

**CITY COUNCIL MEETING  
May 2, 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, Police Chief Touchberry, and Mayor Tyson  
**ABSENT:** City Manager Mathes  
**ALSO, PRESENT:** Utility Director Kevin Burge, Public Works Director Andy Shelton, Building Director Kevin Klopec, City Planner Robert Loring, 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 April 18, 2024.  
(b) Community Development Department Workshop of April 18, 2024.

**MOTION** by Council Member Renick **SECONDED** by Council Member Hernandez to approve the minutes for the City Council Meeting and Community Development Department Workshop of April 18, 2024

**ALL AYES:**

**MOTION CARRIED 5-0**

6. **PRESENTATION: (a)** Larry Lawson – Gift to the City of Fellsmere.  
Larry Lawson introduced himself as a long-time member of the police department, former code enforcement office and as a historian and also got into researching the unexplained. He does tours and brings people to Fellsmere and gets them to know the rich history and people that are in Fellsmere. After all these years of working he authored a book that was published on March 25,2024 and it is known as a Haunted Indian River County. The picture on the front is the Fellsmere Old School. He wanted to thank the City of Fellsmere for all they have done for him and gifted the City of Fellsmere with a poster of the cover of the book and also a copy of his book with his autograph. He thanked Council for their time and hope they will find what he wrote in the book pleasing.

City Council and audience applauded and thanked Mr. Larry Lawson for the gifts. The City Clerk and the Police Chief will work on getting the poster framed.

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

Karen Ledford – 13625 107<sup>th</sup> St. Fellsmere, - County Resident – She is concerned of the what is very concerned about the traffic the new developments are going to cause and it is only going to be worse. She would like the City to put the horse before the cart instead of throwing the cart out there with horses following. She would like to know what the timeline is and what the plan is in place to make certain that they do not have that bottleneck. He hopes that the government is working with Florida and trying to do something about the infrastructure before they get inundated with what is coming. She would like the City to put the safeguards in ahead of time. She suggested they do one house per five acres.

Mayor Tyson stated that his first question to developers is about traffic, and they are aware and have done traffic studies. The government moves at glacial speed, it takes forever to get anything done. One of the reasons is because of the permits they have to get. The homes they are talking about are workforce housing and there prices are \$270,000 and that is economy housing.

When he first got on the Council, they talked about saving the old downtown area, the Old Town District, which is Broadway 512 Myrtle Street to Willow. They have that all unless a Council comes in and gets a

whole new Council and they abolish that ordinance nobody can build anything like that. They have that under control. He is aware of the traffic.

Council Member Renick suggested to reach out to City Manager Mathes because he has the direct conversations with the different developers and who is participating in one aspect of the road improvements, and it is going to change the town, we understand all that. He wanted them to take into account the fact that it is not going to be they get their development permits, they start site work, they are going to have 300 new homes, and in the next six months, it is going to take up to three years to get that done. And they are tying the improvements on the road as agreed upon including from the county, the MPO. The City of Fellsmere just approved the basic layout for the lanes, turning lanes and sidewalks in Fellsmere a couple of Council meetings ago. There is a lot going on, but it is not going to be all of sudden.

Council Member Salgado stated that tonight Marian Estates is up for approval on first reading, the next meeting will be the public hearing and that is when the public can come and speak about their concerns.

Jen Aranes – 13960 101<sup>st</sup> Street, Fellsmere – He stated he is a county resident, but he is affected by it. He has put out information on the Fellsmere, Florida Facebook page. He recommended the City Council do some sort of education program to alleviate some of the angst that a lot of people have. After hearing Rochelle, the City Planner at the Planning and Zoning Board he applauded the next 20 30 years of what Fellsmere is going to look like. He did not agree with all of it and would like it to be rural culture.

Mayor Tyson appreciated his comments and stated that the City does hold workshops for projects and budget, and nobody shows up. The City Council normally plays to an empty house and thanked him for attending the meeting.

Council Member Renick stated that as far as the educational part most of it happens at Council Meetings. The agenda is online, and they can get the same information that the City Council has access to. The public can attend the meeting or listen online. If they would like to speak at a meeting they will have to attend the meeting.

Chief Touchberry asked if City Planner Loring can give them some perspective of what they are concerned about. He can talk about how the road widening will be done in concert with the projects that will connect the City of Fellsmere from I95 to the Marian estates out west.

City Planner Loring stated that he did a Planning presentation last week and he mentioned the fact that Florida is having a huge influx of people are growing at a rate of about 900 people per day, which equates to about 275 dwelling units that the State of Florida has to build somewhere every day to keep up with demand, so growth is going to happen. Palm Bay wrote 15,270 Building Permits last year alone, they are having another explosive growth rate.

He stated that with any subdivision, any type of single-family multifamily development that we have in the city, there is something called a level of service standard. And it deals with things not only traffic, but availability for water, sewer and they also look at preservation of landscaping, natural watercourses, animals that are on site or endangered animals on site. Development has to pay for its own way. It cannot solve all the city's problems overnight, but it does have to meet its own level of service standards in order for them to give it the go ahead.

Mark Kopeski – 12416 91<sup>st</sup> St., Fellsmere– County Resident – He has just been watching what happens in town here with the traffic and he understands the concerns of about 1000 more people driving all the way through town twice a day. The drainage district thing, water control district thing is still a thorn in a lot of people side. He learned from the research that he has done since they had the big flood last fall that a lot of the problems with the drainage also lie with private landowners and the district that has not maintained their canals and their ditches, they do not seem to have any plan. They do not seem to have any methodical plan for doing that. They are so far behind right now; he does not know how they are going to catch up. He does not want to be rude or point fingers, but the city has dozens of culverts that

are plugged, and he is just curious if the City of Fellsmere has a plan to address that. And when the 375+ many new homes come in they are also going to have driveways, they are going to have roofs, there is going to be a ton of impervious surfaces that are going to be adding on to this problem that they already got shutting that water giving that water no chance to infiltrate. He is just curious to find out if they have addressed that part of it also.

Council Member Renick stated that any development of that nature needs to get a surface water management permit from the St. Johns River Water Management District, and it requires basically, them to manage their pre and post development surface water. The water management districts have the guidelines that hold water back again to meet water quality standards. This is not a city issue it is a state issue.

Mayor Tyson said he had an update on the Fellsmere Water Control District. County Commissioner Susan Adams met with the property owners on Saturday and has agreed to take that issue along with Erin Grall the State Senator to try to get something going with the district. Mostly the people that live in county that are concerned with it and if anyone has any concerns, please contact Susan Adams.

Karen Ledford – 13625 107<sup>th</sup> St. Fellsmere, - County Resident – She stated she is not retired and cannot make most of the city meetings. She asked if there is a timeline or is there a way she can be educated. There are 1000 rumors out there because of a newspaper story that came out. Some way of communicating in today's modern social media era somewhere that we could go and look and see this is what we have on right now. And this is what came from that meeting and this meeting. They all know what is happening and what Council is discussing behind the scenes with the City Manager and the developer and where they are going with all of that. A place where they find out what is going on instead of having to go to the actual meetings.

Council Member Renick stated that they do not have to attend they can hear the meeting online.

Police Chief Touchberry added that all meeting minutes are posted online. Anyone can go to the city website; the City Clerk is responsible for posting all of the discussions and comments. So even if you cannot tune in in real time, it is all out there. Someone just has to take the time to go online and look at it and read it.

Council Member Salgado suggested calling the City Manager directly if she needs any questions answered and all the minutes are on the website.

Mayor Tyson asked 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 Manager's Matters.

8. **MANAGER'S MATTERS:** Chief Touchberry continued with his matters.
- **Sewer Workshop - May 9th at 6p** – The Workshop will be presented by Fellsmere Utility Director Kevin Burge and Tom Jenson from Kimley Horn and Kevin said to come with questions.
  - **Street Name Signs being replaced** - All the streets that intersect along the way on New York and Massachusetts are going to be replaced with new signs.
  - **Peroxide Water Treatment to begin mid-May** – The City will be publicizing that to the community.
  - **Citizen Budget Survey released-** The Survey has been released in flyer form and went out in the utility bill, the survey can be done on paper and turn it back in or it can direct the people to go online to do it there is no deadline.
  - **Technology Update for Chamber, Auditorium, Community Room, and Conference Room** – The City is waiting two weeks for a new projector to come in and once that comes in, then all the work that they have been planning will be commencing. Public Works Director Andy Shelton is available for questions on anything about sound in the Council Chambers.
- Police Chief clarified that the microphones in the Council Chambers are to record the voices for online presentation. There is no right there are no microphones that project sound to the back of the Chambers. The upgrade to the chambers will start in about two weeks.

- **Grant Park Neighborhood Meetings moved to 2nd Tuesday of each Month** – For years they have been meeting in Grant Park on Wednesdays they have asked it to be changed to the second Tuesday of the month at 6pm.

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

**9. MAYOR'S MATTERS:**

Mayor Tyson attended with the Council of Local Governments, in Fort Pierce. It includes all the mayors, city council, county commission and school board. The guest speaker was the Deputy City Manager for Port St. Lucie, he invited Public Works Director Andy Shelton because they were going to talk about stormwater retention, and he picked up some good information. He will be attending the Taxpayers luncheon tomorrow down at the Yacht Club in Vero.

**10. 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** – The Sewer Workshop is open to the public and he invited all to attend in person or online.

**11. CITY ATTORNEY'S MATTERS:** Attorney Dill he had a few items to discuss with Council.

Attorney Dill reminded Council that Attorney Rhodeback and he will not be attending the next Council meeting due to them being away to get some continuing education. Raul will be filling in for them and will be fully briefed. He suggested they table the Marian Estates public hearing for June.

Attorney Dill stated that because of the growth of the city that he thinks they need to start using a little more formality in some of their public hearings. They have done this before in Fellsmere but have not done it in a while because the matters coming before Council were not contentious, they were not potentially tough issues. Some of these new ones coming up, there are going to be people here against those and people for them. And he thinks they just need to add a little more formality.

The courts review these certain types of hearings as quasi-judicial; they are not judicial matters at all. They are quasi meaning they are a little more formal than having no procedures, but they are not as formal as a court of law. And the purpose of quasi-judicial is so that the city council, when it receives an application, it can test that application against the requirements of the comp plan against the requirements of the land development code, to make sure that the application is consistent with all of City's existing regulations. When they have a quasi-judicial proceeding, what it amounts to at their level, they will be swearing in witnesses. He is going to want to add a provision where he will ask the Council if they have had any contact with anybody for the project, or anybody against the project. Because the idea is they want to have due process, he wants Council to acknowledge to the public and each other whether they have had communications with anybody, it does not mean they cannot participate and vote at all. Because he will ask Council based upon your conversations, do they feel you can still render a fair and honest and objective opinion or decision and if they say yes then they can certainly vote and if they say no then they should not be voting on that item. But if the public has a right to know that the applicant has a right to know that.

Quasi-judicial matters usually produce rezonings variances, site plans, preliminary development plan, development plan, conditional uses. Those are the hearings that they are going to add a little bit of formality to, it will not be substantially different. The public will not be able to cross examine witnesses, but the public will be able to ask the Mayor if he will ask that person a question. That adds a little decorum to the meeting, so they do not have people talking over each other. He just wanted to give Council a brief heads up on that subject matter and they will be getting into it in more detail as they work through these hearings.

The last item is regarding the cell tower lease, and he turned it over to Attorney Rhodeback.

Attorney Rhodeback stated that at the last meeting we were talking about the proposed lease by Vertical Bridge, the cemetery cell tower lease. The Council's direction to the Attorney at that time, was to go back to Vertical Bridge, let them know they were not in agreement with capping the attorney's fees to be reimbursed to the city at the number that they gave, and to also research and explore the repercussions if the abnormalities they found using the ground penetrating radar ended up revealing worst case scenario, human remains or remains are discovered. The did research that it turns out there is a statute directly on point. If human remains are discovered during excavation, or construction, all ground disturbing activities must cease immediately. And the district medical examiner must be notified. The district medical examiner will take over jurisdiction of the site. And they might have to relinquish jurisdiction to state archaeologists, depending on how old the bones are that are discovered. And then if they do have to relinquish jurisdiction, the state archaeologist will take over. In either case, from the city's perspective, from Vertical Bridges perspective, if somebody takes over if it is a district medical examiner or the state archaeologist, there is nothing that is going to be done on that site that could possibly disturb the grounds the remains or whatever they are trying to do there until they relinquished jurisdiction. If you are looking for a timeline, how long that can take, there is none under the law. They have jurisdiction until they tell you they do not.

The next step in the process from Vertical Bridges perspective is that they have agreed that will comply with the law and remains are discovered they will stop immediately and notify the appropriate people. They agreed to no limit on the cap for the attorney's fees. He asked City Council if they would like to enter into a lease and they insert those provisions in the lease that they promise they will stop working and comply with the statute.

Council Member Renick asked what kind of excavation process are they going to be doing, will it be something more sensitive where they are doing exploratory excavation. As sensitive as this is, it is at a cemetery the likelihood of finding human remains spikes significantly. They have done ground penetrating radar; they got some anomalies out of it. They do not want to just go into agreement where they are just going to start using a backhoe to construct the facility. That would not make sense.

Attorney Rhodeback stated that they have not broached that subject. He asked for directions from Council.

Council Member Renick suggested that the question be asked to the coroner if they were overseeing this, how would they recommend this situation be handled from the start. And ask then ask a state registered archaeologist and pose the same question. He suggested not entering into the lease until they know the answer to that question. He added that when they do a phase one archaeological report, there is a minor excavation usually associated with that. If they get results that suggests they may need a phase two which is called Cultural Resource Archaeological Survey is then they go in with more extensively sensitive tools, but they should at least do essentially a phase one level of some sort to investigate further in an area where there is a high probability that that is the case.

Council agreed that there will be no lease until they know what the proper mechanism of moving forward is. Attorney Rhodeback will report back to Council on June 6.

## **12. NEW BUSINESS:**

### **(a) Abatement Request for 1004 Lincoln Street Code Enforcement Lien.**

Mayor Tyson introduced the item and turned it over to Attorney Rhodeback.

Attorney Rhodeback stated that they had a conversation at the last Council meeting about a problem foreclosure case. It turned into somewhat contentious matter. But long story short, the city is not interested in taking the property. The property owner in this particular case applied for the permit, as agreed.

Kevin Klopec- City of Fellsmere Building Director- He stated that the owner did apply for a permit for the work that was previously done without a permit. Permit was approved last week, and everything was done according to current code, and everything was perfectly fine and good to go as of right

now. All the issues were resolved.

Attorney Rhodeback stated that the property is now in compliance and new they need to talk about the second component of that. Which is what is the city going to assess in terms of the fines. As it stands today, there is a foreclosure sale scheduled for later this month of the properties. He warned Council last time that a particular judge who is now running the case is not typically amenable to delaying cases on her docket. There were substantial attorney's fees and costs that were incurred in this case and the breakdowns are on the agenda request form. In attorney's fees alone, it is \$19,315.46 and the costs to date are \$303.94. What Council typically does is cost plus 10%, but the cost is up to the Council to decide. He recommended due to the fact that if the City is asking for a cancellation at a sale and dismissal is that they do not enter into a lengthy payment plan, because their chances of recouping those funds without substantially harming their legal position is it is just not worth it. At the last meeting exact numbers were not discussed just that it would be between \$20,000 and \$30,000. He added if he can get the full payment before May 15, he can get the notice of cancellation of foreclosure and dismissal request to the judge prior to the foreclosure sale.

After a long discussion, Council Member Salgado suggested cost plus 5%. Total of \$23,654.27.

Property Owner Mr. Almanza stated he could make full payment before May 14<sup>th</sup>.

Attorney Dill suggested he turn that payment in form or a cashier's check or bank check to Claudia, the City's Finance Director.

Attorney Rhodeback stated that if they make payment by May 14<sup>th</sup>, he will copy his correspondence with the court they will see his request to the judge to cancel the sale because the City will be filing a dismissal for foreclosure sale.

Being no further discussion Mayor Tyson entertained a motion.

**MOTION** by Council Member Herrera **SECONDED** by Council Member Hernandez is to settle this matter for \$23,654.27 provided the city receives a cashier's check or some kind of bank check on or before May 14, 2024.

**ALL AYES**

**MOTION CARRIED 5-0**

- (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 GARAFOLLO; 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./ *1<sup>st</sup> Reading and Set the 2<sup>nd</sup> Reading and 1<sup>st</sup> Public Hearing for May 16<sup>th</sup>, 2024 at 7:00pm***

Mayor Tyson introduced the Ordinance and Attorney Dill read Ordinance No 2024-20, by title only.

Police Chief Touchberry stated that they are just making a changes to the caption and changing the acreage as he listed. The recommendation is to conduct the first reading and set second reading and the public hearing for May 16<sup>th</sup>, f that is Council's desire. City Planner Loring is present to answer questions.

Attorney Dill stated that Attorney Rhodeback and he will not be at the May 16<sup>th</sup> meeting.

City Planner Loring stated that City Manager Mathes and he have been working on this plan for about

a year. It is a 78-acre parcel. The original plan had 152 townhomes 168 single family homes. The have adjusted it to 150 townhomes and 182 single family homes, the total count went up from 320 units to 332 units. This is a boundary adjustment that takes it from eight points to two acres of commercial land to 10.34 acres of commercial land. This is the first reading.

Council Member Renick asked what constitutes in this case two acres of change.

City Planner Loring stated that between the first plan and the second plan, it really has not changed a whole lot. They asked the developer to change the width of the lots and things kind of moved around but the basic shape remain the same. This is really a boundary adjustment along the commercial frontage. They squeaked out a little more room for commercial frontage is really what happened. There was a lane shift they moved the width down a little bit and there's a couple connector pieces on that far eastern boundary line.

Police Chief Touchberry stated that the purpose for the getting it back in front of Council is explained by City Planner Loring. Council just has to make the decision if they want to go ahead and set it for May 16 or another date.

Attorney Dill stated that City Clerk Maria has already advertised that date, and suggested that they can open up the public hearing on the 16<sup>th</sup> of May and if Council wants to continue it until they get back they can open the hearing to move to continue the public hearing to a date certain which would be June 6 at 7pm or as close to there as possible at the City Council Chambers, 22 S. Orange Street. They can provide Attorney Raul with the motion.

Attorney Dill stated that it is Council's decision about whether they would rather have them there or not have them there. Council agreed they would prefer to have the City Attorney present.

Being no further discussion Mayor Tyson entertained a motion.

**MOTION** by Council Member Renick **SECONDED** by Council Member Herrera to approve Ordinance No. 2024-20 for the 1<sup>st</sup> Reading and Set the 2<sup>nd</sup> Reading and 1<sup>st</sup> Public Hearing for May 16<sup>th</sup>,2024 at 7:00pm.

**ALL AYES**

**MOTION CARRIED 5-0**

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

**ALL AYES**

**MOTION CARRIED. 5-0**

- (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./ *1<sup>st</sup> Reading and Set the 2<sup>nd</sup> Reading and 1<sup>st</sup> Public Hearing for May 16<sup>th</sup>, 2024 at 7:00pm.*

Mayor Tyson introduced the Resolution and Attorney Dill read Resolution No 2024-32, by title only.

Police Chief Touchberry stated that staff's recommendation is that they have this first reading for the resolution and set a date for the second reading and public hearing for May 16 at 7pm. And City Planner Loring will go over the project.

City Planner Loring stated the is a mom-and-pop operation that is looking to site a food truck on their site at Vernon Street. It is .58-acre site, the Browns are looking at placing one food truck with a parking lot that services the food truck. They are on the corner of Vernon Street and Willow on the southeast corner. They are going to have an entrance on Vernon Street. They are looking at long term to have some kind of food canopy or something for folks to sit at. But the immediate goal is to just get the food

truck up and running. Now because this is an older subdivision then there's a couple of variances that they are going to require. They're going to need some relief from the 100 foot lot depth by a maximum of 20 feet so they have a lot depth of only 80 feet, there's a 12,000 square footage requirement that won't meet and their going to need a variance of about 3200 square feet and then they're also going to need relief from a sidewalk requirement along Willow Street and the City is willing to do that because the city ultimately is going to be in charge of placing that sidewalk when they are ready for it. The other provisions are that they are going to have to bring the city a landscape plan that is going to meet the district standards, which is going to be a condition of approval and they will have I believe six months to bring that plan to the City.

Attorney Dill stated this is a permanent location not a mobile.

Mayor Tyson stated that they currently set up at the Stick Marsh and he is all for it.

Council Member Renick asked if they meet the distance requirements.

Planner Loring stated that they do with the current 500 and they will also meet the purposed 1500 if the distance increases.

Attorney Dill stated that at their next meeting they will have a second reading on this resolution, and they will also have one reading only, one reading to approve a variance for the food truck. That variance will come before them at the next meeting, Council will be sitting there as the City Council, and they will hear the variance first. when they hear the variance, they will turn their hats around and then they will be sitting as the Board of Adjustment. The Board of Adjustment for the variance only Maria knows what he is talking about. They have done this before and then after they vote on the variance you turn your hats back around; they will be sitting next as the City Council again and will then vote on this resolution. The reason this resolution has to be second is because you cannot approve the resolution until they get the variances. Once you get approval to change the rules, so to speak with the variance then they have different rules to apply to this when they adopt the conditional use itself.

Council Member Renick asked if there was anything unique, they need to be aware of with the conditions of approval.

Planner Loring stated that the conditions of approval were very similar to the other food truck that they did. They have a year to look at how they operate and if they are not up to muster, the City has the ability to come back and take those instruments so that they do not cause any deleterious effects to the neighborhood.

Being no further discussion Mayor Tyson entertained a motion.

**MOTION** by Council Member Herrera **SECONDED** by Council Member Salgado to approve Resolution No. 2024-32 1<sup>st</sup> Reading and Set the 2<sup>nd</sup> Reading and 1<sup>st</sup> Public Hearing for May 16<sup>th</sup>,2024 at 7:00pm.  
**ALL AYES** **MOTION CARRIED 5-0**

**(d) Discussion and to provide direction on the 2024 Community Redevelopment Area Plan update.**

Mayor Tyson introduced the agenda item and turned it over to Rochelle Lawandales.

Rochelle Lawandales introduced herself as a longtime planner, in the area and for the City of Fellsmere. She stated it was great to see everybody and remembers all the great things that we've done over the last 30 some odd years. And it is great to be working on updating our redevelopment plan. She stated she would be giving a brief introduction to the plan and that the full plan was in the agenda packet. The plan will actually be coming for official public hearing to the Planning and Zoning board on June 19<sup>th</sup> and back to Council on June 20<sup>th</sup>. She proceeded with her PowerPoint presentation.



She proceeded with giving a brief overview of the following:

- WHAT THE CITY IS DOING AND WHY?
- HISTORY-REVIEW ACCOMPLISHMENTS
- THE PROPOSED PLAN
- PAYMENT PLANS
- CAPITAL PROJECTS
- TIME FRAMES
- NEXT STEPS

She explained what they are doing is something similar to what is done with the Comprehensive plan every five or seven years. The following was done:

- Evaluation/Update—in order to find out what they have done, what they might still want to do, maybe things have arisen that were not contemplated before that they want to add into the plan. They are not re-writing the entire plan but updating portions.
- Extended the sunset date to 40 years. The statutes allow 40 years from the original adoption, in this case 2005. This takes will take them to 2045.
- Identified new programs/projects/strategies for the short, mid, and long term.
- Estimated financial capacity.
- Created a Capital Improvements Projects Plan (CIP)

Planner Lawandale's highlighted Fellsmere's rich history and eco-tourism opportunities. In 2005, they set up the first Community Redevelopment Area and set up the Community Redevelopment Agency. In 2009 they expanded the Redevelopment District to incorporate basically the entire Old City along with a couple of areas that had been newly annexed at that time and extended it just across I95.

The plan created then as well as now there is no change to the fact that there are four districts. The CR512 Corridor, CR512 Midtown, Hall-Carter James, and the Village Center. And each of those districts has their own characteristics, their own kind of their own qualities, strengths and weaknesses, and a lot has been accomplished in all of them, but they are still many things to do.

The plan starting on the east end, is one of the best features of the city of Fellsmere is eco-tourism and the history that Fellsmere has is so rich and is a faucet for all sorts of eco-tourism, and environmental tourism opportunities and the trans Florida bridge is just phenomenal. The City of Fellsmere has done a lot of great things, things remaining, that you are staying in the plan or going into the plan. There are some land development opportunities out there, the City has some newly annexed areas that they may want to consider bringing into the CRA. And continue the promotion and enhancement of their linear trails, horse trails, and the corridor that is part of the Indian River Lagoon scenic highway.

Moving westward, there are a lot of things that have occurred along the corridor, as well as in that area. And there are some things that they still think need to be addressed, implement the plans for stormwater, there are the stormwater parks that are out there are incredible, there are more opportunities to do that. There may be some opportunities for the private sector to assemble some small lots. There are annexation opportunities for bringing in those smaller lots on the south side for local business development.

The Hall, Carter, James's area is just right with wonderful activities and things that are going on particularly with the FACT community center that the city manager and members of staff and the community are working so hard on, and that launch was in March. Chief Touchberry has been working very closely with that and that is going to be a tremendous, not only catalyst, but meet many wonderful needs in the community. There are opportunities for new single and multifamily construction. The city has had the intersection improvements on 101st street completed, there is the neighborhood watch group that is established, there's increased housing rehabilitation that is going on. There have been a lot of great accomplishments there. Some things that are remaining from the 2009 plan that that they think need to be continued is evaluating some of that newly annexed area

for inclusion into the community redevelopment area. Really focus attention on developing that interagency Community Resource Center. Focus on the trailhead, educational water stops, work on some local business development. Look at maintaining and enhancing Grant Park as a community focal point next place.

The village center, which is the heart and soul of this community. And it always has been, and she envisions that it always will be and there has been so much that has occurred. It is all really good stuff and there is a lot of good stuff to come. The completion of the City Hall building, which is just absolutely marvelous. There is the new Broadway master plan, the Fell library plans, parking plans that have all begun to be implemented. The City has done an overlay zoning district for downtown. The City is working very diligently on improvements to 512 on trying to fix South Carolina, Myrtle and Babcock Street intersection, the skate park and more.

The map series summarizes all things that remained in the plan that we are not done, or that were added that have been identified as things that they may want to consider doing. And those are all outlined in greater detail in the plan. Lots of branding, welcoming, wayfinding and gateway signage, the South Regional Stormwater Lake, the Pennsylvania Park, and bus stop intersection improvements. On Broadway, creating Main Street program with its four-pronged approach that covers organization design, economics, and marketing, to help grow and feed local businesses and retain local businesses and expand business opportunities in the city. There is a lot going on with the Fel library artistic village, parking lots on orange, and other lots on parallel streets. The City will get the community center back when the fire station moves and what can be done with that, perhaps a business incubator or Main Street office. there is a myriad of things that can be done with that building that can benefit the community. Continue to implement your town center plans and look for other opportunities for special events.

They did host a workshop for Broadway almost a year ago and Council made some decisions on that after lots of public input. The city owns a lot of property, and it might be time to evaluate as they have been doing those properties and what they want to do with them or if they want to dispose of them.

The Capital Improvements Program for the next five years tracks with the annual CIP and the City's Comprehensive Plan, CIP and they can see the projects that are outlined within the CRA plan are tracked over the next five years. They can see when it is anticipated that they start and what their costs might be.

In Section Eight, they addressed some of the statutory requirements, and that is the extension of the sunset of the plan, which actually per the statute would now become October of 2046. giving the City extra time to complete a lot of the projects that they want.

The focus of the program, from a 30,000-foot perspective, is really to the focus on small business, local business, business retention and expansion, eco-tourism, and special events. The success of the Frog Leg Festival and maybe there's other opportunities that they talked about in the plan to have other special events that will feed the City's local businesses and attract people to come and invest in the community.

The suggested priorities are as follows:

1. In the village center evaluating creating that Main Street Program.
2. Focusing on the City's eco-tourism history, business development, cultivate and grow locally owned, and other entrepreneurial businesses, particularly related to eco-tourism.
3. Implementing that Broadway plan,
4. Focusing the attention on Hall Carter James as currently in process with the FACT center, perhaps updating or creating a neighborhood strategic plan, in concert with the police department to continue that strong neighborhood watch and other neighborhood strategies on how they want to grow in what they want in terms of meeting their needs and addressing changes within the community.

5. Addressing the City's gateway and beyond. And that is the branding that they talked about, with their wayfinding and their gateway signage to promote eco-tourism at the interchange and at 60, so people know what beautiful things the City has.

There are two upcoming public hearings, June 19, with the Planning Commission, and June 20, with the Community Redevelopment Agency, and they will hopefully approve the plan or identify changes and make a recommendation to that it would be adopted by the City Council.

Mayor Tyson thanked her for the presentation, and he is glad they had an issue tonight with her there in the audience, because she could see what the concerns are for the citizens, not necessarily the people in the city, but the people in the surrounding area, and how it is impacting on them. And the City is going to need some help getting through that. He is aware of the traffic issues in Fellsmere. Most people do not realize, as far as Fellsmere is concerned, that in addition to our 4000 people that live in the in the city, there are another 12 to 15,000 people that live in the five- and 10-acre tracts around town, and they are all going somewhere. One of the developers is talking about a either a Publix or a Kroger's supermarket with 300 plus houses and people will not have to go out of town to find decent food prices.

Mrs. Lawandales stated that if they can grow businesses here, then a lot of the people will stay here and not be out on those roads. She stated that Fellsmere has some wonderful local markets that have beautiful produce, but she suspects that they do not meet all of the needs of everyone in the community.

Mayor Tyson hopes that message went out tonight that some of the people that were present, the City is working on it, it is not something they stuck their heads in the sand and say, it is going to happen, and we cannot do anything about it, they can, and there's things that they can do.

Mrs. Lawandales stated that the MPO, which is the, the gatekeeper to all of the money and the projects, has a lot of demands on them. And until there is a large voice or a loud voice or a need or problem, the funds get directed to where there are the immediate needs and unfortunately it takes time for those to get routed. But she thinks as people are awakening and beginning to feel the angst of those growing pains, then she knows Manager Mathes and the City attorneys, and the City Planner Loring are working very closely with the MPO staff and the governing body for the MPO to make good transportation plans for the City. She thanked Council for the opportunity and Fellsmere has a great place in her heart, and she looks around and sees things that they have touched and done along the way, and it is lovely.

**(e) Approval of Central Bidding proposal for electronic bidding services.**

Grant Administrator Laura hammer stated that they have been considering putting the City's bids out to a wider audience online for quite a while. She knows that Put and Claudia were working on this over two years ago when she first came. And they actually found a company that they contracted with, but unfortunately that company went out of business.

For a while they kind of tabled the entire idea of the electronic bids. But as the City is getting more grants, more projects, they are putting more and more bids out on the street. The local contractors that the City uses on a regular basis respond to the City bids and they have plenty of work and so the City is not getting the level of response that they used to. Manager Mathes and she talked, and they figured that it was probably time to go ahead and try to use another electronic bidding platform.

And she also found in my digging, to figure out, you know, if this was going to be something that was all right with the city, I found that our code states that the city shall POST requests for proposals on demand star, which is an electronic bidding platform, or similar website. Demand Star is a website where governments list requests for proposals, bids, and quotes for needed government services, which is a policy that the City has that is already in place. She did interviews with three different companies showing me what they had to offer, what their bid platforms look like, how many customers they had, what kind of database in terms of contractors they reached. And after considering the pros and cons of these different platforms, she recommended contracting with Central Auction House who does business as Central Bidding, there is no cost to the city for this service, because Central Bidding gets their fees from the

contractors. They have been in business for many, many years. And either party central bidding or the City has the option to terminate the relationship with 30 days' notice, both City Attorneys have gone over the proposed contract in detail. And they produced an addendum which Central Biddings attorneys looked over, and after they tweaked it a bit both City and Central Biddings attorneys were comfortable with it. It is her recommendation to Council that they go ahead and contract with Central Bidding, so they remain in compliance with the City code, and to hopefully, expand the amount of contractors that they have an audience for because the City has a lot more contracts coming down.

Council Member Renick asked how many subscribers do they have.

Grand Administrator Laura Hammer stated she did not have that answer, but the list of contractors was in the hundreds, they do a lot of work in Florida and other Florida communities do use Central Bidding.

Attorney Rhodeback stated that they work with over 100 local government entities and that their selling point to them was with how many people they work with.

Grand Administrator Laura Hammer stated that they did not put a lot of demands on the City. Another item she walked into her exploration of these companies with was she insisted that the City will continue to put the bids on the City website, and the City will continue to accept hardcopy bids. And again, not every company was okay with that.

Council Member Renick asked how much would the City have to pay to subscribe to Demandstar. He wants to make sure the City is getting the most exposure for bidding because that is obviously the challenge.

Attorney Rhodeback stated that this does provide for termination upon 30 days' notice. If they are dissatisfied with the results the City can get out for any reason with a 30-day letter.

Grant Administrator Hammer stated that a lot of the appeal was not only that they have a wide audience, but they are responsive, their platform was extremely easy to use, and the fact that they are not asking the City for anything other than to use their service.

Being no further discussion Mayor Tyson entertained a motion.

**MOTION** by Council Member Renick **SECONDED** by Council Member Salgado to approve Central Bidding proposal for electronic bidding services.

**ALL AYES**

**MOTION CARRIED 5-0**

(f) REMOVED

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

Police Chief Touchberry stated that because Manager Mathes is not present, he asked if Council could table this item to the next meeting.

**MOTION** by Council Member Herrera **SECONDED** by Council Member Salgado to table item 13 (g) to the next Council Meeting.

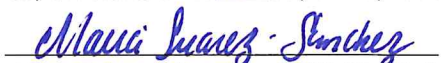
**ALL AYES**

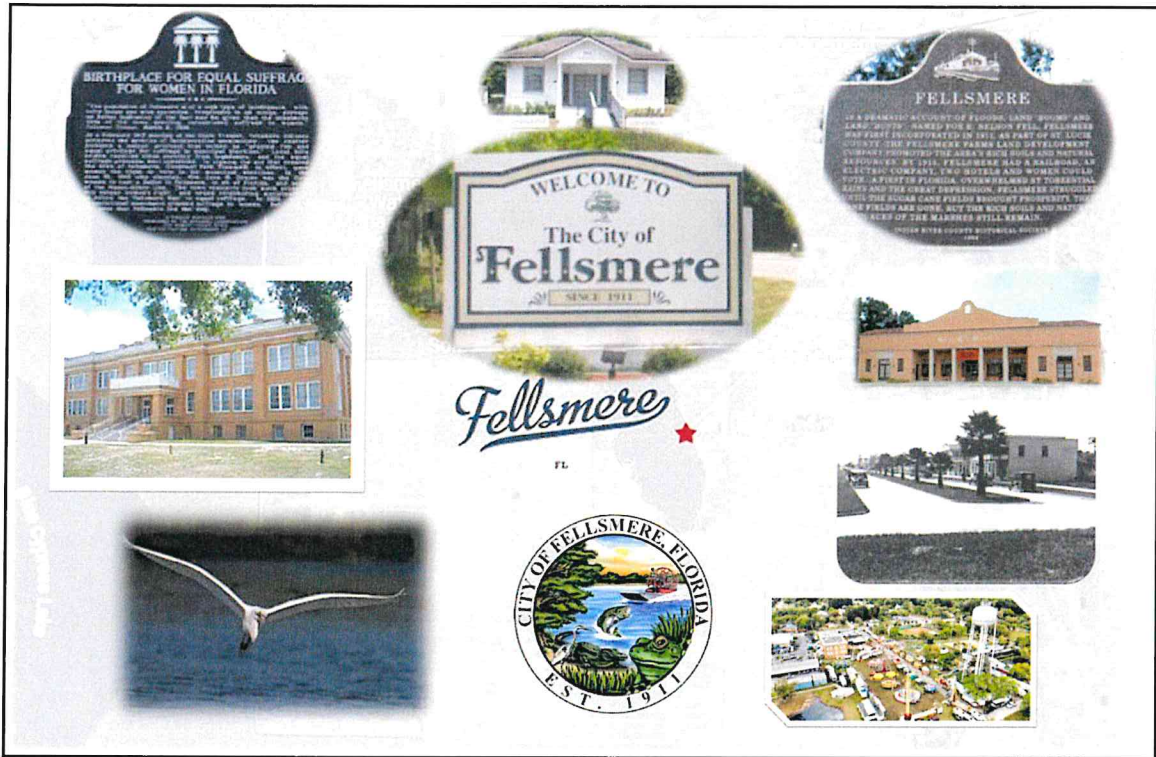
**MOTION CARRIED 5-0**

**14. ADJOURNMENT:** There being no further business Mayor Tyson adjourned the meeting at 8:59 p.m.

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

These minutes were approved by the City Council of the City of Fellsmere this 16<sup>th</sup> day of May 2024

  
\_\_\_\_\_  
Maria F. Suarez-Sanchez, CMC, City Clerk  
CO20240502MINUTES.DOC



1

## AGENDA

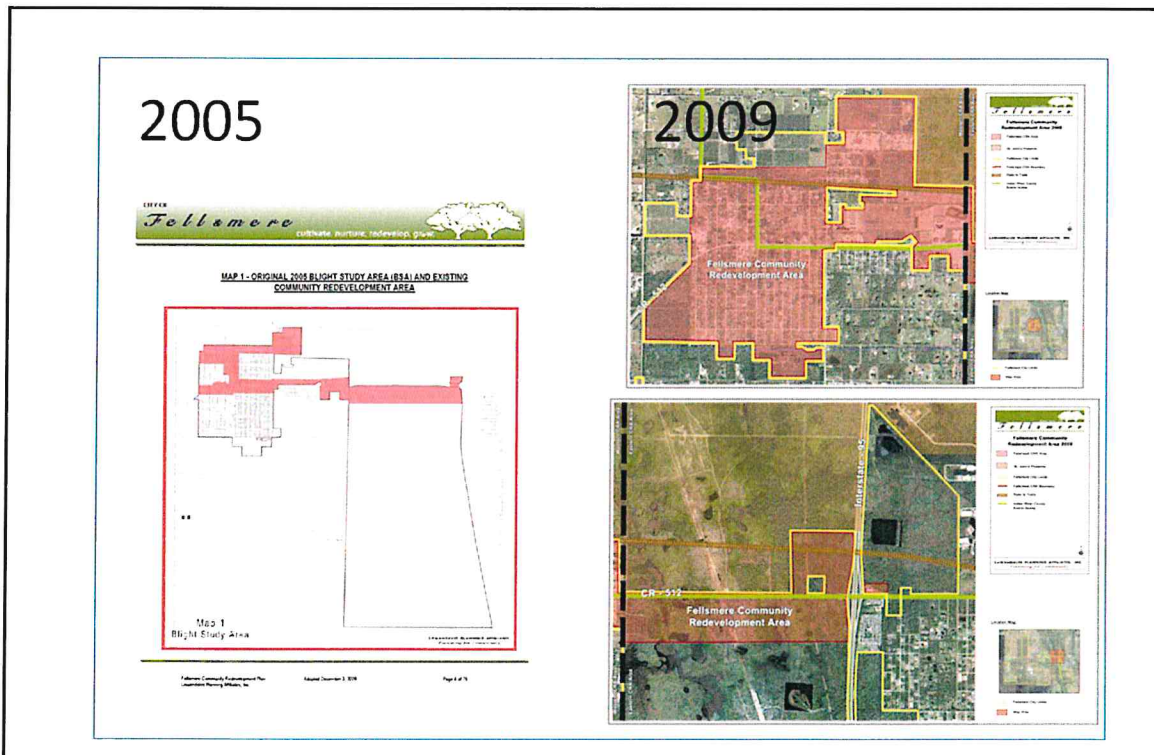
- INTRODUCTIONS
- WHAT WE'RE DOING AND WHY?
- HISTORY-REVIEW ACCOMPLISHMENTS
- THE PROPOSED PLAN
- PAYMENT PLANS
- CAPITAL PROJECTS
- TIME FRAMES
- NEXT STEPS

2

## What are we doing?

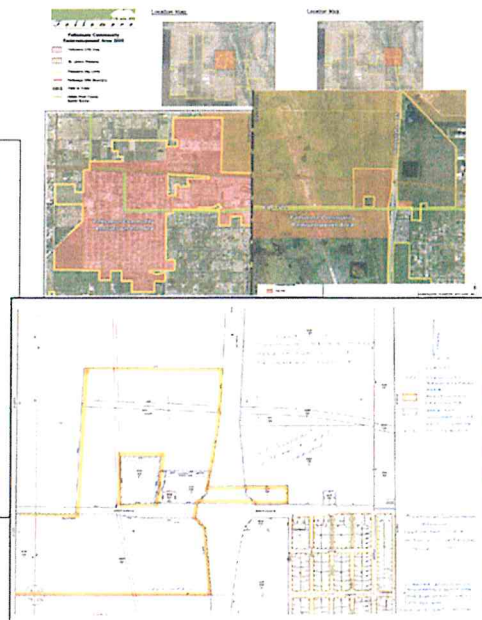
- **Evaluation/Update**—what have you done, what do want to do, how to do it? Not re-writing the entire plan, but updating portions.
- Extend the **sunset date** to 40 years. The statutes allow 40 years from the original adoption, in this case 2005. So this takes to you to 2045.
- Identify **new programs/projects/strategies** for the short, mid and long term
- Estimate **financial capacity**.
- Create a **Capital Improvements Projects Plan (CIP)**

3



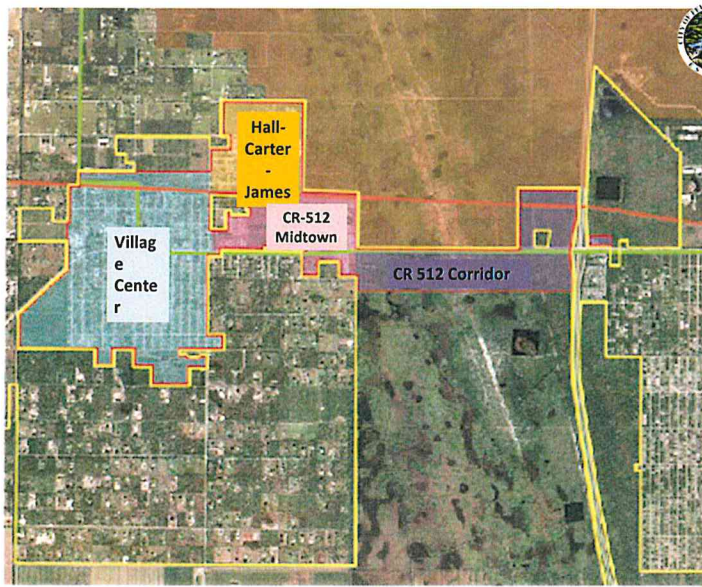
4

### 2009 CRA EXPANSION AREA SKETCH AND LEGAL



- Complete CRA legal description and boundary is on file with the City

5



## Map 9 CRA DISTRICTS

The Community Redevelopment Area boundary has not changed since 2009 as shown on this map from the 2009 plan. The City has annexed several properties. This map does not reflect the new boundaries.

2022 Update/Replacement

6

# THE PLAN

- The following pages represent the proposed plan under consideration by the CRA and City Council

7

**THE PLAN EAST CR 512 CORRIDOR & INTERCHANGE MAP 11**

**Accomplishments:**

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

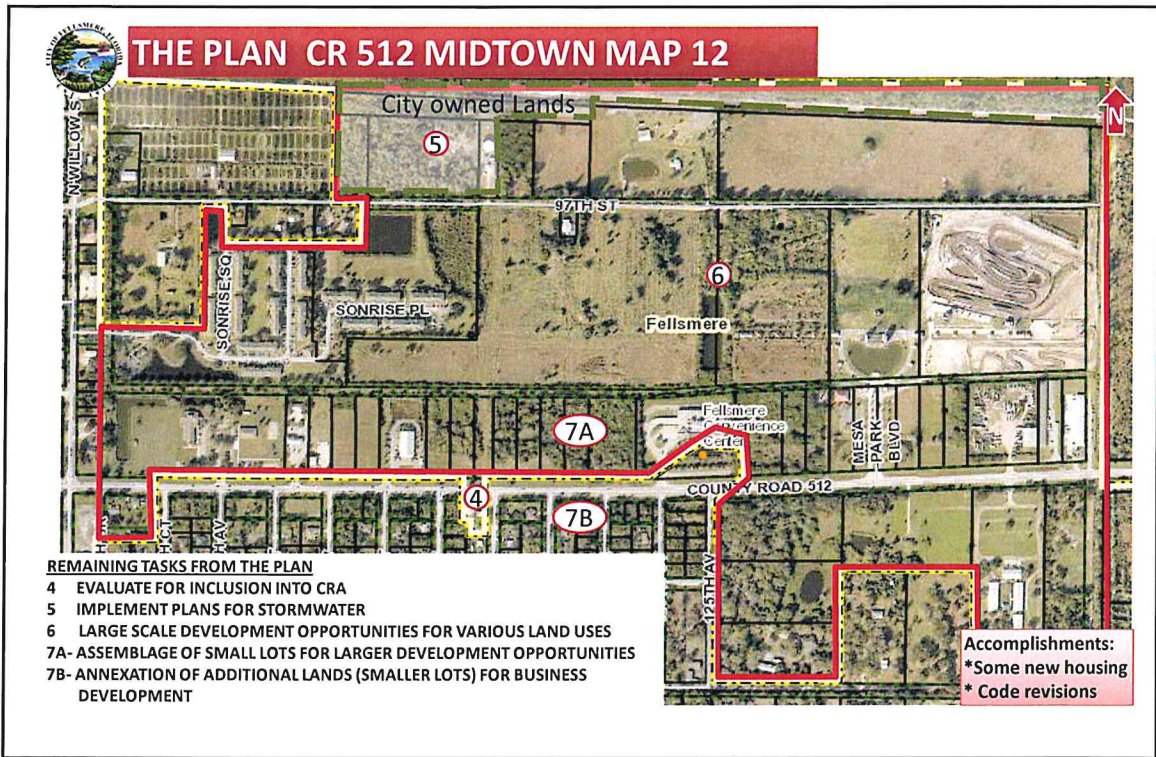
**REMAINING TASKS FROM THE PLAN**

- 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

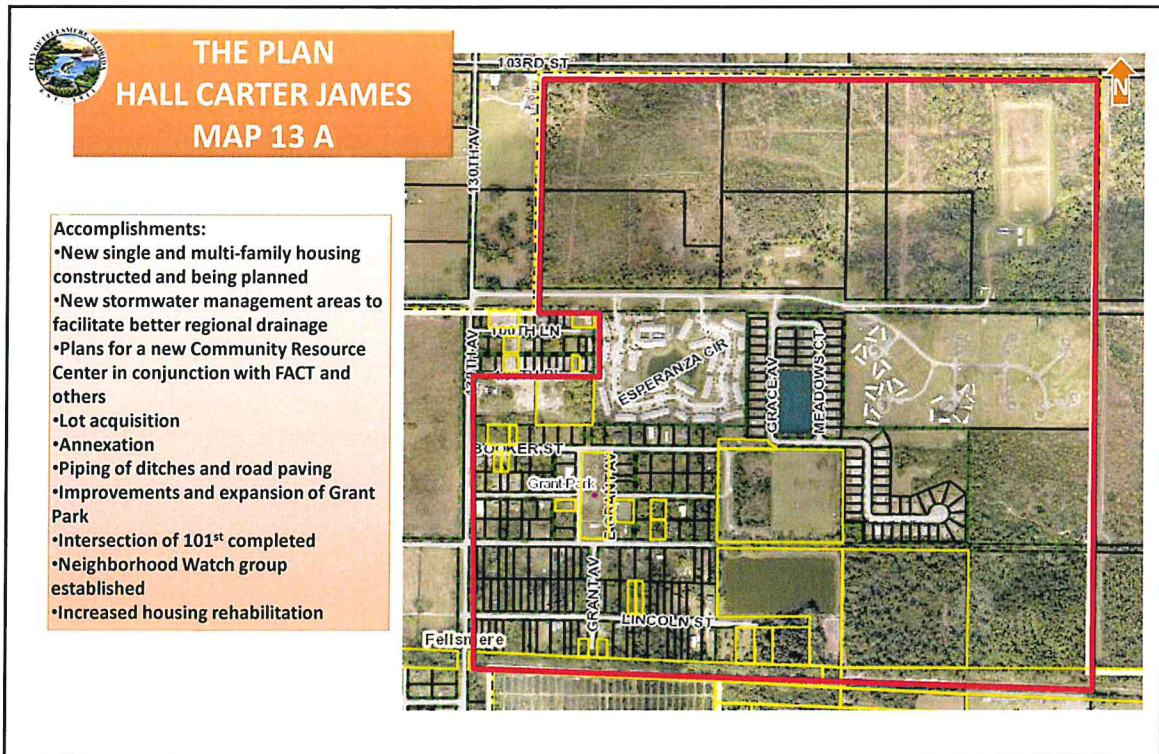
2022 Update/Replacement

8

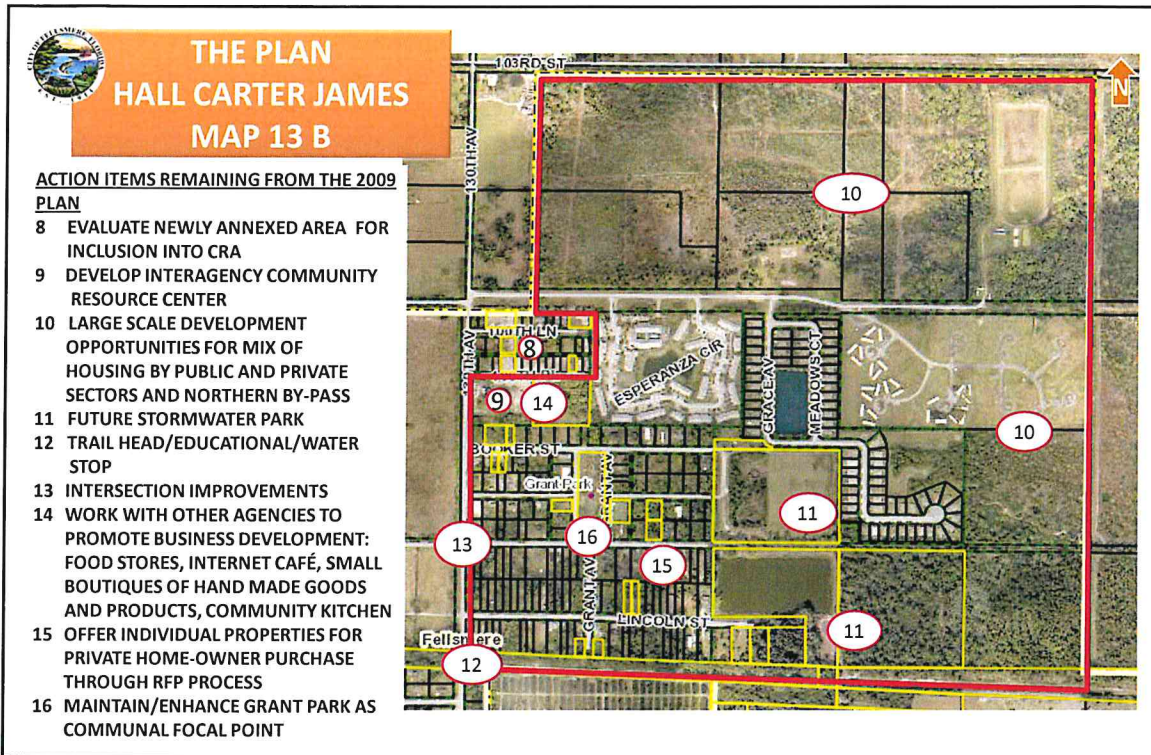




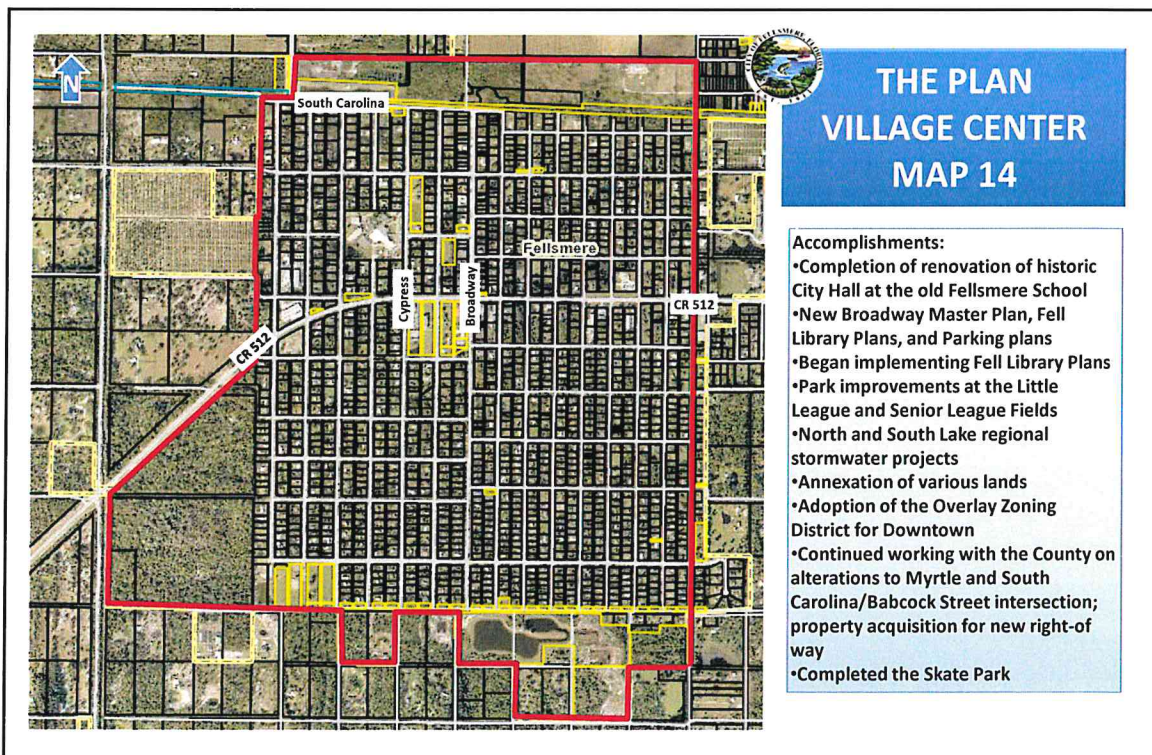
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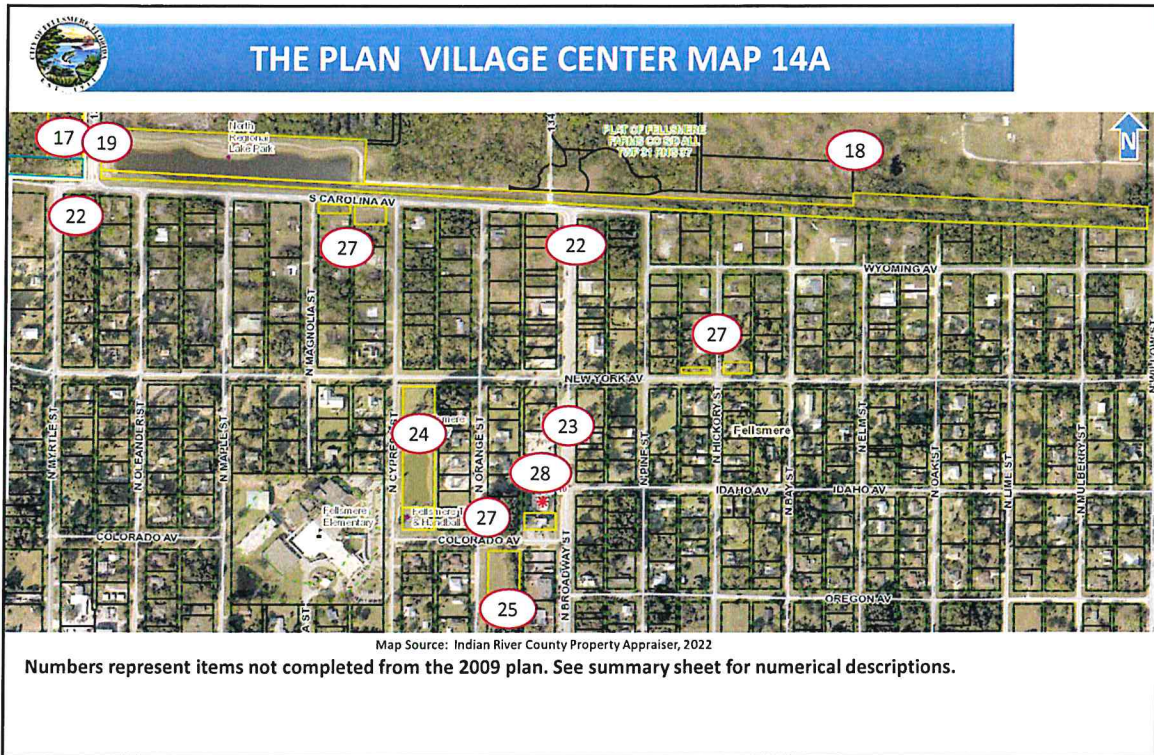
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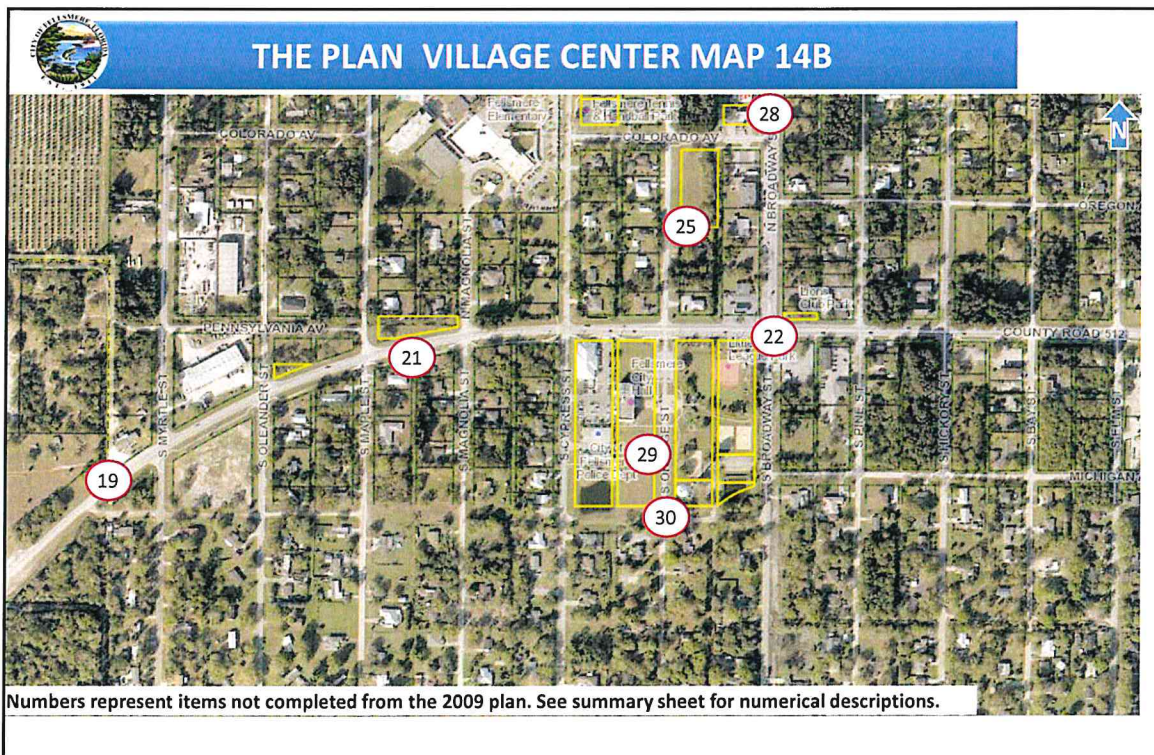
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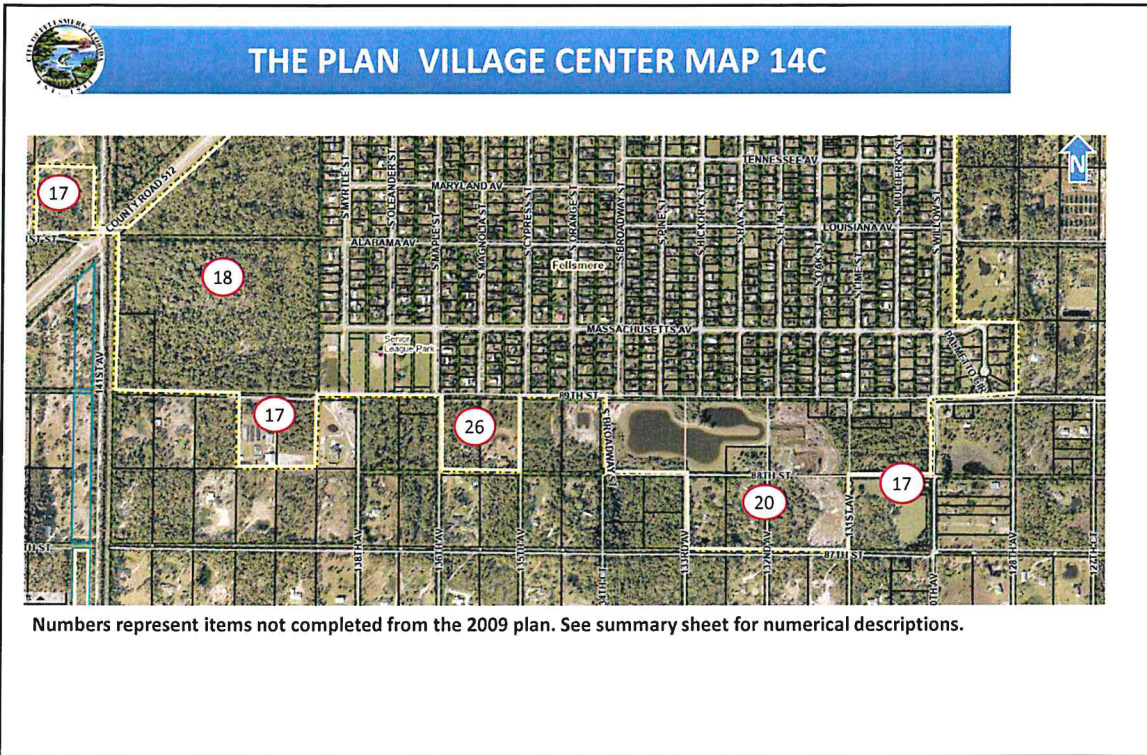
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13



14



15

**THE PLAN VILLAGE CENTER MAP SERIES SUMMARY**

**ACTION ITEMS NOT COMPLETE FROM THE 2009 PLAN\*:**

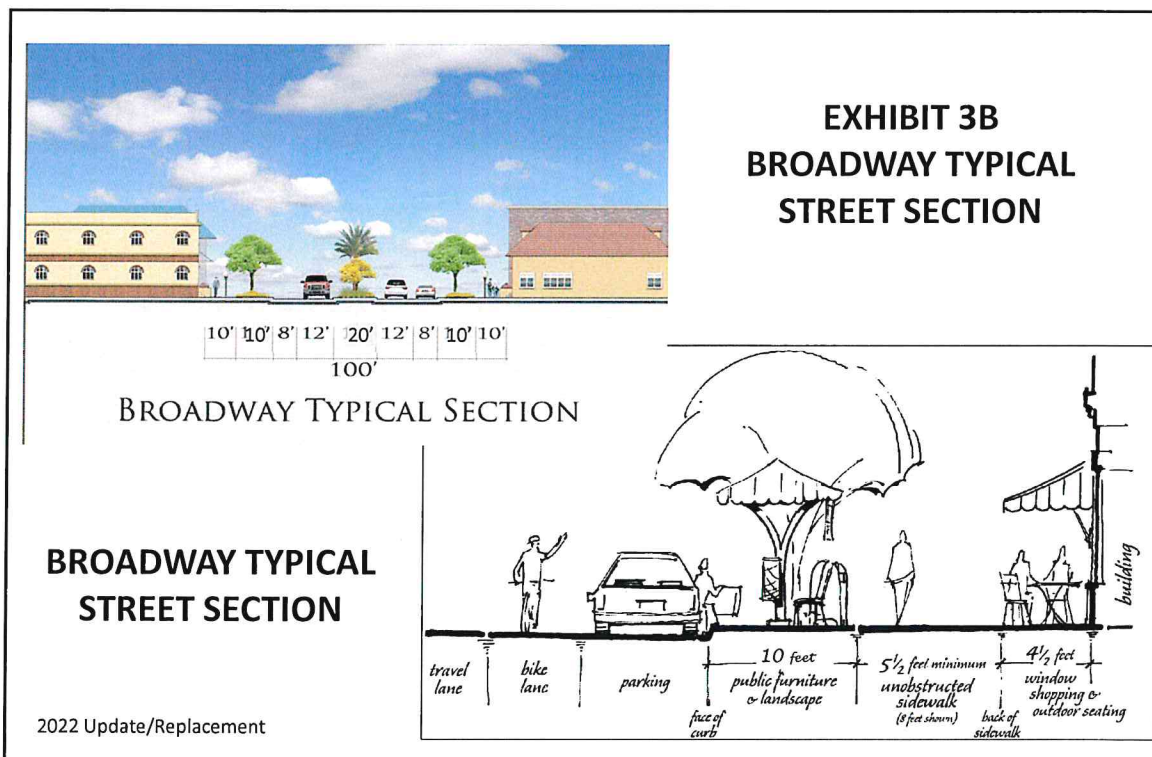
- 17 EVALUATE NEWLY ANNEXED AREAS FOR INCLUSION INTO CRA
- 18 LARGE SCALE DEVELOPMENT OPPORTUNITIES FOR MIX OF HOUSING BY PUBLIC AND PRIVATE SECTORS
- 19 WELCOME/GATEWAY SIGN
- 20 SOUTH REGIONAL STORMWATER LAKE
- 21 PENNSYLVANIA PARK AND BUS STOP
- 22 INTERSECTION IMPROVEMENTS
- 23 'ON BROADWAY': ESTABLISH MAIN STREET PROGRAM-MARKETING, ECONOMICS, DESIGN, AND ORGANIZATION
- 24 IMPLEMENT 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 RFP
- 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.**

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18

### 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

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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
<b>CRA/OTHER Revenue Subtotal</b>	<b>\$446,878</b>	<b>\$2,450,000</b>	<b>\$2,770,000</b>	<b>\$640,000</b>	<b>\$560,000</b>
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
<b>Sub Total</b>	<b>\$446,878</b>	<b>\$2,450,000</b>	<b>\$2,770,000</b>	<b>\$640,000</b>	<b>\$560,000</b>
Carry Over	50	50	50	50	50
<b>CRA/OTHER Expense Total</b>	<b>\$446,878</b>	<b>\$2,450,000</b>	<b>\$2,770,000</b>	<b>\$640,000</b>	<b>\$560,000</b>

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## 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 1<sup>st</sup> 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)

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## 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.

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## SUGGESTED 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:
- Engaging the community in creating a Neighborhood Strategic Plan which becomes a road map for the community's desired needs and changes.
- Work with FACT and others to complete the community center as a resource for a variety of needs and services to the residents.
- 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.

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## GETTING THERE

- PUBLIC HEARINGS
  - Planning Commission June 19<sup>th</sup>
  - CRA AND City Council June 20<sup>th</sup>
    - ADOPT RESOLUTION 2024-33

24