, parks, and mass transit.

SECTION 3. APPROVAL OF CONDITIONAL USE PERMIT AND SITE PLAN. Subject to the requirements and conditions set forth in Section 4 of this Resolution, the Conditional Use Permit and Site Plan for one (1) Mobile Food Vending Unit for the Property located at 1005 Vernon Street and more particularly described in Exhibit 'A', are hereby approved.

SECTION 4. CONDITIONS OF APPROVAL. The approval of the Conditional Use Permit and Site Plan are subject to and expressly conditioned on the continuous satisfaction of, and compliance with, the following conditions and requirements:

1. Before commencement of development, the Applicant shall obtain all Federal, State, County and Local permits as may be applicable to any new development, redevelopment, or use of the Property and to continuously keep such permits current and in good standing. Issuance of this development order by the City does not create any right on the part of the Applicant to obtain a permit from a Federal, State, County or Local agency and does not create any liability on the part of the City for issuance of a development order if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a Federal, State, County or Local agency or undertakes actions that result in a violation of Federal, State, County or Local law. See Section 166.033 F. S.

2. After the first year following the issuance of a Certificate of Occupancy or a final inspection for the improvements, the City Council shall have the authority to hold hearings at any time to review the Mobile Food Vending Units activity for compliance with all conditions and requirements of approval and all applicable ordinances and resolutions of the City. If the use of the Property is not in compliance, the City Council may amend the Conditions of Approval, revoke or suspend the Local Business Tax Receipt (occupational license), terminate the Final Site Plan and Conditional Use, or refer the matter to the Code Enforcement Special Master as a code violation for other sanctions as deemed appropriate.
3. The use, occupancy, development, or redevelopment of the Property shall be limited to and in accordance with the Final Site Plan attached hereto as Exhibit 'B' and by this reference made a part hereof. Where specific provisions in this Resolution or in the Land Development Code are not addressed on the Site Plan, the specific provisions of this Resolution or in the Land Development Code shall apply to the development on the Property.
4. All public or private improvements required under the terms of this Resolution shall be constructed at the expense of and by the Applicant as approved by the City.
5. Deferral from Architectural elevations being submitted for the proposed future outdoor seating area until such a time as a building permit is applied for. The existing temporary structure shall be removed within twelve (12) months of the effective date of this resolution.
6. Payment in lieu of planting and maintenance of Street Trees along N. Willow due to future construction. The City will procure, install, and maintain required trees along the roadway at a later date. Payment shall be \$150 of the required caliper for a total cost of \$1,800.00 – this is inclusive for three (3) required trees. Payments shall be made to the City of Fellsmere within twelve (12) months of the effective date of this resolution.
7. Memorializing that no additional Open Space (interior) trees will be required as result of the development provided that the existing trees found on site are kept and maintained in a manner consistent with the Land Development Code.
8. The Applicant shall install the required landscaping that meets the District standards within six (6) months of the effective date of this Resolution. The applicant shall prepare a landscape plan for review and approval by the City no later than thirty (30) days prior to installation of required landscaping.

9. The Applicant shall install one handicap parking space with ADA path to main entrance to serve the development within ninety (90) days of the effective date of this Resolution.
10. The Applicant shall obtain a driveway/patio permit for the installation of new brick-paver patio and/or concrete parking area.
11. The Applicant shall remove all improvements upon the Property that are in conflict with the Final Site Plan and Landscape Plan and return such areas to sod or landscaping.
12. Concurrent with the construction of any portion of the brick paver or concrete outdoor dining pad, the Applicant shall construct an ADA compliant access to the proposed patio area from Vernon Street and from the parking area to the Mobile Food Vending Unit.
13. The Applicant is proposing to use a stabilized millings surface for the proposed parking area. The Applicant shall maintain the millings surface parking free of grass or weed intrusions and keep the millings surface in a neat and orderly arrangement confined only to the areas shown on the Final Site Plan. At the sole discretion of the City, the Applicant shall convert the millings surface parking spaces to an alternative City-approved stabilized surface within sixty (60) days of receiving written notification from the City.
14. All new signs, site lighting and all site furnishings will require compliance with the City's sign, lighting, and architectural standards to the extent signs, lighting and site furnishings are so regulated. Signage on any umbrellas or street furniture is prohibited.
15. No outdoor sales shall be conducted from a vehicle, trailer, truck, or other device and/or vehicle, with the exception of the singular approved food truck.
16. The Applicant shall subscribe for and maintain solid waste pick up service from a solid waste hauler having a franchise with the City and shall construct the required dumpster enclosure in Phase II, as shown on the Final Site Plan.
17. The Applicant shall comply with all requirements in Section 5.3 DD Mobile Food Vending Units of the Land Development Code.
18. Applicant shall obtain a Business Tax Receipt (BTR) from the City of Fellsmere for the one (1) mobile food vending unit and all other businesses or vending units on site.
19. If the parking provided on site is determined by the City, at its sole discretion, to be inadequate to serve the demand for parking generated by the use of the Property, the Applicant shall be required to limit the use of the Property commensurate with the available parking to support such use or construct

additional parking within sixty (60) days of receipt of written directive of the City.

20. The Applicant shall enter into a required payment agreement with the City for the Indian River County Impact Fees requirement for Restaurant Uses prior to issuance of a building permit for each phase of construction as noted below:

PHASE I- Construction of a 22 x 9 Food Truck pad, internal sidewalk, and stabilized parking area (198 sq feet of developed area times \$20.39 equaling a IRC impact fee of \$4,037.22 (\$20,396 per 1000 s.f. of development or \$20.39 per square foot).

PHASE II- Construction of a outdoor seating area pergola, or pavilion for the use of outdoor seating 360 square feet equaling a IRC impact fee of \$7,340.40.

21. As provided in Section 17.19 I, Land Development Code, the Conditional Use Permit and Site Plan granted by this Resolution may be revoked for:

- A. Violation of any condition or requirement imposed in this Resolution.
- B. Upon complaint and proof of adverse effect on adjacent properties.

The Conditional Use Permit and Site Plan may be revoked only after the City Council holds a public hearing, unless the permittee consents to a revocation of the Conditional Use Permit and Site Plan. If the permittee provides written consent to the revocation to the City Manager or designee, he shall revoke the Conditional Use Permit and Site Plan and notify the City Council of the revocation.

22. A violation of any of the conditions or requirements of approval shall constitute a code violation subject to enforcement through the Code Enforcement Special Master, unless a different remedy is specifically provided in any such condition or requirement, in which case such different remedy shall either supersede this provision or be in addition to code enforcement action as determined by the City.

SECTION 5. REPEAL OF CONFLICTING PROVISIONS. All previous resolutions or parts thereof, which conflict with the provisions of this Resolution, to the extent of such conflict, are superseded and repealed.

SECTION 6. SEVERABILITY. If any section, part of a sentence, paragraph, phrase or word of this Resolution is for any reason held to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions hereof and it shall be construed to have been the legislative intent to pass this Resolution without such unconstitutional, invalid or inoperative part.

SECTION 7. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

The foregoing Resolution was moved for adoption by Council Member _____ . The motion was seconded by Council Member _____ and, upon being put to a vote, the vote was as follows:

Mayor, Joel Tyson	_____
Council Member Fernando Herrera	_____
Council Member Inocensia Hernandez	_____
Council Member Gerald W. Renick	_____
Council Member Jessica Salgado	_____

The Mayor thereupon declared this Resolution duly passed and adopted this day of _____, 2024.

CITY OF FELLSMERE, FLORIDA

Joel Tyson, Mayor

ATTEST:

Maria Sanchez-Suarez, City Clerk

EXHIBIT "A"
TO
RESOLUTION NO. 2024-32

Legal Description of Lot (Real Property)

Lot 123 and 124, Block 5, Hall, Carter and James Subdivision, a subdivision plat of Fellsmere Farms Company Tract 1354, in Township 31 South, Range 37 East, according to the plat thereof, as recorded in Plat Book 3, Page 31, of the Public Records of Indian River County, Florida.

EXHIBIT "B"
TO
RESOLUTION NO. 2024-32

Site Plan

SITE DATA:

ADDRESS 1005 N. VERNON ST. ZONING C-1 / GEN. CDM.	
SITE AREA = 8,712 SQ. FT.	100.0%
DEVELOPED AREA = 8,712 SQ. FT.	100.0%
OPEN AREA = 7,582 SQ. FT.	87.03%
PERVIOUS AREAS	TOTAL= 7,582 SQ. FT. 87.03%
STONE DRIVE AND PARKING = 2,504 SQ. FT.	27.74%
RETENTION POND = 1,780 SQ. FT.	20.43%
LANDSCAPING & OPEN AREAS = 3,298 SQ. FT.	38.86%
IMPERVIOUS AREAS	TOTAL= 1,130 SQ.FT. 12.97%
H/C PARKING & SIDEWALK = 306 SQ.FT.	3.51%
FOOD TRUCK = 464 SQ.FT.	5.33%
FUTURE OUTDOOR SEATING AREA= 360 SQ.FT.	4.13%

SEC. 3.25 TABLE 3E C-1 DEVELOPMENT STANDARDS:

PROPOSED	REQUIRED
LOT WIDTH= 108.50'	100' MINIMUM
LOT DEPTH= 80.0'	100' MINIMUM *
LOT AREA= 8,712.0 S.F.	12,000 S.F. MINIMUM *
FRONT SETBACK = 14.0'	35' MINIMUM *
CORNER SETBACK= 23.0'	15' MINIMUM
SIDE SETBACK = 30.0'	7.5' MINIMUM
REAR SETBACK = 50.0'	25' MINIMUM
MAXIMUM HEIGHT= 15.0'	35' MAXIMUM
MAX. BLDG LENGTH 35.0'	65' MAXIMUM
MIN BLDG SIZE 360 SQ.FT.	NO REGULATION
MAX. COVERAGE +/- 64.78%	85% MAXIMUM

RELIEF REQUESTED: *

LOT DEPTH- 100' MIN. TO 80'
 LOT AREA- 12,000 SQ. FT. MIN. TO 8,712 SQ. FT.
 FRONT SETBACK - 35' MIN. TO 14'
 DEFER FROM SIDEWALK BEING CONSTRUCTED ALONG EAST R.O.V. AT WILLOW STREET.

SCOPE OF WORK:

THE PROJECT CONSISTS OF ONE (1) PERMANENT FOOD TRUCK WITH PARKING, COVERED OUTDOOR SEATING, LANDSCAPING, AND A STORMWATER RETENTION SYSTEM LOCATED ON SITE.

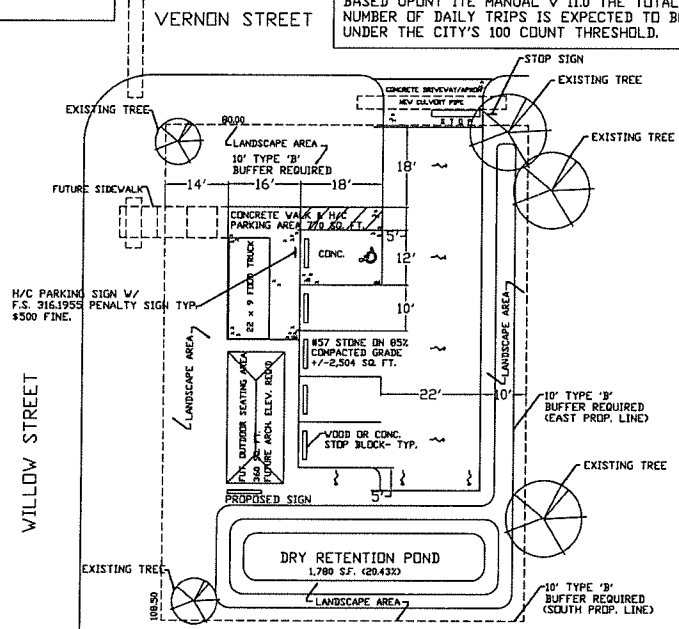
LEGAL DESCRIPTION:

TRACT 1354, BLOCK 6, LOTS 147 & 148

EXHIBIT 'B'

TRAFFIC IMPACT STATEMENT:

BASED UPON ITE MANUAL V 11.0 THE TOTAL NUMBER OF DAILY TRIPS IS EXPECTED TO BE UNDER THE CITY'S 100 COUNT THRESHOLD.



LANDSCAPING NOTE:

THE LANDSCAPING AREAS AS SHOWN ARE GENERAL LOCATION AREAS. THE APPLICANT SHALL PREPARE A SEPARATE LANDSCAPE PLAN FOR REVIEW AND APPROVAL BY THE CITY THAT MEETS DISTRICT STANDARDS. LANDSCAPING SHALL BE INSTALLED NO GREATER THAN SIX (6) MONTHS FROM FINAL SITE PLAN APPROVAL.

FINAL SITE PLAN- BROWN'S FOOD TRUCK

BROWN'S FOOD TRUCK- FINAL SITE PLAN VIA CONDITIONAL USE APPROVAL 1005 N. VERNON STREET

City	Building/Room	Date
Date: 03/17/2024		
Project Name and Address:		
CONTACT INFORMATION: PASTER ANNE BROWN queenbro571@yahoo.com		
Project	Date	
03/17/2024		

**RESOLUTION
NO. 2024-30**

A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, GRANTING A VARIANCE FOR LOT AREA, LOT DEPTH, FRONT SETBACK, AND SIDEWALK CONSTRUCTION REQUIREMENT ALONG NORTH WILLOW STREET, ALL FOR THE PROPERTY OWNED BY ANTHONY B. BROWN, SR. LOCATED AT 1005 VERNON STREET; PROVIDING FOR RATIFICATION; FINDINGS REQUIRED; APPROVAL OF VARIANCES; CONDITIONS OF APPROVAL; REPEAL OF CONFLICTING PROVISIONS; SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council is sitting as the Board of Adjustment as determined by Resolution No. 2012-46; and

WHEREAS, Anthony B. Brown, Sr. (the “Applicant”) has filed an Application for a variance from various sections of the Land Development Code (the “Code”) for vacant land located at 1005 Vernon Street (the “Lot”) and legally described in Exhibit ‘A’ attached hereto and by this reference made a part hereof; and

WHEREAS, pursuant to Sec. 17.18 Variances of the Code the Board of Adjustment is authorized and empowered to consider variances from the terms of the Land Development Code when owing to special conditions, a literal enforcement of the provisions the Code would impose upon a land owner unnecessary hardship that can be mitigated without conferring on the applicant any special privilege; and

WHEREAS, the Lot is a substandard size lot that was acquired by the Applicant by Quitclaim Deed from the City of Fellsmere (the “City”) on April 15, 2021 and later on February 2, 2023 the City removed the reverter provision in the April 15, 2021 deed because the City was not interested in owning the substandard size Lot; and

WHEREAS, the Lot is zoned C-1 which requires a minimum lot size of 12,000 square feet and the Lot is 8,720 square feet in size, thus requiring many of the variances being requested; and

WHEREAS, along with this Resolution for variances the Applicant is also applying for a Conditional Use Permit and Site Plan approval for one Mobile Food Vending Unit for the Lot; and

WHEREAS, the Board of Adjustment has received the input, comments and evidence from all interested persons, citizens, and affected persons; and

WHEREAS, the Board of Adjustment has determined that the approval of the requested variances is consistent with Sec.17.18 D. Standards for Granting Variances of the Land Development Code.

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the City of Fellsmere, Indian River County, Florida, as follows:

SECTION 1. RATIFICATION. The above recitals are hereby ratified, confirmed and adopted as legislative findings of the Board of Adjustment.

SECTION 2. FINDINGS REQUIRED. Based upon the evidence presented in support of the Applicant's application for variances and the requirements of Section 17.18 D of the Code the Board of Adjustment finds:

1. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other land, structures or building in the same zoning district.

2. That the special conditions and circumstances did not result from the action or negligence of the Applicant.

3. That granting the variance requested will not confer upon the Applicant any special privileges denied by this Code to other lands, buildings or structures in the same zoning district.

4. That literal interpretation of the provisions of the Code would deprive the Applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this Code and would work unnecessary and undue hardship on the Applicant.

5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

6. That the granting of the variance will be in harmony with the general intent and purpose of this Code and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

7. No nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted use of lands, structures or buildings in the other districts shall be considered grounds for the issuance of a variance.

8. That the granting of the variance desired will not be opposed to the general spirit and intent of the Code or the City of Fellsmere Comprehensive Plan.

SECTION 3. APPROVAL OF VARIANCES. Subject to the requirements and conditions set forth in Section 4 of this Resolution the variances set forth herein for the Lot located at 1005 Vernon Street and more particularly described in Exhibit "A" are hereby approved.

Required by Section 3.24
Table 3E C-1 Dimensional
Standards

Variance Relief Approved

Lot Depth – 100 feet
Lot Area – 12,000 square feet
Front Setback – 35 feet
Sidewalk along East R.O.W.
At Willow LDC Sections
70-27(c)3. and 3.G.

Lot Depth – 80 feet Variance of 20 feet
Lot Area – 8,712.0 square feet Variance of
3,288 feet
Front Setback – 14.0 feet Variance of 21 feet
Sidewalk construction removed due to
future construction by the City along
Willow Street

SECTION 4. CONDITIONS OF APPROVAL.

1. Before commencement of development, the Applicant shall obtain all Federal, State, County and Local permits as may be applicable to any new development, redevelopment, or use of the Property and to continuously keep such permits current and in good standing. Issuance of this development order by the City does not create any right on the part of the Applicant to obtain a permit from a Federal, State, County or Local agency and does not create any liability on the part of the City for issuance of a development order if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a Federal, State, County or Local agency or undertakes actions that result in a violation of Federal, State, County or Local law. See Section 166.033 F. S.
2. After the first year following the issuance of a Certificate of Occupancy or a final inspection for the improvements, the City Council shall have the authority to hold hearings at any time to review the Mobile Food Vending Units activity for compliance with all conditions and requirements of approval and all applicable ordinances and resolutions of the City. If the use of the Property is not in compliance, the City Council may amend the Conditions of Approval, revoke or suspend the Local Business Tax Receipt (occupational license), terminate the Final Site Plan and Conditional Use, or refer the matter to the Code Enforcement Special Master as a code violation for other sanctions as deemed appropriate.
3. The use, occupancy, development, or redevelopment of the Property shall be limited to and in accordance with the Final Site Plan attached hereto as Exhibit 'B' and by this reference made a part hereof. Where specific provisions in this Resolution or in the Land Development Code are not addressed on the Site Plan, the specific provisions of this Resolution or in the Land Development Code shall apply to the development on the Property.
4. All public or private improvements required under the terms of this Resolution shall be constructed at the expense of and by the Applicant as approved by the City.

5. Noncompliance with the following sections of the Land Development Code is approved.
 - A. Section 3.25(C) Relief from the 12,000 square foot minimum area requirement to 8,712 square feet.
 - B. Section 3.23(C) Relief from the one hundred (100') foot minimum depth requirement to eighty (80') feet.
 - C. Section 3.25(D) Relief from the front setback requirement from thirty-five (35') feet to fourteen (14').
 - D. Section 70-27(c) 3, and (c) 3.b. Relief from the sidewalk along N. Willow Street to be constructed by the applicant as the city will be constructing the sidewalk in N. Willow ROW in the future.
6. The Applicant shall install the required landscaping that meets the District standards within six (6) months of the effective date of this Resolution. The applicant shall prepare a landscape plan for review and approval by the City no later than thirty (30) days prior to installation of required landscaping.
7. The Applicant shall install one handicap parking space with ADA path to main entrance to serve the development within ninety (90) days of the effective date of this Resolution.
8. The Applicant shall obtain a driveway/patio permit for the installation of new brick-paver patio and/or concrete parking area.
9. The Applicant shall remove all improvements upon the Property that are in conflict with the Final Site Plan and Landscape Plan and return such areas to sod or landscaping. Concurrent with the construction of any portion of the brick paver or concrete outdoor dining pad, the Applicant shall construct an ADA compliant access to the proposed patio area from Vernon Street and from the parking area to the Mobile Food Vending Unit.
10. The Applicant is proposing to use a stabilized millings surface for the proposed parking area. The Applicant shall maintain the millings surface parking free of grass or weed intrusions and keep the millings surface in a neat and orderly arrangement confined only to the areas shown on the Final Site Plan. At the sole discretion of the City, the Applicant shall convert the millings surface parking spaces to an alternative City-approved stabilized surface within sixty (60) days of receiving written notification from the City.
11. All new signs, site lighting and all site furnishings will require compliance with the City's sign, lighting, and architectural standards to the extent signs, lighting and site furnishings are so regulated. Signage on any umbrellas or street furniture is prohibited.

12. No outdoor sales shall be conducted from a vehicle, trailer, truck, or other device and/or vehicle, with the exception of the singular approved food truck.
13. The Applicant shall subscribe for and maintain solid waste pick up service from a solid waste hauler having a franchise with the City and shall construct the required dumpster enclosure in Phase II of the Final Development Plan.
14. The Owner shall execute a Declaration of Unity of Title across all lots prior to the Public Hearing held by the City Council for the adoption of this Resolution. The Unity of Title shall be recorded in the Public Records at the expense of the Applicant. See Declaration of Unity of Title recorded on 4/22/2021 in Official Records Book 3413, Page 717 that satisfies this condition.
15. The Applicant shall comply with all requirements in Section 5.3 DD Mobile Food Vending Units of the Land Development Code.
16. Applicant shall obtain a Business Tax Receipt (BTR) from the City of Fellsmere for the one (1) mobile food vending unit and all other businesses or vending units on site.
17. If the parking provided on site is determined by the City, at its sole discretion, to be inadequate to serve the demand for parking generated by the use of the Property, the Applicant shall be required to limit the use of the Property commensurate with the available parking to support such use or construct additional parking within sixty (60) days of receipt of written directive of the City.
18. As provided in Section 17.19 I, Land Development Code, the Conditional Use Permit and Site Plan granted by this Resolution may be revoked for:
 - A. Violation of any condition or requirement imposed in this Resolution.
 - B. Upon complaint and proof of adverse effect on adjacent properties.

The Conditional Use Permit and Site Plan may be revoked only after the City Council holds a public hearing, unless the permittee consents to a revocation of the Conditional Use Permit and Site Plan. If the permittee provides written consent to the revocation to the City Manager or designee, he shall revoke the Conditional Use Permit and Site Plan and notify the City Council of the revocation.

19. A violation of any of the conditions or requirements of approval shall constitute a code violation subject to enforcement through the Code Enforcement Special Master, unless a different remedy is specifically provided in any such condition or requirement, in which case such different remedy shall either supersede this provision or be in addition to code enforcement action as determined by the City.

SECTION 5. REPEAL ON CONFLICTING PROVISIONS. All previous resolutions or parts thereof, which conflict with the provisions of this Resolution, to the extent of such conflict, are superseded and repealed.

SECTION 6. SEVERABILITY. If any section, part of a sentence, paragraph, phrase or word of this Resolution is for any reason held to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions hereof and it shall be construed to have been the legislative intent to pass this Resolution without such unconstitutional, invalid or inoperative part.

SECTION 7. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

The foregoing Resolution was moved for adoption by Council Member _____
_____. The motion was seconded by Council Member _____
_____ and, upon being put to a vote, the vote was as follows:

Chairman, Joel Tyson _____
Member Fernando Herrera _____
Member Inocensia Hernandez _____
Member Gerald W. Renick _____
Member Jessica Salgado _____

The Chairman thereupon declared this Resolution duly passed and adopted this
_____ day of _____, 2024.

**BOARD OF ADJUSTMENT
CITY OF FELLSMERE, FLORIDA**

Joel Tyson, Chairman

ATTEST:

Maria Sanchez-Suarez, City Clerk

**City of Fellsmere City Council
Agenda Request Form**

Meeting Date: May 16, 2024

Agenda Item No. 12 (d)

- | | |
|--|--|
| <input type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> RESOLUTION |
| <input type="checkbox"/> Ordinance on Second Reading | |
| <input type="checkbox"/> Public Hearing | <input checked="" type="checkbox"/> DISCUSSION |
| <input type="checkbox"/> ORDINANCE ON FIRST READING | <input type="checkbox"/> BID/RFP AWARD |
| <input type="checkbox"/> GENERAL APPROVAL OF ITEM | <input type="checkbox"/> CONSENT AGENDA |
| <input type="checkbox"/> Other: | |

SUBJECT: 2024 Community Redevelopment Plan update

RECOMMENDED MOTION/ACTION: Discuss and provide direction.

Approved by City Manager Mark Mathes Date: 04/24/24

Originating Department:	Costs: Funding Source: Acct. #	Attachments: Res. 2022-49
Department Review: <input checked="" type="checkbox"/> City Attorney _____ <input type="checkbox"/> Comm. Dev. _____	<input checked="" type="checkbox"/> Finance _____ <input type="checkbox"/> City Engineer _____ <input type="checkbox"/> FPD _____	<input checked="" type="checkbox"/> Public Works _____ <input type="checkbox"/> City Clerk _____ <input checked="" type="checkbox"/> City Manager _____
Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone____ or Not applicable in this case <u>X</u> Please initial one.

Submittal information: Council meets on the first and third Thursday's of each month. Agenda submittal deadline to the City Clerk is 5:00 p.m. of the last and second Thursday of each month. Therefore the deadline of the Agenda Request Form to the City Manager shall be the last and second Monday prior to the Thursday deadline.

Summary Explanation/Background: The City Manager has prepared an update to the Community Redevelopment Agency's Redevelopment Plan. The LPA/PZC will formally consider the plan on June 19th to determine and find the Plan consistent and compliant with the City's Comprehensive Plan. It will come to the Community Redevelopment Agency on June 20th with a recommendation for adoption by the City Council. The 2024 CRA Plan update incorporates and proposes the following focal points:

1. Extends the time frame per the statutory enabling of 40 years from the time the initial plan was adopted, in this case, to 2046.
2. Acknowledges the accomplishments of the plan to date and underscores incomplete or desired new projects that will enhance the economic development, infrastructure, housing, and community support services desired in the redevelopment areas.
3. Creates a capital projects program with costs, funding sources, and time frames for completion to give the City's Redevelopment Agency guidance and earmarks for successful project completion.
4. Sets forth the desire to expand the district, incorporate enclaves, annex needed adjacent properties, and support public and private development projects.

The CRA 2024 Modified Plan is consistent and compatible with the desired goals, objectives and policies of the Comprehensive Plan and will enable the City to implement the CRA Plan and Comprehensive Plan across the redevelopment areas of the City.

The Plan will be advertised for adoption at the June 20, 2024 City Council/CRA meeting.

REVISED/Substitution

SECTION 4 - FELLSMERE COMMUNITY REDEVELOPMENT AREA PLAN

REDEVELOPMENT OPPORTUNITIES, STRATEGIES AND PLANS

The Fellsmere Community Redevelopment Agency (CRA) is responsible for planning, designing and approving public improvements, and administrative, marketing, or other operational activities to be undertaken within the Fellsmere Community Redevelopment Area (FCRA). Implementation will include prioritizing, planning, and budgeting various programs and engineering and constructing capital projects during any program year. This Plan amendment will serve as an update and pathway for the CRA to make public and private investment decisions.

The 2009 FCRA Plan modified the 2005 Redevelopment Plan to address accomplishments and set forth sound strategies for redevelopment and economic development efforts and expand the district. In 2022, the Community Redevelopment Agency/City Council recognized the need to update the plan, programs, and strategies. By adopting this modified Plan, Fellsmere takes appropriate steps to arrest the decline, with the result being renewed interest in investing in Fellsmere and increasing the marketability of the City.

Many of the reasons that Fellsmere was ready in 2005 and 2009 for carefully planned, quality development and redevelopment are still relevant today. Many of these factors will aid the City in attracting new development and redevelopment. Some of the key factors are:

- Large scale annexations of surrounding farmland provide a root source to meet the demand for 'rural' lifestyles, agri-business, small farms, and small businesses to serve those

farms, and aid the community address problems arising from import/export and supply chain issues as well as other geo-political issues.

- Increased demand to use and convert existing land uses to meet market trends and population demands.
- Increased public transportation through the "GO LINE" transit system gives better access to the city.
- Water Treatment Plant expansion to 1.6 MGD; the existing infrastructure base of water, roadway, and sewer capacity.
- Extension of and designation of CR 512 and Broadway Street, as part of the Indian River Lagoon Scenic By-Way.
- Annexation of large tracts that now link the City directly to Blue Cypress Lake, Lake Egan, C-54 canal, Stick Marsh, Headwaters Lake, and 20,000 plus acres of state-owned St. Sebastian River Preserve State Park enabling eco-tourism, outdoor recreation focused businesses and services, and other entrepreneurship.
- Purchase and creation by the City of Fellsmere of the 86-acre Fellsmere Trailhead Preserve at County Road 512 and I-95.
- Development of the historic railroad linear greenway crossing I-95 at the Fellsmere Trailhead Preserve for use as public recreation and access to the preserves and trails.
- Obtaining the rights-of-way for over 5 miles of former Trans-Florida Railroad, for inclusion in the County's Greenways and Trails, and Rails to Trails program and for use as a multi-modal route.
- The proximity to I-95 and SR 60.
- The proximity to and location of historic resources and areas.

The location of the Stick Marsh, Headwaters Lake, Blue Cypress Lake, the old historic railroad, 20,000+ acres of St. Sebastian River Preserve State Park, the North County Park, St. Sebastian River, and Indian River Lagoon are enormous assets that can become the building blocks of a new economic development, marketing, and promotional effort. They will become the major links in the City's Economic Development Strategies of eco-tourism and community events which brings in new people to the city. New people create a need for commerce, which creates jobs for potential hotel/motel/RV campgrounds, restaurants, banks, retail, and entrepreneurship businesses. These wonderful sources of eco-tourism, paired with the rural nature of the external community, and the enormous amount of public lands, can be a source of revenue generation for the City and CRA.

It takes a certain mix of uses, with the right massing of people and buildings, to create the great mesh of activities, places, and people necessary for success. Emphasis should be placed on enabling, encouraging, and promoting:

1. Small business development, retention, and expansion from within the local community.
2. Eco-tourism places and opportunities to bring in people to the community
3. Special events to focus attention on the City's strengths and things it's known for, such as eco-tourism, fishing, frog legs, etc.

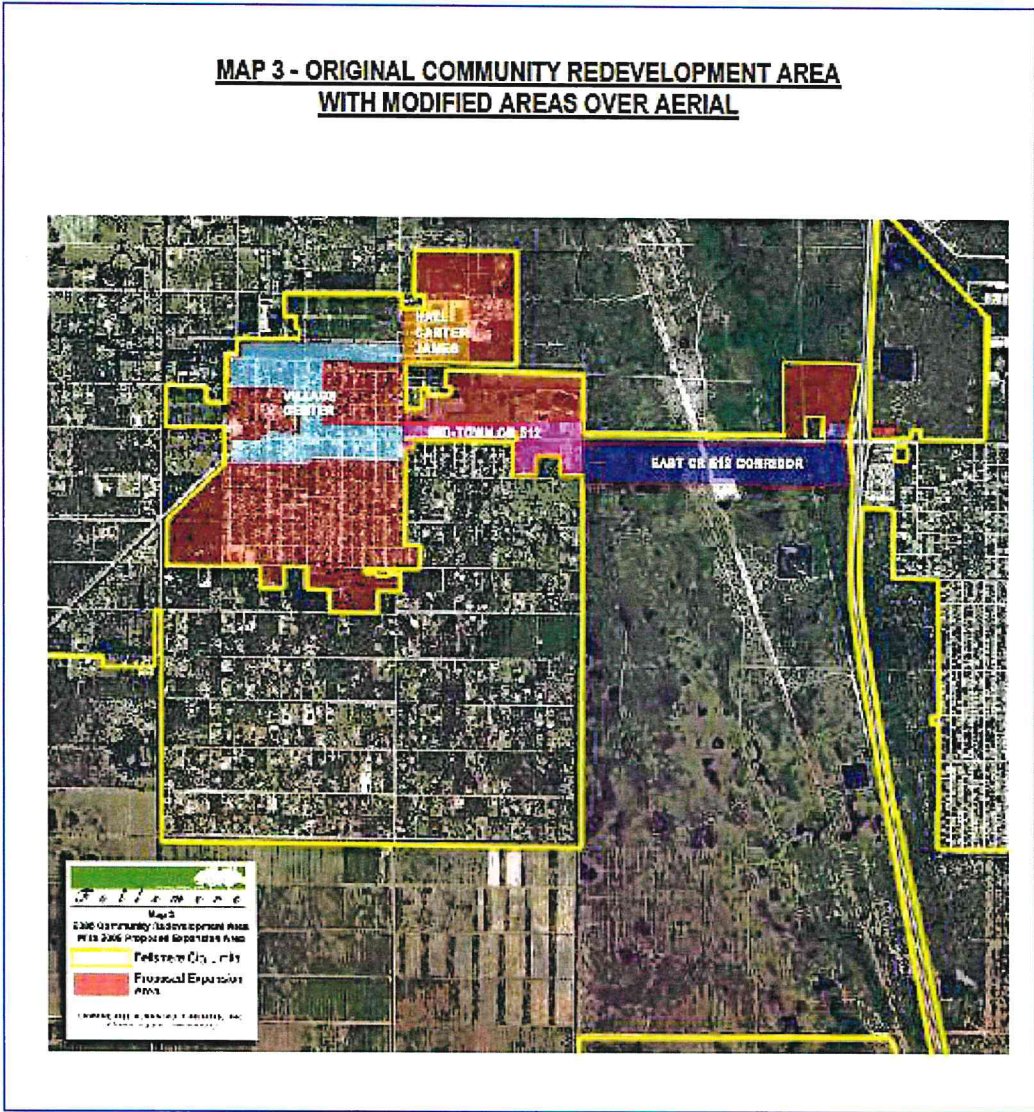
All of these actions specifically seek to bring people and attention back to Broadway Street and the City. As the economic conditions improve, promoting residential projects near the Old Town/Village

Center will create the “mix, mass and mesh” needed to stimulate commercial location and revitalization.

This section of the plan is “THE PLAN.” It identifies a series of public improvements, regulatory, promotional, and other implementation strategies to attract people, encourage local investment, beautify the area, provide better infrastructure, and stimulate broader private sector return and reinvestment into the FCRA. Many of the improvements meet aesthetic, functional or practical needs, such as streetscape, lighting, signage, access, signalization, monumentation or identity features. Other major actions include altering street system patterns, expanding recreational opportunities and stormwater management, as well as regulatory and administrative efforts necessary to facilitate public and private activities and implement a redevelopment program.

PLACEMAKING

The City adopted 4 sub-districts within the CRA as shown on Figure 1, which was formerly Map 3 from the 2009 CRA expansion. To demonstrate a planning history, the maps in the 2009 plan Section 1-3 remain unchanged. Several maps are updated in this new replacement Section 4, along with other maps or exhibits on the following pages. The 2009 CRA expansion boundary sketches and legal descriptions are shown as Figures 2 and 3.



Rochelle W. Lawandales, FAICP

Figure 1 2009 Expanded Area Map adopted in Ordinance 09-19

FELLSMERE COMMUNITY REDEVELOPMENT AGENCY SKETCH AND LEGAL DESCRIPTIONS

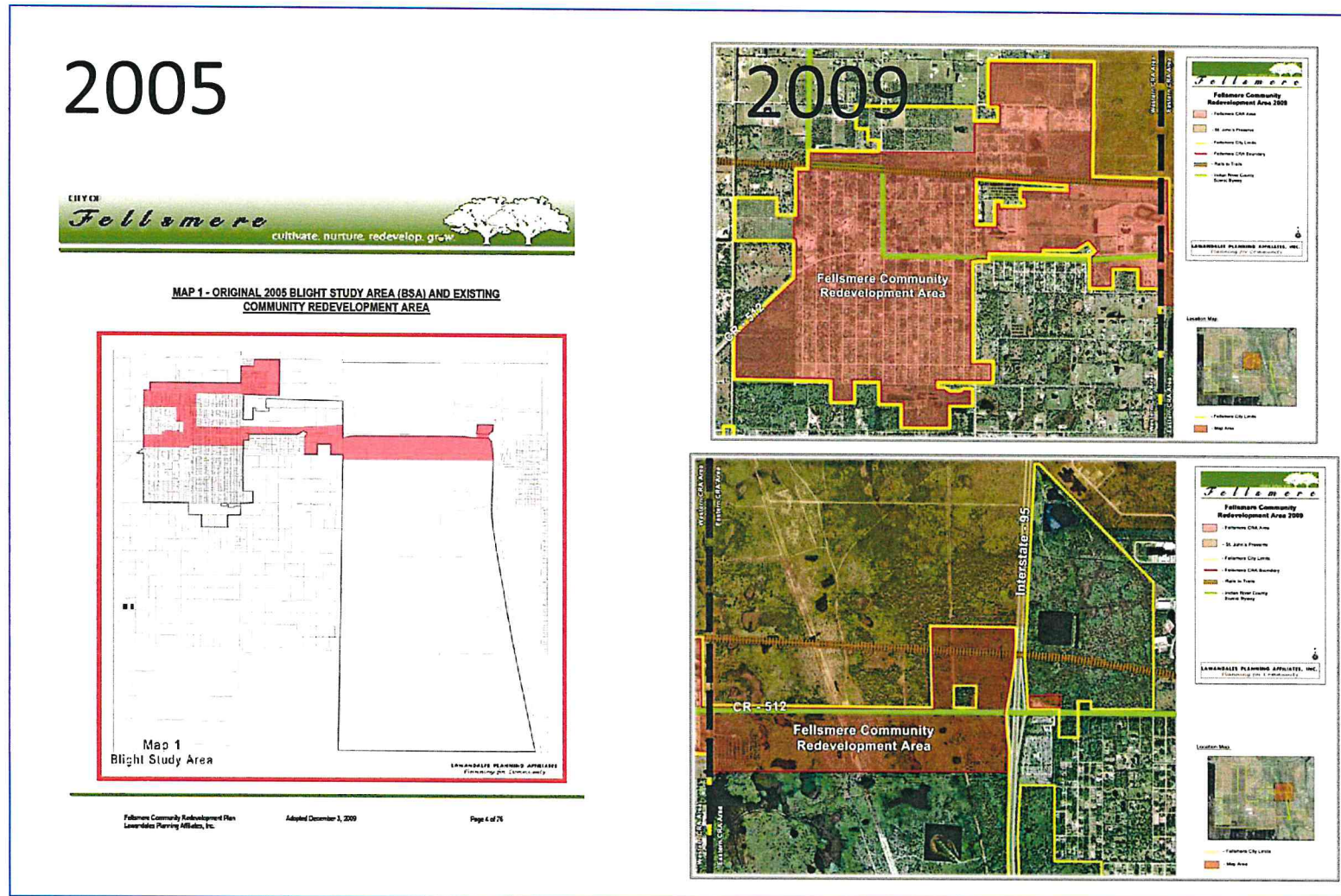
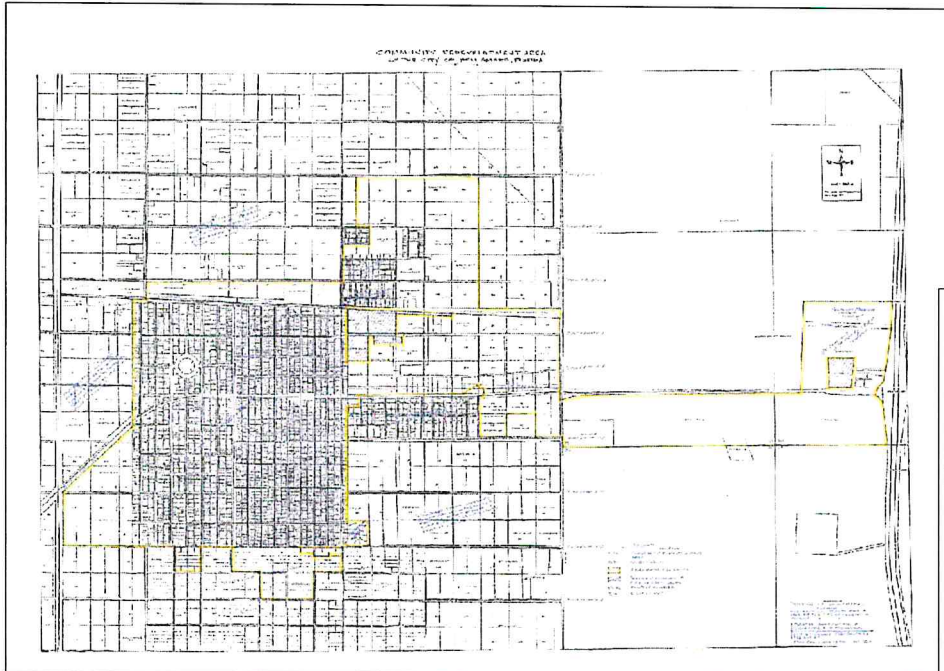


Figure 2 2005 and 2009 CRA BOUNDARIES

2009 CRA EXPANSION AREA SKETCH AND LEGAL



The complete legal description of the 2009 CRA boundary is provided in the Appendix.

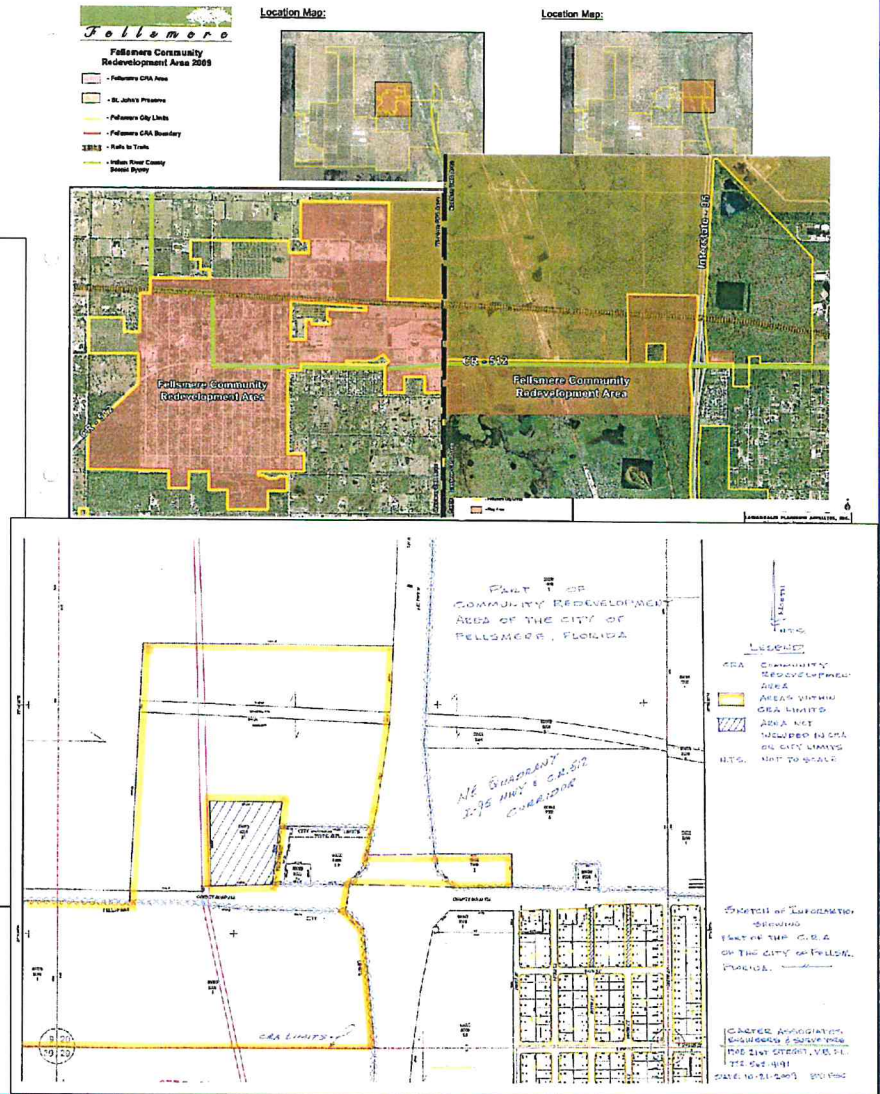
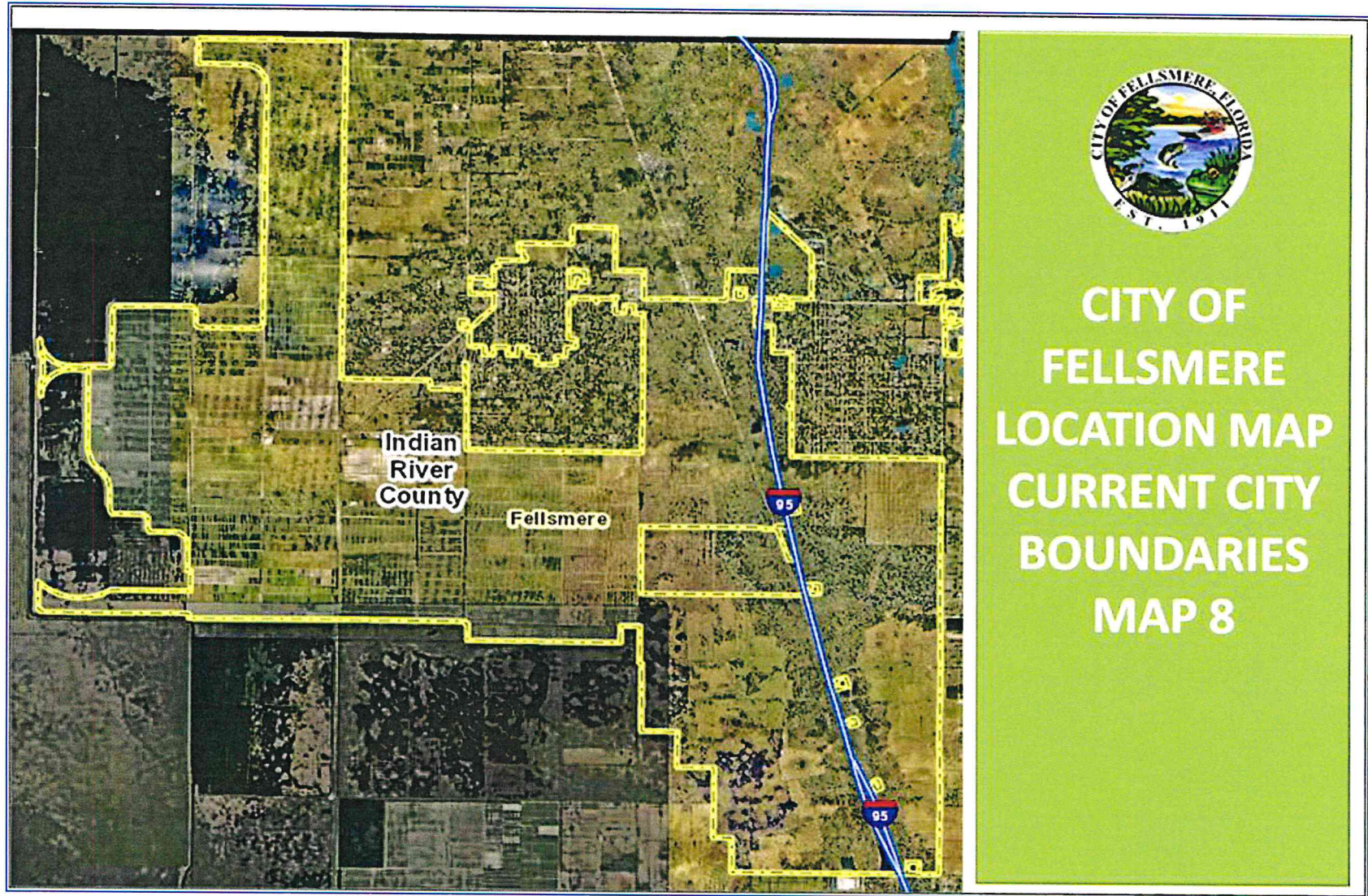


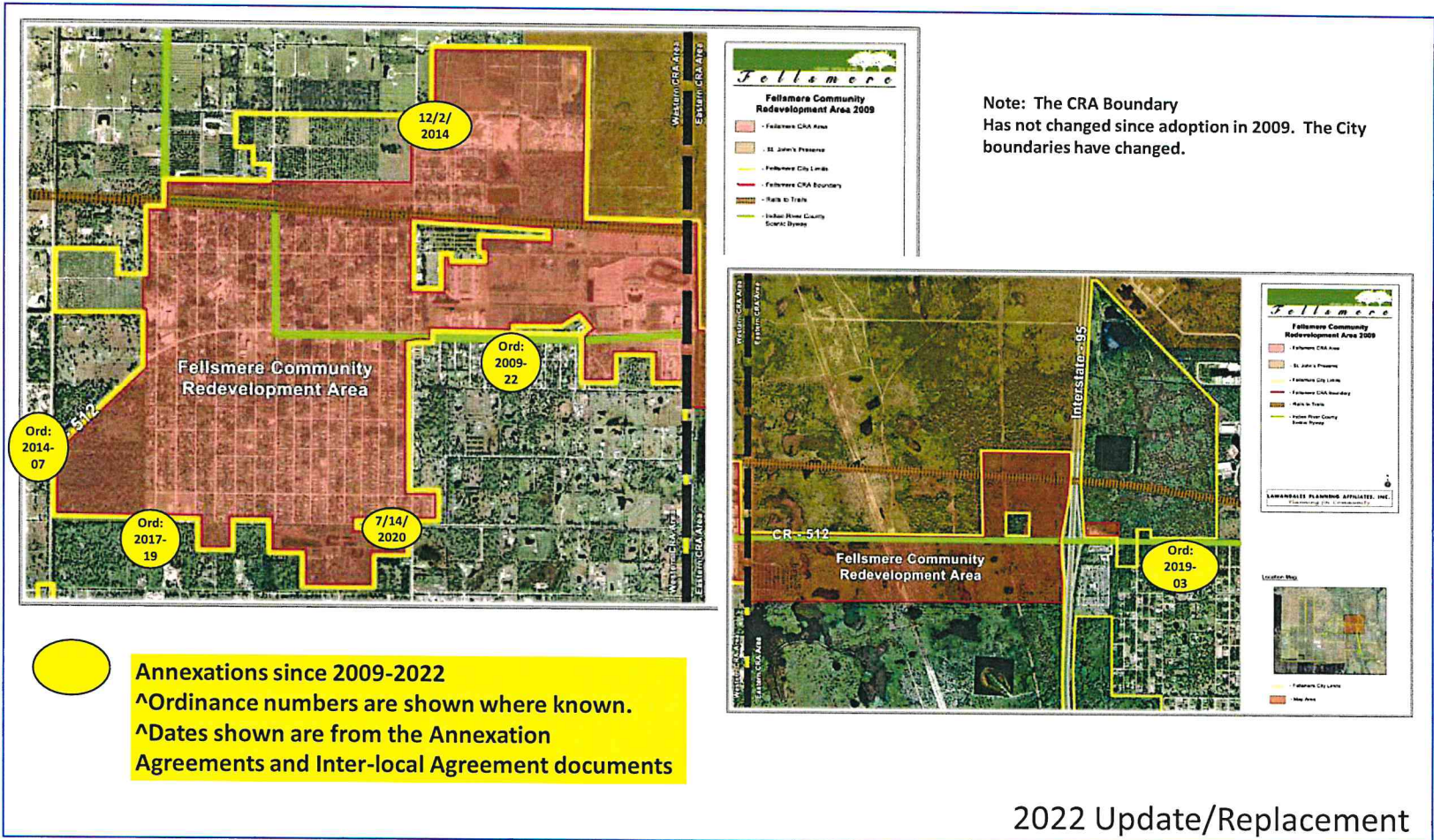
Figure 3 2009 BOUNDARY SKETCH

MAP 8 – 2022 CITY BOUNDARIES

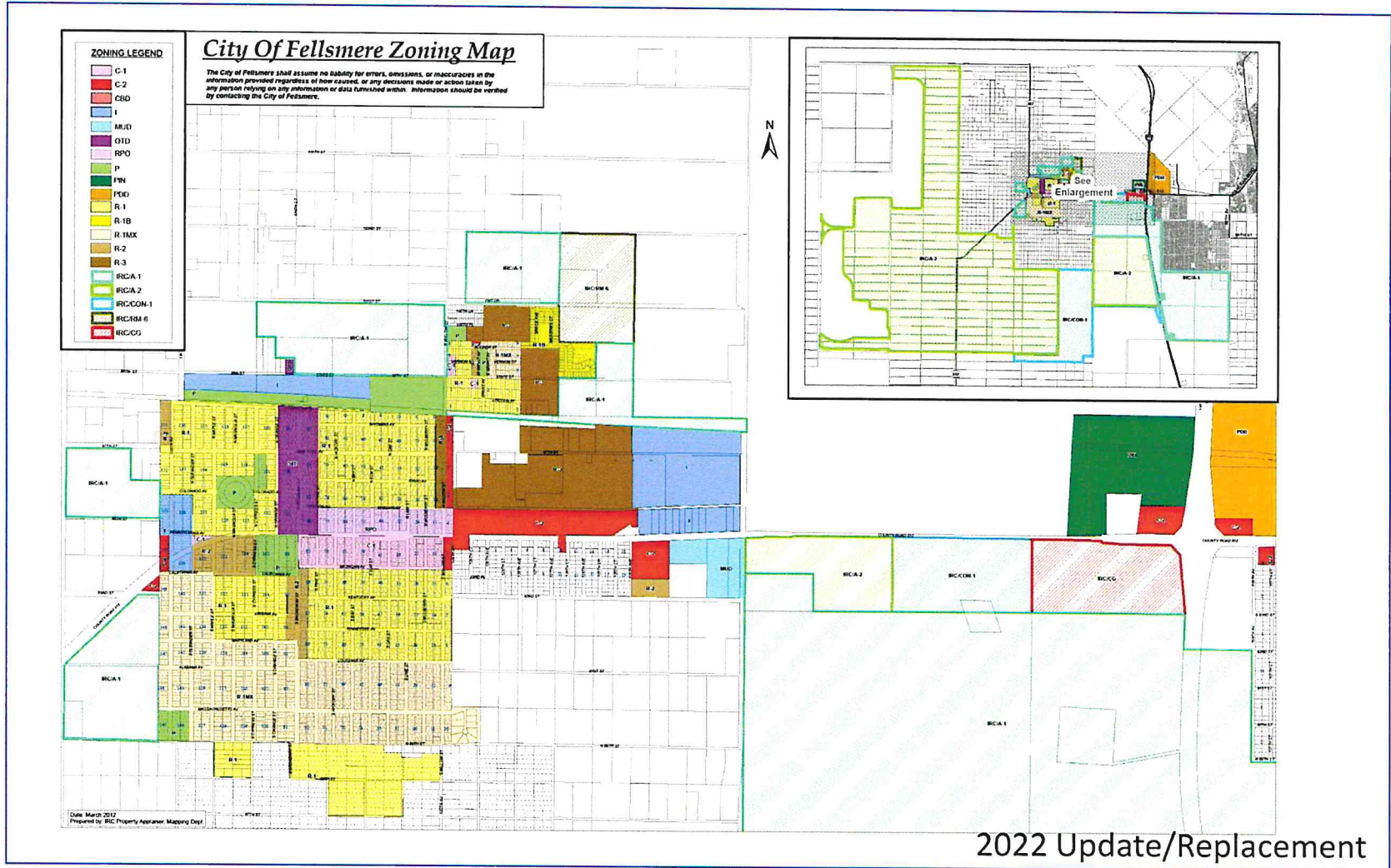


MAP 8A THE ENTIRE REDEVELOPMENT BOUNDARIES PLUS ANNEXATIONS

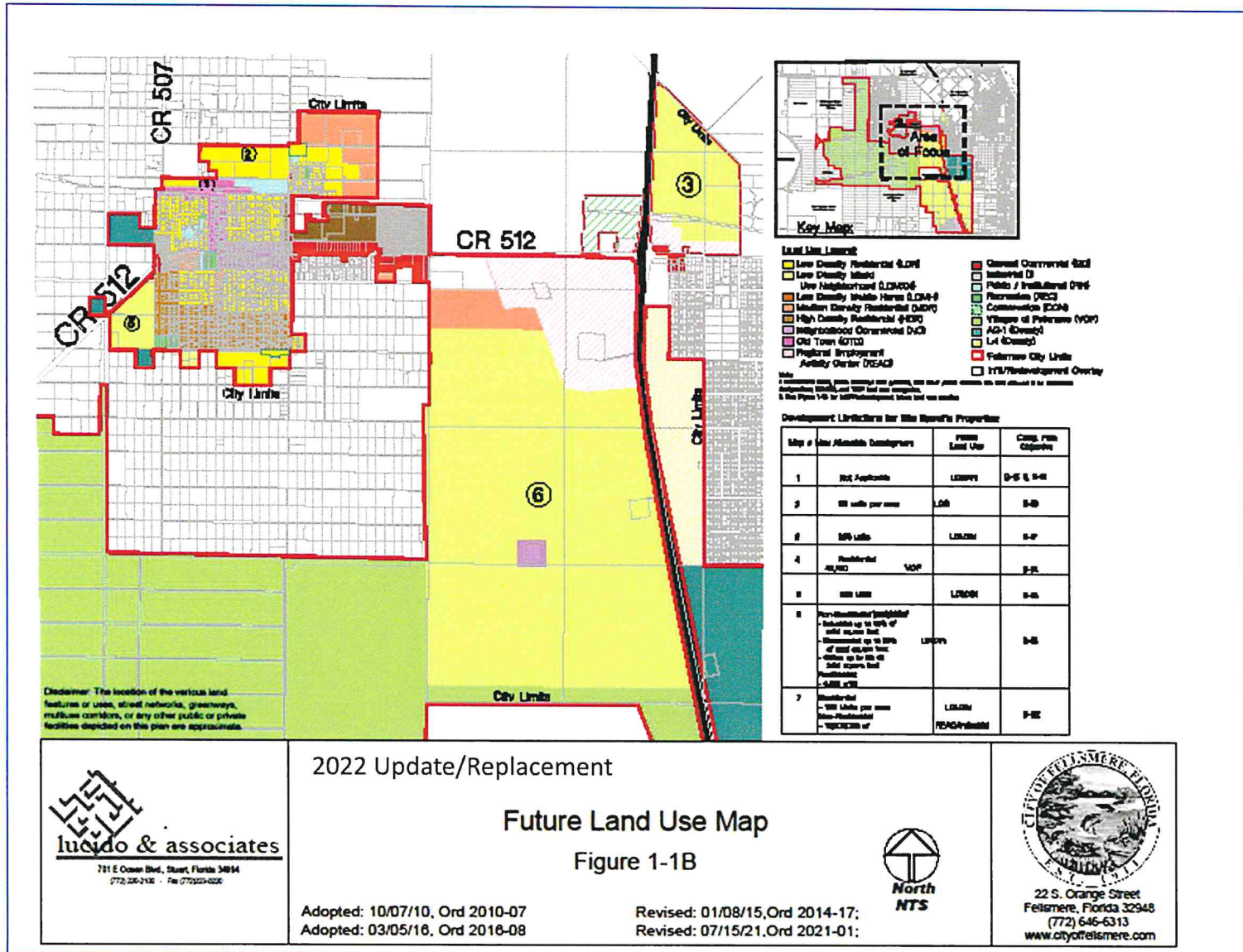
The City has annexed lands in all parts of the City and the new boundaries are shown on Map 8. The 4 Districts with the annexed areas are noted on Map 8A. Some of those new areas may be eligible for inclusion into the CRA once evaluated in a Blight Study. Maps 8B-D show the current Zoning and Future Land Use.



MAP 8B 2022 ZONING



MAP 8C
FUTURE LAND
USE MAP



lucido & associates
731 E Ocean Blvd., Stuart, Florida 34984
(772) 226-2130 • Fax (772) 221-0232

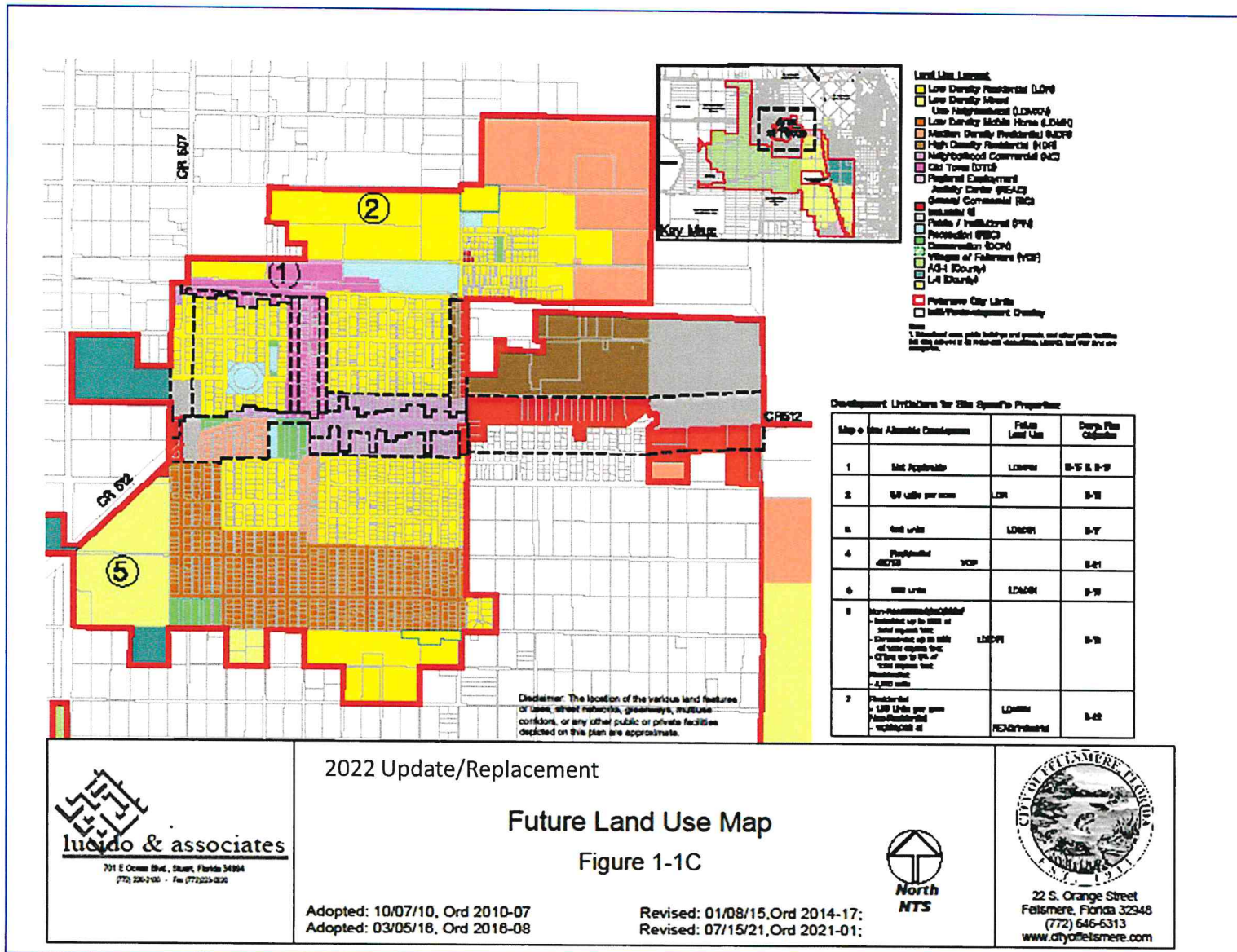
2022 Update/Replacement
Future Land Use Map
Figure 1-1B

Adopted: 10/07/10, Ord 2010-07
Adopted: 03/05/16, Ord 2016-08

Revised: 01/08/15, Ord 2014-17;
Revised: 07/15/21, Ord 2021-01;



MAP 8D
FUTURE LAND
USE MAP
CORE CITY
AREA



lucido & associates
701 E. Orange Blvd., Stuart, Florida 34994
(772) 220-7400 • Fax (772) 220-0200

2022 Update/Replacement

Future Land Use Map
Figure 1-1C

Adopted: 10/07/10, Ord 2010-07
Adopted: 03/05/16, Ord 2016-08

Revised: 01/08/15, Ord 2014-17;
Revised: 07/15/21, Ord 2021-01;



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Fellsmere, Florida 32948
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www.cityoffellsmere.com

2022 COMMUNITY REDEVELOPMENT AGENCY GOALS

With this update, a new set of strategies have been identified that will tie directly to proposed programs and projects for each district as set forth below.

A. Define the Community Redevelopment Area Identity

- Establish an identity, through the public participation process, that reflects the local culture and preferences of the community. The identity may be based on History, being the first city in Indian River County, Agricultural heritage, the historic railroad; environmental features, fishing capital with the Stick Marsh, Headwaters Lake offering the best bass fishing in the world; access to St. Johns River and St. Sebastian River Preserve State Park, Blue Cypress Lake, etc.; or other things that are ‘strictly’ local elements like the Fellsmere Frog Leg Festival.
- Increase awareness of locations in and near the CRA that reinforce the defined identity; market them; showcase them; support them.

B. Identify Locations for Development and Growth

- The City owns several well located parcels. Identify which of those or which combinations of parcels have the highest potential for development or redevelopment.

C. Stimulate Economic Development through programs and projects that make the CRA attractive for private investment

- Promote the incentives adopted in the Land Development Code (LDC) to help the business community choose

Broadway Street and the large CRA parcels elsewhere, as the preferred location for their businesses.

- Create interest in economic development opportunities by continuing to sponsor major public events (like the Frog Leg Festival) and find new activities to increase visitation to Downtown - Farmer’s Markets, antique/art/car shows, music, fun Fridays, national bass fishing tournaments, “Home-made” trade show. This activity can be done solely by the CRA or link into the Main Street efforts for longevity and promotions, and use them to showcase development or redevelopment projects
- Create a Preservation and Education center, at the Community Center or Fire Department building once vacated, which can serve as a major attractor and participant in the overall revitalization efforts, through encouraging eco-tourism, along with marketing the Stick Marsh, St. John’s River, and St. Sebastian River Preserve State Park.
- Help assure the necessary infrastructure for businesses to operate, grow, and succeed, for example, internet, fiber optics, power, labor, utilities, public facilities.

D. Invest in projects whose outcome gives the most visible physical and aesthetic improvements

- Improve the visual perception of CRA properties with convenient parking, lighting and landscape, hardscape features, reliable internet and infrastructure.

- Focus on Gateway, way-finding, and unified identification signage that highlights the ‘theme’.

THE CONCEPTUAL PLAN

The prior conceptual plans were evaluated by the consultants and staff to obtain a benchmark of completed items, what items are outdated, what items have been partially completed and what are new ideas from the City Council, Community Redevelopment Agency, Planning and Zoning Commission, public, staff, and the consultant. A meeting was held on (Date to be provided after the hearing) with the public, City Council and Planning Commission, and staff. The highlights from that meeting were:

- * Focus on the local population and culture as the basis for economic development, redevelopment, and new business development
- * Focus on the environmental resources as a way to bring in people and dollars into the community
- * Focus on Broadway as the heart of the community and try to gain interest for another bank, hotel, new restaurants, and grocery and other needed retailers since Fellsmere is, at minimum, a 10 to 15-minute drive from current shopping areas in Sebastian.

This Plan proposes that the FCRA focus on cultivating and nurturing the local residents and existing business community and those wanting to start a business, so they have the tools and places they can development or grow their businesses. These businesses will 'organically' emerge from returning to the roots of the City: agriculture, eco-tourism, Latin culture, the environment and history. The ideas presented herein will mold and change as time, markets, local economies, and development occurs.

Rochelle W. Lawandales, FAICP

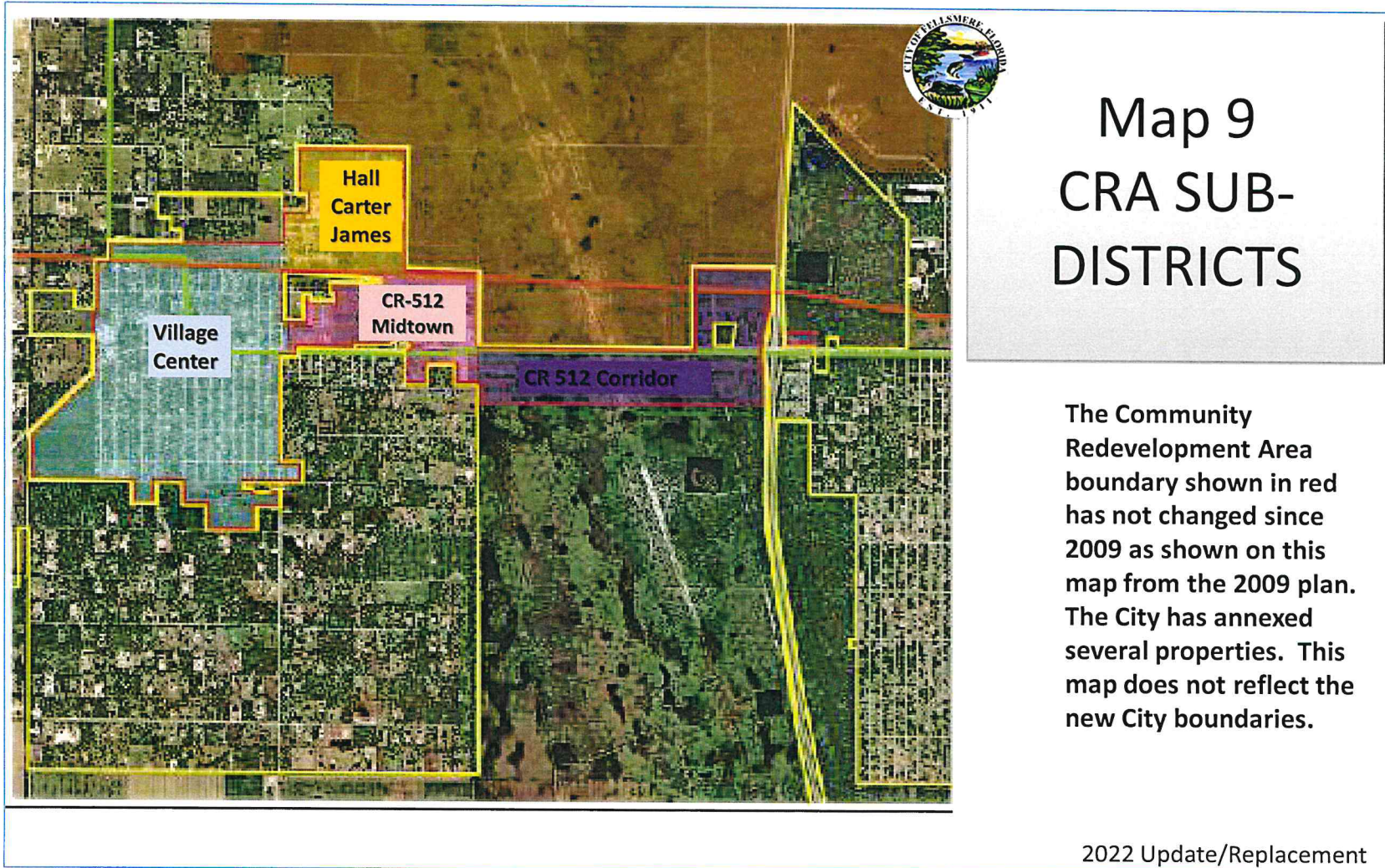
There are several alternative ways to get to the City's desired future, but the best is through generating ideas, thinking creatively and outside the box, taking risks, listening to the community and making that the first step. The market has a way of “finding its way” and the proposed redevelopment projects are strategically designed to bring people to Fellsmere and to showcase its many resources. Once people come, commerce will follow and businesses will grow.

The Fellsmere CRA was broken into 4 Sub-district's, locations of which are shown on Map 9. The remaining maps and exhibits in this section are district specific and used to graphically depict accomplishments and planning and program ideas. Written strategies and the conceptualized plan suggest physical changes, public improvements, administrative actions, and programmatic strategies to foster redevelopment.

1. **East CR 512 Corridor:** This is the area of CR 512 that extends from the western boundary of the Ansin parcel east to I-95
2. **Mid-Town CR 512:** This is the CR 512 area from Willow Street to the west boundary line of the 3500 acre parcel, known as the “Ansin” parcel
3. **The Carter James & Hall a/k/a Hall Carter James (HCJ) subdivision** is located in the Northeast section of the City
4. **Village Center:** This area generally includes the current “Old Town” area on Broadway; the area west along South Carolina Street and east to Willow Street; CR 512 from the west City limits to Willow Street

The following maps and exhibits are graphical depictions of existing FCRA plans, project conceptual ideas, and what components from the plan were accomplished and what the FCRA desires to continue to

implement. Map 10, as taken from the 2009 adopted FCRA Plan, provides a graphic of the existing Concept Plan to provide a starting point for understanding where the FCRA was and where it desires to go.



Map 10 2009 Final Concept Plan

Exhibit 2-A

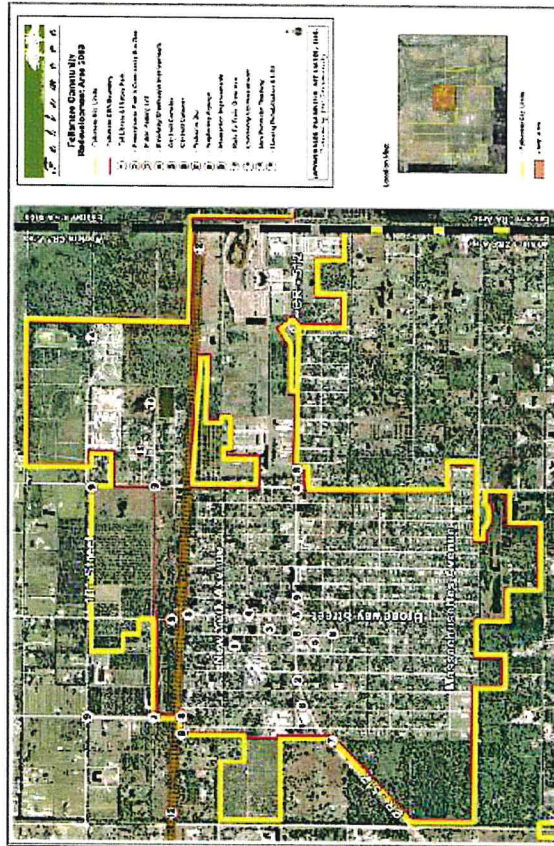


Exhibit 2-B



The 2009 Redevelopment Plan contained a myriad of desired outcomes in each of the four (4) Sub-districts. This evaluation will start at the east side, CR 512 Corridor and move westward through each sub-district. The following discussion shows what has been accomplished in each sub-district and what was not undertaken.



THE PLAN EAST CR 512 CORRIDOR & INTERCHANGE MAP 11

Accomplishments:

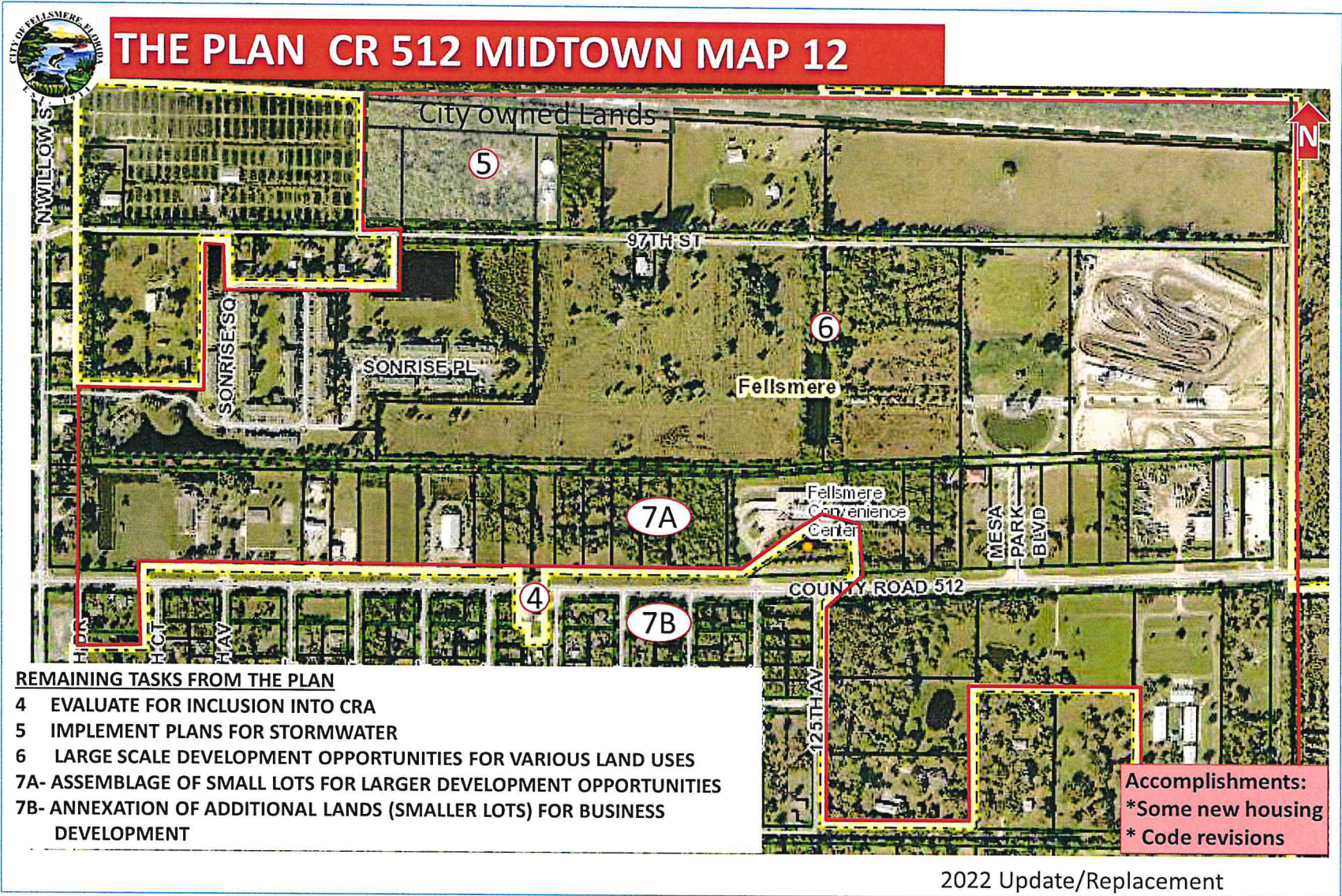
- * Fellsmere Preserve Trail Head
- ^ Gateway Feature and Rails to Trails Greenway
- ② Recent annexations



REMAINING TASKS FROM THE PLAN

- 1 INTERCHANGE LAND USE DEVELOPMENT OPPORTUNITIES
- 2 EVALUATE NEWLY ANNEXED AREA FOR INCLUSION INTO CRA
- 3 PROMOTE AND ENHANCE LINEAR TRAILS/HORSE TRAILS; CORRIDOR IS PART OF IRC SCENIC BY-WAY

2022 Update/Replacement



THE PLAN CR 512 MIDTOWN MAP 12

REMAINING TASKS FROM THE PLAN

- 4 EVALUATE FOR INCLUSION INTO CRA
- 5 IMPLEMENT PLANS FOR STORMWATER
- 6 LARGE SCALE DEVELOPMENT OPPORTUNITIES FOR VARIOUS LAND USES
- 7A- ASSEMBLAGE OF SMALL LOTS FOR LARGER DEVELOPMENT OPPORTUNITIES
- 7B- ANNEXATION OF ADDITIONAL LANDS (SMALLER LOTS) FOR BUSINESS DEVELOPMENT

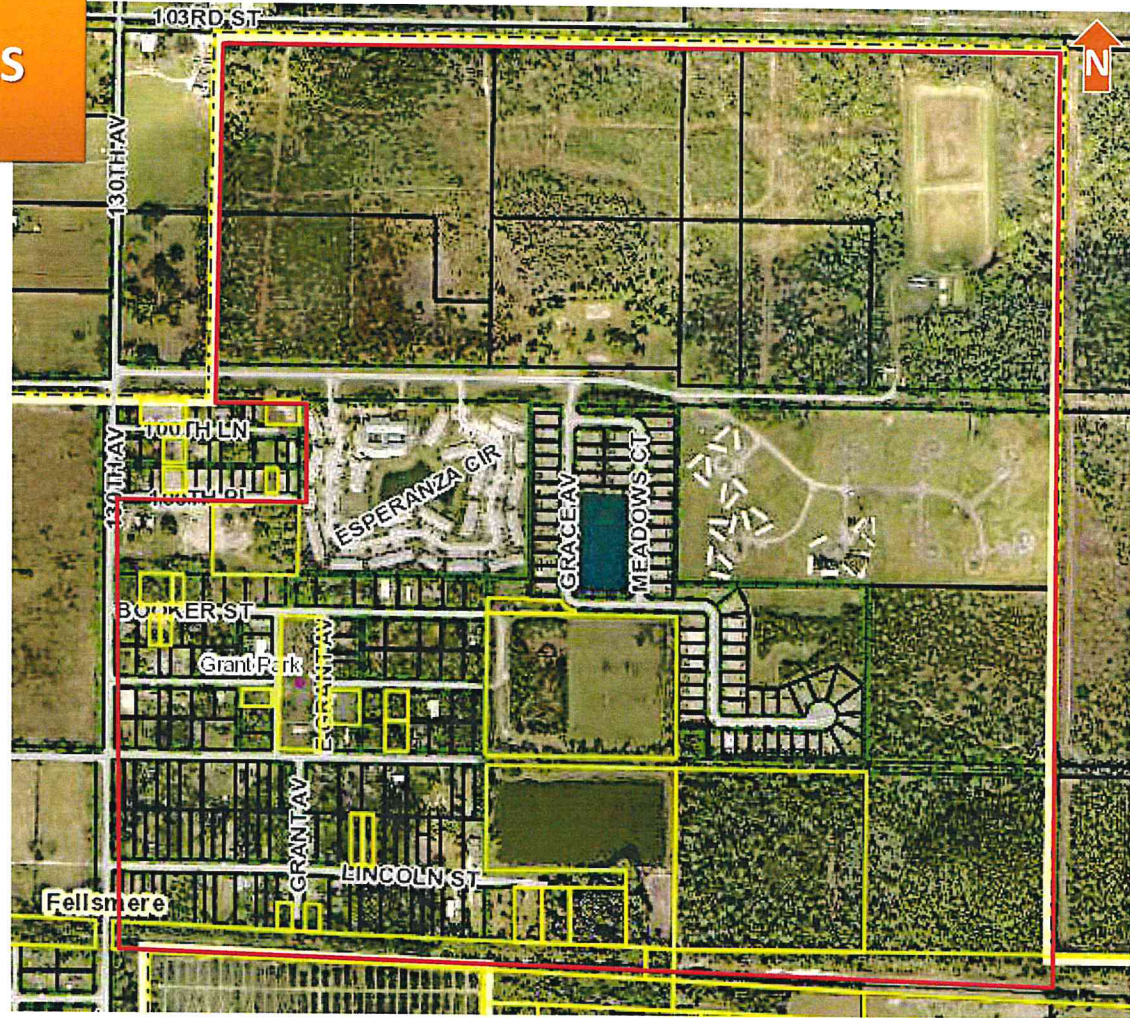
Accomplishments:
*Some new housing
* Code revisions

2022 Update/Replacement



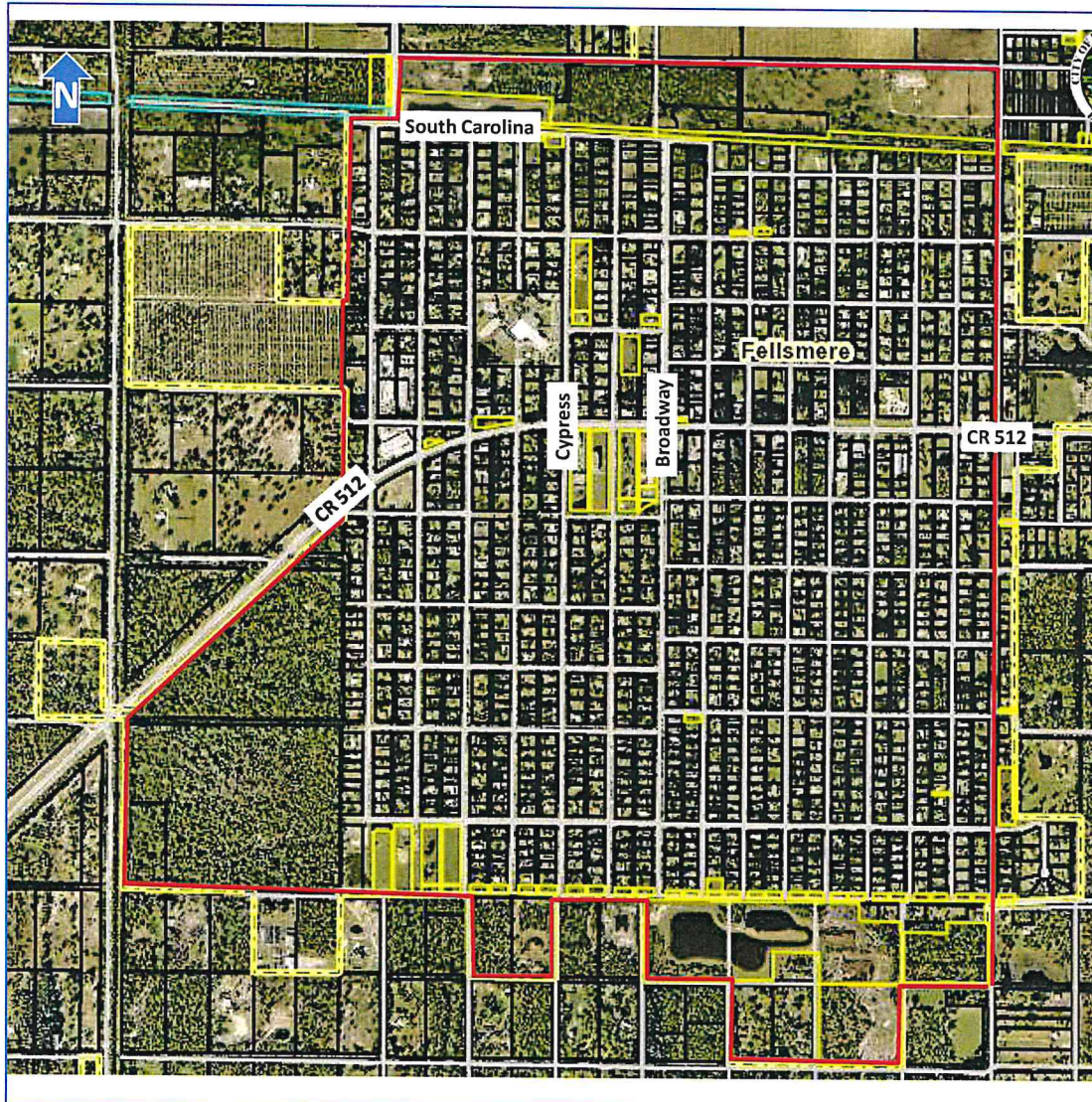
THE PLAN HALL CARTER JAMES MAP 13 A

- Accomplishments:**
- New single and multi-family housing constructed and being planned
 - New stormwater management areas to facilitate better regional drainage
 - Plans for a new Community Resource Center in conjunction with FACT and others
 - Lot acquisition
 - Annexation
 - Piping of ditches and road paving
 - Improvements and expansion of Grant Park
 - Intersection of 101st completed
 - Neighborhood Watch group established
 - Increased housing rehabilitation



2022 Update/Replacement



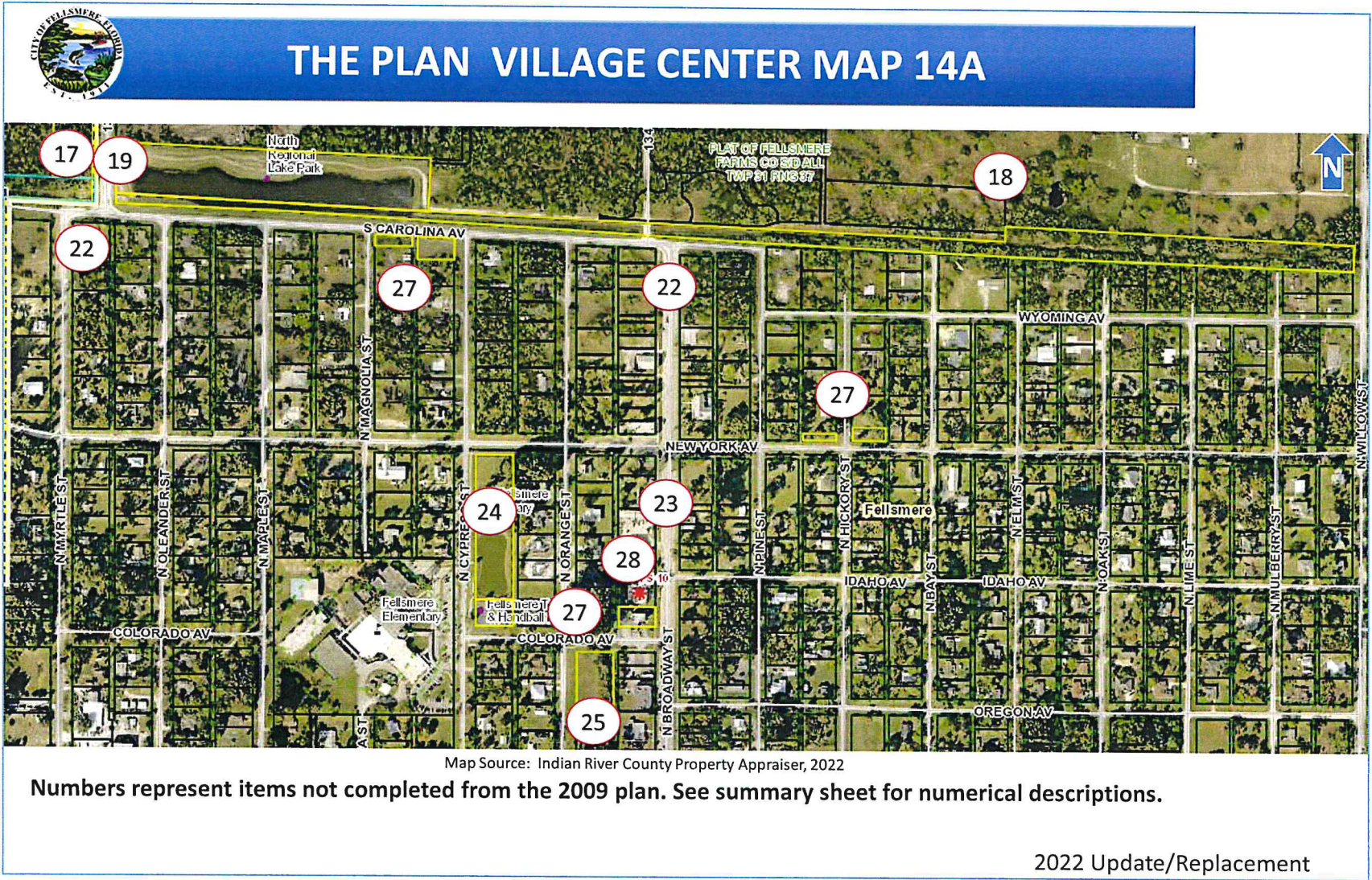


THE PLAN VILLAGE CENTER MAP 14

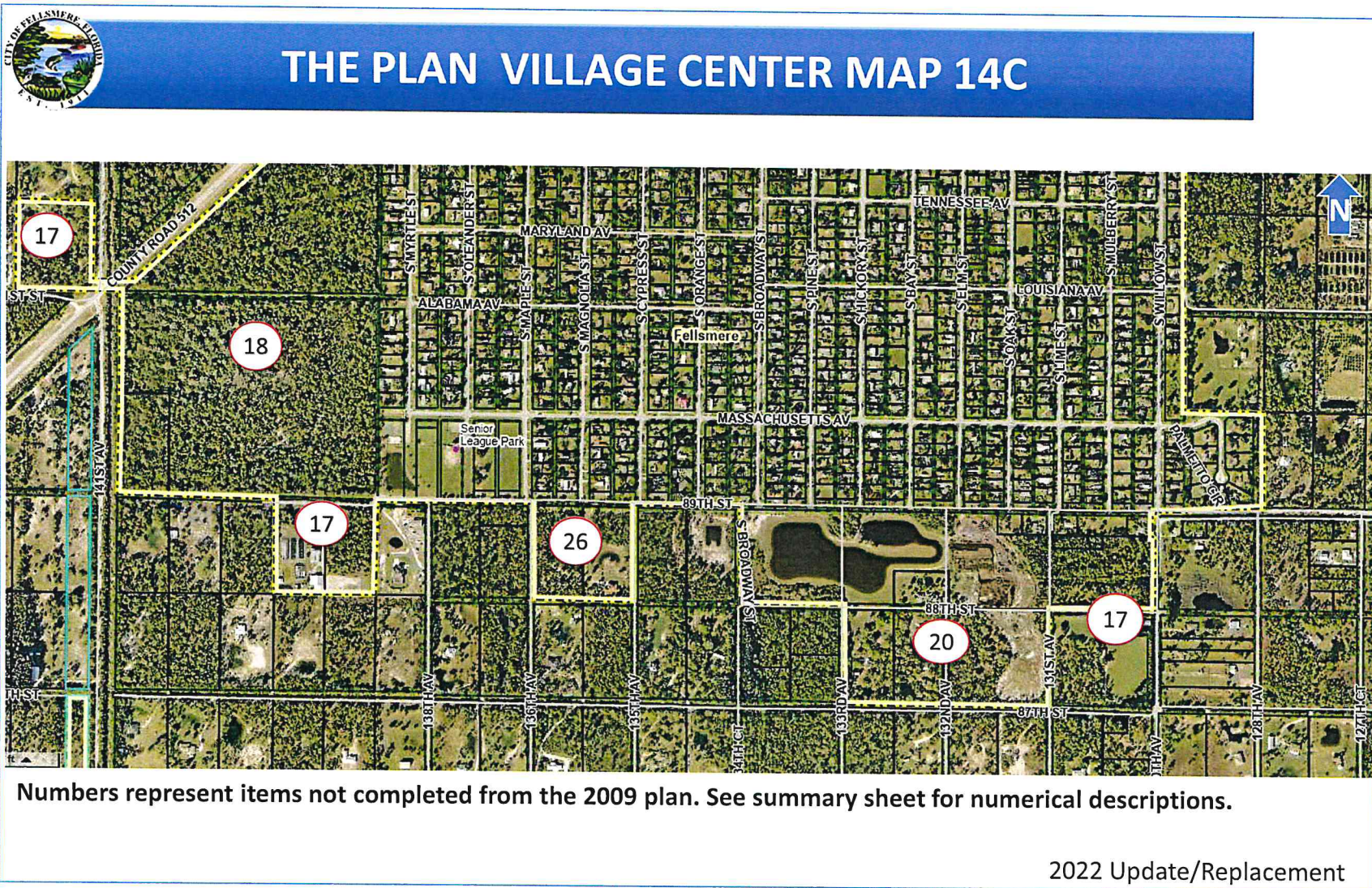
Accomplishments:

- Completion of renovation of historic City Hall at the old Fellsmere School
- New Broadway Master Plan, Marian Fell Library Plans, and Parking plans
- Began implementing Marian Fell Library Plans
- Park improvements at the Little League and Senior League Fields
- North and South Lake regional stormwater projects
- Annexation of various lands
- Adoption of the Overlay Zoning District for Downtown
- Continued working with the County on alterations to Myrtle and South Carolina/Babcock Street intersection; property acquisition for new right-of way
- Completed the Skate Park

2022 Update/Replacement









THE PLAN VILLAGE CENTER MAP SERIES SUMMARY

REMAINING ITEMS FROM THE PLAN*:

- 17 EVALUATE NEWLY ANNEXED AREAS FOR INCLUSION INTO CRA
- 18 LARGE SCALE DEVELOPMENT OPPORTUNITIES FOR MIX OF HOUSING BY PUBLIC AND PRIVATE SECTORS
- 19 WELCOME/GATEWAY SIGN
- 20 SOUTH REGIONAL STORMWATER LAKE
- 21 PENNSYLVANIA PARK AND BUS STOP
- 22 INTERSECTION IMPROVEMENTS
- 23 'ON BROADWAY': ESTABLISH MAIN STREET PROGRAM-MARKETING, ECONOMICS, DESIGN, AND ORGANIZATION
- 24 IMPLEMENT MARIAN FELL LIBRARY ARTISTIC VILLAGE
- 25 IMPLEMENT PARKING LOT CREATION ON ORANGE AND OTHER LOTS ON PARALLEL STREETS
- 26 MAINTAIN/ENHANCE SENIOR LEAGUE PARK AS COMMUNAL ACTIVITY SITE
- 27 OFFER SELECTIVE LOTS FOR PRIVATE OWNERSHIP IF SURPLUS THROUGH REQUEST FOR PROPOSAL
- 28 EVALUATE COMMUNITY CENTER AND/OR FIRE STATION RELOCATION FOR BUSINESS INCUBATOR, COMMUNITY USES OR CONVERSION TO PRIVATE SECTOR; WORK WITH OTHER AGENCIES TO PROMOTE BUSINESS DEVELOPMENT: FOOD STORES, RESTAURANTS, COFFEE AND INTERNET CAFÉ, BOUTIQUES OF HAND MADE GOODS AND PRODUCTS, COMMUNITY KITCHEN
- 29 CONTINUE TO IMPLEMENT TOWN CENTER PLANS AT CITY HALL; PARK IMPROVEMENTS, COMMUNITY CENTER, AMPHITHEATRE, GAZEBO
- 30 PROVIDE ADDITIONAL PARKING AND AREAS FOR SPECIAL EVENTS

***Numbers correspond to Maps 14A-C.**

2022 Update/Replacement

The Exhibits on the following pages reflect new conceptual plans, layouts, design ideas, or programs that the City has considered since 2009. They are now brought into this Plan update to reflect current capital or program ideas for budget purposes.

EXHIBIT 3A BROADWAY MASTER PLAN



Existing Buildings		Parking Available		Estimated Development Potential		Drainage Requirements			
Key				Floor					
1	Chevron	Broadway	123	First Floor	Existing	61,825 sf	Total Study Area	975,000 sf	22.38 ac
2	Patel Bldg	Oregon	8	Proposed	114,775 sf		FWCD 2" Reqt	162,500 cf	3.73 ac-ft
3	Marsh Landing	Idaho	8	Second Floor			SJWMD 5" Reqt	406,250 cf	9.33 ac-ft
4	Gallery	New York	32	Existing	7,000 sf		Subsurface Storage (assumed 2.5' deep)		
5	Community Center	South Carolina	9	Proposed	114,775 sf		SJWMD 5" Reqt	65,000 sf	1.49 ac
6	Fire Station	Colorado	22	Third Floor			SJWMD 5" Reqt	162,500 sf	3.73 ac
7	Feed Store	Municipal Lot	97	Existing	0 sf		French Drain (assumes squat 18" drain in 8' bed)		
8	Rooming House*	Proposed Lot	66	Proposed	114,775 sf		FWCD 2" Reqt	16,250 cf	14.444 cy
9	La Charo Grocer*	Private Lots	630	Total	413,150 sf		SJWMD 5" Reqt	40,625 cf	36.111 cy
10	Grocer	Total	995				Lake Storage (assume 5' deep)		
11	Hair Salon*	Parking Required		New Taxable Value			FWCD 2" Reqt	32,500 sf	0.75 ac
12	Lucky Strike	1st Floor	627	Total New SF	344,325		SJWMD 5" Reqt	81,250 sf	1.87 ac
13	Hemdon Bldg	2nd Floor	254	Value per SF	\$75				
14	Old Post Office	3rd Floor	89	Estimated Value	\$25,824,375				
15	Fellsmere Inn	Total	969	Tax Rate	0.00752				
16	Fellsmere Church	Surplus	26	Potential TIF	\$194,199 annual				
17	Taylor building								

* represents potential redevelopment opportunity

2022 Update/Replacement
Concept approved by
CRA/City Council July 7, 2011

N.T.S. Disclaimer: The location of various land uses, buildings, roadway features, sidewalks, parking, driveway connections, landscaping and other facilities depicted on the Broadway Master Plan are conceptual and do not reflect the City's or any Property Owner's existing or proposed plan for the use of the property shown herein.



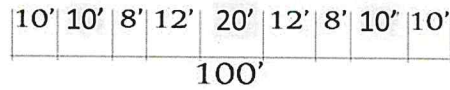
BROADWAY MASTER PLAN

Fellsmere, Florida



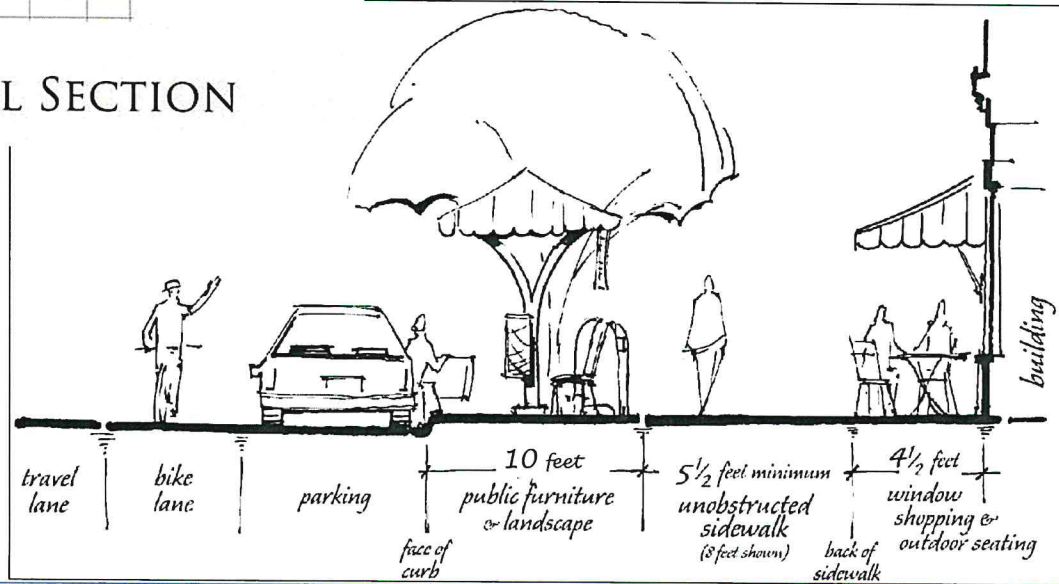


EXHIBIT 3B BROADWAY TYPICAL STREET SECTION



BROADWAY TYPICAL SECTION

BROADWAY TYPICAL STREET SECTION



2022 Update/Replacement



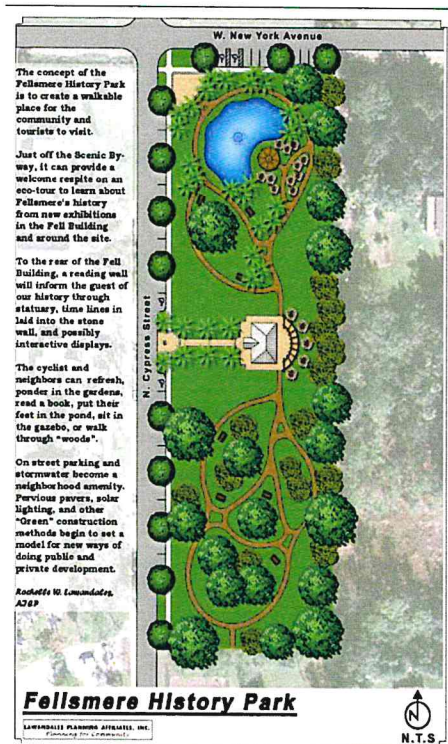
EXHIBIT 3C BROADWAY STREETSCAPE OPTIONS



2022 Update/Replacement

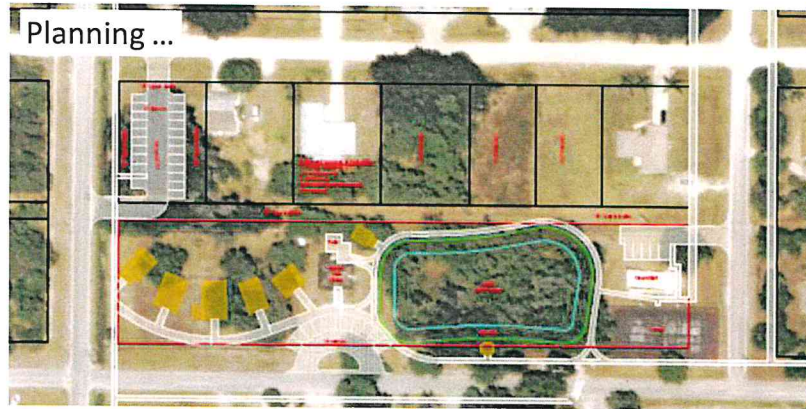
EXHIBIT 4 MARIAN FELL LIBRARY

Approved by the CRA/City Council February 6, 2014



From an idea...

2022 Update/Replacement



MARIAN FELL LIBRARY

Approved by the CRA/City Council February 6, 2014



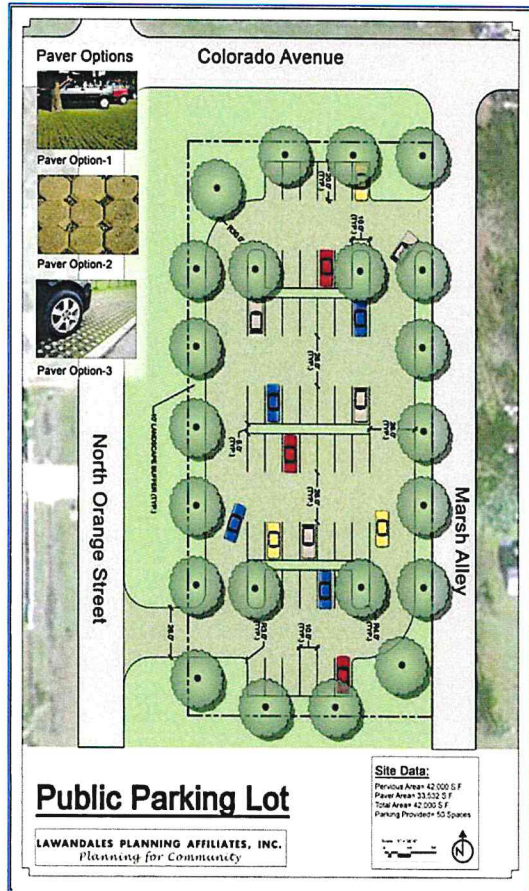


EXHIBIT 5
2009 MUNICIPAL PARKING CONCEPT

Rochelle W. Lawandales, FAICP

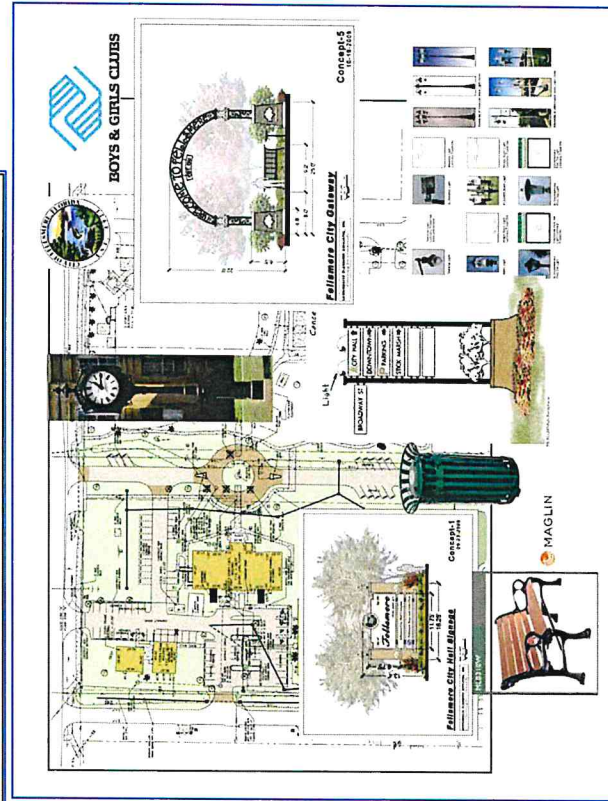


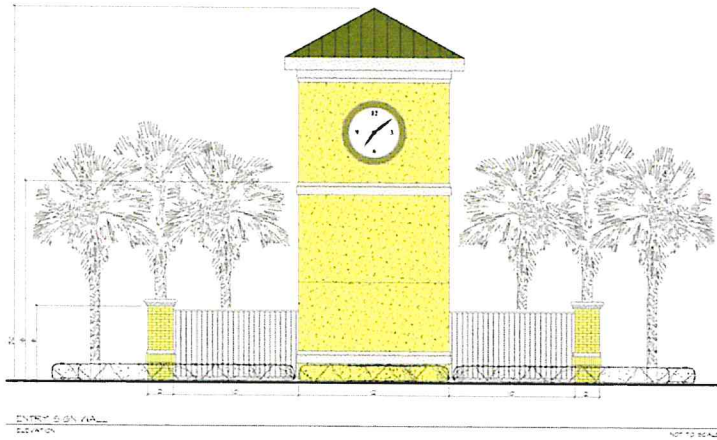
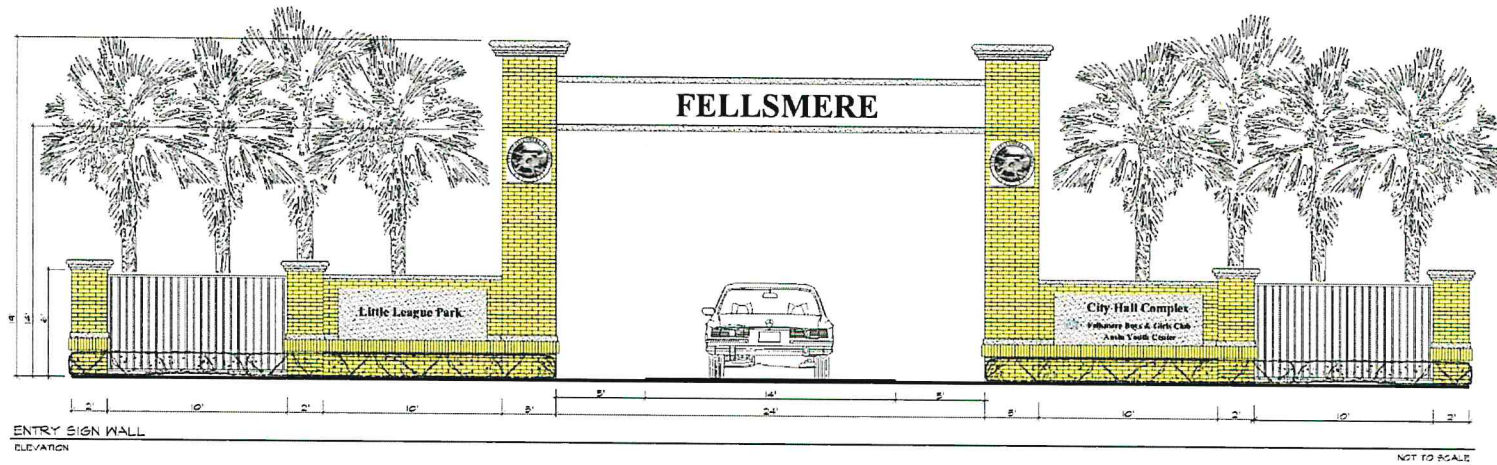
EXHIBIT 6
2009 MUNICIPAL SITE CONCEPTS

Among the projects that the CRA/City have implemented in the Village was the restoration of the historic old school house into a City Hall and Boys and Girls Club is a testament to the tenacity of all of the civic-minded residents, City Council and staff. It stands as a central beacon for civic activities. There are endless ideas for how to continue that success with expansion plans for the vacant lands surrounding the building, maintaining and enhancing the Little League Park, adding events, creating a civic hub, stimulating small business development, and connectivity to the Indian River Scenic By-way and other linear trails and greenways.

A modification to the Orange Street conceptual plan shown in Exhibit 5 from the 2009 Plan is under consideration.

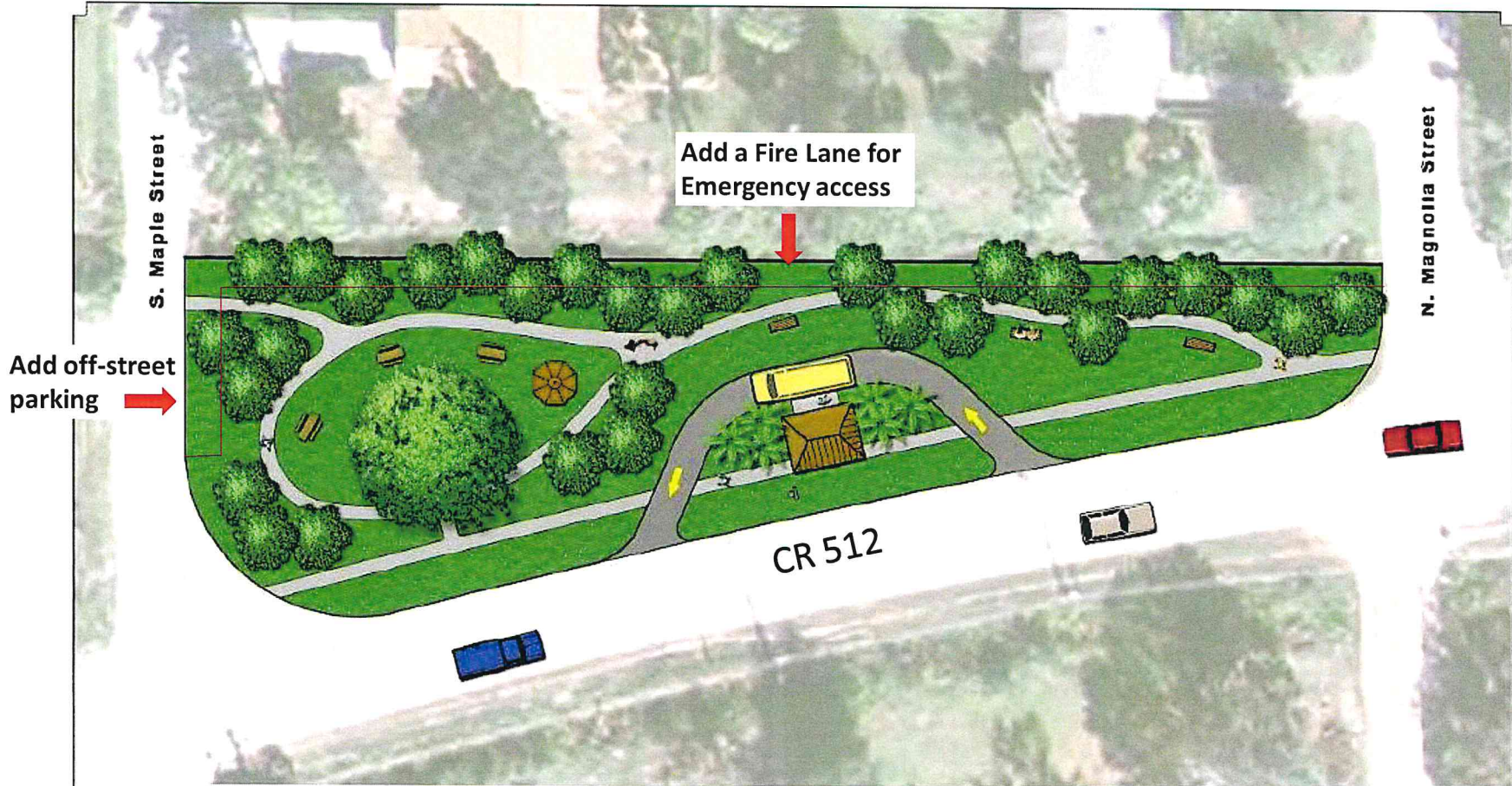
Exhibit 6, taken from the 2009 Plan, is indicative of the many similar improvements which were spawned from those ideas. There are plans for parking on various lots owned by the City in the downtown.

EXHIBIT 7 CITY HALL, GATEWAY AND ENTRY SIGNAGE IDEAS



Original Sign at US 1 and 512

EXHIBIT 8 PENNSYLVANIA PARK MODIFICATIONS



Pennsylvania Park

LAWANDALES PLANNING AFFILIATES, INC.
Planning for Community

2022 Update/Replacement



EXHIBIT 9 I-95 GATEWAY SIGN IDEA FROM 2009

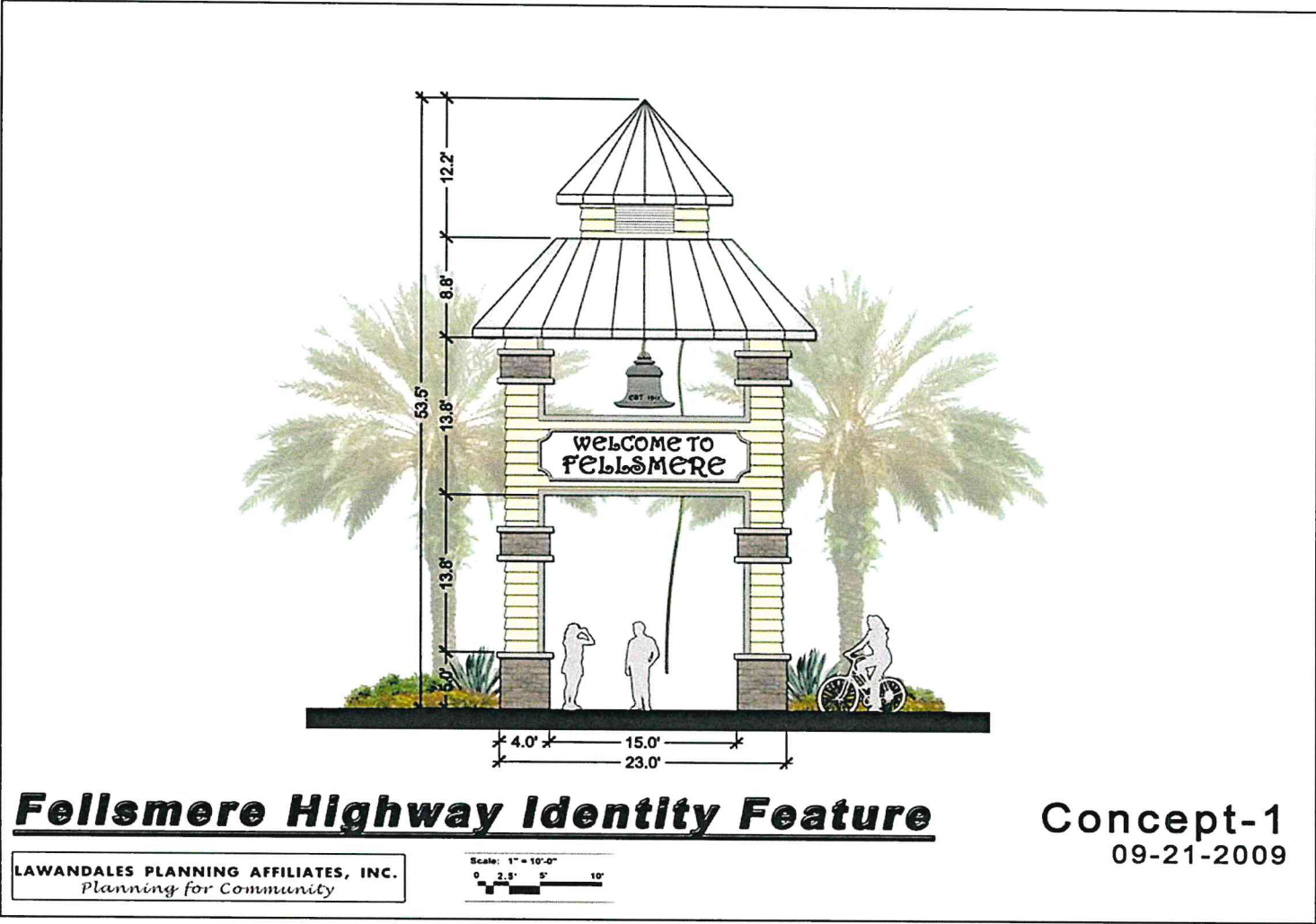
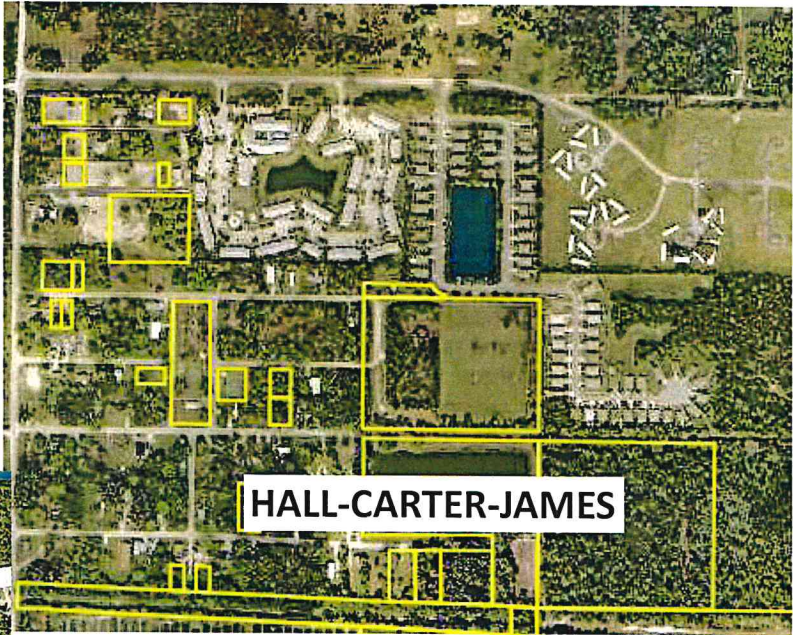


EXHIBIT 10 CITY OWNED LANDS



VILLAGE CENTER



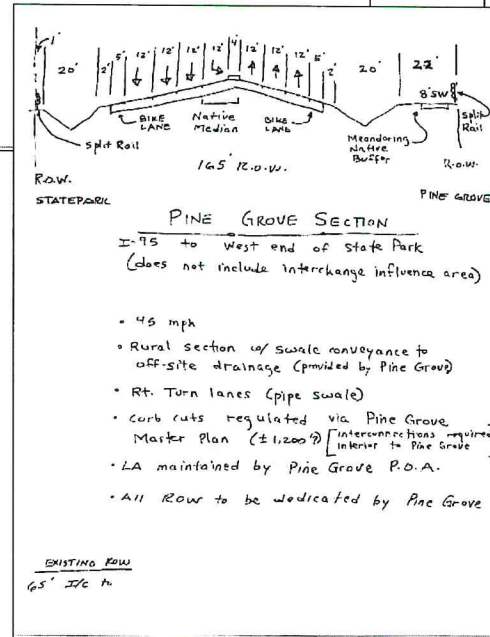
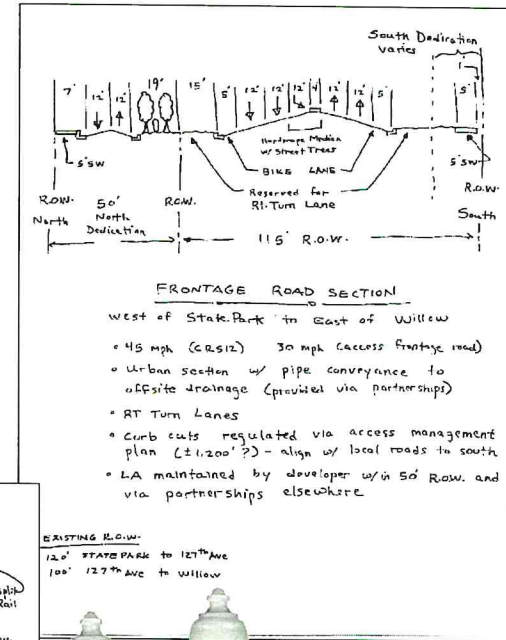
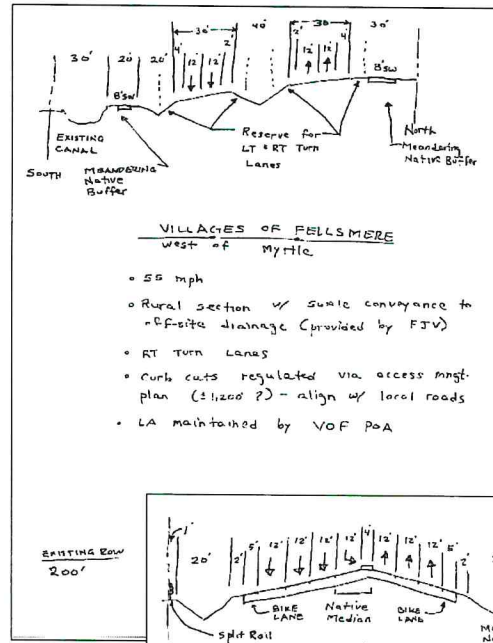
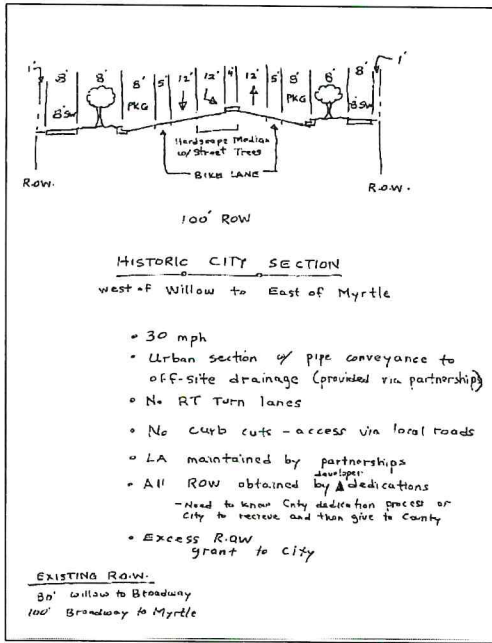
HALL-CARTER-JAMES



CR 512 CORRIDOR-INTERCHANGE

Note: The City of Fellsmere owns no lands in the CR 512 Midtown or CR 512 Corridor west of the Fellsmere Trailhead Preserve at the I-95 interchange.
Source: Indian River County Property Appraiser, 2022

2022 Update/Replacement



2022 Update/Replacement

EXHIBIT 11
EXAMPLES OF DESIRED
CROSS SECTIONS
IN ALL 4 DISTRICTS
PLUS LIGHTING SAMPLES
FOR EAST OF WILLOW ST.

FOCUSED EFFORTS

Too many activities strain both human and economic resources. It is recommended that the CRA needs to now be selective and use a targeted approach for securing quick victories and causing catalytic changes. To that end, the following are recommended to be the focal points for the Agency in all 4 sub-districts.

#1 FOCUS AREA: VILLAGE CENTER/DOWNTOWN

All roads lead to Broadway, the city's 'main street', the historic roots, and once life blood supporting the commerce needs of the community and the passengers on the historic railroad.

WHEN: Now, ongoing

WHY: It's the heart and soul of the City. If the heart is pumping, life giving blood will flow to all other parts of the City.

FUNDING SOURCES: CRA, grants, CDBG, private sector

HOW: By targeting resources to this district, the CRA can target resources to create quick victories that will be of lasting social and economic value. **The priority strategies are:**

➤ PROGRAMMING:

1. Establish a MAIN STREET program and use its 4-pronged approach: Organizational, Marketing/Promotion, Economic, and Design components. This will help to implement the master plan and assure that new projects meet key design elements, are marketed properly, are collaborative and bring together the village community. **(#1 --AS SOON AS POSSIBLE)**

Rochelle W. Lawandales, FAICP

➤ ECONOMIC DEVELOPMENT, ENVIRONMENTAL STEWARDSHIP, MARKETING/PROMOTIONAL:

1. Create and promote a community hub at the Community Center, Fire Station, or other location preferably on Broadway; however, a location at City Hall would also work.
 - a. This can be in the form of an incubator, which offers internet access, perhaps concessions out an internet cafe, is a local business center where local vendors can 'rent' or lease space or access educational or physical resources to establish or grown their business. It could be a 'trade' post, where markets are held and 'trading/bartering' for services can be organized. This is viewed differently from the center envisioned and being constructed in Hall Carter James, which will be a neighborhood resource center, as well as facilitator of economic development.
 - b. The Community Hub could also be an ecotourism and sustainable outdoor recreation education station and resource facility. Kiosks could focus on Fellsmere's rich outdoor, environmental and agricultural history and resources. Where are places to hike, fish, trail ride, horseback ride, exercise, provide information about the local parks and activities? Need a fishing license or know where

a boat rental or kayak rental is? This becomes a visitor center and environmental showcase.

➤ **CAPITAL INVESTMENT:**

1. Implement the physical aspects of the downtown Master Plan, Figure 5, by annual programming of capital facilities as funding becomes available: parking, stormwater, lighting, landscape, streetscape, signage, and other projects. This is done as money can be saved, bonded, or allocated from the Tax Increment Fund revenues.
2. Improve lands along CR 512 known as Pennsylvania Avenue Park as shown in Figure 4.
3. Create an Artists Village with medium density housing through public private partnerships on lands owned by the City currently known as Marion Fell Library property on North Cypress Street. (See Figure 6)

CAPITAL INVESTMENT PROJECT EXAMPLES:

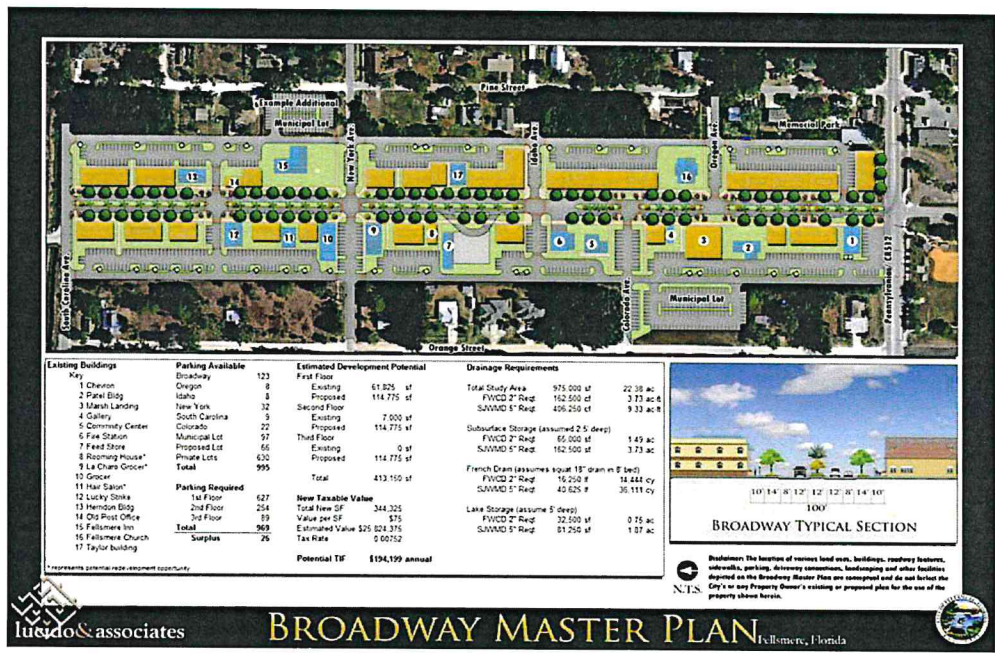


Figure 5 Broadway Master Plan

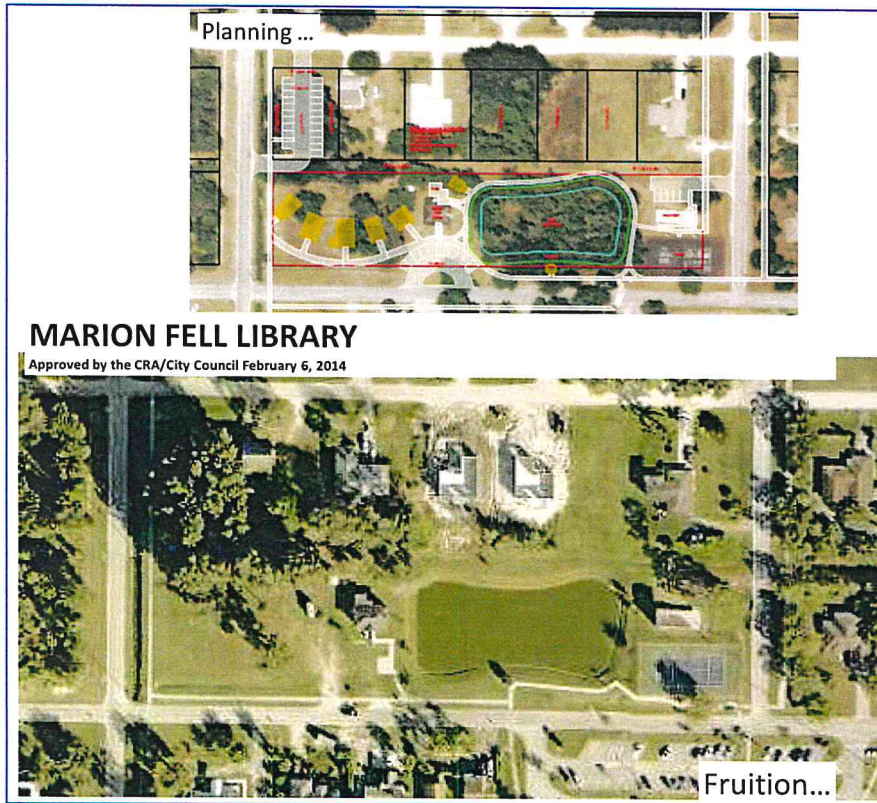


Figure 6 Marian Fell Library

#2 FOCUS AREA: HALL CARTER JAMES (HCJ)

This is a historically African American and migrant farm worker subdivision, which expanded in 2009 with a 157-acre annexation of lands owned by Fellsmere Joint Venture, one of the largest agricultural conglomerates in Indian River County. The area is not

Rochelle W. Lawandales, FAICP

only is part of the FCRA, but it is also the area of the city most eligible for Community Development Block Grant (CDBG) funding. The Fellsmere Action Community Team (FACT) is preparing a site to become an economic development community resource center. The City has partnered with Fellsmere Joint Venture (FJV), Habitat for Humanity, local non-profits, and others to increase the supply of affordable owner occupied housing, multi-family rental housing, and enhance stormwater management and provide regional parks in this District.

Most importantly, over the past 15 years, the community residents have become more actively engaged in decision making, project development, and neighborhood safety through a neighborhood watch program. This area should be a parallel focus for the next several years of targeted resources, programming, and project implementation for the greatest benefit to both the residents and the local economy.

WHEN: Ongoing

WHY: To foster community inclusion and participation will result in greater community support for programs that lessen crime, enhance safety and aesthetics, improve properties, further diversify housing opportunity.

FUNDING SOURCES: CRA, grants, CDBG, private sector funding

HOW: Focused actions to nurture collaborative efforts that are already in place with FACT, Habitat for Humanity, and others, to undertake the following high impact projects and programs.

➤ **PROGRAMMING:**

1. Engage the community in preparing a Neighborhood Master Plan or Strategic Plan to identify what they want to see happen in their community.
2. Continue to engage local law enforcement for greater community policing and neighborhood watch.
3. Continue to target and provide alternative housing options and opportunity through housing assistance and incentives. Change the Comprehensive Plan and Land Development Codes as needed to encourage this and provide incentives.

Sustainable Tourism – tourism which meets the needs of the present tourists & host communities while protecting & enhancing the needs of future generations.
Ecotourism – responsible travel to natural areas that conserves the environment & improves the well-being of local people.

➤ **ECONOMIC DEVELOPMENT, ENVIRONMENTAL STEWARDSHIP, MARKETING/PROMOTIONAL:**

1. Support and assist in the creation and continued operation of the community resource center as a source for job training, education on community farming for local food sourcing, job training, helping with a trade and barter economy, and small business assistance.

➤ **CAPITAL INVESTMENT:**

1. Program available funding to the lighting, sidewalks, park maintenance/enhancements, stormwater management, and other physical improvements.

#3 FOCUS AREA: CR 512 INTERCHANGE-GATEWAY TO ADVENTURE



and services to Fellsmere Joint Venture agricultural lands and to them back and forth to Sebastian. Closed in 1952, the area where the lines used to sit is now a large greenway system that not only connects Sebastian to Fellsmere, but reaches into the St. Johns Buffer Preserve State Park, with a myriad of trails and trail heads. Fellsmere has had enormous success in this district with the construction and opening of the Railroad Trail, the FIT training area, and the beautiful Fellsmere Trailhead Preserve just west of the I-95 Interchange.

The confluence of these areas creates an 'ecotourism hub', which in turn is part of a greater eco-system of preserves, parks, and natural areas that meander and connect this area of Fellsmere to the world and to the St. Johns



Fellsmere's east side gateway is now I-95 and CR 512. But long before there was an I-95, there was a railroad, The Dinky Line, or better known as the Trans- Florida Central Railroad. Opening in 1911, it brought people, goods

River, C-51 Canal, Stick Marsh, Blue Cypress Lake, and Fellsmere Trailhead Preserve. These natural resources are a gift, and extraordinary resource for the CRA and City. Eco-tourism promotes sustainable environmental resource development for future generations.

For these reasons, this project rises to be a top priority for the next 3-5 years and beyond. It has the potential to bring vast results and positive benefit to the City and CRA. By getting people to come to Fellsmere, the CRA creates the mix and mass of people needed to attract commercial and business development. All the streetscape in the world will not ripple change. Bringing in new people, new dollars, to foster new entrepreneurship, local business growth, and brick and mortar will.

WHEN: Now, ongoing

FUNDING SOURCES: CRA, Tourist taxes, environmental agencies, Grants, Private Sector sponsorships

WHY: As the gateway to the City, this entry is bounded on 3 sides by major eco-tourism focal points that can bring great attention and tourists to the community.

HOW: By branding and using the natural environmental and historical elements of the city to market and promote outdoor recreation, special events, and healthy lifestyles, the CRA will attract visitors and dollars.

➤ **PROGRAMMING:**

1. Identify a theme and create a branded marketing effort; identify targets to promote to for sports, outdoor, agricultural and tourism providers; create new special events-trail races, bass fishing tournaments, kayaking events, to name a few to create new gathering options.
2. Evaluate expanding the boundaries of the FCRA to incorporate the newly annexed areas.

➤ **ECONOMIC DEVELOPMENT, ENVIRONMENTAL STEWARDSHIP, MARKETING/PROMOTIONAL:**

1. Create cooperative and collaborative relations with Tourism Agencies, Travel Agents, Visit Florida, or others for ecotourism entrepreneurship and small business assistance.
2. Determine what if any Comprehensive Plan and Land Development Code changes are needed to enable ecotourism businesses, agricultural pursuits within the urban setting, horse riding and keeping, and business licensing options.

➤ **CAPITAL INVESTMENT:**

1. Create a preservation and education center to showcase the history, environment, resource conservation and habitat management areas; areas for hunting and fishing; providing licenses; creation of concession opportunities for tourist services and providers of boat/kayak rentals, fishing licenses, snacks, water, etc.
2. Invest in a marketing and promotional campaign and in the necessary soft infrastructure to support expanded tourism and tourist related activities and business.

#4 CR 512 MID-TOWN

The 'MID-TOWN' area is the link between the historic core of the City and I-95 gateway area. Platted many years ago, scattered lots have been developed on the north side of CR 512. These lands are currently in the city limits. One annexation on the south side has occurred. The remaining platted lands south of CR 512 are in Indian River County.

WHY: This is the central pass-through to the City. The area creates a visible impression of the City and affects the desirability of investment and relocation to the City by potential buyers and investors.

WHEN: Over the long term, and as funds are allocated from the Indian River County Metropolitan Planning Organization (IRMPO)

FUNDING SOURCES: CRA, Tourist taxes, environmental agencies, Grants, Private Sector sponsorships

HOW: Marketing and Promotion; Economic Development; Implementing the Long-Range Transportation Plan

➤ **PROGRAMMING:**

1. Market and promote of the large tracts for infill development.
2. Aim for the industrial park for private investment and working with land owners to the south of CR 512 to annex into the City.

➤ **ECONOMIC DEVELOPMENT, ENVIRONMENTAL STEWARDSHIP, MARKETING/PROMOTIONAL:**

1. In the future, when resources are more plentiful from accomplishing the near term priorities, the CRA can assess providing small business assistance, doing zoning changes, and constructing capital projects.
2. Eliminating truck traffic through downtown will aid economic development efforts.
3. Annexing south side of CR 512 to promote business development and opportunity.

➤ **CAPITAL INVESTMENT:** Cooperative efforts with the IRC MPO on transportation improvements, including traffic lights, new roadways, alternative truck routes, shrinking certain areas of CR 512, traffic calming, stormwater management projects, and complete streets programs, along with pedestrian safety measures will follow from added resources in the tax increment financing (TIF).

REVISED/SUBSTITUTION

SECTION 5 - GETTING THERE

The prior Section 3 identified general goals and objectives for the FCRA redevelopment program. Section 4 defined the Conceptual Plan and specific ideas for capital improvements. This section provides the basis for Capital Improvement Programs. It elaborates on cost estimates, time frames, and agency involvement for improvement projects identified in the plan. The FCRA can use the following implementation strategies to achieve a successful redevelopment program.

**CITY OF FELLSMERE COMMUNITY REDEVELOPMENT AREA
 PROPOSED CAPITAL IMPROVEMENT PROJECTS (CIP)**

The following projects are directly linked to the City of Fellsmere Community Redevelopment Area (CRA) Plan and the four (4) Sub-Districts as found in the City's CRA Plan, more particularly described in Section 4 (as may be amended from time to time). These projects are a baseline and may be added to or removed from the City's adopted Capital Improvement Program from time to time by recommendation of the Community Redevelopment Agency to the Fellsmere City Council. Other projects may be approved by the Community Redevelopment Agency for each or any of the sub-districts in the Capital Improvement Program as shown herein. The time frame for each of the projects is anticipated to start within the next 5 years or as otherwise stated.

VILLAGE CENTER/DOWNTOWN

#1 - Main Street Program

DESCRIPTION: Use Main Street's to help downtown businesses via the 4-pronged approach: Organizational, Marketing/Promotion, Economic, and Design components to implement the CRA plan and assure that new projects meet key design elements, are marketed

Rochelle W. Lawandales, FAICP

properly, are collaborative and bring together the community. Process required application through the Main Street Program; establish an advisory board; hire a part-time Main Street Director when funds are available; implement program for community benefit.

WHEN: FY2025/26

FUNDING SOURCES: CRA

COST ESTIMATE: \$40,000 Startup plus \$30,000 Annually

#2 – Community Hub

DESCRIPTION Redevelop the old fire station (once dedicated to the City) into a "Community Hub" for use as a micro business incubator offering office space, retail bays, internet access, and internet café where local start-up business can lease space to establish or grown their business. The Community Hub would also be an ecotourism resource facility. Kiosks could identify places to hike, fish, trail ride, horseback ride, exercise, and provide information about the local parks and activities. Possibly even provide access to fishing license, boat, bike, or kayak rental. This becomes a visitor center and environmental showcase. It could also be used as a trade post where markets are held and trading/bartering for services can be organized. Hub may become the home of the Main Street Program.

WHEN: FY2024/25

FUNDING SOURCES: Grant/CRA

COST ESTIMATE: \$250,000 for construction, education/marketing, and volunteer or professional staffing plus \$10,000 Annually

#3 – N Broadway Revitalization

DESCRIPTION: Reconstruct N Broadway roadway segment to improve public service capacity, community, economic and

environmental enhancement; improve traffic flow; make needed stormwater/sidewalk/underground/ paving/landscaping or other infrastructure and streetscape improvements that are needed as an inducement for private investment; and, for developing vacant lands as well as redevelopment and expansion of existing businesses. Project will improve drainage thus reduce potential for flooding events. Obtain engineering, permitting, and construction services.

WHEN: FY2024/25

FUNDING SOURCES: Grants

COST ESTIMATE: \$1,250,000 Startup plus \$10,000 Annually for maintenance (only \$171,878 non-grant funds shown in CRA CIP)

#4 – N Broadway Public Parking

DESCRIPTION: Improve the existing grass public parking lot serving N Broadway at N Orange at Colorado; and purchase and develop a second municipal lot at a site to be determined. Increase available parking to support existing and proposed businesses while enhancing pedestrian connectivity of lot to N Broadway corridor. Obtain engineering, permitting, and construction services to construct public parking and related pedestrian enhancements.

WHEN: FY2024/25

FUNDING SOURCES: Grant/CRA

COST ESTIMATE: \$200,000 Startup plus \$2,000 Annually for maintenance (for each lot)

#5 – North Broadway Alleyway Development

DESCRIPTION: N Broadway is a thoroughfare for regional traffic. Limiting the number of friction points and potential stoppages by deliveries can lead to better economic development and business

success. The project seeks to convert existing grass alleys to drive-able alleys for services deliveries and rear business parking to clear roadway conflicts. Procure engineering design, permits, and construct alley improvements.

WHEN: FY2025/26

FUNDING SOURCES: Grant/CRA

COST ESTIMATE: \$150,000 Startup plus \$5,000 Annually per alley block

#6 – CR 507 Realignment

DESCRIPTION: Reassign CR507 traffic from N Broadway to N Myrtle to eliminate truck traffic through downtown. To support expanded and retain existing and proposed businesses along N Broadway. This project requires coordination with IRC to swap N Broadway/S Carolina with N Myrtle and construct the required modifications to Babcock/N Myrtle intersection and other corridor adjustments to meet county standards.

WHEN: FY2024/25

FUNDING SOURCES: Developer funded

COST ESTIMATE: \$500,000 Startup plus \$0 Annually

#7 -- Marion Fell Library Master Site Plan

DESCRIPTION: Create an opportunity for medium density (6-7) housing where artists can live, work, and sell/display their creations.

WHEN: FY2024/26

FUNDING SOURCES: Grant/Private/CRA funds

COST ESTIMATE: \$350,000 Startup plus \$2,500 Annually

HALL CARTER JAMES (HCJ)

#1 – FACT Community Resource Center

WHAT: Partner with Fellsmere Action Community Team (FACT) to construct a Resource Center on N Willow and Booker Street that will contain lease space for service providers, community events, a gymnasium for youth sports and after school activities that will serve the HCJ community. Tenants may include, but not be limited to nonprofit, government, private, and religious organizations to serve the residents of Fellsmere. This Center may also be used for the creation of job training and continuing education and small business assistance.

WHEN: 2024/25 years

FUNDING SOURCES: ARPA/CRA/GRANTS/DONATIONS

COST ESTIMATE: \$250,000

#2 – Meadows Field Park Improvements

DESCRIPTION: To allow greater utilization of the park by the public, incorporate State Street Reservoir into Meadows Field at the end of Vernon Street and provide the following additional amenities: Lake Pier, Lake Trail, Trailhead Structure, Public Parking, and picnic facilities.

WHEN: FY2025/26

FUNDING SOURCES: Grant/Infrastructure

COST ESTIMATE: \$400,000 Startup plus \$10,000 Annually

CR 512 INTERCHANGE

#1 – Interchange Beautification

DESCRIPTION: To provide an identity to Fellsmere as you enter from the main gateway to the City, the CRA should design and install enhanced interchange landscaping, gateway, wayfinding, and “Welcome to Fellsmere” signage.

WHEN: FY2025/26

FUNDING SOURCES: Developer funded/CRA

COST ESTIMATE: \$100,000 design/\$400,000 installation plus \$30,000 Annually

#2 – Preservation Center

DESCRIPTION: Develop a Preservation and Education Center at Trailhead Preserve Park to support expanded tourism and tourist related activities and business, by constructing a center that will showcase the history, environment, resource conservation and habitat management areas; be a safety and focal area for hunting and fishing; provide hunting and fishing licenses; offer concession opportunities for tourist services and providers of boat/kayak rentals, fishing licenses, snacks, water, etc.

WHEN: FY2026/27

FUNDING SOURCES: Grant/CRA

COST ESTIMATE: \$400,000 Startup plus \$10,000 Annually

CR 512 MID-TOWN

#1 – Frontage Road

DESCRIPTION: To provide the capacity required to support continued business growth along the corridor, the CRA will undertake completing the development of the CR512 parallel facility from Willow to west end of State Park by obtaining required dedications or easements and constructing road enhancements with continuous sidewalks, bike lanes, and access management.

WHEN: FY2025/26

FUNDING SOURCES: Grant/CRA

COST ESTIMATE: \$1,000,000 Startup plus \$5,000 Annually

#2 – Street Lights

DESCRIPTION: Install street lights for public safety, traffic and pedestrian mobility and safety, and business enhancement along the CR 512 corridor. The CRA will have to coordinate with FPL for light installations.

WHEN: FY2027/28

FUNDING SOURCES: CRA

COST ESTIMATE: \$400,000 Startup plus \$15,000 Annually

DISTRICT WIDE CAPITAL PROJECTS

#1 – Business Directional Signage

DESCRIPTION: Create a directional sign program to allow businesses on and off of CR 512 and N Broadway to obtain more visibility and economic viability which will support expansion and retention of existing and proposed business. This will require coordination with

IRC to obtain right-of-way permits to install directional and wayfinding at strategic locations to direct travelers to businesses located on and off of CR512 and N Broadway.

WHEN: FY2024/25

FUNDING SOURCES: Developer funded/CRA

COST ESTIMATE: \$50,000 Startup plus \$1,000 Annually

WHEN: 1-5 years

#2 – Property Acquisition/Aggregation

WHAT: Purchase land on the open market when it becomes available and meets the location and potential use needs of the CRA to support expanded business or strategic residential opportunities.

WHEN: FY2024/25

FUNDING SOURCES: ARPA/CRA

COST ESTIMATE: \$200,000 Startup plus \$0 Annually

#3 – Marketing Program

WHAT: Create cooperative and collaborative relations with Tourism Agencies, Travel Agents, Visit Florida, or others for ecotourism entrepreneurship and small business assistance and to support expanded tourism and tourist related activities and business within the CRA. Identify a theme and create a branded marketing effort; identify targets to promote to for sports, outdoor, agricultural and tourism providers; create new special events-trail races, bass fishing tournaments, kayaking events, to name a few to create new gathering options.

WHEN: FY2026/27

HOW: FUNDING SOURCES: Grant/CRA

COST ESTIMATE: \$100,000 Startup plus \$20,000 Annually

#4 – Business Incentives

DESCRIPTION: Provide various business incentives to existing and new businesses to encourage expansion and location with the Fellsmere CRA and to reduce the burdens of regulatory action in all CRA sub-districts. Adopt specific incentive programs through proper legal actions for use in all CRA designated areas.

WHEN: FY2023/24 through FY2027/28

FUNDING SOURCES: CRA

COST ESTIMATE: \$5,000 Startup plus \$5,000 more each additional fiscal year

OTHER ACTION/EXPENSE OPPORTUNITIES

Developer Solicitations and Selections

Redevelopment areas' successes are measured by the amount of private investment and reinvestment made in an area. The funding stream only comes from private investment and increased values. The private sector puts its money into projects where there is a known market, or where the public sector has shown commitment in and willingness to invest in the area. Sometimes the public sector will “buy-down” the cost or risk of private investment, through installing such things as parking, landscape, stormwater or other needed infrastructure, as the board and agency deem appropriate or desirable.

Should the CRA acquire or assemble land or have land for disposition, they could proffer a developer solicitation in order to choose the right developer or investor for the land or project. The solicitation process

Rochelle W. Lawandales, FAICP

begins with the preparation of a detailed Request for Proposals (RFP) for the desired private redevelopment projects. The RFP must specifically detail all of the conditions and requirements that pertain to the developer/development process. Once selected, a general development agreement should be drafted and adopted by the Agency to assure that all terms and conditions are met.

Administration

Implementation of the Plan will require both human and financial resources. Until the Tax Increment fund accumulates resources, the City should assess its manpower needs, internal funding sources, and other resources, such as grants and loans, in order to promote and market the area, review redevelopment plans, leverage investment, assist small business, provide for special events, provide day to day management and review for the implementation of this important program. Only with a dedicated staff and revenue stream can the City make this work to its highest capability. Left to “plug-along” on its own, the area will languish further. Thus the following actions are suggestions to aid the plan's success:

- 1) Permanent staff or consultant designation for responsibility of activities and plan implementation within the target areas.
- 2) Operating and day-to-day activity budgetary needs.
- 3) Planning for special events and marketing/promotional efforts.

Cost: \$5-10,000 annually

Performance and Evaluation measures

Continued evaluation of the Plan and the performance of the Plan are necessary to monitor implementation efforts to understand the success or failure of various projects or programs. At a minimum, the CRA should:

- 1) Use two meetings per year to evaluate the goals, objectives, and implementation plan to identify changes or additions.
- 2) Obtain feedback from the community periodically during the year.
- 3) Conduct internal staff and peer review for project assessment and evaluation:
 - a. Rank or change the ranking of priorities and projects for consideration during budget cycles and inclusion in the Capital Improvements Plan.
 - b. Prepare checklists and master project scheduling tools to identify start and completion cycles, budget targets, and associated tasks to stay on target.
 - c. Set measurable objectives for the year with an assessment at year's end to understand problems, progress and pitfalls.
 - d. Evaluate/update the plan every 3-5 years.

CRA Capital Improvement Projects Proposed Program 2023-2029					
Revenue	FY 23/24	FY 24/25	FY 25/26	FY 26/27	FY 27/28
CRA Carry Forward	\$111,170				
CRA Revenue	\$85,708	\$100,000	\$120,000	\$140,000	\$160,000
APRA Funds (FACT)	\$250,000	\$250,000			
Developer Contributions		\$650,000	\$400,000		
Grants/Loans		\$1,450,000	\$2,250,000	\$500,000	\$400,000
CRA/OTHER Revenue Subtotal	\$446,878	\$2,450,000	\$2,770,000	\$640,000	\$560,000
Expense	FY 23/24	FY 24/25	FY 25/26	FY 26/27	FY 27/28
Transfer - CRA to General Fund	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000
Main Street Program			\$40,000	\$30,000	\$30,000
N Broadway Revitalization	\$171,878	\$1,200,000	\$34,000	\$12,000	\$2,000
Community Hub		\$250,000	\$10,000	\$10,000	\$10,000
N Broadway Public Parking			\$300,000	\$2,000	\$2,000
N Broadway Alleyways		\$150,000	\$5,000	\$5,000	\$5,000
CR507 Realignment		\$500,000			
Meadows Field Enhancements			\$700,000	\$10,000	\$10,000
I/C Beautification		\$100,000	\$400,000	\$25,000	\$25,000
Preservation Center				\$400,000	\$5,000
Street Lights					\$400,000
Directional Signage		\$50,000	\$1,000	\$1,000	\$1,000
CRA Grants/Business Incentives	\$5,000	\$10,000	\$10,000	\$20,000	\$25,000
Marketing Program				\$100,000	\$20,000
APRA Funds (FACT)	\$250,000				
Property Acquisition		\$100,000			
Marian Fell Artist Village		\$70,000	\$250,000		
Frontage Road			\$1,000,000	\$5,000	\$5,000
Sub Total	\$446,878	\$2,450,000	\$2,770,000	\$640,000	\$560,000
Carry Over	\$0	\$0	\$0	\$0	\$0
CRA/OTHER Expense Total	\$446,878	\$2,450,000	\$2,770,000	\$640,000	\$560,000

REVISED/SUBSTITUTION

SECTION 6: Dollars and Sense

Unchanged, except for updated Estimates

New estimates for the 2005 Original Boundary of FCRA:

2005 ORIGINAL BOUNDARY REMAINING YEARS ESTIMATED REVENUES 2022-2045^								
YEAR	BASE YEAR	CURRENT YEAR (ESTIMATED)	INCREMENTAL VALUES (ESTIMATED)	% FOR CRA	ESTIMATED REVENUES	MILLAGE**	ESTIMATED \$ TO THE FCRA	
BASE YEAR 2005	18,723,335.00							
19-20	18,723,335.00	24,132,174.00	5,408,839.00	0.95	5,138,397.05	0.005221	26,827.57	
20-21	18,723,335.00	23,991,818.00	5,268,483.00	0.95	5,005,058.85	0.005323	26,639.93	
21-22	18,723,335.00	24,863,709.00	6,140,374.00	0.95	5,833,355.30	0.005326	31,068.45	
22-23	Estimates*	18,723,335.00	25,360,983.18	6,637,648.18	0.95	6,305,765.77	0.005326	33,584.51
23-24		18,723,335.00	25,868,202.84	7,144,867.84	0.95	6,787,624.45	0.005000	33,938.12
24-25		18,723,335.00	26,385,566.90	7,662,231.90	0.95	7,279,120.31	0.005000	36,395.60
25-26		18,723,335.00	27,177,133.91	8,453,798.91	0.95	8,031,108.96	0.005000	40,155.54
26-27		18,723,335.00	27,992,447.92	9,269,112.92	0.95	8,805,657.28	0.005000	44,028.29
27-28		18,723,335.00	28,832,221.36	10,108,886.36	0.95	9,603,442.04	0.005000	48,017.21
28-29		18,723,335.00	29,408,865.79	10,685,530.79	0.95	10,151,254.25	0.005000	50,756.27
29-30		18,723,335.00	30,585,220.42	11,861,885.42	0.95	11,268,791.15	0.005000	56,343.96
30-40		18,723,335.00	31,808,629.24	13,085,294.24	0.95	12,431,029.53	0.005000	62,155.15
40-45		18,723,335.00	33,399,060.70	14,675,725.70	0.95	13,941,939.42	0.005000	69,709.70
NOTES:								
1	ACTUAL VALUES AND INCREMENT PAYMENTS KNOWN IN YEARS 2019-2022							
2	* ESTIMATES ARE MADE USING CONSERVATIVE % INCREASES IN VALUATIONS BASED UPON HISTORICAL INFORMATION.							
3	** ESTIMATES ARE MADE USING VERY CONSERVATIVE % INCREASES IN VALUATIONS BASED UPON HISTORICAL INFORMATION.							
4	^ CRA SUNSET YEAR BEING EXTENDED TO THE FULL 40 YEARS ALLOWED BY STATUTE.							

New estimates for the 2009 expansion area:

REMAINING YEARS ESTIMATED REVENUES 2022-2045^								
YEAR	BASE YEAR	CURRENT YEAR (ESTIMATED)	INCREMENTAL VALUES (ESTIMATED)	% FOR CRA	ESTIMATED REVENUES	MILLAGE**	ESTIMATED \$ TO THE FCRA	
BASE YEAR 2009	64,922,570.00							
21-22	64,922,570.00	54,880,528.00	(10,042,042.00)	0.95	(9,539,939.90)	0.005326	(50,809.72)	
22-23	Estimates*	64,922,570.00	55,978,138.56	(8,944,431.44)	0.95	(8,497,209.87)	0.005326	(45,256.14)
23-24		64,922,570.00	57,097,701.33	(7,824,868.67)	0.95	(7,433,625.24)	0.005000	(37,168.13)
24-25		64,922,570.00	58,239,655.36	(6,682,914.64)	0.95	(6,348,768.91)	0.005000	(31,743.84)
25-26		64,922,570.00	59,986,845.02	(4,935,724.98)	0.95	(4,688,938.73)	0.005000	(23,444.69)
26-27		64,922,570.00	61,786,450.37	(3,136,119.63)	0.95	(2,979,313.65)	0.005000	(14,896.57)
27-28		64,922,570.00	63,640,043.88	(1,282,526.12)	0.95	(1,218,399.81)	0.005000	(6,092.00)
28-29		64,922,570.00	64,912,844.76	(9,725.24)	0.95	(9,238.98)	0.005000	(46.19)
29-30		64,922,570.00	67,509,358.55	2,586,788.55	0.95	2,457,449.12	0.005000	12,287.25
30-40		64,922,570.00	70,209,732.89	5,287,162.89	0.95	5,022,804.75	0.005000	25,114.02
40-45	64,922,570.00	73,720,219.53	8,797,649.53	0.95	8,357,767.06	0.005000	41,788.84	
NOTES:								
1 ACTUAL VALUES AND INCREMENT PAYMENTS KNOWN IN YEARS 2022 PER IRC PROPERTY APPRIASER								
2 * ESTIMATES ARE MADE USING CONSERVATIVE % INCREASES IN VALUATIONS BASED UPON HISTORICAL INFORMATION.								
3 ** ESTIMATES ARE MADE USING VERY CONSERVATIVE % INCREASES IN VALUATIONS BASED UPON HISTORICAL INFORMATION.								
4 ^ CRA SUNSET YEAR BEING EXTENDED TO THE FULL 40 YEARS ALLOWED BY STATUTE.								

The City will need to consider all available funding resources, including bonding, grants, special taxing district, business improvement districts, and targeted allocations to fund the various projects on an annual basis.

REVISED/SUBSTITUTION

SECTION 8 - STATUTORY REQUIREMENTS

Pursuant to Chapter 163, this section confirmed compliance with statutory requirements and showed in what section a topic was contained. Those have not changed. Therefore, the only change to this Section 8 will be to substitute a new time frame:

J. Provide a time certain for completing all redevelopment financed by increment revenues. Such time certain shall occur no later than ~~30~~ 40 years after the fiscal year in which the plan is approved, adopted, or amended pursuant to s. 163.361(1), which in this case is the original date in 2005. Therefore, the Plan will sunset on the 1st day of October, 2046, unless allowed by the Laws of Florida to be extended thereafter. However, for any agency created after July 1, 2002, the time certain for completing all redevelopment financed by increment revenues must occur within 40 years after the fiscal year in which the plan is approved or adopted. (2045) (See Plan Duration in Section 9 Legal framework)

REVISED/SUBSTITUTION

SECTION 9 - CONCLUSIONS AND RECOMMENDATIONS

The City of Fellsmere has made many substantial accomplishments within the CRA since 2005's original plan boundaries and the expanded 2009 boundary. There are many tasks that remain in the plan which the City desired to keep in the plan and continue. However, with the limited resources that the CRA has, it is recommended that the CRA focus on a few targeted strategies. Those are outlined in the new Section 4.

A Community Redevelopment Plan provides opportunities for the community to design a new future for and create opportunities for public and private investment. A CRA can aid the market in finding and directing the right kinds of development, installing infrastructure, providing rehabilitation assistance to businesses and homes, preserving neighborhoods and quality residential areas, retaining and supporting existing businesses, and expanding new business opportunities through the new expanded area. By encouraging new public and private investment and other physical and social improvements, crime rates decrease, values increase, and a true sustainable community with a strong sense of place emerges.

The 2009 Plan- integrated ideas, strategies, and projects from the community, professionals, staff, Council, Planning and Zoning Commission, the consultant, and residents. It also included observations and recommendations for priority strategies, actions and projects from Lawandales Planning Affiliates (the consultant) based upon years of experience in the field.

EVALUATION

An assessment was made of the prior recommendations to reflect on actions from 2009 to date:

1. Amend the land development codes and zoning map to promote mixed-use developments within the Blight Study Area(BSA).

THIS WAS DONE THROUGH THE OVERLAY DISTRICT AND OTHER COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE CHANGES.

2. Allow for expanded recreational, tourism, lodging, and special event opportunities.

THIS WAS PARTIALLY DONE.

3. Continue to focus/target efforts at creating a City Center, which is occurring with the conversion of the 'OLD SCHOOL' to a new City Hall/Boys and Girls Club, along with upgraded site features, public parking, drainage enhancements, decorative lighting, landscaping, and public art.

THIS WAS COMPLETED WITH THE BEAUTIFUL NEW CITY HALL AND CIVIC COMPLEX. THIS SITE PRESENTS MANY OPPORTUNITIES FOR GATHERING AND CIVIC SPACES.

4. Create community policing programs, with sub-stations in satellite areas, officers on horseback, bicycles, walking the beat, all paid for through tax increment financing.

THIS HAS BEEN PARTIALLY DONE IN THE HALL CARTER JAMES AREA, BUT NEEDS TO BE EXPANDED AND CREATIVELY BROUGHT TO OTHER AREAS OF THE CITY.

5. Apply for additional grants, such as Brownfield’s designation and obtain funding for site assemblage and redevelopment.

THERE WERE NO RESOURCES AVAILABLE TO DO THIS.

6. Identify and market incentives for development bonuses to capture market demands, eco-tourism opportunities, and aggregate parcels, particularly if eco-tourism, public access to the St. Sebastian River

Rochelle W. Lawandales, FAICP

Preserve State Park, equestrian features, historic preservation and natural landscapes are enhanced or included.

THE CITY IDENTIFIED AND CREATED INCENTIVES, BUT A TARGETED MARKETING EFFORT NEEDS TO BE ACTIVATED.

7. Amend the CR 512 Overlay district for clarity and consistent enforcement.

THIS WAS COMPLETED

8. Apply architectural and site design guidelines through adoption of a Pattern Book, to promote a style or quality of new construction that would maintain the desired theme and scale of development in the City.

THE CITY HAS DESIGN STANDARDS WITHIN THE CODE. HOWEVER, DESIGN STANDARDS AND A PATTERN BOOK CAN BE AN OUTGROWTH OF A MAIN STREET PROGRAM.

9. Create a system of strategic, planned improvements of publicly owned lands and rights-of-way to maximize their usefulness for the residents of the City and surrounding community, such as with trailheads, greenways, riding trails, special areas for hiking, cycling, horseback riding, and eco- tours; a pedestrian system for walking and bicycling to the City center and environs. These would be superb amenities and attractors to bring people to the area to support existing and new businesses. Using the lands that are off the tax rolls as people generators provides remuneration from the loss of tax revenue through sales taxes, fair-share contributions through leases, user fees, and/or rentals, such as canoe, kayaks, building leases, walking tours, historic tours, educational classes, etc.

THIS IS PARTIALLY DONE THROUGH THE TRANS-FLORIDA CENTRAL RAILROAD, THE FELLSMERE TRAILHEAD PRESERVE AT I-95, NEW PARKS,

AND OTHER AMENITIES OUTSIDE THE FCRA. NOW IS THE TIME TO CATAPULT THESE ECO-TOURISM AMENITIES INTO THE WORLD WITH A MAJOR MARKETING AND PROMOTIONAL CAMPAIGN. THERE ARE MYRIADS OF ENTREPRENEURSHIP OPPORTUNITIES THAT COULD RIPPLE FROM BRINGING AWARENESS TO THESE NATURAL RESOURCES.

10. Provide protections for historic structures and historic neighborhoods where there are opportunities for market forces to improve and upgrade existing structures or features.

THE CITY WORKS WITH EACH OWNER ON A CASE BY CASE BASIS.

11. Allow for smaller lots where neighborhoods can be preserved and rehabilitated.

THE CITY HAS INCORPORATED ALLOWANCES FOR THIS IN THE CODE. MORE CHANGES TO THE CODE CAN INCENTIVIZE QUALITY HOUSING THROUGHOUT THE COMMUNITY.

12. Provide resources for residential, commercial and industrial façade and infrastructure grants to upgrade existing buildings, retain existing business, or aid in business location.

FACADE GRANT PROGRAM WAS DEACTIVATED AFTER THE 2008 ECONOMIC CRASH AND HAS NOT BEEN REINSTATED DUE TO FUNDING CONSTRAINTS.

13. Amend the zoning maps to remove inconsistencies and conform to logical property boundaries and work with property owners to eliminate non-conforming uses.

THIS IS A WORK IN PROCESS.

14. Target and strengthen code enforcement efforts to handle initial clean-up of the areas.

THIS IS ONGOING.

Rochelle W. Lawandales, FAICP

15. Create a business development program to aid, expand or retain existing businesses and promote new business opportunities; consider a small business administration loan program to aid small business start-ups from the community; create incentives for business location and retention.

THIS CITY HAS EXPANDED ITS ECONOMIC DEVELOPMENT EFFORTS. AN ECONOMIC ELEMENT WAS ADDED TO THE COMPREHENSIVE PLAN. THE CITY IS PARTNERED WITH THE 'FACT' TO PROVIDE AN ECONOMIC RESOURCE CENTER IN THE HALL CARTER JAMES AREA.

16. Implement plans to improve Broadway through infrastructure and beautification improvements, including water/wastewater, drainage, parking, traffic lights, sidewalks, landscaping, new signage, approve industrial and heavy commercial opportunities for lands along CR 512, where compatible with nearby residential and general commercial uses (phasing out incompatible uses).

THE CITY HAS ADOPTED A BROADWAY MASTER PLAN AND WILL IMPLEMENT AS FUNDS ARE AVAILABLE.

17. Create a system of waivers for parking, setbacks, or other elements, where owners can do site and building improvements that can upgrade existing properties and retain business.

THE CITY HAS IDENTIFIED SEVERAL LOTS WHERE 'REGIONAL' PARKING CAN BE PROVIDED.

18. Promote private projects on development sites throughout the area: vacant lands; derelict properties; historic sites; and other by offering incentives for reducing impact fees, water/sewer connection charges, or other buy-downs using the TIF to supplement those costs.

THIS HAS NOT BEEN DONE, AND CANNOT BE DONE UNTIL THERE ARE ADEQUATE TIF RESOURCES TO FUND AND MAINTAIN SUCH INCENTIVES.

19. Identify a phased streetscape program for each of the north-south streets; when paving and drainage project are being planned- include sidewalks, on-street parking, piping the ditches, lighting, and landscaping as feasible.

THE CITY HAS AN ACTIVE STREET IMPROVEMENT PROGRAM AND ALLOCATES FUNDING FOR IT EACH YEAR IN ITS CAPITAL IMPROVEMENTS PROGRAM.

20. Continue plans to improve the gateways into the City to solidify and create Fellsmere’s image/theme as you enter the City.

THE CITY HAS IDENTIFIED GATEWAY SIGNAGE AS A NEED WHEN FUNDING IS AVAILABLE.

21. Identify new parking areas, access management controls for existing locations, and other transportation solutions, including an alternative truck route along Myrtle Street to eliminate truck traffic through downtown.

THE CITY HAS IDENTIFIED LOTS ON ORANGE STREET AND PINE STREET FOR NEW PARKING AREAS. THE CITY IS WORKING WITH THE INDIAN RIVER COUNTY METROPOLITAN PLANNING ORGANIZATION TO UPGRADE MYRTLE STREET AND PROVIDE ALTERNATIVE ROUTES FOR TRUCK TRAFFIC.

22. Create a series of special events to complement the existing Fellsmere Frog Leg Fellsmere and Fellsmere Day, such as closing Broadway for a Farmers Market once per month, Friday Fests, and other events as appropriate.

THE CITY IS WELL KNOWN FOR ITS FROG LEG FESTIVAL EVERY JANUARY. WITH THE AMOUNT OF NATURAL RESOURCES IN THE REGION, THERE ARE OPPORTUNITIES TO CREATE NEW EVENTS AND BRING PEOPLE TO THE CITY. BRINGING PEOPLE TO THE CITY IS THE GOAL. ONCE HERE, THEY WILL SPAWN ECONOMIC OPTIONS AND DEVELOPMENT BENEFITTING ALL.

Rochelle W. Lawandales, FAICP

MOVING FORWARD

By continuing to implement the CRA Plan, extending its sunset dates, and focusing on the following top priorities as discussed in Section 4, the CRA will successfully accomplish its mission. To reiterate, the following are the suggested priorities:

PRIORITY #1: The Village Center

- Evaluate creating a Main Street program. This will aid in overall management and implementation of the CRA program; create an organizational system focused on collaborations and coalitions to not only aid the businesses on Broadway, but also throughout the Village Center; help with economic development activities; and derive and implement marketing, events and promotions for the CRA.

PRIORITY #2: Eco-Tourism/History/Business Development

- Focus efforts on promoting the Historical/environmental/ outdoor/eco-tourism resources in the region which includes identifying another special event to attract people to the City: fishing tournament; farmer's market day for all local farmer/bakers/crafters to bring and trade their wares; horse day in the City and trail rides; or bike and foot races. The ideas are limitless.
- Cultivate and grow locally owned and other entrepreneurial businesses related to eco-tourism resources by starting a resource center that would help the local businesses or start-ups identify the resources and how to access them. The Center would also showcase where the historic and tourism areas are located by creating educational tools such as kiosks or visual aids to show their significance. The Center would be an incubator, offering office or business spaces and assistance growing small businesses and

provide an area for some to offer 'concessions' as simple as fishing licenses, hiking gear, kayaks, bicycles, snacks, drinks, etc. This center could house the Main Street or CRA staff whose functions would be to implement these priorities.

PRIORITY # 3: Capital Improvements to Broadway

- Make improvements to Broadway Street per the master plan on a limited basis to start, perhaps with simple landscaping, wayfinding/gateway signage, and lighting in key locations. Once more people and businesses are forming, proceed with other aspects of the master plan, for example, parking lots, hardscape, streetscape, and other elements can be constructed when more funding is available.

PRIORITY #4: Hall Carter James

- Provide assistance to the Hall Carter James community by:
 1. Engaging the community in creating a Neighborhood Strategic Plan which becomes a road map for the community's desired needs and changes.
 2. Work with FACT and others to complete the community center as a resource for a variety of needs and services to the residents.
 3. Program continual maintenance and improvements of public properties, including parks, stormwater areas, streets, etc.

PRIORITY #5: Gateway and beyond

- Create the City and Gateway identity for signage and promote the eco-tourism resources at the interchange, which ties into Priorities #1 and #2.

However, all these activities take time, dedicated personnel, funding, patience and steady course. Events and people equate to additional dollars into the TIF, along with increased property values from beautification and

Rochelle W. Lawandales, FAICP

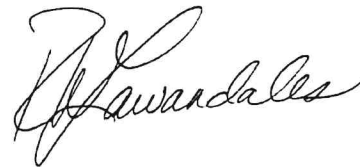
maintenance programs. ***Bringing new people into the City and providing assistance to existing residents for local business start-ups and entrepreneurship must happen first.*** Once there are resources, the capital projects can be programmed.

CONCLUSION

This evaluation and minor update to the 2009 Plan provides an assessment of prior CRA actions and poses new priorities that the Council and CRA can use to increase the numbers of people and dollars coming to the City. It is intended to focus attention on the local population, local culture, local resources and use those inherent strengths to build on for the success of this program from the Gateway, to Hall Carter James, to the Village Center. When people come, the needs and demands for new business such as banks, hotels, restaurants, grocers, and others will find the City a desirable place for investment bringing economic development.

A rising tide lifts all boats, and when the heart of the community, the Village Center, is healthy, the rest of the community will be too. A renewed, focused effort will be a successful receipt for redevelopment and economic development.

Respectfully submitted,

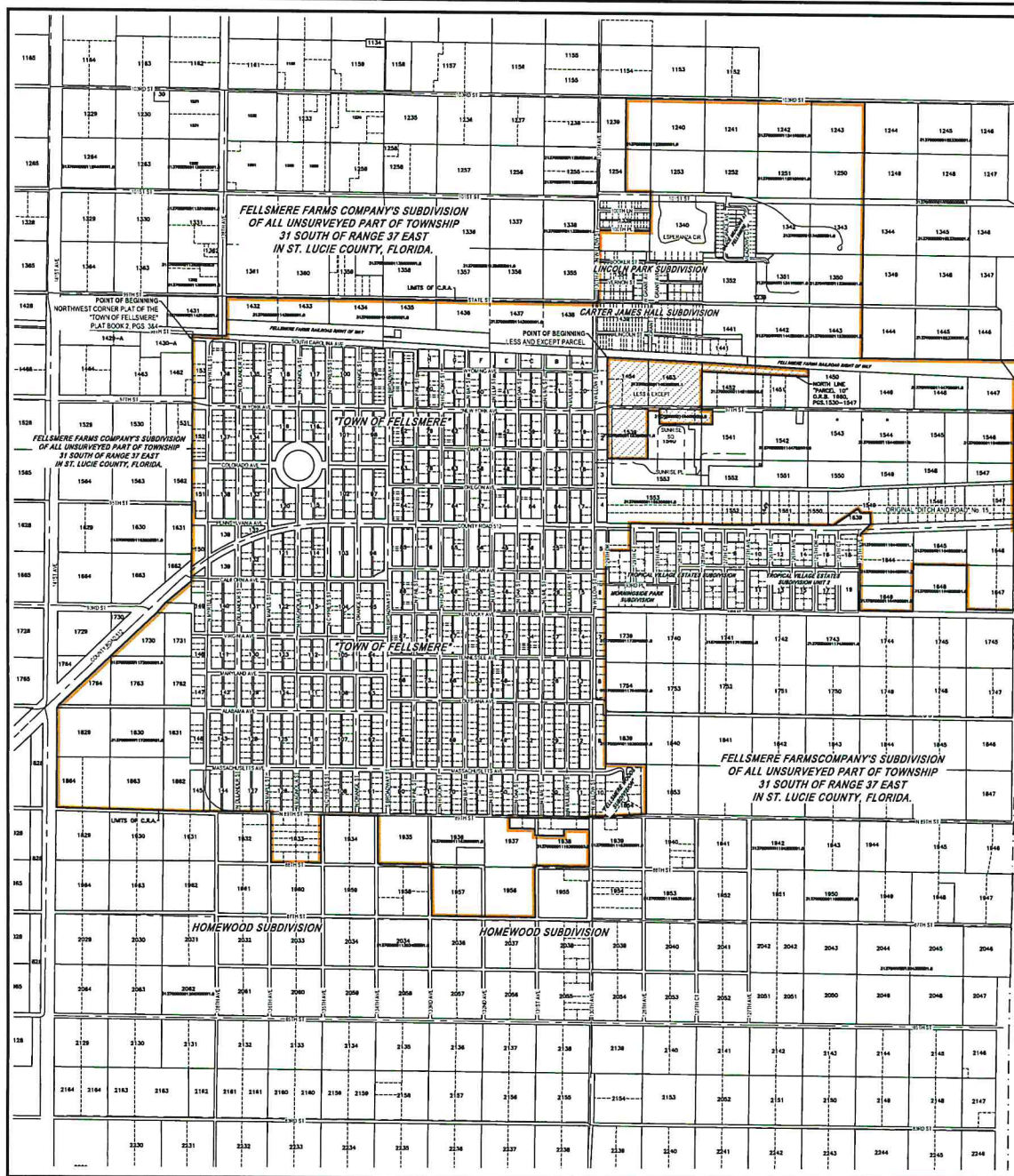
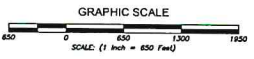


Rochelle W. Lawandales, FAICP

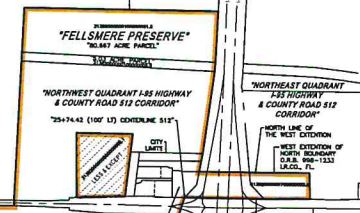
Appendix:

1. 2009 CRA Expansion legal description and sketch

COMMUNITY REDEVELOPMENT AREA OF THE CITY OF FELLSMERE



"DITCH AND ROAD" No. 11
 "DITCH AND ROAD" No. 12
 "DITCH AND ROAD" No. 13
 "DITCH AND ROAD" No. 14
 "DITCH AND ROAD" No. 15
 "DITCH AND ROAD" No. 16
 "DITCH AND ROAD" No. 17
 "DITCH AND ROAD" No. 18
 "DITCH AND ROAD" No. 19



- LEGEND**
- C.R.A. - COMMUNITY REDEVELOPMENT AREA
 - LIMITS OF COMMUNITY REDEVELOPMENT AREA
 - AREAS NOT INCLUDED IN COMMUNITY REDEVELOPMENT AREA OR CITY LIMITS
 - P.O.B. - POINT OF BEGINNING
 - R.O.W. - RIGHT OF WAY
 - O.R.B. - OFFICIAL RECORDS BOOK
 - P.G. - PAGE
 - I.R.CO., FL. - INDIAN RIVER COUNTY FLORIDA

SKETCH OF INFORMATION SHOWING
 THE COMMUNITY REDEVELOPMENT AREA OF
 THE CITY OF FELLSMERE, FLORIDA.

DATED APRIL 24, 2023

CARTER ASSOCIATES, INC.
 CONSULTING ENGINEERS AND LAND SURVEYORS
 1708 21st STREET, VERO BEACH, FL 32959
 TEL: (772) 662-4181 FAX: (772) 562-7160

REVISED APRIL 26, 2023

LEGAL DESCRIPTION FOR
CITY OF FELLSMERE
PROPOSED COMMUNITY REDEVELOPMENT AREA BOUNDARY

BEGINNING AT THE NORTHWEST CORNER OF THE PLAT OF THE “TOWN OF FELLSMERE” ACCORDING TO THE PLAT THEREOF FILED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF ST. LUCIE COUNTY, FLORIDA, AND RECORDED IN PLAT BOOK 2 ON PAGES 3 AND 4 OF THE PUBLIC RECORDS OF SAID ST. LUCIE COUNTY, FLORIDA, (NOW LYING AND BEING IN INDIAN RIVER COUNTY, FLORIDA) SAID POINT OF BEGINNING BEING THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF SOUTH CAROLINA AVENUE AND THE NORTHERLY EXTENSION OF THE WEST BOUNDARY LINE OF BLOCK 153 OF SAID PLAT OF THE “TOWN OF FELLSMERE”;

THENCE, RUN EASTERLY ALONG THE NORTH BOUNDARY LINE OF THE PLAT OF THE “TOWN OF FELLSMERE” TO ITS INTERSECTION WITH THE SOUTHERLY EXTENSION OF THE WEST BOUNDARY LINE OF TRACT 1432, AS SHOWN ON THE “PLAT OF FELLSMERE FARMS COMPANY’S SUBDIVISION OF ALL UNSURVEYED PART OF TOWNSHIP 31 SOUTH, RANGE 37 EAST, IN THE ST. LUCIE COUNTY, (NOW INDIAN RIVER COUNTY) STATE OF FLORIDA” AS RECORDED IN PLAT BOOK 2, PAGES 1 AND 2, PUBLIC RECORDS OF SAID ST. LUCIE COUNTY, FLORIDA (NOW INDIAN RIVER COUNTY, FLORIDA);

THENCE, RUN NORTHERLY ON THE SOUTHERLY PROJECTION AND ALONG THE WEST BOUNDARY LINE OF, AND TO THE NORTHWEST CORNER OF SAID TRACT 1432;

THENCE, RUN EASTERLY ALONG THE NORTH BOUNDARY LINE OF TRACTS 1432, 1433, 1434, 1435, 1436, 1437, 1438 AND TRANSECTING "130TH AVENUE" / NORTH WILLOW STREET TO THE NORTHWEST CORNER OF TRACT 1439 ALL AS SHOWN ON SAID PLAT OF THE "FELLSMERE FARMS COMPANY'S SUBDIVISION";

THENCE, RUN NORTHERLY ON THE SOUTHERLY PROJECTION OF TRACT 1354, TRANSECTING "DITCH AND ROAD" NO. 13 (40' WIDE RIGHT OF WAY) AND ALONG THE WEST BOUNDARY LINE OF SAID TRACT 1354 AND THE SOUTH 1/2 OF TRACT 1339, TO THE NORTHWEST CORNER OF THE SOUTH 1/2 OF SAID TRACT 1339, AS SHOWN ON SAID PLAT OF "FELLSMERE FARMS COMPANY'S SUBDIVISION";

THENCE, RUN EASTERLY ALONG THE NORTH BOUNDARY LINE OF SAID SOUTH 1/2 OF TRACT 1339 TO THE WEST BOUNDARY LINE OF TRACT 1340 AS SHOWN ON SAID PLAT OF "FELLSMERE FARMS COMPANY'S SUBDIVISION";

THENCE, RUN NORTHERLY ON THE WEST BOUNDARY LINE OF SAID TRACT 1340 AND THE NORTHERLY PROJECTION, TRANSECTING 101ST STREET / "DITCH AND ROAD" NO.12 (60' WIDE RIGHT OF WAY), TO THE SOUTHEAST CORNER OF TRACT 1254 AS SHOWN ON SAID PLAT OF "FELLSMERE FARMS COMPANY'S SUBDIVISION";

THENCE, RUN WESTERLY ON THE SOUTH BOUNDARY LINE OF SAID TRACT 1254, AND NORTH RIGHT-OF-WAY LINE OF 101ST STREET / "DITCH AND ROAD" NO. 12, AS SHOWN ON PLAT OF "FELLSMERE FARMS COMPANY'S SUBDIVISION", TO THE INTERSECTION WITH THE WEST BOUNDARY LINE OF THE EAST 1/2 OF SAID TRACT 1254;

THENCE, RUN NORTHERLY ON SAID WEST BOUNDARY LINE OF EAST 1/2 OF TRACT 1254 AND THE EAST 1/2 OF TRACT 1239 TO THE NORTHWEST CORNER OF SAID EAST 1/2 OF TRACT 1239 AND SOUTH RIGHT-OF-WAY LINE OF 103RD STREET / "DITCH AND ROAD" NO. 11 (40' WIDE RIGHT OF WAY) AS SHOWN ON SAID PLAT OF "FELLSMERE FARMS COMPANY'S SUBDIVISION";

THENCE, RUN EASTERLY ON SAID SOUTH RIGHT-OF-WAY LINE OF 103RD STREET / "DITCH AND ROAD" NO. 11 AND NORTH BOUNDARY LINE OF THE EAST ½ OF TRACT 1239, TRACTS 1240, 1241, 1242 AND 1243, TO THE NORTHEAST CORNER OF SAID TRACT 1243 ALL AS SHOWN ON SAID PLAT OF "FELLSMERE FARMS COMPANY'S SUBDIVISION";

THENCE, RUN SOUTHERLY ON THE EAST BOUNDARY LINE OF TRACTS 1243, 1250, 1343, 1350 AND 1443, AND TRANSECTING SAID 101ST STREET / "DITCH AND ROAD" NO. 12 AND "DITCH AND ROAD" NO. 13, TO THE SOUTHEAST CORNER OF SAID TRACT 1443 AND NORTH RIGHT-OF-WAY LINE OF THE "FELLSMERE FARMS RAILROAD" ALL AS SHOWN ON SAID PLAT OF "FELLSMERE FARMS COMPANY'S SUBDIVISION";

THENCE, RUN EASTERLY ALONG SAID NORTH RIGHT-OF-WAY LINE OF THE "FELLSMERE FARMS RAILROAD" AND SOUTH LINE OF

TRACTS 1444, 1445 AND 1446 TO THE EAST BOUNDARY LINE OF SAID PLAT OF "FELLSMERE FARMS COMPANY SUBDIVISION" AS RECORDED IN PLAT BOOK 2, PAGES 1 AND 2, PUBLIC RECORDS OF SAID ST. LUCIE COUNTY, FLORIDA (NOW INDIAN RIVER COUNTY, FLORIDA) AND COMMON RANGE LINE OF RANGE 37 AND 38 EAST;

THENCE, RUN SOUTHERLY ALONG SAID EAST BOUNDARY LINE OF THE PLAT OF "FELLSMERE FARMS COMPANY SUBDIVISION" AND SAID COMMON RANGE LINE, TO THE SOUTH RIGHT OF WAY LINE OF SAID "FELLSMERE FARMS RAILROAD" AND NORTHEAST CORNER OF TRACT 1447 AS SHOWN ON SAID PLAT OF "FELLSMERE FARMS COMPANY'S SUBDIVISION";

THENCE, RUN WESTERLY ALONG THE NORTH BOUNDARY LINE OF SAID TRACT 1447 AND SAID SOUTH RIGHT OF WAY LINE OF THE "FELLSMERE FARMS RAILROAD", TO THE WEST RIGHT-OF-WAY LINE OF THE "EAST BOUNDARY CANAL" OF THE FELLSMERE WATER CONTROL DISTRICT, SAID WEST RIGHT-OF-WAY LINE BEING 600 FEET EAST OF, NORMAL TO, AND PARALLEL WITH THE WEST BOUNDARY LINE OF SAID TRACT 1447 OF SAID PLAT OF "FELLSMERE FARMS COMPANY'S SUBDIVISION";

THENCE, RUN SOUTHERLY ALONG SAID WEST BOUNDARY LINE OF THE "EAST BOUNDARY CANAL" AND THE SOUTHERLY PROJECTION THROUGH TRACTS 1447, 1546, 1547, 1646 AND TRANSECTING 97TH STREET / "DITCH AND ROAD" NO.14, "DITCH AND ROAD" NO.15, COUNTY ROAD 512 RIGHT OF WAY, TO THE INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD 512, AS IT NOW EXISTS;

THENCE, RUN EASTERLY ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 512 TO THE INTERSECTION WITH THE SOUTHERLY EXTENSION OF THE WEST BOUNDARY LINE OF THAT CERTAIN PROPERTY OWNED BY THE "CITY OF FELLSMERE", FLORIDA, LYING IN PART OF SECTION 20, TOWNSHIP 31 SOUTH, RANGE 38 EAST, INDIAN RIVER COUNTY, FLORIDA, SITUATED IN THE NORTHWEST QUADRANT OF THE INTERSECTION OF INTERSTATE HIGHWAY 95 AND COUNTY ROAD 512 CORRIDOR, IDENTIFIED BY THE INDIAN RIVER COUNTY, FLORIDA PROPERTY APPRAISER'S TAX ROLL, PARCEL NO. 31382000000100000001.2 (AS RECORDED IN OFFICIAL RECORDS BOOK 2326, PAGE 1256, PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA), ALSO KNOWN AS THE "FELLSMERE PRESERVE" "80.667 ACRE PARCEL";

THENCE, RUN NORTHERLY ALONG SAID SOUTHERLY EXTENSION OF THE WEST BOUNDARY LINE OF THAT CERTAIN PROPERTY AS RECORDED IN OFFICIAL RECORDS BOOK 2326, PAGE 1256 AND THAT CERTAIN PROPERTY IDENTIFIED BY INDIAN RIVER COUNTY, FLORIDA PROPERTY APPRAISER'S TAX ROLL PARCEL NO. 31382000000100000005.0 (AS RECORDED IN OFFICIAL RECORDS BOOK 1848, PAGE 148, PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA), ALSO KNOWN AS THE "FELLSMERE PRESERVE" "5.03 ACRE PARCEL", TRANSECTING COUNTY ROAD 512 STATE OF FLORIDA, STATE ROAD DEPARTMENT RIGHT-OF-WAY MAINTENANCE MAP, STATE ROAD NO. 512, SECTION 88081-2512, INDIAN RIVER COUNTY, TO THE NORTH RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 512 AND SOUTHWEST CORNER OF SAID CERTAIN PROPERTY RECORDED IN OFFICIAL RECORDS BOOK 2326, PAGE 1256;

THENCE, CONTINUE NORTHERLY ALONG AFORESAID WEST BOUNDARY LINE OF THAT CERTAIN PROPERTY OWNED BY THE "CITY OF FELLSMERE", FLORIDA, HAVING A BEARING OF NORTH 02 DEGREES 58 MINUTES 49 SECONDS EAST A DISTANCE OF 2192.26 FEET TO THE NORTHWEST CORNER OF SAID CERTAIN PROPERTY;

THENCE, RUN SOUTH 89 DEGREES 18 MINUTES 23 SECONDS EAST A DISTANCE OF 2,192.63 FEET ALONG SAID NORTH BOUNDARY LINE OF SAID CERTAIN PROPERTY TO THE INTERSECTION WITH THE WEST LIMITED ACCESS RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 95, STATE OF FLORIDA, STATE ROAD DEPARTMENT, RIGHT-OF-WAY MAP, STATE ROAD NO. 9, SECTION 88081-2403 INDIAN RIVER COUNTY;

THENCE, RUN SOUTHERLY ALONG SAID WEST LIMITED ACCESS RIGHT OF WAY LINE OF INTERSTATE HIGHWAY 95 TO THE POINT OF INTERSECTION WITH THE WESTERLY EXTENSION OF THE NORTH BOUNDARY LINE OF THAT CERTAIN PROPERTY IDENTIFIED BY THE INDIAN RIVER COUNTY, FLORIDA PROPERTY APPRAISER'S TAX ROLL PARCEL NO. 31382000000700000003.0, LYING AND BEING IN THE NORTHEAST QUADRANT OF THE INTERSECTION OF I-95 AND COUNTY ROAD 512 CORRIDOR (AS RECORDED IN OFFICIAL RECORDS BOOK 998, PAGE 1233, PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA);

THENCE, RUN EASTERLY ALONG SAID WESTERLY EXTENSION, TRANSECTING THE AFORESAID INTERSTATE HIGHWAY 95, STATE ROAD NO. 9, RIGHT OF WAY TO THE NORTHWEST

CORNER OF SAID CERTAIN PROPERTY (AS RECORDED IN OFFICIAL RECORDS BOOK 998, PAGE 1233, PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA) AND EAST LIMITED ACCESS RIGHT OF WAY LINE OF SAID INTERSTATE HIGHWAY 95;

THENCE, CONTINUE EASTERLY ALONG SAID WESTERLY EXTENSION OF THE NORTH BOUNDARY LINE INTO AFORESAID NORTHEAST QUADRANT OF THE INTERSTATE HIGHWAY 95 AND COUNTY ROAD 512 CORRIDOR, SOUTH 89 DEGREES 15 MINUTES 23 SECONDS EAST A DISTANCE OF 684.43 FEET TO THE NORTHEAST CORNER OF SAID CERTAIN PROPERTY;

THENCE, RUN SOUTH 00 DEGREES 44 MINUTES 37 SECONDS WEST ALONG THE EAST BOUNDARY LINE OF SAID CERTAIN PROPERTY A DISTANCE OF 300.00 FEET TO THE AFORESAID NORTH RIGHT OF WAY LINE OF COUNTY ROAD 512 STATE OF FLORIDA, STATE ROAD DEPARTMENT RIGHT OF WAY MAINTENANCE MAP, STATE ROAD NO. 512 SECTION 88081-2512, INDIAN RIVER COUNTY;

THENCE, RUN NORTH 89 DEGREES 15 MINUTES 25 SECONDS WEST ALONG SAID NORTH RIGHT OF WAY LINE OF COUNTY ROAD 512, A DISTANCE OF 526.33 FEET TO THE INTERSECTION WITH THE AFORESAID EAST LIMITED ACCESS RIGHT OF WAY LINE OF INTERSTATE HIGHWAY 95;

THENCE, CONTINUE WESTERLY ALONG SAID NORTH RIGHT OF WAY LINE OF COUNTY ROAD 512, TRANSECTING SAID INTERSTATE HIGHWAY 95, STATE ROAD NO. 9 RIGHT OF WAY TO THE AFORESAID WEST LIMITED ACCESS RIGHT OF WAY LINE OF

INTERSTATE HIGHWAY 95, SAID POINT OF INTERSECTION INDICATED AS "25+74.42 (100'LT.) CENTERLINE 512" OF THE INTERSTATE HIGHWAY 95 RIGHT OF WAY MAP;

THENCE, RUN SOUTHERLY TRANSECTING SAID COUNTY ROAD 512 TO THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD 512, INDICATED ON SAID RIGHT-OF-WAY MAP OF INTERSTATE 95 HIGHWAY BY RIGHT-OF-WAY STATION "25+46.31 (100' RT) CENTERLINE 512";

THENCE, CONTINUE SOUTHERLY ALONG SAID WEST LIMITED ACCESS RIGHT-OF-WAY LINE TO THE INTERSECTION WITH THE SOUTH LINE OF AFORESAID SECTION 20, TOWNSHIP 31 SOUTH, RANGE 38 EAST;

THENCE, RUN WESTERLY ON SAID SOUTH LINE OF SECTION 20 AND THE SOUTH LINE OF SECTION 19, TOWNSHIP 31 SOUTH, RANGE 38 EAST, INDIAN RIVER COUNTY, FLORIDA TO THE SOUTHWEST CORNER OF SAID SECTION 19 AND AFORESAID COMMON RANGE LINE BETWEEN RANGES 37 AND 38 EAST;

THENCE, RUN NORTHERLY ALONG SAID COMMON RANGE LINE, TO A POINT 35 FEET NORTH OF THE SOUTHEAST CORNER OF TRACT 1647 OF SAID PLAT OF "FELLSMERE FARMS COMPANY'S SUBDIVISION" AS RECORDED IN PLAT BOOK 2, PAGES 1 AND 2, ST. LUCIE COUNTY, FLORIDA (NOW INDIAN RIVER COUNTY, FLORIDA);

THENCE, RUN WESTERLY ALONG SAID LINE BEING 35 FEET NORTH OF, AND PARALLEL WITH THE SOUTH BOUNDARY LINE OF TRACT 1647, AND NORTHERLY ALONG THE WEST BOUNDARY LINE OF

SAID TRACT 1647, TO THE SOUTHEAST CORNER OF TRACT 1645;

THENCE, RUN WESTERLY ALONG THE SOUTH BOUNDARY LINE OF SAID TRACT 1645, TO THE SOUTHWEST CORNER OF SAID TRACT 1645, SAME BEING THE NORTHEAST CORNER OF TRACT 1649 AS SHOWN ON SAID PLAT OF "FELLSMERE FARMS COMPANY'S SUBDIVISION";

THENCE, RUN SOUTHERLY ALONG THE EAST BOUNDARY LINE OF SAID TRACT 1649 TO A POINT 35 FEET NORTH OF THE SOUTHEAST CORNER OF SAID TRACT 1649;

THENCE, RUN WESTERLY ON SAID LINE BEING 35 FEET NORTH OF, AND PARALLEL WITH THE SOUTH BOUNDARY LINE OF SAID TRACT 1649, TO THE WEST BOUNDARY LINE OF SAID TRACT 1649;

THENCE, RUN NORTHERLY ALONG THE WEST BOUNDARY LINE OF SAID TRACT 1649 AND TRACT 1644 TO ITS INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD 512 AS SHOWN ON WAYSIDE PARK, STATE OF FLORIDA, STATE ROAD DEPARTMENT RIGHT-OF-WAY MAP SECTION 88040-2508, INDIAN RIVER COUNTY;

THENCE, RUN NORTHEASTERLY ACROSS SAID COUNTY ROAD 512 TO THE SOUTHEAST CORNER OF THE INDIAN RIVER COUNTY-FELLSMERE TRANSFER STATION ON THE NORTH RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 512 (SAID SOUTHEAST CORNER OF TRANSFER STATION LYING SOUTH 87 DEGREES 00 MINUTES 39 SECONDS WEST, A DISTANCE OF 1,926.56 FEET, ALONG SAID NORTH RIGHT-OF-WAY LINE OF COUNTY ROAD

512 FROM THE EAST BOUNDARY OF TOWNSHIP 31 SOUTH,
RANGE 37 EAST;

THENCE, RUN AROUND THE NORTHERN LIMITS OF THE INDIAN RIVER
COUNTY-FELLSMERE TRANSFER STATION THROUGH THE
FOLLOWING FOUR COURSES: NORTH 02 DEGREES 59 MINUTES
21 SECONDS WEST, A DISTANCE OF 139.69 FEET; SOUTH 89
DEGREES 58 MINUTES 05 SECONDS WEST, A DISTANCE OF
120.66 FEET; NORTH 34 DEGREES 31 MINUTES 07 SECONDS
WEST, A DISTANCE OF 63.23 FEET; SOUTH 55 DEGREES 28
MINUTES 53 SECONDS WEST, A DISTANCE OF 307.73 FEET TO A
POINT ON SAID NORTH RIGHT-OF-WAY LINE OF COUNTY
ROAD 512;

THENCE, RUN WESTERLY ON SAID NORTH RIGHT-OF-WAY LINE OF
COUNTY ROAD 512 TO A POINT OF INTERSECTION WITH THE
NORTHERLY EXTENSION OF THE EAST LINE OF BLOCK 1 OF
“TROPICAL VILLAGE ESTATES SUBDIVISION-UNIT 1”, AS
RECORDED IN PLAT BOOK 4, PAGE 94 ½, PUBLIC RECORDS OF
INDIAN RIVER COUNTY, FLORIDA;

THENCE, RUN SOUTHERLY ALONG THE NORTHERLY PROJECTION AND
ALONG THE EAST BOUNDARY LINE OF LOT 2, BLOCK 1 OF
SAID “TROPICAL VILLAGE ESTATES SUBDIVISION-UNIT 1”, TO
THE SOUTHEAST CORNER OF SAID LOT 2;

THENCE, RUN WESTERLY ALONG THE SOUTH BOUNDARY LINE OF SAID
LOT 2, AND SOUTH BOUNDARY LINE OF LOT 1, BLOCK 1,
“TROPICAL VILLAGE ESTATES SUBDIVISION-UNIT 1” AND THE
WESTWARD PROJECTION THEREOF TO THE EAST BOUNDARY
LINE OF THE AFORESAID PLAT OF THE “TOWN OF FELLSMERE”

AS RECORDED IN PLAT BOOK 2, PAGES 3 AND 4, PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA (NOW INDIAN RIVER COUNTY, FLORIDA);

THENCE, RUN SOUTHERLY ALONG THE EAST BOUNDARY LINE OF SAID PLAT OF THE "TOWN OF FELLSMERE", TO THE NORTHWEST CORNER OF TRACT 1854 AS SHOWN ON AFORESAID PLAT OF "FELLSMERE FARMS COMPANY'S SUBDIVISION" AS RECORDED IN PLAT BOOK 2, PAGES 1 AND 2, ST. LUCIE COUNTY, FLORIDA (NOW INDIAN RIVER COUNTY, FLORIDA), ALSO BEING THE NORTHWEST CORNER OF THE PLAT OF "FELLSMERE WOODS SUBDIVISION" AS RECORDED IN PLAT BOOK 13, PAGES 66-66A OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA;

THENCE, RUN EASTERLY ALONG THE NORTH BOUNDARY LINE OF SAID PLAT OF "FELLSMERE WOODS SUBDIVISION" AND EASTERLY PROJECTION THEREOF TO THE NORTHEAST CORNER OF SAID TRACT 1854 AND EAST LINE OF "FELLSMERE WATER CONTROL DISTRICT - 60' RIGHT-OF-WAY", AS SHOWN ON SAID PLAT OF "FELLSMERE WOODS SUBDIVISION";

THENCE, RUN SOUTHERLY ALONG SAID EAST LINE OF "FELLSMERE WATER CONTROL DISTRICT - 60 FOOT RIGHT-OF-WAY" AND EAST BOUNDARY LINE OF SAID TRACT 1854, TO THE SOUTHEAST CORNER OF SAID TRACT 1854;

THENCE, RUN WESTERLY ALONG THE SOUTH LINE OF SAID TRACT 1854, ALSO BEING THE SOUTH BOUNDARY LINE OF SAID PLAT OF "FELLSMERE WOODS SUBDIVISION" AND NORTH RIGHT OF WAY LINE OF NORTH 89TH STREET / DITCH AND ROAD NO.18

(40' WIDE RIGHT OF WAY), TO THE SOUTHWEST CORNER OF SAID PLAT OF "FELLSMERE WOODS SUBDIVISION" AND INTERSECTION WITH THE EAST BOUNDARY LINE OF AFORESAID PLAT AND SOUTHEAST CORNER OF "BLOCK 10" OF THE "TOWN OF FELLSMERE" AS RECORDED IN PLAT BOOK 2, PAGES 3 AND 4, PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA (NOW INDIAN RIVER COUNTY, FLORIDA);

THENCE, RUN WESTERLY ALONG THE SOUTH BOUNDARY LINE OF SAID "BLOCK 10" AND WESTERLY PROJECTION THEREOF, TO THE INTERSECTION WITH THE NORTHERLY EXTENSION OF THE EAST BOUNDARY LINE OF TRACT 1938 OF THE PLAT OF "HOMWOOD" SUBDIVISION", AS RECORDED IN PLAT BOOK 2, PAGE 15, ST. LUCIE COUNTY, FLORIDA (NOW INDIAN RIVER COUNTY, FLORIDA);

THENCE, RUN SOUTHERLY ALONG SAID NORTHERLY EXTENSION OF THE EAST BOUNDARY LINE OF TRACT 1938, TRANSECTING "NORTH 89TH STREET" / "DITCH AND ROAD" NO.18 RIGHT-OF-WAY TO THE NORTHEAST CORNER OF LOT 1 OF SAID TRACT 1938;

THENCE, RUN WESTERLY ALONG THE NORTH LINE OF SAID TRACT 1938 AND WESTERLY PROJECTION, TO THE NORTHWEST CORNER OF LOT 2, TRACT 1937 OF SAID "HOMWOOD" SUBDIVISION, SAID NORTH LINE ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF SAID "NORTH 89TH STREET" / "DITCH AND ROAD" NO.18;

THENCE, RUN SOUTHERLY ALONG THE WEST LINE OF SAID LOT 2 OF TRACT 1937, TO THE SOUTHWEST CORNER OF SAID LOT 2;

THENCE, RUN EASTERLY ALONG THE SOUTH LINE OF SAID LOTS 2 AND 1 OF TRACT 1937, TO THE SOUTHEAST CORNER OF SAID LOT 1, ALSO BEING THE NORTHEAST CORNER OF LOT 3 OF SAID TRACT 1937;

THENCE, RUN SOUTHERLY ALONG THE EAST LINE OF SAID LOT 3 OF TRACT 1937, TO THE SOUTHEAST CORNER OF SAID LOT 3 OF TRACT 1937 OF SAID PLAT OF "HOMEWOOD" SUBDIVISION;

THENCE, RUN EASTERLY ALONG THE EASTERLY PROJECTION OF THE SOUTH LINE OF SAID LOT 3, TRANSECTING THAT CERTAIN "40' ROAD" AND EASTERLY ALONG THE SOUTH LINE OF LOT 14 OF TRACT 1938, TO THE SOUTHEAST CORNER OF LOT 14 OF SAID TRACT 1938 ALL AS SHOWN ON SAID PLAT OF "HOMEWOOD SUBDIVISION";

THENCE, RUN NORTHERLY ALONG THE EAST LINE OF SAID LOT 14 OF TRACT 1938, TO THE NORTHEAST CORNER OF SAID LOT 14, ALSO BEING THE NORTHWEST CORNER OF LOT 3 OF SAID TRACT 1938;

THENCE, RUN EASTERLY ALONG THE NORTH LINE OF SAID LOT 3 OF TRACT 1938, TO THE NORTHEAST CORNER OF SAID LOT 3, ALSO BEING THE SOUTHEAST CORNER OF AFORESAID LOT 1, TRACT 1938 OF "HOMEWOOD" SUBDIVISION AND INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF 130TH AVENUE / "SOUTH WILLOW STREET" (40 FOOT WIDE RIGHT-OF-WAY), "40' ROAD" AS SHOWN ON SAID PLAT OF "HOMEWOOD SUBDIVISION";

THENCE, RUN SOUTHERLY ALONG SAID WEST RIGHT-OF-WAY LINE OF 130TH AVENUE / "SOUTH WILLOW STREET" AND EAST BOUNDARY LINE OF SAID TRACT 1938, TO THE SOUTHEAST CORNER OF SAID TRACT 1938;

THENCE, RUN WESTERLY ALONG THE SOUTH BOUNDARY LINE OF SAID TRACT 1938 AND THE WESTERLY PROJECTION THEREOF, TRANSECTING THE "40' ROAD", TO THE SOUTHEAST CORNER OF AFORESAID TRACT 1937 ALL AS SHOWN ON SAID PLAT OF "HOMWOOD" SUBDIVISION;

THENCE, RUN SOUTHERLY ALONG THE NORTHERLY EXTENSION OF THE EAST BOUNDARY LINE OF TRACT 1956, TRANSECTING 88TH STREET / "40' ROAD" OF SAID PLAT OF "HOMWOOD" SUBDIVISION TO THE SOUTHEAST CORNER OF SAID TRACT 1956;

THENCE, RUN WESTERLY ALONG THE SOUTH BOUNDARY LINE OF TRACTS 1956 AND 1957, AND TRANSECTING THE "40' ROAD" ALL AS SHOWN ON SAID PLAT OF "HOMWOOD" SUBDIVISION, TO THE SOUTHWEST CORNER OF SAID TRACT 1957;

THENCE, RUN NORTHERLY ALONG THE WEST BOUNDARY LINE OF SAID TRACT 1957 AND THE NORTHERLY PROJECTION, TRANSECTING SAID 88TH STREET / "40' ROAD", TO THE SOUTHWEST CORNER OF TRACT 1936 OF SAID PLAT OF "HOMWOOD" SUBDIVISION;

THENCE, RUN WEST ALONG THE EASTERLY EXTENSION OF THE SOUTH BOUNDARY LINE OF TRACT 1935, TRANSECTING THE "40'

ROAD” OF SAID PLAT OF “HOMEWOOD” SUBDIVISION, TO THE SOUTHWEST CORNER OF SAID TRACT 1935;

THENCE, RUN NORTHERLY ALONG THE WEST BOUNDARY LINE OF SAID TRACT 1935, AND EAST RIGHT OF WAY LINE OF “SOUTH BROADWAY STREET / “40’ ROAD”, TO THE NORTHWEST CORNER OF SAID TRACT 1935 AND THE AFORESAID SOUTH RIGHT-OF-WAY LINE OF “NORTH 89TH STREET” / “DITCH AND ROAD” NO.18;

THENCE, RUN WEST ALONG THE EASTERLY EXTENSION OF THE NORTH BOUNDARY LINE OF TRACT 1934 AND THE WESTERLY PROJECTION THEREOF ALONG SAID SOUTH RIGHT-OF-WAY LINE OF “NORTH 89TH STREET” / “DITCH AND ROAD” NO.18, TO THE NORTHEAST CORNER OF TRACT 1933 OF SAID PLAT OF “HOMEWOOD” SUBDIVISION;

THENCE, RUN SOUTHERLY ALONG SAID EAST BOUNDARY LINE OF TRACT 1933 TO THE SOUTHEAST CORNER OF SAID TRACT 1933;

THENCE, RUN WESTERLY ALONG THE SOUTH BOUNDARY LINE OF SAID TRACT 1933 TO THE SOUTHWEST CORNER OF SAID TRACT 1933;

THENCE, RUN NORTHERLY ALONG THE WEST BOUNDARY LINE OF SAID TRACT 1933 AND THE NORTHERLY PROJECTION THEREOF, TRANSECTING “NORTH 89TH STREET” / DITCH AND ROAD NO.18”, TO THE AFORESAID NORTH RIGHT-OF-WAY LINE OF “NORTH 89TH STREET” / “DITCH AND ROAD” NO.18 AS SHOWN ON THE PLAT OF “FELLSMERE FARMS COMPANY’S SUBDIVISION”, RECORDED IN PLAT BOOK 2, PAGES 1 AND 2,

ST. LUCIE COUNTY, FLORIDA (NOW INDIAN RIVER COUNTY, FLORIDA) AND THE SOUTH BOUNDARY LINE OF BLOCK 126 OF THE PLAT OF THE “TOWN OF FELLSMERE” AS RECORDED IN PLAT BOOK 2, PAGES 3 AND 4, ST. LUCIE COUNTY, FLORIDA (NOW INDIAN RIVER COUNTY, FLORIDA);

THENCE, RUN WESTERLY ALONG THE SOUTH BOUNDARY LINE OF BLOCK 126, 127, 144 AND 145, TRANSECTING “SOUTH MAPLE STREET”, SOUTH OLEANDER STREET” AND “MYRTLE STREET” / 138TH AVENUE” RIGHTS OF WAYS, TO THE SOUTHWEST CORNER OF SAID BLOCK 145 AND THE WEST BOUNDARY LINE OF SAID PLAT OF THE “TOWN OF FELLSMERE”, SAID SOUTHWEST CORNER OF BLOCK 145 ALSO BEING THE SOUTHEAST CORNER OF TRACT 1862 AND AFORESAID EAST BOUNDARY LINE OF THE PLAT OF “FELLSMERE FARMS COMPANY’S SUBDIVISION”, RECORDED IN PLAT BOOK 2, PAGES 1 AND 2, ST. LUCIE COUNTY, FLORIDA (NOW INDIAN RIVER COUNTY, FLORIDA);

THENCE, RUN WESTERLY ALONG THE SOUTH BOUNDARY LINE OF TRACTS 1862, 1863, AND 1864, TO THE SOUTHWEST CORNER OF SAID TRACT 1864, AS SHOWN ON SAID PLAT OF “FELLSMERE FARMS COMPANY’S SUBDIVISION”, AND EAST RIGHT-OF-WAY LINE OF THE “PARK LATERAL CANAL” OF THE FELLSMERE WATER CONTROL DISTRICT;

THENCE, RUN NORTHERLY ALONG SAID EAST RIGHT-OF-WAY LINE OF THE “PARK LATERAL CANAL” AND WEST BOUNDARY LINE OF SAID TRACT 1864 AND THE WEST BOUNDARY LINE OF TRACT 1829, TO THE SOUTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 512 AS SHOWN ON STATE OF FLORIDA, STATE ROAD

DEPARTMENT RIGHT-OF-WAY MAP, SECTION 8802-101, INDIAN RIVER COUNTY;

THENCE, RUN NORTHEASTERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 512, TRANSECTING “DITCH AND ROAD” NO.17 AND “DITCH AND ROAD” NO.16, TO THE INTERSECTION WITH THE AFORESAID EAST BOUNDARY LINE OF THE PLAT OF “FELLSMERE FARMS COMPANY’S SUBDIVISION” AS RECORDED IN PLAT BOOK 2, PAGES 1 AND 2, ST. LUCIE COUNTY, FLORIDA (NOW INDIAN RIVER COUNTY, FLORIDA) ALSO BEING THE WEST BOUNDARY LINE OF AFORESAID PLAT OF THE “TOWN OF FELLSMERE” AS RECORDED IN PLAT BOOK 2, PAGES 3 AND 4, ST. LUCIE COUNTY, FLORIDA (NOW INDIAN RIVER COUNTY, FLORIDA);

THENCE, RUN NORTHERLY ALONG SAID WEST BOUNDARY LINE OF THE PLAT OF THE “TOWN OF FELLSMERE” AND SAID EAST BOUNDARY LINE OF THE PLAT OF “FELLSMERE FARMS COMPANY’S SUBDIVISION” TO THE POINT OF BEGINNING;

LESS AND EXCEPT THOSE CERTAIN PARCELS OF LAND LYING IN AND BEING A PORTION OF TRACT 1451, 1452, 1453, 1454, 1539, 1540 AND 1541 OF THE “PLAT OF FELLSMERE FARMS COMPANY’S SUBDIVISION OF ALL UNSURVEYED PART OF TOWNSHIP 31 SOUTH, RANGE 37 EAST, IN THE ST. LUCIE COUNTY, FLORIDA” AS RECORDED IN PLAT BOOK 2, PAGES 1 AND 2, ST. LUCIE COUNTY, FLORIDA (NOW INDIAN RIVER COUNTY, FLORIDA), BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID TRACT 1454, ALSO BEING THE POINT OF INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF THE “FELLSMERE FARMS

RAILROAD” AS SHOWN ON SAID PLAT OF “FELLSMERE FARMS COMPANY’S SUBDIVISION” WITH THE EAST BOUNDARY LINE OF THE PLAT OF THE “TOWN OF FELLSMERE” AS RECORDED IN PLAT BOOK 2, PAGES 3 AND 4, ST. LUCIE COUNTY, FLORIDA (NOW INDIAN RIVER COUNTY, FLORIDA), RUN EASTERLY ALONG THE NORTH BOUNDARY LINE OF SAID TRACT 1454 AND SOUTH RIGHT OF WAY LINE OF THE “FELLSMERE FARMS RAILROAD”, TO THE NORTHEAST CORNER OF AFORESAID TRACT 1451, ALSO BEING THE NORTHWEST CORNER OF AFORESAID TRACT 1450;

THENCE, RUN SOUTHERLY ALONG THE EAST BOUNDARY LINE OF SAID TRACT 1451, ALSO BEING THE WEST BOUNDARY LINE OF SAID TRACT 1450, TO THE INTERSECTION WITH THE NORTH BOUNDARY LINE OF THAT CERTAIN PARCEL OF LAND KNOWN AS “PARCEL 10” AS DESCRIBED IN WARRANTY DEED PER OFFICIAL RECORDS BOOK 1660, PAGE 1530 THRU 1547, AT PAGE 1537, OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA;

THENCE RUN WESTERLY ALONG THE NORTH BOUNDARY LINES OF THOSE CERTAIN PARCELS OF LAND DESCRIBED IN WARRANTY DEED PER OFFICIAL RECORDS BOOK 1660, PAGE 1530 THRU 1547 AT PAGE 1537 AS “PARCEL 10”; WARRANTY DEED PER OFFICIAL RECORDS BOOK 852, PAGE 509 THRU 510; WARRANTY DEED PER OFFICIAL RECORDS BOOK 990, PAGE 1259 THRU 1260; WARRANTY DEED PER OFFICIAL RECORDS BOOK 1688, PAGE 981 THRU 982; AND WARRANTY DEED PER OFFICIAL RECORDS BOOK 859, PAGE 2780 THRU 2781 OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA, TO THE NORTHWEST CORNER OF SAID CERTAIN PARCEL

DESCRIBED IN OFFICIAL RECORDS BOOK 859, PAGE 2780 THRU 2781, SAID POINT ALSO BEING ON THE WEST BOUNDARY LINE OF AFORESAID TRACT 1452;

THENCE, RUN SOUTHERLY ALONG SAID WEST BOUNDARY LINE OF TRACT 1452, ALSO BEING THE WEST BOUNDARY LINE OF SAID CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 859, PAGE 2780 THRU 2781, TRANSECTING 97TH STREET / "DITCH AND ROAD" NO.14 AS SHOWN ON AFORESAID "PLAT OF FELLSMERE FARMS COMPANY'S SUBDIVISION OF ALL UNSURVEYED PART OF TOWNSHIP 31 SOUTH, RANGE 37 EAST, IN THE ST. LUCIE COUNTY, (NOW INDIAN RIVER COUNTY) STATE OF FLORIDA", AND THE SOUTHERLY PROJECTION ALONG THE WEST BOUNDARY LINE OF AFORESAID TRACT 1541, TO THE SOUTH BOUNDARY LINE OF THAT CERTAIN ADDITIONAL RIGHT OF WAY PARCEL FOR 97TH STREET / "DITCH AND ROAD" NO.14 AS DESCRIBED IN OFFICIAL RECORDS BOOK 1639, PAGE 2167 THRU 2170;

THENCE, RUN EASTERLY ALONG SAID SOUTH RIGHT OF WAY LINE OF THAT CERTAIN ADDITIONAL RIGHT OF WAY PARCEL FOR 97TH STREET / "DITCH AND ROAD" NO.14, TO THE EAST BOUNDARY LINE OF THE NORTH 192.03 FEET OF THE WEST 140.02 FEET OF AFORESAID TRACT 1541 AS MENTIONED IN THAT CERTAIN WARRANTY DEED PER OFFICIAL RECORDS BOOK 755, PAGE 1995 THRU 1996, PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA;

THENCE, RUN SOUTHERLY ALONG SAID EAST BOUNDARY LINE OF THE NORTH 192.03 FEET OF THE WEST 140.02 FEET, TO THE

SOUTHEAST CORNER OF SAID NORTH 192.03 FEET OF THE WEST 140.02 FEET OF TRACT 1541;

THENCE, RUN WESTERLY ALONG THE SOUTH LINE OF SAID NORTH 192.03 FEET OF THE WEST 140.02 FEET OF TRACT 1541, AND THE WESTERLY PROJECTION, TO THE SOUTHWEST CORNER OF THE NORTH 192.03 FEET OF THE EAST 540.50 FEET OF AFORESAID TRACT 1540 AS MENTIONED IN THAT CERTAIN WARRANTY DEED PER OFFICIAL RECORDS BOOK 755, PAGE 1995 THRU 1996, PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA;

THENCE, RUN NORTHERLY ALONG THE WEST BOUNDARY LINE OF SAID NORTH 192.03 FEET OF THE EAST 540.50 FEET OF SAID TRACT 1540, TO THE SOUTH RIGHT OF WAY LINE OF AFORESAID 97TH STREET / "DITCH AND ROAD" NO.14 (40' WIDE RIGHT OF WAY) AS SHOWN ON AFORESAID "PLAT OF FELLSMERE FARMS COMPANY'S SUBDIVISION"

THENCE, RUN WESTERLY ALONG SAID SOUTH RIGHT OF WAY LINE OF 97TH STREET / "DITCH AND ROAD" NO.14 (40' WIDE RIGHT OF WAY), AND ALONG THE NORTH BOUNDARY LINE OF TRACT 1540, TO THE NORTHWEST CORNER OF SAID TRACT 1540, ALSO BEING THE NORTHEAST CORNER OF TRACT 1539 AS SHOWN ON SAID "PLAT OF FELLSMERE FARMS COMPANY'S SUBDIVISION";

THENCE, RUN SOUTHERLY ALONG THE EAST BOUNDARY LINE OF SAID TRACT 1539, TO THE SOUTHEAST CORNER OF SAID TRACT 1539;

THENCE, RUN WESTERLY ALONG THE SOUTH BOUNDARY LINE OF SAID TRACT 1539, TO THE SOUTHWEST CORNER OF SAID TRACT 1539 AND EAST BOUNDARY LINE OF THE AFORESAID PLAT OF THE "TOWN OF FELLSMERE" AS RECORDED IN PLAT BOOK 2, PAGES 3 AND 4, ST. LUCIE COUNTY, FLORIDA (NOW INDIAN RIVER COUNTY, FLORIDA);

THENCE, RUN NORTHERLY ALONG THE WEST BOUNDARY LINE OF SAID TRACT 1539 AND THE NORTHERLY PROJECTION ALONG THE WEST BOUNDARY LINE OF AFORESAID TRACT 1454, TRANSECTING SAID 97TH STREET / "DITCH AND ROAD" NO.14 (40' WIDE RIGHT OF WAY) AS SHOWN ON SAID "PLAT OF FELLSMERE FARMS COMPANY'S SUBDIVISION", SAID WEST BOUNDARY LINES ALSO BEING THE EAST BOUNDARY LINE OF SAID PLAT OF THE "TOWN OF FELLSMERE", TO THE NORTHWEST CORNER OF SAID TRACT 1454, AND SOUTH RIGHT OF WAY LINE OF AFORESAID 'FELLSMERE FARMS RAILROAD" RIGHT OF WAY AS SHOWN ON SAID "PLAT OF FELLSMERE FARMS COMPANY'S SUBDIVISION" AND POINT OF BEGINNING;

AND ALSO, LESS AND EXCEPT THAT CERTAIN PARCEL OF LAND LYING IN PART OF SECTION 20, TOWNSHIP 31 SOUTH, RANGE 38 EAST, INDIAN RIVER COUNTY, FLORIDA, SITUATED IN THE NORTHWEST QUADRANT OF THE INTERSECTION OF INTERSTATE HIGHWAY 95 AND COUNTY ROAD 512 CORRIDOR, AS DESCRIBED IN THE "AGREEMENT FOR DEED" AS RECORDED IN OFFICIAL RECORDS BOOK 777, PAGE 1012 THRU 1014 OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA.

ALL OF THE ABOVE-DESCRIBED COMMUNITY REDEVELOPMENT AREA BOUNDARY LYING AND BEING WITHIN THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA.

THE ABOVE OVERALL DESCRIPTION OF THE COMMUNITY REDEVELOPMENT AREA IS BASED ON VARIOUS FURNISHED RECORDED INSTRUMENTS OF PARCELS, ORDINANCES AND CHARTER OF THE CITY OF FELLSMERE.

**City of Fellsmere City Council
Agenda Request Form**

Meeting Date: May 2, 2024

Agenda Item No. 12(e)

- PUBLIC HEARING
- Ordinance on Second Reading
- Public Hearing

- RESOLUTION
- DISCUSSION
- BID/RFP AWARD
- CONSENT AGENDA

ORDINANCE ON FIRST READING

GENERAL APPROVAL OF ITEM

Other:

SUBJECT: Electronic Bid Services Proposal

RECOMMENDED MOTION/ACTION: Approve proposal for Central Bidding

Approved by City Manager Mark Mathes Date: 04/24/24

Originating Department: Grant	Costs: \$0.00	Attachments: 1. Proposal & Addendum
Department Review: <input checked="" type="checkbox"/> City Attorney Warren Dill <input type="checkbox"/> Comm. Dev. _____	<input checked="" type="checkbox"/> Finance <input checked="" type="checkbox"/> Utility Director <input type="checkbox"/> FPD _____	<input checked="" type="checkbox"/> Public Works <input type="checkbox"/> City Clerk _____ <input checked="" type="checkbox"/> City Manager _____
Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case <u>X</u> Please initial one.

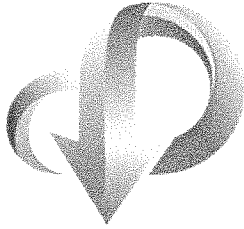
Submittal information: Council meets on the first and third Thursdays of each month. Agenda submittal deadline to the City Clerk is 12:00 p.m. of the last and second Wednesday of each month. Therefore, the deadline of the Agenda Request Form to the City Manager shall be the last and second Monday prior to the Wednesday deadline.

Summary Explanation/Background:

The City of Fellsmere Code states: "The City shall post request for proposals on DemandStar (<http://www.demandstar.com>) or similar websites. DemandStar is a website where governments list requests for proposals, bids, and quotes for needed government services." **Policy ED A-4.8**

City Grant Administrator has interviewed several proposal platforms and participated in several proposal platform website presentations. After considering items such as ease of use, cost of product, and breadth of proposal platform audiences, City Grant Administrator recommends contracting with Central Auction House (dba Central Bidding). There is no cost to the City for this service and either party may terminate this relationship with thirty (30) days written notice.

Council is requested to approve the attached Proposal and Addendum.



CENTRAL BIDDING

FROM CENTRAL AUCTION HOUSE

Electronic Bid Services Proposal

Services

Central Auction House (CAH), a Louisiana Corporation domiciled at 11103 Park Place Drive, Baton Rouge, LA 70818, will provide unlimited and uninterrupted access to the Central Bidding Standard Electronic Bidding SaaS to City of Fellsmere, Florida (CFFL), a Florida Political Subdivision domiciled at 22 S. Orange Street, Fellsmere, Florida 32948-6740, for the purpose of electronic bidding. CFFL will receive unlimited and uninterrupted access to the Central Bidding Standard Electronic Bidding SaaS for the term of this contract. CFFL agrees to post all of their public bids to the CAH Web Site for the term of this agreement. CFFL agrees to post all bid documents at time of release to the CAH Web Site. This agreement provides for the proprietary utilization of the Central Bidding Standard Electronic Bidding SaaS by CFFL. CFFL also agrees to add the following language to their public bid notifications/advertisements as well as their instructions to bidders and/or bid documents; "Official Bid Documents are available at Central Bidding (www.centralbidding.com). Electronic Bids may be submitted at Central Bidding (www.centralbidding.com). For questions related to the electronic bidding process, please call Central Bidding at 225-810-4814."

Acceptable Technology

CFFL agrees that the technology utilized by CAH to assure electronic bidding compliance and site security to be sufficient. CAH utilizes a public-private key pair technology, secured by SHA-3, to secure passwords. CAH utilizes a padded 2048 bit RSA encryption to assure bid security. CFFL agrees that the technology utilized by CAH fulfills the requirements for both Electronic Signatures as well as Digital Signatures.

Training

CAH will provide web based or on-site training for employees and/or agents of CFFL as required to fully assure understanding and procedural compliance with the Central Bidding Standard Electronic Bidding SaaS.

Pricing

CAH agrees to provide the Central Bidding Standard Electronic Bidding SaaS at no charge to CFFL for the full term of this agreement.

Contract Term

This contract will remain in force for one calendar year from the date of signature. This contract will automatically renew for consecutive one calendar year terms unless written notification of either termination or alteration is provided in writing by either party with a minimum of thirty (30) days written notice of intent to cancel or negotiate new terms.

City of Fellsmere, Florida Date

Central Auction House Date

**FIRST ADDENDUM TO ELECTRONIC BID SERVICES PROPOSAL BETWEEN
CITY OF FELLSMERE, FLORIDA AND CENTRAL AUCTION HOUSE LTD**

THIS FIRST ADDENDUM (the "Addendum") dated the ____ day of _____, 2024, is attached to and made a part of the Electronic Bid Services Proposal between the City of Fellsmere, Florida, a Florida municipal corporation with a mailing address of 22 South Orange Street, Fellsmere, Florida 32948 (the "City" or "CFFL") and Central Auction House Ltd., a Louisiana corporation whose address is 11103 Park Place Drive, Baton Rouge, LA 70818 ("CAH"), for unlimited access to Central Bidding Standard Electronic Bidding SaaS. The City and CAH may sometimes be referred to herein as "Party" or collectively referred to herein as the "Parties." May it be known that the undersigned Parties, for good consideration, do hereby agree to make the following additions and amendments that are outlined below. These additions and amendments shall be made valid as if they are included in the original Electronic Bid Services Proposal. This Addendum and the Electronic Bid Services Proposal shall collectively be referred to herein as the "Agreement."

1. **CONFLICT.** In the event there is a conflict or inconsistency between any of the requirements in this Addendum and the Electronic Bid Services Proposal between the City and CAH, the Addendum will prevail to the extent of the conflict or inconsistency.

2. **SOVEREIGN IMMUNITY:** Nothing contained in the Agreement shall be construed as a waiver or attempted waiver of immunity from, or limitation of, liability the City has under the Doctrine of Sovereign Immunity under the Florida Constitution and Florida Statutes, including but not limited to, Section 768.28 Florida Statutes, as amended. In the event any claim or lawsuit is brought against the City, the City shall not be liable to pay a claim or a judgment by any one person or entity or any claim or judgment or portions thereof which when totaled with all other claims or judgments paid arising out of the same incident or occurrence, which exceeds the amount of liability as set forth in Section 768.28, Florida Statutes, provided that the payment of said claim(s) shall be further limited to the actual amount of insurance proceeds paid for such claim(s). Nothing in this Agreement shall be construed as consent by the City to be sued by third parties in any matter whether arising out of this Agreement or anything else whatsoever.

3. **TRAINING.** The section of the Electronic Bid Services Proposal entitled "Training" shall be deleted in its entirety and replaced with the following:

At no charge to the City, CAH will provide web based or on-site training for employees and/or agents of the City as required to fully assure understanding and procedural compliance with the Central Bidding Standard Electronic Bidding SaaS.

4. **TERMINATION.** Notwithstanding any term or provision in the Electronic Bid Services Proposal to the contrary, the City may terminate this Agreement by providing not less than thirty (30) days' written notice to CAH of its intent to terminate this Agreement. Within thirty (30) days of the City's written request, CAH shall return all bid documentation and information posted to the Central Bidding Standard Electronic Bidding SaaS, in electronic format, to the City.

5. **INSURANCE.** During the term of this Agreement, CAH shall purchase insurance coverage that will satisfactorily insure CAH against claims and liability that could arise because of the execution and performance of this Agreement. CAH will provide written proof of its insurance coverage from time to time as reasonably required by the City. CAH will maintain the following types of insurance:

- (a) Technology error & omissions and cyber liability insurance with policy limits of not less than \$1,000,000 per occurrence and an aggregate of not less than \$1,000,000 protecting CAH against claims such as, data security and privacy liability, network interruption, event management, cyber extortion and media content. If this coverage is provided on a claims-made basis, the coverage shall be maintained for a period of two years post-termination.
- (b) Commercial general liability coverage, with policy limits of not less than \$1,000,000 per occurrence with a minimum of \$2,000,000 aggregate coverage.

CAH agrees to provide the insurance written by a carrier licensed to do business in Florida. To the extent available, the policy shall be an occurrence policy, not a claims-made policy. The insurance company selected shall be rated A+ VII or better, per the Best's Key Rating Guide.

6. Certificates of Insurance: CAH shall furnish to the City certificates of insurance allowing thirty (30) days written notice of any change, cancellation, or non-renewal. Such certificates shall contain the following wording: "SHOULD ANY OF THE ABOVE-DESCRIBED POLICIES BE CANCELED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL MAIL NOTICE AT LEAST THIRTY (30) DAYS PRIOR TO CANCELLATION TO THE CERTIFICATE HOLDER NAMED HEREIN." If the insurance policies expire during the term of this Agreement for services hereunder, a renewal certificate shall be filed with the City thirty (30) days prior to the renewal date.

7. **PUBLIC RECORDS.** The City is a "public agency" subject to Chapter 119, Florida Statutes. CAH shall comply with all applicable public records laws:

1) IF CAH HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO CAH'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT 22 S. ORANGE STREET, FELLSMERE, FLORIDA 32948, (772) 646-6301, CITYCLERK@CITYOFFELLSMERE.ORG.

- 2) CAH shall comply with the public records law, specifically to:
 - a. Keep and maintain public records required by the City to perform under the Agreement.
 - b. Upon request from the City's custodian of public records, provide the City with a copy of the requested records or allow the records to be inspected or

copied within a reasonable time at a cost that does not exceed the cost provided in Section 119.07, F.S., or as otherwise provided by law.

- c. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the Agreement term and following completion of the Agreement if CAH does not transfer the records to the City.
- d. Upon completion of the Agreement, transfer, at no cost, to the City all public records in possession of CAH or keep and maintain public records required by the City to perform under the Agreement. If CAH transfers all public records to the City upon completion of the Agreement, CAH shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If CAH keeps and maintains public records upon completion of the Agreement, CAH shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the City, upon request from the City's custodian of public records, in a format that is compatible with the information technology systems of the City.

3) Requests for public records shall be processed as follows:

- a. If CAH receives a request to inspect or copy public records relating to the City's Agreement with CAH, CAH shall advise the requesting party that the request must be made directly to the City. If the City does not possess the requested records, the City shall immediately notify CAH of the request, and CAH must provide the records to the City or allow the records to be inspected or copied within a reasonable time.
- b. If CAH does not comply with the City's request for records, the City shall enforce the Agreement provisions in accordance with the Agreement.
- c. Should CAH fail to provide the public records to the City within a reasonable time, CAH may be subject to penalties under Section 119.10, Florida Statutes.

4) Failure of CAH to comply with these requirements shall be a material breach of this Agreement, for which the City shall have the right to immediately terminate the Agreement. This section shall survive the termination of the Agreement.

8. **SEVERABILITY.** If any section, subsection, sentence, clause, phrase or portion of this Agreement is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, sentence, clause, phrase, or portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Agreement.

9. **NO JOINT VENTURE.** Nothing in the Electronic Bid Services Proposal or this Addendum, or any exhibit or attachment hereto creates or is intended to create an association, trust, partnership, joint venture, or other entity or similar legal relationship among or between the Parties, or impose a trust, partnership or fiduciary duty, obligation, or liability on or with respect

to the Parties.

10. **E-VERIFICATION SYSTEM.** Pursuant to Section 448.095, Florida Statutes, all Parties are obligated to register with and utilize the U.S. Department of Homeland Security's (DHS) E-Verify system for all newly hired employees. By signing below, the Parties are certifying that they are registered with, and use, the E-Verify system for all newly hired employees.

11. **PROHIBITION AGAINST CONTINGENT FEES.** CAH warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for CAH, 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 CAH any fee, commission, percentage, gift, or other consideration contingent upon or resulting from the award or making of this Agreement.

12. **NOTICE.** Any notice required or that may be given under, or documents (invoices, etc.) required to be provided pursuant to, this Agreement shall be provided in writing by certified mail return receipt requested, or customarily used overnight transmission with proof of delivery, to the following parties, as provided below:

For City: Mark Mathes, City Manager
 22 S. Orange Street
 Fellsmere, FL 32948
 citymanager@cityoffellsmere.org

For CAH: Ted Fleming, Chief Operating Officer
 Central Auction House Ltd.
 11103 Park Place Drive
 Baton Rouge, LA 70818

Any notice shall be deemed given upon delivery unless the notice is returned as being "refused," "moved, not forwardable," or "unclaimed," or is otherwise not delivered or deliverable through no fault of the person sending the notice, whereupon by the notice shall be deemed given as of the date it is mailed or sent. A Party may change their foregoing address by providing written notification to the other in the manner provided herein.

13. **CITY AGENT.** Except as otherwise provided herein, the City Manager shall be City's agents and shall have the authority to administer this Agreement on behalf of City, including, but not limited to the authority to provide notices to CAH, and/or enforce or terminate the Agreement upon default of any terms of this Agreement by CAH.

14. **FURTHER ASSURANCES AND COOPERATION.** The City and CAH each agree to execute and deliver such applications, authorizations, forms, assignments or other documentation as the other Party may reasonably request to carry out the intent of this Agreement.

15. **MODIFICATIONS.** This Agreement may not be modified in any respect whatsoever or rescinded, in whole or in part, except by written agreement of the Parties hereto.

16. **COUNTERPARTS.** This Agreement may be executed in multiple counterparts, each of which shall be deemed to be an original agreement with respect to the performance of each of the covenants and agreements contained in this Agreement.

17. **VENUE:** All parties agree that venue shall be proper in Indian River County for all legal or equitable proceedings on in the event of federal jurisdiction venue shall be in the United States District Court of the Southern District of the State of Florida, Fort Pierce Division.

18. **TERMINATION PURSUANT TO SECTION 287.135, FLORIDA STATUTES.** CAH certifies that it and those related entities of CAH as defined by Florida law are not on the Scrutinized Companies that Boycott Israel List created pursuant to Section 215.4725, Florida Statutes, and are not engaged in a boycott of Israel. In addition, if this Agreement is for goods or services of one million dollars or more, CAH certifies that it and those related entities of CAH as defined by Florida law are not on the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List created pursuant to Section 215.473, Florida Statutes, and are not engaged in business operations in Cuba or Syria.

City may terminate this Agreement if CAH is found to have submitted a false certification as provided under Section 287.135(5), Florida Statutes, been placed on the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or been engaged in business operations in Cuba or Syria, as defined by Section 287.135, Florida Statutes. City may also terminate this Agreement if CAH, including all wholly owned subsidiaries, majority-owned subsidiaries, and parent companies that exist for the purpose of making profit, is found to have been placed on the Scrutinized Companies that Boycott Israel List or is engaged in a boycott of Israel as set forth in Section 215.4725, Florida Statutes.

19. **PUBLIC ENTITY CRIME STATEMENT:** A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid or proposal on a contract to provide any goods or services to a public entity, may not submit a bid or proposal on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids or proposals on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, independent contractor, consultant or auditor under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, Florida Statutes, for CATEGORY TWO for a period of 36-months from the date of being placed on the convicted vendor list

20. **NON-APPROPRIATION.** It is specifically understood and agreed that in the event no funds or insufficient funds are appropriated by the City under this Agreement, the City shall notify CAH that this Agreement shall thereafter terminate and be null and void on the last day of the fiscal period for which appropriations were made without penalty, liability or expense to the City.

21. **NON-ASSIGNMENT:** CAH may not assign, sublicense, nor otherwise transfer its rights, duties, or obligations under this Agreement without the prior written consent of the City. Any assignment, sublicense, or transfer occurring will be null and void; provided, however that City will at all times be entitled to assign or transfer its rights, duties, or obligations under this Contract to another governmental agency in the State of Florida, upon giving prior written notice to CAH. In the event that City approves transfer of CAH's obligations, CAH remains responsible for all work performed and all expenses incurred in connection with this Agreement.

22. **INDEMNIFICATION.** CAH agrees to indemnify, defend, and hold harmless the City, its councilmembers, officers, employees and agents from and against any and all liabilities, claims, suits, demands, losses, causes of action, damages, lawsuits, judgments, including, but not limited to, reasonable attorneys' fees, paralegal fees and costs arising out of any negligence, willful misconduct, or international misconduct of CAH and causing injury to any person or persons or property, whomsoever and whatsoever related to services provided by CAH. Notwithstanding the provisions of this paragraph, nothing contained herein shall be construed as a waiver of any immunity from, or limitation of liability the City has under the Doctrine of Sovereign Immunity of Section 726.28, Florida Statutes, as amended.

23. **WAIVER.** Any term or condition of this Agreement may be waived by the Party that is entitled to the benefit thereof, but no such waiver shall be effective unless set forth in a written instrument duly executed by or on behalf of the Party waiving such term or condition. Any waiver by any Party of any condition, or of the breach of any provision, term, covenant, representation, or warranty contained in this Agreement, in any one or more instances, shall not invalidate this Agreement, nor shall such waiver be deemed to be nor construed as a furthering or continuing waiver of any such condition, or of the breach of any other provision, term, covenant, representation or warranty of this Agreement. Except as otherwise provided herein, the failure of a Party to assert any of its rights under this Agreement or otherwise shall not constitute a waiver of such rights. A waiver by a Party shall not invalidate this Agreement, nor shall such waiver be construed as a waiver of any other covenant, condition, representation, or warranty. A waiver by a Party of the time for performing any act shall not constitute a waiver of time for performing any other act or the time for performing an identical act required to be performed at a later time.

[INTENTIONALLY LEFT BLANK]

24. All other provisions in the Electronic Bid Services Proposal between the City and CAH shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, each party to this agreement has caused it to be executed on the date indicated below.

City of Fellsmere

Central Auction House Ltd.

By _____
Joel Tyson, Mayor
Date: _____

By: _____
Print Name: _____
Title: _____
Date: _____

**City of Fellsmere City Council
Agenda Request Form**

Meeting Date: May 2, 2024

Agenda Item No. 12(9)

- | | |
|--|---|
| <input type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> RESOLUTION |
| <input type="checkbox"/> Ordinance on Second Reading | <input type="checkbox"/> DISCUSSION |
| <input type="checkbox"/> Public Hearing | <input type="checkbox"/> BID/RFP AWARD |
| <input type="checkbox"/> ORDINANCE ON FIRST READING | <input type="checkbox"/> CONSENT AGENDA |
| <input checked="" type="checkbox"/> GENERAL APPROVAL OF ITEM | |
| <input type="checkbox"/> Other: | |

SUBJECT: Code Enforcement.Foreclosures

RECOMMENDED MOTION/ACTION: Provide direction on required action for outstanding code enforcement cases.

Approved by City Manager Mark Mathes Date: 04/24/24

Originating Department:	Costs: \$ NA Funding Source: Acct. #	Attachments: Case Status List
Department Review: <input checked="" type="checkbox"/> City Attorney _____ <input checked="" type="checkbox"/> Comm. Dev. _____	<input type="checkbox"/> Finance _____ <input type="checkbox"/> City Engineer _____ <input type="checkbox"/> FPD _____	<input type="checkbox"/> Public Works _____ <input type="checkbox"/> City Clerk _____ <input checked="" type="checkbox"/> City Manager _____
Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone____ or Not applicable in this case <u>X</u> Please initial one.

Summary Explanation/Background: On occasion, staff requests direction from Council on pending code cases. The last code status presentation was in November 2020. The attached list of outstanding code cases provides a synopsis of the status of each case and designation as to whether the property is homestead. All cases shown have been ordered by the Special Master and remain either noncompliant or have not paid the required fines/fees. Staff is seeking direction to foreclose on certain properties listed therein.

FORECLOSE - Seek foreclosure to take ownership of property or to at least recoup costs and fines. If foreclosed by City, cost of City Attorney would be borne (approx.. \$5,000), and then City would have to resolve violation (if demolition approx. \$12,000). If not foreclosed by City, property would still be in noncompliance but simply owned by a new owner. New owner would inherit code enforcement lien and requirement to resolve. In most cases, no bidders would exist at the foreclosure auction as the fines owed would be beyond value of property.

COURT ORDER – Seek court action to foreclose on other real or personal property of owner to recoup costs. This would still cost around \$5,000 and depending on property foreclosed, may or may not be able to sell to recoup costs. Code violation would still exist and case would have to start over. This course of action is taken on homestead properties.

WORK WITH OWNER – Continue to work with owner to resolve with more active communication by setting a specific schedule and tasks for compliance. Bring to Council if not resolved.

Items in dark shade and bold font are requested for direction on foreclosure. Three of the properties are homestead and would require a court money order judgment.

Status noted below may be updated as new information comes to light.

CASES REQUIRING COUNCIL DIRECTION

Case Number	Date Violation Issued	Location of Violation	Status/Description	Council Direction w/ Notes	Homestead
2016-019 2017-031	5/10/2016	121 N. Elm	BTR, destruction alley, outdoor storage. Ordered 6/22/16. Liened 3/27/17. BK2999, PG1628	No contact with owners since November 2018. Property is in compliance but has not paid fine.	N
2010-009 2021-25	11/8/2010 7/27/2021	191 S. Bay	Unperm fence, carport and other. Ordered 11.30.10. Liened 9.7.11. BK2521, PG1628	Owner is in compliance but has stopped paying fine. MONEY JUDGEMENT COMMENCED BY CITY ATTORNEY (Homestead).	Y
2015-13 2016-008	3/13/2015 2/26/2016	198 S. Cypress	Junk. Ordered 4/27/16. Liened 2/7/17. BK2999, PG1563 Junk. Ordered 4.24.15. Liened 3/17/17. BK2017, PG2323. Fine not paid. Repeat Violator.	OWNER has regressed into noncompliance.	Y
2016-017	5/10/2016	229 S. Willow	Unpermitted foundations. Ordered 7/27/16. Liened 3/27/17. BK2999, PG1599	OWNER has made no progress toward compliance. Continued violations with living in a shed and other violations.	Y
2016-037	8/18/2016	90 N. Hickory	Unperm. Various. Ordered 10/26/16. Liened 11/7/17. BK3161, PG547	OWNER sold property. New owner has made no progress toward compliance.	N
2015-11	3/13/2015	171 S. Magnolia	Unpermitted carport. Ordered 4.22.15. Liened 1/6/16. BK2903, PG1578	No contact with owner since 2021. OWNER has not paid fines.	N
2015-24	8/4/2015	177 S. Oleander	Delap, junk, unpermitted work (elec, etc.). Ordered 4/27/16. Liened 3/27/17. BK3034, PG1294	No contact with owner since March 2018. OWNER has made no progress toward compliance.	N
2016-015	5/10/2016	79 S. Orange	Unpermitted work (renovations): Ordered 3/22/17. Liened 3/29/2019. BK3194, PG2166	No contact with owner since August 2016. OWNER has indicated a demo permit will be sought. No action to date.	N
2018-025	5/3/2018	155 S. Willow	Unperm (shed/garage): Ordered 8/8/18. Liened 3/29/2019. BK3194, PG2130.	No contact with owner since September 2018. OWNER has made no progress toward compliance. No garage is falling down.	Y
2018-002	1/16/2018	1004 Lincoln St.	Trash/delap: Ordered 8/8/18. Liened 3/29/2019. BK3194, PG2114.	OWNER has made repairs without permit and is not renting without BTR. Court appeal in favor of City. Awaiting court order.	Forclosed
2018-027	5/14/2018	1034 Grant St.	Delap: Ordered 8/8/18. Liened 3/29/2019. BK3194, PG2134.	No contact with owner since September 2018. OWNER has made no progress toward compliance and is now allowing someone to live there. Should be condemned.	N
2016-004	2/26/2016	74 S. Elm	Unpermitted work: Ordered 4/27/16. Liened 3/27/17. BK2999, PG1593	Council previously directed foreclosure. OWNER now working toward compliance. No fees or fines have been paid.	N
2015-026	8/4/2015	56 S. Elm	Junk. Ordered 8.26.15. Liened 5/6/16. BK2932, PG1187. Case still open. Junk has returned. Fine still to be paid.	No contact with owner December 2015. OWNER has made no progress toward compliance.	Y
2018-007	1/18/2018	45 S. Oak St.	Nuisance: Ordered 5/30/18. Liened 3/29/2019. BK3194, PG2118.	No contact with owner since July 2018. Owner has made no progress toward compliance.	Y
2018-053	8/27/2018	1075 Lincoln St.	Tent living: Ordered 5/1/2019. Liened 6/10/2020. BK3308, PG634	Camper still on property and now a grass issue. Fine not paid.	N
2017-012	4/17/2017	186 S. Lime	Unpermitted work (porch/fence): Ordered 6/28/2017. Liened 3/29/2019. BK3194, PG2154.	No contact with owner since July 2017. Owner has removed unpermitted porch but not addressed unpermitted fence.	N
2017-017	6/20/2017	SE State. Willow – Unaddressed lot	Unlic. Veh./junk: Ordered 7/26/2017. Liened 3/29/2019. BK3194, PG2158	No contact with owner since July 2017. Owner has made progress but is still not compliant.	N
2017-031	10/30/2017	115 & 121 N. Elm	BTR, damage to city property: Ordered 1/24/18. Liened 3/29/2019. BK3194, PG2170.	No contact with owners since November 2018. Property is in compliance but has not paid fine.	N

2015-25	8/4/2015	1008 Vernon	Unpermitted windows, doors, etc. Ordered 8.26.15. Liened 1/6/16. BK2903, PG1584.	Owner is renting unit and no effort toward compliance. Now new violations for DW and shed living.	N
2015-07	3/13/2015	246 S. Bay	Exp. Perm (shed). Ordered 5/25/16. Liened 3/27/17. BK2999, PG1566	No contact with owner since November 2016. Owner has made progress toward compliance.	N
2018-014	1/24/2018	147 N Magnolia St.	Exp perm(re-roof): Ordered 5/30/18. Liened 3/29/2019. BK3194, PG2126	No contact with owner since July 2018. Owner has made no progress toward compliance.	N
2019-009	1/14/2019	122 S. Myrtle St.	Delap, nuisance: Ordered 3/12/2019. Liened 6/10/2020. BK3308, PG638.	Compliant. Abatement requested and needs processed.	N
2019-003	11/29/2018	70 S. Cypress St.	Exp perm (fill and excavation): Ordered 1/30/2019. Liened BK3213, PG2231.	Compliant. Abatement approved. Fine not paid.	N
2020-01	8/5/2020	1028 East Grant Av.	Delap: SM Ordered 10/28/2020.	Compliant but now grass. Abatement requested.	N
2011-041	8/1/2011	162 S. Magnolia	Abated by Council. No work performed to make compliant as of 3/26/24; however, Onwer indicates saving to demo MH.	Unpermitted siding. Ordered 9.8.11. Liened 2.7.12. BK2553, PG931	N
2021-30	3/17/2021	16 N Cypress	Delap Fence, Shed Per, Parking Grass, Duplex conversion.. Ordered 3.23.22. Not Liened	Efforts to be compliant but has not closed out required permits or paid fines.	N
2021-10 & 30	3/12/2021	12910 100 PL	Unper Work (Shed) Junk, Grass. Ordered 10.16.22. Not liened.	Compliant. Abatement requested and needs processed.	N
2022-10	10/12/2022	155 S. Orange	Unperm work (screen porch & DW), Junk/Debris, Unlic vehicles/improper parking. Ordered 12.28.22. Not Liened.		N
2021-33	11/4/2021	130 N Oleander	Unperm Work Siding on shed. Ordered 4/8/22. Not Liened.	No contact with owner. Owner has made no progress toward compliance.	N
2021-23	7/13/2021	12985 93rd	ROW No Permits, Land Clearing. Ordered 3/10/22. Not liened. Daily fines abatement has expired.	Respondent working with County for compliance that will cover City violation as well.	N
2021-22	6/22/2021	147 S Orange	MH Dilap, Shed Dilap, Fence, Debris, Grass, wáter Box Stop Pin, Trailer.	Did this go to SM? Where is Order if it did. If not, this needs to go ASAP (see photos).	N
2021-18	6/14/2021	230 S Bay	Grass, Delap Mobile Home, Debris, Utility Pole wires Building Security Ordered 1.26.22. Not Liened.	Daily fines tolled until 2/17/23. House is being maintained.	N
2021-17	5/18/2021	163 S. Broadway	Unpermitted work, pavers, shed, walk way, porch. Ordered 7.27.22. Not Liened.	No contact with owner. Owner has made no progress toward compliance.	N



163 S. Broadway - unpermitted



147 S. Orange - delapidated



16 N Cypress – duplex conversion/unpermitted



70 S. Cypress – fill



1008 Vernon – unpermitted



1075 Lincoln – tent living



56 S. Elm - junk



1034 Grant – delapidated



155 S. Willow – delap garage



198 S. Cypress – scrap dealer/junk